



# Town of Barnstable Zoning Board of Appeals



#### Board Members:

Jacob Dewey – Chair   David Hirsch – Vice Chair   Herbert Bodensiek - Clerk  
Paul Pinard – Regular Member   Mark Hansen – Regular Member  
Todd Walantis – Associate Member   Emanuel Alves – Associate Member   Aaron Webb-Associate Member   Denise Johnson-Associate Member  
David Bogan – Town Council Liaison

#### Staff Support

Elizabeth Jenkins –Director - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
Anna Brigham – Principal Planner – [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)  
Administrative Assistant –

## AMENDED Agenda

Wednesday, March 23, 2022

7:00 PM

The Zoning Board of Appeals Public Hearing will be held by remote participation methods.

Public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
2. Real-time access to the Zoning Board of Appeals meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Zoning Board of Appeals by utilizing the Zoom link or telephone number and Meeting ID provided below:

Join Zoom Meeting Option	Telephone Number Option
<a href="https://zoom.us/j/91955601391">https://zoom.us/j/91955601391</a>	888 475 4499 US Toll-free
Meeting ID: 919 5560 1391	Meeting ID: : 919 5560 1391

3. Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely, and may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us) so that they may be displayed for remote public access viewing.

Copies of the applications are available for review by calling (508) 862-4682 or emailing [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us).

### Call to Order

Introduction of Board Members

### Executive Session

The Zoning Board of Appeals may vote to enter into an Executive Session under G.L. c. 30A section 21(a)(3), to discuss litigation strategy with respect to the pending appeal Ciluzzi v. Zoning Board of Appeals, 149 Beech Leaf Island Road, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

### Notice of Recording

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

### Minutes

None

### Old Business

Page 1 of 2

7:00 PM

Appeal No. 2021-057

O'Neill and Dunbar Point LLC

J. Brian O'Neill, Miriam O'Neill, and Dunbar Point LLC have applied for a Special Permit pursuant to Section 240-91 F Merged Lots. The Applicant seeks to relocate the property line between 689 and 697 Scudder Avenue which would result in the cottage to be part of 689 Scudder Avenue. The subject properties are 689 Scudder Ave and 697 Scudder Ave, Hyannis, MA on Assessors Map 287, Parcels 061 and 062. It is located in the Residence F-1 (RF-1) Zoning District.

Continued from December 8, 2021, January 12, 2022, and February 23, 2022

7:01 PM

Appeal No. 2022-006

White

Allen J. White has petitioned for a Variance from Section 240-24.1.5 B. Dimensional, Bulk and Other requirements in the Single Family Residential District. The Petitioner is seeking a variance from minimum lot area where 20,000 square feet is required and 15,358 square feet is provided and rear yard setback where 10 feet is required and 3 feet is provided. The subject property is located at 438 South Street. Hyannis, MA, as shown on Assessor's Map 308 as Parcel 123. It is located in the Single Family (SF) Residential District. Continued from March 9, 2022.

**New Business**

7:02 PM

Appeal No. 2022-007

Tella

Srikanth and Brigid C. Tella have petitioned for a Variance from Section 240-91(H)(b)(1) Developed Lot Protection. The Petitioners seek a variance to construct a 16' x 32' pool at the property which would increase the lot coverage from 18.38% to 23.87%, exceeding the allowable limit of 20%. The subject property is located at 26 Hidden Lane, Osterville, MA as shown on Assessor's Map 140 Parcel 203. It is located in the Residence C (RC) Zoning District.

7:03 PM

Appeal No. 2022-008

MacKinnon

Donald J. MacKinnon, Trustee of MCCM Trust and Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust, have petitioned for a Variance from Section 240-125(B)(1)(c). The Petitioners are seeking to modify Variance No. 2021-029 to amend the plan referenced in Condition 3 which states, "The site development shall be in substantial conformance with the plan entitled "Plan of Land #910 Main Street & #33 Oyster Place Road, Cotuit MA by Down Cape Engineering Inc., dated April 29, 2021." . The Petitioners are proposing certain changes to the proposed expansions of the homes and to the approved site plan and are seeking to modify the Decision to allow for proposed modification and to reference the revised site plan. No further relief is being sought. The subject properties are located at 910 Main Street, Cotuit, MA on Assessor's Map 035 Parcel 090 and 33 Oyster Place Road, Cotuit, MA on Assessor's Map 035 Parcel 101. They are located in the Residence F (RF) Zoning District and the Resource Protection Overlay District (RPOD).

7:04 PM

Appeal No. 2022- 009

Bank of America

Bank of America, as Leasee, has petitioned for a Variance from Section 240-35. F.(3) Groundwater Protection Overlay Lot Coverage, Section 240-35.F.(4) Groundwater Protection Overlay Site Clearing, Section 240-75. A. Directional or Safety Signs not to exceed 1 sq. ft. in area or 3 ft. in height, Section 240-75.(B) No more than 4 signs per site, Section 240-103. E.(3) Site Development Standard for Adequate Illumination, Section 240-53.B.(1) Landscape Requirements for Parking Lots – setbacks with landscape buffer, and Section 240-53. C. Interior landscaping within the parking lot area. The Petitioner is exceeding the minimum impervious coverage and minimum area to retain in its natural state requirements from the Groundwater Protection Overlay District. The Petitioner is exceeding number, height, and area requirements for directional signs. They are exceeding maximum property line and right-of-way illumination requirements. The Petitioner is not meeting the minimum number of trees in islands requirement and the surface parking area is located within the 10ft landscape buffer. The subject property is located at 1090 Iyannough Road, Hyannis, MA as shown on Assessor's Map 294 Parcel 001 H02. It is located in the Highway Business (HB) Zoning District.

7:05 PM

Appeal No. 2022-010

Bank of America

Bank of America, as Leasee, has applied for a Special Permit pursuant to Section 240-25 C.(10) Conditional Use, Drive-through for banks. The Applicant proposes to redevelop the site and have proposed a drive-through for the bank. The subject property is located at 1090 Iyannough Road, Hyannis, MA as shown on Assessor's Map 294 Parcel 001-H02. It is located in the Highway Business (HB) Zoning District.

**Correspondence**

None

**Matters Not Reasonably Anticipated by the Chair**

**Upcoming Hearings**

April 13, 2022, and April 27, 2022, May 11, 2022

**Adjournment**