



Town of Barnstable
Zoning Board of Appeals
Agenda

Wednesday, October 9, 2013

6:30 PM

2nd Floor Hearing Room – 367 Main Street, Hyannis, MA

Call to Order

Introduction of Board Members

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

EXECUTIVE SESSION

The Zoning Board of Appeals may vote to go into Executive Session under G.L. c. 30A §21(a)(3), if the chair declares that an open meeting may have a detrimental effect on the litigating position of the Committee, the Zoning Board of Appeals may vote to go into executive session to discuss litigation strategy with regard to the following pending cases:

- 1) Nathaniel A. Gregory v. Town of Barnstable Zoning Board of Appeals;
- 2) AMA Nantucket, Inc d/b/a Marvin Design Gallery v. Town of Barnstable Zoning Board of Appeals.

If so voted, the Executive Session will be held in the Town Council Conference Room at 6:30 P.M.

Old Business

7:00 PM Appeal No. 2013-039 Swann

Dr. Marcus Swann, as lessee, has applied for modification of Special Permit No. 2007-070-A to allow one of the four professional office suites to be utilized as a dental office. Condition No. 3 of the permit currently prohibits use of the building for medical or dental offices. Special Permit 2007-070 modified Permit Nos. 1984-92 and 1980-35 and allows for pre-existing nonconforming use of a pre-existing nonconforming structure. The property is located at 2957 Falmouth Road (Route 28), Marstons Mills, MA as shown on Assessor's Map 121 as Parcel 009. It is in a Residence F zoning district and the Groundwater Protection Overlay District.

Opened: July 24, 2013, continued to September 11, 2013, Continued to October 9, 2013. No members assigned. No testimony taken

7:00 PM 2013-047 Habitat for Humanity of Cape Cod, Inc

Habitat for Humanity of Cape Cod, Inc, as prospective owners, has applied for a Comprehensive Permit pursuant to MGL Chapter 40B "Affordable Housing" for the development of two detached single-family, three-bedroom dwellings on approximately two acres of land. The applicant is requesting waivers from zoning and subdivision regulations to construct the two affordable units. The locus consists of two parcels addressed 28 & 29 Sesame Street, Marstons Mills, MA and the drive serving the two properties. The lots are shown on Map 173 as Parcels 007/001 and 007/002. The locus is zoned Residence F.

Fifty-One (151) spaces are proposed. The number of parking spaces proposed will decrease the degree of the pre-existing nonconforming parking ratio.

The Applicant seeks the following variances:

- **2013-061 & 2013-062:** §240-21E "B" District Bulk Regulations and §240-25E "HB" District Bulk Regulations. The Applicant seeks a variance to add a third floor to the existing building while not exceeding the 30 foot height limit.
- **2013-063 & 2013-064:** §240-21E "B" District Bulk Regulations and §240-25E "HB" District Bulk Regulations. A 100' setback is required along Route 132. The building is currently 49.1 feet from Route 132, a lawful preexisting nonconformity. The building's front canopy as proposed will be 51 feet from the Route 132, slightly reducing the nonconformity and resulting in a variance request of 49 feet.
- **2013-065:** §240-25E "HB" Front Yard Landscape Setbacks. While the Applicant proposes a redesign of the site and parking layout, the existing conditions, along with the size and shape of the lot, prevent compliance with the requirement for a 45' front yard landscaped setback from the lot line. Due to the size of the lot and the lawful preexisting conditions, the Applicant seeks a variance from this provision which also allows for necessary parking.

The property is located at 867 Iyannough Road (Route 132), Hyannis, MA as shown on Assessor's Map 294 as Parcel 017. It is in the Highway Business (HB) and Business (B) zoning districts.

7:00 PM Appeal No. 2013-066 Parrella

Cynthia H. Parrella, as prospective owner, has petitioned for a Special Permit in accordance with §240-91(H)(3)(a) Demolition and Rebuilding on Nonconforming Lots. The petitioner seeks to demolish an existing dwelling and detached garage/shed and rebuild a four bedroom, single-family dwelling with an attached two car garage on a nonconforming lot. The new dwelling will not meet the current 30' front yard setback requirement along Warren Street, but the proposed setback is greater than the setback of the existing building. The property is located at 64 Warren Street, Osterville, MA as shown on Assessor's Map 139 as Parcel 068. It is in the Residence F-1 Zoning District.

Correspondence

UMass Extension – Citizen Planner Training Collaborative Fall 2013 Workshops.

Upcoming Meetings

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| October | 23 |
| November | 13 |
| December | 11 |

Other Business

Adjourn