

# TOWN OF PROVINCETOWN

## ZONING BOARD OF APPEALS

### MEETING MINUTES OF FEBRUARY 15, 2001

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.

#### Meeting Place: Judge Welsh Hearing Room in Town Hall

**Members Present:** Gary Reinhardt (Chair), Peter Bez (Vice Chair), Ray Boylan (Clerk), Larry Mahan, Esther Czyoski, Steve Melamed

**Members Absent:** Peter McDonough (excused), Barbara Gard (excused)

**Others Present:** Rachel Crosby (Recording Secretary)

### WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:35 PM.

#### MODIFICATION

**2000-061 48 Shank Painter Road, Joan Taves** - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Steve Melamed originally sat on case. Applicant seeks to review a change on the construction plan originally approved by the Zoning Board of Appeals on September 7, 2000. Mr. Taves and Mr. Roderick appeared to discuss the modification. **Presentation:** Wants to change the concrete block foundation to a poured foundation, wants to move building two feet to be in conformance. Applicant distributed new plans. **Board Discussion:** has demolished building, but has not yet changed foundation; wants to move building toward Bradford Street.  
*Peter Bez moved to consider the modification without a public hearing, Ray Boylan seconded and it was so voted, 4-0, 1 absent (Barbara Gard).*  
*Peter Bez moved to approve the modifications, Steve Melamed seconded and it was so voted, 4-0, 1 absent (Barbara Gard).*

#### PENDING CASES

**2001-009 441B Commercial Street, Joel Jeffrey Ouellet** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Peter McDonough sat on case. **Board Discussion:** whether this Board would have originally granted the variance; applicant invested continuously in property; retail use is not likely to be successful; whether financial hardship is self-imposed; variance criteria discussed. *Ray Boylan moved to grant, Peter Bez seconded and the motion was defeated by a vote of 1-3 (Gary Reinhardt, Larry Mahan, Peter Bez), 1 absent (Peter McDonough).*

**2001-005 5-15 Bradford Street, Kimberly Medeiros on behalf of Moors Realty Trust** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Peter McDonough sat on case. Mr. Medeiros and William Rogers appeared to discuss the application. **Presentation:** applicant presented scale calculations; Building Commissioner has approved calculations. **Public Comment:** none.  
*Peter Bez moved to grant the change of use subject to approval by the Planning Board of the ANR plan consolidating the lots into one lot, Ray Boylan seconded, and it was so voted, 4-0, 1 absent (Peter McDonough).*

#### PENDING DECISIONS

**2001-011 232 Bradford Street, Richard Wrigley** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Peter McDonough sat on case. Ray Boylan read the decision. *Larry Mahan moved to accept the decision as written, Peter Bez seconded, and it was so voted, 3-0, 1 abstain (Peter Bez), 1 absent (Peter McDonough).*

**2001-012 258 Commercial Street, Theodore Tine on behalf of T-UNA-S, Inc.** - Gary Reinhardt, Peter Bez, Ray

Boylan, Larry Mahan, Peter McDonough sat on case. Gary Reinhardt read the decision. *Peter Bez moved to accept the decision as written, Larry Mahan seconded and it was so voted, 4-0, 1 absent (Peter McDonough).*

## PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:00 P.M. and explained the public hearing procedures to the public. Six members of the Board were present and two were absent.

**2000-014** **12 Conwell Street, Pamela J. Baron** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Steve Melamed sat on case. Ms Baron and Thom Thompson appeared to present the application which is for a special permit to remove and reconstruct a pre-existing non-conforming structure. **Presentation:** applicant referred to and discussed a new set of plans; will adhere to existing footprint of the house; upstairs egress is within footprint of deck; proposes one and a half story building; full foundation; part of basement to be used as a garage; increasing height of building. **Public Comment:** No one spoke in favor. Mr. Robinson spoke in opposition. Gary Reinhardt explained that the Board can rule on this property under Goldhirsch. There were no letters in file. **Board Discussion:** project has been scaled down from original proposal; how "neighborhood" is defined; applicant may not need to be before the Board; proposal is within what is allowed by zoning by-laws. *Steve Melamed moved to grant under Goldhirsch, Peter Bez seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard Goldhirsch decision form.

**2001-016** **250 Bradford Street, Anthony Vevers** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Steve Melamed sat on case. Mr. and Mrs. Vevers appeared to present the application which is for a special permit to extend a pre-existing non-conforming structure to create additional second floor space and to increase the non-conforming scale. **Presentation:** applicant cannot reach artwork due to disability; wants to make storage space more accessible; neither building nor roofline is visible from the street; presented letters in favor. **Public Comment:** Mary Jo Avellar and Ms Watson spoke in favor and no one spoke in opposition. There were five letters in favor and none in opposition. **Board Discussion:** can consider extending the non-conformancy under Goldhirsch; granting the excess scale is more difficult; proposed by-law changes may make scale restrictions more flexible; Board is sympathetic to applicant, but is strictly limited by criteria of current scale by-law. Taken under consideration.

**2001-017** **56 Shank Painter Road, Charles Silva** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Esther Czyoski sat on case. Mr. and Mrs. Silva appeared to present the application, which is for a special permit to relocate an existing package store to the property located at 68 Shank Painter Road. **Presentation:** previous special permit expired; wants to move liquor store to new building on adjacent Wuthering Heights lot; will be demolishing old Wuthering Heights building. **Public Comment:** There were no speakers either in favor or opposition. There were three letters in favor and none in opposition. **Board Discussion:** special permit is for liquor store use in this zone. *Peter Bez moved to grant, Ray Boylan seconded and it was so voted, 5-0.* Peter Bez will write the decision.

Chair Gary Reinhardt closed the Public Hearing at 7:55 P.M.

## WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 7:55 P.M.

### MISCELLANEOUS

The Board discussed how the scale by-law could be changed to allow the Board greater flexibility.

### MINUTES

February 1, 2001 – *Peter Bez moved to approve as written, Esther Czyoski seconded, and it was so voted, 5-0, 1 abstain (Steve Melamed).*

### MEETING SCHEDULE

⌘ Next meeting will be on March 1, 2001 at 6:30 P.M.

### ADJOURNMENT

*Peter Bez moved to adjourn at 8:09 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 \_\_\_\_\_, 2001

Respectfully Submitted:

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

\_\_\_\_\_  
Title

***Rachel Crosby***  
On-call secretary