

# Town of Barnstable

Town Clerk Time Stamp Date:

48 Hour Notice of Meetings of Town Departments and all Town Boards  
As required by Chapter 28 of the Acts of 2009 which amends MGL  
Chapter 30A

5 FEB '25 AM 9:25  
BARNSTABLE TOWN CLERK

## Zoning Board of Appeals

Name of Public Body: Committee, Board, or Commission

**Wednesday, February 12, 2025**

**7:00 PM**

Date of Meeting: Time:

**James H. Crocker Jr. Hearing Room, 2<sup>nd</sup> Floor, Town Hall**

**367 Main Street, Hyannis**

The meeting will be televised live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website:  
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

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**