



Zoning Board of Appeals

Meeting Agenda

The Provincetown Zoning Board of Appeals will hold a Public Meeting on Thursday, December 2, 2021 at 6:00 P.M., followed by a Work Session in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, MA 02657.

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

Joining the Meeting: [Click here to join the meeting](#)

Microsoft Teams: Join on your computer or mobile app

Phone: Or call in (audio only) [\(833\) 579-7589](tel:8335797589) Phone Conference ID: 433 845 366#

To Participate during public comment:

- Teams: Raise hand to be called on to speak; or
- Phone: Speak name clearly to be called on to speak.

Please do not speak again until acknowledged by Chair or meeting moderator.

- Keep your phone muted at all times when not talking (*6 to mute & unmute your phone);
- Do not use speakerphone, Bluetooth devices (speakers or headphones); and
- Mute all background noises, including PTV, television or computer and use only phone audio.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AND VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW

MEETING WILL END AT 9:00 P.M. AND ANY APPLICATIONS NOT YET CONSIDERED WILL BE POSTPONED TO THE NEXT HEARING

A. Public Hearings:

1) [ZBA 21-53](#) (*postponed from the meeting of November 18th*)

Application by **Ted Smith**, on behalf of **Whitney Kelly**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to remove an exterior stair and add a portico, thereby increasing the building scale of a structure located at **5 Fishburn Court (Residential 3 Zone)**.

2) [ZBA 21-54](#) (*postponed from the meeting of November 18th*)

Application by **Jeffrey Mulliken** seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G14, Utility/Garden Shed (96 sq. ft. max.), of the Zoning By-Laws to install a shed on the property located at **34A Pearl Street, U1 (Residential B Zone)**.

3) [ZBA 21-55](#)

Application by **Paul Muldoon**, on behalf of **TMW Properties, LLC Provincetown Series**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions, or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to remove and replace retaining walls and a stair structure up and along pre-existing, non-conforming front and side yard setbacks on the property located at **28 Bradford Street (Residential 3 Zone)**.

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

1) Request to extend ZBA 19-38: 16 Jerome Smith Road

2) Pending Decisions:

ZBA 21-23

Application by **Ted Smith**, on behalf of **Howard Burchman**, seeking a Special Permit pursuant to Article 2, Section 2640E, Building Scale, for a deviation in building scale of the principal structure, to allow for the re-configuration of the roofline, expansion on the west and north elevations, and the addition of a bay window, and pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to extend a legally pre-existing non-conforming rear structure along the south side and west rear elevation setbacks on the property located at **12 Center Street (Town Center Commercial Zone)**.

ZBA 21-40

Application by **Ted Smith**, on behalf of **Gregory Whitehead et vir.**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, Article 3, Section 3110, Change, Extensions, or Alterations, and Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a garage and construct a one-story addition with a shed dormer on the northwest corner of an existing structure, to be partially located in the demolished garage's footprint, and going up and along a pre-existing, non-conforming northwest side yard setback, to infill a southwest corner, adding a new second-floor dormer, and to add a new shed dormer on the southeast corner of the structure, all of which will result in an increase in the building scale of the existing structure above the neighborhood average scale on the property located at **24 Standish Street (Residential 3 Zone)**.

ZBA 21-44

Application by **Ted Smith**, on behalf of **Richard A. Keyes et al.**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Section 3110, Change, Extensions, and Alterations, of the Zoning By-Laws to add dormers along a pre-existing, non-conforming east side

yard setback and a west elevation on the property located at **442 Commercial Street, U4 (Residential 3 Zone)**.

ZBA 21-45

Application by **Steven Latasa-Nicks**, on behalf of **Latasa-Nicks Properties, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, of the Zoning By-Laws, to add 20 outdoor restaurant seats on the property located at **404 Commercial Street. (Town Center Commercial Zone)**.

ZBA 21-46

Application by **Seth Kaplowitz** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws, for the extension of an existing dormer by 8'4" on both the east and west elevations, adding volume to the building scale, which is already above the neighborhood average scale, on the property located at **457-459 Commercial Street, U1 (Residential 3 Zone)**.

ZBA 21-47

Application by **Lynn Mogell**, on behalf of **Sarah K. Peake et ux.**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws to extend up and along a pre-existing, non-conforming lot line on a southeast corner to add a second floor on the structure located at **21 Dewey Avenue, U8 (Residential 1 Zone)**.

ZBA 21-48

Application by **Ted Smith**, on behalf of **Harbor Hill Condominium Trust**, 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 revise a previously approved Special Permit by altering a dormer and a roof deck, including an access stairway to the roof deck, and a deck cut into a roof gable on the southwest corner up and along pre-existing, non-conforming front and side yard setbacks, thereby increasing the building scale of the structure located at **41 Bradford Street Extension (Residential 1 Zone)**.

ZBA 21-49

Application by **Kevin O'Brien**, on behalf of **John Burrows**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B4, Retail sales or service, a., neighborhood, of the Zoning By-Laws to allow a change of use from an art gallery to a hair salon at the property located at **12 Masonic Place, U1 (Residential 3 Zone)**.

ZBA 21-50

Application by **Ginny Binder**, on behalf of the **Richard R. Bankhead Revocable Trust, Richard R. Bankhead, Trustee**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to create an artist studio/room by enclosing a second-floor porch on a west elevation, thereby increasing the scale of a structure located at **586 Commercial Street, U11 (Residential 3 Zone)**.

ZBA 21-51

Application by **Leif Hamnquist**, of **Hammer Architects**, on behalf of **Daniel K. O'Donnell et al.**, 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 replace and expand an existing deck up and along a pre-existing, non-conforming south rear yard setback on the property located at **135 Commercial Street, UA (Town Center Commercial Zone)**.

ZBA 21-52

Application by **Robin B. Reid, Esq.**, on behalf of **Brian R. Faidell et al.**, 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 increase the building scale of a structure by adding a shed dormer to a gable roof and slightly increasing the footprint of an existing single-story sunroom with a second-story addition extending up and along a pre-existing, non-conforming front yard setback on the property located at **78 Bayberry Avenue (Residential 1 Zone)**.

- 3) Approve Minutes of November 18, 2021 meeting.
- 4) Any other business that may properly come before the Board.

Submitted By: Jeremy Callahan, Chair

Posted: Town Hall, www.provincetown-ma.gov; 11/29/2021, 12:55 pm AR