

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
October 2, 2003

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner.

Members Absent: None.

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

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:18 P.M.

MINUTES:

September 4, 2003 – *Steve Melamed moved to accept the language as written, Howard Weiner seconded and it was so voted, 4-0-1 (abstain).*

September 18, 2003 – *Steve Melamed moved to accept the language as written, Peter Page seconded and it was so voted, 3-0-2 (abstain).*

PENDING CASES:

2003-059 **3 Fritz's Way (Residential 1 Zone), Thomas A. Edwards on behalf of John Benoit** (*continued from September 18, 2003*) -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and extend a one and one-half story single-family dwelling up and along a non-conforming dimension with the addition of a second story and to extend a non-conforming porch further into a non-conforming dimension. Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case.

Presentation: Thomas A. Edwards appeared before the Board. A new plot plan and a copy of the deed of transfer had been submitted as requested by the Board.

Board Discussion: The Board briefly discussed the application.

Lynne Davies moved to consider the case under the Goldhirsh v. McNear ruling, Peter Page seconded and it was so voted, 5-0.

Steve Melamed moved to approve a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and extend a one and one-half story single-family dwelling up and along a non-conforming dimension with the addition of a second story and to extend a non-conforming porch further into a non-conforming dimension at the property located at 3 Fritz's Way (Res 1 Zone) under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.

2003-055 **80-82 Commercial Street, 4 Prince Street, Eliot F. Parkhurst on behalf of Boutique Hospitality, Inc. -**

2003-056 **80-82 Commercial Street, 4 Prince Street, Eliot F. Parkhurst on behalf of Boutique Hospitality, Inc. –**
Attorney Eliot F. Parkhurst could not attend the hearing because he was out of town. The Board continued the cases until the October 16, 2003 Work Session.

ADMINISTRATIVE ACTION:

2003-01 **11 Cottage Street, Neal Kimball on behalf of Kirk Carter and Anthony**

Price –

Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case. Neal Kimball appeared to present the Administrative Amendment. The applicants want to change the location of a second egress. One of the conditions of the Special Permit originally granted to the applicants stipulated that any change in the plans must be brought back to the Board for approval. Mr. Kimball presented the Board with a new set of plans reflecting the change.

Lynne Davies moved to consider the change as an Administrative Amendment, Howard Weiner seconded and it was so voted, 5-0.

Lynne Davies moved to grant the Administrative Amendment as requested, Steve Melamed seconded and it was so voted, 5-0.

PENDING DECISIONS:

2003-050 795 Commercial Street (Residential 1 Zone), Attorney Brian J. Wall on behalf of Craig E. Lyon -
Gary Reinhardt, Peter Page, Lynne Davies, Howard Weiner and Albert Proia sat on the case. Lynne Davies read the decision. *Howard Weiner moved to accept the language as written, Peter Page seconded and it was so voted 4-0-1 (absent).*

2003-054 460 Commercial Street (Residential 3 Zone), Provincetown Art Association and Museum -
Gary Reinhardt, Peter Page, Lynne Davies and Howard Weiner sat on the case. Howard Weiner read the decision. *Lynne Davies moved to approve the language as written, Peter Page seconded and it was so voted, 4-0.*

2003-057 17 Somerset Road (Residential 1 Zone), Attorney Lester J. Murphy on behalf of Salvatore DeRose -
Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case. The Board had not yet received new plans depicting the change in the north-facing retaining wall as requested of the applicant. The case is continued until the October 16, 2003 Work Session.

2003-060 191 Commercial Street (Town Commercial Center Zone), Crayne A. Hurst -
Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case. Peter Page read the decision. *Howard Weiner moved to accept the language as written, Lynne Davies seconded and it was so voted, 5-0.*

Chair Gary Reinhardt adjourned the Work Session at 7:10 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:13 P.M. Five members of the Board were present and none were absent.

2003-061 5 Pearl Street (Residential 3 Zone), Neal Kimball Residential Design on behalf of Brian DeLavrentis
(continued from September 18, 2003) -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and extend up and along a non-conforming dimension, a pre-existing, non-conforming single-family dwelling structure. Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case.

Presentation: Neal Kimball appeared to present the application. The project involves the addition of a small shed dormer on the south side of the structure.

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

Board Discussion: The Board briefly questioned Mr. Kimball.

Steve Melamed moved to consider the case under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.

Steve Melamed moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and extend up and along a non-conforming dimension, a pre-existing, non-conforming single-family dwelling structure at the property located at 5 Pearl Street (Res3 Zone) under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.

2003-062 45 Commercial Street (Residential 2 Zone), Robert Valois, Architectural Designer, on behalf of Ray Keough (continued from September 18, 2003) -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and extend up and along a non-conforming dimension, a pre-existing, non-conforming multi-family dwelling structure. Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case.

Presentation: Robert Valois appeared to present the application. The project involves the reconfiguration of a kitchen and bathroom to obtain more headroom and to bring the structure in conformity with the State Building Code. There will be no increase in the non-conformity.

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

Board Discussion: The Board briefly questioned Mr. Valois.

FINDINGS OF FACT:

- The addition of the dormer will improve public safety by allowing safer cooking conditions in the kitchen located inside the unit; and
- No adverse effects of construction have been noted.

Lynne Davies moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and extend up and along a non-conforming dimension, a pre-existing, non-conforming multi-family dwelling structure located at 45 Commercial Street (Res 2 Zone), Howard Weiner seconded and it was so voted, 5-0. Howard Weiner will write the decision.

2003-063 14 Center Street, (Residential 3 Zone), Binder Boland Associates on behalf of Vincent Hurteau (continued from September 18, 2003) -

The applicant seeks a Special Permit under Article 3, Sections 3110 and 3340E of the Zoning By-Laws to alter and extend up and along a non-conforming dimension and to further deviate from the allowed building scale, a pre-existing, non-conforming multi-family dwelling structure. Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case.

Presentation: Ginny Binder and Neal Kimball appeared to present the application. The applicant seeks to extend a dormer for more headroom and living space. The increase in scale will be 3.54 scale units and is in compliance with the Local Comprehensive Plan, with the character of that neighborhood and with the historic nature of the community. In addition, the project will cause no hazard or environmental degradation to the neighborhood.

Public Comment: Jim Schreyer, a condominium unit owner, had concerns about the size and the aesthetic and structural characteristics of the dormer and how it will affect access to his condominium unit while the construction is in progress. There were no letters on file.

Board Discussion: The Board questioned Ms. Binder and Mr. Kimball, including their concerns about the increase in scale of the project. The Board stated that they will need a more accurate plan that includes dimensions and a plot plan with an accurate scale before a decision can be rendered. The case will be continued until the October 16, 2003 Work Session.

2003-064 72B Commercial Street (Residential 2 Zone), John Croucher and Robert McCamant (continued from September 18, 2003) -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure by re-structuring a gable roof to a shed roof. Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Howard Weiner sat on the case.

Presentation: Tom Thompson, John DeSouza and John Croucher appeared to present the application.

Public Comment: Chip Brock, an abutter, spoke in favor of the application, stating that the project would benefit the neighborhood. There were no letters on file.

Board Discussion: The Board questioned Mr. DeSouza and Mr. Thompson.

Peter Page moved to consider the case under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.

Lynne Davies moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure by re-structuring a gable roof to a shed roof at the property located at 72B Commercial Street (Res2 Zone) under the Goldhirsh v. McNear ruling, Peter Page seconded and it was so voted, 5-0.

NEXT MEETING

The next meeting will be on October 16, 2003 and will consist of a Work Session at 6:30 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT

Howard Weiner moved to adjourn at 8:45 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 October 16, 2003.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini