



# Town of Barnstable

# Zoning Board of Appeals



[www.town.barnstable.ma.us/ZoningBoard](http://www.town.barnstable.ma.us/ZoningBoard)

#### Board Members:

Craig Larson – Chair Brian Florence – Vice Chair Alex Rodolakis – Clerk George Zevitas - Member  
David A. Hirsch – Associate Member Herbert Bodensiek – Associate Member Robin Young – Associate Member Matthew Levesque – Associate Member  
James Tinsley – Town Council Liaison

#### Staff Support

Elizabeth Jenkins – Principal Planner - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
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## Agenda

**Wednesday, September 30, 2015**

Hearing Room – 2<sup>nd</sup> Floor – 367 Main Street, Hyannis, MA

### 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.

### Executive Session

The Zoning Board of Appeals may vote to go into Executive Session under G.L. c. 30A §21(a)(3), if the chair declares that an open meeting may have a detrimental effect on the litigating position of the Committee, the Zoning Board of Appeals may vote to go into executive session to discuss litigation strategy with regard to the following pending cases:

- 1) **John W. Gahan, III, et al. v. Town of Barnstable Zoning Board of Appeals, et al. – ZBA Special Permit Petition No. 2015-019**
- 2) **EAC Disposal, Inc. dba v. Barnstable Zoning Board of Appeals – ZBA Variance Appeal No. 2009-025**

If so voted, the Executive Session will be held in the Town Council Conference Room at 7:00 P.M.

### Comprehensive Permits

**7:00 PM Appeal No. 2005-013**

**KTW Group – Osterville Landing LLC**

KTW Group – Osterville Landing LLC., has requested release of lots: 1, 3, 4, 5, 7 & 11 under covenant in Osterville Landing subdivision which is being developed pursuant to Comprehensive Permit No. 2005-013. The property is located at 4-48 Darby Way, Osterville, MA (formerly 449-459 Old Mill Way, Osterville, MA) as shown on Assessor's Map 166 as Parcels 001, 001-002, 001-006 and Map 143 as Parcels 040, 040-001 and 040-004. They are in the Residence C and Resource Protection Overlay zoning districts.

### Old Business

**7:00 PM Appeal No. 2015-040**

**Thompson**

Jane McC. Thompson, Trustee of 205 Scudder Realty Trust, has applied for a modification of the conditions of Variance Nos. 1995-052 and 2011-023. The applicant is requesting to eliminate Condition #3 of 1995-052 and Condition #3 of 2011-023 restricting the further division of the land. The applicant seeks to allow approval of a further division of the land from one nonconforming lot into two conforming lots. The property is located at 205 Scudder Lane, Barnstable, MA as shown on Assessor's Map 259 as Parcel 007-001. It is located in the Residence 2-C Zoning District.

Continued from August 12, 2015 and August 26, 2015 – No members assigned August 12, 2015

**7:00 PM Appeal No. 2015-035**

**Cwynar**

Elaine R. Cwynar has applied to modify Conditions No. 1 & 2 of Variance No. 2007-072. The applicant seeks to amend the conditions to allow for the construction of a 219 sq.ft second floor loft. Under Variance No. 2007-072 the “dwelling shall not be increased in area, limited to “one story” and “the gross area of the building shall not be expanded.” The property is located at 29 Norris Street, Hyannis, MA as shown on Assessor’s Map 306 as Parcel 033. It is in the Residence B Zoning District.

Continued from July 8, 2015, August 12, 2015 and August 26, 2015 – No members assigned.

**7:00 PM Appeal No. 2015-045**

**Reynolds/Gauvreau/Cramer**

Ellen W. Reynolds, Andrea W. Gauvreau and Robin W. Cramer have applied for variances from the 1 acre minimum lot area requirements of §240-14E RD-1 District, the 2-acre minimum lot area requirements of §240-36D Resource Protection Overlay District (RPOD) and §240-7D Lot Shape Factor Requirements. The applicants seek to construct a single-family dwelling on a lot that is nonconforming due to merger. The property is located at 149 Beech Leaf Island Road, Centerville, MA as shown on Assessor’s Map 187 as Parcel 063-005. It is located in the Residence D-1 and Resource Protection Overlay Zoning Districts.

**New Business**

**7:00 PM**

**Appeal No. 2015-048**

**Marks/Cwynar**

John S. Marks and Elaine R. Cwynar have applied for a variance to Section 240-11.E Bulk Regulations. The applicants seek variances from the minimum lot area and width and variances from the side and rear setbacks for an existing single-family residential dwelling. The property is located at 23 Norris Street, Hyannis, MA as shown on Assessor’s Map 306 as Parcel 032. It is in the Residence B Zoning District.

**7:01 PM**

**Appeal No. 2015-049**

**William Walser, Trustee**

William Walser, as Trustee of the Windsong Trust I and as Trustee of the Wingway Trust has applied for variances to Section 240-7.D – Lot Shape Factor and Section 240-36.D – RPOD Resource Protection Overlay District. The applicant is proposing to reconfigure two lots by dividing a 6,344 square feet parcel from 315 Baxter Neck Road and adding it to 305 Baxter Neck Road. Both resulting lots will have in excess of 87,120 square feet of upland; however the newly configured 315 Baxter Neck Road will continue to be nonconforming as to shape factor at 27, where a shape factor of 22 is permitted. The properties are located at 315 Baxter Neck Road and 305 Baxter Neck Road as shown as Assessor’s Map 075 as Parcels 009-000 and 008-001. They are in the Residence F and Resource Protection Overlay Districts.

**Correspondence**

- From Cape Cod Commission – Minor Modification – Type 1 to the Development of Regional Impact (DRI) Decision for the ICE/Sprint Tower Barnstable project that was approved by the Cape Cod Commission on September 9, 2015.
- Chapter 91 Waterways License Application – Proposed Residential Seasonal Dock at 1343 Falmouth Road, Centerville, MA.

**Matters Not Reasonably Anticipated by the Chair**

**Adjournment**

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 Board may go into executive session. The Board 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