



The Town of Barnstable Planning and Development

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Elizabeth Jenkins, Director

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

June 26, 2019 – 6:30 pm Selectmens Conference Room

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

Hearing Officer Alex Rodolakis called the meeting to order at 6: 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: May 22, 2019

6:30 PM Appeal No. 2015-008

Jenkins

Nelson Jenkins 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. Nelson Jenkins no longer owns the property and therefore Comprehensive Permit No. 2015-008 must be rescinded. The subject property is addressed as 35 Capes Trail, West Barnstable, MA as shown on Assessor’s Map 108 as Parcel 002-002. It is zoned Residence F.

[Applicant statements]

Public Comment – None

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 2015- 008 was issued to the applicant on February 25, 2015 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Land Court on April 30, 2015 as Doc. No. 18600.

The Applicant no longer owns the property and therefore the Comprehensive Permit No. 2015-008 must be rescinded.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2015-008 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on June 26, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Findings of Fact:

1. The applicant, Nelson Jenkins, was granted Comprehensive Permit 2015-008 for an accessory affordable apartment at 35 Capes Trail, West Barnstable, MA on February 25, 2015.
2. The applicant, Nelson Jenkins, sold the property on December 1, 2016.
3. On May 22, 2019, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2015-008.

Ordered:

Comprehensive Permit number 2015-008 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.

6:31PM Appeal No. 2009-012**Donovan Keon**

Elizabeth M. Donovan Keon 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. Elizabeth M. Donovan Keon is no longer participating in the Accessory Affordable Apartment program and therefore Comprehensive Permit No. 2009-012 must be rescinded. The subject property is addressed as 450 Skunknet Road, Centerville, MA as shown on Assessor's Map 170 as Parcel 018-001. It is zoned Residence C.

[Applicant statements]

Public Comment – None

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 2009-012 was issued to the applicant on March 25, 2009 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Registry of Deeds on May 21, 2009 as Doc. No. 28201.

The Applicant is no longer participating in the Program therefore the Comprehensive Permit No. 2009-012 must be rescinded.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2009-012 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on June 26, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Findings of Fact:

1. The applicant, Elizabeth M. Donovan Keon, was granted Comprehensive Permit 2009-012 for an accessory affordable apartment at 450 Skunknet Road, Centerville, MA on March 25, 2009.
2. The applicant, Elizabeth M. Donovan Keon, is no longer participating in the Program.
3. On May 15, 2019, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2009-012.

Ordered:

Comprehensive Permit number 2009-012 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.

6:32 PM Appeal No. 2006-028**Morse**

Scott B. Morse 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. Scott B. Morse no longer owns the property and therefore Comprehensive Permit No. 2006-028 must be rescinded. The subject property is addressed as 16 Claus Way, Marstons Mills, MA and shown on Assessor's Map 043 as Parcel 062-002. It is zoned Residence F.

[Applicant statements]

Public Comment - None

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 2006- 028 was issued to the applicant on March 22, 2006 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Land Court on February 13, 2007 as Doc. No. 8870.

The Applicant no longer owns the property and therefore the Comprehensive Permit No. 2009-028 must be rescinded.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2009-028 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on June 26, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Findings of Fact:

1. The applicant, Scott B. Morse, as Trustee of the Morse Family Trust, was granted Comprehensive Permit 2006-028 for an accessory affordable apartment at 16 Claus Way, Marstons Mills, MA on March 22, 2006.
2. The applicant, Scott B. Morse, as Trustee, sold the property on March 7, 2012.
3. On May 22, 2019, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2006-028.

Ordered:

Comprehensive Permit number 2006-028 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. 2002-126

Harmon

Anne Harmon 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. Anne Harmon no longer owns the property and therefore Comprehensive Permit No. 2002-126 must be rescinded. The subject property is addressed as 622 Main Street, Osterville, MA and shown on Assessor's Map 141 as Parcel 060. It is zoned Residence C.

Hearing Discussion: [APPLICANT REPRESENTATIVE]

[Applicant statements]

Public Comment – None

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 2002- 126 was issued to the applicant on November 6, 2002 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Land Court on August 27, 2003 as Doc. No. 100060.

The Applicant no longer owns the property and therefore the Comprehensive Permit No. 2002-126 must be rescinded.

Procedural & Hearing Summary:

A public hearing to rescind Comprehensive Permit No. 2002-126 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on June 26, 2019 at which time the Hearing Officer, Alex Rodolakis, made the following findings and decision:

Findings of Fact:

1. The applicant, Anne N. Harmon, was granted Comprehensive Permit 2002-126 for an accessory affordable apartment at 622 Main Street, Osterville.
2. The applicant, Anne N. Harmon, sold the property on April 20, 2010.
3. On May 22, 2019, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2002-126.

Ordered:

Comprehensive Permit number 2002-126 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 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. 2015-008, Jenkins
Exhibit B - Appeal No. 2009-012, Donovan Keon
Exhibit C - Appeal No. 2006-028, Morse
Exhibit F - Appeal No. 2002-126, Harmon

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":