

Town of Barnstable
Zoning Board of Appeals
Minutes
August 19, 2009

A regularly scheduled and duly posted Public Hearing for the Town of Barnstable Zoning Board of Appeals was held on Wednesday August 19, 2009 at 7:00 PM at the Town of Barnstable, Town Hall, 367 Main Street, Hyannis, MA. A quorum was met. Also present were Art Traczyk – Regulatory Review Design Planner and Carol Puckett – Administrative Assistant.

Laura Shufelt	Absent
James McGillen	Present
Michael Hersey	Absent
Craig Larson	Absent
William Newton	Absent
Alex Rodolakis	Absent
Nikolas Atsalis	Absent
Brian Florence	Absent
George Zevitas	Absent

James McGillen – Vice Chair, opens the hearing at 7:00 PM. He gives a summary of the appeals tonight and indicates that the applicant/petitioner’s representative, Attorney Marielise Kelly, has sent a letter dated August 17, 2009. This letter is a request for an administrative withdrawal of the following applications.

**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.

James McGillen adjourns the meeting at 7: 04 PM