

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

Meeting Minutes of December 2, 1999

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Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Ken Janson, Ray Boylan, Steve Melamed, Larry Mahan

Members Absent: Barbara Gard (Clerk) (excused)

WORK SESSION

Chair Gary Reinhardt called the Work Session to order @ 6:00 P.M.

PENDING DECISIONS –

99-077 **277 Commercial Street, Honbets, Inc** - Gary Reinhardt, Ken Janson, Peter Bez, Ray Boylan, Larry Mahan sat on case. Peter Bez read the decision. *Ray Boylan moved to approve the decision with one correction, Larry Mahan seconded, and it was so voted, 5-0.*

99-088 **237-241 Commercial Street, Binder Boland and Associates on behalf of Whaler's Wharf** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan sat on case. Ray Boylan read the decision. The Board discussed the issue of restaurants versus fast-food establishments and whether growth management should be mentioned in the decision. *Peter Bez moved to approve the decision with corrections and additions, Larry Mahan seconded, and it was so voted, 4-0.*

99-092 **321 Commercial Street, Mary Joy McNulty on behalf of Clambake, Inc. d/b/a The Lobster Pot** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan sat on case. Peter Bez read the decision. *Larry Mahan moved to approve the decision as written, Ray Boylan seconded, and it was so voted, 4-0.*

99-093 **269 Commercial Street, Richard Williams on behalf of Giovanni Cicero d/b/a Twomey's** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan sat on case. Ken Janson read the decision. *Peter Bez moved to approve the decision with one addition, Ray Boylan seconded, and it was so voted, 4-0.*

PENDING CASES

99-080 **48 Commercial Street, Christopher Snow on behalf of William York** - Gary Reinhardt, Peter Bez, Larry Mahan, Steve Melamed, Ray Boylan sat on case. Attorney Chris Snow appeared to discuss the application. Mr. Snow presented new scale calculations and said that the building plans were still evolving, but that only the east-side dormer was before the Board at this time. *Peter Bez moved to grant, Steve Melamed seconded, and it was so voted, 5-0.* Peter Bez will write the decision.

99-084 **12 Conwell Street, Pamela J. Baron** – Gary Reinhardt, Peter Bez, Ken Janson, Barbara Gard, Ray Boylan sat on case. Continued until applicant is prepared. Applicant has waived the decision time-limitations.

MINUTES

November 18, 1999, Regular Meeting - *Ray Boylan moved to accept the minutes with a minor correction, Peter Bez seconded and it was so voted, 5-0.*

Chair Gary Reinhardt postponed the Work Session until after the Public Hearing.

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:00 P.M. and explained the hearing procedures to the audience.

Six members of the Board were present and one was absent (Barbara Gard).

- 99-094** **54-58 Harry Kemp Way, Kenneth Weiss on behalf of Harry Kemp Corporation** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Steve Melamed sat on case, which was continued from November 18, 1999. The application is for a special permit to allow construction of seventeen dwelling units on a single lot. Mr. Weiss appeared to present the application. **Presentation:** septic areas are outside 100’ wetland buffer zone; the Conservation Committee is reviewing the construction of buildings within the buffer zone; two of buildings with seven units (8 bedrooms) will be affordable housing and four of those units will be handicapped accessible; there are 27 total proposed bedrooms; the affordable rental units will be sold at cost to the Town, complete with septic system. **Public Input:** No one spoke in favor. Fran Coco spoke in opposition. There were two letters in opposition. **Board Discussion:** need for site visit; need to see impact statement; distance to nearby driveways; status with Board of Health, Planning Board and Conservation Commission; social and economic benefits of project; water usage; drainage design; 31 total units with 69 bedrooms on all six lots owned by Harry Kemp Corporation. Taken under advisement.
- 99-090** **8 Fortuna Road, Ronald Robillard and Gregory Anton** - Gary Reinhardt, Ken Janson, Peter Bez, Ray Boylan, Steve Melamed sat on case. This is an amended version of an earlier application for a special permit. Mr. Robillard and Mr. Anton appeared to present the application, which is for a variance to construct a deck, porch and front stairs within the required property line setback. **Presentation:** variance criteria based upon structure; proposed stairs would diminish pre-existing encroachment. **Public Input:** No one spoke either in favor or in opposition. There were thirteen letters and email messages in favor. **Board Discussion:** financial hardship criteria; whether deck is necessity; does not meet Goldhirsch criteria. *Ken Janson moved to grant with stairs coming from the south to a deck that will extend in either direction no further than the existing entrance deck, Ray Boylan seconded and it was so voted, 4-1 (Peter Bez).* Ray Boylan will write the decision. Applicant to return with revised drawings.
- 99-095** **428 Commercial Street, Ann Maguire** – Gary Reinhardt, Ken Janson, Peter Bez, Ray Boylan, Larry Mahan sat on case. Ms Maguire appeared to present the application, which is for a renewal of a special permit to allow rental storage. **Presentation:** permit granted to previous owner. **Board Discussion:** review by Fire Department required. **Public Input:** No one spoke in favor. Ms Hansen spoke in opposition, asking questions about parking and access to the storage. Unidentified audience member asked about lot dimensions and whether garage is legally on Commercial Street or Lovett’s Court. There was one letter in opposition. **Board Discussion:** no complaints on file; special permit criteria. *Peter Bez moved to grant a renewal for one year with the condition that a letter of approval be received from the Fire Chief, Ken Janson seconded, and it was so voted, 4-1 (Ray Boylan).* Peter Bez will write the decision. Applicant to provide a plot plan.
- 99-096** **301 Bradford Street, Mona Anderson** – Gary Reinhardt, Peter Bez, Ken Janson, Ray Boylan, Larry Mahan sat on case. Ms Anderson appeared to present the application, which is for a special permit for construction of a deck and relocation of a utility shed. **Presentation:** Approved by Historical Commission; reducing non-conformancy on east and west side; moving oil tank off abutter’s property. **Public Input:** Mr. Danzig spoke in favor. No one spoke in opposition. There were no letters in file. **Board Discussion:** currently a single family house; reconstructing the deck. *Peter Bez moved to grant under Goldhirsch, Larry Mahan seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard Goldhirsch form.

Chair Gary Reinhardt closed the Public Hearing at 9:12 P.M.

WORK SESSION (continued)

Chair Gary Reinhardt reconvened the Work Session at 9:12 P.M.

At Ray Boylan’s suggestion, the Board noted with great appreciation Ken Janson’s many years of service on the Zoning Board of Appeals and wished him luck in future endeavors.

ADJOURNMENT

Peter Bez made a motion to adjourn at 9:12 P.M. and it was so voted unanimously.