

**Zoning Board of Appeals
MINUTES
Wednesday, November 12, 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, November 12, 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/87246918103	US Toll-free: 888 475 4499
Meeting ID: 872 4691 8103	Meeting ID: 872 4691 8103

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	
Dworkis, Debra	X	
Hurwitz, Larry	X	
Pittenger, Natalie	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

September 24, 2025 – Manny Alves moves to approve. Larry Hurwitz seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Larry Hurwitz, Natalie Pittenger

Nay: None

Old Business

None

New Business

7:00 PM

Appeal No. 2025-031

Sullivan

William and Susan Sullivan have applied for a Modification of Special Permit No. 2006-076 pursuant to Section 240-91 H. Developed Lot Protection; Demolition/Rebuilding on a Nonconforming Lot. The Applicants are seeking to construct a 395 sq. ft. swim spa and a 23' x 27' patio to the rear of the property. The existing 141 sq. ft. rear deck with pergola would be demolished and removed. The Applicant's proposal increases the property's lot coverage from 18.1% to 19.9% and the maximum allowable lot coverage is 20%. The Applicant's request that the Board approve this proposal pursuant to Condition No. 7 of Special Permit No. 2006-076 and allow the additional buildout. The subject property is located at 990 Main Street, Cotuit, MA as shown on Assessor's Map 034 as Parcel 034. It is located in the Residence F (RF) Zoning District.

Chair Dewey says the Board received a written request dated October 30, 2025, from Attorney Kenney to withdraw this matter without prejudice. Chair Dewey moves to withdraw Appeal No. 2025-031 Sullivan without prejudice. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Larry Hurwitz, Natalie Pittenger

Nay: None

Appeal No. 2025-031 Sullivan is withdrawn without prejudice.

7:01 PM

Appeal No. 2025-032

WS Landing at Hyannis LLC

WS Landing at Hyannis LLC has petitioned for a Variance pursuant to Section 240-65 J. Drive Up Menu Board, Quantity and Area. The Applicant seeks to install 2 signs for a drive-through window, including an approximately 35 sq. ft. menu board sign and an approximately 1.25 sq. ft. sign on the menu speaker board. The subject property is located at 790 Iyannough Road, Hyannis, MA as shown on Assessor's Map 311 as Parcel 092. It is located in the Highway Business (HB) and the Business (B) Zoning Districts.

Chair Dewey assigns himself, Herb Bodensiek, Manny Alves, Larry Hurwitz, and Natalie Pittenger.

Attorney Eliza Cox is representing the applicant and is joined by Katie Campion of WS Development and Ron Hart on behalf of Panera Bread. Attorney Cox reviews the subject property, The Landing at Hyannis. This property has been before the Board many times. It is just under 27 acres and is developed with multiple structures, parking lots, egresses, etc. Back in January, the Board approved 2 drive-through special permits. There are at least 17 prior ZBA decisions affecting the property dating back to the 1970s, with 8 of them being variances. She plans to reference two of those: 2024-047 (a special permit to allow the 2 drive-through windows) and 2023-022 (a variance to allow a site-wide signage package). The approved signage package did not address drive-through ordering, and the tenant in location A is authorized to have 150 sq. ft. of building and blade signage.

The proposed signs in question are located where the speaker is proposed. There will be a canopy with a speaker on it. A small sign orients customers to where the speaker is, and the larger sign is the menu board sign. It is proposed to be mounted about 14 inches off the ground, and is 4 ft. 9 in. high and 7 ft. 4 in. wide, so 34.98 square feet in total. It is a preprinted menu that can only be changed manually, and is backlit. It is set back 90 feet from Iyannough Road and is buffered by plantings along the frontage. The second sign is the speaker board sign, which is small at 1.25 sq. ft. and is meant to orient people to speak into the microphone.

Attorney Cox walks through her reasoning for why they meet the criteria required from the 3-prong test:

1. 8 prior variance decisions have found unique circumstances. It is well-documented that the site contains unique characteristics (irregularly large size, irregular topography, multiple frontages, and multiple structures).
2. A drive-through restaurant cannot operate with a 3 sq. ft. menu board. It would effectively eliminate the drive-through use previously authorized.
3. The proposed signage is 30% smaller than the allowable size of a drive-through menu board in the SCROD. The proposed is smaller than the board authorized by the ZBA for the McDonalds down the street. It is also set back 90 ft.; is an essential operational feature; and the amount of tenant building signage is less than what the Board has authorized under the approved sign criteria.

Attorney Cox walks through her proposed changes to conditions:

- Condition 2: Strike reference to Tighe and Bond plan because it doesn't show the sign or sign locations.
- Condition 3: Delete in entirety; propose instead, "No further additions or alterations to the menu board signage shall be permitted without approval from the Board."
- Condition 4: 3rd line – change "building permit" to "sign permit."

