

Zoning Board of Appeals
MINUTES
Wednesday, August 14, 2024
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, August 14, 2024, at the time indicated:

Call to Order

Acting Chair Herb Bodensiek calls the meeting to order at 7:05 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 |
| Hansen, Mark | X | |
| Hurwitz, Larry | X | |
| Webb, Aaron | | X |

Also in attendance 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

None

Time Extension Request – 1 year

7:00 PM **Appeal No. 2023-028** **132 Bay Shore Road, LLC**

132 Bay Shore Road, LLC applied to modify Special Permit No. 2002-095 to allow the Applicant to alter and expand the second floor living area. There will be no increase in footprint other than the extension of a covered stoop at the front entrance to the dwelling. The existing floor area is 2,125 square feet (plus 765 square feet of unfinished space) and the proposed floor area is 3,401 square feet. The subject property is located at 132 Bay Shore Road, Hyannis, MA as shown on Assessor’s Map 325 as Parcel 080. It is located in the Residence B (RB) Zoning District. **This Decision was approved at the Hearing on October 11, 2023, and Clocked at the Clerks Office October 24, 2023. The Decision must be exercised within 1 year.**

Attorney Marion Rose is representing the applicant. She requests a one-year extension and explains that they are also proposing slightly different plans, which are less impactful than the original plans. Paul Pinard moves to approve the request. Mark Hansen seconds.

Vote:

Aye: Paul Pinard, Herb Bodensiek, Mark Hansen, Larry Hurwitz

Nay: None

The 1 year extension for 2023-028 to expire October 24, 2025 is granted.

Old Business

7:01 PM **Appeal No. 2024-027** **Poyant Signs/Cape Cod 5**

Poyant Signs/Cape Cod 5 have applied for a Variance pursuant to 240-65 Signs in B, UB, HB, HO, and SD-1 Districts. The Petitioner seeks to install an additional wall sign for a total of 3 wall signs where 2 are allowed, and to install an oversized directional sign. The subject property is located at 1620 Falmouth Road, Centerville, MA as shown on Assessor’s Map 209 as Parcel 013. It is located in

the Residence C (RC) and the Highway Business (HB) Zoning Districts. Members assigned: Dewey, Bodensiek, Pinard, Webb, and Hansen. Continued from July 24, 2024.

The Board received a request from Eric Franco to withdraw this appeal without prejudice. Herb Bodensiek moves to accept the withdrawal without prejudice. Mark Hansen seconds.

Vote:

Aye: Paul Pinard, Herb Bodensiek, Mark Hansen, Larry Hurwitz

Nay: None

Variance No. 2024-027 Poyant Signs/Cape Cod 5 is withdrawn without prejudice.

7:02 PM

Appeal No. 2024-028

McGill

Scott and Melinda McGill have applied for a Special Permit pursuant to Section 240-91 H. (3) Nonconforming Lot. The Applicants propose to demolish the existing dwelling and construct a new single-family dwelling. The proposed dwelling will comply with all setbacks, but exceeds the allowed by-right lot coverage and floor area ratio. The existing Lot Coverage is 17.6% and the proposed Lot Coverage is 30.4% where 20% is allowed, and the existing Floor Area Ratio is 21.4% and the proposed Floor Area Ratio is 45.0% where 30% is allowed. The subject property is located at 394 Strawberry Hill Road, Centerville, MA as shown on Assessor's Map 248 as Parcel 228. It is located in the Residence B (RB) Zoning District. Continued from July 24, 2024.

Attorney Mark Boudreau requests to withdraw Appeal No. 2024-028 without prejudice. Herb Bodensiek moves to accept the withdrawal. Mark Hansen seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Mark Hansen, Larry Hurwitz

Nay: None

Special Permit No. 2024-028 McGill is withdrawn without prejudice.

New Business

7:03 PM

Appeal No. 2024-030

McGill

Scott and Melinda McGill have applied for a Variance pursuant to Section 240-91H.(1) Developed Lot Protection; Demolition and Rebuilding on Nonconforming Lots. The Petitioners seek a variance from the lot coverage and floor area requirements to demolish the existing single-family dwelling and construct a new dwelling. The existing lot coverage is 17.6% and the proposed lot coverage is 30.4% where 20% is allowed, and the existing floor area ratio is 21.4% and the proposed floor area ratio is 45% where 30% is allowed. The subject property is located at 394 Strawberry Hill Road, Centerville, MA as shown on Assessor's Map 248 as Parcel 228. It is located in the Residence B (RB) Zoning District.

Attorney Mark Boudreau requests to withdraw Appeal No. 2024-030 without prejudice. Herb Bodensiek moves to accept the withdrawal. Mark Hansen seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Mark Hansen, Larry Hurwitz

Nay: None

Variance No. 2024-030 McGill is withdrawn without prejudice.

Correspondence

Cape Cod Commission Hearing Notice for Truro Local Comprehensive Plan August 22, 2024, at 3 PM.

Cape Cod Commission Hearing Notice for Sandwich Local Comprehensive Plan August 22, 2024, at 3 PM.

Cape Cod Commission Hearing Notice for Brick Kiln Monopole August 22, 2024, at 3 PM.

Paul Pinard adds that a revised Cape Cod Commission August 8 agenda was also received.

Matters Not Reasonably Anticipated by the Chair

Board Elections

Because the full board is not present, Herb Bodensiek moves to continue elections to August 28, 2024. Mark Hansen seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Mark Hansen, Larry Hurwitz

Nay: None

Upcoming Hearings

August 28, 2024, September 11, 2024, September 25, 2024

Adjournment

Paul Pinard makes a motion to adjourn.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Mark Hansen, Larry Hurwitz

Nay: None

Documents Used at this Meeting

- Appeal No. 2023-028 132 Bay Shore Road, LLC 1-year extension application packet
- Request from Eric Franco to withdraw Appeal No. 2024-027 Poyant Signs/Cape Cod 5
- Correspondence: Cape Cod Commission Hearing Notice for Truro Local Comprehensive Plan August 22, 2024, at 3 p.m.
- Correspondence: Cape Cod Commission Hearing Notice for Sandwich Local Comprehensive Plan August 22, 2024, at 3 p.m.
- Correspondence: Cape Cod Commission Hearing Notice for Brick Kiln Monopole August 22, 2024, at 3 p.m.
- Correspondence: Revised Cape Cod Commission August 8 agenda

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>