

Town of Barnstable
Zoning Board of Appeals
Agenda
April 14, 2010

All hearings are scheduled for 7:00 P.M.
Revised as of 04-07-10

Appeal No. 2009-025 – Continued

EAC Disposal, Inc.
Modification of Variance No. 1996-14

Opened April 1, 2009, continued, May 20, 2009, August 5, 2009, September 23, 2009, November 4, 2009 December 9, 2009, February 10, 2010, moved to February 24, 2010, and continued to April 14, 2010. This has been continued to this date for an update on Hiring of an Outside Consultant for the Board.

A proposed Scope of Services is enclosed for Members review and comment.

Board Members Assigned: William H. Newton, Michael P. Hersey, Brian Florence, Alex M. Rodolakis, Laura F. Shufelt
Associate Member Present: George T. Zevitas

Decision Due: June 18, 2010

EAC Disposal, Inc., d/b/a Cape Resources Company has applied for a Modification of Variance No. 1996-14. The modification is sought to allow for revisions to the site that include a new wood processor and staging area, alteration to interior site circulation, and additions and alterations to screening berms and landscape. The property is addressed 280 Old Falmouth Road, Marstons Mills, MA as shown on Assessor's Map 100 as parcel 008. The lot is in a Residence F Zoning District

Appeal No. 2009-068 - Continued

Tonsberg
Special Permit Demo/Rebuild on Nonconforming Lots

Opened, November 18, 2009, continued to February 10, 2009, moved to February 24, 2010 and continued to April 14, 2010 per applicant's request.

Staff Report and Application Materials previously distributed to the Board.

This appeal has been continued in order to allow for processing of a Cape Cod Commission Hardship Exemption from the District of Critical Planning Concern Centerville Beach Nomination.

No Members Assigned, No Testimony Given
Decision Due: May 17, 2010

Frederick and Roberta Tonsberg have petitioned for a Special Permit pursuant to Section 240-91.H(2), Developed Lot Protection, Demolition and Rebuilding on Nonconforming Lots. The petitioner seeks to demolish the existing dwelling located on the property and reconstruct a new dwelling not in compliance with current setback requirements for the district. The property is addressed as 2 Short Beach Road, Centerville, MA and is shown on Assessor's Map 206 as parcel 044. The property is in a Residence D-1 Zoning District.

Appeal No. 2010-003 - Continued

Gregory

Expand Nonconforming Structure & Accessory Uses

Opened January 27, 2010, continued to March 10, 2010 and to April 14, 2010 per applicant's request.

Staff Report and Application Materials previously distributed to the Board.

No Members Assigned, No Testimony Given

Decision Due: July 22, 2010

Nathaniel A. Gregory has petitioned for a Special Permit pursuant to Section 240-93 B – Alteration or Expansion of a Pre-existing Nonconforming Structure and a Special Permit pursuant to Section 240-44 A – Accessory Uses. According to the application submitted, the petitioner seeks the "construction of a pier to replace a prior pier" on an accessory lot located across the road from the principal lot on which the single-family dwelling it serves is located. The principal residential lot is addressed 428 Wianno Avenue, Osterville, MA and is shown on Assessor's Map 163 as Parcel 024. The accessory lot is addressed 320 East Bay Road, Osterville, MA and is shown on Assessor's Map 163 as Parcel 020. Both lots are in a Residential F-1 Zoning District.

Appeal No. 2010-007 – New

Levesque Bulk Variance to Divide a Lot with Two Structures

Staff Report and Application Materials enclosed.

Daniel P. Levesque has applied for a Variance to Section 240-14.E Bulk Regulations, Minimum Lot Area, Minimum Front and Side Yard Setbacks, Minimum Lot Frontage, and Section 240-36 Resource Protection Overlay District Minimum Lot Area. The applicant seeks to divide a lot upon which two dwellings exist. The resulting division would create two new lots, neither of which would conform to the required minimum lot area of 2-acres of upland (87,120 square feet). Lot #1 is proposed at 18,937 square feet of upland and Lot #2 as 22,363 square feet of upland. Lot #1 is shown with 126.29 feet of frontage where zoning requires 150 feet. Each of the new lots would contain an existing dwelling. The building on Lot #1 would result in a 10-foot side yard setback where 15 feet is required. The building on Lot #2 would result in a 12-foot side yard setback where 15 feet is required, and the established 8.6-foot front yard setback would remain nonconforming to the 30 foot requirement. The property is addressed 25 River Road, Marstons Mills, MA and is shown on Assessor's Map 078 as parcel 002. It is in a Residence F Zoning District.

Appeal No. 2010-008 - New

Levesque Special Permit to Alter a Nonconforming Use

Daniel P. Levesque has petitioned for a Special Permit pursuant to Section 240-94.B Expansion of a Pre-existing Non-Conforming Use. The applicant seeks relief in conjunction with Variance No. 2010-007 to allow for the alteration of the lot upon which the nonconforming use exists. The permit is sought to retain the pre-existing nonconforming two-family use of that dwelling on the proposed new Lot #1 where zoning only permits one single-family residential unit on a lot. The property is addressed 25 River Road, Marstons Mills, MA and is shown on Assessor's Map 078 as parcel 002. It is in a Residence F. Zoning District.

