



## 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](mailto:james.kupfer@town.barnstable.ma.us)  
 Anna Brigham – Principal Planner – [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)  
 Genna Ziino – Administrative Assistant – [genevey.ziino@town.barnstable.ma.us](mailto:genevey.ziino@town.barnstable.ma.us)

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

## Agenda

**Wednesday, April 9, 2025**

**7:00 PM**

**James H. Crocker Jr. Hearing Room, 2<sup>nd</sup> 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, April 9, 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

December 11, 2024

February 26, 2025

March 12, 2025

### 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, January 8, 2025, and February 12, 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, January 8, 2025, and February 12, 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 (WBVBVD). Continued from January 8, 2025 and February 12, 2025. Members assigned: Dewey, Bodensiek, Hansen, Webb, and Hurwitz. On March 21, 2025, the Applicant's attorney requested a withdrawal without prejudice.

**7:03 PM**

**Appeal No. 2025-006**

**Clark**

James D. Clark and Christine D. Clark have appealed an Administrative Officials 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 was 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. Members assigned: Dewey, Bodensiek, Pinard, Hansen, Tavano.

### **New Business**

**7:04 PM**

**Appeal No. 2025-007**

**Miklosky et al Appeal**

Victoria Miklosky, Cynthia Foster, and Mary Curley have filed an Appeal of an Administrative Official's Decision in accordance with Chapter 240-91 Nonconforming Lot of the Barnstable Zoning Ordinance. The Appellants are appealing the Decision of the Building Commissioner in issuing Building Permit BLDC BLDR-25-14, dated February 7, 2025, issued to Michael Martin and property owned by TL Acquisitions LLC. The Appellants state the Building Permit should not have been issued as the premise is not a valid nonconforming lot under Section 240-91, the premises lack required legal frontage and access in the Private Way, and the project fails to comply with the Zoning Ordinance requirements applicable, including Special Permit. The subject property is located at 933 Main Street, Osterville, MA as shown on Assessor's Map 117 as Parcel 187. It is located in the Residence C (RC) Zoning District.

**7:05 PM**

**Appeal No. 2025-008**

**Noelle**

Randolf J. and Barbara G. Noelle have applied for a Special Permit pursuant to Section 240-131.4 (D)(2(a) Change, Expansion, Alteration of structures. The Applicants are seeking to increase the height of the structure from 14.9 feet to 16.28 feet in connection with the demolition and construction of a dwelling in accordance with the plans by Sullivan Engineering & Consulting, Inc and James Phillip Golden Architect. The subject property is located at 34 Short Beach Road, Centerville, MA as shown on Assessor's Map 206 Parcel 041. It is located in the Craigville Beach District – Long Beach Short Beach (CBD-LBSB) in the District of Critical Planning Concern (DCPC).

### **Correspondence**

### **Matters Not Reasonably Anticipated by the Chair**

### **Upcoming Hearings**

April 23, 2025 (remote), May 14, 2025 (in person), May 28, 2025 (remote)

### **Adjournment**