

# Zoning Board of Appeals MINUTES Wednesday, July 26, 2023 at 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, July 26, 2023, 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:

- The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at: <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
- 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
<a href="https://townofbarnstable-us.zoom.us/j/88501253288">https://townofbarnstable-us.zoom.us/j/88501253288</a>	US Toll-free 888 475 4499
Meeting ID: 885 0125 3288	Meeting ID: 885 0125 3288

- 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](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).

## Call to Order

Vice Chair Herb Bodensiek calls the meeting to order at 7:00 PM with an introduction of Board Members:

Member	Present	Absent
Dewey, Jacob		X
Bodensiek, Herbert	X	
Pinard, Paul	X	
Hansen, Mark	X	
Johnson, Denise		X
Webb, Aaron		X
Larry Hurwitz	X	

Also in attendance is Kris Clark, Town Council Liaison; Anna Brigham, Principal Planner; and Genna Ziino, Administrative Assistant.

## Notice of Recording

The Vice Chairman reads: 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.

## Minutes

None.

## Old Business

7:00 PM

**Appeal No. 2023-010**

**Arista Hyannis LLC**

Arista Hyannis LLC has applied for a Special Permit in accordance with Section 240-25(B)(22) and 240-25(C)(10) Drive-Through for a proposed restaurant. The Applicant proposes to remodel the former bank building and change the use to a food service

establishment with a drive-through. The subject property is located at 715 West Main Street, Hyannis, MA as shown on Assessor's Map 249 as Parcel 155. It is located in the Highway Business (HB) District. Continued from May 10, 2023. Members assigned: Jacob Dewey, Paul Pinard, Mark Hansen, Aaron Webb, and Herb Bodensiek.

Request to continue to September 13, 2023 has been received. Paul Pinard makes a motion to continue Appeal No. 2023-010 to September 13, 2023. Herb Bodensiek seconds.

**Vote:**

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

**Nay: None**

**Appeal No. 2023-010 Arista Hyannis LLC is continued to September 13, 2023 at 7:00 PM.**

**New Business**

**7:01 PM**

**Appeal No. 2023-014**

**Ernest J. Jaxtimer**

Ernest J. Jaxtimer has filed an Appeal of an Administrative Official's Decision in accordance with Barnstable Zoning Ordinance Section 240-125 B.(1)(a) and M.G.L. Chapter 40A Section 8 and Section 15. The Petitioner seeks to overturn the Notice of Zoning Ordinance Violation and Order to Cease, Desist, and Abate Immediately from the Building Commissioner, dated May 26, 2023. Summary of violations determined by the Building Commissioner include Barnstable Zoning Ordinances Article II General Provisions Sections 240-7 A, 240-10 A; Article III District Regulations Sections 240-14 A (1); Article IX Site Plan Review Sections 240-100 A, 240-101 B, 240-103 B, 240-103 C, 240-103 K, and 240-105 G. The subject properties are located at 1450 Osterville West Barnstable Road as shown on Assessor's Map 127 as Parcel 007 001, and 1450 Osterville West Barnstable Road #A as shown on Assessor's Map 127 as Parcel 036. Both properties are located in the Residence F (RF) Zoning District.

Request to continue to September 13, 2023 has been received. Mark Hansen makes a motion to continue Appeal No. 2023-014 to September 13, 2023 at 7:01 PM. Paul Pinard seconds.

**Vote:**

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

**Nay: None**

**Appeal No. 2023-014 Jaxtimer is continued to September 13, 2023 at 7:01 PM.**

**Correspondence**

None.

**Matters Not Reasonably Anticipated by the Chair**

Town Council Liaison Kris Clark expresses concern to staff that the copy of the agenda she received from the Town Clerk's office was difficult to read and believes it was because the agenda was printed double sided.

**Upcoming Hearings**

August 9, 2023, August 23, 2023, September 13, 2023

**Adjournment**

Paul Pinard makes a motion to adjourn. Mark Hansen seconds.

**Vote:**

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

**Nay: None**

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>