



The Town of Barnstable

Growth Management Department

www.town.barnstable.ma.us/growthmanagement

Jo Anne Miller Buntich
Director

BARNSTABLE TOWN CLERK
2015 JAN 14 PM 1:54

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

October 28, 2015 – 6:40 pm Town Hall, Hearing Room

Present: Brian Florence - Hearing Officer ZBA, Elizabeth Jenkins, Principal Planner - Growth Management

Hearing Officer Brian Florence called the meeting to order at 6:40 p.m.

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Public Hearings: Pursuant to Chapter 40A, Section 11 of the General Laws of the Commonwealth of Massachusetts, and all amendments thereto, a public hearing before the Hearing Officer will be held on the following Comprehensive Permit applications, made pursuant to Chapter 40B of the General Laws of the Commonwealth of Massachusetts and Chapter 8, Section 15 of the Code of the Town of Barnstable, the "Accessory Affordable Apartment Program":

Appeal No. 2015-051 **Lins**

Reinaldo A. Lins has applied for a Comprehensive Permit to establish a one-bedroom accessory affordable apartment within an existing dwelling. The subject property is addressed 56 Blueberry Hill Road, Hyannis, MA as shown on Assessor's Map 249 as Parcel 070. It is zoned Residence D-1/Residence B.

Hearing Officer Florence confirms Mr. Lins has standing. Mr. Roberto Lins is in attendance. He indicates he was seeking to permit an apartment in his home and would be grateful to be able to participate in the program.

Hearing Officer Florence asks if Mr. Lins if he has read and understands all of the proposed conditions in the draft decision (Exhibit A). Mr. Lins confirms he understands the conditions.

Hearing Officer Florence requests public comment and no one speaks.

The Hearing Officer makes the following findings of fact:

Concerning *standing*, the right of the applicant to seek a comprehensive permit, the Hearing Officer finds:

1. The Applicant, Reinaldo A. Lins, is the owner and occupant of the property located at 56 Blueberry Hill Road, Hyannis, MA, as evidenced by a deed recorded at the Barnstable County Registry of Deeds on June 24, 2014 as Book 28222 Page 229. A signed Affidavit dated June 1, 2015 declares that 56 Blueberry Hill Road, Hyannis is the primary residence of Reinaldo A. Lins.

2. The application for a comprehensive permit was made in accordance with the Town of Barnstable's Accessory Affordable Apartment Program, Chapter 9 Article II of the Code of the Town of Barnstable. That program is structured as a self-regulating income-limiting local initiated housing program, a qualified funding program accepted under the Code of Massachusetts Regulations 760 Section 56.00 that governs grant of comprehensive permits.
3. In accordance with MGL Chapter 40B and 760 CMR 56.04 (4), a Site Approval Letter was issued to the Applicant for the subject property by Town Manager, Thomas K. Lynch on August 10, 2015. Notice of the Site Approval Letter was sent to the Department of Housing and Community Development, in accordance with the requirements of 760 CMR 56.04 (2), and no issues were communicated from the Department on this application.

Based upon those findings, the Hearing Officer ruled that the application of Reinaldo A. Lins has met the requirements for standing.

Regarding *consistency with local needs*, the Hearing Officer finds:

4. The Applicants are proposing to establish an accessory apartment in the lower level of the principal dwelling. To permit the apartment as an accessory affordable unit under Chapter 9 Article II of the Code would represent no perceivable change in the neighborhood.
5. The Building Commissioner performed an initial review of the property and determined that an accessory apartment unit can be created in conformance with applicable state building codes.
6. The property is served by an on-site septic system adequate to accommodate the addition of a one-bedroom unit on the property.
7. The Applicant has been informed that building and occupancy permits shall be obtained prior to occupancy of the accessory apartment. This step is required to assure final approval that the apartment unit conforms fully to all applicable building, fire, and health codes and this decision.
8. The Applicants have been informed that upon certification of this Comprehensive Permit by the Town Clerk, a Regulatory Agreement and Declaration of Restrictive Covenants, restricting the accessory apartment unit in perpetuity as an affordable rental unit shall be executed. Thereafter both the Comprehensive Permit and the Agreement shall be recorded at the Registry of Deeds as binding covenants on the property. The documents limit the apartment to that of an affordable unit rented to a person or family whose income is 80% or less of the Area Median Income (AMI) of the Barnstable Metropolitan Statistical Area (MSA) and cap the monthly rental income (including utilities) to not exceed 30% of the monthly household income of a household earning 80% of the median income, adjusted by household size. In the event that utilities are separately metered, the utility allowance established by the Town of Barnstable shall be deducted from rent level so calculated.
9. According to the Massachusetts Department of Housing and Community Development, Subsidized Housing Inventory, the Town of Barnstable has 6.6% of its year round housing stock qualified as affordable housing units. The town has not reached the 10% statutory minimum affordable housing required in MGL Chapter 40B or met any of the Statutory Minima provided for in 760 CMR 56.03(3).
10. The Town of Barnstable's Comprehensive Plan encourages the adaptive use of existing housing stock to create affordable units and the dispersal of these units throughout Barnstable. This application and the location of the unit conform to that objective.

Based upon the findings, the Hearing Officer ruled that the application of Reinaldo A. Lins is deemed consistent with local needs because it adequately promotes the objective of providing affordable housing for the Town of Barnstable without jeopardizing the health and safety of the occupants provided certain conditions are imposed.

The Hearing Officer grants Comprehensive Permit No. 2015-051 to Reinaldo A. Lins, subject to conditions 1-20 in the draft Comprehensive Permit decision.

Meeting Adjourned: 6:50 p.m.

**Respectfully Submitted,
Staff, Growth Management Department**

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

List of Exhibit Documents

Exhibit A – Draft Comprehensive Permit Decision and Notice, Comp Permit No. 2015- 51– Lins (Map 249 Parcel 070)

APPROVED