



Town of Barnstable

Zoning Board of Appeals



Board Members

Jacob Dewey – Chair Herbert Bodensiek – Vice Chair Paul Pinard – Clerk
 Emanuel Alves – Associate Member Mark Hansen – Regular Member Larry Hurwitz – Associate Member
 Denise Johnson – Associate Member Aaron Webb – Regular Member Vacant – Associate Member
 Betty Ludtke – Town Council Liaison

Staff Support

Elizabeth Jenkins – Director – elizabeth.jenkins@town.barnstable.ma.us
 Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us
 Genna Ziino – Administrative Assistant – genevey.ziino@town.barnstable.ma.us

Agenda

Wednesday, March 27, 2024

7:00 PM

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, March 27, 2024, at the time indicated:

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 live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable’s website:
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
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/81040104648	US Toll-free 888 475 4499
Meeting ID: 810 4010 4648	Meeting ID: 810 4010 4648

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

This meeting of the Zoning Board of Appeals is being recorded and broadcast on the Town of Barnstable’s Government Access Channel. In accordance with MGL Chapter 30A §20, I must inquire whether anyone is recording this meeting and if so, to please make their presence known.

Minutes

January 24, 2024 (Click [HERE](#) for materials)
 February 7, 2024 (Click [HERE](#) for materials)

Old Business

7:00 PM

Appeal No. 2023-042

Baker & Moir, as Appellants

Patricia Baker and David D. Moir, as Appellants, are appealing the issuance of Building Permit BLDR-23-780 issued on November 1, 2023 to EJ Jaxtimer for the construction of a 3,100 sq. ft., 3-bedroom home for Janet Holian, Trustee of Holian Family Realty Tr. The subject property is located at 240 Windswept Way, Osterville, MA and 250 Windswept Way, Osterville, MA as shown on Assessor's Map 051 as Parcel 012-001 and 012-000, respectively. It is located in the Residence F-1 (RF-1) and the Resource Protection Overlay District (RPOD). **Continued from January 24, 2024 and February 28, 2024.**

(Click [HERE](#) for materials)

7:01 PM

Appeal No. 2023-044

Alliegro

George and Debra Alliegro have petitioned for a Variance pursuant to Section 240-13 E. RF-1 Bulk Regulations – Minimum Side Yard Setback. The Petitioners seek a variance to construct an unconditioned, screened porch over an existing patio 12.6 feet from the lot line where 15 feet is required. The subject property is located at 202 Sea View Avenue, Osterville, MA as shown on Assessor's Map 138 as Parcel 014. It is located in the RF-1 Zoning District. **Continued from January 10, 2024, January 24, 2024, February 7, 2024, February 28, 2024, and March 13, 2024.**

(Click [HERE](#) for materials)

7:02 PM

Appeal No. 2023-045

Alliegro

George and Debra Alliegro have applied to modify Special Permit No. 2016-018 Modification No. 3 to allow for the construction of a screened porch over an existing patio, which would increase the lot coverage from 16.2% to 18.3%. The subject property is located at 202 Sea View Avenue, Osterville, MA as shown on Assessor's Map 138 as Parcel 014. It is located in the RF-1 Zoning District. **Continued from January 10, 2024, January 24, 2024, February 7, 2024, February 28, 2024, and March 13, 2024.**

(Click [HERE](#) for materials)

New Business

7:03 PM

Appeal No. 2024-006

518-556 Yarmouth Road LLC

518-556 Yarmouth Road LLC has filed an Appeal of an Administrative Official's Decision in accordance with 240-125 B. (1)(A) and M.G.L. Chapter 40A Section 8. The Appellant seeks to overturn the Notice of Violation and Order to Cease, Desist, and Abate from the Building Commissioner, dated January 19, 2024. The violation determined by the Building Commissioner is of the Barnstable Zoning Ordinance Chapter 240 Section 61 C Prohibited Signs. Specifically, the recent building construction includes a functioning lighting provision serving to outline portions of the building. The subject property is located at 556 Yarmouth Road, Hyannis, MA as shown on Assessor's Map 344 as Parcel 076-001. It is located in the Business (B) Zoning District.

(Click [HERE](#) for materials)

7:04 PM

Appeal No. 2024-007

Lion LLC

Lion LLC has applied for a Special Permit pursuant to Section 240-57 Circumstances Warranting Reduction of Requirements, to the extent necessary. The Applicant proposes to add 18 additional seats to their existing restaurant and has been advised at Site Plan Review by the Building Commissioner that the proposed new off-street parking area, consisting of 12 spaces being leased from the Airport, requires a Special Permit. The Applicant suggests that the Board could alternatively find that the proposed additional off-street parking is a permitted use under Section 240-51 A and zoning relief would not be required. The subject property is located at 15 Hinckley Road, Hyannis, MA as shown on Assessor's Map 311 as Parcel 020. It is located in the Business (B) Zoning District.

(Click [HERE](#) for materials)

7:05 PM

Appeal No. 2024-008

19 Bearse Rd LLC & 29 Bearse Rd LLC

19 Bearse Rd LLC and 29 Bearse Rd LLC have petitioned for a Variance pursuant to Section 240-125 Zoning Board of Appeals and M.G.L. Chapter 40A Section 14. The Petitioner seeks a modification of Use Variance 2023-003 to change the distance between the proposed buildings to 7.5 ft. No additional zoning relief is required. The subject properties are located at 19 and 29 Bearse Road, Hyannis, MA as shown on Assessor's Maps 310 and 311 as Parcels 288 and 039, respectively. They are located in the Residence B (RB) Zoning District.

(Click [HERE](#) for materials)

Correspondence

Notification transmittal for preliminary subdivision plan application scheduled to be heard by Planning Board on April 8, 2024 (Click [HERE](#) for document)

Matters Not Reasonably Anticipated by the Chair

Discussion

Board discussion and possible approval of revised Rules and Regulations regarding requests for Withdrawals and Continuances. (Click [HERE](#) for document)

Upcoming Hearings

April 10, 2024, April 24, 2024, May 8, 2024

Adjournment