

# Zoning Board of Appeals MINUTES Wednesday, April 26, 2023 at 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, April 26, 2023, 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 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
<a href="https://townofbarnstable-us.zoom.us/j/82751752208">https://townofbarnstable-us.zoom.us/j/82751752208</a>	US Toll-free 888 475 4499
Meeting ID: 827 5175 2208	Meeting ID: 827 5175 2208

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](mailto: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](mailto:anna.brigham@town.barnstable.ma.us).

### Call to Order

Chair Jake Dewey calls the meeting to order at 7:04 PM with an introduction of Board Members.

Member	Present	Absent
Dewey, Jacob	X	
Bodensiek, Herbert		X
Pinard, Paul	X	
Hansen, Mark	X	
Johnson, Denise	X	
Webb, Aaron		X

Also in attendance is Anna Brigham, Principal Planner and Genna Ziino, Administrative Assistant.

### 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 22, 2023 – Mark Hansen makes a motion to approve the minutes. Paul Pinard seconds.

### Vote:

**Aye: Jake Dewey, Paul Pinard, Mark Hansen, Denise Johnson**

**Nay:**

## Old Business

7:00 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 and April 12, 2023.

Because there are only 4 members present, Attorney Schulz requested to continue this item to May 10, 2023. Mark Hansen makes a motion to continue the item to May 10, 2023 at 7:01 PM. Paul Pinard seconds.

**Vote:**

**Aye: Jake Dewey, Paul Pinard, Mark Hansen, Denise Johnson**

**Nay:**

Appeal No. 2023-006 Andersen is continued to May 10, 2023 at 7:01 PM.

7:01 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. At the April 12, 2023 Hearing, it was determined that no zoning relief is required, therefore a Request to Withdraw without Prejudice the Variance has been submitted.

Chair Dewey makes a motion to withdraw the appeal without prejudice. Mark Hansen seconds.

**Vote:**

**Aye: Jake Dewey, Paul Pinard, Mark Hansen, Denise Johnson**

**Nay:**

Variance No. 2023-008 Carangelo is withdrawn without prejudice.

## New Business

None

## Correspondence

- Cape Cod Commission DRI Exemption Hearing for 27 Crosby Rd, Falmouth scheduled for April 27, 2023 at 3:00 PM
- Cape Cod Commission DRI Exemption Hearing for 96 Megansett Rd, Bourne scheduled for April 27, 2023 at 3:00 PM

## Matters Not Reasonably Anticipated by the Chair

## Discussion

The Board has considered a discussion regarding requests for withdrawals and continuances. Because two members are absent, the Board elects to continue the discussion to the May 10 meeting.

## Upcoming Hearings

May 10, 2023, May 24, 2023, June 14, 2023

## Adjournment

Chair Dewey makes a motion to adjourn at 7:12 PM. Mark Hansen seconds.

**Vote:**

**Aye: Jake Dewey, Paul Pinard, Mark Hansen, Denise Johnson**

**Nay:**

**Documents Used at This Meeting**

- March 22, 2023 minutes
- Attorney Kenney's request to withdraw Appeal No. 2023-008

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>