

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

Minutes

February 3, 2000

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Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Steve Melamed, Larry Mahan, Ray Boylan, Barbara Gard (Clerk – arrived at 6:25 P.M.)

Members Absent: None

Others Present: Warren Alexander (Building Commissioner), Rachel Crosby (Recording Secretary)

WORK SESSION

Chair Gary Reinhardt called the Work Session to order @ 6:00 P.M.

DISCUSSION

129 Commercial Street, 129 Commercial Street Corporation - Alfred Pickard and Gary Locke appeared to discuss a non-conforming cottage on the property. The applicants hope to replace the cottage with an 18' x 30' three-bedroom dwelling. **Board Discussion:** possibility of need for variance; cottage could be moved to more conforming location; could reconstruct on same footprint

49 Bradford Street, Green Shamrock Associates, Ltd. – Ray Boylan and Peter Bez did not participate in this discussion. Gary Locke appeared to discuss two non-conforming cottages on the property. The applicant wants to add an open-floorplan second-story on both cottages as well as adding decks and crawl spaces. **Board Discussion:** does second story create need for variance or does it extends non-conformancy along pre-existing non-conforming line; when a full four or five member Board could be seated;

PENDING DECISIONS

99-080 **48 Commercial Street, Christopher Snow on behalf of William York** - Gary Reinhardt, Peter Bez, Larry Mahan, Steve Melamed, Ray Boylan sat on case. Chris Snow and Tom Thompson appeared to discuss the application. **Board Discussion:** approval of dormer to be conditioned on removal of comparable building volume from elsewhere in building. Peter Bez read the decision. ***Larry Mahan moved to accept the decision, Ray Boylan seconded, and it was so voted, 5-0.***

PENDING CASES

99-084 **12 Conwell Street, Pamela J. Baron** – Gary Reinhardt, Peter Bez, Ken Janson, Barbara Gard, Ray Boylan sat on case. Continued from a previous meeting. Tom Thompson appeared to present the application. Applicant stated that the building will be moved to be within the setbacks. **Board Discussion:** applicant to submit written request to withdraw application. ***Steve Melamed moved to accept the request to withdraw without prejudice, Ray Boylan seconded, and it was so voted, 4-0, 1 absent (Ken Janson).***

2000-01 **136 Commercial Street, Rainbow Partners @ 136 Commercial Street** - Gary Reinhardt, Peter Bez, Steve Melamed, Larry Mahan sat on case. Ken Weiss and Kevin Bazarian appeared to discuss the application. **Board Discussion:** revised scale calculations submitted. ***Peter Bez moved to grant. Larry Mahan seconded, and it was so voted, 4-0.*** Steve Melamed will write the decision.

Chair Gary Reinhardt postponed the Work Session until after the Public Hearing.

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:05 P.M. and explained the hearing procedures to the public. Six members of the Board were present and none were absent

- 2000-002** **291 Commercial Street, Hake Nominee Trust, Stephen Boggess, Trustee** – Continued from January 6, 2000. Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Tom Clancy appeared to present the application, which is for renewal of a special permit to allow a video arcade. **Public Comment:** Ed Dibiasio and Sue Alcott spoke in favor. No one spoke in opposition. There were no letters in file. **Board Discussion:** review of conditions on special permit granted last year. *Peter Bez moved to grant for one year, Barbara Gard seconded and it was so voted, 5-0.* Ray Boylan will write the decision.
- 2000-003** **293 Commercial Street, Linda Chase, d/b/a Chaser's, on behalf of Hake Nominee Trust** - Continued from January 6, 2000. Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Mr. Dibiasio appeared to present the application, which is for renewal of a special permit for live entertainment. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** review of conditions on special permit granted last year; noise complaints. *Peter Bez moved to grant for another year with existing conditions and also with the condition that doors be closed and air conditioning turned on while music is playing and that capacity be set at 220 persons, Ray Boylan seconded, 5-0.* Gary Reinhardt will write the decision.
- 2000-004** **328 Commercial Street, Brian and Kristine Hart, d/b/a Café Blasé, on behalf of Arnold and Ruth Dwyer Family LLC** - Continued from January 6, 2000. Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Rick Gilbert appeared to present the application, which is for a special permit to reconfigure the areas of service. **Presentation:** create sit-down bar; no change in number of seats. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** plans should be to scale. *Larry Mahan moved to approve pending receipt of scale drawings and approval of drawings by the Building Commissioner, Ray Boylan seconded and it was so voted, 5-0.* Peter Bez will write the decision.
- 2000-005** **185 Commercial Street, 185 Commercial Street Realty Trust** – Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Tom Conklin appeared to present the application, which is for renewal of a special permit to allow live entertainment and outside seating. **Presentation:** request to make permit permanent. **Public Comment:** No one spoke either in favor or opposition. There was one letter in favor with concerns about noise. **Board Discussion:** review of conditions on special permit granted last year. *Peter Bez moved to grant the permit permanently, Larry Mahan seconded and it was so voted, 5-0.* Peter Bez will write the decision.
- 2000-006** **38 Conwell Street, Joan Gainey** - Application, which is for a special permit to construct an addition, will be re-advertised.
- 2000-007** **514 Commercial Street, Provincetown Fire Department** - Gary Reinhardt, Barbara Gard, Peter Bez, Ray Boylan, Steve Melamed sat on case. Warren Alexander and Fire Chief Trovato appeared to present the application, which is for a special permit to elevate an existing structure. **Presentation:** provide more headroom to accommodate new fire-truck; height of hose tower may exceed 33', but is only 12 square feet. **Public Comment:** No one spoke either in favor or opposition. There was one letter in favor in file. **Board Discussion:** have received approval from Historical Commission. *Peter Bez moved to grant, Steve Melamed seconded and it was so voted, 5-0.* Ray Boylan will write the decision.

Chair Gary Reinhardt closed the Public Hearing at 7:44 P.M.

WORK SESSION (continued)

Chair Gary Reinhardt reconvened the Work Session at 7:45 P.M.

DISCUSSION ON SCALE CALCULATIONS

The Board and the Building Commissioner discussed having a scale calculation database created from the Assessor's data. Rachel Crosby will continue her research on this matter and return with a time and cost estimate. The Board discussed whether the scale calculations should be limited to only habitable dwellings or structures of a certain

size.

MINUTES

January 6, 2000, Regular Meeting - *Steve Melamed moved to accept the minutes as written, Larry Mahan seconded and it was so voted, 4-0, 2 abstain (Barbara Gard, Ray Boylan).*

ADJOURNMENT

Ray Boylan made a motion to adjourn at 8:07 P.M. and it was so voted unanimously.

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These minutes were approved by a vote of the Zoning Board of Appeals members present at their meeting on \_\_\_\_\_, 2000

Respectfully Submitted:

\_\_\_\_\_  
Zoning Board of Appeals Signature

\_\_\_\_\_  
Title

**Rachel T. Crosby.**  
On-call secretary