



Town of Barnstable Zoning Board of Appeals



Board Members:

Alex Rodolakis – Chair David Hirsch – Vice Chair Herbert Bodensiek - Clerk
Jacob Dewey – Regular Member
Paul Pinard – Associate Member Kyle Evancoe – Associate Member Todd Walantis – Associate Member Mark Hansen – Associate Member
James Tinsley – Town Council Liaison

Staff Support:

Elizabeth Jenkins – 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 13, 2019

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

Alex Rodolakis - Chair	Present
David Hirsch – Vice Chair	Present
Herbert Bodensiek – Clerk	Present
Jacob Dewey – Regular Member	Present
Paul Pinard – Regular Member	Absent
Todd Walantis – Associate Member	Absent
Mark Hansen – Associate Member	Present
Associate Member – Vacant	
Associate Member - Vacant	

As a quorum has been met, Alex opens the hearing

Call to Order

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

Alex reads the following into the record:

Notice of Recording

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

Minutes

November 7, 2018, November 14, 2018

A motion is made by David Hirsch and seconded by Herb Bodensiek to approve the November 7th minutes

Vote:

All in favor

A motion is made by David Hirsch and seconded by Herb Bodensiek to approve the November 14th minutes

Vote:

All in favor

Old Business

Alex reads the following into the record:

7:01 PM

Appeal No. 2018-068

McKinley/Boris

Michael D. McKinley and Kendra Boris have applied for a Special Permit pursuant to Section 240-91.H – Developed Lot Protection. The petitioners are proposing to demolish the existing two (2) bedroom, 870 square foot gross floor area, single family dwelling and construct a new, four (4) bedroom, 2140 square foot gross floor area, single-family dwelling on a lot less than 10,000 square feet. The property is located at 166 Seventh Avenue, Hyannis, MA as shown on Assessor’s Map 245 as Parcel 071-000. It is located in the Residence B (RB) Zoning District.

Continued from December 12, 2018 to January 23, 2019. Members assigned 12-12-18: Alex Rodolakis, David Hirsch, Jake Dewey, Paul Pinard, Mark Hansen. As only 4 members were present on January 23, 2019, Representative – Steve Cook asks to continue to next hearing. Continued to February 13, 2019.

Members assigned tonight: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodenseik, Mark Hansen
As Herb Bodenseik was not present at the December 12th hearing, he has watched the video and has had the Mullin form signed by Chair – Alex Rodolakis.

Representative: Steve Cook from Cotuit Bay Designs

Mr. Cook represents the applicants and does a quick recap from the December 12th hearing. He states that they reached out to neighbors and met with the direct abutters who asked for 3 changes. First, push back the house (a wing section) from 11 feet to 7 feet (a difference of 4 feet) which they agreed to, secondly they didn't want a driveway on the north side so they eliminated that driveway entirely, thirdly, they were going to construct a 12X20 foot garage towards the back of the lot and instead are going to build a 12X14 bump out for storage on the rear of the house and the reason why they need the storage is because of the flood zone as the basement is only a crawl space. The crawl space will be 3 feet high.

Alex confirms that public comment was not closed and reads a letter from Macallister and Virkus. They are concerned with their water view being impeded. Alex reads another letter from Martin Traywick.

Alex asks for public comment. No one speaks. Alex will close the public comment.

Steve Cook states that he met with Macallister who asked for the 3 changes they requested which they did. They did everything that was requested of them. Kendra McKinley wants to make sure that the board received the 6 letters of support from the Robard, Erin and Mark Ecker dated January 20, 2019, email from Kathleen Joyce Kusiak, email from the Toppas', email from Linda and Stephen Charamela and a letter from Michael Joyce which Alex reads into the record.

Herb Bodenseik asks for clarification about the difference in footage of the sunroom from the last hearing. Steve Cook explains. Herb asks if Steve Cook had spoken with the people who live at 158 Seventh Avenue about this change. Steve Cook says yes and states that they are the direct abutters that asked for the three changes which they made and have seen the plans.

Jake asks about the septic system and if the septic wasn't there could they push the house back. Steve Cook says yes; but they have also designed this in order to take advantage of the views.

Jake asks Steve Cook to clarify that they are going to put a whole new septic system in. Steve Cook confirms that they are going to put a whole new system in and that they have received approval also from the Conservation Commission.

David Hirsch thinks they have done well with working with the abutters. Alex has reservations on this project. He thinks it is a big change for the neighborhood, seems to be almost 3 times the size of the original house but because of the size of lot and the way the neighborhood lays out, is still causing him some pause. Cook explains that they have to raise this because of the flood zone and hands in photos.

Jake, Mark, Herb and David would be in favor
Alex has reservations

Mark Hansen 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 containing less than 10,000 square feet 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 is 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 will comply with the requirements of the Residence B Zoning District.
- **The proposed lot coverage shall not exceed 20% or the existing lot coverage, whichever is greater.** The proposed lot coverage is 19.1%.

- 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 .288% or 28.8%.
- The building height, in feet, shall not exceed 30 feet to the highest plate and shall contain no more than 2 ½ stories. The proposed height is 17 feet 2 inches to top of plate (30 feet maximum) and the proposed dwelling is 2 stories.
- The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.

Vote:

AYE: David Hirsch, Herb Bodensiek, Jake Dewey, Mark Hansen

NAY: Alex Rodolakis

Mark Hansen makes a motion to grant relief being sought with the following conditions:

Conditions

1. Special Permit No. 2018-068 is granted to Michael D. McKinley and Kendra Boris McKinley for the demolition of an existing dwelling and construction of a 2,304 square foot dwelling at 166 Seventh Avenue, Hyannisport.
2. The site development shall be constructed in substantial conformance with the plan entitled "Site Plan for Michael McKinley and Kendra Boris McKinley at #166 Seventh Avenue, Hyannis MA" prepared by Warwick & Associates, Inc. dated August 22, 2018 with last revision date of January 9, 2019 and floor plans and elevations dated January 9, 2019 by Cotuit Bay Designs.
3. The total lot coverage of all structures on the lot shall not exceed 19.1% and the floor-area ratio shall not exceed 28.8%
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:

AYE: David Hirsch, Herb Bodensiek, Jake Dewey, Mark Hansen

NAY: Alex Rodolakis

GRANTED WITH CONDITIONS

Alex reads the following into the record:

7:02 PM

Appeal No. 2019-003

Barcroft Lloyd IV as Trustee

Stacy Barcroft Lloyd IV as Trustee of the Descendant's Separate Trust f/b/o Stacy Barcroft Lloyd IV, has applied for a Special Permit in accordance with Section 240-44 – Accessory Use Permitted with Special Permit. The applicant is proposing to construct a garage/car barn with vehicle bays, entry foyer, bathroom, and mezzanine level on a lot immediately opposite and across a road from the lot on which the principal use it serves is located. The subject property is located at 19 Indian Trail, Lot 245 on Land Court Plan 15354-133, Osterville, MA as shown on Assessor's Map 070 as Parcel 009-003. It is located in the Residence F-1 (RF-1) Zoning District.

No members assigned, no testimony taken. As only 4 members were present on January 23, 2019, Representative – Sarah Alger, P.C., asks to continue to next hearing. Continued to February 13, 2019.

Members assigned tonight: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Mark Hansen

Representative: Sarah Alger, P.C. Also with her tonight is Chris Harvey, Scott Crosby and the project architect. Attorney Alger explains that this is an application for an accessory structure which is located across the road from the primary dwelling and that Mr. Lloyd has an antique car collection which this will be used for. They have had a conversation with an abutter's attorney and are in agreement that it will not be used as a residence or sold separately and are conducive to a condition to that effect.

Attorney Alger has looked at the staff report's suggested conditions which are acceptable but wants clarification on Condition #3 and states that the lot on which this structure is to be built is the ancillary lot and not the main lot.

Alex suggests that it be further clarified that it will be full build out of the accessory lot (unless approved by this board) and not the main lot.

Alex asks for public comment. Attorney Albert Schulz is representing the direct abutter, Homeport Investments who is fully in favor of this proposal. He has also looked at the staff report and is okay with the suggested conditions.

