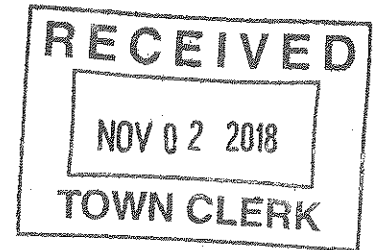


**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS**

**MEETING MINUTES OF
October 4, 2018**



Members Present: Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks.

Members Absent: Peter Okun (excused).

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

A. WORK SESSION

Chair Jeremy Callahan called the Work Session to order at 6:30 P.M.

1) Pending Decisions:

ZBA 18-58 (Jeremy

177 Commercial Street (Town Center Commercial Zone), Christopher J. Snow, Esq. – Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. Jeremy Callahan read the decision. *Rob Anderson moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

ZBA 19-06 (Jeremy)

177 Commercial Street (Town Center Commercial Zone), Christopher J. Snow, Esq. – Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. Jeremy Callahan read the decision. *Rob Anderson moved to approve the language as written, Steven Latasa-Nicks seconded and it was so voted, 4-0.*

ZBA 19-07 (Steven)

177 Commercial Street (Town Center Commercial Zone), Christopher J. Snow, Esq. – Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. Steven Latasa-Nicks read the decision. *Rob Anderson moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

ZBA 19-08 (Daniel)

425 Commercial Street (Residential 3 Zone), Don DiRocco, of Hammer Architects, on behalf of Steve Tait & Dave Cook – Jeremy Callahan, Rob Anderson, Daniel Wagner and Peter Okun sat on the case. Daniel Wagner read the decision *Rob Anderson moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 3-0.*

ZBA 19-11 (Rob)

35B Franklin Street (Residential 3 Zone), Alan R. Cabral, of ARC Designs, LLC, on behalf of Mark J. Dougherty –

Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. Rob Anderson read the decision. *Jeremy Callahan moved to approve the language as written, Steven Latasa-Nicks seconded and it was so voted, 4-0.*

2) Approve minutes of the September 18 and 20, 2018 meetings.

MINUTES: September 18 & 20, 2018 – Rob Anderson moved to approve the minutes as written, Steven Latasa-Nicks seconded and it was so voted, 5-0.

3) Any Other Business that may properly come before the Board.

Chair Jeremy Callahan adjourned the Work Session at 7:00 P.M.

B. PUBLIC HEARING

Chair Jeremy Callahan called the Public Hearing to order at 7:02 P.M. There were 5 Board members present and 1 absent.

**1) ZBA 18-69 (request to postpone to the meeting of November 15th)
199 Bradford Street (Residential 3 Zone), Regina Binder on behalf of 199 Bradford St., LLC -**

The applicant seeks a Special Permit pursuant to Article 2, Sections 2450, Permitted Accessory Uses, G17, Accessory Dwelling Unit and 2640, Building Scale and Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to rebuild a foundation, renovate a structure by adding a balcony, a covered porch and stairs on a pre-existing, non-conforming south/southwest elevation, increase building scale by adding a covered porch on a pre-existing, non-conforming north elevation and an accessory dwelling unit. There was a request from the applicant to postpone to the Public Hearing of November 15, 2018 at 7:00 P.M. *Rob Anderson moved to approve the request to postpone ZBA 18-69 to the November 15, 2018 Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 5-0.*

**2) ZBA 19-09 (request to postpone to the meeting of October 18th)
170 Bradford Street Extension (Residential 3 Zone), Pavel Fiodarau on behalf of PV Development, LLC –**

The applicant seeks a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming Pool, of the Zoning By-Laws for the installation of a pool. There was a request from the applicant to postpone the matter to the Public Hearing of October 18, 2018. *Rob Anderson moved to grant the request to postpone ZBA 19-09 to the Public Hearing of October 18, 2018 at 7:00 P.M., Daniel Wagner seconded and it was so voted, 5-0.*

3) ZBA 19-10 (request to withdraw without prejudice)

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 or Alterations, of the Zoning By-Laws to re-locate a permitted structure 42' 10" northward of its original pre-existing, non-conforming location. There was a request from the applicant to withdraw without prejudice. *Rob Anderson moved to grant the request to withdraw ZBA 19-10 without prejudice, Marianne Clements seconded and it was so voted, 5-0.*

4) ZBA 19-12

347 Commercial Street (Town Commercial Center Zone), Tom Thompson, on behalf of 347 Commercial, LLC –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to add a shed dormer along a pre-existing, non-conforming east elevation, change a roof slope within a pre-existing, non-conforming southeast elevation and add a roof deck within a pre-existing, non-conforming southwest elevation. Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case.

Presentation: Tom Thompson appeared to present the application. Mr. Thompson reviewed the project, which he described as minimal. The extensions to the structure will be vertical and the footprint will remain the same. There will be no further encroachment into existing non-conforming setbacks. The renovations will bring the building into conformity with the Massachusetts Building Code and upgrade public safety issues in the retail and residential areas of the structure. He argued that the project would not make the structure substantially more detrimental to the neighborhood than the existing and that there would be no negative effects such as hazard, congestion or environmental degradation. The project is in keeping with the Local Comprehensive Plan; Chapter 1, Goal 1, Policy B, Goal 2, Policy A and Chapter 4, Goal 2, Policy A. The benefits would include an increase in the local tax base, an improvement in public safety issues in the retail and residential unit portions of the building and the creation of an aesthetically more pleasing structure with a strong visual presence in the neighborhood.

Public Comment: None.

Jeremy Callahan moved to close the public portion of the hearing, Marianne Clements seconded and it was so voted, 5-0.

Board Discussion: The Board had no questions.

Rob Anderson moved that the Board find pursuant to Article 5, Section 5330, Consideration, the social, economic or other benefits of the proposal for the neighborhood or Town outweigh any adverse effects such as hazard, congestion or environmental degradation, 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 and Alterations, of the Zoning By-Laws to add a shed dormer along a pre-existing, non-conforming east elevation, change a roof slope within a pre-existing, non-conforming southeast elevation and add a roof deck within a pre-existing, non-conforming southwest elevation at the property located at 347 Commercial Street (TCC), Marianne Clements seconded and it was so voted, 5-0. Marianne Clements will write the decision.

5) ZBA 19-13

352 Commercial Street (Town Commercial Center Zone), Jill Rothenberg Simmons –

The applicant seeks a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws for the display of a sandwich board outside the property. Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case.

Presentation: Jill Rothenberg Simmons appeared to present the application. She explained where the sandwich board would be located during the gallery's hours of operation to let the public know that it was open. She assured the Board that it would not blow away in a strong wind or storm event.

Public Comment: None.

Board Discussion: The Board questioned Ms. Rothenberg Simmons.

Steven Latasa-Nicks moved to grant a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws for the display of a sandwich board outside the property located at 352 Commercial Street (TCC), Rob Anderson seconded and it was so voted, 5-0.

6) ZBA 19-14

411 Commercial Street (Residential 3 Zone), Tom Thompson, on behalf of JMC Family Limited Partnership -

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to reconstruct a multi-level deck and egress stairs. Steven Latasa-Nicks recused himself because of a conflict of interest. Mr. Callahan informed Mr. Thompson, who was representing the applicant, that since there were only 4 members seated and a unanimous decision would be needed for a Special Permit, he could proceed with 4 or wait until a fifth member was available. He chose to proceed. Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case.

Presentation: Tom Thompson, Madelyn Carney and Liz Carney appeared to present the application. Mr. Thompson said that the renovation of the deck and egress stairs are an upgrade and an improvement to public safety and will be compliant with the Massachusetts Building Code. The increase in building scale is small increase, 920 cu. ft., and within conforming setbacks. The stairs will be located on the south elevation and will not be visible from the street.

Public Comment: None.

Jeremy Callahan moved to close the public portion of the hearing, Rob Anderson seconded and it was so voted, 5-0.

Board Discussion: The Board questioned Mr. Thompson.

Rob Anderson moved that the Board find that pursuant to Article 2, Section 2640E, Building Scale, subparagraph 5, the proposed addition successfully integrates into its surroundings and is sited in a manner that minimizes the appearance of mass from the streetscape, Marianne Clements seconded and it was so voted, 4-0.

Rob Anderson moved that the Board find pursuant to Article 5, Section 5330, Special Permit Considerations, that the social, economic or other benefits of the proposal for the neighborhood or Town outweigh any adverse effects such as hazard, congestion or environmental degradation, Marianne Clements seconded and it was so voted, 4-0.

Rob Anderson moved to grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to reconstruct a multi-level deck and egress stairs at the property located at 411 Commercial Street (Residential 3 Zone), Marianne Clements seconded and it was so voted, 4-0. Jeremy Callahan will write the decision.

NEXT MEETING: The next meeting will take place on Thursday, October 18, 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 7:30 P.M, Marianne Clements seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by Jeremy Callahan on 10/11, 2018
Jeremy Callahan, Chair