

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
March 15, 2018**

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

Members Absent: Rob Anderson (excused) and Steven Latasa-Nicks (excused).

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

A. WORK SESSION

Chair Jeffrey Gould called the Work Session to order at 6:15 P.M.

1) PENDING DECISIONS:

a) ZBA 18-31 (Steven)

8D Commercial Street (*Residential 3 Zone*), KA Bazarian, on behalf of Joanne Canco & Charlene Allen –

Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. The decision was not ready.

b) ZBA 18-34 (Daniel)

11 Brewster Street (*Residential 3 Zone*), Mark Kinnane, of Cape Associates, on behalf of Barry Peskin –

Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. Tabled until the Work Session after the Public Hearing.

c) ZBA 18-35 (Jeremy)

336R Commercial Street (*Town Center Commercial Zone*), 336R Commercial, LLC –

Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. Tabled until the Work Session after the Public Hearing.

d) ZBA 18-37 (Rob)

166 Commercial Street (*Town Center Commercial Zone*), Tom Thompson –

Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. The decision was not ready.

e) ZBA 18-38 (Marianne)

118 Bradford Street (*Town Center Commercial Zone*), Kevin A. Bazarian –

Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. The decision was not ready.

f) **ZBA 18-40 (Steven)**
225 Commercial Street (Town Center Commercial Zone), Top Knot Properties, LLC –
Jeremy Callahan, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case.
The decision was not ready.

g) **ZBA 18-41 (Jeremy)**
352 Commercial Street (Town Center Commercial Zone), Pavel Fiodarau, on behalf of
Wareham Investment Group, LLC –
Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks
sat on the case. Tabled until the Work Session after the Public Hearing.

h) **ZBA 18-42 (Marianne)**
21 Pilgrim Heights Road (Residential 1 Zone), William Ned Munroe & Garry Sabatini –
Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks
sat on the case. The decision was not ready.

2) Application by Michela Carew-Murphy for Board membership: The Board questioned Ms.
Murphy and discussed her request. *Jeremy Callahan moved to approve Michela Carew-Murphy
as an alternate member of the Zoning Board of appeals, Daniel Wagner seconded and it was
so voted, 5-0.*

Chair Jeffrey Gould postponed the Work Session at 6:30 P.M.

B. PUBLIC HEARING

Chair Jeffrey Gould called the Public Hearing to order at 7:17 P.M. There were 4 members of the
Board present and 2 absent.

1) **ZBA 18-05 (postponed to the meeting of April 19th)**
**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.

2) **ZBA 18-21 (postponed to the meeting of April 5th)**
**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.

3) **ZBA 18-23** (*postponed to the meeting of April 19th*)
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.

4) **ZBA 18-29** (*continued from the meeting of March 1st*)
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 of the Inn at the Moors. Jeffrey Gould, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case. **Presentation:** Ellen Blood appeared to discuss the application. She submitted a revised site plan. She reviewed the Fire Chief's recommendations for the construction of a fire lane in the back of the property. Doing so will decrease the proposed parking spaces by two, for a total of 36 spaces. She noted that they would comply with the other requests of the Fire Chief that the motel be equipped with a fire sprinkler system and a new fully addressable fire alarm system and that the parking arrangement be reconfigured on the back and the south side of the motel so an engine or an ambulance can access that area. Ms. Blood will consult with the Fire Chief as to what color he would like the letters designating the fire lane to be.

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

Board Discussion: The Board questioned Ms. Blood. Mr. Gould reviewed conditions discussed at the last hearing, that the Special Permit will be good for one year only, after which the applicant can return and, if there have been no problems related to the service of alcohol at the site, the Board would approve the Special Permit until the business is sold, that there be one point of sale for alcohol on the premises and that signage be placed on the property indicating that alcohol cannot be taken off the property. The Board asked about proposed hours for the service of alcohol. Ms. Blood proposed 9:00 A.M. to 9:00 P.M. daily and conforming with the state blue laws on Sundays.

Jeremy Callahan moved to grant a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws for the service of alcohol to guests of the Inn at the Moors at the property located at 59 Province Lands Road (Res 1), Marianne Clements seconded and it was so voted, 4-0. Jeffrey Gould will write the decision.

5) **ZBA 18-32** (*postponed to the meeting of April 5th*)
57A Pleasant Street (Residential 3 Zone), Ted Smith, on behalf of Karl Broussard –
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to demolish and rebuild a structure with an expanded footprint and an increased building scale.

6) **ZBA 18-39** (*postponed to the meeting of April 5th*)

7 Bradford Street (Residential 3 Zone), Steven Cook, of Cotuit Bay Design, on behalf of Matthew Metivier & Ricardo Gessa Abreus –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Sections 3110, Change, Extensions and Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and rebuild a cottage up and along a pre-existing, non-conforming east elevation and to increase building scale on an existing principal structure by adding an addition.

