



# Town of Barnstable

## Zoning Board of Appeals



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

**Board Members:**

Alex Rodolakis – Chair   David Hirsch – Vice Chair   Herbert Bodensiek - Clerk  
 Robin Young – Regular Member   Jacob Dewey – Associate Member  
 James Tinsley – 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)  
 Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

### Minutes

**Wednesday, January 10, 2018**

**Selectman’s Conference Room – 2<sup>nd</sup> Floor – 367 Main Street, Hyannis, MA**

Alex Rodolakis - Chair	Present
David Hirsch – Vice Chair	Present
Herbert Bodensiek - Clerk	Present
Robin Young	Absent
Jacob Dewey	Present
Paul Pinard	Present

*Also present were Anna Brigham – Principal Planner and Carol Puckett – Administrative Assistant.*

*As a quorum has been met, Alex opens the hearing.*

#### Call to Order

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

*Alex reads the following with no response.*

#### 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 Zoning Board of Appeals and to go into executive session in order to discuss litigation strategy with regard to the following pending case:

- Cote v. Town of Barnstable Zoning Board of Appeals, et al., Barnstable Superior Court Docket No. 1672CV00570

If so voted, the Executive Session will be held in the Town Council Conference Room at 7:00 P.M after which, the Board will reconvene in open session.

Declaration of Chair:

- I declare that the discussion of litigation strategy in open session with respect to the case of Cote v. Town of Barnstable Zoning Board of Appeals, et al., (Barnstable Superior Court Docket No. 1672CV00570) may have a detrimental effect on the litigating position of the Town.

Motion to Go into Executive Session following declaration of Chair.

“I move to go into Executive Session under M.G.L. c. 30A, § 21 (3) to discuss litigation strategy with respect to the case of Cote v. Town of Barnstable Zoning Board of Appeals, et al (Barnstable Superior Court Docket No. 1672CV00570) based on the Chair’s declaration that an open meeting may have detrimental effect on the litigating position of the Town, and to reconvene in Open Session.”

**Roll Call Vote:**

**Alex Rodolakis = Aye**  
**David Hirsch = Aye**  
**Herb Bodensiek = Aye**  
**Jacob Dewey = Aye**  
**Paul Pinard = Aye**

**Back in session at 7:20**

**Alex reads the following into the record:**

**Old Business**

**7:00 PM Appeal No. 2017-071 Beauregard**

Todd and Anne Beauregard have applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures used as Single- and two-family residences. The applicants are proposing to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback creating an intensification which requires a Special Permit. The subject property is addressed 8 East Avenue, Osterville, MA, as shown on Assessor's Map 139 as Parcel 075. It is located in the Residential F-1 Zoning District

**Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard**

**Alex states that a letter has been submitted from Attorney Michael Ford dated January 9, 2018 asking for a continuance to January 24, 2018.**

**Motion is made by David Hirsch and seconded by Jake Dewey to continue this to January 24, 2018 at 7:00 pm.**

**Seconded by**

**Vote:**

**All in favor**

**CONTINUED TO JANUARY 24, 2018 AT 7:00 PM**

**Alex reads the following into the record:**

**7:01 PM Appeal No. 2017-072 Lombardo**

John & Mary Lombardo have applied for a Special Permit pursuant to Sections 240-91(H)(2) - Developed Lot Protection, 240-7.H.(1) – Setback from Wetland/Great Ponds, and 240-92(B) - Nonconforming Buildings or Structures. The applicants are proposing to demolish an existing single-family dwelling and replace with a 5,445+/- gross floor area, single-family dwelling on a nonconforming lot consisting of two separate dwellings where only one dwelling is allowed under the zoning ordinance. The property is located at 81 Willow Run Drive, Centerville, MA as shown on Assessor's Map 210 as parcel 056. It is located in the Residence D-1 Zoning District.

**Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard**

**A letter has been submitted from Attorney Michael Ford dated January 9, 2018 asking for a continuance to January 24, 2018.**

**Motion is made by Alex Rodolakis and seconded by David Hirsch to continue this appeal to January 24, 2018 at 7:00 pm**

**Vote:**

**All in favor**

**CONTINUED TO JANUARY 24, 2018 AT 7:00 PM**

**New Business**

**Alex reads the following into the record:**

**7:02 PM Appeal No. 2018-005 Evers/Lindberg**

Staci A. Evers and Charles A. Lindberg have applied for a Special Permit pursuant to Section 240-92.B – Nonconforming Buildings or Structures Used as Single and Two-Family Residences. The Applicants are proposing to demolish an existing garage and breezeway and construct a new garage with living space above. The existing property is located in the flood zone and the new construction will bring it into compliance with flood zone regulations. The property is located at 191 Fifth Avenue, Hyannis, MA as shown on Assessor's Map 245 as Parcel 106. It is located in the Residence B (RB) Zoning District.

**Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard**

**Representative: Attorney Paul Tardif**

Attorney Tardif gives summary of relief being requested. Property encroaches into the left yard setback. The problem is that the property is in FEMA zone. Attorney Tardif states that the applicant has hired a house lifter from the state of Maine to lift the entire house up by 18 inches and do the renovations at the same time. She will be adding a second floor with a master bedroom upstairs. Septic is sufficient for the additional bedroom. The height of the house after the renovation will be at twenty-four (24) feet. It is one of the last houses in the neighborhood that has one floor but that will have two after renovations with great views over the marsh. There is a shed on the right hand corner that will be removed. All mechanicals will be on the first floor above the flood zone. Attorney Tardif states that he has an email from an abutter, Thomas Souza of 181 Fifth Avenue who is in support (Exhibit A) which is read into the record by Alex Rodolakis.

Alex asks for public comment. No one speaks.

Board deliberates. Board thinks it is in keeping with the neighborhood.

Jake Dewey makes findings:

#### Proposed Special Permit Findings

For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings.

**1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit:**

Section 240-92 allows for the expansion or alteration of a preexisting nonconforming structure used as a single-family residence with a Special Permit.

**2. 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.**

Section 240-92 requires the Board to find:

**3. The proposed expansion of the dwelling will not be substantially more detrimental to the neighborhood than the existing building or structure.**

**Vote:**

All in favor

Motion is made by Jake Dewey to grant with the following conditions:

#### Conditions

1. Special Permit No. 2018-005 is granted to Staci A Evers and Charles A. Lindberg, to allow for the demolition of the existing garage and breezeway and construction of a new garage and breezeway and to raise the structure to comply with FEMA regulations. The property is located at 191 Fifth Avenue, Hyannis (Hyannisport), MA.
2. The proposed alterations will be in substantial conformance with the plan entitled "Site Plan of #191 Fifth Avenue West Hyannisport" prepared for Staci Evers dated December 15, 2017 drawn and stamped by Down Cape Engineering Inc. and architectural drawings by Peter McDonald Architects LLC.
3. This construction shall represent full build-out of the lot. No additional increase in building coverage or gross square footage shall be permitted without prior approval of this Board.
4. This decision shall be recorded at the Barnstable County Registry of Deeds and copies filed with the Zoning Board of Appeals and Building Division. The rights authorized by this special permit must be exercised within two years, unless extended.

Alex Rodolakis wants to add that the shed is going to be removed pursuant to the plan. Jake accepts the amendment.

**Vote:**

All in favor

## GRANTED WITH CONDITIONS

Alex reads the following into the record:

7:00 PM Appeal No. 2018-003

Julia Hotel, LLC

Julia Hotel, LLC., has applied for a Conditional Use Special Permit pursuant to Section 240-25(c) Conditional Use in the Highway Business (HB) portion of the property and Section 240-93(B) Alteration/Expansion of Nonconforming Buildings or Structures Not Used as Single or Two-family Dwellings in the Business (B) portion. The Applicant proposes to construct a fifty (50) room, two (2) story addition to the existing Courtyard Marriott in addition to site improvements including access/egress changes, new and redesigned parking, stormwater and landscape

improvements. The subject property is located at 707 Iyannough Road, (Route 132), Hyannis, MA as shown on Assessor's Map 311 as Parcel 010. It is located in the Highway Business (HB) and Business (B) Zoning Districts.

**Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard**  
**Representative: Eliza Cox, Esq.**

**Attorney Eliza Cox is representing the applicant. Also with her tonight is the owner, Jiten Patel with Julia Hotel, LLC.; Matt Eddy from Baxter & Nye Engineering; Jeffrey Dirk with Vanesse & Associates, and Hans Strauch with HDS Architecture.**

**Attorney Cox gives a PowerPoint presentation (Exhibit A – Hyannis Courtyard Marriott). She gives a summary of existing conditions. It is within an economic center. Two stories about 7800 square feet of floor area, connected to town water and sewer and shows the three points of egress. She points out the curb cuts and notes that there is an easement and interconnection for the Christmas Tree plaza and mall. There is a pedestrian connection with stairs on the east side of mall. She shows the proposed fifty room addition which will be on the northeast side but which will net forty-nine rooms as one existing room will be removed to accommodate access to the existing structure. Front parking will be reconfigured which will also have landscaped islands incorporated. The two existing curb cuts will be removed and only (right in, right out) one curb cut for access will be provided onto Route 132. New parking is proposed to the rear with biofiltration swales and a new row of landscaped trees to separate the proposed parking from the existing parking spaces. Next slide is proposed elevations. Next slide is site access improvements. They are proposing to extend a sidewalk across the property to be connected to the sidewalk in front of the Cape Cod Mall. They have gone to the Cape Cod Commission (CCC) where they received a limited DRI scoping decision with the application. Has Site Plan Review approval and states that there will be no substantial detriment/no adverse effect. Attorney Cox notes that she has some comments on the conditions or will take questions from the board members.**

**Herb Bodensiek asks about the additional parking**

**Matt Eddy responds and states that the pervious area will consist of pervious pavers and the rear parking area will be of a gravel type material. Herb asks about the extension of island on Route 132. Attorney Cox states that the subject came up during the CCC process and is a condition of that approval. Jake Dewey asks Matt Eddy about the practicality of the pervious pavers to which he explains. Attorney Cox notes that there will be no new nonconformities being created.**

**Alex Rodolakis asks if there is anyone from the public who would like to speak. No one speaks.**

**Board deliberates.**

**Attorney Cox states that her client is prepared to work with owners of the Christmas Tree shops regarding any noise or privacy issues. Attorney Cox has some editing comments for the staff report:**

- **the staff report didn't address the alteration expansion relief**
- **the plans, although stapled together all have different dates on them and for clarity she has noted the sheets and dates**
- **Condition #4 addresses the landscape plan**

**Alex Rodolakis makes findings:**

#### **Proposal & Relief Requested**

The Applicant is proposing to construct a two story, 31,470 square foot addition to the existing hotel located at 707 Iyannough Road, Hyannis. This addition includes 50 rooms with an increase of 49 rooms as one existing room will be eliminated. Site improvements will include:

- New and reconfigured parking for 250 vehicles,
- Improvements to vehicular circulation around the site,
- Closing of both existing curb cuts and creating one central curb cut,
- Significant improvements to drainage and storm water management,
- Modification to existing utilities, additional LEED lighting and landscaping, and
- extension Sidewalk along Rte. 132 and median strip on Route 132

The Board is authorized to grant such Special Permit 1) if the Board determines that the proposal fulfills the spirit and intent of the Zoning Ordinance without substantial detriment to the public good or the neighborhood, and 2) to alter and/or expand the preexisting nonconforming conditions upon a finding that the proposal will not be substantially more detrimental to the surrounding neighborhood.

#### **Proposed Special Permit Findings**

*For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings.*

- 1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit.*
- 2. 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. Improvement is based on the way the project is going to be handled and the additional rooms will be additional income to the town and some environmental improvements.*
- 3. A Site Plan has been reviewed and found approvable with conditions. (see letter dated November 2, 2017).*
- 4. Such uses do not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community.*
- 5. The applicants project would be beneficial to the neighborhood and would be no additional detriment to the public good or the neighborhood affected*
- 6. The retention of the nonconforming conditions would not be more detrimental to the surrounding neighborhood*

**Vote:**  
**All in favor**

**Alex makes a motion to grant the proposal subject to conditions as modified by the applicant addendum A dated January 10, 2018**

**Conditions**

1. Special Permit No. 2018-003 is granted to Julia Hotel LLC for a Conditional Use Special Permit for construction of an addition and site improvements at 707 Iyannough Road, Hyannis, MA.
2. The improvements shall be in substantial conformance with the site plan entitled “Hyannis Marriot Courtyard” by Baxter Nye Engineering and Surveying dated February 15, 2017 with a last revision date of October 23, 2017, and architectural plans by HDS Architecture dated March 3, 2017.
3. The Applicant is required to attain all required permits, approvals, and licenses for the proposed new uses including those required by the Cape Cod Commission DRI Decision.
4. All landscaping and landscape screening shall be maintained on the site.
5. Site Plan Review conditions of approval are hereby incorporated into this Decision.
6. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to issuance building permit. The rights authorized by this Special Permit must be exercised within two years, unless extended.

**Vote:**  
**All in favor**

**GRANTED WITH CONDITIONS**

**Alex reads the following into the record:**

**7:01 PM Appeal No. 2018-004**

**MacGregor, Trustee of Island Sun Nominee Trust**

J. Bruce MacGregor, Trustee of the Island Sun Nominee Trust has applied for a Conditional Use Special Permit pursuant to Section 240-25(c) Conditional Use in the Highway Business (HB) zoning district, Section 240-93(B) Alteration/Expansion of Nonconforming Buildings or Structures not used as single or two-family dwellings, and Section 240-35(G)(4) Groundwater Protection Overlay Districts. The Applicant is proposing to redevelop the property by constructing two (2) office buildings consisting of approximately 20,018 square feet and 4,900 square feet, together with numerous site improvements. The proposed office uses include approximately 10,000 square feet of medical office. The subject property is located at 10 Attucks Lane, Hyannis, MA as shown on Assessor’s Map 254 as Parcel 015. It is located in the Highway Business (HB) and Well Protection Overlay Zoning Districts.

**Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard**  
**Representative: Eliza Cox, Esq.**

**Attorney Cox gives summary of relief being requested. Also with here tonight is Matt Eddy from Baxter Nye Engineering and Pat Dunford from VHB for the traffic analysis.**

*She shows existing conditions. About 3.2 acres of land, largely cleared and developed. It is in the Wellhead Protection (WP) Overlay zoning district as well as being in the State Zone 2 area. There is currently two curb cuts. One of the curb cuts will be moved. Presently, there is an on-site well and septic. She gives history of zoning and rezoning. The five storage tanks are grandfathered and collectively have over 15,000 gallons of hazardous materials on site – she gives the collective types of materials/tanks. There is currently also a fuel pumping station and garage for maintenance of trucks. All tanks will be removed with the proposed redevelopment. The lease on the property expires in 2094. That leased land is now owned by Town of Barnstable but the lease is still in effect. She shows the redevelopment landscape plan. The proposal is for two office buildings: the smaller one will be approximately 4,900 square feet, the larger one will be approximately 20,018. 10,000 square feet of the larger building will be for medical office use. There are 86 parking spaces on-site. They will be connected to town water and sewer. There will be a right-in/right-out onto Route 132, one of the curb cuts will be placed as far away as they can from the intersection. She goes over the stormwater enhancements and landscaping. She notes that Joe Keller, who is the developer, has been involved in other redevelopment in the area and will have a similar design.*

*She shows the "Permitting Completed" slide. She goes over the standards for granting zoning relief.*

*Board deliberates. They talk about extending the sewer down Attucks Lane. Matt Eddy says that the town has committed to it. Paul Pinard asks about remediation of that site after the tanks are removed. They discuss medical office versus what is medical use. Jake asks if there is a planned medical use. Attorney Cox states that her client has been approached by a medical rehab facility and a dialysis facility but has not leased as of yet. They discuss where the curb cut would be.*

*Alex asks if there is anyone from the public who would like to speak. No one speaks.*

*Attorney Cox has amendments to the suggested conditions.*

*Dewey has concerns about the future medical use in not knowing what medical use/businesses, doctors, etc and thinks it is too open ended.*

**David Hirsch makes findings:**

#### **Background**

The existing site consists of approximately 3.2 acres of land with frontage on two roadways. The site is developed with a structure consisting of approximately 11,134 square feet which was originally constructed in the mid-1950's and has been added onto over the years. The site is largely cleared and disturbed. Two businesses occupy the site: Cape Cod Trailer Storage and Sun Transportation / Island Sun Delivery. Cape Cod Trailer Storage, which sells and rents trailers and storage containers, has operated on the site since the mid-1970's. Sun Transportation / Island Sun Delivery operates a road transportation trucking service and freight terminal on the site, and this use has existed since the mid-1950's.

In addition, the existing uses have the benefit of approximately 29,610 square feet of leased land located immediately north of the subject property. This leased land is now owned by the Town of Barnstable.

The subject property is located within a Zone II wellhead protection area. Notwithstanding that designation, the existing uses have four grandfathered fuel tanks on the property. Two of the tanks are underground storage tanks — 8,000 gallons and 6,000 gallons — used to store diesel fuel. There is a diesel fuel dispenser on the site which is used to fuel the company trucks on the property. In addition to the two underground tanks, there is a 275-gallon, double walled above ground storage tank located in the building basement that stores fuel oil to heat the offices. The truck maintenance garage area in the northerly portion of the building is heated by a waste oil burner and there is a 750 gallon above ground storage tank located near the northwest wall of the maintenance garage.

There are two existing curb-cuts: a full access-curb-cut onto Attucks Lane, and a right in/ right-out curb-cut located on Route 132 which is in close proximity to the Attucks Lane intersection. The site is presently served by a septic system and an on-site well.

Until just recently the property was zoned residential and the existing use permitted by a series of Zoning Board of Appeals' decisions. However, this past spring, the Town of Barnstable voted to re-zone the property from Residential to Highway Business (HB), recognizing that this type of rezoning would be needed to incentivize a redevelopment of the property. The proposed rezoning was unanimously recommended by the Barnstable Planning Board and unanimously approved on May 19, 2016 by the Barnstable Town Council. During the public hearings on the rezoning, it was indicated that the site was proposed to be redeveloped for professional office use and that the rezoning was a critical prerequisite to such a redevelopment.

#### **Proposal & Relief Requested**

The proposed redevelopment consists of eliminating the current uses, removing development such as the existing building, storage tanks, and septic system, and constructing two professional office buildings and associated improvements on the site, including.

- The easterly office building is a proposed two story structure with a gross floor area of approximately 20,018 square feet.
- The smaller building, located on the westerly side of the site, is L-shaped, a single story, and consists of approximately 4,900 square feet.
- The redeveloped site proposes 86-parking spaces, the minimum required under zoning.
- As part of the redevelopment, the municipal sewer line will be extended down Attucks Lane to serve the site.
- As with the existing conditions, two curb-cuts are proposed, however they will be relocated to maximize their distance from the Route 132/ Attucks Lane intersection.
- The development proposes new storm-water drainage infrastructure that includes bio- infiltration.

In order to complete the redevelopment as shown on the submitted plans, the Applicant is seeking a Special Permit from the Board of Appeals in accordance with Sections 240-25 (C), 240-125 (C) and 240-93 of the Zoning Ordinance and M.G.L. Chapter 40A Section 6. While the use of the site as an office building is permitted, the medical use requires a Special Permit as well as the altering/expansion of a nonconforming building.

The Board is authorized to grant such Special Permit 1) if the Board determines that the proposal fulfills the spirit and intent of the Zoning Ordinance without substantial detriment to the public good or the neighborhood, and 2) to alter and/or expand the preexisting nonconforming conditions upon a finding that the proposal will not be substantially more detrimental to the surrounding neighborhood

#### **Other Approvals**

The Applicant has received approval with conditions as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act on February 2, 2017.

The Applicant received approval by the Site Plan Review Committee on August 1, 2017.

#### **Proposed Special Permit Findings**

For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings.

1. **The application falls within a category specifically excepted in the ordinance for a grant of a special permit. The proposed use is allowed under Section 240-25 with a Conditional Use Special Permit.**
2. **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.**
3. **A Site Plan has been reviewed and found approvable with conditions** (See letter dated August 24, 2017).

Further, Section 240-25 (C) (1) (a) requires the Board to find that:

4. **Such uses do not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community.**

#### **Vote:**

**All in favor**

#### **Board discussion:**

**Jake Dewey thinks that the medical use is very vague and there could unlimited number of medical businesses with different doctors and how would they know how many doctors are practicing there. Also, he states that the town has made the medical overlay district, where it is, for a reason and business use zones, where they are, for a reason. Alex believes it is a big improvement from what is currently there.**

**Eliza Cox would like to amend the staff report which in turn would make the proposed changes to Condition #1 making reference to both forms of relief that are being requested; to reference the 10,000 square feet of office space for medical use and indicating that use is permitted with this decision. Also, she wants Condition #2 to reference the correct dates of the plans:**

## GREENSIDE OFFICE PARK – SUGGESTED REVISIONS

### Suggested Conditions

1. Special Permit No. 2018-004 is granted to J. Bruce MacGregor, Trustee of Island Sun Nominee Trust for a Conditional Use Special Permit ~~per §240-25(C) permitting for~~ construction of an office park consisting of two office buildings, ~~which collectively total approximately 24,918 square feet of floor area, of which -with some- approximately 10,000 +/- square feet is proposed and hereby permitted for~~ medical office use. ~~In addition, this special permit grants relief pursuant to §240-93(B) to extend the existing natural state non-conformity to permit a 13.5% natural state. The property is located at 10 Attucks Lane, Hyannis, MA.~~
2. The improvements shall be ~~constructed~~ in substantial conformance with ~~the site plan entitled "Greenside Office Park" by Baxter Nye Engineering and Surveying dated June 3, 2015 and architectural design plans by Brown Lindquist Fenuccio Raber Architects, Inc~~ the following plans:
  - a. ~~Civil site plans entitled "Greenside Office Park" prepared by Baxter Nye Engineering and Surveying, consisting of the following sheets:~~
    - i. ~~Existing Conditions Plan, Sheet C2.0, dated June 3, 2015;~~
    - ii. ~~Layout and Dimensions Plan, Sheet C3.0, dated last revised on October 12, 2017;~~
    - iii. ~~Grading & Drainage Plan, Sheet C4.0 dated last revised on October 12, 2017; and~~
    - iv. ~~Utility Plan, Sheet C5.0 dated last revised on October 12, 2017.~~
  - b. ~~"Architectural Planting Plan" prepared by Brown Lindquist Fenuccio and Raber Architects Inc. dated last revised on December 16, 2016.~~
  - c. ~~Architectural plan set entitled "New Office Building Greenside Office Park" consisting of nine sheets, prepared by Brown Lindquist Fenuccio and Raber Architects, Inc., dated "CCC Submission Set 08.01.2016."~~

**David Hirsch makes motion to grant with the suggested/amended conditions as handed in by Eliza Cox with Conditions #1 and #2 being the only ones revised**

### Conditions (as amended above)

1. Special Permit No. 2018-004 is granted to J. Bruce MacGregor, Trustee of Island Sun Nominee Trust for a Conditional Use Special Permit for construction of an office park consisting of two office buildings with some medical office use. The property is located at 10 Attucks Lane, Hyannis, MA.
2. The improvements shall be in substantial conformance with the site plan entitled "Greenside Office Park" by Baxter Nye Engineering and Surveying dated June 3, 2015 and architectural design plans by Brown Lindquist Fenuccio Raber Architects, Inc.
3. The Applicant is required to attain all required permits, approvals, and licenses for the proposed new uses including those required by the Cape Cod Commission DRI Decision.
4. All landscaping and landscape screening shall be maintained on the site.
5. The project is required to connect to Municipal Sewer.
6. Site Plan Review conditions of approval are hereby incorporated into this Decision.
7. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to issuance building permit. The rights authorized by this special permit must be exercised within two years, unless extended.

**Vote:**  
**All in favor**

## GRANTED WITH CONDITIONS

### Correspondence

Received 12-27-17 from Cape Cod Commission: Copy of the Development of Regional Impact Decision for the Cotuit Wireless Communications Monopole project for the site/location at 414 Main Street, Cotuit, MA as shown on Assessor's Map 038 as Parcel 004 that was approved by the Cape Cod Commission on December 14, 2017.

### Matters Not Reasonably Anticipated by the Chair

## Upcoming Meetings

*Next meeting is January 24, 2018 at 7:00 pm in Selectman's Conference Room.*

## Adjournment

*Motion is made by David Hirsch and seconded by Herb Bodensiek to adjourn.*

*Vote:*

*All in favor*

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

Approved