



# 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 – Interim Director - [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, March 22, 2017**

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

### Old Business

**7:00 PM   Appeal No. 2017-008**

**Glick**

Marvin and Diane Glick are appealing the Building Commissioner’s constructive denial of a request for zoning enforcement. The Appellants seek enforcement of a zoning violation on 305 Baxters Neck Road, specifically the construction of a retaining wall inside of the zoning setback area adjacent to the Glick property located at 285 Baxters Neck Road. The appeal is filed pursuant to Massachusetts General Law 40A Section 7, citing Sections 240-123 (enforcement), 240-14 (RF Zoning District) and 240-128 (Definitions) of the Zoning Ordinance. The property that is the subject of this appeal is located at 305 Baxters Neck Road, Marstons Mills, MA as shown on Assessor’s Map 075 as Parcel 009. It is located in the Residence F (RF) Zoning District.

Continued from February 22, 2017. No members assigned. No testimony taken.

**7:01 PM   Appeal No. 2017-013**

**Hot Water II Realty Trust**

James B. Goodwin, Trustee of the Hot Water II Realty Trust has applied for a Special Permit pursuant to Section 240-94(B) Expansion of Pre-existing Nonconforming Use. The Applicant seeks to expand the automobile body and repair facility into a new, additional building. The property is located at 1364 Phinney’s Lane, Hyannis, MA as shown on Assessor’s Map 274 as Parcel 019. It is located in the Residence G, Residence F-1 and Business Districts and the Groundwater Protection Overlay District.

Continued from March 8, 2017. Members assigned: Alex Rodolakis, David Hirsch, Herbert Bodensiek, Matthew Levesque, Spencer Aaltonen

**7:02 PM   Appeal No. 2017-014**

**Centerville Village Apartments Realty Trust**

Adam J. Hostetter and Kristen Williams Haseotes, Trustees of the Centerville Village Apartments Realty Trust have applied for Special Permits pursuant to §240-93(B) Nonconforming Buildings or Structures not used as single or two-family dwellings and §240-94(B) Expansion of a Preexisting Nonconforming Use. The Applicant seeks to expand the preexisting nonconforming multi-family residential use on the property. The proposal is to relocate and preserve the existing filling station building on the property; demolish the remainder of the structures; and construct nine single-family dwellings (four two-bedroom units and five one-bedroom units). The property is located at 981 Main Street, Osterville, MA as shown on Assessor’s Map 117 as Parcels 026 and 178. It is located in the Residence C and Wellhead Protection Overlay Zoning Districts.

**Please note: Applicant has requested a continuance to April 12, 2017.**

### New Business

**7:01 PM   Appeal No. 2017-015**

**JEND, LLC**

JEND, LLC seeks a Special Permit to expand and separate a conditional use presently granted under Section 240-25(C)(1) and to modify Special Permit No. 2015-002. The applicant seeks to expand the existing service and sales use to a new business in space currently occupied by a retail/wholesale use and to maintain the existing wholesale/warehouse space. Further, the Applicant seeks to modify condition No. 2 of Special

Permit No. 2015-002 to allow for storage of greater than household quantities of household materials. The subject property is located at 37 Hinckley Road, Hyannis, MA as shown on Assessor's Map 311 as Parcel 018. It is in the Business, Highway Business, and Groundwater Protection Overlay Zoning Districts.

**7:02 PM Appeal No. 2016-023**

**Tavilla**

Anthony and Josephine Tavilla have petitioned for a variance from Section 240-44(A) – Accessory Uses which requires that an accessory lot be “adjoining or immediately opposite and across a road from the lot on which the principal use it serves is located”. The applicants are proposing to construct and maintain a small, seasonal dock and boardwalk on an accessory lot separated from the principal lot by the Centerville River. The accessory lot is located at 0 Long Beach Road, Osterville, MA as shown on Assessor's Map 185 as parcel 050-001. The principal lot is located at 103 Main Street, Osterville, MA as shown on Assessor's Map 185 as parcel 022-001. Both lots are located in the Residence F-1 Zoning District.

**7:03 PM Appeal No. 2017-016**

**Graham**

Gary C. Graham, as prospective owner, has applied for a Special Permit pursuant to Section 240-25.C(1) – Conditional Uses in the Highway Business (HB) Zoning District. The petitioner seeks establish use of the existing commercial property for a commercial construction, landscaping, and property management company, to include overnight storage of commercial vehicles. The property is located at 358 West Main Street, Hyannis, MA as shown on Assessor's Map 269 as Parcel 053. It is located in the Highway Business (HB) Zoning District.

**7:04 PM Appeal No. 2017-017**

**Shay**

Joseph F. Shay, Jr. has applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures. The Petitioner is proposing to construct an exterior elevator shaft on the southwest side of a pre-existing nonconforming structure that will intrude into the side/rear yard setback. The property is located at 76 Washington Avenue, Hyannis Port, MA as shown on Assessor's Map 287 as Parcel 096. It is located in the Residence F-1 Zoning District.

**Please note: Applicant has requested a continuance to April 12, 2017**

**7:05 PM Appeal No. 2017-018**

**Shay**

Joseph F. Shay, Jr. has petitioned for a variance from Section 240-13.E – Bulk Regulations. The Applicant is seeking relief from the existing side/rear yard setback requirement of fifteen (15) feet to construct an exterior elevator shaft which will result in a thirteen and a half (13.5) foot side/rear setback. The property is located at 76 Washington Avenue, Hyannis Port, MA as shown on Assessor's Map 287 as Parcel 096. It is located in the Residence F-1 Zoning District

**Please note: Applicant has requested a continuance to April 12, 2017**

**Correspondence**

**Matters Not Reasonably Anticipated by the Chair**

**Upcoming Meetings**

April 12, 2017, April 26, 2017, May 10, 2017

**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