



# 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>

## AMENDED Agenda

Wednesday, March 26, 2025

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, March 26, 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
<a href="https://townofbarnstable-us.zoom.us/j/84824907257">https://townofbarnstable-us.zoom.us/j/84824907257</a>	US Toll-free: 888 475 4499
Meeting ID: 848 2490 7257	Meeting ID: 848 2490 7257

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](mailto: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](mailto: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

March 12, 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, 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 and Town's litigation position.

## Old Business

7:00 PM

**Appeal No. 2024-036**

**Hyannis Series Four, LLC**

Hyannis Series Four, LLC has filed an Appeal of an Administrative Official's Decision in accordance with 240-11(A)(1) Principal Permitted Uses in the RB, RD-1, and RF-2 Residential Districts. The Appellant seeks to overturn the Order to Cease, Desist, and Abate dated August 2, 2024. In the Notice of Zoning Ordinance Violation letter, the Chief Local Inspector stated that they observed a violation of Chapter 240-11(A)(1), namely, an apartment created on the second floor of a building used as a lodging house. The property is not owner-occupied and is not eligible under Chapter 240-47.1 Family Apartments or Chapter 240-47.2 Accessory Dwelling Units for a second unit as of right. The subject property is located at 48 Greenwood Ave, Hyannis, MA as shown on Assessor's Map 289 as Parcel 138. It is located in the Residence B (RB) Zoning District. **Continued from October 23, 2024.**

## New Business

7:01 PM

**Appeal No. 2025-005**

**Cochran**

Thomas C. Cochran III and Sarah S.H. Cochran have applied for a Special Permit pursuant to Section 240-91 H (3) Developed Lot Protection; demolition and rebuilding on non-conforming lots. The Applicants are seeking a Special Permit to allow the demolition of the existing dwelling and construction of a proposed dwelling on a nonconforming lot. The proposed dwelling will comply with all setbacks, lot coverage will be less than 20%, floor area ratio will be less than 30%, and the building height will not exceed 30 feet. The subject property is located at 82 Barnard Road, Osterville, MA as shown on Assessor's Map 140 as Parcel 192. It is located in the Residence F-1 (RF-1) Zoning District.

7:02 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.

## Correspondence

- Cape Cod Commission Meeting Agenda for Wychmere Hotel Expansion March 14, 2025, 12:00 pm.
- Cape Cod Commission Continued Hearing Notice for Wychmere Hotel Expansion March 27, 2025 at 3:00 pm.
- Cape Cod Commission Hearing Notice for Captain Berties Way Housing March 31, 2025 at 5:00 pm.
- Cape Cod Commission Proforma Hearing for Captain Berties Housing March 17, 2025 at 10:30 am.
- Cape Cod Commission RPP Meeting Agenda for March 19, 2025 at 1:00 pm.
- Cape Cod Commission Executive Committee Meeting Agenda March 19<sup>th</sup>, 2025 at 2:00 pm.
- Cape Cod Commission Meeting Agenda for Wychmere Hotel expansion for March 24, 2025 at 10:00 am.

## Matters Not Reasonably Anticipated by the Chair

## Discussion Item

In-ground pools, setbacks

## Upcoming Hearings

April 9, 2025 (in person), April 23, 2025 (remote), May 14, 2025 (in person)

## Adjournment