



## Zoning Board of Appeals

# Meeting Agenda

**The Provincetown Zoning Board of Appeals will hold a Public Meeting on Thursday, December 16, 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: 896 720 080#

**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 21-55](#) (postponed from the meeting of December 2<sup>nd</sup>)

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)**.

2) [ZBA 21-56](#)

Application by **Mark Kinnane**, of **Cape Associates, Inc.**, on behalf of **Christine Steinwand et al.**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to increase the volume of a structure above the allowed neighborhood average scale by enclosing a roof deck on the property located at **18 Atkins Mayo Road (Residential 3 Zone)**.

3) [ZBA 21-57](#)

Application by **Robin B. Reid, Esq.**, on behalf of **361 Commercial Holdings, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B, Business, 5, Restaurant, bar, of the Zoning By-Laws to add liquor service to an existing 20-seat coffee and espresso bar and to add 10 exterior seats as part of a new flex-seating plan on the property located at **361 Commercial Street (Town Center Commercial Zone)**.

4) [ZBA 21-58](#)

Application **Mark Kinnane**, of **Cape Associates, Inc.**, on behalf of **Lisa F. Shea Trust 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 demolish a portion of a structure located in a pre-existing, non-conforming west side yard setback, raise the entire structure, install helical piers, and frame a new floor system, then lower the structure onto the new floor system and rebuild the portion of the structure that was removed on the property located at **613 Commercial Street (Residential 2 Zone)**.

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

1) 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 21-50**

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)**.

#### **ZBA 21-53**

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)**.

#### **ZBA 21-54**

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)**.  
front yard setback on the property located at **78 Bayberry Avenue (Residential 1 Zone)**.

- 2) Approve Minutes of December 2, 2021 meeting.
- 3) Any other business that may properly come before the Board.

Submitted By: Jeremy Callahan, Chair

Posted by the Town Clerk [www.provincetown-ma.gov](http://www.provincetown-ma.gov) 12/10/21 1000 EC

Revised 12/13/2021, 10:55 am AR