

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF September 7, 2000

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Meeting Place: Judge Welsh Room in Town Hall

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

Members Absent: Larry Mahan (excused)

Others Present: Rachel Crosby (Recording Secretary)

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:07 P.M.

PENDING DECISIONS

2000-054 409 Commercial Street, Robert Valois on behalf of John Anderson –Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Ray Boylan read the decision. *Peter Bez moved to approve as written, Barbara Gard seconded and it was so voted, 4-0, 1 absent (Larry Mahan).*

2000-058 411 Commercial Street, Arthur Santos on behalf of Madelyn and John Carney - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Peter Bez read the decision. *Ray Boylan moved to approve as written, Barbara Gard seconded and it was so voted, 4-0, 1 absent (Larry Mahan).*

2000-059 53 Bradford Street, Unit 1, Pasquale Natale on behalf of Side Street Realty Trust - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Gary Reinhardt read the decision written by Larry Mahan. *Peter Bez moved to approve as written, Barbara Gard seconded and it was so voted, 4-0, 1 absent (Larry Mahan).*

2000-060 53 Bradford Street, Unit 1, Pasquale Natale on behalf of Side Street Realty Trust - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Gary Reinhardt read the decision written by Larry Mahan. *Barbara Gard moved to approve as written, Peter Bez seconded and it was so voted, 4-0, 1 absent (Larry Mahan).*

PENDING CASES

2000-055 494 Commercial Street, Howard Davis, III - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Gary Reinhardt reported on his review of the 1998 decision on this property. **Board Discussion:** whether use for entertainment is allowed in Zone W; whether approval would set a precedent; property is not comparable to any other art gallery in Town; is a customary accessory use specifically for this gallery. By consensus, the Board decided to postpone the vote until a full Board was present.

MISCELLANEOUS

Gary Reinhardt read from and, with input from Board members, completed a Town survey on support provided to the Board.

MINUTES

August 24, 2000 – *Steve Melamed moved to approve as written, Ray Boylan seconded, and it was so voted, 5-0, 1 absent (Larry Mahan).*

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:00 P.M. and explained the public hearing procedures to the public. Five members of the Board were present and one was absent

2000-061 **48 Shank Painter Road, Joan Taves** - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Steve Melamed sat on case. Attorney Lester Murphy, Joseph Taves and William Rogers appeared to present the application, which is for a Special Permit to continue a non-conforming structure along a pre-existing, non-conforming line. **Presentation:** Mr. Murphy read from an August 31, 2000 memo from Building Commissioner Warren Alexander; Mr. Murphy also read from State laws concerning statute of limitations; viewing under Goldhirsch would remove need for a variance; will remain a one-bedroom, single-family structure; new Title 5 septic will be installed; Conservation Commission and Board of Health have approved; **Public Comment:** No one spoke in favor. No one spoke in opposition. There were no letters in file. **Board Discussion:** how average setback was calculated when cottage was built in 1978; whether cottage was properly built, thereby making it a pre-existing non-conformancy; front yard setback is only non-conformancy. *Peter Bez moved to approve under Goldhirsch, Ray Boylan seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard Goldhirsch decision form.

2000-062 **48 Shank Painter Road, Joan Taves** - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Steve Melamed sat on case. Applicant submitted written request to withdraw without prejudice. *Peter Bez moved to accept the withdrawal without prejudice, Steve Melamed seconded and it was so voted, 5-0.*

2000-063 **6 Pearl Street, Steve Rose on behalf of Edward Chapin** - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Steve Melamed sat on case. Edward Chapin appeared to present the application, which is for a Special Permit for a change, extension or alteration. **Presentation:** Historic Commission has approved; has decreased footprint. **Public Comment:** No one spoke in favor. No one spoke in opposition. There was one letter in favor in file. **Board Discussion:** can make a finding under Goldhirsch; current non-conformancies listed as all four setbacks and lot coverage; whether flat or shed roof is acceptable. *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.

2000-064 **186 Commercial Street, Ellen Freeman on behalf of ESR Realty Trust** – The applicant voluntarily accepted a four member Board because Steve Melamed stepped down with a conflict. Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan sat on case. Attorney Nancy Correia and Ellen Freeman appeared to present the application, which is for a Special Permit to change the location of entertainment. **Presentation:** building has been vacant for nearly two years; entertainment license was to be used in basement, which is in very poor condition; applicant wants to temporarily move entertainment location to first floor to preserve license; will keep all previous conditions/restrictions; only asking to have entertainment from 5:00 PM to 10:00 PM. **Public Comment:** Steve Melamed spoke in favor. No one spoke in opposition. There were no letters in file. **Board Discussion:** piano is the only item that is moving; no amplification; create a one-year special permit for entertainment upstairs to preserve license; basement special permit will continue meanwhile. *Peter Bez moved to grant a special permit to allow entertainment on the first floor from 5:00 PM to 10:00 PM with a pianist or guitarist and/or singer, Ray Boylan seconded and it was so voted, 4-0.* Ms Correia submitted a draft decision, which Peter Bez read. *Peter Bez moved to accept the decision as read with minor modifications, Barbara Gard seconded and it was so voted, 4-0.*

Chair Gary Reinhardt closed the Public Hearing at 8:16 P.M.

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 8:17 P.M.

MISCELLANEOUS

- The Board discussed winter vacation plans and meeting schedules and whether specific members would be renewing their terms.
- The Board also discussed the following:
 - ⌘ Gifford House signage and door usage.

- ⌘ Non-conforming roof pitches.
- ⌘ The enclosed porch on Arch Street.
- ⌘ Flexible seating

ADJOURNMENT

Peter Bez made a motion to adjourn at 8:30 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