



**Town of Barnstable**  
**Zoning Board of Appeals**  
**Agenda**  
**March 25, 2009**

Draft as of 02-19-09

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**7:00 PM      Appeal No. 2009-010 – New      Campbell**  
**Family Apartment Variance**

Matthew and Erica Campbell have applied for a Variance to Section 240-47.1.A Family Apartments. The applicant is seeking the variance in order to utilize an existing apartment located on the property in a detached accessory garage for a family apartment. The property is addressed 6 Cedar Street, Cotuit, MA and is shown on Assessor's Map 018 as parcel 055-001. It is in the Residence F Zoning District.

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**7:15 PM      Appeal No. 2009-006 - Continued      Fireman**  
**Appeal of the Building Commissioner**

Opened February 11, 2009, continued to March 25, 2009 at request of the applicant

No Members Assigned - No Testimony Taken

Staff Report, Application Materials, and Memorandum in Support previously transmitted

Paul and Phyllis Fireman have appealed the Building Commissioner's letter of November 19, 2008 pursuant to Section 240-125(B)(1)(a), Appeals from Administrative Official. The letter expresses the Commissioner's opinion that 92 South Bay Road, Osterville, Mass., constitutes a single lot and that the demolition of the dwelling on the property and construction of two new dwellings on that property is not allowed under the zoning ordinance. The appellant is requesting that the Zoning Board of Appeals overturn the Building Commissioner's November 19, 2008 letter and find that no zoning relief is required to allow for the construction of two dwelling on the 92 South Bay Road lot. The property is addressed as 92 South Bay Road, Osterville, MA and is shown on Assessor's Map 093 as parcel 042-001. It is in a Residential F-1 Zoning District and the Resource Protection Overlay District.

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**7:30 PM      Appeal 2008-008 – Continued      Oyster Harbor Club**  
**Expand/Alter Nonconforming Use**

Originally Opened February 27, 2008, continued; March 12, 2008, April 30, 2008, May 21, 2008, June 11, 2008 and to June 23, 2008, Moved to September 10, 2008, Re-noticed Anew due to the loss in quorum and Opened October 15, 2008, continued December 10, 2008 and to March 25, 2009. 365-day Extension Filed, Decision Due May 28, 2009.

No Members Assigned - No Testimony Taken

Oyster Harbors Club, Inc. has petitioned for Special Permits pursuant to Section 240-93.B Alteration and Expansion of a Nonconforming Buildings or Structures Not Used as Single or Two-Family Dwellings; and Section 240-94.B Expansion of a Preexisting Nonconforming Use. The petitioner seeks to remodel an

existing 573 sq.ft., children's play center and to add another accessory building consisting of 1,096 sq.ft., to also be used as a children's play center. The buildings and use is accessory to the principal nonconforming use of the property as a Club House. The subject property is located as shown on Assessor's Map 053 as Parcel 012 Lot 001, addressed as 170 Grand Island Drive, Osterville, MA 02655, in a Residence F-1 Zoning District.

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**7:45 PM**

**Appeal No. 2009-011 - New**

**Ellis**

**Family Apartment Variance**

Susan W. Ellis has applied for a Variance to Section 240-47.1.A Family Apartments. The applicant is seeking a variance for a family apartment to be located in a detached accessory garage located on the property. The property is addressed 393 and 389 Main Street, Centerville, MA and is shown on Assessor's Map 208 as parcel 121. It is in a Residence D-1 Zoning District.

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**8:00 PM**

**Appeal No. 2009-022 – New**

**4 Our Fathers LLC – Joseph P. Dunn, Manager**

**Modification Special Permits 2003-60 & 2007-44**

4 Our Fathers LLC, Joseph P. Dunn, Manager, has petitioned for a modification of Special Permit Nos. 2003-060 and 2007-044 issued to Buksport, Inc., d/b/a Keeper's Restaurant. The modification is sought to allow for the transfer of the special permits from Buksport, Inc., to 4 Our Fathers LLC as prospective new owners of the business. The subject property is addressed as 330 West Bay Road, Osterville, MA and is shown on Assessor's Map 116 as parcel 013. It is in a Marine Business A2 Zoning District.

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**Open Chairman's Discussion**

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