



Town of Barnstable

Zoning Board of Appeals



www.town.barnstable.ma.us/ZoningBoard

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Agenda

Wednesday, April 26, 2017

Hearing Room – 2nd Floor – 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.

Election of Officers

Old Business

7:00 PM Appeal No. 2017-008

Glick

Marvin and Diane Glick are appealing the Building Commissioner's constructive denial of a request for zoning enforcement. The Appellants seek enforcement of a zoning violation on 305 Baxters Neck Road, specifically the construction of a retaining wall inside of the zoning setback area adjacent to the Glick property located at 285 Baxters Neck Road. The appeal is filed pursuant to Massachusetts General Law 40A Section 7, citing Sections 240-123 (enforcement), 240-14 (RF Zoning District) and 240-128 (Definitions) of the Zoning Ordinance. The property that is the subject of this appeal is located at 305 Baxters Neck Road, Marstons Mills, MA as shown on Assessor's Map 075 as Parcel 009. It is located in the Residence F (RF) Zoning District.

Continued from February 22, 2017. No members assigned. No testimony taken. Time Extension: New Date for Decision Due: 05-30-17.

Continued from March 22, 2017. Members assigned: Alex Rodolakis, Herbert Bodensiek, Matthew Levesque, Spencer Aaltonen, Jacob Dewey.

7:00 PM Appeal No. 2017-001

Beauregard

Todd and Anne Beauregard are appealing the decision of the Building Commissioner to issue a building permit (B-16-2228) for the construction of a single-family home with deck, portico and attached garage on property located at 45 East Avenue, Osterville, MA. The appellants claim the lot on which the single-family dwelling is to be constructed has merged with an abutting lot at 25 East Avenue and is therefore not entitled to the "grandfather" protection provided by §240-90 and M.G.L Chapter 40A §6. The subject property are located at 45 East Avenue, Osterville, MA as shown on Assessor's Map 139 as Parcel 079. It is located in the Residence F-1 (RF-1) and Resource Protection Overlay Zoning Districts.

Continued from January 11, 2017, February 8, 2017 and April 12, 2017. Time Extension: New Date for Decision Due: 06-08-17

Members assigned 01-11-17: Brian Florence, David Hirsch, Herbert Bodensiek, Spencer Aaltonen, Jacob Dewey. No testimony taken

Members assigned 02-08-17: Brian Florence, David Hirsch, Jake Dewey, Spencer Aaltonen, Herbert Bodensiek

Members present 04-12-14: Brian Florence, Alex Rodolakis, Jake Dewey, Spencer Aaltonen, Herbert Bodensiek, Matthew Levesque. No testimony taken

7:01 PM Appeal No. 2017-002

Beauregard

Todd and Anne Beauregard are appealing the decision of the Building Commissioner to issue a building permit (B-16-2229) for the construction of a single-family home with deck, portico and attached garage on property located at 25 East Avenue, Osterville, MA. The appellants claim the lot on which the single-family dwelling is to be constructed has merged with an abutting lot at 45 East Avenue and is therefore not entitled to the "grandfather" protection provided by §240-90 and M.G.L Chapter 40A §6. The subject property is located at 25 East Avenue, Osterville, MA as shown on Assessor's Map 139 as Parcel 080. They are located in the Residence F-1 (RF-1) and Resource Protection Overlay Zoning Districts.

Continued from January 11, 2017, February 8, 2017 and April 12, 2017. Time Extension: New Date for Decision Due: 06-08-17

Members assigned 01-11-17: Brian Florence, David Hirsch, Herbert Bodensiek, Spencer Aaltonen, Jacob Dewey. No testimony taken

Members assigned 02-08-17: Brian Florence, David Hirsch, Jake Dewey, Spencer Aaltonen, Herbert Bodensiek

Members present 04-12-14: Brian Florence, Alex Rodolakis, Jake Dewey, Spencer Aaltonen, Herbert Bodensiek, Matthew Levesque. No testimony taken

New Business

7:00 PM Appeal No. 2017-021

Cabral/Yetman

Mark J. and Christa E. Cabral and Kathleen S. Yetman have petitioned for a Variance pursuant to Section 240-13.E – Residence C Bulk Regulations and 240-36.D Resource Protection Overlay (RPOD) District regulations. The petitioners are proposing to swap an equal area of land to reconfigure the boundary line between two lots. The size of the new lots: 45,232 and 56,004 square feet respectively, will remain unchanged, but will be less than two (2) acres (87,120 square feet) as required by the Resource Protection Overlay District (RPOD). The subject properties are addressed as 951 Old Stage Road and 71 Washington Bursley Way, Centerville, MA as shown on Assessor's Map 172 as Parcels 005-001 and 005-002. They are located in the Residence C and Resource Protection Overlay Zoning Districts.

7:01 PM Appeal No. 2017-022

Greig

Henry Fox and Tamasine Conway Greig II have applied for a Special Permit in accordance with Section 240-92.B – Nonconforming Buildings or Structures. The applicants are proposing to add two (2) decks off of the back of the existing dwelling. The proposed decks will encroach into the minimum ten (10) foot side yard setback requirement of the zoning district in which it is located. The property is addressed as 93 Hawes Avenue, Hyannis, MA as shown on Assessor's Map 323 as Parcel 011. It is located in the Residence B Zoning District.

Correspondence

Received 04-18-17 – Public Hearing Notice of April 28, 2017 from Cape Cod Commission regarding Eco-Site Wireless Communication Facility/Monopole #TR17003. The purpose of this hearing is to open the DRI hearing period on the project for procedural purposes only.

Received 04-18-17 – Notice of Waterways License Application #W17-4932 to construct and maintain a timber boardwalk, pier, ramp and float at 145 Bridge Street, Osterville, MA for Stephen T. B. Miller.

Received 04-19-17 – Notice of Referral to the Cape Cod Commission by Town of Barnstable Building Commissioner as a mandatory Development of Regional Impact (DRI) regarding Greenside Office Park Project, 10 Attucks Lane, Hyannis, MA.

Matters Not Reasonably Anticipated by the Chair

Upcoming Meetings

May 10th, May 24th, June 14th, June 28, 2017

Adjournment

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Board may go into executive session. The Board may also act on items in an order other than they appear on this agenda.

* Public files are available for viewing during normal business hours at the Zoning Board of Appeals office located at 200 Main Street, Hyannis, MA