

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 an 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.

Opened September 11, 2013 and continued to October 9, 2013.

Members assigned: Alex Rodolakis, William Newton, George Zevitas, Craig Larson

New Business

7:00 PM 2013-052 Akkawi

Saleh Ahmed Akkawi has petitioned to transfer an existing Special Permit (No. 1995-163 as amended by Permit No. 1999-012) to a new owner of the property. The subject property is being sold and the prospective new owner is requesting the Special Permits be transferred to him along with the property. The Special Permits authorize one eight bedroom lodging house used as a rehabilitation and recovery house. The subject property is located at 805 Pitchers Way, Hyannis, MA as shown on Assessor's Map 271 as Parcel 160. It is in a Residential C-1 zoning district.

7:00 PM 2013-053 LLC

Global Signal Acquisitions II, LLC/ STC Six Co./T-Mobile Northeast,

Global Signal Acquisitions II, LLC for STC Six Company with co-applicant T-Mobile Northeast, LLC, have applied for modification of the conditions of Variance No. 2000-031 (as modified), a height variance that allowed construction of a telecommunications tower. The Applicant seeks to remove three existing antennas on the tower and replace them with a six panel antenna array and new cabling. The property is located at 1047 Falmouth Road/Route 28, Hyannis, MA as shown on Assessor's Map 250 as Parcel 004. It is in the Residence D-1 zoning district.

7:00 PM 2013-054 & 2013-058 Barnfield/Keyles

Michael Barnfield and Daniel & Bettyann Kevles have applied for variances from the minimum lot area requirements of 240-11E and 240-36D. The Applicants seek to alter a boundary line between two adjoining, pre-existing nonconforming lots to, in part, allow for installation of a Title V septic system on 233 Bay Lane. Both lots will maintain minimum lot width and setback requirements. The subject properties are 215 and 233 Bay Lane, Centerville, MA as shown on Assessor's Map 186 as Parcel 013 and Map 166 as Parcel 056. They are in the Residence D-1 Zoning District.

7:00 PM 2013-055 OCW Retail – Hyannis LLC

OCW Retail – Hyannis LLC has petitioned for modification of two previously granted Special Permits. The Petitioner seeks to lease an existing building to Whole Foods Market and proposes renovation work and minor site changes, including a new loading area, in connection with the renovations. The Petitioner seeks to modify Special Permit 1997-23 to remove the restriction on sale of food; to allow display and sales of merchandise outdoors; and to incorporate the proposed project plans. They seek to modify Special Permit 2011-054 to reflect the proposed impervious surface area of 64%. The property is located at 990 Iyannough Road and 65 Independence Drive, Hyannis, MA as shown on Assessor's Map 295 as parcel 015-X02 and Map 294 as Parcel 004. The property is zoned Highway Business (HB), Business (B) and Industrial (IND).

7:00 PM

K Hyannis Hospitality, LLC (c/o Simon Konover Company), has petitioned for relief to allow for significant investment and renovation to an existing hotel structure and site to allow for an increase in the number of hotel rooms from 99 to 126.

K Hyannis Hospitality, LLC

The Petitioner seeks the following Special Permits:

- **2013-056**: §240-25(c)(1) HB Business District, Conditional Use. The Petitioner requests a conditional use special permit to allow a hotel/motel use in the HB District. The hotel use is currently pre-existing nonconforming.
- 2013-057: §240-94B Expansion of a pre-existing nonconforming use. In the alternative to 2013-056, the Petitioner seeks a special permit to expand the pre-existing nonconforming hotel use. The Petitioner seeks to increase the use by renovating the structure and site to allow for the addition of 27 hotel rooms.
- 2013-059: §240-93(B) Expansion of a pre-existing nonconforming building. The Petitioner seeks to renovate and add a third story to the pre-existing nonconforming structure to allow for 27 additional hotel rooms. The Petitioner also requests approval by special permit to maintain and/or alter lawfully pre-existing nonconformities to the site, which will not be exacerbated, including: §240-53B(1) Side and Rear Parking Landscape Buffer; §240-54 Location of Parking in Relation to Building; §240-35F(3)-(4) Groundwater Protection District Lot Coverage (impervious material and natural state).
- 2013-060: §240-57 Reduction of Parking Requirements. The Petitioner requests a Special Permit to reduce the number of required parking spaces by 35 spaces. One hundred Eighty-Six (186) parking spaces are required and One Hundred

Fifty-One (151) spaces are proposed. The number of parking spaces proposed will decrease the degree of the preexisting 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

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

Other Business

<u>Adjourn</u>