

**Zoning Board of Appeals**  
**MINUTES**  
**Wednesday, September 10, 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, September 10, 2025, at the time indicated:

**Call to Order**

Chair Jake Dewey calls the meeting to order at 7:00 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
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**

July 9, 2025 – Chair Dewey moves to approve the minutes. Herb Bodensiek seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Larry Hurwitz, Natalie Pittenger, Aaron Webb**

**Nay: None**

**Old Business**

None

**New Business**

**7:00 PM**

**Appeal No. 2025-023**

**Ferguson**

Hugh S. and Katherine B. Ferguson as Trustees of the Ferguson Family Trust have applied for a Special Permit pursuant to Section 240-91 H (3) Developed Lot Protection; Demolition and Rebuilding on Nonconforming Lots. The Applicants propose to demolish and rebuild a 3-bedroom, single-family dwelling on a lot containing 6,705 square feet, less than the minimum 10,000 square feet. The proposed new dwelling, patio, deck, and porch are almost entirely within the existing footprint. The existing nonconforming 4.1-foot side yard setback would remain. The proposed new dwelling meets the height, lot coverage, and gross floor area requirements of the ordinance. The subject property is located at 214 Annable Point Road, Centerville, MA as shown on Assessor’s Map 211 as Parcel 009. It is located in the Residence D-1 (RD-1) Zoning District.

Chair Dewey assigns himself, Herb Bodensiek, Aaron Webb, Larry Hurwitz, and Natalie Pittenger.

Attorney Patrick Nickerson is representing the applicants and explains that the lot was created in 1948, predating any dimensional lot requirements. A 1952 GIS map shows the dwelling being constructed. A couple years later, another parcel was added to the lot. 1956 was the zoning change of minimum lot area requirement increasing to 10,000 sq. ft. and also requiring a 10-ft. side yard setback, rendering the existing one nonconforming. In 1978 an additional parcel was added to the locus. In 1985 the entire town went to 1-acre zoning. This structure itself is legal preexisting nonconforming because the side yard setback predates the zoning

change, and the lot itself is legal preexisting nonconforming because it was lawfully created prior to the 1956 10,000 sq. ft. requirement.

The home has been in the Ferguson family for generations. It is a single-story single-family home of 880 sq. ft. The proposed home will be two stories, will contain 3 bedrooms, and will have a gross floor area of 1,515 sq. ft., which is well within the requirements. The building height is within the requirements, and the lot coverage will remain the same. He submits that the proposal meets the requirements and that it's entitled to protection by 240-91H3. It is not substantially more detrimental: there is no increase in bedrooms or any degree of nonconformity. Nearly all of the new build is within the existing footprint except the bottom right-hand corner of the proposed porch. The existing porch is built at a strange angle, so is proposed to be squared off but does not increase nonconforming setbacks. They received four letters of support from neighbors.

**Back to the Board for questions.** Natalie Pittenger says page 5 of the memo shows an image of the lot, and part of the house looks to be crossing into the neighboring lot. Attorney Nickerson says that image is from the town GIS site and the accuracy of the boundaries aren't certified. The engineered site plan is the certified boundaries of the property and shows the house within all boundaries and 4.1 feet from the side yard setback.

Natalie Pittenger asks where the road in is. Attorney Nickerson says the owner accesses it through a shared driveway across multiple properties. When the property was created there was no frontage requirement. They discuss the condition of the driveway. Aaron Webb asks if the same owner owns the neighboring lot. Attorney Nickerson believes it's the same family but not the same owner.

**Chair Dewey opens for public comment.** He says the Board received 4 letters in support: the Browns of 204 Annable Point Road, Letowt of 210 and 216 Annable Point Road, the Stewarts of 220 Annable Point Road, and Ferguson and Wolfe of 212 Annable Point Road. The Chairman moves to close public comment. Aaron Webb seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Aaron Webb, Larry Hurwitz, Natalie Pittenger**

**Nay: None**

Aaron Webb moves to close the public hearing. Jake Dewey seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Aaron Webb, 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 240-91 H. (3) allows for the demolition and rebuilding of a residence on a nonconforming lot.
2. Site Plan Review is not required for single-family residential dwellings.
3. 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.
4. The proposed yard setbacks must be equal to or greater than the yard setbacks of the existing building. The proposed setbacks will be equal to existing setbacks.
5. The proposed lot coverage shall not exceed 20% or the existing lot coverage, whichever is greater. The proposed lot coverage is 22.6% which is same as existing.
6. The floor area ratio shall not exceed 0.30 or 30% the existing floor area ratio of the structure being demolished, whichever is greater. The existing FAR is 13.2% and the proposed FAR is 24.4%, which does not exceed the threshold.
7. The building height, in feet, shall not exceed 30 feet to the highest plate and shall contain no more than 2 ½ stories. The proposed height for the proposed dwelling is 17.1 feet.
8. The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.

Herb Bodensiek seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Aaron Webb, Larry Hurwitz, Natalie Pittenger**

**Nay: None**

Natalie Pittenger makes a motion to grant with conditions 1-6 from Staff Report dated August 26, 2025.

**Vote:**

**Aye:** Jake Dewey, Herb Bodensiek, Aaron Webb, Larry Hurwitz, Natalie Pittenger

**Nay:** None

Special Permit No. 2025-023 Ferguson is granted with conditions.

**Correspondence**

- Planning Board Notification Transmittal – 6 Proposed Zoning Amendments
- Cape Cod Commission Regional Policy Plan Subcommittee Meeting Agenda Thursday, September 4, 2025 at 2:00 p.m.
- Cape Cod Commission Regional Policy Plan Subcommittee Meeting REVISED Agenda Thursday, September 4, 2025 at 2:00 p.m.

**Matters Not Reasonably Anticipated by the Chair**

Aaron Webb asks to add a Board election to the next in-person agenda. Additionally, Mr. Webb and Mr. Hurwitz would like an agenda item for discussing the proposed zoning amendment and the continuance policy. They also want to discuss the need for clear zoning definitions for pools/pool houses.

**Upcoming Hearings**

September 24, 2025 (remote), October 8, 2025 (in person), October 22, 2025 (remote)

**Adjournment**

Chair Dewey moves to adjourn. Aaron Webb seconds.

**Vote:**

**Aye:** Jake Dewey, Herb Bodensiek, Aaron Webb, Larry Hurwitz, Natalie Pittenger

**Nay:** None

**Documents Used at this Meeting**

- July 9, 2025 minutes
- Appeal No. 2025-023 Ferguson application materials
- Staff Report dated August 26, 2025 for Appeal No. 2025-023
- Correspondence: Planning Board Notification Transmittal – 6 Proposed Zoning Amendments
- Correspondence: Cape Cod Commission Regional Policy Plan Subcommittee Meeting Agenda Thursday, September 4, 2025 at 2:00 p.m.
- Correspondence: Cape Cod Commission Regional Policy Plan Subcommittee Meeting REVISED Agenda Thursday, September 4, 2025 at 2:00 p.m.

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](https://town.barnstable.ma.us)