

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
March 6, 2008

MEETING HELD IN TOWN HALL

Members Present: Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain, Keith Amato and Anne Howard.

Members Absent: None.

Others Present: Russ Braun (Acting Building Commissioner), David Gardner (Assistant Town Manager), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Patrick Eleey called the Work Session to order at 6:50 P.M.

MINUTES: February 21, 2008 – *Anne Howard moved to approve the language as written, Patrick Eleey seconded and it was so voted, 5-0-1 (Keith Amato abstaining).*

PENDING DECISIONS:

2008-09 91 Bradford Street (Residential 3 Zone), Bernard Brahm and Scott Shamenek -
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Robert Littlefield read the decision. *Patrick Eleey moved to approve the language as written, Elisabeth Verde seconded and it was so voted, 5-0.*

2008-13 28 Pleasant Street (Residential 3 Zone), Robert P. Babineau -
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Anne Howard read the decision. *Robert Littlefield moved to accept the language as written, Patrick Eleey seconded and it was so voted, 5-0.*

Chair Patrick Eleey postponed the Work Session at 7:00 P.M.

PUBLIC HEARING

Chair Patrick Eleey called the Public Hearing to order at 7:05P.M. There were 6 members of the Zoning Board of Appeals present and none absent.

PENDING CASES:

2008-10 37 Alden Street (Residential 3 Zone), Norman M. Barry –
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a bedroom addition to a single-family dwelling up and along a pre-existing, non-conforming front yard setback. Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Norman M. Barry and Hillary Barry appeared to discuss the application. The applicants had submitted a corrected site plan showing what was being requested and proposed first floor plans.

Board Discussion: The Board questioned Mr. Barry.

Anne Howard moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a bedroom addition to a single-family dwelling up and along a pre-existing, non-conforming front yard setback at the property located at 37 Alden Street (Res 3) incorporating the corrected, stamped site plan that reflects the 11'6" setback from Alden Street as submitted by the applicant, Robert Littlefield seconded and it was so voted, 4-1 (Elisabeth Verde opposed). Patrick Eleey will write the decision.

2008-14 881 Commercial Street (Residential 1 Zone), Robert Valois on behalf of Linda Daniels -

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend up and along a pre-existing, non-conforming front and side setback dimension by adding a ½ story and dormers. Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Robert Valois appeared to present the application. The applicant seeks to increase space in the structure, which is one room with a sleeping loft. She would like to add one-half story, a spiral staircase and a small half-bath upstairs. The ridge height will be raised approximately 8 1/2' from the existing. Mr. Valois submitted photographs purporting to show that the proposed structure will remain in keeping with the character of the neighborhood.

Public Comment: None. There were 3 letters in favor and 1 letter, from 3 Trustees of the condominium association, against the application.

Board Discussion: The Board questioned Mr. Valois. The Board discussed the character of this neighborhood, the integrity of the Town in general, and whether the project as proposed would remain in character with the surrounding neighborhood.

Mr. Valois requested that his client be allowed to withdraw the application without prejudice.

Patrick Eleey moved to grant the request to withdraw Case #2008-14 without prejudice, Anne Howard seconded and it was so voted, 5-0.

2008-16 100 Alden Street (Residential 3 Zone), Care End Care Campus/Deaconess Abundant Life Communities –

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale for the addition of an 8' x 16'9" addition at the third floor over the existing second floor area. Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Maria Gonzalez, architect for the project, and David Malone, Cape End Manor Administrator, appeared to present the application. The applicant seeks to add a small bump-out over what was an existing second floor roof, a modification that Ms. Gonzalez characterizes as minor. The footprint of the structure will remain the same.

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

Board Discussion: The Board questioned Ms. Gonzalez.

Patrick Eleey moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale for the addition of an 8' x 16'9" addition at the third floor over the existing second floor area at the property located at 100 Alden Street (Res 3), Anne Howard seconded and it was so voted, 5-0. Amy Germain will write the decision.

