

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
January 18, 2018**

**Members Present:** Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner.

**Members Absent:** Steven Latasa-Nicks (excused).

**Others Present:** David Gardner (Assistant Town Manager) and Ellen C. Battaglini (Permit Coordinator).

**WORK SESSION**

Chair Jeffrey Gould called the Work Session to order at 6:31 P.M.

1) Pending Decisions:

- a) **ZBA 18-19 (Jeremy)**  
**2 Schueler Boulevard (Residential 1 Zone), William N. Rogers, II, on behalf of Brendan P. O'Brien et al. –**  
Jeffrey Gould, Jeremy Callahan, Rob Anderson and Marianne Clements sat on the case. Jeremy Callahan read the decision. *Jeffrey Gould moved to approve the language as read, Marianne Clements seconded and it was so voted, 5-0.*
- b) **ZBA 18-20 (Jeremy)**  
**247 Commercial Street (Town Center Commercial Zone), Rick Murray, on behalf of Crown & Anchor, LLC –**  
Jeremy Callahan, Rob Anderson, Daniel Wagner and Steven Latasa-Nicks sat on the case. Jeremy Callahan read the decision. *Daniel Wagner moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 3-0.*
- c) **ZBA 18-22 (Jeffrey)**  
**51 Commercial Street, Front (Residential 2 Zone), Don DiRocco, of Hammer Architects, on behalf of Jay Anderson –**  
Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. Jeffrey Gould read the decision. *Jeremy Callahan moved to approve the language as written, Rob Anderson seconded and it was so voted, 5-0.*
- d) **ZBA 18-24 (Daniel)**  
**51 Harry Kemp Way, #UR1 (Residential 3 Zone), Ed Dusek on behalf of Scott Shields and Jim Woods –**

Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. Daniel Wagner read the decision. *Marianne Clements moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 5-0.*

e) **ZBA 18-25 (Rob)**

**62 Mayflower Avenue (Residential 1 Zone), Lisa Pacheco Robb on behalf of Miriam Gallardo and Courtney Spitz –**

Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. Rob Anderson read the decision. *Jeffrey Gould moved to approve the language as written, Marianne Clements seconded and it was so voted, 5-0.*

Chair Jeffrey Gould postponed the Work Session at 7:01 P.M.

## **PUBLIC HEARING**

Chair Jeffrey Gould called the Public Hearing to order at 7:01 P.M. There were 5 members of the Board present and 1 absent.

1) **ZBA 18-05**

**350 Bradford Street (Residential 3 Zone), Attorney Lester J. Murphy, on behalf of BPJC, LLC –**

The applicant seeks a reconsideration of a **Notice of Appeal** regarding a July 12, 2017 decision by the Building Commissioner that a flat-roofed structure was in excess of 23' and was in violation of Article 2, Section 2560, Dimensional Schedule, of the Zoning By-Laws. The applicant has requested to postpone until the February 1, 2018 Public Hearing. *Jeremy Callahan moved to grant the request to postpone ZBA 18-05 until the February 1, 2018 Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 5-0.*

2) **ZBA 18-21**

**53 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 2, Section 2640, Building Scale, and Article 3, Section 3110, Change, Extensions or Alterations, and Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish an existing structure and construct a new structure within a pre-existing, non-conforming east elevation and for an increase in building scale. The applicant has requested to postpone the matter until the February 1, 2018 Public Hearing. *Marianne Clements moved to grant the request to postpone ZBA 18-21 to the February 1, 2018 Public Hearing at 7:00 P.M., Jeremy Callahan seconded and it was so voted, 5-0.*

3) **ZBA 18-23**

**509 Commercial Street (Residential 3 Zone), KA Bazarian on behalf of 509 Commercial, LLC –**

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to raise a structure 9' to conform with FEMA regulations, going up and along east and west pre-existing, non-conforming elevations, to add and enclose the space below a deck on the south elevation and to add an egress stairway on the west elevation. The applicant has requested to postpone the matter until the February 1, 2018 Public Hearing. ***Jeremy Callahan moved to grant the request to postpone ZBA 18-23 to the February 1, 2018 Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 5-0.***

4) **ZBA 18-26**

**26 Montello Street (Residential 3 Zone), Ted Smith Architect, LLC on behalf of Brad Fowler –**

The applicant seeks a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to raze an accessory dwelling unit and rebuild it going up and along pre-existing, non-conforming north and west elevations. Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case.

