



Town of Barnstable Zoning Board of Appeals MINUTES

Wednesday, June 12, 2013

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

BARNSTABLE

TOWN CLERK

'13 JUL 11 PM 2:58:49

Laura Shufelt - Chair	Absent
William Newton – Vice Chair	Present
Craig Larson	Present
Alex Rodolakis	Present
Brian Florence	Present
George Zevitas	Present
David Hirsch	Absent

William Newton chairs the meeting tonight.

Call to Order

Introduction of Board Members – All members present introduce themselves.

Approval of Minutes

Minutes from May 8, 2013

Motion is made by Craig Larson and seconded by Alex Rodolakis to approve the minutes as submitted.

Vote:

AYE: Alex Rodolakis, Craig Larson, William Newton, George Zevitas

NAY: None

ABSTAINED: Brian Florence as he was not present at the meeting of May 8, 2013.

William Newton reads all the appeals into the record: He then calls 2013-002:

Old Business

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

AT&T Mobility

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, continued to June 12, 2013

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

Members assigned tonight: Alex Rodolakis, Craig Larson,, George Zevitas Brian Florence, William Newton

Representative: Gerry Squires. Mr. Squires is asking for this appeal to be continued as he needs more information. He states that he has filed the appropriate paperwork in order to request a time extension. He states that he is also close to getting the appropriate authorization from the property owner and asks to extend this appeal to sometime in August.

Motion to continue to August 14, 7:00 PM is made by Brian Florence and seconded by Alex Rodolakis

Vote:

All in favor

New Business

7:00 PM Appeal No. 2013-020

AT&T Mobility

AT&T Mobility, as Lessee, has petitioned for a modification of Variance No. 1999-088 to remove 3 antennas and replace them with 3 larger antennas on an existing telecommunications tower. This proposal will require a 10 foot section of the tower diameter to be expanded from 24' to 30'. AT&T will also be adding 6 remote radio heads to the group equipment section of the facility. The subject property is located at 84 Industry Road, Marstons Mills, MA as shown on Assessor's Map 058 as Parcel 031. It is in the Service & Distribution and Service and Distribution-1 Zoning Districts.

Members assigned tonight: Alex Rodolakis, Craig Larson,, George Zevitas Brian Florence, William Newton

Representative: Gerry Squires. Mr. Squires is seeking a modification of the previously issued variance for this property in order to remove the existing antennas and replace with larger antennas that will allow to upgrade to LTE technology for 4G networks to operate. He gives the details. He notes that there will be additional ground equipment.

William Newton clarifies that the structure will not increase in height. Brian Florence clarifies that there was a structural analysis done.

Brian Florence makes finding:

The subject property is a one-acre parcel located adjacent to the Stop & Shop shopping plaza in Marstons Mills. The principal use of the property appears to be for commercial storage of materials, vehicles and equipment. The site is development with a 1,750 sq.ft commercial warehouse building and a 440 sq.ft garage. In 1999, TeleCorp Realty, LLC petitioned for a height variance to construct a new concealed monopole tower on the site. The Board granted Variance No. 1999-88, allowing relief from the 30' height requirement in the Service & Distribution District.

Industrial Communications leases 900 sq.ft of the subject lot. The leased area contains a 75ft high monopole telecommunications tower. The antenna equipment is concealed within the flagpole-like structure. At the base of the tower, there are various electrical cabinets and an equipment shelter. The tower and equipment are located in a secure, fenced-in area.

AT&T Mobility is proposing to remove three existing antennas and add three new, larger antennas within the upper-most leased area of the tower. The antennas will be concealed within the structure. The upgrade will require the diameter of the tower to increase from 24 inches to 36 inches. Additionally, six remote radio heads will be added to the ground mounted equipment. The replacement antennas will not increase the height of the tower.

- The proposal by AT&T Mobility to remove and replace three panel antennas to an existing concealed monopole telecommunications tower and add six ground-mounted remote radio heads within the leased area on at 84 Industry Road meets all of the requirements of Section 240-107 of the Zoning Ordinance.
- The replacement antennas will result in the diameter of the tower to be increased from 24 inches to 30 inches. There will be no increase in the height of the tower.
- The installation is supported by a passing structural analysis prepared, signed and stamped by a Professional Engineer registered in Massachusetts. Modifications are necessary to the tower to support the findings in the structural analysis.
- A Site Plan approval letter dated May 21, 2013 was issued for the proposed installation.
- Based on an evaluation of the material submitted and the evidence presented, the proposal will not be a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning ordinance.

Seconded by Craig Larson

Vote:

All in favor

Motion is made by Brian Florence to grant relief being requested with the following conditions:

1. This modification of Variance 1999-88 is granted to allow AT&T Mobility to remove three antennas and replace them with three larger antennas concealed within the existing monopole structure at 84 Industry Road, Marstons Mills as shown on the plans entitled "AT&T – Site Name: AWE – Hayden Movers, Site Number: MA1371" dated November 15, 2012, drawn and stamped by AEG Advanced Engineering Group.
2. All conditions of Variance No. 1999-088 shall remain in full force and effect.
3. Modifications to the tower recommended in the Structural Analysis Report prepared by GPD Group dated April 3, 2013 shall be complete prior to installation of the replacement antennas on the tower.
4. The canister which conceals the antennas shall be colored earthtone, in accordance with Condition No. 3 of Variance 1999-88.
5. This decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to issuance of a building permit for the installation.

Seconded by Craig Larson

Vote:

All in favor

GRANTED WITH CONDITIONS

Crag Larson recuses himself and leaves the hearing room.

