

Zoning Board of Appeals

Minutes

Wednesday, March 26, 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	Absent
Herbert Bodensiek	Present

Also present were Elizabeth Jenkins – Principal Planner, James Tinsley, Town Council Liaison and Carol Puckett – Administrative Assistant.

Craig opens the hearing at 7:05 PM.

Call to Order

Introduction of Board Members – *Members introduce themselves.*

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Approval of Minutes

Minutes from January 8, 2014, February 12, 2014 and February 26, 2014

Motion is made by Brian Florence and seconded by Craig Larson to approve the minutes as submitted.

Vote:

All in favor

Old Business

7:00 PM

Appeal No. 2014-009 – Cont'd

Wellington

Charles O. Wellington has petitioned for a Special Permit pursuant to §240-44 – Accessory Uses Permitted with Special Permit. The petitioner is seeking to construct a pier and boardwalk with stairs, ramp and float on a lot immediately opposite and across a road from the lot on which the principal use (a residential dwelling) it serves is located. The property is located at 0 Seapuit Road, Osterville, MA as shown on Assessor's Map 095 as parcel 003. It is in the Residence F-1 Zoning District.

Continued from February 26, 2014. No members assigned.

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

Representative: Attorney Sara Alger. Attorney Alger states that the applicants are also with her tonight. She gives brief summary of relief being sought and will answer any questions from the board. Craig asks if they have read the staff report with the suggested conditions. Attorney Alger has read the staff report and is agreement with it and also notes that this project also has approval from the Conservation Commission.

Craig 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:

Charles O. Wellington has petitioned for a Special Permit pursuant to §240-44 – Accessory Uses Permitted with Special Permit. The petitioner is seeking to construct a pier and boardwalk with stairs, ramp and float on a lot immediately opposite and across a road from the lot on which the principal use (a residential dwelling) it serves is located. The property is located at 0 Seapuit Road, Osterville, MA as shown on Assessor’s Map 095 as parcel 003. It is in the Residence F-1 Zoning District.

Special Permit Findings

- The application falls within a category specifically excepted in the ordinance for a grant of a special permit:
Charles O. Wellington is seeking a special permit pursuant to Section 240-44(A) to install a boardwalk, pier, ramp and float on an accessory lot.
- The lot at 0 Seapuit Road, as shown on Assessor’s Map 095 as Parcel 003, is located immediately opposite and across a road from 275 Seapuit Road, the lot on which the principal use it serves is located.
- The lot at 0 Seapuit Road containing the proposed accessory use and the lot at 275 Seapuit Road containing the principal single-family dwelling are held in identical ownership with respect to both fee and nonfee interests. Charles O. Wellington and Louisa M. Guzzetti hold title to both the principal lot and the subject accessory lot under a single deed (Land Court Certificate No. 192268).
- Site Plan Review is not required for single-family residential dwellings.
- 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 sought with the following conditions:

Conditions

1. Special Permit No. 2014-009 is granted to Charles O. Wellington for the use and construction of an accessory boardwalk, pier, ramp and float on property addressed 0 Seapuit Road as shown on Assessor’s Map 095 as Parcel 003.
2. The improvements shall be installed in substantial conformance with the plan entitled “Proposed Improvements – Plan of Land at 0 Seapuit Road” dated December 27, 2013, drawn and stamped by John C. O’Dea of Sullivan Engineering, Inc.
3. The construction shall be in compliance with all conditions of the Order of Conditions issued by the Conservation Commission.
4. The boardwalk, pier, ramp and float shall be an accessory use, incidental and subordinate to the principal single-family dwelling at 275 Seapuit Avenue and shall not be used in any other manner or for any other purpose.
5. The lots at 0 Seapuit Road and 275 Seapuit Road shall be retained in identical ownership with respect to both fee and non-fee interests.
6. 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

**Vote:
All in favor**

GRANTED WITH CONDITIONS

Craig Larson turns hearing over to Brian Florence as he recuses himself and leaves the dais. .

Brian Florence reads the following into the record:

7:01 PM

Appeal No. 2014-008

Tagliente

Teresa Tagliente, as Trustee of the Teresa Tagliente 2011-2016 Qualified Personal Residence Trust and as Trustee of the Teresa Tagliente 2011-2021 Qualified Personal Residence Trust has applied to revise or amend Variance No. 1970-63. The variance allowed for the construction of an accessory structure, now consisting of foundation walls, within the required front and side yard setback. The applicant seeks to enclose 123 sq.ft of the existing 336 sq.ft structure and replace the remaining portions with a pergola and other uncovered decorative outdoor features. The property is located at 185 Bay Shore Road, Hyannis, MA as shown on Assessor’s Map 325 as Parcel 092. It is in the Residence B Zoning District. Continued from February 26, 2014. No members assigned.

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

Representative: Attorney David Lawler

Attorney Lawler is aware of the four member board tonight and that a unanimous vote is needed and agrees to go forward. The Tagliente's are not here tonight because of the weather. Attorney Lawler states that this is a pre-existing structure which was granted a variance in 1970. What they are trying to do is to enclose it for storage purposes similar to a shed. Because of the existing variance, the hardship is evident and that it meets and the requirements and be allowed to beautify this area.

Brian Florence asks if there is anyone here from the public who would like to speak either in favor or in opposition. No one speaks. No discussion or comment from the board members. Alex Rodolakis confirms that Attorney Lawler has read the staff report and its conditions and is agreeable.

Alex Rodolakis makes findings:

Teresa Tagliente, as Trustee of the Teresa Tagliente 2011-2016 Qualified Personal Residence Trust and as Trustee of the Teresa Tagliente 2011-2021 Qualified Personal Residence Trust has applied to revise or amend Variance No. 1970-63. The variance allowed for the construction of an accessory structure, now consisting of foundation walls, within the required front and side yard setback. The applicant seeks to enclose 123 sq.ft of the existing 336 sq.ft structure and replace the remaining portions with a pergola and other uncovered decorative outdoor features. The property is located at 185 Bay Shore Road, Hyannis, MA as shown on Assessor's Map 325 as Parcel 092. It is in the Residence B Zoning District.

Variance Findings

is lawfully existing by variance, but the nature and extent of the proposed structure is substantially different, the Board is encouraged to consider all three statutory requirements of MGL Chapter 40A, Section 10 for granting a variance. The three requirements have been met. :

- owing to circumstances related to soil conditions, shape, or topography 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 .with respect and that all 3 of these factors would apply in respect to this application
- that the variance and ANR were endorsed finalizing division of the lots

Vote:

All in favor

A motion is made by Alex Rodolakis and seconded by Herbert Bodensiek to grant the relief being sought those being conditions 1 through 4 as outlined in the staff report dated February 20, 2014

Vote:

All in favor

GRANTED WITH CONDITIONS

Craig Larson returns to the dais and reads the following into the record:

7:00 PM Appeal No. 2014-011

Green

Richard H. and Dale R. Green have petitioned for a Special Permit pursuant to Section 240-91.H(3) to demolish an existing 1,122 square foot single-family dwelling and rebuild a new 1,943 square foot dwelling on a lot that contains less than 10,000 square feet. The property is located at 680 Craigville Beach Road, Centerville, MA as shown on Assessor's Map 226 as Parcel 120. It is located in the Residence B Zoning District.

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

Representative: Michael Jimerson, architect and Doug Mullen, contractor, are here representing the applicants. Craig Larson asks if the applicants are here. Mr. Jimerson replies no. Mr. Jimerson gives a summary of the relief being requested and that the lot is less than 10,000 square feet and the new structure will cover 16.4 of lot coverage. Mr. Mullen states that in reference to staff notes that the basement will remain unfinished and that the applicants would accept the recommendation for the driveway to be accessed from Irving.

Brian Florence clarifies that the applicants will continue to use Irving for access to the property.

Craig Larson asks if there is anyone from the public who would like to speak either in favor or in opposition.

No one speaks.

Craig Larson makes findings.

Richard H. and Dale R. Green have petitioned for a Special Permit pursuant to Section 240-91.H(3) to demolish an existing 1,122 square foot single-family dwelling and rebuild a new 1,943 square foot dwelling on a lot that contains less than 10,000 square feet. The property is located at 680 Craigville Beach Road, Centerville, MA as shown on Assessor's Map 226 as Parcel 120. It is located in the Residence B Zoning District.

Special Permit Findings

- The application falls within a category specifically excepted in the ordinance for a grant of a special permit:
- **Section 240-91(H)(3) allows for the complete demolition and rebuilding of a residence on a nonconforming lot containing less than 10,000 square feet of contiguous upland by Special Permit.**
- **Site Plan Review is not required for single-family residential dwellings.**
- **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.**
- **The dwelling is proposed in compliance with all setback requirements of the RB District.**
- **The proposed lot coverage shall not exceed 20% or the existing lot coverage, whichever is greater. The proposed lot coverage, inclusive of covered porches, is 16.8%.**
- **The floor area ratio shall not exceed 0.30 or the existing floor area ratio of the structure being demolished, whichever is greater. The proposed FAR is 29.4%.**
- **The building height, in feet, shall not exceed 30 feet to the highest plate and shall contain no more than 2 ½ stories. The proposed height is 21' 8" to the highest plate; the proposed dwelling is two stories.**
- **The proposed new dwelling would not be substantially more detrimental to the neighborhood than the existing dwelling.**

Vote:

All in favor

Motion is made by Craig Larson to grant relief being requested with the following findings:

Conditions

1. Special Permit No. 2014-011 is granted to Dale and Richard Green for the demolition of an existing dwelling and rebuilding of a 1,943 square foot dwelling at 680 Craigville Beach Road, Centerville.
2. The dwelling shall be constructed in substantial conformance with the plan entitled "Site Plan of 680 Craigville Beach Road Centerville" dated December 3, 2013, drawn and stamped by Daniel Ojala of Down Cape Engineering; and the elevations dated 1/24, 1/27 & 2/10 2014 and floor plans dated 1/7/2014, all entitled "Dale & Richard Green, 860 Craigville Beach Road", drawn by Michael A Jimerson AIA, seven sheets.
3. The lot coverage of the dwelling shall not exceed 16.8 percent of the lot area and the floor area ratio shall not exceed 29.4 percent.
4. The proposed redevelopment shall represent full build-out of the lot. Further expansion of the dwelling or construction of additional accessory structures is prohibited without prior approval from the Board.
5. Any conversion of space currently determined to be uninhabitable into habitable space is prohibited. The basement shall remain unfinished.
6. *Access to the property from Craigville Beach Road is prohibited.*
7. Prior to issuance of a certificate of occupancy, a certified as-built plan prepared by an independent party shall be submitted to the Building Commissioner to confirm that the lot coverage and floor area ratio of the dwelling conforms to the ordinance and the conditions of this decision.
8. The number of bedrooms on the property shall be limited to three.
9. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be located so as to conform to the required setbacks for the district and screened from neighboring homes and the public right-of-way.
10. 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.

Seconded by Brian Florence

Vote:

All in favor

GRANTED WITH CONDITIONS

Pensco Trust Company FBO David Scerra has petitioned for a Special Permit pursuant to Section 240-25C(1) Highway Business District – Conditional Uses. The petitioner is requesting a special permit for operation of a hair salon with all appurtenances thereto on the second floor (**Craig Larson states that they are changing this to first floor**) of an existing building. The properties are located at 112 & 124 West Main Street, Hyannis, MA as shown on Assessor’s Map 290 as parcels 028 and 162. They are in the Highway Business and Residence B Zoning Districts.

Brian Florence discloses that he has had business dealings with Attorney Gilberti in his capacity as Building Commissioner of Dennis but feels that he can be fair and impartial in this matter before the board. Attorney Gilberti states that she is okay with Mr. Florence sitting on this.

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

Representative: Carmela Gilberti. Attorney Gilberti states that David Scerra, the applicant, is not here tonight but that his sister Janet, who will be operating the salon is. She has read the staff report and would like to field any questions the board might have and believes that this proposal meets all the criteria. Craig Larson asks for clarification of the site plan in reference to a notation referring to future and proposed parking. Attorney Gilberti states that she believes it refers to lot 124 which is not part of this application and not necessary for the salon which can operate with the parking as shown on lot 112. If they get to the point where the second floor is to be developed and need more parking they will be addressing that at that time. Craig Larson clarifies that there is not turn around and is just what is shown on the plan. He asks if there are any easements onto the Cardarelli lot. Attorney Gilberti states that there is an easement for Cardarelli to go behind the garage on lot 124 and come out.

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. No one speaks.

Alex Rodolakis notes that Condition #4 of the staff report Business signage is encouraged to be externally illuminated or back-lit and asks if they can make it “shall be”. Attorney Gilberti is conducive to the change.

Alex makes findings:

Pensco Trust Company FBO David Scerra has petitioned for a Special Permit pursuant to Section 240-25C(1) Highway Business District – Conditional Uses. The petitioner is requesting a special permit for operation of a hair salon with all appurtenances thereto on the second floor of an existing building. The properties are located at 112 & 124 West Main Street, Hyannis, MA as shown on Assessor’s Map 290 as parcels 028 and 162. They are in the Highway Business and Residence B Zoning Districts.

Special Permit Findings

1. In Appeal No. 2014-012, Pensco Trust Company FBO David Scerra has requested a Conditional Use Special Permit to allow a hair salon and appurtenant uses on **one first** floor of an existing building at 112 West Main Street, Hyannis.
2. Section 240-25(C)(1) of the Zoning Ordinance allows any use permitted in the B District with a Conditional Use Special Permit. Hair salons and other personal service uses are permitted in the B District.
3. The Site Plan Review Committee reviewed and approved the proposal for a change of use for a hair salon on one floor (**which is to be the first floor**) of the existing building and associated site improvements to 112 West Main Street on March 18, 2014.
4. 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.
5. The proposed use of the property will not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community.
6. The proposed commercial use and reuse of the existing building are consistent with the Local Comprehensive Plan, which designates the West Main Street corridor for commercial infill and redevelopment.

Vote:

All in favor

Motion is made by Alex Rodolakis to grant the relief being requested with the following conditions:

Conditions

1. Special Permit No. 2014-012 is granted to Pensco Trust Company FBO David Scerra to operate a hair salon, along with customary appurtenant uses, on one floor (approximately 2,240 square feet) of the existing building at 112 West Main Street, Hyannis. This permit shall apply to the use of 112 West Main Street only.
2. The site shall be improved in substantial compliance with the improvements shown for Lot 1 on the plan entitled “Site Plan – Proposed Parking at 112 West Main Street prepared for PENSICO Trust Co.”, dated (revised) March 6, 2014, drawn and stamped by Peter Sullivan of Sullivan Engineering, Inc.

3. Any use of other space within the building not allowed as-of-right in the Highway Business District shall require a Conditional Use Special Permit from the Board and/or other Town approvals as required.
4. ~~Business signage is encouraged to be externally illuminated or back-lit.~~ **Any business signage shall be externally illuminated or backlit**
5. This 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 for this special permit to be in effect. The rights authorized by this special permit must be exercised within two years, unless extended by the Board.

Seconded by Brian

Vote:

All in favor

GRANTED WITH CONDITIONS

Craig reads the following into the record:

7:02 PM Appeal No. 2014-013

Gregory

Nathaniel A. Gregory has applied for a variance from Section 240-44 – Accessory uses, which requires that an accessory lot be “adjoining or immediately opposite and across a road from the lot on which the principal use it serves is located”. The applicant seeks to construct a pier, ramp and float on a .05 acre lot at 320 East Bay Road, appurtenant to the residential dwelling at 428 Wianno Avenue. The property is addressed 320 East Bay Road, Osterville, MA as shown on Assessor’s Map 163 as Parcel 020. It is in the Residential F-1 Zoning District.

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

Representative: Attorney Albert Schulz

Attorney Schulz states that Mr. Gregory is not able to be here tonight. Attorney Schulz gives a summary of relief being requested. The residential lot cannot be directly across the road from the principal lot. He states that there are two piers in the area constructed and this pier will not extend as far out as the other piers. They have reviewed the staff report and are okay with the suggested conditions and that the applicant doesn’t plan on parking any cars on the lot. Brian clarifies that they are okay with the parking. Attorney Schulz states that the beach sticker provides for parking on East Bay Road in certain areas near the landing. He is okay with no parking on the subject parcel. George Zevitas has spoken with the other board members in executive session and feels that this does not have any business, in his opinion, because it was voted on negatively and is not inclined to disrupt the board’s findings from the previous petition for the same reasons. Craig states that this petition was here previously and did not sit on this. He thinks that when they subdivided the original lot, they did the best they could because of the wetlands and would be more in favor that the original intent was to be accessory lots and that they are across the street from the lots in total and was one common deed at one time. Alex states that originally he had sat on it and had voted on it negatively. He is more inclined today to agree with the applicant and looking at the totality of the other lots thinks that a literal enforcement would be substantial hardship to the applicant and doesn’t think it would be a detriment as there are other accessory lots with piers in the area.

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:

Nathaniel A. Gregory has applied for a variance from Section 240-44 – Accessory uses, which requires that an accessory lot be “adjoining or immediately opposite and across a road from the lot on which the principal use it serves is located”. The applicant seeks to construct a pier, ramp and float on a .05 acre lot at 320 East Bay Road, appurtenant to the residential dwelling at 428 Wianno Avenue. The property is addressed 320 East Bay Road, Osterville, MA as shown on Assessor’s Map 163 as Parcel 020. It is in the Residential F-1 Zoning District.

Variance Findings

- owing to circumstances related to soil conditions, shape, or topography 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...
- An application for a variance that has met all three requirements “does not confer ... any legal right to a variance.” The Board still has the application for a variance that has met all three requirements “does not confer ... any legal right to a variance.” The Board still has the discretionary power to grant or not to grant the variance

Vote:

AYE: Alex Rodolakis, Brian Florence, Craig Larson, Herbert Bodensiek

NAY: George Zevitas

Brian Florence makes motion to grant with the following conditions:

Conditions

1. The variance is granted to allow for the construction of a pier, boardwalk, ramp, and float at 320 East Bay Road, Osterville.
2. The pier shall be accessory to the principal dwelling at 428 Wianno Avenue, Osterville.
3. The improvements shall be in substantial compliance with the plan entitled "Site Plan – Proposed Pier, Ramp & Float at 320 East Bay Road", dated November 4, 2009, drawn by Sullivan Engineering, Inc.
4. The construction shall comply with all conditions of the Order of Compliance issued by the Conservation Commission.
5. Other than those specified herein, additional improvements to the lot are prohibited.
6. If this variance has not been recorded at the Barnstable County Registry of Deeds within one year from the date of issuance, it shall expire, unless extended by the Board.
7. ~~Parking for the site shall be located at 420 Wianno Road only or at some other lawful parking spot in the area and no parking is permit at 320 East Bay Road~~
8. **There shall be no parking at 320 East Bay Road**

Alex Rodolakis wants to amend and have it read that there shall be no parking at 320 East Bay Road

Brian accepts the amendment.

Seconded by: Craig Larson

Vote:

AYE: Brian Florence, Craig Larson, Alex Rodolakis, Herbert Bodensiek

NAY: George Zevitas

GRANTED WITH CONDITIONS

Alex Rodolakis recuses himself from the Connors appeal and leaves.

7:03 PM Appeal No. 2014-014

Connor

Peter and Ann Connor are petitioning for a Special Permit pursuant to Section 240-25.C(1) Highway Business District – Conditional Uses for the operation of a brewery in an existing commercial structure. The petitioners are proposing to brew and bottle hand crafted beer, along with associated accessory uses including retail sales, product tasting and small events. The property is addressed 485 West Main Street, Hyannis, MA as shown on Assessor's Map 269 as parcel 223. It is in the Highway Business and Residence B Zoning Districts.

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

Representative: Attorney Paul Tardif. Attorney Tardif indicates that they will proceed with four members. Attorney Tardif gives summary of property and relief being sought. He turns it over to Peter Connors who talks about the business plan. Mr. Connors states that one of the things he wants to stress is that the brewery is primarily manufacturing of craft beer, retail sales of bottled beer to the public and offsite distribution to restaurants and golf courses. Also, a pouring license application will be part of this. These samples will be small, 2 oz glasses in order to taste the beer for off site consumption. This will not be a pub, bar or nightclub or a place for people to come and consume beer for a long period of time. As part of the parking proposal they are looking to add spaces to bring it up to 19 spaces as well as 4 parking spaces for the loading dock.. There will be some site improvements to include a hops garden to view the agricultural process and planned staggered tours of the facility to attract tourists. His wife Linda speaks and states that she has a strong background with alcohol, underage drinking and the protocol and is cognizant of the neighborhood safety. They have a scanner to make sure that no one comes in under the age of 21. In the off season, they will plan events which will be October through April. Attorney Tardif states that this has been through Site Plan Review and received approval, thinks it is in the intent of the bylaw.

Craig Larson asks Peter Connors to explain the pouring license and asks if they will be having a commercial kitchen. Mr. Connors explains pouring license and that they will not have a commercial kitchen and will not be preparing food on-site. . Brian asks s how they limit the number of people to do tours because of the parking and how would they turn people away. Mr. Connors states that they would limit the

number of people in the tour but will make the tours often enough to accommodate those who missed the previous tours. Brian Florence asks how they would handle a situation where 40 cars might show up for a tour. Mr. Connors states that they could look into off site parking arrangements. Brian asks him to explain the hop garden. Craig asks what part of the business will be retail and what part wholesale. Mr. Connors thinks that it would be 50/50. Mr. Connors states that if the tours became a problem then they would do it by invitation or token. Craig clarifies that this would not be a package store.

Craig Larson asks if there is anyone from the public who would like to speak either in favor or in opposition.

Attorney David Lawler is here representing Sue and Steve Fidelli also known as Steve & Sue's Ice Cream (Party Freeze). Their client has requested they oppose this that as it is not in keeping with the bylaw and would be a detriment. Specifically, Steve and Sue's is an active spot and is open for over 8 months per year. He states that this is close to the elementary and high school and thinks that it is too small for the use and the sale of alcohol is an issue. The loading dock could be a problem. Also if you look at the parking spaces, they back out into an easement. It is in close proximity to a family ice cream place where children frequent and the sale of alcohol could be problematic. As for the technical issue, (he hands in a copy of the easement (Exhibit A) to the board members.

George Zevitas discloses that Attorney Lawler's clients are his neighbors and would like to recuse himself at this time. Craig states that this causes a quorum issue. George Zevitas leaves.

A motion is made by Brian Florence and seconded by Herbert Bodensiek to continue this to April 23, 2014 at 7:00 PM.

CONTINUED TO APRIL 23, 2014 AT 7:00 PM

Other Business

Motion is made by Brian Florence and seconded by Craig Larson to adjourn.

Vote:

AYE: Alex Rodolakis, Craig Larson, Brian Florence, Herbert Bodensiek

Elizabeth Jenkins states that the Village Green 40B project has been working on getting this started and that they will need to look at the plans. At this point, they have concluded all reviews and are looking at getting a building permit