

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
August 6, 2015**

Members Present: David M. Nicolau, Joe Vasta, Peter Page (arrived at 6:58 P.M.) and Bryan Armstrong (arrived at 6:57 P.M.).

Members Absent: Amy Germain (excused), Robert Littlefield (excused), Jeffrey Haley (excused) and Rob Anderson (excused).

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

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:57 P.M.

PENDING DECISIONS:

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. Joe Vasta read the decision. *Bryan Armstrong moved to approve the language as written, Joe Vasta seconded and it was so voted, 3-0.*

Joe Vasta moved to extend the Work Session, Bryan Armstrong seconded and it was so voted, 4-0.

FY15-57 **143 Commercial Street (Town Commercial Center Zone), Sean A. Curran on behalf of Nicolas G. Tagaris (postponed to September 3).**

FY15-68 **294 Bradford Street (Residential 3 Zone), Notice of Appeal by Jonathan Sinaiko (postponed to September 3).**

FY15-73 **506 Commercial Street (Residential 3 Zone), Derik Burgess –**
Signatures are needed

FY15-77 **48A Bradford Street (Residential 3 Zone), Cape Tip Construction on behalf of Ferreira Family Trust –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Bryan Armstrong sat on the case. David M. Nicolau read the decision. *Joe Vasta moved to approve the language as written, Bryan Armstrong seconded and it was so voted, 4-0.*

- FY15-78** **99 Commercial Street (*Residential 3 Zone*), Lara Papetsas –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Bryan Armstrong sat on the case. The decision was not ready.
- FY15-79** **73 Franklin Street (*Residential 3 Zone*), Gary Reinhardt on behalf of Jon Goode & Cary Raymond –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page, and Rob Anderson sat on the case. The decision was not ready.
- FY15-81** **19 Bangs Street (*Residential 3 Zone*), Scott William Grady, Architect, on behalf of Dwight P. Russell –**
David M. Nicolau, Robert Littlefield, Joe Vasta, Rob Anderson and Bryan Armstrong sat on the case. The decision was not ready.

Chair David M. Nicolau adjourned the Work Session at 7:18 P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:18 P.M. There were four members of the Zoning Board present and four absent.

PUBLIC HEARINGS:

- FY15-58** **143 Commercial Street (*Town Commercial Center Zone*), Sean A. Curran on behalf of Nicolas G. Tagaris (*continued from July 16*) –**
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. David M. Nicolau, Robert Littlefield, Joe Vasta, Peter Page and Bryan Armstrong sat on the case. Due to the lack of a quorum, the Board continued the matter to the September 3, 2015 Public Hearing. *Joe Vasta moved to continue Case #FY15-58 to the September 3, 2015 Public Hearing, Bryan Armstrong seconded and it was so voted, 4-0.*
- FY15-84** **2 Conway Street (*Residential 2 Zone*), Regina Binder on behalf of Guy Busa –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, Article 3, Section 3110, Change, Extension and Alteration, and Article 3, Section 3115, Demolition and Reconstruction, to demolish and replace the existing structure and construct a second floor. David M. Nicolau, Joe Vasta, Peter Page and Bryan Armstrong sat on the case.
Presentation: Ginny Binder and Guy Busa appeared to present the application. The applicant seeks three modifications to Special Permit #FY15-39. The first is a change requested by the Historic District Commission related to roof pitches, the

second is in regard to the demolition of the north portion of the house based on structural issues with the foundation, and the third is for scale related to the increase in the roof line by 11", although the scale number will not change. The footprint will remain the same and the 11" increase in height will not increase the non-conformancy or change the building scale number. Ms. Binder said that the applicant is seeking one Special Permit for the various changes.

Public Comment: Frank Fisher and Chris Snow spoke in favor of the application. There were 6 letters in support of the application.

Board Discussion: The Board questioned Ms. Binder and Mr. Busa. The applicant had submitted a draft decision for consideration by the Board. The Board will review the decision.

Joe Vasta moved to grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, Article 3, Section 3110, Change, Extension and Alteration, and Article 3, Section 3115, Demolition and Reconstruction, to demolish and replace the existing structure and construct a second floor at the property located at 2 Conway Street (Res 2), Bryan Armstrong seconded and it was so voted, 4-0. David M. Nicolau will write the decision

FY16-1 16 Ship's Way Road (Residential 1 Zone), Tom Thompson on behalf of Nicola Vichert –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, to construct a 12' x 13' covered porch on the west side of the structure and a 2' x 11' addition on the north. This matter had to be postponed to the September 3, 2015 Public Hearing due to the lack of a quorum. ***Bryan Armstrong moved to postpone Case #FY15-58 to the September 3, 2015 Public Hearing, Joe Vasta seconded and it was so voted, 4-0.***

FY16-2 133 Commercial Street (Town Commercial Center Zone), Audrey Mostaghim, dba Joon Bar –

The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, to renew a Special Permit to continue the restaurant use at the property. David M. Nicolau, Joe Vasta, Peter Page and Bryan Armstrong sat on the case.

Presentation: Attorney Christopher J. Snow and Audrey Mostaghim appeared to present the application. The applicant seeks a renewal of a Special Permit that was granted a year and a half ago and is willing to accept the same conditions of that Special Permit with the exception of the expiration date. There have been no noise complaints reported to the Police Department related to the establishment.

Public Comment: None. There were 2 letters of support for the application and 1 letter from the Police Dept. certifying that there were no noise complaints or other violations related to the premises.

Board Discussion: The Board questioned Attorney Snow and Ms. Mostaghim. ***Joe Vasta moved to grant a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, to renew a Special Permit to continue the restaurant use at the property located at 133 Commercial Street (TCC) with the***

condition that the Special Permit is valid until there is a change in ownership, Bryan Armstrong seconded and it was so voted, 4-0. David M. Nicolau will write the decision.

NEXT MEETING: The next meeting will take place on Thursday, September 3, 2015. It will consist of a Public Hearing at 6:30 P.M followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Joe Vasta moved to adjourn at 7:38 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on September 3, 2015
David M. Nicolau, Chair