

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF**  
**January 19, 2006**

**MEETING HELD IN TOWN HALL**

**Members Present:** Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Patrick Eleey.

**Members Absent:** Steve Melamed (excused).

**Others Present:** Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

**PUBLIC HEARING**

Chair Gary Reinhardt called the Public Hearing to order at 7:00 P.M. There were five members of the Zoning Board of Appeals present and one absent.

**CONTINUED CASES:**

**2005-079**      **89 Bradford Street, Unit #1 (*Town Commercial Center Zone*), John Richard Burrows -**

The applicant seeks a Special Permit under Article 3, Section 3100 of the Zoning By-Laws for a change of use from a gallery back to the original residence. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Patrick Eleey sat on the case.

**Presentation:** John Richard Burrows appeared to present the application.

**Public Comment:** None. There was 1 letter in support of the application.

**Board Discussion:** The Board questioned Mr. Burrows. The previous use of the building was as a boardinghouse. Now there are condominium units and a gallery located in the structure. This change in use was never legally obtained. The applicant did not have a site plan for the property or floor plans for the building. The Board reminded the applicant that according to the Zoning By-Laws, he needed a minimum of 10,000 square feet for the residential units he is seeking. The applicant decided to withdraw the application without prejudice.

***Peter Bez moved to accept the withdrawal of Case #2005-079, Lynne Davies seconded and it was so voted, 5-0.***

**2006-003**

**133 Commercial Street (Town Commercial Center Zone), Lorraine Najjar -**

The applicant seeks a Special Permit under Article 2, Section 2450 G11 of the Zoning By-Laws for Accessory Use. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Patrick Eeley sat on the case. **Presentation:** Attorney Lester J. Murphy and Lorraine Najjar appeared to present the application. The applicant seeks to construct an apartment above a restaurant. She contends that only she, or an employee of her restaurant, will occupy the space.

**Public Comment:** Joanne Callucci, John Santos, Jean Hamilton and Mary Ann Lucas spoke in favor of the application. There were 7 letters from neighbors and abutters about the project. They were concerned that the project may include an expansion of the restaurant use, which would potentially cause an increase in traffic congestion and noise in the neighborhood.

**Board Discussion:** The Board questioned Attorney Murphy and Ms. Najjar. The Board discussed the issues of the case, including the question of whether to consider a dwelling unit as an accessory use and the size limitations of an accessory use in relation to principal use of a structure according to the Zoning By-Laws. The Board requested that the applicant submit building plans that would reflect the latter issue as it relates to the premises under discussion. The case is continued.

Chair Gary Reinhardt adjourned the Public Hearing at 7:56 P.M.

## WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 8:05 P.M.

### PENDING DECISIONS:

**2006-002**

**5 Holway Avenue (Residential 3 Zone), Provincetown Center for Coastal Studies -**

Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Patrick Eeley sat on the case. Patrick Eeley read the decision. *Peter Bez moved to accept the language as written, Peter Page seconded and it was so voted, 4-0-1 (Steve Melamed absent).*

**2006-004**

**32 Bradford Street (Residential 3 Zone), William N. Rogers -**

Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Patrick Eeley sat on the case. Peter Bez read the decision. *Patrick Eeley moved to approve the language as written, Peter Page seconded and it was so voted, 4-0-1 (Steve Melamed absent).*

- 2006-005**      **41 Court Street (Residential 3 Zone), Neal Kimball -**  
Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Patrick Eeley sat on the case. Patrick Eeley read the decision. *Peter Bez moved to accept the language as written, Peter Page seconded and it was so voted, 4-0-1 (Steve Melamed absent).*
- 2006-008**      **75 Commercial Street (Residential 2 Zone), Andrew Simon -**  
Gary Reinhardt, Peter Bez, Peter Page, Steve Melamed and Patrick Eeley sat on the case. Peter Page read the decision. *Patrick Eeley moved to accept the language as written, Peter Bez seconded and it was so voted, 4-0-1 (Steve Melamed absent).*

**PENDING CASES:**

- 2005-068**      **59 Commercial Street (Main House) (Residential 2 Zone), Neal Kimball on behalf of Thomas Roberts -**  
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 a non-conforming setback.
- 2005-071**      **59 Commercial Street (Cottage) (Residential 2 Zone), Neal Kimball on behalf of Thomas Roberts -**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for a change of use from an existing, non-conforming commercial use (office space) back to a conforming single-family residential use.
- 2005-072**      **59 Commercial Street (Main House) (Residential 2 Zone), Neal Kimball on behalf of Thomas Roberts -**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for a change of use from an existing, non-conforming commercial use (office space) back to a conforming single-family residential use.  
These 3 cases are continued.
- 2006-006**      **89 Mayflower Avenue (Residential 1 Zone), Neal Kimball -**  
The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for deviation in building scale. Peter Page disclosed that he is an abutter to an abutter, but feels he can render a fair decision in the case. This case is continued.

The Board briefly discussed a letter that Doug Taylor is sending to Crowne Pointe regarding the advertisement of the restaurant located at the premises. Also discussed briefly was a letter from Town Counsel concerning Case # 98-009.

**MINUTES: January 5, 2006 - Peter Bez moved to approve the language as written, Peter Page seconded and it was so voted, 4-0-1(Lynne Davies abstaining).**

**NEXT MEETING:**

The next meeting will be on January 26, 2006 and will consist of a Public Hearing at 12:00 P.M.

**ADJOURNMENT:**

*Peter Page moved to adjourn at 8:30 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 January 26, 2006.

Respectfully submitted,

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*Zoning Board of Appeals Signature*

Ellen C. Battaglini