

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF July 20, 2000

Meeting Place: Judge Welsh Room in Town Hall

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

Members Absent: None

Others Present: Rachel Crosby (Recording Secretary)

WORK SESSION

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

PENDING CASES

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. Gary Reinhardt referenced a document provided to the Board by Attorney Chris Snow at the site visit earlier that day. **Board Discussion:** results of their site visit and whether the deck was a structure, a palletized deck or a patio; consequences of granting application (Mr. Guertin would need to seek zoning relief). **Attorneys' Comments:** Mr. Veara appeared to clarify what the applicants want – that the structure be removed until zoning relief can be obtained. Mr. Snow rebutted by saying that the Board cannot grant any more than what the applicant has asked for, stating that the Board can only agree or disagree with the Building Commissioner. Mr. Snow also referenced the issue of the application's timeliness. Mr. Veara read from the application, affirming that there had been a request to have the structure removed. **Board Discussion:** whether structure should be removed or lowered (as per plans); owner will need to apply for zoning relief or structure must be removed. ***Peter Bez moved to grant the application and thereby overturn the decision of the Building Commissioner and that the Board finds that the deck at 290A is a structure and, in the absence of zoning variance, the structure either needs to be removed or an application for zoning relief must be made within 21 days, Ray Boylan seconded.*** **Board Discussion:** wording of original letter of complaint (copy supplied by Mr. Veara); how to word written decision. ***The motion passed by a vote of 5-0.*** Peter Bez will write the decision. The attorneys and the Board discussed the issue of appeal timeliness. Mr. Snow claimed that the Board was considering the appeal of a March 20, 2000 Building Commissioner letter. Mr. Veara stated that the Building Commissioner had not replied to his letter of April 18, 2000 and that there was a statutory 14 day waiting period after that date before the appeal clock started.

PENDING DECISIONS

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. Ray Boylan read the decision. ***Peter Bez moved to accept the decision as written, Larry Mahan seconded and it was so voted, 5-0.***

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. Peter Bez read the decision. ***Larry Mahan moved to accept the decision as written, Barbara Gard seconded and it was so voted, 5-0.***

MINUTES

July 6, 2000 – *Peter Bez moved to approve as written, Larry Mahan seconded, and it was so voted, 5-0, 1 abstain*

(Ray Boylan).

Chair Gary Reinhardt closed the Work Session at 6:49 PM.

PUBLIC HEARING

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

2000-048 **336 Commercial Street, Units 4 & 5, Esther Lastique on behalf of Donald Edwards** - Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Ms Lastique appeared to present the application, which is for renewal of a special permit for outdoor display. **Presentation:** display is artwork on easel and a piece of sculpture **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 the decision using the standard outside display form.

2000-049 **240 Commercial Street, Joseph Patrick on behalf of Patrick Family Trust** – Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Mr. Patrick appeared to present the application, which is for renewal of a special permit for outside display. **Presentation:** seeks approval for popcorn cart. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. *Larry Mahan moved to grant, Barbara Gard seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard outside display form.

2000-050 **240 Commercial Street, Joseph Patrick on behalf of Patrick Family Trust** - Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Mr. Patrick appeared to present the application, which is for a special permit for outside display. **Presentation:** seeks to display and rent “ebike” bicycles. Will supply free helmets. Referred to State regulations, which say that electric bicycles are not motorized bicycles and do not require registration. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** will also sell ebikes; distance from porch to public way; town by-law prohibiting rental of motorized two-wheel vehicles; whether application is only for outside display. *Ray Boylan moved to grant, Larry Mahan seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard outside display form.

2000-051 **240 Commercial Street, Clothing by Nira, represented by Steven Abrams on behalf of the Patrick Family Trust** - Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Mr. Abrams appeared to present the application, which is for renewal of a special permit for outside display. **Presentation:** display clothing on the porch. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. *Peter Bez moved to grant, Ray Boylan seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard outside display form.

2000-052 **244 Commercial Street, Agora, Inc. represented by Marcus O’Brikis on behalf of Peter Stuart** - Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Mr. O’Brikus appeared to present the application, which is for a special permit for outside display. **Presentation:** display handmade kites and light fixtures **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 the decision using the standard outside display form.

Chair Gary Reinhardt closed the Public Hearing at 7:29 P.M.

ADJOURNMENT

Steve Melamed made a motion to adjourn at 7:30 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 at their meeting on \_\_\_\_\_, 2000

Respectfully Submitted:

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

\_\_\_\_\_  
Title

**Rachel Crosby**  
On-call secretary