

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF

June 17, 2004

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, Steve Melamed, Patrick Eleey and Brian Falvey.

Members Absent: None.

Others Present: Warren Alexander and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:30 P.M.

PENDING CASES:

2004-057 259-263 Commercial Street (Town Commercial Center Zone), John A. Lisbon on behalf of Harold Coill Revocable Trust-

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. John A. Lisbon appeared and submitted original and proposed plans to the Board.

Peter Bez moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend an existing deck along the non-conforming dimension of the pre-existing, non-conforming building located below the deck structure at the premises located at 259-263 Commercial Street (TCC), Lynne Davies seconded and it was so voted, 4-0-1 (absent). Lynne Davies will write the decision.

PENDING DECISIONS:

2004-052 11 Prince Street, (Residential 3 Zone), Father Henry J. Dahl on behalf of the Roman Catholic Bishop of Fall River -

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Peter Bez read the decision. *Lynne Davies moved to accept the language as written, Steve Melamed seconded and it was so voted, 5-0.*

2004-059 14 Bradford Acres Road (Residential 3 Zone), Barnett Oliver Adler on behalf of Eastwinds Realty Trust -

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamedsat on the case. Peter Bez read the decision. *Steve Melamed moved to accept the language as written, Lynne Davies seconded and it was so voted, 5-0.*

2004-053 309 Commercial Street (Town Commercial Center Zone), Christopher S. Rego on behalf of John T. Grace -

The Board is waiting for a site plan showing elevations.

2004-061 15 Creek Round Hill Road (Residential 1 Zone), William N. Rogers II, P.E., R.L.S. on behalf of Anita Butler -

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case. Lynne Davies read the decision. *Steve Melamed moved to accept the language as written, Peter Bez seconded and it was so voted, 5-0.*

ADMINISTRATIVE AMENDMENT:

2003-047 335 Commercial Street (Town Commercial Center), Sara Cole and Ciaran Dunne on behalf of Clipper Ventures Realty Trust -

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Patrick Eeley sat on the case.

Presentation: Dermott O'Neill appeared to discuss the Administrative Amendment. Mr. O'Neill told the Board that the Licensing Board would not allow the premises to serve alcohol outside unless the Zoning Board decision in

Case # 2003-047 specifically mentioned the outdoor service of alcohol.

Board Discussion: The Board agreed that the original intent of the decision in Case # 2003-047 was to allow both alcohol and food service outside the premises.

Patrick Eeley moved to consider the case as an Administrative Amendment, Lynne Davies seconded and it was so voted, 5-0.

Patrick Eeley moved to grant the Administrative Amendment, Lynne Davies seconded and it was so voted, 5-0.

MINUTES:

June 3, 2004 – Peter Bez moved to accept the language as amended, Lynne Davies seconded and it was so voted, 6-0-1 (abstain).

NEXT MEETING:

The next meeting will be on July 8, 2004 and will consist of a Work Session at 6:30 P.M. and a Public Hearing at 7:00 P.M.

Gary Reinhardt adjourned the Work Session at 6:55 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:00 P.M. There were seven members of the Zoning Board of Appeals present and none absent.

- 2004-062** **406 Commercial Street (Town Commercial Center Zone), Susan J. Davis on behalf of Pat Shultz Real Estate -**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for an outdoor display case. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.
Presentation: Susan J. Davis appeared to present the application.
Public Comment: None. There were no letters in the file.
Board Discussion: the Board briefly questioned Ms. Davis.
Steve Melamed moved to grant a Special Permit Article 3, Section 3420 of the Zoning By-Laws for an outdoor display case at the premises located at 406 Commercial Street (TCC), Lynne Davies seconded and it was so voted, 5-0.
- 2004-063** **307 Commercial Street (Town Commercial Center Zone), Felicia Vital on behalf of the Provincetown Chamber of Commerce -**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of clothing upon the doors and a clothing rack. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.
Presentation: Felicia Vital appeared to present the application.
Public Comment: Donald Coill spoke in favor of the application. There were no letters in the file.
Board Discussion: The Board briefly questioned Ms. Vital.
Peter Bez moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of clothing upon the doors and a clothing rack on the premises located at 307 Commercial Street (TCC), Lynne Davies seconded and it was so voted, 5-0.
- 2004-064** **308 Commercial Street (Town Commercial Center Zone), Donald Coill on behalf of Muriel Coill -**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of tee shirts. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.
Presentation: Donald Coill appeared to present the application.
Public Comment: Anna Nersisyan spoke in favor of the application. There were no letters in the file.
Board Discussion: The Board briefly questioned Mr. Coill.
Peter Bez moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of tee shirts upon the doors of the premises located at 308 Commercial Street (TCC), Steve Melamed seconded and it was so voted, 5-0.
- 2004-065** **132 Bradford Street, (Town Commercial Center Zone), Fred Riley on behalf of Duarte Motors, Inc. -**
The applicant seeks a Special Permit under Article 23, Section 3420 of the Zoning By-Laws for the outdoor display of merchandise. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.
Presentation: Elaine Armour appeared to present the application.
Board Discussion: The Board requested that the applicant submit a site plan. The case is continued until the July 8, 2004 Work Session.
- 2004-066** **374 Commercial Street (Town Commercial Center Zone), Thomas D. Brown Real Estate Associates on behalf of BJWG Corporation -**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for an outdoor display case. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.
Presentation: Nick Brown appeared to present the application.
Public Comment: None. There were no letters in the file.

Board Discussion: The Board questioned Mr. Brown.

Lynne Davies moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for an outdoor display case at the premises located at 347 Commercial Street (TCC), Steve Melamed seconded and it was so voted, 5-0.

2004-067 85 Shank Painter Road (General Commercial Zone), Clement A. Silva and Debra Silva on behalf of Clem & Ursie's Restaurant -

The applicants seek a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to provide entertainment. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Brian Falvey sat on the case.

Presentation: Clem and Deb Silva appeared to present the application. The applicants would like to provide amplified music inside the restaurant and non-amplified outside the restaurant.

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

Board Discussion: The Board questioned Mr. and Ms. Silva.

FINDINGS OF FACT;

- The applicants are in the General Commercial Zoning District, with no nearby residential abutters;
- The hours of entertainment shall be 11:00 A.M. until 1:00 A.M.;
- Up to six entertainers shall be allowed at one time; and
- Amplified music shall be allowed indoors only and non-amplified music shall be allowed on the outdoor patio.

Brian Falvey moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to provide entertainment on the premises known as Clem & Ursie's Restaurant (GC), Lynne Davies seconded and it was so voted, 5-0. Brian Falvey will write the decision.

ADJOURNMENT:

Brian Falvey moved to adjourn at 7:35 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 July 8, 2004.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini