

Town of Barnstable
Zoning Board of Appeals
Agenda
December 9, 2009

All hearings are scheduled for 7:00 P.M.

Draft as of 12-02-09

Appeal No. 2009-061 - Continued

Lane
Family Apartment Special Permit

Opened October 21, 2009, and continued to December 9, 2009
Continued to allow applicant to review options for the family apartment permit
Follow-up Staff Report enclosed

Members Assigned: James F. McGillen, William H. Newton, Michael P. Hersey, Craig G. Larson, Laura F. Shufelt - Associates Present: Alex M. Rodolakis, Brian Florence, George T. Zevitas

Carole Mae Lane has petitioned for a Special Permit pursuant to Section 240.47.1 A(1) Family Apartments. The petitioner is seeking the permit to allow a family apartment of 1,200 sq.ft. The property is addressed 1025 Service Road, West Barnstable, MA. It is shown on Assessor's Map 129 as parcel 003. It is in the Residence F Zoning District and the Wellhead (WP) Protection Overlay District.

Appeal No. 2009-059 - Continued

Wallace, Lampi, Lampi & Bumpus
Appeal of the Building Commissioner

Opened October 7, 2009, continued October 21, 2009 and to December 9, 2009.
Continued to allow review of grandfathering issue by the Town Attorney's Office

Enclosed are copies of additional materials submitted to the file:

- An October 27, 2009 review request letter to the Town Attorney's Office
- An October 28, 2009 letter from Fire Chief Joseph V. Maruca, West Barnstable Fire Department commenting and making recommendations should the Board determine to grant a variance (Appeal No. 2009-060).
- A November 9, 2009 letter from Attorney J. Alexander Watt on the historic access to the property with attachments.
- A November 30, 2009 Memorandum from 1st Assistant Town Attorney David Houghton addressing the Board's request.

Members Assigned: William H. Newton, Michael P. Hersey, Craig G. Larson, Alex M. Rodolakis Laura F. Shufelt - Associates Present: Brian Florence, George T. Zevitas

Joan M. Wallace, Irene Lampi, Derwin Lampi and Gordon Bumpus have appealed the decision of the Building Commissioner dated July 21, 2009. In that decision, the Commissioner determined that the subject lot lacks the required frontage of 150 feet on a way. The appeal is being made pursuant to MGL Chapter 40A, Section 15 and is seeking the Zoning Board of Appeals to overrule the Building Commissioner's decision. The subject property is a 5.9 acre lot accessed over a 40-foot easement from Wayside Lane. The property is addressed as 0 High Street, West Barnstable, MA and is shown on Assessor's Map 110 as Parcel 007. It is in a Residence F Zoning District and the Resource Protection Overlay District.

Appeal No. 2009-060- Continued

**Wallace, Lampi, Lampi & Bumpus
Bulk Variance, Minimum Lot Frontage**

Opened October 7, 2009, continued October 21, 2009 and to December 9, 2009.
No Testimony Taken – No Members Assigned.

This relief is awaiting the outcome of the Administrative Appeal to determine if it is needed.

Joan M. Wallace, Irene Lampi, Derwin Lampi and Gordon Bumpus have applied for relief from Section 240-14.E Bulk Regulations, Minimum Lot Frontage. The applicants are seeking relief from the required 150 feet of frontage. The subject property is a 5.9 acre lot accessed over a 40-foot easement from Wayside Lane. The property is addressed as 0 High Street, West Barnstable, MA and is shown on Assessor's Map 110 as Parcel 007. It is in a Residence F Zoning District and the Resource Protection Overlay District.

Appeal No. 2009-025 - Continued

**EAC Disposal, Inc.
Modification of Variance No. 1996-14**

Opened April 1, 2009, continued, May 20, 2009, August 5, 2009, September 23, 2009, November 4, 2009 and to December 9, 2009. This Appeal was continued to allow the Applicant to refine the proposed site plan.

An e-mail correspondence from Attorney Charles Sabatt has requesting a continuance to allow for corporation review of the draft site plan and then review by the Site Plan Review Committee.

Members Assigned: William H. Newton, Michael T. Hersey, Alex Rodolakis, Brian Florence, Laura F. Shufelt
Associates Members Present: Nikolas J. Atsalis, George T. Zevitas

EAC Disposal, Inc., d/b/a Cape Resources Company has applied for a Modification of Variance No. 1996-14. The modification is sought to allow for revisions to the site that include a new wood processor and staging area, alteration to interior site circulation, and additions and alterations to screening berms and landscape. The property is addressed 280 Old Falmouth Road, Marstons Mills, MA as shown on Assessor's Map 100 as parcel 008. The lot is in a Residence F Zoning District

Appeal No. 2009-070 - New

**Hyannis Enterprises, Inc.
Conditional Use Highway Business – Auto Sales & Wash**

Staff Report and Application Materials as submitted to the file are enclosed.

Hyannis Enterprises, Inc., d/b/a Hyannis Toyota has petitioned for a Special Permit pursuant to Section 240-25.C.(1) Conditional Uses in the Highway Business District. The petitioner seeks the permit for property addressed 1056 Iyannough Road (Route 132), Hyannis, MA, to allow for the development and use of the lot with a 3,500 sq.ft., showroom for retail sales of automobiles and a 1,200 sq.ft., car wash. The use of the property is to be in conjunction with the abutting Hyannis Toyota automobile dealership. The subject property is shown on Assessor's Map 294 as Parcel 072. It is in a HB, Highway Business and Business B Zoning Districts.

Appeal No. 2009-071 - New

**Reilley
Appeal of an Administrative Official**

A November 19, 2009 letter from the Appellant was received requesting a 60 day continuance of the hearing.

Lei Z. Reilley has appealed a Cease and Desist Order dated October 9, 2009 issued by the Building Division. The order requests that the owner abate "creating, renting or utilizing in any fashion a third unit" in the dwelling as that would be in violation of Section 240-94, Nonconforming Use and Section

240-11(A)1, Principal Permitted Uses. The appeal was made pursuant to MGL Chapter 40A, Section 15, maintaining that the dwelling is that of a legal multi-family. The property is addressed 111 Sea Street, Hyannis, MA and is shown on Assessor's Map 307 as parcel 068. It is in a Residence B Zoning District.

Comprehensive Permit No. 2003-090

**JDJ Housing Development – Village Green
Request for 1-year Extension**

Staff Report enclosed

A December 1, 2009 letter from Attorney Eliza Cox has been received at the Zoning Board's Office. The letter requests an additional 1-year extension of time for implementing Comprehensive Permit No. 2003-090 issued to JDJ Housing Development LLC, for the development of the "Village Green". The request extends the Permit to January 9, 2011.

Comprehensive Permit No. 2003-090 as modified authorized development of 148 rental apartment units in five (5) three-story buildings on 14.32 acres. Forty (40) units are to be committed to affordable and eleven (11) units committed to workforce housing. The development is to be located on property addressed 0 Independence Drive (formerly 770 Independence Drive), Barnstable, MA as shown on Assessor's Map 332, as Parcel 010-1. It is zoned Industrial and is in a Wellhead and Groundwater Protection Overlay Districts.

Chairman's Discussion:
