



Zoning Board of Appeals

Meeting Agenda

The Provincetown Zoning Board of Appeals will hold a Public Meeting on Thursday, April 7, 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: 405 629 535#

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](#) (*request to continue to the meeting of May 5th*)

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 22-12](#) (*postponed to the meeting of May 5th*)

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)**.

3) [ZBA 22-13](#)

Application by **Sadie Hutchins** seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, F, Other Principal Uses, 3a, Animal hospital, and 2450, Permitted Accessory Uses, G11, Other customary accessory uses, of the Zoning By-Laws to open an animal hospital and establish a retail space to sell animal health-related products on the property located at **43 Race Point Road, UE1 (Residential 3 Zone)**.

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

1) Pending Decisions:

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)**.

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)**.

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)**.

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)**.

2) Approve Minutes of March 17, 2021 meeting.

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

Submitted By: Jeremy Callahan, Chair

Posted: Town Hall, www.provincetown-ma.gov; 04/01/2022, 9:25 am AR