



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 Jacob Dewey– Regular Member Paul Pinard – Associate Member Kyle Evancoe – 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

Minutes

Wednesday, February 28, 2018

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

Alex Rodolakis - Chair	Present
David Hirsch – Vice Chair	Present
Herbert Bodensiek - Clerk	Present
Robin Young	Absent
Jacob Dewey	Present
Paul Pinard	Absent
Kyle Evancoe	Present
Todd Walantis	Present

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

As a quorum is present, Alex Rodolakis opens the hearing at 7:02 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

7:01 PM Appeal No. 2018-007

MPG Corporation and 1617 Falmouth Rd. Series of PB&C

MPG Corporation (Centerville Convenience Center) and 1617 Falmouth Rd. Series of PB&C, LLC., as co-applicants, are seeking a Special Permit pursuant to Chapter 240-93 Nonconforming buildings or structures not used as single or two-family dwellings and Chapter 240-94 Nonconforming Use. The Applicants are proposing to demolish the existing gas station and construct a 5,000 square foot building plus canopy and gas islands, service station with gasoline/diesel dispersers, automobile repair, and retail. The building will consist of retail sales, including 14 seats and a drive-through window. Numerous site improvements are also proposed. The property is located at 1617 Falmouth Road (Rte. 28), Centerville as shown on Assessors Map 209, Parcel 085. It is located in the Highway Office (HO) and Residence C (RC) Zoning Districts.

Opened January 24, 2018. Members Assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jacob Dewey, Paul Pinard. Continued to February 28, 2018.

Letter has been submitted from Attorney Michael Crossen dated February 26, 2018 asking for a continuance to March 14, 2018.

Motion is made by David Hirsch and seconded by Jake Dewey to continue this to March 14, 2018 at 7:00 pm.

Vote:

All in favor

CONTINUED TO MARCH 14, 2018 AT 7:00 PM

Alex reads the following into the record:

7:00 PM Appeal No. 2017-071

Beauregard

Todd and Anne Beauregard have applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures used as Single- and two-family residences. The applicants are proposing to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback creating an intensification which requires a Special Permit. The subject property is addressed 8 East Avenue, Osterville, MA, as shown on Assessor's Map 139 as Parcel 075. It is located in the Residential F-1 Zoning District

Opened January 24, 2018. During assignment of members, Herb Bodensiek recuses himself. Attorney Ford is asked if he would go forward with four members, he declines and asks to continue to February 14th when perhaps there will be five members. No testimony taken. Continued from February 14, 2018. No members assigned, no testimony taken.

Motion by is made by David Hirsch and seconded by Jake Dewey to continue this to March 14, 2018 at 7:00 pm.

Vote:

All in favor

CONTINUED TO MARCH 14, 2018 AT 7:00 PM

Alex reads it into the record:

New Business

7:00 PM Appeal No. 2018-014

Gerardin

Marie and Robert Gerardin are applying for a Special Permit in accordance with Section 240-131. 4. D. (2) Change, Expansion, Alteration by Special Permit and Section 240-7.G. (1) Setbacks to Wetlands. The applicants are proposing to enclose an existing covered porch, adding 206 square feet of living space, and to add a flat roof which is not in compliance with the ordinance requirements of maintaining a pitch of at least six over twelve. The property is located at 23 Laurel Avenue, Centerville, MA as shown on Assessor's Map 226 as Parcel 077. It is located in the Craigville Beach District (CBD) and the Craigville Village Overlay (CV) Zoning Districts.

Petitioner has submitted request to continue to March 14, 2018.

Letter has been submitted from Marie Gerardin dated February 21, 2018 asking for a continuance to March 14, 2018.

Motion is made by David Hirsch and seconded by Jake Dewey to continue this to March 14, 2018 at 7:00 pm.

Vote:

All in favor

CONTINUED TO MARCH 14, 2018 AT 7:00 PM

Alex reads the following into the record:

7:01 PM Appeal No. 2018-015

JNJ Holdings, LLC

JNJ Holdings, LLC have applied for a Special Permit under Section 240-25 HB Conditional Use, Section 240-35 Well Protection Overlay District, Section 240-53 Landscape Requirements for Parking Lots and Setbacks, Section 240-54 Location of parking lot in relationship to building, and Section 240-57 Circumstances Warranting Reduction of Requirements. The Applicant is proposing to demolish the existing structure, remove the underground tanks, and construct a quick change oil facility building of 6,324 square feet, five service bays, with paving and landscaping. The property is located at 326 West Main Street, Hyannis, MA as shown on Assessors Map 269 Parcel 159. It is located in the Highway Business (HB) and Residence B (RB) Zoning Districts and Well Protection (WP) Overlay District.

Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Kyle Evancoe

Representative: Benjamin Losordo, Esq. Also with him tonight is Brad Patolo, Christine Tobia – Property Manager and Jay Imad – Partner in JNJ Holdings with Nazih Elkallassi. Attorney Losordo states that JNJ Holdings would like to convert the existing gas station into a quick oil change facility. His clients presently also have two similar facilities: one in West Yarmouth and one in Wareham, MA. He gives the history of existing gas station and the relief granted from this board over the years. He states that he ran a Department of Environmental Protection (DEP) site release check and that this property doesn't seem to be on it but that some properties were renumbered. However, there are monitoring wells on site. He shows a current photo of the site and states that the property is dilapidated with an old canopy and lighting. His clients have a Purchase & Sales agreement. He talks about the parking lot areas and proximity to the condo complex. The property is currently in the Highway Business zone but extends approximately 40 feet into the Residence B zone. They have 192' of frontage on West Main Street and 240' on Pontiac Street. Currently, the existing structure doesn't meet the setback requirements. It is also in the Wellhead Protection Overlay District. This site has 30,000 gallons of underground fuel storage and about ¼ mile from the wells. He had a chance to run a report just for Hyannis for releases with DEP and shows the gas stations in the area.

They want to tear out the gas lines/pipes. They want to replace with storage tanks for oil. They bylaw says that if they have fuel storage, it has to be above ground and double walled tanks which is what they are proposing. The proposed foundation will be 12 feet of concrete and tanks will be viewable in an enclosed basement and compared to the existing gas station is much more safer. He explains the oil change process. A technician can run about 6 cars per hour just doing oil changes. There will be some antifreeze and windshield fluid replacement tanks and service provided. He states that in addition to the oil change facility will be associated repair work and will have five (5) bays but four (4) will be double bays. One of the bays will be strictly for alignments; one for inspections and three (3) for oil changes. They are also looking to do limited auto repair related to inspections and alignment. They are requesting waivers for parking and talks about what transpired at Site Plan Review (SPR). Because of the turnaround per the Fire Department in SPR, they need landscape reduction in the front. They are reducing curb cuts to one on West Main Street. He goes over the lighting plan. He states that the gas station was operating 14 hours a day, 7 days a week whereas this proposed facility would only be operating 10 hours a day, 6 days a week. Everything inside is self-contained and are asking waivers to do repair work.

Attorney Losordo states that he is aware that the Department of Public Works (DPW) is opposed but that the property has tanks that could be re-used and that someone else could continue the use as a gas station.

Jake asks about proposed fence between the condos and this property. Attorney Losordo explains that they are proposing a fence and 20 feet on landscaping. It will be a cedar fence and will change if the board requests it. Jake Dewey asks where the dumpster/trash will be since the members do not have a copy of the plan he is referring to. Attorney Losordo states that the dumpster will be in the back.

Alex asks for the clarification about operating hours and pictures of the exterior. Attorney Losordo shows pictures on the Easel (Exhibit A).

Alex asks for pictures of the exterior. He shows the pictures on the easel. (Exhibit A).

Jake asks how deliveries will be handled. Ms. Tobia states that the oil will be delivered once a week from one vendor and twice a month, during business hours, from another vendor. As for signage, she shows a sign from the application (Exhibit B).

Alex asks for public comment but first reads a letter from Hans Keijser from DPW (Exhibit C).

Alex would like to see some plans of what the building will look like. Alex thinks that this would be an improvement from the existing gas station.

David Hirsch is okay with what is proposed tonight. As for the detrimental effect to the water supply, he thinks it is less danger than a gas station and doesn't remember anyone objecting to the gas station across the street. He would be in favor of approving this.

Herb asks Hans Keijser if there would be something that could be done.

Hans Keijser explains that there have been serious issues in Hyannis and anything that goes wrong is costing the taxpayers millions of dollars. In principle, this is a bad idea, oil/gas are both bad for drinking water and asks why they would allow that. He doesn't think that this makes any sense to have this so close to the drinking water supply. He also notes that the Barnstable Patriot had an interview with the Town Manager who expressed that the Town Council, in dealing with water and sewer issues, is making those topics top priority and allowing this type of use is counter intuitive. He thinks that the risk is long term. Jake asks if there are monitoring areas. Hans says that they would have to shut down the wells if something happened.

Herb doesn't see it any more risk than if an oil truck got into an accident and had a spill on West Main Street, doesn't have an issue with building heights or signs and would vote on it tonight. Kyle Evancoe would vote tonight and feels pulling the old tanks and replacing them, a better option. Jake thinks overall it is an improvement. Alex would be in favor but would like to see what the building would look like. Alex feels that he would like to see a whole package before making a decision. They talk about putting epoxy over the concrete pad.

They discuss auto repair. Ms. Tobia states that they would need to do repairs such as axle work, tune-ups, front-end alignments, brake work, etc., in order for this to be cost effective. Alex asks if the doors will always be open. Ms. Tobia says yes and that the Yarmouth site has doors open only on the front. Ms. Tobia says they are not opposed to doing a live fence, wood with a green fence as an additional noise buffer. Jake asks if they need to have back doors. Ms. Tobia says that they need the back doors for the repairs so that the vehicle can exit by an employee, similar to a drive-through.

Alex comments that the public was not sufficiently notified regarding the auto repair and that the application submitted says nothing about expanding the use. He therefore believes that there is a notice issue. He would also like to see further landscape plans.

Jake wants definition on what the auto repair entails.

Herb would also like to see the decision from 1987 looked at.

Motion is made by Jake Dewey and seconded by David Hirsch to continue to March 14, 2018 at 7:00 pm.

CONTINUED TO MARCH 14, 2018 AT 7:00 PM

Correspondence

Matters Not Reasonably Anticipated by the Chair

Upcoming Meetings

Adjournment

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

Vote:

All in favor

Approved