

# Town of Barnstable

# Zoning Board of Appeals

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Board Members:

Brian Florence – Chair   Alex Rodolakis – Vice Chair  
 David A. Hirsch –Regular Member   Herbert Bodensiek – Regular Member   Robin Young – Associate Member   Matthew Levesque – Associate Member  
 Spencer Aaltonen – Associate Member   Jacob Dewey – Associate Member  
 James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins –Director - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
 Anna Brigham – Principal Planner – [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)  
 Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

## Minutes

**Wednesday, May 24, 2017**

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

Brian Florence - Chair	Absent
Alex Rodolakis - Vice Chair	Present
David Hirsch	Present
Herbert Bodensiek	Present
Robin Young	Present
Matthew Levesque	Present
Spencer Aaltonen	Present
Jacob Dewey	Present

Also present were Anna Brigham – Principal Planner and Carol Puckett – Administrative Assistant.

***As a quorum has been met, Vice-Chair, Alex Rodolakis, calls the hearing to order.***

**Call to Order**

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

***Alex Rodolakis reads the following with no response:***

**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.

**Minutes**

Minutes from February 8<sup>th</sup> and February 22<sup>nd</sup> and March 8, 2017

***Motion to approve the February 8, February 22 and March 8<sup>th</sup> minutes is made by David Hirsch and seconded by Matt Levesque***

***Vote:***

***All in favor***

**Election of Officers**

***Alex Rodolakis notes that they will table the election until the June 14, 2017 hearing.***

***Alex reads the following into the record.***

**Old Business**

7:03 PM   Appeal No. 2017-014

Centerville Village Apartments Realty Trust

Adam J. Hostetter and Kristen Williams Haseotes, Trustees of the Centerville Village Apartments Realty Trust have applied for Special Permits pursuant to §240-93(B) Nonconforming Buildings or Structures not used as single or two-family dwellings and §240-94(B) Expansion of a Preexisting Nonconforming Use. The Applicant seeks to expand the preexisting nonconforming multi-family residential use on the property. The proposal is to relocate and preserve the existing filling station building on the property; demolish the remainder of the structures; and construct nine single-family dwellings (four two-bedroom units and five one-bedroom units). The property is located at 981 Main Street, Osterville, MA as shown on Assessor's Map 117 as Parcels 026 and 178. It is located in the Residence C and Wellhead Protection Overlay Zoning Districts

**Decision Due:** 06-06-17

Continued from March 8, 2017, March 22, 2017, April 12, 2017, and May 10, 2017. No members assigned. No testimony taken.

**By an email dated May 24, 2017, Attorney Michael Schulz has requested to continue this matter to June 14, 2017.**

**Motion is made by David Hirsch and seconded by Matt Levesque to continue to June 14, 2017 at 7:00 PM.**

**Vote:**

**All in favor**

## CONTINUED TO JUNE 14, 2017 AT 7:00 PM

**Alex reads following into the record:**

**7:01 PM Appeal No. 2017-038**

**Centerville Village Apartments Realty Trust**

Adam J. Hostetter and Kristen Williams Haseotes, Trustees of the Centerville Village Apartments Realty Trust, have applied for a Special Permit pursuant to Section 240-94.A – Change of a Nonconforming Use to another Nonconforming Use as an alternative form of relief to that as set forth in Appeal 2017-014. The applicant is proposing to relinquish use of the property for a gasoline filling and service station, relocate and preserve the filling station structure, demolish the remaining buildings on site and construct nine (4, two-bedroom and 5, one-bedroom) single family dwellings. The property is located at 981 Main Street, Osterville, MA as shown on Assessor's Map 117 as Parcels 026 and 178. The property is located in the Residence C (RC) and Wellhead Protection (WP) Overlay Zoning Districts.

**By an email dated May 24, 2017, Attorney Michael Schulz has requested to continue this matter to June 14, 2017**

**Motion is made by David Hirsch and seconded by Matt Levesque to continue to June 14, 2017 at 7:00 PM.**

**Vote:**

**All in favor**

## CONTINUED TO JUNE 14, 2017 AT 7:00 PM

**Alex reads the following into the record:**

**7:02 PM Appeal No. 2017-039**

**Bonneau**

Ashely and Daniel Bonneau, Trustees of the La Vieve Rose Trust and as prospective owners, have requested the transfer of the existing Conditional Use Special Permit Number 1998-61B and 2004-109 issued for the operation of the existing Ashley Manor Bed & Breakfast. The property is shown on Assessor's Map 317, Parcel 021-001 addressed as 3660 Main Street (Route 6A), Barnstable, MA in a Residence F-2 Zoning District.

**By a letter dated May 19, 2017, Attorney Princi has asked to Withdraw without Prejudice.**

**Motion is made to Withdraw without Prejudice by David Hirsch and seconded by Matt Levesque**

**Vote:**

**All in favor**

## WITHDRAWN WITHOUT PREJUDICE

**7:03 PM Appeal No. 2017-039**

**Bonneau**

Ashely and Daniel Bonneau, Trustees of the La Vieve Rose Trust and as prospective owners, have requested the transfer of the existing Variance Number 1998-62B and 2004-110 issued for the existing Ashley Manor Bed & Breakfast to allow for a six (6) room, twelve (12) guest, Bed and Breakfast. The property is shown on Assessor's Map 317, Parcel 021-001 addressed as 3660 Main Street (Route 6A), Barnstable, MA in a Residence F-2 Zoning District.

**By a letter dated May 19, 2017, Attorney Princi has asked to Withdraw without Prejudice.**

**Motion is made to Withdraw without Prejudice by David Hirsch and seconded by Matt Levesque**

**Vote:**

**All in favor**

## WITHDRAWN WITHOUT PREJUDICE

## New Business

7:00 PM Appeal No. 2017-037

Bourgeois

Ronald J. Bourgeois has applied for a Special Permit pursuant to Section 240-11.C(1) – Conditional Uses in Residence B Zoning District. The applicant is proposing to reconfigure a single-family dwelling into a six (6) bedroom lodging house with manager's unit. The subject property is located at 7 Quaker Road, Hyannis, MA as shown on Assessor's Map 292 as Parcel 017/002. It is located in the Residence B (RB) Zoning District.

**Members assigned tonight: Alex Rodolakis, David Hirsch, Herbert Bodensiek, Matt Levesque, Robin Young**  
**Representative: Mark Boudreau, Esq.**

**Attorney Boudreau is also here with Mr. Ron Bourgeois (perspective owner) and Keith Carlson, current owner of the property. Mr. Bourgeois has a signed Purchase and Sales (P&S) agreement to purchase the property. Attorney Boudreau states that In 2011 the dwelling was converted from a lodging house into a single family residence. The applicant had gone through Site Plan Review and changes to the plan were made. There is one kitchen for the manager's unit and one communal kitchen for the remaining five (5) rooms. He states that there will be a minimal amount of work to reconfigure the floor plan, but will include new window egresses for safety. Mr. Bourgeois had also submitted two parking plans, one of which was approved for eight (8) spaces. It is in an area of the town that has other lodging houses. Mr. Bourgeois also owns a lodging house across the street. Attorney Boudreau states that this use would not be detrimental to the neighborhood, has seen the conditions as stated in the staff report and is okay with them.**

**Questions from the board.**

**Robin Young clarifies that the septic system is for 6 bedrooms and that the renting of rooms would be on an annual basis. Alex comments that the ordinance allows for the renting of rooms for up to 3 non-family members in a single family dwelling and how it applies here. Attorney Boudreau reiterates that the dwelling was built in 1985 and was used as a lodging house up until 2011 and will be turned into a multiple unit dwelling. Alex asks what the landscape plans are for the project. Attorney Boudreau states that they do not have any but there is not a lot of area between the parking spaces. They discuss shrubs.**

**Alex asks for public comment. No one speaks.**

**Spencer thinks evergreens would be nice and asks if they have spoken to the neighbors.**

**Ronald Bourgeois speaks, knows the next door neighbor who is okay with it.**

**Robin Young asks for clarification as to where and how trash will be stored and disposed of. Mr. Bourgeois states that there will be four (4) totes to be put out on Wednesday and will be kept next to the garage or will put in the rear of the garage.**

**Herb makes findings:**

**Attorney Boudreau also notes that the staff report referenced a site plan dated March 17<sup>th</sup>, it is actually April 10<sup>th</sup>.**

## Special Permit Findings

For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings.

1. In Application No. 2017-037, Ronald J. Bourgeois, has sought a Special Permit pursuant to Section 240-11.C(1) – Conditional Uses in the Residence B (RB) Zoning District. The applicant seeks to reconfigure a single family dwelling to a lodging house for no more than 6 lodgers with managers unit.
2. The property is located at 7 Quaker Road, Hyannis, MA, as shown on Assessor's Map 292 as Parcel 017-002.
3. The Applicant received Site Plan Review approval as evidenced by the letter dated April 11, 2017.
4. Section 240-11(C)(1) of the Zoning Ordinance allows the renting of rooms to no more than six lodgers in one multiple-unit dwelling provided a Special Permit is first obtained from the Zoning Board of Appeals subject to the provisions of Section 240-125 C.
5. 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.
6. The proposed use of the property will not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community.

Vote:

All in favor

**Herb Bodensiek makes a motion to grant the relief being sought with the following conditions:**

## Conditions

1. Special Permit No. 2017-037 is granted to Ronald J. Bourgeois, pursuant to Section 240-11.C(1) – Conditional Uses in the Residence B (RB) Zoning District. The Applicant seeks to petitioner seeks to reconfigure a single family dwelling to a lodging house for no more than

6 lodgers with managers unit. The property is located at 7 Quaker Road, Hyannis, MA as shown on Assessor's Map 292 as Parcel 017-002.

2. The improvements shall be in substantial conformance with the site plan entitled "7 Quaker Road, Hyannis in Barnstable, Mass dated [April 10, 2017](#) by Bass River Properties", sheets 1-4.
3. There shall be no expansion, including the living area, without prior approval of the Board.
4. The Applicant shall comply with all Licensing and Health regulations.
5. The Applicant shall comply with all conditions of the April 11, 2017 Site Plan Approval; these conditions shall be incorporated as conditions of this Special Permit.
6. 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.
7. [To provide for screening around the parking area on Quaker Road and Bearses Way](#)

**Vote:**

**All in favor**

## GRANTED WITH CONDITIONS

**7:04 PM Appeal No. 2017- 041**

**De Cleaning Group, Inc.**

De Cleaning Group, Inc. is seeking to modify Special Permit No. 2016-010, Condition No. 10, to change the hours of operation from 8:00 AM through 9:00 PM, seven days a week, to 8:00 AM through midnight, seven days a week, to accommodate the demands of his commercial laundry customers. The property is shown on Assessors Map 269 Parcel 181 and a portion of Map 269 Parcel 050 and addressed as 406 West Main Street, Hyannis/12 LaFrance Avenue, Hyannis in a Highway Business (HB) Zoning District.

**Members assigned tonight: Alex Rodolakis, David Hirsch, Robin Young, Matt Levesque, Spencer Aaltonen**

**Representative: John Kenney, Esq. is representing the applicant Geraldo Baracho. Attorney Kenney explains that the applicant was here previously for the establishment of the laundry facilities and gives history of that previously granted relief. His client has complied with all the conditions of that previously granted permit. The current request is because of the demands of the growing business and is simply asking for extension of the hours and which is to modify condition #10 of the previous decision.**

**Herb Bodensiek asks if the neighbors are concerned. Attorney Kenney hasn't had any comment from abutters and notes that Cumberland Farms, across the street, is open to 1:00 am. Robin Young asks if they reached out to the abutters. Attorney Kenney states they haven't had any complaints. Alex asks if there is an end time for trucks bringing in materials. Mr. Baracho states that they never get any linens or towels after 4:00 pm and no trucks coming in or out after 6:00 pm. He also notes that the busiest days are Fridays and Mondays when people check out. Jake Dewey asks about employees. Mr. Baracho states that there are six employees, himself and his wife.**

**Alex asks for public comment. No one speaks.**

**Robin Young would like to see the hours of operation 8:00 am to 6:00 pm daily for truck deliveries.**

**David Hirsch agrees with Attorney Kenney about low noise coming from the facility and thinks there is more noise from Cumberland Farms.**

**Robin Young makes findings:**

### Special Permit Findings

1. In Application No. 2017-041, De Cleaning Group, Inc. has requested a modification of Conditional Use Special Permit No. 2016-010 to change the hours of operation from 8:00 AM through 9:00 PM, seven days a week, to 8:00 AM through midnight, seven days a week at 12 LaFrance Avenue and 406 West Main Street, Hyannis.
2. The proposed use and plan received Site Plan Approval, as evidence by the letter dated November 24, 2016.
3. 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.
4. The proposed use of the property will not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community.

**Alex notes that the site plan has a 2015 date on it.**

**Vote;**

**All in favor**

**A motion is made by Robin Young to grant the relief being sought with the following conditions:**

**Conditions**

1. Special Permit No. 2017-041 is granted to De Cleaning Group, Inc. to change the hours of operation from 8:00 AM through 9:00 PM, seven days a week, to 8:00 AM through midnight, seven days a week, at 12 LaFrance Avenue and 406 West Main Street, Hyannis.
2. The property shall be improved and maintained in substantial conformance with the plan entitled "Site Plan – 406 West Main Street, Hyannis, MA" dated September 27, 2015, drawn and stamped by Baxter Nye Engineering and Surveying.
3. There shall be no expansion of the building without prior approval from the Board.
4. The laundry shall not be open to the public.
5. As this property is located in a Wellhead Protection Overlay District, the generation, treatment, storage or disposal of hazardous materials or waste in quantities that exceed those allowed by the ordinance area prohibited.
6. Use of the property shall not include dry cleaning services.
7. All existing landscaping and landscape screening shall be maintained on the site.
8. There shall be no outdoor storage, including storage in temporary trailers or containers, trucks or storage units, on the site.
9. **Delivery trucks will be limited between the hours of 8:00 am to 6:00 pm daily (added)**
10. All dumpsters or trash disposal containers shall be located within the designated trash enclosure.
11. This 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 for this special permit to be in effect. The rights authorized by this special permit must be exercised within two years, unless extended by the Board.

**Vote:**

**All in favor**

**GRANTED WITH CONDITIONS**

**Correspondence**

Received 05-16-17 – from Planning Board, Notification & Transmittal of Regulatory Agreement Application for Rockland Trust Hyannis Rotary, LLC., for property located at 765 Main Street, Hyannis.

**Matters Not Reasonably Anticipated by the Chair**

**Upcoming Meetings**

June 14<sup>th</sup>, June 28<sup>th</sup>, July 12<sup>th</sup>, July 26, 2017

**Alex notes that he will not be here for the July 12<sup>th</sup> hearing.**

**Adjournment**

**Motion is made by Spencer Aaltonen and seconded by Matt Levesque to adjourn**

**Vote:**

**All in favor**

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