



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
Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us
Genna Ziino – Administrative Assistant – genevey.ziino@town.barnstable.ma.us

<https://www.town.barnstable.ma.us/ZoningBoard>

Agenda

Wednesday, June 25, 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, June 25, 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 18 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/84662570467	US Toll-free: 888 475 4499
Meeting ID: 846 6257 0467	Meeting ID: 846 6257 0467

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

March 26, 2025, April 9, 2025, April 23, 2025

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. 2025-014

Millan/The Grove Street Realty Trust

Oscar Millan, as tenant, has applied for a Special Permit pursuant to Section 240-24(C)(1) Conditional Uses in the VB-A Business District and 240-125(C) Special Permit Provisions. The Applicant seeks to open an ice cream shop also selling prepackaged baked goods. The prior tenant was a caviar retail shop. There are 103 parking spaces and 7 are required. The subject property is located at 3821 Falmouth Road, Building 3, Suite A, Marstons Mills, MA as shown on Assessor's Map 057 as Parcel 004. It is located in the Village Business A (VB-A) Zoning District. **Continued from June 11, 2025. No members assigned.**

New Business

7:03 PM

Appeal No. 2025-015

Kelly

Bruce W. Kelly and Lisa Mycock Kelly have applied for a special permit pursuant to Section 240-91 H (3) Developed Lot Protection; Demolition and Rebuilding on Nonconforming Lots. The Applicants are seeking a special permit to allow the demolition of the existing dwelling and construction of a dwelling on a nonconforming lot. The prior lot was subdivided and as such, a special permit is required where the construction would otherwise be allowed as of right. The subject property is located at 34 Lake Street, Cotuit, MA as shown on Assessor's Map 020 as Parcel 018-001. It is located in the Residence F (RF) Zoning District.

7:04 PM

Appeal No. 2025-016

Kelly

Bruce W. Kelly and Lisa Mycock Kelly have petitioned for a modification of Variance No. 2000-047. The prior variance includes a provision in Condition No. 3 requiring an amendment of that variance for any expansion or modification of the dwelling. The proposed dwelling will comply with setback requirements. The subject property is located at 34 Lake Street, Cotuit, MA as shown on Assessor's Map 020 as Parcel 018-001. It is located in the Residence F (RF) Zoning District.

7:05 PM

Appeal No. 2025-017

Basta

Karim M. Basta, as Trustee of the Nadine M. Basta Trust, has applied for a special permit pursuant to Section 240-91 F Developed Lot Protection; Merged Lots. The Applicant seeks to transfer the vacant, unbuildable lot at 51 Studley Road, presently merged with 61 Studley Road, to Mr. and Mrs. Karim M. Basta, owners of 7 Houghton Road. With the requested relief, 7 Houghton Road and 51 Studley Road would merge into one lot. 51 Studley Road would remain an unbuildable lot. No additional building lot is proposed and no construction or redevelopment is proposed. The subject property is located at 61 Studley Road, Hyannis, MA as shown on Assessor's Map 306 as Parcel 009. It is located in the Residence B (RB) Zoning District.

Correspondence

- Cape Cod Commission hearing notice for Barlows Landing Monopole being held on Wednesday, June 25, 2025 at 5:00 p.m.
- Cape Cod Commission continued hearing notice for NextGrid Solar Bourne on Thursday, June 26, 2025 at 3:00 p.m.
- Department of Environmental Protection Waterways Regulation Program simplified license application for 226 Holly Point Road
- Cape Cod Commission Regional Policy Plan Subcommittee meeting Wednesday, June 18, 2025 at 9:00 a.m.
- Cape Cod Commission hearing notice for Falmouth Rd Market on Tuesday, July 1, 2025 at 5:00 p.m.

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

July 9, 2025 (in person), July 23, 2025 (remote), August 13, 2025 (in person)

Adjournment