



Town of Barnstable
Zoning Board of Appeals
Agenda
September 29, 2010

The following hearings will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk

Revised as of 09-20-10

7:00 PM Appeal No. 2010-003 - Continued Gregory
Expand Nonconforming and/or Accessory

Use

Opened January 27, 2010, continued; March 10, 2010, April 14, 2010, May 12, 2010, June 9, 2010, July 14, 2010, August 25, 2010 and to September 29, 2010.

Continued to allow for the Board's review of information submitted and for alternative relief of a variance to be filed and noticed (see Appeal No. 2010-028 below).

Members Assigned: William H. Newton, Brian Florence, Alex M. Rodolakis, James F. McGillen, Laura F. Shufelt - Associate Present: George T. Zevitas

Decision Due: September 20, 2010

Nathaniel A. Gregory has petitioned for a Special Permit pursuant to Section 240-93 B – Alteration or Expansion of a Pre-existing Nonconforming Structure and a Special Permit pursuant to Section 240-44 A – Accessory Uses. According to the application submitted, the petitioner seeks the "construction of a pier to replace a prior pier" 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 428 Wianno Avenue, Osterville, MA and is shown on Assessor's Map 163 as Parcel 024. The accessory lot is addressed 320 East Bay Road, Osterville, MA and is shown on Assessor's Map 163 as Parcel 020. Both lots are in a Residential F-1 Zoning District.

7:00 PM Appeal No. 2010-028 - Continued Gregory
Variance for an Accessory Uses

Opened August 25, 2010, continued at request of the Applicant to September 29, 2010.

No Members assigned. No testimony taken.

Staff Report and Application Materials previously sent

Nathaniel A. Gregory has applied for a Variance to Section 240-44.A, Accessory Uses. The applicant seeks the use of a lot addressed 320 East Bay Road, Osterville, MA for the construction of a pier to be accessory to the principal single-family use of a lot addressed 428 Wianno Avenue, Osterville, MA. The principal residential lot, addressed 428 Wianno Avenue, Osterville, MA, is shown on Assessor's Map 163

as Parcel 024 and the accessory lot, addressed 320 East Bay Road, Osterville, MA, is shown on Assessor's Map 163 as Parcel 020. Both lots are in a Residential F-1 Zoning District.

7:15 PM Appeal No. 2010-034 – New

**McCowan Cotuit Trust – 1992
Variance – Bulk Regulations**

Note: On September 20th staff met with Attorney Sarah A. Turano-Flores who is representing this application. Based upon that conversation, it appears that additional relief may be sought in conjunction with this appeal. Staff believes a continuance may be requested.

The McCowan Cotuit Trust – 1992 has applied for a Variance to Section 240-14.E, Bulk Regulations, Minimum Lot Area and Minimum Lot Frontage and Section 240-36 Resource Protection Overlay District. The variance is sought to render the property a buildable lot for a single family dwelling. The subject lot was established in 1961, however, the establishment of the lot did not conform to the zoning requirements for a legally created lot and therefore the applicant seeks to now legalize the lot under zoning. The property is addressed 1372 Main Street, Cotuit, MA and is shown on Assessor's Map 033 as parcel 046. It is in a Residence F Zoning District.

Open Chair's Discussion
