

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
January 22, 2004

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed, Brian Falvey and Patrick Eeley.

Members Absent: Lynne Davies (excused).

Others Present: Warren Alexander and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:35 P.M.

PENDING DECISIONS:

2004-001 150 Bradford Street, (*Residential 3 Zone*), **Fabulous Foods, Inc. d.b.a. Bradford Market** - Gary Reinhardt, Lynne Davies, Peter Page, Steve Melamed and Brian Falvey sat on the case.

2003-070 150 Bradford Street (*Residential 3 Zone*), **Fabulous Foods, Inc. d/b/a Bradford Street Market** – Gary Reinhardt, Peter Page, Lynne Davies and Brian Falvey sat on the case. Peter Bez read the decision. *Brian Falvey moved to accept the language as written for Case # 2004-001, Steve Melamed seconded and it was so voted, 4-0-1 (absent).* *Brian Falvey moved to accept the language as written for Case # 2003-070, Steve Melamed seconded and it was so voted, 4-0-1 (absent).*

2004-002 291 Commercial Street (Town Commercial Center Zone), Richard G. Corsino, CKP Entertainment Group, d.b.a. The Alibi - Gary Reinhardt, Peter Page, Lynne Davies, Patrick Eeley and Brian Falvey sat on the case. Peter Bez read the decision. *Patrick Eeley moved to accept the language as written, Brian Falvey seconded and it was so voted, 4-0-1 (absent).*

2004-003 19 West Vine Street (Residential 3 Zone), David L. Silva - Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley sat on the case. Patrick Eeley read the decision. *Steve Melamed moved to accept the decision as written, Peter Page seconded and it was so voted, 4-0-1 (absent).*

ADMINISTRATIVE AMENDMENT:

2002-073 149A Commercial Street (Town Commercial Center Zone), Robert Valois Residential Design on behalf of Laura Rood -

2002-074 149A Commercial Street (Town Commercial Center Zone), Robert Valois Residential Design on behalf of Laura Rood -

Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Patrick Eeley sat on the case.

Presentation: Mark Kinane of Cape Associates, Inc. appeared to present the request. The applicant seeks to reduce the scale of the structure at the premises.

Peter Bez moved to consider the change as an Administrative Amendment in Case # 2003-073, Steve Melamed seconded and it was so voted, 5-0.

Peter Bez moved to accept the change as an Administrative Amendment for Case # 2003-073, Patrick Eeley seconded and it was so voted, 5-0.

Peter Bez moved to consider the change as an Administrative Amendment in Case # 2003-074, Steve Melamed seconded and it was so voted, 5-0

Peter Bez moved to accept the change as an Administrative Amendment for Case # 2003-074, Patrick Eeley seconded and it was so voted, 5-0.

2003-076 253A Commercial Street (Town Commercial Center Zone), Binder Boland Associates, Inc. and Kimball

Residential Designs on behalf of Lester Heller -

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Patrick Eley sat on the case. Ginny Binder submitted a written withdrawal of the request for a Variance in Case # 2003-076.

Peter Bez moved to accept the withdrawal of the request for a Variance in Case # 2003-076, Patrick Eley seconded and it was so voted, 4-0-1 (absent).

MINUTES:

January 8, 2004 – Peter Page moved to accept the language as amended, Brian Falvey seconded and it was so voted, 6-0-1 (absent).

Chair Gary Reinhardt stated that Howard Weiner has officially resigned from the Zoning Board of Appeals.

Chair Gary Reinhardt adjourned the Work Session at 7:15 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:15 P.M.

2004-006 4 Mechanic Street (Residential 3 Zone), Mark Kinane of Cape Associates, Inc. on behalf of Chuck Rigg -

The applicant seeks a Special Permit to extend a non-conforming structure up and along a north side non-conforming dimension with the construction of a double doghouse dormer. Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Brian Falvey sat on the case.

Presentation: Mark Kinane appeared to request a withdrawal of the case without prejudice.

Peter Bez moved to accept the request for a withdrawal of Case # 2004-006 without prejudice, Steve Melamed seconded and it was so voted, 5-0.

2004-004 494 Commercial Street, (Residential 3 Zone), The Schoolhouse Center for Art & Design -

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

Presentation: Billy Hamlin appeared to present the application.

The applicant seeks to renew a Special Permit for two display boxes on the premises.

Public Comment: None. There were no letters on file.

Board Discussion: The Board briefly discussed the application.

Steve Melamed moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of two display boxes at the property located at 494 Commercial Street (Res 3), Peter Page seconded and it was so voted, 5-0.

2004-005 329 Commercial Street (Town Commercial Center Zone), Edward Fallas -

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of a Penny Press, Raincoats and Bubble Gum. Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Brian Falvey sat on the case.

Presentation: Edward Fallas appeared to present the application. The applicant seeks to add a Bubble Gum machine to his outdoor display of a Penny Press and Raincoats.

Public Comment: None. There were no letters on file.

Board Discussion: The Board questioned Mr. Fallas.

Steve Melamed moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of a Penny Press, Raincoats and Bubble Gum at the premises located at 329 Commercial Street (TCC Zone), Peter Bez seconded and it was so voted, 4-1 (opposed).

NEXT MEETING

The next meeting will be on February 5, 2004 and will consist of a Public Hearing at 7:00 P.M. with a Work Session to follow.

ADJOURNMENT

Patrick Eleey moved to adjourn at 8:55 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 5, 2004.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini