

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF SEPTEMBER 20, 2001

Meeting Held in Town Hall

Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Esther Czyoski, Peter McDonough, Peter Page

Members Absent: Larry Mahan (Clerk), Steve Melamed (both excused)

Others Present: Rachel Crosby (Recording Secretary)

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:38 PM.

PENDING DECISIONS

2001-064 24 Race Point Road, David Guertin on behalf of the Town of Provincetown -

Peter Bez, Peter McDonough, Esther Czyoski, Steve Melamed sat on case. Gary Reinhardt read the decision as written by Steve Melamed. *Peter Bez moved to approve as amended, Esther Czyoski seconded and it was so voted, 3-0, 1 absent (Steve Melamed).*

PENDING CASES

2001-061 10 Snows Lane, Gary Delius and Bob McCandless –

Gary Reinhardt, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Case postponed until four members could be present to deliberate this application.

MISCELLANEOUS

- Gary Reinhardt read an announcement from Judith Oset concerning the fact that agendas and other materials will no longer be mailed to members. Instead, folders containing relevant documents will be available for pickup at Town Hall on the Friday prior to the meeting or can be accessed via the Town website.
- Gary Reinhardt read an email from Mr. Wrigley to Stephan Nofield concerning filing a modified plan at the Barnstable County Registry. Mr. Nofield's reply recommended that all Zoning Board of Appeals decisions and related plans, including those for modifications, be signed and filed in Barnstable. The problem is that modified plans cannot be filed without a new decision by the Zoning Board of Appeals.

MINUTES

August 23, 2001 – *Peter Bez moved to accept as written, Peter McDonough seconded and it was so voted, 4-0, 1 abstain (Peter Page).*

September 6, 2001 – *Peter Bez moved to accept as written, Esther Czyoski seconded and it was so voted, 3-0, 2 abstain (Gary Reinhardt, Peter Page).*

September 23, 2001, EXECUTIVE SESSION – *Peter Bez moved to approve as written, Peter McDonough seconded and it was so voted, 3-0, 2 abstain (Gary Reinhardt, Peter Page).*

Chair Gary Reinhardt closed the Work Session at 6:58 P.M.

PUBLIC HEARING

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

2001-058 265-267 Commercial Street, Resort Restaurant Management, Inc. d.b.a. Stephanie's represented by Jonathan Louis on behalf of Judith Cicero - *(continued from August 23, 2001).*

Gary Reinhardt, Peter Bez, Peter Page, Esther Czyoski, Peter McDonough sat on case. Mr. Louis appeared to present the application, which is for a Special Permit for change of service layout with no increase in seating under Article I Section 1260 of the Zoning By-Laws. **Presentation:** installed bar, but did not increase seating **Public Comment:** No one spoke either in favor or opposition. There was one letter in favor and none in opposition. **Miscellaneous:** Applicant to provide a revised seating diagram.

FINDINGS OF FACT –

- Applicant has replaced five high top tables and rail seating with a bar that seats six.
- The total number of seats remains unchanged at 124.

Peter Bez moved to grant a Special Permit for change of service layout under Article I Section 1260 of the Zoning By-Laws, Peter McDonough seconded and it was so voted, 5-0. Peter Bez will write the decision.

2001-062 8A Commercial Street, Edward Freitas - (continued from September 6, 2001).

Gary Reinhardt, Peter Bez, Esther Czyoski, Peter Page, Peter McDonough sat on case. Mr. Freitas appeared to present the application, which is for a Special Permit to continue a pre-existing, non-conforming structure along a non-conforming structure under Article II Section 2110 of the Zoning By-Laws. **Presentation:** building was constructed before reduction in sideline setbacks; proposed dormer to be under 100 square feet. **Public Comment:** No one spoke either in favor or opposition. There was one letter in opposition and none in favor.

Peter Bez moved to approve a Special Permit under Article II Section 2110 of the Zoning By-Laws under Goldhirsch, Esther Czyoski seconded and it was so voted, 5-0. Peter Bez wrote the decision using the standard Goldhirsch decision form.

2001-063 335 Commercial Street, Dermot O’Neill on behalf of Sara Cole, Trustees of Clipper Venture Realty Trust - (continued from September 6, 2001).

Gary Reinhardt, Peter Bez, Esther Czyoski, Peter McDonough, Peter Page sat on case. Mr. O’Neill appeared to present the application, which is for a Special Permit to modify/alter the area of alcohol service under Article I Section 1260 of the Zoning By-Laws. **Presentation:** work has already been done, did not realize needed Board approval; extended bar, adding an extra two bar seats; gave up table seating as a consequence. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. *Taken under advisement.*

2001-067 247 Commercial Street, Adam Erenberg on behalf of Crown and Anchor, LLC -

The application is due to the applicant being aggrieved by a decision of the Building Commissioner regarding sign violations as it relates to signs hanging from the pipe mast (anchor). *Postponed until a five member Board can be seated.*

2001-068 247 Commercial Street, Adam Erenberg on behalf of Crown and Anchor, LLC -

The application is for a Special Permit under Article II Section 2110 to extend, alter or change pre-existing, non-conforming structures. *Postponed until a five member Board can be seated.*

Peter Bez moved to use some of the Board’s budgeted funds to purchase nameplates, Peter McDonough seconded, and it was so voted, 4-0, 1 abstain (Gary Reinhardt).

Chair Gary Reinhardt closed the Public Hearing at 7:51P.M.

NEXT MEETING

⌘ Next meeting will be on October 4, 2001 at 6:30 P.M.

ADJOURNMENT

Peter Bez moved to adjourn at 7:52 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:

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

\_\_\_\_\_  
Title

*Rachel Crosby*  
On-call secretary