

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
April 19, 2012**

**MEETING HELD IN THE JUDGE WELSH ROOM**

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

**Members Absent:** Robert Littlefield, Joe Vasta and Elisabeth Verde (all excused).

**Others Present:** 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.

**MINUTES: April 5, 2012 – *Tom Roberts moved to approve the language as amended, Harriet Gordon seconded and it was so voted, 3-0.***

**PENDING DECISIONS:**

**FY12-54      The Pavilion located at the end of MacMillan Pier (*Harbor Overlay and Town Commercial Center Zone*), Town of Provincetown d/b/a Provincetown Public Pier Corporation –**

Anne Howard, Robert Littlefield, Harriet Gordon and Joe Vasta sat on the case. Harriet Gordon read the decision. ***Anne Howard moved to approve the language as written, Tom Roberts seconded and it was so voted, 3-0.***

**FY12-57      672 Commercial Street (*Residential 1 Zone*), Brad Locke on behalf of Fabian, LLP –**

Anne Howard, Robert Littlefield, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Anne Howard read the decision. ***Tom Roberts moved to approve the language as written, Harriet Gordon seconded and it was so voted, 3-0.***

**FY12-58      2A Browne Street (*Residential 2, Zone*), John Reis, Inc. on behalf of Mark Bove and William M. Fraher –**

Anne Howard, Robert Littlefield, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Tom Roberts read the decision. ***Harriet Gordon moved to approve the language as written, Anne Howard seconded and it was so voted, 3-0.***

**FY12-59      35 Alden Street (*Residential 3 Zone*), Peter Macara –**

Anne Howard, Robert Littlefield, Tom Roberts, Harriet Gordon and Joe Vasta sat

on the case. Anne Howard read the decision. *Harriet Gordon moved to approve the language as written, Tom Roberts seconded and it was so voted, 3-0.*

**FY12-61      8 Pleasant Street (Residential 3 Zone), Ted Smith, Architect, LLC, on behalf of Scott Dolny & Michael Palmer –**

Anne Howard, Robert Littlefield, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Anne Howard read the decision. A copy of a revised east elevation plan showing the new location of the door has not yet been submitted. The vote was postponed.

Chair Anne Howard postponed the Work Session at 6:59 P.M.

### **PUBLIC HEARING**

Chair Anne Howard called the Public Hearing to order at 7:00 P.M. There were five members of the Zoning Board of Appeals present and three absent.

#### **NEW CASES:**

**FY12-55      99 Commercial Street (Residential 3 Zone), Lora Papetsas of Sal's Place, Inc. (postponed from April 5, 2012) –**

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to install a full-service, sit-down bar with 10 bar stools converting existing seating to accommodate the 10 bar stools. There was a request by the applicant to postpone Case #FY12-55 until an April 26, 2012 Public Hearing. *Amy Germain moved to accept the request to postpone Case #FY12-55 until an April 26, 2012 Public Hearing, Tom Roberts seconded and it was so voted, 4-0.*

Chair Anne Howard called for a motion to take Case #FY12-64 out of order. *Amy Germain moved to take Case #FY12-64 out of order, Tom Roberts seconded and it was so voted, 5-0.*

**FY12-64      474 Commercial Street (Residential 3 Zone), A.J. Santos Construction, Inc. on behalf of Debi Sanders –**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer, replace and extend a first-floor deck, reconfigure/construct a second-floor deck up and along the pre-existing, non-conforming front and side yard setbacks. Anne Howard, Amy Germain, David Nicolau, Tom Roberts and Harriet Gordon sat on the case.

**Presentation:** A.J. Santos appeared to present the application. The applicant seeks to extend a dormer to the rear of the house on the east side and add a second-floor deck. The eastern edge of the proposed second floor deck will fall within the footprint of the first-floor deck, which encroaches on the pre-existing, non-conforming side yard setback. The first-floor deck facing Commercial Street is proposed to be extended 2' across the front, 26' from the street.

**Public Comment:** None. The file contained 4 letters in support of, and 1 of no

objection to, the project.

**Board Discussion:** The Board questioned Mr. Santos.

*David Nicolau moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer, replace and extend a first-floor deck, reconfigure/construct a second-floor deck up and along the pre-existing, non-conforming front and side yard setbacks at the property located at 474 Commercial Street (Res 3), Harriet Gordon seconded and it was so voted, 5-0.*  
Anne Howard will write the decision.

- FY12-63**     **277A Commercial Street (Town Commercial Center Zone), Lucy Butler –**  
The applicant seeks a renewal for a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of flags, windsocks, kites and water toys. The applicant did not appear. The case will be postponed to the May 3, 2012 Public Hearing.  
*Amy Germain moved to postpone Case #FY12-63 to the May 3, 2012 Public Hearing, David Nicolau seconded and it was so voted, 5-0.*

Chair Anne Howard adjourned the Public Hearing at 7:20 P.M.

## WORK SESSION

Chair Anne Howard reconvened the Work Session at 7:20 P.M.

### PENDING DECISIONS:

- FY12-62**     **9 Whorf's Court (Residential 3 Zone), David McMahon –**  
Anne Howard, Robert Littlefield, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Tom Roberts read the decision. *Harriet Gordon moved to approve the language as written, Anne Howard seconded and it was so voted, 3-0.*
- FY12-61**     **8 Pleasant Street (Residential 3 Zone), Ted Smith, Architect, LLC, on behalf of Scott Dolny & Michael Palmer –**  
Anne Howard, Robert Littlefield, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. Revised plans for Case #FY12-61 were located and signed by the Board.  
*Tom Roberts moved to approve the language as written, Harriet Gordon seconded and it was so voted, 3-0.*

**NEXT MEETING:** The next meeting will take place on April 26, 2012. It will consist of a Public Hearing at 7:00 P.M.

**ADJOURNMENT:** *Tom Roberts 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

3, 2012.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2012  
Anne Howard, Chair