



The Town of Barnstable Planning and Development

www.town.barnstable.ma.us/planninganddevelopment

Elizabeth Jenkins, Director

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

February 10, 2021 – 6:30 pm Zoom

Present: Alex Rodolakis, Hearing Officer - ZBA, Anna Brigham, Principal Planner – Planning & Development. Also present was Tina Raleigh.

The Chair read:

The Zoning Board of Appeals Public Hearing will be held by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

Alternative 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

<https://zoom.us/j/96494944366>

Meeting ID: 964 9494 4366

888 475 4499 US Toll-free

Meeting ID: 964 9494 4366

3. Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely and are not permitted to be physically present at the meeting, 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

The meeting was called to order at 6:30 pm.

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. There were none.

Minutes

December 9, 2020 were approved.

Old Business

The Chair read:

Appeal No. 2010-038

Raleigh

Michael D. Raleigh applied for and was granted a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the Town of Barnstable. Michael D. Raleigh is no longer participating in the Program and therefore Comprehensive Permit No. 2010-038 must be rescinded. The subject property is addressed as 614 Phinney's Lane, Centerville, MA and shown on Assessor's Map 250 as Parcel 064. It is zoned Residence D-1. Applicant requested a continuance from October 28, 2020 and December 9, 2020.

The Chair read the legal ad and requested Ms. Raleigh give the status of the apartment. Ms. Raleigh has been working with the Building Department and contractors to bring the apartment up to code and has now met the requirements and would like to continue participating in the Program. Anna Brigham had confirmed with the Building Department.

The Chair found that the Applicant has met the requirements for participating in the Accessory Affordable Apartment Program and therefore withdrew the Rescission.

New Business

The Chair read:

Appeal No. 2013-003

Bevis

Kristy A. and Jason F. Bevis applied for and were granted a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the Town of Barnstable. Kristy A. and Jason F. Bevis no longer want to participate in the Program and therefore Comprehensive Permit No. 2013-003 must be rescinded. The subject property is addressed as 311 Church Street, West Barnstable, MA and shown on Assessor's Map 153 as Parcel 011. It is zoned Residence RF.

The Applicants applied for a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the town of Barnstable, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2013- 003 was issued to the applicant on January 8, 2014 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable County Registry of Deeds on April 15, 2014 as Book 28088 Page 152.

The Applicants no longer want to participate in the Program and therefore the Comprehensive Permit No. 2013-003 must be rescinded.

Findings of Fact:

1. The Applicants, Kristy A. and Jason F. Bevis, were granted Comprehensive Permit 2013-003 for an accessory affordable apartment at 311 Church Street, West Barnstable, MA on January 8, 2014.
2. The applicants, Kristy A. and Jason F. Bevis, no longer wish to participate in the Program.
3. On December 8, 2020, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2013-003.

Ordered:

Comprehensive Permit number 2013-003 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be the filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

Appeal No. 2011-059

Maloney

David M. Maloney applied for and was granted a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the Town of Barnstable. David M. Maloney no longer owns the property so therefore Comprehensive Permit No. 2011-059 must be rescinded. The subject property is addressed as 38 Pine Grove Avenue, Hyannis MA and shown on Assessor's Map 290 as Parcel 159. It is zoned Residence RB.

The Applicant applied for a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the town of Barnstable, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2011- 059 was issued to the applicant on May 9, 2012 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Land Court Registry on July 30, 2012 as Book: 26541, Page: 215.

The Applicant no longer owns the property and therefore the Comprehensive Permit No. 2011-059 must be rescinded.

Findings of Fact:

1. The applicant, David M. Maloney, was granted Comprehensive Permit 2011-059 for an accessory affordable apartment at 38 Pine Grove Avenue, Hyannis, MA on May 9, 2012.
2. The Applicant, David M. Maloney, sold the property on November 10, 2020.
3. On November 20, 2020, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2011-059.

Ordered:

Comprehensive Permit number 2011-059 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be the filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

None

Matters Not Reasonably Anticipated by the Chair

None

Upcoming Hearings

None scheduled

Adjournment

Meeting adjourned at 6:42 PM.