



**Town of Barnstable**  
**Zoning Board of Appeals**  
**Minutes**  
**April 14, 2010**

***A regularly scheduled and duly posted Public Hearing for the Town of Barnstable Zoning Board of Appeals was held on Wednesday April 14, 2010 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 – Principal Planner, Elizabeth Jenkins – Principal Planner and Carol Puckett – Administrative Assistant.***

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

***Laura Shufelt opens the hearing at 7:07 PM. She reads a summary of the appeals to be heard tonight. She indicates that they will take the Tonsberg case first and that there is an email requesting a continuance of this matter. Laura Shufelt makes a motion to continue to May 12, 2010 at 7:00 PM. William Newton seconds.***

***Vote:  
All in favor.***

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**Appeal No. 2009-068 - Continued**

**Tonsberg  
Special Permit Demo/Rebuild on Nonconforming Lots**

Opened, November 18, 2009, continued to February 10, 2009, moved to February 24, 2010 and continued to April 14, 2010 per applicant's request.

This appeal has been continued in order to allow for processing of a Cape Cod Commission Hardship Exemption from the District of Critical Planning Concern Centerville Beach Nomination.

No Members Assigned, No Testimony Given  
Decision Due: May 17, 2010

Frederick and Roberta Tonsberg have petitioned for a Special Permit pursuant to Section 240-91.H(2), Developed Lot Protection, Demolition and Rebuilding on Nonconforming Lots. The petitioner seeks to demolish the existing dwelling located on the property and reconstruct a new dwelling not in compliance with current setback requirements for the district. The property is addressed as 2 Short Beach Road, Centerville, MA and is shown on Assessor's Map 206 as parcel 044. The property is in a Residence D-1 Zoning District.

## CONTINUED TO MAY 12, 2010 AT 7: 00 PM

**Laura Shufelt then calls the Gregory appeal and reads it into the record.**

Appeal No. 2010-003 - Continued

Gregory  
Expand Nonconforming Structure & Accessory Uses

Opened January 27, 2010, continued to March 10, 2010 and to April 14, 2010 per applicant's request.

Decision Due: July 22, 2010

Nathaniel A. Gregory has petitioned for a Special Permit pursuant to Section 240-93 B – Alteration or Expansion of a Pre-existing Nonconforming Structure and a Special Permit pursuant to Section 240-44 A – Accessory Uses. According to the application submitted, the petitioner seeks the "construction of a pier to replace a prior pier" on an accessory lot located across the road from the principal lot on which the single-family dwelling it serves is located. The principal residential lot is addressed 428 Wianno Avenue, Osterville, MA and is shown on Assessor's Map 163 as Parcel 024. The accessory lot is addressed 320 East Bay Road, Osterville, MA and is shown on Assessor's Map 163 as Parcel 020. Both lots are in a Residential F-1 Zoning District.

**Members assigned tonight: William Newton, James McGillen, Brian Florence, Alex Rodolakis, Laura Shufelt**

**Attorney Albert Schulz is here representing the applicant. Also with him tonight is Mr. O'Day from Sullivan Engineering. Attorney Schulz gives a summary of the relief being sought. He has filed a memorandum and the plan is Exhibit 2 which he is showing on the easel which shows 9 lots. He indicates that the proposed pier is 75 X 4 foot from mean high water and there is a 14X3 foot ramp and a 16X8 foot float and the total structure is approximately 100 feet from mean high water. He gives a background on the neighborhood. He gives the dimensions of the pier that was on Lot 8 and how the lots were conveyed. He hands out copies of the deeds to the Board: which is Land Court Document #130762. He indicates that the lots were conveyed according to restrictions. He indicates that according to the ordinance the lot has to be either adjoining or immediately opposite and across the road. He indicates that the issue here is whether lot 8 is immediately opposite from Lot #3. He gives a definition from Black's Law dictionary of immediately. He would suggest that lot #8 is directly opposite from lot #3. He has done research with regard to East Bay Road and with speaking to engineering and clerk's office that East Bay Road was never taken, the fee was never taken, and is a public way by reason by a laying out in the late 1800's. The laying out of the road accomplished a public easement in East Bay Road. Therefore, Mr. Gregory still owns the fee to the midpoint of East Bay Road and lot #3 extends to the midpoint of East Bay Road. Secondly, is the definition of "immediately". He indicates that there was a case in Land Court off of Coddington Road in Centerville which was the Padula case. He indicates that the Board found it was not adjacent and that it was appealed in 1994 to the Land Court and was heard by Judge Kilborne. He passes out a copy of that decision to the Board Members. He would suggest that the 1995 amendment was not a change at all but an intent to make sure that the lot was in the vicinity of the residential principal use. The distance between lot #3 and #8**

