

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF**  
**June 1, 2006**

**MEETING HELD IN TOWN HALL**

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

**Members Absent:** None.

**Others Present:** Doug Taylor (Building Commissioner) and Ellen C. Battaglini (Recording Secretary).

**WORK SESSION**

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

**PENDING CASES:**

- 2006-003**     **133 Commercial Street (Town Commercial Center Zone), Lorraine Najjar -**  
The applicant seeks a Special Permit under Article 2, Section 2450 G11 of the Zoning By-Laws for Accessory Use. The case is continued until the June 15, 2006 hearing.
- 2006-054**     **11A Mermaid Avenue (Residential 1 Zone), Douglas Taylor -**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure out along a non-conforming dimension.
- 2006-055**     The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to deviate from the building scale.  
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the two cases.  
**Presentation:** Doug Taylor appeared to present the application. The applicant submitted new, more detailed sets of drawings for the project.  
**Board Discussion:** The Board questioned Mr. Taylor and discussed the issues involved in the case. Mr. Taylor requested to withdraw the application without prejudice.  
***Steve Melamed moved to accept the withdrawal without prejudice of Case # 2006-054 and Case # 2006-055, Lynne Davies seconded and it was so voted, 4-1 (Peter Bez opposed).***

**PENDING DECISIONS:**

- 2006-043**     **361A Commercial Street (Town Commercial Center Zone), Celine Gandolfo -**  
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Peter Page read the decision. ***Lynne Davies moved to accept the language as written, Steve Melamed seconded and it was so voted, 5-0.***

Chair Gary Reinhardt postponed the Work Session at 7:00 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 eight members of the Zoning Board of Appeals present and none absent.

2006-056

**306 Commercial Street (Town Commercial Center Zone), Edward Steblein -**

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 Steblein appeared to present the application.

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

**Board Discussion:** The Board questioned Mr. Steblein.

*Peter Bez moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display for the property located at 306 Commercial Street (TCC), Lynne Davies seconded and it was so voted, 5-0.*

2006-057

**18 Atkins mayo Road (Residential 3 Zone), Neal Kimball -**

The applicant seeks a Special Permit under Article 3 Section 3340E of the Zoning By-Laws for deviation from the building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

**Presentation:** Neal Kimball appeared to present the application. The applicant seeks to put an addition on to the structure at the premises in order to have more living space and would also like to create a parking space on the property.

**Public Comment:** David Merrill, an abutter, spoke of his concerns about the proximity of the project to other structures in the neighborhood and questioned the size of the proposed structure compared to the lot size. Malu Block, an abutter, spoke of her concerns regarding encroachment. There were no letters in the file.

**Board Discussion:** The Board questioned Mr. Kimball. The Board decided to conduct a site visit to the property before rendering a decision and the case is continued until the June 15, 2006 hearing.

2006-058

**27 Pleasant Street (Residential 3 Zone), Barnett Adler -**

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to deviate from the building scale.

2006-059

**27 Pleasant Street (Residential 3 Zone), Barnett Adler –**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a structure along a pre-existing, non-conforming setback. The Board heard these two cases together. Gary Reinhardt, Peter Bez, Lynne Davies, Steve Melamed and Patrick Eley sat on both cases.

**Presentation:** Barnett Adler appeared to present the applications. The applicant seeks to update an old single-family home and put an addition on to the rear of the structure.

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

**Board Discussion:** The Board questioned Mr. Adler.

2006-058

**FINDINGS OF FACT:**

- The existing structure has a scale of 45.83 scale units;
- The allowed scale, as per the assessor's data, is 64.90 s.u.;
- The proposed project has a scale of 67.31 s.u., which is 2.41 s.u. over the allowed scale; and
- The structure is situated in a neighborhood with a mixture of large and small structures, thus the proposed structure will be harmonious with the surrounding neighborhood.

*Patrick Eley moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to deviate from the building scale for the property located at 27 Pleasant Street (Res 3), Lynne Davies seconded and it was so voted, 5-0. Lynne Davies will write the decision.*

2005-059

*Steve Melamed moved to consider as a finding under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.*

*Lynne Davies moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a structure along a pre-existing, non-conforming setback at the property located at 27 Pleasant Street as a finding under the Goldhirsh v. Mcnear ruling, Steve Melmed seconded and it was so voted, 5-0.*

2006-060

**157A Commercial Street (Town Commercial Center Zone), Scott Grady on behalf of Ron Chapman -**

The applicant seeks a Special Permit under Article 2, Section 2560 and Article 3, Section 3110 of the Zoning By-Laws for relief from the maximum building heights and to alter a pre-existing, non-conforming structure along a non-conforming dimension. The applicant seeks to renovate and restore a

three-family structure, including putting a half-story addition on.

**Public Comment:** Rick Valentino, representing the Martin Family Realty Trust, Eileen Roland, an abutter, and Patricia Ricker, a trustee of an abutting Condominium Association, all spoke in opposition to the project. There were no letters in the file.

**Board Discussion:** The Board questioned Mr. Grady. The Board informed the applicant that he needed to prove that the house is a legal pre-existing, non-conforming three-story structure, and, in addition, that since the applicant applied under Article 2, Section 2560 of the Zoning By-Laws, he would need a Variance in order to gain zoning relief. Mr. Grady requested to withdraw the application without prejudice.

**Peter Bez moved to accept the withdrawal without prejudice of Case # 2006-060, Lynne Davies seconded and it was so voted, 5-0.**

Chair Gary Reinhardt adjourned the Public Hearing at 8:20 P.M.

## WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 8:20 P.M.

### PENDING DECISIONS:

- 2006-042**     **852 Commercial Street (Residential 1 Zone), John Reis -**  
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Gary Reinhardt read the decision. *Lynne Davies moved to accept the language as written, Steve Melamed seconded and it was so voted, 5-0.*
- 2006-047**     **175 Bradford Street Extension (Residential 3 Zone), Lori Romano -**  
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Gary Reinhardt read the decision. *Steve Melamed moved to accept the language as written, Lynne Davies seconded and it was so voted, 5-0.*
- 2006-050**     **73 Shank Painter Road (General Commercial Zone), Viola D. Briseno -**  
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Elisabeth Verde sat on the case. Lynne Davies read the decision. *Elisabeth Verde moved to accept the language as written, Peter Bez seconded and it was so voted, 5-0.*
- 2006-049**     **247 Commercial Street (Town Commercial Center Zone), Crown & Anchor, LLC -**  
The applicant had submitted new plans showing some of the proposed flex-seating arrangements. The applicant failed to submit plans showing a seating plan for the winter season. Peter Page, Patrick Eleey, Elisabeth Verde and Todd Dever sat on the case. Patrick Eleey read the decision.  
*Todd Dever moved to accept the language as written, Elisabeth Verde seconded and it was so voted, 4-0.*
- 2006-052**     **4 Dyer Street (Residential 1 Zone), Mark Kinnane -**  
Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Peter Bez read the decision. *Steve Melamed moved to accept the language as written, Lynne Davies seconded and it was so voted, 5-0.*

**MINUTES: May 18, 2006 – Gary Reinhardt moved to approve the language as written, Peter Bez seconded and it was so voted, 8-0.**

Several members of the Board still expressed concerns about the restaurant advertising at Crowne Pointe.

Richard Corsino, an applicant for a seat on the Zoning Board of Appeals, did not show up and the Board decided not to take any action.

**NEXT MEETING:**

The next meeting will be on June 15, 2006 and will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

**ADJOURNMENT:**

*Patrick Eley 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 June 15, 2006.

Respectfully submitted,

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*Zoning Board of Appeals Signature*

Ellen C. Battaglini