



Town of Barnstable Zoning Board of Appeals



Board Members:

Jacob Dewey – Chair David Hirsch – Vice Chair Herbert Bodensiek - Clerk
Paul Pinard – Regular Member Mark Hansen – Regular Member
Todd Walantis – Associate Member Emanuel Alves – Associate Member Aaron Webb-Associate Member Denise Johnson-Associate Member
David Bogan – Town Council Liaison

Staff Support

Elizabeth Jenkins –Director - elizabeth.jenkins@town.barnstable.ma.us
Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us

Agenda

Wednesday, May 25, 2022

7:00 PM

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 via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
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/81505281046	888 475 4499 US Toll-free
Meeting ID: 815 0528 1046	Meeting ID: 815 0528 1046

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

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

None

Local Initiative Program Applications Policy Adoption

The Town of Barnstable requests to amend the Zoning Board of Appeals Comprehensive Permit Rules and Regulations by adding "[Procedures for Partnering on a Local Initiative Program Project](#)" as provided.

Executive Session

The Zoning Board of Appeals may vote to enter into an Executive Session under G.L. c. 30A section 21(a)(3), to discuss litigation strategy with respect to the pending appeal by Ciluzzi v. Zoning Board of Appeals, 149 Beech Leaf Island Road, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

Executive Session

The Zoning Board of Appeals may vote to enter into an Executive Session under G.L. c. 30A section 21(a)(3), to discuss litigation strategy with respect to the pending appeal by Shoestring LLC v. Zoning Board of Appeals, 53 South Street and 110 School Street, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town

Old Business

7:00 PM

Appeal No. 2022-018

Holian Family Realty Trust

Janet Holian, Trustee, Holian Family Realty Trust, has petitioned for a Variance from Section 240-7 D. Lot Shape Factor for Parcel B on a plan showing Lot Division. The Petitioner is seeking to divide the existing lot into two lots. The subject property is located at 250 Windswept Way Osterville, MA as shown on Assessor's Map 051 Parcel 012. It is located in the Residence F-1 (RF-1) Zoning District and Resource Protection Overlay District (RPOD). **Continued from April 27, 2022**

(Click [HERE](#) for Materials)

New Business

7:01 PM

Appeal No. 2022-022

Kusiak

Kathleen J. Kusiak, Trustee of the Kathleen Joyce Kusiak Revocable Trust has applied for a Special Permit pursuant to Section 240-91(H)(3) Developed Lot Protection, Demolition and Rebuilding on nonconforming lots by Special Permit. The Applicant is proposing to demolish the existing 1,646 square foot dwelling and construct a 2,367 square foot dwelling pursuant to the plans by ES Design and by Down Cape Engineering. The subject property is located at 130 Seventh Avenue, Hyannis, MA as shown on Assessor's Map 245 as Parcel 062. It is located in the Residence B (RB) Zoning District.

(Click [HERE](#) for Materials)

7:02 PM

Appeal No. 2022-023

Starr

Sherri Starr, Trustee of Tempy Realty Trust, has applied for a Special Permit pursuant to Section 240-93 B. Nonconforming Buildings or Structures not used as Single-or Two-Family Dwellings, by Special Permit. The Applicant is proposing to demolish the existing 884 square foot residential condominium unit and construct a new 1,054 square foot residential condominium unit in accordance with plans prepared by W.B. Daniels Architectural Design and by Canal Land Surveying and Permitting Inc. The subject property is located at 16 Second Avenue No. 4, Osterville, MA as shown on Assessor's Map 116 as Parcel 061-00H. It is located in the Residence C (RC) Zoning District.

(Click [HERE](#) for Materials)

7:03 PM

Appeal No. 2022-024

Zhang/Wang

Ying Zhang and Yingli Wang have applied for a Special Permit pursuant to Section 240-91 H. (3) Developed Lot Protection, Demolition and Rebuilding on nonconforming lots by Special Permit, Section 240-92 B. Nonconforming Buildings or Structures used as Single and Two-Family Residences by Special Permit, Section 240-93 B. Nonconforming Buildings or Structures not used as Single and Two-Family Residences by Special Permit, and Alteration of a Nonconforming Use pursuant to Section 240-94 A. and Expansion under Section 240-94 B. The Applicant is proposing to demolish the existing two dwellings (principal dwelling contains 2,600 square feet and Cottage contains 500 square feet) and construct two dwellings (proposed principal dwelling will contain 2,728 square feet and the proposed cottage will contain 960 square feet) and to transfer the second kitchen facilities from the Principal Dwelling to the Cottage. The subject property is located at 401 Ocean Street, Hyannis, MA as shown on Assessor's Map 325 as Parcel 010. It is located in the Residence B (RB) Zoning District.

(Click [HERE](#) for Materials)

7:04 PM

Appeal No. 2022-025

Howe

Celeste M. Howe and Michelle A. Aceto have petitioned for a Variance from Section 240-47. 2 C. Accessory Dwelling Units (ADU's). The Petitioners seek a variance to establish a 540 square foot accessory dwelling unit (ADU) in the existing detached garage which is located in a three-unit residential condominium development. The subject property is located at 33 Captain Murphy's Way No. 3, Barnstable, MA as shown on Assessor's Map 317 as Parcel 031-01C. It is located in the Residence F-2 (RF-2) Zoning District.

(Click [HERE](#) for Materials)

7:05 PM

Appeal No. 2022-026

Howe

Celeste M. Howe and Michelle A. Aceto, have applied for a Special Permit pursuant to Section 240-47. 1 B. Family Apartments. The Applicant is seeking a Special Permit to establish a 540 square foot Family Apartment to be located in an existing detached garage. The subject property is located at 33 Captain Murphy's Way No. 3, Barnstable, MA as shown on Assessor's Map 317 as Parcel 031-01C. It is located in the Residence F-2 (RF-2) Zoning District.

(Click [HERE](#) for Materials)

7:06 PM

Appeal No. 2022-027

Tomkinson Trust

Tomkinson Trust has applied for a modification to Condition No. 1 in Special Permit No. 2005-073 to allow the transfer of business ownership from the current owner, Theodore Hedderig, to Scott Greenberg. No other changes are proposed. The subject property is located at 381 Old Falmouth Road, Unit No. 7, Marstons Mills, MA, as shown on Assessor's Map 123 as Parcel 003. It is located in the Residence F (RF) Zoning District.

(Click [HERE](#) for Materials)

Correspondence

None

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

June 8, 2022, June 22, 2022, July 13, 2022

Adjournment