

Members assigned: Sheila Geiler, John Norman, Gail Nightingale, James Hatfield, Jerry Gilmore. Kelly Lydon is assigned as an alternate.

Robert Najarian is representing himself. He indicates he wants to change the verbiage so that it reads that the owner and/or the owner of the restaurant has the use of the apartment and he is not changing the intent of the permit because in the permit it never says the owner has to live there, it just says for the use of the owner. Back then, the owner was the owner of the restaurant. It has changed. Now the owner of the restaurant of the owner is not necessarily the owner of the building so he wants it to read that the owner of the restaurant can use the apartment to house employees.

Gail Nightingale asks if this is to house employees or to live there themselves. Mr. Najarian indicates either one, for the use of the owner of the restaurant because in the original permit it says for the use of the owner and doesn't say the owner has to live there. Gail indicates that she believes that the intent is that if the owner lives there it is not rented to outside people, that the owner of the property or the restaurant has the right to oversee what is going on at the restaurant below. Gail indicates that she is concerned to it being rented out to employees and thinks that it should be for the owner's use. Mr. Najarian indicates that there is a shortage of housing for employees and is not asking to rent, just use.

Jerry Gilmore asks if he would object to a restriction to the use and not for hire. Mr. Najarian agrees.

Sheila Geiler asks how many people are going to be in the apartment. Mr. Najarian indicates probably a maximum of 3 and would agree if they wanted to put that in there. Gail asks how many bedrooms. Mr. Najarian indicates 3 and thinks they could have 6 people there and that there is plenty of parking. He indicates that the restaurant seats 50 people. Gail indicates that she believes that in the original permit the idea was that the owners of the building would use the apartment. Mr. Najarian indicates it probably was. Gail indicates that the concern would be if it was the owners of the restaurant or lessee that they would be allowed to use it for their own personal use but she is not sure how the other members feel to let it just being leased out to others.

Jerry Gilmore indicates that it doesn't imply personal use in the original permit.

James Hatfield asks how many square feet are in the apartment. Mr. Najarian indicates approximately 1000 square feet. James Hatfield indicates that he is not opposed to employees but is concerned about overcrowding. Mr. Najarian indicates that they could put a number on it and that he wouldn't be opposed. James Hatfield asks if there is anyone living there now. Mr. Najarian indicates that it has been empty for about a month.

Kelly Lydon asks how many baths and if there is a kitchen. Mr. Najarian indicates that there is a full bath and a full kitchen. Gail indicates that from the Assessor's records, there is no bath. Mr. Najarian indicates that there is a full bath.

Gail Nightingale asks if there is anyone here either in favor or opposition.

Mr. Tom Holmes of Hyannis indicates that he came before the Board originally when the first special permit was issued and indicates that the owner wanted the apartment for herself as she did not want to have to commute from Newton. He indicates that it was just for her use only and just for seasonal use and it was one of the conditions. He indicates that it had been rented out with problems. He indicates that there have been problems with noise and trash and has been

nothing but problems during the summer. He indicates that there wasn't to be a liquor license but has seen people drinking and thinks it is like a bar room. He doesn't think it can be enforced about limiting the number of people and is against this appeal.

Scott Menard, who owns the property next door, indicates that the property in question has been rented and some restaurant staff had been living upstairs. He indicates that his only complaint was that they have had to complain to the police because of late night partying and that there have been some problem people living there. He suggests monitoring by the owner with regards to the neighbors.

Mr. Najarian indicates that complaints had been made to the police but nothing was ever found. He indicates that it has always been a restaurant and if a lot of people had felt this way why aren't more people at the hearing. He indicates that the owner had called him when the police were there and indicated that there were no drugs or alcohol.

Gail Nightingale clarifies the use as she was under the impression that the owner or lessee would be the only ones allowed to live in the apartment but now she believes he is saying employees. Mr. Najarian indicates that he believes that he originally stated that it was to be for the owner of the restaurant's use to house his employees. Gail indicates that it was for the use of the owner or the use of the owner of the property and doesn't see the word employees in the application which she is concerned about.

Jerry Gilmore indicates that the term used is a vague term but that the intent was that the owner would be the person occupying the premises.

Gail agrees that it should be the owner or the lessee who lives in the apartment and not for the allowance of outside people to live there.

