

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
December 1, 2016**

Members Present: Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Daniel Wagner.

Members Absent: David M. Nicolau (excused), Rob Anderson (unexcused), Marianne Clements (unexcused) and Jeremy Callahan (excused).

Others Present: Ellen C. Battaglini (Permit Coordinator).

PUBLIC HEARING

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

- FY17-22** **23 Winthrop Street, #E5 (*Residential 3 Zone*), William N. Rogers, II, on behalf of Russell C. Davies** (*postponed from November 3rd*) –
The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations of the Zoning By-Laws to construct a second floor addition. This case has been postponed until the December 15, 2016 Public Hearing.
- FY17-36** **237 Commercial Street, #37 (*Town Center Commercial Zone*), Provincetown Film Society** –
The applicant seeks a Special Permit pursuant to Article 3, Section 3230, Sign Size, of the Zoning By-Laws for the construction of an electronic cinema marquee advertising films, daily show times and/or special community event on the front exterior of the structure. This case has been postponed until the December 15, 2016 Public Hearing.
- FY17-39** **4 W. Vine Street (*Residential 2 Zone*), David Berarducci**, on behalf of **James F. McGuire** –
The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct two pergolas in each of two side yard setbacks. Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Daniel Wagner sat on the case.
Presentation: David Berarducci appeared to present the application. He reviewed the non-conformancies on the property. Two pergola structures will be constructed with a raised terrace beneath one of them. The existing pre-existing, non-conforming dimension where the proposed terrace will be located is 5' 7", the rear yard setback requirement for the district is 15' and the proposed terrace

will be 7' 6" from the lot line. The proposed pergola structure on the opposite side of the property will frame an entrance to the building. The existing non-conforming front yard setback is 3' 7", and the front yard requirement for the district is 20'. The corner of the pergola structure on this side of the building will be located 8' 6" from the lot line.

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

Board Discussion: The Board had no questions for Mr. Berarducci.

Jeffrey Haley moved to find that the proposed project would not further encroach into the setbacks, Joe Vasta seconded and it was so voted, 5-0.

Jeffrey Haley moved to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct two pergolas in each of two side yard setbacks at the property located at 4 W. Vine Street (Res 2), Joe Vasta seconded and it was so voted, 5-0. Robert Littlefield will write the decision.

FY17-42 11 Tremont Street (Residential 3 Zone), Michael J. Buzel & Thomas R. Lane –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to allow an accessory building within a pre-existing, non-conforming dimension. Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Daniel Wagner sat on the case.

Presentation: Thomas Lane R. Lane appeared to present the application. He explained that they had received a Special Permit to replace a pre-existing, non-conforming shed, however the shed was built with a roofline to match the principal structure on the property, which was higher than what was allowed by the Special Permit. They are now seeking relief for the shed that has been built.

Public Comment: None. There were 2 letters from abutters in favor of the application.

Board Discussion: The Board questioned Mr. Lane.

Jeffrey Haley moved to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to allow an accessory building within a pre-existing, non-conforming dimension at the property located at 11 Tremont Street (Res 3), Jeffrey Gould seconded and it was so voted, 5-0. Jeffrey Gould will write the decision.

WORK SESSION

Vice Chair Robert Littlefield called the Work Session to order at 7: 21 P.M.

PENDING DECISIONS:

FY17-27 3A Jerome Smith Road, (Residential 3 Zone), Town of Provincetown –
Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner

sat on the case. The decision was not ready.

MINUTES: November 17, 2016– *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 5-0.*

NEXT MEETING: The next meeting will take place on Thursday, December 1, 2016. It will consist of a Public Meeting at 7:00 P.M. followed by a Work Session.

ADJOURNMENT: *Jeffrey Gould moved to adjourn at 7:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2016
David M. Nicolau, Chair