



Town of Barnstable
Zoning Board of Appeals
Notes
Wednesday, March 13, 2013

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

Laura Shufelt - Chair	Present
William Newton – Vice Chair	Absent
Craig Larson	Absent
Alex Rodolakis	Absent
Brian Florence	Absent
George Zevitas	Absent

Laura Shufelt opens the hearing at 7:05 PM. She introduces ZBA's new associate member, David Hirsch. As a quorum has not been met, Laura Shufelt indicates that the following appeals scheduled for tonight as follows:

She calls 2013-009 and reads it into the record.

7:00 PM Appeal No. 2013-009 Ohmharsh Corp.

The Applicant has requested to continue the public hearing for this appeal to the March 27, 2013 meeting.

Ohmharsh Corp., as lessee, has petitioned for a Special Permit in accordance with Section 240-25(C)(1) HB Business District. The petitioner is requesting a Conditional Use Special Permit for an existing convenience store, which is seeking to expand their retail sales to include beer and wine. The use is presently not allowed in the HB District without a Special Permit. The subject property is located at 489 Bearse's Way, Hyannis, MA as shown on Assessor's Map 292 as Parcel 077. It is in the Highway Business Zoning District.

Laura Shufelt indicates that a letter has been received from the applicants attorney, Jeremy Carter, requesting that this be continued to March 27, 2013 at 7:00 PM

CONTINUED TO MARCH 27, 2013 at 7:00 PM

Laura then reads the Kenney appeal into the record:

7:01 PM Appeal No. 2013-010 Kenney

The Applicant has requested to continue the public hearing for this appeal to the March 27, 2013 meeting.

Doreen M. Kenney has applied for a variance from Section 240-7(D) Lot Shape Factor. The relief is requested to allow the division of approximately 2.03 acres of land into two, one acre lots. One of the lots will conform to zoning and the other will require relief from the lot shape factor only. A maximum shape factor of 22 is allowed and a shape factor of 25.73 is proposed. The subject property is located at 114 Old Jail Lane, Barnstable, MA as shown on Assessor's Map 278 as Parcel 022. It is located in the Residence F-2 Zoning District.

Laura indicates that a letter has been received from Kiernan Healey, representative for Doreen Kenney, asking that this be continued to March 27, 2013 at 7:01 PM.

CONTINUED TO MARCH 27, 2013 at 7:01 PM

Laura then reads the Nirvana appeal into the record:

7:02 PM Appeal No. 2013-011

Nirvana Barnstable, LLC

Nirvana Barnstable, LLC, as prospective lessee, has petitioned to transfer and modify Special Permits 2008-066 & 2008-067, issued for a conditional use in the VB-A District and reduction of parking requirements. The Petitioner is purchasing a coffee shop/food service establishment and will continue the existing business at the same location. Pursuant to the conditions of the permits, permission is requested to transfer the permits to the Petitioner. The Petitioner also requests to delete the condition that the permits are non-transferable to a new owner without permission from the Zoning Board of Appeals. The subject property is located at 3206 Main Street/Rte 6A (first floor front), Barnstable, MA as shown on Assessor's Map 300 as Parcel 008. It is located in the Village Business A Zoning District.

Laura indicates that due to lack of quorum continued to march 27, 2013 at 7:00 PM

CONTINUED TO MARCH 27, 2013 at 7:00 PM

Other Business:

Reminder that all Board members are required to complete the State Ethics Commission's conflict of interest law online training program by **April 5, 2013**. The training programs can be completed on any work, home or publicly available computer with internet access. The link to access the program is: www.muniprogram.eth.state.ma.us. Please provide support staff with copies of the completion certificate.

Next Regularly Scheduled Meeting will be Wednesday, March 27, 2013 at 7:00 PM.

Meeting adjourned at 7:10 PM