

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
March 23, 2006

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page (arrived at 6:45 P.M.), Lynne Davies, Steve Melamed, and Patrick Eleey.

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 6:32 P.M.

CONTINUED CASES:

2006-003 **133 Commercial Street (*Town Commercial Center Zone*), Lorraine Najjar -**

The applicant seeks a Special Permit under Article 2, Section 24650, Section 2450, G11 of the Zoning By-Laws for Accessory Use. The case is continued until the April 20, 2006 hearing.

2006-019 **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 alter a pre-existing, non-conforming use (12) room motel and (1) residential unit to a less detrimental non-conforming use as (5) residential units and to alter a pre-existing, non-conforming structure by extending up and along front (North-West) and two side yards (South-East and South-West) with the addition of a ½ story. And under Article 3, Section 3340E of the Zoning By-Laws to increase building scale to a pre-existing, non-conforming structure beyond the maximum allowable for the neighborhood. This case will be continued until the April 20, 2006 hearing.

PENDING DECISIONS:

- 2006-016** **6 Heather's Way (Residential 3 Zone), William N. Rogers, II on behalf of Off Cemetery Road Realty Trust -**
Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley sat on the case. Patrick Eeley read the decision. *Lynne Davies moved to approve the language as written, Steve Melamed seconded and it was so voted, 4-0-1 (Peter Page absent).*
- 2006-017** **5 Conant Street (Cottage 1) (Residential 3 Zone), Neal Kimball on behalf of Jack Yandrisovitz -**
2006-018 **5 Conant Street (Cottage 2) (Residential 3 Zone), Neal Kimball on behalf of Jack Yandrisovitz -**
Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley sat on both cases. Lynne Davies read the decision. *Steve Melamed moved to accept the language as written for Case # 2006-017, Patrick Eeley seconded and it was so voted, 4-0-1 (Peter Page absent).*
Steve Melamed moved to accept the language as written for Case # 2006-018, Patrick Eeley seconded and it was so voted, 4-0-1 (Peter Page absent).
- 2006-020** **100 Alden Street (Residential 3 Zone), Town of Provincetown -**
Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley sat on the case. Patrick Eeley read the decision. *Lynne Davies moved to accept the language as written, Steve Melamed seconded and it was so voted, 4-0-1 (Peter Page absent).*

MINUTES: March 9, 2006 – Lynne Davies moved to approve the language as written, Steve Melamed seconded and it was so voted, 5-0-1 (Peter Bez abstain).

The Board discussed a new application for membership to the Board by Elisabeth Verde.

Lynne Davies moved to approve the application made by Elisabeth Verde for the position of alternate member of the Zoning Board of Appeals with a term to expire on 12/31/08, Steve Melamed seconded and it was so voted, 6-0. Ms. Verde will be invited to the next hearing of the Board on April 20, 2006.

Building Commissioner, Doug Taylor, informed the Board that representatives from Crowne Pointe were invited to attend the May 4, 2006 hearing to discuss their Special Permit.

Chair Gary Reinhardt adjourned the Work Session at 6: 52 P.M.

PUBLIC HEARING

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

2006-021 284 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 outside display. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Edward Fallas appeared to present the application.

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

Board Discussion: The Board questioned Mr. Fallas

Lynne Davies moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display at the property located at 284 Commercial Street (TCC), Peter Bez seconded and it was so voted, 4-1 (Peter Page opposed).

2006-022 9 Ryder Street Extension (Town Commercial Center Zone), TLC Fish Corp., d/b/a Townsend Lobster & Seafood Market -

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the service of alcoholic beverages to the public. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Chris Townsend appeared to present the application.

Public Comment: John Adams spoke in favor of the application. There were no letters in the file.

Board Discussion: The Board questioned Mr. Townsend.

FINDINGS OF FACT:

- The applicant proposes the service of beer and wine and not other alcoholic beverages; and
- The hours for beer and wine service will be 11:00 A.M. - 9:00 P.M. Monday through Saturday and 12:00 P.M. – 9:00 P.M. on Sundays.

Peter Bez moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the service of alcoholic beverages to the public at the property located at 9 Ryder Street Extension (TCC), Lynne Davies seconded and it was so voted, 5-0. Peter Bez will write the decision.

2006-023

234 Commercial Street (Town Commercial Zone), Thanassi Arthur Kuliopulos -

The applicant seeks a Special Permit under Article 2, Section 2440, B4 (e) of the Zoning By-Laws for a package store. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Thanassi Kuliopulos appeared to present the application. He seeks to open a beer and wine store at the site, specializing in high-end wine sales.

Public Comment: None. There was 1 letter in the file signed by 2 abutters opposing the application.

Board Discussion: The Board questioned Mr. Kuliopulos.

Peter Bez moved to grant a Special Permit under Article 2, Section 2440, B4 (e) of the Zoning By-Laws for a package store at the property located at 234 Commercial Street (TCC), Steve Melamed seconded and it was so voted, 5-0. Lynne Davies will write the decision.

2006-024

4 Dyer Street (Residential 3 Zone), Mark Kinane -

The applicant seeks a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws to alter a pre-existing, non-conforming structure along the non-conforming dimension and deviation in building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: Mark Kinane and Gail Williams appeared to present the application. The applicant seeks to renovate the structure on site, including adding a bedroom and changing the use of the garage to a dwelling unit.

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

Board Discussion: The Board questioned Mr. Kinane and Ms. Williams. The Board could not determine the location of the setbacks on the property from the site plan submitted by the applicant. The Board requested that a certified site plan be filed before they render a decision. The applicant requested to withdraw the application without prejudice.

Peter Bez moved to accept the withdrawal without prejudice of Case #2006-024, Lynne Davies seconded and it was so voted, 5-0.

2006-025

104A Bradford Street (Residential 3 Zone), Elizabeth Brooke -

The applicant seeks a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws to alter a pre-existing, non-conforming structure along the non-conforming dimension and a deviation in building scale. Peter Bez recused himself because of a conflict of interest. Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eleey sat on the case.

Presentation: John DeSouza, Tom Thompson and Elizabeth Brooke appeared to present the application. The applicant seeks to add a second floor deck to the structure on site, extending the non-conforming line upward.

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

Board Discussion: The Board questioned Mr. DeSouza, Mr. Thompson and Ms. Brooke.

Steve Melamed moved to grant a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws to alter a pre-existing, non-conforming structure along the non-conforming dimension and a deviation in building scale at the property located at 104A Bradford Street (Res 3), Lynne Davies seconded and it was so voted, 5-0. Mr. DeSouza submitted a written decision to the Board.

Gary Reinhardt read the decision. *Steve Melamed moved to approve the language as written, Lynne Davies seconded and it was so voted, 5-0.*

2006-026

186 Bradford Street (Residential 3 Zone), Marcene Marcoux and Clarence Walker -

The applicants seeks a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws to alter a pre-existing, non-conforming structure along the non-conforming dimension and a deviation in building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

Presentation: John DeSouza, Tom Thompson, Marcene Marcoux and Clarence Walker appeared to present the application. The applicants seek to shore up the foundation of the structure on site and add space to the rear of the building to provide interior office space.

Public Comment: None. There were 5 letters in the file in favor of the application.

Board Discussion: The Board questioned Mr. DeSouza and Mr. Thompson.

Steve Melamed moved to grant a Special Permit under Article 3, Section 3110 and 3340E of the Zoning By-Laws to alter a pre-existing, non-conforming structure along the non-conforming dimension and a deviation in building scale at the property located at 284 Bradford Street (Res 3),

Peter Bez seconded and it was so voted, 5-0. John DeSouza submitted a written decision.

Gary Reinhardt read the decision. *Lynne Davies moved to accept the language as written, Peter Page seconded and it was so voted, 5-0.*

NEXT MEETING:

The next meeting will be on March 30, 2006 and will consist of a Work Session at 6:00 P.M. followed by a Public Hearing.

ADJOURNMENT:

Steve Melamed moved to adjourn at 9:00 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 March 30, 2006.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini