

# TOWN OF PROVINCETOWN

## ZONING BOARD OF APPEALS

### MEETING MINUTES OF NOVEMBER 2, 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), Steve Melamed, Larry Mahan

**Members Absent:** Barbara Gard

**Others Present:** Rachel Crosby (Recording Secretary)

### 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

- 2000-069**     **491 Commercial Street, Units 6, 7, & 8, Ella Paul, Frank Wormuth, Barbara Scarcella and Carol Adelman** (continued from September 21, 2000) – A letter was received from the applicant requesting that the application be withdrawn without prejudice. *Peter Bez moved to accept the withdrawal without prejudice, Larry Mahan seconded and it was so voted unanimously.*
- 2000-076**     **237-241 Commercial Street, Paul DeRuyter on behalf of Whalers' Wharf, LLC** – Steve Melamed stepped down with a conflict and the applicant accepted a four member Board. Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan sat on case. **Presentation:** Mr. DeRuyter appeared to present the application which is for renewal of a special permit for entertainment, and the service of food and alcoholic beverages. Applicant has added conditions that are acceptable to an abutter. Wants to extend the hours of operation to 1:00 AM in the restaurant. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** Alcohol is not allowed and may not be served on the deck. *Ray Boylan moved to approve with the addition of the seven conditions in the addendum and the change in the hours of operation in the restaurant, Peter Bez seconded and it was so voted, 4-0.* Ray Boylan will write the decision.
- 2000-077**     **323 Commercial Street, Old Colony Tap, Inc. represented by Leonard Enos, Jr on behalf of Luco Realty** - Steve Melamed stepped down with a conflict and the applicant accepted the four member Board. Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan sat on case. Mr. Enos appeared to present the application which is for a special permit to expand existing entertainment to include live entertainment and dancing by patrons. **Presentation:** Wants to allow local musicians to perform. **Public Comment:** Mr. Bennett spoke in favor. No one spoke in opposition. There were no letters in file. **Board Discussion:** applicant wants a total of five entertainers with amplification; hours to be from 10:00 AM to 1:00 AM; no air conditioning currently in building; currently has jukebox, pinball and video games; will be granted conditionally for one year. *Peter Bez moved to grant the permit with conditions and to expire on December 31, 2001, Ray Boylan seconded and it was so voted, 4-0.* Peter Bez will write the decision.
- 2000-78**     **111 Race Point Road, Lisa Casselano on behalf of Joseph Borgesi** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Steve Melamed sat on case. Ms Casselano and her interpreter appeared to present the application, which is for a special permit to board horses. **Presentation:** Current barn is being sold. No business to be operated from site, just wants to stable horses and store carriages. Will take steps to minimize odors. Presented petition of support signed by neighbors. **Public Comment:** Mr. Bennett spoke, saying he had been retained to represent Ms Casselano on this issue, but due to his being a member of the Conservation Commission, he has a conflict. Ms Ebert, Mr. Bowen (who is the realtor

selling the property), Myra Gold, Eileen Kennedy and Mr. Costa spoke in favor. Miriam Collinson spoke with concerns about the location of the horse shed. Mr. McDonough, Mr. Lecas(?), Ms Plant, Mr. Scull(?), Ms Ososki (?), Mr. Rand spoke in opposition. There was a petition in favor signed by fifteen people. There was one letter in favor and thirteen letters in opposition. There were two emails in opposition. **Board Discussion:** whether applicant wants to board two or three horses; whether business is licensed by Board of Health; can fit three carriages in garage; horses will only go in shed at night and in bad weather; will be fenced-in paddock in northwest corner of property; will take manure to dump two or three times per week; manure will be treated with lime to minimize odor; carriages were previously based at Nelson's Stables and did not cause traffic problems on Race Point Road; whether applicant has plans for rest of property; Board would need new site plan showing exact location of paddock; whether applicant would be willing to increase size of horse shed; tackle to be stored in garage; dry feed to be securely stored; how to treat for urine odor; Board will do site visit. Taken under advisement.

## MISCELLANEOUS

The Board discussed Board membership with potential member Peter McDonough. *Peter Bez moved to appoint Mr. McDonough as an alternate member of the Zoning Board of Appeals, Steve Melamed seconded and it was so voted, 5-0.*

**2000-079** **89 Shank Painter Road, James M. Costa** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Steve Melamed sat on case. Mr. Costa appeared to present the application, which is for a special permit to exceed the scale average. **Presentation:** Mr. Costa distributed an outline of his research and Gary Reinhardt read the outline. **Public Comment:** Mr. Pierson (of United Parcel Service), Ms Holman, Mr. Clem Silva, Mr. Singer and Mr. Bennett spoke in favor. There were no speakers in opposition. There was one letter in favor and none in opposition. **Board Discussion:** scale by-law is strictly interpreted; basement will not be used for storage; applicant will need special permit for use as storage facility and can be only granted on a yearly basis and requires inspections by Fire Chief and the Building Inspector; proposed building is two and one-half stories; area will be engineered to minimize problems with water drainage; will have remote video monitoring for security; Building Commissioner's opinion is that the building will be an industrial warehouse and will therefore not require annual renewal; applicant states will be an rental storage facility. *Peter Bez moved to grant with condition that basement not be used for rental storage and that letter of approval be received from Fire Chief and Building Inspector, Ray Boylan seconded and it was so voted, 5-0.* Larry Mahan 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 at 9:06 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. Letter has been received from applicant requesting withdrawal without prejudice. *Peter Bez moved to accept the withdrawal without prejudice, Larry Mahan seconded and it was so voted 4-0, 1 absent (Barbara Gard).*

## PENDING DECISIONS

**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. Ray Boylan read the decision. *Steve Melamed moved to accept the decision as written, Larry Mahan seconded, and it was so voted, 4-0, 1 absent (Barbara Gard).*

## MISCELLANEOUS

- ✿ **Determine Topics, Dates & Times for Workshop/Training Session with Town Counsel** – By consensus, the Board decided to postpone the workshop/training session.
- ✿ **On-Call Secretary Pay Rate** – *Peter Bez moved to approve the Zoning Board of Appeals On-Call Secretary pay rate at \$15.00 per hour, Steve Melamed seconded and it was so voted, 5-0.*
- ✿ **2001 Zoning Board of Appeals Meeting Schedule** – *Steve Melamed moved to maintain the Zoning Board of*

*Appeals meeting schedule on the first and third Thursdays of the month and that instead the Board of Health be approached about changing their meeting schedule, Peter Bez seconded and it was so voted, 5-0.*

☛ By consensus, the Board decided to accept more cases for the Public Hearing on December 14, 2000.

**MINUTES**

**October 19, 2000** – *Steve Melamed moved to approve as written, Larry Mahan seconded, and it was so voted, 5-0, 1 absent (Barbara Gard).*

**MISCELLANEOUS**

☛ Next meeting will be on Thursday, November 30, 2000 at 6:30 PM.

**ADJOURNMENT**

*Larry Mahan made a motion to adjourn at 9:32 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