

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
January 17, 2019**

Members Present: Jeremy Callahan, Rob Anderson (arrived at 6:26 P.M.), Daniel Wagner, Steven Latasa-Nicks and Peter Okun.

Members Absent: None.

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 6:17 P.M.

1) Pending Decisions:

ZBA 19-21 (Steven)

122 Commercial Street (Town Center Commercial Zone), Ted Smith, on behalf of Joshua Ronnebaum –

Jeremy Callahan, Rob Anderson, Marianne Clements, Daniel Wagner and Peter Okun sat on the case. Jeremy Callahan read the decision. *Daniel Wagner moved to approve the language as revised, Peter Okun seconded and it was so voted 3-0.*

ZBA 19-19 (Steven)

12 Franklin Street, #1, (Residential 3 Zone), David McMahon, on behalf of Marianne Colacray -

Jeremy Callahan, 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, Peter Okun seconded and it was so voted, 4-0.*

2) **Approve minutes of the December 6, 2018 meeting.**

MINUTES: December 6, 2018 – Peter Okun moved to approve the minutes as written, Daniel Wagner seconded and it was so voted, 4-0.

3) **Any Other Business that may properly come before the Board.** None.

Chair Jeremy Callahan adjourned the Work Session at 6:30 P.M.

B. PUBLIC HEARING

Chair Jeremy Callahan called the Public Hearing to order at 6:30 P.M. There were 5 Board members present and none absent.

1) **ZBA 18-69** (*postponed to the meeting of February 21st*)

199 Bradford Street (Residential 3 Zone), 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.

2) **ZBA 19-30** (*postponed from the meeting of January 3rd*)

16 Pilgrim Heights Road (Residential 1 Zone), Ted Smith Architect, LLC, on behalf of Matthew Patsky –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add a dormer and convert an attic area into livable space in the structure. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Presentation: Ted Smith appeared to present the application. He reviewed the site plan and the project. He argued that in the neighborhood, on a private way that has many large structures, the proposed structure will not be out of character with nearby structures. He said that the project was consistent with subparagraph 5 of Article 2, Section 2640E and that there would be no adverse effects as a result of the increase.

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. Smith.

Rob Anderson moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the project outweigh any adverse effects such as hazard congestion or environmental degradation, Peter Okun seconded and it was so voted, 5-0.

Rob Anderson moved to find that pursuant to subparagraph 5 of Article 2, Section 2640E, the proposed building will successfully integrate into its surroundings and is sited in a manner that minimizes the appearance of mass from the streetscape and will not have a significant negative impact on the natural light to, or views from, neighboring structures, Peter Okun seconded and it was so voted, 5-0.

Rob Anderson moved to grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add a dormer and convert an attic area into livable space in the structure at the property located at 16 Pilgrim Heights Road (Res 1), Peter Okun seconded and it was so voted, 5-0. Jeremy Callahan will write the decision.

3) ZBA 19-29

509 Commercial Street (*Residential 3 Zone*), 509 Commercial St., 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 by 9', alter it up and along pre-existing, non-conforming east and west elevations and move it 15' to the south of its existing location.

Peter Okun recused himself because of a conflict of interest. The Chair noted that since there were only 4 Board members available to sit on the case, a unanimous decision would have to be rendered in order for a Special Permit to be granted. The applicant had the choice of proceeding with 4 members or postponing until 5 members could be seated. The applicant's representative chose to move forward. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks sat on the case.

Presentation: Attorney Lester J. Murphy, on behalf of the applicant, appeared to present the application. He requested that a poll be taken of those members before a final vote was rendered. The Board agreed. Attorney Murphy reviewed the history of the project, which has been under consideration by the Historic District Commission for two years. Before the start of the project, the applicant made an agreement with the Building Commissioner that the cost of the project would not exceed 50% of the market value of the structure, which, according to FEMA regulations, would necessitate the structure to be lifted out of the flood zone. However, as the renovation began and the foundation was exposed, it was determined that more than 50% of the foundation would need to be replaced and that this would require lifting the structure, again pursuant to FEMA requirements. This situation was discovered about a year ago and, as a consequence, work ceased on the project. Since then, efforts have been undertaken to comply with the FEMA requirements. The HDC finally approved revised plans and a design that necessitates raising the structure and, in addition, in an effort to reduce the impact of that on the streetscape, to move the structure 15' southward. These are the plans that are the subject of this application for relief. Attorney Murphy said that in the last couple of months, it was discovered that there might be an option available to the applicant to not raise the structure. This would entail a process of review by the Massachusetts Historical Commission to try to obtain a waiver from FEMA requirements. He said that his client never wanted to raise the structure. He said that the MHC process will take some time, but he didn't know how long. The approval of a Special Permit by the ZBA would offer his client an alternative in case the MHC did not approve the waiver, allowing the project to proceed at that time and not have to wait for that approval. He reviewed the alterations and additions to the structure and the non-conforming elements of the property, including the addition of an exterior staircase on the west elevation which will accommodate the new height of the lifted structure and provide a second means of egress for the habitable space. The staircase will encroach into the pre-existing, non-conforming west side yard setback. The new front yard setback would be 15', an increase of 12' from the existing. The west side of the building will be moved from a distance of 1' from the lot line to a distance of 3'. The frontage is only 35', less than the required 50'. Under Article 3, Section 3110, Attorney Murphy said that the Board can approve new setback non-conformancies, such as the staircase, if structures have to be raised due to FEMA requirements. He argued that the social, economic or other benefits of the project outweighed any adverse effects. The benefits of the renovation are that the structure's side yard setbacks will be made less non-conforming and parking can be accommodated onsite, beneath the raised structure. The value of the property will increase and generate more tax revenue for the Town, the new structure will meet all health, safety and

building code regulations and as it will be lifted out of the flood zone, it will insure the structure's survivability. The project will result in a structure that is not substantially more detrimental than the existing structure.

Public Comment: Kristin Hein, an abutter, spoke in opposition to the project. There was 1 letter of concern in the file.

Board Discussion: The Board questioned Attorney Murphy. After discussing the situation, it was the sense of the Board that it was premature to grant the relief requested and asked that the applicant wait until the MHC had made its determination before further consideration of the matter. Based upon that discussion, Attorney Murphy suggested that the matter be continued to the second ZBA meeting in February until the MHC issue is farther along in its process.

Steven Latasa-Nicks moved to grant the request to continue ZBA 19-29 to the ZBA Public Hearing of February 21, 2019 at 6:30 P.M., Rob Anderson seconded and it was so voted, 4-0.

4) **ZBA 19-31** (*postponed from the meeting of January 3rd*)

32 Bradford Street (Residential 3 Zone), William N. Rogers, II, on behalf of Enco Realty Trust, Inc. –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to renovate a structure by adding a residential unit to an attic floor, construct two dormers; one along a northeast elevation and one along a pre-existing, non-conforming southwest elevation, and increase its building scale. Rob Anderson recused himself because of a conflict of interest. The Chair noted that there were only 4 Board members available to sit on the case and a unanimous decision would have to be rendered in order for a Special Permit to be granted. The applicant had the choice of proceeding with 4 members or postponing until 5 members could be seated. The applicant's representative chose to proceed. Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Presentation: Attorney Lester J. Murphy, Gary Locke and Leonard Enos appeared to present the application. Attorney Murphy reviewed the project. The building is already above the neighborhood average scale and the proposed changes are along a pre-existing, non-conforming dimension. The proposed building will have three residential units. The significant changes include an exterior stair tower on the northeast elevation and dormers on the northeast and southwest elevations. Mr. Locke reviewed the proposal, including the stair tower and deck system and why the dormers were being proposed. He indicated that the building will become code compliant and safer than the existing structure. Attorney Murphy argued that the changes will not be substantially more detrimental than the existing situation and the social, economic or other benefits will outweigh any adverse effects. He reviewed the elevation plans and noted that the dormers' highest points are below the top roof peak and set back from the facade, and will provide needed head room for the two bedrooms in the third floor unit. The only non-conforming dimension extension requested is along the Pleasant Street side of the structure. He said that a renovated and upgraded building will be substantially more beneficial to the neighborhood. The economic benefits include an increase in the tax base. The social benefit is that an upgraded, safer and more attractive structure will be created for the neighborhood, in addition to three new, quality housing units. He said that there will be no adverse effects as a result of the project. He argued that pursuant to subparagraph 1 of Article 2, Section 2640E, the project is in keeping with the goals and objectives of the Local Comprehensive Plan,

