



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 – Interim 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, February 8, 2017

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

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

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

As a quorum is present, Brian Florence calls the meeting to order.

Call to Order

Introduction of Board Members – All present introduce themselves

Notice of Recording

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

Brian reads the following into the record:

Old Business

7:00 PM Appeal No. 2017-001

Beauregard

Todd and Anne Beauregard are appealing the decision of the Building Commissioner to issue a building permit (B-16-2228) for the construction of a single-family home with deck, portico and attached garage on property located at 45 East Avenue, Osterville, MA. The appellants claim the lot on which the single-family dwelling is to be constructed has merged with an abutting lot at 25 East Avenue and is therefore not entitled to the “grandfather” protection provided by §240-90 and M.G.L Chapter 40A §6. The subject property are located at 45 East Avenue, Osterville, MA as shown on Assessor’s Map 139 as Parcel 079. It is located in the Residence F-1 (RF-1) and Resource Protection Overlay Zoning Districts.

[Continued from January 11, 2017.](#)

[Members assigned 01-11-17: Brian Florence, David Hirsch, Herbert Bodensiek, Spencer Aaltonen, Jacob Dewey. No testimony taken.](#)

7:01 PM Appeal No. 2017-002

Beauregard

Todd and Anne Beauregard are appealing the decision of the Building Commissioner to issue a building permit (B-16-2229) for the construction of a single-family home with deck, portico and attached garage on property located at 25 East Avenue, Osterville, MA. The appellants claim the lot on which the single-family dwelling is to be constructed has merged with an abutting lot at 45 East Avenue and is therefore not entitled to the “grandfather” protection provided by §240-90 and M.G.L Chapter 40A §6. The subject property is located at 25 East Avenue, Osterville, MA as shown on Assessor’s Map 139 as Parcel 080. They are located in the Residence F-1 (RF-1) and Resource Protection Overlay Zoning Districts.

[Continued from January 11, 2017.](#)

[Members assigned 01-11-17: Brian Florence, David Hirsch, Herbert Bodensiek, Spencer Aaltonen, Jacob Dewey. No testimony taken.](#)

Members assigned tonight: Brian Florence, David Hirsch, Jake Dewey, Spencer Aaltonen, Herbert Bodensiek

Representative: Michael Ford, Esq.
Also present was Attorney Theodore Schilling for the property owners.

Attorney Ford states that the last time he was here he asked for a continuance. He notes that Attorney Schilling has submitted a memo today which he has just received and is aware that the board just received the memo as well. He believes that the board may be seeking an opinion from the Town Attorney's office regarding case studies.

Brian Florence states that when a memo comes in at a late date, that the board would like to have sufficient time to review as well as giving abutters and the public notice. Attorney Ford agrees that getting the Town Attorney's opinion is wise and would propose to respond to Attorney Schilling's narrative and will copy Ruth Weil – Town Attorney. He will be in a better position in the next two weeks.

Brian Florence gives Attorney Ford options for continuance dates. Attorney's Ford and Schilling would like to have a full complement of the board in order to continue.

Request is made by Attorney Ford to continue to April 12, 2017.
Motion is made by Herbert Bodensiek and seconded by Spencer Aaltonen to continue to April 12, 2017 at 7:00 PM

Vote:
All in favor

Attorney Ford agrees to sign an extension of time limits.

CONTINUED TO APRIL 12, 2017 AT 7:00 PM

Minutes

Approval of minutes from October 26, 2016 and November 9, 2016

Motion is made by Matt Levesque and seconded by Spencer Aaltonen to approve the October 26th minutes as submitted.

Vote:
All in favor

Motion is made by Matt Levesque and seconded by Spencer Aaltonen to approve the November 9th minutes as submitted.

Vote:
All in favor

Old Business

7:00 PM Appeal No. 2017-007

Hot Water II Realty Trust

James B. Goodwin, Trustee of the Hot Water II Realty Trust has applied for Special Permits pursuant to Sections 240-93 and 240-94, expansion of a preexisting nonconforming use and building. The Applicant seeks to expand its automobile body and repair facility. The property is located at 1364 Phinney's Lane, Hyannis, MA as shown on Assessor's Map 274 as Parcel 019. It is located in the Residence G, Residence F-1 and Business Districts and the Groundwater Protection Overlay District.

Continued from January 25, 2017. No members assigned. No testimony taken.

Brian Florence reads a letter from Attorney Mark Boudreau dated January 31, 2017 (Exhibit A) asking to withdraw with prejudice.

Motion is made by David Hirsch and seconded by Spencer Aaltonen to Withdraw with Prejudice.

Vote:
All in favor

WITHDRAWN WITH PREJUDICE

Correspondence

Received 01-18-17 – Hearing Notice from Cape Cod Commission regarding Cape Club Redevelopment #TR-16017 for proposed location: 125 Falmouth Woods Road, East Falmouth, MA

Received 01-12-17 – Waterways License Application # W16-4818, Fowler, request to construct and maintain a seasonal dock and ramp at 346 Holly Point Road, Wequaquet Lake, Centerville MA.

Matters Not Reasonably Anticipated by the Chair

Upcoming Meetings

February 22, 2017, March 8, 2017, March 22, 2017, April 12, 2017

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