

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
March 4, 2021**

**Members Present:** Jeremy Callahan, Peter Okun, Robert Nee, and Erik Borg.

**Members Absent** Steven Latasa-Nicks (excused), Daniel Wagner (excused), Susan Peskin (excused), and Quinn Taylor (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 withdraw without prejudice*)

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 grant the request to withdraw ZBA 20-43 without prejudice, Erik Borg seconded and it was so voted, 4-0 by roll call.**

**ZBA 20-53** (*request to postpone to the meeting of March 18<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 grant the request to postpone ZBA 20-53 to the Public Hearing of March 18, 2021 at 6:00 P.M., Peter Okun seconded and it was so voted, 4-0 by roll call.**

**ZBA 20-2045** (*continued to the meeting of May 6<sup>th</sup>*)

Application by **Robin B. Reid, Esq.**, on behalf of **The Bradford House and Motel**, seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B5, Restaurant, bar and 2460, Special Permit Requirements, and 2471, Parking Requirements, of the Zoning By-Laws to establish an 11-seat bar on the first floor of an existing guesthouse and to waive the

parking requirement of 6 spaces on the property located at **41 Bradford Street (Residential 3 Zone)**.

**ZBA 21-9** (*postpone to the meeting of April 1<sup>st</sup>*)

Application by **Susan Packard** seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install a swimming pool on the property located at **71 Bayberry Avenue (Residential 1 Zone)**. **Robert Nee moved to grant the request to postpone ZBA 21-9 to the Public Hearing of April 1, 2021 at 6:00 P.M. Peter Okun seconded and it was so voted, 4-0 by roll call.**

**ZBA 21-10**

Application by **Lester J. Murphy, Esq.**, on behalf of **Robert B Sieban, Jr.**, seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install a swimming pool on the property located at **9 Willow Drive (Residential B Zone)**. Jeremy Callahan, Peter Okun, Robert Nee, and Erik Borg sat on the case. **Presentation:** Lester J. Murphy, Esq. and Rob Sieban, Jr. were in the meeting to present the application. Attorney Murphy reviewed the project. He said that the addition of the pool will increase the lot coverage from 15.9% to just under 23%. The green area will decrease from just under 75% to about 54.4%. The pool will not encroach into any setbacks on the site. He said that the pool equipment and a new propane tank will be located on the northeast side of the property, the former of which will be adjacent to the structure. The pump and heating equipment proposed are the quietest now available on the market. The pool will be salt water, therefore no chemicals will be needed in the pool or stored on the property. He noted that the applicant had submitted a site plan and a landscaping plan. The pool will hold 9,800 gallons of water and there will be a 1,000-gallon spa next to it. The applicant has tried to minimize the impact of the pool on the neighborhood, including purchasing and installing the quietest pool equipment available on the market. The landscaping proposed will screen the pool from the neighbors' properties. Mr. Sieban has reached out to his neighbors about the installation of the pool. Attorney Murphy argued that the benefits of the project outweigh any adverse effects. He said that the addition of the pool will increase the assessment of the property, thereby increasing the real estate taxes collected by the Town. In addition, there will be no chemicals used in the pool or stored on the property, the pool equipment will be the quietest on the market, and the pool itself will be screened. According to Attorney Murphy, there will be no adverse effects as a result of the installation of the pool. Modest low-level exterior lighting, all downcast, is proposed. The pool will be filled by means of a tanker truck. Mr. Sieban reviewed his communication with the neighbors, one of whom had questions. Mr. Sieban was able to get that neighbor in touch with his pool contractor to have those questions answered. The vegetation in the rear will be supplemented with more plantings.

**Public Comment:** There was 1 letter from an abutter in favor of the application.

**Robert Nee moved to close the public portion of the hearing, Erik Borg seconded and it was so voted, 4-0 by roll call.**

**Board Discussion:** The Board had no questions for Attorney Murphy or Mr. Sieban.

**Peter Okun move 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 move that the Board grant a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-**

*Laws to install a swimming pool on the property located at 9 Willow Drive (Res B) with the following conditions: all water for the pool will be from off-site delivered by tanker truck and any water removed from the pool will be by tanker truck; and the noise levels generated by the pool equipment will meet or be below 65 decibels, Robert Nee seconded and it was so voted, 4-0 by roll call.*

**B. Work Session:**

**1) Pending Decisions:**

**ZBA 21-3**

Application by **Brandon Motta**, on behalf of the **Town of Provincetown**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to remove and replace fencing along pre-existing, non-conforming side and rear yard setbacks on the property located at **1 Bradford Street (Residential 3 Zone)**. A quorum of members sitting on the case was not present to approve the decision.

**ZBA 21-6**

Application by **Robin B. Reid, Esq.**, on behalf of **Rainbow Connection Realty, LLC**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow for the service of alcohol and to provide entertainment on the front porch and in the living room of a guesthouse on the property located at **174 Commercial Street (Town Center Commercial Zone)**. A quorum of members sitting on the case was not present to approve the decision.

**ZBA 21-7**

Application by **Ginny Binder**, on behalf of **419 Commercial Street Partners**, seeking a Special Permit pursuant to Article 2, Section 2630, Roofs, D & E, and Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and reconstruct a structure with a gambrel roof that will be above the maximum height allowed and to reduce the non-conformancies of east and west side yard setbacks on the property located at **419 Commercial Street (Residential 3 Zone)**. A quorum of members sitting on the case was not present to approve the decision.

**ZBA 21-8**

Application by **Ted Smith**, on behalf of **Joseph Trepiccione, Jr.**, 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 reconstruct a structure in an expanded footprint up and along pre-existing, non-conforming rear and west side yard setbacks on the property located at **20 Bangs Street (Residential 3 Zone)**. A quorum of members sitting on the case was not present in order to approve the decision.

**2) Approval of minutes: February 18, 2021:**

**February 18, 2021:** *Peter Okun moved to approve the language as written, Robert Nee seconded and it was so voted, 4-0 by roll call.*

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

**NEXT MEETING:** The next virtual Public Hearing will take place on Thursday, March 18, 2021. It will consist of a virtual Public Hearing at 6:00 P.M. followed by a Work Session.

**ADJOURNMENT:** *Robert Nee moved to adjourn the meeting at 6:20 P.M., Peter Okun seconded and it was so voted unanimously by roll call.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2021.  
Thaddeus Soulé on behalf of the Zoning Board of Appeals