*is approximately 209 feet. He gives a picture to the Board members. He would suggest that 200 feet is a short distance for purposes of this bylaw. The present pier is approx 100 feet long as opposed to the previous pier that was there which is 1/3 of the size and occupies 30% of the area occupied by the previous pier. CONCOMM determined that the most sensitive manner in which to access East Bay was via a pier instead of dragging dinghy's up through the marsh. They did limit the use to non motorized vessels so that no boats can be moored at the pier.*

*James McGillen clarifies the distance with lot #3 to lot #8. Attorney Schulz indicates about 200 feet.*

*Brian Florence asks if there is any portion of the old pier evident. Attorney Schulz has searched and cannot find any evidence.*

*Alex Rodolakis does not find the Padula case supported of his application. Attorney Schulz indicates that he quoted it as far as the legislative history that was quoted in the decision it was the intent of the Planning Board that sponsored it that one lot should be in the "immediate vicinity" then he is suggesting that the addition of the language in the new bylaw that requires "immediately opposite" really doesn't add anything.*

*Art Traczyk comments that the Padula case was based upon the language before the present language in the ordinance and that the present language came from that case in order to tighten it up as to how close these lots had to be to each other.*

*Laura Shufelt asks if there is anyone from the public who would like to speak. No one speaks.*

*William Newton suggests continuing this for staff to go over and doesn't understand fully as to what has happened in the past and with the presentation of the Padula case as it pertains to this.*

*Brian Florence is prepared to make findings.*

*Alex Rodolakis has a problem with the road in general which gives him pause about the distance from the lot*

*Laura Shufelt comments that she doesn't think it meets the letter of the ordinance.*

*Attorney Schulz is agreeable to continuing this if the Board members need to review this.*

*The board discusses.*

*Motion is made by Laura Shufelt and seconded by William Newton for a continuance to ask for legal opinion from Town Attorney's office.*

**Vote:**

**AYE: Alex Rodolakis, William Newton, Laura Shufelt**

**NAY: Brian Florence, James McGillen**

*Continued for legal opinion of Town Attorney*

**CONTINUED TO MAY 12, 2010 TO 7:00 PM**

**Laura Shufelt calls EAC appeal and reads it into the record.**

**Appeal No. 2009-025 – Continued**

**EAC Disposal, Inc.  
Modification of Variance No. 1996-14**

Opened April 1, 2009, continued, May 20, 2009, August 5, 2009, September 23, 2009, November 4, 2009 December 9, 2009, February 10, 2010, moved to February 24, 2010, and continued to April 14, 2010. This has been continued to this date for an update on Hiring of an Outside Consultant for the Board.

A proposed Scope of Services is enclosed for Members review and comment.

Board Members Previously Assigned: William H. Newton, Michael P. Hersey, Brian Florence, Alex M. Rodolakis, Laura F. Shufelt

Associate Member Present: George T. Zevitas

Decision Due: June 18, 2010

EAC Disposal, Inc., d/b/a Cape Resources Company has applied for a Modification of Variance No. 1996-14. The modification is sought to allow for revisions to the site that include a new wood processor and staging area, alteration to interior site circulation, and additions and alterations to screening berms and landscape. The property is addressed 280 Old Falmouth Road, Marstons Mills, MA as shown on Assessor's Map 100 as parcel 008. The lot is in a Residence F Zoning District