William Newton reads the following appeal into the record:

7:00 PM Appeal No. 2013-017

Gingras

Diane R. Gingras has applied for a variance to Section 240-46(C)(2) Home Occupation by Special Permit. The Applicant seeks to install a two sq.ft freestanding sign in the front yard of her home to advertise her dog washing business. The ordinance allows one nonilluminated wall sign not to exceed two sq.ft and only listing the occupant's name and occupation. The property is located at 3111 Falmouth Road/Route 28, Marstons Mills, MA as shown on Assessor's Map 098 as parcel 008-005. It is in a Residence F zoning district.

7:00 PM Appeal No. 2013-018

Gingras

Diane R. Gingras has petitioned to modify Condition No. 8 of Special Permit No. 2005-102, which prohibits freestanding signage in conjunction with her permitted dog washing home occupation. The Petitioner seeks to install a two sq.ft freestanding sign in the front yard of her home. The property is located at 3111 Falmouth Road/Route 28, Marstons Mills, MA as shown on Assessor's Map 098 as parcel 008-005. It is in a Residence F zoning district.

Members assigned tonight: George Zevitas, Brian Florence, Alex Rodolakis, William Newton
Representative: Diane Gingras

William Newton advises the petitioner that there are only four members present who can hear this appeal and that it would need to be an unanimous approval. He asks her if she would like to go forward with just four members.

Ms. Gingras states that she would prefer to continue this to a time when there will be a full compliment of the board.

Motion is made by Alex Rodolakis and seconded by Brian Florence to continue to June 26, 2013 at 7:00 PM

CONTINUED TO JUNE 26, 2013 AT 7:00 PM

Craig Larson returns to the hearing room. William Newton reads the following appeal into the record:

7:01 PM

Appeal No. 2013-019

Drake/Ford/Darval

Jennifer Drake, Matthew Ford, and Virginia & David Darval have petitioned for a Special Permit in accordance with Section 240-47.1.A(1) Family Apartments. The Petitioners, as prospective owners, seek to use an existing, permitted 1,100 sq.ft family apartment. Family apartments between 800 and 1,200 sq.ft require a Special Permit. The property is located at 59 Granite Lane, Barnstable, MA as shown on Assessor's Map 316 as parcel 043. It is in a Residence F-1 Zoning District.

Members assigned tonight: George Zevitas, Brian Florence, Alex Rodolakis, Craig Larson, William Newton

Representative: One of the prospective buyers, Mrs. Jennifer Drake, is here. Also with her tonight is Steve Mele who filed the application on her behalf. Mrs. Drake explains that her parents, along with her husband and herself, will be purchasing the property and that an aunt will be occupying the in-law suite until such time as her parents will.

Brian Florence asks if she has read the staff report and if she is in agreement with all the conditions.

George Zevitas asks for clarification as to whom will be occupying the main dwelling. Jennifer Drake states that her husband, herself and her children will be occupying the main dwelling year round.

Bill Newton asks if there is anyone from the public who would like to speak either in favor or in opposition.

Bob Norton, a realtor who is representing the seller, states that he is in favor.

Craig Larson makes findings:

- The application falls within a category specifically excepted in the ordinance for a grant of a special permit:
- Section 240-47.1(A)(1) of the Barnstable Zoning Ordinance allows for a family apartment greater than 800 square feet, not to exceed 1,200 square feet, with a Special Permit from the Zoning Board of Appeals.
- Site Plan Review is not required for single-family residential structures or family apartments.
- After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.

Seconded by Alex Rodolakis

Vote:

All in favor

Motion is made by Craig Larson to grant relief being requested with the following conditions:

1. Special Permit 2013-019 is granted to Jennifer Drake, Matthew Ford, David & Virginia Darval to continue use of an existing family apartment within the dwelling at 59 Granite Lane, Barnstable.
2. The family apartment shall be limited to a one-bedroom unit not to exceed 1,100 square feet and shall be maintained as presented in the plans in the Zoning Board of Appeals file.
3. The family apartment shall be maintained in compliance with the requirements of Section 240-47.1.
4. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to issuance of a Certificate of Occupancy for the family apartment. The rights authorized by this special permit must be exercised within two years, unless extended.

Seconded by Brian Florence

Vote:
All in favor

GRANTED WITH CONDITIONS

Elizabeth Jenkins explains the correspondence.

Correspondence

Dated	From	Regarding
May 29, 2013	Cape Cod Commission	DRI – Minor Modification to Cape Cod Hospital Emergency Center Expansion
May 30, 2013	FEMA	FEMA Flood Map Update Letter

William Newton notes that he will most likely not be seeking re-appointment to the Zoning Board of Appeals.

Motion s made by Brian Florence and seconded by Craig Larson to adjourn.

Vote:
All in favor

Upcoming Meetings

June	26
July	10 & 24
August	14 & 28
September	11 & 25
October	9 & 23
November	13
December	11

Vote:
All in favor

GRANTED WITH CONDITIONS

Elizabeth Justice explains the correspondence.

Correspondence

Dated	From	Regarding
May 29, 2013	Cape Cod Commission	DR1 - Minor Modification to Cape Cod Hospital Emergency Center Expansion
May 29, 2013	CEMA	CEMA Food Map Update Letter

William Newton notes that he will most likely not be seeking re-appointment to the Zoning Board of Appeals.

Motion's made by Brian Florence and seconded by Craig Larson to adjourn.

Vote:
All in favor

Upcoming Meetings

June	29
July	10 & 14
August	14 & 20
September	17 & 23
October	9 & 23
November	13
December	11