

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**  
**MEETING MINUTES OF**  
**July 2, 2020**

**Members Present:** Jeremy Callahan, Daniel Wagner, Peter Okun, and Susan Peskin.

**Members Absent:** Steven Latasa-Nicks (excused), Quinn Taylor (excused), and Robert Nee (unexcused).

**Others Present:** Thaddeus Soulé (Town Planner).

Town Planner Thaddeus Soulé, the moderator of the meeting, introduced the virtual Public Hearing at 6:00 P.M. He then called the roll.

Chair Jeremy Callahan called the meeting to order. Mr. Soulé then explained the reason the Public Hearing was being held in this manner, detailing how the Board, the applicants, and the public could participate remotely, and the meeting protocol.

**A. Public Hearings:**

**ZBA 20-43** (*postponed to the meeting of July 16<sup>th</sup>*)

Application by **Christine Barker** seeking Special Permit pursuant to Article 2, Section 2470, Parking Requirements, of the Zoning By-Laws to construct a building containing 31 hotel units, 4 condominium units, and a restaurant/bar, with a parking area beneath, on the property located at **227R Commercial Street (Town Center Commercial Zone)**.

**ZBA 20-53** (*request to postpone to the meeting of July 16<sup>th</sup>*)

Application by **Christopher Page**, on behalf of **The Pilgrim House**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to expand an existing full-service restaurant space, add a live music venue for entertainment and reconfigure seats at the property located at **336 Commercial Street (Town Center Commercial Zone)**. There was a request from the applicant to postpone to the Public Hearing of July 16, 2020 at 6:00 P.M. *Daniel Wagner moved to approve the request to postpone ZBA 20-53 to the Public Hearing of July 16, 2020 at 6:00 P.M., Susan Peskin seconded and it was so voted, 4-0 by roll call.*

**ZBA 20-56** (*request to postpone to the meeting of July 16<sup>th</sup>*)

Application by **Shank Painter Associates, Inc.** seeking a Special Permit pursuant to Article 2, Sections 2470, Parking Requirements, 2630, Roofs, and 2640, Building Scale, of the Zoning By-Laws to develop workforce housing, including requesting a waiver from parking requirements and to add a third story to, and allow an increase above the neighborhood average building scale of, the structure on the property located at **207 Route 6 (General Commercial Zone)**. There was a request from the applicant to postpone to the Public Hearing of July 16, 2020 at 6:00 P.M.

***Daniel Wagner moved to approve the request to postpone ZBA 20-56 to the Public Hearing of July 16, 2020 at 6:00 P.M., Susan Peskin seconded and it was so voted, 4-0 by roll call.***

**ZBA 20-65** (*request to postpone to the meeting of July 16<sup>th</sup>*)

Application by **53 Commercial Provincetown, LLC** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a structure and replace it with two new structures, one of which will exceed the neighborhood average building scale and extend up and along a pre-existing, non-conforming east side yard setback on the property located at **53 Commercial Street (Residential 2 Zone)**. There was a request from the applicant to postpone to the Public Hearing of July 16, 2020 at 6:00 P.M.

***Daniel Wagner moved to approve the request to postpone ZBA 20-65 to the Public Hearing of July 16, 2020 at 6:00 P.M., Susan Peskin seconded and it was so voted, 4-0 by roll call.***

**ZBA 20-68** (*continued to the meeting of July 16<sup>th</sup>*)

Application by **Tri-T, LLC** seeking a Variance pursuant to Article 2, Section 2560, Dimensional Schedule, of the Zoning By-Laws to allow for the construction of a new single-family dwelling with a 15' front yard setback, resulting in the creation of a non-conformancy on the property located at **4 Commercial Street (Residential 1 Zone)**.

**ZBA 20-72** (*request to withdraw without prejudice*)

Application by **Paul Melanson** seeking a Special Permit pursuant to Article 2, Section 2440, F7, Temporary Commercial Structure, of the Zoning By-Laws to erect a 15' wide by 30' long temporary tent over the outdoor seating area on the property located at **269 Commercial Street (Town Center Commercial Zone)**. There was a request to withdraw this application without prejudice. ***Daniel Wagner moved to grant the request to withdraw ZBA 20-72 without prejudice, Susan Peskin seconded and it was so voted, 4-0 by roll call.***

## **B. Work Session:**

### **1) Pending Decisions:**

**ZBA 20-57 (Jeremy)**

Application by **Meilli West, LLC**, on behalf of **Shank Painter Medical Bldg. Trust**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to develop 11 condominium units in a structure that will be greater than the neighborhood average scale on the property located at **30 Shank Painter Road (General Commercial Zone)**.

**ZBA 20-66 (Jeremy)**

Application by **Meili West, LLC**, on behalf of **Shank Painter Medical**, seeking a Special Permit pursuant to Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a building and replace it with a three-story multi-family development on the property located at **30 Shank Painter Road (General Commercial Zone)**. ***Daniel Wagner moved to approve the language as amended, Susan Peskin seconded and it was so voted, 4-0 by roll call.***

**ZBA 20-69 (Quinn)**

Application by **Tom Thompson** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to connect an existing accessory structure with a covered breezeway/shelter resulting in an increase in scale above the neighborhood average on the property located at **3 Fishburn Court (Residential 3 Zone)**. This decision was not ready.

