

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF**  
**September 17, 2009**

**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:** 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 DECISIONS:**

- 2009-40**     **74 Shank Painter Road** (*General Commercial Zone*), **Ewa Nogiec of Gallery Ehva** – Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. The applicant has submitted a revised site plan showing the location of the outdoor display sculptures.
- 2009-47**     **212 Bradford Street** (*Residential 3 Zone*), **Gary Pasnick, KOPA d/b/a East End Marketplace** – Anne Howard, Elisabeth Verde, Robert Littlefield and Amy Germain sat on the case. Robert Littlefield read the decision. *Anne Howard moved to approve the language as written, Elisabeth Verde seconded and it was so voted 4-0-1 (Patrick Eleey abstaining).*

**MINUTES: September 3, 2009** – *Amy Germain moved to approve the language as written, Anne Howard seconded and it was so voted, 4-0-1 (Patrick Eleey abstaining).*

The Board discussed the revised Zoning Board of Appeals application. The Board recommended several changes, which were duly noted by Russ Braun, who will revise the application

Chair Patrick Eleey adjourned the Work Session at 7:10 P.M.

## PUBLIC HEARING

Chair Patrick Eeley called the Public Hearing to order at 7:10 P.M. There were five members of the Zoning Board of Appeals present and none absent.

### CONTINUED CASE:

**2009-39**      **22 Brewster Street (Residential 3 Zone), Louis Lima and Jerome Crepeau** (*continued to September 10, 2009*) –

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 discuss the application. The scale calculations for the project have been revised. The applicants were asked to clarify how the project is consistent with the goals of the Local Comprehensive Plan. They argued that as artists, they will use the newly-created space as an art studio. In addition, while renovating the structure, they uncovered many old panels, which were in a deteriorated state, painted by historically important artists such as Henry Hensche. They would like to repair and preserve these panels, which are an important part of the artistic heritage of Provincetown, and thus would make use of the screened-in porch for the restoration process.

**Board Discussion:** The Board questioned Mr. Lima and Mr. Crepeau.

**Anne Howard moved to grant 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 at the property located at 22 Brewster Street (Res 3), Patrick Eeley seconded and it was so voted, 4-1 (Amy Germain opposed).** Anne Howard will write the decision.

### NEW CASES:

**2009-43**      **293 Commercial Street (Town Commercial Center Zone), Julesan, Inc., d/b/a Twisted Sisters** (*postponed from August 6 and September 3, 2009*) –

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for 8 additional seats and to expand the seating arrangement into Unit D. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

**Presentation:** Julie Knapp appeared to present the application. The location for the new seating area is to the rear of the existing premises.

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

**Board Discussion:** The Board questioned Ms. Knapp.

**Elisabeth Verde moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for 8 additional seats and to expand the seating arrangement into Unit D at the property located at 293 Commercial Street (TCC), Robert Littlefield seconded and it was so voted, 5-0.** Amy Germain will write the decision.

**2009-44**      **36 Shank Painter Road (General Commercial Zone) (Residential 3 Dimensional Guidelines), David and Susan Hale** (*postponed from August 6 and September 3, 2009*) –

The applicants seek a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct an addition up and along a pre-existing, non-conforming setback under Article 2, Section 2550 (Two Buildings Per Lot). The distance between two buildings is less than 9 feet. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

**Presentation:** Attorney Lester J. Murphy and David and Susan Hale appeared to present the application. The applicants seek to build a small addition on the south side of the structure and to add a second story. The square footage of the two-bedroom structure would increase from 364 sq. ft. to 750 sq. ft., allowing the year-round applicants more living area. The condominium complex where the structure is located contains both commercial and residential units. The addition will not out of character with, and will not substantially be more detrimental to, this neighborhood as it is a commercial zone containing many large buildings and other two-story residential structures.

**Public Comment:** None. There were 4 letters in support of the application.

**Board Discussion:** The Board questioned Attorney Murphy and Mr. and Ms. Hale.

**Anne Howard moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws**

*to construct an addition up and along a pre-existing, non-conforming setback under Article 2, Section 2550 (Two Buildings Per Lot). The distance between two buildings is less than 9 feet at the property located at 36 Shank Painter Road (GCC), Elisabeth Verde seconded and it was so voted, 5-0. Robert Littlefield will write the decision.*

**2009-45**      **8A Commercial Street, Unit #3 (Residential 1 Zone), Deborah Paine, Inc. on behalf of David Dawe and Larry Bartanen** (*postponed from August 6 and September 3, 2009*) –

The applicants seek a Special Permit under Article 3, Section 3110 and, Section 3340 of the Zoning By-Laws to construct a dormer and two roof decks up and along a pre-existing, non-conforming side yard setback. Anne Howard recused herself because of a conflict of interest. Chair Patrick Eeley explained to the applicant's representative that the application will be heard by a four-member Board and that a unanimous decision is needed in order to grant a Special Permit. Patrick Eeley, Elisabeth Verde, Robert Littlefield and Amy Germain sat on the case.

**Presentation:** Deborah Paine and Bill Kwaak appeared to present the application. The applicant seeks to add a dormer on the east side of the building and two roof decks. One roof deck/observation tower will be located above the new dormer and the other will be a small cut-out roof deck. There will be no increase in the footprint of the structure. The percentage increase in building scale is only 3.17 scale units or 3.12%. Ms. Paine argued that there will be no adverse effects on the neighborhood such as hazard, congestion or environmental degradation. The dormer and roof deck will not be visible from the street.

**Public Comment:** None. There were 7 letters in support of the application.

**Board Discussion:** The Board questioned Ms. Paine and Mr. Kwaak.

*Patrick Eeley moved to grant a Special Permit under Article 3, Section 3110 and, Section 3340 of the Zoning By-Laws to construct a dormer and two roof decks up and along a pre-existing, non-conforming side yard setback at the property located at 8 Commercial Street (Res 1), Robert Littlefield seconded and it was so voted, 5-0. Patrick Eeley will write the decision.*

**2009-46**      **305 Commercial Street (Town Commercial Center Zone), Steve Milliken** (*postponed from August 6 and September 3, 2009*) –

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of merchandise. Elisabeth Verde is an abutter to the premises, but feels she can render a fair decision in the case. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

**Presentation:** Steve Milliken appeared to present the application. The applicant seeks to place four displays of merchandise outside of his store. He also seeks to retain an existing pair of carved whales.

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

**Board Discussion:** The Board questioned Mr. Milliken.

*Patrick Eeley moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of merchandise at the property located at 305 Commercial Street (TCC), Robert Littlefield seconded and it was so voted, 5-0. Patrick Eeley will write the decision.*

**2009-48**      **18 Alden Street (Residential 3 Zone), Joyce A. Cumming, of Aline Architecture, Inc., on behalf of Donald Beal** (*postponed from September 3, 2009*) –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a North dormer up and along pre-existing, non-conforming setbacks. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

**Presentation:** Joyce A. Cumming and Donald Beal appeared to present the application. The applicant seeks to improve and enhance this structure by constructing a dormer on the north side, which will create more space, allow a dangerous interior stairway to be made safer and to increase living space.

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

**Board Discussion:** The Board questioned Ms. Cumming and Mr. Beal.

*Amy Germain moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a North dormer up and along pre-existing, non-conforming setbacks at the property located at 18 Alden Street (Res 3), Anne Howard seconded and it was so voted, 5-0. Elisabeth Verde will write the decision.*

**NEXT MEETING:** The next meeting will take place on October 1, 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 9:30 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 October 1, 2009.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2009

Patrick Eleey, Chair