

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
May 3, 2018**

Members Present: Jeffrey Gould, Jeremy Callahan (left at 8:00 P.M.), Rob Anderson, Marianne Clements (arrived at 7:14 P.M.), Daniel Wagner and Steven Latasa-Nicks.

Members Absent: None.

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 6:03 P.M.

- 1) **DISCUSSION: Building Scale:** Mr. Ribeiro showed a power point presentation regarding the scale by-law. The Board questioned Mr. Ribeiro and discussed the by-law.
- 2) **PENDING DECISIONS:**

a) **ZBA 18-32 (Steven)**

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

b) **ZBA 18-45 (Marianne)**

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. Jeffrey Gould, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on both cases. The decision was not ready.

c) **ZBA 18-46 (Marianne)**

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. The decision was not ready.

d) **ZBA 18-49 (Jeffrey)**

15 Race Road (Residential 3 Zone), Jay Abbiuso –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add a garage to a structure. Jeffrey Gould, Jeremy Callahan, Daniel Wagner, Marianne Clements and Steven Latasa-Nicks sat on the case. Jeffrey Gould read the decision. *Jeremy Callahan moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

e) **ZBA 18-50 (Jeremy)**

Application by **Vida Richter**, on behalf of **Nor'east Beer Garden**, requesting a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws for an awning that increases the scale of the structure. Jeffrey Gould, Rob Anderson, Daniel Wagner and Steven Latasa-Nicks sat on the case. Jeremy Callahan read the decision. *Jeffrey Gould moved to approve the language as written, Steven Latasa-Nicks seconded and it was so voted, 4-0.*

f) **ZBA 18-51 (Rob)**

51 Commercial Street, Residential 2 Zone, Mark Kinnane, of Cape Associates, Inc., on behalf of Jay Anderson -

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extension and Alterations, of the Zoning By-Laws to raise the foundation of three structures on the property by 1' up a pre-existing, non-conforming west elevation. Jeffrey Gould, Jeremy Callahan, Marianne Clements, Rob Anderson and Daniel Wagner sat on the case.

MINUTES: April 19, 2018 – *Jeremy Callahan moved to approve the minutes as written, Rob Anderson seconded and it was so voted, 5-0.*

B. PUBLIC HEARING

Chair Jeffrey Gould called the Public Hearing to order at 7:09 P.M.

1) **ZBA 18-05 (postponed to the meeting of May 17th)**

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 18-23** (*request to postpone to the meeting of May 17th*)

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. There was a request from the applicant to postpone the matter to the May 17, 2018 Public Hearing at 7:00 P.M. ***Jeremy Callahan moved to grant the request to postpone ZBA 18-23 to the May 17, 2018 Public Hearing at 7:00 P.M., Steven Latasa-Nicks seconded and it was so voted, 5-0.***

3) **ZBA 18-39** (*request to continue to the meeting of May 17th*)

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. There was a request from the applicant to continue the matter to the May 17, 2018 Public Hearing at 7:00 P.M. ***Jeremy Callahan moved to grant the request to continue ZBA 18-39 to the May 17, 2018 Public Hearing at 7:00 P.M., Rob Anderson seconded and it was so voted, 5-0.***

4) **ZBA 18-53** (*request to postpone to the meeting of May 17th*)

Application by **George Tagaris** requesting a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions and Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to modify a condition related to the installation of a sprinkler system pursuant to an existing Special Permit, FY15-57, for the property located at **143 Commercial Street (Town Center Commercial Zone)**. There was a request from the applicant to postpone the matter to the May 17, 2018 Public Hearing at 7:00 P.M. ***Steven Latasa-Nicks moved to grant the request to postpone ZBA 18-53 to the May 17, 2018 Public Hearing at 7:00 P.M., Jeremy Callahan seconded and it was so voted, 4-0.***

5) **ZBA 18-54** (*request to postpone to the meeting of May 17th*)

Application by **George Tagaris** requesting a Special Permit pursuant to Article 2, Section 2310, Harborfront Regulation, of the Zoning By-Laws to construct a boardwalk and stairs in the Harborfront Overlay District on the property located at **143 Commercial Street (Town Center Commercial Zone)**. There was a request from the applicant to postpone the matter to the May 17, 2018 Public Hearing at 7:00 P.M. ***Steven Latasa-Nicks moved to grant the request to postpone ZBA 18-54 to the May 17, 2018 Public Hearing at 7:00 P.M., Jeremy Callahan seconded and it was so voted, 4-0.***

NEXT MEETING: The next meeting will take place on Thursday, May 17, 2018. It will consist of a Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Steven Latasa-Nicks moved to adjourn the Public Hearing at 7:15 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
Jeffrey Gould, Chair