

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

7 MAY '25 AM 9:17
BARNSTABLE TOWN CLERK

Zoning Board of Appeals

Name of Public Body: Committee, Board, or Commission

Wednesday, May 14, 2025

7:00 PM

Date of Meeting: Time:

James H. Crocker Jr. Hearing Room, 2nd 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, May 14, 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

January 8, 2025

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. 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, February 12, 2025 and April 9, 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, February 12, 2025 and April 9, 2025. No members assigned.

7:02 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. Continued from April 9, 2025.

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

New Business

7:04 PM

Appeal No. 2025-012

Zig Harbor, LLC

Zig Harbor, LLC has applied for a Special Permit pursuant to Section 240-92 (B) Nonconforming buildings or structures used as single- and two-family residences. The Applicant proposes to renovate and restore a preexisting nonconforming single-family dwelling. The scope of work includes lifting the house and pouring a new concrete foundation to replace the existing foundation, with alterations and updates to certain windows, dormers, entrances, roof decks, and porches. A Special Permit is required due to a portion of the proposed alterations occurring within the 10-foot rear setback. The subject property is located at 100 Washington Ave, Hyannis, MA as shown on Assessor's Map 287 as Parcel 116. It is located in the Residence F-1 (RF-1) Zoning District.

Correspondence

- Cape Cod Commission Thomas B. Lander Road Gravel Proforma Hearing Notice, April 28, 2025 at 10:30 a.m.
- Cape Cod Commission 75 Holway Proforma Hearing Notice, April 29, 2025 at 10:30 a.m.
- Cape Cod Commission Nominating Committee Meeting Agenda, May 1, 2025 at 11:30 a.m.
- Cape Cod Commission Executive Committee Meeting Agenda for Thursday, May 8, 2025 at 1:00 p.m.
- Cape Cod Commission Committee on Planning and Regulations Meeting Agenda for Thursday, May 8, 2025 at 2:00 p.m.
- Housing Assistance Corp update on affordable units
- Cape Cod Commission Regional Policy Plan Subcommittee meeting agenda for Monday, May 12, 2025 at 10:00 a.m.

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

May 28, 2025 (remote), June 11, 2025 (in person), June 25, 2025 (remote)

Adjournment