Back to the Board for questions. Natalie Pittenger asks Attorney Cox to walk through the flow of the drive-through, which she does. Manny Alves says the provision doesn't speak specifically to drive-throughs, only menu signs. He wonders why drive-through signs weren't included. Attorney Cox doesn't know why there is no drive-through menu board criteria in the ordinance, because there are lots of drive-throughs on Route 132, and the only relief she could find is for the McDonalds down the street. She thinks the SCROD is more recent, so believes the town is getting more detailed. Chair Dewey is concerned about lighting and screening, and isn't comfortable deciding the intent of the provision. He feels this needs a SCROD. Attorney Cox references the nearby McDonalds that this Board authorized more drive-through signage for. Chair Dewey says that was a special permit, not a variance. Manny Alves thinks it's a big request to go from 3 feet to 35 feet, and he isn't comfortable making a change of that magnitude. Maybe this topic needs to be taken up with Town Council. Attorney Cox says the definition of a menu sign in the ordinance talks about a menu presented at tableside—it was envisioning a menu in a restaurant window—it's dated and doesn't have anything for a drive-through. She thinks the Board has the authority to grant this as a variance because the conditions are met. Manny Alves says the provision doesn't cover drive-throughs, so the applicant is asking the Board to invent one. There seems to be a gap in the ordinance.

Chair Dewey opens public comment. Councilor Betty Ludtke thinks it's a good discussion and agrees that the plaza needs an overlay. Maybe the Zoning Ad Hoc Committee could do this. She is concerned about screening. Chair Dewey moves to close public comment. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Natalie Pittenger

Nay: None

Chair Dewey asks Attorney Cox how she would like to go forward. Attorney Cox says this puts her client in a difficult position because the Board already approved a drive-through, but they are now being told to get a zoning change, which is a very lengthy process. She adds that the sign is oriented to Old Navy, not Route 132, and there is landscaping so it would have very limited visibility. She asks for a continuance if the Board won't grant this tonight. Chair Dewey thinks the business could operate the drive-through without a menu there, utilize mobile orders. He thinks a higher power needs to consider this plaza.

Manny Alves moves to continue this to December 10, 2025. Larry Hurwitz seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Natalie Pittenger

Nay: None

Appeal No. 2025-032 WS Landing at Hyannis LLC is continued to December 10, 2025.

7:02 PM

Appeal No. 2025-033

Champ Homes, Inc

Champ Homes, Inc has petitioned for a Variance pursuant to Section 240-24.1.8 Table 5 Dimensional Standards in the Downtown Neighborhood District. The Petitioner seeks to construct a two-story, 6,588 sq. ft. multi-unit residential building to be operated in conjunction with its transitional housing program known as Champ Homes. The subject property is located at 75 School Street, Hyannis, MA as shown on Assessor's Map 327 as Parcel 258. It is located in the Downtown Neighborhood (DN) Zoning District.

Chair Dewey assigns himself, Herb Bodensiek, Manny Alves, Debra Dworkis, and Natalie Pittenger.

Attorney Mark Boudreau is representing the applicant and is joined by Champ Homes Executive Director Adam Burnett and Jim Danhauzer, a member of the Board of Directors. The organization is a nonprofit providing transitional housing for people who are homeless or on the verge of homelessness. The main building is at 82 School Street, which they are proposing to sell because it is a maintenance nightmare. Individuals who stay at Champ House get life skills as well. The new building is proposed to be at 75 School Street, which currently has a structure built in 1880. The proposed has gone through 2 informal Site Plan Reviews and received approval from formal Site Plan Review and HHDC. They were granted relief for parking. The relief they're looking for from this Board

is tied to the shape of the lot, which is long and skinny. The topography of the 1880 building and the open air pavilion means the only spot is in the rear of the lot, and they couldn't put parking there. Their proposal would be an enhancement to the neighborhood. They also have the benefit of the Dover Amendment, which allows a relaxation of zoning requirements.

Back to the Board for questions. Natalie Pittenger asks if the new building will go behind 75 School Street. Attorney Boudreau confirms. Ms. Pittenger asks about the shape and unit number of the proposed building. Attorney Boudreau says it is an L-shaped building with 15 2-BR units. There is a historic barn and garage that HHDC wanted saved, so they've agreed to move it to 83 School St. Manny Alves says setbacks are considered reasonable regulations that could be argued are exempt from the Dover Amendment. He asks if this building had been pushed toward School St. to meet the setback, would it have been a fire hazard. Attorney Boudreau confirms: the location is necessitated by safety. The group discusses that the applicant worked extensively with the Fire Chief to ensure there is room for their largest truck to do a 3-point turn. Regarding uniqueness of the lot, Attorney Boudreau says there are very few of this shape, and they are also relying on the topography of the buildings, which necessitates putting the development to the rear. Chair Dewey thinks nearby lots are similar. The Board asks to see Site Plan Review documents. Attorney Boudreau says it's rare to get letters of confirmation for individual parts of SPR—they have the final letter of approval and have no problem including a condition to meet all requirements set forth in the approval letter.

Chair Dewey opens public comment. Michelle Martin of 64 South Street abuts the Champs residences. She asks what the total population of residents is going to be. Attorney Boudreau says they are going down from 51 to 48 residents. Ms. Martin asks for a rough schedule of construction. Attorney Boudreau says they are raising funds and there are a multitude of factors but are hoping to start within a year. The goal is to get construction done as quickly as possible to not displace residents. She asks if the outside of the building will be typical for the area. Attorney Boudreau says the Historic Commission had to approve. It doesn't look 200 years old, but they did approve it as appropriate.

Jane Walsh of 72 School Street says everything has been fine for the most part, but the home is not monitored 24 hours. She has no problem with this project unless the applicant decides not to sell 82 School Street and instead increase the number of clients. Attorney Boudreau says the property is on the market already, and they need the money from the sale to construct the new building. They will be selling it.

Michelle Martin echoes what Jane Walsh said. She has had issues of cigarette smoke too. Attorney Boudreau says they are promoting the sale privately and it will go live soon—they signed a listing agreement with a broker. Adam Burnett says there is a designated smoking area in the proposal. It will also reduce back-and-forth across School Street.

Town Councilor Betty Ludtke asks where residents will go in the interim. Attorney Boudreau says the ideal buyer will be someone who needs to go through the permitting process, so they would be hoping to sell it and then get the lease back to do the transition. Councilor Ludtke thinks it is important to treat this property—and School Street as a whole—with respect as a significant part of Hyannis. Attorney Boudreau says they are making effort to preserve the historic parts of the property by saving and moving the garage/barn structure. Chair Dewey moves to close public comment. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Natalie Pittenger

Nay: None

Chair Dewey asks if there is a proposed fence. Attorney Boudreau says there is an existing 6-foot stockade fence. Chair Dewey is concerned about leaning on shape for the variance findings. Attorney Boudreau thinks the lot is unique enough in the neighborhood and in addition, the topography of the buildings pushes everything to the rear. Manny Alves finds that argument compelling. Chair Dewey asks if they could reduce the number of rooms. Attorney Boudreau says they are already reducing rooms. They could not reduce it anymore and make it work for their program. Chair Dewey moves to close the public hearing. Manny Alves seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Natalie Pittenger

Nay: None

Manny Alves makes findings:

1. owing to circumstances related to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located; he finds the shape of the property and the historical nature of some of the buildings on the lot specially affect this lot.

2. a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner; he finds that reducing the size of the project or moving the location would make the project not viable.
3. desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance. He finds that it is a small variation from the setback requirement and may be granted without detriment. There are no objections from the public.

Natalie Pittenger seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Natalie Pittenger

Nay: None

Chair Dewey proposes a condition about maintaining the fence. Attorney Boudreau would agree to that. Manny Alves says the appeal is subject to Conditions 1-5 from the Staff Report dated October 24, 2025, with the addition of Condition No. 6: The fencing located on the side of the property where the building will be closest to the setback be maintained.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Natalie Pittenger

Nay: None

Jake Dewey makes a motion to grant Variance No. 2025-033 based on findings, with conditions. Larry Hurwitz seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Natalie Pittenger

Nay: None

Variance No. 2025-033 is granted with conditions.

7:03 PM

Appeal No. 2025-034

Connolly

Sarah T. Connolly, Trustee of 789 South Main Street Nominee Trust, has applied for a Special Permit pursuant to Section 240-131.4 E. Special Permit for Dimensional Relief. The Applicant is seeking dimensional relief to construct an attached garage with a 10.5 ft. front yard setback, where presently exists a detached garage with a 9.7 ft. front yard setback. The subject property is located at 789 South Main Street, Centerville, MA as shown on Assessor's Map 185 as Parcel 014. It is located in the Craigville Beach District (CBD) and the Centerville River North Bank (CRNB) Neighborhood Overlay Zoning District.

Chair Dewey assigns himself, Herb Bodensiek, Manny Alves, Larry Hurwitz, Natalie Pittenger.

Attorney Michael Schulz is representing the applicant. They are proposing to make the front yard setback less nonconforming. They received approval from the Historic Commission and Conservation Commission. He walks through the existing conditions plan. It is a single-family dwelling and detached garage, currently 2.8 feet from the eastern property line. The proposal is to move the garage to the other side of the property and make it more conforming. They are reducing the gross floor area, reducing height, reducing building coverage, reducing lot coverage, and improving setbacks. They received approval from the Historic Commission, Conservation Commission, and letters of support from neighbors. They will be protecting the natural resources and historic nature of the property, while also bringing the dwelling into significant compliance and improving neighborhood relationships.

Chair Dewey opens public comment. The Chairman says the Board received public comment in support from Condon and Copeland. Chair Dewey moves to close public comment. Larry Hurwitz seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Natalie Pittenger

Nay: None

Chair Dewey moves to close the public hearing. Larry Hurwitz seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, 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 240-131.4 (E) allows for demolishing and rebuilding of lawfully existing structures with a Special Permit from the Board.
2. 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.

Further, §240-131.4 of the Craigville Beach DCPC ordinance states that in granting a special permit, the Board shall find that:

3. The proposed alteration/expansions are not substantially more detrimental to the environment, community and/or historic character of the neighborhood than the existing building or structure.

Comply with § 240-131.1, Purposes and intent: The purpose and intent of §240-131 through 240-131.8 are to guide development in the Craigville Beach District pursuant to the Guidelines of Barnstable County Ordinance 09-10 to ensure that development and redevelopment meets the following standards:

4. Contributes to and respects the character and historic development patterns of the area and minimizes inconsistent development and redevelopment impacts to the historic and community character resources in this area.
5. Protects and preserves scenic views and vistas and ways to the water.
6. Protects and improves natural resources, including but not limited to the barrier beach and groundwater and coastal water quality and minimizes development and redevelopment impacts to the natural resources and ecosystems in this district.
7. Protects human life and property from the hazards of periodic flooding;
8. Preserves the natural flood control characteristics and the flood control function of the floodplain;
9. Preserves and maintains the groundwater table and water recharge areas within the floodplain. As the entire complex of coastal wetland resources moves landward due to relative sea level rise, the Craigville Beach area's coastal floodplains immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes, and coastal banks require special protection.

And with the general performance standards and design guidelines for the neighborhood overlay area in which the development is located, in accordance with § 240-131.7 G., Neighborhood District Overlay regulations:

10. Tree removal or vista pruning shall not interrupt the treeline as viewed from the south looking northward to the treeline.
11. No development or redevelopment shall be permitted within V Zones, except that existing structures may be changed or altered, provided that there is no increase in gross floor area, footprint, or intensity of use (including but not limited to increases in wastewater flow and impervious area) within the V Zone.
12. Any activity or development in a V Zone that creates an adverse effect by increasing elevation or velocity of floodwaters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of floodwaters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rests with the applicant and shall require certification by a professional engineer.
13. Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member two feet above the BFE in V Zones and one foot above BFE in A Zones. For all new construction and substantial improvements within the V Zones, the space below the lowest floor must either be free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

Manny Alves seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Natalie Pittenger

Nay: None

The group discusses whether the conditions cover the change of the space to an ADU. Chair Dewey would like to add to condition 3, "or living space or conversion to ADU would have to come back to Board." Natalie Pittenger makes a motion to grant Special Permit No. 2025-034 based on findings with conditions 1-5 from the Staff Report dated October 28, 2025, as amended by the Chairman. Manny Alves seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Natalie Pittenger

Nay: None

Chair Dewey makes a motion to grant the special permit with conditions.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Natalie Pittenger

Nay: None

Special Permit No. 2025-034 Connolly is granted with conditions.

Correspondence

- November 19, 2025 Community Meeting for OSRP draft
- Cape Cod Commission proforma hearing notice for the Provincetown Pier Hotel for November 10, 10:00 am.

Matters Not Reasonably Anticipated by the Chair

Chair Dewey welcomes new member Debra Dworkis. The Board discusses whether the 25 Falmouth Road appeals have made any progress in Legal. Anna Brigham says Building Commissioner Brian Florence; Planning Director Jim Kupfer; and a town attorney will be at the upcoming meeting.

Upcoming Hearings

December 10, 2025 (remote), January 14, 2026 (in person), January 28, 2026 (remote)

Adjournment

Chair Dewey moves to adjourn. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Debra Dworkis, Larry Hurwitz, Natalie Pittenger

Nay: None

Documents Used at this Meeting

- September 24, 2025 minutes
- Request from Attorney Patrick Nickerson to withdraw without prejudice Appeal No. 2025-031
- Appeal No. 2025-032 WS Landing at Hyannis LLC application materials
- Appeal No. 2025-033 Champ Homes, Inc application materials
- Staff Report dated October 24, 2025 for 2025-033
- Appeal No. 2025-034 Connolly application materials
- Public comment letters from Condon and Copeland in support of 2025-034
- Staff Report dated October 28, 2025 for 2025-034
- Correspondence: November 19, 2025 Community Meeting for OSRP draft
- Correspondence: Cape Cod Commission proforma hearing notice for the Provincetown Pier Hotel for November 10, 10:00 am.

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