

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
March 21, 2013**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David Nicolau, Tom Roberts, Harriet Gordon, Joe Vasta and Leif Hamnquist (arrived at 6:34 P.M.).

Members Absent: Robert Littlefield (excused) and Amy Germain (excused).

Others Present: Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair David Nicolau called the Work Session to order at 6:30 P.M.

PENDING DECISIONS:

FY13-36 **212-214 Commercial Street (*Town Commercial Center Zone*), Ben deRuyter, on behalf of New Art Realty Corp. –**
David Nicolau, Robert Littlefield, Amy Germain, Harriet Gordon and Joe Vasta sat on the case. Harriet Gordon read the decision. ***Tom Roberts moved to approve the language as written, Joe Vasta seconded and it was so voted, 5-0.***

FY13-37 **320 Bradford Street (*Residential 3 Zone*), Mark Kinnane of Cape Associates, Inc., on behalf of Robena Malicoat –**
David Nicolau, Robert Littlefield, Amy Germain, Harriet Gordon and Leif Hamnquist sat on the case. David Nicolau read the decision. ***Tom Roberts moved to approve the language as written, Harriet Gordon seconded and it was so voted, 5-0.***

MINUTES: March 7, 2013 – Joe Vasta moved to approve the language as amended, Harriet Gordon seconded and it was so voted, 5-0.

Chair David Nicolau adjourned the Work Session at 6:52 P.M.

PUBLIC HEARING

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

POSTPONED CASES:

- FY13-33** **174 Commercial Street (Town Commercial Center Zone), Steven D. Lyons –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of art contained in a cabinet. This case is postponed until the April 4, 2013 Public Hearing.
- FY13-35** **359 Commercial Street, Unit H (Town Commercial Center Zone), Cassandra Benson of Harbor Lounge, Inc., on behalf of 3 Old Dogs, Inc. –**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the rearrangement of seating and to extend the hours of operation from 10:00 P.M. to 11:00 P.M. The applicant has requested a postponement until the March 28, 2013 Public Hearing. *Joe Vasta moved to grant a postponement until the March 28, 2013 Public Hearing, Tom Roberts seconded and it was so voted, 5-0.*
- FY13-40** **44-48 Winslow Street (Residential 3 Zone), William N. Rogers, II, P.E., P.L.S. on behalf of Winslow Trading Company –**
The applicant seeks a Special Permit under Article 2, Section 2440 of the Zoning By-Laws to construct six buildings with eleven two-bedroom dwelling units. The applicant has requested a postponement until the March 28, 2013 Public Hearing. *Joe Vasta moved to grant a postponement until the March 28, 2013 Public Hearing, Tom Roberts seconded and it was so voted, 5-0.*
- FY13-41** **15 Commercial Street (Residential 1 Zone), David L. Silva on behalf of the Red Inn –**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for indoor entertainment primarily for a Sunday Jazz Brunch from Memorial Day weekend to Columbus Day weekend, approximately between the hours of 11 A.M and 2 P.M. The applicant has requested a postponement until the March 28, 2013 Public Hearing. *Joe Vasta moved to grant a postponement until the March 28, 2013 Public Hearing, Tom Roberts seconded and it was so voted, 5-0.*
- FY13-42** **133 Commercial Street (Town Commercial Center Zone), Audrey L. Mostaghim on behalf of Lorraine Najjar and Diarmuid O’Neil –**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for a reduction in seating from 87 seats to 74 seats. The applicant has requested a postponement until the March 28, 2013 Public Hearing. *Joe Vasta moved to grant a postponement until the March 28, 2013 Public Hearing, Tom Roberts seconded and it was so voted, 5-0.*
- FY13-43** **50 Commercial Street (Residential 2 Zone), Ethan Poulin on behalf of Richard H. Maniace, Jr. –**
The applicant seeks a Special Permit under Article 2, Section 2450, G12, of the Zoning By-Laws for the installation of an in-ground salt-water swimming pool 14’6” by 9’6”. The applicant has requested a postponement until the March 28,

2013 Public Hearing. *Joe Vasta moved to grant a postponement until the March 28, 2013 Public Hearing, Tom Roberts seconded and it was so voted, 5-0.*

NEW CASES:

FY13-42 **42 Bradford Street (Residential 3 Zone), William Meadows of Meadows Realty Trust (Bike Shop) –**

The applicant seeks the renewal of a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of no more than 50 bicycles for rent. David Nicolau, Tom Roberts, Harriet Gordon, Joe Vasta and Leif Hamnquist sat on the case.

Presentation: Bill Meadows appeared to present the application. Mr. Meadows is asking for the same outdoor display as in previous years. The bike shop has been in business for 19 years.

Public Comment: None. There was 1 letter in the file.

Board Discussion: The Board discussed granting the Special Permit with no expiration as long as there were no changes.

Joe Vasta moved to grant the renewal of a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of no more than 50 bicycles for rent at the property located at 42 Bradford Street (Res 3) with no expiration date as long as there are no changes, Joe Vasta seconded and it was so voted, 5-0.

NEXT MEETING: The next meeting will take place on March 28, 2013. It will consist of a Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Tom Roberts moved to adjourn at 7:15 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on March 28, 2013
David Nicolau, Chair