

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
June 16, 2005

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley.

Members Absent: None.

Others Present: Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:45 P.M.

The Board discussed and agreed to hold a special meeting on June 30, 2005 at 6:00 P.M. in order to hear the following case:

2005-028 10 Washington Avenue (*Residential 3 Zone*), Neal Kimball on behalf of Vernon Brown -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along the non-conforming dimensions.

MINUTES: June 2, 2004 – Lynne Davies moved to accept the language as written, Peter Bez seconded and it was so voted, 4-0-2 (Gary Reinhardt and Steve Melamed abstaining).

Chair Gary Reinhardt adjourned the Work Session at 6:54 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the hearing to order at 7:00 P.M. There were six members of the Zoning Board of Appeals present and none absent.

2005-028 10 Washington Avenue (Residential 3 Zone), Neal Kimball on behalf of Vernon Brown -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along the non-conforming dimensions. The case is postponed until the June 30, 2005 hearing.

2005-030 811/837 Commercial Street (Residential 1 Zone) William N. Rogers, II -

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale. This case has been withdrawn without prejudice, but the applicant will be allowed to make a presentation.

2005-029 70-74 Shank Painter Road (General Commercial Zone), Charles W. Silva -

The applicant seeks a Special Permit under Article 2, Section 2440-B7 of the Zoning By-Laws for a Parking Lot. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Charles W. Silva appeared to present the application. Mr. Silva seeks to open his lot when the town lots are full to handle the overflow. He submitted a letter from the Fire Chief and has requested a letter from the Police Chief.

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

Board Discussion: The Board informed Mr. Silva that he would need a letter from the Building Inspector as well as the Fire Chief and the Chief of Police. He will have two weeks to get those letters to the Board. The case is continued until the June 30, 2005 hearing.

2005-030 811/837 Commercial Street (Residential 1 Zone) William N. Rogers, II -

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Attorney Christopher J. Snow and William Gordon appeared to make a presentation to the Board and to the abutters and other neighbors attending the hearing. The applicant presented a subdivision plan showing 10 lots. Attorney Snow stated that the intention of the application was to find out from the Board if the applicant will be allowed to utilize the scale that now applies to the property to the proposed subdivision. The applicant then made a request to withdraw the application without prejudice.

Peter Bez moved to accept the withdrawal without prejudice for Case # 2005-030, Lynne Davies seconded and it was so voted, 5-0.

2005-031 566 Commercial Street (Residential 2 Zone), Barnett Adler -

The applicant seeks a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws for a deviation in building scale and to extend a pre-existing, non-conforming structure up and along a non-conforming side yard with the addition of a dormer over an existing footprint. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, and Steve Melamed sat on the case.

Presentation: Barnett Adler appeared to present the application. The premises contain four dwelling units and two of those units have to second means of egress to the exterior. Two decks with a catwalk connecting and a dormer will be added, in addition to a spiral staircase under the trellis. All of these additions will be located in the rear of the building.

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

Board Discussion: The Board questioned Mr. Adler. Doug Taylor, the Building Commissioner, has seen the plans and said that the exits are necessary and that the decks were designed creatively.

FINDINGS OF FACT:

- The existing structure has a scale of 190.79 scale units;

- The proposed scale is 209.62 s.u.;
- The allowed scale, per the assessor's data, is 193.69 s.u.;
- The surrounding abutting properties are of a like size with the proposed structure;
- The proposed additions are due primarily in the rear of the structure and thus not visible from the street and will not have a visual impact on the surrounding neighborhood; and
- The proposed additions will improve public safety by allowing for a second means of egress for all four dwelling units;

Peter Bez moved to grant a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws for a deviation in building scale and to extend a pre-existing, non-conforming structure up and along a non-conforming side yard with the addition of a dormer over an existing footprint at the property located at 566 Commercial Street (Res 2), Lynne Davies seconded and it was so voted, 5-0. Peter Bez will write the decision.

2005-032

206-208 Commercial Street (Town Commercial Center Zone), Willy Breneman -

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Willy Breneman appeared to present the application. Mr. Breneman proposes selling hot dogs, juice and soda.

Public Comment: Larry Meilleur had concerns about the existing signage on the property. There were no letters in the file.

Board Discussion: The Board questioned Mr. Breneman and discussed the issue of outdoor display. Mr. Breneman was given the choice of withdrawing without prejudice or taking the chance of the Board voting to deny the Special Permit. The applicant chose to withdraw without prejudice.

Peter Bez moved to accept the withdrawal without prejudice of Case # 2005-032, Lynne Davies seconded and it was so voted, 5-0.

The Board briefly discussed Case # 2005-030 and the issue of applicants who combine requests for two Special Permits on a single application.

NEXT MEETING:

The next meeting will be on June 30, 2005 and will consist of a Public Hearing at 6:00 P.M. with a Work Session to follow.

ADJOURNMENT:

Lynne Davies moved to adjourn at 8:15 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 June 30, 2005.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini