



Town of Barnstable
Zoning Board of Appeals
Agenda
September 24, 2008
Revised as of 09-17-08

7:00 PM Appeal 2008-057 - New Kenneth W. Howland
Bulk Variance

Staff Report and application materials enclosed

Kenneth W. and Doris M. Howland have applied for a Bulk Variance to Section 240-14.E. Minimum Side and Rear Yard Setbacks. The applicants are seeking to locate a 12 by 16 foot accessory shed building 9.0 feet off the side property line and 7 feet off the rear property line where zoning requires a minimum of 15 feet for side and rear setbacks. The subject property is addressed 44 Nobadeer Road, Centerville, MA, and is shown on Assessor's Map 250 as parcel 137. It is in a Residence C-1 Zoning District.

7:05 PM Appeal 2008-048 - Continued Abrams
Bulk Variance Minimum Lot Area

- Filed June 11, 2008, Noticed to Open July 23, 2008, Moved to and Opened September 10, 2008.
- Continued to September 24, 2008 to allow for a review of the issue of merger given the grandfathering provisions of Section 240-91.G - Resource Protection Overlay District.
- 30 day Extension Filed, Decision Due October 19, 2008

Members Assigned: James McGillen, William Newton, Michael Hersey, Craig Larson, Laura Shufelt
Associates Present: Nikolas J. Atsalis, Alex M. Rodolakis

Follow-up Staff Report 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.

7:05 PM Appeal 2008-049 - Continued Abrams
Bulk Variance Minimum Front Yard Setback

- Filed June 11, 2008, Noticed to Open July 23, 2008, Moved to, and Opened September 10, 2008.
- Continued to September 24, 2008
- 30 day Extension Filed, Decision Due October 19, 2008

Members Assigned: James McGillen, William Newton, Michael Hersey, Craig Larson, Laura Shufelt
Associates Present: Nikolas J. Atsalis, Alex M. Rodolakis

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.

**7:15 PM Appeal 2008-059- New Merlesena Realty Corporation
Modify Variance No. 2005-008**

This Appeal may not be going forward

Merlesena Realty Corporation has applied for a Modification of Variance No. 2005-008 issued to property addressed 146 Rosary Lane, Hyannis, MA. The applicant is seeking a modification of that variance to permit the lower level of the building that is presently used as a take-out fast food service to be converted to an apartment use. The subject property is shown on Assessor's Map 345 as parcel 017. It is in a Business B Zoning District.

**7:30 PM Appeal 2008-056 - New Osterville Free Library
Exempt Use Modification Permit**

The Osterville Free Library Corporation has petitioned for an Exempt Use Modification Permit pursuant to Section 240-8(3) of the Zoning Ordinance. The permit is sought to permit the construction of a new library building not in conformance to the district's bulk regulations, for a reduction in the required on-site parking, and for relief from the landscape requirements for parking lots. The petitioner also requests that the permit be valid for a period of 2 years. The property is addressed 43 Wianno Avenue, Osterville, MA, and is shown on Assessor's Map 117 as parcels 096 and 097. It is in a Business A and a Residence C Zoning Districts.

**7:45 PM Appeal 2008-058 - New H. Jon Gordon
Use Variance**

This Appeal may not be going forward

H. Jon Gordon, as Trustee of the 52 Stevens Street Trust has applied for a Use Variance to Section 240-11.A, Principal Permitted Uses. The applicant is seeking to develop a second residence on a lot zoned only for single family use. The second unit is to be developed within the second floor of an existing detached garage. The subject property is addressed 52 Stevens Street, Hyannis, MA, and is shown on Assessor's Map 309 as parcel 165. It is in a Residence B Zoning Districts.

**7:45 PM Appeals 2008-054, 055 & 053 Shallow Pond Nominee Trust
and Sixty North Street Realty Trust**

**Appeal 2008-054 - Continued Conditional Use HB Drive Through
Banking**

- Filed June 16, 2008, Noticed to Open August 6, 2008, Moved to, and Opened September 10, 2008.
- Continued to September 24, 2008 at request of Applicant

- Decision Due: November 4, 2008

No Members Assigned, No testimony Taken

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.

Appeal 2008-055 - Continued

**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, and Opened September 10, 2008.
- Continued to September 24, 2008 at request of Applicant
- Decision Due: November 4, 2008

No Members Assigned, No testimony Taken

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.

Appeal 2008-053 - Continued

**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, and Opened September 10, 2008.
- Continued to September 24, 2008 at request of Applicant
- 42 day extension filed, Decision Due: October 17, 2008

No Members Assigned, No testimony Taken

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.

Open

Comprehensive Permit No. 2005-013

Mill Pond Estates - Starboard, LLC

Minor Modification Request

This will not be going forward. It will be withdrawn administratively

By letter submitted September 10, 2008, Paul T Caggiano and Brady Otey are seeking to modify Comprehensive Permit No. 2005-013 "Mill Pond Estates" issued to Starboard, LLC for the division of 2.81 acres into a 13 lot subdivision for the development of 11 single-family dwellings at 459 and 449 Old Mill Road, Osterville, MA. Three of the 11 dwellings are to be committed to affordable housing pursuant to MGL Chapter 40B, Section 20-23. The applicants seek to permit;

- the transfer of the permit to "Mill Pond Osterville Associates LLC",
 - to be allowed to build one "model home for the purposes of marketing the development, and
 - a request to have waived the requirement for posting of securities for the completion of the subdivision until a second building permit is sought.
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