

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF OCTOBER 4, 2001

Meeting Held in Town Hall

Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Larry Mahan (Clerk), Esther Czyoski, Peter McDonough, Peter Page, Steve Melamed

Members Absent: None

Others Present: Rachel Crosby (Recording Secretary)

WORK SESSION

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

PENDING CASES

2001-061 10 Snows Lane, Gary Delius and Bob McCandless – *(postponed from September 20, 2001)*

Gary Reinhardt, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Gary Delius, Bob McCandless, and Thom Thompson appeared to discuss the application.

FINDINGS OF FACT –

- Heating equipment will be enclosed.
- Average scale in the neighborhood is 67.39 scale units.
- Existing scale for the property is 132.36 scale units.
- Proposed scale for the property is 160.42 scale units.
- The neighborhood consists of both large and small structures.
- The addition will not be visible from Franklin Street or Race Road, the closest public ways.

Peter McDonough moved to grant a Special Permit under Article VII Section 7102 E3 of the Zoning By-Laws, Larry Mahan seconded and it was so voted, 4-0. Esther Czyoski will write the decision.

PENDING DECISIONS

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

Gary Reinhardt, Peter Bez, Peter Page, Esther Czyoski, Peter McDonough sat on case. Peter Bez read the decision. *Esther Czyoski moved to approve the decision as written pending receipt of revised floor plan, Peter Page seconded and it was so voted, 5-0.*

Chair Gary Reinhardt postponed the Work Session at 7:02 P.M.

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:04 P.M. and explained the public hearing procedures to the public. Seven members of the Board were present and none were absent.

2001-065 337-345 Commercial Street, Christopher J. Snow on behalf of Land's End Marine Supply, Inc. – (continued from September 20, 2001)

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Attorney Christopher Snow, Mr. Miao, Mr. Bologna, Mr. Russell, and Mr. White appeared to present the application, which is for a Special Permit to extend, alter or change a pre-existing non-conforming structure by adding an addition and connecting the two existing buildings under Article II Section 2110 and Article VII Section 7102 of the Zoning By-laws. **Presentation:** Both buildings are non-conforming in that they are within setbacks; also non-conforming in scale dimensions; request to increase about 46 scale units over what is there; combining buildings will eliminate seaside setback non-conformity; all retail space will be on one floor; eliminate dangerous traffic pattern; will eliminate flooding at rear of parking lot; giving up 2000 square feet of retail space; parcel would be sub-divisible if

buildings were removed; **Public Comment:** No one spoke either in favor or opposition. There were no letters in file.

FINDINGS OF FACT –

- The use of the structure is both residential and commercial.
- Building is in a Class R zone with many large buildings.
- Lot size is 38,478 square feet.
- Frontage is 141.87 feet.
- Property is non-conforming in front-yard setback.
- Property is non-conforming in harbor setback but will be brought into conformancy.
- Lot coverage is changing from 32.7% to 39.7%.
- Average scale for neighborhood is 165.28 scale units.
- Combined scale of existing two buildings is 1049 scale units.
- Proposed scale of new combined building is 1105.97 scale units.
- Proposed new bay windows on front of building will extend no further out than overhanging roof line.
- That the proposed bay windows do not extend toward the street so far as to make the sidewalk impassible (this finding was added during the Work Session later in the evening).
- The proposed addition will have minimal visual impact to the streetscape.

Peter Bez moved to grant a Special Permit under Article VII Section 7102 of the Zoning By-Laws utilizing the Local Comprehensive Plan criteria that the building will compatible and harmonious with its site and existing surrounding buildings and to grant a Special Permit under Article II Section 2110, Peter McDonough seconded and it was so voted,5-0. Peter Bez will write the decision.

2001-069 378 Commercial Street, Neal Kimball on behalf of Steven Abramson -

Gary Reinhardt, Larry Mahan, Esther Czyoski, Steve Melamed, Peter McDonough sat on case. Mr. Kimball and Mr. Morgan appeared to present the application, which is for a Variance to the definition of a story for the addition of a small dormer to create a second means of egress under Article V, Definitions of the Zoning By-laws.

Presentation: Has a building permit issued earlier this year for dormer on third floor and included a more formal fire escape from window; access to fire escape would be through a guest room, which might be locked; wants to create shed dormer on right side of building with sufficient head clearance which would provide fire escape egress from common hallway; earlier permit had consumed all available extra dormer floor space; proposed second dormer would increase floor space to 41%. **Public Comment:** Building Commissioner Warren Alexander spoke in favor, saying the proposed design will meet State building codes. No one spoke in opposition. There were no letters in file. Mr. Alexander clarified that if the matter is not resolved by the Zoning Board of Appeals the fact that the building is out of code would result in an order to create a second egress. *Taken under advisement.*

2001-070 25 Conwell Street, Charles Rogers on behalf of Conwell Lumber Company, Inc.

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Charles Rogers appeared to present the application, which is for a renewal of a Special Permit for outdoor display under Article II Section 2420 of the Zoning By-laws. **Presentation:** wants to renew long-standing permit. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file.

Larry Mahan moved to grant a special permit under Article II Section 2420 of the Zoning By-laws, Peter Bez seconded and it was so voted, 5-0. Peter Bez wrote the decision using the standard outdoor display decision form.

Steve Melamed left the meeting at 9:10 P.M.

2001-071 207A Bradford Street, Edward E. Veara on behalf of Julie Schecter -

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Attorney Zender appeared to present the application, which is for a Variance to the minimum lot frontage requirements under Article I, Section 1320 of the Zoning By-laws. **Presentation:** is vacant, un-built lot; has additional 25' feet of frontage from private easement from Bradford Street; wants to build a single living unit; claims hardship owing to shape of lot; **Public Comment:** One person spoke in favor. Two persons spoke in opposition. There was one letter in favor. There were three letters in opposition. *Continued to allow the applicant to gather more information.*

Chair Gary Reinhardt closed the Public Hearing at 9:42 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Work Session 9:42 PM.

REVIEW of PREVIOUSLY DECIDED APPLICATIONS

2001-065 337-345 Commercial Street, Christopher J. Snow on behalf of Land's End Marine Supply, Inc. – (continued from September 20, 2001)

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. The Board reviewed and discussed the Findings of Fact. By consensus, the Board agreed to add the following Finding of Fact:

- That the proposed bay windows do not extend toward the street so far as to make the sidewalk impassible.

MINUTES

September 20, 2001 – *Peter Bez moved to accept as written, Peter Page seconded and it was so voted, 5-0, 1 abstain (Larry Mahan).*

MISCELLANEOUS

Gary Reinhardt distributed a draft set of Zoning Board of Appeals procedures to be submitted to the Town Clerk.

PENDING CASES

2001-063 335 Commercial Street, Dermot O’Neill on behalf of Sara Cole, Trustees of Clipper Venture Realty Trust -

Gary Reinhardt, Peter Bez, Esther Czyoski, Peter McDonough, Peter Page sat on case. *Applicant did not appear - postponed.*

NEXT MEETING

⌘ Next meeting will be on October 18, 2001 at 6:30 P.M.

ADJOURNMENT

Larry Mahan moved to adjourn at 10:10 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

\_\_\_\_\_ **Rachel Crosby**  
Title On-call secretary