

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF

November 2, 2006

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Steve Melamed, Patrick Eeley, Elisabeth Verde and Todd Dever.

Members Absent: Lynne Davies (excused) and Peter Page (excused).

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

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:33 P.M.

PENDING CASE:

2006-074

636 Commercial Street (Residential 2 Zone), Paul Colburn on behalf of Charles Merrill-

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure up and along a non-conforming side and rear setback for the construction of a bedroom addition using the existing deck footprint. Peter Page, Steve Melamed, Patrick Eeley, Elisabeth Verde and Todd Dever sat on the case.

Presentation: Paul Colburn appeared to discuss the case. He submitted a new plan to the Board.

Board Discussion: The Board questioned Mr. Colburn.

FINDINGS OF FACT:

- The existing structure is a one bedroom house with the existing one bedroom legally under-sized by Board of Health regulations;
- The applicant provided a plan for the proposed structure showing two bedrooms; one under-sized existing and a second full-sized new bedroom;
- The Board asked the applicant to remove the existing bedroom before the project could be approved;
- The applicant returned with a plan showing one bedroom re-labeled as an office;
- When the new plan was presented with a wall removed, the former existing bedroom was still labeled 'bedroom'; and
- The Board expressed concern that the existing bedroom would, in fact, be removed permanently.

Todd Dever moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure up and along a non-conforming side and rear setback for the construction of a bedroom addition using the existing deck footprint at the property located at 636 Commercial Street (Res 2) with the condition that when a building permit is issued for the project, it state that the premises has one bedroom, Patrick Eeley seconded and it was so voted 3-1 (Steve Melamed against). The motion fails and the Special Permit is denied. Todd Dever will write the decision.

PENDING CASE:

2006-070

150 Bradford Street (Residential 3 Zone), Tom Boland and James Farley on behalf of Farland, Inc., d/b/a Far Land Provisions -

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-laws for an increase in non-service seating (tables and chairs) from 9 to 16. The Board received a letter requesting a waiver of the time constraints until April 19, 2007.

2006-077 **336 Commercial Street (Town Commercial Center Zone), Esther Lastique -**
Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Patrick Eeley sat on the case. Patrick Eeley read the decision. *Peter Bez moved to accept the language as written, Steve Melamed seconded and it was so voted, 4-0-1 (Peter Page absent).*

MINUTES: October 19, 2006 – Peter Bez moved to approve the language as written, Patrick Eeley seconded and it was so voted, 5-0-1 (Todd Dever abstaining).

Chair Gary Reinhardt adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

2006-078 **34 Alden Street (Residential 3 Zone), Robert Valois on behalf of David Curtis -**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure up and along a non-conforming front setback and to raise the structure one foot for a new foundation and add a second floor and dormers. Gary Reinhardt, Peter Bez, Steve Melamed, Elisabeth Verde and Todd Dever sat on the case.
Presentation: Robert Valois appeared to present the application. The applicant seeks to raise the building up one foot because of drainage problems at the site, to add a small addition on the southwest corner and to add dormers on the front and back of the structure.
Public Comment: Hilary Gambrill spoke against the application. There were no letters in the file.
Board Discussion: The Board questioned Mr. Valois.
Peter Bez moved to consider as a finding under the Goldhirsh v. McNear ruling, Steve Melamed 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 a pre-existing, non-conforming structure up and along a non-conforming front setback and to raise the structure one foot for a new foundation and add a second floor and dormers at the property located at 34 Alden Street (Res 3) as a finding under the Goldhirsh v. McNear ruling, Peter Bez seconded and it was so voted, 5-0.

2006-079 **263 Bradford Street (Residential 2 Zone), Neal Kimball Residential Design on behalf of David Silva -**
The applicant seeks a Special Permit under Article 3, Section 3440E of the Zoning By-Laws to increase building scale units beyond the maximum allowable for the neighborhood with the extension of the rear portion of the attached one-car garage. Gary Reinhardt, Peter Bez, Steve Melamed, Patrick Eeley and Elisabeth Verde sat on the case.
Presentation: Neal Kimball appeared to present the application. The applicant seeks to put two additions, both at the rear, onto the structure.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Mr. Kimball.
FINDINGS OF FACT:

- The existing structure has a scale of 70.37 scale units;
- The allowed scale as per the assessor's data is 77.07 s.u.;
- The proposed scale is 86.178 s.u.;
- 42% of the structures in this neighborhood are of this scale or larger; and
- The proposed addition is in the rear of the structure, not visible from the front, therefore the proposed changes will not alter the view of the building from the street and the structure will thus be harmonious with the site and the surroundings and in keeping with the Local Comprehensive Plan.

Peter Bez moved to grant a Special Permit under Article 3, Section 3440E of the Zoning By-Laws to increase building scale units beyond the maximum allowable for the neighborhood with the extension of the rear portion of the attached one-car garage, at the property located at 263

Bradford Street (Res 2), Patrick Eleey seconded and it was so voted, 5-0.

Neal Kimball submitted a written decision. Gary Reinhardt read the decision. *Peter Bez moved to accept the language as written, Patrick Eleey seconded and it was so voted, 5-0.*

2006-080 73 Franklin Street (Residential 3 Zone), Neal Kimball Residential Design on behalf of John Spencer -

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to increase building scale units beyond the maximum allowable for the neighborhood with the addition of a screen porch along the south side of the structure. Gary Reinhardt, Peter Bez, Steve Melamed, Patrick Eleey and Todd Dever sat on the case.

Presentation: Neal Kimball appeared to present the application. The applicant seeks to add a screened-in porch to the southwest side of the structure.

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 increase building scale units beyond the maximum allowable for the neighborhood with the addition of a screen porch along the south side of the structure at the property located at 73 Franklin Street (Res 3), Patrick Eleey seconded and it was so voted, 5-0.

Neal Kimball submitted a written decision. Gary Reinhardt read the decision. *Steve Melamed moved to approve the language as written, Peter Bez seconded and it was so voted, 5-0.*

NEXT MEETING:

The next meeting will be on November 16, 2006 and will consist of a Public Hearing at 7:00 P.M. and a Work Session to follow.

ADJOURNMENT:

Peter Bez moved to adjourn at 7:55 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 November 16, 2006.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini