

**Zoning Board of Appeals**  
**MINUTES**  
**Wednesday, May 28, 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, May 28, 2025, 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. The meeting will be televised live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website:  
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
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 Option	Telephone Number Option
<a href="https://townofbarnstable-us.zoom.us/j/83733580487">https://townofbarnstable-us.zoom.us/j/83733580487</a>	US Toll-free: 888 475 4499
Meeting ID: 837 3358 0487	Meeting ID: 837 3358 0487

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](mailto:anna.brigham@town.barnstable.ma.us) so that they may be displayed for remote public access viewing.

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

#### **Call to Order**

Chair Jake Dewey calls the meeting to order at 7:06 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	
Hurwitz, Larry	X	
Pittenger, Natalie	X	
Tavano, Rodney		X
Webb, Aaron	X	

Also present is Anna Brigham, Principal Planner, and Genna Ziino, Administrative Assistant.

Aaron Webb says he won't be present at the June 11 meeting.

#### **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

January 22, 2025 – Mark Hansen moves to approve the minutes. Larry Hurwitz seconds.

### Vote:

**Aye:** Jake Dewey, Herb Bodensiek, Manny Alves, Mark Hansen, Larry Hurwitz, Natalie Pittenger, Aaron Webb

**Nay:** None

## Old Business

**7:00 PM**

**Appeal No. 2025-006**

**Clark**

James D. Clark and Christine D. Clark have appealed an Administrative Official's Decision. The Petitioners are appealing the Notice of Zoning Ordinance request for enforcement denial dated January 24, 2025 under M.G.L. Chapter 40A Section 7. The Petitioners submit that the decision of the administrative official dated January 24, 2025 was in error as the structure erected at 968 Main Street is not a "pole supported by wires/ropes and burlap" but was constructed by 4 x 4 lumber cemented into the earth extending approximately 20 feet into the air directly on the common property line draped with burlap which encroaches at 978 Main Street. The subject property is located at 978 Main Street, Cotuit, MA as shown on Assessor's Map 034 as Parcel 032. It is located in the Residence F (RF) Zoning District. Continued from March 26, 2025, April 9, 2025, April 23, 2025, and May 14, 2025. Members assigned: Dewey, Bodensiek, Pinard, Hansen, Tavano.

The Board received a request from Attorney Schulz to withdraw the appeal. Herb Bodensiek moves to accept the withdrawal. Mark Hansen seconds. Manny Alves makes a point of clarification that the withdrawal is without prejudice.

### Vote:

**Aye:** Jake Dewey, Herb Bodensiek, Mark Hansen, Aaron Webb, Larry Hurwitz, Manny Alves, Natalie Pittenger

**Nay:** None

**Appeal No. 2025-006 Clark is withdrawn without prejudice.**

## New Business

**7:01 PM**

**Appeal No. 2025-013**

**Wilkens Lane Properties, LLC**

Wilkens Lane Properties, LLC has applied for a Special Permit pursuant to Section 240-125 C. (1)-(3) Special Permit Provisions and 240-38.1 F. Mixed-Use Subzone of Medical Services Overlay District. The Applicant seeks to construct 5 residential apartment buildings containing a total of 320 units, which will be served by a combination of surface parking and detached garages. The proposal also includes one single-story clubhouse/leasing building and residential amenities such as a pool, courtyards, outdoor seating areas, grills, and a dog run area. The subject property is located at 0 Wilkens Lane, Hyannis, MA as shown on Assessor's Map 296 as Parcel 039-001. It is located in the Industrial (IND), Residence G (RG), and Business (B) Zoning Districts, and Medical Services Overlay (MSO), Mixed Use Subzone of the (MSO), and GP & AP Overlay Districts.

The Chairman assigns himself, Herb Bodensiek, Mark Hansen, Manny Alves, and Natalie Pittenger.

Attorney Mike Ford is representing the applicant and is joined by his clients. Chair Dewey discloses that he is in the business of rental properties but feels he can be impartial. Mark Hansen discloses he also works in that space but feels he can be impartial. Attorney Ford has no objection. The Chairman notes that the Board will be opening the hearing and public comment tonight but no decision will be made tonight, as the appeal will also be continued to the next in-person meeting.

