



Town of Barnstable

Zoning Board of Appeals



www.town.barnstable.ma.us/ZoningBoard

Board Members:

Alex Rodolakis – Chair David Hirsch – Vice Chair Herbert Bodensiek - Clerk
Robin Young – Regular Member Jacob Dewey – Regular Member
Kyle Evancoe – Associate Member Todd Walantis – Associate Member
James Tinsley – Town Council Liaison

Staff Support

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

Notes

Wednesday, March 14, 2018

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

Excerpt from an email sent from Ann Quirk – Town Clerk to all Town Employees, sent March 14, 2018: “The Open Meeting Law (OML) requires that the notice of a meeting of a public body must be posted 48 hours in advance of the scheduled meeting on the Town’s 24/7 official posting site, which in Barnstable’s case is the Town website. The OML regulations provide a “dispensation” if the website is “down” for 6 hours or less. (It doesn’t matter if you posted in advance of the 48 hour requirement, the clock starts running at 48 hours). In Barnstable’s case the website, due to a Comcast issue, was down between 2:57 p.m. on Tuesday until 9:08 p.m. on Tuesday. So, by way of example, if the meeting of the multiple member board which you support is scheduled for 7:00 p.m. tonight (Wednesday), then you have failed to meet the OML requirement.

Further, if you are forced to cancel a meeting that had one or more scheduled public hearings subject to other statutory provisions, then to avoid re-advertising those public hearings, the Board chair needs to appear at the meeting to open the public hearings and continue to a date certain.”

Therefore, the Zoning Board of Appeals hearing for Wednesday, March 14, 2018 was cancelled. However, Alex Rodolakis – ZBA Chair opened the hearing and continued the appeals scheduled for tonight to Wednesday, March 28, 2018 at 7:00 pm:

Present at tonight’s hearing were Alex Rodolakis – Chair, Anna Brigham – Principal Planner, and Carol Puckett – Administrative Assistant.

Call to Order

Introduction of Board Members – ***Only board member present is Alex Rodolakis.***

Alex reads the following with no response:

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.

Old Business

Alex reads the following into the record:

7:01 PM Appeal No. 2018-007

MPG Corporation and 1617 Falmouth Rd. Series of PB&C

MPG Corporation (Centerville Convenience Center) and 1617 Falmouth Rd. Series of PB&C, LLC., as co-applicants, are seeking a Special Permit pursuant to Chapter 240-93 Nonconforming buildings or structures not used as single or two-family dwellings and Chapter 240-94 Nonconforming Use. The Applicants are proposing to demolish the existing gas station and construct a 5,000 square foot building plus canopy and gas islands, service station with gasoline/diesel dispensers, automobile repair, and retail. The building will consist of retail sales, including 14 seats and a drive-through window. Numerous site improvements are also proposed. The property is located at 1617 Falmouth Road (Rte. 28), Centerville as shown on Assessors Map 209, Parcel 085. It is located in the Highway Office (HO) and Residence C (RC) Zoning Districts.

Opened January 24, 2018. Members Assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jacob Dewey, Paul Pinard. Continued to February 28, 2018 – No testimony taken. Continued again to March 14, 2018.

Alex continues this to March 28, 2018 at 7:00 PM

CONTINUED TO MARCH 28, 2018 AT 7:00 PM

Alex reads the following into the record:

7:00 PM Appeal No. 2017-071

Beauregard

Todd and Anne Beauregard have applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures used as Single- and two-family residences. The applicants are proposing to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback creating an intensification which requires a Special Permit. The subject property is addressed 8 East Avenue, Osterville, MA, as shown on Assessor's Map 139 as Parcel 075. It is located in the Residential F-1 Zoning District

Opened January 24, 2018. During assignment of members, Herb Bodensiek recuses himself. Attorney Ford is asked if he would go forward with four members, he declines and asks to continue to February 14th when perhaps there will be five members. No testimony taken. Continued from February 14, 2018. No members assigned, no testimony taken. Continued again to March 14, 2018.

Alex continues this to March 28, 2018 at 7:00 PM

CONTINUED TO MARCH 28, 2018 AT 7:00 PM

Alex reads the following into the record:

7:00 PM Appeal No. 2018-014

Gerardin

Marie and Robert Gerardin are applying for a Special Permit in accordance with Section 240-131. 4. D. (2) Change, Expansion, Alteration by Special Permit and Section 240-7.G. (1) Setbacks to Wetlands. The applicants are proposing to enclose an existing covered porch, adding 206 square feet of living space, and to add a flat roof which is not in compliance with the ordinance requirements of maintaining a pitch of at least six over twelve. The property is located at 23 Laurel Avenue, Centerville, MA as shown on Assessor's Map 226 as Parcel 077. It is located in the Craigville Beach District (CBD) and the Craigville Village Overlay (CV) Zoning Districts.

Opened February 28, 2018 – No members assigned, no testimony taken. Continued to March 14, 2018.

Alex continues this to March 28, 2018 at 7:00 PM

CONTINUED TO MARCH 28, 2018 AT 7:00 PM

Alex reads the following into the record:

7:01 PM Appeal No. 2018-015

JNJ Holdings, LLC

JNJ Holdings, LLC have applied for a Special Permit under Section 240-25 HB Conditional Use, Section 240-35 Well Protection Overlay District, Section 240-53 Landscape Requirements for Parking Lots and Setbacks, Section 240-54 Location of parking lot in relationship to building, and Section 240-57 Circumstances Warranting Reduction of Requirements. The Applicant is proposing to demolish the existing structure, remove the underground tanks, and construct a quick change oil facility building of 6,324 square feet, five service bays, with paving and landscaping. The property is located at 326 West Main Street, Hyannis, MA as shown on Assessor's Map 269 Parcel 159. It is located in the Highway Business (HB) and Residence B (RB) Zoning Districts and Well Protection (WP) Overlay District.

Opened February 28, 2018 – Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Kyle Evancoe. Continued to March 14, 2018.

Alex continues this to March 28, 2018 at 7:00 PM

CONTINUED TO MARCH 28, 2018 AT 7:00 PM

New Business

Correspondence

Matters Not Reasonably Anticipated by the Chair

Upcoming Meetings

March 28, 2018, April 11, 2018, April 25, 2018

Adjournment

Alex adjourns meeting.