

Zoning Board of Appeals

Public Meeting Agenda November 2, 2017

The Provincetown Zoning Board of Appeals will hold an Executive Session at 6:30 P.M. followed by a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M. on Thursday, November 2, 2017, in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA.

A. Executive Session

TMC New England LLC v. Zoning Board of Appeals, Land Court Docket No. 17 MISC 000430. A declaration and vote, under G.L. c.30A, §21(a)(3), are expected, to allow the ZBA to go into executive session to discuss litigation strategy as a discussion in open session may have a detrimental effect on the litigation position of the ZBA. The litigation concerns the appeal of a ZBA decision which denied the Plaintiff's Special Permit application request for a Formula Business use at 132 Bradford Street.

B. Work Session VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW

- 1) Election of Officers:
 - i. Chair
 - ii. Vice Chair
 - iii. Clerk
- 2) Request by Attorney Lester J. Murphy to reconsider the application for an appeal by **BPJC, LLC**, aggrieved by a July 12, 2017 decision of the Building Commissioner regarding the height of a structure located at 350 Bradford Street (Residential 3 Zone).
- 3) Pending Decisions:
 - a) **ZBA 18-05 (Jeff)**
Application for an appeal by **BPJC, LLC**, aggrieved by a July 12, 2017 decision of the Building Commissioner regarding the height of a structure located at **350 Bradford Street (Residential 3 Zone)**. *Jeff, Steven, Rob, Marianne and Daniel sat on the case.*
 - b) **ZBA 18-11 (Rob)**
Application by **Paul Fiore & David Foley**, requesting a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to replace a retaining wall on the properties located at **22 Bangs Street and 6 Upper Miller Hill Road (Residential 3 Zone)**. *Jeff, Steven, Rob, Marianne and Daniel sat on the case.*
 - c) **ZBA 18-12 (Rob)**
Application by **Paul Fiore & David Foley**, requesting a Special Permit pursuant to Article 2, Section 2550, Multiple Buildings Per Lot, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to renovate a cottage up and along pre-existing, non-conforming south and west elevations on the property located at **22 Bangs Street (Residential 3 Zone)**. *Jeff, Steven, Rob, Marianne and Daniel sat on the case.*
 - d) **ZBA 18-13 (Marianne)**
Application by **David Silva**, requesting a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to continue to allow public entertainment at the Red Inn located at **15 Commercial Street (Residential 1 Zone)**. *Jeff, Steven, Rob, Marianne and Daniel sat on the case.*
- 4) Review and approve minutes of the October 19, 2017 meeting.

5) Any other business that may properly come before the Board.

C. **Public Hearings VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW**

1) **ZBA 18-16**

Application by **Wesley Price**, of **C.H. Newton-Builders**, on behalf of **Neil Jacobs** and **Eric Ganz** , requesting a Special Permit pursuant to Article 2, Section 2450, G12, Permitted Accessory Uses, Swimming Pool, of the Zoning By-Laws to install a pool on the property located at **6 Cottage Street (Residential 2 Zone)**.

2) **ZBA 18-18**

Application by **Christopher Rego**, of **Rego Construction & Remodeling, LLC**, on behalf of **Studio Realty Trust**, requesting a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to replace a deck on a pre-existing, non-conforming west elevation and construct a second floor deck and stairway to the third floor as a second means of egress on a pre-existing, non-conforming south elevation on the property located at **353 Commercial Street (Town Center Commercial Zone)**.

Jeffrey Gould, Vice Chair

Posted by the Town Clerk: www.provincetown-ma.gov 10/27/17 10:45 am dv

Revised by the Assistant Town Clerk 10/30/17 4:15 pm AR