



# Town of Barnstable

# Zoning Board of Appeals

BARNSTABLE  
TOWN CLERK

AUG 13



#### Board Members:

Alex Rodolakis – Chair   David Hirsch – Vice Chair   Herbert Bodensiek – Clerk  
Jacob Dewey – Regular Member   Paul Pinard – Regular Member  
Todd Walantis – Associate Member   Mark Hansen – Associate Member   Robert Twiss – Associate Member  
David Bogan – Town Council Liaison

#### Staff Support

Elizabeth Jenkins – Director - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
Anna Brigham – Principal Planner – [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)  
Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

## Minutes

Wednesday, July 8, 2020

**As a quorum has been met, Alex opens the hearing at 7:00 PM and reads the following into the record:**

This public hearing will be held on Wednesday, July 8, 2020. In accordance with the Governor's Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to address COVID-19 (COVID-19 Order No. 33) this meeting will be closed to the public to avoid group congregation. Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
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  
<https://zoom.us/j/94857951766>  
Meeting ID: 948 5795 1766

Or by calling:

888 475 4499 US Toll-free  
Meeting ID: 948 5795 1766

3. Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Anna Brigham: [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us) so that they may be displayed for remote public access viewing.

Access to meeting material is available by calling 508-862-4682 or emailing [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)

Meeting material will also be available at <https://www.townofbarnstable.us/boardscommittees/ZoningBoard/> prior to the meeting.

**Topics to be discussed:**

**Call to Order**

Introduction of Board Members

Member	Zoom	Conference Call
Alex Rodolakis - Chair	x	
David Hirsch – Vice Chair	x	
Herb Bodensiek – Clerk		x
Jake Dewey – Regular Member	x	
Paul Pinard – Regular Member		x
Mark Hansen – Associate Member	Absent	
Todd Walantis – Associate Member	Absent	
Bob Twiss – Associate Member	x	
Anna Brigham – Principal Planner	x	
Carol Puckett – Administrative Assistant		x
Mike Ford, Esq.		x
Ajay Singh	x	

**Alex reads the following with no response:**

**Notice of Recording**

Please note that this meeting is recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

**Minutes**

None

**Old Business**

**Alex reads the following into the record:**

**7:00 PM**

**Appeal No. 2020-016**

**McCarthy**

Thomas J. and Nancy J. McCarthy have applied for a Special Permit pursuant to Section 240.47.1.B (4) – Family Apartments. The Applicants are proposing to remove an existing three-car detached garage down to the foundation and re-construct the 1,498 square foot detached garage with deck. A family apartment is to be located on the second floor of the proposed garage and consist of 683 square feet. The subject property is located at 8 Marchant’s Mill Road, Hyannis (Hyannisport), MA as shown on Assessor’s Map 266 as Parcel 029. It is located in the Residence F-1 (RF-1) Zoning District.

Continued from March 25, 2020, April 8, 2020 and June 10, 2020. Opened June 10, 2020. Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard. Request to withdraw received June 22, 2020.

**From an email dated June 22, 2020, the McCarthy’s have requested to withdraw without prejudice indicating that they had spoken with the building inspector and modified their plans to remove the kitchen. The Building Inspector’s office indicated that they could move ahead with the project without relief from the ZBA.**

**Motion to withdraw is made by Alex Rodolakis and seconded by David Hirsch**

Member	AYE	NAY	ABSTAIN
Alex Rodolakis - Chair	x		
David Hirsch – Vice Chair	x		
Herb Bodensiek – Clerk	x		
Jake Dewey – Regular Member	x		
Paul Pinard – Regular Member	x		
Mark Hansen – Associate Member			

Todd Walantis – Associate Member			
Bob Twiss – Associate Member			

**WITHDRAWN WITHOUT PREJUDICE**

**New Business**

*Alex reads the following into the record:*

**7:01 PM                      Appeal No. 2020-022                      Nickson**

Charlene and Charles Nickson are appealing the decision of the Building Commissioner in denying a request for enforcement action filed with the Town of Barnstable’s Building Commissioner in January, 2020. The Appellants requested that the Building Commissioner require Beacon Marine Construction LLC., to stop the storage of a commercial barge and crane on a mooring off Cordwood Landing in a residentially zoned district. The approximate location of the barge and crane are located adjacent to Cordwood Road on a mooring located in the Residence F (RF) Zoning District.

