

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
April 26, 2012**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: Robert Littlefield, Amy Germain, David Nicolau and Joe Vasta.

Members Absent: Anne Howard, Tom Roberts, Harriet Gordon and Elisabeth Verde (all excused).

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

PUBLIC HEARING

Vice Chair Robert Littlefield called the Public Hearing to order at 7:00 P.M. There were four members of the Zoning Board of Appeals present and four absent.

POSTPONED CASES:

FY12-55 99 Commercial Street (*Residential 3 Zone*), Lora Papetsas of Sal's Place, Inc. (*postponed from April 19, 2012*) –

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to install a full-service, sit-down bar with 10 bar stools converting existing seating to accommodate the 10 bar stools. Vice Chair Robert Littlefield explained that since there were only four Board members seated, necessitating a unanimous decision in order to grant a Special Permit, the applicant had the choice of proceeding now or continuing the case until five Board members could be seated. The applicant chose to proceed. Robert Littlefield, Amy Germain, David Nicolau and Joe Vasta sat on the case. Robert Littlefield disclosed that he had filed a form with the Town Clerk regarding the appearance of a conflict of interest. He stated that he has no financial or professional stake in the outcome of this case. David Nicolau disclosed that he filed a form pursuant to M.G.L. c. 268A, s. 19 regarding a possible conflict of interest and obtained approval from the Board of Selectmen to sit on the case.

Presentation: Lora Papetsas and Attorney Donna Robertson appeared to present the application. The applicant seeks to install a full service, sit-down 10-seat bar at the premises. The ten seats for the proposed bar will be removed from tables in the interior dining area. The applicant seeks to undertake this proposed project in order to create a safe and secure area in which to serve alcohol responsibly. The objective is not to create or encourage a 'bar scene' to develop. The alcohol license for the premises requires that food be paired with all alcoholic drinks. According to Attorney Robertson, the increase in revenue will be of benefit to the Town, more local employment opportunities will be increased, and a

neighborhood community spot will be created. The applicant intends on keeping all windows and doors in the bar area closed and the AC running during the summer months in order to cut down on the noise. The restaurant will maintain its 10:00 P.M. closing time. Garbage barrels will be picked up and replaced each morning, which will diminish the noise of trash barrels being emptied into a truck, and no added delivery trucks dropping off provisions will be necessary. Attorney Robertson argued that the social and economic benefits to the Town and neighborhood outweigh any negative effects such as hazard, congestion or environmental degradation.

Public Comment: Mike Canazales, Robert Vetrick, Jim Brosso, Robin Bazlen-Weglarz, Howard Burchman, Pam Nolan and Thomas Cunard spoke in favor of the application. Fred Long, Attorney Ed Patten, representing six direct abutters, Linda Glen, speaking on behalf of five of those same direct abutters, Helen Valentine, Deborah Paine, Anthony Bracket and Jill Peres all spoke against the application. The file contained 21 letters from abutters, 7 letters from West End non-abutters and 22 letters from other non-abutters, all in support of the application, a letter of information from the Chief of Police, and 12 letters in opposition to the application.

Board Discussion: The Board questioned Attorney Robertson and Ms. Papetsas. The Board deliberated and discussed the conditions of the Special Permit with the applicant.

Amy Germain moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to install a full-service, sit-down bar with 10 bar stools converting existing seating to accommodate the 10 bar stools at the property located at 99 Commercial Street (Res 3) with the following conditions:

- *Signage stating that no drinks shall be served at the bar without the service of food shall be posted in a conspicuous place, such as the entrance to the bar area;*
- *All windows and the front door shall be closed at all times;*
- *No live music or entertainment shall be allowed;*
- *The last seating at the bar shall be at 9:45 P.M.; and*
- *The Special Permit shall expire on 1/02/13.*

David Nicolau seconded and it was so voted, 4-0. Robert Littlefield will write the decision.

NEXT MEETING: The next meeting will take place on May 3, 2012. It will consist of a Work Session with Town Counsel at 6:00 P.M. and a Public Hearing at 7:00 P.M. followed by a regular Work Session.

ADJOURNMENT: *Amy Germain moved to adjourn at 9:15 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 May 3, 2012.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2012
Anne Howard, Chair