

Town of Barnstable
Zoning Board of Appeals
Agenda
October 21, 2009

All hearings are scheduled for 7:00 P.M.
Draft as of 10-08-09

Appeal No. 2009-061 - New

Lane
Family Apartment Special Permit

Carole Mae Lane has petitioned for a Special Permit pursuant to Section 240.47.1 A(1) Family Apartments. The petitioner is seeking the permit to allow a family apartment of 1,200 sq.ft. The property is addressed 1025 Service Road, West Barnstable, MA. It is shown on Assessor's Map 129 as parcel 003. It is in the Residence F Zoning District and the Wellhead (WP) Protection Overlay District.

Remand Appeal No. 2007-059 – Continued

Swift/Clough
Modification Condition 4 Appeal No. 2007-059

Opened October 7, 2009, continued October 21, 2009 - at the request of the applicant
No Members Assigned - No Testimony Taken

Staff Report & Application Materials previously distributed to Board Members.

By an Agreement of Remand, Appeal No. 2007-059 has been remanded back to the Zoning Board of Appeals for a new hearing to afford the Board an opportunity to review a request to modify Condition 4 of the variance issued. That condition involves the issue of access to the lot. The variance was issued to Donna Swift Clough for relief from Sections 240-36 and 240-13.E, Bulk Regulations, Minimum Lot Area and Resource Protection Overlay District. The variance created a buildable undersized lot from a lot that has merged due to common ownership with adjoining lots. The subject properties are addressed 99 & 109 Old Salem Way and 83 Swift Avenue, Osterville, MA, as shown on Assessor's Map 165 as parcels 041, 036 and 122. They are in a Residence C Zoning District and the Resource Protection Overlay District.

Appeal No. 2009-059 - Continued

Wallace, Lampi, Lampi & Bumpus
Appeal of the Building Commissioner

Opened October 7, 2009, continued October 21, 2009 - at the request of the applicant
No Members Assigned - No Testimony Taken

Staff Report & Application Materials previously distributed to Board Members.

Joan M. Wallace, Irene Lampi, Derwin Lampi and Gordon Bumpus have appealed the decision of the Building Commissioner dated July 21, 2009. In that decision, the Commissioner determined that the subject lot lacks the required frontage of 150 feet on a way. The appeal is being made pursuant to

MGL Chapter 40A, Section 15 and is seeking the Zoning Board of Appeals to overrule the Building Commissioner's decision. The subject property is a 5.9 acre lot accessed over a 40-foot easement from Wayside Lane. The property is addressed as 0 High Street, West Barnstable, MA and is shown on Assessor's Map 110 as Parcel 007. It is in a Residence F Zoning District and the Resource Protection Overlay District.

Appeal No. 2009-060 - Continued

**Wallace, Lampi, Lampi & Bumpus
Bulk Variance, Minimum Lot Frontage**

Opened October 7, 2009, continued October 21, 2009 - at the request of the applicant
No Members Assigned - No Testimony Taken

Staff Report & Application Materials previously distributed to Board Members.

Supplemental Materials and Staff Report attached.

Joan M. Wallace, Irene Lampi, Derwin Lampi and Gordon Bumpus have applied for relief from Section 240-14.E Bulk Regulations, Minimum Lot Frontage. The applicants are seeking relief from the required 150 feet of frontage. The subject property is a 5.9 acre lot accessed over a 40-foot easement from Wayside Lane. The property is addressed as 0 High Street, West Barnstable, MA and is shown on Assessor's Map 110 as Parcel 007. It is in a Residence F Zoning District and the Resource Protection Overlay District.

Appeal Nos. 2009-036 & 037 - Continued Joyce Realty Acquisition I, LLC.

Opened July 22, 2009, continued October 21, 2009
No Members Assigned - No Testimony Taken

Staff Report & Application Materials previously distributed to Board Members.

Appeal No. 2009-036

Modification of Variance No. 1998-16

Joyce Realty Acquisition I, LLC, d/b/a/ Joyce Landscaping Inc., has applied for a modification of Variance No. 1998-16. The applicant is requesting the modification to permit development and use of the property in accordance with a new site plan submitted and to allow; the storage of additional materials, employment of more than twenty (20) persons, include landscape masonry work from the site, provide for heavy duty equipment at the site and allow for more tractor trailer deliveries to the site. The subject property is addressed 68 and 50 Flint Street, Marstons Mills, MA, and is shown on Assessor's Map 123 as parcels 004-006 and 004-007. It is zoned Residential F and in a Groundwater Protection Overlay District.

Appeal No. 2009-037

Appeal of Administrative Official

This Appeal was originally opened on July 22, 2009 but was re-noticed to the public for this hearing to cure a defect in the original notice. This notice reflects the corrected subject parcels.

Joyce Realty Acquisition I, LLC, d/b/a/ Joyce Landscaping Inc., has appealed a May 13, 2009 Notice of Zoning Ordinance Violation and an Order to Cease, Desist and Abate issued by the Building Division.

The appeal cites that the applicant has filed for a modification of Variance No. 1998-16 as requested in the order and that the other activities cited in the order are exempt as agricultural use. The subject property is addressed 68 & 50 Flint Street and 743 Osterville-West Barnstable Road, Marstons Mills, MA. The parcels are shown on Assessor's Map 123 as parcels 004-006, 004-007 and 008. The property is zoned Residential F and in a Groundwater Protection Overlay District.

Open

Chairman's Discussion
