

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES

April 1, 1999

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Members Present: Peter Bez, Ray Boylan, Barbara Gard, Ken Janson, Greg Lambrou, Steve Melmed, Rick Murray, and Gary Reinhardt.

WORK SESSION - 6:00 P.M.

Chair Rick Murray informed the group (regarding the Veara's letter) the Board of Selectmen (BoS) gave no verbal support to the Zoning Board of Appeals but the tapes from the meeting will follow, will be shared with the Committee, and will be discussed at a later date.

99-029 5C Arch Street, Michael Falco - Rick Murray, Ken Janson, Barbara Gard, Greg Lambrou, and Gary Reinhardt sat on the case. Ken Janson wrote the decision to deny the application. **Greg Lambrou moved to approve the decision to deny, Gary Reinhardt seconded the motion and it was approved unanimously.**

99-034 186 Commercial Street, CMJ Realty Trust and Artemis Limited, Inc. on behalf of Linda Chase d/b/a/ Cactus Garden - Rick Murray, Ken Janson, Gary Reinhardt, Peter Bez, and Ray Boylan sat on the case. The application, a renewal of a special permit to allow outside seating and to make the special permit permanent. Ken Janson wrote the decision with several conditions: 1) outdoor seating would be allowed from 9:00 a.m. until 11:00 p.m., 2) the chairs for outdoor seating would have to be gone (put away) by midnight, 3) the area must be enclosed by a fence or barrier of some sort, 4) no outdoor music or noise, and 5) failure to abide by any of these conditions would result in forfeiture of the outdoor license. **Gary Reinhardt made a motion to accept the language in the decision, Ray Boylan seconded the motion and the vote was 5 to 0 in favor.**

99-035 371-373 Commercial Street, Berg Family Trust, E.K. Berg, Trustee, d/b/a The Dancing Lobster Cafe/Trattoria - Rick Murray, Ken Janson, Gary Reinhardt, Peter Bez, Ray Boylan sat on the case. Nils Berg's application asked for a special permit to allow modification of the areas of service. It was granted at the March 18, 1999 meeting and Peter Bez wrote the approval decision. **A motion was made by Gary Reinhardt to approve the decision with Ken Janson seconding the motion. It was then approved unanimously.**

99-012

40A Nelson Avenue, Provincetown Heights, Inc. on behalf of Charlotte Nelson

Rogel and Robin Garran - Ted Malone and Chris Snow presented. Rick Murray, Ken

Janson, Barbara Gard, Greg Lambrou, Gary Reinhardt sat on the case. An extraordinarily large package regarding the project was received by the Committee.

Ted Malone was asked who would monitor the project. Ted said it would be up to Zoning. HUD, DRM, or the Home Consortium Agency would all probably be appropriate but it was ultimately for the Committee to decide. There was a lengthy discussion of the conditions to be placed on the project. It was finally decided the conditions would be reworked and resubmitted. **Gary Reinhardt made a motion to approve the permit pursuant to M.G.L. Chapter 40.B with the conditions contained in both E. Winn Davis' letter dated 3/31/99 and the Permit Coordinator's letter dated 4/1/99. Ken Janson seconded the motion. The vote was 4-1 (Rick Murray against the motion).**

PUBLIC HEARING

Chair Rick Murray called the hearing to order at 7:06 p.m. and informed the audience of the public hearing procedures.

99-037 240 Commercial Street, Arthur J. Santos for Patrick Family Trust under Article 11, Section 2110 of the Zoning By-law. (Commercial Class R Zone) Rick Murray, Ken Janson, Peter Bez, Gary Reinhardt, and Barbara Gard sat on the request. Special Permit for construction of a bay window; no one spoke against or for the project. One letter was received in opposition. A **motion was made to grant by Peter Bez with a second by Gary Reinhardt. The vote was 4-1 with Ken Janson opposing it.**

99-038 3 King's Way, Thomas A. Edwards under Article 1, Section 1250 G12 of the Zoning By-law requested a Special Permit to install a swimming pool. Rick Murray, Ken Janson, Barbara Gard, Peter Bez, and Gary Reinhardt sat on the case After reviewing the plans the Committee requested the edge of the patio, which will surround the pool, be pulled back so that it is 6 feet from the property line. **Peter Bez made a motion to grant the permit with the condition the edge of the patio will be a minimum of 6 feet from the west side boundary. Gary Reinhardt seconded the motion and it was unanimously approved. Ken Janson will write the decision.**

