

Zoning Board of Appeals
MINUTES
Wednesday, August 27, 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, August 27, 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:
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
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/86166736965	US Toll-free: 888 475 4499
Meeting ID: 861 6673 6965	Meeting ID: 861 6673 6965

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

Acting Chair Herb Bodensiek calls the meeting to order at 7:07 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

None

Old Business**7:00 PM****Appeal No. 2024-039****25 Falmouth Rd, LLC**

25 Falmouth Road LLC has filed an Appeal of an Administrative Official's Decision in accordance with M.G.L. Chapter 40A Sections 7, 8, and 15 and Section 240-88 of the Barnstable Zoning Ordinance. The Appellant is appealing the Decision of the Building Commissioner in issuing Building Permit BLDC 22-227, dated September 17, 2024. The permit was initially denied pending the receipt of a narrative to explain the expansion of the mechanical bays on the property. The Appellant's position is that the permit fails to take into account evidence and documentation from the town records and files, which conflict with the determination to issue the Building Permit. The subject property is located at 95 Falmouth Road, Hyannis, MA as shown on Assessor's Map 311 as Parcel 073. It is located in the Highway Business (HB) and Residence B (RB) Zoning Districts. Continued from November 13, 2024, January 8, 2025, February 12, 2025, April 9, 2025, June 25, 2025, and July 23, 2025. No members assigned.

Attorney Mike Ford is representing the appellants and explains that they are waiting for an opinion on standing from the town's legal department. Attorney John Kenney, who is representing the property owner, and he would like to continue to October 22.

Paul Pinard moves to continue this to October 22, 2025. Larry Hurwitz seconds.

Vote:**Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger****Nay: None**

Appeal No. 2024-039 25 Falmouth Rd, LLC is continued to October 22, 2025.

7:01 PM**Appeal No. 2024-040****25 Falmouth Rd, LLC**

25 Falmouth Road LLC has filed an Appeal of an Administrative Official's Decision in accordance with M.G.L. Chapter 40A Sections 7, 8, and 15 and Section 240-88 of the Barnstable Zoning Ordinance. The Appellant is appealing the Decision of the Building Commissioner in a letter dated September 4, 2024. The Appellant believes that the determination fails to take into account evidence and documentation from the town records and files, which conflict with the determination and do not address the concerns raised as set forth in the Appellant's enforcement letters and correspondence. The subject property is located at 95 Falmouth Road and 123 Falmouth Road, Hyannis, MA as shown on Assessor's Map 311, Parcels 073 and 078. Lots are located in the Highway Business (HB) and Residence B (RB) Zoning Districts. Continued from November 13, 2024, January 8, 2025, February 12, 2025, April 9, 2025, June 25, 2025 and July 23, 2025. No members assigned.

Natalie Pittenger moves to continue this to October 22, 2025. Paul Pinard seconds.

Vote:**Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger****Nay: None**

Appeal No. 2024-040 25 Falmouth Rd, LLC is continued to October 22, 2025.

New Business**7:02 PM****Appeal No. 2025-021****Quirk**

Robert F. Quirk has applied for a Special Permit pursuant to Section 240-131.5 Dimensional, Bulk, and Other Requirements in the District of Critical Planning Concern. The Applicant is seeking to demolish the existing dwelling and build a new dwelling on the existing nonconforming footprint. The proposed front yard setback is 13.4 feet where 15 feet is required. The subject property is located at 64 Vine Ave, Centerville, MA as shown on Assessor's Map 226 as Parcel 037. It is located in the Craigville Beach District (CBD) and the Craigville Village (CV) Neighborhood Overlay Zoning District.

The Chairman explains that because only four members are present, a unanimous vote would be required to pass this. The applicant is aware and would still like to proceed. Chair Bodensiek assigns himself, Paul Pinard, Natalie Pittenger, and Larry Hurwitz.

Architect Irena Sumbera is representing the applicants. She explains that they tried to rehab what they could, but the structural integrity was compromised, so they are proposing to demolish and rebuild in the existing footprint. The existing footprint extends into the required 15-foot setback, so they are asking for permission to stay within the existing footprint.

Back to the Board for questions. Natalie Pittenger asks if it's the same setback as is there now. Ms. Sumbera confirms. Ms. Pittenger asks if there is a garage. Ms. Sumbera confirms that there is no additional garage. The existing building is 2.5 stories and the proposed is 2 stories.

Larry Hurwitz asks if the structure couldn't be saved. Ms. Sumbera says the existing building will be taken down so there will be a new building. When she mentioned the existing footprint, there is a walkout basement on the first floor and they are staying with the existing height.

Larry Hurwitz asks to see the design. The neighborhood is very traditional. Ms. Sumbera explains that they have already received approval from Barnstable Historic. She shares images of the designs and elevations and says the proposed home has the same details and same materials as the existing. The proposal has a larger second floor and taller plate height to make it livable. Larry Hurwitz thinks the design looks modern.

Chair Bodensiek opens for public comment. Denise Quirk, the owner, says the Historic Commission made a detailed site visit before their approval. There's nothing about the proposed structure that is modern—it's exactly what would be there, just new materials.

Paul Pinard moves to close public comment. Natalie Pittenger seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger

Nay: None

Herb Bodensiek moves to close the public hearing. Natalie Pittenger seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger

Nay: None

The Board deliberates. Chair Bodensiek thinks it is a good fit and they have Historic Commission approval. Paul Pinard thinks the setback requested is more than that of the neighbor, so he thinks it's approvable.

Chair Bodensiek 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(D)(2)(a) and 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, Neighborhood District Overlay regulations:

10. The development complies with the setbacks and lot coverage requirements set forth herein, and is in character with surrounding structures, particularly structures that predate it. Relief is being requested for demolishing and rebuilding of the structure in accordance with § 240-131.4 demolition and rebuilding with maintaining nonconforming setback.
11. The redevelopment complies with the height limitations set forth herein.

Natalie Pittenger seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger

Nay: None

Herb Bodensiek makes a motion to grant Special Permit No. 2025-021 based on findings, with conditions 1-5 from the Staff Report dated March 27, 2025.

Natalie Pittenger moves to approve. Larry Hurwitz seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger

Nay: None

Herb Bodensiek moves to grant with conditions.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger

Nay: None

Special Permit No. 2025-021 Quirk is granted with conditions.

Correspondence

- Cape Cod Commission Virtual Pro-forma Hearing for 26 Shank Painter Rd
- Cape Cod Commission Proforma Virtual Hearing for Falmouth Road Market

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

September 10, 2025 (in person), September 24, 2025 (remote), October 8, 2025 (in person)

Paul Pinard says he will not be at the September 10 meeting.

Adjournment

Paul Pinard moves to adjourn. Natalie Pittenger seconds.

Vote:

Aye: Herb Bodensiek, Paul Pinard, Larry Hurwitz, Natalie Pittenger

Nay: None

Documents Used at this Meeting

- Appeal No. 2025-021 Quirk application materials
- Staff Report dated March 27, 2025 for Appeal No. 2025-02
- Correspondence: Cape Cod Commission Virtual Pro-forma Hearing for 26 Shank Painter Rd
- Correspondence: Cape Cod Commission Proforma Virtual Hearing for Falmouth Road Market

Respectfully submitted,
Genna Ziino, Administrative Assistant

APPROVED