John Twohig of New England Development (NED) opens the presentation and introduces the project team: Paul Cincotta and Mark Jackson of NED; Attorney Mike Ford and Attorney Tim Sullivan; and David Hall, Steve Dazzo, and Natel Cheal of Hanover Company. Tonight they would like to give background on NED, the proposed project, and the special permit criteria. NED has been involved in many regional developments (Pinehills in Plymouth, wharf areas in Nantucket and Newburyport, etc). They acquired this land from Cape Cod Hospital and then worked with Town Council to approve a mixed-use subzone to allow multi-family. They took a second building through the Cape Cod Commission and Site Plan Review. They increased the amount of affordable housing as part of the original rezoning. Regarding their first project, it is 95% leased today; 2/3 of the residents are from on cape; there are 36 privately funded affordable residences (for which there is a lot of demand—they received more than 150 applicants). Over 27% of Cape Cod Hospital workforce comes from off cape, which is not sustainable.

Attorney Mike Ford shows an aerial view of the site. The neighbors are BJs, Cape Cod Aggregates, Cape Cod Hospital, and Hanover Hyannis. The site is a former sand pit with virtually no trees on it. They worked with Town Council and the Planning Board to create

the mixed-use sub zone, which Town Council then voted to approve in October 2021. This allows housing. They increased the affordable housing for the proposed project from 10% to 13%. All units must be leased for not less than 12 months, provided that 10% of units may be leased for less than 12 months but not less than 6 months. The first phase of this project was allowed as of right, but the town wanted a provision that if a multi-family project was more than 1,000 feet from Kidds Hill Road then it needs a special permit—that's this project.

They received DRI approval from the Cape Cod Commission in February 2025. The project provides year-round housing, including 42 units reserved for those making less than 65% and 80% of AMI. They are contributing a \$324,000 transportation mitigation payment to the town in addition to several physical, safety, and pedestrian improvements. They are proposing to construct a sidewalk along a portion of Wilkens Lane to create an accessible pedestrian pathway to Attucks, Phinneys, and Hathaways Pond. All fertilizers are non-nitrogen and all grasses will be native fescues and ryegrasses. All residences will be all electric and there will be vehicle charging stations on site.

He walks through the proposed project site. They are proposing 320 residences with a range of housing types. The 42 privately funded affordable units are throughout the properties and contain the same amenities as the market rate units, and are all deed-restricted and will count toward the town's 10% goal. The buildings are 4-story and under 55 feet tall. The ordinance allows 55 feet in height if the property is at least 10 acres (this site is 15 acres). He shares a mockup image and explains that the leasing building and the amenities clubhouse is a more modest, separate building, which the Cape Cod Commission encouraged. He shares the stormwater design plan and explains that all stormwater runoff will be managed and treated onsite through a series of rain gardens, drywells, and subsurface infiltration systems to protect groundwater quality. Stormwater within paved areas will be collected, pretreated, and infiltrated outside of the Lewis Bay embayment area to protect from nitrogen. They will be going through the town's stormwater permitting through DPW. One condition of DPW approval at Site Plan Review was to work with the town for evaluation of this area and the Bearses Way Pumping Station to ensure there is sewer capacity—they're in the process of doing that evaluation now. The Barnstable Fire District Water Department reviewed the usage and said there was sufficient water for this project without exceeding the town's water management act withdrawal permit.

They did an extensive traffic assessment for the DRI and as a result are proposing some transportation mitigation commitments: they will be optimizing traffic signal timing and phasing at 5 intersections along Route 132 and 4 intersections along Attucks Lane. They are proposing to install countdown-type pedestrian signal indications with pushbuttons at 2 intersections; install updated signage/stripping; improve selected signal equipment with backplates and reflective yellow tape; and test vehicle detection systems. They are also giving a VMT congestion mitigation payment of \$324,000.

Attorney Ford shows a pedestrian connectivity map. They were asked in Phase 1 to grant an easement for the future Rail Trail. They'll be constructing a missing section of sidewalk on Wilkens Lane. There will be accessible pathways created to Attucks Lane, shopping destinations, Phinneys Lane, Hathaways Pond, and the future Rail Trail.

Attorney Ford walks through the criteria for the Special Permit relief requested under section 240-125C:

- a. Under 240-38.1(f) Multi-family dwellings are allowed by special permit in the subzone if they're set back more than 1,000 feet from Kidds Hill Road and meet dimensional requirements, which the proposed project is and does. He walks through a dimensional requirements chart (on page 3 of application) to show compliance with zoning.
- b. They've indicated there are many project benefits: expected annual positive impact of \$850,000 in taxes to the town and fire district; year-round rental housing including 42 affordable units; redevelopment of a sand mining operation; improved pedestrian infrastructure; high efficiency electric heat pumps; walkable to amenities; no nitrogen-based fertilizers.
- c. Site plan approval was issued by the Building Commissioner on April 17, 2025. He walks through the department comments to demonstrate that they've all either been met or are in progress.

**Back to the Board for questions.** Manny Alves asks if any units are underground. Attorney Ford says all buildings are on slabs to comply with the ordinance. Chair Dewey asks to see on the site plan how the site is 1,000 feet from Kidds Hill Road. Attorney Ford doesn't have a graphic but will prepare one for the next meeting—virtually all of the site is beyond 1,000 ft. Chair Dewey asks for the dates where Town Council discussed this project. Attorney Ford says it was approved October 21, 2021. Chair Dewey asks if there will be solar on the roof. Attorney Ford says it's solar ready but the panels are not going on to start. Chair Dewey asks if there is one parking space per unit in the garages. Steve Dazzo says there are 46 garage spaces dispersed in freestanding single-story garages, which would be separate to rent. Chair Dewey wants to see a sewer plan. Attorney Ford says they will be filing their report with DPW, which will show that they're a small percentage of what goes through that line. Chair Dewey asks about where they stand with the Water Department. Attorney Ford says there was an email provided during Site Plan Review from Sean Anderson, the Water Superintendent indicating that there is sufficient water supply. They are now finalizing the water main system and loop system of

the site. Mark Hansen asks if Phase 2 will be serviced by Barnstable Village Fire. Attorney Ford confirms. Mark Hansen asks if there is any cost to the town in terms of required infrastructure improvements. Attorney Ford says no, the town doesn't have to do any infrastructure support. Chief Beal of the Fire Department has not expressed any concerns regarding capacity. Chair Dewey wonders if this will lean on Hyannis Fire because of proximity. Attorney Ford will take that up with Chief Beal but in terms of tax burden, this will generate new income.

Natalie Pittenger wants to increase the number of affordable units. Attorney Ford says 13% of 320 units is 42 units—this number was determined by Town Council. There are no subsidies being used for the units, either. Chair Dewey says 10% is required, though, so they are really only giving 3%. Natalie Pittenger asks about the unit mix and the average square footage is. Steve Dazzo says it's a total of 465 bedrooms across all apartment homes: 191 1-BR units, 113 2-BR units, and 16 3-BR units. 476 parking spaces, 1.49 per unit where 1.3 is required. The mix of affordable units is proportionate to market rate units. Affordable residents would pay affordable rates for garage spaces but those are first come first served. All 42 units will count towards subsidizing the town.

Aaron Webb asks what they anticipate rents to be. Steve Dazzo says there is a range of market rate rents at Hanover Hyannis: 1-BRs are between \$2,500-3,000, 2-BRs are between \$3,000-3,600, and 3-BRs are between \$3,600-4,200. This second phase is designed to be more attainable but the rates are not determined at this time. The average square footage for a 1-BR is 772.

Larry Hurwitz asks if there is a fire alarm system plan and if the building is sprinklered. Steve Dazzo says it is sprinklered and they are complying with fire code. Larry Hurwitz asks if they considered the impact to the school system. Mr. Twohig says that was studied as part of the fiscal income analysis—he will provide that to the Board. Larry Hurwitz asks what "solar ready" means. Steve Dazzo says it entails running a conduit to the roof and having structural support in place if they install solar. Aaron Webb asks why they don't just do solar now. Steve Dazzo says there are wells on the roof to house mechanical equipment out of view. They want to wait until PV panels are more efficient and smaller. There is no plan to store batteries.

**Chair Dewey opens for public comment.** The Chairman says the Board received a letter in support from the Cape Cod Hospital President, Michael Lauf, and a letter in opposition from Joseph and Marcy Dugas.

Councilor Betty Ludtke speaks with concerns about the project—she thinks the Dugas letter hit the nail on the head. She doesn't agree with the financial analysis and would like it reviewed by the Comprehensive Financial Advisory Committee for independent analysis. She thinks a lot has changed in the 4 years since this was approved by Town Council, and she would like to see 3% at 100% AMI. She asks for data on how many people are walking from Hanover I. She is concerned over people who want to use Independence Park for their livelihood. She would like solar to be put in now. She asks what the utility bills are for each type of unit.

John Lipman reads a letter that was forwarded from Mike Lauf of Cape Cod Healthcare in support of this project. Housing is needed for healthcare workers. Jocelyn Marshall of Marstons Mills also forwarded him a letter in support.

