



Town of Barnstable Zoning Board of Appeals



www.town.barnstable.ma.us/ZoningBoard

Board Members:

Brian Florence – Chair Alex Rodolakis – Vice Chair
David A. Hirsch –Regular Member Herbert Bodensiek – Regular Member Robin Young – Associate Member Matthew Levesque – Associate Member
Spencer Aaltonen – Associate Member Jacob Dewey – Associate Member
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Regulatory / Design Review Planner - 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, August 10, 2016

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

Brian Florence - Chair	Absent
Alex Rodolakis - Vice Chair	Present
David Hirsch	Present
Herbert Bodensiek	Absent
Robin Young	Present
Matthew Levesque	Present
Spencer Aaltonen	Present
Jacob Dewey	Present

Also present were JoAnne Buntich – Director, Growth Management, Anna Brigham- Principal Planner and Carol Puckett – Administrative Assistant.

As a quorum has been met, Alex Rodolakis calls the hearing to order.

Call to Order

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

Election of Officers

As Brian Florence is not present, the members ask to continue this to another date certain.

Motion is made by Alex Rodolakis and David Hirsch to Continue to August 24, 2016

Vote:

All in favor

Alex reads the following with no response:

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 an in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Alex reads the following into the record:

New Business

7:00 PM Appeal No. 2016-030

LaPoint

William J. LaPoint, Jr., has applied for a Special Permit pursuant to Section 240-91.H(1)(a) – Developed Lot Protection. The applicant is proposing to demolish an existing 3,615 square foot, three-bedroom dwelling and construct a new, 5,114 square foot, three-bedroom dwelling with attached garage. The applicant is seeking relief from Section 240-91.H(1)(a) as the proposed yard setbacks will not conform to current yard

setbacks in the zoning district in which it is located but will be equal to or greater than what currently exists. The property is located at 980 Main Street, Cotuit, MA as shown on Assessor's Map 034 as Parcel 033. It is located in the Residence F zoning district.

Members assigned: Alex Rodolakis, David Hirsch, Robin Young, Matt Levesque, Spencer Aaltonen

Attorney Ted Schilling is representing the applicant and is here with the applicants as well as Dan Ojala from Down Cape Engineering. Attorney Schilling gives summary of relief being requested. He states that the applicants will bring the proposed structure into compliance with current building codes and that the style will be similar to others in the area. He refers to Exhibit E in his memo (Exhibit A) regarding approval from the Barnstable Historical Commission allowing the demolition. He also refers to a letter of support from an abutter in his memo as Exhibit F (Exhibit B). Attorney Schilling also notes that they have received approval from the Conservation Commission, are in agreement with the conditions as outlined in the Staff Report and introduces the architect, Rob Bramhall in case the members have any questions.

Robin Young comments that he believes that the proposed house will fit into the neighborhood.

Alex asks for public comment. No one responds.

David Hirsch makes findings:

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.

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

Section 240-91(H)(3) allows for the complete demolition and rebuilding of a residence on a nonconforming lot by Special Permit.

- Site Plan Review is not required for single-family residential dwellings.
- 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.

Further, Section 240-91(H)(3) requires the Board to find that if the proposed demolition and rebuilding cannot satisfy the criteria established in H.(1) As-Of-Right, then the Board may allow the demolition and rebuilding by Special Permit provided the Board finds that:

- The proposed yard setbacks must be equal to or greater than the yard setbacks of the existing building. The proposed setbacks are greater.
- The proposed lot coverage shall not exceed 20% of the existing lot coverage, whichever is greater. The proposed lot coverage, inclusive of the principal dwelling, garage and pool, is 14.6%.
- The floor area ratio shall not exceed 0.30 or the existing floor area ratio of the structure being demolished, whichever is greater. The proposed FAR is .27. It is being built on the same footprint.
- The building height, in feet, shall not exceed 30 feet to the highest plate and shall contain no more than 2 ½ stories. The dwelling is 18 feet to top of plate (30 feet maximum); 30.5 feet to top of ridge. The proposed dwelling is 2 ½ stories.
- The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.

Vote:

All in favor

Motion is made by David Hirsch to approve the relief being requested as outlined in the Staff Report dated August 9, 2016, Conditions #1-6 (Exhibit C).

Conditions:

1. Special Permit No. 2016-030 is granted to William J. LaPoint, Jr. for the demolition of an existing dwelling and construction of a 5,114 square foot dwelling, 2 car garage and pool at 980 Main Street, Cotuit.
2. The site development shall be constructed in substantial conformance with the plan entitled "Site Plan of land at #980 Main Street, Cotuit, MA" dated July 18, 2016, drawn and stamped by Daniel A. Ojala, Down Cape Engineering, Inc. and design plans entitled "LaPoint Residence Cotuit, MA" by Rob Bramhall Architects dated June 30, 2016.
3. The total lot coverage of all structures on the lot shall not exceed 14.6% and the floor-area ratio shall not exceed .27.
4. The proposed redevelopment shall represent full build-out of the lot. Further expansion of the dwelling or construction of additional accessory structures is prohibited without prior approval from the Board.
5. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be screened from neighboring homes and the public right-of-way.

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

Comprehensive Permit No. 2013-047 – Habitat for Humanity – Sesame Street

The undersigned, being an authorized agent of the Zoning Board of Appeals of Barnstable, Massachusetts, hereby certifies that the following lots under the control of Habitat for Humanity off Cape Cod, and securing the Covenant dated January 7, 2014, and recorded at the Barnstable Registry of Deeds in Book 27969, Page 223 for lots shown on a plan entitled "Habitat for Humanity of Cape Cod, Inc., Sesame Street Definitive Subdivision Plan of Land in Marstons Mills, Massachusetts, dated November 13, 2013 and recorded with said Registry in Plan Book 652, Page 17 are hereby released from the restrictions as to sale and building specified in said Covenant. Said lot is designated on said plan as Lot No. 2 and Lot No. 3.

Growth Management Director, JoAnne Buntich states that this is the final completion of the subdivision action and that the lots need to be released from the road covenant. She notes that there is also an email from the Town Engineer who inspected and approved it and asks the board for their approval. She explains Form G and M to the members as it relates to this project.

Motion is made by David Hirsch and seconded by Matt Levesque to release the lots

Vote:
AYE: Alex Rodolakis, David Hirsch, Spencer Aaltonen, Jake Dewey, Robin Young
NAY: None

The board signs the appropriate forms for release of the lots.

GRANTED

Correspondence

Matters Not Reasonably Anticipated by the Chair

Upcoming Meetings

August 24, 2016, September 14, 2016

Adjournment

Motion is made by Spencer Aaltonen and seconded by Jake Dewey 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