



# Town of Barnstable

# Zoning Board of Appeals



[www.town.barnstable.ma.us/ZoningBoard](http://www.town.barnstable.ma.us/ZoningBoard)

#### Board Members:

Brian Florence – Chair Alex Rodolakis – Vice Chair  
David A. Hirsch – Regular Member Herbert Bodensiek – Regular Member Robin Young – Associate Member Matthew Levesque – Associate Member  
Spencer Aaltonen – Associate Member Jacob Dewey – Associate Member  
James Tinsley – Town Council Liaison

#### Staff Support

Elizabeth Jenkins – Regulatory / Design Review Planner - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
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Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

## Agenda

**Wednesday, December 14, 2016**

Hearing Room – 2<sup>nd</sup> Floor – 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.

### Minutes

Approval of minutes from September 28, 2016 and October 12, 2016

### Comprehensive Permits

#### 7:00 PM Comprehensive Permit No. 1994-24

#### Founders Court

Founders Court Preservation Associates, LLP under the management of Preservation of Affordable Housing, Inc. has requested a modification of Comprehensive Permit No. 1987-27, as amended by Permit No. 1994-24 – Founders Court. The Applicant seeks to amend the unit type specified in the permit to recognize the 16 “two-bedroom plus loft” units as three-bedroom units. The subject property is located at 979 Falmouth Road/Rte. 28, Hyannis, MA as shown on Assessor’s Map 250 as Parcel 001.

### Old Business

#### 7:00 PM Appeal No. 2016-037

#### Norwood

Guy Norwood has applied for a Special Permit pursuant to § 240-131.4 D.(2) – Change, Alteration or Expansion of Conforming or Nonconforming Uses or Structures. The applicant is seeking to replace and raise the existing roof by 4 feet thereby increasing the total height of the dwelling to 19 feet 9 inches. The area of the second floor would be 487 square feet. The property is located at 54 Laurel Avenue, Centerville, MA as shown on Assessor Map 226 as Parcel 089. It is in the Craigville Beach District (CBD) and the Craigville Village (CV) Neighborhood Overlay Zoning Districts.

Members assigned: Alex Rodolakis, David Hirsch, Robin Young, Jacob Dewey, Herbert Bodensiek. Spencer Aaltonen also present. Public comment remains open.

### New Business

#### 7:00 PM Appeal No. 2016-042

#### Henry

James C. & Kathleen C. Henry have applied for a Special Permit pursuant to §240-92 - Nonconforming Buildings or Structures or in the alternative, a variance if necessary. The petitioners are proposing to construct an addition to connect two pre-existing nonconforming residential structures and to construct a new deck. They are also proposing to demolish the existing detached garage and construct a new garage. The proposed addition to the dwelling will be 7.2 feet from the front yard setback where 10 feet is required. The property is located at 15 Piney Point Road, Centerville, MA as shown on Assessor’s Map 228 as Lot 155. It is located in the Residence D-1 (RD-1) Zoning District.

**7:01 PM Appeal No. 2016-043**

**DMAG, LLC**

DMAG, LLC has applied for a Conditional Use Special Permit pursuant to §240-11.C(6)(b) - Bed & Breakfast provisions. The applicants are requesting a special permit to transfer the ownership and operation of an existing three bedroom, six guest bed and breakfast. The property is located at 651 Main Street/Route 6A, West Barnstable, MA as shown on Assessor’s Map 156 as Parcel 057. It is located in the Residence F (RF) Zoning District.

**7:02 PM Appeal No. 2016-044**

**Speedway, LLC**

Speedway, LLC has petitioned for a variance from §240-25.E – Bulk Regulations. The petitioner is requesting relief to relocate five parking spaces within the 45 foot landscape buffers from Falmouth Road/Route 28 and Bearses Way. Site work is a result of a Massachusetts Department of Transportation project involving the relocation of curb cuts on Falmouth Road and Bearses Way. The property is located at 317 Falmouth Road, Hyannis, MA as shown on Assessor’s Map 292 as Parcel 005. It is located in the Highway Business (HB) zoning district.

**7:03 PM Appeal No. 2016-045**

**Shea/Blake**

Kevin Shea and Kimberly Blake have applied for a Special Permit pursuant to §240-131.4.D(2) Change, Expansion or Alteration of existing conforming or nonconforming uses and structures. The applicants are requesting a Special Permit to construct an addition to the existing dwelling, in addition to a covered porch and new front steps. The property is located at 19 Vine Avenue, Centerville, MA as shown on Assessor’s Map 226 as Parcel 027. It is located in the Craigville Beach District (CBD) and the Craigville Village Neighborhood Overlay Districts.

**7:04 PM Appeal No. 2016-046**

**Independence Place, LLC**

Independence Place LLC is petitioning for variances to construct a three-story apartment building consisting of approximately 39,312 square feet, containing twenty-nine two-bedroom apartments units. Associated parking, access/egress, landscaping and other site improvements are also proposed. Per §240-33(A)(1)(a), relief is requested from the dimensional requirements for apartments in §240-21(A)(9)(a), which requires 5,000 sq.ft lot area per unit to allow 29 units; and §240-21(A)(9)(d), which requires a front yard setback of three times the building height to allow a reduced front yard setback of 62.9 feet. Relief is also requested from §240-33(F) & 240-32(F), Special Screening Standards in Industrial zones, to permit an approximately 14 foot side/rear yard vegetated buffer where a 30 foot buffer is required. The property is located at 939 Mary Dunn Road, Hyannis, MA as shown on Assessor’s Map 332 as Parcel 013. It is located in the Industrial (IND) District and the Groundwater (GP) and Wellhead (WP) Protection Overlay Districts.

**7:05 PM Appeal No. 2016-039**

**Chase-Jones**

Kathleen Chase-Jones has applied for a Special Permit in accordance with §240-46(C) – Home Occupation by Special Permit. The applicant seeks a Special Permit to operate a pottery studio from the premises as a home occupation. The property is located at 1540 Main Street/Route 6A, West Barnstable, MA as shown on Assessor’s Map 197 as Parcel 015. It is located in the Residence F (RF) Zoning District. **Request to withdraw submitted.**

**Correspondence**

Received 11-18-16 – Notification of Development of Regional Impact (DRI) Scoping Decision for Old Falmouth Road Solar on the proposal to develop 36.34 acre site on Old Falmouth Road in Barnstable with a 4.5-MW ground-mounted photovoltaic installation project located at 280 & 0 Old Falmouth Road. If after the 30-day appeal period has elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, the original decision will be recorded with the Barnstable County Registry of Deeds.

**Matters Not Reasonably Anticipated by the Chair**

**Upcoming Meetings**

**Adjournment**

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