

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
December 15, 2016**

Members Present: Robert Littlefield, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan.

Members Absent: David M. Nicolau (excused), Joe Vasta (excused), Rob Anderson (excused),
Marianne Clements (excused), Daniel Wagner (excused).

Others Present: Ellen C. Battaglini (Permit Coordinator).

WORK SESSION

Vice Chair Robert Littlefield called the Work Session to order at 6:47 P.M.

PENDING DECISIONS:

FY17-27 **3A Jerome Smith Road, (Residential 3 Zone), Town of Provincetown –**
Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 4-0.*

FY17-39 **4 W. Vine Street (Residential 2 Zone), David Berarducci, on behalf of James F. McGuire –**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Daniel Wagner sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 4-0.*

FY17-42 **11 Tremont Street (Residential 3 Zone), Michael J. Buzel & Thomas R. Lane –**
Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Daniel Wagner sat on the case. Jeffrey Gould read the decision. *Jeffrey Haley moved to approve the language as amended, Jeffrey Gould seconded and it was so voted, 4-0.*

MINUTES: December 1, 2016– *Jeffrey Haley moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 5-0.*

Vice Chair Robert Littlefield adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

Vice Chair Robert Littlefield called the Public Hearing to order at 7:00 P.M. There were four members of the Zoning Board present and five absent. Acting Chair Robert Littlefield informed applicants, and applicant's representatives, that since there were only four members of the Board present and a unanimous vote would be needed in order to grant a Special Permit, the applicant could choose to proceed or wait until five members of the Board could be seated on the case.

FY17-22 23 Winthrop Street, #E5 (Residential 3 Zone), William N. Rogers, II, on behalf of Russell C. Davies –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations of the Zoning By-Laws to construct a second floor addition. There was a request from the applicant to withdraw the application without prejudice. *Jeremy Callahan moved to grant the request to withdraw Case #FY17-22 without prejudice, Jeffrey Haley seconded and it was so voted, 4-0.*

FY17-36 237 Commercial Street, #37 (Town Center Commercial Zone), Provincetown Film Society –

The applicant seeks a Special Permit pursuant to Article 3, Section 3230, Sign Size, of the Zoning By-Laws for the construction of an electronic cinema marquee advertising films, daily show times and/or special community event on the front exterior of the structure. Frank Dill, on behalf of the Film Society, chose to proceed with four members. Robert Littlefield, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case.

Presentation: Frank Dill, architect, Christina Walker, Executive Director, Melinda Bollinger, Theater Manager, and Lisa Marie Nowakowski, Assistant Theater Manager, appeared to discuss the application. Mr. Dill said that the marquee would help with the street presence of the movie theater, which is located on the second floor of Whaler's Wharf and not visible from the street. It will help garner public attention for the theater as well as the other businesses in the building. The marquee is an electronic LED screen approximately 60.7 sq. ft., which will display text and the occasional graphic logos. The screen will be changed several times during the week and never more than once per day. No moving images or text will be displayed. The marquee will be used along with the traditional existing signage for the cinema which is located just inside of the entrance to the building. The continuous ribbon of information, including movie show times, will reduce the visual clutter of the streetscape. It is difficult to see the entrance to Whaler's Wharf from a long distance because of the large buildings in the vicinity and the narrowness of the street and the marquee will facilitate the public's view from farther away.

Public Comment: None. There were 2 letters in support of the application.

Board Discussion: The Board questioned Mr. Dill and Ms. Walker.

Jeremy Callahan moved to grant a Special Permit pursuant to Article 3, Section 3230, Sign Size, of the Zoning By-Laws for the construction of an electronic

cinema marquee advertising films, daily show times and/or special community event on the front exterior of the structure at the property located at 237 Commercial Street (TCC) with the condition that the Special Permit run with the business, Jeffrey Gould seconded and it was so voted, 4-0. Jeff Gould will write the decision.

