



Town of Barnstable Zoning Board of Appeals

www.town.barnstable.ma.us/ZoningBoard

Commission Members

Craig Larson – Chair Brian Florence – Vice Chair Alex Rodolakis - Clerk
George Zevitas – Associate Member David A. Hirsch – Associate Member
Michael Hersey – Town Council Liaison

Staff Support

Elizabeth Jenkins – Principal Planner - elizabeth.jenkins@town.barnstable.ma.us
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Wednesday, November 13, 2013

367 Main Street, Hyannis, MA - 2nd Floor - Selectmen’s Conference Room

7:00 PM

AGENDA

Call to Order

Introduction of Board Members

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Approval of Minutes

Minutes from August 28, 2013 & September 11, 2013

Old Business

7:00 PM

K Hyannis Hospitality, LLC

K Hyannis Hospitality, LLC (c/o Simon Konover Company), has petitioned for relief to allow for significant investment and renovation to an existing hotel structure and site to allow for an increase in the number of hotel rooms from 99 to 126.

The Petitioner seeks the following Special Permits:

- **2013-056:** §240-25(c)(1) HB Business District, Conditional Use. The Petitioner requests a conditional use special permit to allow a hotel/motel use in the HB District. The hotel use is currently pre-existing nonconforming.
- **2013-057:** §240-94B Expansion of a pre-existing nonconforming use. In the alternative to 2013-056, the Petitioner seeks a special permit to expand the pre-existing nonconforming hotel use. The Petitioner seeks to increase the use by renovating the structure and site to allow for the addition of 27 hotel rooms.
- **2013-059:** §240-93(B) Expansion of a pre-existing nonconforming building. The Petitioner seeks to renovate and add a third story to the pre-existing nonconforming structure to allow for 27 additional hotel rooms. The Petitioner also requests approval by special permit to maintain and/or alter lawfully pre-existing nonconformities to the site, which will not be exacerbated, including: §240-53B(1) Side and Rear Parking Landscape Buffer; §240-54 Location of Parking in Relation to Building; §240-35F(3)-(4) Groundwater Protection District Lot Coverage (impervious material and natural state).

Growth Management Department

JoAnne Miller Buntich – Director

200 Main Street, Hyannis, MA 02601 367 Main Street, Hyannis, MA 02601

Phone: 508-862-47XX Fax: 508-862-47XX

• **2013-060:** §240-57 Reduction of Parking Requirements. The Petitioner requests a Special Permit to reduce the number of required parking spaces by 35 spaces. One hundred Eighty-Six (186) parking spaces are required and One Hundred Fifty-One (151) spaces are proposed. The number of parking spaces proposed will decrease the degree of the pre-existing nonconforming parking ratio.

The Applicant seeks the following variances:

- **2013-061 & 2013-062:** §240-21E "B" District Bulk Regulations and §240-25E "HB" District Bulk Regulations. The Applicant seeks a variance to add a third floor to the existing building while not exceeding the 30 foot height limit.
- **2013-063 & 2013-064:** §240-21E "B" District Bulk Regulations and §240-25E "HB" District Bulk Regulations. A 100' setback is required along Route 132. The building is currently 49.1 feet from Route 132, a lawful preexisting nonconformity. The building's front canopy as proposed will be 51 feet from the Route 132, slightly reducing the nonconformity and resulting in a variance request of 49 feet.
- **2013-065:** §240-25E "HB" Front Yard Landscape Setbacks. While the Applicant proposes a redesign of the site and parking layout, the existing conditions, along with the size and shape of the lot, prevent compliance with the requirement for a 45' front yard landscaped setback from the lot line. Due to the size of the lot and the lawful preexisting conditions, the Applicant seeks a variance from this provision which also allows for necessary parking.

The property is located at 867 Iyannough Road (Route 132), Hyannis, MA as shown on Assessor's Map 294 as Parcel 017. It is in the Highway Business (HB) and Business (B) zoning districts.

Opened: October 9, 2013 and Continued to November 13, 2013

Members Assigned: Craig Larson, Alex Rodolakis, William Newton, George Zevitas, David Hirsch

New Business

7:00 PM

Appeal No. 2013-067

Bevis

Robert Bevis has petitioned for a Special Permit in accordance with Section 240-47.1.A(1) Family Apartments. The petitioner is proposing to construct an attached addition of approximately 1,150 square feet for use as a family apartment. A Special Permit is required as the apartment will exceed 800 square feet. The property is located at 76 School Street, Marstons Mills, MA as shown on Assessor's Map 046 as Parcel 002-000. It is in the Residence F zoning district.

7:05 PM

Appeal No. 2013-068

AT&T Mobility

AT&T Mobility, as Lessee, has petitioned for a modification of Variance No. 1999-088 as amended by Variance No. 2013-020 to construct a temporary 85 foot tall tower adjacent to an existing monopole telecommunications tower at 84 Industry Road. The temporary tower will be used to house antennas during construction of the tower modifications granted in Variance No. 2013-020. The subject property is 84 Industry Road, Marstons Mills, MA as shown on Assessor's Map 058 as Parcel 031. It is in the Service & Distribution and Service and Distribution-1 Zoning Districts

Next Meeting:

The next regularly scheduled ZBA meetings are **December 11, 2013** and **January 8, 2014**.

November 25, 2013 - Medical Marijuana Treatment Center Workshop. The Planning Board is hosting a workshop on the proposed Medical Marijuana Overlay District on November 25, 2013 at 7:00 PM in the Hearing Room, 2nd floor at 367 Main Street, Hyannis, MA. The Zoning Board is invited to participate in this workshop, as they are the proposed Special Permit Granting Authority for medical marijuana facilities under the proposed ordinance. Staff will distribute materials to the Board in advance of the workshop. This meeting will be noticed as required by the Open Meeting Law.

Correspondence

Other Business

Adjourn

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

* Public files are available for viewing during normal business hours at the Zoning Board of Appeals office located at 200 Main Street, Hyannis, MA