

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
November 21, 2013**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David M. Nicolau, Amy Germain (arrived at 6:37 P.M.), Tom Roberts, Leif Hamnquist and Jeffrey Haley.

Members Absent: Robert Littlefield (excused) Harriet Gordon (excused) and Joe Vasta (excused).

Others Present: Gloria McPherson (Town Planner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:30 P.M.

PENDING DECISIONS:

FY14-26 **35B Franklin Street, Unit #2 (*Residential 3, Zone*), Gary Reinhardt on behalf of Mark Doherty –**

Robert Littlefield, Amy Germain, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Gary Reinhardt has submitted the Non-Conforming Checklist as requested by the Board. Tom Roberts read the decision. *Jeffrey Haley moved to approve the language as written, Leif Hamnquist seconded and it was so voted, 4-0.*

FY14-27 **674A Commercial Street (*Residential 1 Zone*), Brad Locke Development, Inc. on behalf of Elizabeth Reid –**

Robert Littlefield, Amy Germain, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. David M. Nicolau read the decision. The decision needs to be revised and the applicant has not yet submitted a Non-Conforming Checklist nor dated the plans as requested by the Board. *Amy Germain moved to postpone the approval of the decision for Case #FY14-27 until the December 5, 2013 Public Hearing, Tom Roberts seconded and it was so voted, 5-0.*

FY14-30 **303 Commercial Street (*Town Commercial Center Zone*), John Drago of Timtanman Corp., dba Post Office Café –**

Robert Littlefield, Amy Germain, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Amy Germain started to read the decision, however did not finish as it was not yet complete. *Amy Germain moved to postpone the reading of the decision for Case #FY14-30 until the December 5, 2013 Public Hearing.*

The Board briefly discussed its policy of requiring applicants to provide plans showing all elevations. *Amy Germain moved that all plans submitted by applicants to the Board should show all elevations and be fully-dimensioned, computer-drawn to scale and professionally prepared.* The Board discussed the motion.

Chair David M. Nicolau postponed the Work Session at 7:06 P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:06 P.M. There were five members of the Zoning Board of Appeals present and three absent.

POSTPONED CASES:

FY14-28 **664R Commercial Street (*Residential 3 Zone*), Brad Locke Development, Inc. on behalf of Basil P. Santos et ux –**

The applicant seeks a Special Permit under Article 2, Sections 2440, footnote 8 and Section 2640 of the Zoning By-Laws for the construction of more than six dwelling units on a lot and for a deviation in building scale. This case is postponed until the February 6, 2014 Public Hearing.

FY14-29 **168 Commercial Street (*Town Commercial Center Zone*), Michael McIntyre –**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer up and along a pre-existing, non-conforming setback; Article 2, Section 2640 of the Zoning By-Laws for a deviation in building scale; and Article 2, Section 2630 of the Zoning By-Laws for relief from dormering more than 50% of the rear roof. This case is postponed until the December 5, 2013 Public Hearing.

FY14-32 **9 Telegraph Hill (*Residential 1 Zone*), Deborah Paine, Inc. on behalf of John R. Lamb –**

The applicant seeks a Special Permit under Article 2, Section 2640E of the Zoning By-Laws to remove an existing deck and construct an 18'6" x 21'6" addition with a flat roof/roof deck above on the south elevation; construct a new deck on the south elevation with stairs down to grade and stairs up to the roof deck; modify the existing dormers on the south side of the roof from hip roof dormers to gable roof dormers; push out the front face of the dormers slightly and add a door to the southwest dormer for access to the roof deck; connect the existing dormers on the south side of the roof with a new shed dormer to allow for more windows on the second floor; and modify the existing dormers on the north side of the roof from hip roof dormers to gable roof dormers. There was a request from the applicant to postpone until the December 5, 2013 Public Hearing.

Jeffrey Haley moved to approve the request to postpone Case #FY14-32 until the December 5, 2013 Public Hearing, Leif Hamnquist seconded and it was so

voted, 4-0-1 (Tom Roberts abstaining).

NEW CASE:

FY14-31 **284 Commercial Street (Town Commercial Center Zone), William N. Rogers, II, P.E., P.L.S., on behalf of Edward Fallas –**

The applicant seeks a Special Permit under Article 3, Sections 3110 and 3115 of the Zoning By-Laws to demolish an existing shed building and reconstruct a new shed building on the existing footprint. David M. Nicolau, Amy Germain, Tom Roberts, Leif Hamnquist and Jeffrey Haley sat on the case.

Presentation: Gary Locke presented the application. The existing shed is 12' x 18' and is located 3.78' from the rear lot line and 5.37' from the side lot line. It will be replaced in the same footprint. The replacement shed will be a standard Cape Cod shed from Pine Harbor. The benefit to the neighborhood is that the current shed is very dilapidated and an eyesore.

Public Comment: None. There was 1 letter of support for the application from an abutter.

Board Discussion: The Board questioned Mr. Locke about the plans hand-drawn by the shed company and about the shed shown on the site plan. Mr. Locke assured the Board that the proposed shed will be the same size as the existing.

Amy Germain moved to grant a Special Permit under Article 3, Sections 3110 and 3115 of the Zoning By-Laws to demolish an existing shed building and reconstruct a new shed building in a smaller than existing footprint at the property located at 284 Commercial Street (TCC) with the conditions that fully-dimensioned plans of the proposed reconstruction are submitted stating that they are proposed plans, who drew them and the date they were drawn, Tom Roberts seconded and it was so voted, 5-0. David M. Nicolau will write the decision.

Chair David M. Nicolau adjourned the Public Hearing at 7:30 P.M.

WORK SESSION

Chair David M. Nicolau reconvened the Work Session at 7:30 P.M.

The Board continued the discussion about what kind of plans it requires from applicants. The Board concluded that it would like to discuss and clarify the issue with staff.

NEXT MEETING: The next meeting will take place on December 5, 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 8:00 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on December 5, 2013
David M. Nicolau, Chair