



## Zoning Board of Appeals

# Meeting Agenda

**The Provincetown Zoning Board of Appeals will hold a Public Meeting on Thursday, March 17, 2022 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: 509 932 428#

**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 21-59](#) (continued to the meeting of April 7<sup>th</sup>)

Application by **Wayne Tavares**, on behalf of **Michael J. Shuster et vir.**, 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 **99 Bayberry Avenue (Residential 1 Zone)**.

2) [ZBA 22-7](#)

Application by **Cesar Gerena**, on behalf of **Whalers Wharf, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, of the Zoning By-Laws to allow the service of food and alcohol on a terrace and a flex-seating plan for 62 existing seats, including 10 seats to move outside to the terrace on the property located at **237 Commercial Street, U25 (Town Center Commercial Zone)**.

3) [ZBA 22-8](#)

Application by **Ben deRuyter** on behalf of the **Aquarium Wharf Realty Trust, Benjamin deRuyter, Trustee**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, of the Zoning By-Laws to add outdoor entertainment on the property located at **205-209 Commercial Street Town Center Commercial Zone**).

4) [ZBA 22-9](#)

Application by **Mark Kinnane**, on behalf of **10 Atwood Realty Trust**, seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G14, Utility Garden Shed, of the Zoning By-Laws to construct a shed on the property located at **10 Atwood Avenue (Residential 2 Zone)**.

5) [ZBA 22-11](#)

Application by **Eliot Parkhurst, Esq.**, on behalf of **LCOF Provincetown CPBK Investment, LLC**, seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B3, Hotel, motel or inn, and 2470, Parking Requirements, of the Zoning By-Laws to approve the use of 45 existing seats plus 24 newly acquired seats on a flex basis, including allowing 36 exterior seats on a patio, and to waive parking requirements on the property located at **82 Bradford Street (Residential 3 Zone)**.

6) [ZBA 22-12](#)

Application by **Eliot Parkhurst, Esq.**, on behalf of **LCOF Provincetown CPBK Investment, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, to exchange 50 full-service restaurant seats for 87 tavern seats to be utilized in an enclosed courtyard area in the summer and inside a gatehouse, the Shipwreck Lounge, during inclement weather and in the winter and shoulder seasons on the property located at **67 Bradford Street (Residential 3 Zone)**.

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

1) Discuss Town Meeting Zoning By-Law [warrant articles](#)

2) Minor Modification:

[ZBA 22-10](#): **78 Bradford Street**: The applicant seeks a minor modification of Special

Permit ZBA 18-45 to delete the one and only included condition.

3) Pending Decisions:

**ZBA 22-4**

Application by **Bradford Walker**, on behalf of **Benjamin Steinberg et ux.**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws to renovate a garage that is pre-existing, non-conforming as to its south front and west side yard setbacks and to connect it to a new structure to be built up and along pre-existing, non-conforming south front and west side yard setbacks on the property located at **282 Bradford Street (Residential 3 Zone)**.

**ZBA 22-5**

Application by **Robin B. Reid, Esq.**, on behalf of **Marcus Builders, LLC**, seeking a Special Permit pursuant to Article 2, Section 2470, Parking Requirements and Article 3, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws for relief from the requirement to add 2 parking spaces for the addition of a one-bedroom workforce sleeping unit and to add an egress stair within the required 9' separation between buildings on the property located at **175 Bradford Street Extension, UC1 (Residential 3 Zone)**.

**ZBA 22-6**

Application by **Barbara Browning** seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install an 8' by 15' exercise spa on the property located at **16 Bayberry Avenue (Residential 1 Zone)**.

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

Submitted By: Jeremy Callahan, Chair

Posted: Town Hall, [www.provincetown-ma.gov](http://www.provincetown-ma.gov); 3/11/22 1015hrs EC