



# Town of Barnstable

# Zoning Board of Appeals



#### Board Members:

Jacob Dewey – Chair Herbert Bodensiek – Vice Chair Paul Pinard - Clerk  
Aaron Webb – Regular Member Mark Hansen – Regular Member  
Vacant – Associate Member Vacant – Associate Member Vacant -Associate Member Denise Johnson-Associate Member  
Kristine Clark - Town Council Liaison

#### Staff Support

Elizabeth Jenkins –Director - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
Anna Bringham – Principal Planner – [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)  
Genna Ziino – Administrative Assistant – [genevey.ziino@town.barnstable.ma.us](mailto:genevey.ziino@town.barnstable.ma.us)

## Agenda

**Wednesday, April 12, 2023**

**7:00 PM**

**James H. Crocker Jr. Hearing Room, 2<sup>nd</sup> 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, April 12, 2023, at the time indicated:

### 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

March 8, 2023 – (Click [HERE](#) for materials)

### Old Business

**7:00 PM**

**Appeal No. 2022-021**

**Vuilleumier**

Louis Vuilleumier has filed an appeal of an Administrative Official's Decision in accordance with Section 240-88 Appeals. The Building Commissioner issued a Notice of Zoning Violation and Order to Cease & Desist on March 3, 2022 which stated that the total number of dwelling units are four: three units in the main dwelling and one in the detached barn/workshop are a zoning violation under Chapter 240-11 A. (1) in the RF-2 Residence F-2 Zoning District. The subject property is located at 4380 Main Street, Barnstable, MA as shown on Assessors Map 351 as Parcel 042. It is located in the Residence F-2 (RF-2) Zoning District. **Continued from December 7, 2022 and February 8, 2023. Members assigned were Dewey, Bodensiek, Hansen, Pinard, Webb.**

(Click [HERE](#) for materials)

**7:01 PM**

**Appeal No. 2022-057**

**Wentworth**

Peri S. Wentworth has applied for a Special Permit in accordance with Section 240-47.2 C. (4) Accessory Dwelling Unit. The Applicant seeks to construct a detached two bedroom Accessory Dwelling Unit which exceeds the allowable "as of right" square footage. The proposed Accessory Dwelling Unit is 1,876 square feet and the "as of right" size is 900 square feet, thereby exceeding the allowable size by 976 square feet. The subject property is located at 16 Walley Court, Hyannis, MA as shown on Assessors Map 324 as Parcel 020. The property is located in the Residence B (RB) Zoning District. **Continued from January 25, 2023 and March 8, 2023. Members assigned were Dewey, Webb, Pinard, Johnson, Bodensiek.**

(Click [HERE](#) for materials)

**7:02 PM**

**Appeal No. 2023-005**

**TJA Clean Energy**

TJA Clean Energy, as lessee, has applied for a Modification Permit pursuant to Section 240-8 A. 3 (b) Modification from Section 240-44.2 E. 3. Dimensional Requirements and Section 240-44.2 F. 2. Special Permit Provisions. The Applicant proposes to construct a

large-scale ground-mounted Solar Photovoltaic Installation pursuant to Section 240-44.2 E (3) of the Zoning Ordinance. The proposed setback for the solar array is 16 feet from undeveloped land on the westerly side of the property, where 100 feet is required. The subject property is located at 810 Wakeby Road, Marstons Mills, MA as shown on Assessor's Map 013 as Parcels 004, 005, and 052. It is located in the Residence F (RF) Zoning District. **Continued from March 8, 2023. Members assigned were Dewey, Bodensiek, Hansen, Pinard, Webb.**

(Click [HERE](#) for materials)

**7:03 PM**

**Appeal No. 2023-006**

**Andersen**

Denise M. Andersen, Trustee of the Andersen 77 Parker Road Nominee Trust, has petitioned for two Variances from Section 240-13 E. Residence C (RC) District, Bulk Regulations, and 240-36 Resource Protection Overlay District (RPOD). The Petitioner seeks two variances to unmerge Lot 1 (40,075 sq. ft.) from Lot 2, a developed lot containing 43,915 sq. ft., pursuant to the plan prepared by Sullivan Engineering and Consulting, Inc. The subject property is located at 77 Parker Rd, Osterville, MA as shown on Assessor's Map 117 as Parcel 135. It is located in the Residence C (RC) Zoning District. **Continued from March 22, 2023.**

(Click [HERE](#) for materials)

### **New Business**

**7:04 PM**

**Appeal No. 2023-008**

**Carangelo**

Robert Carangelo has applied for a Variance in accordance with Section 240-14E RC-1 Residential District Bulk Regulations Minimum Lot Area, Minimum Front and Side Yard Setbacks. The Petitioner sold 4 Skipjack Lane to the current owners on November 20, 2022 and is responsible for obtaining post-closing zoning relief under the terms of a duly authorized escrow agreement. The parcel is within the Cobblestone Landing Subdivision and was granted a Special Permit with certain waivers in 1986 of the town's subdivision rules and regulations as shown on Book 5380 Page 252 of the Barnstable County Registry of Deeds. In 2012, the owners of 4 Skipjack Lane and 10 Skipjack Lane created new 617 sq. ft. parcels and exchanged them in order to resolve a driveway encroachment. Although the new lots remain in compliance with the 1986 Special Permit and waivers, they may not be in compliance with current zoning. Petitioner requests a Variance or in the alternative a determination that no zoning relief is needed. The subject property is located at 4 Skipjack Lane, Hyannis, MA as shown on Assessor's Map 273 as Parcel 085 004. It is located in the Residence C-1 (RC-1) Zoning District.

(Click [HERE](#) for materials)

### **Correspondence**

Cape Cod Commission Public Hearing for Bourne Solar Project on Thursday, April 13, 2023 at 1:00 p.m. at the Cape Cod Commission office, 3225 Main Street in Barnstable. (Click [HERE](#) for materials)

Cape Cod Commission Public Hearing for N.E. Wind 1 Connection (Vineyard Wind) on Monday April 24, 2023 at 4:00 p.m. will be held virtually. (Click [HERE](#) for materials)

Cape Cod Commission Public Hearing Notice for MV Reliability Project (NSTAR) in the Town of Falmouth on Thursday, April 27, 1:00 p.m. will be held virtually. (Click [HERE](#) for materials)

### **Matters Not Reasonably Anticipated by the Chair**

### **Upcoming Hearings**

April 26, 2023, May 10, 2023, May 24, 2023

### **Adjournment**