

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF July 6, 2000

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Meeting Place: Judge Welsh Room in Town Hall

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

Members Absent: None

Others Present: Warren Alexander (Building Commissioner), Rachel Crosby (Recording Secretary)

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:01 P.M. and explained the public hearing procedures to the public. Six members of the Board were present and none were absent

2000-043 **139 Commercial Street, Robert O'Malley on behalf of J.C. Anderson** - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Case continued from June 15, 2000. E. James Veara, Robert O'Malley and Lester Murphy appeared to present the application, which is for a special permit for approval to extend/alter a pre-existing structure by adding a second story balcony over front porch roof. **Presentation:** non-conforming in sideline and front setbacks; applicant presented letter from Mr. Chris Snow, an abutter, concerning an agreement to place a planter on the east side as a condition of the special permit. **Public Comment:** No one spoke in favor or in opposition. There were no letters in file. **Board Discussion:** both building and front deck are being cut back on both sides by one foot; why this application was separated from previous application (per opinion of Building Commissioner); review of scale calculations. *Peter Bez moved to grant the special permit with the condition agreed to with the abutter, Ray Boylan seconded and it was so voted, 5-0.* Ray Boylan will write the decision.

2000-044 **290A Commercial Street, E. James Veara on behalf of Peter Warnock and John Culver of 288C Commercial Street** - Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Mr. Veara, Mr. Warnock and Mr. Culver appeared to present the application, which is to seek zoning relief concerning the property at 290A Commercial Street. **Presentation:** applicant claims a deck/patio at 290A Commercial Street, owned by Mr. Guertin, had been constructed without a permit and violated the zoning by-laws; applicant submitted correspondence, written by the Building Commissioner stating that the deck required a permit and outlining the options open to Mr. Guertin; the applicant also referenced various other correspondence; applicant submitted plan drawn up by Mr. Guertin. **Public Comment:** No one spoke either in favor or opposition. There were three letters in opposition and none in favor. **Building Commissioner Comments:** Mr. Alexander presented the Board with copies of various correspondence and a written opinion. Mr. Alexander explained the chronology of events and communications covered by the correspondence and stated that the issue was whether the patio/deck is a structure. Mr. Alexander recommended that the Board make a site visit. **Mr. Guertin's Comments:** Mr. Guertin submitted a packet of documents to support his assertion that the patio/deck is not a structure. **Board Discussion:** how and why applicants are aggrieved (loss of privacy and also felt were treated rudely by Department of Regulatory Management staff); what was in place before; septic system installation date; Mr. Guertin granted permission to enter on the property for a site visit; site visit set for July 20, 2000 at 5:30 P.M. Case continued until July 20, 2000.

2000-045 **3 Creek Round Hill Road, Marc Betti of Luna Design Group on behalf of Nurima I Nominee Trust** - Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Lester

Murphy and Marc Betti appeared to present the application, which is for a variance from the Dimensional Requirements of section 1320 of Zoning By-Laws. **Presentation:** applicant seeks to reconstruct dwelling with a gambrel-style roof, but front slope lowers grade, meaning maximum height limit would be exceeded; applicant also seeks variance for a three-story house; hardship caused by lot characteristics (front slope); new roof would be 1 and ½ feet higher than current roof; applicant addressed variance criteria; proposed house could be built on level lot. **Public Comment:** Mr. Dapprich and Mr. Campagna spoke in favor. Mr. Kuliopolis spoke in opposition and asked about the length of the proposed roof ridge (52 feet). There were no letters in file. **Board Discussion:** whether applicant's hardship is substantial; current structure is conforming; whether other structures in neighborhood are also built on slope; use of basement floor (apartment); building to be demolished and rebuilt – whether change would extinguish use of property as two family; review of scale calculations. The applicant requested that the application be withdrawn without prejudice. *Peter Bez moved to accept the withdrawal without prejudice, Larry Mahan seconded and it was so voted, 5-0.*

2000-046 **361 Commercial Street, Daniel Lasser on behalf of Tonga Trust, T. Gandolfo, Trustee** – Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Jane Williamson appeared to present the application, which is for a special permit for outside display. The applicant submitted a photograph of the proposed display. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. *Peter Bez moved to grant, Larry Mahan seconded and it was so voted, 5-0.* Peter Bez wrote a decision using the standard outside display decision form.

2000-047 **338 Commercial Street, Units 6, 7, & 8, Robin Reid, Esq. Representing Louise Pinho on behalf of Dolores Vince** - Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Robin Reid and Louise Pinho appeared to present the application, which is for a special permit concerning the floor plan and the placement of seating. **Presentation:** currently licensed for 16 outside seats – wants to take some of the seats inside; Board of Health is allowing trade of septic capacity of unfinished 3 bedroom apartment upstairs for seats for the term of the lease; new seats would move into middle room; wants to open up middle room to the public; would result in 6 fewer seats; wants flexible seating arrangement to move seats in or out as weather changes. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** why applicant is giving up six seats; applicant to supply copy of lease amendment concerning 3 bedroom apartment. *Barbara Gard moved to grant the special permit, Peter Bez seconded, and it was so voted, 5-0.* Peter Bez will write the decision.

Chair Gary Reinhardt adjourned the Public Hearing at 9:05 P.M.

WORK SESSION

Chair Gary Reinhardt called the Work Session to order @ 9:06 P.M.

PENDING DECISIONS

2000-025 **49 Bradford Street, William Rogers on behalf of Allen Green** – Gary Reinhardt, Larry Mahan, Steve Melamed, Donna Campana sat on case. Gary Reinhardt read the decision. *Steve Melamed moved to accept the decision, Larry Mahan seconded and it was so voted, 3-0, 1 absent (Donna Campana).*

2000-041 **185 Commercial Street, E. James Veara on behalf of 185 Commercial Realty Trust** – This case was not heard by the Board on June 15, 2000 on advice of Town Counsel. Gary Reinhardt read the decision. *Peter Bez moved to accept the decision, Larry Mahan seconded and it was so voted unanimously by the Board members who were present at the June 15th meeting (Gary Reinhardt, Peter Bez, Barbara Gard and Larry Mahan).*

MINUTES

June 15, 2000 – *Larry Mahan moved to approve as written, Peter Bez seconded, and it was so voted, 4-0, 2 abstain (Steve Melamed, Ray Boylan).*

MISCELLANEOUS

2000-022 **48 Commercial Street, William York** – Gary Reinhardt, Peter Bez, Larry Mahan, Ray Boylan, Steve Melamed sat on case. Applicant has requested to withdraw the application without prejudice. *Peter Bez*

moved to accept the withdrawal without prejudice, Steve Melamed seconded and it was so voted 5-0.

Gary Reinhardt read from and summarized various letters received from attorneys concerning various cases in litigation

ADJOURNMENT

Peter Bez made a motion to adjourn at 9:26 P.M. and it was so voted unanimously.

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

Respectfully Submitted:

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

\_\_\_\_\_  
Title

***Rachel Crosby***  
On-call secretary