



Consolidated Cold Storage opposite Hancock Street, now made into apartments - October 1980



Rear and Side - June 17, 1981

The Advocate, Thursday, November 4, 1982

## Owner wants 22 new apartments

# Zoners ponder Icehouse

# proposal

By Marilyn Miller

The Provincetown Board of Zoning Appeals took under advisement last Thursday a request for variances to permit the construction of 22 new units at the Icehouse Apartments at 497, 499 and 501 Commercial Street.

A decision will be reached by Dec. 10, said Peter Dow Campbell, who was the chairman for the hearing.

Gary Ross, owner of the dilapidated five-story building that used to be a fish plant, revealed an architect's model of what the hulking building could be turned into — an attractive high-rise building with cut-outs to provide terraces and views of the bay.

Former selectman Munro Moore, who for a long time has been a staunch opponent of Ross's plans to turn the icehouse into an apartment complex, expressed approval of the model.

"If these variances are granted, I hope it is with the stipulation that this model be built," he said. "It's a very impressive solution to the problem."

Ross, through his attorney, David Pyne, asked for two variances, one from lot requirements, and another from the moratorium that limits construction of new units to no more than 12 a year.

Pyne said financing for the project could not be obtained from a bank if Ross is denied permission to build all 22 units at once. The construction of the existing building would make it impossible to do the project in a piecemeal fashion, he said.

Moore, however, noted the project could be completed in two years and that the moratorium serves a purpose in giving the town "time to react" to large projects.

"I see no substantial hardship" in requiring that Ross comply with the moratorium, he said. "If a variance is given, that just opens the door to all other developers waiting around. It would be a very substantial detriment if a variance is given," he said. "It would just open doors that should remain closed."

Ross presented the board, which was chaired by Peter Dow Campbell, with a petition signed by 32 individuals in favor of the variances being granted.

Several letters of opposition to the variance requests also were read into the record, and several of the more than 20 persons in attendance spoke out against it.

Joseph Notaro, a volunteer fireman, questioned if the town would have the capability of fighting a fire at the five-story Icehouse apartments, which Pyne said was perhaps the biggest highrise on the Cape.

"The Provincetown Fire Department does not have the capacity to deal with this structure," Notaro said. "The top floor would be unreachable."

Pyne and project architect, Joseph Simmons, said fire-fighting equipment would be located on each floor of the complex, and if fire broke out in an apartment, it could be contained to that area until brought under control.

Notaro also questioned the impact the proposed project would have on traffic in the area and on the town's water

supply.

"We have a very high salt content in our water and we're limited in what we can use from the town of Truro now," he said.

Saltwater intrusion of Truro wellfields, from where Provincetown draws its water, is suspected and "it may take a decade or more of leaner water use" to deal with this problem, Notaro said.

Under existing laws, Ross may build "12 units a year and I don't believe it's a hardship confining them to that," Notaro said. "I personally think that's 12 too many."

Pyne agreed that the project would have some impact on water, but argued that any new development, regardless of its size, would have an impact.

The proposed 22 units, coupled with the existing eight units already constructed, would not have "a substantial impact" on the town's water resources, he said.

Ross, he pointed out, "is really caught with a white elephant. This isn't sand we're talking about. It's concrete and steel," a building already existing that will be altered

from a blight on the landscape to an attractive apartment complex, Pyne said.

"If you turn it down, what can this man do?" Pyne asked the board, pointing out it would cost more to raze the concrete hulk than to renovate it.

Simmons estimated the project could be built for \$660,000 to \$880,000, while the cost of demolishing it would exceed \$1 million.

The board in 1979 denied a similar request for variances from Ross. At that time, the building moratorium limited new construction to four units a year.

Ross appealed the board's ruling and trial is scheduled to open November 17 in the Orleans Second District Court before Judge Robert A. Welsh Jr.

If the board makes a "favorable decision" and grants the variances, "it could end the litigation," Pyne said.

As proposed, the project would have studio to two-bedroom apartments, which would be available for occupancy on year round.

Many renters would probably live in the units on a seasonal basis, Simmons said.

He estimated that the project would not pose a hardship on the school system in that no more than 10 children would be expected to live in it.

Ross purchased the property in 1964, at a time when the town had virtually no zoning, Pyne said.

"If you look at the immensity of the building, you realize