



Town of Barnstable

Zoning Board of Appeals



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
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Minutes

Wednesday, April 8, 2015

2nd Floor Hearing Room – 367 Main Street, Hyannis, MA

Craig Larson - Chair	Present
Brian Florence – Vice Chair	Present
Alex Rodolakis – Clerk	Absent
George Zevitas	Absent
David Hirsch	Present
Herbert Bodensiek	Absent
Robin Young	Absent
Matthew Levesque	Present

Also present were Elizabeth Jenkins – Principal Planner and Carol Puckett – Administrative Assistant.

Call to Order

Introduction of Board Members – **All members present introduce themselves.**

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

Approval of minutes from February 11, 2015, February 25, 2015 and March 11, 2015

Motion is made by Brian Florence and Craig Larson to approve the minutes as submitted.

Vote:

All in favor

New Business

7:00 PM Appeal No. 2015-017

Wallace

David A. and Patricia Wallace have petitioned for a Special Permit in accordance with Section 240-131.4(D)(2) to change, alter and expand an existing structure. The Petitioners seek to build a garage and enclose an existing staircase; portions of an existing deck and driveway will be removed. The subject property is addressed 112 Long Beach Road, Centerville, MA. as shown on Assessor’s Map 206 as Parcel 004. It is in the Craigville Beach District (CBD) and the Long Beach/Short Beach (LBSB) Neighborhood Overlay District.

Members assigned: Brian Florence, George Zevitas, David Hirsch, Matt Levesque, Craig Larson

Attorney John Kenney is representing the applicants. With him tonight are Kieran Healy – PLS, from BSC Group, and Robert and Carolyn Wallace. Attorney Kenney states that Carolyn Wallace will be residing on the premises. Attorney Kenney gives a background and history of ownership. He summarizes the zoning history. He states that they are looking to remove a portion of the deck, driveway and enclose an existing garage. He references a picture on the overhead screen. Mr. Healy explains the photograph and points out the existing deck and stairs down to the lower level where the parking area is. He points out the floor plan on the easel (EXHIBIT A). They will remove the outside steps and enclose them. Mr. Healy points out the parking area which they plan on removing. Attorney Kenney notes that there is a possibility that the walkway to be removed will be impervious and consists of 130 square feet and easily fits within the allowed increase in lot and building coverage.

Attorney Kenney walks through the various sections of the criteria they must meet for the special permit. There are 8 criteria in section 240-131.4.(D)(2). He summarizes how they meet the criteria and explain in his opinion how they meet them all.

Craig Larson asks if they have been before the Conservation Commission and will be before the Historical Commission on April 21st. Brian Florence clarifies with Elizabeth Jenkins about the commission's purview. Brian Florence asks Attorney Kenney if he is okay with a condition pertaining to restricting the footprint square footage. Attorney Kenney is okay with a condition to that affect. George Zevitas asks about parking and how many feet from the garage door to the end of the driveway. Mr. Healey states that it is 25 feet and a typical car is between 17 and 19 feet. Mr. Zevitas asks how many cars can fit in the driveway and garage. Mr. Healey says one in the garage and space for two in the front. Mr. Zevitas asks how big the boat is that is currently shown on an aerial photo. Mr. Wallace says 17 feet. They discuss who owns the adjoining lot and if there are any easements.

Craig Larson asks for public comment. No one speaks.

No questions from the board.

Craig Larson makes findings:

David A. and Patricia Wallace have petitioned for a Special Permit in accordance with Section 240-131.4(D)(2) to change, alter and expand an existing structure. The Petitioners seek to build a garage and enclose an existing staircase; portions of an existing deck and driveway will be removed. The subject property is addressed 112 Long Beach Road, Centerville, MA as shown on Assessor's Map 206 as Parcel 004. It is in the Craigville Beach District (CBD) and the Long Beach/Short Beach (LBSB) Neighborhood Overlay District

Special Permit Findings

Section 240-131.4(D)(2) allows for expansion of an existing lawfully established structure in existence as of January 19, 2011 with a special permit from the Board.

- Site Plan Review is not required for single-family residential dwellings.
- After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.
- The proposed alterations and expansions are not substantially more detrimental to the environment, community and/or historic character of the neighborhood than the existing building or structure.
- The redevelopment contributes to and respects the character and historic development patterns of the area and minimizes inconsistent development and redevelopment impacts to the historic and community character resources in this area;
- Protects and preserves scenic views and vistas and ways to the water;
- Protects and improves natural resources, including but not limited to the barrier beach and groundwater and coastal water quality and minimizes development and redevelopment impacts to the natural resources and ecosystems in this district;
- Protects human life and property from the hazards of periodic flooding.
- Preserves the natural flood control characteristics and the flood control function of the floodplain
- The development complies with the setbacks and lot coverage requirements set forth herein, and is in character with surrounding structures, particularly structures that predate it. *Relief is being requested for expansion of the structure in accordance with § 240-131.4D.*
- The redevelopment complies with the height limitations set forth herein.¹

- Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member two feet above the BFE in V Zones and one foot above BFE in A Zones...
- Do not entail an increase in gross floor area or footprint for voluntary demolition of a single-family residence.
Do not exceed 25% of the gross floor area of structures in existence as of July 1, 1989, or do not exceed 10% of the gross floor area of structures in existence as of November 6, 2009.²
- Does not increase lot coverage over what is allowed under § 240-131.6, Coverage limitations, or by more than 10% over what was existing on November 6, 2009, whichever is greater.
- Does not increase flood hazards in the neighborhood

Vote:

All in favor

Craig Larson makes a motion to grant relief being sought in accordance with the Staff Report, page 6, 1 through 6 (EXHIBIT B) and amend #5 to say that 'No substantial change - subject to staff approval administratively'.

Attorney Kenney wants to amend to change Condition #3 from 100 square feet of lot coverage to 102 square feet and to change to the potential of 131 square feet of impervious pavement walkway. They clarify that it will be no more than 102 square feet of lot coverage of structures and 131 square feet of walkway.

#3 should read: "The total gross square footage of the expansion of the dwelling shall not exceed 143 square feet consisting of an addition of a first floor entryway and stairway. The total building coverage of all structures on the lot shall not increase by more than 102 square feet as a result of this project. The total lot coverage shall not increase by more than 102 square feet as a result of this project of the buildings or the additional 131 square feet of the walkway".

And for #5, Craig wants to amend to say: "any substantial change may be administratively approved by staff".

Seconded by Brian Florence

Vote:

All in favor

GRANTED WITH CONDITIONS

Other Business

Next regularly scheduled hearings are April 22, May 13, May 27

Correspondence

Minor Modification (Type 1) to the Development of Regional Impact Decision for the Barnstable Municipal Airport TR95006 project that was approved by the Cape Cod Commission on March 25, 2015.

Adjourn

Motion is made by Craig Larson and seconded by Brian Florence to adjourn.

Vote:

All in favor