

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
January 17, 2013**

**MEETING HELD IN THE JUDGE WELSH ROOM**

**Members Present:** David Nicolau, Robert Littlefield and Joe Vasta.

**Members Absent:** Amy Germain (excused), Harriet Gordon (excused), Tom Roberts (excused) and Leif Hamnquist (unexcused).

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

**WORK SESSION**

Acting Chair David Nicolau called the Work Session to order at 6:45 P.M.

**PENDING DECISIONS:**

**FY12-37**      **158 Bradford Street (*Residential 3 Zone*), Lester J. Murphy, Attorney, on behalf of 158 Bradford, LLC –**

**FY12-36**      **158 Bradford Street (*Residential 3 Zone*), Lester J. Murphy, Attorney, on behalf of 158 Bradford, LLC –**

David Nicolau Robert Littlefield, Amy Germain, Tom Roberts and Joe Vasta sat on the two cases. Robert Littlefield read the decision. *Joe Vasta moved to approve the language as amended, David Nicolau seconded and it was so voted, 3-0.*

Chair David Nicolau postponed the Work Session at 7:02 P.M.

Chair David Nicolau reconvened the Work Session at 7:15 P.M.

**CONTINUED CASES:**

**FY13-16**      **7 Conant Street (*Residential 3 Zone*), Conant West End, LLC –**

The applicant seeks a Special Permit under Article 2, Section 2550 and Article 3, Section 3110 of the Zoning By-Laws to renovate two pre-existing, non-conforming cottages. The non-conformity consists of the maximum number of principle buildings on the lot. Attorney Jay Murphy appeared and stated that he is hoping that as a result of changes made to the plans for the project approved yesterday by the Historic District Commission that no zoning relief will be needed, however they have not been able to confirm that with the Building Commissioner. He requested that this case be continued to the January 24, 2013 Public Hearing. *Robert Littlefield moved to grant the request to continue Case #FY13-16 until the January 24, 2013 Public Hearing, Joe Vasta seconded and*

*it was so voted, 3-0.*

- FY13-22**     **303 Commercial Street (Town Commercial Center Zone), John Drago of Timtanman Corp. d/b/a Post Office Café -**  
The applicant seeks a Special Permit under Article 2, Sections 2440 and 2460 of the Zoning By-Laws for the outdoor service of food and alcoholic beverages on the patio area at 307 Commercial Street to be operated by the Post Office Café. **Robert Littlefield moved to continue Case #FY13-22 until the January 24, 2013 Public Hearing, Joe Vasta seconded and it was so voted, 3-0.**

**POSTPONED CASES:**

- FY13-23**     **7 Browne Street (Residential 3 Zone), Joseph Freitas –**  
The applicant seeks a Special Permit under Article 2, Section 2640 and Article 3, Section 3110 of the Zoning By-Laws to construct a second floor deck addition up and along pre-existing, non-conforming setbacks on a single family dwelling and for a deviation in building scale. This case is postponed until the February 7, 2013 Public Hearing.

- FY13-25**     **32 Ship’s Way Road (Residential 1 Zone), Pavel Fiodarau on behalf of Paul Gable and Tony Lopez –**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer up and along pre-existing, non-conforming lot lines and/or a Variance under Article 5, Section 5222 of the Zoning By-Laws to construct an attached farmer’s porch and an attached garage.

- FY13-26**     **32 Ship’s Way Road (Residential 1 Zone), Pavel Fiodarau on behalf of Paul Gable and Tony Lopez –**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a dormer up and along pre-existing, non-conforming lot lines and for a Variance under Article 5, Section 5222 of the Zoning By-Laws to construct a farmer’s porch and a detached garage within existing setbacks. Attorney Robin B. Reid requested that Cases #FY13-25 and FY13-26 be postponed to the February 7, 2013 Public Hearing. **Robert Littlefield moved to grant the request to postpone Cases #FY13-25 and FY13-26 until the February 7, 2013 Public Hearing, Joe Vasta seconded and it was so voted, 3-0.**

**NEW CASES:**

- FY13-27**     **359 Commercial Street, Unit H, Town Commercial Center Zone, Cassandra Benson of Harbor Lounge, Inc., on behalf of 3 Old Dogs, Inc. –**  
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the re-arrangement of the existing seating plan and to extend the hours of operation from 10:00 P.M. to 11:00 P.M. **Robert Littlefield moved to postpone Case #FY13-27 until the January 24, 2013 Public Hearing, David Nicolau seconded and it was so voted, 3-0.**

- FY13-28**     **141 Bradford Street, Town Commercial Center Zone, Joseph Freitas on behalf of 141 Bradford Natural Market –**

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the increase in interior non-service seating from six seats to eighteen seats. There was a request from the applicant to postpone to the February 7, 2013 Public Hearing. ***Robert Littlefield moved to grant the request to postpone Case #FY13-28 until the February 7, 2013 Public Hearing, Joe Vasta seconded and it was so voted, 3-0.***

**NEXT MEETING:** The next meeting will take place on January 24, 2013. It will consist of a Public Hearing at 7:00 P.M. and a Work Session to follow in the Judge Welsh Room.

**ADJOURNMENT:** ***Robert Littlefield 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 its meeting on January 24, 2013.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on January 24, 2013  
David Nicolau, Chair