



Town of Barnstable

Zoning Board of Appeals



www.town.barnstable.ma.us/ZoningBoard

Board Members:

Alex Rodolakis – Chair David Hirsch – Vice Chair Herbert Bodensiek - Clerk
 Robin Young – Regular 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
 Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us
 Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

BARNSTABLE TOWN CLERK

2018 FEB 21 PM 1:29

Minutes

Wednesday, October 11, 2017

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

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

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

Alex Rodolakis opens the hearing at 7:00 pm.

Call to Order

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

Alex reads the following with no response:

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.

Old Business

7:00 PM Appeal No. 2017-052

Hailer

John T. Hailer is appealing the decision of an Administrative Official for the denial of a building permit to convert the existing two-car garage on the property into living area with a porch. The subject property is located at 743 Old Post Road, Cotuit, MA as shown on Assessor’s Map 054 as Parcel 011-004. It is located in the Residence F (RF) Zoning District.

By email received 07-18-17, Applicant requested a continuance from July 26, 2017 to October 11, 2017. No members assigned, no testimony taken.

Members assigned tonight: Alex Rodolakis, David Hirsch, Herbert Bodensiek, Robin Young, Jake Dewey

Representative: Jeffrey P. Allen, Esquire from the law firm of Lawson & Weitzen, LLP in Boston. Also with him tonight is Mrs. Hailer. Attorney Allen states that they have been working with building and zoning to make this a palatable solution. The Hailer’s are creating a guest area of the main house, will not be a separate residence and will be strictly for guests of the house. He states that the Hailer’s have a very large family and would like that area for when family members come and stay and not be underfoot. In devising this plan a suggestion was to do away with the separation of the main and guest house therefore not making it a separate dwelling which can be approved as an

expansion of the dwelling. It has been designed to look like part of the main house. There is an accessory use agreement and that area has no bedrooms and they would expand and create a new accessory use for approval and would agree that it would not be used as a separate dwelling and just looking to have it as an extension of a single family dwelling.

Mrs. Hailer is here and is hoping to create space only for family. Very large family but right now her parents are approaching 80 but are still active.

Alex looks for clarification as this is an appeal of the Building Commissioner. He believes that this is a procedural issue. Attorney Allen states that there was a plan submitted to the Building Department. Alex clarifies that the permit that was presented to the Building Commissioner which resulted in the appeal of the Building Commissioner's permit is now different.

Alex feels that it should be continued in order for Attorney Allen and the Building Commissioner to go over the options.

He asks for a continuance to November 8, 2017.

Motion is made by Robin Young and seconded by Jake Dewey to continue this to November 8th at 7:00 pm

Vote:

All in favor.

CONTINUED TO NOVEMBER 8, 2017 AT 7:00 PM

New Business

7:00 PM Appeal No. 2017-063

Chisari

Tina Chisari has applied for a Special Permit pursuant to Chapter 240-91.H(1) – Nonconforming Lot. The applicant is proposing to demolish the existing 746 square foot, two (2) bedroom, single-family dwelling and construct a 2,384 square foot, three (3) bedroom, single-family dwelling on a lot containing less than 10,000 square feet. The property is located at 25 Irving Street, Centerville, MA as shown on Assessor's Map 226 as parcel 123. It is located in the Residence B Zoning District.

Members assigned tonight: Alex Rodolakis, Herbert Badenslek, David Hirsch, Robin Young, Jake Dewey

Representative: Charles Calhoun, the applicant's architect is here representing the applicant. Mr. Calhoun explains that they have an existing outdated cottage; they have a growing family and would like to demolish and replace. He refers to the plans for the house and explains the space. The basement and attic will not be usable for living space. They meet everything except for the minimum lot area of 10,000 sf.

Robin Young asks Mr. Calhoun about the slope of the lot and if they are going to raise the lot. Mr. Calhoun states that they will be doing a cut and fill. They will be taking land from the right corner and moving to the left. The right rear corner will be exposed. They are taking some from the left to the right to make it level. There will be a dip in the grade of the upper right hand corner of the lot. The mean grade of the lot will not change.

Alex asks for public comment. No one speaks.

David asks if the new driveway will be approximately where the architect's sign is currently.

Alex asks if he has looked at the staff report and is okay with it. Mr. Calhoun is okay with the conditions.

Herb makes findings.