FY17-40 51 Commercial Street, Front (Residential 2 Zone), Don DiRocco, of Hammer Architects, on behalf of Jay Anderson -

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to increase the height of a roof dormer 10” up a pre-existing, non-conforming east side yard dimension and to construct a new roof dormer extending up and up and along a pre-existing, non-conforming west side yard dimension. Attorney Lester J. Murphy, on behalf of Mr. Anderson, chose to proceed with four Board members as long as he would be allowed to poll the Board before a vote was taken. The Board agreed to that condition. Robert Littlefield, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case.

Presentation: Attorney Lester J. Murphy and Don DiRocco appeared to present the application. Attorney Murphy said that the applicant seeks to upgrade and renovate the structure on the premises. The change involves an extension and increase in height of a dormer, but not of the building in general. The dormer will not exceed the height of the existing building. The structure is presently contains three residential units and will be converted to a single-family residential unit. An 11’ addition on the rear of the structure that had been built later than the original building will be removed. This will result in the reduction in the scale of the structure. Attorney Murphy argued that the proposed modifications would not be substantially more detrimental, but would be a benefit to the neighborhood. Mr. DiRocco reviewed the building plans, existing and proposed.

Public Comment: None. There were no letters in the file.

Board Discussion: The Board questioned Attorney Murphy and Mr. DiRocco. *Jeffrey Haley moved to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to increase the height of a roof dormer 10” up a pre-existing, non-conforming east side yard dimension and to construct a new roof dormer extending up and up and along a pre-existing, non-conforming west side yard dimension at the property located at 51 Commercial Street, Front (Res 2), Jeremy Callahan seconded and it was so voted, 4-0. Jeremy Callahan will write the decision.*

FY17-41 51 Commercial Street, Rear (Residential 2 Zone), Don DiRocco, of Hammer Architects, on behalf of Jay Anderson -

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to re-locate a structure 18’ to the north and to construct an 11’ by 14’ 10” addition up and along a pre-existing, non-conforming west side yard dimension. Attorney Lester J. Murphy, representing the applicant, requested a postponement until the January 19, 2017

Public Hearing in order to address some concerns of the neighbors. *Jeffrey Haley moved to grant the request to postpone Case #FY17-41 until the January 19, 2017 Public Hearing, Jeffrey Gould seconded and it was so voted, 4-0.*

FY17-43 **404 Commercial Street (Town Center Commercial Zone), Steven Latasa-Nicks, on behalf of Strangers and Saints, Inc. –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the service of alcohol and to revise an existing flex-seating plan. There was a written request from the applicant to postpone the matter until the January 5, 2017 Public Hearing. *Jeffrey Haley moved to grant the request to postpone Case #FY17-43 until the January 5, 2017 Public Hearing, Jeffrey Gould seconded and it was so voted, 4-0.*

FY17-44 **334 Commercial Street (Town Center Commercial Zone), Broken Wheel Farm, LLC, on behalf of Purple Point, LLC –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the service of alcohol. Robert Littlefield, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case.
Presentation: Peter Okun appeared to present the application. He said that the business has been operating in Town for 15 years. He said that there had been no issues or problems that have arisen as a result of the service of alcohol to the public. His staff is experienced and TIPS-trained. Alcohol is served only in one of the seating areas or bar and not over the counter. The establishment has added the service of breakfast, increasing its economic viability and enabling the hiring of more employees.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board questioned Mr. Okun. Mr. Littlefield read the conditions that were attached to the previous Special Permit.
Jeffrey Haley moved to grant a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the service of alcohol at the property located at 334 Commercial Street (TCC) with the condition that it expire on January 2, 2020, Jeffrey Gould seconded and it was so voted, 4-0. Robert Littlefield will write the decision.

NEXT MEETING: The next meeting will take place on Thursday, January 5, 2017. It will consist of a Work Session at 6:45 P.M. and a Public Meeting at 7:00 P.M.

ADJOURNMENT: *Jeffrey Gould moved to adjourn at 8:00 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2017
David M. Nicolau, Chair