

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
July 16, 2009

MEETING HELD IN THE GRACE GOUVEIA BUILDING

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

Members Absent: None.

Others Present: Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Patrick Eeley called the Work Session to order at 6:33 P.M.

PENDING DECISIONS:

2009-33 **1 MacMillan Pier (Town Commercial Center), Provincetown Public Pier Corp. –**
Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Anne Howard read the decision. *Patrick Eeley moved to approve the language as written, Robert Littlefield seconded and it was so voted, 5-0.*

2009-37 **50 Bradford Street (General Commercial Zone), Evangelos Lambrou –**
Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Patrick Eeley read the decision. *Robert Littlefield moved to approve the language as written, Anne Howard seconded and it was so voted, 5-0.*

2009-34 **315 Commercial Street (Town Commercial Center), Linda and Nelson Vital –**
Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Elisabeth Verde read the decision. *Patrick Eeley moved to approve the language as written, Anne Howard seconded and it was so voted, 5-0.*

MINUTES: July 2, 2009 – Anne Howard moved to approve the language as written, Amy Germain seconded and it was so voted, 3-0.

June 18, 2009 – Amy Germain moved to approve the language as amended, Anne Howard seconded and it was so voted, 5-0.

ADMINISTRATIVE AMENDMENT:

2007-33 **9 Oppen Lane, (Residential 1 Zone), Attorney Eliot Parkhurst on behalf of Jeffrey Liebert and Mardee Brown –**
The applicants are requesting a six month time extension for a previously approved Special Permit for the installation of a swimming pool. The Special Permit expired in June of 2009. However, the house was destroyed by fire, so the swimming pool installation was delayed while the house was being rebuilt.
Presentation: David Nicolau appeared to present the request.
Board Discussion: The Board questioned Mr. Nicolau.
Robert Littlefield moved to grant the request for a time extension for one year for the Special Permit previously approved in Case # 2007-33, Anne Howard seconded and it was so voted, 5-0.

Chair Patrick Eeley adjourned the Work Session at 6:49 P.M.

PUBLIC HEARING

Chair Patrick Eeley called the Public Hearing to order at 7:00 P.M. There were five members of the Zoning Board of Appeals present and none absent.

CONTINUED CASES:

- 2009-35** **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 construct a bedroom addition up and along a pre-existing, non-conforming dimension using the existing deck footprint. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Presentation: Paul Colburn and Charles Merrill appeared to discuss the application. The applicant had submitted a revised plan per the request of the Board.
Board Discussion: The Board questioned Mr. Colburn and Mr. Merrill about the project, including how the applicant proposed to control run-off at the premises.
Patrick Eeley moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a bedroom addition up and along a pre-existing, non-conforming dimension using the existing deck footprint at the property located at 636 Commercial Street (Res 2), with the condition that gutters appropriate to the control of run-off be installed on the structure, Anne Howard seconded and it was so voted, 5-0. Anne Howard will write the decision.
- 2009-36** **963 Commercial Street (Residential 1 Zone), Attorney Lester J. Murphy on behalf of Jerome A. Goedken and Nancy K. Goedken –**
The applicants seek a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the alteration of a pre-existing, non-conforming rear setback line for the construction of a second story and installation of a ground floor deck. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Presentation: Attorney Lester J. Murphy appeared to discuss the application. Revised plans had been submitted by the applicants per the request of the Board.
Board Discussion: The Board questioned Attorney Murphy. After discussing the project with the Board, Attorney Murphy requested a withdrawal of the application without prejudice.
Patrick Eeley moved to grant the request to withdraw Case #2009-36 without prejudice, Robert Littlefield seconded and it was so voted, 5-0.

NEW CASES:

- 2009-38** **18 Franklin Street (Residential 3 Zone), Thadd D. Papetsas of Papetsas Building 7 Design Company on behalf of Richard Motta and Gary Bolan –**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a ground level deck along a pre-existing, non-conforming rear and side setback. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Presentation: Thad and Julie Papetsas appeared to present the application. The applicants seek to replace and extend an existing ground level deck, which would include moving an existing set of stairs leading to a second floor deck to the north boundary of the property. The deck will have a railing along its perimeter. Mr. Papetsas argued that the project would not have negative impact on the neighborhood or the Town.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Mr. and Ms. Papetsas. The Board was concerned about the proximity of the railing and a fence running along a lot line.
Amy Germain moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a ground level deck along a pre-existing, non-conforming rear and side setback at the property located at 18 Franklin Street (Res 3), with the contingency that there be a 3' clearance between the fence on the property line and the proposed deck, Patrick Eeley seconded and it was so voted, 5-0. The Board requested that the applicant submit a revised plan showing the 3' clearance as

requested. Amy Germain will write the decision.

- 2009-39** **22 Brewster Street (Residential 3 Zone), Louis Lima and Jerome Crepeau –**
The applicants seek a Special Permit under Article 3, Section 3440 of the Zoning By-Laws for a deviation in building scale for the construction of a screened-in porch. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Presentation: Louis Lima and Jerome Crepeau appeared to present the application. The applicants seek to construct a screened-in porch between the main house and the garage.
Public Comment: None. There was 1 letter and a petition signed by 17 neighbors in support of the application.
Board Discussion: The Board questioned Mr. Lima and Mr. Crepeau. The Board requested that the applicants return with evidence that the project is in keeping with the Local Comprehensive Plan. *Patrick Eeley moved to continue the case until the September 17, 2009 hearing, Amy Germain seconded and it was so voted, 5-0.*
- 2009-40** **74 Shank Painter Road (General Commercial Zone), Ewa Nogiec of Gallery Ehva –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of art sculptures. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Presentation: Ewa Nogiec appeared to present the application. The applicant seeks to create a sculpture garden on the site.
Public Comment: None. There was 1 letter in support of the application.
Board Discussion: The Board questioned Ms. Nogiec. The Board requested the applicant to submit a more detailed site plan, including what she might envision the sculpture garden to look like in the next three years.
Patrick Eeley moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of art sculptures at the property located at 74 Shank Painter Road, Elisabeth Verde seconded and it was so voted, 5-0. Patrick Eeley will write the decision.
- 2009-41** **135 Bradford Street (Town Commercial Center Zone), Neal Kimball of Kimball Designs –**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure on a pre-existing, non-conforming lot. Elisabeth Verde disclosed that she is an abutter to an abutter, but stated that she is able to render a fair and impartial decision. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on both cases.
Presentation: Neil Kimball appeared to present the applications. During a lengthy renovation process, the applicant changed the number of commercial and residential units in the structure and seeks a Special Permit to allow for the addition of a fourth dwelling unit, which already exists.
Public Comment: Frank Fragomini, a unit owner, and Dieter Groll spoke in favor of the application. There was 1 letter in support of the application.
Board Discussion: The Board questioned Mr. Kimball. The Board requested that Mr. Kimball submit stamped site plans.
Robert Littlefield moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure on a pre-existing, non-conforming lot at the property located at 135 Bradford Street (TCC), Elisabeth Verde seconded and it was so voted, 5-0. Patrick Eeley will write the decision.
- 2009-42** **135 Bradford Street (Town Commercial Center Zone), Neal Kimball of Kimball Designs –**
The applicant seeks a Parking Variance under Article 2, Section 2471 of the Zoning By-Laws for an additional residential dwelling unit without providing on-site parking.
Presentation: Neil Kimball appeared to present the application. The applicant does not have the requisite number of parking spaces for the proposed commercial and residential units on the site, however there are several public parking lots in close proximity to the property.
Public Comment: None. There was 1 letter in support of the application.
Board Discussion: The Board questioned Mr. Kimball. The Board questioned Mr. Kimball. The Board requested that Mr. Kimball submit stamped site plans.
Amy Germain moved to grant a Parking Variance under Article 2, Section 2471 of the Zoning By-

Laws for an additional residential dwelling unit without providing on-site parking at the property located at 135 Bradford Street (TCC), Robert Littlefield seconded and it was so voted, 5-0. Patrick Eleey will write the decision.

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

ADJOURNMENT: *Amy Germain moved to adjourn at 10:00 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 August 6, 2009.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2009

Patrick Eleey, Chair

Posted: www.provincetown-ma.gov, 08/20/09, 1:20 p.m. sf