

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

**MEETING MINUTES OF**  
**August 3, 2006**

**MEETING HELD IN TOWN HALL**

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

**Members Absent:** Todd Dever (excused).

**Others Present:** Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

**WORK SESSION**

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

**PENDING DECISIONS:**

- 2006-064**      **4 Conwell Street (*Residential 3 Zone*), John DeSouza -**  
Gary Reinhardt, Peter Bez, Peter Page, Lynn Davies and Steve Melamed sat on the case. Peter Page read the decision. *Steve Melamed moved to accept the language as written, Peter Bez seconded and it was so voted, 4-0-1 (Lynne Davies absent).*
- 2006-067**      **11A Mermaid Avenue (*Residential 1 Zone*), Douglas Taylor -**  
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, Peter Bez seconded and it was so voted, 4-0-1 (Lynne Davies absent).*

**MINUTES: July 20, 2006 – Steve Melamed moved to approve the language as written, Peter Bez seconded and it was so voted, 6-0.**

Chair Gary Reinhardt postponed the Work Session at 6:58 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 two absent.

**2006-068**      **328 Commercial Street (Town Commercial Center), Joachim Sandbichler -**  
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for public entertainment. Steve Melamed recused himself because of a conflict of interest. Gary Reinhardt, Peter Bez, Peter Page, Patrick Eleey and Elisabeth Verde sat on the case.  
**Presentation:** Joachim Sandbichler appeared to present the application.  
**Public Comment:** None. There was one letter in the file from the landlady giving the applicant permission to seek a Special Permit.  
**Board Discussion:** The Board questioned Mr. Sandbichler.  
*Peter Bez moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for public entertainment between the hours of 7:00 P.M. and 12:00 A. M., to expire on December 31, 2007, at the property located at 328 Commercial Street (TCC) with the condition that live entertainment is non-amplified, Patrick Eleey seconded and it was so voted, 5-0. Patrick Eleey will write the decision.*

**2006-069**      **1 Tremont Street (Town Commercial Center District), Neal Kimball, Kimball Residential Designs -**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-laws to alter a pre-existing, non-conforming structure along non-conforming dimensions. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.  
**Presentation:** Neal Kimball and Nathan Butera appeared to present the application. The applicant seeks to add a half story on to the structure on site and pull the building back onto its original foundation. These changes will increase storage space for the retail store and allow a manager to live upstairs year-round.  
**Public Comment:** Michael Walden spoke in favor of the application. Russ Sanderson, who is opposed to the application, spoke of his concern about the size and scope of the project and what may occur in the future. Roxanne Pieres spoke against the application, citing her concern about the size of the project. Robert Paster, Cilla Lyon, Mark Walsh, Melissa Cliven, Marie Thibeault and Lisa Cook all spoke against the application, citing their concerns about the potential for an increase in traffic and congestion in the neighborhood. There was one letter of concern, one letter in opposition and one letter in support of the application.  
**Board Discussion:** The Board questioned Mr. Kimball and Mr. Butera. The applicant chose to withdraw the application without prejudice.  
*Peter Bez moved to accept the withdrawal without prejudice, Steve Melamed seconded and it was so voted, 5-0.*

Chair Gary Reinhardt adjourned the Public Hearing at 8:30 P.M.

## WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 8:30 P.M.

### PENDING DECISIONS:

**2006-061**      **133 Commercial Street (Town Commercial Center Zone), Lorraine Najjar-**  
Gary Reinhardt, Peter Bez, Peter Page, Lynn Davies and Steve Melamed sat on the case. Lynne Davies read the decision. *Steve Melamed moved to accept the language as amended, Peter Bez seconded and it was so voted, 5-0.*

**NEXT MEETING:**

The next meeting will be on September 7, 2006 and will consist of a Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

**ADJOURNMENT:**

*Peter Bez moved to adjourn at 8:45 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 September 7, 2006.

Respectfully submitted,

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*Zoning Board of Appeals Signature* Ellen C. Battaglini