

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
November 4, 2004

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, Steve Melamed, and Patrick Eeley.

Members Absent: Brian Falvey.

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 six members of the Zoning Board of Appeals present and one absent.

2004-091 174 Bradford Street (*Residential 3 Zone*), Neal Kimball Residential Designs on behalf of Mitchell Baker -

The applicant seeks a Special Permit under Article 3, Sections 3110 and 3340E of the Zoning By-Laws to extend a pre-existing, non-conforming two-family dwelling structure with an addition to the east of an existing front yard non-conforming porch and to exceed the allowed building scale with a conforming addition of a half-story under a gable roof upon an existing single-story flat roof in the east and rear yards. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Neal Kimball appeared to present the application.

Public Comment: None. There was one letter in the file in support of the application.

Board Discussion: The Board questioned Mr. Kimball.

Article 3, Section 3110:

Steve Melamed moved to consider the Special Permit under Article 3, Section 3110 as a finding under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.

Lynne Davies moved to grant a Special Permit under Article 3, Section 3110 to extend a pre-existing, non-conforming two-family dwelling structure with an addition to the east of an existing front yard non-conforming porch at the property located at 174 Bradford Street (Res 3) as a finding under the Goldhirsh v. McNear ruling, Steve Melamed seconded and it was so voted, 5-0.

Article 3, Section 3340E:

FINDINGS OF FACT:

- The existing structure has a scale of 86.48 scale units;
- The proposed addition is 20.32 s.u. for a total proposed scale of 106.8 s.u.;
- The allowed scale, as per the Assessor's data, is 84.29 s.u.;
- This is a neighborhood composed of both very large and very small structures, with large structures neighboring the subject property; and
- The proposed addition will be located in the rear of the property and will be largely unseen from the street. Thus the addition will have little impact on the integrity of the neighborhood and therefore be in keeping with the intent of the Local Comprehensive Plan.

Lynne Davies moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to exceed the allowed building scale with a conforming addition of a half-story under a gable roof upon an existing single-family flat roof in the east and rear yards at the property located at 174 Bradford Street (Res 3), Steve Melamed seconded and it was so voted, 5-0. Peter Page will write the decision.

2004-083

47 Commercial Street (Residential 2 Zone), Robert Valois on behalf of David Martin -

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 yard dimensions with the construction of a second floor. Gary Reinhardt, Peter Bez, Peter Page, Lynn Davies and Steve Melamed sat on the case.

Presentation: Attorney Lester J. Murphy, Robert Valois and David Martin appeared to present the application. The applicant seeks to undertake renovations, including the construction of a first floor under the present structure in order to comply with FEMA regulations.

Public Comment: Attorney Ed Patten, representing the Pinkersons who own an abutting property, spoke against the application. There was an e-mail from an abutter and a memo from Attorney Patten in opposition and a memo from Attorney E. James Veara and a letter from an abutter in support of the application in the file.

Board Discussion: The Board questioned Attorney Murphy and Mr. Valois.

Steve Melamed moved to consider as a finding under the Goldhirsh v. McNear ruling, Peter Bez seconded and it was so voted, 5-0.

Steve Melamed moved to grant 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 yard dimensions with the construction of a second floor for the property located at 47 Commercial Street (Res 2) as a finding under the Goldhirsh v. McNear ruling, Peter Bez seconded and it was so voted, 5-0.

Chair Gary Reinhardt adjourned the Public Hearing at 8:05 P.M.

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 8:05 P.M.

MINUTES:

October 21, 2004 – Peter Bez moved to accept the language as written, Steve Melamed seconded and it was so voted, 6-0.

NEXT MEETING:

The next meeting will be on November 18, 2004 and will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Peter Bez moved to adjourn at 8:07P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on November 18, 2004.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini