

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF
June 3, 2010

MEETING HELD IN THE GRACE GOUVEIA BUILDING

Members Present: Elisabeth Verde, Robert Littlefield, Amy Germain, Anne Howard, David Nicolau and Tom Roberts.

Members Absent: None.

Others Present: Russell Braun (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Acting Chair Anne Howard called the Work Session to order at 6:32 P.M.

ELECTION OF OFFICERS:

Amy Germain moved to nominate Anne Howard for the position of Chair of the Zoning Board of Appeals, Robert Littlefield seconded and it was so voted, 6-0-1 (Anne Howard abstaining).

David Nicolau moved to nominate Robert Littlefield for the position of Vice-Chair of the Zoning Board of Appeals, Elisabeth Verde seconded and it was so voted, 6-0-1 (Robert Littlefield abstaining).

David Nicolau moved to nominate Amy Germain for the position of Clerk of the Zoning Board of Appeals, Elisabeth Verde seconded and it was so voted, 7-0.

David Nicolau suggested that the Board write Patrick Eeley a letter thanking him for his service to the Town. Amy Germain will write.

PENDING DECISIONS:

2010-24 25 Conwell Street (*Residential RB Zone*), Robert Evans of A & E Architects, Inc., on behalf of 21 Conwell Realty Trust –
The applicant has submitted revised plans for the signage at the property as requested by the Board.

2010-29 157 Commercial Street (*Town Commercial Center Zone*), Neal Kimball Designs, LLC on behalf of Martin Family Realty Trust, Virginia Martin, Trustee –

Patrick Eeley, Robert Littlefield, Anne Howard and David Nicolau sat on the case. Robert Littlefield read the decision. *David Nicolau moved to approve the language as written, Anne Howard seconded and it was so voted, 3-0.*

2010-30 **157 Commercial Street (Town Commercial Center Zone), Neal Kimball Designs, LLC on behalf of Martin Family Realty Trust, Virginia Martin, Trustee –**
Patrick Eeley, Robert Littlefield, Anne Howard and David Nicolau sat on the case. Robert Littlefield read the decision. *David Nicolau moved to approve the language as written, Anne Howard seconded and it was so voted, 3-0.*

MINUTES: May 20, 2010 – *Robert Littlefield moved to approve the language as written, David Nicolau seconded and it was so voted, 3-0.*

Chair Anne Howard adjourned the Work Session at 6:50 P.M.

PUBLIC HEARING

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

CONTINUED CASE:

2010-13 **4 Atwood Avenue (Residential 2 Zone), Lester J. Murphy, Jr., Attorney, on behalf of G. Bruce Head, III –**

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale for alterations and an addition to the principal structure. Robert Littlefield, Elisabeth Verde, Amy Germain, David Nicolau and Tom Roberts sat on the case.

Presentation: Attorney Lester J. Murphy and Ron Slowek appeared to discuss the case. The cottage attached to the main structure has been reduced in size. Three feet have been cut off the back of the structure. The proposed increase will only be 8.45 scale units for a total proposed scale of 121.44 s.u.

Board Discussion: The Board questioned Attorney Murphy and Mr. Slowek. *Robert Littlefield moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale for alterations and an addition to the principal structure at the property located at 4 Atwood Avenue (Res 2) contingent upon approval of the revised plans by the HDC, Elisabeth Verde seconded and it was so voted, 4-1 (Amy Germain opposed).* Robert Littlefield will write the decision.

2010-35 **457 & 459 Commercial Street (Residential 3 Zone), Lester J. Murphy, Attorney, on behalf of Richter Nominee Estate Trust -**

The applicant seeks a Variance under Article 2, Section 2560 of the Zoning By-Laws for the reduction in Minimum Lot Frontage from 50 feet to 49.12 feet. Attorney Murphy requested a postponement until the June 17, 2010 Hearing.

NEW CASES:

- 2010-31** **29 Bradford Street Extension (*Residential 1 Zone*), John S. Gagliardi –**
The applicant seeks a Variance under Article 3, Sections 3200, 3213 and 3230 of the Zoning By-Laws from the sign regulations to change the shape, size and principal wording of the existing sign for the continued operation of an existing motel. The new sign will be smaller than the existing sign, but larger than what the sign regulations require for the Residential Zone. David Nicolau recused himself because of a conflict of interest. Anne Howard, Elisabeth Verde, Robert Littlefield, Amy Germain and Tom Roberts sat on the case.
Presentation: Robert Valois and John Gagliardi appeared to present the application. The applicant seeks to install a sign that is shorter, smaller and not back-lit. Other motels in the area have larger signs.
Public Comment: None. There were 2 letters in the file in support of the application.
Board Discussion: The Board questioned Mr. Valois and Mr. Gagliardi.
Elisabeth Verde moved to grant a Variance under Article 3, Sections 3200, 3213 and 3230 of the Zoning By-Laws from the sign regulations to change the shape, size and principal wording of the existing sign for the continued operation of an existing motel at the property located at 29 Bradford Street Extension (Res 1), Amy Germain seconded and it was so voted, 5-0. Amy Germain will write the decision.
- 2010-32** **206-208 Commercial Street (*Town Commercial Center Zone*), Erik Hamnquist –**
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the service of food and alcoholic beverages to consist of wine and malt to be consumed on premises and to offer wait service upon the issuance of an Economic Development Permit. Anne Howard, Elisabeth Verde, Robert Littlefield, Amy Germain and Tom Roberts sat on the case.
Presentation: Erik and Vida Hamnquist appeared to present the application. The applicant seeks to serve food and alcohol in the courtyard at the property. There will be two monitors and a hostess on site to watch that no alcohol leaves the premises. When EDC gallons are received, most likely next year, waitress service will be added.
Public Comment: None. There was 1 letter in the file in support of the application.
Board Discussion: The Board questioned Mr. and Ms. Hamnquist. The Board is requesting an enlarged site plan (8" by 10") showing the location of garbage cans and recycling containers and the area of service.
Amy Germain moved to grant a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the service of food and alcoholic beverages to consist of wine and malt to be consumed on premises and to offer wait service upon the issuance of an Economic Development Permit, with the hours of operation of 10:00 A.M. through 1:00 A.M. for food service and 12:00 P.M. through 1:00 A.M. for alcohol service, with the Special Permit expiring December 31, 2010, Robert Littlefield seconded and it was so voted, 5-0. Tom Roberts will write the decision.

2010-33 **306 Commercial Street, Unit #1 (Town Commercial Center Zone), Licia Joy Zurn-Galinsky –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of up to 20 pieces of merchandise and decorative items and for the live demonstrations of non-alcoholic items. Elisabeth Verde recused herself because of a conflict of interest. Anne Howard, Robert Littlefield, Amy Germain, David Nicolau and Tom Roberts sat on the case.
Presentation: Licia Joy Zurn-Galinsky and Deb Kennedy appeared to present the application.
Public Comment: Madrone Luna and Star Chicaderis both spoke in favor of the application. There was 1 letter in the file in opposition to the application.
Board Discussion: The Board questioned Ms. Zurn-Galinsky and Ms. Kennedy. The Board was concerned about the requested live outdoor demonstrations possibly hindering traffic and/or creating a public safety issue because of traffic on Small's Court. The applicant agreed to remove that aspect of the outdoor display application.
Amy Germain moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of up to 20 pieces of merchandise and decorative items at the property located at 306 Commercial Street, Unit #1 (TCC), Tom Roberts seconded and it was so voted, 5-0. Anne Howard will write the decision.

2010-34 **385 Commercial Street (Town Commercial Center Zone), Patricia Ann Burke –**
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display consisting of one easel to display a single painting that will change from time to time. Anne Howard, Elisabeth Verde, Robert Littlefield, Amy Germain and David Nicolau sat on the case.
Presentation: Patricia Ann Burke appeared to present the application.
Public Comment: Madrone Luna and Doug Walker spoke in support of the application. There were no letters in the file.
Board Discussion: The Board questioned Ms. Burke.
David Nicolau moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display consisting of one easel to display a single painting that will change from time to time at the property located at 385 Commercial Street (TCC), Elisabeth Verde seconded and it was so voted, 5-0. Anne Howard will write the decision.

The Board discussed the cordoning off of the exterior seats at The Coffee Pot. The Board agreed to have Russ manage the issue and then invite the owners to come before the ZBA for an Administrative Amendment to their Special Permit.

NEXT MEETING: The next meeting will take place on June 17, 2010. It will consist of a Work Session at 6:30 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Amy Germain moved to adjourn at 8:30P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on June 17, 2010.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2010
Anne Howard, Chair