



Town of Barnstable
Zoning Board of Appeals
Minutes
June 22, 2011

Laura Shufelt - Chair	Present
William Newton – Clerk	Present
Michael Hersey	Absent
Craig Larson	Absent
Alex Rodolakis	Present
Brian Florence	Present
George Zevitas	Present

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

Laura Shufelt opens the hearing at 7:09 PM.

Introduction of Board Members

Laura Shufelt calls the EAC hearing. She indicates that the members who are assigned to this appeal are also the members present. Laura indicates that there is no formal letter asking for a continuance and that there is no one here tonight representing EAC. Laura indicates that previously they had accepted an extension for time extending the due date to August 10, 2011. Laura indicates that she was hoping they would have a decision today but there was a request from the Town Attorney's office to allow for one last point which the engineers are wrestling with and trying to get a consensus. Laura thinks this has gone on too long and suggests that staff put together draft findings and a decision and base it on any changes to the consultant's report. She also notes that a final report from the consultant has not been received as of yet.

A motion is made by Laura Shufelt and seconded to Brian Florence to have staff prepare draft findings and a draft decision regarding EAC Disposal, Inc.

Vote:
All in favor.

A motion is made by William Newton and seconded by Alex Rodolakis to continue this to July 27, 2011 at 7:00 PM.

Vote:
All in favor

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, April 14, 2010, May 26, 2010, July 14, 2010, August 11, 2010, September 15, 2010, October 27, 2010, December 1, 2010, February 2, 2011., March 9, 2011, April 13, 2011, May 11, 2011, June 8, 2011 and June 22, 2011..

Board Members Assigned: William H. Newton, George T. Zevitas, Brian Florence, Alex M. Rodolakis, Laura F. Shufelt
Decision Due: August 20, 2011. **Extension granted June 8, 2011 to extend 60 days**

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

CONTINUED TO JULY 27, 2011 at 7:00 PM

At 7:14 PM, Laura calls the Leoni appeals and reads them into the record.

7:05 PM Appeal No. 2011-025 Ray D. Leoni Nominee Trust – Ray D. Leoni Trustee

Ray D. Leoni, Trustee of the Ray D. Leoni Nominee Trust has appealed the Building Commissioner's decision to deny the issuance of a building permit for the alteration of an existing pier in accordance with Section 240-131.4(D)(1) *Craigville Beach District Use Regulations - Change, Expansion or Alteration of Uses and Structures As of Right*. The appellant sought to alter an existing pier as-of-right on an accessory lot located opposite and across the road from the principal lot on which the single-family dwelling is located. The principal lot is addressed 22 Coddington Road, Centerville, MA as shown on Assessor's Map 186 as Parcel 052 and the accessory lot is addressed 47 Ladd Road, Centerville MA as shown on Assessor's Map 206 as Parcel 059-001. They are in the Craigville Beach (CRD) zoning district and the Centerville River North Bank Neighborhood overlay district.

7:05 PM Appeal No. 2011-026 Ray D. Leoni Nominee Trust – Ray D. Leoni Trustee

Ray D. Leoni, Trustee of the Ray D. Leoni Nominee Trust has petitioned for a Special Permit pursuant to Section 240-131.4(D)(2) *Craigville Beach District Use Regulations - Change, Expansion or Alteration of Uses and Structures by Special Permit* or, in the alternative, a Special Permit pursuant to Section 240-44(A) *Accessory Uses Permitted with Special Permits*. The petitioner is seeking to alter an existing pier on an accessory lot located opposite and across the road from the principal lot on which the single-family dwelling is located. The principal lot is addressed 22 Coddington Road, Centerville, MA as shown on Assessor's Map 186 as Parcel 052 and the accessory lot is addressed 47 Ladd Road, Centerville MA as shown on Assessor's Map 206 as Parcel 059-001. They are in the Craigville Beach (CRD) zoning district and the Centerville River North Bank Neighborhood overlay district.

7:05 PM Appeal No. 2011-027 Ray D. Leoni Nominee Trust – Ray D. Leoni Trustee

Ray D. Leoni, Trustee of the Ray D. Leoni Nominee Trust has applied for a variance to Section 240-43 *Incidental and Subordinate Nature of Accessory Uses*. The applicant is seeking to alter an existing pier on an accessory lot located opposite and across the road from the principal lot on which the single-family dwelling is located. The principal lot is addressed 22 Coddington Road, Centerville, MA as shown on Assessor's Map 186 as Parcel 052 and the accessory lot is addressed 47 Ladd Road, Centerville MA as shown on Assessor's Map 206 as Parcel 059-001. They are in the Craigville Beach (CRD) zoning district and the Centerville River North Bank overlay district.

Laura Shufelt indicates that from a letter dated June 20, 2011, that the applicant's attorney, Albert Schulz, has submitted a written request to continue this.

Laura indicates that the extension for a decision be for 60 days.

A motion is made by Brian Florence and seconded by William Newton to continue this to July 27, 2011 at 7:05 PM.

Vote:

All in favor.

CONTINUED TO JULY 27, 2011 AT 7:05 PM

A motion is made by Brian Florence and seconded by Alex Rodolakis to adjourn.

Vote:

All in favor