

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
October 6, 2005

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page and Steve Melamed.

Members Absent: Patrick Eeley (excused) and Lynne Davies (excused).

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 6:46 P.M.

PENDING DECISIONS:

2005-046 811 and 837 Commercial Street (*Residential 1 Zone*), Attorney Christopher J. Snow on behalf of Clancy Realty Trust -

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. The applicant requested a withdrawal without prejudice. The Board briefly discussed the case the issues raised by the case. Gary Reinhardt read the decision. *Steve Melamed moved to accept the language as written, Peter Page seconded and it was so voted, 4-0-1 (Lynne Davies absent).*

PENDING CASES:

2005-031 566 Commercial Street (*General Commercial Zone*), Attorney Lester J. Murphy on behalf of James M. Costa -

The case is continued until the November 3, 2005 hearing.

2005-051 9 Dyer Street, Rear (*Residential 3 Zone*), Ron Reil -

There was a lack of a quorum to hear the case. It will be continued to the October 20, 2005 hearing.

Gary Reinhardt postponed the Work Session at 7:02 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:02 P.M. and explained the Public Hearing procedures to the public. There were four members of the Zoning Board of Appeals present and two absent.

2005-052 235 Commercial Street (*Town Commercial Center Zone*), Marine Specialties -

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display. Since only four members of the Board were present, necessitating a unanimous decision in order to grant a Special Permit, the applicant was given the option of proceeding with four members or postponing until five members were seated. The applicant chose to proceed. Gary Reinhardt, Peter Bez, Peter Page, and Steve Melamed sat on the case.

Presentation: Patrick Patrick appeared to present the application.

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

Board Discussion: The Board questioned Mr. Patrick.

Steve Melamed moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display at the property located at 235 Commercial Street (TCC), Peter Bez seconded and it was so voted, 4-0.

2005-053 26 Nickerson Street, Unit 3 (Residential 3 Zone), Deborah Paine on behalf of John Dobija and Jack McCauley -

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 a non-conforming side yard setback. Since only four members of the Board were present, necessitating a unanimous decision in order to grant a Special Permit, the applicant was given the option of proceeding with four members or postponing until five members were seated. The applicant chose to proceed. Gary Reinhardt, Peter Bez, Peter Page, and Steve Melamed sat on the case.

Presentation: Deborah Paine appeared to present the application. The applicant seeks to put a second floor on the structure.

Public Comment: None. There were 3 letters in the file in favor of the application.

Board Discussion: The Board questioned Ms. Paine.

Peter Bez moved to consider as a finding under the Goldhirsh v. McNear ruling, Peter Page seconded and it was so voted, 4-0.

Peter Bez moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming side yard setback at the property located at 26 Nickerson Street, Unit 3 (Res 3) as a finding under the Goldhirsh v. McNear ruling, Steve Melamed seconded and it was so voted, 4-0.

2005-054 10 Commercial Street (Residential 1 Zone), Glen Cesan on behalf of Candace Nagle -

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 a non-conforming setback. Since only four members of the Board were present, necessitating a unanimous decision in order to grant a Special Permit, the applicant was given the option of proceeding with four members or postponing until five members were seated. The applicant chose to proceed. Gary Reinhardt, Peter Bez, Peter Page, and Steve Melamed sat on the case.

Presentation: Glen Cesan and Candace Nagle appeared to present the application. The applicant seeks to enclose an obsolete deck to gain storage and studio space.

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

Board Discussion: The Board questioned Mr. Cesan.

Steve Melamed moved to consider as a finding under the Goldhirsh v. McNear ruling, Peter Bez seconded and it was so voted, 4-0.

Peter Page moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming setback at the property located at 10 Commercial Street (Res 1) as a finding under the Goldhirsh v. McNear ruling, Peter Bez seconded and it was so voted, 4-0.

2005-055 4 Atwood Avenue (Residential 2 Zone), Dr. G. Bruce Head III -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure (cottage #3) up and along a non-conforming setback. The case is postponed until the October 20, 2005 hearing.

2005-056 5 Conant Street (Residential 3 Zone), Neal Kimball on behalf of John Yandrisovitz -

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 a non-conforming setback. The case is postponed until the December 1, 2005 hearing.

2005-057 29 Bradford Street Extension (Residential 1 Zone), Neal Kimball on behalf of Margaret Tinkham -

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

withdraw without prejudice.

2005-058 29 Bradford Street Extension (Residential 1 Zone), Neal Kimball on behalf of Margaret Tinkham -

The applicant seeks a Special Permit under Article 2, Section 2440, A2 and B3 of the Zoning By-Laws to convert 12 motel guest rooms to 4 residential dwelling units with a total of 8 bedrooms. The applicant requests to withdraw without prejudice.

2005-059 29 Bradford Street Extension (Residential 1 Zone), Neal Kimball on behalf of Margaret Tinkham -

The applicant seeks a Variance under Article 2, Section 2550 of the Zoning By-Laws to increase the height of an existing, conforming structure 2 ½ stories, thereby creating a non-conforming condition. The applicant requests to withdraw without prejudice.

2005-060 29 Bradford Street Extension (Residential 1 Zone), Neal Kimball on behalf of Margaret Tinkham -

The applicant seeks a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming setback, thereby increasing building scale. The applicant requests to withdraw without prejudice.

Peter Bez moved to accept the withdrawal without prejudice of Cases # 2005-057 through #2005-060, Steve Melamed seconded and it was so voted, 4-0.

Chair Gary Reinhardt adjourned the Public Hearing at 7: 46 P.M.

WORK SESSION

Chair Gary Reinhardt recovened the Work Session at 7:46 P.M.

MINUTES: September 15, 2005 – Peter Bez moved to accept the language as amended, Steve Melamed seconded and it was so voted, 3-1 (Gary Reinhardt abstain).

NEXT MEETING:

The next meeting will be on October 20, 2005 and will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Peter Bez moved to adjourn at 7:50 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 October 20, 2005.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini