



Town of Barnstable Zoning Board of Appeals



www.town.barnstable.ma.us/ZoningBoard

Board Members:

Craig Larson – Chair Brian Florence – Vice Chair Alex Rodolakis – Clerk George Zevitas - Member David A. Hirsch – Associate Member
Herbert Bodensiek – Associate Member
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Principal Planner - elizabeth.jenkins@town.barnstable.ma.us
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Minutes

Wednesday, June 11, 2014

2nd Floor Hearing Room – 367 Main Street, Hyannis, MA

Craig Larson - Chair	Present
Brian Florence – Vice Chair	Present
Alex Rodolakis – Clerk	Present
George Zevitas	Present
David Hirsch	Present
Herbert Bodensiek	Present

Also present were Elizabeth Jenkins – Principal Planner and Carol Puckett – Administrative Assistant.

At 7:05PM, as a quorum has been met, Craig Larson calls the hearing to order.

Call to Order

Introduction of Board Members – ***All board members present introduce themselves.***

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.

New Business – Comprehensive Permits

7:00 PM Comprehensive Permit No. 2005-082 Cotuit Meadows

Cotuit Equitable Housing, LLC has requested a minor modification of Comprehensive Permit 2005-082 to relocate certain lots designated for construction of affordable single-family dwelling units in “Phase III” (and one lot in “Phase II”) of the Cotuit Meadows subdivision. Presently, twelve lots in Phase III are designated affordable lots (Lots 9, 16, 20, 80 81, 82, 84, 86, 96, 97, 98, 102); the applicants wish to change the designation of the affordable lots within Phase III and add an additional affordable lot to Phase II (Lots 2, 9, 13, 16, 18, 20, 22, 81, 84, 86, and 102).

Comprehensive Permit No. 2005-082, issued on May 2, 2006 and subsequently modified, allows for the development of 124 single-family residential units, including 31 units dedicated in perpetuity as affordable. Lots in Phase III of the subdivision are located on Pleasant Hill Circle and Spring Brook Lane. The affected lots are shown on Assessor’s Map 002 as Parcels 002/009 – 002/023 and Parcels 002/075 – 002/103.

Members assigned: Alex Rodolakis, Brian Florence, George Zevitas, David Hirsch, Craig Larson

Representative: Attorney John Kenney. Also with him is Brian Dacey, the developer and manager of the LLC.

Attorney Kenney gives a brief summary of how this development came about. He states that Phase 1 has 52 lots consisting of 13 affordables. All homes in Phase 1 are built and moved into. Phase 2 has 28 lots consisting of 7 affordables. The remainder of the affordables in Phase 2 should be complete and all occupied by August. They have started Phase 3 with 44 lots which will

consist of 12 affordables. They are asking for modification and the plan submitted (**Exhibit A**) in pink ate the new proposed Phase 3 affordables. Seven affordable pre-designated lots will remain unchanged and are asking to add/change five of the pre-designated affordables to different lot numbers.

Craig asks if there is anyone from the public who would like to speak ether in favor or in opposition.. No one speaks.

Craig Larson does findings:.

1. Cotuit Equitable Housing, LLC submitted a request to the Board on May 29, 2014 to modify the conditions of Comprehensive Permit 2005-082 to change the designation of the affordable lots within Phase III and add an additional affordable lot to Phase II. The affordable lots shall be Lots 2, 9, 13, 16, 18, 20, 22, 81, 84, 86, and 102.
2. This modification request does not constitute a substantial change and therefore does not require a public hearing and is approved.

Seconded by Brian Florence

Vote:

All in favor

INSUBSTANTIAL CHANGE GRANTED

At 7:13, Craig Larson calls the Pacheco appeal and reads it into the record:

Old Business

7:00 PM Appeal No. 2014-018

Pacheco/Lucien

Wayne J. Pacheco and Nancy J. Lucien have petitioned for a Special Permit pursuant to §240-94 – Expansion of a preexisting nonconforming use. The petitioners seek expansion of a preexisting nonconforming use as a lodging house to allow at least seven, up to eight lodgers. The premises have been used as a lodging house for six lodgers since 1985. The property is located at 791 Pitcher’s Way, Hyannis, MA as shown on Assessor’s Map 271 as Parcel 159. It is located in the Residence C-1 Zoning District.

Continued from April 23, 2014 & May 14, 2014, May 28, 2014

Members assigned 04-23-14: Brian Florence, Alex Rodolakis, George Zevitas, David Hirsch, Craig Larson

Members assigned 05-28-14: Craig Larson, Alex Rodolakis, George Zevitas, Herbert Bodensiek

Members assigned: Brian Florence, Alex Rodolakis, George Zevitas, Craig Larson, David Hirsch

Representative: Attorney Moore

Attorney Moore gives summary of the status of this appeal from the last hearing. Craig Larson clarifies that at the last hearing he wasn’t convinced of the nonconforming use. Attorney Moore reiterates that the structure was built in 1985, was licensed in 1987 after which the law changed to 3 lodgers but for which they had always had a license for 6 and has always been used for that purpose. Ownership has been changed several times and Mr. Flynn has always lived there and had the license in his name. Currently, there is a bedroom in the basement with a kitchen for which they are currently working with the Building Department on resolving its issues. George Zevitas clarifies that they have 6 lodgers and one resident manager. Attorney Moore states yes and then they would have Manager’s quarters and 8 lodgers. The basement room would have two occupants. Attorney Moore states that it is an 8 bedroom septic. Craig Larson feels that 9 are too many.

Craig Larson asks if there is anyone from the public who would like to speak either in favor or in opposition. No one speaks.

Board discusses briefly.

Brian Florence makes findings:

Wayne J. Pacheco and Nancy J. Lucien have petitioned for a Special Permit pursuant to §240-94 – Expansion of a preexisting nonconforming use. The petitioners seek expansion of a preexisting nonconforming use as a lodging house to allow at least seven, up to eight lodgers. The premises have been used as a lodging house for six lodgers since 1985. The property is located at 791 Pitcher’s Way, Hyannis, MA as shown on Assessor’s Map 271 as Parcel 159. It is located in the Residence C-1 Zoning District.

- The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-94 allows for expansion of a lawful preexisting nonconforming use if all requirements of the section are met.

The Applicant has demonstrated that use of the property for a lodging house for six lodgers is a lawful preexisting nonconforming use.

- The proposed expansion and/or intensification will not be more detrimental to the neighborhood.
- Any proposed expansion of the use shall conform to the established setbacks for the zoning district in which it is located, or such greater setbacks as the Zoning Board of Appeals may require due to the nature of the use and its impact on the neighborhood and surrounding properties.
- The proposed use and expansion is on the same lot as occupied by the nonconforming use on the date it became nonconforming.
- The proposed new use is not expanded beyond the zoning district in existence on the date it became nonconforming. The property has been zoned RC-1 since 1985.
- In a letter dated April 1, 2014, the Site Plan Review Committee approved a plan submitted with a request to increase the number of lodgers from six to eight, subject to issuance of a Special Permit by the Zoning Board.
- After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.

Vote:

All in favor

Motion is made by Brian Florence to grant the relief being requested with the following conditions:

Conditions

1. Special Permit No. 2014-008 is granted to Wayne Pacheco and Nancy Lucien for the expansion of a preexisting nonconforming lodging use to allow the number of lodgers on the premises addressed 791 Pitcher's Way, Hyannis to be increased from six to eight.
2. The site shall be used in accordance with the plan entitled "Certified Plot Plan – 791 Pitchers Way, Hyannis, MA" dated March 26, 2014, drawn and stamped by John L. Libby Consulting.
3. The house on the property shall be a single-family dwelling only. Any kitchen or other improvements that represent a second unit on the property shall be removed by the owner with the required permits from the Building Division.
4. The use shall be operated in compliance with all requirements of the Licensing Division and all local, state, and other applicable rules for the operation of lodging facilities.
5. All units shall be in compliance with the Building Code and state and local health regulations.
6. Use of the premises shall be in compliance with the April 1, 2014 Site Plan Review approval.
7. This permit shall not be transferable to any other property owner without prior approval from this Board.
8. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to issuance building permit. The rights authorized by this special permit must be exercised within two years, unless extended by the Board.

Craig Larson would like to amend Condition #1 in order to allow the total number of lodgers on the premises to 8.

Accepted by Brian Florence and seconded by David Hirsch

Attorney Moore suggests adding to Condition #3: "or as it may be otherwise in compliance with the Building Division . " She states they will be dealing with the Building Division as far as whether there is a second unit or what constitutes a second unit. Craig Larson does not accept the amendment and states that they can come back for that.

Vote:

All in favor as amended.

GRANTED WITH CONDITIONS AND AMENDMENT

At 7:30, Craig Larson calls the Leveroni appeal and reads it into the record:

7:00 PM Appeal No. 2014-020 Leveroni

Timothy and Daniel Leveroni, Trustees of the JTD Harborview Realty Trust and Peter Leveroni, Trustee of the Leveroni Family Trust have applied for modification of Variance No. 1988-050, which granted relief from lot frontage and lot shape requirements to create two buildable lots. Additionally, or in the alternative, the Applicants seek a new variance to the two-acre minimum lot area requirements of the Resource Protection Overlay District. The Applicants are proposing to reconfigure a shared lot line and modify the shape of each lot through an even exchange of lot area. The properties are located at 845 & 853 Main Street, Cotuit, MA as shown on Assessor's Map 035 as Parcels 059-001 and 059-002. They are located in the Residence F and Resource Protection Overlay Zoning Districts.

Continued from May 14, 2014. No members assigned.

**Members assigned: Brian Florence, Alex Rodolakis, George Zevitas, Craig Larson, David Hirsch
Representative: Attorney Michael Ford**

Attorney Ford gives a summary of relief being requested which is to recombine the two lots, do a lot exchange of equal amount of 13147 sf to be taken from Lot 2 and joined in what will be new Lot 1A which will continue to be the same size. The lots will remain the same size, just a different configuration for access off Main Street. They have been maintained as separate lots since the time when they were first divided. The objective is to get separate access to each lot. Attorney Ford thinks that it would be a cleaner to issue a new variance. He gives variance conditions: as for the shape of lot, they are unique, larger of lots in the neighborhood but under 2 acres, shape, without land exchange, difficult to create separate access which reconfiguration will permit and lot shape factor,. Nothing is going to change except for a new access into the rear parcel, no proposed construction on the site, and therefore doesn't think the intent of the bylaw will result in derogation if granted nor is it detrimental to the public good. They have no problem with the conditions in the staff report.

Brian Florence asks if there are two units already on the back parcel. Attorney Ford answers yes and states that it was granted previously back in the 80's with a condition that it has no more than 2 units and not to be expanded further. Brian refers to page 2 of the staff report and the question as to the recordation of the 1988 variance. Attorney Ford states that the copy that he has of the 1988 variance is difficult to read and hard to tell whether there is a Town Clerk certification. He would suggest that instead of trying to obtain a certified copy that, if granted, they would record this variance.

Craig Larson asks to clarify that this would be voting on exchanging the equal amount of land.

Craig Larson asks if there is anyone here from the public who would like to speak either in favor or in opposition. No one speaks.

Brian Florence makes findings:

Timothy and Daniel Leveroni, Trustees of the JTD Harborview Realty Trust and Peter Leveroni, Trustee of the Leveroni Family Trust have applied for modification of Variance No. 1988-050, which granted relief from lot frontage and lot shape requirements to create two buildable lots. Additionally, or in the alternative, the Applicants seek a new variance to the two-acre minimum lot area requirements of the Resource Protection Overlay District. The Applicants are proposing to reconfigure a shared lot line and modify the shape of each lot through an even exchange of lot area. The properties are located at 845 & 853 Main Street, Cotuit, MA as shown on Assessor's Map 035 as Parcels 059-001 and 059-002. They are located in the Residence F and Resource Protection Overlay Zoning Districts

Variance Findings

- owing to circumstances related to soil conditions, shape, of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located;
- a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner; and

- desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

Vote:

All in favor

Motion is made by Brian Florence to grant the relief being sought with the following conditions:

Conditions

1. A modification of Appeal No. 1988-050 and relief from the minimum lot frontage requirements of §240-14(E) RF District, the shape factor requirements of §240-8(D), and the two-acre minimum lot area requirements of §240-36(D) Resource Protection Overlay District is granted to allow an equal exchange of two 13,147 square foot parcels between 845 and 853 Main Street, Cotuit. The exchange shall result in the reconfiguration of a common lot line between two buildable lots.
2. The lots shall be configured as shown on draft Approval Not Required (ANR) plan, entitled "Plan of Land at 845 & 853 Main Street in Barnstable (Cotuit) Mass" dated May 18, 2013 drawn and stamped by CapeSurv.
3. An Approval Not Required plan shall be prepared based upon the plan referenced in Condition No. 2. The plan shall incorporate a reference to this variance and notation that the lots are subject to compliance with all conditions of the variance.
4. The ANR plan shall be submitted to the Planning Board for endorsement and thereafter recorded at the Registry of Deeds along with the recording of this variance. Copies of the recorded ANR plan and this decision shall be submitted to the Zoning Board of Appeal's file for this variance to be in effect.
5. There shall be no further division or reconfiguration of the lots without approval from this Board.
6. All conditions of Special Permit No. 1988-012 and Variance No. 1988-050 shall remain in full force and effect.
7. If the variance and Approval Not Required (ANR) plan have not been recorded at the Barnstable County Registry of Deeds within one year from the date of issue of this variance, this variance shall expire, unless extended.

