

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS**

**MEETING MINUTES OF
May 19, 2011**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: Anne Howard, Robert Littlefield, Amy Germain (arrived at 6:45 P.M.),
David Nicolau, Tom Roberts, Harriet Gordon and Elisabeth Verde

Members Absent: None.

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

WORK SESSION

Chair Anne Howard called the Work Session to order at 6:30 P.M.

PENDING DECISIONS:

The Board signed plans for Cases No. FY11-63 and FY11-79.

MINUTES: May 5, 2010 – *Tom Roberts moved to approve the language as written, David Nicolau seconded and it was so voted, 4-0.*

ELECTION OF OFFICERS:

David Nicolau moved to nominate the existing officers to the same positions, Amy Germain seconded and it was so voted, 7-0.

Chair Anne Howard adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

Chair Anne Howard called the Public Hearing to order at 7:00 P.M. There were seven members of the Zoning Board of Appeals present and none absent.

The Board acted on a request to take Case No. FY11-84 out of order. *Elisabeth Verde moved to grant the request to take Case No. FY11-84 out of order, Robert Littlefield seconded and it was so voted, 7-0.*

PENDING CASES:

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. Anne Howard, Robert Littlefield, Amy Germain, David Nicolau and Tom Roberts sat on the case.

Presentation: Gary Locke, Debra Poletto and Laura Seabury appeared to present the application. The proposed project will raise the structure by 2'8", allowing for the installation of a full foundation in the same footprint. The structure is currently sitting on concrete blocks and has a small crawl space. The existing deck will be shortened to allow for a Bilco door to access the basement.

Public Comment: None. There was 1 letter in the file in opposition to the application.

Board Discussion: The Board questioned Mr. Locke, Ms. Poletto and Ms. Seabury.

David Nicolau moved to grant 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 at the property located at 14 Schueler Blvd. (Res 1), Robert Littlefield seconded and it was so voted, 5-0. Amy Germain will write the decision.

David Nicolau, Tom Roberts and Harriet Gordon recused themselves from Cases No. FY11-82 and FY11-83 and left the Hearing.

FY11-82 71 Commercial Street (Residential 2 Zone), Mark Kinnane 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. Anne Howard explained that since there were only four Board members seated on the case, requiring a unanimous decision in order for a Variance to be granted, the applicant had a choice to postpone until five Board members could be seated or proceed with four. The applicant chose to proceed. Anne Howard, Robert Littlefield, Amy Germain and Elisabeth Verde sat on the case.

Presentation: Mark Kinnane, Eleanor Pannesi and Roe Anderson appeared to present the application. The scope of the project involves remodeling the interior of the structure, renovating several apartments on the ground floor, a slight change in the roof line and a step addition on one side to allow egress. The total height will not exceed 33', there will be no increase in scale and the deck will be shortened by 17 square feet. The structure is below base flood elevation. FEMA requires that the lowest structural member be 2' above base flood elevation. According to Mr. Kinnane, literal enforcement of the Article 2, Section 2560 would involve substantial hardship and endanger the safety of the owners and

guests by denying legal and safe access from the east side of the building. The hardship is owing to the topography of the land, being that the structure is below base flood elevation. A foundation is not allowed in the velocity zone so the structure will be placed on pilings.

Public Comment: None. There was 1 letter in the file in support of the application.

Board Discussion: The Board questioned Mr. Kinnane, Ms. Pannesi and Ms. Anderson.

Robert Littlefield moved to grant 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 at the property located at 71 Commercial Street (Res 2), Elisabeth Verde seconded and it was so voted, 4-0. Anne Howard will write the decision.

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. Anne Howard explained that since there were only four Board members seated on the case, requiring a unanimous decision in order for a Special Permit to be granted, the applicant had a choice to postpone until five Board members could be seated or proceed with four. The applicant chose to proceed. Anne Howard, Robert Littlefield, Amy Germain and Elisabeth Verde sat on the case.

Presentation: Gary Locke and Rich Waldo appeared to present the application. The structure will be raised and placed on helical concrete pilings. The existing floor level is at elevation 10.51’, which is below the current FEMA requirement of 11’. The first floor elevation will be raised by 1’7”, but the actual peak increases by 3’2” due to the fact that the floor height will be made compliant with the State Building Code.

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

Board Discussion: The Board questioned Mr. Locke and Mr. Waldo.

Amy Germain moved to grant 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 at the property located at 67 Commercial Street (Res 2), Robert Littlefield seconded and it was so voted, 4-0. Robert Littlefield will write the decision.

NEXT MEETING: The next meeting will take place on June 2, 2011. 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 7:50 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 2, 2011.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2011
Anne Howard, Chair