



The Town of Barnstable

Planning and Development

www.town.barnstable.ma.us/planninganddevelopment

Elizabeth Jenkins, Director

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

January 23, 2019 – 6:30 pm

Hearing Room

Present: Alex Rodolakis, Hearing Officer - ZBA, Anna Brigham, Principal Planner – Planning & Development, Kathleen Thompson, Administrative Assistant Planning & Development

Hearing Officer, Alex Rodolakis called the meeting to order at 6:30 p.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. No response.

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: November 14, 2018. Alex Rodolakis was in attendance and had an opportunity to review the minutes of November 14, 2018 and now approves them.

There are four matters on for tonight. Three are marked as rescissions and one has withdrawn rescission.

6:30 PM Appeal No. 2005-069

Anderson

William E. Anderson 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. William E. Anderson now requests a rescission of Comprehensive Permit No. 2005-069. The subject property is addressed 23 Elliott Street, Centerville, MA and shown on Assessor's Map 230 as Parcel 122. It is zoned Residence D-1.

Locus and Background:

The applicant applied for 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, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2005-069 was issued to the applicant on August 12, 2005 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable County Registry of Deeds on November 7, 2005 in Book 20449, Page 31.

On December 17, 2018, a request by the applicant to rescind this permit was received.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2005-069 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on January 23, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Proposed Findings of Fact:

1. The applicant, William E. Anderson, was granted Comprehensive Permit 2005-069 for an accessory affordable apartment at 23 Elliott Street, Centerville.
2. The applicant, William E. Anderson, communicated his intent to discontinue participation in the AAAP Program via email dated December 17, 2018.
3. On December 18, 2018, the Accessory Apartment Program Coordinator took action to rescind comprehensive permit No. 2005-069.

Ordered:

Comprehensive Permit number 2005-069 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.

6:31 PM Appeal No. 2007-052

Coffey

Mary Louise Coffey 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. Mary Louise Coffey now requests a rescission of Comprehensive Permit No. 2007-052. The subject property is addressed 2187 Main Street, Barnstable, MA and shown on Assessor's Map 237 as Parcel 038. It is zoned Residence F.

Locus and Background:

The applicant applied for 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, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2007-052 was issued to the applicant on July 11, 2007 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable County Registry of Deeds on September 12, 2007 in Book 22329, Page 93.

Several years ago, a request by the applicant to rescind this permit was received.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2007-052 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on January 23, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Proposed Findings of Fact:

1. The applicant, Mary Louise Coffey, was granted Comprehensive Permit 2007-052 for an accessory affordable apartment at 2187 Main Street, Barnstable, MA.
2. The applicant, Mary Louise Coffey, communicated her intent to discontinue participation in the AAAP Program several years ago.
3. On December 18, 2018, the Accessory Apartment Program Coordinator took action to rescind comprehensive permit No. 2007-052.

Ordered:

Comprehensive Permit number 2007-052 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.

Hearing Officer Alex Rodolakis asks for any public comment. None.

6:32 PM Appeal No. 2013-027**German**

Ann E. German 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. Ann E. German now requests a rescission of Comprehensive Permit No. 2013-027. The subject property is addressed 100 Seth Goodspeed's Way, Osterville, MA and shown on Assessor's Map 122 as Parcel 089. It is zoned Residence C.

Locus and Background:

The applicant applied for 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, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2013-027 was issued to the applicant on February 12, 2014 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable County Registry of Deeds on October 10, 2014 in Book 28437, Page 86.

Several years ago, a request by the applicant to rescind this permit was received.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2013-027 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on January 23, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Proposed Findings of Fact:

1. The applicant, Ann E. German, was granted Comprehensive Permit 2013-027 for an accessory affordable apartment at 100 Seth Goodspeed's Way, Osterville, MA.
2. The applicant, Ann E. German, communicated his intent to discontinue participation in the AAAP Program several years ago.
3. On December 18, 2018, the Accessory Apartment Program Coordinator took action to rescind comprehensive permit No. 2013-027.

Ordered:

Comprehensive Permit number 2013-027 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.

6:33 PM Appeal No. 2005-002**Johnson**

Ronald W. Johnson 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. Ronald W. Johnson now requests a rescission of Comprehensive Permit No. 2005-002. The subject property is addressed 6 Pine View Drive, Cotuit, MA and shown on Assessor's Map 040 as Parcel 072. It is zoned Residence F.

Locus and Background:

The applicant applied for 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, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2005-002 was issued to the applicant on January 5, 2005 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable County Registry of Deeds on February 17, 2005 in Book 19540, Page 241.

A few years ago, a request by the applicant to rescind this permit was received but on January 2, 2019 the applicant decided to withdraw the request to rescind.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2005-002 was duly advertised but notices were not sent to abutters since the request to withdraw was received prior to sending notices as required by MGL Chapter 40A. The hearing was opened on January 23, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Proposed Findings of Fact:

1. The applicant, Ronald W. Johnson, was granted Comprehensive Permit 2005-002 for an accessory affordable apartment at 6 Pine View drive, Cotuit, MA.
2. Years ago the applicant, Ronald W. Johnson, communicated his intent to discontinue participation in the AAAP Program but on January 2, 2019 withdrew the request to rescind.

Ordered:

Comprehensive Permit number 2005-002 is not 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.

Adjourn

Hearing Officer, Alex Rodolakis moves to close the Public Hearing. The Meeting adjourned at 6:45 p.m.

Respectfully Submitted
Kathleen Thompson, Principal Assistant
Planning & Development Department