

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
September 19, 2013**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David M. Nicolau, Robert Littlefield, Amy Germain (arrived at 6:45 P.M.), Tom Roberts, Harriet Gordon (arrived at 6:57 P.M. and departed at 7:37 P.M.), Joe Vasta and Leif Hamnquist.

Members Absent: Jeffrey Haley (excused).

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

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:54 P.M.

MINUTES: September 5, 2013 – *Tom Roberts moved to approve the language as amended, Joe Vasta seconded and it was so voted, 5-0.*

PENDING DECISIONS:

FY14-10 7A Sandy Hill Lane (*Residential 3 Zone*), Luis M. Ribas –
David M. Nicolau, Robert Littlefield, Tom Roberts, Joe Vasta and Leif Hamnquist sat on the case. Leif Hamnquist read the decision. ***Robert Littlefield moved to approve the language as amended, Tom Roberts seconded and it was so voted, 5-0.***

FY14-18 100 Alden Street (*Residential 3 Zone*), Seashore Point-Deaconess, Inc. –
Robert Littlefield, Amy Germain, Harriet Gordon, Joe Vasta and Jeffrey Haley sat on the case. Joe Vasta read the decision. ***Tom Roberts moved to approve the language as amended, Robert Littlefield seconded and it was so voted, 4-0.***

Chair David M. Nicolau adjourned the Work Session at 7:03 P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:03 P.M. There were seven members of the Zoning Board of Appeals present and two absent.

CONTINUED CASES:

- FY14-20 838 Commercial Street (Residential 1 Zone), Mariellen Serena –**
The applicant seeks a Special Permit under Article 3, Sections 3110 and 3115 of the Zoning By-Laws to demolish and reconstruct a garage building making the west side and front side setback less non-conforming. David M. Nicolau recused himself because of a conflict of interest. Robert Littlefield, Amy Germain, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Vice Chair Robert Littlefield announced that the public portion of the case was still open.
Presentation: Mariellen Serena was present to discuss the application. She had submitted new fully-dimensioned plans to the Board and explained that the proposed dormers would provide head room for the large objects that she collects for her artwork and the proposed windows would provide ventilation.
Public Comment: None.
Board Discussion: The Board asked questions of the Building Commissioner regarding the issues in the matter, including whether the appearance of =/- on building plans is customary, whether the proposed windows were suitable for egress purposes and if the storage area required dormers and windows. After further discussion, the consensus of the Board was that the proposed garage was too large vertically, that there was too much building mass on the proposed footprint. Vice Chair Robert Littlefield polled the Board and gave the applicant a choice of withdrawing without prejudice or allowing the Board to proceed to a vote, which would most likely result in her application not being approved. Ms. Serena chose to withdraw the application without prejudice.
Amy Germain moved to approve the request to withdraw Case #FY14-20 without prejudice, Tom Roberts seconded and it was so voted, 5-0.

POSTPONED CASES:

- FY14-12 214 Commercial Street (Town Commercial Center Zone), Christopher Stein –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of patio furniture and accessories. The applicant was not present so the Board tabled the case.

Tom Roberts moved to take Case #FY14-13 out of order, Joe Vasta seconded and it was so voted, 5-0.

- FY14-13 286 Commercial Street (Town Commercial Center Zone), Ronny Hazel –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of two hanging chains with clothing. David M. Nicolau recused himself because of a conflict of interest. Robert Littlefield, Amy Germain, Tom Roberts, Joe Vasta and Leif Hamnquist sat on the case.
Presentation: Ron Hazel presented the application.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board asked the applicant to clarify how many items would be displayed.
Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of two hanging chains with 12

pieces of clothing on the door for the property located at 286 Commercial Street (TCC), Tom Roberts seconded and it was so voted, 5-0.

CONTINUED CASE:

FY14-14 **346 Commercial Street (Town Commercial Center Zone), Ronny Hazel –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of two hanging chains/clothing rack with clothing and 8 baskets on the porch with accessory items. David M. Nicolau recused himself because of a conflict of interest. Robert Littlefield, Amy Germain, Tom Roberts, Joe Vasta and Leif Hamnquist sat on the case.
Presentation: Ron Hazel presented the application.
Public Comment: None. There were 2 letters in support and 1 letter in opposition to the application.
Board Discussion: The Board questioned the applicant regarding the number of baskets he was requesting to display. The Board would like the limit of baskets to be eight and the number of clothing items to twelve.
Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of 12 pieces of hanging clothing on four chains and up to 8 baskets with accessory items on the porch at the property located at 346 Commercial Street (TCC), Tom Roberts seconded and it was so voted, 5-0.

Robert Littlefield moved to take Case #FY14017 out of order, Amy Germain seconded and it was so voted, 5-0.

POSTPONED CASES:

FY14-17 **355 Commercial Street (Town Commercial Center Zone), Julie Grande, JCG, of Box Lunch –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a free-standing A-frame sandwich/menu board advertising the name of the establishment and breakfast and lunch. David M. Nicolau, Robert Littlefield, Amy Germain Tom Roberts and Joe Vasta sat on the case.
Presentation: Julie Grande presented the application. Ms. Grande stated that the sandwich board on Commercial Street was not only essential in letting people know where Box Lunch was located and attracting business from Commercial Street, but was financially necessary to the survival of her business.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board discussed the necessity of weighting sandwich boards in general for public safety purposes. The Board briefly discussed the location of the board. The applicant indicated that the board was weighted and that the location of the board was limited by condominium rules. There was no other location that would be as beneficial to drawing business as the existing one.
Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a free-standing, A-frame sandwich/menu board advertising Box Lunch serving breakfast and lunch at

the property located at 355 Commercial Street (TCC), Tom Roberts seconded and it was so voted, 5-0.

- FY14-16** **353-355 Commercial Street (Town Commercial Center Zone), Scott Cunningham of Scott Cakes –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a free-standing sandwich board advertising Scott Cakes. David M. Nicolau, Robert Littlefield, Amy Germain Tom Roberts and Joe Vasta sat on the case.
Presentation: The applicant did not appear.
Public Comment: None. There was 1 letter in support of the application in the file.
Board Discussion: The Board had no issues with the sandwich board as long as it was properly weighted for safety purposes.
Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a free-standing, A-frame sandwich board advertising Scott Cakes at the property located at 353-355 Commercial Street (TCC) with the condition that the board be weighted for safety and with the dimensions as shown in the photograph submitted, Tom Roberts seconded and it was so voted, 5-0.

- FY14-21** **212-214 Commercial Street (Town Commercial Center Zone), Michelle Jaffe –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of a sandwich board advertising Grab-n-Go. Leif Hamnquist recused himself because of a conflict of interest. David M. Nicolau, Robert Littlefield, Amy Germain Tom Roberts and Joe Vasta sat on the case.
Presentation: The applicant did not appear.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board had no issues with the sandwich board as long as it was properly weighted for safety purposes.
Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of an A-frame sandwich board advertising Grab-n-Go at the property located at 212-214 Commercial Street (TCC) with the condition that the sandwich board be weighted for safety and with the dimensions shown in the photograph submitted, Tom Roberts seconded and it was so voted, 5-0.

The Board briefly discussed the number of signs on certain properties in Town that have multiple businesses located on them. It was suggested that when outside display applications are submitted that the Board look at the outside displays on the entire property. Also discussed was looking at the number of items displayed outside a business in comparison to the size of the business.

- FY14-12** **214 Commercial Street (Town Commercial Center Zone), Christopher Stein –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display if patio furniture and accessories. The Board

decided to postpone the case until the October 3, 2013 Public Hearing.
Tom Roberts moved to postpone Case #14-12 to the October 3, 2013 Public Hearing, Joe Vasta seconded and it was so voted, 5-0.

NEXT MEETING: The next meeting will take place on October 3, 2013. It will consist of a Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Tom Roberts moved to adjourn at 8:45 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on October 3, 2013
David M. Nicolau, Chair