Proposed 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. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-91(H)(3) allows for the complete demolition and rebuilding of a residence on a nonconforming lot containing less than 10,000 square feet by Special Permit.**
- 2. Site Plan Review is not required for single-family residential dwellings.**
- 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.**

Further, Section 240-91(H)(3) requires the Board to find that if the proposed demolition and rebuilding cannot satisfy the criteria established is H(1) As-Of-Right, then the Board may allow the demolition and rebuilding by Special Permit provided the Board finds that:

4. **The proposed yard setbacks must be equal to or greater than the yard setbacks of the existing building.** *The proposed setbacks will comply with the requirements of the Residence B Zoning District.*
5. **The proposed lot coverage shall not exceed 20% or the existing lot coverage, whichever is greater.** *The proposed lot coverage is 19.8%.*
6. **The floor area ratio shall not exceed 0.30 or the existing floor area ratio of the structure being demolished, whichever is greater.** *The proposed FAR is .298%.*
7. **The building height, in feet, shall not exceed 30 feet to the highest plate and shall contain no more than 2 ½ stories.** *The proposed height is 24 feet 4-3/4 inches to top of plate (30 feet maximum) and the proposed dwelling is 2 stories.*

The Board is also asked to find that:

8. **The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.**

Vote:

All in favor

Herb makes a motion to grant with the following conditions per the staff report:

Conditions

1. Special Permit No. 2017-063 is granted to Tina Chisari for the demolition of an existing dwelling and construction of a 2,384 square foot dwelling at 25 Irving Street, Centerville.
2. The site development shall be constructed in substantial conformance with the plan entitled "Proposed Site Plan" prepared for Tina Chisari dated May 16, 2017 with a last revision date of September 11, 2017 drawn and stamped by JC Engineering, Inc. and the architectural drawings by C.D. Calhoun & Associates Inc. consisting of Drawing No. A-1 received September 12, 2017 dated 1/28/17, A-2 received September 12, 2017 with a revision date of 6/20/17, A-3 with a received date of September 12, 2017 dated 8/29/17, A-4 with a received date of September 27, 2017 with a revision date of 6/20/17, A-5 received September 12, 2017 with a date of 8/28/17, A-6 dated September 12, 2017 with a date of 8/28/17 and A-12 received September 27, 2017 with a revision date of 6/28 & 8/22 & 28/17.
3. The total lot coverage of all structures on the lot shall not exceed 19.8% and the floor-area ratio shall not exceed .298%.
4. The proposed redevelopment shall represent full build-out of the lot. Further expansion of the dwelling or construction of additional accessory structures is prohibited without prior approval from the Board.
5. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be screened from neighboring homes and the public right-of-way.
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.

Vote:

All in favor

GRANTED WITH CONDITIONS

Alex Rodolakis recuses himself from the Ciluzzi appeal and leaves the dais. David Hirsch takes over as Chair.

7:00 PM Appeal No. 2017-055

Ciluzzi

John E. Ciluzzi, as prospective owner, is appealing the decision of the Building Commissioner to deny a building permit (B-17-1393) for the construction of a single-family home on a nonconforming lot. The property is located at 149 Beech Leaf Island, Centerville, MA as shown on Assessor's Map 187 as parcel 063-005. It is located in the Residence D-1 (RD-1) and Resource Protection Overlay Zoning Districts.

Continued from August 23, 2017 – Members assigned on August 23rd: David Hirsch, Robin Young, Matt Levesque, Herbert Bodensiek, Spencer Aaltonen.

Attorney Johnson is informed that there are only four (4) members here that can sit on this tonight and that it must be a unanimous vote in order to be granted.

Attorney Jeffrey Johnson states that the petitioner would like to ask for a continuance in order to have five (5) members. He is asking to continue this to November 8, 2017. David Hirsch asks Attorney Johnson to sign a time extension which he agrees to.

Motion is made by Matt Levesque and seconded by Robin Young to continue this to November 8, 2017 at 7:00 PM.

*Vote:
All in favor*

CONTINUED TO NOVEMBER 8, 2017 AT 7:00 PM

Correspondence

Received 10-04-17 from Cape Cod Commission – Hearing Notice for Thursday, October 19, 2017 at 10:00 am at the Cape Cod Commission, 3225 Main Street, Route 6A, Barnstable, MA for TowerNorth Telecommunications Monopole #TR17020 for proposed construction of a 170 foot telecommunications facility tower to serve wireless carriers located on the former Main Street water tank. Project Site/Location: 414 Main Street, Cotuit, MA.

Received 10-10-17 from Cape Cod Commission – Hearing Agenda for Thursday, October 12, 2017 to include public hearing on Hyannis Courtyard Marriott Expansion for property located at 707 Iyannough Road, Hyannis, MA and public hearing for Proposed Eastham District of Critical Planning Concern Designation.

Matters Not Reasonably Anticipated by the Chair

Miscellaneous

Draft 2018 Hearing Schedule

Upcoming Meetings

October 25, 2017, November 8, 2017, December 13, 2017

Adjournment

Motion is made by Herb Bodensiek and seconded by Jake Dewey to adjourn

*Vote:
All in favor*