



Town of Mashpee

16 Great Neck Road North
Mashpee, MA 02649

AGENDA

MASHPEE ZONING BOARD OF APPEALS

WEDNESDAY, DECEMBER 13, 2023

The Mashpee Zoning Board of Appeals will hold Public Hearings on
Wednesday, December 13, 2023, at 6:00 p.m. Waquoit Meeting Room
Mashpee Town Hall,

16 Great Neck Road North, Mashpee, MA

Broadcast Live on Local Cable Channel 8

Streamed Live on the Town of Mashpee Website: <https://www.mashpeeema.gov/channel-8>

PLEDGE OF ALLEGIANCE

CONTINUED HEARINGS

48 Greenwood Road: Petitioners, Joyce A. and Daniel Marsters request a Variance under §174-31 of the Zoning Bylaws to allow for construction of retaining walls on property located in the R-3 Zoning and Popponesset Overlay Districts, Map 117, Parcel 323, Mashpee, MA (Owner of record: Joyce A. Marsters, as Trustee of the Greenwood Trust). *(A letter received from the Attorney dated November 30, 2023 requesting a withdrawal to be read into the record).*

42 Wheeler Road: Owner, Marcio DeJesus requests a Special Permit under §174-17.1 and §174-33 of the Zoning Bylaws to raze an existing single family dwelling and replace it with a new single family dwelling on property located in the R-5 Zoning District, Map 57, Parcel 7, Mashpee, MA. *(Continued from October 25, 2023; November 8, 2023 at the request of the Attorney).*

NEW HEARINGS

31 Birch Way: Owners, Gary J. and Denise M. Nagle, request a Written Finding under §174-17 of the Zoning Bylaws to allow for reconstruction of an existing garage, and porch addition to a pre-existing, nonconforming structure on property located in an R-5 Zoning District, Map 27 Parcel 86, Mashpee, MA. The subject property has the following pre-existing nonconformities: minimum lot area, minimum side yard setback, and setback to water and wetlands. The Board will determine whether or not the proposed garage reconstruction and porch addition will be substantially more detrimental to the neighborhood as required prior to taking any action on the request for a Written Finding. The subject lot size is 18,397 sq. ft. where 80,000 sq. ft. is required. The southwestern corner of the subject property is 12.3 ft. from the side lot line where 15 ft. is required, and the northeastern corner is 14.6 ft. from the side lot line. Additionally the existing deck is built within the 50 ft. buffer to water and wetlands. The applicant does not propose any increases to the existing nonconformities on the subject property.

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33 Sunset Circle: Owners, Kevin and Suzanne C. Mulgrew, Trustees of the 33 Sunset Circle Realty Trust request a Written Finding under §174-17 of the Zoning Bylaws to allow for reconstruction and extension of an existing deck to a pre-existing, nonconforming structure on property located in an R-5 Zoning District, Map 64 Parcel 28, Mashpee, MA. The subject property has the following pre-existing nonconformities: minimum lot area and setback to water and wetlands. The Board will determine whether or not the proposed deck extension will be substantially more detrimental to the neighborhood as required prior to taking action on the request for a Written Finding. The subject lot size is 18,640 sq. ft. where 80,000 sq. ft. is required. The existing structure is more or less bisected by the 50 ft. buffer line from water and wetlands, and the entire deck proposed to be rebuilt is totally within the 50 ft. setback to water and wetlands. The applicant proposes to add 686 sq. ft. to the overall deck area increasing the nonconforming nature of the setback to water and wetlands by 6 ft. Additionally, the applicant proposes to add an additional 80 sq. ft. of deck area to the northerly side within the setback to water and wetlands.

29 Riverside Road: Owners, Russell J. and Anne E. Spencer request a Special Permit under §174-17.1 of the Zoning Bylaws to raze a pre-existing, nonconforming single-family dwelling and replace it with a new single-family dwelling on property located in an R-3 Zoning District, Map 119 Parcel 81, Mashpee, MA. The subject property has the following pre-existing nonconformities: minimum side yard setback, lot coverage, and setback to water and wetlands. The Board will determine whether or not the proposed replacement dwelling has adequate parking and that any nonconforming aspects of the replacement dwelling are not substantially more detrimental to the neighborhood.

90 Popponesset Island Road: Owner, Brendon P. Giblin requests a Special Permit under §174-17.1 of the Zoning Bylaws to raze a pre-existing, nonconforming residential structure, and replace it with a new single family residential structure with associated pool and detached garage with guest suite above on property located in an R-3 Zoning District, Map 106 Parcel 34, Mashpee, MA. The pre-existing nonconforming dwelling is located entirely in the flood zone. The Board will determine whether or not the proposed replacement dwelling has adequate parking and that any nonconforming aspects are not substantially more detrimental to the neighborhood, and that there are no new nonconformities being created. The existing property has the following pre-existing nonconformities: lot area, setback to water and wetlands, and lot coverage. The subject lot size is 20,421 sq. ft. where 40,000 sq. ft. is required. However, the lot is entirely within the flood zone and currently has no upland area. The existing structure is within the 50 ft. setback to water and wetlands noting approximately 37.5 ft. to the coastal bank. The new proposed dwelling generally increases the intensity of the water and wetlands setback nonconformity. The lot is currently covered with structures totaling 1,274 sq. ft. The applicant proposes replacement structures totaling 3,243 sq. ft. thus increasing the intensity of the lot coverage nonconformity.

37 Nick Trail: Owners, Brian J. and Karen F. Kelleher request a Variance from §174-31 special footnote 12 of the Zoning Bylaws to allow for separation of a merged lot shown on assessors Map 117, Parcel 300 and located in both the R-3 and Popponesset Overlay Districts, Map 117 Parcel 300, Mashpee, MA. The relief is requested because the entirety of the subject property is in the flood zone and while the lot currently has enough land area and frontage to divide its flood zone status prevents division without relief. The Board will consider whether or not there is a unique lot shape, topographical condition or soil condition that necessitates relief pursuant to M.G.L. Chapter 40A Section 10. Approval of the relief requested would not effectuate division of the subject lot. If approved the applicant will need to seek endorsement by the Planning Board of a plan believed not to require approval under the subdivision control law.

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29 Echo Road and 41 Echo Road: Petitioner, 3M Ventures, Inc., d/b/a Triple M Management Company, LLC requests a modification under §174-24 (C) (9) (c) (e) of the Zoning Bylaws, and condition #5 of the Special Permit Decisions: SP-2015-33; SP-2019-36; SP-2020-28; MOD-2023-08 to extend the date for completion of construction from its previously extended date of December 31, 2023 to May 31, 2024 on property located in the I-1 and Light Industrial Overlay Zoning Districts, Map 19 Parcels 3-8 and 3-9, Mashpee, MA. (Owner of record: Triple M. Management Company, LLC.).

OTHER BUSINESS

- Approve Meeting Minutes dated November 8, 2023.

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed.)

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DEC 6 '23 AM 9:07