

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF DECEMBER 14, 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), Larry Mahan, Steve Melamed, Peter McDonough.

**Members Absent:** Barbara Gard (excused)

**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. Six members of the Board were present and one was absent.

**2000-070 143 Commercial Street, Christopher Snow on behalf of 141-143 Commercial Street Realty Trust** – The application is for a special permit to alter, extend or change a pre-existing, non-conforming structure along non-conforming dimensions without intruding further into existing setbacks. **Continued at applicant's request until February 1, 2001.**

**2000-085 186 Commercial Street, ESF, Ltd. on behalf of Ellen Freeman, trustee for ESR Realty Trust** - Gary Reinhardt, Peter Bez, Larry Mahan, Ray Boylan, Peter McDonough sat on case. Nan Dumas and Nancy Correia, Esq., appeared to present the application, which is to modify an existing special permit to allow for changes to the seating plan and to relocate entertainment and bars. **Presentation:** Basement entrance to be enlarged to allow for handicapped access, forcing relocation of entertainment area; first floor bathrooms being redesigned for handicapped access, requiring relocation of wet bar; total number of seats has not changed, but have moved due to redesign. **Public Comment:** No one spoke either in favor or opposition. There was one letter in favor in file and none in opposition. **Board Discussion:** will continue to have one instrumentalist (piano or guitar) and one vocalist; owner will be allowed to move seats in and outside at will, provided they do not exceed total limit at any time. Gary Reinhardt read a draft decision prepared by Ms Correia. *Peter Bez moved to grant the special permit as described in the draft decision, Ray Boylan seconded, and it was so voted, 5-0. Peter Bez moved to accept the language of the decision with a minor modification, Larry Mahan seconded and it was so voted, 5-0.*

**2000-087 785 Commercial Street, Tim Bright** – Gary Reinhardt, Peter Bez, Larry Mahan, Ray Boylan, Steve Melamed sat on case. Mr. Bright appeared to present the application, which is for a special permit to construct an addition. **Presentation:** Mr. Bright read a statement prepared by the property owner, Dr. Harris. Wants to provide more spacious and convenient sleeping space. Will continue to be a two family dwelling. **Public Comment:** No one spoke either in favor or opposition. There were two letters in favor and none in opposition. **Board Discussion:** can consider under Goldhirsch; is within scale limitations; whether is a two or three story structure. *Peter Bez moved to grant under Goldhirsch, Larry Mahan seconded and it was so voted, 5-0.* Peter Bez wrote the decision using the standard Goldhirsch decision form.

**2000-088 313 Bradford Street, Arthur Cohen** – Gary Reinhardt, Peter Bez, Larry Mahan, Ray Boylan, Steve Melamed sat on case. Toby Everett appeared to present the application, which is for a special permit to extend a pre-existing, non-conforming structure by adding a work space. **Presentation:** Owner is an artist and needs more work space; Mr. Everett presented drawings showing the proposed addition.

**Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** application is incomplete – needs more detailed and complete drawings/plans. Applicant submitted a written request to withdraw without prejudice. *Peter Bez moved to accept the request to withdraw without prejudice, Ray Boylan seconded and it was so voted, 5-0.*

**2000-089** **5 Arch Street, Donald E. LaFlamme** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Peter McDonough sat on case. Attorney Christopher Snow appeared to present the application, which is for a special permit to alter, extend or change a pre-existing, non-conforming structure by retaining as built the screened-in porch. **Presentation:** structure built in 1998; Mr. Snow distributed pre and post construction photos and reviewed the property's building permit history; owner was not aware until recently that screens had not been allowed in Zoning Board of Appeals's decision; is now seeking approval under Goldhirsch. **Public Comment:** No one spoke either in favor or opposition. There were no letters in file. **Board Discussion:** whether June 1998 Zoning Board of Appeals decision (# **98-046**) was filed with Registry of Deeds; that decision only approved the bumpout of the roofline; whether applicant received the revised drawings attached to the decision; Board needs to look at this new application as if the screened porch had never been built; Board had been previously been assured by owner that porch would not become an additional room of the house, but would remain a screened porch; is now being used as a living area; two condominium units in the building; screens can be covered with glass panels when weather is inclement; whether Board is approving an as-built room which encroaches into front yard setback or whether it extends further into setback; concern that decision may not have been filed at Registry; concerns with the process; possibility of a site visit; what happened to Zoning Enforcement Orders; applicant had received a permit to enclose the porch prior to the application to the Zoning Board of Appeals application for the roofline bumpout; Board will need plans showing exactly what has been built. Board will conduct a site visit on January 4, 2001.

Chair Gary Reinhardt closed the Public Hearing at 9:03 P.M.

## WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 9:04 P.M.

## PENDING DECISIONS

**2000-078** **111 Race Point Road, Lisa Casselano on behalf of Joseph Borgesi** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Steve Melamed sat on case. Steve Melamed read the decision. *Peter Bez moved to accept the language of the decision with an amendment, Ray Boylan seconded and it was so voted, 5-0.*

**2000-081** **6 School Street, Joseph Pallant** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Steve Melamed sat on case. Ray Boylan read the decision. *Peter Bez moved to approve as written, Steve Melamed seconded and it was so voted, 5-0.*

**2000-083** **177 Commercial Street, Stephen Melamed** – Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Peter McDonough sat on case. Gary Reinhardt read a letter from Neva Hansen correcting an error she had made in her public statement. Peter Bez read the decision. *Larry Mahan moved to accept as written, Peter McDonough seconded and it was so voted, 5-0.*

**2000-084** **291 Commercial Street, Stephen Melamed** - Gary Reinhardt, Peter Bez, Ray Boylan, Larry Mahan, Peter McDonough sat on case. Peter Bez read the decision. *Ray Boylan moved to accept as written, Larry Mahan 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. Peter Bez read a letter from the Building Commissioner. Larry Mahan had read the decision at the last meeting. *Peter Bez moved to approve the decision pending receipt of approval from the Fire Chief, Larry Mahan seconded, and it was so voted, 5-0.*

## MISCELLANEOUS

◆ None

## MINUTES

November 30, 2000 – *Peter Bez moved to approve as written, Steve Melamed seconded, and it was so voted, 6-0.*

**MISCELLANEOUS**

⌘ Next meeting will be on Thursday, January 4, 2001 at 7:00 P.M.

**ADJOURNMENT**

*Larry Mahan made a motion to adjourn at 9:35 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