Elizabeth Jenkins notes that the division shall happen in reference to the plan as referenced in this application. Craig Larson asks if they can get rid of Condition #6 as this is a new variance. Attorney Ford has no objection.

Brian Florence accepts striking Condition #6.

Seconded by: Craig Larson

Vote:

All in favor as amended

GRANTED WITH AMENDED CONDITIONS

New Business

7:00 PM

Appeal No. 2014-026

Metlow

Deborah and Peter Metlow, as prospective lessees, have petitioned for a Conditional Use Special Permit in accordance with Section 240-25(C)(1) HB Business District. The petitioners are seeking to operate a personal service or parapsychology business which will include palm readings and tarot card readings. The property is located at 120 West Main Street, Hyannis, MA as shown on Assessor's Map 290 as Parcel 161. It is in the Highway Business (HB) zoning district.

Members assigned: Alex Rodolakis, Brian Florence, George Zevitas, Craig Larson, Herbert Bodensiek

Representative: Attorney Mark Boudreau is here representing Gina and Deborah Metlow. He gives summary of relief being sought which is an allowed use in the business district which would entail palm and tarot card reading. Initially the applicants are looking for flexibility in their hours seven days a week as they are not sure of how the business as of yet will operate. He states that Site Plan has been presented and approved by the Building Commissioner by a letter dated June 10, 2014 and that the business will have no more than 4 employees.

Craig Larson clarifies the parking with Attorney Boudreau and the easement which goes to the back of the lot which allows them to use the driveway. Attorney Boudreau states that the use of the large garage is going to be retained by the owner, Mr. Cardarelli. Craig Larson clarifies that they are only permitting the first floor of the structure. Attorney Boudreau states that the father will be leasing the first floor of this structure for the business and that the daughters will be staying in the two bedroom apartment above. George Zevitas asks for clarification of what the applicant's business will entail and feels he would need to talk to the applicants in order to make a decision. Craig Larson asks Attorney Boudreau if he has read the staff report with conditions. Attorney Boudreau states that he is okay with the conditions.

Craig Larson asks if there is anyone here from the public who would like to speak either in favor or in opposition. No one speaks.

Attorney Boudreau gives a history of the use on the property. They are meeting with the fire department for the need of sprinklers. The board discusses what this type of business involves. They discuss conditioning this to certain hours and by appointment only, etc. Brian Florence has concerns regarding the warehousing, storage in the back and the apartment upstairs before he could make a positive vote on this. Attorney Boudreau states that they are not here for those purposes and his clients are looking forward to moving from NY in order to slow down somewhat.

Attorney Boudreau asks for a continuance to June 25, 2014 at 7:00 PM.

Motion is made by Brian Florence and seconded by George Zevitas to continue this to June 25, 2014 at 7:00 PM.

Vote:

All in favor

Attorney Boudreau clarifies that the board will be looking to speak with the mother and daughter to address what the business would entail. Craig Larson asks Brian Florence if a letter from the landlord in regards to the house and warehouse would be sufficient. Brian Florence thinks some input from the Building Division on their findings in respect to the house and warehouse would be sufficient. He would like to also know if they are creating three principal uses or is it a principal use of the personal services with an apartment accessory use to that and then is the garage accessory to that use or is it a separate principal use. If it is a separate principal use there might be a problem.

CONTINUED TO JUNE 25, 2014 AT 7:00 PM

7:01 PM

Appeal No. 2014-027

700 South Main, LLC

700 South Main, LLC has applied for a variance from the minimum lot area requirements of Section 240-11.E RD-1 District and 240-36.D Resource Protection Overlay District. The locus contains approximately 3.45 acres of land and is developed with two single-family dwellings which pre-date the Town's adoption of the Subdivision Control Law. The applicant seeks to divide the land into two lots – one lot for each dwelling. Relief is required from minimum lot size requirements to create two lots consisting of 66,500 and 36,100 square feet of upland, respectively. The property is located at 700 Main Street, Centerville, MA as shown on Assessor's Map 186 as Parcel 037. It is located in the Residence D-1 and Resource Protection Overlay Districts.

Craig Larson notes that a request for a continuance has been received from Attorney Eliza Cox asking that this be continued until June 25, 2014.

Motion is made by Craig Larson and seconded by Brian Florence to continue this to June 25, 2014 at 7:00 PM.

Vote:

All in favor

CONTINUED TO June 25, 2014 AT 7:00 PM

7:02 PM Appeal No. 2014-028

DeMelo Brothers, Inc

DeMelo Brothers, Inc is appealing a determination of the Building Commissioner that the Appellant's landscape business, which has operated out of the 91 Flint Street property for 33 years, is not in conformity with the Zoning Ordinance. The property is located at 91 Flint Street, Marstons Mills, MA as shown on Assessor's Map 123 as Parcel 028-002. It is in the Residence F Zoning District and Groundwater Protection Overlay District.

Members assigned: Alex Rodolakis, George Zevitas, Brian Florence, Craig Larson, Herbert Bodensiek. David Hirsch leaves the building.

Representative: Attorney John Kenney.

Also with Attorney Kenney are Rob DeMello, his sister and co-owner, Lisa Lamminen and Arlene Wilson from AM Wilson and Associates. Attorney Kenney gives a history of the property as outlined in his memorandum. He disagrees with Building Commissioner – Tom Perry's opinion issued to the applicant over 30 years after the business operation started at this site, stating that the use was not in compliance with the zoning ordinance and instructing the applicant to either obtain a use variance from the ZBA or cease operations from the property. He gives a summary of zoning history of the site and indicates that he researched case law on statute of limitations and refers the board to an opinion letter in his memo from a previous Building Commissioner, Joe Daluze. He refers to the staff report's citing of Bruno vs. Wrentham Board of Appeals (62 Mass. App. Ct. 527) in which, in part, he disagrees with. He also cites the Cape Resorts Hotels Inc., vs. the Alcoholic Licensing Board of Falmouth (385 Mass. 205) in which the appeals court states that the judge correctly held that even if this use of space was illegal in 1961 under MGL Chapter 40 Section 7, the association's action to enjoy that use comes too late. Whether it was legal or not they had 6 years from the date of the issuance of the building permit provided the building and the use were being used in accordance with the permit. He agrees with staff's comment that it does not elevate this use to the status of a nonconforming pre-existing use and gives it the protections of 40A Section 6. He states that this puts it in limbo. He refers again to the opinion letter from previous Building Commissioner, Joe Daluze, which was part of the original building permit application which was granted. He thinks that after 30 years it would be hard pressed to find better documentation that the building and the use which were built in accordance with the terms of the initial permit. He reads in part, Chapter 40A, Section 7 in regards to statute of limitations. He believes that the statute of limitations has expired and has long since lapsed. He would respectfully request that the board give deference to the interpretation of the ordinance in effect in 1981 by the Building Commissioner at that time and deny the request for enforcement action by the current Building Inspector.

Brian Florence asks Mr. DeMelo what he keeps on site in reference to agricultural exemption use as stated in Mr. Daluz's letter. Mr. DeMello states that there are trucks, mowers, and a small amount of fertilizer as well as some shrubs when they are needed for his customers. Brian Florence asks about boat storage. Attorney Kenney states that the boat storage is another use variance application that the Building Commissioner instructed them to apply for.

Craig Larson and Attorney Kenney discuss statute of limitation s in regards to a structure or use. They discuss the enforcement actions, and boat storage. Attorney Kenney asks for a five minute recess.

Kenney states that after consulting with his client and Ms. Wilson, they are requesting a continuance on the Other Powers but would like to go forward on the use variance.

Motion is made by Craig Larson and seconded by Brian Florence to continue this to June 25, 2014 at 7:00 PM.

Vote:

All in favor

CONTINUED TO JUNE 25, 2014 AT 7:00 PM.

7:03 PM Appeal No. 2014-029

DeMelo Brothers, Inc

DeMelo Brothers, Inc is seeking a variance from §240-14 RF Residential District – Principal Permitted Uses. The applicant seeks a use variance to allow for the continued operation of a landscape business in the RF District. The company has been operating from this location for 33 years. The property is located at 91 Flint Street, Marstons Mills, MA as shown on Assessor's Map 123 as Parcel 028-002. It is in the Residence F Zoning District and Groundwater Protection Overlay District.

7:04 PM Appeal No. 2014-030

DeMelo Brothers, Inc

DeMelo Brothers, Inc is seeking a variance from §240-14 RF Residential District – Principal Permitted Uses. The applicant seeks a Use Variance to allow for the storage of 68 boats in the RF District. The property is located at 91 Flint Street, Marstons Mills, MA as shown on Assessor's Map 123 as Parcel 028-002. It is in the Residence F Zoning District and Groundwater Protection Overlay District.

Attorney Kenney speaks to the operation of landscape business and authorization to allow boat storage.

He submitted a memo which the members have seen. Attorney Kenney gives summary of 2014-029. He states that as to variance conditions is unique as it was part of a mining/gravel operation in a residential district. In 1981, his client went to the Building Commissioner wanting to purchase this property and asked the Building Commissioner at the time whether it could be used for certain uses including a landscaping business. They were informed that they could (use it for those purposes) and therefore, pulled building permits and constructed a commercial building and two additions. Although a rectangular shaped parcel, it was stripped of normal residential vegetation and with a commercial building which would be a hardship if it was to be put out of business and would if it were to be required for them to raze the commercial structure which was previously permitted. Additionally, the location is surrounded by the town landfill and because it was stripped of vegetation, the view from this parcel is that of the landfill with solar panels, next door is another business, across the street is land also owned by his client, another landscape business, a building that houses numerous businesses around the corner, next to them is a construction company with greenhouse and next to them is a stump dump. They are surrounded by businesses in the residential zone. The company has been there for over years and if this variance is granted and would be no change and would be no detriment to the public good.

As for the operation of the landscape business, equipment customarily used is located inside. Landscape materials are stored on the property across the street. The only servicing of vehicles is normal routine maintenance (changing of tires, sharpening of blades) of trucks and equipment. Washing and changing of truck fluids are done off-site and his client would be agreeable to a condition to that effect. They do purchase pallets of mixed fertilizer and weed control (approximately 2000 pounds per season) and store it on a truck parked inside at night. They understand that because of the Groundwater Protection Overlay district that storage of the fertilizer/weed control needs to be removed and are willing to make arrangements to have the truck that stores that material off premises at night. The above ground diesel tank has been removed. During the season there are 20 full time people that arrive between 7:00 and 7:15 AM in the morning. Employees work from 7:30 to 4:00 PM and during off season the company may employ 3 or 4 people dependent on the weather.

As for boat storage, Attorney Kenney states that the outboard motors are not stored on site, only outboard boats without motors. He confirms with Mr. DeMelo that there could be new inboard boats stored without gas, might be some with inboard motors that have to be stored with a full tank of gas per the fire department as fumes could ignite quicker than a full tank of gas. In summary, the majority of the boats do not have motors as those motors are stored at the marina and as a perfect compliment, there is no detriment to the public good as there are few places for boat storage in the community. He believes that this would be a benefit and states that the fire department likes this location because of the access.

Craig Larson asks if there is anyone here from the public who would like to speak either in favor or in opposition. No one speaks.

Alex Rodolakis would like to see some suggested conditions. As for the boat storage, he would like dimensions of the boats, etc. Craig Larson suggests a buffer from the edge of street to the building on Flint Street. Mr. Larson talks about, in reference to conditions; there should be limits on quantities of pesticide and materials and limiting/defining maintenance of trucks and equipment. As for conditions, Elizabeth Jenkins thinks the biggest concern is the GP regulations and making sure there are limitations of fertilizers and work on vehicles. Ms. Jenkins would like to make sure that there is input from the Building Commissioner and fire department in reference a site plan.

Attorney Kenney requests a continuance to July 9, 2014 at 7:00 PM for the two use variances.

Attorney Kenney also requests to continue the appeal of the Building Commissioner's decision to the same date after the two use variance appeals. .

Motion by Craig Larson and seconded by Brian Florence to continue both appeals to July 9, 2014 at 7:00 PM.

Vote:

All in favor

CONTINUED TO JULY 9, 2014 at 7:00 PM.

Correspondence

Letter received 05-30-14 anonymously asking for enforcement action on a family apartment.

Other Business

Next Regularly Scheduled Hearings: June 25, July 9, August 13, September 10

Adjourn

Motion is made by Craig Larson and seconded by George Zevitas to adjourn.

Vote:

All in favor