

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
April 19, 2007

MEETING HELD IN TOWN HALL

Members Present: Lynne Davies, Peter Page, Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Keith Amato.

Members Absent: None.

Others Present: Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

PUBLIC SESSION

Acting Chair Peter Page called the Public Hearing to order at 7:00 P.M.

PENDING CASE:

2006-070 **150 Bradford Street (*Residential 3 Zone*), Tom Boland and James Farley on behalf of Farland, Inc., d/b/a Far Land Provisions -**

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-laws for an increase in non-service seating (tables and chairs) from 9 to 16. Peter Page, Patrick Eeley, Elisabeth Verde, Robert Littlefield and Amy Germain sat on the case. Robert Littlefield disclosed that he is an abutter to an abutter but felt that he could render a fair decision and has no financial stake in the outcome of the decision.

Presentation: Tom Boland and James Farley appeared to discuss the application.

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

Board Discussion: The Board briefly questioned Mr. Boland and Mr. Farley.

Patrick Eeley moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-laws for an increase in non-service seating (tables and chairs) from 9 to 16 at the property located at 150 Bradford Street (Res 3), Robert Littlefield seconded and it was so voted, 5-0. Robert Littlefield will write the decision.

NEW CASES:

- 2007-20** **43 Race Point Road (Residential 3 Zone), Edward Malone and Connie O'Meara –**
The applicants seek a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to relocate ten outdoor seats to inside a market/deli. Elisabeth Verde recused herself because of a conflict of interest. Peter Page, Patrick Eleey, Robert Littlefield and Amy Germain sat on the case. Acting Chair Peter Page informed the applicants that since only four members of the Board were seated they would need a unanimous decision from the Board in order to be granted a Special Permit. They have the option of proceeding with only four members seated or postponing the application until a five member Board is seated. The applicants agreed to proceed.
Presentation: Ted Malone, Connie O'Meara and Rich Goldberg appeared to present the application. The applicant stated that the indoor seats will have no adverse effects on the neighborhood and the social and economic benefits will outweigh any detriments.
Public Comment: None. There were 4 letters in the file in support of the application.
Board Discussion: The Board questioned Mr. Malone. The Board requested that Mr. Malone submit an existing outdoor seating plan at the next hearing.
Robert Littlefield moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to relocate ten outdoor seats to inside a market/deli at the property located at 43 Race Point Road (Res 3), Patrick Eleey seconded and it was so voted, 4-0. Patrick Eleey will write the decision.
- 2007-21** **293 Commercial Street (Town Commercial Center), Attorney Ed Patten on behalf of MELD, Inc.**
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The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to obtain new liquor and entertainment licenses to operate a lounge and dance bar. Elisabeth Verde recused herself because a conflict of interest. Lynne Davies, Peter Page, Patrick Eleey, Robert Littlefield and Amy Germain sat on the case.
Presentation: Attorney Ed Patten, Ed DiBiasio and Mario Lebert appeared to present the application. The applicant seeks to revive the operation at the premises and proposes to reduce the occupancy and refurbish the property. The applicant proposes to be open year round and argues that the social benefits outweigh any negative impacts on the neighborhood or the Town.
Public Comment: Michael Healey spoke in favor of the application. There was 1 letter in the file in opposition to the application. There was also a memo from the Building Commission referencing the occupant load of 99 that is being proposed by the applicant and noting that, according to the State Building Code, a sprinkler system is required in a commercial building only if the occupancy of the premises is 100 or more.
Board Discussion: The Board questioned Attorney Patten, Mr. DiBiasio and Mr. Lebert. The Board noted that the application lacked a certified plot plan and existing and proposed seating plans, both of which the Board requires if they are to make an informed decision. The Board thus ruled that the case is to be continued until the Work Session of the May 3, 2007 hearing. The applicant, in the meantime, will need to submit a plot plan, a set of existing and proposed drawings showing the exact location and number of seats at the premises and a letter from the Fire Chief stating that the building is safe for a commercial operation without a sprinkler system. In addition, the Board requested that the applicant look into alternative soundproofing measures for the structure beyond what they are currently proposing.
- 2007-22** **523 Commercial Street (Residential 3 Zone), Neal Kimball Residential Designs on behalf of Richard Siclari –**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along the non-conforming east side yard setback (approximately 1'3"+/-) by raising the sidewall 3'0" and the addition of a full shed dormer to a create second floor living area. The applicant requests a postponement of the case until the May 3, 2007 hearing
Patrick Eleey moved to grant a postponement for Case 2007-22 until the May 3, 2007 hearing, Keith Amato seconded and it was so voted, 5-0.

Chair Lynne Davies adjourned the Public Hearing at 8:23 P.M.

WORK SESSION

Chair Lynne Davies called the Work Session to order at 8:23 P.M.

PENDING DECISIONS:

2007-16 **334 Commercial Street (Town Commercial Center), Broken Wheel Farm, LLC, d/b/a Purple Feather Chocolates (Peter & Ann Marie Okun) -**
Lynne Davies, Peter Page, Patrick Eleey, Robert Littlefield and Amy Germain sat on the case. Robert Littlefield read the decision. *Peter Page moved to approve the language as written, Amy Germain seconded and it was so voted, 5-0.*

