

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF**  
**June 5, 2008**

**MEETING HELD IN TOWN HALL**

**Members Present:** Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard.

**Members Absent:** Keith Amato (excused).

**Others Present:** Russ Braun (Acting Building Commissioner), Maxine Notaro (Permit Coordinator) and David Gardner (Assistant Town Manager).

**WORK SESSION**

Chair Patrick Eeley called the Work Session to order at 6:30 P.M.

**EXTENSION:**

47 Commercial Street – Request for an extension of time on a previously approved Special Permit. Russ Braun gave the Board a brief history of the Special Permit #2005-038.

*Patrick Eeley moved to extend Special Permit #2005-038 for the property located at 47 Commercial Street to six months beyond the date that the Chapter 91 License for that property is granted, Robert Littlefield seconded and it was so voted, 5-0.*

**PENDING DECISIONS:**

**2008-37**     **881 Commercial Street (Residential 1 Zone), Robert Valois on behalf of Linda Daniels** – Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Patrick Eeley read the decision. *Anne Howard moved to approve the language as written, Robert Littlefield seconded and it was so voted, 5-0.*

**CONTINUED CASES:**

**2008-38**     **9 Carnes Lane (Residential 3 Zone), Yuriy Litvinov and Pavel Fiodarau** – The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming two-family dwelling up and along a pre-existing setback by an additional 15". Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. **Presentation:** Attorney Robin B. Reid, Yuriy Litvinov and Pavel Fiodarau appeared to discuss the application. Attorney Reid submitted new plans to the Board. She gave a brief summary of the case to date and explained that to correct the mistake that had already occurred, resulting in a 15" increase in the height of the structure, would cost the applicants a significant amount of money. Thus, the applicants had come up with a compromise and the new proposed plans that were submitted showed that compromise, which would result in a 6" decrease in the height of the structure, making the structure 9" higher than what the Board has previously approved. **Board Discussion:** The Board questioned Attorney Reid. *Robert Littlefield moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming two-family dwelling up and along a pre-existing setback by an additional 9", as amended, Amy Germain seconded and it was so voted, 3-2 (Anne Howard and Elisabeth Verde opposing).* Patrick Eeley will write the decision.

Chair Patrick Eeley postponed the Work Session at 7:15 P.M.

**PUBLIC HEARING**

Chair Patrick Eeley called the Public Hearing to order at 7:15 P.M. There were 5 members of the Zoning Board of Appeals present and 1 absent.

## **POSTPONED CASES:**

- 2008-28**     **27 Tremont Street (Residential 1 Zone), Neal Kimball on behalf of Tom Burke and Axel Brunger**  
*(postponed from May 15, 2008) –*  
The applicants seek a Variance under Article 2, Section 2560 (Dimensional Schedule) of the Zoning By-Laws for an 11'2" high by 15' wide by 6" deep trellis previously erected upon verbal approval of a former building inspector. As Patrick Eeley would have to recuse himself because of a conflict of interest, leaving only 4 Board members to hear the case, Neal Kimball requested another postponement until the June 19, 2008 hearing, as he would like to present the application to a 5-member Board. Mr. Kimball agreed to waive the time constraints on behalf of his clients.  
**Amy Germain moved to grant a postponement until the June 19, 2008 hearing, Patrick Eeley seconded and it was so voted, 4-0.**

## **NEW CASES:**

- 2008-39**     **144 Bradford Street Extension (Residential 3 Zone), Jeffrey Epstein, Trustee on behalf of 144 Bradford Street Extension –**  
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of up to 5 inflatable items and 2 umbrellas. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.  
**Presentation:** Attorney Lester J. Murphy and Jeffrey Epstein appeared to present the application. The Beach Market would like to display some of the items that they sell outside on display.  
**Public Comment:** None. There were 2 letters in opposition to the application.  
**Board Discussion:** The Board questioned Attorney Murphy and Mr. Epstein.  
**Anne Howard moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of up to 5 inflatable items and 2 umbrellas at the property located at 144 Bradford Street Extension (Res 3), Robert Littlefield seconded and it was so voted, 5-0.** Anne Howard will write the decision.
- 2008-40**     **361 Commercial Street (Town Commercial Zone), Joanne Berardi –**  
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for an outdoor display rack of up to 12 items.  
Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.  
**Presentation:** Joanne Berardi appeared to present the application.  
**Public Comment:** None. There was 1 letter in the file from her landlords approving of the application.  
**Board Discussion:** The Board questioned Ms. Berardi.  
**Robert Littlefield moved to approve a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for an outdoor display rack of up to 12 items, Anne Howard seconded and it was so voted, 5-0.** Elisabeth Verde will write the decision.

## **CONTINUED CASES:**

- 2008-27**     **27-31 Bangs Street (Residential 3 Zone), William N. Rogers II, P.E., P.L.S on behalf of Gunther Realty, LLC, Judy K. Mencher, Manager** *(continued from May 15, 2008) –*  
The applicant seeks a Special Permit under Article 3, Section 3340 of the Zoning By-Laws for a deviation in building scale for the construction of two duplex buildings containing four dwelling units. Patrick Eeley, Robert Littlefield, Amy Germain, Keith Amato and Anne Howard sat on the case. Attorney Murphy submitted revised plans to the Board. There were only four members present who sat on the case. The Board discussed with Attorney Murphy what the options were if it were not possible for all five members who had sat on the case to again be seated. Attorney Murphy requested a continuance until the June 19, 2008 hearing.  
**Patrick Eeley moved to accept the request to continue Case #2008-27 until June 19, 2008 hearing, Robert Littlefield seconded and it was so voted, 4-0.**

Chair Patrick Eeley adjourned the Public Hearing at 8:10 P.M.

**WORK SESSION**

Chair Patrick Eleey reconvened the Work Session at 8:10 P.M.

**PENDING DECISIONS:**

**2008-36**      **56 Shank Painter Road (*General Commercial Zone*), Grand Union Family Markets, LLC –**  
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Patrick Eleey read the decision. *Anne Howard moved to approve the language as written, Amy Germain seconded and it was so voted, 5-0.*

**2008-24**      **355 Commercial Street (*Town Commercial Center Zone*), Carole A. Lanstein on behalf of James McGowan –**  
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. The decision will be read at the next hearing on June 19, 2008.

**MINUTES: May 15, 2008 – Amy Germain moved to approve the language as amended, Anne Howard seconded and it was so voted, 5-0.**

**NEXT MEETING:**

The next meeting will be on June 19, 2008 and will be held in the Judge Welsh Hearing Room. It will consist of a Work Session at 6:30 P.M. and a Public Hearing at 7:00 P.M.

**ADJOURNMENT:**

*Amy Germain moved to adjourn at 8:30 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 June 19, 2008.

Respectfully submitted,  
Ellen C. Battaglini

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*Zoning Board of Appeals Signature*