

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 7, 2013**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: Robert Littlefield, Amy Germain, Harriet Gordon and Leif Hamnquist.

Members Absent: David Nicolau (excused), Tom Roberts (excused) and Joe Vasta (excused).

Others Present: Russ Braun (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Vice Chair Robert Littlefield called the Work Session to order at 6:45 P.M.

PENDING DECISIONS:

FY13-22 **303 Commercial Street (Town Commercial Center Zone), John Drago of Timtanman Corp. d/b/a Post Office Café -**
Robert Littlefield, Amy Germain, Tom Roberts and Joe Vasta sat on the case. Robert Littlefield read the decision. *Leif Hamnquist moved to approve the language as written, Harriet Gordon seconded and it was so voted, 3-0-1 (Amy Germain abstaining).*

MINUTES: January 24, 2013 – Amy Germain moved to approve the language as written, Harriet Gordon seconded and it was so voted, 3-0-1 (Leif Hamnquist abstaining).

Vice Chair Robert Littlefield postponed the Work Session at 7:00 P.M.

PUBLIC HEARING

Vice Chair Robert Littlefield called the Public Hearing to order at 7:02 P.M. There were four members of the Zoning Board of Appeals present and three absent.

POSTPONED CASES:

FY13-25 **32 Ship's Way Road (Residential 1 Zone), Pavel Fiodarau on behalf of Paul Gable and Tony Lopez –**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer up and along pre-existing, non-conforming lot

lines and/or a Variance under Article 5, Section 5222 of the Zoning By-Laws to construct an attached farmer's porch and an attached garage.

FY13-26 32 Ship's Way Road (Residential 1 Zone), Pavel Fiodarau on behalf of Paul Gable and Tony Lopez –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer up and along pre-existing, non-conforming lot lines and for a Variance under Article 5, Section 5222 of the Zoning By-Laws to construct a farmer's porch and a detached garage within existing setbacks. Robin B. Reid, Esq. appeared and requested to be heard before a five-member Board.

Amy Germain moved to postpone Cases #FY13-25 and FY13-26 until the February 21, 2013 Public Hearing, Leif Hamnquist seconded and it was so voted, 4-0.

FY13-23 7 Browne Street (Residential 3 Zone), Joseph Freitas –

The applicant seeks a Special Permit under Article 2, Section 2640 and Article 3, Section 3110 of the Zoning By-Laws to construct a second floor deck addition up and along pre-existing, non-conforming setbacks on a single family dwelling and for a deviation in building scale. There was a letter in the file requesting a postponement until the February 21, 2013 Public Hearing. *Amy Germain moved to postpone Case #FY13-23 until the February 21, 2013 Public Hearing, Leif Hamnquist seconded and it was so voted, 4-0.*

FY13-28 141 Bradford Street, Town Commercial Center Zone, Joseph Freitas on behalf of 141 Bradford Natural Market –

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the increase in interior non-service seating from six seats to eighteen seats. There was a letter in the file requesting a postponement until the February 21, 2013 Public Hearing. *Amy Germain moved to postpone Case #FY13-23 until the February 21, 2013 Public Hearing, Leif Hamnquist seconded and it was so voted, 4-0.*

FY13-30 132 Commercial Street (Town Commercial Center Zone), William N. Rogers, II, P.E. & P.L.S., on behalf of 132 Condominium Trust –

The applicant seeks a Special Permit under Article 3, Sections 3110 and 3115 of the Zoning By-Laws to remove and reconstruct decks and stairs in the existing footprint along pre-existing, non-conforming lines to bring the structure into compliance with the 8th Edition of the State Building Code. Vice Chair Robert Littlefield explained to the applicant that since there were only four members of the Board seated on the case and the granting of a Special Permit required four assenting votes, he had the choice of moving forward or postponing until a five-member Board could be seated. The applicant chose to proceed. Robert Littlefield, Amy Germain, Harriet Gordon and Leif Hamnquist sat on the case. **Presentation:** Gary Locke appeared to present the application. The project involves the reconstruction of a deck system. Mr. Locke stated that the system is in need of repair and it is not feasible to repair it in place. The deck will be rebuilt in the same footprint and will comply with the State Building Code. The deck will

be moved approximately 1.5' to the southwest in order to relocate a post that is currently in the middle of a doorway.

Documents Submitted: Application for a Hearing, Non-conforming Situation Checklist, Scale Calculation Request, existing site plan, dated 1/31/13, proposed site plan, dated 1/31/13, southeast elevation foundation plan, northeast elevation foundation plan, southwest elevation foundation plan, second floor deck plan and section, 3rd floor deck plan and detail, existing east elevation and existing south elevation.

Public Comment: None. There was 1 letter in support of the application.

Commission Discussion: The Board inquired as to whether there was any consideration given to the idea of keeping the deck the same size and not increasing the lot coverage. Mr. Locke said that it was considered, however the State Building Code requirements restricted how the deck could be rebuilt, such as the need for the stairs to be widened.

Amy Germain moved to grant a Special Permit under Article 3, Sections 3110 and 3115 of the Zoning By-Laws to remove and reconstruct decks and stairs in the existing footprint along pre-existing, non-conforming lines to bring the structure into compliance with the 8th Edition of the State Building Code at the property located at 132 Commercial Street (TCC), Harriet Gordon seconded and it was so voted, 4-0.

WORK SESSION

Vice Chair Robert Littlefield reconvened the Work Session at 7:15 P.M.

The Board reviewed the time constraints for 32 Ship's Way and 7 Browne Street and reviewed procedural questions regarding that issue.

NEXT MEETING: The next meeting will take place on February 21, 2013. It will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M. in the Judge Welsh Room.

ADJOURNMENT: *Amy Germain moved to adjourn at 7:20 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on February 21, 2013
David Nicolau, Chair