



The Town of Barnstable Planning and Development

www.town.barnstable.ma.us/planninganddevelopment

Elizabeth Jenkins, Director

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

November 17, 2021 – 6:30 pm Zoom

Present: Jake Dewey, Hearing Officer - ZBA, Anna Brigham, Principal Planner – Planning & Development.

The Chair read:

The Zoning Board of Appeals Accessory Affordable Apartment Program 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://zoom.us/j/96347235129	888 475 4499 US Toll-free
Meeting ID: 963 4723 5129	Meeting ID: 963 4723 5129

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

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

The Chair approved the June 23, 2021 minutes

New Business

The Chair read:

6:30 PM Appeal No. 2006-081**Donovan**

Michael Donovan 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 Michael Donovan no longer wants to participate in the Program and therefore Comprehensive Permit No. 2006-081 must be rescinded. 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 2006-081 was issued to the applicant on September 20, 2006 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Registry of Deeds December 21, 2006.

A public hearing to rescind Comprehensive Permit No. 2006-081 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on November 17, 2021 at which time the Hearing Officer, Jacob Dewey, made the following findings and decision:

Findings of Fact:

1. The applicant, Michael Donovan, was granted a Comprehensive Permit 2006-081 for an accessory affordable apartment at 1183 Shootflying Hill Road, Centerville on September 20, 2006.
2. The applicant no longer wants to participate in the program.
3. On October 26, 2021 the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No.2006-081.

Ordered:

Comprehensive Permit number 2006-081 is rescinded.

6:31 PM Appeal No. 2021-034**Swift**

George Swift has 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 more commonly termed the "Accessory Affordable Housing Program". George Swift has requested a rescission of Comprehensive Permit No. 2021-034. The subject property is addressed 71 Waterfield Road, Osterville, MA as shown on Assessor's Map 119 as Parcel 051. It is zoned Residence C (RC).

Comprehensive Permit No. 2021-034 was issued to the applicant on June 23, 2021. Concurrently, the Accessory Dwelling Unit Ordinance was passed before the appeal decision period ended. The Applicant then withdrew the AAAP application before the Decision and Regulatory Agreement were recorded at the Barnstable Registry of Deeds.

A public hearing to rescind Comprehensive Permit No. 2021-034 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on November 17, 2021 at which time the Hearing Officer, Jacob Dewey, made the following findings and decision:

Findings of Fact:

1. The applicant, George Swift, was granted Comprehensive Permit No. 2021-034 for an Accessory Affordable Apartment at 71 Waterfield Road, Osterville, MA.
2. The applicant, George Swift, is not participating in the Program.
3. On October 26, 2021, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2021-034.

Ordered:

Comprehensive Permit No. 2021-034 is rescinded.

6:32 PM Appeal No. 2005-107

Marble

Lynn M. Marble 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, more commonly termed the "Accessory Affordable Housing Program". Lynn M. Marble no longer wants to participate in the Program and therefore Comprehensive Permit No. 2005-107 must be rescinded. The subject property is addressed as 63 Ebenezer Road, Osterville, MA and shown on Assessor's Map 123 as Parcel 060. It is zoned Residence F (RF).

Comprehensive Permit Number 2005-107 was issued to the applicant on November 30, 2005 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Registry of Deeds January 19, 2006.

A public hearing to rescind Comprehensive Permit No. 2005-107 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on November 17, 2021 at which time the Hearing Officer, Jacob Dewey, made the following findings and decision:

Findings of Fact:

1. The applicant, Lynne M. Marble, was granted Comprehensive Permit No. 2005-107 for an Accessory Affordable Apartment at 63 Ebenezer, Osterville, MA.
2. The applicant, Lynn M. Marble, is not participating in the Program.
3. On October 26, 2021, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2005-107.

Ordered:

Comprehensive Permit No. 2005-107 is rescinded.

6:33 PM Appeal No. 2021-022

Barcelo

Jian Barcelo 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, to transfer a previously permitted 600 square foot 1-bedroom Accessory Apartment into new ownership. Mr. Barcelo has decided not to participate in the Program and therefore Comprehensive Permit No. 2021-025 must be rescinded. The subject property is addressed 97 Old Town Road, Hyannis, MA as shown on Assessor's Map 268 as Parcel 072. It is zoned Residence B (RB).

Comprehensive Permit No. 2021-022 was issued to the applicant on May 26, 2021. The Applicant decided not to continue with the Program prior to recording of the Comprehensive Permit and Regulatory Agreement and therefore Comprehensive Permit No. 2021-022 must be rescinded.

A public hearing to rescind Comprehensive Permit No. 2021-022 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on November 17, 2021 at which time the Hearing Officer, Jacob Dewey, made the following findings and decision:

Findings of Fact:

1. The applicant, Jian Barcelo, was granted Comprehensive Permit No. 2021-022 for an Accessory Affordable Apartment at 97 Old Town Road, Hyannis, MA.
2. The applicant, Jian Barcelo, is not participating in the Program.
3. On October 26, 2021, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2021-022.

Ordered:

Comprehensive Permit No. 2021-022 is rescinded.

6:34 PM Appeal No. 2021-021

McLardy

Paloma McLardy 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, to create a studio apartment attached to the principal dwelling as an accessory affordable apartment. Ms. McLardy has decided not to participate in the Program therefore Comprehensive Permit No. 2021-026 must be rescinded. The subject property is addressed 3 Franbill Road, Hyannis, MA as shown on Assessor's Map 292 as Parcel 047. It is zoned Residence B (RB).

Comprehensive Permit No. 2021-021 was issued to the applicant on May 26, 2021. The Applicant decided not to continue with the Program prior to recording of the Comprehensive Permit and Regulatory Agreement.

A public hearing to rescind Comprehensive Permit No. 2021-021 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on November 17, 2021 at which time the Hearing Officer, Jacob Dewey, made the following findings and decision:

Findings of Fact:

1. The applicants, David and Paloma McLardy, were granted Comprehensive Permit No. 2021-021 for an Accessory Affordable Apartment at 3 Franbill Road, Hyannis, MA.
2. The applicants, David and Paloma McLardy, are not participating in the Program.
3. On October 26, 2021, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2021-021.

Ordered:

Comprehensive Permit No. 2021-021 is rescinded.

The Chair read:

A written copy of all the decisions 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 decisions, 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 applicants have the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

Correspondence

None

Matters Not Reasonably Anticipated by the Chair

None

Upcoming Hearings

None scheduled

Adjournment

6:45 PM