

**Zoning Board of Appeals
MINUTES
Wednesday, January 10, 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, January 10, 2024, 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. 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/87570797428	US Toll-free 888 475 4499
Meeting ID: 875 7079 7428	Meeting ID: 875 7079 7428

2. 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.
3. This meeting will be replayed via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel video on demand archives on the Town of Barnstable’s website: <https://streaming85.townofbarnstable.us/CablecastPublicSite/?channel=1>

Copies of the applications are available for review by calling (508) 862-4682 or emailing anna.brigham@town.barnstable.ma.us.

Call to Order

Chair Jacob Dewey calls the meeting to order and takes roll call:

Member	Present	Absent
Dewey, Jacob – Chair	X	
Bodensiek, Herbert – Vice Chair	X	
Pinard, Paul – Clerk	X	
Alves, Manny	X	
Hansen, Mark	X	
Hurwitz, Larry	X	
Johnson, Denise	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. 2023-010

Arista Hyannis LLC

Arista Hyannis LLC has applied for a Special Permit in accordance with Section 240-25(B)(22) and 240-25(C)(10) Drive-Through for a proposed restaurant. The Applicant proposes to remodel the former bank building and change the use to a food service

establishment with a drive-through. The subject property is located at 715 West Main Street, Hyannis, MA as shown on Assessor's Map 249 as Parcel 155. It is located in the Highway Business (HB) District. Continued from May 10, 2023 and July 26, 2023 and September 13, 2023, and November 8, 2023. Members assigned: Jacob Dewey, Paul Pinard, Mark Hansen, Aaron Webb, and Herb Bodensiek.

The Board received a request to continue this to January 24, 2024. Paul Pinard says will not be at the January 24th meeting. Denise Johnson will be filling in. Chair Dewey makes a motion to continue this to January 24, 2024 at 7:01 p.m. Mark Hansen seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Mark Hansen, Aaron Webb, Denise Johnson, Larry Hurwitz, Manny Alves

Nay: None

Appeal No. 2023-010 Arista Hyannis LLC is continued to January 24, 2024 at 7:01 p.m.

7:01 PM

Appeal No. 2023-019

Vilsaint

Kevin Y. and Corrie L. Vilsaint have applied for a Special Permit in accordance with Section 240-47.2 Accessory Dwelling Units (ADUs). The Applicants seek to remove and replace an existing accessory structure with a new accessory dwelling unit (ADU). The Applicants also seek to modify Special Permit No. 2020-038 to allow further build out of the property for the accessory dwelling unit and additions to the principal dwelling. The subject property is located at 358 Flint Street, Marstons Mills, MA as shown on Assessor's Map 101 as Parcel 121. It is located in the Residence F (RF) Zoning District. Continued from August 23, 2023 ,October 25, 2023 and December 6, 2023. Members assigned: Jake Dewey, Aaron Webb, Herbert Bodensiek, Paul Pinard, and Denise Johnson.

The Board received a request to continue this to February 7, 2024. The Board discusses the changes proposed to the application. Chair Dewey moves to continue this to February 7, 2024. Paul Pinard seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Mark Hansen, Aaron Webb, Denise Johnson, Larry Hurwitz, Manny Alves

Nay: None

Appeal No. 2023-019 Vilsaint is continued to February 7, 2024.

7:02 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. Members assigned: Herb Bodensiek, Paul Pinard, Aaron Webb, Mark Hansen, and Manny Alves.

The Board received a request to continue this to February 7, 2024. Chair Dewey moves to continue this to February 7, 2024. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Mark Hansen, Aaron Webb, Denise Johnson, Larry Hurwitz, Manny Alves

Nay: None

Appeal No. 2023-034 Bayridge Realty, LLC is continued to February 7, 2024.

New Business

None

Correspondence

- Letter from Paul Phelan regarding the demolition request of 307 Main Street, Hyannis

Matters Not Reasonably Anticipated by the Chair

None

Discussion

Board discussion regarding updating Rules & Regulations: Chair Dewey spoke to Jim Kupfer, Assistant Director of Planning & Development, who suggested the Chairman and Paul Pinard meet with Kate Connolly from the Legal Department to discuss the Board's proposed Rules & Regulations, which the Board outlined at the June 14, 2023 meeting. Legal has still not weighed in. Mr. Kupfer also said the Board has the authority to say they want abutters to be renoticed when something has been continued.

Paul Pinard says they all agreed upon their proposal already. He suggests giving a 30-day deadline to the Legal Department—if they don't respond in the timeframe, the Board should move forward. The Board and Anna Brigham discuss whether the proposal needs review and what next steps should be. Paul Pinard believes MGL gives authority to the Board to change their Rules & Regulations but he cannot cite exactly where. There are concerns that Legal should verify that this draft would hold up in court. Chair Dewey makes a motion that in 30 days the updates to the Rules & Regulations will take effect to any applications received after February 10, 2024 if the Board doesn't hear otherwise from Legal. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Mark Hansen, Aaron Webb, Denise Johnson, Larry Hurwitz, Manny Alves

Nay: None

Manny Alves suggests requiring renoticing abutters and new public notice on heavily continued items. Denise Johnson asks if the group is in favor of starting at 6 p.m. instead of 7. The other members are in favor of leaving it at 7 unless there's public outcry or advice from Town Council.

Upcoming Hearings

January 24, 2024, February 7, 2024, February 28, 2024

Jeanne Remmers of 97 Outpost Lane in Centerville asks if a letter she sent about 900 Old Stage Road was received. Anna Brigham confirms.

Adjournment

Manny Alves makes a motion to adjourn. Mark Hansen seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Mark Hansen, Aaron Webb, Denise Johnson, Larry Hurwitz, Manny Alves

Nay: None

Documents Used at this Meeting

- Request from Attorney Cox to continue Appeal No. 2023-010 Arista Hyannis LLC to January 24, 2024
- Request from Attorney Kirrane to continue Appeal No. 2023-019 Vilsaint to February 7, 2024
- Request from Attorney Freeman to continue Appeal No. 2023-034 Bayridge Realty, LLC to February 7, 2024
- Letter from Paul Phelan regarding the demolition request of 307 Main Street, Hyannis
- Proposed changes to Rules & Regulations (document entitled "ZBA Withdrawals and Continuations Draft 2")

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>