

**Zoning Board of Appeals
MINUTES
Wednesday, June 24, 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, June 24, 2026, at the time indicated:

Call to Order

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	
Webb, Aaron	X	

Also present is 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

May 13, 2026 – Herb Bodensiek moves to approve. Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Debra Dworkis, Larry Hurwitz, Aaron Webb

Nay: None

Abstain: Paul Pinard

Old Business

None

New Business

7:00 PM

Appeal No. 2026-011

307 Main Street Four Limited Part./Main Street Times LLC

Main Street Times LLC has appealed an Administrative Official's decision. The Appellant is appealing the Building Permit BLDC-25-238 dated April 17, 2026, which permits construction of a building and related development including parking at 307 Main Street, Hyannis. The subject property is located at 307 Main Street, Hyannis, MA as shown on Assessor's Map 327 as Parcel 103. It is located in the Downtown Main Street (DMS) Zoning District.

Chair Dewey says the Board received updated correspondence from the applicant. Attorney Rob Brennan is representing the owner of the property. He explains that Attorney Paul Revere, who is representing the applicant, requested that Attorney Brennan read to the Board a letter requesting the withdrawal of the appeal with prejudice.

Paul Pinard moves to accept withdrawal with prejudice. Larry Hurwitz seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Debra Dworkis, Larry Hurwitz, Aaron Webb

Nay: None

Appeal No. 2026-011 307 Main Street Four Limited Part./Main Street Times, LLC is withdrawn with prejudice.

F.W. Webb Company/One Center Place Limited Partnership have applied for a Special Permit pursuant to Section 240-93 B. Alteration/Expansion of Nonconforming Buildings or Structures. The Applicant seeks to modify the preexisting nonconforming westerly buffer strip to accommodate an outdoor storage area. The Applicant proposes to reuse the existing building with interior renovations and minor site improvements as a wholesale distributor. The subject property is located at 400 Kidd's Hill Road, Barnstable, MA, as shown on Assessor's Map 296 as Parcel 025. It is located in the Industrial (IND) Zoning District.

Chair Dewey assigns himself, Herb Bodensiek, Paul Pinard, Aaron Webb, and Larry Hurwitz.

Attorney Liza Cox is representing the applicant and is joined by Dan Ojala from Down Cape Engineering and Andy McBeth from Greenleaf Construction. Attorney Cox walks through existing conditions: it's a 9.72-acre parcel in the industrial district, improved by a 155,000 sq. ft. 2-story building formerly occupied by Sencorp. It has municipal sewer and water. It complies with front, rear, and side yard setbacks, and is 30% in its natural state. Impervious coverage is being decreased in their proposal. Their application focuses on the westerly screening. In the neighborhood, there are many instances where there is either no buffer or less than 30 feet, the required amount. In 1998 the building was expanded on the right side and at the time, Sencorp donated 6.25 acres to the Barnstable Land Trust to offset development on this site.

The proposed project includes restriping the parking area, installing new stormwater features, the removal of 4500 sq. ft. impervious coverage, a new outdoor storage area by the loading dock, new fencing, a forklift access drive, and new landscaping. There is no zoning relief required except the westerly buffer. No zoning relief is required for use. The applicants need to expand. They have gone through informal and formal SPR, where it was recommended they apply for a special permit.

The standard is whether the proposal is substantially more detrimental to the neighborhood. She suggests it is not. The buffer is already nonconforming and abuts Thornton Drive, which has very little vegetation and is industrial use. Fencing will prevent encroachments that are happening now. There are substantial plantings proposed (79 new trees and bushes) in the buffer along the Kidds Hill Road frontage. No hazardous waste will be produced. There will be Improved water quality, stormwater management, and car circulation. The proposal advances town planning objectives for this area. The site is within industrial and service trade area created by the town and approved by the Cape Cod Commission. This is an area where the town seeks to promote investment from businesses. The proposal would be the reuse of an existing 155,000 sq. ft. building already supported by infrastructure.

Back to the Board for questions. Paul Pinard asks what the change to the site plan is. Attorney Cox says the subject of the special permit is the gravel area. On the westerly side, the gravel storage yard is already nonconforming, but they will be further intruding into that buffer by removing vegetation. About 12,000 sq. ft. of vegetation will be removed and 13,000 sq. ft. of vegetation will be planted in the buffer. There are loading docks on that side of the building but not in the gravel. Dan Ojala says there is currently an interior loading dock that they are pulling out and making standard external. Andy Macbeth of Greenleaf says the receiving docks are on the bottom of the plan. The proposed vegetation will better screen the docks. It will be new products that are stored on the proposed gravel area.