Herb 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.** Under Section 240-44, a Special Permit is required for an accessory use immediately opposite and across a road from the lot on which the principal use it serves is located.
- **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.**
- **Site Plan Review is not required for single family residential dwellings.**

Vote:

All in favor

Herb makes a motion to grant the relief being sought with the following conditions with the exception of #3 to clarify that it is the ancillary lot:

Special Permit Conditions

1. Special Permit No. 2019-003 is granted Stacy Barcroft Lloyd IV as Trustee of the Descendant's Separate Trust f/b/o Stacy Barcroft Lloyd IV, in accordance with Section 240-44 – Accessory Use Permitted with Special Permit at 19 Indian Trail, Osterville and shown on Assessors Map 070, Parcel 009-003.
2. The improvements shall be in substantial conformance with the site plan entitled "Site Plan Proposed Improvements at 19B Indian Trail Barnstable (Oyster Harbors) Mass" by CapeSurv dated December 24, 2018 with a last revision date of January 23, 2019.
3. Other than those specified herein, additional improvements to the lot are prohibited. 245-B and no further structures on 245 without prior approval of this board
4. Both areas of the lot shall be retained in identical ownership with respect to both fee and non-fee interests as Map 070 Parcel 009-003 addressed as 19 Indian Trail, Osterville, MA.
5. This 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 of a building permit. The rights authorized by this Special Permit must be exercised within two years, unless extended.

Vote:

All in favor

GRANTED WITH CONDITIONS

New Business

Alex reads the following into the record:

7:03 PM

Appeal No. 2019-005

Haseotes

George and Polyxeni Haseotes have applied for a Special Permit in accordance with Section 240-47.1 – Family Apartments and have requested to modify Special Permit No. 1989-67, Conditions 2 and 3 that limit the structure to storage only and plumbing is prohibited. The applicants are seeking relief in order to establish an existing detached, 1 bedroom, 776 square foot family apartment. The subject property is located at 773 South Main Street, Centerville, MA as shown on Assessor's Map 185 as Parcel 013. It is located in the Craigville Beach District (CBD) and the Centerville River North Bank (CRNB) Neighborhood Overlay Zoning Districts.

Members assigned tonight: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Mark Hansen

Representative: Christopher Kirrane, Esq.

Attorney Kirrane states that this property was transferred between the time he made application to tonight and has submitted a letter from staff authorizing to represent them and is looking for the permit to be issued to 773 South Main Street, LLC.

Alex poses the questions to Attorney Kirrane whether an LLC can have a family apartment. Attorney Kirrane knows the concern but does not think that it would be any different than if a trust was the owner of the Kirrane knows the concern but does not think it would be different than if a trust owns it and the owner of the property and whoever is related.

Attorney Kirrane further explains that a garage was built in 1989 with the understanding that it would for storage only and no plumbing. There were renovations done within the last ten years without permits. However, the current contractor and the homeowner agreed that in order to get everything permitted. When the garage came up with them planning to get permits, Building Division would not issue because of

the kitchen element. Alex comments that he believes that the issue is all about having a kitchen in the structure and if this is just a guest house it shouldn't have been a problem. Attorney Kirrane thinks that they might want a kitchen. Alex suggests that perhaps this should be continued in order to get clarification on if an LLC can apply for a family apartment. They discuss continuing this.

Motion is made and seconded to continue this to March 13, 2019 at 7:00 PM

CONTINUED TO MARCH 13, 2019 AT 7:00 PM

Alex reads the following into the record:

7:04 PM

Appeal No. 2019-006

Feeney

James and Belkys Feeney have applied for a Special Permit in accordance with Section 240-47.1 – Family Apartments. The applicant is proposing to construct a 700 square foot, 1 bedroom, family apartment in a detached structure. The subject property is located at 1363 Bumps River Road, Centerville, MA as shown on Assessor's Map 188 as Parcel 068. It is located in the Residence D-1 (RD-1) Zoning District.

Members assigned tonight: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Mark Hansen

Representative: Michael Avant, contractor is representing the applicant. He states that this is to demolish the current garage and to construct a detached family apartment on the same foundation as the garage. Alex asks what the height of the structure will be. Mr. Avant clarifies that it will be 24'. Alex clarifies that the total square footage for both levels will be 700 square feet.

Alex asks for public comment. No one speaks.

Alex clarifies that there is another shed on the lot.

David Hirsch does findings:

Proposed 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.

