

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
February 3, 2005

MEETING HELD IN TOWN HALL

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

Members Absent: Peter Bez (excused) and Peter Page.

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

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:30 P.M.

PENDING CASES:

2005-004 184 Bradford Street, Unit #B (Residential 3 Zone), John DeSouza on behalf of Peter Schweizer -

The applicant seeks a Special Permit under Article 3, Sections 3110, 3330 and 3340E of the Zoning By-Laws to extend a pre-existing, non-conforming two-family dwelling structure up and along the non-conforming dimension to reconfigure existing rooflines and deviate from the allowed building scale. Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley sat on the original case. **Presentation:** John DeSouza appeared to discuss the application. He stated that the condominium documents allow the unit owners to raise their rooflines. The applicants met with the neighbors to discuss the project but were not able to resolve the issues about which the neighbors were concerned. The applicant also requested that the scale issue be withdrawn from the application based upon new scale calculations from the Building Department.

Board Discussion: Doug Taylor reported that the average scale in the neighborhood is higher than the assessor's data reflects and the project is under that scale measurement. The Board questioned Mr. DeSouza.

Patrick Eeley moved to accept the withdrawal of the request for a Special Permit under Article 3 Section 3340E of the Zoning By-Laws, Lynne Davies seconded and it was so voted, 4-0.

Steve Melamed moved to grant a Special Permit under Article 3, Sections 3110 and 3330 of the Zoning By-Laws to extend a pre-existing, non-conforming two-family dwelling structure up and along the non-conforming dimension and to reconfigure existing rooflines at the property located at 184 Bradford Street, Unit #B (Res 3), Patrick Eeley seconded and it was so voted, 4-0-1 (Peter Page absent). Patrick Eeley will write the decision.

PENDING DECISIONS:

2005-001 **139A Bradford Street (Residential 2 Zone), Joseph Neumeister -**
Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley sat on the case. Patrick Eeley read the decision. *Steve Melamed moved to accept the language as written, Lynne Davies seconded and it was so voted, 4-0-1 (Peter Page absent).*

ADMINISTRATIVE AMENDMENT:

2004-056 **290D Bradford Street (Residential # Zone), Robert Valois on behalf of Brian Ganson-**
The applicant seeks to modify a previously approved plan. Gary Reinhardt, Lynne Davies, Steve Melamed and Patrick Eeley sat on the case.
Presentation: Robert Valois appeared to present the request. The applicant seeks to make a minor modification to the roofline.
Board Discussion: The Board briefly questioned Mr. Valois.
Steve Melamed moved to consider the request as an Administrative Amendment, Lynne Davies seconded and it was so voted, 4-0.
Steve Melamed moved to grant an Administrative Amendment for Case # 2004-056, Lynne Davies seconded and it was so voted, 4-0.

PENDING DECISIONS:

2005-006 **14 Bradford Acres Road (Residential 3 Zone), Barnett Adler on behalf of Eastwinds Realty Trust -**
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Lynne Davies read the decision. *Steve Melamed moved to accept the language as written, Gary Reinhardt seconded and it was so voted, 4-0-2 (Peter Bez and Peter Page absent).*

MINUTES:

January 20, 2005 – Lynne Davies moved to accept the language as written, Patrick Eeley seconded and it was so voted, 4-0-2 (Peter Bez and Peter Page absent).

Chair Gary Reinhardt adjourned the Work Session at 7:02 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:02 P.M. There were four members of the Zoning Board of Appeals present and two absent.

2005-002 599 Commercial Street (Residential 2 Zone), Elizabeth L. Villari -

The applicant seeks a Special Permit under Article 3, Section 3340E and Article 2, Section 2540 of the Zoning By-Laws for a deviation in the allowed building scale and rear yard Harbor setback respectively. The applicant submitted a request to withdraw the application without prejudice.

Steve Melamed moved to accept the withdrawal without prejudice for Case # 2005-002, Patrick Eleey seconded and it was so voted, 4-0.

2005-007 5 Maple Court (Residential 3 Zone), David Nicolau -

The applicant seeks a Special Permit for the installation of a swimming pool.

The applicant was informed that since only four members of the Zoning Board were present he would need a unanimous decision in order to be granted a Special Permit. He has the option of waiting until five members of the Board are seated or proceeding with hearing. The applicant chose to proceed. Gary Reinhardt, Lynne Davies, Steve Melamed and Patrick Eleey sat on the case.

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

Board Discussion: The Board briefly questioned Mr. Nicolau.

Lynne Davies moved to grant a Special Permit for the installation of a swimming pool at the property located at 5 Maple Court (Res 3), Steve Melamed seconded and it was so voted, 4-0.

2005-008 212-214 Commercial Street (Town Commercial Center Zone), Robin B. Reid, Esq. on behalf of New Art Realty Corporation -

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the service of food and alcohol and public entertainment. Steve Melamed recused himself because of a conflict of interest, leaving the Board without a quorum. The case is postponed until the February 17, 2005 hearing.

2005-009 494 Commercial Street (Residential 3 Zone), Bob Seay on behalf of Lower Cape Communications Inc., WOMR -

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for provide public entertainment. Steve Melamed recused himself because of a conflict of interest, leaving the Board without a quorum. The case is postponed until the February 17, 2005 hearing.

2005-010 11 Atlantic Avenue (Residential 3 Zone), Leslie D. Burnell on behalf of Kenneth Johnson -

The applicant seeks a Special Permit under Article 3, Section 3100 of the Zoning By-Laws to continue a pre-existing, non-conforming setbacks for the construction of a second means of egress for each of two units. The applicant was not present at the hearing so the case is postponed until the February 17, 2005 hearing.

NEXT MEETING:

The next meeting will be on February 17, 2005 and will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Lynne Davies moved to adjourn at 7:20 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 17, 2005.

Respectfully submitted,

Ellen C. Battaglini

Zoning Board of Appeals Signature