**ZBA 20-70**

Application by **Sharon Callahan**, seeking a Special Permit pursuant to Article 3, Section 3230, Sign Size, and Section 3214, Relief from these regulations, of the Zoning By-Laws to install a sign that is 8.75 sq. ft. on the property located at **5-15 Bradford Street Extension (Residential 1 Zone)**. This decision was not ready.

**ZBA 20-71 (Thaddeus)**

Application by **Nancyann Meads** seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the existing 81 restaurant seats to run with the property located at **333 Commercial Street, Unit 1B (Town Center Commercial Zone)**. The decision could not be approved due to the lack of a quorum that sat on the case.

2) **Approval of minutes: May 28 and June 4 and 18, 2020:**

**May 28, 2020: Daniel Wagner moved to approve the minutes as written, Susan Peskin seconded and it was so voted, 3-0 by roll call.**

**June 4, 2020: Daniel Wagner moved to approve the minutes as written, Susan Peskin seconded and it was so voted, 4-0 by roll call.**

**June 18, 2020: Daniel Wagner moved to approve the minutes as written, Susan Peskin seconded and it was so voted, 3-0 by roll call.**

3) **Board Elections:** Mr. Callahan indicated that all officers have agreed to stay on in their respective positions.

Vice Chair: **Peter Okun moved to elect Steven Latasa-Nicks as Vice Chair, Susan Peskin seconded and it was so voted, 4-0 by roll call.**

Chair: **Peter Okun moved to elect Jeremy Callahan as Chair, Susan Peskin seconded and it was so voted, 4-0 by roll call.**

Clerk: **Daniel Wagner moved to elect Peter Okun as Clerk, Susan Peskin seconded and it was so voted, 4-0 by roll call.**

4) **Any other business that may properly come before the Board:** Doug Dolezal appeared to discuss the Inclusionary Incentive By-Law. He indicated that the Board and the public can, and must, all work together to improve and increase the number of inclusionary zoning projects in Town through the review and approval process. The existing process is currently burdensome and complicated and if the By-Law is to have a meaningful impact on the creation of new

affordable housing, the Town must address what is working and what is not working. He did work with the Planning Board in 2017, to develop the By-Law, as a previous Inclusionary By-Law had been defeated at the 2016 Town Meeting. The 2017 re-written version was therefore structured to garner support from the entire community, including by limiting the By-Law's impact on one and two-family structures, offering more incentives for developers, and lowering the payment in lieu. He has experience working with the development of large market-rate housing projects in Boston. He said that inclusionary zoning was implemented and has been in effect in that city since the 1990s and it has worked very well. It has now been 3 years since the Town's By-Law was implemented, and while there are projects in the pipeline, as of today, there is still no new unit for home ownership and only 1 rental unit, at Harbor Hill. The latter only because it was mandatory pursuant to ADA requirements. That is not a great record. He said that there may be even more vulnerable citizens now because of the pandemic who may be looking for affordable housing. He said he is aware that the Planning Board develops the policy and the Zoning Board implements it. He said there are steps that the Board can take. He said that the By-Law works by sending larger projects that needed scale relief to two Boards, however those that did not need any scale relief could be approved by just the Planning Board through site plan review. He explained that bigger projects and ground-up projects are required to seek scale relief and it was deemed important when developing the By-Law, to make sure there were as many eyes as possible on a project, which is why more than one Board was involved. The Community Housing Council is also included in the process. It was thought that bringing in more Boards would assure that projects were the best that they could be. He said that there were challenges under the current requirements for a Special Permit for scale relief, such as suitable siting, consistency with the goals and objectives of the Local Comprehensive Plan, and proof that benefits outweigh any adverse effects. He recommended that more specific criteria be developed for determining the benefits of an inclusionary project than what now exists. He gave examples of what he was proposing, such as those projects that will include more energy efficient units to address climate change and developing units on the site, as opposed to off-site in an area that may not be as desirable or located in older buildings, or by developing more on-site units. These new clearer, standards may incentivize developers and property owners to do the right thing or set higher goals. He said that today, this is an unknown review process and many community members think that the bar has been set too low and that the Town is lucky to get any affordable housing in this manner. He said in a Town with very limited land and housing, new and better standards would elevate home prices and the Town needs to provide housing for citizens of average income. He said that the Town's actions need to meet the Town's policy. He is offering to assist anyone on this Board, or the Planning Board, and to join together on a working committee, or other arrangement, to improve the inclusionary process. Contact Doug or Thaddeus if you are interested.

**NEXT MEETING:** The next virtual meeting will take place on Thursday, July 16, 2020. It will consist of a virtual Public Hearing at 6:00 P.M. followed by a Work Session.

**ADJOURNMENT:** *Peter Okun moved to adjourn the meeting at 6:30 P.M. Susan Peskin seconded and it was so voted unanimously by roll call.*

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2020  
Thaddeus Soulé on behalf of the Zoning Board of Appeals,