

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF JANUARY 17,2002

MEETING HELD IN TOWN HALL

Members Present: Peter Bez (Vice Chair), Larry Mahan (Clerk), Peter Page, Estherann Czyoski, Steve Melamed, Peter McDonough.

Members Absent: Gary Reinhardt (excused).

Others Present: Warren Alexander (Building Commissioner), Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt was absent so Vice Chair Peter Bez called the Work Session to order at 6:30 P.M.

PENDING DECISIONS

2002- 002

89 Shankpainter Road (Commercial Class P Zone), James M. Costa -

Gary Reinhardt, Peter Bez, Larry Mahan, Estherann Czyoski, Peter McDonough sat on case. Estherann Czyoski read the decision. *Lany Mahan moved to accept the decision, Peter McDonough seconded and it was so voted, 4-0-1 absent (Gary Reinhardt)*

2002 -003

89 Shankpainter Road (Commercial Class P Zone), James M. Costa -

Gary Reinhardt, Peter Bez, Larry Mahan, Estherann Czyoski, Peter McDonough sat on case. Peter McDonough read the decision. *Lany Mahan moved to accept the decision, Estherann Czyoski seconded and it was so voted, 4-0-1 absent (Gary Reinhardt)-*

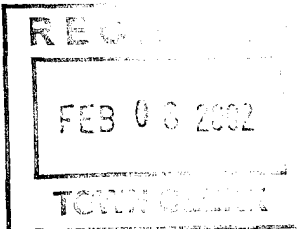
PENDING CASES

2001-081

229 Commercial Street, Binder Boland Associates on behalf of Scott

Ravelson - Gary Reinhardt, Estherann Czyoski, Peter McDonough, Peter Page sat on the case. Since Chair Gary Reinhardt was absent, leaving only three members present who originally sat on the case, the Board decided to continue the case until February 7, 2002 Work Session. Ginny Binder, representing the applicant, agreed to the continuance.

Vice Chair Peter Bez closed the Work Session at 6:40 P.M.



PUBLIC HEARING

Vice Chair Peter Bez convened the Public Hearing at 7:00 P.M. and explained the Public Hearing procedures to the public. Six members of the Board were present and one was absent.

2002-001 929 Commercial Street (Residential Class B Zone), Michael Mann (continued from January 3, 2002) -

Vice Chair Peter Bez recused himself from the case because of a conflict of interest and Estherann Czyoski chaired the case. Estherann Czyoski, Steve Melamed, Peter McDonough, Peter Page, Larry Mahan sat on case. The applicant seeks a Special Permit under Article 11 Section 2110 of the Zoning By-Laws to extend a non-conforming use by increasing the number of non-conforming multi-family dwelling units on the lot located at 929 Commercial Street. **Presentation:** Attorney Mike Stusse, Attorney Eric Levine and Michael Mann appeared to present the application. **Public Comment:** John Madden, an abutter, spoke in favor of the project, raising a concern about the issues of the septic system and parking in the area. Mr. Madden indicated that he was speaking not only for himself, but for several abutters as well. There were no speakers in opposition. There were no letters on file. Board Discussion: The Board discussed the application and Warren Alexander read a letter that expressed his opinions concerning the application.

FINDINGS OF FACT:

- The zoning district where the property is located changed from a Class W Zone to a Class B Zone;
- A previous decision handed down by the Zoning Board of Appeals was appealed to the Orleans Division of the Barnstable District Court, Docket No. 96 26 0683, Judge Wheatley presiding, where the Court suggested that the unit in question should be converted to a residential use;
- Because the property in question is already a non-conforming use, the non-conforming use can be extended; and
The structure cannot be used for anything other than a residential unit.

There is an added stipulation that no parking will be created on Garfield Street.

Steve Melamed moved to grant a Special Permit to extend a non-conforming use by increasing the number of non-conforming multi-family dwelling units on the lot at the property located at 929 Commercial Street (Residential Class B Zone), Peter Page seconded and it was so voted, 5-0.

2002-004 619 Commercial Street (Residential Class G Zone), Hal Winard on behalf of Sherry Turkle -

Peter McDonough, Peter Bez, Peter Page, Estherann Czyoski, Larry Mahan sat on case. The applicant seeks a Special Permit under Article 11 Section 2110 of the Zoning By Laws to alter the roof design from a shed roof to a gable roof on a pre-existing, non-conforming structure at the property located at 619 Commercial Street. **Presentation:** Hal Winard appeared to present the application. **Public Comment:** No one spoke in favor or in opposition. There were no letters on file.

Board Discussion: The Board discussed the fact that there would be a decrease in building scale and a decrease in the non-conformancy. It was decided that the decision would come under Goldhirsh. *Steve Melamed moved to grant a Special Permit under Article H Section 2110 of the Zoning By-Laws to alter a roof design from a shed roof to a gable roof on a preexisting non-conforming structure at the property located at 619 Commercial Street (Residential Class G Zone) under Goldhirsh, Larry Mahan seconded and it was so voted, 5-0.*

2002-005 **6 Whorf's Court (Residential Class WZone), William Rogers, 11, P.E., P.L.S. on behalf of Giannalda Fontana -**
Peter Bez, Peter Page, Estherann Czyoski, Larry Mahna, Peter McDonough sat on case. Applicant seeks a Special Permit under Article 11 Section 2110 of the Zoning By-Laws to rebuild and raise an existing foundation along existing building lines at the property located at 6 Whorf's Court. **Presentation:** William Rogers, II, Engineer, and Mike Winkler, Contractor, appeared to present the application.
Public Comment: There were no speakers in favor or in opposition.
Board Discussion: The Board expressed concern about missing parameters on the site plan. The Board would like to see elevations and building scale calculations included on the site plan, so the case was continued until the February 7, 2002 Work Session.

Vice Chair Peter Bez closed the Public Hearing at 8:15 P.M.

WORK SESSION

Vice Chair reconvened the Work Session at 8:15 P.M. The Board finished some administrative business.

MINUTES January 3, 2002 - *Larry Mahan moved to approve the minutes of January 3, 2002, Steve Melamed seconded and it was so voted, 6-0.*

NEXT MEETING

Next meeting (Work Session and Public Hearing) will be on February 7, 2002 at 6:30 P.M.

ADJOURNMENT

Estherann Czyoski moved to adjourn at 8:30 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 - February 7, 2002.

Respectfully submitted,,

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Zoning Board of Appeals Signature	Title	Ellen C. Battaglini On-call secretary