



Town of Barnstable

Zoning Board of Appeals



www.town.barnstable.ma.us/ZoningBoard

Board Members:

Craig Larson – Chair Brian Florence – Vice Chair Alex Rodolakis – Clerk George Zevitas - Member
David A. Hirsch – Associate Member Herbert Bodensiek – Associate Member Robin Young – Associate Member Matthew Levesque – Associate Member
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Principal Planner - elizabeth.jenkins@town.barnstable.ma.us
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Agenda

Wednesday, May 27, 2015

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

Call to Order

Introduction of Board Members

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.

Election of Officers

In accordance with Section 240-125.A(4), the Election of Officers for the Zoning Board of Appeals will be held during tonight's public hearing of May 27, 2015

Comprehensive Permits

7:00 PM Comprehensive Permit No. 2005-013 Osterville Landing/KTW Group, LLC

KTW Group, LLC has requested a modification to Comprehensive Permit No. 2005-013, as modified, to change permit condition No. 26 by eliminating the requirements that the Applicant secure an insurance policy or bond equivalent to cover the entire replacement cost of the shared septic system in case of failure; that the Applicant turn the policy or bond over to the Homeowners' Association; and that the Homeowners' Association be required to keep in force the insurance policy or bond.

Comprehensive Permit No. 2005-013, as modified, allows for the development of 11 single-family dwellings, including three dedicated in perpetuity as affordable units. The subject properties are 4-48 Darby Way, Osterville (formerly 449-459 Old Mill Road) as shown on Assessor's Map 166 as Parcels 001/000-006 and Map 143 as Parcels 040/000-005.

Old Business

7:00 PM Appeal No. 2015-023 Pacheco/Lucien

Wayne J. Pacheco and Nancy Lucien have petitioned to modify Special Permit No. 2014-018 pursuant to Massachusetts General Law Chapter 40A Section 14. The petitioners seek to delete Condition No. 3 of the decision, which requires "any kitchen or other improvements that represent a second unit on the property be removed by the owner with the required permits from the Building Division." The Petitioners stated reason for the request is the decision conflicts with Barnstable Ordinance Chapter 501, Article IV Sections 501-28 and 501-29. The property is located at 791 Pitchers Way, Hyannis MA as shown on Assessor's Map 271 as Parcel 159. It is in the Residence C-1 Zoning District.

Continued from May 13, 2015.

Members assigned: George Zevitas, Robin Young, Herbert Bodensiek, George Zevitas, Alex Rodolakis

7:01 PM

Appeal No. 2015-025

Laham Management & Leasing, Inc

Laham Management and Leasing, Inc has applied for a use variance from the provisions of Section 240-24.1.6 (OM Zoning District) to establish parking to be used in conjunction with the existing abutting automobile dealership. The Applicant also seeks, to the extent required, a dimensional variance from Section 240-24.1.6(C) as to minimum lot area, minimum lot frontage and landscape setbacks. The property is located at 157 Stevens Street, Hyannis, MA as shown on Assessor's Map 309 as Parcel 240. It is zoned OM Office/ Multi-Family Residential Zoning District.

Continued from May 13, 2015.

Members assigned: George Zevitas, Robin Young, Herbert Bodensiek, George Zevitas, Alex Rodolakis

New Business

7:00 PM Appeal No. 2015-026

Brown Group Retail, Inc., d/b/a Famous Footwear

Brown Group Retail, Inc. (d/b/a Famous Footwear), as tenant, has petitioned for a variance to the allowable square footage of signage pursuant to §240-65. They are proposing one, three sq.ft blade sign in addition to an existing 50 sq.ft wall sign. The ordinance allows for two signs not to exceed a total square footage of 10% of the area of the building wall facing a public way (50 sq.ft of signage). The property is located at 790 Iyannough Road, Suite 9, Hyannis, MA as shown on Assessor's Map 311 as Parcel 092. It is in the Highway Business (HB) and Business (B) Zoning Districts.

7:01 PM Appeal No. 2015-027

Barzun, et al

The Bluff, LLC; Thomas H Lowell, Trustee of the Thomas H Lowell Cotuit Property Trust Agreement; James L Barzun; Isabel Barzun; Francis C Lowell Jr; and Charles R Lowell have applied for a Special Permit pursuant to Section 240-94 – Nonconforming Uses. The applicants seek a special permit to continue a nonconforming use when a division of the land occurs. There are currently five single-family dwellings and accessory structures on a single lot; the proposed division of land would result in four single-family dwellings and accessory structures on one lot (Lot 2). The property is located at 135 Putnam Avenue, Cotuit, MA as shown on Assessor's Map 036 as Parcel 040. It is in the RF Residence F and Resource Protection Overlay Districts.

7:02 PM Appeal No. 2015-028

Bancroft & Bancroft

Eric Bancroft and Robert C. Bancroft, as Trustee of the Robert C Bancroft Revocable Trust, have petitioned for variances from the minimum lot area requirements of the Residence F and Resource Protection Overlay District. The petitioners seek to exchange an equal area of land between the two lots, resulting in a reconfiguration of the shared lot line. The properties are located at 5 & 29 Sundelin Way, West Barnstable, MA as shown on Assessor's Map 216 as Parcels 069 & 068. They are in the RF Residence F and Resource Protection Overlay Districts.

7:03 PM Appeal No. 2015-029

Marshall

Winton W Marshall has applied to modify condition No. 6 of Special Permit No. 2002-95, which states "there shall be no accessory building added to this property." The applicant seeks to allow construction of a pier, ramp and float. The property is located at 132 Bay Shore Road, Hyannis, MA as shown on Assessor's Map 325 as Parcels 080. It is zoned RB Residence B.

Other Business

Next regularly scheduled hearings are June 10th , June 24th and July 8, 2015.

Correspondence

Cape Cod Commission Meeting Notice for May 28, 2015 – Notice of Intent to File a Development Agreement for South Sandwich Village Sports & Convention Complex

Adjourn

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Board may go into executive session. The Board may also act on items in an order other than they appear on this agenda.

* Public files are available for viewing during normal business hours at the Zoning Board of Appeals office located at 200 Main Street, Hyannis, MA