

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
December 18, 2008

MEETING HELD IN THE GRACE GOUVEIA BUILDING

Members Present: Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard.

Members Absent: None.

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

WORK SESSION

Chair Patrick Eleey called the Work Session to order at 6:32 P.M.

PENDING CASES:

2008-57 **963 Commercial Street, Unit #9 (Residential 1 Zone), Brian Alexander on behalf of Sandra Pata –**
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Robert Littlefield read the decision. *Anne Howard moved to approve the language as written, Patrick Eleey seconded and it was so voted, 5-0.*

2008-58 **963 Commercial Street, Unit #9 (Residential 1 Zone), Brian Alexander on behalf of Sandra Smales –**
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Robert Littlefield read the decision. *Anne Howard moved to approve the language as written, Patrick Eleey seconded and it was so voted, 5-0.*

2008-64 **333R Commercial Street (Town Commercial Center Zone), Neal Kimball, Kimball Designs, Inc., on behalf of Boatworks Building LLC William Bonn –**
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Patrick Eleey read the decision. *Anne Howard moved to approve the language as written, Amy Germain seconded and it was so voted, 5-0.*

2008-63 **333R Commercial Street (Town Commercial Center Zone), Neal Kimball, Kimball Designs, Inc., on behalf of Boatworks Building LLC William Bonn –**
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Patrick Eleey read the decision. *Anne Howard moved to approve the language as written, Elisabeth Verde seconded and it was so voted, 5-0.*

2008-60 **226 Bradford Street, rear cottage (Residential 3 Zone), Albert L. Bowen -**
Patrick Eleey, Elisabeth Verde, Robert Littlefield, and Amy Germain sat on the case. Amy Germain read the decision. *Patrick Eleey moved to approve the language as written, Robert Littlefield seconded and it was so voted, 4-0-1 (Anne Howard abstaining).*

MINUTES: December 4, 2008 – Anne Howard moved to approve the language as written, Elisabeth Verde seconded and it was so voted, 5-0.

CONTINUED CASES:

2008-61 **104A Bradford Street (residential 3 Zone), Mike Czyoski on behalf of Elizabeth Brooke –**

2008-62 **104A Bradford Street (residential 3 Zone), Mike Czyoski on behalf of Elizabeth Brooke –**
The applicant requested to withdraw both of these cases without prejudice. *Amy Germain moved to accept the request for a withdrawal without prejudice for Cases #2008-61 and #2008-62, Patrick Eley seconded and it was so voted, 5-0.*

2008-59 **67 Harry Kemp Way (Residential B Zone), William N. Rogers, II, P.E., P.L.S. on behalf of Demetrios Daphnis –**
The applicant seeks a Special Permit under Article 3340 E of the Zoning By-Laws to construct three new single-family dwellings (Buildings #1, #2 and #5) which exceed the maximum allowable scale units.

Presentation: Attorney Lester J. Murphy and Gary Locke appeared to discuss the application. The applicant submitted revised plans for the project. Attorney Murphy stated that these revised plans indicated that the applicant had made a significant and good faith effort to revise and scale down the project. Two of the three proposed single-family dwellings have been reduced in scale per the request of the Board. The scale of Building #2, as originally proposed, was 192.5 scale units. The revised proposed scale is 142.22 s.u., a reduction equaling 50.28 s.u., or approximately ½ of a story. This makes Building #2 conform more in height to the proposed Building #1. The scale of Building #5, as originally proposed, was 240.14 s.u. The revised proposed scale is 142.22 s.u., a reduction equaling 82.83 s.u., or approximately 1 ½ stories.

Board Discussion: The Board questioned Attorney Murphy and Mr. Locke.

Patrick Eley moved to grant a Special Permit under Article 3340 E of the Zoning By-Laws to construct three new single-family dwellings (Buildings #1, #2 and #5) which exceed the maximum allowable scale units at the property located at 67 Harry Kemp Way (Res B), Robert Littlefield seconded and it was so voted, 5-0. Amy Germain will write the decision.

Chair Patrick Eley adjourned the Work Session at 7:20 P.M.

PUBLIC MEETING

Chair Patrick Eley called the Public Meeting to order at 7:20 P.M. There were five members of the Zoning Board of Appeals present and none absent.

2008-65 **334 Commercial Street (Town Commercial Center), Broken Wheel Farm, LLC, d/b/a Purple Feather –**

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to offer entertainment in an existing coffee shop. Patrick Eley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Peter and Anne Okun appeared to present the application. The applicant seeks to offer entertainment at the premises in the off season, including hosting an open-mike night, presenting amplified live music, and organizing a movie night.

Public Comment: None. There was one letter in the file from the applicant's landlord approving of the application.

Board Discussion: The Board questioned Mr. and Ms. Okun.

Patrick Eley moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to offer entertainment in an existing coffee shop at the property located at 334 Commercial Street (TCC) for one year, to expire on 12/31/09, with hours for the entertainment, including amplified music, to be from 10:00 A.M. to 11:00 P.M., Robert Littlefield seconded and it was so voted, 5-0. Amy Germain will write the decision.

2008-66 **174 Bradford Street (Residential 3 Zone), Hal Winard, of Winard Construction and Development, on behalf of Mitchell Baker and Thom Egan –**

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to a deviation in building scale for the construction of a screened-in porch and bay window. Patrick Eley,

Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Attorney Robin B. Reid, Thom Egan, Mitchell Baker and Hal Winard appeared to present the application. The applicants seek to build a screened-in porch and replace an old bay window with a box bay window on the back of the structure. The project will provide more living space for Mr. Egan and Mr. Baker, who live in the back house, while renting out the front, each summer, as well as providing work space for Mr. Baker, who is an artist. The allowed scale of the neighborhood is 84.71 s.u. The proposed scale is 100.23 s.u. The neighborhood is comprised of both large and small structures and the proposed screened-in porch will be virtually hidden from the street. Attorney Reid argued that there will be no adverse effects on the neighborhood as a result of this project.

Public Comment: None. There were two letters in support of the application in the file.

Board Discussion: The Board questioned Attorney Reid, Mr. Egan, Mr. Baker and Mr. Winard. The Board requested that the applicant submit existing plans of the premises, which were missing from the application.

Patrick Eleey moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to a deviation in building scale for the construction of a screened-in porch and bay window at the property located at 174 Bradford Street (Res 3), Anne Howard seconded and it was so voted, 5-0.

Patrick Eleey will write the decision.

2008-67

18 West Vine Street (Residential 1 Zone), John Reis, Inc. on behalf of Beverly Serabian –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer up and along a pre-existing, non-conforming side yard setback. Elisabeth Verde recused herself because of a conflict of interest. Chair Patrick Eleey asked the applicant if he would like to proceed with a four-member Board or postpone the hearing of the application until a five-member Board was seated. The applicant chose to proceed. Patrick Eleey, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: John Reid appeared to present the application. The applicant seeks to install a dormer on a pre-existing, non-conforming side wall.

Public Comment: None. There were no letters in the file.

Board Discussion: The Board questioned Mr. Reis.

Anne Howard moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer up and along a pre-existing, non-conforming side yard setback, at the property located at 18 West Vine Street (Res 1), Patrick Eleey seconded and it was so voted, 4-0. Robert Littlefield will write the decision.

NEXT MEETING: The next meeting will take place on January 15, 2009. It will consist of Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain moved to adjourn at 8:10P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on January 15, 2009.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2008

Patrick Eleey, Chair