



# Town of Barnstable Zoning Board of Appeals



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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](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

## Minutes

**Wednesday, March 25, 2015**

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

Craig Larson - Chair	Present
Brian Florence – Vice Chair	Present
Alex Rodolakis – Clerk	Present
George Zevitas	Present
David Hirsch	Present
Herbert Bodensiek	Present
Robin Young	Absent
Matthew Levesque	Absent

***Also present were Elizabeth Jenkins – Principal Planner and Carol Puckett – Administrative Assistant.***

***As a quorum has been met, Chair Craig Larson calls the hearing open at 7:11 PM.***

**Call to Order**

Introduction of Board Members – ***All members present introduce themselves.***

***Craig Larson then reads the following:***

**Notice of Recording**

Please note that this meeting is recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

***No one responds.***

***Craig Larson calls the first appeal and reads it into the record:***

**New Business**

**7:00 PM Appeal No. 2015-014**

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

Brown Group Retail, Inc. (d/b/a Famous Footwear), as tenant, has applied for a variance to the number and size of signs allowed by §240-65. They are proposing one 97 sq.ft wall sign, ten 0.8 sq.ft window vinyls, and one 3 sq.ft blade 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 Lyannough 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.

**Members assigned:** Brian Florence, Alex Rodolakis, Craig Larson, David Hirsch, Herb Bodensiek

**Representative:** Richard Westergren from Poyant signs. Mr. Westergren hands in his business card and letter authorizing him to appear before the board (**EXHIBIT A**). He gives a summary of size of the signs and states that Famous Footwear is concerned about the store being successful since it is set back a way from Route 132. He states that there is no signage allowed for the applicant on the free-standing sign at the entrance to the plaza. He hands in pictures of how far back the store is from the road (**EXHIBIT B**). They feel the signage is necessary to have that three foot lettering to be visible from 50 feet from the road and feels this is a hardship. He gives details of the store window signage and blade/canopy sign and feels that this is a modest sign package.

George Zevitas clarifies with the representative that this is a chain store. Craig Larson asks if he has talked to the landlord about the problem with the signage at the entrance. Mr. Westergren says it is an issue with the landlord. Brian Florence asks Mr. Westergren to address the three-prong test for a variance. Mr. Westergren states that the pictures show the site conditions about being land-locked and visibility is difficult. Craig Larson suggests that this should be an issue to be taken up with the landlord. There is a discussion of all the signs/businesses in the plaza.

Elizabeth Jenkins notes that all the newly issued signage is in conformance with code and there are some existing nonconforming signs such as Kmart.

Craig Larson asks for public comment. No one speaks.

Craig Larson asks the members if they think it is possible to give blade signs. Elizabeth Jenkins states that the board could grant a lesser request. Board discusses.

Craig Larson thinks that the board would not be inclined to vote positively and gives him an option to continue or withdraw.

Mr. Westergren asks to withdraw without prejudice.

Motion is made by Craig Larson and seconded by Brian Florence to grant to Withdraw without Prejudice.

Vote:

All in favor.

## **WITHDRAWN WITHOUT PREJUDICE**

Craig Larson turns the hearing over to Brian Florence to chair and leaves the dais.

Brian Florence reads the following into the record:

**7:01 PM Appeal No. 2015-016**

**Luongo**

Nicholas P. and Maryann H. Luongo have petitioned for a Special Permit pursuant to §240-91H(3) to demolish and reconstruct a dwelling on a lot that contains less than 10,000 square feet. The Petitioners are proposing to demolish the existing principal dwelling and construct a new, 2,180 sq.ft dwelling in conformance with all setback requirements. The property is located at 151 Third Avenue, Hyannis, MA as shown on Assessor's Map 245 as Parcel 125. It is located in the Residence B Zoning District.

**Members assigned:** Brian Florence, Alex Rodolakis, George Zevitas, David Hirsch, Herb Bodensiek

**Representative:** David Sauro. Mr. Sauro gives a summary of ownership of the property and the proposal before the board. He states that it will comply with the requirements, no grade change. He states that the septic system will be replaced and that there are three emails of support which have been submitted. The owners have lowered the roof from a 12 pitch to a 9 pitch to appease an abutter.

