



Town of Barnstable
Zoning Board of Appeals
Agenda
September 10, 2008
Revised 08-26-08

**7:00 PM Comprehensive Permit 2000-061 - New Barnstable Housing Authority
Minor Modification Request**

This modification requires only a simple majority of 3 members to grant. A decision on the issue of minor or major modification is need at this hearing. If it is found to be a minor modification, the Board must proceed with rendering of a decision. If it is found to be a major modification a public hearing will have to be held within 30 days.

Staff Report and Applicants Request with supporting materials are enclosed.

The Barnstable Housing Authority has requested a minor modification of Comprehensive Permit 2000-061 issued for the premises commonly known as the "Aunt Sarah's Harbor View House". The permit authorized the creation of 13 units of rental affordable housing. The applicant is now seeking to modify that permit to convert the 5 single-room occupancy units to three apartment units. The property is located at 93 Pleasant Street, Hyannis, MA, and is show on Assessor's Map 326 as Parcel 029. It is now within the Hyannis Village Zoning Districts and is zoned HD, Harbor District Zoning.

**7:00 PM Comprehensive Permit 2005-082 - Moved Cotuit Equitable Housing LLC
Major Modification Request**

This major modification was noticed for August 6, 2008 and moved to September 10, 2008 due to a lack in Quorum. It requires only a simple majority of 3 members to grant.

Staff Report and Applicants Request with supporting materials are enclosed.

Cotuit Equitable Housing, LLC has requested a Modification of Comprehensive Permit No. 2005-082 issued for the development of 124 single-family dwellings on 50.44 acres. The subject property was formerly addressed as 9999 Falmouth Road (Route 28), Cotuit, MA and shown on Assessor's Map 002 as parcel 002. That parcel has recently been subdivided as per plan approved by the Board and the area now addressed as 0 to 59 Dovetail Lane, 0 to 351 Pheasant Hill Circle, 16 to 71 Spring Brook Lane, 6 to 86 Osprey Drive, and 0 to 33 Eagle Lane, Cotuit, MA. The applicant has requested a modification of the comprehensive permit to allow for an alternative permit phasing schedule of market rate units to affordable rate units, changes in house designs and in location of the affordable units, and an extension of the time frame for design and permit request for the signalization at Route 28 and Noisy Hole Road.

7:00 PM Appeal 2008-008 - Continued

**Oyster Harbor Club
Expand/Alter Nonconforming Use**

Filed January 04, 2008, Opened February 27, 2008 continued to March 12, 2008, April 30, 2008, May 21, 2008, June 11, 2008 and to June 23, 2008, Moved to September 10, 2008 due to lack of Quorum. 180 day Extension Filed. Decision Due November 21, 2008.

This Appeal is to be re-noticed "anew" to allow for a rehearing of the application with a new Board being assigned.

Staff recommends October 15, 2008 for re-notice and hearing.

Oyster Harbors Club, Inc. has petitioned for Special Permits pursuant to Section 240-93.B Alteration and Expansion of a Nonconforming Buildings or Structures Not Used as Single or Two-Family Dwellings; and Section 240-94.B Expansion of a Preexisting Nonconforming Use. The petitioner seeks to remodel an existing 573 sq.ft., children's play center and to add another accessory building consisting of 1,096 sq.ft., to also be used as a children's play center. The buildings and use is accessory to the principal nonconforming use of the property as a Club House. The subject property is located as shown on Assessor's Map 053 as Parcel 012 Lot 001, addressed as 170 Grand Island Drive, Osterville, MA 02655, in a Residence F-1 Zoning District.

7:00 PM Appeal 2008-036 - Continued

**Estate of Charles F. Crocker, Jr.
Appeal of Building Permit for 68 Pilots**

Way

Filed May 11, 2008, Noticed to Open May 21, 2008, Moved to and Opened on June 11, 2008, Continued to August 6, 2008 60 day Extension Filed, Decision Due October 18, 2008

No Members Assigned, No testimony Taken

Copy of prior Staff Report and Application Materials are enclosed.

Priscilla Dreier as Executrix of the Estate of Charles F. Crocker, Jr., has appealed the issuance of a building permit to develop a single-family dwelling at 68 Pilots Way, Barnstable, MA. The subject property is a 2.13 acre lot owned by Katie E. Gruner. It is shown on Assessor's Map 237 as parcel 007-001. The property is in a Residence F Zoning District.

7:00 PM Appeal 2008-039 - Continued

**Mueller & Paramount Enterprises, Inc.
Appeal of Administrative Official**

Filed May 16, 2008, Opened July 9, 2008, continued to September 10, 2008. 90 Day Extension Filed, Decision Due November 13, 2008.