7) **ZBA 18-43**

16 Kimberly Lane (Residential 1 Zone), William N. Rogers, II, on behalf of Brian Reardon –

The applicant seeks a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install a swimming pool on the property. Jeffrey Gould, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case.

Presentation: Brian Reardon and Craig Panaccione, a pool installer, appeared to present the application. Mr. Reardon said that the pool would measure 50' by 38' and be surrounded by a fence. The mechanicals are quiet, having a decibel level of 48, just below that of a library. The pool equipment will be located next to a utility platform on the property.

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

Board Discussion: The Board questioned Mr. Reardon and Mr. Panaccione. The water to fill the pool will be trucked in to the site. There will be two LED lights in the pool and landscape lighting around the house. There will be no speakers in the pool area.

Jeremy Callahan moved to find that the social, economic and other benefits for the neighborhood and Town outweigh any adverse effects such as hazard, congestion and environmental degradation, Marianne Clements seconded and it was so voted, 4-0.

Jeremy Callahan moved to grant a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install a swimming pool on the property located at 16 Kimberly Lane (Res 1), Marianne Clements seconded and it was so voted, 4-0. Marianne Clements will write the decision.

8) **ZBA 18-44** (*request to postpone to the meeting of April 5th*)

18 Priscilla Alden Road (Residential 3 Zone), Tom Thompson, on behalf of Bruce Heron –

The applicant seeks a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions and Alterations, of the Zoning By-Laws to extend up and along pre-existing, non-conforming west and south elevations to construct a second floor. There was a request from the applicant to postpone ZBA 18-44 to the Public Hearing of April 5, 2018 at 7:00 P.M. *Jeremy Callahan moved to approve the request to postpone ZBA 18-44 to the Public Hearing of April 5, 2018 at 7:00 P.M., Marianne Clements seconded and it was so voted, 4-0.*

9) **ZBA 18-45** (*request to postpone to the meeting of April 5th*)

78 Bradford Street (Town Commercial Center Zone), Eliot Parkhurst, on behalf of Thomas Walter and David Sanford, dba Crowne Pointe Inn & Spa –

The applicant seeks a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, 2460, Special Permit Requirements, and 2470, Parking Requirements, of the Zoning By-

Laws to change the use of a structure to commercial accommodations serving alcoholic beverages and for relief from parking requirements. There was a request from the applicant to postpone ZBA 18-45 to the Public Hearing of April 5, 2018 at 7:00 P.M. *Marianne Clements moved to approve the request to postpone ZBA 18-45 to the Public Hearing of April 5, 2018 at 7:00 P.M., Jeremy Callahan seconded and it was so voted, 4-0.*

10) **ZBA 18-46** (*request to postpone to the meeting of April 5th*)
78 Bradford Street (Town Commercial Center Zone), Eliot Parkhurst, on behalf of **Thomas Walter** and **David Sanford, dba Crowne Pointe Inn & Spa** –
The applicant seeks a Variance pursuant to Article 2, Section 2560, Dimensional Schedule, of the Zoning By-Laws to construct emergency egress stairs into and along a pre-existing, non-conforming west elevation. There was a request from the applicant to postpone ZBA 18-46 to the Public Hearing of April 5, 2018 at 7:00 P.M. *Jeremy Callahan moved to approve the request to postpone ZBA 18-46 to the Public Hearing of April 5, 2018 at 7:00 P.M., Marianne Clements seconded and it was so voted, 4-0.*

WORK SESSION

Chair Jeffrey Gould reconvened the Work Session at 7:33 P.M.

1) **PENDING DECISIONS:**

ZBA 18-34 (Daniel)

11 Brewster Street (Residential 3 Zone), Mark Kinnane, of Cape Associates, on behalf of **Barry Peskin** –

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, 3-0.*

ZBA 18-35 (Jeremy)

336R Commercial Street (Town Center Commercial Zone), 336R Commercial, LLC –
Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. Jeremy read the decision. *Marianne Clements moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 3-0.*

ZBA 18-41 (Jeremy)

352 Commercial Street (Town Center Commercial Zone), Pavel Fiodarau, on behalf of **Wareham Investment Group, LLC** –

Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. Jeremy read the decision. *Jeffrey Gould moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 3-0.*

3) **MINUTES: March 1, 2018** – *Jeremy Callahan moved to approve the minutes as written, Marianne Clements seconded and it was so voted, 4-0.*

NEXT MEETING: The next meeting will take place on Thursday, March 29, 2018. It will consist of a Work Session at 6:30 P.M.

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