

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
September 15, 2005

MEETING HELD IN TOWN HALL

Members Present: Peter Bez, Peter Page, Steve Melamed and Patrick Eeley.

Members Absent: Gary Reinhardt and Lynne Davies (excused).

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

WORK SESSION

Acting Chair Peter Bez called the Work Session to order at 6:33 P.M.

PENDING DECISIONS:

2005-046 **811 and 837 Commercial Street (*Residential 1 Zone*), Attorney Christopher J. Snow on behalf of Clancy Realty Trust -**

The applicant seeks a Special Permit under Article 3, Section 3340 and Article 5, Section 5330 of the Zoning By-Laws to deviate from the allowed building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. The case is still pending.

2005-036 **305 Commercial Street (*Town Commercial Center Zone*), Robert Dalton -**

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Peter Bez read the decision. *Steve Melamed moved to accept the language as written, Peter Page seconded and it was so voted, 3-0-2 (Gary Reinhardt and Lynne Davies absent).*

2005-041 **16 Harry Kemp Way (*Residential B Zone*), John Reis -**

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Peter Page read the decision. *Steve Melamed moved to accept the language as written, Peter Bez seconded and it was so voted, 3-0-2 (Gary Reinhardt and Lynne Davies absent).*

2005-047 **212-214 Commercial Street (*Town Commercial Center Zone*), Robin B. Reid, Esq. on behalf of New Art Realty Corp. -**

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Patrick Eeley sat on the case. Patrick Eeley read the decision. The Building Commissioner indicated that the revised seating plans submitted by the applicant were satisfactory for enforcement purposes. *Peter Page moved to accept the language as written, Peter Bez seconded and it was so voted, 3-0-2 (Gary Reinhardt and Lynne Davies absent).*

2005-048 **5 Pleasant Street (*Residential 3 Zone*), Robert Valois and Stephen Syta -**

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Peter Bez read the decision. *Peter Page moved to accept the language as written, Steve Melamed seconded and it was so voted, 3-0-2 (Gary Reinhardt and Lynne Davies absent).*

PENDING CASES:

2005-042 **89 Shank Painter Road (General Commercial Zone), Attorney Lester J. Murphy on behalf of James M. Costa -**
The applicant seeks a Special Permit under Article 2, Section 2440 B6 of the Zoning By-Laws to operate a rental storage business pursuant to footnote 9. The case remains pending.

Acting Chair Peter Bez postponed the Work Session at 7:05 P.M.

PUBLIC HEARING

Acting Chair Peter Bez called the Public Hearing to order at 7:05 P.M. and explained the Public Hearing procedures to the public. There were four members of the Zoning Board of Appeals present and two absent.

2005-049 **234 Commercial Street (Town Commercial Center Zone), Thanassi Kuliopulos -**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display. Peter Bez, Peter Page, Steve Melamed and Patrick Eleey sat on the case. Acting Chair Peter Bez explained the implications of a four member Board to the applicant. The Board would have to render a unanimous decision in order to grant a Special Permit. Thus, the applicant had a choice of moving forward or continuing his application until a five member Board was seated. The applicant chose to proceed.
Presentation: Thanassi Kuliopulos appeared to present the application.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Mr. Kuliopulos.
Steve Melamed moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display for the property located at 234 Commercial Street (TCC), Patrick Eleey seconded and it was so voted, 4-0.

2005-050 **208 Bradford Street (Residential 3 Zone), Berta Walker Gallery -**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display. Peter Bez, Peter Page, Steve Melamed and Patrick Eleey sat on the case. Acting Chair Peter Bez explained the implications of a four member Board to the applicant. The Board would have to render a unanimous decision in order to grant a Special Permit. Thus, the applicant had a choice of moving forward or continuing his application until a five member Board was seated. The applicant chose to proceed.
Presentation: Steve Roderick, representing Berta Walker Gallery appeared to present the application.
Public Comment: None. There was one letter in the file from Berta Walker granting Mr. Roderick permission to represent her at the hearing.
Board Discussion: The Board questioned Mr. Roderick.
Steve Melamed moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display at the property located at 208 Bradford Street (Res 3), Patrick Eleey seconded and it was so voted, 4-0.

2005-051 **9 Dyer Street – Rear (Residential 3 Zone), Ron Reil -**
The applicant seeks a Special Permit under Article 2, Section 2550 and Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming setback between buildings and yard setbacks. Acting Chair Peter Bez explained the implications of a four member Board to the applicant. The Board would have to render a unanimous decision in order to grant a Special Permit. Thus, the applicant had a choice of moving forward or continuing his application until a five member Board was seated. The applicant chose to proceed. Zpeter Bez, Peter Page, Steve Melamed and Patrick Eeey sat on the case.
Presentation: Tom Thompson and John DeSouza appeared to present the application. The applicant owns two single-family structures on the premises that are in substandard condition. He seeks to raise the roofline on the two cottages and bring the structures into conformity with the State Building Code.
Public Comment: None. There were three letters in the file opposed to the project and none in favor.

Board Discussion: The Board questioned Mr. Thompson and Mr. DeSouza. The Board requested that the applicant submit a certified plot plan clearly showing what is being proposed, including the proposed dimensions, setbacks and current and proposed footprints of the two structures on the premises. The case is continued until the October 6, 2005 hearing.

Acting Chair Peter Bez adjourned the Public Hearing at 8:08 P.M.

WORK SESSION

Acting Chair Peter Bez reconvened the Work Session at 8:08 P.M.

MINUTES: September 1, 2005 – *Steve Melamed moved to accept the language as written, Peter Bez seconded and it was so voted, 4-0.*

NEXT MEETING:

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

ADJOURNMENT:

Steve Melamed moved to adjourn at 8:10 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 October 6, 2005.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini