

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
October 16, 2008

MEETING HELD IN TOWN HALL

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

Members Absent: None.

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

WORK SESSION

Chair Patrick Eleey called the Work Session to order at 6:48 P.M.

PENDING DECISIONS:

- 2008-48** **361 Commercial Street (Town Commercial Center Zone), T and Celine Gandolfo/Tonga Trust –**
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Robert Littlefield read the decision. *Patrick Eleey moved to approve the language as written, Anne Howard seconded and it was so voted, 5-0.*
- 2008-47** **1 Tremont Street (Town Commercial Center Zone), Robin B. Reid, Esq. on behalf of One Tremont Street Nominee Trust –**
Patrick Eleey, Elisabeth Verde, Robert Littlefield and Amy Germain sat on the case. Patrick Eleey read the decision. *Amy Germain moved to accept the language as written, Robert Littlefield seconded and it was so voted, 4-0.*
- 2008-44** **12 Somerset Road (Residential 1 Zone), Mark P. Kinnane of Cape Associates on behalf of Jerry Albright –**
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, Robert Littlefield seconded and it was so voted, 5-0.*

Chair Patrick Eleey postponed the Work Session at 7:04 P.M.

PUBLIC MEETING

Chair Patrick Eleey called the Public Meeting to order at 7:04 P.M. There were five members of the Zoning Board of Appeals present and none absent.

NEW CASES:

- 2008-50** **16 Jerome Smith Road (Residential 3 Zone), Town of Provincetown –**
The applicant seeks a Special Permit under Article 2, Section 2440 D3 of the Zoning By-Laws for the placement of a modular building for Municipal Use in a Residential 3 Zone. Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Presentation: Russ Braun appeared to present the application. The applicant is looking to alter a pre-existing use at the property to place a modular building of approximately 6400 square feet on the

premises. This building will house Town offices for a period of two years.

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

Board Discussion: The Board questioned Mr. Braun.

Patrick Eleey moved to grant a Special Permit under Article 2, Section 2440 D3 of the Zoning By-Laws for the placement of a modular building for Municipal Use in a Residential 3 Zone at the property located at 16 Jerome Smith Road (Res 3), Anne Howard seconded and it was so voted, 5-0. Patrick Eleey will write the decision.

2008-51 32 Bradford Street (Residential 3 Zone), Robert Valois on behalf of Enco Realty Trust, Leonard Enos, Jr., Trustee -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure by extending upward along a rear and side setback dimension.

Presentation: Robert Valois and Leonard Enos, III appeared to present the application. The applicant seeks to raise one of the buildings on the lot by a foot and reduce the number of bedrooms in that building from five to three. This building presently sits on a slab and by raising the building, insulation can be placed underneath. The footprint will remain the same. In addition, there are two areas to be enclosed; an area beneath a deck on the west side and an area in the vicinity of a shed on the east side, the latter to which a second floor will also be added.

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

Board Discussion: The Board questioned Mr. Valois and Mr. Enos.

Anne Howard moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure by extending upward along a rear and side setback dimension at the property located at 32 Bradford Street (Res 3), Patrick Eleey seconded and it was so voted, 5-0. Anne Howard will write the decision.

2008-52 20 Winslow Street (Residential 3 Zone), Edward T. Patten, Attorney, on behalf of David A. Mills –

The applicant seeks a Special Permit under Article 3, Section 3340D and 3340E of the Zoning By-Laws for the renovation of an existing single family, ranch-style structure resulting in a building varying from the average scale of buildings within a radius of 250 feet by more than 25%. Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Attorney Edward T. Patten and David A. Mills appeared to present the application. According to Attorney Patten, the plans submitted to the Board are revised plans and revised scale calculations as a result of modifications made to the project prompted by neighborhood feedback. The changes consist of the elimination of a two-story proposed addition on the street side and removing two outside staircases on the north side of the property, leaving the project consisting of the construction of a full second story over the existing ranch house along with the addition of two porches on the west side of the property. The building scale of the revised project is approximately 120 scale units. The neighborhood average is 79.8 s.u. The property sits back 70' from the street. The footprint of the house will not change except where the proposed porches will be added.

Public Comment: Chris Scales, Howard Weiner, Marilyn Grove, Mary Jo Avellar, Duane Steele, Mark Leach, Claudia Martin and Darlene Carreiro all spoke in favor of the application. Attorney Lester J. Murphy, representing Dermot Meagher, an abutter, stated that his client does not object to the application provided that a condition, which he has already discussed with Attorney Patten and Mr. Mills, would be imposed as a part of the Special Permit. That condition would provide that the structure will contain a maximum of two single family residential units. The addition of a third residential unit would require that the Special Permit be modified by the Board. Katherine Fair had concerns about the number of vehicles that will be parked on the property. There were 4 letters in favor and none in opposition to the application in the file.

Board Discussion: The Board questioned Attorney Patten. The Board requested that Attorney Patten re-submit an application showing the correct scale calculations and that a revised site plan showing elevations and the location of the third bedroom be submitted.

Anne Howard moved to grant a Special Permit under Article 3, Section 3340D and 3340E of the Zoning By-Laws for the renovation of an existing single family, ranch-style structure resulting in a building varying from the average scale of buildings within a radius of 250 feet by more than 25% at the property located at 20 Winslow Street (Res 3) with the condition that the structure will contain a

maximum of two single family residential units under the building scale provisions of the Zoning By-Law in effect as of the effective date of the Special Permit and that the addition of a third residential unit will require a modification of the Special Permit by the Zoning Board of Appeals, Robert Littlefield seconded and it was so voted, 4-1 (Elisabeth Verde opposed).

The Board will require the revised plans and application well before the next hearing on November 6, 2008. Patrick Eeley will write the decision.

Chair Patrick Eeley postponed the Public Hearing for 2 minutes.

2008-53 6 Duncan Street (Residential 1 Zone), Kevin Bazarian on behalf of Helen Ryde and Kathy Schiappa –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure out and along pre-existing, non-conforming setbacks. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Kevin Bazarian, Helen Ryde and Kate Schiappa appeared to present the application. The proposed project includes removing the existing dwelling except for two walls, and then re-constructing a one bedroom dwelling with a second level in the same spot. The existing garage will remain in its present location, but will be attached to the house.

Public Comment: Dennis Minsky, an abutter, spoke in favor. There were no letters in the file.

Board Discussion: The Board questioned Mr. Bazarian, Ms. Ryde and Ms. Schiappa.

Patrick Eeley moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure out and along pre-existing, non-conforming setbacks at the property located at 6 Duncan Lane (Res 1), Anne Howard seconded and it was so voted, 5-0. Elisabeth Verde will write the decision.

2008-54 8 Carver Street (Residential 3 Zone), Eliot Parkhurst, Attorney, on behalf of 8 Carver Street, LLC –

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for the reconfiguration and enlargement of an existing dormer. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Attorney Eliot Parkhurst appeared to present the application. The applicant seeks to add a dormer to an upper floor of the structure, an extension of work that was begun by a previous owner and never completed. The current upper floor roofline consists of two unconnected gable dormers. The proposed work entails connecting those two gables with a shed dormer leaving the roofline unchanged. The southwest gable remains intact and the southeast gable disappears into a shed dormer connecting the two gables. The footprint will remain unchanged and the proposed reconfiguration will not create or increase any non-conformancy. The project will be in conformity with the character of the neighborhood. The existing scale for the property is 233.15 scale units, the neighborhood scale is 97.97 s.u., the allowed scale is 112.67 s.u. and the proposed scale is 237.73 s.u.

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

Board Discussion: The Board questioned Attorney Parkhurst.

Robert Littlefield moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for the reconfiguration and enlargement of an existing dormer at the property located at 8 Carver Street (Res 3), Anne Howard seconded and it was so voted, 5-0. Robert Littlefield will write the decision.

Chair Patrick Eeley adjourned the Public hearing at 9:05 P.M.

WORK SESSION

Chair Patrick Eeley re-convened the Work Session at 9:05 P.M.

PENDING DECISIONS:

2008-49 252 Commercial Street (Town Commercial Center Zone), Robert Valois –

Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Elisabeth Verde read the decision. *Anne Howard moved to approve the language as amended, Amy Germain seconded and it was so voted, 5-0.*

2008-46 **415 Commercial Street (Residential 3 Zone), Robert Valois on behalf of Warren Cresswell –**
Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Anne Howard read the decision. *Amy Germain moved to approve the language as written, Robert Littlefield seconded and it was so voted, 5-0.*

MINUTES: October 2, 2008 – Anne Howard moved to approve the language as amended, Elisabeth Verde seconded and it was so voted, 5-0.

NEXT MEETING: The next meeting will take place on November 6, 2008. It will consist of Work Session at 6:15 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain moved to adjourn at 9:30 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 November 6, 2008.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2008
Patrick Eeley, Chair