

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
December 7, 2006

MEETING HELD IN TOWN HALL

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

Members Absent: Steve Melamed (excused).

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

WORK SESSION

Chair Gary Reinhardt called the Work Session 6:45 P.M.

MINUTES: November 16, 2006 – *Lynne Davies moved to approve the language as written, Patrick Eeley seconded and it was so voted, 6-0.*

The Board briefly discussed two applications, one from Keith Amato and one from Robert Littlefield, for membership on the Zoning Board of Appeals. The Board will invite the two applicants to the next hearing.

Chair Gary Reinhardt adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

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

- 2006-083** **175 Bradford Street Extension (*Residential 3 Zone*), Victor DePoalo on behalf of 175 Bradford Street Nominee Trust -**
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming use to another non-conforming use. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Patrick Eeley sat on the case.
- 2006-084** **175 Bradford Street Extension (*Residential 3 Zone*), Victor DePoalo on behalf of 175 Bradford Street Nominee Trust -**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for a change in seating. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Todd Dever sat on the case.
- 2006-085** **175 Bradford Street Extension (*Residential 3 Zone*), Victor DePoalo on behalf of 175 Bradford Street Nominee Trust -**
The applicant seeks a Special Permit under Article 2, Section 2440 A1B3 of the Zoning By-Laws to construct & dwelling units. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Elisabeth Verde sat on the case.
These 3 cases were heard at the same time.
Presentation: Ginny Binder, John Moran and Victor DePoalo appeared to present the application. The applicant seeks to build 7 dwelling structures on the property and to expand the existing restaurant to

two stories. Ms. Binder argued that the use of the property is just being altered and that the social, economic or other benefits of the proposal for the neighborhood and town outweigh any adverse effects such as hazard, congestion or environmental degradation. Some of the merits of the project include improving traffic flow, increasing green space at the site and providing needed year round employment.

Public Comment: Keith Rossovich, Phillip Mossy, Richard Goldberg and Tony Hale spoke in favor of the application. Attorney E. James Veara, representing the Willows and Gale Force Condominium Associations, Carol Carlson, who also submitted a letter from the residents of an abutting property, Peter Yelton, representing the Safe Harbor Condominium Association, Ira Goldman, Sean Rimer, Leo Loudon, Chip Brock and Dave Leonard all spoke against the project. There were 13 letters in opposition to the application in the file.

Board Discussion: The Board questioned Ms. Binder, Mr. Moran and Mr. DePoalo. The Board, after much discussion, suggested that the applicant may want to apply for a parking variance because the lot size is not large enough for the requisite number of parking spaces needed for the proposed number of dwelling units. The Board also requested revised plans for the proposed restaurant and a revised seating plan for the first and second floor of the restaurant, removing the outdoor seating and re-designing the flat roof, a new site design showing additional green space and no parking spaces drawn over existing lot lines, elevation plans showing one building per page, overall dimensions for the site and the buildings proposed to be built on the site and, in addition, asked that the applicant and/or his representatives meet with the Building Commissioner to go over the building plans with particular attention paid to the question of whether there is a 3rd floor being proposed for Building 3.

Case # 2006-083: *Peter Bez moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter a pre-existing, non-conforming use to another non-conforming use for the property located at 175 Bradford Street Extension (Res 3), Patrick Eleey seconded and it was so voted, 4-0-1 (Lynne Davies abstaining).*

Case # 2006-084: This case is continued to December 14, 2006.

Case # 2006-085: *Peter Bez moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for a change in seating for the property located at 175 Bradford Street Extension (Res 3), Elisabeth Verde seconded and it was so voted, 4-0-1 (Peter Page abstaining).*

Gary Reinhardt will write the decisions.

2003-055 80-82 Bradford Street and 4 Prince Street (Residential 3 Zone), Attorney Elliot Parkhurst on behalf of Boutique Hospitality, Inc. -

This case has been remanded to the Zoning Board of Appeals by the Land Court for the purpose of hearing testimony and receiving evidence as appropriate, with respect to the scope, limitation, or conditioning, if any, that it may place on Boutique Hospitality, Inc.'s advertising for its restaurant as a modification of the terms of the original Special Permit granted to said corporation in August of 2004. Peter Page, Lynne Davies, Patrick Eleey, Elisabeth Verde and Todd Dever sat on the case.

Presentation: Attorney Elliot Parkhurst and Tom Walter appeared to discuss the case. Attorney Parkhurst and his client are requesting that the condition restricting the advertising of the restaurant on the site be lifted by the Board.

Public Comment: Pip Quillin spoke in support of the request. There was one letter in the file in support of the request.

Board Discussion: The Board questioned Attorney Parkhurst and Mr. Walter. Doug Taylor reported to the Board that lately, in his opinion, Boutique Hospitality, Inc., has totally complied with the conditions regarding advertising that had been set forth in the original Special Permit.

Patrick Eleey moved to amend the Special Permit granted in Case # 2003-055 by inserting "amended December 7, 2006 Case # 2003-055 by striking the words 'but there shall be no outside advertising directed solely to dining patrons' from the final Finding of Fact at the request of the applicant", Todd Dever seconded and it was so voted, 5-0. Peter Page will write the decision.

NEXT MEETING:

The next meeting will be on December 14, 2006 and will be held in the Caucus Hall and will consist of a Work Session at 6:30 P.M and a Public Hearing at 7:00 P.M.

ADJOURNMENT:

Patrick Eley moved to adjourn at 10:00 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 14, 2006.

Respectfully submitted,

Zoning Board of Appeals Signature

Ellen C. Battaglini