subparagraph 5 in that the building will successfully integrate into its surroundings and minimizes its increase in mass from the streetscape and will not have a negative impact on abutting structures and subparagraph 6 in that it has been reviewed and approved by the HDC. Pursuant to the LCP, the project is in conformity with Chapter 1, Goal 1, Policy B, the redevelopment of existing residential structures, and Chapter 4, Goal 1, Policy E and Goal 2, as it encourages the renovation and reuse of historic structures. Most of the scale is a result of the addition of the exterior stair system that will provide egress for the residential structures. The stair tower was necessary to make the structure code-compliant. He also argued that the stairway was an open structure and would not add the appearance of significant mass when viewed from Bradford Street. Attorney Murphy argued that the structure belonged more to the Bradford Street streetscape, which is characterized by larger structures, than to the Pleasant Street neighborhood, which has smaller structures, including sheds and cottages, and presented scale numbers to support his contention. He said that the increase requested is not significant in relation to the other structures in the Bradford Street neighborhood.

Public Comment: None.

Jeremy Callahan moved to close the public portion of the hearing, Steven Latasa-Nicks seconded and it was so voted, 4-0.

Board Discussion: The Board questioned Attorney Murphy, Mr. Locke and Mr. Enos. The Board discussed the project and had a concern about the increase in volume, albeit most of the increase was due to the stair tower, of a building that was already over the neighborhood average scale and if its justification was warranted. A poll of the Board was taken and there was some opposition to the approval. Attorney Murphy requested to continue the matter to the February 7, 2019 Public Hearing.

Peter Okun moved to grant the request to continue ZBA 19-31 to the February 7, 2019 Public Hearing at 6:30 P.M., Steven Latasa-Nicks seconded and it was so voted, 4-0.

5) **ZBA 19-32** (postponed from the meeting of January 3rd)

42 Commercial Street (Residential 2 Zone), Tom Thompson, on behalf of Jane & Martin Kessler –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to renovate a rear ell by extending up and along a pre-existing, non-conforming north elevation of the structure. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Steven Latasa-Nicks moved to hear the case under the Goldhirsh v. McNear ruling, Peter Okun seconded and it was so voted, 5-0.

Presentation: Tom Thompson appeared to present the application. He reviewed the project, which includes adding about a foot of headroom in the rear ell of the structure. This area is also in poor shape and needs to be renovated. He argued that the benefit of increasing the safety of the structure outweigh any adverse effects.

Public Comment: None.

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

Board Discussion: The Board questioned Mr. Thompson.

Rob Anderson moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the project outweigh any adverse effects such as hazard congestion or environmental degradation, Peter Okun 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 rear ell by extending up and along a pre-existing, non-conforming north elevation of the structure at the property located at 42 Commercial Street (Res 2), Peter Okun seconded and it was so voted, 5-0.

6) **ZBA 19-33** (postponed from the meeting of January 3rd)

157 Commercial Street (Town Commercial Center Zone), Kevin O'Shea –

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 demolish and rebuild a portion of the structure up and along a pre-existing, non-conforming west elevation. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Presentation: Mike Rego, on behalf of the applicant, appeared to present the application. He reviewed the project, which involves the removal of two restaurant walk-ins and a filling in of the space that they had occupied. The building will have the same footprint as it currently does.

Public Comment: None.

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

Board Discussion: The Board questioned Mr. Rego.

Rob Anderson moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the project outweigh any adverse effects such as hazard congestion or environmental degradation, Peter Okun seconded and it was so voted, 5-0.

Rob Anderson 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 demolish and rebuild a portion of the structure up and along a pre-existing, non-conforming west elevation on the property located at 157 Commercial Street (TCC), Peter Okun seconded and it was so voted, 5-0. Rob Anderson will write the decision.

7) **ZBA 19-34** (postponed from the meeting of January 3rd)

30 Shank Painter Road (General Commercial Zone), Doug Dolezal, of Design Matters, LLC, on behalf of Brian O'Malley -

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add multiple affordable housing units to a structure resulting in an increase over the allowable neighborhood building scale. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Presentation: Attorney Lester J. Murphy and Doug Dolezal appeared to present the application. Mr. Dolezal reviewed the project, which involves a deviation in building scale, meeting four of the six components of Article 2, Section 2640E. He reviewed a PowerPoint presentation showing elements of the development and the site plan. He said that the project met the goals and objectives of the LCP; Chapter 1, Goals 1, 2 and 3, Chapter 4, Goal 2, Chapter 5, Goals 1-9 and

Chapter 6, Goals 1-3. The building will be FEMA compliant, as it is located in a flood zone. He reviewed the architectural features of the building. He noted that parking for the residential units will be under the structure and the residential units located above the base flood elevation. The project has been approved by the HDC under its demolition delay guideline. He said that the project will include three affordable units, 25% of the total, and is the first proposed to provide those pursuant to the Inclusionary Zoning By-Law. He argued that the building will be large by necessity, given the number of proposed units on the lot, and will fit into its neighborhood of several outsized structures, as the location in the General Commercial zoning district is suited to its scale. It will have a bigger volume and will contain 12 total units, because of a requested density bonus for more units than would otherwise be allowed, pursuant to the Inclusionary By-Law. He noted the larger structures in the neighborhood, such as the Fire Station, Stop-n-Shop, the Methodist Church and Fay's Automotive. The proposed increase in scale units is compatible with the surrounding structures' scale units. He argued that the building will be sited in a manner that will minimize the appearance of mass from the streetscape. He then presented and reviewed a massing sketch of the structure that shows how its increased size will not appear outsized and reviewed architectural elements that will contribute to that minimization. He presented drawings indicating how the sun would move over the site during the day, including the shadows created by the new structure, and showed how it would not interfere with the natural light to neighboring structures. He reviewed the issue of 'scale creep' and described how he had analyzed the scale of the structures within 250' of the building, both from the center of the structures and from the center of the properties. He concluded that the increase in scale would neither have a direct nor a detrimental effect on the scale of the neighborhood. Attorney Murphy argued that the increase in scale is justified by the benefits that will accrue to the Town in regard to the creation of affordable housing units, a Town priority, as well as the increase in tax revenue. In addition, this project will be a guide to other developers on how to implement the Inclusionary Zoning By-Law to build affordable units. He concluded that these benefits will outweigh any adverse effects.

Public Comment: There was a petition signed by 70 members of the community in support of the application.

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

Board Discussion: The Board questioned Attorney Murphy and Mr. Dolezal.

Rob Anderson moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the project outweigh any adverse effects such as hazard congestion or environmental degradation, Steven Latasa-Nicks seconded and it was so voted, 5-0.

Rob Anderson made a finding that the project met the criteria of Article 2, Section 2640E, subparagraphs 1, 2, 3 and 5, Steven Latasa-Nicks seconded and it was so voted, 5-0.

Rob Anderson moved to grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add multiple affordable housing units to a structure resulting in an increase over the allowable neighborhood building scale at the property located at 30 Shank Painter Road (GC), Steven Latasa-Nicks seconded and it was so voted, 5-0. Peter Okun will write the decision.

8) **ZBA 19-35** (*request to postpone to the meeting of February 7th*)
806 Commercial Street (Residential 1 Zone), Mark Legere, of Marolima East, LLC –
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where the neighborhood average scale has not yet been established. There was a request from the applicant to postpone this matter to the February 7, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-35 to the February 7, 2019 Public Hearing at 6:30 P.M., Peter Okun seconded and it was so voted, 5-0.*

9) **ZBA 19-36** (*request to postpone to the meeting of February 7th*)
820 Commercial Street (Residential 1 Zone), Mark Legere, of Marolima East, LLC –
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where the neighborhood average scale has not yet been established. There was a request from the applicant to postpone this matter to the February 7, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-36 to the February 7, 2019 Public Hearing at 6:30 P.M., Peter Okun seconded and it was so voted, 5-0.*

10) **ZBA 19-37** (*request to postpone to the meeting of February 21st*)
225 Commercial Street (Town Commercial Center Zone), Topknot Properties, LLC –
Notice of Appeal by the applicant of a decision by the Building Commissioner, dated November 21, 2018, regarding the calculation of a front yard setback on the property. There was a request from the applicant to postpone this matter to the February 21, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-37 to the February 21, 2019 Public Hearing at 6:30 P.M., Peter Okun seconded and it was so voted, 4-0.*

11) **ZBA 19-38**
16 Jerome Smith Road (Residential 3 Zone), the Town of Provincetown –
The applicant seeks a Special Permit pursuant to Article 2, Sections 2560, Dimensional Schedule, footnote 5, and 2640, Building Scale, of the Zoning By-Laws to construct a two-story police station that exceeds both the neighborhood average building scale and height requirements. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Presentation: George Cruz, of Flansburgh Architects, appeared to present the application. He reviewed the project, including the design of the building and why the building has to exceed the neighborhood building scale and height requirements. He reviewed the site, existing and proposed, the floor, the roof and the landscape plans for the project. He reviewed the design elements that were obligatory for inclusion in police stations, including the necessity of a 13' high first floor as a result of the installation of a sally port. The relief requested is for 3' on the gable roof and 2' on the low-sloping roofs. Mr. Gardner noted that a recent revision of the Zoning By-Laws allows the Board to grant a waiver of height for municipal buildings.

Public Comment: None.

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

Board Discussion: The Board briefly questioned Mr. Cruz.

Steven Latasa-Nicks moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the project outweigh any adverse effects such as hazard congestion or environmental degradation, Rob Anderson seconded and it was so voted, 5-0.

Steven Latasa-Nicks moved to find that the height of the public safety facility is influenced by unique design characteristics or constraints necessitated by the particular use, purpose or program of the structure and that the proposed height is beneficial to the general public as it decreases costs, provides greater functionality and therefore enhances public safety, Rob Anderson seconded and it was so voted, 5-0.

Steven Latasa-Nicks moved to find that the project was consistent with Article 2, Section 2640E, subparagraphs 1, as it is consistent with the LCP; 2, as the building is important to the community as a whole; and 3, the building is large by necessity and the location at Jerome Smith Road is appropriate for its size, Rob Anderson seconded and it was so voted, 5-0.

Steven Latasa-Nicks moved to grant a Special Permit pursuant to Article 2, Sections 2560, Dimensional Schedule, footnote 5, and 2640, Building Scale, of the Zoning By-Laws to construct a two-story police station that exceeds both the neighborhood average building scale and height requirements at the property located at 16 Jerome Smith Road (Res 3), Rob Anderson seconded and it was so voted, 5-0. Jeremy Callahan will write the decision.

12) ZBA 19-39

44 Pleasant Street (Residential 3 Zone), Steven Lorello –

The applicant seeks a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions or Alterations, of the Zoning By-Laws to convert a shed into an artist's studio. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Presentation: Steven Lorello appeared to present the application. He explained why he wanted to convert the shed into an artist's studio and requested that his application be heard pursuant to the *Goldhirsh v. McNear* ruling.

Public Comment: None. There was 1 letter of non-opposition from an abutter.

Steven Latasa-Nicks 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. Lorello.

Steven Latasa-Nicks moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the project outweigh any adverse effects such as hazard congestion or environmental degradation, Rob Anderson seconded and it was so voted, 5-0.

Steven Latasa-Nicks moved to grant a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions or Alterations, of the Zoning By-Laws to extend a pre-existing, non-conforming structure at the property located at 44 Pleasant Street (Res 3), Rob Anderson seconded and it was so voted, 5-0.

13) ZBA 19-40

227-229 Commercial Street (Town Commercial Center Zone), Soft as a Grape, Inc. –

The applicant seeks a Special Permit pursuant to Article e, Section 3420, Outside Display, of the Zoning By-Laws to allow the outdoor display of clothing. Rob Anderson, recused himself because of a conflict of interest. Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case.

Presentation: No one appeared to present the application.

Public Comment: None.

Steven Latasa-Nicks moved to close the public portion of the hearing, Peter Okun seconded and it was so voted, 4-0.

Board Discussion: There was a brief discussion by the Board about the location of the clothing racks and mannequin.

Steven Latasa-Nicks moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the project outweigh any adverse effects such as hazard congestion or environmental degradation, Peter Okun seconded and it was so voted, 4-0.

Steven Latasa-Nicks moved to grant a Special Permit pursuant to Article e, Section 3420, Outside Display, of the Zoning By-Laws to allow the outdoor display of clothing at the property located at 227-229 Commercial Street with the conditions that the outside display be limited to the area of the raised concrete porch, Peter Okun seconded and it was so voted, 4-0.

NEXT MEETING: The next meeting will take place on Thursday, February 7, 2019. It will consist of a Work Session at 6:00 P.M. followed by a Public Hearing at 6:30 P.M.

ADJOURNMENT: *Rob Anderson moved to adjourn the Public Hearing at 11:15 P.M., Peter Okun seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
Jeremy Callahan, Chair