

**Zoning Board of Appeals  
MINUTES  
Wednesday, January 14, 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, January 14, 2026, at the time indicated:

**Call to Order**

Chair Dewey calls the meeting to order at 7:02 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	
Dworkis, Debra	X	
Hurwitz, Larry	X	
Pittenger, Natalie	X	
Webb, Aaron	X	

Also present is Jim Kupfer, Director of 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**

October 8, 2025 & October 22, 2025 – Herb Bodensiek moves to approve. Manny Alves seconds.

**Vote:**

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

**Nay:** None

**Old Business**

**7:00 PM**

**Appeal No. 2025-035**

**Ashley Manor LLC**

Ashley Manor LLC has applied for a Special Permit pursuant to Section 240-11 C. (6) Condition Uses in the RB, RD-1, and RF-2 Districts – Bed and Breakfast. The Applicant is seeking to change the use from group home to owner-occupied bed and breakfast. The subject property is located at 3660 Main Street, Barnstable, MA as shown on Assessor’s Map 317 as Parcel 021-001. It is located in the Residence F-2 (RF-2) Zoning District. Continued from December 10, 2025. Members assigned: Dewey, Bodensiek, Pinard, Webb, Alves.

Chair Dewey says the Board received a request dated December 29, 2025 from Attorney Nickerson to continue this matter to January 28, 2026. Chair Dewey moves to continue. Aaron Webb seconds.

**Vote:**

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

**Nay:** None

**New Business**

**7:01 PM**

**Appeal No. 2025-037**

**Fitzgerald**

John F. Fitzgerald, Trustee of Bluff Point 1999 Trust No. 2 has applied for a Variance pursuant to Section 240-125 (B)(1)(c) Zoning Board of Appeals – Variances; 240-126 Variance Provisions; and 240-91(H)(1)(b)[2] Developed Lot Protection, Demolition and

Rebuilding on Nonconforming Lots, Floor Area Ratio. The Applicant seeks relief to permit a floor area ratio of .348 or 6,671 sq. ft, 792 sq. ft. greater than what is allowed as of right. The subject property is located at 124 Bluff Point Drive, Cotuit, MA as shown on Assessor's Map 034 as Parcel 070. It is located in the Residence F (RF) Zoning District and the Resource Protection Overlay District (RPOD).

Chair Dewey assigns himself, Herb Bodensiek, Aaron Webb, Manny Alves, and Larry Hurwitz.

Attorney Kimberly Bielan is representing the applicant and is joined by John Day of Blue Hour Design, the project architect. Attorney Bielan explains that the applicant is proposing to raze and replace the existing single-family dwelling. The property is nearly 2 acres but 76% of it is wetlands, so that cannot be counted towards floor area ratio. It is their argument that the significant wetlands is a condition justifying relief. There are substantial benefits to the project: it will pull the structure away from the resource area, install a denitrification system, replace a 1977 house, and decrease lot coverage. The owners have been there for 26 years, and it is their intention to age in place.

John Day explains that the current house is much closer to the coastal bank, and they want to pull it back 20 feet. They will be reducing lot coverage by removing impervious material across the lot. The existing home only offers a half basement walkout, which they use for storage. The existing home is tall with lots of stairs, which is not conducive to aging in place. The lot is over 80,000 sq. ft. total, but only 19,000 sq. ft. of that is usable. There will be coastal bank reclamation as well as whatever conservation requirements occur. The site is a long, narrow spit with dune to the east. The current septic system sits in the buffer, and they are proposing to move it out of the 50-foot buffer. The proposal meets setback requirements and height requirements—the only area for relief is square footage of living space, because they don't want the basement as a crawl space. It will have a stormwater management system, and they are proposing an elevator on the first floor. They are proposing to keep the 3-bedroom configuration of the house.

Attorney Bielan walks through the requirements they must meet. Due to its location, the property is more than 75% wetlands, which significantly impacts the buildable upland. Mass Appeals Court said wetlands are squarely within the ambit of when a variance could be issued. The floor area requirement is tied directly to the buildable upland, which is derivative of the soil conditions on the site. So the wetlands significantly impact the size of the dwelling that could be built. Their hardship is that the floor area ratio requirement unduly restricts the owner from using the lot how they want to. A literal enforcement would impair the ability to construct a dwelling consistent with the owner's needs that they've identified over their years of ownership. There will be no significant impact to the neighborhood because it reduces lot coverage in a neighborhood of large lots. The proposal will enhance the public good by replacing the 1977 dwelling, increasing setbacks from resource areas, and installing a new, improved septic system. They are asking for minimal relief: .348 where .3 is required. The proposal maximizes usability and promotes the conservation of property values.

**Back to the Board for questions.** After request for clarification, Mr. Day says the proposed height to the ridge is the same as the existing structure, the bedroom count is remaining the same, and the elevator shaft is above groundwater with only a 12-inch pitch. Chair Dewey asks if they have been to Conservation yet and if it is their intent to clear existing trees. Mr. Day says it's not a heavily treed area, and they will be removing nothing significant, only if something impacts construction. The group discusses that the applicant also owns property next door. Mr. Day says that lot is even less usable in terms of upland, and the intent is to leave it as is. They discuss whether there is an opportunity to add that structure to the denitrification system. Mr. Day says most likely not because it would impact the dune. Manny Alves asks the applicant to explain the increase in FAR. Mr. Day says they are creating more habitable living space in the basement. Manny Alves asks why they don't make it smaller and do it by right. Mr. Day says they considered it, but with including the elevator, the mechanicals, and storage, and with this being for a large family and grandkids, they want to stay in the existing footprint and use the space rather than crawl spacing it. Manny Alves says the definition of FAR excludes wetlands. Attorney Bielan says the courts have said that wetlands condition can be taken into consideration when considering the dimensional requirements. Chair Dewey says all the lots in the area have the same condition. Attorney Bielan says it's not as substantial as this site. Manny Alves says when they bought the lot, everyone knew they couldn't use the uplands. Attorney Bielan doesn't know what the bylaw was in 1999 when they purchased it, but reiterates that the courts have said you can consider wetland conditions when granting relief. Chair Dewey says the staff report refers to it as 2BR. Anna Brigham will fix that. Manny Alves asks if the need for the elevator is what is motivating the added space. Mr. Day says the owners are older and it is difficult to use a crawl space.

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

**Vote:**

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

**Nay:** None

**Back to the Board for discussion.** The group discusses whether they could remove parts to bring the proposal into compliance. The Board discusses that the wetlands are part of the hardship and the uniqueness: the condition of the lot feeds into the hardship. They can't use land they own because 75% of it is basically thrown out. The configuration of the lot is also part of it. Aaron Webb thinks the elevator piece is part of the hardship—they are doing everything they can now to make the space livable.

Attorney Bielan asks for a straw pull. Aaron Webb is in favor. Herb Bodensiek wonders about using the lot next door. Mr. Day says they didn't fully examine it because that lot is even more unique. The structure is adjacent to property line, so there is really nowhere they could pull from. Larry Hurwitz is in favor. The Board discusses hardship. Manny Alves thinks he can find substantial hardship: the request is modest and there is hardship created by the configuration of upland vs wetlands. The proportion is unique to this—there is hardship embedded in this lot. There is a case that says the characteristics of the lot can lead to a hardship of using the land. Relative to the amount of land they own, it's a hardship. The Chairman thinks he can get there.

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

**Vote:**

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

**Nay: None**

**Manny Alves makes 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 there are circumstances related to soil and topography that do not, to the same extent, affect neighboring properties
2. a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner; he finds the conditions of the lot are such that they lead to hardship by limiting the owner to the type of structure they can build because a substantial portion of the lot cannot be counted for calculating lot area
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 there has been no objection and there are unique facts here.

Herb Bodensiek seconds.

**Vote:**

**Aye: Jake Dewey, Aaron Webb, Manny Alves, Larry Hurwitz**

**Nay: Herb Bodensiek**

The group discusses the conditions proposed in the Staff Report. Chair Dewey asks if the Board is restricting it to 3 BRs, no ADU, etc. The applicant is fine with that. Manny Alves makes a motion to grant Variance No. 2025-037 based on findings, with conditions 1-5 from the Staff Report dated December 18, 2025, with an additional condition no. 6:

6. No ADU can exist on the lot without coming back to the Board.

Aaron Webb seconds.

**Vote:**

**Aye: Jake Dewey, Aaron Webb, Manny Alves, Larry Hurwitz**

**Nay: Herb Bodensiek**

**Variance No. 2025-037 Fitzgerald is granted with conditions.**

**7:02 PM**

**Appeal No. 2025-038**

**Speedway LLC/Dunkin**

Speedway LLC has applied for a Variance pursuant to Section 240-24.1.5 4.(a) signs in the HC District. The Applicant is seeking to replace the existing 20.66 sq. ft. internally illuminated "Dunkin Donuts" wall sign with a new 12.12 sq. ft. internally illuminated "Dunkin" wall sign. The area of the façade is 971.1 sq. ft., therefore, 97.1 sq. ft. of signage is allowed. The existing Speedway sign is 18 sq. ft., making the proposed total for both signs 30.12 sq. ft. The subject property is located at 156 Iyannough Road, Hyannis, MA as shown on Assessor's Map 328 as Parcel 151. It is located in the Highway Commercial (HC) Zoning District.

Chair Dewey assigns himself, Herb Bodensiek, Manny Alves, Aaron Webb, and Natalie Pittenger.

Jason Perillo of Viewpoint Signs is representing the applicant. He explains that Dunkin Donuts is now just Dunkin, so that is why they are here. The property currently has an internally illuminated Speedway sign and Dunkin Donuts sign. They are in conformance of square footage for wall signs. There are several other internally illuminated signs in this area. This proposal is a reduction in square footage. They are just trying to replace the sign with another. There is also an existing internally illuminated freestanding sign.

**Back to the Board for questions.** Manny Alves says the ordinance says internally illuminated signs are prohibited, and he doesn't understand how the existing sign was approved. Mr. Perillo says the permit for the existing signs is old—it's possible they predated the ordinance, but he is not sure. They even got a permit to replace panels on the signs. It is in keeping with the neighborhood, and they are reducing the impact as the proposed is smaller. Chair Dewey thinks Town Council needs to change the sign code. Chair Dewey asks if there's a reason it can't be externally illuminated. Mr. Perillo says the Speedway sign is right above it and is internally illuminated, so it would look strange. Mr. Perillo is going to have to look into the history of his sign permits—it might be preexisting nonconforming. Chair Dewey would like to continue this appeal and have that research done.

Aaron Webb moves to continue to February 11, 2026. Jake Dewey seconds.

**Vote:**

**Aye: Jake Dewey, Herb Bodensiek, Manny Alves, Aaron Webb, Natalie Pittenger**

**Nay: None**

**Appeal No. 2025-038 Speedway LLC/Dunkin is continued to February 11, 2026.**

The Board takes a brief recess at 8:03 PM. The meeting resumes at 8:12 PM.

**7:03 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).

**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.

Chair Dewey assigns himself, Herb Bodensiek, Aaron Webb, Manny Alves, and Debra Dworkis.

Attorney Andrew Singer is representing the applicant. He explains that the applicant went back to the state and revised the comprehensive permit to include the entire lot, which is why it's now 6.7 acres. He reintroduces Michael Egan, owner and manager of Egan Capital and principal of Great Marsh Development. He walks through the applicant's history as a cape resident and developer. He is joined by Matt Eddy, engineer; Randy Hart, traffic engineer; and Kurt Raber, architect.

The application is unique, with some rental and some home ownership opportunities. The land comprises several lots, and the proposal is to have 21 lots in the subdivision. 40 Richardson Road would stay as is, and the rest of the land would be subdivided as part of this process. One lot would be a 36-apartment building. The 20 home ownership lots are mixes of 3- and 4-bedroom single family homes in detached lots. The property is abutted by several uses: sewer pump station, memory care facility, and single-family lots. The project will be on town sewer. There would be a new roadway providing access from Great Marsh Road, and a gated emergency access from Phinneys Lane. There is no vehicular connection proposed between the Richardson Road house and the development. Each house will have its own driveway. Regarding the legal side, the law from 1969 allows for deed restricted affordable housing to be built in the Commonwealth. The applicant would be entering into an affordable housing restriction with the state. The proposal satisfies Chapter 40B requirements. They will be compliant with whatever the subsidy program is that is ultimately chosen. The deed restriction on houses will sunset no less than 30 years. The deed restriction for rental units is in perpetuity. This project will serve the housing need in town. It pursues the creation of affordable housing on vacant/underutilized land. In the town's letter to the state at the project eligibility stage of this, Planning said they were interested in a mixture of bedroom numbers and housing types. The state set a goal of 10% of housing stock affordable, Barnstable is at 7%. ZBA sits in the stead of all local boards including the Cape Cod Commission.

The applicant has to meet 3 requirements: must have a project eligibility letter from the state, must own the property, and must be a nonprofit. They meet all. The project must be consistent with local needs, and they submit their proposal is. The Board can approve with conditions as long as the conditions don't render the project uneconomic. These homes and apartments will serve a range of affordable levels. The applicant has met with DPW, Fire, Site Plan Review, and Planning, and have an ongoing conversation with Fire and Water. The proposal is centrally located for shopping, public transport, and jobs. The stormwater runoff will be contained onsite. As part of a 40B, an applicant can request waivers from the Board that cannot be met. The number one waiver is always density.

Matt Eddy, an engineer with Baxter Nye walks through the existing conditions plan. 6 parcels, 6.76 acres. Frontage on 3 streets. The majority of the site is wooded. There are 2 single-family structures on the site other than 40 Richardson Road. No priority habitat. Not within flood zone. No hydric soil indicators. They were reviewed through the town depts and SPR. During that process, Conservation confirmed there are no wetlands. Not within groundwater or wellhead protection overlays. Access currently is 2 driveways off Great Marsh and then a paper way. As part of the construction of the pump station and gravity mains, the applicant granted an easement to the town to allow sewer to go across the corner of his land. The 3 existing title V systems will be removed..

Mr. Eddy walks through the master site layout. They are proposing 19 new single-family lots ranging in size from 5,300 to 39,000 sq. ft. They are creating 1,100 new linear feet of roadway. 36-unit, 3-story building, footprint is 16,300 sq. ft. with a FAR of 48,000 sq. ft. There is an amenity area to NW of building. The 20 homes are adjacent to existing single-family homes. And multi fam building is at the back of the lot abutting the memory care facility. Proposed lots are similar to existing neighbors with an average of 8,700 sq. ft. in size. Main access is off Great Marsh Rd. They aligned the main entrance opposite Juniper Road, as engineering and planning prefers. The multi-family building required 59 parking spaces, which they are providing. There is a sidewalk proposed along Phinneys Lane from the emergency access out to Route 28 at the crosswalk located at the traffic light by request of DPW during SPR.

There are 3 separate stormwater management areas proposed, which will meet Mass DEP requirements. They are requesting a waiver from town stormwater process because the process and paperwork is duplicative of the state process. They are proposing a new 8-inch water main throughout the development, looped from the existing main at Great Marsh Rd. to Phinneys. 2 new fire hydrants are proposed. They reviewed with DPW during SPR that there is enough capacity. They are proposing underground electric and communications.

Randy Hart of VHB Transportation Consultants says they performed a traffic study, the scope of which they worked with Planning to design. They reviewed existing roadway conditions and proposed conditions and assessed potential influence. They studied future projections with the project and without the project. They collected turning movement counts during weekday peak hours and during peak summer conditions (conducted in August, as is best practice). They collected accident records. All this was to figure out what traffic the project will generate, and the conclusion was anticipating seeing 28 trips on peak weekday mornings and 33 trips on peak evening hours. They reviewed site distance of intersections and made plans to improve. Results show minor influence.

Kurt Raber from Catalyst Architects says the building was designed to be manufactured in a modular way so it could be delivered in sections and raised with a crane. It will reduce cost and construction time on the site. 3 and 4 BR options. There are different siding and trim options for each home so they can be unique. They are proposing all flat-style apartments, with 30 2BR units (average 971 sq. ft.) and 6 3BR units (average 1,288 sq. ft.). The footprint is 16,324 sq. ft., 3 stories. The perimeter of the roof has an attic-style roof to hide equipment there. Each unit has exterior space with either a patio at grade or a balcony. 3-story elevator. Siding is a mix of hardy panel and clapboard. Ceiling height of 9 ft., and 30 ft. 6 in. at the eve.

