

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
June 18, 2015**

**Members Present:** Jeffrey Haley, Joe Vasta, Peter Page and Bryan Armstrong.

**Members Absent:** David M. Nicolau (excused), Robert Littlefield (excused), Amy Germain (excused) and Rob Anderson (unexcused).

**Others Present:** Gloria McPherson (Town Planner) and Ellen C. Battaglini (Recording Secretary).

**WORK SESSION**

Acting Chair Joe Vasta called the Work Session to order at 6:32 P.M.

**PENDING DECISIONS:**

**FY15-72**     **29 Conant Street (Residential 3 Zone), DKR Developers** – Robert Littlefield, Amy Germain, Joe Vasta, Jeffrey Haley and Bryan Armstrong sat on the case. Joe Vasta read the decision. *Jeffrey Haley moved to approve the language as written, Peter Page seconded and it was so voted, 4-0.*

**FY15-69**     **1 MacMillan Wharf (Town Commercial Center Zone/Harbor Overlay Zone), Provincetown Public Pier Corporation** – David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page and Rob Anderson sat on the case. The decision was not ready.

**FY 15-74**     **12 Mechanic Street (Residential 3 Zone), Tom Thompson on behalf of William A. Docker** – David M. Nicolau, Jeffrey Haley, Rob Anderson and Bryan Armstrong sat on the case. The decision was not ready.

**FY15-75**     **236 Commercial Street (Town Commercial Center Zone), Unitarian Universalist Meeting House** – David M. Nicolau, Jeffrey Haley, Rob Anderson and Bryan Armstrong sat on the case. The decision was not ready.

**MINUTES: June 4, 2015** – *Bryan Armstrong moved to approve the language as written, Jeffrey Haley seconded and it was so voted, 4-0.*

Acting Chair Joe Vasta postponed the Work Session at 6:34 P.M.

## PUBLIC HEARING

Acting Chair Joe Vasta called the Public Hearing to order at 7:00 P.M. There were four members of the Zoning Board present and four absent.

### PUBLIC HEARINGS:

- FY15-57**      **143 Commercial Street (*Town Commercial Center Zone*), Sean A. Curran on behalf of Nicolas G. Tagaris –**  
The applicant seeks a Special Permit pursuant to Article 2, Section 2310, Harborfront Regulation, Article 2, Section 2550, Multiple Buildings Per Lot, Article 3, Section 3110, Change, Extension or Alteration, and Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to allow the demolition and reconstruction of two existing cottages and to combine the two residential structures into one new principle residential structure with a change in footprint on a non-conforming lot and continue the use of a deck beyond the 195' Harborfront setback. This matter has been continued to the July 16, 2015 Public Hearing.
- FY15-58**      **143 Commercial Street (*Town Commercial Center Zone*), Sean A. Curran on behalf of Nicolas G. Tagaris –**  
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws for the construction of a new residential structure outside of the district's setbacks to replace a structure that was demolished 14 years ago. This matter has been continued to the July 16, 2015 Public Hearing.
- FY15-68**      **294 Bradford Street (*Residential 3 Zone*), Notice of Appeal by Jonathan Sinaiko –**  
The applicant seeks to appeal a decision of the Building Commissioner as specified under M.G.L. Chapter 40A, Section 15, regarding Building Permit #15-BPR-00260, which he believes to be in violation of Article 2, Section 2640, Building Scale, of the Zoning By-Laws. The applicant has requested a postponement until the July 16, 2015 Public Hearing. *Jeffrey Haley moved to approve the request to postpone Case #FY15-68 until the July 16, 2015 Public Hearing, Bryan Armstrong seconded and it was so voted, 4-0.*
- FY15-73**      **506 Commercial Street (*Residential 3 Zone*), Derik Burgess –**  
The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extension or Alteration, of the Zoning By-Laws to construct a second floor addition upon the north portion of a residential structure. This matter has been continued to the July 16, 2015 Public Hearing.
- FY15-76**      **0 Conway Street (*Residential 2 Zone*), Salt Spray Sheds on behalf of Gary Danko –**

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extension and Alteration, and Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a pre-existing, non-conforming shed and reconstruct a new shed in the same footprint. Acting Chair Joe Vasta explained that since there were only four members of the Board present and the granting of a Special Permit required four assenting votes, the applicant had the choice of moving forward or postponing until a five-member Board could be seated. The applicant agreed to proceed. Joe Vasta, Jeffrey Haley, Peter Page and Bryan Armstrong sat on the case.

**Presentation:** Gary Danko appeared to present the application. The metal shed on the property will be demolished and replaced with a new shed, which will be 5” closer to the setback. The new shed will be wooden with white cedar shingles, a door and windows.

**Public Comment:** None. There were 4 letters from abutters in support of the application.

**Board Discussion:** The Board questioned Mr. Danko. The Board reminded him that the windows in the shed could not face the neighboring properties.

**Jeffrey Haley moved to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extension and Alteration, and Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a pre-existing, non-conforming shed and reconstruct a new shed in the same footprint at the property located at 0 Conway Street (Res 2), with the condition that the windows not face the property line, Bryan Armstrong seconded and it was so voted, 4-0.** Bryan Armstrong will write the decision.

**FY15-78      99 Commercial Street (Residential 3 Zone), Lara Papetsas –**

The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to reconfigure and reduce seating from 135 to 100. No one appeared to present the application. **Jeffrey Haley moved to postpone Case #FY15-78 until the July 16, 2015 Public Hearing, Bryan Armstrong seconded and it was so voted, 4-0.**

**NEXT MEETING:** The next meeting will take place on Thursday, July 16, 2015. It will consist of a Public Hearing at 6:30 P.M followed by a Public Hearing at 7:00 P.M.

**ADJOURNMENT:** *Jeffrey Haley moved to adjourn at 7:15 P.M. and it was so voted unanimously.*

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on July 16, 2015  
David M. Nicolau, Chair