**Presentation:** Ted Smith and Brad Fowler appeared to present the application. Mr. Smith reviewed the project. He requested that the application be heard under the *Goldhirsh v. McNear* ruling. The building will be raised slightly, but the setbacks will be maintained. He argued that the proposed building successfully integrates into its surroundings and is sited in a manner that minimizes the appearance of mass from the streetscape and would not have a significant negative impact on natural light or views from neighboring structures.

**Public Comment:** None.

**Board Discussion:** The Board questioned Mr. Smith.

***Jeremy Callahan moved to hear ZBA 18-26 pursuant to the Goldhirsh v. McNear ruling, Marianne Clements seconded and it was so voted, 5-0.***

***Jeremy Callahan moved to grant a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to raze an accessory dwelling unit and rebuild it going up and along pre-existing, non-conforming north and west elevations at the property located at 26 Montello Street (Res 3), Marianne Clements seconded and it was so voted, 5-0.***

5) **ZBA 18-28**

**16 Creek Round Hill Road (Residential 1 Zone), Mark Kinnane, of Cape Associates, Inc., on behalf of Sharon Pollack and Corinne LeGoff –**

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to renovate a structure up and along pre-existing, non-conforming front and side yard setbacks, including constructing a garage under an entry deck on the side yard setback and extending a deck and an addition up and along the front yard setback. Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case.

**Presentation:** Mark Kinnane appeared to present the application. He requested that the application be heard pursuant to the *Goldhirsh v. McNear* ruling and reviewed the project.

**Public Comment:** None.

**Board Discussion:** The Board questioned Mr. Kinnane.

*Jeremy Callahan moved to hear ZBA 18-28 pursuant to the Goldhirsh v. McNear ruling, Marianne Clements seconded and it was so voted, 5-0.*

*Rob Anderson moved to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to renovate a structure up and along pre-existing, non-conforming front and side yard setbacks, including constructing a garage under an entry deck on the side yard setback and extending a deck and an addition up and along the front yard setback at the property located at 16 Creek Round Hill Road, Jeremy Callahan seconded and it was so voted, 5-0.*

6) **ZBA 18-29**

**59 Province Lands Road (Residential 1 Zone), Ellen and Robert Blood –**

The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws for the service of alcohol to guests and guests of guests at the Inn at the Moors. Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case.

**Presentation:** Ellen Blood appeared to present the application. She said that the request was for the service of alcohol for guests only. She reviewed the project but stated that Mr. Blood had a meeting had occurred with the Fire Chief and the Board of Fire Engineers last night, however their findings had not been conveyed yet regarding providing a fire lane on the site.

**Public Comment:** None. There were 2 letters of concern from abutters.

**Board Discussion:** The Board questioned Ms. Blood. She requested a continuance to the February 1, 2018 Public Hearing in order to revise and submit a new site plan.

*Jeremy Callahan moved to grant the request to continue ZBA 18-29 to the February 1, 2018 Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 5-0.*

Chair Jeffrey Gould adjourned the Public Hearing at 7:38 P.M.

## WORK SESSION

Chair Jeffrey Gould reconvened the Work Session at 7:38 P.M.

2) Pending Decisions (cont.):

f) **ZBA 18-27**

**315A Commercial Street (Town Center Commercial Zone), William N. Rogers, II on behalf of Luco Realty, Inc. –**

Jeffrey Gould, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. Jeffrey Gould read the decision. *Rob Anderson moved to approve the language as read, Jeremy Callahan seconded and it was so voted, 5-0.*

**MINUTES: December 7, 2017 – *Jeremy Callahan moved to approve the minutes as written, Rob Anderson seconded and it was so voted, 5-0.***

**NEXT MEETING:** The next meeting will take place on Thursday, February 1, 2018. It will consist of a Public Hearing at 7:00 P.M. followed by a Work Session.

**ADJOURNMENT: *Daniel Wagner moved to adjourn the Public Hearing at 8:00 P.M. and it was so voted unanimously.***

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2018  
Jeffrey Gould, Chair