

Public Meeting Agenda

February 21, 2019

The Provincetown Zoning Board of Appeals will hold an Executive Session at 6:00 P.M. followed by a Public Hearing at 6:30 P.M. followed by a Work Session on Thursday, February 21, 2019, in the Auditorium at Town Hall, 260 Commercial Street, Provincetown, MA. 02657.

A. **Executive Session VOTES MAY BE TAKEN**

Executive Session pursuant to G.L. c. 30A, §21(a)(3) to discuss strategy with respect to litigation regarding *Deckelbaum v. Clements, et. al. (Town of Provincetown Zoning Board of Appeals)*; Land Court No. 18 MISC. The Board will then return to open session.

B. **Public Hearings VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW**

1) **ZBA 19-29** (*request to continue to the meeting of March 21st*)

Application by **509 Commercial St., LLC** seeking 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 on the property at **509 Commercial Street (Residential 3 Zone)**.

2) **ZBA 19-35** (*postponed to the meeting of March 7th*)

Application by **Mark Legere, of Marolima East, LLC**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where a neighborhood average scale has not yet been established on the property located at **806 Commercial Street (Residential 1 Zone)**.

3) **ZBA 19-36** (*postponed to the meeting of March 7th*)

Application by **Mark Legere, of Marolima East, LLC**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where a neighborhood average scale has not yet been established on the property located at **820 Commercial Street (Residential 1 Zone)**.

4) **ZBA 19-37** (*request to withdraw without prejudice*)

Application by **Topknot Properties, LLC** for a Notice of Appeal of a decision by the Building Commissioner, dated November 21, 2018, regarding the calculation of a front yard setback on the property located at **225 Commercial Street (Town Commercial Center Zone)** for which the applicant is aggrieved.

5) **ZBA 19-41** (*postponed from the meeting of February 6th*)

Application by **Ted Smith, Architect**, on behalf of **Thomas Tannariello**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a new single-family structure that will have a volume greater than the maximum allowable scale for the neighborhood on the property located at **6 Commercial Street (Residential 1 Zone)**.

6) **ZBA 19-43**

Application by **Tom Thompson**, on behalf of **George Sauer**, seeking 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 extend up and along a pre-existing, non-conforming side yard dimension to construct a second floor deck over an existing first floor deck at the property located at **2 Winthrop Place, U2D (Residential 3 Zone)**.

7) **ZBA 19-44** (*request to postpone to the meeting of April 4th*)

Notice of Appeal by the **White Sands Beach Club** aggrieved by a decision of the Building Commissioner dated December 21, 2018, which it believes to be a violation of the Provincetown Zoning By-Laws or the Massachusetts Zoning Act, in reference to the property located at **963 Commercial Street, #10 (Residential 1 Zone)**.

(Public Hearings continued on next page)

8) **ZBA 19-45**

Application by **Lululemon USA, Inc.**, on behalf of **Marc Roland, LLC**, seeking a Special Permit pursuant to Article 2, Section 2360, Formula Business Regulated District, of the Zoning By-Laws to establish a formula business retail store on the premises located at **184 Commercial Street (Town Center Commercial Zone)**.

9) **ZBA 19-46**

Application by **Stanley Sikorski & Eva Sikorski**, on behalf of **David Mayo**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family structure that will exceed the allowable building scale on the property located at **294 Bradford Street (Residential 3 Zone)**.

10) **ZBA 19-47**

Application by **John Love Yingling** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add a canopy to a structure that exceeds the allowable building scale on the property located at **183-185 Commercial Street (Town Center Commercial Zone)**.

11) **ZBA 19-48**

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Steve Tait & Dave Cook**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, and Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and rebuild portions of a structure up and along pre-existing, non-conforming dimensions, including height and side yard setbacks, at the property located at **425 Commercial Street (Residential 3 Zone)**.

C. **Work Session VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW**

1) Pending Decisions:

ZBA 19-33 (Rob)

Application by **Kevin O'Shea** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, and Section 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 (Town Commercial Center Zone)**. **Jeremy, Rob, Daniel, Steven and Peter sat on the case.**

ZBA 19-34 (Peter)

Application by **Doug Dolezal**, of **Design Matters, LLC**, on behalf of **Brian O'Malley**, seeking 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 on the property located at **30 Shank Painter Road (General Commercial Zone)**. **Jeremy, Rob, Daniel, Steven and Peter sat on the case.**

ZBA 19-42 (Jeremy)

Application by the **Fine Arts Work Center** seeking a Special Permit pursuant to Application by the **Fine Arts Work Center** seeking 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 common room, increasing pre-existing, non-conforming lot coverage and building scale on the property located at **24 Pearl Street (Residential 3 Zone)**. **Jeremy, Rob, Daniel, Steven and Susan sat on the case.**

2) Approve minutes of the February 7, 2019 meeting.

3) Any other business that may properly come before the Board.

Jeremy Callahan, Chair

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