

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

16 APR '25 AM 9:32
BARNSTABLE TOWN CLERK

Zoning Board of Appeals

Name of Public Body: Committee, Board, or Commission

Wednesday, April 23, 2025

7:00 PM

Date of Meeting: Time:

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 23, 2025, at the time indicated:

The Zoning Board of Appeals Public Hearing will be held by remote participation methods. Public access to this meeting shall be provided in the following manner:

1. 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>
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://townofbarnstable-us.zoom.us/j/84115788632	US Toll-free: 888 475 4499
Meeting ID: 841 1578 8632	Meeting ID: 841 1578 8632

Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely, 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.

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, originally appealing the denial of a special permit to construct a drive-through window at a Wendy's fast-food restaurant, then appealing the grant of the special permit with conditions upon remand order by the Land Court, and the filing of a complaint for contempt against the ZBA for the remand special permit conditions, if the Chair determines that an open session could be detrimental to the Board's and Town's litigation position.

Old Business

7:00 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 and April 9, 2025. Members assigned: Dewey, Bodensiek, Pinard, Hansen, Tavano.

7:01 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). Continued from April 9, 2025.

New Business

7:02 PM

Appeal No. 2025-009

Loucks & Jatkola/Watson

Kristi Loucks and Ross Jatkola have applied for a Special Permit pursuant to Section 240-56 Schedule of Off-Street Parking Requirements and Section 240-57 Circumstances warranting reduction of parking requirements. The Applicants are seeking relief from the parking requirements, which would require 14 dedicated parking spaces at 47 Warehouse Road under the Ordinance. The Applicants propose shared parking with the tenants at the jointly owned properties of 47 and 63 Warehouse Road. The subject property is located at 47 Warehouse Road Unit 3, Hyannis, MA as shown on Assessor's Map 293 as Parcel 050. It is located in the Business (B) Zoning District.

7:03 PM

Appeal No. 2025-010

1185 Falmouth Road LLC et al

1185 Falmouth Road LLC et al has applied for a Special Permit pursuant to Section 240-57 Circumstances Warranting Reduction of Parking Requirements. The Applicant is seeking relief from the parking requirements to convert 2 existing parking spaces into an outdoor patio for The Buttercup Café. There are 14 existing parking spaces on the property, and 413 parking spaces located within 300 feet of the property. The required parking under the ordinance is 35 parking spaces. The subject property is located at 3224 Main Street, Barnstable, MA as shown on Assessor's Map 299 as Parcel 029. It is located in the Village Business A (VB-A) and the Residence F-2 (RF-2) Zoning Districts.

7:04 PM

Appeal No. 2025-011

Doud

Michael & Florence Doud have applied for a Modification of Special Permit 2023-023. The Applicants are proposing an addition of a 12 ft. by 16 ft. first floor deck, a 12 ft. by 12 ft. second floor deck, and relocation of a bulkhead as required by a condition of the building permit. The subject property is located at 29 Lafayette Ave, Hyannis, MA as shown on Assessor's Map 287 as Parcel 045. It is located in the Residence F-1 (RF-1) Zoning District.

Correspondence

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

May 14, 2025 (in person), May 28, 2025 (remote), June 11, 2025 (in person)

Adjournment