Sheila Geiler asks for clarification from Mr. Najarian and asks if it is a vacant building and restaurant and asks if he is looking for someone to rent the restaurant part out and asks who would make the decision as to who would live there. Mr. Najarian corrects her and indicates that it is not rent and thinks the term would be use. Mr. Najarian indicates that nobody is paying rent and that it is against the permit to rent the apartment. Sheila asks if the employees who were living there during the summer were living there free. Mr. Najarian indicates yes. Gail asks what the lease shows when he rents the restaurant. Mr. Najarian indicates that he leases the whole building when he leases out the restaurant.

John Norman comments that the permit indicates owner and should remain that way and is concerned.

James Hatfield agrees with John to insure that there is no excessive noise as it is a residential neighborhood.

James Hatfield makes findings

In appeal 2007-063 the applicant is Robert A. Najarian. Property Address is 167 Sea Street, Hyannis, MA , Assessor's Map 307, Parcel 046 it is in a Residence B Zoning District

The applicant has petitioned for a modification of special permit 1985-54. The petitioner seeks to modify that condition of the permit that restricted the use of a second floor apartment unit to that of the property owner only. The proposed modification requests that use of the apartment be allowed to the property owner and/or lessee or owner of the restaurant located on the first floor of the building.

On June 10, 1985, the Zoning Board issued Special Permit 1985-54 to Bernardo & Irma DiDino to raze an existing nonconforming restaurant building known as "The Clam Shack" and rebuild a new expanded restaurant building with a residential apartment on the second floor. In addition to limiting the restaurant use, the Board imposed a restriction that the apartment shall be "for use of the owner only."

The specific condition reads "to be one apartment for use of the owners only." This condition has been interpreted as owner-occupied by the Building Division and therefore has resulted in the petition now before the Board.

The petitioner originally purchased the property in February of 2005. In April of that year it was transferred into the Najarian Nominee Trust, Robert A. Najarian, Trustee.

James comments that he would like the permit to stay as it is and asks how to word this.

He proposes to modify this special permit so that the lessee of the restaurant in addition to the owner could occupy the unit.

Jerry Gilmore seconds.

James Hatfield adds that the granting of the request of the modification would not be a substantial detriment to the public good and can be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

Jerry Gilmore seconds.

Vote

AYE: Sheila Geiler, John Norman, James Hatfield, Jerry Gilmore, Gail Nightingale

Nay: None

Motion is made to move to grant the modification to this special permit with the use of the apartment unit located on the second floor is limited to occupancy by the owner of the property or the lessee of the restaurant located on the first floor of the building and move to modify the last condition of 1985-54 as he just said and also so that all conditions of 1985-54 shall remain in force and effect.

Jerry Gilmore seconds.

Gail comments that she would like to make sure that it reads that she would not like to see anyone other than the lessee living in that apartment and she does not want to see it even used by a number of other tenants so it is going to be clear that the lessee of the restaurant will use the upstairs and is not to be other employees or other people. She clarifies that whoever's name is on the lease is the one allowed to live upstairs.

Mr. Najarian indicates that it was his understanding that if he/she lived upstairs and allowed an employee to live with he/she it was okay as long as there was someone there to monitor. Gail comments that she would not vote in favor of it that way and would like only the owner or the lessee only is allowed to use the apartment for their own personal use and is not to be expanded to employees or outside people.

Jerry Gilmore's concern is that it might be impossible to police.

Gail clarifies that it would preclude outside people other than the lessee. She wants to add to that condition that the upstairs apartment is used solely by the lessee of the property, the person

the lease is written to and not outside people, not any additional people and she would amend it to that.

James Hatfield indicates that he would be comfortable having the lessee there and have two roommates if you want to sublet and thinks there is a need for workforce housing. However, he would want the owner/lessee to be responsible for the unit.

Sheila Geiler seconds Gail's amendment saying that it has to be strictly the lessee

Gail clarifies that we have an amendment that says it has to be strictly the lessee, the person whose name the lease is in that lives upstairs and his/her family.

Gail clarifies that she would vote first on it and that is the way the final motion is made with that amendment to it and we seconded it and now we will discuss it and that is the way they will vote on it and if it passes they will go back and vote on the original.

Jerry Gilmore comments about low availability of housing for workers but it might again be impossible to police.

Gail indicates that her problem is that it is a residential zone, it was given a special permit to have an apartment there as long as the apartment was used by the owner of the property. Now, we are allowing it to change to the owner of the property or the lessee of the restaurant and she still says it's a residential use and doesn't think it should be allowed to be expanded into workforce housing or whatever you want to call it. Some of these places that provide housing are in a commercial area or a marina area or an area that allows apartments. This apartment is only there by a special permit. She believes they should protect this as a residential neighborhood. She would be voting in favor of the motion as it was amended but if it doesn't pass she would not be voting in favor of the other one.

