

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
April 5, 2007

MEETING HELD IN TOWN HALL

Members Present: Lynne Davies, Peter Page, Patrick Eeley, Elisabeth Verde, Robert Littlefield, and Amy Germain.

Members Absent: Keith Amato and Todd Dever (excused).

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

WORK SESSION

Chair Lynne Davies called the Work Session to order at 6:45 P.M.

PENDING DECISIONS:

- 2007-12** **210A Bradford Street, Unit #2 (Residential 3 Zone), Michael Peregon -**
Lynne Davies, Peter Page, Patrick Eeley, Elisabeth Verde and Robert Littlefield sat on the case. Elisabeth Verde read the decision. *Robert Littlefield moved to accept the language as written, Peter Page seconded and it was so voted, 4-0-1 (Patrick Eeley absent).*
- 2007-13** **290E Bradford Street (Residential 3 Zone), John DeSouza on behalf of Robert Zeller -**
Lynne Davies, Patrick Eeley, Elisabeth Verde, Robert Littlefield and Keith Amato sat on the case. Patrick Eeley read the decision. *Elisabeth Verde moved to accept the language as written, Robert Littlefield seconded and it was so voted, 5-0.*

Chair Lynne Davies postponed the Work Session at 7:00 P.M.

PUBLIC HEARING

- 2007-16** **334 Commercial Street (Town Commercial Center), Broken Wheel Farm, LLC, d/b/a Purple Feather Chocolates (Peter & Ann Marie Okun) -**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to request the approval of a seating plan for nine tables with eighteen chairs and two stools. Elisabeth Verde recused herself because of a conflict of interest. Lynne Davies, Peter Page, Patrick Eeley, Robert Littlefield and Amy Germain sat on the case.
Presentation: Peter and Anne Marie Okun appeared to present the application. The applicants seek the approval for seating in a proposed year-round coffee shop that will sell chocolates and desserts.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Mr. and Ms. Okun.
Patrick Eeley moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to request the approval of a seating plan for nine tables with eighteen chairs and two stools at the premises located at 334 Commercial Street (TCC), Robert Littlefield seconded and it was so voted, 5-0. Robert Littlefield will write the decision.
- 2007-17** **89 Bradford Street (Residential 3 Zone), Attorney E. James Veara on behalf of John R. Burrows -**
The applicant is appealing a decision of the Building Commissioner under Article 5, Section 5223 of the Zoning By-Laws. Lynne Davies, Peter Page, Patrick Eeley, Elisabeth Verde and Robert Littlefield sat on the case.
Presentation: Attorney E. James Veara and John R. Burrows appeared to present the application. The applicant is aggrieved by a decision of the Building Commissioner dated February 16, 2007, a part of which denied him a change in use for the structure located at the property. The applicant is seeking to convert the premises from a permitted use as an art gallery to a permitted use as a residence. There will neither be an increase in the size of the structure nor any increase in the number of units in that structure. The applicant only seeks a change in use.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Attorney Veara and Mr. Burrows. After much discussion, the Board decided to continue the case until the Work Session on May 3, 2007 in order to research the issue further.
- 2007-18** **21 Bradford Street Extension (Residential 1 Zone), WK Red Clay, LLC -**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the alteration and extension of a pre-existing, non-conforming multi-family residential use. Lynne Davies, Peter Page, Patrick Eeley, Elisabeth Verde and Robert Littlefield sat on the case.
Presentation: Attorney Lester J. Murphy, Reggie Donoghue, David Krohn, Jim Watkins and David McMahan appeared to present the application. The applicant seeks to alter and extend a property that includes 8 dwelling units with 9 bedrooms to 17 dwelling units with 26 bedrooms, an increase of 9 dwelling units and 17 bedrooms. The applicant intends to deed restrict 3 of these units as affordable housing in the category of "community housing". The applicant contends that this change will not be substantially more detrimental to the neighborhood.
Public Comment: Richard Morse and Ted Malone, both abutters, spoke in favor of the application. Bernie Larivee, representing Hatches Harbor Condominium Association, an abutter, voiced concerns about the parking density at the property, as a result of the addition of more units, and questioned whether emergency vehicles would be able to access the property. There were 4 letters in favor of the application and none in opposition.
Board Discussion: The Board questioned Attorney Murphy, Mr. Donoghue, Mr. Krohn, Mr. Watkins and Mr. McMahan.
Robert Littlefield moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the alteration and extension of a pre-existing, non-conforming multi-family residential use at the property located at 21 Bradford Street Extension (Res 1), Patrick Eeley seconded and it was so voted, 4-0-1 (Peter Page abstaining). Patrick Eeley will write the decision.
- 2007-19** **258 Commercial Street (Town Commercial Center), Steven Schnitzer -**

The applicant seeks a Special Permit under Article 3, Section 3110 and Section 3340E of the Zoning By-Laws to install a canvas or vinyl awning with roll-down flaps over the outdoor seating area up and along a front and sideline setback for a deviation in building scale. Lynne Davies, Peter Page, Patrick Eeley and Robert Littlefield sat on the case.

Presentation: Steven Schnitzer and Brian Hart appeared to present the application. The applicant seeks to cover the bar and dining areas at the premises during inclement weather in order to increase the economic viability of the restaurant.

Public Comment: Michelle Couture, an abutter, spoke in favor of the application. There was 1 letter in favor of the application.

Board Discussion: The Board questioned Mr. Schnitzer and Mr. Hart. The Board expressed concerns about the appearance of the awning, specifically requesting that it not be too garish in color or disruptive to the appearance of the neighborhood. The applicant stated that the color would be muted and the awning would not disrupt the character of the neighborhood.

FINDINGS OF FACT:

- The existing structure has a scale of 532.18 scale units;
- A proposed 3.82 s.u. will be added for a total of 536.00 s.u.;
- The allowed scale for the neighborhood, as per the Assessor's database, is 219.91 s.u.;
- The request for a Special Permit under Article 3, Section 3340E of the Zoning By-Laws meets the conditions as set forth in that Section and is in keeping with the intent of the Local Comprehensive Plan;
- The existing non-conforming aspects of the property are its side and front setbacks; and
- The final, engineered drawing for the awning shall not exceed the scope of the conceptual drawings as presented by the applicant.

Article 3, Section 3110: Elisabeth Verde moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to install a canvas or vinyl awning with roll-down flaps over the outdoor seating area up and along a front and sideline setback for the property located at 258 Commercial Street (TCC), Patrick Eeley seconded and it was so voted, 5-0.

Article 3, Section 3340E: Peter Page moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale at the property located at 258 Commercial Street (TCC), Elisabeth Verde seconded and it was so voted, 5-0. Peter Page will write the decision.

Chair Lynn Davies adjourned the Public Hearing at 9:00 P.M.

WORK SESSION

Chair Lynn Davies reconvened the Work Session at 9:00 P.M.

PENDING DECISIONS:

- 2007-14** **6 Sandy Hill Lane (Residential 3 Zone), Cassandra Benson and Geraldine Anathan -**
The applicants seek a Special Permit under Article 3, Section 3110, 3340E and Article 4, Section 4800 of the Zoning By-Laws for a change in use from a 12-unit motel to 12 residential units, to construct a second-story addition, for a deviation in building scale and to add an accessory use dwelling unit.
- 2007-15** **6 Sandy Hill Lane (Residential 3 Zone), Cassandra Benson and Geraldine Anathan -**
The applicants seek a Special Permit under Article 5, Section 5222 of the Zoning By-Laws for a Variance from the density requirements to accommodate the twelfth dwelling unit on the lot. Lynne Davies, Peter Page, Patrick Eeley, Elisabeth Verde and Robert Littlefield sat on the cases. Lynne Davies read the decision. *Elisabeth Verde moved to accept the language as written, Patrick Eeley seconded and it was so voted, 5-0.*
- 2007-09** **258 Commercial Street (Town Commercial Center), Brian Hart -**
Lynne Davies, Patrick Eeley, Elisabeth Verde, Todd Dever and Keith Amato sat on the case. Lynne Davies read the decision. *Patrick Eeley moved to accept the language as written, Elisabeth Verde*

seconded and it was so voted, 3-0-2 (Todd Dever and Keith Amato absent).

MINUTES: March 15, 2007 – Robert Littlefield moved to approve the language as amended, Elisabeth Verde seconded and it was so voted, 6-0.

March 22, 2007 - Robert Littlefield moved to approve the language as written, Elisabeth Verde seconded and it was so voted, 6-0.

NEXT MEETING:

The next meeting will be on April 19, 2007 and will be held in the Judge Welsh Hearing Room, consisting of a Public Hearing at 7:00 P.M. with a Work Session to follow.

ADJOURNMENT:

Robert Littlefield moved to adjourn at 9:30P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on April 19, 2007.

Respectfully submitted,

Zoning Board of Appeals Signature Ellen C. Battaglini