**Members assigned tonight: William Newton, Brian Florence, Alex Rodolakis, George Zevitas, Laura Shufelt**

**Attorney Charles Sabatt is here representing the applicant. He indicates that he has thoughts regarding the hiring of the outside consultant in terms of the consultation and goes over Section One. He indicates that after the bullets, there is a paragraph about EPA concerns. He is not sure there is any such thing with respects to operations of this matter. He recommends that the consultant determine whether there are Massachusetts Department of Environmental Affairs concerns and if there are determine how to comply with those. Then in terms of #2 and 3, he wants to be diplomatic but thinks that this his client has presented a plan that is intended to make his operation more efficiently and to make the premises more compatible with the immediate neighbors and the reason for the new interior berm and expanded exterior berm. One of the things he asked the engineer to calculate is the reduction of the berm by approximately 25%. Also, he indicates that if they were coming in with a proposal to expand or change the operation or expand the product line, increase the hours, etc., then he could fully understand that the Board would be looking toward a regime of monitoring in the future with increased regulation and criteria. However, they are coming here with none of those things and are only coming here with a plan to improve the relationship with the neighbors. In general, he would like to be on record as saying, for the moment he can't say don't look at #2 or 3, but cannot say he agrees with them either. He thinks those are to be areas of significant discussion as they move forward. Finally, he would hope that there is methodology about the consultant and would like to see that the consultant would meet with his client and engineer and discuss his/her recommendations and thinks that should be put into the language.**

**William Newton asks if they would object to having residents involved to also discuss the proposal and findings and would like to see the residents as part of the process**

**Attorney Sabatt does not have a problem with that and his client is willing to do that. His concern is if the residents will meet with his client.**

**Laura Shufelt indicates that without measurable methods it protects everyone.**

**They discuss the meeting with the consultant and dates for a continuance**

**Laura Shufelt makes a motion to continue this to May 26, 2010.**

**Brian Florence seconds.**

**Vote:**

**AYE: William Newton, Brian Florence, Alex Rodolakis, George Zevitas, Laura Shufelt**

**NAY: None**

## **CONTINUED TO MAY 26, 2010 AT 7:00 PM**

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**Laura Shufelt then calls the Levesque appeals and reads them into the record.**

**Appeal No. 2010-007 – New**

**Levesque**

**Bulk Variance to Divide a Lot with Two Structures**

.Daniel P. Levesque has applied for a Variance to Section 240-14.E Bulk Regulations, Minimum Lot Area, Minimum Front and Side Yard Setbacks, Minimum Lot Frontage, and Section 240-36 Resource Protection Overlay District Minimum Lot Area. The applicant seeks to divide a lot upon which two dwellings exist. The resulting division would create two new lots, neither of which would conform to the required minimum lot area of 2-acres of upland (87,120 square feet). Lot #1 is proposed at 18,937 square feet of upland and Lot #2 as 22,363 square feet of upland. Lot #1 is shown with 126.29 feet of frontage where zoning requires 150 feet. Each of the new lots would contain an existing dwelling. The building on Lot #1 would result in a 10-foot side yard setback where 15 feet is required. The building on Lot #2 would result in a 12-foot side yard setback where 15 feet is required, and the established 8.6-foot front yard setback would remain nonconforming to the 30 foot requirement. The property is addressed 25 River Road, Marstons Mills, MA and is shown on Assessor's Map 078 as parcel 002. It is in a Residence F Zoning District.

**Appeal No. 2010-008 - New**

**Levesque**

**Special Permit to Alter a Nonconforming Use**

Daniel P. Levesque has petitioned for a Special Permit pursuant to Section 240-94.B Expansion of a Pre-existing Non-Conforming Use. The applicant seeks relief in conjunction with Variance No. 2010-007 to allow for the alteration of the lot upon which the nonconforming use exists. The permit is sought to retain the pre-existing nonconforming two-family use of that dwelling on the proposed new Lot #1 where zoning only permits one single-family residential unit on a lot. The property is addressed 25 River Road, Marstons Mills, MA and is shown on Assessor's Map 078 as parcel 002. It is in a Residence F. Zoning District.

**Members assigned tonight: William Newton, James McGillen, Brian Florence, George Zevitas, Laura Shufelt**

**Attorney Kevin Kirrane is representing the applicant. He quotes 81L and that the applicant has a statutory right to create lots around buildings that predate the adoption of the subdivision control law in the Town of Barnstable. Under those circumstances, there is a statutory right to create two lots, one building sitting on each one of these lots. In doing so, however, the lots are not in conformance with current zoning and is not convinced under the lot that they have to be. However, when these things occur they do create conveyancing nightmares. They will also have setback problems that do not conform to current zoning. There are 3 residential units on this property and, as a result, the use of this**

**single lot is nonconforming. One building will have two units in it. They have proposed a driveway for the second structure and if not approved they will accept that. Each lot will be owned by different people.**

**Brian Florence asks how long the open accessory structure has been there.**

**Attorney Kirrane indicates that they are willing to take it down if necessary.**

**Laura Shufelt asks why the proposed lot line doesn't follow the stone wall.**

**Attorney Kirrane indicates that there is a septic system there and that they will be going to the Board of Health for a separate septic for the building upon which it is not located.**

**Laura Shufelt asks if there is anyone here from the public who would like to speak either in favor or in opposition.**

**James McGillen asks if Attorney Kirrane has checked with title companies about ANR plan under 81L.**

**Attorney Kirrane indicates that is really not a subdivision but has to be done pursuant to an ANR plan and that they would have to submit a plan for their endorsement and doesn't believe they would have a problem.**

**Kevin Galvin of 71 Route 149 is an abutter and director of the Marstons Mills River Watershed Association. He indicates that he had sent a letter to the Board and summarizes the letter as it pertains to the nitrogen loading. He indicates that the Marstons Mills River is a major contributor to the excess nitrogen there. Their concern is that any increase in septic or other development will increase the nitrogen levels.**

**James McGillen asks Mr. Galvin how he thinks it would be an increase as the structures already exist and that a new septic would be more modern.**

**Mr. Galvin indicates that any installation of a septic would possibly increase problems.**

**Kevin Barry, with his wife Lynn who live at 55 River Road, indicates that he is familiar with this area and there is very few places to put a new septic system and wants the Board to talk to CONCOMM about the septic. He doesn't think there is another place to put the septic besides the driveway where it is currently. In his opinion he doesn't think it meets the 3 prong test for a variance. If you consider the total property, he doesn't meet the requirement about lot size. As far as the financial factor, he indicates that this is not a primary residence for the applicant and if approved would create a problem by adversely affecting their property values. Also, he doesn't believe you can approve without a detriment to the neighborhood affected. He sees no logical reason other than a financial windfall for Mr. Levesque why this property needs to be subdivided. In his opinion none of the 3 requirements have been met and asks the Board to deny both permits. This is also in a single family residential zoning district. He also submits a note from a neighbor.**

**George Zevitas asks who lives in 3 properties now.**

**Mr. Barry believes that it is all rented and that the garage has been rented to an antique dealer.**

**George Zevitas asks how long the barn has been used for commercial. Mr. Barry thinks about a year.**

***Kathy Dowling and her husband, who live at 5 River Road also object. .***

***Attorney Kirrane thinks he his client has a statutory right to draw this line and the variance relief is to avoid issues during conveyance. He indicates that Mr. Levesque has spent a lot of money renovating this property.***

***William Newton asks if Attorney Kirrane has a problem with Condition #4. Attorney Kirrane answers no.***

***Attorney Kirrane indicates that there is a shared system currently and if they could they would utilize the existing system as they would should the Board determine that they would prefer one drive instead of two, they would have cross easements for the parking area and use of the septic system as well.***

***Brian Florence asks what the variance conditions are.***

***Attorney Kirrane indicate that the hardship is the location of the structures on the site.***

***George Zevitas asks how they would address about the business presently being carried on and how long has it been there.***

***Attorney Kirrane believes that it was a carriage business that goes way back.***

***Mr. Levesque indicates that right now it is being used as storage and that there is no business operating out of there.***

***George Zevitas comments that he an abutter indicated otherwise.***

***Mr. Levesque indicates that the woman using it for storage of antiques has once in the last 8 months had one yard sale. They discuss past businesses and home occupations***

***George Zevitas asks if he gets money from her. Mr. Levesque answers yes.***

***Art Traczyk indicates that there were home occupations there in the past and were not transferable to another person. Attorney Kirrane indicates that there will be no zoning violation there. Art indicates that it is in violation now***

***Brian Florence asks if the rental of that facility can be stopped now.***

***Mr. Levesque indicates that he could try.***

***Laura Shufelt indicates that the letter submitted by Mr. Barry from Gail & Todd Loveland of 1 River Road objects to the variance without specifics..***

***Art Traczyk explains that they need a variance for setback and that they need it for 2 acres of zoning.***

***Kevin Barry asks to comment***

***Laura Shufelt indicates that public comment is closed.***

***Art Traczyk explains why they need the variance.***

*The Board and Attorney Kirrane discuss statutory rights in reference to 81L.*

*Brian Florence does findings:*

*IN the matter of Appeal No. 2010-007 - Bulk Variance to Divide a Lot with Two Structures*

*Daniel P. Levesque has applied for a Variance to Section 240-14.E Bulk Regulations; specifically Mr. Levesque is seeking a variance for Minimum Lot Area, Minimum Front and Side Yard Setbacks, Minimum Lot Frontage. The petitioner is also seeking to vary from Section 240-36 Resource Protection Overlay District Minimum Lot Area. The applicant seeks to divide a lot upon which two dwellings exist. The resulting division would create two new lots, neither of which would conform to the required minimum lot area for the district as described in the public notice dated April 7, 2010. The property is addressed 25 River Road, Marstons Mills, MA and is shown on Assessor's Map 078 as parcel 002. It is in a Residence F Zoning District.*

- *The lot and two principal structures therein predates the Town's adoption of subdivision control*
- *The boundaries of the subject lots, #1 and 2, were established by an ANR Plan that was approved by the Planning Board on September 11, 1989 and a special permit exists for a home occupation on Lot #2.*
- *He would find that the details outlined and the specific dimensional relief requested is outlined in the staff report dated April 7, 2010 on page 3.*
- *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;*
- *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:**

**AYE:** *George Zevitas, Brian Florence, James McGillen, William Newton, Laura Shufelt*

**NAY:** *None*

- *Brian Florence makes a motion to approve the application before them and grant the variance to the petitioner based on the thoughts and reasons as outlined in the findings and that 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 and that a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner and that a variance 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.*

*Motion includes the variance conditions #1 through #8 as outlined in the staff report dated April 7, 2010 and reads them into the record as follows:*

1. *The division of the lot shall be as shown on a plan presented to the Board and entitled; "Plan of Land in Barnstable, MA located at 25 River Road Marstons Mills, MA prepared for Dan Levesque" and dated January 25, 2010.*



2. **An Approval Not Required (ANR) plan shall be prepared based upon said plan and shall incorporate a reference to this variance and notation that the lots are subject to compliance with all conditions of that variance.**
3. **That Approval Not Required (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 within one year of the grant of this decision.**
4. **The number of bedrooms authorized on each of the lot shall be restricted to the number that now exists; four (4) on Lot #1 and two (2) on Lot #2.**
5. **The use of Lot #2 shall be limited to one single family dwelling and its accessory uses as permitted in the zoning district.**
6. **Access to Lots #1 and #2 shall be from a common driveway located over Lot #2 and sharing a single curb cut on River Road.**
7. **Any demolition of the dwellings shall require the new dwelling to conform to the required setbacks unless a modification of this variance is requested and granted. Any new construction shall be required to meet all Title 5 and Board of Health requirements for the on-site septic system without variance and as new construction.**
8. **The relief authorized herein must be executed within one year of the grant of this variance. In this instance, execution is the recording of the ANR plan and this decision thereby allowing division of the lot into two.**
9. **The removal or location of the shed structure located on the lot with benefit of a building permit.**
10. **No commercial activity shall continue or occur on the site without the proper permits.**

**James McGillen seconds.**

**Vote:**

**AYE: George Zevitas, Brian Florence, James McGillen, William Newton**

**NAY: Laura Shufelt**

**Brian Florence does findings for the special permit:**

**Appeal No. 2010-008 – Special Permit to Alter a Nonconforming Use**

**Daniel P. Levesque has petitioned for a Special Permit pursuant to Section 240-94.B Expansion of a Pre-Existing Non-Conforming Use specifically the applicant wishes to retain the pre-existing nonconforming two-family use of that dwelling on the proposed new Lot #1 where only a single family dwelling is permitted currently under zoning. The property is addressed 25 River Road, Marstons Mills, MA and is shown on Assessor's Map 078 as parcel 002. It is in a Residence F Zoning District.**

**He would find that according to Section 240-125.C.2 – Standards for Granting Special Permits that the use of the two family dwelling is allowed by special permit under 240-94.B and that the proposed use 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:**

**AYE: George Zevitas, Brian Florence, James McGillen, William Newton, Laura Shufelt**

**NAY: None**

**Brian Florence makes a motion to grant the special permit based upon their thoughts and reasons as outlined in the findings and upon special permit conditions as described in the staff report of April 7, 2010.**

**Laura Shufelt indicates that he need not read them.**

**Laura Shufelt asks about the shed.**

**Brain Florence wants to amend and add another condition:**

**The shed type structures as a condition will be removed or relocated on the site, complying with zoning with benefit of a building permit.**

**James McGillen seconds.**

**Vote:**

**AYE: George Zevitas, Brian Florence, James McGillen, William Newton, Laura Shufelt**

**NAY: None**

**This permit is issued to allow the continued nonconforming use of the existing structure on Lot #1 as shown on the plan cited herein as a two-family dwelling subject to the following conditions:**

- 1. This permit shall apply to Lot #1 as shown on a plan presented to the Board and entitled; "Plan of Land in Barnstable, MA located at 25 River Road Marstons Mills, MA prepared for Dan Levesque" and dated January 25, 2010.**
- 2. The primary structure on Lot #1 shall be permitted to be used as a two-family residence, but in no case shall additional dwelling units be permitted on the lot. The total number of bedrooms on the lot shall not exceed four unless connected to a common or public wastewater treatment system.**
- 3. Lot #1 shall not be further divided nor shall the dwelling units be sold or transferred into separate ownership from each other. The dwellings and property shall remain in single ownership.**
- 4. Access to Lot #1 shall be from a common driveway located over Lot #2 and sharing a single curb cut on River Road.**
- 5. Any demolition of the dwelling shall require the new dwelling to conform to the required setbacks unless a modification of this variance is requested and granted. Any new construction shall be required to meet all Title 5 and Board of Health requirements for the on-site septic system without variance and as new construction.**
- 6. This decision must be recorded at the Barnstable County Registry of Deeds and a copy of that recorded document must be submitted to the Zoning Board of Appeals office and to the Building Division within one year and at that time when Variance No. 2010-007 is also recorded and submitted to the Zoning Board of Appeals file.**

**The shed type structures as a condition will be removed or relocated on the site, complying with zoning with benefit of a building permit.**

**Vote:**

**AYE: George Zevitas, Brian Florence, James McGillen, William Newton, Laura Shufelt**

**NAY: None**

## **VARIANCE GRANTED WITH CONDITIONS SPECIAL PERMIT GRANTED WITH CONDITONS**

*Attorney Kirrane asks if the driveway becomes an issued if they could they come back*

*Art Traczyk indicates that they had approved it as one curb cut and that to come back in an untimely appeal of this decision.*

*The Board discusses re-opening the appeals.*

*Brian Florence indicates that until DPW and the engineers look at it he doesn't have a problem with it.*

*Brian Florence asks Attorney Kirrane if there is a problem if this could be conditioned with reference to the curb cut. Attorney Kirrane indicates that he has no problem with it.*

*Laura Shufelt asks if anyone from Growth Management looked at the driveway issue. Art is not sure.*

*Brian Florence asks how they would condition it since they didn't close the special permit.*

*Brian Florence wants to amend #6 of the variance and #4 of the special permit that no more than one driveway pet lot be located and that they must be done with the approval of the Town engineer and DPW*

*Seconded.*

*Vote:*

*AYE: George Zevitas, Brian Florence, James McGillen, William Newton*

*NAY: Laura Shufelt*

### *Chairman's Discussion*

*She reminds them of the ethics test and that minutes will be voted upon at the next meeting. She indicates that they are still down one associate member and reminds members of the reappointments forms for those that are near their expiration date.*

*Laura Shufelt discusses the 3 year extension of special permits*

*Brian Florence indicates that the state has just signed the bill and that permits issued between 2008 and 2011 can be extended such as building permits, special permits, etc. They discuss.*

*Brian Florence makes a motion to adjourn*

*James McGillen seconds.*

*All in favor*

*Meeting adjourned at 8:55 PM*