

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
January 6, 2000**

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

Members Absent: Barbara Gard (Clerk), Ray Boylan (both excused)

WORK SESSION

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

237-241 Commercial Street, Whaler's Wharf -

Gary Reinhardt referred to an affidavit he had prepared concerning the sideline setbacks agreed upon by the Board for the reconstruction of Whaler's Wharf at 237-241 Commercial Street. The Board discussed the affidavit and their recollections of the case and its modifications. Attorney Ron Friese read a passage from the original Board decision concerning the sideline setbacks. Ms Ginny Binder clarified how the measurements of the sideline setback shown on the original plans were made and explained the perceived discrepancies. Ms Binder also stated that the sideline setbacks on both sides before the fire were two feet or less and that the plans for rebuilding increased those pre-fire non-conforming setbacks to allow public access to the beach. Mr. Patrick spoke concerning the setbacks as he measured and perceived them on the new construction. Gary Reinhardt said he would consult with the Building Commissioner and report back.

PENDING DECISIONS –

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 Friese appeared to discuss the application. **Board Discussion:** reconsideration of scale calculations submitted by applicant. Mr. Friese requested a continuation, which the Board granted. Mr. Friese submitted a waiver of the decision time limit.

99-090 **8 Fortuna Road, Ronald Robillard and Gregory Anton -** Gary Reinhardt, Ken Janson, Peter Bez, Ray Boylan, Steve Melamed sat on case. Gary Reinhardt read the decision. After discussion, ***Steve Melamed moved to approve the decision as written, Peter Bez seconded and it was so voted, 2-0, 1 abstain (Peter Bez), 2 absent (Ken Janson, Ray Boylan).***

99-095 **428 Commercial Street, Ann Maguire –** Gary Reinhardt, Ken Janson, Peter Bez, Ray Boylan, Larry Mahan sat on case. Peter Bez read the decision. ***Larry Mahan moved to accept the decision as written, Gary Reinhardt seconded and it was so voted, 3-0, 2 absent (Ken Janson, Ray Boylan).***

PENDING CASES

99-084 **12 Conwell Street, Pamela J. Baron –** Gary Reinhardt, Peter Bez, Ken Janson, Barbara Gard, Ray Boylan sat on case. Continued from a previous meeting. Still pending at applicant's request.

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. Gary Reinhardt reported he had received a letter requesting that the application be withdrawn without prejudice. ***Peter Bez moved to accept the withdrawal without prejudice, Steve Melamed seconded, and it was so voted, 4-0, 1 absent (Ray Boylan).***

237-241 Commercial Street, Whaler's Wharf -

The Board continued its discussion of the affidavit prepared by Gary Reinhardt.

MINUTES

December 2, 1999, Regular Meeting - *Peter Bez moved to accept the minutes as written, Larry Mahan seconded and it was so voted, 4-0.*

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

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:08 P.M. and explained the hearing procedures to the audience. Four members of the Board were present and two were absent (Barbara Gard, Ray Boylan)

Gary Reinhardt explained that the Board could only hear the first case scheduled because one of the four members present had a potential conflict of interest on the other cases.

00-001 136 Commercial Street, Rainbow Partners @ 136 Commercial Street - Gary Reinhardt, Peter Bez, Steve Melamed, Larry Mahan sat on case. Ken Weiss and Kevin Bazarian appeared to present the application, which is for a special permit to construct a dormer. Mr. Weiss elected to proceed with a four member Board. **Presentation:** Historical Commission has granted approval. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** scale calculations incorrect, should divide by number of buildings, not number of parcels; applicant must return with new scale calculation, as current figures would not allow any addition to subject property; applicant needs to provide west side elevation drawings. Taken under advisement.

00-002 291 Commercial Street, Hake Nominee Trust, Stephen Boggess, Trustee - Application, which is for renewal of a special permit to allow a video arcade, was postponed because only three members could sit on case.

00-003 293 Commercial Street, Linda Chase, d/b/a Chaser's, on behalf of Hake Nominee Trust Application, which is for renewal of a special permit for live entertainment, was postponed because only three members could sit on case.

00-004 328 Commercial Street, Brian and Kristine Hart, d/b/a Café Blasé, on behalf of Arnold and Ruth Dwyer Family LLC - Application, which is for a special permit to reconfigure the areas of service, was postponed because only three members could sit on case.

Chair Gary Reinhardt closed the Public Hearing at 7:27 P.M.

WORK SESSION (continued)

Chair Gary Reinhardt reconvened the Work Session at 7:27 P.M.

PENDING CASES

99-084 12 Conwell Street, Pamela J. Baron – Gary Reinhardt, Peter Bez, Ken Janson, Barbara Gard, Ray Boylan sat on case. Thom Thompson appeared to discuss the application. Mr. Thompson presented septic system plans showing a septic system that will require a variance as it is too near both the building and the property line. **Board Discussion:** the Board had previously been inclined to deny the application because the project exceeded the Board's concept of reconstruction; the Board will have to wait until both Barbara Gard and Ray Boylan are present to vote on this application; otherwise, the applicant can withdraw and reapply to a different set of Board members.

ADJOURNMENT

Steve Melamed made a motion to adjourn at 7:46 P.M. and it was so voted unanimously.

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These minutes were approved by a vote of the Zoning Board of Appeals members present at their meeting on \_\_\_\_\_, 2000

Respectfully Submitted:

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Zoning Board of Appeals Signature

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Title

***Rachel T. Crosby,***

On-call secretary