99-039 321 Commercial Street, Clambake, Inc. d/b/a Lobster Pot Restaurant under Article 1, Section 1260 of the Zoning By-law seeks a Special Permit to allow entertainment. Ray Boylan, Ken Janson, Barbara Gard, Peter Bez, and Gary Reinhardt sat on the case. (Rick Murray stepped down.) **Peter Bez made a motion to approve the Special Permit for a maximum of three live entertainers and/or live theatre from 11:30 a.m. to 1:00 a.m. The permit will expire on 12/31/99. Ray Boylan seconded the motion and it passed unanimously. Peter Bez will write the decision.**

99-040 173 Commercial d/b/a Forbidden Fruit, Jay W. Luiz under Article 11, Section 2420 of the Zoning By-law seeks a Special Permit to allow outside display of merchandise. Rick Murray, Ken Janson, Barbara Gard, Peter Bez, and Gary Reinhardt sat on the case. No one from the public spoke either in favor or disapproval of the request. Two letters were received in opposition. Jay Luiz promised to come up with a new site plan to take into consideration the setback. **Gary Reinhardt made a motion to grant the permit for 4 objets d'art plus a windmill (not to exceed 5 items)**

and Peter Bez seconded the motion. The vote was unanimously approved.

99-042 80 Bradford Street, Crowne Point Realty Trust, represented by Adam Arenberg seeks a Special Permit to construct an addition, dormers, and decks the property under Article 11, Section 2110 of the Zoning By-law. Rick Murray, Barbara Gard, Gary Reinhardt, Greg Larnbrou, and Steve Melamed sat on the case. No one from the public spoke about the project and there were two letter received in support. **Gary Reinhardt made a motion to grant the permit and it was seconded by Steve Melamed. The Board voted unanimously to approve.** Gary Reinhardt will write the decision.

Rick Murray, Chairman, announced the Public Hearing was closed at 8:43 p.m.

WORK SESSION (continued)

99-030 14 Sandy Hill Lane, Joan Rogers and Charles Rogers - Rick Murray, Ken Janson, Barbara Gard, Gary Reinhardt, and Steve Melamed sat on case. After a bit of discussion Mr. Rogers decided to withdraw his application to allow a 3rd dwelling unit on his property. **Gary Reinhardt moved to allow Mr. Rogers to withdraw his application, Steve Melamed seconded the motion and all agreed.**

99-028 42 Conwell Street, Rod's Realty Trust d/b/a Rod's Texaco applied for a variance to allow a canopy to be put over his pumping areas as required by law. Two other stations in Town have already received approval for the same. Rick Murray, Ken Janson, Barbara Gard, Gary Reinhardt, and Steve Melamed sat on the case. **Steve Melamed made a motion to grant the variance, Gary Reinhardt seconded it and it was passed unanimously.** Steve Melamed will write the decision.

99-031 291-293 Commercial Street, Hake Nominee Trust, Richard Kelly, Trustee represented by Joy Cuming and Ed Patten. Rick Murray, Ken Janson, Gary Reinhardt, Peter Bez, and Ray Boylan sat on the case. Applicant sought to obtain a special permit for additions and a second story gable structure Facade). The premise was that planters were integral parts of the structure and thus could be extended up as a wall in effect bumping out the structure. After much discussion the Board decided there were two possible conclusions. Either the Board could deny or the applicant could withdraw. Steve Boges and Ed Patten embraced neither suggestion and decided to postpone until they could speak, once again, to Warren Alexander. Case continued for two weeks.

99-032 293 Commercial Street, Hake Nominee Trust, Richard Kelly, Trustee, d/b/a Provincetown Shores - Rick Murray, Ken Janson, Barbara Gard, and Gary Reinhardt sat on the case. Linda Chase wants to reduce the number of seats from 221 to 161 seats (a reduction of 60 seats). **Gary Reinhardt made a motion to allow the reduction of seats under Article 1, Section 1260 of the Zoning By-law, to allow the back room to be opened doing business from 12:noon until 1:00 a.m./7 days/week with no food service and the kitchen prep area converted to a storage space. Ken Janson seconded the motion and it was approved unanimously.** Gary Reinhardt will write the decision.

99-019 291 Commercial Street, Hake Nominee Trust/Another Honbets, presented by Joy Cuming and Ed Patten. Rick Murray, Ken Janson, Gary Reinhardt, Peter Bez, and Ray Boylan sat on the case. The presenters agreed to postpone their request since it would necessitate a change-of-use application (from apartment to bar).

99-033 48 Commercial Street, William York - postponed until next Friday, a.m.

Ray Boylan gleefully made a motion to adjourn at 10:34 p.m., and Greg Lambrou seconded. It was so

voted!

These minutes were approved by a vote of the Zoning Board Members present at their meeting

