

# ZONING BOARD OF APPEALS

PROVINCETOWN, MA 02657

TOWN OF PROVINCETOWN

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ZONING BOARD OF APPEALS

MEETING MINUTES

PUBLIC HEARING, APRIL 2, 1999

Members Present: Rick Murray, Ken Janson, Barbara Gard, Gary Reinhardt, Peter Bez, Greg Lambrou, Steve Melamed, Ray Boylan

Members Absent: none

Rick Murray called the meeting to order at 9:35 AM.

## **Application 99-33: William York, 48 Commercial Street**

Ron Friese of Snow and Snow Attorneys presented new information of scale and dormer calculations. The Board still questioned the way the architect calculated the dormer, and the Board still felt that the dormer was creating a third story. The Board also questioned the wording of the scale bylaw: is an applicant allowed to increase scale by 15% over the average of the neighborhood, or 15% over their existing scale? The Board and the applicant will take it under advisement.

## **Town Meeting Warrant**

The Board discussed the Zoning articles to appear on the Town Meeting Warrant.

Article 8: Changing the name of the Department of Municipal Inspections to the Department of Regulatory Management. On a motion by Ken Janson and a second by Peter Bez, the Board voted 8-0 in favor of this article.

Article 9: Adaptation of a new zoning map. On a motion by Gary Reinhardt and a second by Steve Melamed, the Board voted 8-0 in favor of this article.

Article 10: Swimming pools as permitted accessory uses. On a motion by Steve Melamed and a second by Peter Bez, the Board voted 8-0 in favor of this article.

Article 13: Sound amplification. On a motion by Barbara Gard and a second by Gary Reinhardt, the Board voted 8-0 in favor of this article.

Article 14: Housekeeping. On a motion by Gary Reinhardt and a second by Ray Boylan, the Board voted 8-0 to support this article.

Article 15: Artist studio definition. On a motion by Ken Janson and a second by **Gary Reinhardt**, the Board voted 8-0 in favor of this article. Gary will speak to support the Article at the ATM.

Article 16: Dormer minimum pitch requirement. On a motion by Steve Melamed and a second by Barbara Gard, the Board voted 8-0 not to support this article. Ken Janson will speak in opposition to the article at the ATM.

Article 17: Increase the allowable dormer size from 30 to 40%. On a motion by Barbara Gard and a second by Gary Reinhardt, the Board voted 8-0 not to support this article. Peter Bez will speak in opposition to this article at the ATM.

Article 18: Elimination of scale calculations for small additions. On a motion by Peter Bez and a second by Greg Lambrou, the Board voted 7-1 in favor of this article. Rick Murray will speak to the article at the ATM.

Article 19: Substituting the word "building" for "structure". On a motion by Peter Bez and a second by Steve Melamed, the Board voted 8-0 ml to support this article because of its ambiguous language. The intent of the article is good, but the bylaws contain no definition of "building". Gary Reinhardt will speak to this article at the ATM.

Article 20: Growth Management-reduction of the number of building permits. On a motion by Gary Reinhardt and a second by Barbara Gard, the Board voted 6-2 in favor of this article. The Board realizes that this is not the answer to growth problems, but it is a step in the right direction. Rick Murray will speak to this article at the ATM.

Article 21: Wireless communication towers and facilities. On a motion by Peter Bez and a second by Steve Melamed,

the Board voted 8-0 to reserve comment on this article. Gary Reinhardt will speak to this article at the ATM.

Article 22: "Open" signs. On a motion to oppose this article by Ken Janson and a second by Peter Bez, the Board voted 4-4. Ken will speak in opposition to the article at the ATM.

Article 23: "Restoration". On a motion by Gary Reinhardt and a second by Barbara Gard, the Board voted 8-0 not to support this article.

Article 24: Allow the Whalers Wharf sheds for another 180 days. On a motion by Gary **Reinhardt** and a second by Steve Melamed, the Board voted 8-0 not to recommend this article,

Article 27: Developable square footage of a site. On a motion by Peter Bez and a second by Steve Melamed, the Board voted 8-0 to reserve recommendation on this article.

Article 11: Garden sheds. On a motion by Peter Bez and a second by Gary Reinhardt, the Board voted 8-0 not to recommend this article. Peter Bez and Ken Janson will speak in opposition to this article at the ATM.

Article 12: Revisions to 2110. On a motion by Barbara Gard and a second by Ray Boylan, the Board voted 8-0 not to recommend this article. Rick Murray will speak in opposition to this article at the ATM.

## **Decisions**

Application 99-32: Richard Kelley, Trustee, for Hake Nominee Trust, d/b/a Chasers. Sitting on the case are Rick Murray, Ken Janson, Barbara Gard, and Gary Reinhardt. Gary Reinhardt read the decision. Ken Janson made a motion to accept the language, seconded by Barbara Gard. The Board voted 4-0 to accept the language.

Application 99-42: Adam Erenburg for Crowne Pointe Realty Trust. Sitting on the case are Rick Murray, Barbara Gard, Gary Reinhardt, Greg Lambrou and Steve Melamed. Gary Reinhardt read the decision. Steve Melamed made a motion to accept the language, seconded by Greg Lambrou. The Board voted 5-0 to accept the language.

Peter Bez made a motion to adjourn, seconded by Gary Reinhardt. The Board voted 8-0 to adjourn. Rick Murray adjourned the meeting at 11: 05 AM.

