



The Town of Barnstable Planning and Development

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Elizabeth Jenkins, Director

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

August 21, 2019 – 6:30 pm Selectmens Conference Room

Present: Alex Rodolakis, Hearing Officer - ZBA, Anna Brigham, Principal Planner – Planning & Development, Erin K. Logan, Administrative Assistant, Planning & Development

Hearing Officer Alex Rodolakis called the meeting to order at 6:37p.m.

Notice of Recording: This meeting is not being videotaped. The Chair inquires 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”.

Approval of Minutes: July 24, 2019 – Hearing Office, Alex Rodolakis approved the minutes.

Old Business

6:30 PM Appeal No. 2011-015

Russell

William J. and Carole Russell applied for and were 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. William J. and Carole Russell no longer own the property and therefore Comprehensive Permit No. 2011-015 must be rescinded. The subject property is addressed as 521 Main Street, West Barnstable, MA and shown on Assessor’s Map 133 as Parcel 033.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2011-015 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on July 24, 2019 and continued to August 21, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Findings of Fact:

1. The applicants, William J and Carole Russell, were granted Comprehensive Permit 2011-015 for an accessory affordable apartment at 521 Main Street, West Barnstable, MA on July 11, 2012.
2. The applicants, William J and Carole Russell, sold the property on July 25, 2014.
3. On May 15, 2019, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2011-015.

Ordered:

Comprehensive Permit number 2011-015 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be the filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

New Business**6:32 PM Appeal No. 2008-043****Gaines**

Leland G. and Louella M. Gaines applied for and were 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. Leland G. and Louella M. Gaines no longer own the property and therefore Comprehensive Permit No. 2008-043 must be rescinded. The subject property is addressed as 116 Audrey's Lane, Marstons Mills, MA and shown on Assessor's Map 028 as Parcel 093. It is zoned Residence F.

A public hearing to rescind Comprehensive Permit No. 2008-043 was duly advertised and notice sent to abutting property owners all in accordance with MGL Chapter 40A. The notice was published in the Barnstable Patriot on August 2, 2019 and August 9, 2019. The Public Hearing to rescind the Permit was opened on August 21, 2019 at which time the Hearing Officer ruled to rescind Comprehensive Permit No. 2008-043.

Findings of Fact:

At the hearing on August 21, 2019, the Zoning Board of Appeals Hearing Officer made the following findings of fact:

1. On July 9, 2008, Comprehensive Permit No. 2008-043 was issued to Leland G. and Louella M. Gaines for property at 116 Audrey's Lane, Marstons Mills, MA. The Permit was issued pursuant to the Town's "Accessory Affordable Housing Program", Article II of Chapter 9 of the General Ordinances.
2. Comprehensive Permit No. 2008-043 authorized Leland G. and Louella M. Gaines to develop a one bedroom accessory affordable apartment unit within the garage of a single family owner occupied dwelling.
3. A duly executed Regulatory Agreement and Declaration of Restrictive Covenants, along with the Comprehensive Permit were recorded at the Barnstable County Registry of Deeds on September 12, 2008 as Book: 23152 Page 59.
4. Comprehensive permit No. 2008-043 for the property at 116 Audrey's Lane, Marstons Mills is no longer valid. Leland G. and Louella M. Gaines are no longer the owners of record for property located at 116 Audrey's Lane, Marstons Mills, MA.

Ruling:

Based upon the findings the Hearing Officer ruled that Comprehensive Permit No. 2008-043 issued to Leland G. and Louella M. Gaines is rescinded and the Permit no longer valid.

Ordered:

Comprehensive Permit number 2008-043 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be the filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

Edward and Marcia McFarlane applied for and were 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. Edward and Marcia McFarlane are no longer participating in the Program and therefore Comprehensive Permit No. 2009-050 must be rescinded. The subject property is addressed as 178 Sandy Valley Road, Marstons Mills, MA and shown on Assessor's Map 101 as Parcel 076. It is zoned Residence F.

A public hearing to rescind Comprehensive Permit No. 2009-050 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on August 21, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Findings of Fact:

1. The applicants, Edward and Marcia McFarlane, were granted Comprehensive Permit 2009-050 for an accessory affordable apartment at 178 Sandy Valley Road, Marstons Mills, MA on August 11, 2010.
2. The applicants, Edward and Marcia McFarlane, are no longer participating in the Program.
3. On July 10, 2019, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2009-050.

Ordered:

Comprehensive Permit number 2009-050 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

John J. and Tracy J. Foley applied for and were 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. John J. and Tracy J. Foley no longer own the property and therefore Comprehensive Permit No. 2014-046 must be rescinded. The subject property is addressed as 97 Old Town Road, Hyannis, MA and shown on Assessor's Map 268 as Parcel 072. It is zoned Residence B.

A public hearing to rescind Comprehensive Permit No. 2014-046 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on August 21, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Findings of Fact:

1. The applicants, John J. and Tracey J. Foley, were granted Comprehensive Permit 2014-046 for an accessory affordable apartment at 97 Old Town Road, Hyannis, MA on October 8, 2014.
2. The applicants, John J. and Tracey J. Foley, no longer own the property.
3. On June 5, 2019, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2014-046.

Ordered:

Comprehensive Permit number 2014-046 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the

Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be the filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

This application was moved to the end of the hearing in order allow time for the applicant to arrive.

6:31 PM Appeal No. 2019-036

Faria

Robert A. Faria has applied for a Comprehensive Permit to convert 812 square feet of area to a two-bedroom accessory affordable apartment, formerly a family apartment, located on the second floor of the two-car garage attached to the single family dwelling. The subject property is addressed 83 Baxter Road, Hyannis, MA as shown on Assessor's Map 310 as Parcel 054. It is zoned Residence B.

Rodolakis stated that the applicant, Robert Faria, is not present and since this matter had already been continued, the application is denied. Rodolakis reconfirmed this application had been continued twice prior.

Hearing Discussion:

Public Comment - None

Hearing Officer Alex Rodolakis moves to close the Public Hearing. Meeting Adjourned at 6:51 p.m.

Respectfully Submitted

Erin K. Logan

Administrative Assistant
Planning and Development Department

List of Exhibit Documents

Exhibit A – Appeal No. 2011-015, Russell
Exhibit B - Appeal No. 2008-043, Gaines
Exhibit C - Appeal No. 2009-050, McFarlane
Exhibit D - Appeal No. 2014-046, Foley
Exhibit E - Appeal No. 2019-036, Faria