The proposed fence is an 8-foot-high, black vinyl coated, chain link fence. The group discusses whether they are expanding parking. Attorney Cox says no, they don't need any new parking. The use exists by right. The group discusses whether there will be enough space for large trucks if they remove more of the buffer. Attorney Cox says in the context of the neighborhood, which is an industrial area, the proposal is an improvement. The site doesn't have the outdoor storage they need. They could have done it in the extra parking, but they thought screening in the back would be better overall. They will be before the Cape Cod Commission's Planning Committee on July 9 because of the 1998 land donation, and the ZBA could include a condition for that approval.

Chair Dewey opens public comment. A member of the public who only names himself as Andrew speaks in support of the project.

Brian Florence, Building Commissioner, says this project went through Site Plan Review and explains that the buffer zone is hidden by all the other buildings so was not a concern.

Alisa McMullen speaks with concerns about removing the vegetation. Dan Ojala says there will be vegetation added, and the lawns will be Cape Cod lawns. Big trees are not an option because they are in the flight path, so the airport mows it.

Councilor Betty Ludtke says the preference is native, pollinator-friendly greening, so requests no lawn be added. Chair Dewey moves to close public comment. Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Larry Hurwitz

Nay: None

The Board deliberates. The project does not seem substantially detrimental. Chair Dewey would like to see black slats in the fence.

Chair Dewey moves to close the public hearing. Herb Bodensiek seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Larry Hurwitz

Nay: None

Paul Pinard makes findings:

1. **The application falls within a category specifically excepted in the ordinance for a grant of a special permit.** Section 240-93 B. Allows the alteration and/or expansion of a preexisting nonconforming building or structure.
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.** He finds that the cleanup of the area will offset the removal of the buffer and will enhance the property.
3. **A Site Plan has been reviewed and found approvable with conditions.** Site Plan Review Committee issued an approval letter on May 22, 2026.

Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Larry Hurwitz

Nay: None

The group discusses whether to add a condition about Cape Cod Commission approval.

Paul Pinard makes a motion to grant Special Permit No. 2026-012 based on findings, with conditions:

1. Special Permit No. 2026-012 is granted to F.W. Webb Company/One Center Place Limited Partnership pursuant to Section 240-93 B. Alteration/Expansion of Nonconforming Buildings or Structures to modify the preexisting nonconforming westerly buffer strip to accommodate an outdoor storage area at 400 Kidd's Hill Road, Barnstable, MA
2. The site development shall be constructed in substantial conformance with the plan entitled "F.W. Webb Civil Site Plans" sheet C001, C102, and C200, prepared by Down Cape Engineering, dated January 23, 2026 and revised May 6, 2026.
3. The proposed development shall represent full build-out of the lot. Further changes to the lot shall be prohibited without prior approval from the Board.
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 prior to issuance of a building permit. The rights authorized by this Special Permit must be exercised within two years, unless extended.
5. Approval is subject to Cape Cod Commission acceptance of the petition for the minor modification.
6. The Applicant include slats in the fence.

Aaron Webb seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Larry Hurwitz

Nay: None

Chair Dewey moves to grant with conditions. Paul Pinard seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Larry Hurwitz

Nay: None

Special Permit No. 2026-012 F. W. Webb Company/One Center Place Limited Partnership is granted with conditions.

7:02 PM

Appeal No. 2026-013

F.W. Webb Company/One Center Place Limited Partnership

F.W. Webb Company/One Center Place Limited Partnership have applied for a Variance pursuant to Section 240-33 F. Special Screening Requirements in the IND. The Applicant proposes to alter the noncompliant westerly buffer to create an outdoor storage area, which will be screened by fencing from abutting properties. The subject property is located at 400 Kidd's Hill Road, Barnstable, MA, as shown on Assessor's Map 296 as Parcel 025. It is located in the Industrial (IND) Zoning District.

Attorney Cox requests to withdraw. Chair Dewey moves to withdraw. Paul Pinard seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Larry Hurwitz, Debra Dworkis

Nay: None

Appeal No. 2026-013 F.W. Webb Company/One Center Place Limited Partnership is withdrawn without prejudice.

Correspondence

- Cape Cod Commission meeting agenda for June 25, 2026

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

July 8, 2026 (in person)

July 22, 2026 (in person): Aaron Webb wants to discuss protocol and would like a visible timer for public comment. Jim Kupfer says in terms of administrating the meeting, it will be the same procedure as normal. Staff could add an agenda item to the next meeting to discuss options.

August 12, 2026 (in person)

Adjournment

Chair Dewey moves to adjourn. Paul Pinard seconds.

Vote:

Aye: Jake Dewey, Herb Bodensiek, Paul Pinard, Aaron Webb, Manny Alves

Nay: None

Documents Used at this Meeting

- May 13, 2026 minutes
- Letter from Attorney Paul Revere requesting the withdrawal of Appeal No. 2026-011
- Appeal No. 2026-012 F.W. Webb Company/One Center Place Limited Partnership application materials
- Staff Report dated May 11, 2026 for Appeal No. 2026-012

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