2008-17 67 Bradford Street, 8 Carver Street & 9 Court Street (Residential 3 Zone), Eliot Parkhurst, Attorney, on behalf of Brass Key Hospitality Group, LLC –

The applicant seeks a Special Permit under Article 2, Section 2460 and Article 5, Section 5300 of the Zoning By-Laws for the preparation and service of food and provision of alcoholic beverages by a hotel/inn. Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Attorney Eliot Parkhurst and Tom Walter, Manager of the Brass Key Hospitality Group, LLC, appeared to present the application. The applicant seeks to serve food and alcohol to the public at the premises located at 67 Bradford Street and to expand the service of food, now limited to just breakfast, to lunch, dinner and room service, including the service of alcohol, to guests at the Brass Key. The applicant submitted a seating plan showing a total of 30 seats, although the gallons presently available at the site for restaurant seats, through the elimination of 4 bedrooms, allows for only 12. The applicant has an application for an Economic Development Permit in order to obtain gallons for the remaining seats. The applicant is looking to provide food service in the existing dining room at 67 Bradford Street and to the guests on a room service basis. Guest rooms are located at 67 Bradford, 8 Carver and 9 Court Street. The only location where food will be cooked, and where the public will be allowed to dine, is at the premises located at 67 Bradford Street. Attorney Parkhurst then addressed the issues that he felt may be of concern to abutters, including an increase in vehicular and pedestrian traffic in the area, an increase in noise and parking. The applicant is asking to be open from 7:00 A.M. until midnight, but with breakfast continuing only to be served to guests.

Public Comment: Damon Leard, an abutter, spoke of his concerns about the potential for an increase in

noise in the neighborhood, an issue he felt had adequately been addressed in the presentation by Attorney Parkhurst.

There were 6 letters in favor of the application, 1 stating concerns about the location of the liquor service, 1 from Mr. Leard about an increase in noise and 3 letters against the application in the file.

Board Discussion: The Board questioned Attorney Parkhurst and Mr. Walter.

Robert Littlefield moved to grant a Special Permit under Article 2, Section 2460 and Article 5, Section 5300 of the Zoning By-Laws for the preparation and service of food and provision of alcoholic beverages by a hotel/inn, at the property located at 67 Bradford Street, 8 Carver Street and 9 Court Street (Res 3) with the following conditions:

- *food service to the public will be restricted to the gatehouse at 67 Bradford Street;*
- *there will be no outdoor service except for breakfast and special events;*
- *the proposed use of the premises is as a hotel with 43 guest units, 2 staff units and 30 restaurant seats; 12 of those restaurant seats will be permitted immediately, and 18 will be contingent upon such time as an EDC permit is granted;*
- *the hours of food service operation for guests will be 7:00 A.M. until 12:00 A.M. and the hours of operation for the public will be 11:00 A.M. to 12:00 A.M.*

Patrick Eley seconded and it was so voted, 5-0. Robert Littlefield will write the decision.

Chair Patrick Eley postponed the Public Hearing at 9:00 P.M.

Chair Patrick Eley reconvened the Public Hearing at 9:10 P.M.

2008-18 **67 Bradford Street, 8 Carver Street & 9 Court Street (Residential 3 Zone), Eliot Parkhurst, Attorney, on behalf of Brass Key Hospitality Group, LLC –**

The applicant seeks a Variance under Article 2, Section 2470 of the Zoning By-Laws for relief from the parking requirements of a hotel/inn with restaurant seating. Patrick Eley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case.

Presentation: Attorney Eliot Parkhurst and Tom Walter appeared to present the application. The applicant has a contract for 15 parking spaces at the Catholic Church parking lot on Prince Street and the premises is in close proximity to a municipal lot. The applicant has a similar variance for parking at Crowne Pointe and the issue has not been a problem.

Public Comment: None. The letters in the file regarding this case are the same as for the previous case.

Board Discussion: The Board questioned Attorney Parkhurst and Mr. Walter.

Robert Littlefield moved to grant a Variance under Article 2, Section 2470 of the Zoning By-Laws for relief from the parking requirements of a hotel/inn with restaurant seating for the property located at 67 Bradford Street, 8 Carver Street and 9 Court Street (Res 3), Anne Howard seconded and it was so voted, 5-0. Patrick Eley will write the decision.

Chair Patrick Eley adjourned the Public Hearing at 9:25 P.M.

WORK SESSION

Chair Patrick Eley reconvened the Work Session at 9:25 P.M.

PENDING DECISIONS:

2008-15 **108 Commercial Street (Residential 3, Zone), Robert Valois on behalf of Peter Demers -**
Patrick Eley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Patrick Eley read the decision. **Robert Littlefield moved to accept the language as written, Anne Howard seconded and it was so voted, 5-0.**

DISCUSSION: The Board was encouraged to read M.G.L. c. 40B.

NEXT MEETING:

The next meeting will be on March 20, 2008 and will be held in the Judge Welsh Hearing Room. It will consist of a

Work Session at 6:30 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Patrick Eleey moved to adjourn at 9:30 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 20, 2008.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini