

**Zoning Board of Appeals**  
**MINUTES**  
**Wednesday, March 13, 2024**  
**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, March 13, 2024, at the time indicated:

**Call to Order**

Chair Dewey calls the meeting to order at 7:01 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	
Hansen, Mark	X (late)	
Hurwitz, Larry	X	
Johnson, Denise		X
Webb, Aaron		X

Also in attendance 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. 2023-034**

**Bayridge Realty, LLC**

Bayridge Realty, LLC has applied for a Comprehensive Permit pursuant to MGL Ch. 40B §20, 21, 22, and 23. The Applicant proposes to construct 14 housing units (24 bedrooms) within 4 detached buildings and associated parking and site improvements on 3.95 acres for rental purposes in accordance with MGL Ch. 40B, 760 CMR. The unit mix shall consist of 6 one-bedroom units, 6 two-bedroom units, and 2 three-bedroom units. 4 of the units will be restricted as affordable for low- or moderate-income persons. The subject property is located at 900 Old Stage Road, Centerville, MA as shown on Assessor’s Map 192 as Parcel 001. It is located in the Residence C (RC) Zoning District. Continued from November 8, 2023 and January 10, 2024 and February 7, 2024. Members assigned: Herbert Bodensiek, Paul Pinard, Aaron Webb, Mark Hansen, and Manny Alves.

The Board received a request from Attorney Freeman to continue this to April 10, 2024 to resolve issues with the Health Department. Herb Bodensiek moves to continue to April 10, 2024. Manny Alves seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz**

**Nay: None**

**Appeal No. 2023-034 Bayridge Realty, LLC is continued to April 10, 2024.**

**7:01 PM**

**Appeal No. 2023-044**

**Alliegro**

George and Debra Alliegro have petitioned for a Variance pursuant to Section 240-13 E. RF-1 Bulk Regulations – Minimum Side Yard Setback. The Petitioners seek a variance to construct an unconditioned, screened porch over an existing patio 12.6 feet from the lot

line where 15 feet is required. The subject property is located at 202 Sea View Avenue, Osterville, MA as shown on Assessor's Map 138 as Parcel 014. It is located in the RF-1 Zoning District. Continued from January 10, 2024, January 24, 2024, February 7, 2024, and February 28, 2024.

Mark Hansen arrives at this point. The Board received a request from Attorney Schulz to continue this to March 27, 2024. Chair Dewey moves to continue to March 27, 2024. Herb Bodensiek seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Mark Hansen**

**Nay: None**

**Appeal No. 2023-044 Alliegro is continued to March 27, 2024.**

**7:02 PM**

**Appeal No. 2023-045**

**Alliegro**

George and Debra Alliegro have applied to modify Special Permit No. 2016-018 Modification No. 3 to allow for the construction of a screened porch over an existing patio, which would increase the lot coverage from 16.2% to 18.3%. The subject property is located at 202 Sea View Avenue, Osterville, MA as shown on Assessor's Map 138 as Parcel 014. It is located in the RF-1 Zoning District. Continued from January 10, 2024, January 24, 2024, February 7, 2024, and February 28, 2024.

The Board received a request from Attorney Schulz to continue this to March 27, 2024. Herb Bodensiek moves to continue to March 27, 2024. Mark Hansen seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Mark Hansen**

**Nay: None**

**Appeal No. 2023-045 Alliegro is continued to March 27, 2024.**

**New Business**

**7:03 PM**

**Appeal No. 2024-002**

**TFG Hyannis Hospitality, LLC**

TFG Hyannis Hospitality, LLC has filed an Appeal of an Administrative Official's Decision in accordance with 240-125.B.(1). The Appellant seeks to overturn the Building Commissioner's determination dated December 12, 2023 that the project is outside of the Ground Mounted Solar Photovoltaic Overlay District and that the proposed solar arrays are ground mounted solar arrays not permitted at the property. The subject property is located at 35 Scudder Avenue, Hyannis, MA as shown on Assessor's Map 289 as Parcel 110. The property is located in the Residence B (RB) Zoning District.

The Board received a request from Attorney Cox to continue this to April 10, 2024 to resolve issues with the Building Commissioner. Mark Hansen moves to continue to April 10, 2024. Herb Bodensiek seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Larry Hurwitz, Mark Hansen**

**Nay: None**

**Appeal No. 2024-002 TFG Hyannis Hospitality, LLC is continued to April 10, 2024.**

**7:04 PM**

**Appeal No. 2024-004**

**Sigall**

Lorraine Samuelson Sigall has petitioned for a Variance pursuant to Section 240-13 E. Bulk regulations in the RC, RD, RF-1, and RG Residential Districts. The Petitioner seeks a variance for a 6-inch encroachment into the front yard setback. The subject property is located at 7 Gleneagle Drive, Centerville, MA as shown on Assessor's Map 191 as Parcel 166. It is located in the Residence C (RC) Zoning District and the Resource Protection Overlay District (RPOD).

