

TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS

MEETING MINUTES OF APRIL 11, 2002

MEETING HELD IN TOWN HALL

Members Present: Gary Reinhardt (Chair), Peter Bez (Vice Chair), Larry Mahan (Clerk), Estherann Czyoski, Steve Melamed, Peter Page.

Members Absent: Peter McDonough (excused).

Others Present: Warren Alexander (Building Inspector) Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:37 P.M.

PENDING DECISIONS

- 2002-013** **15 Commercial Street (*Residential Class B Zone*), David Silva representing the Red Inn at Provincetown, Inc., on behalf of The Red Inn, LLC -**
Peter Bez, Gary Reinhardt, Larry Mahan, Estherann Csyoski, Peter Mc Donough sat on the case. Peter Bez read the decision. The file contained a memorandum from Sean O'Brien, Health Agent, indicating that the work being done would not increase the septic flow on the property. *Larry Mahan moved to accept the language as written, Estherann Czyoski seconded and it was so voted, 4-0-1 (absent).*
- 2002-015** **16 Harry Kemp Way (*Residential Class W Zone*), John Reis, Inc., on behalf of J&J Realty Trust -**
Gary Reinhardt, Larry Mahan, Peter Page, Steve Melamed, Peter McDonough sat on the case. Steve Melamed read the decision. *Peter Page moved to accept the language as amended, Larry Mahan seconded and it was so voted, 4-0-1 (absent).*
- 2002-016** **540-544 Commercial Street (*Residential Class W Zone*), Lester J. Murphy, Jr., on behalf of Provincetown Hospitality, LLC –**
Gary Reinhardt, Larry Mahan, Estherann Czyoski, Peter McDonough sat on the case. Estherann Czyoski read the decision. *Larry Mahan moved to accept the language as written, Gary Reinhardt seconded and it was so voted, 3-0-1 (absent).*

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

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:03 P.M. and explained the Public Hearing procedures to the public. Six members of the Board were present and one was absent.

- 2002-021** **88 Bradford Street Extension (*Residential Class W Zone*), John Reis, Inc. on behalf of Sheri Costa -**
Gary Reinhardt, Peter Bez, Estherann Czyoski, Larry Mahan and Peter Page sat on the case. The applicant seeks a Special Permit under Article II Section 2110 or a Variance under Article I Section 1320 of the Zoning By-Laws to extend a single family dwelling structure further into a setback. **Presentation:** John Reis appeared to present the application. Warren Alexander stated his opinion regarding whether the project should be considered as a Variance or a Special Permit under the Zoning By-Laws. He added that the decision on how to categorize the project would be up to the discretion of

the Board as would the decision to consider it under the *Goldhirsh v. McNear* ruling.

Public Comment: Ted Malone spoke in favor of the application for a Variance.

There were no letters on file.

Board Discussion: The Board questioned Mr. Alexander further about considering the application under the *Goldhirsh v. McNear* ruling. Steve Melamed commented on the issue as a friend of the Board. The Board determined that the decision came under the *Goldhirsh v. McNear* ruling.

Peter Bez moved to grant a Special Permit under Article II Section 2110 of the Zoning By-Laws to extend a single family dwelling structure further into a setback at the property located at 88 Bradford Street Extension (Residential Class W Zone), Peter Page seconded and it was so voted, 4-1 (Estherann Czyoski opposed).

2002-022

484 Commercial Street (Residential Class W Zone), Deborah Paine, Inc. on behalf of R. DiSavino and C. Mascari -

Gary Reinhardt, Peter Bez, Estherann Czyoski, Larry Mahan and Peter Page sat on the case. The applicants seek a Special Permit under Article II Section 2110 of the Zoning By-Laws to construct a dormer on the west side on a pre-existing non-conforming building.

Presentation: Deborah Paine appeared to present the application. Ms. Paine stated that the dormer is being added for safety reasons. She added that the applicant is not increasing the non-conformancy because the footprint of the structure will remain the same.

Public Comment: There were no speakers either in favor or in opposition. There were no letters on file.

Board Discussion: The Board discussed whether to consider the application under the *Goldhirsh v. McNear* ruling. Warren Alexander was then asked his opinion on the question. The Board determined that the decision came under the *Goldhirsh v. McNear* ruling.

