

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF

February 01, 2007

MEETING HELD IN TOWN HALL

Members Present: Lynne Davies, Peter Page, Patrick Eleey, Elisabeth Verde, Robert Littlefield and Amy Germain.

Members Absent: Keith Amato (excused) and Todd Dever (excused).

Others Present: Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

PUBLIC HEARING

Chair Lynne Davies called the Public Hearing to order at 7:00 P.M.

PENDING CASES:

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. Lynne Davies, Peter Page, Patrick Eleey, Elisabeth Verde and Robert Littlefield sat on the case.

Presentation: Robert Valois and Attorney E. James Veara appeared to present the application. The applicant seeks to enlarge the loft in the structure and add dormers. The applicant submitted revised drawings, showing a lowered ridge height, to the Board. The changes are a result of requests from Historic District Commission.

Public Comment: Attorney Lester J. Murphy, representing Jonathan Bates, an abutter, speaking against the application, cited concerns about privacy and the potential reduction of light, air and space as examples of the detrimental effect of the project on his client's property. There were 3 letters in opposition to the project in the file.

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

Peter Page moved to consider as a finding under the Goldhirsh v. McNear ruling, Elisabeth Verde seconded and it was so voted, 4-1-0 (Patrick Eleey against).

Peter Page moved to approve 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 at the property located at 43 Commercial Street (Res 2) as a finding under the Goldhirsh v. McNear ruling, Elisabeth Verde seconded and it was so voted, 4-1-0 (Patrick Eleey against).

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

The applicant seeks a Variance under Article 2, Section 2471 (Parking Requirements – Applicability) of the Zoning By-Laws for relief from parking requirements. Lynne Davies, Peter Page, Patrick Eleey, Elisabeth Verde and Robert Littlefield sat on the case.

Presentation: Victor DePoalo and Ginny Binder appeared to present the application. The applicant submitted revised plans to the Board. The applicant, after having met with the abutters, has reduced the square footage of the restaurant. The number of parking spaces needed is 38, of which they have 28. The applicant thus seeks relief from the parking requirements.

Public Comment: John Semple, an abutter, spoke against the application. There were 3 letters in opposition and 7 letters in favor of the application in the file. Attorney Veara indicated that any letter that had been written by a resident of either of the condominium associations that he was representing

should not be taken into consideration as his clients had come to an agreement with the applicant.

Board Discussion: The Board questioned Mr. DePoalo and Ms. Binder. The applicant has changed the plans for the restaurant and will submit these to the Board during the subsequent Work Session.

FINDINGS OF FACT:

- The number of parking spaces required under Article 2, Section 2471 is 38;
- The number of allocated spaces on the site plan is 28;
- The request for the Variance seeks relief for 10 spaces;
- The green space will remain at 30% of the square footage of the property;
- The applicant is retaining the commercial enterprise at the site and associated yearround jobs, which are vital to the economic development of the town; and
- The applicant has worked diligently with the abutting property owners to reach a reciprocal agreement that is of benefit to both.

Robert Littlefield moved to grant a Variance under Article 2, Section 2471 (Parking Requirements – Applicability) of the Zoning By-Laws for relief from parking requirements for the property located at 175 Bradford Street Extension (Res 3), Peter Page seconded and it was so voted, 5-0. Ms. Binder submitted a written decision to the Board, which will be taken into consideration. Patrick Eleey will write the decision for the Board.

2006-070 **150 Bradford Street (Residential 3 Zone), Tom Boland and James Farley -**

This case is continued until the April 19, 2007 hearing.

CONTINUED CASES:

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.

Chair Lynne Davies adjourned the Public Hearing at 8:43 P.M.

WORK SESSION

Chair Lynne Davies called the Work Session to order at 8:43 P.M.

ADMINISTRATIVE AMENDMENT:

2006-084 **Victor DePoalo on behalf of 175 Bradford Street Nominee Trust, Kimberly A. Furlano, Trustee -**

The applicant seeks to decrease the number of seats in the restaurant on the site from 59 to 40.

Presentation: Victor DePoalo and Ginny Binder appeared to request the Administrative Amendment.

Peter Page moved to consider the request as an Administrative Amendment, Robert Littlefield seconded and it was so voted, 5-0.

Patrick Eleey moved to grant an Administrative Amendment for Case #2006-084, Peter Page seconded and it was so voted, 5-0.

MINUTES: January 18, 2007 – Robert Littlefield moved to approve the language as amended, Peter page seconded and it was so voted, 4-0-1 (Lynne Davies abstaining).

NEXT MEETING:

The next meeting will be on February 15, 2007 and will be held in the Judge Welsh Hearing Room and will consist of a Public Hearing at 7:00 P.M. with a Work Session to follow.

ADJOURNMENT:

Robert Littlefield moved to adjourn at 9:30 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 February 15, 2007.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini