

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF February 6, 2003

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt (Chair), Larry Mahan, Peter Page, Steve Melamed (arrived at 6:35 P.M.), Howard Weiner (arrived at 6:57 P.M.) and Lynne Davies.

Members Absent: None.

Others Present: Warren Alexander, Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:33 P.M. He read a letter from the Library Board of Trustees thanking the Board for their approval of the Special Permits for the new Library building.

PENDING CASES:

2003-001

11 Cottage Street (Residential 3 Zone), Neal Kimball on behalf of Kirk Carter and Anthony Carter -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to remove, reconstruct and extend a pre-existing, non-conforming single-family dwelling. Gary Reinhardt, Peter Page, Larry Mahan, Steve Melamed and Lynn Davies sat on the case.

Presentation: Neal Kimball appeared to present the application. A new set of plans was submitted to the Board. The height of the knee wall was lowered, the dormer style was changed, the proposed deck was removed and the building will be moved off of its existing footprint and away from the north and east side property lines.

Public Comment: There was a letter on file from Attorney Robin B. Reid, who represented two abutters to the property, informing the Board that if the new set of plans were accepted by the Board, that her clients would be withdrawing their objection to the project.

Board Discussion: The Board briefly questioned Mr. Kimball about the revised plans.

FINDINGS OF FACT:

- The applicant presented plans which are more harmonious with the surrounding neighborhood;
- The applicant has decreased the existing non-conformancy by moving the structure away from the east and north line setbacks; and
- The applicant satisfied the concerns of the most affected abutters.

Peter Page moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to remove, reconstruct and extend a pre-existing, non-conforming single-family dwelling at the property located at 11 Cottage Street (Res 3 Zone), Lynne Davies seconded and it was so voted, 5-0. Lynne Davies will write the decision.

REQUEST FOR ADMINISTRATIVE AMENDMENT

2002-063

575 Commercial Street (Residential 2 Zone), Tom Thompson on behalf of the John and Donna Farrelly -

Gary Reinhardt, Peter Page, Larry Mahan, Steve Melamed and Lynne Davies sat on the case. The applicant seeks to reduce the back roof by 6 feet and to move the deck inside the roof.

Presentation: Tom Thompson appeared to request the amendment.

Board Discussion: The Board briefly questioned Mr. Thompson.

Steve Melamed moved to consider the change as an Administrative Amendment, Lynne Davies

seconded, and it was so voted, 5-0.

Steve Melamed moved to accept the change as an administrative Amendment, Lynne Davies and it was so voted, 5-0.

Chair Gary Reinhardt closed the Work Session at 6:59 P.M.

MINUTES:

February 6, 2003 – *Peter Page moved to accept the minutes as amended, Steve Melamed seconded and it was so voted, 5-0-1 (abstain).*

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:09 P.M. and explained the Public Hearing procedures to the public. Six members of the Board were present and none were absent.

2003-005 777 Commercial Street (Residential 1 Zone), Michael G. Foster on behalf of Nathan B. Winstanley – The applicant seeks a Special Permit under Article 3, Section 3110 of the Provincetown Zoning By-Laws, to relocate and/or reconstruct a pre-existing non-conforming Garage/Shed. Gary Reinhardt, Peter Page, Larry Mahan, Steve Melamed and Lynne Davies sat on the case.

Presentation: Michael G. Foster appeared to present the application.

Public Comment: None. There were no letters on file.

Board Discussion: The Board requested that the applicant submit “to-scale” drawings for the project. The Board requested that the applicant bring the plans to the next meeting on February 20, 2003.

FINDINGS OF FACT:

- The proposed footprint of the structure will not change;
- The west side setback is being brought into conformity, to 15 feet, by relocation of the structure; and
- The front line setback is being increased to 10 feet by relocation of the structure, which will bring it more into conformity with the dimensional schedule.

Peter Page moved to a Special Permit under Article 3, Section 3110 of the Provincetown Zoning By-Laws, to relocate and/or reconstruct a pre-existing non-conforming Garage/Shed at the property located at 777 Commercial Street (Res 1 Zone) on the condition that new plans will be submitted to the Board by their next meeting on February 20, 2003, Lynne Davies seconded and it was so voted, 5-0. Peter Page will write the decision.

2003-006 111 Commercial Street (Residential 3 Zone), Arthur J. Santos on behalf of Sheila LaMontagne - The applicant seeks a Special Permit under Article 3, Section 3330 to remove a section of a gable roof, and replace it with a flat roof and a decking system to be utilized as a second floor deck and facilitate the installation of a second means of egress on the south end. Gary Reinhardt, Peter Page, Larry Mahan, Steve Melamed and Howard Weiner sat on the case.

Presentation: A.J. Santos appeared to present the application. Warren Alexander spoke to the Board concerning this case. He stated that he would work with Mr. Santos to complete the installation of the second means of egress from the structure. There is a need to figure out how to continue the egress from the deck to the ground. Mr. Alexander stated that this issue would be handled by the Building Department and was not before the Board at this time.

Public Comment: None. There were three e-mails on file, all in support of the project.

Board Discussion: The Board questioned Mr. Santos about the project.

FINDINGS OF FACT:

- The proposed changes in the roof structure will facilitate two of the three necessary stages for completing a second means of egress; and
- The proposed changes to the roof structure will increase solar access to neighboring structures.

Howard Weiner moved to grant a Special Permit under Article 3, Section 3330 to remove a section of a gable roof, and replace with a flat roof and a decking system to be utilized as a second floor deck and facilitate the installation of a second means of egress on the south end at the property located at 111 Commercial Street (Res 3 Zone), Larry Mahan seconded and it was so voted, 5-0. Howard Weiner

will write the decision.

Chair Gary Reinhardt closed the Public Hearing at 9:27 P.M.

OTHER BUSINESS:

Peter Page will write the decision for the Special Permit under Article 3, Section 3110 for Case # 2003-007 - 23 Bradford Street.

The Provincetown Historic District Study Committee report was not heard.

NEXT MEETING

The next meeting will be on February 20, 2003 and will consist of a Work Session at 6:30 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT

Larry Mahan moved to adjourn at 8:46 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on February 20, 2003.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini