

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
June 21, 2012**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: Anne Howard, Robert Littlefield, Amy Germain, Tom Roberts, Harriet Gordon and Leif Hamnquist.

Members Absent: David Nicolau (excused) and Joe Vasta (excused).

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.

MINUTES: June 7, 2012 – Tom Roberts moved to approve the language as written, Anne Howard seconded and it was so voted, 5-0.

PENDING DECISIONS:

FY12-74 47 Pleasant Street (Residential 3 Zone), Gary Reinhardt on behalf of Cary Raymond and Jonathan Goode –

Anne Howard, Robert Littlefield, Amy Germain, Tom Roberts and Joe Vasta 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.***

FY12-73 350 Bradford Street (Residential 3 Zone), Shay Santos (Michael Shay's Restaurant) –

Anne Howard, Robert Littlefield, Amy Germain, Tom Roberts and Joe Vasta sat on the case. Amy Germain read the decision. ***Tom Roberts moved to approve the language as written, Robert Littlefield seconded and it was so voted, 4-0.***

FY12-75 162 Commercial Street (Town Commercial Center Zone), Gary Marotta of Gary Marotta Fine Art –

Anne Howard, Robert Littlefield, Amy Germain, Tom Roberts and Joe Vasta sat on the case. Amy Germain read the decision. ***Tom Roberts moved to approve the language as written, Robert Littlefield seconded and it was so voted, 4-0.***

Chair Anne Howard postponed the Work Session at 6:57 P.M.

PUBLIC HEARING

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

NEW CASES:

FY12-76 67 Commercial Street, #B (*Residential 2 Zone*), William N. Rogers, II for 67 Commercial Street, LLC –

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the modification of a previously-approved application, Case #FY11-83 to rebuild a second floor deck. Tom Roberts and Harriet Gordon recused themselves because of conflicts of interest. Anne Howard explained that since there were only 4 members of the Board seated on the case, necessitating a unanimous decision in order to be granted a Special Permit, the applicant had the choice of postponing the case until 5 members were seated or proceeding with 4 members. The applicant chose to proceed. Anne Howard, Robert Littlefield, Amy Germain and Leif Hamnquist sat on the case.

Presentation: Gary Locke appeared to present the application. In 2008, the Board approved a Special Permit for a modification to the structure which included a second floor deck. Last year, a revised set of plans, approved by the Historic District Commission was submitted. The plans showed the removal of the second floor deck. The applicant has since gotten HDC and Conservation Commission approval to put the deck back. The applicant now seeks a Special Permit from the ZBA for the same issue.

Public Comment: Beau Fillion submitted an old picture of the structure. There were no letters in the file.

Board Discussion: The Board questioned Mr. Locke about why the deck was being put back. He stated that the design criteria had changed. The Board found that the change was not substantially more detrimental than what was formerly proposed.

Amy Germain moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the modification of a previously-approved application, Case #FY11-83 to rebuild a second floor deck 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.

FY12-77 147 Bradford Street Extension, #1 (*Residential 1 Zone*), Richard Flores for Allen R. Gallant –

The applicant seeks a Special Permit under Article 2 Section 2640 of the Zoning By-Laws to construct a second floor egress deck. Anne Howard, Robert Littlefield, Amy Germain, Tom Roberts and Harriet Gordon sat on the case.

Presentation: Richard Flores, Allen Gallant and David Cox appeared to present the application. The applicant seeks to install an 8' by 8' landing with a set of stairs as a second means of egress from the second floor within the existing

footprint of the lower deck.

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

Board Discussion: The Board questioned Mr. Flores, Mr. Gallant and Mr. Cox. The Board requested a plan showing the existing north and east elevations. The Board determined that the project met the requirements of subparagraph 5 of Article 2, Section 2640.

Robert Littlefield moved to grant a Special Permit under Article 2 Section 2640 of the Zoning By-Laws to construct a second floor egress deck at the property located at 147 Bradford Street Extension, #1 (Res 1) with the stipulation that a plan showing existing north and east elevations be submitted by the applicant, Harriet Gordon seconded and it was so voted, 5-0. Harriet Gordon will write the decision.

Chair Anne Howard adjourned the Public Hearing at 7:40 P.M.

WORK SESSION

Chair Anne Howard reconvened the Work Session at 7:40 P.M.

The Board discussed the Board of Selectmen's decision to grant Economic Development Council gallons to the property located at 34 Court Street.

Amy Germain moved that Chair Anne Howard send a letter to the owner of 34 Court Street requesting that they submit an application for a Special Permit for a change in use, Tom Roberts seconded and it was so voted, 6-0.

NEXT MEETING: The next meeting will take place on July 5, 2012. It will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT: ***Amy Germain moved to adjourn at 8:00 P.M. and it was so voted unanimously.***

These minutes were approved by a vote of the Zoning Board of Appeals at its meeting on July 5, 2012.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2012
Anne Howard, Chair