Bob Eckel, Director of Cape Cod Tech Foundation in Hyannis speaks in support. He has been training year-round workforce for 50 years and this is needed.

Catherine Clark, a town resident who works at Housing Assistant Corporation speaks in support. People are struggling to find places to live.

Ben Feller, Hyannis resident, speaks in support. He is the district director of 17 grocery stores and has trouble staffing and running stores as a result of housing—they need affordable housing.

Tony Shepley, town resident, speaks in support. He's an employer and thinks the need for housing is clear.

Cynthia Cole of Barnstable Village speaks in opposition with concern over water quality and supply, that the developer is not giving back enough, and that the building is unattractive. She's concerned about emergency access and pedestrian access to BJs. She asks if the garages could be used for residents tool storage.

Kat Stewart, town resident, speaks in support. It's difficult to find year-round rentals. She asks which towns the AMI is based on and if there could be bike parking or bike lanes.

Brittany, town resident, speaks in support. Affordable housing is urgently needed.

Paige Tivnan, Barnstable resident, speaks in support. Housing insecurity is a concern.

Erica Jansson, town resident, speaks in opposition and does not agree that the proposal will be walkable.

Seth Etienne, Hyannis resident, speaks in support of the project but wishes the project was more affordable and walkable.

Jey Smith, Barnstable Village resident, speaks in opposition with concern over resources and attractiveness.

Catherine Ledec, Cape Cod Commission representative for Barnstable, speaks as a town resident. She is in support but has concerns over the main entrance to Hanover II and thinks both developments should share one, T-shaped entrance. She suggests the applicant work with Cape Cod Aggregates to create a second emergency access point across from Cape Cod Aggregates that would also connect pedestrians to Hathaways Pond. She has further concerns about the need for improved bus service, larger parking space size, and chargers for e-bikes/e-scooters.

Bill Carey, town resident, speaks in opposition. He thinks there are too many rentals at Independence Park, which was intended for commercial use, and this needs a feasibility study.

Tim Mahoney raises his hand to speak but is not able to unmute himself. The Chairman invites him to come to the next in-person meeting or contact Anna Brigham with public comment.

Mark Hansen says the project can't be everything to everyone and thinks there needs to be a strong look at increasing the number of 100%-120% AMI units. He would like upwards of 20%. Chair Dewey asks if the developer would consider offering buydown of units to CPC or affordable housing trust to go to Town Council and purchase down more affordable units. Manny Alves says since the design is to make the units fully electric, he wants to know the operating household cost of utilities based on Hanover I.

The Chairman leaves public comment and the public hearing open. Chair Dewey moves to continue the appeal to June 11, 2025 at 7:01 PM. Herb Bodensiek seconds.

**Vote:**

**Aye:** Jake Dewey, Herb Bodensiek, Mark Hansen, Manny Alves, Natalie Pittenger

**Nay:** None

**Appeal No. 2025-013 Wilkens Lane Properties, LLC is continued to June 11, 2025 at 7:01 PM.**

**Correspondence**

- Cape Cod Commission meeting for NextGrid Solar Bourne, Wednesday, June 4, 2025 at 5:00 p.m.
- Cape Cod Commission meeting for Development Agreement Regulations Amendments, Thursday, June 5, 2025 at 3:00 p.m.

**Matters Not Reasonably Anticipated by the Chair**

**Upcoming Hearings**

June 11, 2025 (in person), June 25, 2025 (remote), July 9, 2025 (in person)

**Adjournment**

Chair Dewey moves to adjourn. Mark Hansen seconds.

**Vote:**

**Aye:** Jake Dewey, Herb Bodensiek, Manny Alves, Mark Hansen, Larry Hurwitz, Natalie Pittenger, Aaron Webb

**Nay:** None

The meeting is adjourned at 9:51 PM.

**Documents Used at this Meeting**

- January 22, 2025 minutes
- Request from Attorney Albert Schulz to withdraw Appeal No. 2025-006 Clark
- Appeal No. 2025-013 Wilkens Lane Properties, LLC application materials
- Correspondence: Cape Cod Commission meeting for NextGrid Solar Bourne, Wednesday, June 4, 2025 at 5:00 p.m.

- Correspondence: Cape Cod Commission meeting for Development Agreement Regulations Amendments, Thursday, June 5, 2025 at 3:00 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)*

APPROVED