*Alex recuses himself from this appeal. David Hirsch takes over a chair and continues. David Hirsch states that the appellants representative, Paul Revere III, Esq., from a letter dated July 7, 2020, has requested a continuance to July 22, 2020.*

*Motion to continue to July 22, 2020 at 7:00 is made by Herb Bodensiek and seconded by Paul Pinard.*

Member	AYE	NAY	ABSTAIN
Alex Rodolakis - Chair			x
David Hirsch – Vice Chair	x		
Herb Bodensiek – Clerk	x		
Jake Dewey – Regular Member	x		
Paul Pinard – Regular Member	x		
Mark Hansen – Associate Member			
Todd Walantis – Associate Member			
Bob Twiss – Associate Member	x		

**CONTINUED TO JULY 22, 2020 AT 7:00 PM**

*Alex reads the following into the record:*

**7:02 PM                      Appeal No. 2020-024                      Elefante/Gardiner as Trustees**

Mark B. Elefante, Trustee of 25 East Avenue Realty Trust and Nancy Gardiner, Trustee of 45 East Avenue Realty Trust are appealing the decision of the Building Commissioner in suspending construction of a structure (foundation) as it exceeds the scope of the building permit which permit was premised upon Special Permit 2017-071 granted by the Zoning Board of Appeals. The subject property is located at 8 East Avenue, Osterville, MA as shown on Assessor’s Map 139 as Parcel 075. It is located in the Residence F-1 (RF-1) Zoning District.

*Members assigned: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Paul Pinard*

*Anna Brigham states that there was a request to continue in order to renote to August 12, 2020 hearing by Michael Schulz, Esq.*

*Motion to continue this is made by Alex Rodolakis and seconded by Paul Pinard*

*Attorney Michael Ford wants to be heard. Alex asks if he was contacted by Michael Schulz, Esq, attorney for the appellant. Attorney Ford states that he contacted Attorney Schulz this afternoon but didn’t hear back from him before this hearing. Attorney Ford notes that the appeal must be heard within 65 days and if continued to August 12<sup>th</sup> it would be beyond the 65 days in which the appeal must be heard. Anna Brigham states that she had spoken with Attorney Schulz who was agreeable to a time extension.*

**Attorney Ford wants to make sure that it doesn't get into a constructive grant. His clients only got noticed through an abutter notice and state that this would have an adverse effect on his client's property.**

**Alex makes a motion to continue to July 22, 2020 at 7:01. Seconded by Herb Bodensiek.**

Member	AYE	NAY	ABSTAIN
Alex Rodolakis - Chair	x		
David Hirsch – Vice Chair	x		
Herb Bodensiek – Clerk	x		
Jake Dewey – Regular Member	x		
Paul Pinard – Regular Member	x		
Mark Hansen – Associate Member			
Todd Walantis – Associate Member			
Bob Twiss – Associate Member			

## CONTINUED TO JULY 22, 2020 AT 7:01 PM

### Correspondence

- From Pierce & Mandell P.C. on behalf of Natalie Pittenger regarding Tractor Supply, dated June 9, 2020 and received June 22, 2020
- Received June 29, 2020 from Loretta J. Russi - Request to inspect Open Space Restriction and Easement for Barnstable Woods open space parcel located at 0 Biltmore Place, Centerville, MA as shown on Assessor's Map 174 as Parcel 007-X01.
- Received June 29, 2020 from Cape Cod Commission. Notice to David Lawler, Esq., that the project for 554 Wianno Avenue, Osterville, MA has been referred to the Cape Cod Commission as a Development of Regional Impact (DRI) by the Town of Barnstable's Building Commissioner.

### Matters Not Reasonably Anticipated by the Chair

### Upcoming Hearings

July 22, 2020, August 12, 2020, August 26, 2020

### Adjournment

**Motion to adjourn is made by Alex Rodolakis and seconded by Paul Pinard**

**Roll call vote:**

Member	AYE	NAY	ABSTAIN
Alex Rodolakis - Chair	x		
David Hirsch – Vice Chair	x		
Herb Bodensiek – Clerk	x		
Jake Dewey – Regular Member	x		
Paul Pinard – Regular Member	x		
Mark Hansen – Associate Member			
Todd Walantis – Associate Member			
Bob Twiss – Associate Member			