Peter Bez moved to grant a Special Permit under Article II Section 2110 of the Zoning By-Laws to construct a dormer on the west side on a pre-existing non-conforming building on the property located at 484 Commercial Street (Residential Class W Zone), Estherann Czyoski seconded and it was so voted, 5-0.

2002-023 540-541 Commercial Street (Residential Class W Zone), Lester J. Murphy on behalf of Provincetown Hospitality, LLC –

Gary Reinhardt, Peter Bez, Larry Mahan, Estherann Czyoski, and Peter Page sat on the case. The applicant seeks a Special Permit under Article VII Section 7102E of the Zoning By-Laws to deviate from building scale for construction of a peak on rear of structure. Attorney Lester J. Murphy submitted a request to withdraw the application. **Peter Bez moved to grant the request to withdraw the application, Estherann Czyoski seconded and it was so voted, 5-0.**

2002-024 56 Shank Painter Road (Commercial Class P Zone), A&P #182 on behalf of Seagull Realty Trust -

Gary Reinhardt, Peter Bez, Larry Mahan, Estherann Czoski, and Steve Melamed sat on the case. The applicant seeks a Special Permit under Article II Section 2420 of the Zoning By-Laws for outdoor display.

Presentation: Mark Holbrook and Heather Sumner appeared to present the application.

Public Comment: No one spoke either in favor or in opposition. There were no letters on file.

Board Discussion: The Board questioned Mr. Holbrook and Ms. Sumner about the outdoor display and considered whether they would require that the Special Permit be renewed on a yearly basis or every three years. They decided to grant the Special Permit for a period of three years.

Peter Bez moved to grant a Special Permit under Article II Section 2420 of the Zoning By-Laws for outdoor display at the property located at 56 Shank Painter Road (Commercial Class P Zone), Larry Mahan seconded and it was so voted, 5-0.

2002-025 651 Commercial Street (Residential Class G Zone), William von Thaden, von Thaden Builders and Designers, Inc. on behalf of Robert Steinberg and Lise Motherwell -

The applicants seek a Special Permit under Article II Section 2110 of the Zoning By-Laws to remove existing building and construct a new single family home. This case is postponed indefinitely.

Chair Gary Reinhardt closed the Public Hearing at 8:07 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 8:07 P.M.

PENDING DECISIONS

2002-018 Ryder Street Extension (Commercial Class R Zone), Christopher Lee Townsend on behalf of Robert Cabral –

Gary Reinhardt, Peter Bez, Larry Mahan, Estherann Czyoski, Peter McDonough sat on the case. Estherann Czyoski read the decision. **Larry Mahan moved to accept the language as written, Peter Bez seconded and it was so voted, 4-0-1 (absent).**

2002-019 73 Shank Painter Road (Commercial Class P Zone), Michael S. Trovato on behalf of Quahog Realty Trust -

Gary Reinhardt, Larry Mahan, Peter Bez, Estherann Czyoski, Peter McDonough sat on the case. Peter Bez read the decision. **Larry Mahan moved to accept the language as written, Estherann Czyoski seconded and it was so voted, 4-0-1 (absent).**

PENDING CASES

None.

DISCUSSION

The Board had a brief discussion with Warren Alexander about what criteria should be used when determining whether a case should be considered under the *Goldhirsh v. McNear* ruling.

OTHER BUSINESS

REORGANIZATION

The Zoning Board of Appeals is required to re-organize itself after the Annual Town Meeting according to the Town Charter. Chair Gary Reinhardt entertained nominations for Board positions.

Peter Bez moved to nominate Gary Reinhardt for the position of Chair, Larry Mahan seconded, Gary Reinhardt accepted the nomination and it was so voted, 5-0.

Peter Bez moved to nominate Larry Mahan for the position of Clerk, Peter Page seconded, Larry Mahan accepted the nomination and it was so voted, 5-0.

Steve Melamed moved to nominate Peter Bez as Vice Chair, Larry Mahan seconded, Peter Bez accepted the nomination and it was so voted, 5-0.

MINUTES

March 21, 2002 – Peter Bez moved to approve the minutes as written, Larry Mahan seconded and it was so voted, 5-0-1(absent).

NEXT MEETING

Next meeting (Public Hearing only at 7:00 P.M.) will be on April 18, 2002.

ADJOURNMENT

Larry Mahan moved to adjourn at 8:32 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on April 11, 2002.

Respectfully submitted,

Zoning Board of Appeals Signature

Title

Ellen C. Battaglini
On-call secretary