

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

Meeting Minutes

May 4, 2000

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Members Present: Peter Bez, Ray Boylan, Larry Mahan (arrived at 7:55 p.m.), Steve Melamed, and Gary Reinhardt, Chairman.

Members Absent: Donna Campana and Barbara Gard

WORK SESSION – 6:00 P.M.

The meeting was called to order at 6:05 P.M.

Motion: Peter Bez made a motion to accept the minutes of the April 27, 2000 meeting. Steve Melamed seconded it and it passed 4-0.

At 6:15 p.m. it was decided to recess the meeting until 7:00 p.m. in the hope more members would arrive.

2000-025 Application by William N. Rogers, II on behalf of Allen H. Green under Article II, Section 2110 of the Zoning By-law. The applicant seeks to raise existing structures and add new second floors with decks at the property located at 49 Bradford Street, Provincetown (Residential Class W Zone).

Postponed until the May 18th meeting.

PUBLIC HEARING – 7:00 P.M.

2000-033 139 Commercial Street, Jay Anderson - Gary Reinhardt, Peter Bez, Ray Boylan, and Steve Melamed sat on the case. Bob O'Malley, realtor; Lester J. Murphy, Jr., attorney; and Jay Anderson, owner made the presentation to the Board. Mr. Murphy did most of the talking; he told the Board that Warren Alexander told him the approval for tonight's request referred ONLY to the dormers on the east and west sides of the property. Attorney Chris Snow requested more clarification because of the voluminous plans presented for a mere two dormers. Three abutters speaking in opposition were Robin Hendrich, Ms. Baransky, and Deborah Dunmire. A tentative motion was floated to limit approval to dormers only but was withdrawn after a good deal of discussion. **The final resolution for this meeting was to ask Warren Alexander for his opinion on scale and to hear the proposal during the work session at the May 18th meeting.**

2000-034 53 Bradford Street, Robert Raye – Gary Reinhardt, Peter Bez, Steve Melamed, and Ray Boylan heard the case. Mr. Raye has a lot of things in storage and requested being able to display up to 30 of them in his parking place. The people in support of his proposal were Dennis from the House of Pizza, Fred who is a resident of 58 Bradford Street, and Brad Wilde who sent in a letter.

Motion: Peter Bez made a motion to grant a special permit to Robert Raye for an outside display of merchandise at his property. Ray Boylan seconded the motion and it was approved 4-0.

2000-030 373 Commercial Street, William Viets – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, and Steve Melamed sat on the case. Mr. Viets gave poor visibility of his shop as defense for his request for additional signage (flags). He was told by the Board that each shop is allowed two signs and a directional sign but his request was for five signs. Rather than a special permit he was actually asking for a variance; to obtain a variance he needed to show hardship related to the land or the structure specifically. **Bill Viets opted to withdraw his application without prejudice. He will write out the request for withdrawal and send it to the Board in the near future.**

2000-031 16 MacMillan Wharf Trust, Kevin Matthews – Gary Reinhardt, Peter Bez, Steve Melamed, Ray Boylan, and Larry Mahan heard the case. Kevin Matthews requested permission to rent bicycles at the property Boston Harbor Cruises owns (Whydah Museum building) as an accommodation to passengers coming in on the fast ferry. He plans on purchasing 50 bicycles and displaying only a few at a time for rental. There were no testimonies either in favor or against.

Motion: Ray Boylan moved to grant the special permit allowing bicycle rental at 16 MacMillan Wharf. Steve Melamed seconded the motion and it passed 5-0.

Peter Bez will write the decision which will be read at the May 18th meeting.

2000-032 16 MacMillan Wharf Trust, Kevin Matthews – Gary Reinhardt, Peter Bez, Steve Melamed, Ray Boylan, and Larry Mahan heard the case. Kevin Matthews requested a new sign to be placed under the Whydah Museum sign advertising the fast ferry. The reason, once again, was to accommodate the passengers coming from the land and searching for the fast ferry. Gary Reinhardt said granting this request would merely be adding to a previously granted variance.

Motion: Peter Bez made a motion to grant the variance under Article II, Section 2230 of the Zoning By-law. Steve Melamed seconded the motion and it passed 5-0.

Ray Boylan will write the decision and it will be read at the May 18th meeting.

2000-035 372 Commercial Street, Barbara Ferrick – Larry Mahan, Peter Bez, Gary Reinhardt, Ray Boylan, and Steve Melamed listened to the case. Ms. Ferrick came before the Board to request permission to add a welcome sign with a dog on it and to add a dog flag to the side of the house. No one spoke in favor or in opposition to the request. Ms. Ferrick was told that all ornamentation must be at least 10 feet in from her property line. She said she would measure and comply.

Motion: Peter Bez made a motion to grant the request with Steve Melamed seconding it. It was so voted 5-0.

2000-017 328 Commercial Street, Brian Hart – Rick Gilbert presented the case for Café Blasé. Larry Mahan, Peter Bez, Gary Reinhardt, and Ray Boylan sat on the case. Steve Melamed excused himself from the case since he is a restaurant owner. Mr. Gilbert has been trying since January to get this application resolved. This particular request (to move 10 seats from the outside to the inside) has been continued from April 13 and April 27 and now the decision won't be written for two weeks; Mr. Gilbert was very disappointed.

Motion: Peter Bez made a motion to grant the request to move seats from the outside to the inside. Ray Boylan seconded it and it passed 4-0.

Peter Bez will write the decision.

2000-029 404 Commercial Street, Romaco, LLC. (dba Chesters) – John Guerra and Jay Coburn were told that there were only four members able to sit on their case (Steve Melamed stepped down as a restaurant owner) and Messrs. Guerra and Coburn could opt to wait until there was a full Board to hear their case. The request was for the restaurant to allow outdoor seating. Jay apologized to the abutters who had come to the hearing but he and John agreed they both preferred to wait for the full Board hearing of five members. Four of the abutters took exception to the postponement since some of them had driven up to two hours and had endured an additional two hours of meeting prior to finding this out.

Motion: Peter Bez moved to have the case heard during the work session of the May 18th meeting and it passed unanimously.

2000-019 599 Commercial Street, Matthew Smith and Michael Jeffries – Gary Reinhardt, Ray Boylan, Steve Melamed, Larry Mahan, and Donna Campana sat on the case. The Board felt there was no reason to deny the request.

Motion: Ray Boylan moved to grant a special permit under Article II, Section 2110 to elevate the roof of the structure by 5 feet. It was seconded and passed 4-0-1.

Larry Mahan will write the decision and present it at the May 18th meeting.

After a bit of discussion Larry Mahan, Gary Reinhardt, and Peter Bez agreed to post and hold a meeting on Tuesday, May 9th at 5:15 p.m. for the benefit of presenting the written Café Blasé decision.

Motion: Peter Bez made a motion to adjourn the meeting at 9:25 p.m. It was gleefully seconded and passed unanimously.

These minutes were approved by a vote of the Zoning Board Members present at their meeting on _____, 2000.

Respectfully submitted:

Zoning Board of Appeals Signature Title Evelyn Rogers Gaudiano,
On-call secretary