

**Zoning Board of Appeals
MINUTES
Wednesday, July 8, 2026
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 8, 2026, at the time indicated:

Call to Order

Chair Jake Dewey calls the meeting to order at 7:01 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	
Webb, Aaron	X	

Also present is Jim Kupfer, Director – Planning & Development; 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

May 27, 2026 – Manny Alves moves to approve. Paul Pinard seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Manny Alves, Debra Dworkis, Larry Hurwitz, Aaron Webb

Nay: None

Old Business

7:00 PM

Appeal No. 2025-025

****READVERTISED****

Great Marsh Development LLC

Great Marsh Development LLC has applied for a Comprehensive Permit pursuant to MGL Ch. 40B Sections 20, 21, 22, and 23 and 760 CMR 56.00 et seq. The Applicant proposes to develop an affordable housing community on 6.764 acres. The Homes at Centerville Cove will consist of 20 detached, 3-bedroom, single-family dwellings. The Residences at Centerville Cove will consist of 36 rental units in one building with a mix of 2- and 3-bedroom apartments. The subject property is located at 39, 51, 61, and 75 Great Marsh Road, 195 Phinney’s Lane, and 40 Richardson Road, Centerville, MA as shown on Assessor’s Map 210 as Parcels 124, 125, 126, 134-003, 134-004, and Map 209 as Parcel 020, respectively. They are located in the Residence C (RC) and the Highway Office (HO) Zoning Districts and the Resource Protection Overlay District (RPOD). Members assigned: Dewey, Bodensiek, Webb, Alves, Dworkis. Continued from January 14, 2026, February 11, 2026, April 8, 2026, and May 27, 2026. ***REVISED PLANS SUBMITTED APRIL 28, 2026***

NOTE: This matter was continued from October 22, 2025, after 2025-024 Egan Capital Variance request was withdrawn. Both items were related, so Comprehensive Permit 2025-025 was readvertised to give the public notice of the revised application.

Attorney Andrew Singer is representing the applicant. He recaps that there have been many changes to the project, including a significant density reduction of units. The legal standard is, is the project consistent with local need. He thinks the legal standard is well met for this proposal. There was a revised supplemental plans sheet submitted July 1, along with a revised traffic study. There was a request for an additional waiver for this intersection to maximize the vegetated buffer zone. At the last meeting, there was discussion about the intersection and where it should be. Mr. Egan requested to have VHB update their traffic study and analyze the 150-foot-away intersection option. Attorney Singer notes for the record that the word “compelling” that the Board was considering

last time is not a legal standard. Mr. Egan is willing to discuss both intersection options and let the Board decide. Both are safe and acceptable. Towards that end, town staff prepared a thorough draft decision for the Board to deliberate on. The sight distance complies with state and AASHTO but does not comply with TOB standard, so the applicant requested the waiver for that reason to maximize vegetation.

Back to the Board for questions. Larry Hurwitz asks for clarification about the waiver. Attorney Singer explains that local subdivision requirements are more stringent.

Manny Alves says the Town Engineer wrote and said that he agreed that ordinarily you try to align the intersections unless there is a compelling reason not to. Mr. Alves's belief was that the neighbors have a compelling argument to warrant reviewing alternatives, and thinks this new submission works. He asks if DPW agreed that compliance with AASHTO and state requirements would be sufficient. Matt Eddy says on the original entrance location, they did. They sent new plans to DPW and COMM a few weeks ago, but he heard via text that it was acceptable. Matt Eddy walks through sight distances.

Jim Kupfer agrees that he received comments from Griffin Beaudoin that he found the new intersection option acceptable, as proposed with the waiver, he found it acceptable.

Chair Dewey opens for new public comment.

Jeff Temple of 67 Brezner says the revised version meets the principal concerns, but he has concerns over the waiver request that would allow minimum sight distances.

Tom Keane, Town Councilor, speaks in support of the project, especially with the new intersection.

Neil Diaz of 15 Great Marsh Road speaks in opposition of the new proposed entrance, because it impacts his driveway unsafely.

Hillary Temple, representing WEBA, speaks in favor of the new entrance location and requests the waiver be denied. She also requests the Board add a condition that no construction vehicles be allowed to park in the WEBA neighborhood.

Alan Morrow of 276 Phinney's Lane speaks in opposition with concerns of water and sewer.

Eric Schwaab speaks in opposition with concerns about the waiver requests and sewer capacity.

John Julius speaks in opposition with concerns over density, safety, water, wastewater, home value, health, welfare, and safety.

Ken Barron of 196 Knottingham Drive speaks in opposition with concerns over density, water, sewer, traffic, fire and water, school system, and the general wellbeing of historic Cape Cod.

Larry Moore of Cotuit speaks with concerns about traffic, funding sources, local needs, parking, and codes.

Mike Ferrell of Cotuit speaks in opposition with concerns about traffic, water, and sewer.

Gail Shamsi of 251 Phinney's Lane speaks in opposition of the new proposal entrance being too close to the intersection.

Nicola Sydney of 132 Great Marsh Road speaks in opposition with concerns of safety, traffic, water, wildlife, and local needs.

John Julius speaks again in opposition.

Cindy Kensrue of 83 Juniper Road speaks with concerns over traffic and safety.

Councilor Betty Ludtke asks to specify in the findings that it needs to be Commonwealth Builders.

Chair Dewey says the Board received letters from Badot with concerns, Dray with concerns, Lapolla with concerns, Lewis in support, Temple with concerns, WEBA with concerns, Zegler with concerns, and Constantini with concerns.

Back to the Board for discussion. Debra Dworkis says there was a sidewalk and a bus stop—would the new proposal have that? Mr. Egan says the sidewalk is there but not the bus stop. Chair Dewey asks if stormwater is fenced. Mr. Egan confirms and says one of

the compromises to move the entrance as the Board requested was to change the tech of the stormwater management, to comply with less room and different elevations.

Jim Kupfer explains that they have an extension through July 28, so the Board would need to request a further request from the applicant, otherwise the Board should close and render a decision this evening.

The Board discusses where the intersection should go. Herb Bodensiek has concerns about the bend in the road that affects the people who spoke tonight, and prefers the road across from Juniper along with the experts. Mr. Egan says there are positives and negatives for each intersection, but he would choose Juniper as well. The Board discusses concerns raised by the public.

Attorney Singer says though it may not be well received, Chapter 40B is law in MA and they are here under that law, with the compliance of the law. The legal standard is the presumption that the project is consistent with local needs if water and sewer etc. are safely met, which they've been proven to be.

The Board discusses that the applicant was allowed a much higher rate of density through the state, but with this application they have some control over making this more tolerable. Larry Hurwitz has concerns about the sewer connection fee being so low in comparison to residents. Chair Dewey thinks it's different for this project because Mr. Egan is paying to put all the pipes and infrastructure here in himself and the town is only putting in the connection location. Mr. Egan says he didn't negotiate the price at all—it was calculated by the town. They discuss whether there should be a one-time sewer fee for use of the town's sewer pipes.

Manny Alves says the statute says if this Board denies this, it will be reversed because the town is not at the required levels. He thinks the applicant has conceded a lot, and the Board has heard from all the experts that there are no objections raised. The Board is put in a difficult position. The grounds under 40B to deny is a safety issue, and the Board has heard that there are no safety concerns from the experts. He would be more inclined to have the intersection at the latest proposed location.

Ken Barron speaks in opposition and says the 40B program creates a moving target.

Herb Bodensiek asks Mr. Diaz if traffic backs up to his house. Mr. Diaz confirms. Herb Bodensiek asks if it would reach the new proposed driveway. Mr. Diaz thinks so.

Mr. Temple speaks again to say that Juniper, according to town regulations, doesn't meet standards and can't. If they approve the waiver, they're creating a measurable safety deficiency to their own code. Matt Eddy says for the record, that is incorrect. The original entrance location, the subdivision regulations Mr. Temple refers to is a third requirement of "posted speed on existing road," which is 30 mph. The required sight distance is 350 ft. They are willing to do this, but it will require further clearing.

Chair Dewey moves to close public comment. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Debra Dworkis, Herb Bodensiek, Aaron Webb, Manny Alves

Nay: None

Manny Alves says there are no adverse findings from experts (police, fire, town engineer, etc.), so if this goes to appeals court, what would happen. Jim Kupfer says the town is not in compliance with 40B, so if the Board denies it, it is up to the Board to find factual findings that are detrimental, and that would likely run counter to what they've received today from COMM water, fire, etc. The Board discusses whether they have a leg to stand on.

Herb Bodensiek makes findings:

1. The Town of Barnstable ("Town") does not meet the statutory minima set forth in G. L. c. 40B, § 20 or 760 CMR 56.03.
 - a. At the time of the filing of the Application, the number of low- or moderate-income housing units in the Town constituted 7.75% of the total year-round housing units in the Town, based on the most recent publicly available copy of the Executive Office of Housing and Livable Communities (EOHLC) Subsidized Housing Inventory (SHI), dated June 10, 2026. Thus, the Town does not meet the ten percent (10%) statutory minimum.
 - b. The Town does not have information that there are existing affordable housing units that are on sites that comprise more than one- and one-half percent (1.5%) of the total land area of the Town that is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).
 - c. The granting of this Comprehensive Permit will not result in the commencement of construction of low- or moderate-

income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.

- d. The Town has an approved Housing Production Plan pursuant to 760 CMR 56.03(4) but was not within (or eligible for) certification on the date the Applicant filed the Application.
 - e. As of the date the Applicant filed the Application, the Town had not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
 - f. The Project does not constitute a Large Project pursuant to 760 CMR 56.03(6).
 - g. The Applicant's Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).
2. The Applicant has demonstrated its eligibility to apply for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
- a. The Applicant is a limited liability company and has indicated in its application that it will conform to the limited dividend requirements of G. L. 40B, §§ 20-23, thus establishing that it is a limited dividend entity.
 - b. The Applicant has received written determinations of Project Eligibility from MassHousing dated April 18, 2025, copies of which were provided to the Board with the original application. While the Applicant substantially revised the plans during the public hearing process, the original Project Eligibility Letter is sufficient to confer jurisdiction pending final approval by MassHousing.
 - c. The Applicant has shown evidence of site control sufficient to qualify as an applicant for a Comprehensive Permit.
 - d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B, 760 CMR 56.00 et seq., and guidelines adopted thereunder by EOHLC.

III. FACTUAL FINDINGS

1. The Project will be developed on land located at 39, 51, 61, and 75 Great Marsh Road, 195 Phinney's Lane, and 40 Richardson Road, Barnstable (Centerville), MA.
2. During the public hearing process, the Applicant submitted revised plans, showing 36 three-bedroom single-family homes, including 35 new single-family homes and the existing single-family home at 40 Richardson Road. The revised plans included additional land, increasing the total acreage from 5.8 to 6.764 acres. The Board has determined that the 36 single family home development on increased acreage is more appropriate for the Site than the originally proposed 56 mixed-use development.
3. The Site consists of approximately 6.764 acres of land that includes undeveloped land, and land improved with single family dwellings, sheds, and septic systems. All existing improvements will be removed from the Site, except the residential dwelling and improvements at 40 Richardson Road.
4. The Board heard testimony from the Applicant ~~and the Board's Applicant's traffic consultant~~, including the Applicant's Traffic Impact Study prepared by Vanasse Hangen Brustlin (vzb), that the Project is expected to result in approximately 28 vehicle trips during the weekday morning peak hour and approximately 33 vehicle trips during the weekday afternoon peak hour. These figures are based upon the original proposal for 19 single family homes and a 36 -unit apartment building.
5. In June of 2026, the Applicant submitted a revised Traffic Impact Study showing the 36 single family home Project is expected to result in approximately 30 vehicle trips during the weekday morning peak hour and 37 vehicle trips during the weekday evening peak hour.
6. The Project shall connect to the Town of Barnstable Municipal ~~sewer system and COMM water~~ systems.
7. Stormwater management has been designed in compliance with the Massachusetts Stormwater Management Standards, the Massachusetts Stormwater Management Handbook, and the Town Stormwater Management Ordinance and Rules and Regulations. The system incorporates best management practices to facilitate total suspended solids removal, infiltration and detention of stormwater flows.
8. The Board finds that the conditions imposed in Section IV of this Decision are necessary to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.
9. The Board finds that endorsement of the proposed subdivision plan dividing the property into 36 lots is necessary and appropriate to facilitate the construction of this project.

Manny Alves continues:

10. The Board finds that the site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site comply with EOHLC regulations, including 760 CMR 56.04(2).
11. The Board finds that the performance requirements of the Barnstable Zoning Ordinance Article IX Site Plan Review have been met; ~~or a waiver has been requested and granted.~~
12. The Board finds that the stormwater management shown on the Approved Plan and associated drainage analysis has been designed to meet the Stormwater Management Standards set by the Massachusetts Department of Environmental Protection. The standards include removing solids from the stormwater and reducing rates of runoff from the site.
- ~~13. The Board finds that the qualities of the natural environment were considered and there were discussions and plan revisions to preserve and/or mitigate impacts to the natural environment.~~
14. The Board finds that the Applicant has cooperated with the Board in the density and layout of the Project as well as the design of adequate landscape buffers through plantings and fence screening.
15. ~~The Board finds that the illumination of the proposed lighting for the development, in accordance with the photometric plan provided, shall not trespass on abutting properties.~~ Any exterior building and street lighting shall be consistent with “dark sky” standards, shielded and directed downward to maintain lighting on to the Site.
16. The Board has determined through detailed analysis of the following documents that the Project has adequate access: Turning Template plan as shown on Sheet C3.3 of the site plans.
17. The Board acknowledges concerns raised by abutters to the Property and other interested parties about the Project’s initial density and potential impacts on traffic and the surrounding neighborhood, including concerns that some nearby residents expressed about the access to the Property being located across from Juniper Road to create a four way intersection **at** Great Marsh Road.
18. After consideration of all materials submitted and testimony provided, the Board finds that the access proposed by the Applicant creating an intersection on Great Marsh Road across from Juniper ~~Lane Road~~ is safe and acceptable ~~as documented in testimony and materials submitted by the Applicant and in written peer review submitted by both the Barnstable Department of Public Works and the Cape Cod Commission.~~
19. At the request of the Board, the Applicant also submitted an alternative curb cut on Great Marsh Road closer to the intersection with Phinney’s Lane and an updated Traffic Impact and Analysis Study that includes sight line analysis of the alternative curb cut placement. Based on the updated Traffic Impact and Analysis Study, the Board finds that the alternative curb cut placement is also safe and acceptable.
20. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting issues of local concern. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing.
21. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.

Jim Kupfer proposes an additional finding, which the Board agrees with:

- ~~22. The Board finds that the mix of affordable housing proposed, including Commonwealth Builder program, is preferred.~~

Aaron Webb reads conditions:

IV. CONDITIONS

A. General Conditions

1. The holder of this Comprehensive Permit is Great Marsh Development, LLC. The Site consists of the property located at 39, 51, 61, and 75 Great Marsh Road, 195 Phinney’s Lane, and 40 Richardson Road, Barnstable (Centerville), MA. The Project is defined as all features shown on the plans listed below in Condition 2 and as otherwise required by this Comprehensive Permit.
2. Except as may be provided for in the following Conditions, the Project shall be constructed substantially in conformance with the following plans, which shall collectively be referred to as the Approved Plans:
 - Site Plans; Master Site Layout Plan dated **last revised June 17, 2026**; C3.0, Site Layout Plan C3.1, Tower Truck Turning Template Plan C3.3, Site Distance Plan C3.4, ~~Site Distance Plan (Original Location) C3.4,~~
 - Landscape Model Plans C3.2; and
 - Elevations and Floor Plans A1.5, A1.6 and Renderings from Avalon Collection.

3. Approval is limited to the improvements as noted on the Approved Plans and as may be conditioned herein. Any changes to the Approved Plans must be approved by the Board in accordance with 760 CMR 56.05(11), as may be amended or recodified. If, after reviewing the proposed changes to the Approved Plans, the Board determines that it requires technical or expert advice, it may, at the Applicant's expense, retain consultants to review and advise the Board as needed to assist the Board in rendering a decision on the proposed changes.
4. As required by law and the Subsidizing Agency, the Applicant shall be a limited dividend organization and comply with the limited dividend requirements of M.G.L. Ch. 40B, §20 and otherwise limit its profits as required under M.G.L. Ch. 40B (as determined by the Subsidizing Agency) and any excess profits shall be paid by the Applicant and distributed or escrowed for reserves as required by the Subsidizing Agency and in accordance with applicable law, regulations and/or guidelines.
5. The Applicant has requested waivers from the Town of Barnstable Zoning Ordinance and from other applicable local regulations. In review of the relief requested, the Board found that certain waivers may be granted. In issuing this Comprehensive Permit, the Board has waived compliance with sections of the Code of the Town of Barnstable and Cape Cod Commission as set forth on Exhibit A attached hereto and incorporated herein by reference. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Approved Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).

Attorney Singer says there is an additional request for a waiver from 801-13, which is the Board's decision whether they would like to remove extra vegetation for better sight lines. The Board would like the applicant to withdraw that request. The Applicant is in agreement.

The Board amends Exhibit A to include the local inclusionary ordinance.

6. The provisions of this Comprehensive Permit Decision and Conditions shall be binding on the successors and assigns of the Applicant, and the obligations shall run with the land. If the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The applicable limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- B. Affordability**
1. A minimum of 25% of the 35 new units shall be low- or moderate-income units, meaning that they shall be sold to households earning not more than 80% of the Area Median Income (AMI), as determined by the United States Department of Housing and Urban Development and the Executive Office of Housing and Livable Communities. These Units are herein collectively known as the "Affordable Units." The Applicant is seeking funding for the Project through the Massachusetts Commonwealth Builder Program. In accordance with the Commonwealth Builder Program, the Affordable Units shall be restricted at 80% AMI for a period of thirty (30) years.
 2. The Applicant shall be responsible for maintaining sufficient records to comply with EOHLC and Subsidizing Agency guidelines for the distribution of the Affordable Units in the Project and occupancy of the Affordable Units by income eligible households. Evidence of affordable units shall be provided at time of occupancy permit request.
 3. The Applicant shall enter an Affordable Housing Deed Restriction and Regulatory Agreement, in form and substance required by the Subsidizing Agency, that contains terms and restrictions sufficient to satisfy the requirements of EOHLC for the Affordable Units to qualify for inclusion on the SHI.
 4. The Applicant shall be responsible for cooperating with the Town as needed to prepare and execute any document that EOHLC requires the Town to submit to have units included on the Town's Subsidized Housing Inventory. The Applicant shall obtain approval by the Subsidizing Agency of an Affirmative Fair Housing Marketing Plan ("AFHMP") prior to the sale of any Affordable Units and shall ensure that the Project complies with the Subsidizing Agency's Fair Housing requirements.
 5. ~~For the initial rent up of the Project~~ The maximum number of Affordable Units allowed by law and the applicable subsidy program, but not more than seventy percent (70%) of the Affordable Units, shall be reserved for households that qualify under a local preference definition approved by the Subsidizing Agency. A lottery shall be established in a form approved by the Subsidizing Agency to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the

same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

C. Prior to the commencement of construction:

1. The Applicant and the site general contractor shall attend a preconstruction conference with the Director of Planning and Development and other Town staff and consultants as may be determined to be necessary.
2. The Director of Planning and Development shall inspect and approve the limit of work. The limit of work includes the limit of grading and general excavation. All construction staging or stockpiling of equipment or materials shall be placed inside the limit of work.
3. The Applicant shall submit a Definitive Subdivision Plan to the Board for endorsement. The Definitive Plan shall substantially conform to the Approved Plans.
4. The Applicant shall obtain the Director of Planning and Development's approval of sediment and erosion controls.

D. Prior to the issuance of the building permit, the Applicant shall:

1. Record this Comprehensive Permit Decision and the Subdivision Plan endorsed by the Board with the Barnstable County Registry of Deeds and provide proof of such recording to the Board and Building Commissioner.
2. Submit to the Board and the Director of Planning and ~~Community~~-Development evidence of Final Approval from the Subsidizing Agency, as required by the Project Eligibility letter and the Chapter 40B regulations.
3. Submit to the Board a copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with EOHLC shall be complete prior to the issuance of any building permit. It is understood and agreed that Monitoring provisions may be included with the Regulatory Agreement, in lieu of a separate Monitoring Services Agreement.
4. Provide the Town Engineer a final Stormwater Pollution and Prevention Plan to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures and provide detailed construction sequencing.
5. All building permits (excluding the existing dwelling at 40 Richardson Road, which will remain a market rate lot) shall be issued as follows:
 - One of every four building permits issued shall be for an 80% AMI affordable unit;
 - Additionally, one of every four certificates of occupancy issued shall be for an 80% AMI affordable unit; and
 - The final 80% AMI affordable unit shall be completed and issued a certificate of occupancy before certificates of occupancy are issued for the last three non-80% AMI units.

E. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall:

1. Prior to issuance of the first Certificate of Occupancy, the developer shall furnish guarantees to the Zoning Board of Appeals as provided in the Subdivision Regulations that except as otherwise expressly provided in M.G.L. Ch.. 41, Section 81-U, no unit included in the Project shall be occupied until the essential uncompleted infrastructure necessary to serve such unit has been completed in the manner specified by the Subdivision Regulations of the Town of Barnstable and/or the Approved Plan or a performance bond or other security in lieu of completion has been accepted by the Zoning Board of Appeals. The sum of any such security held shall be acceptable to the Barnstable Department of Public Works and shall bear a direct and reasonable relationship to the expected cost, including the effect of inflation, necessary to complete the subject work. The Applicant shall be permitted to choose the type of security instrument that is authorized under §81U and also including a Letter of Credit but the actual form of such instrument is subject to the prior review and approval of Town Counsel.
2. The Applicant shall complete all approved infrastructure and provide an As-Built Plan to the Building Commissioner and Department of Public Works prior to the release of performance bond or other security accepted pursuant to Paragraph **E.1** above.

F. Construction

1. The hours of operation for any construction, or staging activities on site shall be Monday through Saturday, from 7:00 a.m. to 7:00 p.m. No construction activity shall take place outside the specified permitted hours or on Sunday or New Years' Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday. Work outside of these hours and days may be considered upon review and approval by the Building Commissioner prior to any work outside of these hours or days commencing.
2. All construction-related parking shall be conducted on site. No parking of any vehicle associated with the Project shall park on nearby parcels including those vehicles arriving early. There shall be no staging of vehicles on nearby parcels, **without**

permission, or ways. All vehicles associated with the Project shall enter into the temporary construction entrance and park within the construction fencing at all times.

3. During construction, no run-off shall be directed down the proposed roadway onto Great Marsh Road or Phinney's Lane nor onto abutting properties. The Applicant shall maintain any drainage or sediment controls in good working order and maintain the construction site free of dust that would create a hazard or nuisance to adjacent properties. In addition, the Applicant shall require trucks hauling debris to be covered and wet down as required to minimize dust. Spillage on roads shall be cleaned up immediately, and overloading trucks, which may contribute to spillage on haul roads, is prohibited.
4. If construction activity ceases for longer than thirty (30) days, written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. Pursuant to 780 CMR 33 Safeguards during Construction and applicable statutes, the Building Commissioner may require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.
5. If construction is temporarily suspended during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within fourteen (14) days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within fourteen (14) days of suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.

G. Project Design

1. All utilities shall be located underground, with the exception of those components normally and customarily located above ground. Any easement necessary for utility service shall be specified on the plan to be endorsed. No residential structure shall be located on or above any easement.
2. All exterior lighting at the Site shall be dark sky compliant and shall not allow spillover of light onto adjoining properties, in accordance with the Approved Plans and the Town's Zoning Ordinance.
3. Construction of the ways, inclusive of the roadway, curbing/berms, utilities, street trees, monuments, signs, and stormwater areas shall be in accordance with applicable Subdivision Rules and Regulations, except as they have been waived herein.
4. All roadways shall be designed to efficiently and safely accommodate turning movement for school buses and fire trucks, as well as emergency vehicles. Fire hydrant(s) shall be installed to the requirements of the C.O.M.M. Fire Department. Final layout and development standards are to be reviewed and approved by the Centerville Fire Department and the Town's Department of Public Works, consistent with the terms of this Decision.
5. All drainage from impervious surfaces shall be recharged on-site. Run-off shall not be permitted to flood into the adjoining lots or streets. The Applicant shall be responsible for providing site drainage that meets the Town Engineer's requirements to retain the difference between the pre- and post-development storm flow. All plans and specifications shall be reviewed and be in compliance with the requirements of the Town's designated engineer. The catch basins, detention/infiltration basin and leaching structures shall be regularly maintained.
6. Fertilizers containing phosphorous shall not be applied or used anywhere on the Property.
7. The Applicant shall have prepared a subdivision plan in accordance with the Planning Board's Subdivision Rules and Regulations, suitable for endorsement by the Board of Appeals and recording at the Registry of Deeds. The Zoning Board of Appeals shall endorse such plan upon compliance with these terms and conditions. Said plan and this Comprehensive Permit Decision shall be recorded within sixty-day (60) days of endorsement.
8. This Decision permits the construction, use, and occupancy of not more than thirty-six (36), three-bedroom single-family dwellings, thirty-five (35) new dwellings and the existing market rate home at 40 Richardson Road..
9. Each of the thirty-five (35) new lots shall have a driveway with a two-car capacity with 20-feet by 10-feet spaces. The driveway for 40 Richardson Road is remaining.
10. The new single-family dwellings shall be no more than 3 bedrooms each and shall substantially conform to the Approved Plans.
11. Setbacks for all structures including future accessory buildings and decks on the thirty-five new lots shall be as shown on the Approved Plans with the waivers granted herein.
12. The Applicant shall exercise best efforts to retain existing deciduous and evergreen trees between the house and street lines (subject to necessary work and passage areas). To the extent possible, the Applicant shall use best efforts to retain any trees four (4) inches or more in diameter.
13. With respect to individual lots other than the existing, developed 40 Richardson Road, the Applicant shall comply with the following minimum landscape standards at the time of initial sale of each lot:
 - A minimum of one shade tree or one flowering tree shall be planted per lot. The tree shall have a minimum caliper of 3 inches. A minimum of 12 mixed evergreen and deciduous shrubs, 18 to 36 inches in height shall be planted on each lot.
 - The yard lawn areas shall be loamed and seeded or sodded and all plants and planting beds are to be mulched.

14. Each dwelling shall be connected to public water and public sewer. The Applicant shall be responsible for securing all necessary permits for and connecting of all dwellings to the public sewer. All applicable rules, regulations and design standards shall be followed for the design and connection to the public sewer. The Department of Public Works must review the system to ensure compliance with applicable rules and regulations.
15. The thirty-six (36) lots shall be addressed and each dwelling's roadway number posted in accordance with the Code of the Town of Barnstable Chapter 51, Building Numbering. All signage on-site shall conform to the Town of Barnstable Zoning Ordinance, **with the exception of the granted waiver.**
16. The Applicant will construct a roadway to provide access to the Property from Great Marsh Road. The Applicant will install emergency access to the Property from Phinney's Lane. There will be no motor vehicle access from Richardson Road other than the existing private driveway belonging to 40 Richardson Road.

H. Other General Conditions

1. The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
2. Nothing contained in this Comprehensive Permit shall limit the authority of the Building Commissioner to enforce the provisions of the State Building Code.
3. If at any time it appears that the Applicant is in violation of an affordable housing restriction or regulatory agreement, then the Board shall have the right to pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.
4. The Town, by and through the Board, Building Department, or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
5. This Comprehensive Permit shall lapse if the Applicant does not commence substantial construction within five (5) years of the date it becomes final (which is the date this Decision is filed with the Town Clerk if no appeal is filed, or the date the last appeal is decided or otherwise terminated favorably to Applicant in the event of appeal). The ZBA may authorize an extension of the five (5) year period under the applicable State regulations. Construction of the roadway shall be completed within six (6) years of this Decision taking effect.
6. The Applicant shall submit a full audit and certification of total development costs and revenues, on a federal income tax basis, prepared and certified by a Certified Public Accountant acceptable to the monitoring agent or the Town after completion of all construction. The parties agree to cooperate to complete this audit and certification within 90 days after the sale of the last unit.
7. It is intended that this Decision and the conditions contained herein are in addition to and independent of any requirements otherwise imposed by any other regulatory agency. The requirements contained herein shall have independent legal significance and effect. If any part of this Decision is for any reason held invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of any other portion of this Decision.
8. The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this Decision, including but not limited to testing results, official filings, environmental approvals, and other permits issued for the Project.
9. The Applicant shall copy the Board on all correspondence from the Applicant to the Subsidizing Agency or EOHLC concerning the Project.
10. If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions.

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

Vote:

Aye: Jake Dewey, Herb Bodensiek, Debra Dworkis, Aaron Webb, Manny Alves

Nay: None

Herb Bodensiek moves to approve the findings and conditions as written and edited. Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Debra Dworkis, Aaron Webb, Manny Alves

Nay: None

DECISION

Chair Dewey reads: In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, pursuant to Chapter 40B, §§ 20-23 the Board hereby grants the Applicant a comprehensive permit for the construction of 36 single family homes, as conditioned and described.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Debra Dworkis, Aaron Webb, Manny Alves

Nay: None

Comprehensive Permit No. 2025-025 Great March Development is granted with conditions.

New Business

7:01 PM

Appeal No. 2026-015

Veitas

Vida Veitas has applied for a Special Permit pursuant to Section 240-91 H. (3) Developed Lot Protection; Demolition and Rebuilding on Nonconforming Lots. The Applicant seeks to demolish and rebuild the dwelling, which would improve the setback from Winfield Lane from the existing 20.6' to 21.5'. The subject property is located at 18 Winfield Lane, Osterville, MA, as shown on Assessor's Map 116 as Parcel 103. It is located in the Residence F-1 (RF-1) Zoning District.

The Chairman takes this item out of order and hears it first. He assigns himself, Herb Bodensiek, Paul Pinard, Aaron Webb, and Manny Alves.

Attorney Michael Schulz is representing the applicant and explains that the proposal would improve the setback on Winfield Lane to 21.5 feet. The applicant got approval from Conservation Commission already. The dwelling was constructed in 1953 and complied with the setback of 20 feet at that time. The proposal is consistent with neighborhood. The proposal meets all requirements as of right, with the exception of the front yard setback that is 30 feet, but they are proposing to improve that setback. He submits that the setbacks are equal to or greater than the existing building. Lot coverage is 14% where 20% is allowed. FAR is .15 where .3 is allowed. Height is 21.1 feet where 30 feet is allowed. The proposal is not substantially more detrimental to the neighborhood, and would be an aesthetic improvement and setback improvement. They are also proposing to reduce massing on Winfield because the height is being reduced. There is a dry well on site for all drainage.

Chair Dewey opens public comment. There is none. The Chairman moves to close public comment. Paul Pinard seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pianrd, Manny Alves, Aaron Webb

Nay: None

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

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pianrd, Manny Alves, Aaron Webb

Nay: None

Manny Alves 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. He finds that it complied with zoning at the time of construction and has since become nonconforming.
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 front yard setback is 21.5 feet which is an improvement on the existing setback of 20.6 feet.
5. **proposed lot coverage shall not exceed 20% or the existing lot coverage, whichever is greater.** The proposed lot coverage is 14%, less than maximum.

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 proposed FAR is 15%, 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 21.11 feet.
8. **The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.**

Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pianrd, Manny Alves, Aaron Webb

Nay: None

Manny Alves says the appeal is subject to conditions 1-6 from the Staff Report dated June 29, 2026. Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Manny Alves, Aaron Webb

Nay: None

Chair Dewey makes a motion to grant Special Permit No. 2026-015 with conditions. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Manny Alves, Aaron Webb

Nay: None

Special Permit No. 2026-015 Veitas is granted with conditions.

Discussion

Protocol for July 22, 2026 meeting: Jim Kupfer says in terms of administering the meeting, staff can create a one pager to hand out. Staff will prepare a script for the Chairman to issue rules for the night. There will be sign-in sheets and a 3-minute limit for public comment. Legal will be in attendance.

Correspondence

- Cape Cod Commission Committee on Planning and Regulations (CPR) meeting agenda on Thursday, July 9, 2026 at 1:00 p.m.
- Cape Cod Commission Executive Committee meeting agenda being held on Thursday, July 9, 2026 at 2:00 p.m.

Matters Not Reasonably Anticipated by the Chair

Mike Ferrell of Cotuit says he uses public comment when he can't get in touch with staff.

Upcoming Hearings

July 22, 2026 (in person), August 12, 2026 (in person), August 26, 2026 (online)

Adjournment

Chair Dewey makes a motion to adjourn. Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Manny Alves, Aaron Webb, Debra Dworkis, Larry Hurwitz

Nay: None

Documents Used at this Meeting

- Appeal No. 2025-015 Veitas application materials
- Staff Report dated June 29, 2026 for 2026-015
- Appeal No. 2025-025 Great Marsh Development LLC application materials
- Draft decision for 2025-025 dated July 2, 2026

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