

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF JULY 19, 2001

Meeting Held in Town Hall

Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Larry Mahan (Clerk), Esther Czyoski, Peter McDonough, Steve Melamed (left at 7:00 P.M.)

Members Absent: None

Others Present: Rachel Crosby (Recording Secretary)

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:36 PM.

MISCELLANEOUS

Gary Reinhardt initiated a discussion of several of the “ground rules” determining the Board’s procedures. In particular, he discussed the possibility of Board members picking up case files prior to public hearings, stating he was opposed to that idea for several reasons. He said he was, however, definitely in favor of members driving-by properties prior to the hearings. He also reaffirmed that those members not actually sitting on a case should physically step away from the table during the public hearing. The members discussed their occasional need to make a decision more quickly than was legally required and also whether it was possible to simply get copies of the building plans prior to the hearing. Gary Reinhardt said the Department of Regulatory Management staff would be happy to supply members with whatever materials they desired.

PENDING DECISIONS

2001-034 545 Commercial Street, Lester Murphy on behalf of Provincetown Hospitality, LLC - Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Esther Czyoski read the decision. The members discussed the correct decision format, especially concerning what constitutes “findings of fact”. Gary Reinhardt reported he had received the requested letter from the Health Agent concerning the septic system design flow capacity. *Peter Bez moved to accept the decision as revised, Larry Mahan seconded and it was so voted, 5-0.*

2001-041 48 Shank Painter Road, Jane Taves - Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Steve Melamed sat on case. Peter Bez read the decision. *Steve Melamed moved to accept the decision, Larry Mahan seconded and it was so voted, 5-0.*

Gary Reinhardt postponed the Work Session at 7:00 P.M.

Steve Melamed left the meeting at 7:00 P.M.

PUBLIC HEARING

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

2001-053 4 Commodore Avenue, Peter A. T. Page on behalf of James Anderson – Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Mr. Anderson, Peter Page, and Steven Page appeared to present the application which is for renewal of a Special Permit for an increase in the allowed scale for a new single family dwelling. Peter Bez disclosed that Mr. Page had been an employee of his in the past, but not currently. **Presentation:** seeking to expand building by nine scale units over limit. Finished dwelling will be 53+ scale units and will enclose deck areas. Footprint will be 784 square feet. **Public Comment:** No one spoke in favor. Klara Muller and Ms Svengali and spoke in

opposition. Ms Cordeiro spoke with concerns. There was one email in opposition. There were no letters in file.

Board Discussion: Building will not be visible from Commercial Street; grounds for granting deviation from scale; Beachpoint area is historically an area of small cottages; whether Board members were able to locate the building site in their drive-by visits; erosion concerns; building will be 24 feet high; will be no access up to Mayflower Avenue; Board members need to do another drive-by. Taken under advisement.

2001-054 48 Shank Painter Road, Jane Taves – Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Mr. Taves appeared to present the application which is because the applicant is aggrieved by order of the Building Commissioner to stop work due to deviation from scale. **Presentation:** original plans were approved, including scale calculations. Subsequent changes were also approved. Was given building permit and commenced construction. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. Building Commissioner Warren Alexander initially declined to make any further comment. **Board Discussion:** stop work order was result of a public complaint to Department of Regulatory Management; scale calculations were in error; Gary Reinhardt said Town Counsel had said the Building Commissioner was correct in issuing stop work order; owner has been allowed to continue construction; Building Commissioner Warren Alexander commented that the Town was incorrect in issuing the building permit and that the Town should take some responsibility for the error. He also said that no one had appealed the Board's decisions granting the special permits; The Board discussed whether Building Commissioner could revoke the stop work order. The Building Commissioner pointed out that the case could cost ultimately the Town a large amount of money in legal expenses and that he had expected the Board to resolve the issue. *Peter Bez moved to support the decision of the Building Commissioner, Peter McDonough seconded and it was so voted, 5-0.* Peter Bez will write the decision.

2001-055 211A Bradford Street, Town of Provincetown Recreation Commission represented by Dennis Clark - Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Dennis Clark and members of the Recreation Commission appeared to present the application which is for a Special Permit to alter or extend a pre-existing, non-conforming use by using a portion of the East End playground for temporary skate ramps. **Presentation:** that area of playground is currently not in use; site will be safer for kids than skateboarding on the streets; insurance carrier will not require additional coverage; kids have expressed strong desire for a skateboard area; will be constructed with donated materials and labor. **Public Comment:** Selectman David Atkinson (who presented a petition with 180 signatures), Mr. Kaeslau, Mr. Brock(?), Ms Fowl(?), Ms Muller; Mr. Rowl, and Mr. Vandenburg(?); spoke in favor. Ms Alcott, Ms Partoll, Ms McGuire, Mr. Church, and Mr. Ford spoke in opposition. There were 4 letters in opposition. There were two emails in opposition. There was a petition from 13 people in opposition. **Board Discussion:** Board of Selectmen did not vote against the proposed skateboard ramps, but do not appear to be in favor; the Recreation Commission has jurisdiction over the parks in town; ramps will be constructed of wood; Recreation Department is hoping to eventually find a permanent site; ramps previously installed by kids without permission were unsafe and were removed by Recreation Department; Provincetown has already provided funds to build skateboard park in Wellfleet; will be hours of operation and rules posted; whether ramps could be located at schools; will be no increased insurance liability; gate to area could be locked and hours limited; permanent skateboard park will eventually be located on Jerome Smith Road; temporary ramps will probably be in place for several years; will install soundproofing; possibility of using High School gymnasium; whether the School Committee is opposed to installing the ramps at the schools; will not be supervised; Recreation Commission will be responsible for locking the area; possibility of granting conditional approval. *Peter Bez moved to grant with the following conditions: to expire on October 31, 2001; hours on school days to be 3:00 PM to 6:30 PM and noon to 4:00 PM on other than school days; area to be locked at all other times. Larry Mahan seconded and it was so voted, 5-0.* Esther Czyoski will write the decision.

2001-056 247 Commercial Street, Crown and Anchor, LLC represented by Adam Erenberg –Application was postponed because it was incomplete. Application was filed because the applicant is aggrieved by decision of the Building Commissioner regarding sign violations.

Chair Gary Reinhardt closed the Public Hearing at 9:10 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 9:20 P.M.

PENDING CASES & DECISIONS

2001-049 15 Carnes Lane, Jon Salvador – Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. **Board Discussion:** unique nature of neighborhood allows for scale deviation. *Peter Bez moved to grant, Esther Czyoski seconded and it was so voted, 5-0.* Peter Bez read decision he had prepared. *Peter McDonough moved to approve the decision as written, Larry Mahan seconded and it was so voted, 5-0.*

MINUTES

July 5, 2001 – *Larry Mahan moved to approve with a correction, Peter McDonough seconded, and it was so voted, 5-0.*

MISCELLANEOUS

- ⌘ Next meeting will be on August 2, 2001 at 6:30 P.M.
- ⌘ **Minutes Format** - The Board agreed that there is too much material included in the Board Discussion section of the minutes and that, instead, the Findings of Fact should be listed. Also, the Board’s motion on the application should define the article(s) under which it was made. The Board agreed that the names of those speaking for or against an application should be omitted and replaced with the total numbers of speakers pro and con.

ADJOURNMENT

Larry Mahan moved to adjourn at 9:55 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 at their meeting on \_\_\_\_\_, 2001

Respectfully Submitted:

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Zoning Board of Appeals Signature      Title

*Rachel Crosby*  
On-call secretary

Received; Town Clerk, SJN/gwd/, 7/23/01 8:00am