

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
November 5, 2020**

**Members Present:** Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Peter Okun, Robert Nee, Quinn Taylor, and Erik Borg.

**Members Absent** Susan Peskin, (excused).

**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** (*request to postpone to the meeting of November 19<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)**. **Robert Nee moved to postpone ZBA 20-43 to the Public Hearing of November 19, 2020 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 7-0 by roll call.**

**ZBA 20-53** (*request to postpone to the meeting of November 19<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)**. **Robert Nee moved to postpone ZBA 20-53 to the Public Hearing of November 19, 2020 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 7-0 by roll call.**

**ZBA 20-2011**

Application by **Lee Kugler** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws to rebuild a deck along a pre-existing, non-conforming north elevation in the same footprint on the property located at **116 Bradford Street, U2 (Residential 3 Zone)**. Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Peter Okun, and Robert Nee sat on the case.

**Presentation:** Lee Kugler was in the meeting to present the application. He reviewed the project and said it was the result of the inclined elevator that is being installed on an abutting property. A 40' tree on the property line had to be removed by the owner of the abutting property in order to accommodate the tracks for the elevator and part of his deck was resting on that tree. Part of the upper and all of the lower deck had to be removed at that point. The deck was reconfigured to provide some privacy because of the inclined elevator's location 10' from the property line. He reviewed the plans and 3-D renderings for the new one-level deck that is proposed to sit even with the second-floor entrance to the condominium. A pergola was added to the top for further privacy on the deck. 9' panels along the back, which were approved by the Historic District Commission, will also be added to the privacy.

**Public Comment:** None. There were 2 letters in support of the application.

*Peter Okun moved to close the public portion of the hearing, Robert Nee seconded and it was so voted, 5-0 by roll call.*

**Board Discussion:** The Board questioned Mr. Kugler.

*Peter Okun moved that the Board find pursuant to Article 5, Section 5330, Special Permit Consideration, 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, and further moved that the Board vote to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws to rebuild a deck along a pre-existing, non-conforming north elevation in the same footprint on the property located at 116 Bradford Street, U2 (Res 3), Robert Nee seconded and it was so voted, 5-0 by roll call.*

### **ZBA 20-2012**

Application by **Ted Smith**, on behalf of **John Gaitenby**, 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 structure, including adding and extending decks, stairways, and terraces, that will include extensions up and along a pre-existing, non-conforming northwest front elevation, a southwest side elevations, and a southeast rear elevation and to increase building scale on the property located at **41 Bradford Street Extension (Residential 1 Zone)**. The Board did not have access to the online documents. *Robert Nee moved to postpone ZBA 20-2012 to the Public Hearing of November 19, 2020 at 6:00 P.M., Peter Okun seconded and it was so voted, 7-0 by roll call.*

### **ZBA 20-2013**

Application by **William Sherr** seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G14, Sheds, of the Zoning By-Laws to install a shed within pre-existing, non-conforming north side elevation and east rear elevation on the property located at **10 Cudworth Street (Residential 3 Zone)**. Jeremy Callahan, Steven Latasa-Nicks, Peter Okun, Daniel Wagner, and Quinn Taylor sat on the case.

**Presentation:** William Sherr was in the meeting to present the application. He reviewed the drawings and photographs showing the property, the abutting properties and the location of the proposed shed. He also reviewed the specification sheet from the shed company.

**Public Comment:** None. There was 1 letter from an abutter in support of the project.

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

**Board Discussion:** The Board had no questions for the applicant.

*Steven Latasa-Nicks moved that the Board find pursuant to Article 5, Section 5330, Special Permit Consideration, 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, and further that the Board grant a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G14, Sheds, of the Zoning By-Laws to install a shed within pre-existing, non-conforming north side elevation and east rear elevation on the property located at 10 Cudworth Street (Res 3), Quinn Taylor seconded and it was so voted, 5-0 by roll call.*

1) **Pending Decisions:**

**ZBA 20-56**

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)**.

*Peter Okun moved to approve to the language as amended, Erik Borg seconded and it was so voted, 5-0 by roll call.*

**ZBA 20-2009**

Application by **Robin B. Reid, Esq.**, on behalf of **Jackie LaLonde**, seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install a pool on the property located at **5 Dyer Street (Residential 3 Zone)**.

*Robert Nee moved to approve the language as amended, Peter Okun seconded and it was so voted, 4-0 by roll call.*

2) **Approval of minutes: October 15, 2020:** *Peter Okun moved to approve the language as written, Robert Nee seconded and it was so voted, 6-0 by roll call.*

3) **Any other business that may properly come before the Board:** None.

**NEXT MEETING:** The next virtual meeting will take place on Thursday, November 19, 2020. It will consist of a virtual Public Hearing at 6:00 P.M. followed by a Work Session.

**ADJOURNMENT:** *Steven Latasa-Nicks moved to adjourn the meeting at 6:30 P.M., Robert Nee 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,