

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF MARCH 2, 2000

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Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Steve Melamed, Larry Mahan, Ray Boylan, Barbara Gard (Clerk.)

Members Absent: None

Others Present: Rachel Crosby (Recording Secretary)

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:00 P.M. and explained the hearing procedures to the public. Six members of the Board were present and none were absent

2000-006 **38 Conwell Street, John C. Gainey** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Barbara Gard sat on case. John Gainey and Mr. Cowing appeared to present the application, which is for a variance to construct an addition within the required property line setback. **Public Comment:** No one spoke either in favor or in opposition. There was one letter in favor. **Board Discussion:** Safety concerns resulting from deliveries through front door; area of paving for truck access; 23' to rear property line; possibly redesign proposed addition to avoid setbacks; address variance criteria; hardship defined as need for more space. Taken under consideration.

2000-008 **200 Bradford Street, Joyce Cuming, Architect, on behalf of Gabrielle Rilleau** – Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Steve Melamed sat on case. Joyce Cuming appeared to present the application, which is for a special permit to construct a deck. **Public Comment:** No one spoke either in favor or in opposition. There was one letter in favor. **Board Discussion:** rear patio is approximately 10 inches above grade and proposed deck would be 15 inches above grade; can consider under Goldhirsch; question of whether raised patio is considered a structure; lot subdivided in 1976, but still under single ownership. *Peter Bez moved to grant under Goldhirsch, Steve Melamed seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard Goldhirsch decision form.

2000-009 **6 Montello Street, Robert Morris, Jr., on behalf of Steven Gunderson** – Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Mr. Morris appeared to present the application, which is for a special permit to construct a porch and entry stairs. **Public Comment:** Rick Murray spoke in favor, no one spoke in opposition. There was one letter in favor. **Board Discussion:** pre-existing non-conformancies (setbacks); approved by Historical Commission; converting to single family. *Peter Bez moved to grant under Goldhirsch, Ray Boylan seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard Goldhirsch decision form.

2000-0010 **258 Commercial Street, Theodore Tine and T-UNA-S, Inc. on behalf of Cape Tip Inn** – Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Mr. Tine appeared to present the application, which is for renewal of a special permit for live theatre and dancing by patrons, and to make the special permit permanent. **Public Comment:** No one spoke in favor. John Gruse(?) spoke in opposition with noise concerns. Mary Jo Avellar spoke, also with noise complaints. Rick Murray spoke, suggesting security guard on back door. There was one letter in opposition from the Board of Selectmen. **Board Discussion:** whether door(s) are kept closed; whether there were any noise complaints in 1999 (there was one); speakers are hung on wall; other 1999 complaints; noise from bottle and can disposal; change number of seats per request from Building Commissioner. Taken under consideration.

2000-0011 26 Bradford Street, Richard Golon and John Peternell, d/b/a The Archer Inn – Gary Reinhardt, Barbara Gard, Larry Mahan, Steve Melamed sat on case. Gary Reinhardt advised the applicants that he could only sit four members on this case at this time. The applicants agreed to a four member Board. Mr. Golon, Mr. Peternell and Mr. Emerson appeared to present the application, which is for a special permit to exceed the allowable building scale by raising a portion of the roof. **Presentation:** Approved by Historical Commission; bringing rooms up to code. **Public Comment:** Rick Murray spoke in favor. No one spoke in opposition. There were two letters in favor. **Board Discussion:** need to redo scale calculations; building may be already over average scale; possibility of removing volume elsewhere in the building. Taken under consideration.

2000-0012 135 Bradford Street, Pezzulo, Inc d/b/a Tropical Joe’s – Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Mr. Pezzulo appeared to present the application, which is for renewal of a special permit for the service of food and alcoholic beverages and the provision of entertainment. **Presentation:** wants to extend hours for outside seating and/or make outside seating permanent; wants to extend entertainment license to restaurant. **Public Input:** Jackie Kelly spoke in favor. No one spoke in opposition. There were no letters in file. **Board Discussion:** designate entertainment area(s) in restaurant; three entertainers maximum, no amplification in restaurant; grant permit for one year; applicant to provide seating plans showing entertainment areas. **Peter Bez moved to grant with conditions, Ray Boylan seconded and it was so voted, 5-0.** Peter Bez will write the decision.

MINUTES

February 17, 2000, Work Session – *Larry Mahan moved to accept the minutes as written, Ray Boylan seconded and it was so voted, 5-0, 1 abstain (Barbara Gard).*

GENERAL DISCUSSION

The Board discussed the scale limitation bylaw and related issues.

ADJOURNMENT

Peter Bez made a motion to adjourn at 9:26 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 \_\_\_\_\_, 200\_\_

Respectfully Submitted:

\_\_\_\_\_  
Zoning Board of Appeals Signature

\_\_\_\_\_  
Title

**Rachel T. Crosby**  
On-call secretary