

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
October 16, 2014**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David M. Nicolau, Robert Littlefield, Amy Germain, Joe Vasta and Jeffrey Haley.

Members Absent: Peter Page (unexcused).

Others Present: Gloria McPherson (Town Planner) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:00 P.M.

PENDING DECISIONS:

- FY15-11** **457 Commercial Street (*Residential 3 Zone*), Ezra Block –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Peter Page sat on the case. The decision is not available.
- FY14-80** **10 Young’s Court (*Residential 3 Zone*), John Pompeii –**
David M. Nicolau, Robert Littlefield, Amy Germain, Joe Vasta and Jeffrey Haley sat on the case. Robert Littlefield read the decision. *Amy Germain moved to approve the language as amended, Joe Vasta seconded and it was so voted, 5-0.*
- FY15-08** **169 Bradford Street (*Residential 3, Zone*), Don Di Rocco on behalf of
Christine Barker –**
David M. Nicolau, Robert Littlefield, Joe Vasta and Jeffrey Haley sat on the case. Robert Littlefield read the decision. *Joe Vasta moved to approve the language as written, Jeffrey Haley seconded and it was so voted, 5-0.*
- FY15-12** **1 Fortuna Road (*Residential 1 Zone*), Scott Grady Architects on behalf of
Stan Sikorski –**
Robert Littlefield, Amy Germain, Joe Vasta and Jeffrey Haley sat on the case. Joe Vasta read the decision. The decision will be amended and read at the next Public Hearing.
- FY15-15** **293 Commercial Street (*Town Commercial Center Zone*), Provincetown
Pilgrim Properties, LLC, dba Kung Fu Dumplings –**
David M. Nicolau, Robert Littlefield, Amy Germain, Joe Vasta and Jeffrey Haley sat on the case. The applicant has submitted a revised seating plan showing the

location of the exterior trash and recycling barrels and a total of 28 seats as requested by the Board. Amy Germain read the decision. **Robert Littlefield moved to approve the language as written, Joe Vasta seconded and it was so voted, 5-0.**

FY15-21 8 Cudworth Street (Residential 3 Zone), Joseph Kaye –
The applicant had submitted a non-conforming checklist. David M. Nicolau, Robert Littlefield, Amy Germain, Joe Vasta and Jeffrey Haley sat on the case. David M. Nicolau read the decision. **Amy Germain moved to approve the language as written, Jeffrey Haley seconded and it was so voted, 5-0.**

MINUTES: October 2, 2014 – Robert Littlefield moved to approve the language as written, Joe Vasta seconded and it was so voted, 4-0.

Chair David M. Nicolau adjourned the Work Session at 6:50 P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:00 P.M. There were five members of the Zoning Board present and one absent.

FY15-18 474 Commercial Street (Residential 3, Zone), Deborah Sanders & James Rosenfield –
The applicants seek a Special Permit pursuant to Article 3, Section 3110, Change, Extension or Alteration, of the Zoning By-Laws to construct a second floor addition on the rear portion of the structure and construct a dormer along the entire east side of a roof. There was a request to continue this case to the November 6, 2014 Public Hearing. **Robert Littlefield moved to grant the request to continue Case #FY15-18 to the November 6, 2014 Public Hearing, Amy Germain seconded and it was so voted, 5-0.**

FY15-16 4 West Vine Street (Residential 2 Zone), Ted Smith, Architect, LLC on behalf of Jim McGuire (postponed from October 2, 2014) –
The applicant seeks a Special Permit pursuant to Article 2, Section 2560, Permitted Accessory Uses, of the Zoning By-Laws to construct an 8' by 12' shed. Chair David M. Nicolau recused himself because of a conflict of interest. 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, the applicant 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, Joe Vasta and Jeffrey Haley sat on the case.
Presentation: Ted Smith appeared to present the application. The applicant seeks

to install a garden/utility shed. The shed will measure 8' x 10', have a height of 9' and be located in the northwest corner of the lot. Mr. Smith explained that even though there is enough land to meet the required setbacks, that neither he nor the applicant thought it made sense to position the shed in the middle of the yard. The applicant would rather locate the shed towards a corner of the yard in order to have more empty space in the yard. Therefore, the applicant seeks relief from the side and rear yard setbacks in order to locate the shed closer to the north and west side lot lines.

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

Board Discussion: The Board noted that the relief sought was under Article 2, Section 2450, Permitted Accessory Uses, G14, f2, and not Article 2, Section 2560 as advertised.

Robert Littlefield moved to hear Case #FY15-16 under Article 2, Section 2450 of the Zoning By-Laws, Amy Germain seconded and it was so voted, 4-0.

The Board questioned Mr. Smith. It was the sense of the Board, and pursuant to footnote 2, that the shed did not have to be placed in the position that was chosen by the applicant, but that the required setbacks could be met if the shed was re-positioned. The Board would like to get a written opinion from the Building Commissioner. The Board requested that the applicant submit updated plans, which may have to show a new location for the shed. Ms. McPherson will contact Mr. Smith in regard to the decision of the Building Commissioner about the shed location. The Board will continue the matter to the December 18, 2014 Public Hearing.

Amy Germain moved to continue Case #FY15-16 to the December 18, 2014 Public Hearing, Joe Vasta seconded and it was so voted, 4-0.

FY15-23 4 West Vine Street (Residential 2 Zone), Ted Smith, Architect, LLC on behalf of Jim McGuire –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Section 3110, Change, Extension or Alteration, of the Zoning By-Laws to redesign and raise the roof by 4'10" within the front yard setback resulting in an overall increase in building volume. There was a request to postpone this matter to the December 18, 2014 Public Hearing.

Amy Germain moved to grant the request to postpone Case #FY15-23 to the December 18, 2014 Public Hearing, Jeffrey Haley seconded and it was so voted, 4-0.

FY15-20 293 Commercial Street (Town Commercial Center Zone), Julie Knapp, dba Twisted Pizza –

The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to increase seating from 23 to 30 seats (all additional seats are indoor seating). Chair David M. Nicolau, Robert Littlefield, Amy Germain, Joe Vasta and Jeffrey Haley sat on the case.

Presentation: Julie Knapp appeared to present the application. She seeks to add 7 seats to the interior of the premises, from 24 to 31. As to the benefits of adding

seats, she stated that the extra seating would allow her business to remain viable into the fall season. She tries to stay open until the middle of November. This will generate more in meals taxes.

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

Board Discussion: The Board questioned Ms. Knapp.

Amy Germain moved to grant a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to increase seating from 23 to 30 seats (all additional seats are indoor seating) at the property located at 293 Commercial Street (TCC), with the condition that the Special Permit run with the applicant, Robert Littlefield seconded and it was so voted, 5-0. Amy Germain will write the decision.

A quorum was not present to hear the remaining two matters. The Board decided to schedule a Public Hearing on October 23, 2014 at 5:30 P.M. in Caucus Hall in order to hear Cases #FY15-22 and #FY15-24.

FY15-22 60A Commercial Street (*Residential 2 Zone*), Joe Connolly and Robert J. Foy –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extension or Alteration, of the Zoning By-Laws to construct two dormers on the rear cottage. ***Amy Germain moved to postpone Case #FY15-22 until the October 23, 2014 Public Hearing, Robert Littlefield seconded and it was so voted, 4-0-1 (Chair David M. Nicolau abstaining).***

FY15-24 10 Telegraph Hill Road (*Residential 1 Zone*), B+C Construction on behalf of Evelyn Gentemann –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a new dormer and roof deck. ***Amy Germain moved to postpone Case #FY15-24 until the October 23, 2014 Public Hearing, Robert Littlefield seconded and it was so voted, 4-0-1 (Chair David M. Nicolau abstaining).***

NEXT MEETING: The next meeting will take place on Thursday, October 23, 2014. It will consist of a Public Hearing at 5:30 P.M.

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

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on November 6, 2014
David M. Nicolau, Chair