

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
April 18, 2019**

**Members Present:** Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Peter Okun, and Caleb Eigsti.

**Members Absent:** Rob Anderson (excused) and Susan Peskin (excused).

**Others Present:** Ellen C. Battaglini (Permit Coordinator)

**WORK SESSION**

Chair Jeremy Callahan called the Work Session to order at 6:00 P.M.

**1) PENDING DECISIONS:**

**ZBA 19-41 (Jeremy)**

**6 Commercial Street (*Residential 1 Zone*), Ted Smith Architect, on behalf of Thomas Tannariello –**

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

**ZBA 19-44 (Town Counsel)**

**963 Commercial Street, #10 (*Residential 1 Zone*), White Sands Beach Club –**

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

**ZBA 19-47 (Jeremy)**

**183-185 Commercial Street (*Town Center Commercial Zone*), John Love Yingling -**

Jeremy Callahan, Daniel Wagner, Peter Okun, and Susan Peskin sat on the case. Jeremy Callahan read the decision. *Daniel Wagner moved to approve the language as written, Peter Okun seconded and it was so voted, 3-0.*

Chair Jeremy Callahan adjourned the Work Session at 6:32 P.M.

## PUBLIC HEARING

Chair Jeremy Callahan called the Public Hearing to order at 6:32 P.M. There were 5 Board members present and two absent.

### 1) PUBLIC HEARINGS:

*Steven Latasa-Nicks moved to take ZBA 19-63 out of order, Peter Okun seconded and it was so voted, 5-0.*

#### **ZBA 19-63**

**29 Bradford Street Extension (Residential 1 Zone), Matthew Verge, dba Foxberry Inn, LLC -**

The applicant seeks a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B3, Hotel, motel or inn, and 2460, Special Permit Requirements, of the Zoning By-Laws to offer alcoholic beverages for sale to guests. Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Peter Okun, and Caleb Eigsti sat on the case.

**Presentation:** Matthew Verge presented the application. He reviewed the proposal to sell alcohol to guests of the Foxberry Inn. The inn currently provides a full breakfast buffet in the morning and homemade snacks throughout the day and would like to include the sale of a limited selection of whole bottles of alcohol. No bar will be located in the building and no mixed drinks will be served. Small bottles of alcohol and mixers will be available in mini-bars in rooms and prosecco would be available in the dining room during the breakfast buffet.

**Public Comment:** None.

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

**Board Discussion:** The Board questioned Mr. Verge about signage and preventing alcohol from leaving the premises.

*Steven Latasa-Nicks moved to grant a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B3, Hotel, motel or inn, and 2460, Special Permit Requirements, of the Zoning By-Laws to offer alcoholic beverages for sale to guests at the property located at 29 Bradford Street Extension (Res 1), Caleb Eigsti seconded and it was so voted, 5-0.* Peter Okun will write the decision.

#### **ZBA 19-29 (request to continue to the meeting of May 2<sup>nd</sup>)**

**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. There was a request from the applicant to continue to the May 2, 2019 Public Hearing at 6:30 P.M. *Steven Latasa-Nicks moved to grant the request to continue ZBA 19-29 to the Public Hearing of May 2, 2019 at 6:30 P.M., Caleb Eigsti seconded and it was so voted, 5-0.*

#### **ZBA 19-35 (request to postpone to the meeting of May 2<sup>nd</sup>)**

**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 May 2, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-35 to the Public Hearing of May 2, 2019 at 6:30 P.M., Caleb Eigsti seconded and it was so voted, 5-0.*

**ZBA 19-36** (*request to postpone to the meeting of May 2<sup>nd</sup>*)

**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 May 2, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-36 to the Public Hearing of May 2, 2019 at 6:30 P.M., Caleb Eigsti seconded and it was so voted, 5-0.*

**ZBA 19-46** (*request to postpone to the meeting of May 2<sup>nd</sup>*)

Application by **Stanley Sikorski & Eva Sikorski**, on behalf of **David Mayo**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, to construct a single-family structure that will exceed the allowable building scale on the property located at **294 Bradford Street (Residential 3 Zone)**. There was a request from the applicant to postpone the matter to the May 2, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-46 to the May 2, 2019 Public Hearing at 6:30 P.M., Caleb Eigsti seconded and it was so voted, 5-0.*

**ZBA 19-48** (*request to postpone to the meeting of May 2<sup>nd</sup>*)

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Steve Tait & Dave Cook**, seeking 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 portions of a structure up and along a pre-existing, non-conforming dimensions, including height and side yard setbacks, at the property located at **425 Commercial Street (Residential 3 Zone)**. There was a request from the applicant to postpone the matter to the May 2, 2019 Public Hearing. *Peter Okun moved to grant the request to postpone ZBA 19-48 to the May 2, 2019 Public Hearing at 6:30 P.M., Rob Anderson seconded and it was so voted, 4-0.*

**ZBA 19-54** (*request to postpone to the meeting of May 2<sup>nd</sup>*)

Application by **Olivier Jamin Changeart** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct a deck on the south elevation of a structure up and along a pre-existing, non-conforming east elevation dimension on the property located at **259-263 Commercial Street (Town Commercial Center Zone)**. There was a request from the applicant to postpone to the Public Hearing of May 2, 2019. *Steven Latasa-Nicks moved to approve the request to postpone ZBA 19-54 to the hearing of May 2, 2019 at 6:30 P.M., Caleb Eigsti seconded and it was so voted, 5-0.*

**ZBA 19-55** (*request to withdraw without prejudice*)

Application by **Dave Krohn** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to demolish and replace a horse barn and to construct a new culinary barn, which will include a dwelling unit and a single-family and a duplex residential structure on the property located at **66 & 72 West Vine Street (Residential 1 & 3 Zones)**. There was a request from the applicant to withdraw the application without prejudice. *Steven Latasa-Nicks moved to approve the request to withdraw ZBA 19-55 without prejudice, Peter Okun seconded and it was so voted, 5-0.*

**ZBA 19-61** (*request to withdraw without prejudice*)

**99 Commercial Street (Residential 3 Zone), Siobhan M. Carew, of 99 Commercial Street Realty Trust –**

The applicant seeks to appeal the Building Commissioner's issuance, on January 29, 2019, of a denial of a building permit application to construct a deck. There was a request from the applicant to withdraw the application without prejudice. *Steven Latasa-Nicks moved to approve the request to withdraw ZBA 19-61 without prejudice, Peter Okun seconded and it was so voted, 5-0.*

Chair Jeremy Callahan adjourned the Public Hearing at 6:40 P.M.

## WORK SESSION

### 1. Pending Decisions:

**ZBA 19-50 (Susan)**

**698 Commercial Street (Residential 1 Zone), Christopher J. Snow, Esq., on behalf of Linchris Hotel Corp. –**

Jeremy Callahan, Rob Anderson, Daniel Wagner, Peter Okun, and Susan Peskin sat on the case. The decision was not read.

**ZBA 19-51 (Daniel)**

**170 Commercial Street (Town Commercial Center Zone), Glenn Siegmund -**

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

**ZBA 19-52 (Jeremy)**

**129 Commercial Street (Town Commercial Center Zone), One Hundred Twenty-Nine Commercial Street Corp. –**

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

**ZBA 19-56 (Rob)**

**361 Commercial Street (Town Commercial Center Zone), Steven L. Benjamin –**  
Jeremy Callahan, Rob Anderson, Daniel Wagner, and Susan Peskin sat on the case. The decision was not read.

**ZBA 19-57 (Daniel)**

**141 Bradford Street (Town Commercial Center Zone), Chris Hartley -**  
Jeremy Callahan, Rob Anderson, Daniel Wagner, Peter Okun, and Susan Peskin sat on the case. Daniel Wagner read the decision. *Jeremy Callahan moved to approve the language as written, Peter Okun seconded and it was so voted, 3-0.*

**ZBA 19-59 (Rob)**

**258 Commercial Street (Town Commercial Center Zone), Steven Schnitzer –**  
Jeremy Callahan, Rob Anderson, Daniel Wagner, Peter Okun, and Susan Peskin sat on the case. The decision was not read.

**ZBA 19-62 (Susan)**

**237 Commercial Street (Town Commercial Center Zone), Provincetown Film Society –**  
Jeremy Callahan, Rob Anderson, Daniel Wagner, Peter Okun, and Susan Peskin sat on the case. The decision was not read.

**2. Approval of Minutes:**

March 21, 2019 – *Peter Okun moved to approve the minutes as written, Susan Peskin seconded and it was so voted, 5-0.*

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

**NEXT MEETING:** The next meeting will take place on Thursday, May 2, 2019 in the Judge Welsh Room. It will consist of a Work Session at 6:00 P.M. followed by a Public Hearing at 6:30 P.M.

**ADJOURNMENT:** *Peter Okun moved to adjourn the Public Hearing at 7:00 P.M., Caleb Eigsti seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2019  
Jeremy Callahan, Chair