

ZONING BOARD OF APPEALS

MINUTES

Wednesday, June 9, 2021

Chair Rodolakis opened the meeting at 7:00 PM with following narrative:

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 Option	Telephone Number Option
https://zoom.us/j/98935476587	888-475-4499 U.S. Toll Free
Meeting ID: 989 3547 6587	Meeting I.D. 989 3547 6587

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 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.

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

Acting Chair David Hirsch took roll call of members present:

Member	Present via Zoom	Absent
Alves E.	X	
Bodensiek H.	X	
Dewey J.	X	
Hansen M.	X	
Hirsch D.	X	
Pinard P.	X	
Rodolakis A.	X	
Walantis T.		X
Webb, Aaron	X	

8 members present for quorum with one absence.

Taping of meeting

No one was taping meeting.

ZONING BOARD OF APPEALS – JUNE 9, 2021 MINUTES – CONTINUED

Minutes from April 14, 2021, April 28, 2021 to be approved. **Member Dewey** noted that on Page 5 of April 14th there were a couple of small grammatical errors. He also indicated that the person doing minutes switched (On April 24th minutes) to identifying members as “Member (name) as opposed to “Mr.” in previous minutes. It makes it more clear versus just members last names. **Member Dewey** moved to accept minutes with **Member Hanson** seconding motion.

Member	Acceptance of Minutes for April 14th and April 28th.	Absent
Alves E.	In favor	
Bodensiek H.	In favor	
Dewey J.	In favor	
Hansen M.	In favor	
Hirsch D.	In favor	
Pinard P.	Replied he wasn't present	
Rodolakis A.	In favor	
Walantis T.		X
Webb, Aaron	In favor	

With 8 members present – motion to approve minutes was accepted by 7 members, one member wasn't present and one member was absent.

NEW BUSINESS

Chair Rodolakis: indicated that he was “jumping somewhat out of order”. Will begin with **Appeal No. 2021-029** MacKinnon Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust, and Donald J. MacKinnon, Trustee of MCCM Realty Trust have petitioned for a variance in accordance with Section 240-14 (E) minimum lot area, minimum frontage, minimum front and side setbacks in the RF District, and Section 240-36 (D) minimum lot area in the RPOD. The Petitioners are proposing improvements and additions to the single family dwellings on the subject properties, including removing the cottage and additions to the principal dwelling at 33 Oyster Place, upgrading both septic systems, as well as proposing to adjust lot lines between two nonconforming lots. Since the proposed reconfigured lots will not meet the requirements of the Zoning Ordinance, a Variance is required. The subject properties are located at 33 Oyster Place Road and 910 Main Street, Cotuit, MA as shown on Assessor's Map 035 as Parcels 90 and 101. They are located in the Residence F (RF), Resource Protection Overlay (RPOD), and Dock and Pier Overlay Zoning Districts.

Chair Rodolakis recognized Attorney Cox is present on Zoom for the applicant. **Chair Rodolakis** is recusing himself from this matter if this matter goes before the board financial hearing when we will be live. I would have asked Attorney Cox in person her plans for tonight. Since we were not, I had a phone call with her off-line she indicated to me that she would be requesting a continuance so for the matter of moving things forward we'll just hear Attorney Cox for her continuance. Attorney Cox: “As the chair indicated I represent the applicants in this appeal. We received today a fair amount of public comment and we would like the time to review those comments and be able to respond thoughtfully to the board.

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We are asking tonight for a short continuance and we would like to continue this to your next hearing if possible on the 23rd. of June.”

BOARD DISCUSSION : **Chair Rodolakis** did not see an issue of voting on the request for a continuance (he knows there may be members of the public here. We are not going to open for public comment but he wanted to move forward so folks could have an opportunity to listen and if you wanted to, leave thereafter. We did get a good amount of email traffic within a day or two regarding this appeal. So do any members of the board have any issue of granting a request for continuance?” **Member Hirsch** does not have an issue but would like to find out from Ms. Brigham (Principal Planner) what our schedule/workload was like for next meeting.” Ms. Brigham indicated for the next meeting there are two going forward and one will be a renote. There are really two on the agenda right now.” **Chair Rodolakis** queried as to whether this included the MPG matter that we will tackle next?” Ms. Brigham replied, “No so there would be three.” **Member Dewey** asked why wouldn’t we go forward with it tonight? There’s a lot of people from the public just to speak in person and then it can be continued after the presentation, after the public speaking here and then continue it. **Chair Rodolakis** replied, “I can understand that. I also think the applicant needs the opportunity and the applicant requested the opportunity to kind of review the information and the responses to the public. Hopefully they can reach out to those people or not reach out or do whatever they would choose to do. That’s the kind of thing…… Will leave to Attorney Cox’s determination. Attorney Cox agreed and noted that their hope is to obviously have one substantive hearing if they can, as she mentioned there were quite a few pieces of correspondence that was just received today and it’s an efficiency request as well. **Member Dewey** noted that maybe there are people who didn’t choose to write things and why we would keep them from speaking when they put this date on their calendar to be here to let them speak to it. **Chair Rodolakis** noted that he appreciates Member Dewey’s input but is a little hesitant and is not sure if it does the board any advantage or the applicant to continue it or to continue to another date further out. Attorney Cox, “also heard on this matter when being moved to the waiting room to the hearing room that there was a suggestion that the matter was being continued. If the public was interested they didn’t need to participate and could follow along until the next meeting. Her thoughts are “in light of that it would be in the board’s interest and everyone’s interest to continue this given those comments. I would not want someone who was in the waiting room who previously heard that the matter is being requested for continuance and being dropped off to then say that they weren’t participating because they thought the matter was being continued. **Member Pinard** moved that this matter be continued until June 23rd. **Member Hirsch** seconded this motion. Roll of votes was taken.

ZONING BOARD OF APPEALS – JUNE 9, 2021 MINUTES – CONTINUED

Member	Appeal 2021-029 vote	Absent
Alves E.	In favor	
Bodensiek H.	In favor 2)	
Dewey J.	Opposed 1)	
Hansen M.		
Hirsch D.		
Pinard P.		
Rodolakis A.	Will not vote 3)	
Walantis T.		x
Webb, Aaron	In favor	

1) Member Dewey feels not serving public appropriately.

2) Member Bodensiek would like to know if there is any way we can leave public comment open so people here today may speak?

Answer - Chair Rodolakis – No, would have to do whole presentation part and get to public comment and then continue it.

3) Chair Rodolakis will not vote.

Chair Rodolakis – Motion carries and **Appeal 2021-029** continuance is set for the June 23rd. meeting at 7:03 PM. Three “in favor”. One “nay”. One “no vote”.

Member Dewey queried of **Chair Rodolakis**: “People will have to write in ahead of time or be there in person? There will be no option at the next meeting?” **Chair Rodolakis** : noted that is his understanding where we are in the Commonwealth that on the 23rd of June we are “live”.

Appeal No. 2021-022 MPG Corporation, 1617 Falmouth Road Series of PB&C LLC, have appealed a Cease and Desist Order issued for a violation of Section 240-61(B) Prohibited Signs. The Appellant received a Cease & Desist Order dated March 4, 2021 from the Sign Enforcement Officer which states the Appellants are in violation of the Sign Code because the displayed gas price signage was using intermittent LED lighting. The subject property is located at 1617 Falmouth Road, Centerville, MA as shown on Assessor’s Map 209 as Parcel 085. It is located in the Highway Office (HO) and Residence C (RC) Zoning Districts. **Request to Continue to June 23, 2021.**

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Chair Rodolakis: “Received request early on (several days ago) from Counsel to the applicant to be continued until June 23, 2021. **Member Alves** moved to continue Appeal No. **2021-022 MPG Corporation** to June 23, 2021. **Member Pinard** seconded this motion.

Member	Appeal 2021-022 vote	Absent
Alves E.	In favor	
Bodensiek H.	In favor	
Dewey J.	In favor	
Hansen M.	In favor	
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.	In favor	
Walantis T.		x
Webb, Aaron	In favor	

All in favor for continuance to June 23, 2021.

Appeal No. 2021-027 Brooksbank/Howard Barbara M. Brooksbank and Donna Howard have petitioned for a Variance in accordance with Section 240-11E RD-1 Residential District Bulk Regulations Minimum Lot Area. The Petitioners seek a variance to re-establish the lots as legal nonconforming lots as approved in a 1958 conveyance. The subject property is located at 56 & 60 Harrison Road, Centerville MA as shown on Assessor’s Map 229 as Parcels 075 and 076. They are located in the Residence D-1 (RD-1) Zoning District and Resource Protection Overlay District (RPOD).

Chair Rodolakis introduced Attorney Kenny – counsel for applicant. “October, 1951 – all plots and plans applied to the applicable laws and regulations. April 17, 1956 – Lots 4 & 5 (Lot 5 being 56 Harrison and Lot 4 being 60 Harrison unchanged on A&R plan. 1958 Zoning Change made the lots nonconforming and both lots are preexisting and nonconforming lots. 1958 there was a conveyance triangular portion of Lot 4 to the owners of Lot 5 which then destroyed the preexisting and nonconforming status of the lots. Attorney Kenny read the ordinance for residents to come before the board looking for a variance. The conveyance is shown on memo submitted to board along with additional paperwork explaining other lots noted. Lot 6 has no value to Lot 5. Lot 4, the buildable lot only contains 17, 425 square feet. Lot 6, non buildable lot merged with Lot 5 contains 25,265 square feet. We are asking to replace the smaller buildable lot; make that no buildable and make the larger no buildable lot a buildable lot. It also makes for a better subdivision. Lots 4 and 5 make a nice shaped lot. Lot 6 comports with the dimensions of 7, 8 and 3 as shown on Landcor plan. It is his belief that this appeal meets the requirements of a variance.”

Chair Rodolakis: any questions or discussion from the board? Hearing none – is there anyone from the public who wishes to make any comments with respect to this appeal 2021-027? Hearing no public comment requests, this item is brought back to the board for discussion and deliberation. **Member Alves** –“Notwithstanding the 1958 conveyance didn’t the later zoning as a matter of the law make these properties pre-existing, nonconforming?” Attorney Kenny, “No the 1958 zoning change made them

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nonconforming buy because they were legally created in 1951, they became nonconforming in 1958. By adding the triangle from parcel 4 to parcel 5 eliminated their legal status as nonconforming lots. It just made them nonconforming. Anything done on those lots would require a variance. The 1985 and 2000 changes were additional dimensional requirements but they actually became nonconforming in 1958.”

Member Alves - It’s a matter of the way the conveyance was done that has caused this. **Member Hanson** does the shed belong to Lot 5? Attorney Kenny said it belongs to Lot 5. He spoke to the owner of Lot 4 and she had no problem with it. He thinks the shed is small enough that it didn’t need a building permit. If required we could have it moved but the the owner of Lot 4 didn’t care. It is Lot 5 being sold potentially. Attorney Kenny noted he only represents the seller; he has not received a request from the buyer. He doesn’t believe it is on a permanent foundation. Attorney Kenny noted that he did a lot of research on this and found that he would need a variance and the ZBA is the only place he could go to. **Member Bodensiek**: “Was moving the property line legal to begin with?”

FINDINGS for Appeal 2021-027 read by Chair Rodolakis into the record

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. The Board found that the topography impacts these lots and not the other lots. The Board also found that the owners of the properties unknowingly purchased these lots that did not have legal preexisting nonconforming status.
2. A literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner. The impact would be financial if the Ms. Brooksbank could not sell her property due to a clouded title.
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. The Board found this variance will not change what already exists, but will clear up titles.

Roll Call for findings

Member	Appeal 2021-027 findings	Absent
Alves E.		
Bodensiek H.	In favor	
Dewey J.	In favor	
Hansen M.		
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.	In favor	
Walantis T.		x
Webb, Aaron		

Final vote for findings was all in favor.

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CONDITIONS Appeal 2021-027

1. Variance No. 2021-027 is granted to Barbara M. Brooksbank and Donna L. Howard to re-establish properties at 56 and 60 Harrison Road, Centerville as legal nonconforming lots.
2. The Howard Lot 4 and addressed as 60 Harrison Road will contain approximately 8,536 square feet. The Brooksbank Lot 5 and addressed as 56 Harrison Road will contain approximately 9,402 square feet.
3. The site development shall be in substantial conformance with the plan entitled “Plan of Land in Centerville (Barnstable) Massachusetts as prepared for Joseph H. and Barbara M. Brooksbank and Donna Howard” dated October 17, 2020, drawn and stamped by Paul E. Sweetser.
4. This 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. The rights authorized by this variance must be exercised within one year, unless extended.

Roll call vote for conditions.

Member	Appeal 2021-027 conditions	Absent
Alves E.		
Bodensiek H.	In favor	
Dewey J.	In favor	
Hansen M.		
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.	In favor	
Walantis T.		x
Webb, Aaron		

Final vote for applied conditions was “all in favor”.

Appeal No. 2021-028 Fitzpatrick: Elaine Fitzpatrick, Wayne Fitzpatrick, and Shirley Ann Fitzpatrick, Trustee has petitioned for a Variance from Section 240-13 RF-1 Residential District Bulk Regulations Minimum Lot Area. The Petitioners seek a variance from the minimum lot area requirements in the RF-1 District to make 48 Ocean Avenue a separate building lot and to combine the buildable lot addressed as 60 Ocean Avenue with developed lot addressed as 70 Ocean Avenue. The subject properties are located at 48 Ocean Avenue, 60 Ocean Avenue, and 70 Ocean Avenue, Hyannis MA as shown on Assessor’s Map 288 as Parcels 182-003, 182-004, and 182-005. They are located in the Residence F-1 (RF-1) Zoning District.

Chair Rodolakis and Member Dewey are recusing themselves from this appeal session.

Acting Chair Hirsch has been given the reins on this appeal. He also recognized Attorney Kenny who represents the applicants for this appeal. Attorney Kenny noted that each member has documents he had submitted along with exhibits on this appeal. The land was rezoned in November of 1978. The lots did

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not meet the “F1” zoning district but if you look at the 241-90B zoning ordinance there is protection for lots held in common against increase in any area frontage with yardage depth requirements set forth for periods of 5 years for lots held in common ownership but not more than two adjoining lots (and that is the key portion here) and have a minimum of 7500 square feet with 75 feet of frontage....all of the lots on the Fitzpatrick plan met the requirements of 241-90B and got the protection except for the lot #6 given to Elaine Fitzpatrick. This lot is divided by 3 lots on the plan that was held in common ownership. The lots were created in 1978, the zoning changed shortly thereafter. 8 months later Mr. Fitzpatrick (through his company) conveyed the lots out to his 4 children and retained the main house on Lot 5 for him and his wife. Mr. Fitzpatrick passed away and Lot 5 (the family homestead) went over to Mrs. Fitzpatrick and held in her trust now. When the lots were created, they met the zoning ordinance. After the zoning change ..they were conveyed 8 months after the zoning change...so all of the lots...except for lot 6 which is conveyed to Elaine which is 48 Ocean Avenue had the protection of 240-91B...so lots 8, 7 and 4 on the Landcor plan attached to Exhibit B to my memo are all buildable lots. Attorney Kenny continued.

Acting Chair Hirsch: bringing discussion back to the board for discussion. **Member Pinard:** in summary: “there are two objectives here of the owners. 1) Sell Lot 5; 2) Build on Lot 6. Attorney Kenny noted that there is a third part to this and that is combining Lot 4 with Lot 5. **Member Pinard:** “This is to make it more saleable?” Attorney Kenny replied that it makes it a better subdivision. **Member Pinard:** “the objective is to sell Lot 5 and to build on Lot 6. Attorney Kenny indicated yes. **Member Pinard:** “Why are those two issues combined? The combination of Lots 4 & 5, what does that have to do with the build ability of Lot 6?” Attorney Kenny replies, “We are offering to exchange a buildable Lot 4 to make Lot 6 buildable and it makes a better subdivision. I don’t think you would grant us the right to separate 6 from 5 and having Lot 4 cutting into Lot 5 kind of detracts from the value of Lot 5.” **Member Pinard** for clarity summarized that Lot 6 does not stand by itself; Lot 6 is part of Lot 5? Attorney Kenny noted that Lot 6 is an undersized lot and its merged with Lot 5 because it didn’t get the protections of 240-91B because if you look at the plan, about 3 lots were owned in common at the time of the zoning change; so it doesn’t get the 240-91 protection. Lot 4 gets it because it only abuts two and Lots 7 and 8 got the protection because they only abutted two. **Member Hanson:** “At the time 5 and 6 were merged at that time the town was receiving tax revenue as part of that merged lot. Is that correct? “ Attorney Kenny replied that that was correct and they still are. **Member Hanson:** it seems to me the town has been benefiting with that taxation rate on something that wasn’t technically built or being used technically but it certainly is a loss to the town here as far as revenues. **Member Pinard:** “the lot you want to make buildable, if separated from the other lot 0 is it buildable?” Attorney Kenny:” Only if you grant a variance; it’s undersized currently.” **Member Pinard:** Part of this variance request is to make that a buildable lot or is that a separate request?” Attorney Kenny reiterated: "It’s all part of this request. We are asking to make Lot 6 which is 48 Ocean Avenue a buildable lot and we are offering to combine Lots 4 with Lot 5 as one lot. So we are separating lot 6 from Lot 5. We are adding Lot 4 to Lot 5 so we are exchanging a smaller buildable lot for what is currently a larger non buildable lot.

Acting Chair Hirsch: Hearing no further discussion from the board – we will now open it up for public comment. Hearing no comments, public comment is closed and discussion is brought back to the board for final discussion. Hearing none **Member Alves** will read the findings into the record.

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Findings for Appeal No. 2021-028

- 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. The Board found that the shape of the lots are unique to these parcels.

- 2) A literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner. The impact would be financial if the Petitioner cannot sell Lot 5 and the value would lessen if the lots stay merged.

- 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. The Board found this proposed plan is an improvement to the lot configuration.

The Board voted to accept the findings as follows:

Member	Appeal 2021-028 findings	Absent
Alves E.	In favor	
Bodensiek H.	In favor	
Dewey J.		
Hansen M.	In favor	
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.		
Walantis T.		x
Webb, Aaron		

The findings vote was all in favor.

The Board voted to grant the requested Variance with conditions as follows:

- 1) Variance No. 2021-028 is granted to Elaine Fitzpatrick, Wayne Fitzpatrick, and Shirley Ann Fitzpatrick, Trustee to make 48 Ocean Avenue a separate building lot and to combine the buildable lot addressed as 60 Ocean Avenue with developed lot addressed as 70 Ocean Avenue.

- 2) The site development shall be in substantial conformance with the plan entitled “Subdivision Plan of Land in Barnstable” by Eldridge Engineering Co, dated October 2, 1978.

- 3) This 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. The rights authorized by this variance must be exercised within one year, unless extended.

ZONING BOARD OF APPEALS – JUNE 9, 2021 MINUTES – CONTINUED

The board voted to accept the conditions as follows:

Member	Appeal 2021-028 conditions	Absent
Alves E.	In favor	
Bodensiek H.	In favor	
Dewey J.		
Hansen M.	In favor	
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.		
Walantis T.		x
Webb, Aaron		

The conditions vote was all in favor.

Appeal No. 2021-030 Balsamo Anthony and Mary Balsamo, Trustees of the 1204 Craigville Beach Road Realty Trust have applied for a Special Permit in accordance with Section 240-131.4 Craigville Beach District Use Regulations Coverage Limitations. A Special Permit is required under Section 240-131.4 as existing lot coverage exceeds the 10 % maximum lot coverage allowed for a lot greater than 45,000 square feet under Section 240-131.6. The Applicants are seeking to remove a tennis court and construct a pool resulting in decrease of impervious coverage. The property is located at 1204 Craigville Beach Road, Centerville, MA as shown on Assessors Map 206 as parcel 085-001. It is located in the Craigville Beach District Centerville River North Bank (CBDCRNB) District of Critical Planning Concern (DCPC).

Member Hanson excused himself for the rest of this meeting

Matthew Eddy, professional engineer from Baxter & Nye Engineering representing owner/applicant. With this proposal (and he noted he had spoken to Brian Florence). We are actually reducing the impervious coverage but because it is a lawful nonconforming from the existing impervious coverage it requires a special permit under section 240-131.4D.2 it allows alteration of the impervious coverage even though it's a reduction by special permit. What is being proposed is a new pool adjacent to the house and there is an existing old tennis court that's overgrown and now in the Resource area next to the Centerville River. Went to Conservation Committee and received approval. The applicant has agreed to remove the entire old tennis court. The Conservation Committee is pleased this is being done.

Chair Rodolakis: returning conversation to the Board. "Does anyone have any questions of the applicant?" **Member Pinard:** He is looking at the plot plan. He doesn't see where the pool goes and where tennis court is going to be removed. Mr. Eddy – Look at C2.0 – that is the current proposal we submitted. The Conservation Commission was happy to see us remove the whole Tennis Court. Conservation Commission gave full credit for the removal of the whole tennis court. **Member Bodensiek** he assumes there is kind of a deep drop off of the pool and he assumes that's been addressed.. Mr. Eddy stated, Yes.

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Chair Rodolakis announced he was opening up public hearing. Mr. Daniel Shapiro, direct abutter. He is in full support of this and understands what is being done. Closing public hearing, the matter was brought back to the board for deliberation. **Member Hirsch** noted that it is like a win win situation.

Chair Rodolakis read the findings into the record.

1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit: Section 240-131.D.(2) which allows for dimensional relief.
2. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.
3. The proposed alteration/expansions are not substantially more detrimental to the environment, community and/or historic character of the neighborhood than the existing building or structure.
4. Contributes to and respects the character and historic development patterns of the area and minimizes inconsistent redevelopment impacts to the historic and community character resources in this area.
5. Protects and preserves scenic views and vistas and ways to the water.
6. Protects and improves natural resources, including but not limited to the barrier beach and groundwater and coastal water quality and minimizes development and redevelopment impacts to the natural resources and ecosystems in this district.
7. Protects human life and property from the hazards of periodic flooding.
8. Preserves the natural flood control characteristics and the flood control function of the floodplain.
9. The development complies with the setbacks and lot coverage requirements set forth herein, and is in character with surrounding structures, particularly structures that predate it.
10. Setbacks and lot coverage requirements are accepted under § 240-131.7D(2)[2]. The pool structure is setback equal to or greater than the existing house structure.
11. The redevelopment complies with the height limitations set forth herein.¹
12. Tree removal or vista pruning shall not interrupt the tree line as viewed from the south looking northward to the treeline.
13. No development or redevelopment shall be permitted within V Zones, except that existing structures may be changed or altered, provided there is no increase in gross floor area, footprint, or intensity of use (including but not limited to increases in wastewater flow and impervious area) within the V Zone. The existing structure is being raised above the flood zone and altered with no increase in floor area or footprint.

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14. Any activity or development in a V Zone that creates an adverse effect by increasing elevation or velocity of floodwaters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of floodwaters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rests with the applicant and shall require certification by a professional engineer.

15. Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member two feet above the BFE in V Zones and one foot above BFE in A Zones. For all new construction and substantial improvements within the V Zones, the space below the lowest floor must either be free of obstruction or constructed with no supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

Member	Appeal 2021-030 findings	Absent
Alves E.		
Bodensiek H.	In favor	
Dewey J.	In favor	
Hansen M.		
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.	In favor	
Walantis T.		x
Webb, Aaron		

All in favor for findings on Appeal 2021-030.

Chair Rodolakis read the following conditions into the record.

1. Special Permit No. 2021-030 is granted to Anthony and Mary Balsamo, Trustees of the 1204 Craigville Beach Road Realty Trust as required under Section 240-131.4 as existing lot coverage exceeds the 10 % maximum lot coverage allowed for a lot greater than 45,000 square feet under Section 240-131.6. The Applicants are seeking to remove a tennis court and construct a pool resulting in decrease of impervious coverage. The property is located at 1204 Craigville Beach Road, Centerville, MA.
2. The proposed alteration shall be constructed in substantial conformance with the site plan entitled “Proposed Pool 1204 Craigville Beach Road, Centerville, MA”, by Baxter Nye Engineering and Surveying, dated March 29, 2021 with a last revision date of April 28, 2021.
3. There shall be no further expansion of the structure, construction of accessory structures, or impervious surface coverage on the lot without a new Special Permit filing or modification
4. The Applicant shall comply with decisions and conditions issued by the Board of Health and Conservation Commission.

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6. This 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 issuance of a building permit. The rights authorized by this special permit must be exercised within two years, unless extended.

The following vote was taken for acceptance of conditions.

Member	Appeal 2021-030 conditions	Absent
Alves E.		
Bodensiek H.	In favor	
Dewey J.	In favor	
Hansen M.		
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.	In favor	
Walantis T.		x
Webb, Aaron		

All in favor for conditions for Appeal 2021-030.

Correspondence

None

Matters Not Reasonably Anticipated by the Chair

Chair Rodolakis announced that the next meeting on June 23rd. It will be live. The board will meet prior to elect new officers. **Chair Rodolakis** will be resigning and leaving early.

Upcoming Hearings

June 23, 2021, July 14, 2021, July 28, 2021

Adjournment

Chair Rodolakis took a roll call vote to adjourn.

Member	Adjournment	Absent
Alves E.	In favor	
Bodensiek H.	In favor	
Dewey J.	In favor	
Hansen M.	In favor	
Hirsch D.	In favor	
Pinard P.	In favor	
Rodolakis A.	In favor	
Walantis T.		x
Webb, Aaron	In favor	

Respectfully Submitted
Elizabeth B. Silva – Temporary Scribe