

# TOWN OF PROVINCETOWN

## ZONING BOARD OF APPEALS

### MEETING MINUTES OF October 19, 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, Larry Mahan

**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

**2000-068 654-656 Commercial Street, Scott A. Pare on behalf of Todd Henning** –Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Gary Reinhardt said he was going to take an unusual step and allow Attorney Jamie Veara speak on behalf of the abutters. Mr. Veara said that, because the applicant has not submitted the plan requested by the Board, the Board should consider voting a denial. Mr. Veara spoke about his request to the Building Commissioner for enforcement and referred to a letter of reply from the Building Commissioner. Mr. Veara gave his reasons for why he felt the by-law concerning automotive repairs did not implicitly include automotive sales as part of the same use. **Board Discussion:** Gary Reinhardt reviewed the Board's discussion at the last meeting; Gary Reinhardt reported on his conversation with Town Counsel Judith Cutler, who had essentially agreed with Mr. Veara's interpretation that automotive sales constituted a change of use; Gary Reinhardt mentioned that the applicant had brought a parking plan to the last meeting, but the Board had requested one that was to scale; The Board discussed whether the potential change of use was more or less detrimental to the neighborhood. Taken under advisement.

**2000-065 522 Commercial Street, Jane Dyson** - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. **Board Discussion:** Gary Reinhardt reviewed the discussion that took place at the last meeting; the Board will limit its decision to the last section of the fence nearest the applicant. *Peter Bez moved to grant the request to obtain zoning relief and overturn the decision of the Building Commissioner, Ray Boylan seconded, and it was so voted, 5-0.*

### PENDING DECISIONS

**2000-065 522 Commercial Street, Jane Dyson** - Gary Reinhardt, Peter Bez, Barbara Gard, Ray Boylan, Larry Mahan sat on case. Peter Bez read the decision. *Larry Mahan moved to accept the decision, Barbara Gard seconded and it was so voted, 5-0.*

**2000-072 1 Winthrop Street, Peter Karl** – Gary Reinhardt, Peter Bez, Barbara Gard, Steve Melamed sat on case. Gary Reinhardt read the decision. *Peter Bez moved to accept the decision, Steve Melamed seconded, and it was so voted, 4-0.*

### MISCELLANEOUS

☛ Gary Reinhardt referred to and the Board discussed a proposed 2001 meeting schedule promulgated by Permit Coordinator Judith Oset. The proposed schedule would switch the Zoning Board of Appeals meetings to the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of the month.

**MINUTES**

October 5, 2000 – *Larry Mahan moved to approve as written, Peter Bez seconded, and it was so voted, 4-0, 2 abstain (Larry Mahan, Ray Boylan).*

Gary Reinhardt adjourned the Work Session at 6:46 P.M.

**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

**2000-069**      **491 Commercial Street, Units 6, 7, & 8, Ella Paul, Frank Wormuth, Barbara Scarcella and Carol Adelman** (continued from September 21, 2000) –Gary Reinhardt referred to a letter from the applicants’ attorney requesting another continuance, which Mr. Reinhardt granted until November 2, 2000.

**2000-073**      **12 Conwell Street, Pamela Baron and Michele Aurelio** – Gary Reinhardt, Peter Bez, Ray Boylan, Barbara Gard, Larry Mahan sat on case. Ms Baron appeared to present the application, which is for a special permit to remove a pre-existing non-conforming cottage and reconstruct with alterations within the setbacks. **Presentation:** wants to move one bedroom from the main house to the cottage, making it a two-bedroom dwelling; cottage will be moved out of the setbacks. **Public Comment:** No one spoke in favor. Lee Robinson spoke in opposition. Mr. Duarte spoke with concerns. There were no letters in file. **Board Discussion:** date when cottage was last occupied; whether use as a dwelling has been abandoned; Board of Health has approved a five-bedroom septic design; whether proposed basement garage constitutes a story; applicant could renovate structure in same location on same footprint, while extending non-conformancy by adding second story; number of bedrooms is not an issue before the Board. Applicant submitted a request to withdraw the application without prejudice. ***Peter Bez moved to accept the withdrawal without prejudice, Larry Mahan seconded and it was so voted, 5-0.***

**2000-074**      **9 Washington Avenue, Robert Arthur Costa on behalf of Arthur Jerome Costa** – Gary Reinhardt, Ray Boylan, Larry Mahan, Barbara Gard, Steve Melamed sat on case. Steve Melamed disclosed that Robert Arthur had been an employee of his in the past, but that he was comfortable sitting on the case. Robert Arthur appeared to present the application, which is for a special permit to extend/alter a pre-existing non-conforming structure. **Presentation:** will be installing a new septic system; Board of Health and Historic Commission have given approval; ; garage may need to be torn down to install new septic system; wants to reconstruct garage as artist studio/office. **Public Comment:** No one spoke either in favor or in opposition. There was one letter in favor. **Board Discussion:** Garage is one and one-half story; increasing height of building; non-conforming in rear and side setbacks, lot size, space between buildings, and possibly lot coverage; cannot completely tear down garage and then reconstruct – must leave at least one wall of original structure; whether knee-wall creates second story. ***Barbara Gard moved to grant, Steve Melamed seconded and it was so voted, 5-0.*** Ray Boylan will write the decision.

Chair Gary Reinhardt closed the Public Hearing at 7:55 P.M.

**MISCELLANEOUS**

⌘ Next meeting will be on Thursday, November 2, 2000 at 6:30 P.M.

**ADJOURNMENT**

***Peter Bez made a motion to adjourn at 7:56 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