**Back to the Board for questions.** The group discusses how many of the units are affordable. Attorney Singer explains that the funding program is decided through the state—they can opt into different finance options after the comprehensive permit decision. For the houses, it would be either 25% of them restricted at 80% AMI; or 50% of them with 5 restricted at 80% AMI and 5 restricted at 100% AMI. For rental units, either 20% of the units restricted at 50% AMI or 25% of the units restricted at 80% AMI. Chair Dewey asks if 40 Richardson Road will be sold as part of this. Attorney Singer confirms. Manny Alves says the Board wants to take into account which number they're doing. Manny Alves says yesterday the Board got comments from DPW that raises questions. Matt Eddy says their comments are standard that will be finalized as part of this process—they are in ongoing conversations as the plans evolve. Herb Bodensiek asks how they arrived at this density, which he thinks is ambitious. Mr. Egan says the best economic plan would have them put in 5 apartment building structures for 150 units, which would still meet requirements. But he thinks there is a need for single-family homes at entry-level pricing. So the apartment building needs to be part of the package to make it financeable. It will cost half a million each to build these homes and will be selling many for a lot less than that. Chair Dewey says one of the requirements of the Commonwealth Builder program is that the community makes a contribution to it—would that be this permit? Attorney Singer will look into it.

Chair Dewey moves to opens public comment. Aaron Webb seconds.

**Vote:**

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

**Nay: None**

Aaron Webb reads into the record the public comments the Board received in writing: two letters from E. Schwaab in opposition, a letter from C. Gregory in support, P. Phelan with concerns and request for peer review, H. Rogers in opposition, P. and J. Badot with concerns, residents of Great Marsh Neighborhood in opposition, and Wequaquet Estates Beach Association (WEBA) residents in opposition.

Norma Pascoff Weinberg of 82 Hayes Road speaks with concerns over density, increased traffic, pedestrian safety, wildlife loss, environmental impact, and resource, school, and emergency service impacts.

Hillary Temple of Wequaquet Estates speaks in opposition with concerns over density, safety, environmental impact, pedestrian safety, and traffic safety. She thinks the application is missing information because this is a nitrogen sensitive area. She requests an additional traffic study and an independent consultant to assess missing or inadequately provided information. She submits a revised letter. Aaron Webb asks what Wequaquet Estates is. Ms. Temple says it's 80 properties across the street from the proposal.

Bob Levine, President of WEBA, speaks with concerns over density, pedestrian safety, and traffic safety. He would like to see the apartment building with two stories, and sidewalks.

Councilor Betty Ludtke of Hyannis requests the applicant work with Commonwealth Builders. She has concerns over density.

Councilor Tom Keane speaks with concerns over quality of life, density, traffic safety, pedestrian safety, police and fire access, environmental impact, and lack of green space. He asks the Board to reach out to the police dept., DPW, Planning, and COMM water and fire and conduct thorough reviews.

Randy Egli of 28 Great Marsh Road speaks with concerns over pedestrian and traffic safety, and the traffic analysis not being accurate. He also requests to relocate the entrance closer to Phinneys Lane, reconduct a traffic study in September, confirm sight lines, and create a second entrance on Richardson Road.

Sandy Jones of Centerville speaks with concerns over appearance, light pollution, and environmental impacts. She asks the Board to require stormwater permit, reduce the apartment building by a story, make parking spaces 10 ft. vs 9 ft., and have lottery for Barnstable residents.

Lev Malakhoff says he is on the Open Space Committee but he is representing himself. He speaks with concerns over pedestrian and traffic safety and shows an image of a person walking along the side of the road to illustrate the need for sidewalks.

Julie Egli speaks with concerns over environmental impacts. She asks the Board to confirm that the town considered this project when it calculated sewer buildout.

Nancy Patinelli speaks with concerns over traffic safety and pedestrian safety. She requests the entrance be moved to Richardson Road and asks if they will be getting sewer before WEBA.

Don Ovens of 50 Juniper Road speaks with concerns over traffic safety and density.

Bill Friel of 60 Richardson Road speaks in opposition with concerns over density, traffic safety, pedestrian safety, and environmental impacts. He would like comments from town depts.

Heather Swensen of Centerville speaks with concerns over water quality, environmental impact, and the impacts this will have on the sewer project. She requests comments from DPW and COMM Fire/Water.

Larry Moore of Cotuit speaks in opposition with concerns over not enough parking, density, and transparency of funding sources.

Josiah Bartley says his mother lives on Lake Drive and he is in favor. An audience member calls for a point of order to ask the speaker for his address not his mother's. He answers 104 Rosemary Lane, Centerville. He speaks in support of the project and cites the need for housing.

John Julius speaks in opposition with concerns over water quality, environmental impacts, density, and traffic safety. He requests a building moratorium.

Jeff Temple of 67 Brezner asks the Board to review the 15-page WEBA response.

Robert Bureau of 67 Maureen Road speaks in support of the project and cites a need for housing.

Bob Schulte of Centerville asks for a ballpark of what the market rates are for the proposed homes and apartments.

Jeff Slater of 16 Juniper Road speaks in opposition with concerns over traffic safety and pedestrian safety.

Don Ovens returns to speak again to say market values are high in this area.

Chair Dewey leaves public comment open. He says the responses from DPW and COMM are available in the public folder.

**The Board walks through their concerns.** They request:

- Look into pedestrian access in the form of a walking path from the multi-family structure to 28
- Look into whether the intersection egress could be moved to not be across from Juniper Road
- Respond to concerns about the traffic study
- Respond to DPW concerns and implications of stormwater systems, and if this is a nitrogen sensitive area
- Look into if 40 Richardson Road could be an access point or egress
- Show driveways on plans and address concerns about the number of cars
- Address if this is going to connect to sewer before other properties
- More details about individual waivers
- Respond to the 15-page WEBA public comment submission
- Review state stormwater requirements vs town requirements to see differences
- Respond to DPW comments
- Identify the economic impact to the town here—the Chair considers whether the Board should submit this to CFAC
- Address the concern that ADUs would be allowed by right for the proposed homes
- Look into 4-way stop at Juniper Road
- Look into adding solar to the top of the apartment building
- Look into expanding amenities and/or green space
- Share draft HOA rules with the Board
- Address light pollution
- Create and share 3D rendering of what the neighborhood and landscaping would look like
- Address parking space sizes and why
- Address if the lot is going to be clear cut
- Look into if it could it be 2.5 stories instead of 3
- Look into opportunities to add a sidewalk on Great Marsh Road and inside the village
- Confirm that the various town boards and departments have reviewed and signed off on current plans. Jim Kupfer, Director of Planning & Development explains to the Board that through informal Site Plan Review, comments from staff were submitted that the plans are conceptual and inadequate at this point. Informal SPR meets weekly so once Matt Eddy enhances the plans, then staff can add the project to an agenda and dive into the details.

The group discusses whether to have a Zoom meeting at some point during the process of this 40B, for those who can't attend in person. Chair Dewey moves to continue this to February 11, 2026 at 7:03 PM. Aaron Webb seconds.

**Vote:**

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

**Nay: None**

### Correspondence

- Cape Cod Commission meeting agenda for December 18, 2025
- Wychmere Hotel Redevelopment, 1/7/26 @ 1:00 p.m. – In person, Mary Pat Flynn Conference Room
- Great Neck Road WCT Proforma, 1/12/26 @ 10:00 a.m. – Virtual
- Southwind Plaza ANR Exemption, 1/22/26 @ 3:00 p.m. – Hybrid
- Wychmere Hotel Redevelopment, 1/22/26 @ 3:00 p.m. – Hybrid
- 26 Shank Painter, 1/27/26 @ 1:00 p.m. – Virtual
- Provincetown Pier Hotel, 1/29/26 @ 3:00 p.m. – In person, Provincetown Town Hall, Judge Welsh Room

### Matters Not Reasonably Anticipated by the Chair

### Discussion

To discuss and appoint a representative to the new Town Council Zoning Subcommittee. This committee will consist of five town council members and a representative from the ZBA and Planning Board and will be responsible for reviewing and recommending potential zoning changes.

Jim Kupfer explains the background for the request: it is a public body meant to be workshop style to get through zoning amendments that are waiting in the wings. The Board discusses the ad-hoc committee—this new proposal would make this similar one a standing committee. Most likely once a month, maybe Tuesday early evening. Manny Alves moves that Jake Dewey represent this body in the new committee to address zoning issues. Aaron Webb seconds.

### Vote:

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

**Nay:** None

### Upcoming Hearings

January 28, 2026 (remote), February 11, 2026 (in person), February 25, 2026 (remote)

### Adjournment

Jake Dewey moves to adjourn. Aaron Webb seconds.

### Vote:

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

**Nay:** None

### Documents Used at this Meeting

- October 8, 2025 minutes
- October 22, 2025 minutes
- Request from Attorney Nickerson to continue Appeal No. 2025-035 Ashley Manor LLC to January 28, 2026
- Appeal No. 2025-037 Fitzgerald application materials
- Staff Report dated December 18, 2025 for 2025-037
- Appeal No. 2025-038 Speedway LLC/Dunkin application materials
- Appeal No. 2025-025 Great Marsh Development LLC application materials

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)