Vote on motion as amended so that it strictly the apartment use is by the owner of the building or the lessee and not for outside or additional use.

Vote:

AYE: Sheila Geiler, Gail Nightingale

NAY: John Norman, James Hatfield, Jerry Gilmore

John Norman indicates that he believes the special permit that was issued in 1985 allows the owner enough use of the property and also gives the neighbors some protection and the owner was aware of the special permit on the property when he purchased it in 2005 which he doesn't think would trigger a financial hardship

Gail indicates that it does not pass.

James Hatfield indicates he would like to make a motion without the amendment.

Gail clarifies that the motion was that the use of the apartment unit located on the second floor is limited to occupancy by the owner of the property or to the lessee of the restaurant located on the first floor of the building and just in general he can use it as he sees fit.

James Hatfield agrees

James wants to add that "no more than 3 occupants could occupy the apartment unit at any one time".

Jerry Gilmore seconds

Vote:

AYE: James Hatfield, Jerry Gilmore

NAY: Sheila Geiler, John Norman, Gail Nightingale

Gail indicates that it does not pass and has to stay as it is currently worded. She indicates that this is to be filed with the Town Clerk and that there is a 20 day appeal period.

NOT GRANTED

7:43 Cwynar appeal is called.

7:15 PM

Appeal 2007-072 - New

Cwynar

Bulk Variances to Legalize ANR Lot & Dwelling

Elaine R. Cwynar has applied for a Variance to Section 240-11.E Bulk Regulations, Minimum Lot Area, and Minimum Side and Rear Yard Setbacks. The applicant seeks the variance for the existing developed lot consisting of 2,659 sq.ft. which was created by a 1975 Approval Not Required Plan. That plan, when recorded, did not conform to zoning at that time and divided the land such that the existing dwelling did not conform to required setbacks. The property is addressed as 29 Norris Street, Hyannis, MA and as shown on Assessor's Map 306 as parcel 033. It is in a Residence B Zoning District.

Attorney Michael Schulz is representing the applicant.

Members assigned: Sheila Geiler, John Norman, Kelly Lydon, Gail Nightingale, James Hatfield. Jerry Gilmore is assigned as the alternate.

Attorney Michael Schulz hands out pictures of the property to the Board members. He gives the current status of the property and its history. He indicates that historically the subdivision was first laid out in 1937 on a plan recorded in Plan Book 56 page 95 and containing approximately 2.5 acres of land with 13 lots and showing the layout of Norris Street. He indicates that between 1937 and 1975 3 homes were constructed on Lot 9. One of those homes is the home situated at 29 Norris Street. He doesn't have an exact date of construction but the Town recognized at around the 1950's. He believes that the intent of the 1975 ANR plan was to create a separate lot for each of the homes constructed on the Norris property so that Sally Norris could convey them separately and sell them. Although it accomplished this in one respect, the ANR plan did not adhere to subdivision rules and resulted in 3 extremely narrow lots oddly positioning the homes on the lots which didn't conform to zoning. Thus, the present situation arises when the oversight of the prior owner at the time of the 1975 recording of the ANR plan to bring it into conformance. Shortly after, the applicant purchased it in 1977 from Sally Norris. At that time it was the applicant's first home and she didn't know about any zoning issues on the property and has owned it since then. She only recently discovered this. He indicates that the prior tenant wasn't able to care for the home and the kitchen is in disrepair. His client wants to remodel the kitchen area which doesn't expand outside of the footprint of the existing structure. He indicates that the use would continue as a single family dwelling and that it is attached to Town sewer and

water. He indicates that there are letters in favor of the applicant's request for a variance from abutters in the area. He submits a list of letters to the Board.

Kelly Lydon clarifies that it is in disrepair and that no-one is living there currently

Gail Nightingale asks if there is anyone here either in favor or in opposition. No-one speaks either in favor or in opposition. She indicates there are letters in the file and reads who they are from. Gail clarifies that they are not going to expand and are staying within the same footprint.

James Hatfield clarifies with Attorney Schulz that the number of bedrooms is to remain at two and the number of baths is one. Attorney Schulz concurs.

John Norman does findings.

In appeal 2007-072 Elaine R. Cwynar has applied for a variance to Section 240-11.E Bulk Regulations, Minimum Lot Area, and Minimum Side and Rear Yard Setbacks. The applicant seeks the variance for the existing developed lot consisting of 2,659 sq.ft. which was created by a 1975 Approval Not Required Plan. That plan, when recorded, did not conform to zoning at that time and divided the land such that the existing dwelling did not conform to required setbacks. The property is addressed as 29 Norris Street, Hyannis, MA and as shown on Assessor's Map 306 as parcel 033. It is in a Residence B Zoning District.

MGL Chapter 41, Section 81 L – Subdivision Control Law provides for the division of a lot upon which residential structures exist that predate the adoption of subdivision control in the Town. However, existing case law stands that lots created under that section must conform to all aspects of the zoning district's regulations to be considered legal zoning lots.¹

According to the Assessor's record, the subject property is developed with a two-bedroom, 480 sq.ft., one-story structure that dates to 1950. The applicant, Elaine Cwynar, purchased the property in 1977 from Sally Ann Norris as evidenced by a deed recorded at the Barnstable Registry of Deeds.

Norris Street appears to date to a 1937 creation with a recording of a Subdivision Plan in Plan Book 56, page 95. That subdivision created 13 lots including the roadway lot. The roadway was later altered and taken by the Town in 1940 as shown in the plan for the taking of the way recorded in Plan Book 62, page 49. It appears that sometime between 1940 and 1975, a number of dwellings were constructed on the abutting lots and in 1975 an Approval Not Required (ANR) plan was recorded that divided those dwellings such that each was situated on its own lot.

The subject property is shown on the 1975 plan as Lot No.13. The lot was configured approximately 36 feet by 74 feet deep, measuring 2,659 sq.ft. in area. The easterly lot line and rear lot line were struck approximately 3.8 feet off the existing dwelling. In 1975, this area was zoned Residence B and required a minimum lot area of 10,000 sq.ft., and a minimum side and

¹ Note: This issue is on appeal in Land Court. Barnstable has always maintained that lots created under Ch. 41 Sect. 81 L must meet zoning to be legal and any 81L plan that creates a lot or divides a lot in any way that does not conform to zoning constitutes a zoning violation and no building permits will issue if that 81L plan is recorded without appropriate variances.

rear yard setback of 10 feet. Lot No. 13 did not meet those minimum zoning requirements at that time.

The applicant has proposed to demolish a 16 by 10 foot section of the existing building and to rebuild that area of the structure. The location of the improvement is situated in that area of the structure that infringes into the setbacks. However, the Building Commissioner has not seen it clear to issue the building permit as it would appear the lot and structure would not be considered legal under zoning as they did not conform to the zoning requirements of 1975.

Kelly Lydon seconds.

Gail Nightingale wants to add that they are not citing variance conditions but feels that there is enough of the neighborhood that is in favor of this so that they are not finding variance conditions to grant this variance as it really doesn't have the variance conditions needed for a finding. She indicates that would be an additional finding she would like to add.

James Hatfield seconds

Vote:

AYE: Sheila Geiler, John Norman, James Hatfield, Kelly Lydon, Gail Nightingale

NAY: None

John Norman makes a motion based on the positive unanimous findings to move to grant on the following conditions:

1. This variance is granted to the existing structure and lot. The lot shall not be further reduced in area and the dwelling shall not be increased in area. The use of the property is limited to that of a two-bedroom, one-story, single-family dwelling.
2. The existing structure can be improved and maintained, including rebuilt. However, the footprint of the structure and gross area of the building shall not be expanded nor shall the number of bedrooms be increased from the existing two.
3. No accessory uses or buildings shall be permitted on the property.
4. The lot shall remain connected to public water and Town sewers.
5. All new construction shall comply with all applicable Building Division and Fire requirements as applicable.
6. All parking shall be accommodated on the lot and shall not be permitted on Norris Street.
7. This variance must be executed within one year of the grant by recording of it against the property.

James Hatfield seconds.

Vote:

AYE: Sheila Geiler, John Norman, James Hatfield, Kelly Lydon, Gail Nightingale

NAY: None

Granted with Conditions

At 7:57 Gail calls the Smily appeal

7:30 PM Appeal 2007-074 - New Smily
Bulk Variance Side Yard Setback

Ernest M. & Denise Smily have applied for a Variance to Section 240-11.E Bulk Regulations, Minimum Side Yard Setback. The applicants seek the variance to retain and enclose a part of an existing open deck that intrudes into the required 10-foot side yard setback. The existing deck intrudes 9.95 feet into the setback and the proposed enclosure is planned to intrude 2.73 feet. The property is addressed as 66 Pondsides Circle, Centerville, MA and as shown on Assessor's Map 233 as parcel 077. It is in a Residence D-1 Zoning District.

Gail Nightingale reads a letter from Attorney John Stephenson, who is representing the applicants, indicating that they are requesting that the application for the variance be Withdrawn without Prejudice.

Members assigned: Kelly Lydon, Jerry Gilmore, James Hatfield, John Norman, Gail Nightingale

Motion to allow it to be Withdrawn without Prejudice

James Hatfield seconds

AYE: Kelly Lydon, Jerry Gilmore, James Hatfield, John Norman, Gail Nightingale
NAY: None

Withdrawn Without Prejudice

Gail calls West Marine at 7:58 PM

7:45 PM Appeal 2007-083 - New West Marine
Appeal of the Building Commissioner

West Marine Products, Inc., has appealed the Building Commissioner's determination of August 7, 2007 that the on-site storage of liquid petroleum products to be offered for sale exceeds that level permitted under the Groundwater Protection Provision, Section 240-35.F(2)(u)[1] of the Zoning Ordinance and therefore the fit-out permit requested was denied. This appeal was filed pursuant to MGL Chapter 40A, Sec. 8 and Chapter 240-125.B(1)(a) of the Zoning Ordinance. The property is addressed as 73 Falmouth Road (Route 28), Hyannis, MA and is shown on Assessor's Map 311 as parcel 071. It is located in a Highway Business and a Groundwater Protection Overlay Zoning District.

No members assigned.

Gail Nightingale reads a letter from Attorney Bruce Gilmore asking for a continuance.

Continued to October 24th at 7:00 PM

She then calls the Kaschuluk appeal at 8:01 PM.

8:00 PM	Appeal 2007-073 - Continued	Kaschuluk Demo/Rebuild on Nonconforming Lot Special
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Permit

Opened August 22, 2007, continued to September 12, 2007
No Members were assigned and no Testimony was Taken

Deanna Kaschuluk has petitioned for a Special Permit pursuant to Section 240-91.H(2) - Demolition Rebuilding on a Pre-existing Nonconforming Lot of Less than 10,000 Square Feet. The applicant seeks to demolish the existing structure on a lot consisting of 9,973 sq.ft. and rebuild a new single-family dwelling in conformance with current setback requirements. The subject property is addressed as 8 East Avenue, Osterville, MA and is shown on Assessor's Map 139 as Parcel 075. It is in a Residence F-1 Zoning District

Members assigned: Sheila Geiler, John Norman, James Hatfield, Kelly Lydon, Gail Nightingale

Deanna Kaschuluk is representing herself. She indicates that she is here to request relief by way of a special permit on 8 East Avenue in Osterville. She indicates that the same application was approved back in January of 2006 by a different applicant. Her only change from the previous applicant's would be a different house plan, similar in size with a slightly different layout. She would like, however, to have some following conditions deleted from the current staff report: Condition #2 - on the house plans as she would like to make non-substantial changes without having to come back before the ZBA. She would also like to change Condition #4 with the Health Department's Title V septic plan to be able to make changes, if need be, without coming back before the ZBA.

Gail tells here that the septic has to be done without variance and asks what types of changes in the plans she is planning on making

Ms. Kaschuluk indicates that the changes would be minor such as window changes and no changes groundcover-wise. She indicates it would be door and window changes. Gail clarifies that there would not be a change in footprint. Ms. Kaschuluk indicates that it will remain the same footprint.

Jerry Gilmore asks about elevations of the building itself and asks for clarification about architectural changes. Ms. Kaschuluk indicates that there might be one area of the building where the roofline might change which she believes is a small shed dormer off the south elevation and has looked at it and is trying to configure putting in a door instead of a window.

Gail indicates that change might be a major change and not a minor one. She indicates where this is an undersized lot they usually allow it as per plans submitted and a shed dormer to a regular dormer could be a substantial change in the roof.

Art Traczyk indicates that some minor changes are done administratively as long as it doesn't increase the overall height, bulk and massing of the structure.

Ms Kaschuluk indicates that she would like to have the basement as livable space. Gail indicates that it will adjust the percentages and couldn't allow it and would have to know how many feet of the basement she would make livable as Ms. Kaschuluk indicated that she was unsure of how much of the basement she would make livable.

Art Traczyk indicates that she is close to the limits percentage-wise and checks the flood plain. He indicates that it will trigger over square footage.

Gail Nightingale indicates that there is 1344 square feet on the first floor but the Board needs to know how many square feet she is intending the basement to be as livable. Jerry Gilmore suggests figuring the maximum square footage.

Ms. Kaschuluk indicates that she doesn't have a definite plan. Art indicates that the total buildout on the lot is approximately 3000 square feet and she is at 2292 square feet which would leave her with about 700 square feet left to be finished off.

Gail indicates that the Board would want to see new plans for the file and informs Ms. Kaschuluk that she would need to come back with a revised plan. She indicates that the Board could approve this plan but if she wanted to change it she would need to come back and ask for the change unless it was minor changes that could be approved administratively. She asks if she wants to continue this until she can bring in new plans.

Gail Nightingale then asks if there is anyone here either in favor or in opposition. No-one spoke either in favor or in opposition.

Ms. Kaschuluk then asks that the permit be good for two years to begin this project instead of one. Gail indicates that it is only good for one year but she could ask for a 6 month extension before the one year is up. Art Traczyk indicates that because this is a special permit she can't ask the Zoning Board for an extension. Art indicates that she would have to make the application for the building permit and that it will take approximately 30 days to determine if it is proper to issue which will bring it out to 13 months. She could then ask for an extension at which time the Building Commissioner would make a determination. He indicates that they give 6 month extensions at a time.

Gail indicates that if this appeal is granted tonight that the decision would be filed within 14 days and that there will be a 20 day appeal period following that. She indicates that if she is really not ready she could ask for a continuation which will give her more time to finalize a plan.

John Norman indicates that he would like to see finalized plans as from the grade elevations and top of foundation consisting of 17.5 on the right hand side, there seems to be the potential

of a walkout which is not represented in these plans. He indicates that she had mentioned that a portion of the basement might be finished which would change the livable footage. He reiterates that he would rather see finished final plans that can be signed.

Gail Nightingale and Art discuss her paperwork for extending time limits which is signed and in the file.

Continued to November 7, 2007 at 7:00 PM

Gail Nightingale calls the Mohan appeals at 8:17 PM

8:00 PM Appeal 2007-068 & 067 – Continued Mohan

Opened August 8, 2007, continued August 22, 2007 and to September 12, 2007.

Members: Ron S. Jansson, Randolph Childs, James R. Hatfield, John T. Norman, Gail C.

Nightingale

Associates Present: Jeremy Gilmore, Sheila Geiler, Kelly Kevin Lydon,

Appeal 2007-068 - Special Permit Demo/Rebuild Nonconforming Lot - Marilyn J. Mohan has petitioned for a Special Permit pursuant to Section 240-91.H(2) – Demolition and Rebuilding. The petitioner seeks to demolish the existing single-family dwelling located on the lot and rebuild a new larger single-family dwelling not in conformance with the current setback requirements and which also exceeds the maximum lot coverage and maximum floor area ratio allowed under zoning. The property is addressed as 15 Ripple Cove Road, Hyannis, MA and is shown on Assessor's Map 325 as parcel 065. It is in a Residence B Zoning District.

Appeal 2007-067- Bulk Variances Lot Area & Setback - Marilyn J. Mohan has applied for Variances to Section 240-11.E Bulk Regulations, Minimum Lot Area and Minimum Side Yard Setback and Section 240-91.H(b)(1) & (2) Demolition Rebuilding on Nonconforming Lots - Allowable Lot Coverage and Maximum Floor Area Ratio. The applicant seeks to demolish the existing single-family dwelling located on the undersized 13,600 sq.ft. lot and rebuild a new larger single-family dwelling situated 6 feet off the side property line and exceeding the maximum lot coverage of 20% and maximum floor area ratio of 0.30 allowed under the demolition/rebuilding provision of the ordinance. The property is addressed as 15 Ripple Cove Road, Hyannis, MA and is shown on Assessor's Map 325 as parcel 065. It is in a Residence B Zoning District.

Members assigned: James Hatfield, John Norman, Jerry Gilmore, Sheila Geiler, Gail Nightingale

Gail Nightingale indicates that there is a letter submitted from the applicant's attorney. She reads the letter into the file asking that the appeals be Withdraw without Prejudice.

Jerry Gilmore makes a motion to allow them to Withdraw without Prejudice.

Kelly Lydon seconds

Vote:

AYE: James Hatfield, John Norman, Jerry Gilmore, Sheila Geiler, Gail Nightingale

NAY: None

Appeals 2007-067 and 2007-068 are Withdrawn without Prejudice.

Motion to adjourn
Motion seconded.
Meeting adjourned at 8:18 PM

Open Chairman's Discussion
