



Town of Barnstable
Zoning Board of Appeals
Agenda
February 13, 2008

Revised as of 01-31-08

7:00 PM Appeal 2006-024 – Continued Corey
Conditional Use in a Highway Business

Members: Ron S. Jansson, James Hatfield, Daniel M. Creedon, Kelly Kevin Lydon, John T. Norman
No Alternates

Opened March 22, 2006 continued April 12, 2006, May 24, 2006, July 26, 2006, September 13, 2006, November 15, 2006, January 3, 2007, January 31, 2007, March 28, 2007, May 23, 2007, July 11, 2007, September 26, 2007, November 7, 2007, January 9, 2008, January 30, 2008, and to February 13, 2007.

Continued for Peer Consultants review of traffic and rework of conditions based upon revised plans submitted that eliminated the access roadway onto Wequaquet Lane.

Donald J. Corey, Jr., has petitioned for a Special Permit pursuant to Section 240-25 (C)(1) Conditional Use in a Highway Business District and a Modification of Special Permit 1969-66 issued to Father McSwiney Associates Inc. The applicant seeks to demolish the existing Knights of Columbus Hall and redevelop the site with a 9,801 sq.ft. retail building and related site improvements. Use of the site is to be that of retail sales of liquor. The property is addressed as 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA, as shown on Assessor's record as Map 250 as parcel 065, in a Highway Business and Residence D-1 Zoning District.

7:00 PM Appeals 2007-009 & 010 – Continued Corey

Opened January 31, 2007, continued March 28, 2007, May 23, 2007, July 11, 2007, September 26, 2007, November 7, 2007, January 9, 2008, January 30, 2008, and to February 13, 2007.

Appeal 2007-009 Conditional Use Special Permit

Donald J. Corey, Jr., has petitioned for a Special Permit pursuant to Section 240-25(C) Conditional Use in a Highway Business Zoning District. The applicant seeks to designate a 30-foot wide easement from Wequaquet Lane to property addressed as 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA. The easement is to be developed as a driveway for access to and egress from a proposed commercial development of 1030 Falmouth Road. The easement and drive is to be created over land addressed as 28 and 0 Wequaquet Lane, Centerville, MA, and 0 and 1030 Falmouth Road, Centerville/Hyannis, MA. The property is shown on Assessor's Map 250 as parcels 024, 023X02, 023X01 and 065. The land is zoned Residence D-1 and Highway Business.

Appeal 2007-010 Use Variance for Driveway

Donald J. Corey, Jr., has applied for Variances to Section 240-11(A) Principal Permitted Uses and Section 240-11(E) Bulk Regulations of the Residence D-1 Zoning District. The applicant seeks to designate a 30-foot wide easement from Wequaquet Lane to property addressed as 1030

Falmouth Road (Route 28), Centerville/Hyannis, MA. The easement is to be developed as a driveway for access to and egress from a proposed commercial development of 1030 Falmouth Road. The easement and drive is to be created over land addressed; 28 and 0 Wequaquet Lane, Centerville, MA, and 0 and 1030 Falmouth Road, Centerville/Hyannis, MA. The property is shown on Assessor's Map 250 as parcels 024, 023X02, 023X01 and 065. The land is zoned Residence D-1 and Highway Business.

7:00 PM Noticed Anew - Continued Corey
Appeal 2006-024, Appeal 2007-009 and Appeal 2007-010

These appeals were also re-noticed anew to allow for a new public hearing to be heard should it be necessary for quorum. Public Notices were the same as above with the notation "This Appeal is being re-noticed to allow for a new public hearing if necessary.

Opened January 9, 2008, continued to January 30, 2008, and to February 13, 2008.
No Members Assigned - No Testimony taken

7:00 PM Appeal 2008-006 - New Crosby
Bulk Variance Minimum Front Yard
Setbacks.

Roger M. & Jane M. Crosby have applied for a Variance to Section 240-11.E, Bulk Regulations, Minimum Front Yard Setbacks. The applicants seek to add a 2 foot by 6 foot front vestibule entrance to the existing nonconforming single-family dwelling. The location of the vestibule is 22.9 feet from the front property line and will infringe 2.6 feet more than the existing dwelling which is located 24.3 feet off the front yard setback. The property is addressed as 89 Emerson Way, Centerville, MA and is shown on Assessor's Map 188 as parcel 021. It is in a Residence D-1 Zoning District.

