

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS**

**MEETING MINUTES OF
August 5, 2010**

MEETING HELD IN THE GRACE GOUVEIA BUILDING

Members Present: Anne Howard, Robert Littlefield, Elisabeth Verde, Amy Germain, David Nicolau and Tom Roberts.

Members Absent: None.

Others Present: Russ Braun (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Anne Howard called the Work Session to order at 6:45 P.M.

MINUTES: July 15, 2010 – *David Nicolau moved to approve the language as written, Tom Roberts seconded and it was so voted, 6-0.*

PENDING DECISIONS:

2010-42 29 Alden Street, Unit #7 (*Residential 3 Zone*), George Van Dereck Haunstrup and Sandra L. Haunstrup on behalf of Douglas Taylor – Anne Howard, Elisabeth Verde, Robert Littlefield, Amy Germain and David Nicolau sat on the case. Robert Littlefield read the decision. *Elisabeth Verde moved to accept the language as amended, Amy Germain seconded and it was so voted, 4-1 (David Nicolau opposed).*

2010-43 198 Commercial Street (*Town Commercial Center Zone*), Robert J. Laplume – Anne Howard, Elisabeth Verde, Robert Littlefield, Amy Germain and David Nicolau sat on the case. Anne Howard read the decision. *Amy Germain moved to accept the language as written, Robert Littlefield seconded and it was so voted, 5-0.*

2010-44 243-249 Commercial Street (*Town Commercial Center Zone*), Richard J. Murray/Crown & Anchor, LLC – Anne Howard, Elisabeth Verde, Robert Littlefield, Amy Germain, David Nicolau and Tom Roberts sat on the case. Elisabeth Verde left the room. The Board discussed a letter submitted by the applicant requesting a withdrawal of his

application without prejudice prior to the filing of the Board's decision with the Town Clerk's office.

Board Discussion: The Board discussed the request.

Robert Littlefield moved to reconsider the Board's vote in Case #2010-44, David Nicolau seconded and it was so voted, 4-1 (Amy Germain opposed).

David Nicolau moved to rescind the Board's vote in Case #2101-44 and allow the applicant to withdraw the application in Case #2010-44 without prejudice, Tom Roberts seconded.

The Board discussed the motion.

The motion was so voted, 4-1 (Amy Germain opposed).

Chair Anne Howard adjourned the Work Session at 7:09 P.M.

PUBLIC HEARING

Chair Anne Howard called the Public Hearing to order at 7:09 P.M. There were five members of the Zoning Board of Appeals present and one absent.

NEW CASES:

2010-51 **73 Shank Painter Road (*General Commercial Zone*), Robin B. Reid, Esq. on behalf of Viola Briseno –**

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to permit an annual all alcohol license. Anne Howard, Elisabeth Verde, Robert Littlefield, Amy Germain and David Nicolau sat on the case.

Presentation: Attorney Robin B. Reid, Viola Briseno and Sharon Bowes appeared to present the application. The applicant seeks to change from an existing beer and wine license to an all alcohol license. Attorney Reid argued that the request is supported by several sections of the Local Comprehensive Plan, including Chapter 5 and Chapter 7, and that the benefits outweigh any adverse affects such as hazard, congestion or environmental degradation.

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

Board Discussion: The Board questioned Attorney Reid, Ms. Briseno and Ms. Bowes. The hours of operation for the service of alcohol will be 8:00 A.M. to 11 P.M., Monday through Saturday and 12:00 P.M. to 11 P.M. on Sunday.

Amy Germain moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to permit an annual all alcohol license at the property located at 73 Shank Painter Road (GC), Elisabeth Verde seconded and it was so voted, 5-0. Amy Germain will write the decision.

2010-52 **180 Bradford Street (*Residential 3 Zone*), James Bakker –**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the construction of a new dormer up and along a pre-existing, non-conforming front yard setback. Amy Germain recused herself because of a

conflict of interest. Anne Howard, Elisabeth Verde, Robert Littlefield, David Nicolau and Tom Roberts sat on the case.

Presentation: Michael Prodanou appeared to present the application. The applicant seeks to restore the cottage on the property, adding a dormer on the east side to provide more head space.

Public Comment: None.

Board Discussion: The Board questioned Mr. Prodanou. The applicant requested that the case be heard under the *Goldhirsh v. McNear* decision.

Robert Littlefield moved to grant the request to be heard under the Goldhirsh v. McNear decision, David Nicolau seconded and it was so voted, 5-0.

David Nicolau moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the construction of a new dormer up and along a pre-existing, non-conforming front yard setback at the property located at 186 Bradford Street (Res 3 under the Goldhirsh v. McNear decision, Tom Roberts seconded and it was so voted, 5-0.

- 2010-53 336 Commercial Street (*Town Commercial Center Zone*), Shawn Nightingale on behalf of Witch Mountain, LLC/The Pilgrim House/Vixen –
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to extend the permitted hours of service of food and alcoholic beverages to those allowed by Section 3.01 (c) of the Provincetown Licensing Board Rules and Regulations. There was a request to withdraw this application without prejudice. Elisabeth Verde and David Nicolau recused themselves because of conflicts of interest.
Robert Littlefield moved to approve the request to withdraw Case #2010-53 without prejudice, Tom Roberts seconded and it was so voted, 4-0.
- 2010-54 177 Commercial Street (*Town Commercial Center Zone*), Stephen Melamed of Honbets Three, Inc. on behalf of Bayside Betsy's –
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to extend the permitted hours of service of food and alcoholic beverages to those allowed by Section 3.01 (c) of the Provincetown Licensing Board Rules and Regulations. There was a request to withdraw this application without prejudice. Amy Germain recused herself because of a conflict of interest.
David Nicolau moved to approve the request to withdraw Case #2010-54 without prejudice, Tom Roberts seconded and it was so voted, 5-0.
- 2010-55 258 Commercial Street (*Town Commercial Center Zone*), Steven Schnitzer on behalf of Saki, LLC –
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to extend the permitted hours of service of food and alcoholic beverages to those allowed by Section 3.01 (c) of the Provincetown Licensing Board Rules and Regulations. There was a request to withdraw this application without prejudice.
Robert Littlefield moved to approve the request to withdraw Case #2010-55 without prejudice, David Nocolau seconded and it was so voted, 5-0.

NEXT MEETING: The next meeting will take place on August 26, 2010. It will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain moved to adjourn at 8:00 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 August 26, 2010.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2010
Anne Howard, Chair