

TOWN OF PROVINCETOWN ZONING BOARD OF APPEALS

Meeting Minutes November 4, 1999

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Members Present: Peter Bez, Ray Boylan, Ken Janson, Larry Mahan, Steve Melamed, and Gary Reinhardt, Chairman.

Member Absent: Barbara Gard

WORK SESSION – 6:00 P.M.

99-081421 Commercial Street Realty Trust – Ken Janson, Barbara Gard, Gary Reinhardt, Steve Melamed, and Peter Bez sat on the case. Gary Reinhardt read the decision from the Board. The reading was interrupted on at least two occasions by James R. McGowan. Mr. Reinhardt cautioned Mr. McGowan that he was not conducting a dialogue but reading a decision. The final decision which had eight specific references to the appeal concluded that the plaintiff suffered no hardship except that hardship which had been self imposed.

Motion: Steve Melamed made a motion to accept the language of the decision with Peter Bez seconding it. It passed 4-0-1.

99-08412 Conwell Street, Pamela J. Baron – This case was a “no-show.” Ken Janson said he had given them the option of coming back. The project was supposed to be a reconstruction and had grown considerably.

99-08628 Bradford Street, Terence M. Welch – Ray Boylan, Peter Bez, Gary Reinhardt, Ken Janson, and Barbara Gard sat on the case. Mr. Welch presented two scale studies to the Board as well as floor plans and photos. In answer to questions by the Board it was determined the front deck was only going to be the base for a canopy for the front door, the building was staying within the original footprint and it was a two family.

Motion: The plan will be approved pending the presentation of new plans in two weeks. The approval was 4-0-1. (Barbara Gard was absent.)

99-06024 Captain Bertie’s Way, Sanjo Realty Trust – Gary Reinhardt, Peter Bez, Ken Janson, Barbara Gard, and Ray Boylan rendered the original decision on August 5, 1999. The issue was being revisited with Attorney Jamie Veara representing Sanjo Realty Trust. The original plans calling for 22 units have been scaled down to 20 units and – as of the prior evening – had been approved by the Planning Board. Atty. Veara said he was only presenting the case, once again, to the Zoning Board of Appeals to assure that all approvals had been covered. Since the original plan has changed he felt it necessary to get the full approval of Zoning on the adjusted plan. Gary Reinhardt will write the new decision.

Motion: Peter Bez made a motion to approve the modified plans, Ray Boylan seconded the motion with the final vote being 3-1-0. Barbara Gard was absent and Ken Janson voted against the plan.

PUBLIC HEARING – 7:00 P.M.

99-077277 Commercial Street, Honbets, Inc. on behalf of the Knights of Columbus, d/b/a Stormy Harbor.Larry Mahan, Ray Boylan, Peter Bez, Gary Reinhardt, and Ken Janson sat on the case.The applicants seek modification of a previously granted Special Permit to allow amplified music at their establishment.Attorney Veara and Mrs. Melamed were the presenters.The attorney cited the social and economic benefits of amplified music.He also had a copy of the lease agreement which did not prohibit amplification of noise.The attorney continued that since the landlords had never seen fit to complain, there were no negatives on file.

There was no-one who spoke in favor of the amplification.

In Opposition:William Costa a member of St. Peter's Club (the owners of the building) said Steve Melamed had gone against the zoning regulations in requesting this special permit and was mocking his own Board.Next Robert Cabral, a Grand Knight, spoke saying the Knights of Columbus (the landlords) were opposed to granting this special permit.Mr. Cabral further wondered how Mr. Melamed could ask for the permit *on behalf of the Knights of Columbus* when he knows the K of C are opposed to this?A letter from the Knights of Columbus' attorney, Charles Batt, was next read into the record to express opposition to any amplification since it would only serve to annoy the members of the club housed above the restaurant.

The Board then entered into a discussion.Ken Janson felt it was a zoning issue and if St. Peters doesn't like the decision they can always appeal.Peter Bez felt if the special permit were granted it would belong to the property – not to the licensee.Ray Boylan was uncomfortable regarding the landlord's opposition having no apparent weight.

Bottom Line:The Chairman decided the case will be considered "pending" and will be reconsidered in two weeks after the Board has the opportunity to consult with the Town Counsel.It will be reheard at the 6:00 p.m. work session on November 18th.

99-0891A Winthrop Street, Kevin A Bazarian on behalf of Robert Tosner – Gary Reinhardt, Ken Janson, Peter Bez, Ray Boylan, and Steve Melamed sat on the case.The applicant seeks approval to construct a basement and second story addition.After showing the proposed plans and having no opposition to their plans, the following motion was spawned:

Motion:Peter Bez made a motion to approve the proposed plans, Ken Janson seconded the motion and it was approved unanimously.

99-0908 Fortuna Road, Ronald J. Robillard and Gregory J. Anton – The applicants seek approval to construct a deck, porch, and stairs at their property.Ray Boylan, Peter Bez, Gary Reinhardt, Ken Janson, and Steve Melamed sat on the case.Warren Alexander sent a letter to the Board regarding the proposed construction.It raised some important questions thus Gary Reinhardt decided the Board would seek the advice of the Town Counsel.He assured Messrs. Robillard and Anton that the Board hoped they could help them achieve what they wanted.The matter will be taken up at the next work session of the Board at 6:00 p.m. on November 18th.

99-09129I Commercial Street, Honbets, Inc. on behalf of Hake Nominee Trust d/b/a Steve's AlibiThe applicants seek renewal of a Special Permit to allow live entertainment at their property.Larry Mahan, Ray Boylan, Peter Bez, Gary Reinhardt, and Ken Janson sat on the case.There were neither opponents nor proponents who spoke.There were also no letters in the file.

Motion:Peter Bez made a motion to approve the renewal, Larry Mahan seconded the motion and it was approved unanimously.

Motion:Peter Bez made a motion to adjourn at 8:05 p.m., Steve Melamed seconded and it passed unanimously.