

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF JUNE 20, 2002

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Estherann Czyoski, Steve Melamed, Peter Page.

Members Absent: Larry Mahan (Clerk).

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

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7: 00 P.M. and explained the Public Hearing procedures to the public. Five members of the Board were present and one was absent.

2002-047 100 Bradford Street, Attorney Lester J. Murphy on behalf of Peter A. Steele and Rose Steele Santos, Trustees of 100 Bradford Street Realty Trust –

Gary Reinhardt, Estherann Czyoski, Peter Page, Steve Melamed sat on the case. The applicants seek a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and change a preexisting, nonconforming use and structure from an office space and one dwelling unit to two dwelling units.

Presentation: Attorney Jay Murphy and Duane Steele appeared to present the application. The applicants want to convert two floors of office space into a two bedroom single-family dwelling. The change would make the structure more in keeping with the residential character of the neighborhood. The Board of Health has already approved the change of use. Mr. Murphy presented a petition signed by forty-one neighbors in support of the application.

Public Comment: None. There were no letters on file.

Board Discussion: The Board questioned Mr. Steele and Mr. Murphy about the project. The Board discussed how long The Advocate had ceased publication and whether it had been two years since the newspaper used the office space in the building.

FINDINGS OF FACT:

- The existing structure houses one dwelling unit and one office space and was nonconforming in the TCC Zoning District;
- The proposed structure will house two dwelling units;
- The lot size is 4604 square feet, thereby making the new use nonconforming due to the need for 5000 square feet for a buildable lot;
- According to the Board of Health, the change from an office to a dwelling unit will decrease the septic flow from 223 gallons per day to 220 gallons per day;
- The change from an office to a dwelling unit is expected to decrease the traffic flow to and from the structure.

Peter Bez moved to approve the Special Permit under Article 3, Section 3110 of the Zoning By-Laws to alter and change a preexisting, nonconforming use and structure from an office space and one dwelling unit to two dwelling units at the property located at 100 Bradford Street, Steve Melamed seconded and it was so voted, 5-0. Peter Bez will write the decision.

2002-048 234 Commercial Street, Kim Leonard on behalf of Union Square Shops, Inc. -

Gary Reinhardt, Peter Bez, Peter Page, Estherann Czyoski, Steve Melamed sat on the case. The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of a food cart and the sale of cotton candy, popcorn and chocolate strawberries.

Presentation: Kim Leonard appeared to present the application.

Public Comment: None. There were no letters on file.

Board Discussion: The Board questioned Ms. Leonard about her application and then briefly discussed the intent of the outdoor display by-law.

Peter Bez moved to grant a Special Permit, to expire on July 15, 2003, under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of a food cart and the sale of cotton candy, popcorn and chocolate strawberries at the property located at 234 Commercial Street, Estherann Czyoski seconded and it was so voted, 5-0.

2002-049

385 Commercial Street, Anne DeWaniero on behalf of Ronnie B. Szeszler–

Gary Reinhardt, Peter Bez, Peter Page, Estherann Czyoski, Steve Melamed sat on the case. The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of merchandise (art).

Presentation: Rose Eskenazi appeared on behalf of Anne Dewaniero to present the application. It is a renewal of a Special Permit and the applicant is requesting no changes.

Public Comment: None. There were no letters on file.

Board Discussion: The Board discussed a report from the Building Inspector about the property.

Peter Bez to grant a Special Permit for the outdoor display of merchandise (art) under Article 3, Section 3420 of the Zoning By-Laws at the property located at 385 Commercial Street, Steve Melamed seconded and it was so voted, 5-0.

2002-050

258 Commercial Street, Lawrence A. Grab on behalf of Theodore Tine, T-UNA-S, Inc., d/b/a Euro Café –

Gary Reinhardt, Peter Bez, Peter Page, Estherann Czyoski sat on the case. Steve Melamed recused himself because of a conflict of interest. Chair Gary Reinhardt explained the implications of appearing before a four member Board to the applicant and the necessity of a unanimous vote in order for the application to be approved. The applicant was given the choice of continuing his application until the next meeting or proceeding with a four member Board. The applicant chose to proceed. The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for the provision of live entertainment, outdoors upon the exterior deck.

Presentation: Lawrence A. Grab and Theodore Tine appeared to present the application.

Public Comment: John Drews of the Elliot House located on Gosnold Street spoke about his concerns and suggested that the Special Permit be granted with the restriction that it expire in a year. There were two letters on file, one from a abutter who supported the idea if a temporary Special Permit were approved and one from an abutter who was against the proposal.

Board Discussion: The Board discussed the application and questioned Mr. Grab and Mr. Tine about the specifics of the proposal, including how many musicians would be involved, what kind of instruments would be played and whether those instruments would be amplified and if the performers voices would be miked.

FINDINGS OF FACT:

- The premises at 258 Commercial Street currently holds a 2460, i.e., a Special Permit in perpetuity;
- The property is located in the TCC Zoning District;
- The current application is for an addition to an existing entertainment license;
- The proposal is for two musicians, two guitars, vocal amplification and occasional guitar amplification during the hours of 1:00 P.M to 4:00 P.M. on Sundays.

Peter Bez moved to grant a Special Permit, to expire on December 31, 2002, under Article 2, Section 2460 of the Zoning By-Laws for the provision of live entertainment; two voices, two guitars, with voice amplification and occasional guitar amplification, outdoors upon the exterior deck at the property located at 258 Commercial Street, Estherann Czyoski seconded and it was so voted, 4-0. Gary Reinhardt will write the decision.

2002-051

24 Race Point Road, William Lovely, AGM Marine Contractors, on behalf of the Town of Provincetown–

Gary Reinhardt, Peter Bez, Peter Page, Estherann Czyoski, Steve Melamed sat on the case. The applicant seeks a Special Permit to process solid waste.

Presentation: William Lovely of AGM Marine Contractors appeared to present the application. The

Town of Provincetown wishes to haul concrete pier remnants to the DPW garage on Race Point Road and to crush them into smaller pieces at the site.

Public Comment: Jim Buckingham spoke in favor of the application. There was a letter on file from the DPW giving permission to use the garage with suggestions concerning how the work should be performed.

Board Discussion: The Board questioned Mr. Lovely about the project and the proposed time schedule of the work.

FINDINGS OF FACT:

- The property is located in the Res 3 Zoning District, which allows for processing of solid waste by Special Permit;
- The Special Permit is granted to AGM Marine Contractos on behalf of the Town for the purpose of the MacMillan Pier Project;
- The Special Permit shall expire on April 1, 2003;
- All necessary precautions shall be taken to control “fugitive dust”, including the cessation of work when there is an increase in the wind velocity that would cause the product to leave the boundary of the site;
- The hours of operation will be from 7:00 A.M. until 5:00 P.M

Steve Melamed moved to grant a Special Permit to process solid waste at the property located at 24 Race Point Road, Peter Bez seconded and it was so voted, 5-0. Estherann Czyoski will write the decision.

Chair Gary Reinhardt closed the Public Hearing at 8:37 P.M.

WORK SESSION

Chair Gary Reinhardt convened the Work Session at 8:37 P.M.

99-012 **40A Nelson Avenue, Edward Malone on behalf of Provincetown Heights, Incorporated –**
Gary Reinhardt, Peter Page, Estherann Czyoski, Steve Melamed sat on the case. The applicant requests an Administrative Change to modify previously granted Comprehensive Permit # 99-012 for affordable housing. The approval by the Board would reduce the number of units previously granted.

Presentation: Ted Malone and Michael Bunn appeared to present the application. The applicant wants to reduce the number of units from eight to six.

Steve Melamed moved to consider the changes in the site plan of Case # 99-012 as an Administrative Action, Peter Page seconded and it was so voted, 4-0.

Steve Melamed moved to take an Administrative Action to modify the existing Comprehensive Permit to incorporate changes made and that the Board determines that the changes are insubstantial, Peter Page seconded and it was so voted, 4-0.

PENDING DECISIONS:

2002-033 **50 Bradford Street, Gregory Lambrou on behalf of Fifty Bradford Street Realty Trust -**
Gary Reinhardt, Peter Bez, Larry Mahan, Estherann Czyoski, Peter Page sat on the case. Peter Bez read the decision. *Peter Page moved to accept the language as written, Estherann Czyoski seconded and it was so voted, 4-0 (Larry Mahan absent).*

MINUTES

May 30, 2002 – Peter Bez moved to approve the minutes as written, Estherann Czyoski seconded and it was so voted, 5-0-1 (Larry Mahan absent).

NEXT MEETING

The next meeting will be on July 18, 2002 and will consist of a Work Session at 6:30 P.M. and a Public Hearing at 7:00

P.M.

ADJOURNMENT

Peter Bez moved to adjourn at 9:02 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 July 18, 2002.

Respectfully submitted,

Zoning Board of Appeals Signature

Title

Ellen C. Battaglini
On-call secretary