

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF
November 16, 2006

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Lynne Davies, Steve Melamed, Patrick Eeley, Elisabeth Verde and Todd Dever.

Members Absent: Peter Page (excused).

Others Present: Doug Taylor (Building Commissioner) and Ellen C. Battaglini (Recording Secretary).

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:00 P.M.

2006-081 **481 Commercial Street (*Residential 3 Zone*), Neal Kimball, Kimball Residential Design, on behalf of Cynthia Simmons -**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure by way of extending up and along the non-conforming east side line setback. The applicant was not yet present.

2006-082 **212-214 Commercial Street (*Town Commercial Center Zone*), Attorney Robin B. Reid on behalf of New Art Realty Corp. -**

The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the renewal of Special Permits # 2004-032, 2005-032, 2005-008 and 2005-076 and for the reconfiguration of the service areas. Steve Melamed recused himself because of a conflict of interest. Gary Reinhardt, Peter Bez, Lynne Davies Patrick Eeley and Todd Dever sat on the case.

Presentation: Attorney Robin B. Reid and Ben deRuyter appeared to present the application. The applicant seeks to reconfigure the service areas at the site in order to make the space more economically viable on a year round basis. Cinema 2 will be renovated to have the capability of showing films and having live performances. Roundtop tables will be added to the front of the theater. There will be no changes to the lobby area or the outside of the structure.

Public Comment: Derryl Irion and Sigourney Street spoke against the application. There were no letters in the file.

Board Discussion: The Board questioned Attorney Reid and Mr. deRuyter.

Peter Bez moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the renewal of Special Permits # 2004-032, 2005-032, 2005-008 and 2005-076 and for the reconfiguration of the service areas at the property located at 212-214 Commercial Street (TCC) with the following conditions:

- *the Special Permit expires on December 31, 2007; and*
- *the condition limiting the consumption of alcoholic beverages during cinema performances is removed.*

Todd Dever seconded and it was so voted, 5-0.

Attorney Reid submitted a written decision. Gary Reinhardt read the decision. *Peter Bez moved to accept the language as amended, Lynne Davies seconded and it was so voted, 5-0.*

Chair Gary Reinhardt postponed the Public Hearing at 7:55 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Public Hearing 7:55 P.M.

ADMINISTRATIVE AMENDMENT:

- 2006-078 34 Alden Street (Residential 3 Zone), Robert Valois on behalf of David Curtis -**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure up and along a non-conforming front setback and to raise the structure one foot for a new foundation and add a second floor and dormers.
Presentation: Robert Valois appeared to present the Administrative Amendment. The roofline on the north side is being lowered, thus revising the height of the second floor addition.
Steve Melamed moved to consider the change in plans for Case #2006-078 as an Administrative Amendment, Todd Dever seconded and it was so voted, 5-0.
Steve Melamed moved to grant the Administrative Amendment for Case # 2006-078, Todd Dever seconded and it was so voted, 5-0.

PENDING DECISIONS:

- 2006-074 636 Commercial Street (Residential 2 Zone), Paul Colburn on behalf of Charles Merrill-**
Peter Page, Steve Melamed, Patrick Eeley, Elisabeth Verde and Todd Dever sat on the case. Charles Merrill appeared before the Board and asked that he be heard about this case. The Board allowed him to speak briefly. The Board informed Mr. Merrill that a decision had already been rendered in the case and that his options included waiting two years before applying for a Special Permit again or appealing the decision of the Board.
Todd Dever read the decision of the Board. **Steve Melamed moved to accept the language as written, Elisabeth Verde seconded and it was so voted, 4-0-1 (Peter Page absent).**

Chair Gary Reinhardt postponed the Work Session at 8:20 P.M.

PUBLIC HEARING

- 2006-081 481 Commercial Street (Residential 3 Zone), Neal Kimball, Kimball Residential Design, on behalf of Cynthia Simmons -**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure by way of extending up and along the non-conforming east side line setback. The applicant was not present. Gary Reinhardt, Peter Bez, Lynne Davies, Steve Melamed and Patrick Eeley sat on the case.
Presentation: Neal Kimball appeared to present the application. The roof on the structure needs re-shingling and some structural work. The applicant seeks to cathedral the roof, raising the ridge height by 9" and adding shed dormers.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Mr. Kimball.
Lynne Davies moved to consider as a finding under the Goldhirsh v. McNear ruling, Steve Melamed seconded and it was so voted 5-0.
Lynne Davies moved to grant a Special Permit Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming structure by way of extending up and along the non-conforming east side line setback at the property located at 481 Commercial Street (Res 3) as a finding under the Goldhirsh v. McNear ruling, Patrick Eeley seconded and it was so voted, 5-0.

Chair Gary Reinhardt adjourned the Public Hearing at 8:30 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 8:30 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. This case is continued until the April 19, 2007 hearing.

MINUTES: November 2, 2006 – *Steve Melamed moved to approve the language as written, Todd Dever seconded and it was so voted, 7-0*

NEXT MEETING:

The next meeting will be on December 7, 2006 and will consist of a Work Session at 6:45 P.M and a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Peter Bez moved to adjourn at 8:40 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 December 7, 2006.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini