

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS**

**MEETING MINUTES OF
May 5, 2011**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: Robert Littlefield, Amy Germain (arrived at 7:00 P.M.), David Nicolau, Tom Roberts and Harriet Gordon

Members Absent: Anne Howard (excused) and Elisabeth Verde (excused).

Others Present: Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Vice Chair Robert Littlefield called the Work Session to order at 6:30 P.M.

He read a letter from the Board of Selectmen asking for the Board's timely consideration of Outer Cape Health Services Zoning applications, citing the additional medical care and preventive services for residents and visitors that the organization is planning to provide as they continue to expand their facilities.

ELECTION OF OFFICERS:

This is postponed until the next Public Hearing on May 19, 2011.

MINUTES: April 28, 2010 – Tom Roberts moved to approve the language as written, David Nicolau seconded and it was so voted, 4-0.

PENDING DECISIONS:

FY11-63 242 Commercial Street (Town Commercial Center), Attorney Lester J. Murphy, Jr., on behalf of Timothy F. Barry –
Anne Howard, Robert Littlefield, Tom Roberts and David Nicolau sat on the case. Robert Littlefield read the decision. ***Tom Roberts moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.***

FY11-78 17 Conant Street (Residential 3 Zone), William N. Rogers, II, P.E. & P.L.S. on behalf of Randall L. Sell, et al. –
Anne Howard, Robert Littlefield, David Nicolau, Tom Roberts and Harriet Gordon sat on the case. Tom Roberts read the decision. ***Robert Littlefield moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.***

FY11-79 **206 Commercial Street (Town Commercial Center Zone), Vida Hamnquist of Nor'East Beer Garden –**
Anne Howard, Robert Littlefield, David Nicolau, Tom Roberts and Harriet Gordon sat on the case. The applicant has not yet submitted a revised seating plan. Harriet Gordon read the decision. *Robert Littlefield moved to approve the language as written, Tom Roberts seconded and it was so voted, 4-0.*

FY11-80 **11 Browne Street (Residential 3 Zone), Lester J. Murphy, Jr., Attorney, on behalf of Karen Thomas and Annette Racette –**
Anne Howard, Robert Littlefield, David Nicolau, Tom Roberts and Harriet Gordon sat on the case. David Nicolau read the decision. *Robert Littlefield moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.*

Vice Chair Robert Littlefield postponed the Work Session at 6:59 P.M.

PUBLIC HEARING

Vice Chair Robert Littlefield called the Public Hearing to order at 7:00 P.M. There were five members of the Zoning Board of Appeals present and two absent.

PENDING CASES:

FY11-82 **71 Commercial Street (Residential 2 Zone), Mark Kinanne of Cape Associates on behalf of Eleanor Pannesi –**
The applicant seeks a Variance under Article 2, Section 2500, Dimensional Requirements, and Section 2560, Dimensional Schedule, of the Zoning By-Laws from side setbacks because the renovation is 50% greater than the existing value of the structure creating the need to be flood plain code compliant by raising the existing structure to construct entrance stairs. There was a request to postpone this case until the May 19, 2011 Public Hearing.
Robert Littlefield moved to grant the request to postpone Case #FY11-82 until the May 19, 2011 Public Hearing, Amy Germain seconded and it was so voted, 4-0-1 (Tom Roberts abstaining).

NEW CASES:

FY11-83 **William N. Rogers, II, P.E., P.L.S., on behalf of 67 Commercial Street, LLC, Judy K. Mencher, Trustee –**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to raise an existing building "B" and install a new concrete pier foundation in accordance with current FEMA Regulations. There was a request to postpone this case until the May 19, 2011 Public Hearing.

Robert Littlefield moved to grant the request to postpone Case #FY11-82 until the May 19, 2011 Public Hearing, Amy Germain seconded and it was so voted, 4-0-1 (Tom Roberts abstaining).

- FY11-84 William N. Rogers, II, P.E., P.L.S., on behalf of Debra Poletto –**
The applicant seeks a Special Permit under Article 3 Section 3110 of the Zoning By-Laws to raise an existing structure 2'8" and provide a new full foundation in the existing footprint with 16 sq. ft. for a new basement access. There was a request to postpone this case until the May 19, 2011 Public Hearing.
Robert Littlefield moved to grant the request to postpone Case #FY11-82 until the May 19, 2011 Public Hearing, Amy Germain seconded and it was so voted, 5-0.

OTHER BUSINESS:

Case 2009-11 - 83 Shank Painter Road, ZBA endorsement of final building plans.

Presentation: Ted Malone appeared to present the request. Mr. Malone explained that one of the requirements of his Comprehensive Permit is the endorsement of final plans, including lighting and snow removal plans. The building plans contain structural and insulation details for the project. The ZBA must affirm that the plans are consistent with the regulatory plans that were approved at the Public Hearing on the Comprehensive Permit.

Robert Littlefield moved that the ZBA endorse the final plans for Case #2009-11, Harriet Gordon seconded and it was so voted, 5-0.

Vice Chair Robert Littlefield adjourned the Public Hearing at 7:10 P.M.

WORK SESSION

Vice Chair Robert Littlefield reconvened the Work Session at 7:10 P.M.

PENDING DECISIONS:

- FY11-81 11 Browne Street (Residential 3 Zone), Lester J. Murphy, Jr., Attorney, on behalf of Karen Thomas and Annette Racette –**
Anne Howard, Robert Littlefield, David Nicolau, Tom Roberts and Harriet Gordon sat on the case. David Nicolau read the decision. *Robert Littlefield moved to approve the language as written, Tom Roberts seconded and it was so voted, 4-0.*

NEXT MEETING: The next meeting will take place on May 19, 2011. It will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT: *David Nicolau moved to adjourn at 7:30 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 May 19, 2011.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2011
Anne Howard, Chair