

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF

June 15, 2006

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, Steve Melamed, Patrick Eeley and Elisabeth Verde.

Members Absent: Todd Dever (excused).

Others Present: Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battagliani (Recording Secretary).

WORK SESSION

Gary Reinhardt called the Work Session to order at 6:30 P.M.

MINUTES: June 1, 2006 – *Peter Bez moved to approve the language as written, Lynne Davies seconded and it was so voted, 6-0.*

PENDING DECISIONS:

2006-058 27 Pleasant Street (Residential 3 Zone), Barnett Adler -

Gary Reinhardt, Peter Bez, Lynne Davies, Steve Melamed and Patrick Eeley sat on the case. Lynne Davies read the decision. *Steve Melamed moved to accept the language as written, Patrick Eeley seconded and it was so voted, 5-0.*

PENDING CASES:

2006-057 18 Atkins Mayo Road (Residential 1 Zone), Neal Kimball -

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. The Board has conducted a site visit of the property.

Presentation: Neal Kimball appeared to discuss the case.

Board Discussion: The Board questioned Mr. Kimball.

FINDINGS OF FACT:

- The existing scale of the structure is 61.94 scale units;
- The proposed scale is 98.22 s.u.;
- The allowed scale, as per the assessor's data, is 86.97 s.u.; and
- The neighborhood is composed of both large and small structures. It is a private neighborhood in that it is screened from the main road and the proposed structure will be harmonious with its site and the surrounding buildings.

Peter Bez moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale for the property located at 18 Atkins Mayo Road (Res 1), Peter Bez seconded and it was so voted, 5-0. Neal Kimball will write the decision.

2006-003 133 Commercial Street (Town Commercial Center Zone), Lorraine Najjar -

The applicant seeks a Special Permit under Article 2, Section 2450 G11 of the Zoning By-Laws for Accessory Use. The applicant has submitted a new application for a Special Permit under Article 2, Section 2460 and Article 3, Section 3110 and Article 3, Section 3340E of the Zoning By-Laws and the new application will be heard during the Public Hearing.

Chair Gary Reinhardt adjourned the Work Session at 6:52 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:00 P.M. and explained the Public Hearing procedures to the public. There were seven members of the Zoning Board of Appeals present and one absent.

- 2006-061** **133 Commercial Street (Town Commercial Center Zone), Lorraine Najar-**
The applicant seeks a Special Permit under Article 2, Section 2460 for a reduction in restaurant seating, Article 3, Section 3110 for the alteration and extension of a pre-existing, non-conforming structure and Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynn Davies and Steve Melamed sat on the case.
Presentation: Attorney Lester J. Murphy, Mark Laney, contractor, Tristan Metcalf, architect, and Lorraine Najar appeared to present the application. The applicant seeks to add an accessory apartment above a restaurant.. There will be a decrease in the number of restaurant seats due to the addition of the apartment.
Public Comment: Meg Stewart, an abutter, spoke in favor of the application. John Fahamian, an abutter, spoke against the application. Penny Arthur and Keith Stone, both abutters, also spoke against the project. There were 5 letters in the file all opposed to the application.
Board Discussion: The Board questioned Attorney Murphy, Mr. Laney, Mr. Metcalf and Ms. Najar. The Board was concerned about encroachments into the side yard setbacks and suggested that the applicant reconfigure the staircase on the east side. The applicant requested a continuance until the July 20, 2006 hearing.

- 2006-062** **16 Conwell Street (Residential 3 Zone), Neal Kimball on behalf of Richard Mills-**
The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to exceed maximum allowable building scale units for the neighborhood by creating additional living space off of the north side of the existing structure. Gary Reinhardt, Peter Bez, Peter Page, Lynn Davies and Steve Melamed sat on the case.
Presentation: Neal Kimball appeared to present the application. The applicant seeks to renovate the back unit and bring down the ridge height.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Mr. Kimball.
Peter Bez moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to exceed maximum allowable building scale units for the neighborhood by creating additional living space off of the north side of the existing structure at the property located at 16 Conwell Street (Res 3), Peter Page seconded and it was so voted, 5-0.
Neal Kimball submitted a written decision to the Board. Gary Reinhardt read the decision. *Peter Bez moved to accept the language as written, Steve Melamed seconded and it was so voted, 5-0.*

PENDING DECISION:

- 2006-057** **18 Atkins Mayo Road (Residential 1 Zone), Neal Kimball -**
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Gary Reinhardt read the decision. *Steve Melamed moved to accept the language as written, Lynne Davies seconded and it was so voted, 5-0.*

- 2006-063** **14 Johnson Street (Residential 3 Zone), Neal Kimball -**
The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale. Peter Bez recused himself because of a conflict of interest. Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Elisabeth Verde sat on the case.
The Board briefly discussed Article 4, Section 4100 of the Zoning By-Laws and recommended that this case be continued until the July 20, 2006 Work Session and be heard as a pending case.

NEXT MEETING:

The next meeting will be on July 20, 2006 and will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Patrick Eleey moved to adjourn at 8:37 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 July 20, 2006.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini