

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 6, 2014**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: Robert Littlefield, Amy Germain, Harriet Gordon and Leif Hamnquist.

Members Absent: David M. Nicolau, Joe Vasta and Jeffrey Haley (all excused).

Others Present: Russ Braun (Building Commissioner), Gloria McPherson (Town Planner) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

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

MINUTES: January 9, 2014 – *Amy Germain moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.*

January 23, 2014 – *Amy Germain moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.*

January 28, 2014 – *Amy Germain moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.*

PENDING DECISIONS:

FY14-27 **674A Commercial Street (Residential 1 Zone), Brad Locke Development, Inc. on behalf of Elizabeth Reid –**

Robert Littlefield, Amy Germain, Tom Roberts, Harriet Gordon and Joe Vasta sat on the case. The applicant has submitted signed plans, a non-conforming checklist and a revised decision. *Leif Hamnquist moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.*

FY14-37 **269 Commercial Street (Town Commercial Center Zone), Paul Melanson, dba Tin Pan Alley –**

Robert Littlefield, Amy Germain, Harriet Gordon, Joe Vasta and Jeffrey Haley sat on the case. Amy Germain read the decision. *Leif Hamnquist moved to approve the language as written, Harriet Gordon seconded and it was so voted, 4-0.*

FY14-40 **200 Commercial Street (Town Commercial Center Zone), Charles M. Sabatt, Counsel and Christopher J. Snow, Co-counsel on behalf of Designer**

Fragrances and Cosmetics Company, dba Kiehl's since 1851 –
David M. Nicolau, Robert Littlefield, Amy Germain, Harriet Gordon and Joe Vasta sat on the case. A signed, redacted lease has not yet been submitted to the Board.

Vice Chair Robert Littlefield adjourned the Work Session at 6:58 P.M.

PUBLIC HEARING

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

POSTPONED CASES:

FY14-28 664R Commercial Street (*Residential 3 Zone*), Brad Locke Development, Inc. on behalf of Basil P. Santos et ux –

The applicant seeks a Special Permit under Article 2, Sections 2440, footnote 8 and Section 2640 of the Zoning By-Laws for the construction of more than six dwelling units on a lot and for a deviation in building scale. A request from the applicant to withdraw without prejudice was received by the Board. *Harriet Gordon moved to accept the request to withdraw Case #FY14-28 without prejudice, Leif Hamnquist seconded and it was so voted, 4-0.*

FY14-32 9 Telegraph Hill (*Residential 1 Zone*), Deborah Paine, Inc. on behalf of John R. Lamb –

The applicant seeks a Special Permit under Article 2, Section 2640E of the Zoning By-Laws to remove an existing deck and construct an 18'6" x 21'6" addition with a flat roof/roof deck above on the south elevation; construct a new deck on the south elevation with stairs down to grade and stairs up to the roof deck; modify the existing dormers on the south side of the roof from hip roof dormers to gable roof dormers; push out the front face of the dormers slightly and add a door to the southwest dormer for access to the roof deck; connect the existing dormers on the south side of the roof with a new shed dormer to allow for more windows on the second floor; and modify the existing dormers on the north side of the roof from hip roof dormers to gable roof dormers. A request from the applicant to withdraw without prejudice was received by the Board. *Harriet Gordon moved to accept the request to withdraw Case #FY14-32 without prejudice, Leif Hamnquist seconded and it was so voted, 4-0.*

CONTINUED CASES:

FY14-41 838 Commercial Street (*Residential 1 Zone*), Mariellen Serena –

The applicant seeks a Special Permit under Article 3, Sections 3110 and 3115 of the Zoning By-Laws to demolish and reconstruct a garage, making the west side

setback and front setback less non-conforming on the lot. David M. Nicolau recused himself because of a conflict of interest. Robert Littlefield, Amy Germain, Harriet Gordon, Joe Vasta and Leif Hamnquist sat on the case. This case is continued to the February 20, 2014 Public Hearing.

NEW CASES:

FY14-42 **175 Bradford Street Extension (Residential 3 Zone), Victor DePoalo –**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for an increase in seating from a 33-seat restaurant to a 55-seat restaurant. Vice Chair Robert Littlefield opened the case and the Board continued the matter until the February 20, 2014 Public Hearing. *Amy Germain moved to continue Case #FY14-42 until the February 20, 2014 Public Hearing, Leif Hamnquist seconded and it was so voted, 4-0.*

FY14-43 **2 Winthrop Place (Residential 3 Zone), Ted Smith, Architect, LLC on behalf of George Sauer –**
Vice Chair Robert Littlefield explained to the applicant that since there were only four members of the Board seated on the case and the granting of a Special Permit required four assenting votes, he had the choice of moving forward or postponing until a five-member Board could be seated. The applicant chose to proceed. Robert Littlefield, Amy Germain, Harriet Gordon and Leif Hamnquist sat on the case.

Presentation: Ted Smith and George Sauer presented the application. The applicant seeks to extend an existing dormer in the rear of the structure to create more headroom in a kitchen. The dormer will be located on the third floor. Mr. Smith reviewed the drawings. The extension will have little or no visibility from Winthrop Place. The existing dormer is on the west elevation. There will be no change to the north elevation. This is a 3.6% increase in scale. The existing scale is 25,588 cu. ft., the neighborhood average is 20,730 cu. ft., the allowable scale is 23,840 cu. ft., the proposed increase will be 927 cu. ft., for a total of 26,515 cu. ft. Mr. Smith stated that there will be no detrimental effects on the neighborhood or Town as a result of this project. The project conforms to Article 2, Section 2640, subparagraphs 5 and 6.

Public Comment: Horace Stowman, an abutter, had no objections to the project. There were 2 letters in the file in support of the project.

Board Discussion: The Board questioned Mr. Smith about the benefits of the project outweighing any detrimental effects such as hazard, congestion or environmental degradation pursuant to Article 5, Section 5300. Mr. Smith said that the value of the property will be increased which will result in the applicant paying higher taxes.

Harriet Gordon moved to grant a Special Permit under Article 2, Section 2640 of the Zoning By-Laws for a deviation in building scale to construct a dormer at the property located at 2 Winthrop Place (Res 3), Leif Hamnquist seconded and it was so voted, 4-0. Harriet Gordon will write the decision.

NEXT MEETING: The next meeting will take place on February 20, 2014. It will consist of a Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain moved to adjourn at 7:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on February 20, 2014
David M. Nicolau, Chair