

TOWN OF PROVINCETOWN

ZONING BOARD OF APPEALS

MEETING MINUTES OF MAY 30, 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: None

Others Present: Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair Gary Reinhardt convened the Work Session at 6:30 P.M. Mr. Reinhardt announced that Peter Page had been promoted from an alternate to a permanent member of the Board.

PENDING DECISIONS

2002-039 **315A-319 Commercial Street, Leonard E. Enos, Jr. on behalf of Luco Realty, Inc.** - The applicant seeks a Special Permit under Article I, Section 1260 of the Zoning By-Laws to “construct a bar” upon the existing service deck. Gary Reinhardt, Larry Mahan, Peter Page and Estherann Czyoski sat on the case. Peter Page read the decision. *Estherann Czyoski moved to accept the language as written, seconded and it was so voted, 4-0.*

2002-043 **145 Commercial Street, Edward Steblein on behalf of Victor Caruso, Fisherman Cove Condominium, Unit M2 -**
Gary Reinhardt, Larry Mahan Estherann Czyoski, Peter Page sat on the case. Estherann Czyoski read the decision. *Larry Mahan moved to approve the language as written, Peter Page seconded and it was so voted, 4-0.*

PENDING DECISIONS

2002-033 **50 Bradford Street, Gregory Lambrou on behalf of Fifty Bradford Street Realty Trust (continued from May 16, 2002) -**
Gary Reinhardt, Peter Bez, Larry Mahan, Estherann Czyoski, Peter Page sat on the case.
Presentation: Attorney Lester J. Murphy appeared with Gregory Lambrou to summarize the application. The applicant presented letters from several abutters and a petition signed by seventy-five Town residents and customers of his business supporting his application.
Board Discussion: The Board questioned the applicant and Attorney Murphy about whether the building was two and a half or three stories high. The Board was in possession of a report from Warren Alexander that indicated that the building is three stories high. Chair Gary Reinhardt asked the applicant

whether he would like to proceed with a vote or withdraw his application without prejudice. Mr. Lambrou chose to proceed.

FINDINGS OF FACT:

- The existing structure, as per the data of the Town Assessor's office, is 159.58 scale units;
- The proposed project would add 6.67 scale units for a total of 166.25 scale units;
- The allowed scale, as per the data of the Town Assessor's office, is 79.77 scale units; and
- The application will make this the largest structure within the 250-foot radius as set forth in Article 3, Section 3340 of the Zoning By-Laws.

Peter Bez moved to deny a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to extend a preexisting, nonconforming structure up and along a nonconforming dimension and a Special Permit under Article 3, Section 3340E of the Zoning By-Laws to deviate from the neighborhood allowed building scale, Peter Page seconded and it was so voted, 4-1(Gary Reinhardt dissenting). Peter Bez will write the decision.

Chair Gary Reinhardt postponed the Work Session at 7:10 P.M.

PUBLIC HEARING

Chair Gary Reinhardt called the Public Hearing to order at 7:10 P.M. and explained the Public Hearing procedures to the public. Six members of the Board were present and none were absent.

- 2002-044** **7 Masonic Place, Brian D. Alexander on behalf of Eliot Denault, III –**
Gary Reinhardt, Larry Mahan, Estherann Czyoski, Peter Page sat on the case. There was a letter on file from the applicant expressing his wish to withdraw the application without prejudice.
Peter Bez moved to accept the withdrawal, Larry Mahan seconded and it was so voted, 5-0.
- 2002-045** **350 Commercial Street, Monty's Plats E J Accessories, Inc. on behalf of Frederick A. Schulenburg –**
Gary Reinhardt, Peter Bez, Larry Mahan, Peter Page and Estherann Czyoski sat on the case. The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of merchandise (garden ornaments).
Presentation: Barry Gano appeared to present the application. The applicant presented a letter to the Board from Fred Schulenburg authorizing him to use the premises. Mr. Gano would like to display garden ornaments on the side of the property.
Public Comment: None. No letters were on file.
Board Discussion: None.
Larry Mahan moved to grant a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of merchandise (garden ornaments) at the property located at 350 Commercial Street, Peter Bez seconded and it was so voted, 5-0.
- 2002-046** **398 Commercial Street, Wooden Village Teak on behalf of Marcia Ross –**
Gary Reinhardt, Peter Bez, Larry Mahan, Peter Page, Estherann Czyoski sat on the case. The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of merchandise (furniture).
Presentation: Graham Cunningham and Ed Novitsky appeared to present the application.
Public Comment: None. There were three letters on file in support of the application and two in opposition.
Board Discussion: The porch railing is setback from Washington Street only seven feet, so the applicants need to place their outdoor displays at least three feet from the porch railing in order to conform to the ten-foot setback requirement.
Peter Bez moved to grant a Special Permit for the outdoor display of merchandise (furniture) under Article 3, Section 3420 of the Zoning By-Laws at the property located at 398 Commercial Street, Larry Mahan seconded and it was so voted, 5-0.

Chair Gary Reinhardt closed the Public Hearing at 7:27 P.M.

WORK SESSION

Chair Gary Reinhardt reconvened the Work Session at 7:27 P.M.

Mr. Reinhardt read a letter written to the Board from William Fitzpatrick concerning a decision made by the Board on Case # 2002-043.

MINUTES

May 16, 2002 –*Peter Page moved to approve the minutes as amended, Larry Mahan seconded and it was so voted, 4-0-2 (absent).*

NEXT MEETING

The next meeting will be a Public Hearing at 7:00 P.M. on June 20, 2002.

ADJOURNMENT

Peter Bez moved to adjourn at 7:40P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on June 20, 2002.

Respectfully submitted,

Zoning Board of Appeals Signature

Title

Ellen C. Battaglini
On-call secretary