

Zoning Board of Appeals MINUTES Wednesday, February 22, 2023 at 7:00 PM

To all persons interested in or affected by the actions of the Zoning Board of Appeals, you are hereby notified, pursuant to Section 11 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, and all amendments thereto, that a public hearing on the following appeals will be held on Wednesday, February 22, 2023, at the time indicated:

The Zoning Board of Appeals Public Hearing will be held by remote participation methods. Public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
2. Real-time access to the Zoning Board of Appeals meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Zoning Board of Appeals by utilizing the Zoom link or telephone number and Meeting ID provided below:

Join Zoom Meeting Option	Telephone Number Option
https://townofbarnstable-us.zoom.us/j/82178109296	US Toll-free: 888 475 4499
Meeting ID: 821 7810 9296	Meeting ID: 821 7810 9296

3. Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely, and may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to anna.brigham@town.barnstable.ma.us so that they may be displayed for remote public access viewing.

Copies of the applications are available for review by calling (508) 862-4682 or emailing anna.brigham@town.barnstable.ma.us.

Call to Order

Chair Jacob Dewey calls the meeting to order at 7:03 p.m. and takes roll call:

Member	Present	Absent
Dewey, Jacob	X	
Bodensiek, Herbert	X	
Pinard, Paul		X
Hansen, Mark		X
Walantis, Todd		X
Johnson, Denise	X	
Webb, Aaron	X	

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.

Minutes

None.

Old Business

7:00 PM

Appeal No. 2023-003

Hilary M. Stone, Trustee of the Malpass Trust

Hilary M. Stone, Trustee of the Malpass Trust, has applied for a Special Permit pursuant to Section 240-44 A. Accessory Uses Permitted with a Special Permit. The Applicant seeks to construct an accessory structure (boat barn/garage/greenhouse) on a lot immediately opposite and across the road from the lot on which the principal use it serves is located, with both lots being held in identical ownership. The subject property is located at 94 Indian Trail, Barnstable, MA as shown on Assessors Map 336 as Parcel 015. It is located in the Residence F-1 (RF-1) Zoning District. Continued from February 8, 2023.

Chair Dewey gives Attorney Schulz the option to continue the item to the next meeting, as only four members are present. Attorney Schulz would like to present at this meeting. Chair Dewey assigns himself, Herb Bodensiek, Aaron Webb, and Denise Johnson.

Attorney Albert Schulz is representing the applicant, standing in for Attorney Michael Schulz. They are looking to allow the construction of a barn/greenhouse on a vacant piece of land. It's .9 of an acre but there are wetlands on the parcel that create restrictions for building. The vacant lot is across from the principle lot with the dwelling. More than half the principle lot is wetlands. Both parcels are owned by Ms. Stone under a deed recorded in 2016. Conservation already issued an approval. His client finds the conditions on the staff report acceptable.

Chair Dewey brings it back to the Board for questions. Herb Bodensiek asks if the proposed building will have plumbing or be habitable. Attorney Schulz says no, there will be nothing to make it habitable.

Chair Dewey opens for public comment. None. He makes a motion to close public comment. Denise Johnson seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Denise Johnson, Aaron Webb

Nay: None

The Board deliberates. Chair Dewey thinks the request is straightforward. Section 240-44 was intended to help these situations, and there are no neighbor issues. Herb Bodensiek says it seems to already be used for intermittent boat/car storage so the proposed structure would be an improvement. Aaron Webb and Denise Johnson agree.

Chair Dewey makes a motion to approve and makes findings:

1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-44 A states, in residential zoning districts, accessory uses and structures on a lot adjoining or immediately opposite and across a road from the lot on which the principal use it serves is located, provided that both lots are retained in identical ownership with respect to both fee and no-fee interests.
2. Site Plan Review is not required for single-family residential dwellings.
3. 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.

Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Denise Johnson, Aaron Webb

Nay: None

Chair Dewey says the appeal is subject to conditions 1-5 as written on the Staff Report dated January 24, 2023.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Denise Johnson, Aaron Webb

Nay: None

Special Permit No. 2023-003 Stone is granted with conditions.

New Business

None.

Correspondence

Chair Dewey announces that Todd Walantis has resigned from the Board and thanks him for his time and service.

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

March 8, 2023, March 22, 2023, April 12, 2023

Adjournment

Chair Dewey makes a motion to adjourn at 7:14 p.m. Denise Johnson seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Aaron Webb, Denise Johnson

Nay: None

Respectfully submitted,
Genna Ziino, Administrative Assistant

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>