

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

**MEETING MINUTES OF**  
**January 4, 2007**

**MEETING HELD IN TOWN HALL**

**Members Present:** Peter Page, Lynne Davies, Patrick Eeley, Elisabeth Verde, Keith Amato and Robert Littlefield.

**Members Absent:** Todd Dever (excused).

**Others Present:** Doug Taylor (Building Commissioner) and Ellen C. Battaglini (Recording Secretary).

**WORK SESSION**

Acting Chair Peter Page called the Work Session to order at 6:00 P.M.

**ELECTION OF OFFICERS:**

**CLERK:** *Elisabeth Verde moved to nominate Patrick Eeley for the position of Clerk of the Zoning Board of Appeals, Lynne Davies seconded and it was so voted 5-0-1.*

**CHAIR:** *Keith Amato moved to nominate Peter Page for the position of Chair of the Zoning Board of Appeals, Lynne Davies seconded and it was so voted 2-2-2.*

*Elisabeth Verde moved to nominate Lynne Davies for the position of Chair of the Zoning Board of Appeals, Patrick Eeley seconded and it was so voted, 3-1-2.*

**VICE CHAIR:** *Patrick Eeley moved to nominate Peter Page for the position of Vice Chair of the Zoning Board of Appeals, Lynne Davies seconded and it was so voted, 5-0-1.*

Chair Lynne Davies briefly addressed the Board on how she perceived her role as the new Chair of the Zoning Board of Appeals.

Vice Chair Peter Page briefly addressed the Board and outlined what he would like to see changed with the newly re-organized Board and several changes he would like to see implemented, including trying to eliminate incomplete applications that come before the Board, adding that all members should familiarize themselves with what is required of an applicant, interacting with the Planning Board to amend certain Zoning By-Laws, clarifying the definition of an Administrative Amendment and acquiring a more readable zoning map for reference. Doug Taylor stated that he would do research on the question of the Administrative Amendment and get more clarification on the issues raised by the case of Nichols v. Zoning Board of Appeals of Cambridge and the implications that case may have for the Zoning Board. The case had been briefly discussed at the December 14, 2006 hearing.

Chair Lynne Davies also mentioned wanting to read Town Counsel's opinion, requested by Town Manager Keith Bergman, on the issue of 175 Bradford Street Extension.

**PENDING CASES:**

**2006-070**      **150 Bradford Street (Residential 3 Zone), Tom Boland and James Farley -**  
This case is postponed until the April 19, 2007 hearing.

**MINUTES: December 14, 2006** – *Elisabeth Verde moved to approve the language as written, Peter Page seconded and it was so voted, 3-0-0.*

Chair Lynne Davies adjourned the Work Session at 6:50 P.M.

## PUBLIC HEARING

Chair Lynne Davies 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.

Peter Thibert appeared before the Board at the request of Building Commissioner Doug Taylor. Mr. Thibert represents Parker/Thompson, engineers working at the property located at 531 Commercial Street. The issue to be discussed was the legality and safety of scaffolding that was being constructed at the site. The scaffolding was being constructed in order that the structure and the workers at the site could be protected from the weather during the renovation project. Questions had been raised by a number of people in reference to the scaffolding, including a request by the Fire Chief Mike Trovato to Mr. Taylor to stop its construction. Mr. Trovato was concerned about the temporary structure and its potential danger to public safety. Mr. Taylor stated that he was to receive engineering plans from Parker/Thompson. The scaffolding is a temporary structure and requires a Special Permit issued by the Zoning Board of Appeals. And since no Special Permit had been applied for, Mr. Taylor had requested a representative appear before the Board to answer questions. Chair Lynne Davies continued the matter until Mr. Taylor could read the engineer's report.

**2007-01      29 Alden Street, Units 7 & 8 (Residential 3 Zone), Douglas Taylor -**

The applicant seeks a Special Permit under Article 4, Section 4800 and Article 5, Section 5330 of the Zoning By-Laws to create two middle-income community housing units.

**2007-02      29 Alden Street (Residential 3 Zone), Douglas Taylor -**

The applicant seeks a Special Permit under Article 2, Section 2440 A1b of the Zoning By-Laws to convert an existing building into two community-housing units for a total of eight units.

**2007-03      29 Alden Street (Residential 3 Zone), Douglas Taylor -**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend up and along a pre-existing, non-conforming front and side yard setback.

These 3 cases are continued at the request of the applicant until the February 15, 2007 hearing.

**2007-04      175 Bradford Street Extension (Residential 3 Zone), Victor DePoalo -**

The applicant seeks a Special Permit under Article 2, Section 2471 (Parking Requirements – Applicability) of the Zoning By-Laws for relief from parking requirements.

The applicant requested a continuance to the January 18, 2007 hearing and informed the Board that he wanted to submit a change in the seating plan of the restaurant as an Administrative Amendment.

**2007-05      43 Commercial Street (Residential 2 Zone), Robert Valois on behalf of Dr. Don Butterfield -**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend up and along a pre-existing, non-conforming side setback and to enlarge a loft and add dormers and stairway. The applicant requested a continuance until the January 18, 2007 hearing.

**2007-06      10 George's Path (Residential 3 Zone), Neal Kimball on behalf of Kathleen Meads -**

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to increase the building scale of new construction, two-family duplex beyond the maximum allowable for its neighborhood, with the addition of two covered main entries and two screen porches. Lynne Davies, Peter Page, Patrick Eleey, Elisabeth Verde and Keith Amato sat the case.

**Presentation:** Neal Kimball appeared to present the application. The applicant seeks to build 2 two-family duplexes connected by a basement. One main entryway will be covered and two screened porches will be added to each two-family duplex.

**Public Comment:** Patricia Bernardi spoke in favor of the project but requested that the subsequent scale of the duplexes be disallowed for any subsequent development in the neighborhood. Amy Germain asked for a clarification in regard to the issue of building scale as it related to the previous speaker's request. There was one letter in the file opposed to the project.

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

**Patrick Eleey moved to grant Special Permit under Article 3, Section 3340E of the Zoning By-Laws to increase the building scale of new construction, two-family duplex beyond the maximum allowable for its neighborhood, with the addition of two covered main entries and two screen porches at the**

*properties located at 10 George's Path (Res 3), Peter Page seconded and it was so voted, 5-0.* Patrick Eley will write the decision.

Neal Kimball submitted a written decision to the Board and Chair Lynne Davies told him it would be taken into consideration when the Board's decision was being written.

**2007-07**      **11 George's Path (Residential 3 Zone), Neal Kimball on behalf of Kathleen Meads -**  
The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to increase the building scale of new construction, two-family duplex beyond the maximum allowable for its neighborhood, with the addition of two covered main entries and two screen porches.

Lynne Davies, Peter Page, Patrick Eley, Elisabeth Verde and Keith Amato sat the case.

**Presentation:** Neal Kimball appeared to present the application. The applicant seeks to build 2 two-family duplexes connected by a basement. One main entryway will be covered and two screened porches will be added to each two-family duplex.

**Public Comment:** None. There was one letter in the file in opposition to the project.

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

*Patrick Eley moved to grant Special Permit under Article 3, Section 3340E of the Zoning By-Laws to increase the building scale of new construction, two-family duplex beyond the maximum allowable for its neighborhood, with the addition of two covered main entries and two screen porches at the properties located at 11 George's Path (Res 3), Peter Page seconded and it was so voted, 5-0.* Patrick Eley will write the decision.

Neal Kimball submitted a written decision to the Board and Chair Lynne Davies told him it would be taken into consideration when the Board's decision was being written.

#### **NEXT MEETING:**

The next meeting will be on January 18, 2007 and will be held in the Judge Welsh Hearing Room and will consist of a Work Session at 6:30 P.M and a Public Hearing at 7:00 P.M.

#### **ADJOURNMENT:**

*Patrick Eley moved to adjourn at 8:00 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 January 18, 2007.

Respectfully submitted,

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*Zoning Board of Appeals Signature*

Ellen C. Battaglini