

**Town of Barnstable**  
**Zoning Board of Appeals**  
**Agenda**  
**August 19, 2009**

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

Draft as of 08-04-09

---

**Continued Appeals**

**Cotuit Oyster Co., Inc.**

The subject 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.

Opened May 6, 2009 continued to June 10, 2009, July 8, 2009, and to August 19, 2009

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

On July 8<sup>th</sup>, the Board ruled to grant three of the appeals (or part thereof). Those granted were:

- A Special Permit for Alteration & Expansion of a Nonconforming Use (part of Remand Appeal No. 2004-075),
- A Setback Variance for the proposed building & structure (part of Remand Appeal No. 2003-094), and
- A Special Permit for reduction in Parking (Appeal No. 2009-031).

The following appeals (or part thereof) were opened and continued without any testimony being given or taken on them.

The Applicant has requested these remaining appeals be administratively withdrawn without out prejudice, as they are not needed given the decisions issued by the Board in July.

**Remand Appeal No. 2003-094 –Part 2**

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

By a Stipulation for Remand and Stay, Barnstable Superior Court remanded to the Zoning Board of Appeals, Appeal No. 2003-094. Part 2 of that appeal that sought a variance to Section 4-2.9 Schedule of Off-Site Parking Requirements, for a reduction in the required on-site parking .

**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, 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.

**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, 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 were requested 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.

**Remand Appeal No. 2004-075-Part 2**

**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, Appeal No. 2004-075. Part 2 of that appeal sought 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), and Section 4-4.6(1) Re-Establishment of Damaged or Destroyed Nonconforming Use or Building or Structure (today's Section 240-95).

**Appeal No. 2009-032**

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

Cotuit Oyster Company, Inc., has 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.

---

**Open**

**Chairman's Discussion**

---