

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF

December 4,™ 2003

MEETING HELD IN TOWN HALL

Members Present Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed, Brian Falvey,
Patrick Eely Peter Bez, Howard Weiner

Others Present Warren Alexander, Building Commissioner

WORK SESSION Chair

Gary Reinhardt called the Work Session to order at 6.30 p.m.

Chair Gary Reinhardt introduced Patrick Eely as a new alternate member., Gary Reinhardt moved to allow Peter Bez to resume his permanent seat on the Board after a leave of absence. Seconded by Steve Melamed. Vote was 7 in favor and 0 opposed.

PENDING CASES:

2003-055 80-82 Commercial Street, 4 Prince Street, (Residential 3 Zone), Eliot F. Parkhurst on behalf of
Boutique Hospitality Inc-

Findings of Fact

- The current use of the premises is as a hotel with 41 licensed guest units and 3 private residences:
- The proposed use of the premises is as a hotel with 35 licensed guest units and 28 restaurant seats:
- Significant opposition from the abutters was expressed to the Zoning Board of Appeals including 3 letters in opposition in the file; a petition with 19 signatures was also presented in the negative and placed in the file, after being read into the record. No speakers spoke in favor of the applicant and no speakers spoke in opposition to the applicant.
- The proposal offers no significant benefit to the neighborhood or to the Town.
- The proposal will result in an increase in water use through meals served, and an increase in traffic and congestion.
- While the applicant stated they would only serve their own guests, the laws of the Commonwealth of Massachusetts make that an impractical provision as they are in conflict with the request of the applicant.

- The applicant was advised of their rights to a full Zoning Board of 5 seating members, as only 4 were available when the case was called. The applicant waived said right and accepted a 4-seating member Board. The applicant was further advised that a unanimous vote of the 4 seating members would be required to grant the application and so agreed.

Peter Paige moved to grant the application, Lynne Davies seconded the motion. The vote was 3 in favor to grant and 1 opposed, effectively denying the application of Special Permit 2003-055

Mr. Reinhardt read the decision into the record.

A motion was made by Peter Paige and seconded by Howard Weiner to accept the language. Motion carried 4 in favor and 0 opposed.

2003-056 80-82 Commercial Street, 4 Prince Street (Residential 3 Zone), Eliot F. Parkhurst on behalf of Boutique Hospitality Inc-

Findings of Fact:

- The use of the building as a hotel with 35 licensed guest rooms and 28 restaurant seats would require 61 total parking spaces.
- There are presently 19 parking spaces.
- Significant opposition from the a butters was expressed to the Zoning Board of Appeals including three letters in opposition in the file and a petition with 19 signatures also opposed to the application. No one spoke in favor of the application. No one spoke in opposition to the application.
- The applicant was advised of their right to a full Zoning Board of 5 seating members as only four were available when the case was called. The applicant waived said right and accepted a 4-seating member Board. The applicant was further advised that a unanimous vote of the 4 seating members would be required to grant the application and so agreed.
- * This application was necessitated by application 2003-055 which was denied in effect making this application no longer necessary.

Peter Paige moved to grant the application, which was seconded by Lynne Davies. The vote was 3 in favor to grant and one opposed thus effectively denying the application.

Mr. Reinhardt read the decision into the record.

A move to accept the language was made by Peter Paige and seconded by Howard Weiner. Motion carried 4 in favor and 0 opposed.

PENDING DECISIONS:

2003-069 178 Bradford Street (Res 3 Zone). Neal Kimble on behalf of James Mack: Gary Reinhardt, Lynne Davies, Steve Meiamed and Brian Falvey sat on the case. Gary Reinhardt read the decision. Steve Melamed Moved to approve language as written. Lynne Davies seconded and it was so voted 4-0.

2003-071 226A Bradford Street (Res 3 Zone). Neal Kimble n behalf of Elizabeth Patrick. Gary Reinhardt, Lynne Davies,
Steve Melamed, Peter Paige and Brian Falvey sat on the case. Lynne Davies read the decision. Steve Melamed moved to approve the language as written. Brian Falvey seconded and it was so voted
5-0.

2003-073 85 Shank Painter Rd. (GCZone) tester J Murphy, Attorney on behalf of Clem & Ursies. Gary Reinhardt, Lynne Davies, Brian Falvey and Peter Paige sat on the case. Peter Paige read the Decision. Lynne Davies moved to approve language as written. Brian Falvey seconded and it was so Voted 4-0.

Chair Gary Reinhardt continued the work session to after the Public Hearing at 7.20 p. m.

PUBIC HEARING Chair Gary

Reinhardt called the Public hearing to order at 7.21 p.m.

2003-075 Renewal Application by Clipper Adventures Inc d/b/a The Squealing Pig. The applicant seeks the renewal of a Special Permit under Article 2, Section 2460 of the Zoning by Law for the provision of public entertainment on property located within the TCC zoning district at 335 Commercial Street. Steve Melamed recused himself because of a conflict of interest. Gary Reinhardt Peter Paige, Lynne Davies, Peter Bez and Brian Falvey sat on the case.

The applicant was represented by Attorney Ronald Friese, Dermont O'Neal and Sara Cole.

There were 4 speakers in favor of the application and no speakers in opposition to the application. One a butter expressed concern that the noise levels were not being kept at reasonable levels.

Board discussion ensued and particular attention was paid to the fact that doors and windows must be kept closed during live performances. A motion to grant the renewal was made and carried 5 in favor and 0 opposed.

The same provisions as those listed in 2001-076 are to apply and the condition of renewal prior to 12/31/2004 is made as a part of this decision.

A motion to accept the language as written and adjusted in the decision of 2001-076 was made by Peter Bez and seconded by Lynne Davies and it was so voted 5 in favor and 0 opposed.

Chair Gary Reinhardt dosed the public meeting and returned to the work session at 7.43 p.m.

ADMINISTRATIVE ACTION

2003-067 134 Commercial St (TCC Zone) Keith R Stone. Steve Melamed, Peter Paige, Howard Weiner and Gary Reinhardt sat on the case. The applicant requested a change in the plans as drawn by Chris Rego of Highland Construction as submitted with the original application to eliminate one of the two originally proposed bedrooms. A motion to approve the amendment was made by Howard Weiner and seconded by Peter Paige. It as so voted 4-0.

NEXT MEETING-OTHER BUSINESS

The next meeting of the Zoning Board of Appeals will be on Thursday, December 18* and will consist of a work session at 7.00 p.m. and a Public Hearing at 7.00 p.m.

Zoning Board of Appeals Signature