



Town of Barnstable

Zoning Board of Appeals



Board Members:

Alex Rodolakis – Chair David Hirsch – Vice Chair Herbert Bodensiek – Clerk
 Jacob Dewey – Regular Member Paul Pinard – Regular Member
 Todd Walantis – Associate Member Mark Hansen – Associate Member Robert Twiss – Associate Member
 David Bogan – Town Council Liaison

Staff Support

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

Minutes

Wednesday, March 11, 2020

James H. Crocker Jr., Hearing Room – 2nd Floor – 367 Main Street, Hyannis, MA

Alex Rodolakis - Chair	Present
David Hirsch – Vice Chair	Present
Herbert Bodensiek – Clerk	Present
Jacob Dewey – Regular Member	Present
Paul Pinard – Regular Member	Present
Todd Walantis – Associate Member	Absent
Mark Hansen – Associate Member	Present
Robert Twiss – Associate Member	Present
Vacant	

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

20 JUN 24 P 3:30

BARNSTABLE
TOWN CLERK

As a quorum has been met, Alex Rodolakis call the hearing to order at 7:01 PM

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 and in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Alex announces that the Executive Session scheduled for this evening has been moved to the next hearing on Wednesday, March 25, 2020.

Minutes

October 30, 2019

Motion is made by David Hirsch and seconded by Mark Hansen to approve the October 30, 2019 minutes as submitted.

Vote:

All in favor

Old Business

None

Alex reads the following into the record

New Business

7:00 PM Appeal No. 2020-013

Goff, as Trustee

Jennifer M. Goff, Trustee of Jennifer M. Goff 2010 Revocable Trust, has applied for a Special Permit in accordance with Section 240-92 Nonconforming building or structures used as single and two family residences. The Applicant is requesting to demolish an existing accessory structure and construct a one-bedroom accessory cottage. The subject property is located at 511 Wianno Avenue, Osterville, MA as shown on Assessors Map 162 as Parcel 004. It is located in the Residence F-1 (RF-1) Zoning District.

Alex announces that a request was received by Attorney Michael Schulz dated March 10, 2020 to continue this matter to Wednesday, March 25, 2020 at 7:00 PM

Motion to continue to March 25, 2020 at 7:00 pm is made by Paul Pinard and seconded by Mark Hansen

Vote:

All in favor

CONTINUED TO MARCH 25, 2020 AT 7:00 PM

Alex reads the following into the record:

7:01 PM Appeal No. 2020-014

Field

Mirena Field has applied for a Special Permit in accordance with Section 240-46 C. Home Occupation and Section 240-125 C. Special Permit Provisions. The Applicant is proposing to establish a home occupation making cakes and cupcakes from her personal residence. The Home Occupation will include delivery of products but will not include employees or customers on site. The subject property is located at 624 Flint Street, Marstons Mills, MA as shown on Assessor's Map 102 as Parcel 050. It is located in the Residence F (RF) Zoning District.

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

Representative: Rob Mills, Esq.

Attorney Mills introduces Mirena Field who is also with him here tonight. She resides at the subject premises with her family. Attorney Mills gives summary of relief being sought. She will have no employees, the premises will remain looking like a single family home, there will be no increase in odor or traffic. This will be an European bakery where Ms. Field will make the cakes and cupcakes at her home, put them in her car and deliver them. There will be no advertisement sign on the premises. Ms. Field has been in the food business for 13 years, is SafeServ certified and has an allergen certificate. This proposal has also been through Site Plan Review and approved. He takes questions from the board.

David Hirsch asks how Ms. Field will advertise. Ms. Field states that once she gets the permit, she would like to utilize social media sites, get orders through an app and perhaps advertise in the newspaper but is also aware that the address cannot be part of her advertisement. Jake Dewey asks if the Board of Health (BOH) required more sinks in her kitchen. Attorney Mills states that he has spoken with the BOH who has given her instructions on maintaining her kitchen. Ms. Field also states that she has purchased a thermometer for her dishwasher to insure that the temperature is accurate. Mark Hansen asks if the premises is part of a Homeowner's Association. Attorney Mills is not aware that there is one in place as this home is older and most HOA's expire after a certain period of time.

Alex asks for public comment. No one speaks.

Alex asks if Attorney Mills if he has had an opportunity to review the staff report and the conditions therein. Attorney Mills replies that he has. They discuss the reference to an employee on premises. Alex comments that he would like to leave the reference to one employee in there instead of omitting it. Attorney Mills is okay with that.

Jake Dewey makes findings:

Special Permit Findings

1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. The proposed use is located within the Residence F District and is allowed by Special Permit under Section 240-46 C. Home Occupation.
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. No *exterior changes*
3. The site plan has been reviewed by the Site Plan Review Committee and found approvable (see letter dated February 10, 2020).

Vote:

All in favor

Conditions

1. Special Permit No. 2020-014 is granted to Mirena Field to allow a home occupation for the baking of cakes at her private residence at 624 Flint Street, Marstons Mills, MA.

2. The home occupation shall conform to all of the requirements of Section 240-46 B. (1) – (12) and Section 240-46 C. (1) - (7) of the Zoning Ordinance.
3. This permit is issued only to the applicant and is not transferable.
4. There shall be no customers on site.
5. All distribution of product will be done by the Applicant.
6. The Applicant must reside on the property.
7. All conditions set forth from Site Plan Review letter dated February 10, 2020 are incorporated in this Decision.
8. This permit is for a bakery of cakes and cupcakes only.
9. Not more than one employee who is not a member of the Applicants family shall be permitted.
10. The Applicant is responsible for receiving sign permit(s) and any other applicable permits from town departments.
11. 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 of a 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

- Cape Cod Commission DRI Notice for the demolition of 90 Wachusett Avenue, Hyannis (Hyannis Port). Public Hearing will be held March 30, 2020.
- Received March 2, 2020 from Housing Assistance Corporation. As the monitoring agent, HAC has sent a letter updating the status of the Affordable Units stating that out of the 31 affordable units there have been no resales, no capital improvements, no refinances and no foreclosures.

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

March 25, April 8, April 22

Adjournment

Motion to adjourn is made by Paul Pinard and seconded by David Hirsch

Vote:

All in favor

