

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
September 9, 2004

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, Steve Melamed, Patrick Eleey and Brian Falvey

Members Absent: None.

Others Present: Ellen C. Battaglini (Recording Secretary).

PUBLIC HEARING

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

2004-083 **47 Commercial Street (Residential 2 Zone) -**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming single-family dwelling structure up and along the non-conforming side and rear non-conforming dimensions with the construction of a second floor on the property.

Chair Gary Reinhardt stated that this case had not been advertised correctly and would have to be re-advertised. Attorney Lester J. Murphy who represents the applicant in this case agreed, on behalf of his client, to the re-advertisement. The case will be continued until the October 7, 2004 hearing.

2004-084 **10 Pearl Street (Residential 3 Zone) -**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming single-family structure up and along the non-conforming side and rear non-conforming dimensions with the construction of a second floor on the property. Gary Reinhardt, Peter Page, Steve Melamed, Lynne Davies and Patrick Eleey sat on the case.

Presentation: Attorney Lester J. Murphy appeared to represent the applicant and requested a withdrawal without prejudice.

Steve Melamed moved to accept the withdrawal without prejudice of Case #2004-084, Lynne Davies seconded and it was so voted, 5-0.

2004-080 **151 Commercial Street (Town Commercial Center Zone), Vaisin A. Marmillion and Juan C. Pisani**

-
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of merchandise. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Juan C. Pisani appeared to present the application.

Public Comment: Phillip Gaudiano, an abutter, spoke in opposition to the application. There were 3 letters in opposition to the application in the file.

Board Discussion: The Board informed the applicant that a certified plot plan needed to be submitted with the application. The applicant requested that the Board refrain from voting at this time and will look for a certified plot plan to submit to the Board.

2004-081 **6 Winston Avenue (Residential 1 Zone), Attorney Lester J. Murphy on behalf of Joyce Aimee Titchnell, Trustee of Titchnell Family Irrevocable Real Estate Trust -**

The applicant seeks a Special Permit under Article 3, Section 3440E of the Zoning By-Laws to deviate from the neighborhood allowed building scale, on an existing single-family dwelling structure. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Attorney Lester J. Murphy and Aimee Joyce Titchnell appeared to present the application.

Public Comment: Mo Siegel, an abutter spoke in opposition to the application. There were 2 letters in the file against and 1 in favor of the application.

Board Discussion: The Board questioned Attorney Murphy and Ms. Titchnell.

Attorney Murphy requested a withdrawal without prejudice.

Peter Bez moved to accept the withdrawal without prejudice of Case #2004-081, Steve Melamed seconded and it was so voted, 5-0.

2004-082

30 Alden Street, (Residential 3 Zone), Robert Valois on behalf of Jane Gildersleeve -

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to deviate from the allowed neighborhood scale on an existing single-family dwelling structure. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Robert Valois appeared to present the application.

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

Board Discussion: The Board questioned Mr. Valois.

FINDINGS OF FACT:

- The existing structure has a scale of 84.54 scale units;
- The proposed addition adds 12.18 s.u., for a total proposed scale of 96.72 s.u.;
- The allowed neighborhood scale, as per the assessor's data, is 71.53 s.u.;
- The structure is flanked on two sides by large-scale municipal structures; and
- The proposed addition will have very little visual impact from a public way and will not alter the integrity of the neighborhood and, therefore, will be in keeping with the intent and purpose of the Local Comprehensive Plan.

Peter Bez moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to deviate from the allowed neighborhood scale on an existing single-family dwelling structure on the property located at 30 Alden Street, Steve Melamed seconded and it was so voted, 5-0. Peter Page will write the decision.

Chair Gary Reinhardt adjourned the Public Hearing at 8:30 P.M.

WORK SESSION

Chair Gary Reinhardt called the Work Session at 8:30 P.M.

REQUESTS FOR ADMINISTRATIVE AMENDMENTS:

2003-034 42 Bradford Street, John Lisbon on behalf of William Meadows -

Presentation: John Lisbon appeared to request the Administrative Amendment.

The applicant seeks to change the location of the staircases. The circular and spiral staircases will be reversed from their location on the initial plans submitted to the Board. Gary Reinhardt, Peter Page, Lynne Davies and Steve Melamed are the members present who sat on the original case.

Steve Melamed moved to consider the change as an Administrative Amendment, Lynne Davies seconded and it was so voted, 4-0.

Steve Melamed moved to accept the change as an Administrative Amendment, Lynne Davies seconded and it was so voted, 4-0.

NEXT MEETING:

The next meeting will be on September 23, 2004 and will consist of a Public Hearing at 7:00 P.M. and a Work Session to follow.

ADJOURNMENT:

Brian Falvey moved to adjourn at 8:40 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 September 23, 2004.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini