



# Town of Barnstable Zoning Board of Appeals

[www.town.barnstable.ma.us/AccessoryApartment](http://www.town.barnstable.ma.us/AccessoryApartment)

## Accessory Affordable Apartment Program

June 14, 2023 – 6:30 PM

James H. Crocker Jr. Hearing Room, 2nd Floor, Town Hall, 367 Main Street, Hyannis

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, June 14, 2023, at the time indicated:

### Call to Order

Chair Jacob Dewey calls the meeting to order at 6:32 PM and introduces himself as Chair of the Zoning Board of Appeals and as Hearing Officer.

### Notice of Recording

The Chairman reads: 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

April 26, 2023 – Chair Dewey approves the minutes.

### New Business

#### 6:30 PM

#### Appeal No. 2012-069

#### Brown

Mitchell B. and Kera M. Brown 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. The owner of the property, Mitchell Brown, no longer wants to participate in the program and therefore Comprehensive Permit No. 2012-069 must be rescinded. The subject property is addressed as 238 Craigville Beach Road, Hyannis, MA as shown on Assessor's Map 267 as Parcel 120. It is zoned Residence B (RB).

Comprehensive Permit Number 2012-069 was issued to the applicant on May 8, 2013 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Registry of Deeds on August 26, 2013.

The Applicants, Mitchell B. and Kera M. Brown have requested to cancel participation in the Accessory Affordable Apartment Program and therefore Comprehensive Permit No. 2012-069 must be rescinded.

A public hearing to rescind Comprehensive Permit No. 2012-069 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The Hearing Officer, Jacob Dewey, makes the following findings and decision:

#### Findings of Fact:

1. The Applicants, Mitchell B. and Kera M. Brown, were granted Comprehensive Permit No. 2012-069 for an Accessory Affordable Apartment at 238 Craigville Beach Road, Hyannis, MA.
2. The Applicants, Mitchell B. and Kera M. Brown, have requested to cancel their participation in the Program.
3. On May 8, 2023, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2012-069.

#### Ordered:

Comprehensive Permit No. 2012-069 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeals 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.

**6:31 PM**

**Appeal No. 2015-004**

**Stearn**

Carol Stearn 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. The new owner of the property, Luke Morris, no longer wants to participate in the program and therefore Comprehensive Permit No. 2015-004 must be rescinded. The subject property is addressed as 47 Suffolk Avenue, Hyannis, MA as shown on Assessor's Map 291 as Parcel 123. It is zoned Residence B (RB).

Comprehensive Permit Number 2015-004 was issued to the Applicant on January 14, 2015 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Land Court on March 19, 2015 as Document No. 1,265,365.

The new owners of the property have requested to withdraw from the Program and therefore the Comprehensive Permit No. 2015-004 must be rescinded.

A public hearing to rescind Comprehensive Permit No. 2015-004 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The Hearing Officer, Jake Dewey, makes the following findings and decision:

**Findings of Fact:**

1. The Applicant, Carol Stearn, was granted Comprehensive Permit 2015-003 for an accessory affordable apartment at 47 Suffolk Ave, Hyannis, MA on January 14, 2015.
2. The new owners, Dawnmarie Sherlock and Luke Morris, do not want to participate in the Program.
3. On May 11, 2023, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2015-004.

**Ordered:**

Comprehensive Permit number 2015-004 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.

**Correspondence**

None.

**Matters Not Reasonably Anticipated by the Chair**

**Upcoming Hearings**

None scheduled.

**Adjournment**

Chair Dewey adjourns the meeting at 6:39 PM.

Respectfully submitted,  
Genna Ziino, Administrative Assistant

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>