



Town of Barnstable

Zoning Board of Appeals



Board Members:

Jacob Dewey – Chair Herbert Bodensiek – Vice Chair Paul Pinard – Clerk
 Emanuel Alves – Associate Member Mark Hansen – Regular Member Larry Hurwitz – Associate Member
 Denise Johnson – Associate Member Aaron Webb – Regular Member Vacant – Associate Member
 Kristine Clark – Town Council Liaison

Staff Support

Elizabeth Jenkins – Director – elizabeth.jenkins@town.barnstable.ma.us
 Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us
 Genna Ziino – Administrative Assistant – genevey.ziino@town.barnstable.ma.us

Agenda

Wednesday, December 6, 2023

7:00 PM

To all persons interested in or affected by the actions of the Zoning Board of Appeals, you are hereby notified, pursuant to Section 11 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, and all amendments thereto, that a public hearing on the following appeals will be held on Wednesday, December 6, 2023, at the time indicated:

The Zoning Board of Appeals Public Hearing will be held by remote participation methods.

Public access to this meeting shall be provided in the following manner:

1. The meeting will be televised live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website:
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time access to the Zoning Board of Appeals meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Zoning Board of Appeals by utilizing the Zoom link or telephone number and Meeting ID provided below:

Join Zoom Meeting Option	Telephone Number Option
https://townofbarnstable-us.zoom.us/j/83731660579	US Toll-free 888 475 4499
Meeting ID: 837 3166 0579	Meeting ID: 837 3166 0579

3. Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely, and may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to anna.brigham@town.barnstable.ma.us so that they may be displayed for remote public access viewing.

Copies of the applications are available for review by calling (508) 862-4682 or emailing anna.brigham@town.barnstable.ma.us.

Call to Order

Introduction of Board Members

Notice of Recording

This meeting of the Zoning Board of Appeals is being recorded and broadcast on the Town of Barnstable's Government Access Channel. In accordance with MGL Chapter 30A §20, I must inquire whether anyone is recording this meeting and if so, to please make their presence known.

Minutes

October 25, 2023 – Click [HERE](#) for Materials

Old Business**7:00 PM****Appeal No. 2023-019****Vilsaint**

Kevin Y. and Corrie L. Vilsaint have applied for a Special Permit in accordance with Section 240-47.2 Accessory Dwelling Units (ADUs). The Applicants seek to remove and replace an existing accessory structure with a new accessory dwelling unit (ADU). The Applicants also seek to modify Special Permit No. 2020-038 to allow further build out of the property for the accessory dwelling unit and additions to the principal dwelling. The subject property is located at 358 Flint Street, Marstons Mills, MA as shown on Assessor's Map 101 as Parcel 121. It is located in the Residence F (RF) Zoning District. **Members assigned: Dewey, Webb, Bodensiek, Pinard and Johnson. Continued from August 23, 2023 and October 25, 2023.**

(Click [HERE](#) for Materials)

New Business**7:01 PM****Appeal No. 2023-037****Munsell**

David and Diane Munsell have petitioned for a Variance pursuant to Section 240-11 E. Bulk Regulations for relief from Lot Size, Lot Width, and side yard setback. The Petitioners seek relief (in the alternative to their request for modification of Special Permit 2022-043) to allow for the complete deconstruction of an existing structure and reconstruction of a new 2-story single-family dwelling. The subject property is located at 3075 Main Street, Barnstable, MA as on Assessor's Map 279 as Parcel 041. It is located in the Residence F-2 (RF-2) Zoning District.

(Click [HERE](#) for Materials)

7:02 PM**Appeal No. 2023-038****Munsell**

David and Diane Munsell have applied to modify Special Permit No. 2022-043 to allow the demolition of the existing structure due to lack of structural integrity. The Applicants seek to then construct the same house that was previously approved in Special Permit No. 2022-043 with minor changes proposed. The subject property is located at 3075 Main Street, Barnstable, MA as on Assessor's Map 279 as Parcel 041. It is located in the Residence F-2 (RF-2) Zoning District.

(Click [HERE](#) for Materials)

7:03 PM**Appeal No. 2023-039****Baird**

Daniel and Karen Baird have filed an Appeal of an Administrative Official's Decision in accordance with 240-125 B. (1)(A) and M.G.L. Chapter 40A Section 8. The Petitioners seek to overturn the Notice of Violation and Order to Cease, Desist, and Abate from the Building Commissioner, dated September 11, 2023. Summary of violations determined by the Building Commissioner include Barnstable Zoning Ordinance Chapter 240 Section 14 A.(1) RF Residential District and Chapter 240 Section 10C Prohibited Uses. Specifically, the use of a trailer/camper as a substitute dwelling unit or for temporary sleeping purposes on a property without a permitted principal dwelling. The subject property is located at 27 Falcon Road, West Barnstable, MA as on Assessor's Map 196 as Parcel 032. It is located in the Residence F (RF) Zoning District.

(Click [HERE](#) for Materials)

7:04 PM**Appeal No. 2023-040****Swartwood**

Alexander and Cynthia Swartwood 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 propose to construct a garage attached to the existing dwelling. The proposed garage will be located 15.8 feet from the front yard setback where 20 feet is required but will be in line with the façade of the existing dwelling. The subject property is located at 256 Parker Road, Osterville, MA as shown on Assessor's Map 116 as Parcel 067. It is located in the Residence C (RC) Zoning District.

(Click [HERE](#) for Materials)

7:05 PM**Appeal No. 2023-041****Ludtke**

Betty Ludtke has applied for a Special Permit pursuant to Section 240-92 B. Nonconforming Buildings or Structures Used as Single- and Two-Family Residences. The Applicant proposes to combine two preexisting nonconforming single-family dwellings into one single-family dwelling. The lot, now known as 30 Wachusett Ave., was previously two lots that have since merged. The existing dwellings are comprised of 4 and 3 bedrooms and the proposed dwelling has 6 bedrooms. The proposed construction includes relocating the smaller dwelling away from the neighboring house, a new septic system, and a new addition to connect the buildings. The subject property is located at 30 Wachusett Avenue, Hyannis, MA as shown on Assessor's Map 287 as Parcel 053. It is located in the Residence F-1 (RF-1) Zoning District.

(Click [HERE](#) for Materials)

7:06 PM**Appeal No. 2023-036 READVERTISED****Ganey**

John and Elizabeth Ganey have applied for a Special Permit pursuant to 240-91 H.(3) Developed Lot Protection. The Applicants propose to demolish the existing 1-bedroom cottage and patio containing approximately 800 sq. ft. and construct a new cottage and deck containing approximately 918 sq. ft. The proposed cottage will encroach into the front and side yard setbacks. The subject property is located at 251 Bay Lane, Centerville, MA, as shown on Assessor's Map 166 as Parcel 057. It is located in the Residence D-1 (RD-1) Zoning Districts.

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Correspondence

Park City Wind LLC Meeting Notice Letter to ZBA

(Click [HERE](#) for Materials)

Park City Wind LLC Notice of Board Meeting

(Click [HERE](#) for Materials)

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

January 10, 2024, January 24, 2024, February 7, 2024

Adjournment