

**TOWN OF PROVINCETOWN**

**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF DECEMBER 6, 2001**

**MEETING HELD IN TOWN HALL**

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

**Others Present:** Ellen C. Battaglini (Recording Secretary)

**WORK SESSION**

Chair Gary Reinhardt called the Work Session to order at 6:34 P.M.

**PENDING CASES**

**2001-069      378 Commercial Street, Neal Kimball on behalf of Steven Abramson –**  
Gary Reinhardt, Peter McDonough, Steve Melamed, Larry Mahan Esther Czyoski sat on case. Gary Reinhardt read a letter from Mr. Abramson and Mr. Morgan that requested a withdrawal of the application without prejudice. *Steve Melamed moved to accept the request for a withdrawal without prejudice, Larry Mahan seconded and it was so voted, 5-0.*

**2001-071      207A Bradford Street, Edward E. Veara on behalf of Julie Schecter -**  
Gary Reinhardt, Larry Mahan, Peter McDonough, Peter Bez, Esther Czyoski sat on case. Benjamin Zehnder appeared on behalf of Julie Schecter and requested that the hearing for this case be continued until the next ZBA Meeting on December 20, 2001. Gary Reinhardt polled the Board and it was agreed that they would re-schedule the case for the next Work Session on December 20, 2001 at 6:30 P.M.

Chair Gary Reinhardt closed the Work Session at 6:45 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. All members of the Board were present.

### **2001-073 186 Commercial Street, Ellen Freeman, ESF, Ltd. On behalf of ESR Realty Trust -**

Gary Reinhardt, Larry Mahan, Peter Page, Esther Czyoski, Peter McDonough sat on case. Nancy Correia accompanied by an associate of Ellen Freeman appeared to present the case wherein the applicant seeks a Special Permit to reconstruct a shed at the property located at 186 Commercial Street. **Presentation:** The non-conforming shed currently at the property is in terrible condition and the applicant seeks to replace it, in the same location, with a smaller pre-fabricated one measuring 8' by 10'. The new shed would be more attractive and would present no hazard or cause any congestion to the neighborhood. **Public Comment:** There were no speakers either in favor or in opposition. There was one letter in favor on file.

#### **FINDINGS OF FACT**

- The new shed is no larger than the old, measures 8' by 10' and is of wood construction;
- The new shed is located in the same place as the old shed as shown on the site plan.

*Larry Mahan moved to grant a special permit under Article II Section 2110 of the Zoning By-Laws to reconstruct a shed at the property located at 186 Commercial Street, Peter Page seconded and it was so voted, 5-0.*

*Peter McDonough moved to accept the language in the decision as written by Nancy Correia, Esther Czyoski seconded and it was so voted, 5-0.*

### **2001-075 1 Point Street, Scott Grady on behalf of NancyAnn Meads –**

Gary Reinhardt, Peter Bez, Esther Czyoski, Peter McDonough, Larry Mahan sat on case. Scott William Grady appeared to present the application that is a remodel and restoration of a house currently located at 1 Point Street. **Presentation:** The proposal is for an expansion of the second floor over a first floor kitchen. The addition would be 10' by 12' and conform to the scale unit calculations for the neighborhood. The design has been submitted and approved by the Historical Committee. **Public Comment:** There were no speakers in favor or in opposition. There was one letter in favor on file. *Peter Bez moved to grant a Special Permit under Article II Section 2110 of the Zoning By-Laws to expand a non-conforming structure at the property located at 1 Point Street, Larry Mahan seconded and it was so voted 5-0.*

**2001-076 335 Commercial Street, Dermot O'Neill on behalf of Sara Cole -**

Gary Reinhardt, Peter McDonough, Esther Czyoski, Peter Bez, Larry Mahan sat on case. Dermot O'Neill appeared on behalf of the applicant who seeks to expand the number of live entertainers from one to five at the property located at 335 Commercial Street. **Presentation:** Mr. O'Neill stated that the music that the Squealing Pig wishes to present requires more than one musician and when the business was bought, the buyers were under the impression that the entertainment license allowed them to have more than one musician. **Public Comment:** There were nine speakers in favor and one speaker who opposed the application. There was one letter on file that expressed a concern about the noise level that may result, but otherwise raised no objection to the application.

**FINDINGS OF FACT**

- The building is located in a Commercial Class R zone;
- The prior Special Permit #87-58 is currently in effect allowing for one live entertainer;
- The applicant runs a year-round business serving the community.

*Peter Bez moved to grant a special permit under Article I Section 1260 of the Zoning By-Laws to increase the number of live entertainers from one to five at the property located at 335 Commercial Street with the following conditions:*

- *The entertainment shall occur between the hours of 1 P.M and 1 A.M.;*
- *All doors and windows shall be closed with the air-conditioning or the heat on during the hours of entertainment;*
- *The live entertainers shall be limited to five;*
- *The Special Permit shall expire on December 31, 2002.*

*Larry Mahan seconded the motion and it was so voted 4-1 (Peter McDonough). Peter Bez will write the decision.*

**2001-074 291 Commercial Street, Stephan Melamed on behalf of Hake Nominee Trust –**

Gary Reinhardt, Peter Bez, Larry Mahan, Peter McDonough, Esther Czyoski sat on case. Jamie Veara appeared to present the application. The applicant requests a renewal of a Special Permit for entertainment use at the property located at 291 Commercial Street. The special permit has been approved annually and there have been no violations or incidents reported to the Provincetown Police Department concerning the site during the past year. Mr. Veara asked for the elimination of the need for an annual renewal and requested instead that the special permit be attached to the property. If the Board was opposed to that idea, Mr. Veara stated that the applicant would be willing accept a renewal for two years until his lease at the property expired. The applicant would then come back to renew if he extended his lease. **Public Comment:** There were no speakers either in favor or in opposition. There were no letters on file. *Larry Mahan moved to renew the Special Permit under Article I Section 1260 of the Zoning By-Laws for entertainment use at the property located at 291 Commercial Street and shall run the length of the lease of Another Honbets, Inc., Peter McDonough seconded And it was so voted, 5-0.*

**2001-077 351A Commercial Street, Binder Boland & Associates, on behalf of Nelson Hitchcock -**

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Thom Thompson and Ginny Binder appeared to present the application wherein the applicant seeks to extend a building 2.5' south and add a dormer to the east side of Building A at the property located at 351A Commercial Street. **Presentation:** The extension would not create a new non-conformancy and would not be detrimental to the neighborhood. **Public Comment:** There were no speakers either in favor or in opposition. There were two letters on file; one concerning the obstruction of view and the interference of air flow from an abutter, and one concerning the detriment to the beach and the environment that would ensue if the application were approved. Ginny Binder stated that both letters were no referring to the building in question, but another building on the property.

*Peter Bez moved to grant a Special Permit under Article II Section 2110 of the Zoning by-Laws to extend a building 2.5' south and add a dormer to the east side of Building A at the property located at 351A Commercial Street, Esther Czyoski seconded and it was so voted, 5-0.*

**NEXT MEETING**

Next meeting (Work Session and Public Hearing) will be on December 20, 2001 at 6:30 P.M.

**ADJOURNMENT**

**Peter McDonough moved to adjourn at 8:26 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 December 20, 2001.

Respectfully submitted,

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Zoning Board of Appeals  
Signature

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Title On-call Secretary

Ellen C. Battaglini