

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
September 3, 2009

MEETING HELD IN THE GRACE GOUVEIA BUILDING

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

Members Absent: Patrick Eeley (excused).

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

WORK SESSION

Vice Chair Anne Howard called the Work Session to order at 6:55 P.M.

MINUTES: August 6, 2009 – *Amy Germain moved to approve the language as written, Elisabeth Verde seconded and it was so voted, 3-0-1 (Robert Littlefield abstaining).*

The Board decided to put the review and discussion of the revised ZBA Special Permit and Variance application on the agenda for the September 17, 2009 hearing.

2009-40 **74 Shank Painter Road (General Commercial Zone), Ewa Nogiec of Gallery Ehva** – Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. The applicant has not yet submitted a revised plan for the placement of the outdoor display items.

CONTINUED CASE:

2009-39 **22 Brewster Street (Residential 3 Zone), Louis Lima and Jerome Crepeau** – The applicants seek a Special Permit under Article 3, Section 3440 of the Zoning By-Laws for a deviation in building scale for the construction of a screened-in porch. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. This case is continued until the September 17, 2009 hearing.

Vice Chair Anne Howard adjourned the Work Session at 7:04 P.M.

PUBLIC HEARING

Vice Chair Anne Howard called the Public Hearing to order at 7:04 P.M. There were four members of the Zoning Board of Appeals present and one absent.

NEW CASES:

- 2009-43** **293 Commercial Street (Town Commercial Center Zone), Julesan, Inc., d/b/a Twisted Sisters –**
The applicant seeks a Special Permit under Article 2 Section 2460 of the Zoning By-Laws for 8 additional seats and to expand the seating arrangement into Unit D. Julie Knapp appeared before the Board. Vice Chair Anne Howard explained to the applicant that having a four-member Board hear her application meant that she would need a unanimous decision in order to be granted a Special Permit. She had, therefore, the choice of postponing her case until a five-member Board is seated or proceeding with a four-member Board. The applicant chose to postpone the case until the September 17, 2009 hearing. *Amy Germian moved to approve the request to postpone Case #2009-43 until the September 17, 2009 hearing, Elisabeth Verde seconded and it was so voted, 4-0.*
- 2009-44** **36 Shank Painter Road (General Commercial Zone), David and Susan Hale –**
The applicants seek a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct an addition up and along a pre-existing, non-conforming setback under Article 2, Section 2550 (Two Buildings Per Lot). The distance between two buildings is less than 9 feet. The applicants requested a postponement until the September 17, 2009 hearing. *Amy Germain moved to approve the request to postpone Case #2009-44 until the September 17, 2009 hearing, Elisabeth Verde seconded and it was so voted, 4-0.*
- 2009-45** **8A Commercial Street, Unit #3 (Residential 1 Zone), Deborah Paine, Inc. on behalf of David Dawe and Larry Bartanen –**
The applicants seek a Special Permit under Article 3, Section 3110 and, Section 3340 of the Zoning By-Laws to construct a dormer and two roof decks up and along a pre-existing, non-conforming side yard setback. The applicant requested a postponement until the September 17, 2009 hearing. *Elisabeth Verde moved to approve the request to postpone Case #2009-45 until the September 17, 2009 hearing, Amy Germain seconded and it was so voted, 4-0.*
- 2009-46** **305 Commercial Street (Town Commercial Center Zone), Steve Milliken –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of merchandise. The applicant requested a postponement until the September 17, 2009 hearing. *Elisabeth Verde moved to approve the request to postpone Case #2009-46 until the September 17, 2009 hearing, Robert Littlefield seconded and it was so voted, 4-0.*
- 2009-47** **212 Bradford Street (Residential 3 Zone), Gary Pasnick, KOPA d/b/a East End Marketplace –**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the placement of five stools using existing Title V flow. Vice Chair Anne Howard asked the applicant if he would like to have his application heard by a four-member Board or postpone the case until a five-member Board was seated. The applicant chose to proceed. Anne Howard, Elisabeth Verde, Robert Littlefield and Amy Germain sat on the case.
Presentation: Gary Pasnick appeared to present the application.
Public Comment – Olga Vitello spoke in favor of the application. There was one letter in support of the application in the file.
Board Discussion: The Board questioned Mr. Pasnick.
Amy Germain moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the placement of five stools using existing Title V flow at the property located at 212 Bradford Street (Res 3), Elisabeth Verde seconded and it was so voted, 4-0. Robert Littlefield will write the decision.
- 2009-48** **18 Alden Street (Residential 3 Zone), Joyce A. Cumming, of Aline Architecture, Inc., on behalf of**

Donald Beal –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a North dormer up and along pre-existing, non-conforming setbacks. The applicant requests a postponement until the September 17, 2009 hearing.

Robert Littlefield moved to approve the request to postpone Case #2009-48 until the September 17, 2009 hearing, Elisabeth Verde seconded and it was so voted, 4-0.

NEXT MEETING: The next meeting will take place on September 17, 2009. It will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain 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 September 17, 2009.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2009

Patrick Eleey, Chair