

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
March 5, 2015**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David M. Nicolau, Robert Littlefield, Amy Germain (arrived at 7:00 P.M.), Peter Page and Rob Anderson.

Members Absent: Jeffrey Haley (excused), Joe Vasta (excused) and Bryan Armstrong (excused).

Others Present: Leif Hamnquist (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair David Nicolau called the Work Session to order at 6:32 P.M.

PENDING DECISIONS:

- FY 15-35** **29 Conant Street (*Res 3 Zone*), DKR Developers –**
Robert Littlefield, Jeffrey Haley, Peter Page, Rob Anderson and Bryan Armstrong sat on the case. The applicant will be re-designing the project and has submitted a waiver of time constraints. *Robert Littlefield moved to accept the waiver of time constraints for Case #FY15-35, Rob Anderson seconded and it was so voted, 4-0.*
- FY 15-38** **11 Bradford Acres Road (*Res 3 Zone*), James Turner -** Robert Littlefield, Jeffrey Haley, Peter Page, Rob Anderson and Bryan Armstrong sat on the case. The decision was revised and the missing signature on the decision and plans were obtained.
- FY 15-39** **2 Conway Street (*Residential 2 Zone*), Regina Binder on behalf of Guy Busa –**
Robert Littlefield, Jeffrey Haley, Peter Page, Rob Anderson and Bryan Armstrong sat on the case. David M. Nicolau read the decision. Robert Littlefield will revise the decision.
- FY15-43** **37 Pleasant Street (*Residential 3 Zone*), Ted Smith Architect, LLC, on behalf of Mark Oldham –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page and Bryan Armstrong sat on the case. The decision was not available.
- FY15-44** **293 Commercial Street, Unit C (*Town Commercial Center Zone*), Jason P. Aubee –**

The Building Commissioner has not yet reviewed the seating plan. There was a missing signature on the decisions and the seating plan.

- FY15-45** **50 Commercial Street (*Residential 2 Zone*), Ted Smith Architect, LLC, on behalf of David High –**
David M. Nicolau, Robert Littlefield, Peter Page and Bryan Armstrong sat on the case. The decision was not available.
- FY15-46** **90 Bradford Street (*Residential 3 Zone*), William N. Rogers on behalf of EH Realty, LLC –**
Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. The decision was missing a signature.
- FY15-47** **152 Commercial Street (*Town Commercial Center Zone*), Marlene Janice Sawyer -**
David M. Nicolau, Robert Littlefield, Peter Page and Joe Vasta sat on the case. The decision was amended.
- FY15-48** **252 Commercial Street (*Town Commercial Center Zone*), Christopher J. Snow, Esq. on behalf of Souza, LLC –**
David M. Nicolau, Robert Littlefield, Joe Vasta and Rob Anderson sat on the case. The decision was missing a signature.
- FY15-49** **8 Cook Street (*Residential 3 Zone*), Regina Binder on behalf of Hank Hitopolous –**
David M. Nicolau, Robert Littlefield, Joe Vasta and Rob Anderson sat on the case. David M. Nicolau read the decision. *Robert Littlefield moved to approve the language as written, Rob Anderson seconded and it was so voted, 4-0.*
- FY15-50** **75 Franklin Street (*Residential 3 Zone*), Christian P. Dittrich on behalf of Lee Giroux –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. Rob Anderson read the decision. Revised plans have been submitted per the request of the Board. A signature is missing from the decision.

MINUTES: February 5, 2015 – *Robert Littlefield moved to approve the language as written, Rob Anderson seconded and it was so voted, 4-0.*

February 19, 2015 – *Robert Littlefield moved to approve the language as written, Joe Vasta seconded and it was so voted, 4-0.*

Chair David M. Nicolau postponed the Work Session at 7:00 P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:05 P.M. There were five members of the Zoning Board present and three absent.

PUBLIC HEARINGS:

- FY15-55** **55R Capt. Bertie's Way (Residential 3 Zone), Paul C. Mendes –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2440, C3(b), Permitted Principle Uses, of the Zoning By-Laws, to allow the parcel to be used for the storage of more than three boats. The applicant requested a continuance to the March 19, 2015 Public Hearing. *Robert Littlefield moved to continue Case #FY15-55 to the March 19, 2015 Public Hearing, Rob Anderson seconded and it was so voted, 4-0-1 (David M. Nicolau abstaining).*
- FY15-56** **5 Telegraph Hill Road (Residential 1 Zone), William N. Rogers on behalf of James D. Epstein –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2450, G12, Permitted Accessory Uses, of the Zoning By-Laws to install a swimming pool. The Board continued the matter. *Robert Littlefield moved to continue Case #FY15-55 to the March 19, 2015 Public Hearing, Rob Anderson seconded and it was so voted, 4-0.*
- FY15-59** **269 Commercial Street (Town Commercial Center Zone), Paul Melanson, dba Tin Pan Alley –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the continued operation of an 86-seat restaurant with a full liquor license, live entertainment and outdoor seating. David M. Nicolau, Robert Littlefield, Amy Germain, Peter Page and Rob Anderson sat on the case.
Presentation: Paul Melanson and Jack Kelly appeared to present the application. Mr. Melanson said that there would be no changes to the operation of the restaurant or to the seating plan.
Public Comment: None. There were no letters in the file. An inquiry to the Provincetown Police Department revealed that there had been no noise complaints reported by the public.
Board Discussion: The Board had not questions for the applicant.
Amy Germain moved to grant a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the continued operation of an 86-seat restaurant with a full liquor license, live entertainment and outdoor seating at the property located at 269 Commercial Street (TCC), Robert Littlefield seconded and it was so voted, 5-0. Amy Germain will write the decision.
- FY15-61** **85-87 Shank Painter Road (GC Zone), Sebastian Faffara on behalf of Bay**

Ocean Properties, LLC, dba Mac's Provincetown –

The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the continued use of the 260-seat restaurant with a full liquor license, live entertainment and outdoor seating. David M Nicolau, Robert Littlefield, Amy Germain, Peter Page and Rob Anderson sat on the case.

Presentation: Sebastian Faffara and Mac Hay appeared to present the application. Mr. Hay said that Mr. Faffara was the general manager of the restaurant and that there would be no changes to its operation.

Public Comment: None. There were no letters in the file. An inquiry to the Provincetown Police Department revealed that there had been no noise complaints reported by the public.

Board Discussion: The Board questioned Mr. Faffara and Mr. Hay. Mr. Hay asked if a condition of the previous Special Permit could be revised. The Board said that the conditions of the Special Permit would be the same as the previous Special Permit because of the way the case was advertised.

Amy Germain moved to grant a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the continued use of the 260-seat restaurant with a full liquor license, live entertainment and outdoor seating at the property located at 85-87 Shank Painter Road (GC) that will run with the applicant and expire on January 2, 2016, Robert Littlefield seconded and it was so voted, 5-0. Amy Germain will write the decision.

Chair David M. Nicolau adjourned the Public Hearing at 7:22 P.M.

WORK SESSION

Chair David M. Nicolau reconvened the Work Session at 7:22 P.M.

PENDING DECISIONS:

FY15-52 8 Fishburn Court (Residential 3 Zone), B+C Construction on behalf of Russell A. Friedman & Wayne E. Briggs –
Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. New shed plans have been submitted by the applicant per the request of the Board. Rob Anderson read the decision. *Robert Littlefield moved to approve the language as amended, Peter Page seconded and it was so voted, 3-0.*

NEXT MEETING: The next meeting will take place on Thursday, March 19, 2015. It will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Rob Anderson moved to adjourn at 7:30 P.M. and it was so voted*

unanimously.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on March 19, 2015
David M. Nicolau, Chair