

Zoning Board of Appeals
MINUTES
Wednesday, September 24, 2025
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, September 24, 2025, 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 18 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website:
<https://barnstable.cablecast.tv/internetchannel/watch-now>
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/81957762681	US Toll-free: 888 475 4499
Meeting ID: 819 5776 2681	Meeting ID: 819 5776 2681

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

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

Member	Present	Absent
Dewey, Jacob – Chair	X	
Bodensiek, Herbert – Vice Chair	X	
Pinard, Paul – Clerk	X	
Alves, Manny	X	
Hurwitz, Larry		X
Pittenger, Natalie	X	
Tavano, Rodney		X
Webb, Aaron	X	

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

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

July 23, 2025, August 13, 2025 – Manny Alves moves to approve the minutes. Paul Pinard seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Manny Alves, Natalie Pittenger, Aaron Webb

Nay: None

Old Business

None

New Business

7:00 PM

Appeal No. 2025-026

One Hundred Three Long Beach Road, LLC

One Hundred Three Long Beach Road, LLC has applied for a Special Permit pursuant to Section 240-131.4 D. (2) Craigville Beach District Use Regulations and Section 240-131.7. E. Long Beach/Short Beach. The Applicant is seeking to demolish and rebuild a preexisting nonconforming garage. The proposal will decrease the nonconforming side yard setback from the existing 1.1 ft. to the proposed 6 ft. and will increase the gross floor area from 2,837 square feet to proposed 3,028 square feet, an increase of 6.7%. The subject property is located at 103 Long Beach Road, Centerville, MA as shown on Assessor's Map 205 as Parcel 017. It is located in the Craigville Beach District (CBD) and the Long Beach/Short Beach (LBSB) Neighborhood Overlay Zoning District.

Chair Dewey assigns himself, Paul Pinard, Herb Bodensiek, Aaron Webb, and Manny Alves.

Zac Basinski, Engineer from Bracken Engineering is representing the applicant. He explains that there is currently a 4 bedroom single-family house with a detached garage on the property. It is in a FEMA designated flood zone. To the north is the Centerville River, to the south is Nantucket Sound. It was built in 1948 and so predates zoning. They are seeking to demolish and rebuild the existing garage. They are looking to move the garage to conform to the front yard setback and improve the nonconforming side setback by 5 feet. They are proposing to increase the gross floor area by 6.7%. The property sits within a velocity zone and the proposal will improve the flood compliance of the structures. The proposed won't increase intensity as it is still 4-BRs overall. They received a deferral to upgrade onsite septic system as the town will be bringing sewer to the property. There will be no impacts on ecological resources or historic structure. The intent is to keep the ridgeline in line with the existing house. They are proposing to build above the velocity zone so hopefully the structure could maintain through a storm.

Back to the Board for questions. Natalie Pittenger asks if they're moving the garage or attaching it. Mr. Basinski says they are proposing a detached structure. They're proposing to move it back 23 feet towards the house to improve setbacks. Ms. Pittenger asks if there will be a paved driveway. Mr. Basinski says it will be a pervious driveway, and it was approved by Conservation.

Manny Alves asks about lot coverage. Mr. Basinski says they are allowed 3,600 sq. ft. Currently the structure is 2,071 and they are proposing 2,220. Manny Alves asks about if they made driveway impervious? Mr. Basinski says they did discuss the option with Conservation but could work with the Board to make it smaller. Manny Alves asks if they're waiting for approval from the Health Dept. Mr. Basinski says because there are two structures on the lot they were required to get a deferment from the Health Dept. Manny Alves asks if they could put an ADU on the existing structure. Mr. Basinski says because of the floodplain requirements and the age of structure, to meet new building code and velocity zone they could not.

Chair Dewey asks if the new garage is higher because in the V Zone, you can't increase south-facing building surfaces. 240-131.4.D.2.A 8. Mr. Basinski says they spoke with Building Commissioner Brian Florence and he advised that the 6% is still under the 20% increase. Chair Dewey thinks Section 7 is for the Board's discretion. Chair Dewey asks what the height difference is proposed to be. Mr. Basinski says the garage will be about 10-12 feet higher than the existing, but they are not changing the ridgeline of the existing home, and they will still not be as tall as abutting homes. He thinks the view corridor is being improved on the right side with the relocation of the garage, and is being maintained on the left. Chair Dewey thinks the bylaw says "maintain or enhance" view—is increasing the height by 12 feet doing that? They discuss whether the view will be impacted.

Manny Alves asks if they discussed Section 8 with Brian Florence. Mr. Basinski says yes, his concern was maintaining pedestrian access and driving up and down the street, so that's why they are maintaining access view corridors. Manny Alves doesn't think adding elevation/south-facing surface is allowed.

Randy Bern from Chilton Development says the language in this section of the ordinance is relating to floodwater. It should be read as, "increasing elevation of floodwater or increasing velocity of floodwater." Their proposal does not increase the elevation of floodwater. The Chairman says it reads, "do not increase south facing building surfaces." Mr. Bern says it doesn't increase in size relative to the floodplain, which this section of the ordinance is about.

The Chairman wonders if this should be a variance due to the language, “surface can’t increase.” Anna Brigham thinks some information from Building Commissioner Brian Florence might be helpful. Mr. Basinski says he spoke with the Commissioner—the intent of the bylaw was to prevent structures per flood mapping. Manny Alves thinks this is technical and would like input from Commissioner Florence.

Chair Dewey opens public comment. There is none. The Chairman asks if the applicants reached out to abutters. Mr. Basinski says not aside from the required abutter notices, but he can do that before the next meeting. Mr. Bern says the homeowner has spoken to abutters and there was no negative feedback. The members discuss whether that is the applicant’s job. They discuss whether the proposal impacts the view of houses nearby and across the Centerville River.

Councilor Betty Ludtke says a situation similar to this happened in Hyannisport with several residents opposed to a proposal. She thinks what Chair Dewey is bringing up is important.

The Chairman leaves public comment and the public hearing open. The Board is asking for clarity on 240-131.4.D.2.8. He moves to continue the appeal to October 22, 2025 at 7:01. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Paul Pinard, Herb Bodensiek, Aaron Webb, Manny Alves

Nay: None

Appeal No. 2025-026 One Hundred Three Long Beach Road, LLC is continued to October 22, 2025 at 7:01 PM.

7:01 PM

Appeal No. 2025-027

Burt

Alan and Dawn Burt have applied for a Special Permit pursuant to Section 240-91 H. (3) Developed Lot Protection; Demolition and Rebuilding on Nonconforming Lots. The Applicants seek to rebuild on a lot where the prior home was destroyed by fire. The Applicant is seeking zoning relief due to nonconforming lot size. The subject property is located at 326 Oakland Road, Hyannis, MA as shown on the Assessor’s Map 271 as Parcel 084. It is located in the Residence B (RB) Zoning District.

Chair Dewey assigns himself, Herb Bodensiek, Paul Pinard, Aaron Webb, and Natalie Pittenger.

Shane Hctor is representing the applicant and is the general contractor. In July 2024 the structure was in a fire ending in a complete loss, so was removed from the site. They are proposing to reconstruct the 936 sq. ft. structure with a full foundation. They will be reusing the existing septic and utilities from the street. Setbacks are preexisting nonconforming. The existing garage is going to remain onsite. The proposed lot coverage is 9.9% where 20% is allowed. The proposed FAR is 8.1% where 30% is allowed. He listed the height at 15 but it’s going to be less than that. The prior structure was a cottage that had been added onto multiple times.

Chair Dewey asks when the old structure was built. Mr. Hctor says 1950s, so predates zoning. Natalie Pittenger asks if there is a paved driveway. Mr. Hctor says there is an existing paved driveway that led to the old structure, at some point during construction it will need to be addressed. Chair Dewey thinks this is why the bylaw was created.

Chair Dewey opens public comment. There is none. The Chairman moves to close public comment.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Natalie Pittenger

Nay: None

Chair Dewey moves to close the public hearing. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Natalie Pittenger

Nay: None

Natalie Pittenger makes findings:

1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-91 H. (3) allows for the demolition and rebuilding of a residence on a nonconforming lot.
2. Site Plan Review is not required for single-family residential dwellings.

3. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.
4. The proposed yard setbacks must be equal to or greater than the yard setbacks of the existing building. The proposed setbacks will comply with required setbacks.
5. The proposed lot coverage shall not exceed 20% or the existing lot coverage, whichever is greater. The proposed lot coverage is 9.9%, less than maximum.
6. The floor area ratio shall not exceed 0.30 or 30% the existing floor area ratio of the structure being demolished, whichever is greater. The existing FAR is n/a and the proposed FAR is 8.10%, which does not exceed the threshold.
7. The building height, in feet, shall not exceed 30 feet to the highest plate and shall contain no more than 2 ½ stories. The proposed height for the proposed dwelling is 15 feet.
8. The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.

Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Natalie Pittenger

Nay: None

Natalie Pittenger makes a motion to grant Special Permit No. 2025-027 based on findings, with conditions 1-6. Chair Dewey clarifies that the conditions are from the September 11, 2025 Staff Report. The Chairman asks whether the conditions will affect the existing garage. Mr. Hctor says it's fine because they would need a special permit for any changes anyway.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Natalie Pittenger

Nay: None

Appeal No. 2025-027 Burt is granted with conditions.

Correspondence

CCC agenda for September 25, 2025 meeting

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

October 8, 2025 (in person), October 22, 2025 (remote), November 12, 2025 (remote)

The Board discusses whether to hear the special permit application before the 40B at the October 8 meeting.

Adjournment

Chair Dewey moves to adjourn. Natalie Pittenger seconds.

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Natalie Pittenger

Nay: None

The meeting is adjourned 8:06 PM

Documents Used at this Meeting

- July 23, 2025, August 13, 2025 minutes
- Appeal No. 2025-026 One Hundred Three Long Beach Road, LLC application materials
- Appeal No. 2025-027 Burt application materials
- Staff Report dated September 11, 2025 for 2025-027
- Correspondence: CCC agenda for September 25 meeting

Respectfully submitted,
Genna Ziino, Administrative Assistant

Further detail may be obtained by viewing the video via the Barnstable Government Access Channel on demand at town.barnstable.ma.us