No testimony taken, No Board Members Assigned.

Copy of prior Staff Report and Application Materials are enclosed.

Amy L. and Carl E. Mueller & Paramount Enterprises Inc., have appealed the Building Division's issuance of an April 14, 2008 notice of zoning violation and order to cease and desist the operating of a landscape business in a residential zone. The notice cites that the use of the property is contrary to the permitted single-family use allowed under Section 240-11 of the Zoning Ordinance. The property is addressed as 22 Suomi Road Hyannis, MA and is shown on Assessor's Map 269 as parcel 102. The property is in a Residence B Zoning District.

**7:00 PM Appeal 2008-041 - Continued Ellis
Use Variance**

Filed June 2, 2008, Opened July 9, 2008, continued to August 6, 2008 and moved to September 10, 2008. 90 day Extension Filed, Decision Due December 9, 2008

No Members Assigned, No testimony Taken

Staff Report and Applicants Request materials are enclosed.

Susan W. Ellis has applied for a Use Variance. The applicant is seeking a variance from Section 240-11.A, Principal Permitted Uses, to allow for a second detached dwelling unit on the lot where zoning only allows one single-family dwelling unit per lot. The second dwelling is a former family apartment created within a detached accessory garage/barn structure located on the lot. The subject property is shown on Assessor's Map 208 as parcel 121, addressed as 393 Main Street, Centerville, MA. The property is in a Residence D-1 Zoning District and a Resource Protection Overlay District.

**7:00 PM Appeal 2008-047 - Moved Dunhill Companies, Ltd.
Expansion of Nonconforming Use**

Filed June 3, 2008, Noticed to Open July 23, 2008, Moved to September 10, 2008 due to lack of Quorum. 90 day Extension Filed, Decision Due January 16, 2009

Staff Report and Applicants Request materials are enclosed.

Dunhill Companies, Ltd., has applied for a Special Permit pursuant to Section 240-94.B Expansion of a Preexisting Nonconforming Use. The applicant is seeking to construct a 40-foot by 60-foot structure for storage of equipment related to the garden center's landscape business. The subject property is commonly know as "Bush Gardens", addressed 182 Osterville-West Barnstable Road and is shown on Assessor's Map 120 as parcel 005. The property is in a Residence C Zoning District and a Wellhead Protection Overlay District.

**7:00 PM Appeal 2008-050 - Moved Bridges
Family Apartment Special Permit**

Filed June 11, 2008, Noticed to Open July 23, 2008, Moved to September 10, 2008 due to lack of Quorum. 120 day Extension Filed, Decision Due May 1, 2009

Staff Report and Applicants Request materials are enclosed.

Albert William Bridges has applied for a Special Permit pursuant to Section 240-47.1.A(1) Family Apartments. The applicant seeks to establish a family apartment of 1,000 sq.ft., to be located in a proposed addition to the existing dwelling. The proposed apartment exceeds the 800 sq.ft. permitted as-of-right under zoning. The property is addressed 78 Killkore Drive, Hyannis, MA and is shown on Assessor's Map 272 as parcel 005-006. It is in a Residence C-1 Zoning District.

**7:00 PM Appeal 2008-048 - Moved Abrams
Bulk Variance Minimum Lot Area**

Filed June 11, 2008, Noticed to Open July 23, 2008, Moved to September 10, 2008 due to lack in Quorum. 30 day Extension Filed, Decision Due October 19, 2008

Staff Report and Applicants Request with supporting materials are enclosed.

Margaret J. Abrams and William J. Abrams have applied for a Variance to Section 240-11.E, Bulk Regulation, Minimum Lot Area and Section 240-36 Resource Protection Overlay District. The applicants seek to create a buildable undersized lot of 20, 800 sq.ft., from a vacant lot that has merged due to common ownership with an abutting undersized develop lot. The district's regulations now require a minimum lot area of 2 acres for a buildable lot. The vacant lot is addressed 157 Sachem Drive, Centerville MA and is shown on Assessor's Map 209 as parcel 023. The developed lot is addressed 143 Sachem Drive, Centerville, MA and is show on Assessor's Map 229 as parcel 105. The lots are in a Residence D-1 Zoning District and a Resource Protection Overlay District.

