



# Town of Barnstable

## Zoning Board of Appeals

### Agenda

**Wednesday, March 27, 2013**

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

#### **Call to Order**

Introduction of Board Members

#### **Executive Session**

The Zoning Board of Appeals may vote to go into executive session to discuss litigation strategy with regard to the following pending case: Catherine Foley-Dupuy v. Barnstable ZBA; Land Court 07 Misc 344112, regarding property at 1321 Bumps River Road

If so voted, the Executive Session will be held in the Town Council Conference Room at 7 p.m

#### **Approval of Minutes**

Minutes of February 27, 2013

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#### **Old Business**

**7:00 PM      Appeal No. 2013-002 - Cont'd**

**AT&T Mobility**

**The Applicant has submitted a request to continue this public hearing to June 26, 2012.**

AT&T Mobility, as Lessee, has petitioned for a modification of Special Permit No. 1998-043 to add two panel antennas, four remote radio heads, and two surge arrestors within the petitioner's 80 foot lease area on the tower and add one panel antenna, two remote radio heads and one surge arrestor within the 66 foot lease area on the tower. The subject property is located at 49 Ocean Street, Hyannis, MA as shown on Assessor's Map 326 as Parcel 025. It is located in the Hyannis Village Business Zoning District.

Opened: February 13, 2013, continued to March 27, 2013

Members assigned on February 13, 2013: Craig Larson, Alex Rodolakis, Brian Florence, George Zevitas, William Newton

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**7:00 PM      Appeal No. 2013-011 - Cont'd**

**Nirvana Barnstable, LLC**

Nirvana Barnstable, LLC, as prospective lessee, has petitioned to transfer and modify Special Permits 2008-066 & 2008-067, issued for a conditional use in the VB-A District and reduction of parking requirements. The Petitioner is purchasing a coffee shop/food service establishment and will continue the existing business at the same location. Pursuant to the conditions of the permits, permission is requested to transfer the permits to the Petitioner. The Petitioner also requests to delete the condition that the permits are non-transferable to a new owner without permission from the Zoning Board of Appeals. The subject property is located at 3206 Main Street/Rte 6A (first floor front), Barnstable, MA as shown on Assessor's Map 300 as Parcel 008. It is located in the Village Business A Zoning District.

Opened March 13, 2013. No members assigned.

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**7:00 PM      Appeal No. 2013-009 - Cont'd**

**Ohmharsh Corp.**

OHHMARSH Corp, as lessee, has petitioned for a Special Permit in accordance with Section 240-25(C)(1) HB Business District. The petitioner is requesting a Conditional Use Special Permit for an existing convenience store, which is seeking to expand their retail sales to include beer and wine. The use is presently not allowed in the HB District without a Special Permit. The subject property is located at 489 Bears's Way, Hyannis, MA as shown on Assessor's Map 292 as Parcel 077. It is in the Highway Business Zoning District.

Opened March 13, 2013. No members assigned.

**7:01 PM Appeal No. 2013-010 - Cont'd Kenney**

Doreen M. Kenney has applied for a variance from Section 240-7(D) Lot Shape Factor. The relief is requested to allow the division of approximately 2.03 acres of land into two, one acre lots. One of the lots will conform to zoning and the other will require relief from the lot shape factor only. A maximum shape factor of 22 is allowed and a shape factor of 25.73 is proposed. The subject property is located at 114 Old Jail Lane, Barnstable, MA as shown on Assessor's Map 278 as Parcel 022. It is located in the Residence F-2 Zoning District.

Opened March 13, 2013. No members assigned.

**New Business**

**7:05 PM Appeal No. 2013-012 - New Wilson**

The Applicant has submitted a request to continue this public hearing to April 24, 2013.

Catherine Wilson has appealed a decision of the Building Commissioner issued February 12, 2013, pursuant to Section 240-125(B)(1)(a) Appeals from an Administrative Official. The Building Commissioner ordered the appellant's property to be restored to a single-family dwelling upon finding that a family apartment in the basement had been vacated. The Appellant claims the apartment is not subject to the family apartment regulations (§240-47.1(5)), but rather to the conditions of Special Permit 1998-119 and Section 3-1.1(3)(D) of the Zoning Ordinance as it existed in October 1998. The Appellant seeks to keep the apartment in tact and allow for use of the bedroom for occasional guests. The subject property is located at 400 Mariner Circle, Cotuit, MA as shown on Assessor's Map 024 as Parcel 086. It is in a Residence F Zoning District.

**Correspondence**

**Upcoming Meetings**

April	10 & 24
May	8 & 22
June	12 & 26
July	10 & 24
August	14 & 28
September	11 & 25
October	9 & 23
November	13
December	11

**Other Business**

Reminder that all Board members are required to complete the State Ethics Commission's conflict of interest law online training program by **April 5, 2013**. The training programs can be completed on any work, home or publicly available computer with internet access. The link to access the program is: [www.muniprog.eth.state.ma.us](http://www.muniprog.eth.state.ma.us). Please provide support staff with copies of the completion certificate.

