

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF October 5, 2000

Meeting Place: Judge Welsh Room in Town Hall

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

Members Absent: Ray Boylan (Clerk), Larry Mahan

Others Present: Rachel Crosby (Recording Secretary)

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:05 P.M.

PENDING CASES

2000-065 522 Commercial Street, Jane Dyson - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. **Board Discussion:** The Board discussed their site visit and the decision of the Building Commissioner; whether the wall and fence together is one structure; retaining wall was apparently put in to allow for septic installation which was never completed; whether only a section or the entire wall/fence is too high; the applicant wants the end of the fence reduced in height; the Board reviewed correspondence between Ms Dyson and the Building Commissioner; consensus to require only last section of fence be reduced in height. Official decision postponed until next meeting.

2000-068 654-656 Commercial Street, Scott A. Pare on behalf of Todd Henning –Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. **Board Discussion:** Applicant has not filed requested parking plan; Gary Reinhardt reported he had consulted with Parking Administrator and Chief of Police who both confirmed that the edge of the entire property is one big curb cut and that parking along Commercial Street side is illegal; Chief also reported that there is no sidewalk along the edge of the property; the owner or tenant may park cars up to edge of street. **Public Comment:** Gary Reinhardt read two letters received by the Permit Coordinator and which were not conveyed to the Board at the Public Hearing. One letter listed conditions for approval and the other was not in favor. Attorney Veara asked if a letter he had sent had been received and also if, once the applicant's parking plan is filed, whether the public would be given the opportunity to comment. Gary Reinhardt replied that he would consider allowing public comment. **Board Discussion:** The Board reviewed the Zoning By-Laws and asked whether selling cars is an extension of the current non-conforming use; the By-Laws seem to say that servicing and selling cars are considered one use; whether other businesses in town had been both repairing and selling cars as a non-conforming use. Official decision postponed until next meeting.

PENDING DECISIONS

2000-055 494 Commercial Street, Howard Davis, III - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Gary Reinhardt read the decision that Ray Boylan had written. *Peter Bez moved to accept the decision as written, Barbara Gard seconded and it was so voted, 3-0, 2 absent (Larry Mahan, Ray Boylan).*

2000-066 82 Bradford Street, Thomas Walter – Gary Reinhardt, Barbara Gard, Steve Melamed, Larry Mahan sat on case. Steve Melamed read the decision. The Board discussed the fact that neither the 4 foot walkway nor the requirement to fill the pool with water from non-public sources were in the Zoning By-Laws. *Barbara Gard moved to accept the decision as written, Gary Reinhardt seconded and it was so voted, 3-0, 1 absent (Larry Mahan).*

Gary Reinhardt postponed the Work Session at 6:44 P.M.

Gary Reinhardt reconvened the Work Session at 7:03 P.M.

2000-68654-656 Commercial Street, Scott A. Pare on behalf of Todd Henning – Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Scott Pare appeared and presented a parking plan. Gary Reinhardt briefly explained what the Board had discussed earlier and said that the parking plan would be available for the public to inspect. Gary Reinhardt said he would probably be consulting with Town Counsel as to the wording of the decision. Mr. Pare also presented photographs of the cars on the lot and said that the owner of the property had informed him that there was no limit in the business license concerning the number of cars. Official decision postponed until next meeting.

Gary Reinhardt adjourned the Work Session at 7:08 P.M.

PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:08 P.M. and explained the public hearing procedures to the public. Four members of the Board were present and two were absent

2000-072 1 Winthrop Street, Peter Karl – Gary Reinhardt informed the applicant that only four members were present and that a unanimous vote was therefore required to receive approval. The applicant accepted a four member Board. Gary Reinhardt, Peter Bez, Barbara Gard, Steve Melamed sat on case. Mr. Karl appeared to present the application, which is for a special permit for change of use from a barber shop to a travel agency and real estate sales. **Presentation:** Applicant was misinformed about need to obtain new permit when business first moved to this site. **Public Comment:** No one spoke either in favor or opposition. There was one letter in favor. **Board Discussion:** Going from one non-conforming use to another non-conforming use, which requires a special permit. *Steve Melamed moved to grant, Peter Bez seconded and it was so voted, 4-0.* Gary Reinhardt will write the decision.

2000-071 16 Standish Street, William Whitaker – Gary Reinhardt informed the applicant that only four members were present and that a unanimous vote was therefore required to get approval. The applicant accepted a four member Board. Gary Reinhardt, Peter Bez, Barbara Gard, Steve Melamed sat on case. Mr. Whitaker and Mr. Kimball appeared to present the application, which is for a special permit to renovate an existing non-conforming dwelling, relieving two non-conforming setbacks and leaving one. **Presentation:** Use of property and number of bedrooms will not change; approved by Historical Commission; renovating small rear cottage; increasing distance to main house and increasing setbacks. **Public Comment:** No one spoke in favor. Linda Welter spoke on behalf of the Standish Street Condominium Association with concerns about a possible change of use and obstructions created by construction. There were no letters in file. **Board Discussion:** Will remain a single family structure; can consider under Goldhirsch; applicant said an off-street dumpster would be provided for debris and that there was adequate space for construction materials; technically creating new non-conformancy by moving sideways, while eliminating two non-conformancies. *Peter Bez moved to grant under Goldhirsch, Steve Melamed seconded and it was so voted, 4-0.* Peter Bez wrote the decision using the standard Goldhirsch decision form.

Chair Gary Reinhardt closed the Public Hearing at 7:50 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Work Session to order at 7:51 P.M.

PENDING CASES

2000-065 522 Commercial Street, Jane Dyson - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. **Board Discussion:** Issue of artificially increased grade and how to deal with it; reiterated that retaining wall is a structure; where in the Zoning By-Laws fences are mentioned.

MINUTES

September 21, 2000 – *Steve Melamed moved to approve with a minor correction, Peter Bez seconded, and it was so voted, 4-0, 2 absent (Larry Mahan, Ray Boylan).*

MISCELLANEOUS

- ⌘ Next meeting will be on Thursday, October 19, 2000 at 6:00 P.M.
- ⌘ Gary Reinhardt distributed pamphlets on upcoming zoning courses.
- ⌘ The Board discussed arranging a meeting with a representative from Town Counsel.
- ⌘ The Board discussed the schedule for future meetings: October 19, November 2, November 30 and December 14, 2000 and January 4, 2001.

ADJOURNMENT

Peter Bez made a motion to adjourn at 8:14 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:

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Zoning Board of Appeals Signature

\_\_\_\_\_ *Rachel Crosby*  
Title On-call secretary