

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
July 11, 2013**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David M. Nicolau, Robert Littlefield, Amy Germain, Tom Roberts (left at 7:55 P.M.) and Joe Vasta.

Members Absent: Harriet Gordon (excused) and Leif Hamnquist (excused).

Others Present: Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:50 P.M.

MINUTES: June 20, 2013 – Amy Germain moved to approve the language as written, Robert Littlefield seconded and it was so voted, 5-0.

Chair David M. Nicolau adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:00 P.M. There were five members of the Zoning Board of Appeals present and two absent.

POSTPONED CASES:

FY13-54 173 Bradford Street (*Residential 3 Zone*), William N. Rogers, II, P.E., P.L.S., on behalf of Young's Court East Condominium –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-laws for the renovation of an existing structure including modifying existing dormers and creation of a roof deck up and along pre-existing, non-conforming setbacks. David M. Nicolau, Robert Littlefield, Amy Germain, Tom Roberts and Joe Vasta sat on the case.

Presentation: Attorney Lester J. Murphy and Tito Stefani presented the application. This structure is part of Young's Court East Condominiums. It contains two dwelling units and has two stories. The structure currently contains two units with a total of three bedrooms. One bedroom will be removed from one of the units. All of the renovations, extensions and additions are being done

within the existing footprint with the exception of a proposed 4' by 9' second floor deck on the south side of the building. The proposed changes include the extension of the dormer on the north side of the building from 8' 4" to 17' and the construction of a dormer, roof deck and second floor deck on the south side of the building. The building is non-conforming as to the rear yard setback; the frontage is on Bradford Street. The rear yard setback is only slightly over 4' and the requirement for the zoning district is 10'. Attorney Murphy argued that the proposed changes are not more detrimental to the neighborhood and the Town than what exists. The improvement to the structure will be an asset to the neighborhood. The proposed alterations on the south side include the removal of a doghouse dormer and the addition of a 30' 8 1/2" dormer. The easterly end of that dormer will include the roof deck and the 9' by 4' second floor deck, which would allow access to the roof deck via a spiral staircase. The footprint of the building will increase by 36 sq. ft., changing the lot coverage from 24% to 24.8%. The green space on the property would decrease from 45% to 44.8%. Building scale is not an issue in this project. There is ample parking on the site. The expansion of the dormer will allow for more usable space and headroom on the second floor. Attorney Murphy emphasized that the Stefani family has lived on Young's Court for many years and is concerned about maintaining Young's Court as a quality living area.

Public Comment: George Libone and Bill Meves, direct abutters on the south side of the structure, spoke against the application. Gloria Casar, an abutter, suggested to the applicant that a tree on the property be trimmed and spoke against the application. There was 1 letter in favor and 2 letters, 1 from Mr. Libone and 1 signed by 11 people, all abutters, in opposition to the application.

Board Discussion: The Board questioned Attorney Murphy about the project. There was a discrepancy in the plans concerning the size of the second floor deck. Attorney Murphy offered to continue the application and obtain accurate plans. It was the sense of the Board that the roof deck, because of its proximity to the abutters on the south side and the potential for loud and disruptive sound to emanate from that area, would be more detrimental to the neighborhood, however it had no objections to the other proposed renovations. Attorney Murphy requested that the application be withdrawn without prejudice in order to make changes to the plans.

Robert Littlefield moved to grant the request to withdraw Case #FY13-54 without prejudice, Joe Vasta seconded and it was so voted, 5-0.

NEW CASES:

FY14-01 329 Commercial Street (Town Commercial Center Zone), Robert Beaton on behalf of Arnold's Bike Shop -

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of bicycles for rent and sale. David M. Nicolau, Robert Littlefield, Amy Germain and Joe Vasta sat on the case.

Presentation: Robert Beaton presented the application.

Public Comment: None. There were no letters in the file.

Board Discussion: The Board questioned Mr. Beaton. The Board requested a

quantification of the bicycles on display. The applicant requested a display of 15 bicycles.

Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of bicycles for rent and sale at the property located at 329 Commercial Street (TCC), Robert Littlefield seconded and it was so voted, 4-0.

FY14-02 379A Commercial Street (Town Commercial Center Zone), Carol Bergen of Iona Print Studio –

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a painting on an easel. David M. Nicolau, Robert Littlefield, Amy Germain and Joe Vasta sat on the case.

Presentation: Carol Bergen presented the application. The easel is located just to the left of the doorway to the establishment.

Public Comment: None. There were no letters in the file.

Board Discussion: The Board had no questions for the applicant.

Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a painting on an easel at the property located at 379A Commercial Street (TCC), Joe Vasta seconded and it was so voted, 4-0.

FY14-03 244 Commercial Street (Town Commercial Center Zone), Shawn Collins of Water and Light Jewelry –

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside jewelry display case. David M. Nicolau, Robert Littlefield, Amy Germain and Joe Vasta sat on the case.

Presentation: The applicant did not appear.

Public Comment: None. There were no letters in the file.

Board Discussion: The Board had no questions about the application.

Joe Vasta moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside jewelry display case at the property located at 244 Commercial Street (TCC) with the condition that the display case be affixed to the post on the property as per the plan submitted, Robert Littlefield seconded and it was so voted, 4-0.

FY14-04 212-214 Commercial Street (Town Commercial Center Zone), Benjamin deRuyter on behalf of New Art Realty Corp. –

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a sandwich board advertising Bogey's Bar. David M. Nicolau, Robert Littlefield, Amy Germain and Joe Vasta sat on the case.

Presentation: Ben deRuyter presented the application. He would like to put a sandwich board advertising Bogey's Bar in front of the Art House. The sandwich board is currently located on the north side of a post, which has several other signs affixed to it, on the patio in the front of the property, and is surrounded by a planter box.

Public Comment: None. There were no letters in the file

Board Discussion: The Board requested an updated photo of the location of the sandwich board on the north side of the planter box, as the applicant had submitted a picture of the sandwich board on the east side of the planter box. The applicant will submit a new photo, including dimensions, of the proposed location and sandwich board a decision will be rendered at the next Public Hearing on August 1, 2013. The Board will not require the applicant's appearance at that Public Hearing. In the meantime, the Board has the option of doing a site visit to look at the proposed location. The Board also suggested that the Building Commissioner make a site visit and determine whether the sandwich board was heavy enough not to require being affixed to the planter box.

Robert Littlefield moved to continue Case #FY14-04 until the August 1, 2013 Public Hearing, Amy Germain seconded and it was so voted, 4-0.

FY14-05 205-209 Commercial Street (Town Commercial Center Zone), Benjamin deRuyter on behalf of Aquarium Wharf Realty Trust –

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of multiple sandwich boards advertising several businesses within the mall area. David M. Nicolau, Robert Littlefield, Amy Germain and Joe Vasta sat on the case.

Presentation: Ben deRuyter presented the application.

Public Comment: None. There were no letters in the file.

Board Discussion: The Board requested a revised photo of the location of the sandwich boards and their dimensions. The Board also requested that the Building Commissioner make a site visit.

Amy Germain moved to continue Case #FY14-04 until the August 1, 2013 Public Hearing, Joe Vasta seconded and it was so voted, 4-0.

Chair David M. Nicolau adjourned the Public Hearing at 8:15 P.M.

NEXT MEETING: The next meeting will take place on August 1, 2013. It will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain moved to adjourn at 8:15 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on August 1, 2013
David M. Nicolau, Chair