



# Town of Barnstable

# Zoning Board of Appeals



Board Members:

Jacob Dewey – Chair   David Hirsch – Vice Chair   Herbert Bodensiek - Clerk  
 Paul Pinard – Regular Member   Mark Hansen – Regular Member  
 Todd Walantis – Associate Member   Vacant – Associate Member   Aaron Webb-Associate Member   Denise Johnson-Associate Member  
 Vacant – Town Council Liaison

Staff Support

Elizabeth Jenkins –Director - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
 Anna Brigham – Principal Planner – [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)

## Agenda

Wednesday, July 27, 2022

7:00 PM

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

367 Main Street, Hyannis

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, July 27, 2022, at the time indicated:

### Call to Order

Introduction of Board Members

### Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

### Minutes

None

### Executive Session

The Zoning Board of Appeals may vote to enter into an Executive Session under M.G.L. c. 30A section 21(a)(3), to discuss litigation strategy with respect to threatened litigation by the property owners/applicants O'Neill and Dunbar at 689 and 697 Scudder Avenue, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

### Old Business

7:00 PM

**Appeal No. 2021-057**

**O'Neill and Dunbar Point LLC**

J. Brian O'Neill, Miriam O'Neill, and Dunbar Point LLC have applied for a Special Permit pursuant to Section 240-91 F Merged Lots. The Applicant seeks to relocate the property line between 689 and 697 Scudder Avenue which would result in the cottage to be part of 689 Scudder Avenue. The subject properties are 689 Scudder Ave and 697 Scudder Ave, Hyannis, MA on Assessors Map 287, Parcels 061 and 062. It is located in the Residence F-1 (RF-1) Zoning District.

*Continued from December 8, 2021 and January 12, 2022, February 23, 2022, July 13, 2022*

(Click [HERE](#) for Materials)

7:01 PM

**Appeal No. 2022-033**

**Couto's Realty Investment/Dunkin Donuts**

Couto's Realty Investment Co., II LLC has petitioned for a Variance from 240-25 D. Bulk Regulations in the HB District. The Petitioner is seeking a variance from the side yard setback for a proposed drive-thru canopy. The proposed setback is 7.2 feet where 10 feet is required. The subject property is located at 751 West Main Street, Hyannis, MA as shown on Assessor's Map 249 as Parcel 163. It is located in the Highway Business (HB) Zoning District. *Continued from July 13, 2022*

(Click [HERE](#) for Materials)

### New Business

7:02 PM

Appeal No. 2022-035

Levi

Jacqueline and Yahshua Levi have petitioned for a Variance from Section 240- 11 E. Bulk Regulations in the Residence B (RB) Zoning District and Section 240-125 B. (1) (c) Variances. The Petitioners are seeking a variance from Lot Size requirements to allow the sale of the subject Lot and “unmerge” the subject lot from the lot addressed as 400 Pitchers Way. The subject property is located at 327 Mitchell’s Way, Hyannis, MA as shown on Assessor’s Map 290 as Parcel 056. It is located in the Residence B (RB) Zoning District.

(Click [HERE](#) for Materials)

7:03 PM

Appeal No. 2022-036

Farrin

Emily A. Farrin has applied for a Special Permit pursuant to Section 240-92 B. Alteration or expansion of a nonconforming structure used as single-family residence. The Applicant proposes to construct a 633 square foot addition and front entry porch to the existing single family dwelling. The subject property is located at 140 Oak Neck Road, Hyannis, MA as shown on Assessor’s Map 307 Parcel 172. It is located in Residence B (RB) Zoning District. **Received a request to withdraw**

(Click [HERE](#) for Materials)

7:04 PM

Appeal No. 2022-034 READVERTISED

Couto’s Realty Investment/Dunkin Donuts

Couto’s Realty Investment Co., II LLC has applied for a Special Permit pursuant to Section 240-25 C. Conditional Uses in the HB District and Section 240-93 B. Alterations and expansions of a nonconforming structure not used as single or two family residences by Special Permit. The Applicant is seeking to add a drive-thru to the existing Dunkin Donuts. The subject property is located at 751 West Main Street, Hyannis, MA as shown on Assessor’s Map 249 as Parcel 163. It is located in the Highway Business (HB) Zoning District.

(Click [HERE](#) for Materials)

#### Correspondence

None

#### Matters Not Reasonably Anticipated by the Chair

#### Discussion

The Governor has signed the Remote Meeting extension to March 2023. As of this date, August 10, 2022 meeting is in-person.

#### Upcoming Hearings

August 10, 2022, August 24, 2022, September 14, 2022

#### Board Elections

Chair, Vice Chair, Clerk

#### Adjournment