**7:00 PM Appeal 2008-049 - Moved Abrams
Bulk Variance Minimum Front Yard Setback**

Filed June 11, 2008, Noticed to Open July 23, 2008, Moved to September 10, 2008 due to lack in Quorum. 30 day Extension Filed, Decision Due October 19, 2008

Margaret J. Abrams and William J. Abrams have applied for a Variance to Section 240-11.E, Bulk Regulation, Minimum Front Yard Setback off Route 28. The applicants seek to develop the lot with a single family dwelling to be located 65 feet off Route 28 where a 100-foot minimum setback is required. The subject property is addressed 157 Sachem Drive, Centerville MA and is shown on Assessor's Map 209 as parcel 023. The lot is in a Residence D-1 Zoning District.

**7:00 PM Appeal 2008-051 - Moved Baker
Special Permit – Accessory Uses**

Filed June 13, 2008, Noticed to Open August 6, 2008, Moved to September 10, 2008 due to lack of Quorum. 120 day Extension Filed, Decision Due March 1, 2009

Copy of Staff Report and Application Materials are enclosed.

Mark L. Baker and Carol A. Baker have petitioned for a Special Permit pursuant to Section 240-44.A – Accessory Uses. The petitioners are seeking to install a seasonal dock on an accessory lot located across the road from the principal lot on which the single-family dwelling it serves is located. The principal residential lot is addressed 521 Shootflying Hill Road, Centerville, MA and is shown on Assessor’s Map 193 as Parcel 049. The accessory lot is addressed 522 Shootflying Hill Road, Centerville, MA and is shown on Assessor’s Map 193 as Parcel 028. Both lots are in a Residential D-1 Zoning District.

**7:00 PM Appeal 2008-054 - Moved Shallow Pond Nominee Trust
and Sixty North Street Realty Trust
Conditional Use HB Drive Through Banking**

Filed June 16, 2008, Noticed to Open August 6, 2008, Moved to September 10, 2008 due to lack of Quorum. 21 day Extension for holding the public hearing only is filed. No extension for filing of decisions. Decision Due: November 4, 2008

Copy of Staff Report and Application Materials are enclosed.

Shallow Pond Nominee Trust and Sixty North Street Realty Trust have petitioned for a Special Permit pursuant to Section 240-25.C.(1) Conditional Use in a Highway Business District to allow for drive through banking. The petitioners seek to redevelop 2.34-acres of the property with 13,055 sq.ft., professional office and 2,500 sq.ft., bank including drive-thru banking. The special permit is required for the drive-thru banking facility. The property is addressed 1555 and 1575 Iyannough Road (Route 132), Hyannis, MA and is shown on Assessor’s Map 253 as Parcels 016, 019-B00 and 019-T00. The property is located in the Highway Business Zoning District and the Residential D-1 Zoning District.

**7:00 PM Appeal 2008-055 - Moved Shallow Pond Nominee Trust
and Sixty North Street Realty Trust
Special Permit Reduction of Parking**

Filed June 16, 2008, Noticed to Open August 6, 2008, Moved to September 10, 2008 due to lack of Quorum. 21 day Extension for holding the public hearing only is filed. No extension for filing of decisions. Decision Due: November 4, 2008

Shallow Pond Nominee Trust and Sixty North Street Realty Trust have petitioned for a Special Permit pursuant to Section 240-57 Reduction of Required On-site Parking. The petitioners are seeking a reduction in the number of required on-site parking spaces for the redevelopment of the property to professional offices and a bank with drive-thru facilities. The property is addressed 1555 and 1575 Iyannough Road (Route 132), Hyannis, MA and is shown on Assessor’s Map 253 as Parcels 016, 019-B00 and 019-T00. The property is located in the Highway Business Zoning District and the Residential D-1 Zoning District.

**7:00 PM Appeal 2008-053 - Moved Shallow Pond Nominee Trust
and Sixty North Street Realty Trust
Variance Off-Street Parking**

Filed June 16, 2008, Noticed to Open August 6, 2008, Moved to September 18, 2008 due to lack of Quorum. 21 day Extension for holding the public hearing only is filed. No extension for filing of decisions. Decision Due: September 26, 2008.

Shallow Pond Nominee Trust and Sixty North Street Realty Trust have applied for a Variance to Section 240-56, Schedule of Off-Street Parking Requirements. The variance is sought to permit 52 accessory parking spaces to be located on a redevelopment site of 2.34-acres. A portion of the site is located in residential zoned land. The property is addressed 1555 and 1575 Iyannough Road (Route 132), Hyannis, MA and is shown on Assessor's Map 253 as Parcels 016, 019-B00 and 019-T00. The property is located in both the Highway Business Zoning District and the Residential D-1 Zoning District.
