



Town of Barnstable
Zoning Board of Appeals
Agenda
December 1, 2010

Revised as of 11-08-10

Approval of Minutes from September 15, 2010 & October 27, 2010

7:00 PM 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, April 14, 2010, May 26, 2010, July 14, 2010, August 11, 2010, September 15, 2010, October 27, 2010 and to December 1, 2010.

Continued for an update on Consulting Services.

Board Members Assigned: William H. Newton, George T. Zevitas, Brian Florence, Alex M. Rodolakis, Laura F. Shufelt

Decision Due: June 18, 2011

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

7:10 PM Appeal No. 2010-047 - New Childs-Nilson
Family Apartment Variance

Staff Report and Application Materials enclosed.

Decision due January 28, 2011

Carol A. Childs-Nilson has applied for a Variance to Sections 240-47.1.(A) 1 and 240-47.1 (A) 3. Family Apartments. The applicant is seeking the variance for a family apartment to be located in an existing detached accessory structure located on the property which consists of 823 square feet when the zoning ordinance only permits family apartments to be within or attached to the principal dwelling and not to exceed 800 square feet. The property is addressed 546 Osterville/West Barnstable Road, Marstons Mills, MA and is shown on Assessor's Map 122 as parcel 008. It is in a Residence F Zoning District.

7:20 PM Appeal No. 2010-053 - New

**Schultheiss Alesbury Trust
Expand/Alter Nonconforming Dwelling**

Staff Report and Application Materials enclosed.

Decision due March 1, 2011

Debra Schultheiss Alesbury a/k/a Debra S. Alesbury as Trustee of the Debra Schultheiss Alesbury Trust has petitioned for a Special Permit pursuant to Section 240-92.B Nonconforming Buildings or Structures Used as Single- and Two-family Residences. The petitioner is requesting the permit to allow for the expansion and alteration of the existing nonconforming dwelling including the addition of 700 +/- sq.ft., to the structure. The structure currently does not meet the required rear yard setbacks and the alteration as proposed will not intensify that nonconformity. The property is addressed 41 Piney Road, Cotuit, MA and is shown on Assessor's Map 034 as parcel 020-002. It is in a Residence F Zoning District.

**7:35 PM Appeal Nos. 2010-034 & 045 – Continued McCowan & Pelletier
Variance – Bulk Regulations**

Members assigned. William H. Newton, Craig G. Larson, Brian Florence, George T. Zevitas, Laura F. Shufelt

Staff Report and Application previously distributed

Appeal No. 2010-034 – McCowan Cotuit Trust – 1992

Opened September 29, 2010, continued November 3, 2010, and to December 1, 2010

Decision Due March 8, 2011

The McCowan Cotuit Trust – 1992 has applied for a Variance to Section 240-14.E, Bulk Regulations, Minimum Lot Area and Minimum Lot Frontage and Section 240-36 Resource Protection Overlay District. The variance is sought to render the property a buildable lot for a single family dwelling. The subject lot was established in 1961, however, the establishment of the lot did not conform to the zoning requirements for a legally created lot and therefore the applicant seeks to now legalize the lot under zoning. The property is addressed 1372 Main Street, Cotuit, MA and is shown on Assessor's Map 033 as parcel 046. It is in a Residence F Zoning District.

Appeal No. 2010-045 –Pelletier Realty Trust

Opened November 3, 2010, continued to December 1, 2010

Decision Due April 14, 2011

Pelletier Realty Trust has applied for a Variance to Section 240-14.E, Bulk Regulations, Minimum Lot Area, Minimum Lot Frontage, and Minimum Yard Setbacks, and Section 240-36 Resource Protection Overlay District. The variance is sought to render the existing developed lot a legal lot under zoning. The subject lot was established in 1961, however, the lot did not conform to the zoning requirements for the district and therefore the applicant seeks to now legalize the lot under zoning. The property is addressed 1376 Main Street, Cotuit, MA and is shown on Assessor's Map 033 as parcel 024. It is in a Residence F Zoning District.

7:40 PM

Appeal No. 2010-046 - Continued

Doherty

Bulk Variance for a Shed

Opened November 3, 2010, continued to December 1, 2010 - Continued for 5 Member Board

No Members Assigned

Decision Due December 30, 2010

Theodore L. Doherty & Christine S. Doherty as Trustees of the Doherty Family Trust have applied for a Variance to Section 240-14.E, Bulk Regulations, Minimum Yard Setbacks. The applicants are requesting a variance from the required 15-foot side and rear setbacks to allow construction of a 10 X 12 foot shed 6.8 feet off the rear property line and 3.9 feet off the side property line. The property is located at 97 Castlewood Circle, Hyannis, MA as shown on Assessor's Map 273 as parcel 053. It is in a Residence C-1 Zoning District.

7:45 P.M.

Appeal No. 2010-043

- Continued

Oyster Harbors Club, Inc.

Alteration & Expand Nonconforming Use

Opened October 27, 2010, continued November 3, 2010 and to December 1, 2010 - Continued to allow resolution of abutter concerns.

Members assigned; Michael P. Hersey, Craig G. Larson, Alex M. Rodolakis, George T. Zevitas, Laura F. Shufelt - Associate Present; Brian Florence,

Decision Due; January 25, 2011

Oyster Harbors Club, Inc., has petitioned for a Special Permit pursuant to Section 240-93.B, Alteration and Expansion of a Nonconforming Buildings or Structures Not Used as Single- or Two-Family Dwelling, and Section 240-94.B, Expansion of a Pre-existing Nonconforming Use. The petitioner seeks to demolish an existing 571 square foot children's play center and to reconstruct a larger, two-story structure of 2,506 square feet for the play center. The building and use is accessory to the principal nonconforming use of the property as a club house. The property is addressed 170 Grand Island Drive, Osterville, MA and is shown on Assessor's map 053 as parcel 012-001. It is in a Residence F-1 Zoning District.

Open

Chair's Discussion
