

Town of Barnstable
Zoning Board of Appeals
Agenda
September 16, 2009

All hearings are scheduled for 7:00 P.M.
Last Revised 09-08-09

Appeal No. 2009-041 – Continued

Waldron/Northeast Marketing Group
Appeal of the Building Commissioner

Opened August 5, 2009, continued to September 16, 2009, at the request of the applicant.
No members assigned. No testimony taken.
Staff Report, Application and Memorandum in Support previously distributed to Members.

Timothy J. Waldron, Trustee of Northeast Marketing Group Realty Trust has appealed the May 19, 2009 decision of the Building Commissioner that the subject property, 1330 Phinney's Lane, Hyannis, MA, does not have the zoning benefits of the Medical Services Overlay District (MSOD) as it is zoned Residence F-1. The appellant had requested the Board confirm that its property is included within the Medical Services Overlay District and that it is located within its boundaries and subject to, and benefited by, the provisions of that overlay district. The property is addressed as 1330 Phinney's Lane, Hyannis, MA. It is shown on Assessor's Map 274 as parcel 016/X02. It is in a Residence F-1 Zoning District.

Appeal No. 2009-045 – Continued

Waldron/Northeast Marketing Group
Modification of Use Variance No. 1995-109

Opened August 5, 2009, continued to September 16, 2009, at the request of the applicant.
No members assigned. No testimony taken.
Staff Report, Application and Memorandum in Support previously distributed to Members.

Timothy J. Waldron, Trustee of Northeast Marketing Group Realty Trust has petitioned for a modification of Condition No. 2 of Use Variance No. 1995-109. The petitioner is requesting that Condition No. 2 be changed to include the use of the building for medical offices (including, without limitation, offices for physical therapy and chiropractic services) and/or dental offices as allowed for in Medical Services Overlay District (MSOD). The property is addressed as 1330 Phinney's Lane, Hyannis, MA. It is shown on Assessor's Map 274 as parcel 016/X02. It is in a Residence F-1 Zoning District.

Appeal No. 2009-044 - New

Sweeney/Mullaly
Alter/Expand Nonconforming Use

Staff Report and Application Materials enclosed.

Karen I. Mullaly-Sweeney and Michael Sweeney have applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures Used as Single and Two-Family Residences and Section 240-94(B) Expansion of a Nonconforming Use. The applicants are seeking relief in order to alter and expand the existing nonconforming two-family use by constructing a new cottage to rear of property and converting the existing cottage structure into a garage. The property is addressed 4364 Falmouth Road (Route 28), Cotuit, MA. It is shown on Assessor's Map 024 as parcel 025 and is zoned Residence F.

Appeal No. 2009-058

**MetroPCS Massachusetts, LLC.
Modification Variance No's. 2004-044 & 2000-031**

Staff Report and Application Materials enclosed.

MetroPCS Massachusetts, LLC, as lessee, has applied for a modification of Variance No's. 2004-044 and 2000-031. The modification seeks to operate additional Personal Wireless Communication on the existing communications tower and provide for the installation of additional antennas and necessary ground equipment at the base of the tower. The property is addressed 1047 Falmouth Road (Route 28), Hyannis, MA and is shown on Assessor's Map 250 as parcel 004. The property is zoned Residential D-1 and is within a Groundwater Protection Overlay District.

Open – Chairman's Discussion
