



# Town of Barnstable

## Zoning Board of Appeals



Board Members:

Alex Rodolakis – Chair   David Hirsch – Vice Chair   Herbert Bodensiek - Clerk  
 Jacob Dewey – Regular Member   Paul Pinard – Regular Member  
 Todd Walantis – Associate Member   Mark Hansen – Associate Member   Emanuel Alves – Associate Member  
 David Bogan – Town Council Liaison

Staff Support

Elizabeth Jenkins –Director - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
 Anna Brigham – Principal Planner – [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)  
 Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

### Minutes

### Wednesday, September 23, 2020

*Since a quorum has been met, Alex Rodolakis – Chair opens the hearing at 7:10 PM and reads the following:*

The Zoning Board of Appeals Public Hearing will be held by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

Alternative 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  
<https://zoom.us/j/91482440854>  
 Meeting ID: 914 8244 0854

888 475 4499 US Toll-free  
 Meeting ID: 914 8244 0854

29 OCT '20 AM 10:36  
 BARNSTABLE TOWN CLERK

3. Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely and are not permitted to be physically present at the meeting, 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).

**Alex takes Roll Call Attendance:**

Member	Present via ZOOM	Present via Conference Call	Absent
Alex Rodolakis	x		
David Hirsch	x		
Jake Dewey	x		
Herb Bodensiek		x	
Paul Pinard	x		
Todd Walantis	x		
Mark Hansen	x		
Emanuel Alves	x		
<b>Other Participants</b>			

Anna Brigham – Principal Planner	x		
Elizabeth Jenkins – Director of P&D			
Carol Puckett – Administrative Assistant		x	
Nancy Joyce from Cotuit Bay Residences	x		
David Bogan – ZBA Liaison	x		

*Alex reads the following with no response:*

**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.

**Old Business**

None

*Alex reads the following into the record:*

**New Business**

**Request for Minor Modification – Comprehensive Permit No. 2005-100**

In 2007, Comprehensive Permit No. 2005-100 was granted for Five (5) units of multi-family housing on 2.38 acres. On September 9, 2020, Ms. Joyce, representing the Condo Association, requested a minor modification to the landscape plan. The modifications include:

1. Completion of retaining wall and fencing to the rear of property A1.
2. Completion of plantings in front of each condo building.
3. Beautification of area around “catch basin”/“rain garden” in front of the A1 building down to the sidewalk – Common area – with appropriate plantings and maintenance plan.

Ms. Nancy Joyce further explains that her main request from the Board is for the Condo Association to assume responsibility for monitoring architectural, aesthetic, and landscaping changes that may occur on the premises.

*Members assigned tonight: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Paul Pinard*

*Representative: Nancy Joyce, President of the Homeowner’s Association (HOA) at the Cotuit Center Residences. Ms. Joyce explains that the residents have lived there for over two years and want to have what every other homeowner has which is the ability to plant and prune landscaping in their complex which they have been prohibited from doing. The developer, PLM Buzzy went bankrupt and left a lot of things undone. The Cotuit Center residents haven’t had the ability to do any landscaping because the neighbors have objected. They are here to make it legal for them to add a tree, shrub or do anything to improve the landscaping of the small complex.*

*Alex asks who is currently monitoring the landscaping. Ms. Joyce says there is board of trustees and a landscaping company and committee. Their landscaper is Richard Fisher who has submitted to doing the work and overseeing the maintenance of the landscaping. Paul Pinard asks who has the authority to do what they want to do. Joyce says no-one because they have been told by the Town that they needed this modification in order to appease the neighbors. Hansen asks if the HOA makes the decision as to who is the landscaper. Joyce says yes. Jake Dewey notes that this has a comp permit that has specific requirements. Pauline O’Brien, from Cotuit Center Residences, says that they understand that if a condo owner wanted to do anything that required permits from the Town they would still be required to get those permits. However, they are just wanting to do plantings to beautify the entryway. Joyce refers to Section 7 which cites what they are trying to accomplish.*

*Mark Hansen asks Ms. Joyce how many residents are involved. Ms. Joyce states that there are twelve residents in eight units who are all in favor of this proposal. However, some abutters had objections. Jake Dewey ask if they proposed anything to the Building Department or the Board of Health (BOH) which was denied. Ms. Joyce states that they did not propose anything. Dewey explains that these conditions on the comprehensive permit were put in place because of the density and because the complex is in a sensitive conservation project. He assumes that the Building Department and the BOH would be able to approve what they are looking for.*

*Alex opens public comment. No one speaks. Alex closes public comment. Joyce notes that they also want to finish some fencing that the developer left them high and dry on and all they want to do is plant trees, shrubs, etc.*

*Alex re-opens public comment. Rob Wilson lives in Marstons Mills, and not a direct abutter. However, he notes that, as for the landscaping, his take on grass is that this is nitrogen loading in a sensitive area. Joyce says they have no intention of adding grass.*

*Board deliberates: Mark suggests getting a list from the Board of Health (BOH) on acceptable plantings. Dewey would like to see comments from BOH saying that this is something that they can’t handle and doesn’t think this is a burdensome request. He would also like to see what condition pertaining to this is referenced in this comp permit. Manny Alves asks about the paragraph #7 and about striking it. Paula Kelly says they are not asking to strike that. Bodensiek believes this was a complicated permit because of the sensitive eco system on the property. Alex would like to go over the comp permit. Board members would like to hear from the BOH.*

*Motion is made by Alex to continue in order to have them meet with respective Town departments, show them this application, and get feedback from them. Motion is made to continue this to October 14, 2020 at 7:01 PM by Alex and seconded by Jake Dewey.  
Roll Call Vote:*

MEMBER	AYE	NAY	ABSTAINED
Alex Rodolakis	x		
David Hirsch	x		
Jake Dewey	x		
Herb Bodensiek	x		
Paul Pinard	x		
Todd Walantis			
Mark Hansen			
Emanuel Alves			

**CONTINUED TO OCTOBER 14, 2020 AT 7:01 PM**

**Correspondence**

**Matters Not Reasonably Anticipated by the Chair**

**Upcoming Hearings**

October 14, 2020, October 28, 2020, November 18, 2020, and December 9, 2020

**Adjournment**

*Motion to adjourn is made by Alex.  
Roll Call Vote:*

MEMBER	AYE	NAY	ABSENT
Alex Rodolakis	x		
David Hirsch	x		
Jake Dewey	x		
Herb Bodensiek	x		
Paul Pinard	x		
Todd Walantis	x		
Mark Hansen	x		
Emanuel Alves	x		