

# TOWN OF PROVINCETOWN

## ZONING BOARD OF APPEALS

MEETING MINUTES OF OCTOBER 18, 2001

### Meeting Held in Town Hall

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

**Members Absent:** Peter McDonough (excused)

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

### WORK SESSION

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

#### REQUEST FOR ADMINISTRATIVE ACTION

##### 1999-068 32 Conwell Street, Ted Malone –

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Steve Melamed sat on request. Special Permit granted two years ago has expired. Applicant wants to show he had good cause for delay so that Permit can be extended under Article 4 section 4340 of the Zoning By-laws. Mr. Malone appeared to present the request, explaining the reasons for the delay in the start of construction. *Steve Melamed moved to consider the request as an Administrative Action, Larry Mahan seconded and it was so voted, 4-1 (Peter Bez).*

#### FINDINGS OF FACT

- Project will be 100% affordable housing
- Vagaries of the affordable housing funding process are somewhat unpredictable and took longer than expected
- Affordable housing continues to be a priority for the Town

*Steve Melamed moved to allow an administrative extension of one year of the previously granted Special Permit under Article 4 section 4340 of the Zoning By-laws, Peter Bez seconded and it was so voted, 5-0.* Peter Bez will write the decision.

#### PENDING DECISIONS

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

Gary Reinhardt, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Esther Czyoski read the decision. *Larry Mahan moved to accept the decision, Gary Reinhardt seconded and it was so voted, 3-0, 1 absent (Peter McDonough).*

##### 2001-065 337-345 Commercial Street, Christopher J. Snow on behalf of Land's End Marine Supply, Inc. –

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

#### 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. Mr. O'Neill appeared to discuss the application and stated that he only wanted 57 seats.

#### FINDINGS OF FACT

- The proposal is for a change in bar area, which results in a reduction in seating. The bar has already been reconfigured – without Zoning Board of Appeals permission.
- Previously had a licensed capacity for 64 seats.

- The new configuration only allows for 59 seats, thereby changing the capacity.

*Peter Page moved to grant a Special Permit to modify/alter the area of alcohol service under Article I Section 1260 of the Zoning By-Laws, Esther Czyoski seconded and it was so voted, 4-0, 1 absent (Peter McDonough).* Esther Czyoski will write the decision.

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. Six members of the Board were present and one was absent.

### **2001-072 168 Commercial Street, Gregg Russo -**

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Steve Melamed sat on case. Greg Russo appeared to present the application, which is for a Special Permit for outdoor display under Article II Section 2420 of the Zoning By-laws. **Presentation:** wants outdoor display box for real estate office located near porch. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. *Peter Bez moved to grant a Special Permit for outdoor display under Article II Section 2420 of the Zoning By-laws, Larry Mahan seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard outdoor display decision form.

### **2001-067 247 Commercial Street, Adam Erenberg on behalf of Crown and Anchor, LLC – (continued from September 20, 2001)**

Gary Reinhardt, Larry Mahan, Esther Czyoski, Peter Page sat on case. The applicant agreed to accept a four member Board. Ms Gershwin appeared to present the application, which is because the applicant is aggrieved by a decision of the Building Commissioner as it relates to signs hanging from the pipe mast. **Presentation:** Sign pipe mast was in same location prior to fire. Signs changed by new owner to match property décor. Highest horizontal sign bar is now at 12 feet above ground level. Pipe mast structure was pre-existing and non-conforming. **Public Comment:** There were no speakers either in favor or opposition. There were no letters in file.

Building Commissioner Warren Alexander explained the rationale for his original decision and presented a photographic history of the signs at the Crown and Anchor. Mr. Alexander contended that the current signs on the pipe mast are larger than those in place prior to the fire. Ms Gershwin agreed the total square footage of the current signs on the pipe mast is greater than it was prior to the fire, but maintained that there are now more active businesses at the property. Moreover, the total square footage of the signs at the entire property is now less than it was prior to the fire. The applicant submitted a written request to withdraw the application without prejudice. *Larry Mahan moved to approve the request to withdraw the application without prejudice, Peter Page seconded and it was so voted, 4-0.*

### **2001-068 247 Commercial Street, Adam Erenberg on behalf of Crown and Anchor, LLC - (continued from September 20, 2001)**

Gary Reinhardt, Larry Mahan, Esther Czyoski, Peter Page sat on case. The applicant agreed to accept a four member Board. Ms Gershwin appeared to present the application, which is for a Special Permit to extend, alter, or change pre-existing non-conforming structures under Article II Section 2110 of the Zoning By-laws. **Presentation:** asking the Board to grant a permit for the current number and size of the signs; pre-existing non-conforming uses included: number of signs, size of some individual signs and total square footage of signs; **Public Comment:** There were no speakers either in favor or opposition. There were no letters in file.

#### **FINDINGS OF FACT**

- The property was destroyed by fire on Feb 10, 1998
- Prior to Feb 10, 1998, the property had eight signs, at which time only two signs were normally allowed.
- The proposal calls for eight signs
- Prior to Feb 10, 1998, the total square footage of all signs on the property was 214.67 square feet.
- The proposal calls for total signage area of 111.65 square feet.
- Prior to Feb 10, 1998, one of the signs hanging from the pipe mast close to Commercial Street exceeded the maximum allowed square footage of 16 square feet.
- The proposal calls for a sign of 51.38 square feet hanging from the pipe mast close to Commercial Street.
- Prior to Feb 10, 1998, the large sign on the side of the building had a size of 150 square feet.
- The proposal calls for sign on the side of building has a size of 20 square feet.

- The structure at 247 Commercial Street is one of the largest commercial structures in town.
- The pipe mast, which existed prior to the fire on February 10, 1998 has a total height which exceeds 20 feet.

*Esther Czyoski moved to grant a special permit to extend a pre-existing non-conformancy in the size of a sign under Article II Section 2110 of the Zoning By-laws, Peter Page seconded and it was so voted, 4-0. Gary Reinhardt will write the decision.*

Chair Gary Reinhardt closed the Public Hearing at 9:24 P.M.

## WORK SESSION

Chair Gary Reinhardt reconvened the Work Session 9:24 PM.

### PENDING CASES

- 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. *Postponed.*
- 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. *Postponed.*

### MINUTES

**October 4, 2001 – *Peter Bez moved to accept as written, Larry Mahan seconded and it was so voted, 6-0.***

### NEXT MEETING

⌘ Next meeting (Work Session only) will be on October 25, 2001 at 6:00 P.M.

### ADJOURNMENT

*Peter Page moved to adjourn at 9:31 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:

\_\_\_\_\_ *Rachel Crosby*  
 Zoning Board of Appeals Signature      Title On-call secretary