



Town of Barnstable

Zoning Board of Appeals



Board Members

Jacob Dewey – Chair Herbert Bodensiek – Vice Chair Paul Pinard – Clerk
 Emanuel Alves – Associate Member Mark Hansen – Regular Member Larry Hurwitz – Associate Member
 Rodney Tavano – Associate Member Aaron Webb – Regular Member Natalie Pittenger – Associate Member
 Betty Ludtke – Town Council Liaison

Staff Support

James Kupfer -- Director – james.kupfer@town.barnstable.ma.us
 Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us
 Genna Ziino – Administrative Assistant – genevey.ziino@town.barnstable.ma.us

<https://www.town.barnstable.ma.us/ZoningBoard>

Agenda

Wednesday, February 12, 2025

7:00 PM

James H. Crocker Jr. Hearing Room, 2nd Floor, Town Hall

367 Main Street, Hyannis

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, February 12, 2025, at the time indicated:

Call to Order

Introduction of Board Members

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

Executive Session

Appeal No. 2023-010 Arista/Wendy’s LLC - Executive Session for the purpose of discussing litigation strategy with respect to the case in the Land Court (24 Misc. 00088) by Arista/Wendy’s LLC, for property at 715 West Main Street, Hyannis, appealing the denial of a special permit to construct a drive-through window at a Wendy’s fast-food restaurant, if the Chair determines that an open session could be detrimental to the Board’s litigation position.

Old Business

7:00 PM

Appeal No. 2024-039

25 Falmouth Rd, LLC

25 Falmouth Road LLC has filed an Appeal of an Administrative Official’s Decision in accordance with M.G.L. Chapter 40A Sections 7, 8, and 15 and Section 240-88 of the Barnstable Zoning Ordinance. The Appellant is appealing the Decision of the Building Commissioner in issuing Building Permit BLDC 22-227, dated September 17, 2024. The permit was initially denied pending the receipt of a narrative to explain the expansion of the mechanical bays on the property. The Appellant’s position is that the permit fails to take into account evidence and documentation from the town records and files, which conflict with the determination to issue the Building Permit. The subject property is located at 95 Falmouth Road, Hyannis, MA as shown on Assessor’s Map 311 as Parcel 073. It is located in the Highway Business (HB) and Residence B (RB) Zoning Districts. **Continued from November 13, 2024 and January 8, 2025. No Members assigned.**

7:01 PM

Appeal No. 2024-040

25 Falmouth Rd, LLC

25 Falmouth Road LLC has filed an Appeal of an Administrative Official’s Decision in accordance with M.G.L. Chapter 40A Sections 7, 8, and 15 and Section 240-88 of the Barnstable Zoning Ordinance. The Appellant is appealing the Decision of the Building Commissioner in a letter dated September 4, 2024. The Appellant believes that the determination fails to take into account evidence

and documentation from the town records and files, which conflict with the determination and do not address the concerns raised as set forth in the Appellant's enforcement letters and correspondence. The subject property is located at 95 Falmouth Road and 123 Falmouth Road, Hyannis, MA as shown on Assessor's Map 311, Parcels 073 and 078. Lots are located in the Highway Business (HB) and Residence B (RB) Zoning Districts. **Continued from November 13, 2024 and January 8, 2025. No Members assigned.**

7:02 PM

Appeal No. 2024-044

Sundelin

Richard Sundelin has applied for a Special Permit pursuant to Section 240-94 B. Nonconforming Use. The Applicant seeks relief to codify a preexisting, nonconforming use (auto repair) at the property. The subject property is located at 970 Main Street, West Barnstable, MA, as shown on Assessor's Map 156 as Parcel 026. It is located in the West Barnstable Village Business District (WBVBD). **Continued from January 8, 2025. No Members assigned.**

New Business

None

Correspondence

- Cape Cod Commission meeting agenda for January 30, 2025 at 3:00 pm.
- Cape Cod Commission continued hearing notice for the Wilkens Housing Phase II project for Monday, February 10, 2025 at 5:00 pm.
- Planning Board Notification for Regulatory Agreement for Shoestring Properties, February 24, 2025 at 7:00 pm.

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

February 26, 2025 (remote), March 12, 2025 (in person), March 26, 2025 (remote)

Adjournment