

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 19, 2015**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David M. Nicolau, Robert Littlefield, Peter Page (arrived at 6:42 P.M.) and Rob Anderson.

Members Absent: Amy Germain (excused), Jeffrey Haley (excused), Joe Vasta (excused) and Bryan Armstrong (excused).

Others Present: Gloria McPherson (Town Planner) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair David Nicolau called the Work Session to order at 6:31 P.M.

Request from the Building Commissioner for an opinion from the ZBA pursuant to Section 5120 of the Zoning By-Laws regarding the proposed placement of a walk-in cooler/freezer adjacent to a structure containing a pre-existing, non-conforming retail use at 212 Bradford Street (East End Market):

Building Commissioner Geoff Larsen appeared to discuss the request. The property is in the flood zone and he wanted to consult with the Board as to how it viewed the situation and whether the walk-in cooler would fit into the neighborhood. The Board ruled that the walk-in cooler is service equipment, not a structure, was necessary to conducting the business on the premises and not in need of a Special Permit. The Board briefly discussed the issue.

Robert Littlefield moved that the walk-in cooler/freezer as proposed by the Building Commissioner is service equipment, Rob Anderson seconded and it was so voted, 3-0.

PENDING DECISIONS:

FY 15-35 29 Conant Street (*Res 3 Zone*), DKR Developers –
Robert Littlefield, Jeffrey Haley, Peter Page, Rob Anderson and Bryan Armstrong sat on the case. The decision was not available.

FY 15-39 2 Conway Street (*Residential 2 Zone*), Regina Binder on behalf of Guy Busa –
Robert Littlefield, Jeffrey Haley, Peter Page, Rob Anderson and Bryan Armstrong sat on the case. The decision was not available.

FY15-43 37 Pleasant Street (*Residential 3 Zone*), Ted Smith Architect, LLC, on behalf of Mark Oldham –
David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page and Bryan Armstrong sat on the case. The decision was not available.

- FY15-44** **293 Commercial Street, Unit C (Town Commercial Center Zone), Jason P. Aubee –**
The Building Commissioner has not yet reviewed the seating plan.
- FY15-45** **50 Commercial Street (Residential 2 Zone), Ted Smith Architect, LLC, on behalf of David High –**
David M. Nicolau, Robert Littlefield, Peter Page and Bryan Armstrong sat on the case. The decision was not available.
- FY15-46** **90 Bradford Street (Residential 3 Zone), William N. Rogers on behalf of EH Realty, LLC –**
Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. Robert Littlefield read the decision. *Rob Anderson moved to approve the language as written, Robert Littlefield seconded and it was so voted, 4-0.*
- FY15-47** **152 Commercial Street (Town Commercial Center Zone), Marlene Janice Sawyer -**
David M. Nicolau, Robert Littlefield, Peter Page and Joe Vasta sat on the case. David M. Nicolau read the decision. *Robert Littlefield moved to approve the language as written, Rob Anderson seconded and it was so voted, 3-0.* Mr. Nicolau will amend the decision.
- FY15-48** **252 Commercial Street (Town Commercial Center Zone), Christopher J. Snow, Esq. on behalf of Souza, LLC –**
David M. Nicolau, Robert Littlefield, Joe Vasta and Rob Anderson sat on the case. Robert Littlefield read the decision. *Rob Anderson moved to approve the language as written, Peter Page seconded and it was so voted, 4-0.*

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

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:01 P.M. There were four members of the Zoning Board present and four absent.

PUBLIC HEARINGS:

- FY15-55** **55R Capt. Bertie's Way (Residential 3 Zone), Paul C. Mendes –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2440, C3(b), Permitted Principle Uses, of the Zoning By-Laws, to allow the parcel to be used for the storage of more than three boats. The Board continued the matter to the March 5, 2015 Public Hearing because of the lack of a quorum. *Robert Littlefield moved to continue Case #FY15-55 to the March 5, 2015 Public Hearing, Rob*

Anderson seconded and it was so voted, 4-0.

- FY15-56** **5 Telegraph Hill Road (*Residential 1 Zone*), William N. Rogers on behalf of James D. Epstein –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2450, G12, Permitted Accessory Uses, of the Zoning By-Laws to install a swimming pool. The Board continued the matter to the March 5, 2015 Public Hearing because of the lack of a quorum. *Robert Littlefield moved to continue Case #FY15-55 to the March 5, 2015 Public Hearing, Rob Anderson seconded and it was so voted, 4-0.*

Chair David M. Nicolau adjourned the Public Hearing at 7:02 P.M.

WORK SESSION

Chair David M. Nicolau reconvened the Work Session at 7:02 P.M.

PENDING DECISIONS:

- FY15-50** **75 Franklin Street (*Residential 3 Zone*), Christian P. Dittrich on behalf of Lee Giroux –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. Rob Anderson read the decision. *Robert Littlefield moved to approve the language as written, Peter Page seconded and it was so voted, 4-0.* Revised plans have not been submitted per the request of the Board.
- FY15-49** **8 Cook Street (*Residential 3 Zone*), Regina Binder on behalf of Hank Hitopolous –**
David M. Nicolau, Robert Littlefield, Joe Vasta and Rob Anderson sat on the case. The decision was not ready.
- FY15-51** **214 Commercial Street (*Town Commercial Center Zone*), Ben deRuyter on behalf of New Art Realty Corp. –**
David M. Nicolau, Robert Littlefield, Joe Vasta and Peter Page sat on the case. David M. Nicolau read the decision. *Robert Littlefield moved to approve the language as written, Peter Page seconded and it was so voted, 3-0.*
- FY15-52** **8 Fishburn Court (*Residential 3 Zone*), B+C Construction on behalf of Russell A. Friedman & Wayne E. Briggs –**
Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. The decision was not ready. New shed plans have not been submitted per the request of the Board.
- FY15-54** **368 Commercial Street (*Town Commercial Center Zone and Residential 3***

*Zone), William N. Rogers on behalf of 368 Commercial Street, LLC – Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. Robert Littlefield read the decision. **Rob Anderson moved to approve the language as written, Peter Page seconded and it was so voted, 3-0.***

NEXT MEETING: The next meeting will take place on Thursday, March 5 2015. It will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Rob Anderson moved to adjourn at 7:40 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on March 5, 2015
David M. Nicolau, Chair