

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
October 1, 2015**

Members Present: David M. Nicolau, Robert Littlefield, Amy Germain (arrived at 6:55 P.M.), and Jeffrey Haley.

Members Absent: Joe Vasta (excused), Peter Page (unexcused), Bryan Armstrong and Rob Anderson.

Others Present: Ellen C. Battaglini (Recording Secretary).

WORK SESSION

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

PENDING DECISIONS:

- FY15-79** **73 Franklin Street (*Residential 3 Zone*), Gary Reinhardt on behalf of Jon Goode & Cary Raymond –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page, and Rob Anderson sat on the case. The decision was not ready.
- FY15-81** **19 Bangs Street (*Residential 3 Zone*), Scott William Grady, Architect, on behalf of Dwight P. Russell –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Rob Anderson and Bryan Armstrong sat on the case. The decision was not ready.
- FY16-03** **11 Bradford Street (*Residential 3 Zone*), Don DiRocco of Hammer Associates on behalf of Frank Pantano –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Peter Page sat on the case. David M. Nicolau read the decision. *Robert Littlefield moved to approve the language as written, Jeffrey Haley seconded and it was so voted, 3-0.*
- FY16-06** **4 Maple Court (*Residential B Zone*), Ted Smith, Architect, LLC on behalf of Paul Schofield and Andrew Jorgensen -**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Peter Page and Bryan Armstrong sat on the case. Jeffrey Haley read the decision. *Robert Littlefield moved to approve the language as written, David M. Nicolau seconded and it was so voted, 3-0.*
- FY16-07** **99 Commercial Street, (*Residential 3 Zone*), David Berarducci on behalf of the Nathaniel Hopkins Condominium at Union Wharf –**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Peter Page and Bryan Armstrong sat

on the case. The decision was not ready.

- FY16-08** **25 Tremont Street, Units E1 & E2 (*Residential 2 Zone*), Barry Pike and Paul J. Carey –**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Peter Page and Bryan Armstrong sat on the case. The decision was not ready.

Chair David M. Nicolau adjourned the Work Session at 6:50 P.M.

PUBLIC HEARING

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

PUBLIC HEARINGS:

- FY16-10** **52 Creek Road (*Residential 3 Zone*), Lester J. Murphy, Esq. on behalf of 3 Cottages, LLC –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2550, Multiple Buildings Per Lot, and Article 3, Section 3110, Change, Extension or Alteration, of the Zoning By-Laws to demolish three existing single-family structures and construct two duplex structures. Attorney Lester J. Murphy appeared to request a continuance to the October 15, 2015 Public Hearing, as it was recently discovered that the engineer didn't realize that there were certain restrictions attached to the property related to where buildings can be located. There is an agreement with the Provincetown Conservation Trust to this effect. As a result, Attorney Murphy stated, the engineer would have to redesign and relocate one of the structures and the plans were not yet ready. ***Robert Littlefield moved to grant the request to continue Case #FY16-10 until the October 15, 2015 Public Hearing at 7:00 P.M., Amy Germain seconded and it was so voted, 4-0.***

Chair David M. Nicolau called for a motion to take Case # FY16-09 out of order. ***Robert Littlefield moved to take Case #FY16-09 out of order, Amy Germain seconded and it was so voted, 4-0.***

- FY16-09** **35 Province Road (*Residential 1 Zone*), Jay Gurewitsch -**
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. Chair David M. Nicolau explained that since there were only four members of the Board present and the granting of a Special Permit required four assenting votes, the applicant had the choice of moving forward or postponing until a five-member Board could be seated. The applicant chose to proceed. David M. Nicolau, Robert Littlefield, Amy Germain and Jeffrey Haley sat on the case.

Presentation: Jay Gurewitsch appeared to present the application. He explained the project and stated that the pool will not encroach into any setbacks. Shoreline Pools will be installing the pool, which will contain saltwater.

Public Comment: None. There was 1 letter from an abutter in support of the project.

Board Discussion: The Board briefly questioned the applicant about the project, including whether the water would be trucked in, if he planned mitigation for noise related to the pool pump, and what kind of lighting would be placed around the pool. Mr. Gurewitsch stated that his pump would run from 9:00 A.M. to 5:00 P.M., however he said that his neighbor knows that if the hot tub is turned on at a time outside that frame that the pump will go on. He intended on installing downward-facing lighting around the pool.

Amy Germain moved to grant Special Permit pursuant to Article 2, Section 2450 (G12), Permitted Accessory Uses, of the Zoning By-Laws to install a swimming pool at the property located at 35 Province Road (Res 1) with the conditions that lighting adhere to the dark sky protocols and that the water be trucked in, Robert Littlefield seconded and it was so voted, 4-0. Robert Littlefield will write the decision.

FY16-05 26 Montello Street (Residential 3 Zone), Ted Smith, Architect, LLC on behalf of Brad Fowler and Anthony Lofrumento (postponed from September 3) – The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, Article 3, Section 3110, Change, Extension and Alteration, and Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and reconstruct an existing accessory structure with a second floor and construct a breezeway to connect the accessory structure to a principle structure. Attorney Lester J. Murphy appeared for the applicant. Chair David M. Nicolau stated that due to a lack of quorum, the case would be continued to the October 15, 2015 Public Hearing at 7:00 P.M. **Robert Littlefield moved to continue Case #FY16-05 to the October 15, 2015 Public Hearing at 7:00 P.M., Jeffrey Haley seconded and it was so voted, 4-0.**

NEXT MEETING: The next meeting will take place on Thursday, October 15, 2015. It will consist of a Public Hearing at 6:30 P.M followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Jeffrey Haley moved to adjourn at 7:18 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

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