The Chairman assigns himself, Herb Bodensiek, Mark Hansen, Manny Alves, and Larry Hurwitz.

Lorraine Samuelson Sigall owns the property and provides background information. She does not live at the property full time but her son does, and he takes care of the property for her year round. It's a pie-shaped lot on the corner of Old Stage Road and Gleneagle Drive. Last year, her son inadvertently created an issue by building a storage shed using the existing exterior wall of their

workshop. It was later determined to be an addition and not a shed, which means it required a building permit and not a shed registration. During the application process, the inspector noted a 6-inch intrusion into the front yard setback. Because of the shape of the lot, they thought they had to conform to a 10-foot side yard setback, but in actuality it was a 20-foot front yard setback. They use the space as supplemental storage and they have had no complaints from neighbors.

**Back to the Board for questions.** Mark Hansen asks if aside from this relief, all other signoffs have taken place. The applicant's son Cory answers that the building permit is dependent on the outcome of this appeal. The Board discusses whether the dwelling itself is preexisting nonconforming. The applicant explains that the property was developed with a single-family home and workshop. The surrounding lots are typically square and rectangular rendering this lot unique in shape.

**Chair Dewey opens for public comment.** There is none. The Chairman moves to close public comment. Mark Hansen seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Mark Hansen, Manny Alves, Larry Hurwitz**

**Nay: None**

**The Board deliberates.** Chair Dewey thinks the lot is uniquely shaped for the neighborhood. The hardship could be that the use is necessary, as it stores outdoor equipment and recreational vehicles that does not tolerate exposure to weather. The Board confirms with the applicant that there will be no change to landscape, no plumbing, and no electricity. It is built on pilings and a slab. The Board discusses that there are not any other logical options the applicant would have on the lot to build this. Chair Dewey considers that the Board could add a condition about not using it for business purposes.

**Mark Hansen makes a motion to approve based on the following 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 that this is an oddly shaped lot with two front yard setbacks, with a buffer that does not clearly indicate the boundaries.
2. A literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner. He finds that existing structures would have made it difficult to expand another structure for a place for storage, given the other structures and the mechanicals within the property.
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 they are asking for a minimal setback allowance and are not increasing habitable space or creating any detriment to appearance.

Herb Bodensiek seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Mark Hansen, Manny Alves, Larry Hurwitz**

**Nay: None**

**Mark Hansen reads conditions from Staff Report dated February 29, 2024.**

1. Variance No. 2024-004 is granted to Lorraine Samuelson Sigall to allow the newly constructed addition to the garage to be 19.4 feet from the front yard setback where 20 feet is required at 7 Gleneagle Drive, Centerville, MA.
2. The site development shall be constructed in substantial conformance with the plan entitled "Existing Conditions Site Plan of #7 Glen Eagle Drive Centerville MA" by Down Cape Engineering dated January 12, 2024.
3. The proposed development shall represent full build-out of the lot. Further expansion of the dwelling or construction of additional accessory structures is prohibited without prior approval from the Board.
4. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be screened from neighboring homes and the public right-of-way.
5. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to the issuance of a building permit. The rights authorized by this special permit must be exercised within two years, unless extended.

The Board adds a condition:

6. This addition is not to be used for home occupation or business uses without prior approval from the Board.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Mark Hansen, Manny Alves, Larry Hurwitz**

**Nay: None**

Variance No. 2024-004 Sigall is granted with conditions.

#### **Correspondence**

Cape Cod Commission March 24, 2024 meeting cancellation  
Communication of upcoming LCP community meetings

#### **Matters Not Reasonably Anticipated by the Chair**

#### **Upcoming Hearings**

March 27, 2024, April 10, 2024, April 24, 2024

#### **Adjournment**

Mark Hansen moves to adjourn. Herb Bodensiek seconds.

#### **Vote:**

**Aye:** Jake Dewey, Herb Bodensiek, Mark Hansen, Manny Alves, Larry Hurwitz

**Nay:** None

#### **Documents Used at this Meeting**

- Request from Attorney Freeman to continue Appeal No. 2023-034 Bayridge Realty LLC to April 10, 2024
- Request from Attorney Schulz to continue Appeals No. 2023-044 and 2023-045 to March 27, 2024
- Request from Attorney Cox to continue Appeal No. 2024-002 TFG Hyannis Hospitality LLC to April 10, 2024
- Appeal No. 2024-004 Sigall application packet
- Staff Report dated February 29, 2024 for Appeal No. 2024-004
- CCC meeting cancellation
- Correspondence about upcoming LCP community meetings

Respectfully submitted,  
Genna Ziino, Administrative Assistant

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>