

Town of Barnstable
Zoning Board of Appeals
Agenda

June 10, 2009 – 7:00 PM

All hearings are scheduled for 7:00 P.M.

Draft as of 05-07-09

Comprehensive Permit No. 2005-013

Mill Pond Estates
Modify House Designs & Allow Model Unit

Mill Pond Osterville Associates LLC, has requested a modification of Comprehensive Permit No. 2005-013 issued pursuant to MGL Chapter 40B for the development of 11 single-family dwellings. The modifications seek to change the design of the homes authorized for the development and permission to build one model home for the purposes of marketing the development. The property is addressed as 459 and 449 Old Mill Road, Osterville, MA and is shown on Assessor's Map 166 as parcel 001 and on Assessor's Map 143 as parcel 040. It is in a Residence C Zoning District.

Continued Appeals

Cotuit Oyster Co., Inc.

Members Assigned; James F. McGillen, William H. Newton, Craig G. Larson, Brian Florence, Laura F. Shufelt Associates Present; Nikolas J. Atsalis, Alex M. Rodolakis, George T. Zevitas

Continued for further review and input, including:

- Copy of Conservation Commission's Order of Conditions and restrictions imposed.
- Brief by Attorney J. Douglas Murphy, who represents the Estate of Janet W. Haseck, a direct abutter at 22 Little River Road, in opposition.
- Preparation of Possible Draft Findings and Conditions (for review by Board Members and Applicant) on:
 - Nonconforming Use Alterations & Expansion (part of Remand Appeal No. 2004-075),
 - Setback Variance for proposed building (part of Remand Appeal No. 2003-094), and
 - Special Permit for reduction in Parking (Appeal No. 2009-031).

Remand Appeal No. 2003-094

Cotuit Oyster Co., Inc.
Bulk and Parking Variances

By a Stipulation for Remand and Stay, Barnstable Superior Court has remanded to the Zoning Board of Appeals for a new and full public hearing of Appeal No. 2003-094. In that appeal Cotuit Oyster Co., Inc., had applied for variances to Section 3-1.4(5) Bulk Regulations Minimum Setback Requirements (today's Section 240-14.E), and Section 4-2.9 Schedule of Off-Site Parking Requirements (today's Section 240-56). The relief is sought for construction of a pile supported one-story work building and a pier not in conformance to the 15-foot minimum side yard setback for the district, and for a reduction in the required on-site parking. The property is addressed 26 Little River Road, Cotuit, MA, and is shown on Assessor's Map 053 as parcel 009. It is in a Residential F Zoning District.

Remand Appeal No. 2003-110

**Cotuit Oyster Co., Inc.
Exempt Use Modification Permit**

By a Stipulation for Remand and Stay, Barnstable Superior Court has remanded to the Zoning Board of Appeals for a new and full public hearing of Appeal No. 2003-110. In that appeal Cotuit Oyster Co., Inc., had applied for a Modification Permit in accordance with Section 2-4.3(B) Exempt Uses (today' Section 240-8.A(3)). The modification permit is sought to allow for the construction of a building and a pier not in conformance to the minimum yard setbacks and for a reduction in required on-site parking. The property is addressed 26 Little River Road, Cotuit, MA, and is shown on Assessor's Map 053 as parcel 009. It is in a Residential F Zoning District.

Remand Appeal No. 2003-137

**Cotuit Oyster Co., Inc.
Variance to Exempt Use Provisions**

By a Stipulation for Remand and Stay, Barnstable Superior Court has remanded to the Zoning Board of Appeals for a new and full public hearing of Appeal No. 2003-137. In that appeal, Cotuit Oyster Co., Inc. had applied for variances to provision (B) and the last paragraph of Section 2-4.4, Exempt Uses (today's Section 240-8.A(4)(b) and 240-8.B). Those variances are to allow for an aquaculture use to employ up to 5 persons and to construct a building and pier within the required 25-foot yard setback imposed by the exempt use section of the Ordinance. The property is addressed 26 Little River Road, Cotuit, MA, and is shown on Assessor's Map 053 as parcel 009. It is in a Residential F Zoning District.

Remand Appeal No. 2004-075

**Cotuit Oyster Co., Inc.
Special Permits for Nonconformities**

By a Stipulation for Remand and Stay, Barnstable Superior Court has remanded to the Zoning Board of Appeals for a new and full public hearing of Appeal No. 2004-075. In that appeal, Cotuit Oyster Company, Inc., had applied for Special Permits in accordance with Section 4-4.4(2) Expansion of a Pre-existing Nonconforming Building or Structure Not Used as Single or Two-Family Dwelling (today's Section 240-93.B), Section 4-4.5(2) Expansion of a Pre-Existing Nonconforming Use (today's Section 240-94.B), and Section 4-4.6(1) Re-Establishment of Damaged or Destroyed Nonconforming Use or Building or Structure (today's Section 240-95). The applicant seeks to locate, expand and alter the shellfish harvesting business including the construction of a pile-supported work building and a pier not in conformity to the districts required setbacks. The property is addressed 26 Little River Road, Cotuit, MA, and is shown on Assessor's Map 053 as parcel 009. It is in a Residential F Zoning District.

Appeal No. 2009-031

**Cotuit Oyster Co., Inc.
Special Permit Reduction in Parking**

Cotuit Oyster Company, Inc., had applied for a Special Permit pursuant to Section 240-57 Circumstances Warranting Reduction of [Parking] Requirements. The applicant seeks a reduction in the required on-site parking due to factors that reduce the need for that parking. The property is addressed 26 Little River Road, Cotuit, MA, and is shown on Assessor's Map 053 as parcel 009. It is in a Residential F Zoning District.

Appeal No. 2009-032

**Cotuit Oyster Co., Inc.
Use Variance**

Cotuit Oyster Company, Inc., had applied for a Variance to Section 240-14.A, Principal Permitted Uses in the Residence F Zoning District. In this appeal, the applicant seeks authorization to use the property for a commercial shellfish business, the Cotuit Oyster Company. This use variance application is made in the alternative to that part of the Remand of Appeal No. 2004-075 that seeks an Expansion of a Pre-Existing Nonconforming Use. The property is addressed 26 Little River Road, Cotuit, MA, and is shown on Assessor's Map 053 as parcel 009. It is in a Residential F Zoning District.

Open Chairman's Discussion
