



The Town of Barnstable

Growth Management Department

www.town.barnstable.ma.us/growthmanagement

Elizabeth Jenkins, Director

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

June 14, 2017 – 6:30 pm Town Hall Hearing Room

Present: Brian Florence - Hearing Officer ZBA, Anna Brigham, Principal Planner – Planning & Development Dept. and Karen Herrand, Principal Assistant - Planning & Development Dept.

Hearing Officer Alex Rodolakis called the meeting to order at 6:30 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.

Approval of Minutes: Approval of minutes from March 22, 2017.

BARNSTABLE TOWN CLERK
2017 AUG 2 PM 4:19

The Hearing Officer approves the minutes as written for March 22, 2017.

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".

6:30 PM

Appeal No. 2013-024

Marchessault

Steven Marchessault applied for and was granted a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the Town of Barnstable. Mr. Marchessault now requests a rescission of Comprehensive Permit No. 2013-024. The subject property is addressed 18 Tally Ho Road, Barnstable MA and shown on Assessor's Map 298 as Parcel 070. It is zoned Residence F-1 and Residence F-2.

Mr. Steven Marchessault in attendance. He explains that this will be transferred into a family apartment now.

Hearing Officer reads into record:

Findings of Fact on the Comprehensive Permit:

1. The applicant, Steven M. Marchessault, was granted Comprehensive Permit 2013-024 for an accessory affordable apartment at 18 Tally Ho Road, Barnstable, MA.
2. The applicant, Steven M. Marchessault, communicated his intent to discontinue participation in the AAAP Program verbally.
3. On March 21, 2017, the Accessory Apartment Program Coordinator took action to rescind comprehensive permit No. 2013-024.

Ordered - Comprehensive Permit No. 2013-024 is rescinded.

Public Comment - None

6:31 PM

Appeal No. 2017-023

Howard

Patricia A. Howard has applied for a Comprehensive Permit to establish a one-bedroom accessory affordable apartment within an existing dwelling. The subject property is addressed 179 Bristol Avenue, Hyannis, MA as shown on Assessor's Map 291 as Parcel 107. It is zoned Residence B.

Patricia A. Howard in attendance.

Hearing Officer reads into record:

Findings of Fact on the Comprehensive Permit:

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

1. The Applicant, Patricia Howard, is the owner and occupant of the property located at 179 Bristol Avenue, Hyannis, MA, as evidenced by a deed recorded at the Barnstable County Registry of Deeds on August 23, 1983 Certificate No. 93140. A signed Affidavit dated June 1, 2016 declares that 179 Bristol Avenue, Hyannis is the primary residence of Patricia Howard.
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, Mark Ells on September 23, 2016. 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.
4. The Applicant is proposing to convert 600 square feet of area in the basement to a one bedroom accessory apartment within 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. Prior to occupancy, a building permit shall be required and hardwired smoke detectors and carbon monoxide detectors shall be upgraded/installed and the unit shall meet all requirements of the Building Code.
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 Applicant has 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 recoded 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.

Hearing Officer confirms that the Staff Report was read by the Applicant/Conditions?
Patricia Howard confirms.

Public Comment - None

Ordered - Hearing Officer approves/grants Comprehensive Permit No. 2017-023

6:32 PM

Appeal No. 2017-045

Raymond

Gary S. Raymond has applied for a Comprehensive Permit to establish a one-bedroom accessory affordable apartment on the second floor of the detached garage. The subject property is addressed 274 Lovell's Lane, Marstons Mills, MA as shown on Assessor's Map 078 as Parcel 026. It is zoned Residence F.

Gary S. Raymond in attendance.

Hearing Officer reads into record:

Findings of Fact

At the hearing on June 14, 2017, the Hearing Officer made the following findings of fact:

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

1. The Applicant, Gary S. Raymond, is the owner and occupant of the property located at 274 Lovell's Lane, Marstons Mills, MA, as evidenced by a deed recorded at the Barnstable County Registry of Deeds on September 22, 2011 Book 25698 Page 99. A signed Affidavit dated January 19, 2017 declares that 274 Lovell's Lane, Marstons Mills is the primary residence of Gary S. Raymond.
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, Mark Ells on March 27, 2017.

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.

4. The Applicant is proposing to convert 625 square feet of area on the second floor of the existing detached garage on the same lot as 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. Prior to occupancy, a building permit shall be required and hardwired smoke detectors and carbon monoxide detectors shall be upgraded/installed and the unit shall meet all requirements of the Building Code.
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 Applicant has 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 recoded 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.

Hearing Officer confirms that the Staff Report was read by the Applicant/Conditions?

Gary S. Raymond confirms, yes.

Public Comment - None

Ordered - Hearing Officer approves/grants Comprehensive Permit No. 2017-045

6:33 PM

Appeal No. 2017- 046

Litenski

Ereneu Litenski has applied for a Comprehensive Permit to transfer Comprehensive Permit No. 2006-082 to his name as the new owner. The existing one-bedroom accessory affordable apartment is

located on the second floor of the detached garage. The subject property is addressed 7 Thach Lane, Hyannis, MA as shown on Assessor's Map 292 as Parcel 090. It is zoned Residence B.

Ereneu Litenski in attendance. He would like to transfer to his name.

Findings of Fact

At the hearing on June 14, 2017, the Hearing Officer made the following findings of fact:

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

1. The Applicant, Ereneu Litenski, is the owner and occupant of the property located at 7 Thach Lane, Hyannis, MA, as evidenced by a deed recorded at the Barnstable County Registry of Deeds on March 16, 2017 Book 30355 Page 98. A signed Affidavit dated March 24, 2017 declares that 7 Thach Lane, Hyannis is the primary residence of Ereneu Litenski.
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, Mark Ells on April 27, 2017. 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.
4. The Applicant is proposing to transfer Comprehensive Permit No. 2006-082 to reflect his new ownership. Comprehensive Permit No. 2006-082 sought to convert 600 square feet of area on the second floor of the existing detached garage on the same lot as 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. Prior to occupancy, a building permit shall be required and hardwired smoke detectors and carbon monoxide detectors shall be upgraded/installed and the unit shall meet all requirements of the Building Code.
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 Applicant has 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 recoded 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.

Hearing Officer confirms applicant has read/reviewed the conditions and read staff report.
Mr. Litenski replies, yes.

Public Comment - None

Ordered - Hearing Officer approves/ grants Comprehensive Permit No. 2017-046

Adjournment

Hearing Officer Brian Florence moves to close the Public Hearing. The Meeting Adjourned at 6:53 p.m.

Respectfully Submitted – Karen Herrand
Principal Assistant, Planning & Development Department

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

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