7:15 PM Appeal 2008-007 - New Cape Codder Resort
Expand/Alter Nonconforming
Structure/Building

Cape Codder Resort has petitioned for a Special Permit pursuant to Section 240-93.B Nonconforming Buildings or Structures Not Used as Single- or Two-family Dwellings. The petitioner seeks to expand the existing structures located on the property by adding a third floor to existing and proposed new sections of the hotel and to increase the existing nonconforming lot coverage from 56.4% to 61.9%. The property is addressed as 1225 Hyannough Road (Route 132) and 0 Settlers Lane Hyannis, MA and is shown on Assessor's Map 273 as parcels 023 and 122. The property is in the Highway Business, B Business, Residence C-1, and Groundwater Protection Overlay Zoning Districts.

7:15 PM Appeal 2008-013 - New Cape Codder Resort
Bulk Variance Maximum Building Height

Cape Codder Resort has applied for a Variance to Section 240-21.E Bulk Regulation – Maximum Building Height. The applicant seeks a variance to allow for the addition of a third floor where two stories is the maximum allowed in business zoning districts. This variance is sought in the alternative to the above nonconforming special permit application in order to expand a part of the existing structure and the proposed new structure to be located on the property. The

property is addressed as 1225 Iyannough Road (Route 132), Hyannis, MA, and is shown on Assessor's Map 273 as parcel 023. The property is in the Highway Business, B Business, and Groundwater Protection Overlay Zoning Districts.

7:15 PM Appeal 2008-014 - New

**Cape Codder Resort
Conditional or Nonconforming Use
Special Permit**

Cape Codder Resort has petitioned for a Conditional Use Special Permit pursuant to Section 240-25.C, Conditional Uses in a Highway Business Zoning District, or in the alternative, an expansion of a nonconforming use pursuant to Section 240-94 – Nonconforming Use. The petitioner seeks to expand the existing hotel use of the property. A small addition of which is situated within that area of the lot zoned Highway Business that does not allow a hotel use as-of-right. The property is addressed as 1225 Iyannough Road (Route 132), Hyannis, MA and is shown on Assessor's Map 273 as parcel 023. The property is in the Highway Business, B Business, and Groundwater Protection Overlay Zoning Districts.

7:15 PM Appeal 2008-015 - New

**Cape Codder Resort
Use Variance**

Cape Codder Resort has applied for a Variance from Section 240-14.A - Principal Permitted Uses. The applicant seeks the variance in order to use a land locked vacant parcel consisting of 0.56-acres that is zoned residential as accessory to the hotel for parking and drainage. The subject vacant parcel is addressed as 0 Settlers Lane, Hyannis, MA, and is shown on Assessor's Map 273 as parcel 122. The property is in the Residence C-1 and Groundwater Protection Overlay Zoning District.

7:30 PM Appeal 2008-010 - New

**Berkshire Development - Circuit City
Bulk Variance Min. Front Yard and Lot
Coverage**

Berkshire Development, LLC has applied for a Variance to Section 240-25.E Bulk Regulations, Minimum Front Yard Setback off Route 132 and Section 240-35(F)(3) Lot Coverage in the Groundwater Protection Overlay District. The applicant seeks to locate the proposed building 45 feet off Route 132 where a 100-foot front yard setback is required and to maintain the existing lot coverage that does not meet with today's 50% maximum lot coverage by impervious surfaces. The property is addressed as 624 and 640 Iyannough Road (Route 132), Hyannis, MA. The lots are shown on Assessor's Map 311 as parcels 012 and 013. The property is in the Highway Business, B Business, Groundwater and Wellhead Protection Overlay Zoning Districts.

7:30 PM Appeal 2008-011 - New

**Berkshire Development - Circuit City
Highway Business Conditional Use Permit**

Berkshire Development, LLC has petitioned for a Special Permit pursuant to Section 240-25(C)(1) Conditional Use in the Highway Business Zoning Districts. The petitioner seeks to redevelop the site with a 23,500 sq.ft., building to be used for retail sales of electronics. The property is addressed as 624 and 640 Iyannough Road (Route 132), Hyannis, MA. The lots are shown on Assessor's Map 311 as parcels 012 and 013. The property is in the Highway Business, B Business, Groundwater and Wellhead Protection Overlay Zoning Districts.

7:30 PM Appeal 2008-012 - New

**Berkshire Development - Circuit City
Expand/Alter Nonconforming Building
Structure**

Berkshire Development, LLC has petitioned for a Special Permit pursuant to Section 240-93 Nonconforming Buildings or Structures Not Used as Single- or Two-family Dwellings. The petitioner seeks to redevelop the site with a 23,500 sq.ft., retail store and associated site improvements. The permit is sought to allow for the alteration and expansion of certain nonconformities on site, including impervious coverage. The property is addressed as 624 and 640 Lyannough Road (Route 132), Hyannis, MA. The lots are shown on Assessor's Map 311 as parcels 012 and 013. The property is in the Highway Business, B Business, Groundwater and Wellhead Protection Overlay Zoning Districts.

Open Chairman's Discussion
