

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
February 5, 2009

MEETING HELD IN THE GRACE GOUVEIA BUILDING

Members Present: Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard.

Members Absent: Peter Bez (excused).

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

WORK SESSION

Chair Patrick Eleey called the Work Session to order at 6:45 P.M.

MINUTES: January 15, 2009 – *Amy Germain moved to approve the language as written, Robert Littlefield seconded and it was so voted, 4-0-1 (Patrick Eleey abstaining).*

PENDING CASES:

2009-01 **361 Commercial Street (Town Commercial Center), Lester J. Murphy, Jr. on behalf of T. Gandolfo, Trustee of Tonga Trust** –
Elisabeth Verde, Robert Littlefield, Amy Germain, Anne Howard and Peter Bez sat on the case. Elisabeth Verde read the decision. *Robert Littlefield moved to approve the language as written, Anne Howard seconded and it was so voted, 4-0-1(Patrick Eleey abstaining).*

Chair Patrick Eleey adjourned the Work Session at 6:50 P.M.

PUBLIC MEETING

Chair Patrick Eleey called the Public Meeting to order at 7:00 P.M. There were five members of the Zoning Board of Appeals present and one absent.

NEW CASES:

2009-02 **37 Mayflower Avenue (Residential 1 Zone), Steven Senna Swimming Pool & Spa on behalf of Theodore Cormay** –
The applicant seeks a Special Permit under Article 2, Section 2450 G12 of the Zoning By-Laws for the installation of an in-ground swimming pool.
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.
Presentation: Steven Senna and Theodore Cormay appeared to present the application. The pool will measure 12' by 15' and meets the rear and side yard setbacks. The pool will not be visible from the street and will have a ground-level palletized platform surrounding it. The water will be trucked to the site and will remain in the pool throughout the year.
Public Comment: Robin B. Reid, Esq., representing Nora Tringale, a direct abutter, spoke against the application, citing concerns about an increase in noise and congestion on a property that is rented out on

a weekly basis in the summer. Attorney Reid also argued that the pool did not meet the criteria of Article 5, Section 5330, including that fact that no benefit will inure to the neighborhood or Town as a result of this project. There were 4 letters in favor of the application and none against.

Board Discussion: The Board questioned Mr. Senna and Mr. Cormay. The applicant stated that he would not be opposed to erecting a privacy fence in order to mitigate noise.

Patrick Eleey moved to grant a Special Permit under Article 2, Section 2450 G12 of the Zoning By-Laws for the installation of an in-ground swimming pool at the property located at 37 Mayflower Avenue (Res 1), with the condition that a 6' privacy fence be erected along the north edge of the pool, Robert Littlefield seconded and it was so voted, 4-1 (Amy Germain opposed). Patrick Eleey will write the decision.

NEXT MEETING: The next meeting will take place on February 19, 2009. It will consist of Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain moved to adjourn at 7:45P.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 19, 2009.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2009
Patrick Eleey, Chair