



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, November 8, 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, November 8, 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/85156975264	US Toll-free 888 475 4499
Meeting ID: 851 5697 5264	Meeting ID: 851 5697 5264

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

September 27, 2023 and October 11, 2023

Old Business

7:00 PM

Appeal No. 2023-014

Ernest J. Jaxtimer

Ernest J. Jaxtimer has filed an Appeal of an Administrative Official's Decision in accordance with Barnstable Zoning Ordinance Section 240-125 B.(1)(a) and M.G.L. Chapter 40A Section 8 and Section 15. The Petitioner seeks to overturn the Notice of Zoning Ordinance Violation and Order to Cease, Desist, and Abate Immediately from the Building Commissioner, dated May 26, 2023. Summary of violations determined by the Building Commissioner include Barnstable Zoning Ordinances Article II General Provisions Sections 240-7 A, 240-10 A; Article III District Regulations Sections 240-14 A (1); Article IX Site Plan Review Sections 240-100 A, 240-101 B, 240-103 B, 240-103 C, 240-103 K, and 240-105 G. The subject properties are located at 1450 Osterville West Barnstable Road as shown on Assessor's Map 127 as Parcel 007 001, and 1450 Osterville West Barnstable Road #A as shown on Assessor's Map 127 as Parcel 036. Both properties are located in the Residence F (RF) Zoning District. **Continued from July 26, 2023 and September 13, 2023.**

(Click [HERE](#) for materials)

7:01 PM

Appeal No. 2023-010

Arista Hyannis LLC

Arista Hyannis LLC has applied for a Special Permit in accordance with Section 240-25(B)(22) and 240-25(C)(10) Drive-Through for a proposed restaurant. The Applicant proposes to remodel the former bank building and change the use to a food service establishment with a drive-through. The subject property is located at 715 West Main Street, Hyannis, MA as shown on Assessor's Map 249 as Parcel 155. It is located in the Highway Business (HB) District. **Continued from May 10, 2023 and July 26, 2023 and September 13, 2023. Members assigned: Jacob Dewey, Paul Pinard, Mark Hansen, Aaron Webb, and Herb Bodensiek.**

****This item is on the agenda for the purpose of another request for a continuance to a date certain****

(Click [HERE](#) for materials)

New Business

7:02 PM

Appeal No. 2023-033

19 Bearse Rd LLC & 29 Bearse Rd LLC

19 Bearse Rd LLC and 29 Bearse Rd LLC have petitioned for a Variance pursuant to Section 240-11(A) Principal Permitted Uses in the RB Residential District; 240-11(E) Bulk and Dimensional Variances; 240-35(F) GP Groundwater Protection Overlay Districts; and to the extent required from 240-21(A)(9)(A-J & E) B, BA, and UB Business Districts. The Petitioners are proposing to demolish and replace the two existing residential dwellings, combine the two parcels, and construct 4 two-family dwellings. The subject properties are located at 19 and 29 Bearse Road, Hyannis, MA as shown on Assessor's Maps 310 and 311 as Parcels 288 and 039, respectively. They are located in the Residence B (RB) Zoning District.

(Click [HERE](#) for materials)

7:03 PM

Appeal No. 2023-034

Bayridge Realty, LLC

Bayridge Realty, LLC has applied for a Comprehensive Permit pursuant to MGL Ch. 40B §20, 21, 22, and 23. The Applicant proposes to construct 14 housing units (24 bedrooms) within 4 detached buildings and associated parking and site improvements on 3.95 acres for rental purposes in accordance with MGL Ch. 40B, 760 CMR. The unit mix shall consist of 6 one-bedroom units, 6 two-bedroom units, and 2 three-bedroom units. 4 of the units will be restricted as affordable for low- or moderate-income persons. The subject property is located at 900 Old Stage Road, Centerville, MA as shown on Assessor's Map 192 as Parcel 001. It is located in the Residence C (RC) Zoning District.

(Click [HERE](#) for materials)

7:04 PM

Appeal No. 2023-035

Shepley

Hamilton and Lorraine Shepley have petitioned for a Variance pursuant to Section 240-13(E) RF-1 Residential District Bulk Regulations Minimum Yard Setbacks. The Petitioners seek a variance to construct a 24 ft. by 36 ft. detached garage, which would result in a 10 ft. front yard setback where 30 feet is required. The subject property is located at 21 Forest Street, Hyannis, MA as shown on Assessor's Map 266 as Parcel 006 002. It is located in the Residence B (RB) and the Residence F-1 (RF-1) Zoning Districts.

(Click [HERE](#) for materials)

7:05 PM

Appeal No. 2023-036

Ganey

John and Elizabeth Ganey have applied for a Special Permit pursuant to 240-94(B) Nonconforming Buildings or Structures Used as a Single- and Two-Family Residence. 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 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.

(Click [HERE](#) for materials)

Correspondence

The Commonwealth of MA Energy Facilities Siting Board sent a Notice of Adjudication and Public Comment Hearing regarding Eversource's proposal to modify electric infrastructure. (Click [HERE](#) for materials)

The Cape Cod Commission sent a cancellation notice for their regularly scheduled meeting on November 9, 2023. (Click [HERE](#) for materials)

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

December 6, 2023, January 10, 2024, January 24, 2024

Adjournment