

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
May 18, 2006

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, Steve Melamed, Elisabeth Verde, Todd Dever and Patrick Eleey.

Members Absent: None.

Others Present: Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Phyllis Lutsky (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:30 P.M.

Pending Cases

Case # 2006-042

Application by John Reis

Applicant under Article 4 and 5, Section 4800 and 5120 of the Zoning Bylaw seeks a Special Permit to add an affordable dwelling unit at the property located at 852 Commercial Street, (Res1 Zoning District), Provincetown, MA. Gary Reinhardt, Peter Bez, Lynne Davies, Peter Page and Steve Melamed sat on case. Chairman promised to continue case for public comments.

Public Comment: Four abutters spoke against stating that unit has never been used for housing and therefore not eligible for amnesty. 2 letters opposing permit and 1 letter in favor were in file. Memo from Building Inspector stating unit has never been used for housing.

Peter Bez moved to not grant continuance. Lynne Davies seconded and it was so voted, 5-0.

Peter Bez moved to deny Special Permit. Lynne Davies seconded and it was so voted, 5-0.

Gary Reinhardt will write decision.

Case # 2006-043

Application by Celine Gandolfo

Applicant under Article 3, Section 3110 of the Zoning Bylaw seeks a Special Permit to alter two preexisting, non-conforming structure by extending up and along the non-conforming dimension at the property located at 361A Commercial Street, (Res3 Zoning District), Provincetown, MA.

Gary Reinhardt, Peter Bez, Lynne Davies, Peter Page and Steve Melamed sat on case.

Presentation: Fred Ambrose representing applicant presented new plans.

Peter Bez moved to grant Special Permit under Article 3, Section 3110. Lynne Davies seconded and it was so voted, 5-0.

Peter Page will write the decision.

Pending Decisions

Case # 2006-032

Application by Robert Valois

Applicant seeks a Special Permit to provide a change in area of food and beverage service and area of seating at the property located at 315A - 319 Commercial Street, (TCC Zoning District), Provincetown, MA.

Patrick Eleey read the decision.

Peter Bez moved to approve the language as written, Lynne Davies seconded and it was so voted, 5-0.

Case # 2006-044

Application by John F. Crowley III

Applicant seeks an appeal of the Building Commissioner's decision at the property located at 12 Ships Way Extension, (Res1 Zoning District), Provincetown, MA.

Gary Reinhardt read the decision.

Gary Reinhardt, Peter Page, Lynne Davies, Peter Bez and Steve Melamed sat on case.

Steve Melamed moved to approve the language as written, Peter Bez seconded and it was so voted, 5-0.

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 eight members of the Zoning Board of Appeals present and none absent.

Case # 2006-046

Application by Jeffrey Turkel

Applicant under Article 3, Section 3420 of the Zoning Bylaw seeks a Special Permit for Outside Display, at the property located at 322 Commercial Street, (TCC Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Steve Melamed sat on this case.

Presentation: Jeffrey Turkel appeared to present application.

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

Board Discussion: none

Lynne Davies moved to grant Special Permit under Article 3, Section 3420 of the Zoning Bylaw for outside Display at the property located at 322 Commercial Street, seconded by Steve Melamed and it was so voted, 5-0

Case # 2006-048

Application by Larry Hendershot

Applicant under Article 2, Section 2460 of the Zoning Bylaw seeks Special Permit to provide a change in seating, at the property located at 269 Commercial Street, (TCC Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Todd Dever sat on this case.

Presentation: Larry Hendershot appeared to present application

Public Comment: Robin Reid representing owners of Post Office Café passed out letter from clients stating that application is not yet complete and that it would have an adverse effect which outweighs any potential benefit.

Board Discussion: The Board questioned Mr. Hendershot.

Applicant requested to withdraw the application without prejudice.

Peter Bez moved to accept the withdrawal without prejudice, seconded by Lynne Davies, and it was so voted, 5-0.

Case # 2006-049

Application by Crown & Anchor LLC

Applicant under Article 2, Section 2460 of the Zoning Bylaw seeks Special Permit to provide a change in seating, at the property located at 247 Commercial Street, (TCC Zoning District), Provincetown, MA. Peter Page, Todd Dever, Patrick Eleey and Elizabeth Verde sat on this case.

Presentation: Rick Murray appeared to present application. He requested that minutes reflect that Gary Reinhardt and Peter Bez are employees of Mussel Beach Gym and have recused themselves and left the room. Steve Melamed is a restaurant owner and has recused himself and left the room. Lynne Davies is married to an employee at the Central House restaurant and has recused herself and left the room.

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

Board Discussion: The Board questioned Mr. Murray. Mr. Page requested a new plan indicating proposed seasonal flex seating arrangement.

Patrick Eleey moved to grant Special Permit under Article 2, Section 2460 of the Zoning Bylaw to provide a change in seating, at the property located at 247 Commercial Street, seconded by Todd Dever, and it was so voted, 4-0. Patrick Eleey will write the decision which is contingent on receiving seating plan.

Case # 2006-050

Application by Viola D. Briseno

Applicant under Article 2, Section 2460 of the Zoning Bylaw seeks Special Permit for the service of alcoholic beverages, at the property located at 73 Shank Painter Road, (GC Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Elizabeth Verde sat on this case.

Presentation: Viola Briseno appeared to present application.

Public Comment: None. 1 letter in file, neither in favor or opposed, but expressing concern about parking issues.

Board Discussion: The Board questioned Ms. Briseno.

FINDINGS OF FACT:

-the hours of operation are 7am-3pm

-this is a year round business

Lynne Davies moved to grant Special Permit under Article 2, Section 2460 of the Zoning Bylaw for the service of alcoholic beverages, at the property located at 73 Shank Painter Road, Peter Bez seconded by, and it was so voted, 5-0. Lynne Davies will write the decision.

Case # 2006-053**Application by Neal Kimball**

Applicant under Article 3, Section 3110 of the Zoning Bylaw seeks a Special Permit to alter a preexisting, non-conforming structure along the non-conforming dimension at the property located at 41 Pleasant Street, (Res3 Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Patrick Eleey and Steve Melamed sat on this case.

Presentation: Neal Kimball appeared to present application.

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

Board Discussion: The Board questioned Mr. Kimball.

Steve Melamed moved to consider as a finding under Goldhirsch, seconded by Lynne Davies, and it was so voted, 5-0.

Lynne Davies moved to grant as finding under Goldhirsch, Special Permit under Article 3, Section 3110 of the Zoning Bylaw to alter a preexisting, non-conforming structure along the non-conforming dimension at the property located at 41 Pleasant Street, seconded by Patrick Eleey, and it was so voted, 5-0.

Case # 2006-052**Application by Mark Kinnane**

Applicant under Article 3, Section 3110 and 3340E of the Zoning Bylaw seeks a Special Permit to alter a preexisting, non-conforming structure along the non-conforming dimension and deviation in building scale at the property located at 4 Dyer Street, (Res1 Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Steve Melamed sat on this case.

Presentation: Mark Kinnane appeared to present the application.

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

Board Discussion: The Board questioned Mr. Kinnane

Peter Bez moved to grant Special Permit under Article 3, Section 3110 and 3340E of the Zoning Bylaw to alter a preexisting, non-conforming structure along the non-conforming dimension and deviation in building scale at the property located at 4 Dyer Street, seconded by Lynne Davies, and it was so voted, 4-0-1. (Steve Melamed abstained). Peter Bez will write decision.

The following 2 cases will be heard together.**Case # 2006-054****Application by Douglas Taylor**

Applicant under Article 3, Section 3110 of the Zoning Bylaw seeks a Special Permit to alter a preexisting, non-conforming structure out along the non-conforming dimension at the property located at 11A Mermaid Avenue, (Res1 Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Steve Melamed sat on this case.

Presentation: Doug Taylor appeared to present application.

Public Comment: 6 abutters spoke in opposition. 2 letters in favor and 10 letters in opposition are in the file.

Board Discussion: Gary Reinhardt requested that cases be continued until June 1, 2006 so that members can conduct a site visit.

Case # 2006-055**Application by Douglas Taylor**

Applicant under Article 3, Section 3340 of the Zoning Bylaw seeks a Special Permit for a deviation in building scale at the property located at 11A Mermaid Avenue, (Res1 Zoning District), Provincetown, MA Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Steve Melamed sat on this case.

Case # 2006-047**Application by Lori Romano**

Applicant under Article 2, Section 2460 of the Zoning Bylaw seeks Special Permit to provide a change in seating, at the property located at 175 Bradford Street Extension, (Res3 Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Patrick Eleey sat on this case.

Presentation: Ron Jansson, attorney, and Lori Romano appeared to present application.

Public Comment: Mr. James Day spoke in favor. 3 letters in opposition are in file.

Board Discussion: The Board questioned Mr. Jansson and Ms. Romano. Concern was raised that proposed seating area will be in parking lot and abutter objections.

Peter Page moved to deny Special Permit under Article 2, Section 2460 of the Zoning Bylaw to provide a change in seating at the property located at 175 Bradford Street Extension,, seconded by Peter Bez, and it was so voted, 5-0. Gary Reinhardt will write the decision.

Case # 2006-051

Application by Neal Kimball

Applicant under Article 3, Section 3340 of the Zoning Bylaw seeks a Special Permit for a deviation in building scale at the property located at 16 Conwell Street (Res3 Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Steve Melamed sat on this case.

Presentation: Neal Kimball appeared to present application.

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

Board Discussion: The Board questioned Mr. Kimball

Applicant requested to withdraw the application without prejudice.

Peter Bez moved to accept the withdrawal without prejudice, seconded by Peter Page, and it was so voted, 5-0.

Case # 2006-045

Application by Tom Rogers

Applicant under Article 3, Section 3420 of the Zoning Bylaw seeks a Special Permit for Outside Display, at the property located at 220 Commercial Street, (TCC Zoning District), Provincetown, MA. Gary Reinhardt, Lynne Davies, Peter Bez, Peter Page and Steve Melamed sat on this case.

Presentation: Applicant has requested a continuance but Gary Reinhardt does not think appearance is necessary.

Public Comment: None. 1 letter in favor is in file.

Peter Bez moved to grant Special Permit under Article 3, Section 3340 of the Zoning Bylaw for outside Display for property located at 220 Commercial Street, seconded by Lynne Davies, and it was so voted, 5-0.

MINUTES:

Lynne Davies moved to accept language of minutes from May 4, 2006, seconded by Patrick Eleey, and it was so voted, 8-0.

NEXT MEETING:

The next meeting will be on June 1, 2006 and will consist of a Work Session at 6:30 P.M. followed by a Public Hearing.

New applicant for Board will be invited to June 1, 2006 meeting.

ADJOURNMENT:

Peter Bez moved to adjourn at 9:50 P.M. and it was so voted unanimously.

Respectfully submitted,

Phyllis Lutsky

Phyllis Lutsky

Recording Secretary

Zoning Board of Appeals Signature