

# Zoning Board of Appeals

## Minutes

Wednesday, April 9, 2014

2<sup>nd</sup> Floor Conference Room – 367 Main Street, Hyannis, MA

Craig Larson - Chair	Present
Brian Florence – Vice Chair	Absent
Alex Rodolakis – Clerk	Present
George Zevitas	Absent
David Hirsch	Present
Herbert Bodensiek	Present

*Also present were Elizabeth Jenkins – Principal Planner and Carol Puckett – Administrative Assistant*

### Call to Order

Introduction of Board Members – *All members present introduce themselves.*

### 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.

### New Business

#### **7:00 PM Appeal No. 2014-015**

#### **Whole Foods Markets Group, Inc**

Whole Foods Markets Group, Inc, as lessee, is petitioning to modify Special Permit No. 2013-055 to permit the addition and operation of two mobile food venues on the site. 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. They are in the Highway Business, Business, and Industrial Zoning Districts.

*As there are only four members present, Attorney Michael Scott has submitted a letter requesting a continuance to April 23, 2014 to be heard in front of a full complement of the board.*

*Motion to continue made by Craig Larson and seconded by Herbert Bodensiek to continue to April 23, 2014 at 7:00 PM*

#### **Vote:**

*All in favor*

## CONTINUED TO APRIL 23, 2013 AT 7:00 PM

*At 7:05 PM, Craig Larson calls the Salisbury appeal and reads the following into the record:*

#### **7:01 PM Appeal No. 2014-016**

#### **Salisbury**

Peter Salisbury has petitioned for a Special Permit pursuant to §240-92 – Nonconforming Buildings or Structures used as Single and Two-family residences. The petitioner is proposing to demolish a portion of the existing nonconforming dwelling and rebuild a new two-story addition that will be in greater conformance with current setback requirements. The property is located at 819 Main Street, Cotuit, MA as shown on Assessor's Map 035 as Parcel 064. It is in the Residence F Zoning District.

*Members assigned tonight: Craig Larson, Alex Rodolakis, David Hirsch, Herbert Bodensiek*

*Representative: Steve Devlin, Central Cape Construction, speaks and indicates that he is also an abutter. He has approval from Historical for the demolition of part of the existing dwelling. He gives summary of relief being requested.*

*Craig Larson asks if there is anyone here from the public who would like to speak either in favor or in opposition. No one speaks.*

*Craig asks if the driveway is to remain where it is. Mr. Devlin states that it is grass and is to remain and where the applicants park their cars. He clarifies that the applicants will not be parking on the street. Craig Larson asks if Mr. Devlin has seen the conditions of the staff report and are okay with them as is. Mr. Devlin replies that he has seen them and that the conditions are acceptable.*

**Alex Rodolakis makes findings:**

The Petitioner is proposing to demolish a portion of the preexisting nonconforming structure and construct a new addition onto the rear of the dwelling. The new addition will be set back 12.5 feet from Nickerson Drive. According to the application, the new construction will consist of 720 gross square feet, plus 200 square feet of covered and screened-in porches. The resulting floor-area ratio will be 40%, according to the gross floor area figures provided on the application. The addition will be two stories; the elevations submitted indicate the height of the addition will not exceed the height of the existing dwelling. It appears the addition will increase the number of bedrooms from two to three. The addition will have a basement accessed by a rear bulkhead. Section 240-92 addresses alterations or expansions of preexisting nonconforming single-family residential dwellings. According to the ordinance, encroachments into a 20 foot front yard setback are "deemed to create an intensification requiring a special permit

- The Barnstable Historical Commission reviewed the proposed demolition on February 18, 2014 and found the portions of the structure to be demolished were not preferably preserved; a demolition delay was not imposed
- The application falls within a category specifically excepted in the ordinance for a grant of a special permit:
- **Section 240-92(B) allows for the alteration and expansion of a preexisting nonconforming single-family residence within a twenty-foot front yard setback with a Special Permit.**
- **Site Plan Review is not required for single-family residential dwellings.**
- **After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.**
- **No one from the neighborhood except for the applicant's representative was present.**
- **The proposed alteration and expansion will not be substantially more detrimental to the neighborhood than the existing building or structure.**

**Vote:**

**All in favor**

**Motion is made by Alex Rodolakis to grant the relief being sought with the following conditions: dated April 2, 2014**

#### **Conditions**

1. Special Permit No. 2014-016 is granted to Peter Salisbury for alteration and expansion of a preexisting nonconforming single-family residence where the new construction will encroach into a twenty-foot front yard setback.
2. The addition shall be constructed in substantial conformance with the plan entitled "Certified Plot Plan (for addition), 819 Main Street, Cotuit, MA" dated December 6, 2013, drawn by EAS Survey, Inc. and the elevations and floor plans entitled "Salisbury House – 819 Main Street, Cotuit, MA" dated December 10, 2013 drawn by Central Construction Company, Inc (six sheets).
3. There shall be no future expansion of the dwelling without prior approval from the Board.
4. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be located so as to conform to the required setbacks for the district and screened from neighboring homes and the public right-of-way.
5. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to issuance building permit. The rights authorized by this special permit must be exercised within two years, unless extended.

**Vote:**

**AYE: Craig Larson, Alex Rodolakis, David Hirsch, Herbert Bodensiek**

**NAY: None**

**GRANTED WITH CONDITONS**

**Correspondence**

**Other Business**

Next Regularly Scheduled Hearings: April 23, May 14, May 28

**Adjourn**

***Motion is made by Craig Larson and seconded by Alex Rodolakis to adjourn.***

***Vote:***

***All in favor***