Alex Rodolakis asks if the grade will increase. Mr. Sauro states it will not. George Zevitas asks the definition of the garage/studio. Mr. Sauro clarifies that it will not be a rental and thinks it will be a hangout room and was like this when the owners purchased it a few years ago.

Craig Larson asks for public comment. Tom Scott of 138 Third Avenue states that this is a single-family, two floor, older style house. The shed was a single-car carport with a closable door and believes it was in danger of falling apart and thinks that the

**applicant has done a good job of renovating this space to that of office space. He states that this garage/studio is definitely not big enough to live in and doesn't believe there is any plumbing, only electricity.**

**Alex Rodolakis makes findings:**

Nicholas P. and Maryann H. Luongo have petitioned for a Special Permit pursuant to §240-91H(3) to demolish and reconstruct a dwelling on a lot that contains less than 10,000 square feet. The Petitioners are proposing to demolish the existing principal dwelling and construct a new, 2,180 sq.ft dwelling in conformance with all setback requirements. The property is located at 151 Third Avenue, Hyannis, MA as shown on Assessor's Map 245 as Parcel 125. It is located in the Residence B Zoning District.

**Special Permit Findings**

For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings.

- The application falls within a category specifically excepted in the ordinance for a grant of a special permit:

Section 240-91(H)(3) allows for the complete demolition and rebuilding of a residence on a nonconforming lot containing less than 10,000 square feet of contiguous upland by Special Permit.

- Site Plan Review is not required for single-family residential dwellings.
- 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.

Further, Section 240-91(H)(3) requires the Board to find that the proposed dwelling is in compliance with standards for setback, lot coverage, floor area, and height, as follows:

- The dwelling is proposed in compliance with all setback requirements of the RB District.
- The proposed lot coverage shall not exceed 20% or the existing lot coverage, whichever is greater. The proposed lot coverage, inclusive of the principal dwelling and accessory structure, is 16.5%.
- The floor area ratio shall not exceed 0.30 or the existing floor area ratio of the structure being demolished, whichever is greater. The proposed FAR is .27.
- The building height, in feet, shall not exceed 30 feet to the highest plate and shall contain no more than 2 ½ stories. The proposed height is 22 feet to the highest plate; the proposed dwelling is 2 ½ stories.
- The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.

**Vote:**

**All in favor**

**Motion is made by Alex Rodolakis to grant the application with the following findings:**

**Conditions**

1. **Special Permit No. 2015-016 is granted to Nicholas and Maryann Luongo for the demolition of an existing dwelling and rebuilding of a 2,180 square foot dwelling at 151 Third Avenue, Hyannis.**
2. **The dwelling shall be constructed in substantial conformance with the plan entitled "Proposed Site Plan – 151 Third Avenue" dated (last revised) February 6, 2015, drawn and stamped by Yankee Land Survey Co, Inc.; and the floor plans and elevations dated (last revised) March 6, 2015, drawn by Andrejs R. Strikis, Architect.**
3. **The total lot coverage of all structures on the lot shall not exceed 16.5% and the floor-area ratio shall not exceed .27.**
4. **The proposed redevelopment shall represent full build-out of the lot. Further expansion of the dwelling or construction of additional accessory structures is prohibited without prior approval from the Board.**
5. **All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be screened from neighboring homes and the public right-of-way.**
6. **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 building permit. 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

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### Other Business

Next regularly scheduled hearings are April 8, April 22, May 13

***Alex Rodolakis states that he will not be here for the April 22<sup>nd</sup> meeting. Herb Bodensiek will not be here for the April 8<sup>th</sup> meeting.***

### Adjourn

***Motion is made by Alex Rodolakis and seconded by George Zevitas to adjourn.***

***Vote:***

***All in favor***

### EXHIBITS

**7:00 PM Appeal No. 2015-014**

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

**Exhibit A** = Letter dated March 25, 2015 signed by Richard Poyant with Richard Westergren's business card

**Exhibit B** = Pictures of Kmart Plaza entrances – two pages