



**Town of Barnstable
Zoning Board of Appeals
Agenda
December 14, 2011**

The following hearing will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk

Introduction of Board Members

Approval of minutes from September 14, 2011, October 5, 2011 & October 12, 2011

7:00 PM Appeal No. 2009-025 - Continued

**EAC Disposal, Inc. d/b/a
Cape Resources Company
Modification of Variance No. 1996-14**

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. Appeal No. 2009-025 has been amended to include a request that Condition Number 28 in Variance No. 1996-14, requiring that the variance expire on December 31, 2015, be deleted. The Applicant requests the modification of such other conditions and terms contained within Variance No. 1996-14 as may be required to effectuate the intent of the new proposed plan submitted with the application and the terms of any decision to be rendered by the Zoning Board of Appeals. The subject 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.

Opened April 1, 2009, continued, May 20, 2009, August 5, 2009, September 23, 2009, November 4, 2009 December 9, 2009, February 10, 2010, moved to February 24, 2010, April 14, 2010, May 26, 2010, July 14, 2010, August 11, 2010, September 15, 2010, October 27, 2010, December 1, 2010, February 2, 2011., March 9, 2011, April 13, 2011, May 11, 2011, June 8, 2011, June 22, 2011, July 27, 2011, September 14, 2011, November 9, 2011, December 14, 2011 and January 11, 2012.

Board Members Assigned: William H. Newton, George T. Zevitas, Brian Florence, Alex M. Rodolakis, Laura F. Shufelt
Decision Due: September 15, 2011, With Extension: **January 20, 2012**

7:00 PM Appeal No. 2011-049 - Continued

Elwell

Todd C. Elwell has applied for a Special Permit in accordance with Section 240-11 C(1) – Conditional Uses in the RB District. The applicant seeks a Special Permit for renting of rooms to no more than six lodgers in one multiple-unit dwelling. The property is addressed 45 Newton Street, Hyannis, MA as shown on Assessor's Map 308 as parcel 158. It is in a Residence B Zoning District.

Opened October 26, 2011 and continued to December 14, 2011. No members assigned, no testimony taken.

Decision Due: January 24, 2012

7:05 PM Appeal No. 2011-054 - New

OCW Retail-Hyannis, LLC

OCW Retail-Hyannis, LLC has petitioned for Special Permits for the construction of an approximately 8,050 square foot building for restaurant and retail use, together with a new entrance-only curb cut on Route 132 and related parking and infrastructure improvements in the Southwind Plaza shopping center. Special Permit relief is requested in accordance with Section 240-25.C(1) - Conditional Uses to allow for up to four tenant spaces for restaurant and retail purposes in the HB District. Special Permit relief is also requested in accordance with Section 240-93.B – Alteration/Expansion of a

Nonconforming Building/Structure to expand the preexisting nonconforming lot coverage from the existing 56.4% to the proposed 61.2% lot coverage. And, the Petitioner requests to modify Special Permit No. 1997-23 to allow a proposed right-turn only entrance into the site off Route 132. The subject properties are located at 990 Iyannough Road (Route 132) 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 HB Highway Business, B Business and IND Industrial Zoning Districts and the Groundwater Protection Overlay District.

7:05 PM Appeal No. 2011-055 - New

OCW Retail-Hyannis, LLC

OCW Retail-Hyannis, LLC has applied for a variance to Section 240-35.F(3) – Groundwater Protection Overlay District Lot Coverage. The applicant is proposing to construct an approximately 8,050 square foot building for retail and restaurant use, together with a new entrance-only curb cut on Route 132 and related parking and infrastructure improvements in the Southwind Plaza shopping center. This project will increase the impervious coverage on the site from 56.4% to 61.2%, where a maximum 50% impervious coverage is required in the GP Overlay District. The properties are located at 990 Iyannough Road (Route 132) 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 HB Highway Business, B Business and IND Industrial Zoning Districts and the Groundwater Protection Overlay District.

7:05 PM Appeal No. 2011-043 - Continued

Sarty

Howard L. Sarty, II has petitioned for a Special Permit in accordance with Section 240-92 B – Buildings or Structures used as Single or Two Family Residences. The petitioner is proposing to construct a garage addition within the required 10 foot side yard setback. The Petitioner also requests to add a second story with a gross floor area of 1,944 square feet to the main dwelling, which does not currently comply with side yard setback requirements. The property is located at 22 Studley Road, Hyannis, MA as shown on Assessor's Map 306 as parcel 019. It is in a Residence B zoning district.

Opened October 12, 2011, Continued to November 9, 2011 and December 14, 2011

7:00 PM Appeal No. 2011-053 - New

Holthouse

Rachel Holthouse has petitioned for a Variance to Section 240-11 E – Bulk Regulations, Minimum Side Yard Setback. The petitioner is proposing to construct an addition to the existing single-family dwelling, consisting of an attached garage and living area proposed for use as a family apartment. The addition will be located 4.2 feet from the side property line, where a minimum 10 foot side yard setback is required. The property is located at 13 Laura Road, Centerville, MA as shown on Assessor's Map 251 as Parcel 113. It is in the Residence D-1 Zoning District.

7:15 PM Appeal No. 2011-056 - New

Weber

Donna and Jeff Weber have applied for a Special Permit pursuant to Section 240-94(A) – Change of a nonconforming use to another nonconforming use. The Petitioner is proposing to convert a pre-existing nonconforming two-family dwelling to a single-family dwelling and restore a detached single-family apartment on the rear of the lot. The resulting nonconformity would be two single-family dwellings on one lot. The property is located at 118 Scudder Avenue, Hyannis, MA as shown on Assessor's Map 289 as Parcel 045. It is in the Residence B Zoning District.

7:20 PM Appeal No. 2005-013 - New

Osterville Landing, LLC – Mill Pond Estates

Osterville Landing, LLC has submitted a request for a Minor Modification of the Comprehensive Permit Decision issued in Appeal 2005-013 to allow for the transfer of the Comprehensive Permit from Starboard, LLC, to Osterville Landing, LLC.

Chair's Discussion

Executive Session Minutes Released

Upcoming Meetings:

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| January | 11 & 25 |
| February | 8 & 22 |
| March | 14 & 28 |
| April | 11 & 25 |
| May | 9 & 23 |
| June | 27 |
| July | 11 & 25 |
| August | 8 & 22 |
| September | 12 & 26 |
| October | 10 & 24 |
| November | 14 |
| December | 12 |