- 1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-47.1. B. allows a Special Permit for a Family Apartment in a detached structure.**
- 2. Site Plan Review is not required for single-family residential dwellings.**
- 3. 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.**

The Board is also asked to find that:

- 4. The proposed family apartment above the detached garage would not be substantially more detrimental to the neighborhood than the existing dwelling.**
- 5. The single-family nature of the property and of the accessory nature of the detached structure are preserved.**

Vote:

All in favor

David makes a motion to grant the relief being sought with the following conditions: Alex wants to add Condition #7 regarding the square footage:

Conditions

- 1. Special Permit No. 2019-006 is granted to James and Belkys Feeney, to establish a family apartment in a detached structure at 1363 Bumps River Road, Centerville, MA.**
- 2. The site development shall be constructed in substantial conformance with the plan entitled "1363 Bumps River Road in Centerville Massachusetts" by Cape & Islands Engineering dated August 8, 2018 and design plans by Michael Jimerson A.I.A. dated December 3, 2018.**
- 3. The proposed development 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.**
- 4. The Applicant must comply with the restrictions in Section 240-47.1 Family Apartments C. Conditions and Procedural Requirements 1-4 of the Ordinance (see above).**
- 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 the issuance of a building permit. The rights authorized by this special permit must be exercised within two years, unless extended.
7. **it will be 700 square feet, overall space within the new space including first and second floor**

Vote:

All in favor

GRANTED WITH CONDITIONS

Alex reads the following into the record:

7:05 PM

Appeal No. 2019-007

Hollings/Brackett

Lawrence E. Hollings and Constance Brackett are seeking to modify Appeal No. 1997-062, Condition #7 which prohibits further subdivision of a lot, and are petitioning for a Variance to Section 240-36 – RPOD Resource Protection Overlay District in order to transfer approximately 9,500 square feet (8,400 square feet of upland) from an undersized lot of approximately 1.60 acres located at 1254 Santuit-Newtown Road to an undersized lot of approximately 1.84 acres located at 1250 Santuit-Newtown Road. The subject properties are located at 1250 and 1254 Santuit-Newton Road, Cotuit, MA as shown on Assessor's Map 026 as Parcels 037-004 and 037-003. They are located in the Residence F (RF) Zoning District and the RPOD – Resource Protection Overlay District, which according to the regulations, requires that the minimum lot area requirement of the bulk regulations in all residential zoning district shall be 87,120 square feet or two-acres.

Members assigned tonight: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Mark Hansen

Representative: John Kenney, Esq. who is representing both applicants. Attorney Kenney gives summary of relief being sought. He notes that there was previous relief granted from this board in 1997. However, Mr. Hollings wants to request a variance because of the garden which Ms. Brackett has maintained all these years which currently exists on his property. They had contemplated an easement but the new buyers of his lot are not comfortable with that. Attorney Kenney reads the 3-prong test criteria for the granting of a variance. He states that this lot slopes from north to south strongly and both his client's lot and the abutting lot front on Lovell's Pond and are adjacent to wetlands. They do not want to go to the Conservation Commission for cutting down trees for a new garden and figured this would be a better idea to request a variance. The hardship would be the loss of sale for Mr. Hollings should this not be granted and the loss of the garden for Ms. Brackett. He states that this will not impact any other property or anyone's view and suggest that this meets the requirements for the granting of a variance.

Alex asks for public comment. No one speaks. Attorney Kenney states that they would be required to go back to the Planning board for an ANR.

Alex makes findings:

Variance Findings

The statutory requirement of MGL Chapter 40A, Section 10 for granting a variance is a three-prong test. The Board is required to find that each of the following three requirements has been met in order to consider granting the variance:

1. owing to circumstances related to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located; - heard testimony from applicants representative about the sloping nature and wetlands
2. a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner; and – 9500 feet are still over an acres and half each
3. desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance. – the land being swapped

An application for a variance that has met all three requirements “does not confer ... any legal right to a variance.” The Board still has the discretionary power to grant or not to grant the variance.

Vote:

All in favor

Alex makes a motion to grant with the following conditions

Variance Conditions

1. Variance No. 2019-007 is granted to Lawrence E. Hollings of 1254 Santuit Newtown Road and Constance Brackett of 1250 Santuit Newtown Road for a Variance pursuant to Section 240-14 – Residence RF Bulk Regulations and 240-36.D Resource Protection Overlay (RPOD) District

regulations. The petitioners are proposing to swap an area of land of approximately 8,400 square feet to reconfigure the boundary line between two lots.

2. The improvements shall be in substantial conformance with the site plan entitled "Approval Not Required Plan prepared for Lawrence E. Hollings #1254 Santuit Newtown Road in Cotuit, Barnstable, MA" by Holmes and McGrath, Inc. and dated December 20, 2018.
3. This 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 of a building permit. The rights authorized by this variance must be exercised within one year, unless extended.

Vote:

All in favor

GRANTED WITH CONDITIONS

Alex reads the following into the record:

7:06 PM

Appeal No. 2019-008

Vurno/Velez

Thomas F. Vurno and Maroa C. Velez have applied for a Special Permit in accordance with Section 240-92 B. Nonconforming buildings or structures used as single- and two- family residences. The Applicants propose to construct a 2 foot by 12 foot fireplace, construct an 8 foot by 24 foot deck extension, and construct a pool all of which will be located within the 30 foot setback. The subject property is located at 58 South Bay Road, Osterville, MA as shown on Assessor's Map 093, Parcel 042-004. It is located within the Residence F-1 (RF-1) Zoning District.

Members assigned tonight: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Mark Hansen
Representative: Albert Schulz, Esq.

Attorney Schulz gives summary of the history of the property which was built in 1990 and built within 15 feet of the sideline of the way as well as the garage. He states that the reason it was built that way was because it was not shown on any plans filed with the Building Division. He states that there were additional building permits issued in 2000 and 2004 for an addition for a family room to the easterly side of the house, again the way was not shown on the plans. He gives the dimension of where the construction will be placed from the way. The proposed fireplace will be located approximately 20 feet from the way, the swimming pool will be 26 from the way and the deck will be 24 feet from the way. He has reviewed the proposed conditions and has a question on #3 regarding full build out of the lot.

Alex clarifies that it would be no further structures on the lot without further approval of the board. Attorney Schulz asks for clarification on all mechanical equipment asking if it means only new equipment. Alex confirms that it would be any new equipment. Alex clarifies that if they are going to have a pool that the mechanical units shall comply. They board discusses and want the future pool equipment to be moved.

Alex asks for public comment. No one speaks. He closes public comment.

They discuss the future equipment placement.

Jake Dewey makes findings:

Proposal & Relief Requested

Thomas F. Vurno and Maroa C. Velez have applied for a Special Permit in accordance with Section 240-92 B. Nonconforming buildings or structures used as single- and two- family residences. The Applicants propose to construct a 2 foot by 12 foot fireplace, construct an 8 foot by 24 foot deck extension, and construct a pool all of which will be located within the 30 foot setback.

Section 240-92 allows for the expansion of a preexisting nonconforming single- or two-family dwelling provided that the expansion will not be substantially more detrimental to the neighborhood than the existing structure.

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.

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

Section 240-92 allows for the expansion or alteration of a pre-existing nonconforming structure used as a single-family residence with a Special Permit.

2. **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.**

Section 240-92 requires the Board to find:

3. The proposed expansion of the dwelling will not be substantially more detrimental to the neighborhood than the existing building or structure.

Vote:

All in favor

Jake makes a motion to grant with the following conditions:

Conditions

1. Special Permit No. 2019-008 is granted to Thomas F. Vurno and Maroa C. Velez to construct a 2 foot by 12 foot fireplace, construct an 8 foot by 24 foot deck extension, and construct a pool all of which will be located within the 30 foot setback. The property is located at 58 South Bay Road, Osterville, MA.
2. The proposed alterations will be in substantial conformance with the plan entitled "Site Plan Proposed Improvements at 58 South bay Road Barnstable (Osterville) Mass, prepared for Maroa C. Velez and Thomas F. Vurno, drawn and stamped by Sullivan Engineering & Consulting, Inc., dated January 14, 2019.
3. **No further structures on the lot without approval of this board.**
4. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be located so as to conform to the required setbacks for the district and screened from neighboring homes and the public right-of-way **and any mechanicals associated with relief within this application will be so located to conform to the required setbacks**
5. This decision shall be recorded at the Barnstable County Registry of Deeds and copies filed with the Zoning Board of Appeals and Building Division. The rights authorized by this special permit must be exercised within two years, unless extended.

Vote:

All in favor

GRANTED WITH CONDITIONS

Correspondence

Received 01-24-19 from MMEEnvironmental, as required, regarding Chapter 91 Waterways License Application for Seasonal Freshwater Dock for property located at 379 Lakeside Drive West, Centerville

Matters Not Reasonably Anticipated by the Chair

Alex notes that zoning amendment for the Highway Business district will be before the Planning Board on February 25th.

Upcoming Meetings

February 27, 2019, March 13, 2019, and March 27, 2019

Adjournment

Motion to adjourn is made by Mark Hansen and seconded by David Hirsch to adjourn

Vote:

All in favor