

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
August 4, 2016**

Members Present: David M. Nicolau (left at 7:26 P.M.), Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Marianne Clements and Jeremy Callahan.

Members Absent: Joe Vasta (excused), Rob Anderson (unexcused) and Bryan Armstrong (excused).

Others Present: Gloria McPherson (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:30 P.M.

PENDING DECISIONS:

FY#16-55 **31 Conwell Street (*Residential 3 Zone*), William N. Rogers, II, P.E., P.L.S., on behalf of Jason Truluck-Williams et ux –**

Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written, Marianne Clements seconded and it was so voted, 4-0.*

FY#16-57 **14 Court Street (*Residential 3, Zone*), Revere Guest House, LLC –**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case. Jeffrey Gould read the decision. *Jeffrey Haley moved to approve the language as written, Robert Littlefield seconded and it was so voted, 4-0.*

FY#16-58 **262 Bradford Street (*Residential 3 Zone*), Tom Thompson, on behalf of Janet G. Beattie and Karen Jasper –**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written, Marianne Clements seconded and it was so voted, 4-0.*

FY#16-60 **193 Commercial Street, #6 (*Town Center Commercial Zone*), Ralph Santora, of Beach, LLC –**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case. The decision was not ready.

MINUTES: July 21, 2016– *Robert Littlefield moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 6-0.*

Chair David M. Nicolau adjourned the Work Session at 7:04P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:04 P.M. There were six members of the Zoning Board present and three absent.

PUBLIC HEARINGS:

FY#16-56 **6 Dyer Street (Residential 3 Zone), John DeSouza, on behalf of Daniel Judas and Daniel Luethi –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2630C, Roofs, of the Zoning By-Laws to deviate from the roof configuration standards by exceeding 50% of the floor area coverage below a dormer. David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Jeffrey Gould sat on the case. The applicant requested a continuation to the September 1, 2016 Public Hearing. *Jeffrey Haley moved to grant the request to continue Case #FY16-56 to the September 1, 2016 Public Hearing at 7:00 P.M., Robert Littlefield seconded and it was so voted, 5-0.*

FY#16-61 **72 Commercial Street (Residential 3 Zone), R. McCamant & J. Croucher –**
The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Changes, Extensions or Alterations, of the Zoning By-Laws to enclose an existing second floor deck. David M. Nicolau, Robert Littlefield, Jeffrey Gould, Marianne Clements and Jeremy Callahan sat on the case.
Presentation: Gary Reinhardt and Jack Croucher appeared to present the application. Mr. Reinhardt explained that the enclosure of a second floor deck and increasing the non-conformancy slightly, as the deck would be enlarged by an inch or two. He argued that the new non-conformancy would not be substantially more detrimental than the existing non-conformancy. He requested that the case be heard under the *Goldhirsh v. McNear* ruling.
Robert Littlefield moved to hear Case #FY16-61 under the Goldhirsh v. McNear ruling, Jeffrey Gould seconded and it was so voted, 5-0.
Mr. Reinhardt stated that the second floor-enclosed porch would face a private way, Ericsson Avenue. There would be a door installed in the porch and a stairway to the ground. He pointed out the proposed site plan where the new structure encroached into the setback on Ericsson Avenue by an additional 2”, increasing the non-conformancy.
Public Comment: Rachel White, a direct abutter, spoke in favor of the project. There were 3 letters in support of the project.
Board Discussion: The Board questioned Mr. Reinhardt.
Robert Littlefield moved to find that the proposed project was not substantially more detrimental to the neighborhood than what exists, Jeffrey Gould seconded and it was so voted, 5-0.

FY#17-01 **600 Commercial Street (Residential 2 Zone), Ted Smith, Architect, LLC, on behalf of Thomas Tannariello –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2550, Multiple Buildings Per Lot, and Article 3, Section 3110, Changes, Extensions or Alterations of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along the rear and side yard setbacks. Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Jeremy Callahan and Marianne Clements sat on the case. **Presentation** Ted Smith and Tom Tannariello appeared to present the case. Mr. Smith explained that the lot was multi-family and the proposed project was to add a second floor to the east side of the rear structure to provide headroom. He argued that the change would not be substantially more detrimental to the neighborhood than what currently exists and that the benefits outweighed any detrimental effects such as hazard, congestion or environmental degradation. **Public Comment:** Sherry Dranch, an abutter, spoke in opposition to the project and about her concern for the removal of vegetation and trees on the lot. Mr. Tannariello responded to Ms. Dranch's comments, stating that only 3 trees were taken down on the property. There were 2 letters in the file; one of which expressed concerns about the parking and landscaping on the property, and the other of which concerned the importance of preserving trees in the community. **Board Discussion:** The Board questioned Mr. Smith and Mr. Tannariello. *Jeffrey Haley moved to grant a Special Permit pursuant to Article 2, Section 2550, Multiple Buildings Per Lot, and Article 3, Section 3110, Changes, Extensions or Alterations of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along the rear and side yard setbacks at the property located at 600 Commercial Street (Res 2), Marianne Clements seconded and it was so voted, 5-0.* Robert Littlefield will write the decision.

FY#17-02 **16 Carver Street (Residential 3 Zone), KA Bazarian Construction, on behalf of Maria Cirino –**
The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Changes, Extensions or Alterations of the Zoning By-Laws to alter a pre-existing, non-conforming structure by enclosing a deck and extending two dormers. Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Marianne Clements and Jeremy Callahan sat on the case. **Presentation:** Kevin Bazarian and Lyn Plummer appeared to present the application. *Jeffrey Haley moved to hear Case #FY17-02 under the Goldhirsh v. McNear ruling, Marianne Clements seconded and it was so voted, 5-0.* Ms. Plummer stated that that the lot is non-conforming as to its lot area and the front and rear yard setbacks. The structure is in a dilapidated state and currently uninhabitable. The applicant seeks to enclose an area under a rear deck, replace a concrete landing in the front with a brick landing and stairs not extending farther into the setback and extend dormers by 4' on the east and west side of the structure. She said that there were currently no parking spaces on the property, however there is a parking lot across the street where parking would be provided.

The alterations, she continued, would not be substantially more detrimental to the neighborhood than the existing situation. The plans for the garage on Cudworth Street have no yet been finalized. She thought that the garage on the property would be taken down and rebuilt in the same footprint or renovated as is, as it is currently in disrepair.

Public Comment: Michael Perry and Paul Houlihan, both abutters spoke in opposition to the application and had concerns about the parking spaces on the Cudworth property. Polly Cote had a question about whether the parking issue would be reviewed by any regulatory Board and Alan Cosimi, an abutter, spoke of his concern in regard to a retaining wall in the rear of the Cudworth Street lot. There were 2 letters in the file, both expressed concerns about the parking on the Cudworth Street lot.

Board Discussion: The Board questioned Ms. Plummer.

Jeffrey Haley moved to grant a Special Permit pursuant to Article 3, Section 3110, Changes, Extensions or Alterations of the Zoning By-Laws to alter a pre-existing, non-conforming structure by enclosing a deck and extending two dormers at the property located at 16 Carver Street (Res 3), Marianne Clements seconded and it was so voted, 5-0.

NEXT MEETING: The next meeting will take place on Thursday, September 1, 2016. It will consist of a Work Session at 6:30 P.M. followed by a Public Meeting at 7:00 P.M.

ADJOURNMENT: *Jeffrey Gould moved to adjourn at 8:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2016
David M. Nicolau, Chair