

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF**  
**May 19, 2005**

**MEETING HELD IN TOWN HALL**

**Members Present:** Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies, Steve Melamed and Patrick Eeley.

**Members Absent:** None.

**Others Present:** Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

**WORK SESSION**

Chair Gary Reinhardt called the Work Session to order at 6:45 P.M.

**BOARD REORGANIZATION:**

*Peter Bez nominated Gary Reinhardt for chairman, Lynne Davies seconded and it was so voted 5-0-1 (Steve Melamed abstain).*

*Gary Reinhardt nominated Peter Bez for clerk, Lynne Davies seconded and it was so voted, 6-0.*

**REQUEST FOR ADMINISTRATIVE REVIEW:**

**2005-013 19 West Vine Street (Residential 3 Zone), Victor DePoalo on behalf of David Silva -**

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

**Presentation:** Victor DePoalo appeared to request the administrative review.

He had been granted a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming yard with the addition of dormers over an existing footprint at a hearing of the Board on March 3, 2005. Mr. DePoalo submitted a new site plan to the Board and stated that the measurements for the structure had been revised from those stated in the previous application for which the Special Permit had been granted. The result will be a decrease in the non-conformity of the structure.

*Peter Bez moved to consider the request as an Administrative Amendment, Lynne Davies seconded and it was so voted, 5-0.*

*Peter Bez moved to grant the Administrative Amendment for case #2005-013, Steve Melamed seconded and it was so voted, 5-0.*

Chair Gary Reinhardt postponed the Work Session at 6:57 P.M.

**PUBLIC HEARING**

Chair Gary Reinhardt called the hearing to order at 7:00 P.M. There were six members of the Zoning Board of Appeals present and none absent.

**2005-025            6 Winston Avenue (Residential 1 Zone), Joyce Aimee Titchnell -**

The applicant seeks a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a

deviation in building scale. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

**Presentation:** Attorney Lester J. Murphy, Gary Locke, engineer, and Joyce Aimee Titchnell appeared to present the application. The plan presented was a modification of the plan previously presented to the Board by the applicant. The modification involves a reduction in the size of the addition.

**Public Comment:** Chris Silva, an abutter, spoke in favor of the application. There was one letter and one petition signed by three individuals in favor of the application. There were two letters objecting to the project. In addition, there was a letter from Chris Enos, of F. A. Days & Sons, approving of the underground gas tank location at the premises.

**Board Discussion:** The Board questioned Attorney Murphy, Mr. Locke and Ms. Titchnell.

*Peter Bez moved to grant a Special Permit under Article 3, Section 3340E of the Zoning By-Laws for a deviation in building scale at the property located at 6 Winston Avenue (Res 1), Steve Melamed seconded and it was so voted, 4-0-1 (Lynne Davies abstain).* Peter Bez will write the decision.

**2005-021 16 Race Road (Residential 3 Zone), Ronald Goldstein -**

The applicant seeks a Special Permit under Article 2, Section 2450 G12 of the Zoning By-Laws for the installation of a swimming pool. Patrick Eleey recused himself because of a conflict of interest. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

**Presentation:** Ronald Goldstein appeared to present the application. The applicant assured the Board that the water will be trucked in from out of town.

**Public Comment:** None. There were no letters in the file.

**Board Discussion:** The Board briefly questioned Mr. Goldstein.

*Steve Melamed moved to grant a Special Permit under Article 2, Section 2450 G12 of the Zoning By-Laws for the installation of a swimming pool at the property located at 16 Race Road (Res 3), Lynne Davies seconded and it was so voted, 5-0.* Lynne Davies had written the decision and read it.

*Peter Bez moved to approve the language as written, Peter Page seconded and it was so voted, 5-0.*

**2005-022 173 Commercial Street (Town Commercial Center Zone), William Todd Dever on behalf of J.E.T. Enterprises, Inc., d.b.a. Forbidden Fruit -**

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display. Steve Melamed disclosed that he is an abutter to an abutter, but stated that he could render a fair decision in the case. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

**Presentation:** William Todd Dever and Eric Peterson appeared to present the application.

**Public Comment:** None. There were no letters in the file.

**Board Discussion:** The Board questioned Mr. Dever and Mr. Peterson.

*Lynne Davies moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display at the property located at 173 Commercial Street (TCC), Peter Bez seconded and it was so voted, 5-0.*

**2005-023 56 Shank Painter Road (General Commercial Zone), Grand Union Family Markets, LLC -**

The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display. Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

**Presentation:** Mark Holbrook appeared to present the application. The applicant seeks to display plants underneath the overhang of the building. The applicant emphasized that the display will not encroach upon or impede the fire lane on the site in any way.

**Public Comment:** None. There were no letters in the file.

**Board Discussion:** The Board questioned Mr. Holbrook.

*Lynne Davies moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for outside display at the property located at 56 Shank Painter Road (GC), Steve Melamed seconded and it was so voted, 5-0.*

**2005-024 12 Alden Street (Residential 3 Zone), Catherine M. Brown -**

The applicant seeks a Special Permit for the installation of a Utility/Garden shed.

Gary Reinhardt, Peter Bez, Peter Page, Lynne Davies and Steve Melamed sat on the case.

**Presentation:** Catherine M. Brown appeared to present the application.

**Public Comment:** None. There were no letters in the file.

**Board Discussion:** The Board questioned Ms. Brown. The Board requested that a drawing, or picture, of the shed and site elevations be submitted to them.

*Peter Bez moved to grant a Special Permit for the installation of a Utility/Garden shed at the property located at 12 Alden Street (Res 3) contingent upon the receipt of a drawing, or picture, of the shed and a site plan with elevations from the applicant, Lynne Davies seconded and it was so voted, 5-0. Lynne Davies will write the decision.*

**2005-026 10 Pearl Street (Residential 3 Zone), Debra Martin -**

The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming setback between buildings on the same lot. Peter Bez recused himself because himself because of a conflict of interest. Gary Reinhardt, Peter Page, Lynne Davies, Steve Melamed and Patrick Eleey sat on the case.

**Presentation:** Debra Martin and Kay McFadden appeared to present the application. The applicant seeks to put a dormer on the south side of a two-family structure.

**Public Comment:** None. There was one letter in opposition in the file.

**Board Discussion:** The Board questioned Ms. Martin.

*Steve Melamed moved to consider as a finding under the Goldhirsh v. McNear ruling, Lynne Davies seconded and it was so voted, 5-0.*

*Steve Melamed moved to grant a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a pre-existing, non-conforming structure up and along a non-conforming setback between buildings on the same lot at the property located at 10 Pearl Street (Res 3) as a finding under the Goldhirsh v. McNear ruling, Patrick Eleey seconded and it was so voted, 5-0.*

Chair Gary Reinhardt adjourned the Public Hearing at 8:30 P.M.

## WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 8:30 P.M.

**DISCUSSION:** The Board discussed the following issues with Doug Taylor:

1. The signage at the new Cumberland Farms store on Shank Painter Road.
2. Crowne Pointe and the advertising of the bistro. Mr. Taylor has scheduled a meeting with the principals and their attorney to discuss the issue.
3. Summerwind – the developers of the old Shamrock Motel property want to erect a 4' by 4' sign advertising condominiums for sale on the premises.
4. Cock 'n Bull - the outdoor display of items and whether these items conformed to the requisite 10' setback.

### MINUTES:

**April 19, 2004** – *Lynne Davies moved to accept the language as written, Patrick Eleey seconded and it was so voted, 5-0-1 (Peter Bez abstain).*

### NEXT MEETING:

The next meeting will be on June 2, 2005 and will consist of a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

**ADJOURNMENT:**

*Lynne Davies moved to adjourn at 8:50 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 June 2, 2005.

Respectfully submitted,

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*Zoning Board of Appeals Signature*

Ellen C. Battaglini