

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
October 20, 2005

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Lynn Davies and Steve Melamed and Patrick Eeley.

Members Absent: None.

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

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:45 P.M.

PENDING CASES:

2005-042 **566 Commercial Street (*General Commercial Zone*), Attorney Lester J. Murphy on behalf of James M. Costa -**

The case is continued until the December 1, 2005 hearing.

PENDING DECISIONS:

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. Peter Bez, Peter Page, Steve Melamed and Patrick Eeley sat on the case. A new site plan has not yet been received and the applicant is not present.

MINUTES: October 6, 2005 – *Peter Bez moved to accept the language as amended, Peter Page seconded and it was so voted, 6-0.*

Gary Reinhardt postponed the Work Session at 6:50 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:00 P.M. and explained the Public Hearing procedures to the public. There were six members of the Zoning Board of Appeals present and none absent.

2005-061 **3 and 3A Browne Street (*Residential 3 Zone*), John and Terese Nelson -**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming setback and to extend a second pre-existing, non-conforming structure out and along a non-conforming setback. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: John and Terese Nelson appeared to present the application.

Public Comment: Vernon Brown, an abutter spoke against the application. There were ten form letters in favor of the application in the file.

Board Discussion: The Board questioned Mr. and Ms. Nelson. The Board informed the applicants that there were no proposed and existing elevations listed on the plans that were submitted. There were also no plans submitted for the existing garage. The Board will need this information before a decision can be rendered. The case will be continued to the November 3, 2005 Work Session.

2005-062 234 Commercial Street (Town Commercial Center Zone), Steve Bowersock-

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Steve Bowersock appeared to present the application.

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

Board Discussion: The Board questioned Mr. Bowersock.

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 234 Commercial Street (TCC), Peter Bez seconded and it was so voted, 5-0.

2005-063 42 Franklin Street (Rear) (Residential 3 Zone), Ron Reil –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming setback. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: John DeSouza and Tom Thompson appeared to present the application. The cottages on the premises will become higher.

Public Comment: Glen Rigoff, an abutter, spoke in opposition to the application. Alex Brown, an abutter also spoke against the application. There was one letter from Alex Brown and his wife and one letter from Glen Rigoff, both in opposition, in the file.

Board Discussion: The Board questioned Mr. DeSouza and Mr. Thompson. The Board decided that they would like to conduct a site visit before rendering a decision. The case is continued until the November 3, 2005 hearing.

2005-055 4 Atwood Avenue (Residential 2 Zone), Dr. G. Bruce Head III -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure (cottage #3) up and along a non-conforming setback. Peter Bez recused himself because of a conflict of interest. Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eleey sat on the case.

Presentation: Sam MacNicol appeared to present the application. A balcony is being put on the cottage and the footprint will not be altered.

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

Board Discussion: The Board questioned Mr. MacNicol.

Lynne Davies moved to consider as a finding under the Goldhirsh v McNear ruling, Steve Melamed seconded and it was so voted, 5-0.

Lynne Davies moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure (cottage #3) up and along a non-conforming setback at the property located at 4 Atwood Avenue (Res 2) as a finding under the Goldhirsh v. McNear ruling, Steve Melamed seconded and it was so voted, 5-0.

Chair Gary Reinhardt adjourned the Public Hearing at 8:20 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 8:20 P.M.

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. Peter Bez, Peter Page, Steve Melamed and Patrick Eleey sat on the case.

Presentation: John DeSouza and Tom Thompson appeared to present the application. A new certified plot plan was submitted to the Board. New building plans showed only a very slight increase in height.

Board Discussion: The Board questioned Mr. DeSouza and Mr. Thompson.

Peter Bez moved to consider as a finding under the Goldhirsh v. McNear ruling, Steve Melamed

seconded and it was so voted, 4-0.

Peter Bez moved to grant 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 at the property located at 9 Dyer Street, Rear (Res 3) as a finding under the Goldhirsh v. McNear ruling, Patrick Eleey seconded and it was so voted, 4-0.

NEXT MEETING:

The next meeting will be on November 3, 2005 and will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Peter Bez moved to adjourn at 8:35 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 November 3, 2005.

Respectfully submitted,

Zoning Board of Appeals Signature Ellen C. Battaglini