

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
October 7, 2004

MEETING HELD IN TOWN HALL

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

Members Absent: Gary Reinhardt (excused).

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

PUBLIC HEARING

Acting Chair Peter Bez called the Public Hearing to order at 7:00 P.M. and explained the public hearing procedures to the public. There were six members of the Zoning Board of Appeals present and one absent.

- 2004-088** **7 Carver Street (*Residential 3 Zone*), John DeSouza on behalf of Damon Leard -**
The applicant seeks a Special Permit under Article 3, Section 3110 and Section 3330 of the Zoning By-Law to extend a pre-existing, non-conforming front and left side yard dimensions and to reconfigure existing rooflines. Peter Bez, Peter Bez, Lynne Davies, Steve Melamed and Patrick Eleey sat on the case.
- Presentation:** John DeSouza and Damon Leard appeared to present the case. The applicant seeks to bring the house into conformity with the state building code and make improvements to the exterior façade, making it more historically accurate. The roof will change from a shed to a gable.
- Public Comment:** None. There were no letters in the file.
- Board Discussion:** The Board briefly questioned Mr. DeSouza and Mr. Leard.
Steve Melamed moved to consider as a finding under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.
Steve Melamed moved to grant a Special Permit under Article 3, Section 3110 and Section 3330 of the Zoning By-Laws to extend a pre-existing, non-conforming two-family dwelling structure up and along the non-conforming front and left side yard dimensions and to reconfigure the existing rooflines on the premises located at 7 Carver Street (Res 3) as a finding under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.

2004-089

168 Commercial Street (Town Commercial Center Zone), Greg Russo -

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for a real estate outside display box. Steve Melamed disclosed that he is not an abutter to an abutter, but owns property within the abutter's circle. He has no financial interest in the outcome of the case and feels he can render a fair decision. Peter Bez, Peter Page, Lynne Davies, Steve Melamed and Patrick Eleey sat on the case.

Presentation: David Nicolau appeared to present the application.

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

Board Discussion: The board briefly questioned Mr. Nicolau.

Brian Falvey moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for a real estate outside display box on the premises located at 168 Commercial Street (TCC), Steve Melamed seconded and it was so voted, 5-0.

Acting Chair Peter Bez adjourned the Public Hearing at 7:35 P.M.

WORK SESSION

PENDING DECISIONS:

2004-087 36 Shank Painter Road (General Commercial Zone), Construction Management Services on behalf of ComCast, Inc. -

Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Patrick Eleey sat on the case. Patrick Eleey read the decision. **Steve Melamed moved to accept the language as written, Peter Page seconded and it was so voted, 4-0-1 (absent).**

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

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Peter Bez read the decision. **Peter Page moved to accept the language as written, Steve Melamed seconded and it was so voted, 4-0-1 (absent).**

MINUTES:

September 23, 2004 – Patrick Eleey moved to approve the language as written, Steve Melamed seconded and it was so voted, 4-0-2 (absent).

Peter Page made a brief report on a conflict of interest seminar he attended.

NEXT MEETING:

The next meeting will be on October 21, 2004 and will consist of a Public Hearing at 7:00 P.M. with a Work Session to follow.

ADJOURNMENT:

Peter Bez moved to adjourn at 7:45 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 21, 2004.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini