



Zoning Board of Appeals

Meeting Agenda

The Provincetown Zoning Board of Appeals will hold a Public Meeting followed by a Work Session on Thursday, February 16, 2023, at 6:00 P.M. 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: 771 622 954#

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 22-78** *(continued from to the meeting of February 2nd)*

Application by **Robin B. Reid, Esq.**, on behalf of **Larry J. Luster, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, of the Zoning By-Laws to maintain pandemic outdoor dining seating in the rear yard of the restaurant located at **4 Kiley Court (Residential 3 Zone)**.

2) **ZBA 23-1** *(postponed from the meeting of February 2nd)*

Application by **Robin B. Reid, Esq.**, on behalf of **Foxberry Inn, LLC**, seeking a Special Permit pursuant to Article 2, Sections 2470, Parking Requirements, 2630, Roofs, 2640, Building Scale, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to add 6 guestrooms in a third story of a hotel building and to add a half story to the manager's quarters, thereby increasing the building scale above the maximum allowable neighborhood scale, to extend up and along pre-existing, non-conforming setback dimensions, and for relief from the parking and roof configuration requirements on the property located at **29 Bradford Street Extension (Residential 1 Zone)**.

3) **ZBA 23-2** *(postponed from the meeting of February 2nd)*

Application by **Robin B. Reid, Esq.**, on behalf of **Foxberry Inn, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B3, Hotel, motel or inn, footnotes 2 and 6, of the Zoning By-Laws to expand the existing liquor service areas to include the yard and allow service to guests of guests on the premises located at **29 Bradford Street Extension (Residential 1 Zone)**.

4) **ZBA 23-6**

Application by **Leif Hamnquist**, on behalf of **William L. Jorgenson**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct a second floor on a pre-existing, non-conforming rear ell on the southernmost structure located at **536 Commercial Street, U2 (Residential 3 Zone)**.

5) **ZBA 23-7**

Application by **Robin B. Reid, Esq.**, on behalf of **Joon Corporation**, seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, and 2640, Building Scale, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to add an outdoor dining area to a restaurant and to add a roof deck up and along a pre-existing, non-conforming dimensions, along with a stairway and landing for access, thereby increasing the building scale above the allowed neighborhood average scale, on a property that is pre-existing, non-conforming as to lot size and frontage at **133 Commercial Street (Town Center Commercial Zone)**.

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

1) **Minor Modification**:

ZBA 23-11

Request by **Gregory Boucher**, on behalf of **Shank Painter Associates, Inc.**, for an approval for a minor modification regarding proposed changes to plans originally submitted for the 2020 and 2021 Special Permit decisions for the property located at 207 Route 6.

2) **Pending Decisions**:

ZBA 22-72

Application by **Tim Maher** seeking a Special Permit pursuant to Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a structure on the property located at **963 Commercial Street, U23 (Residential 1 Zone)**.

ZBA 22-75

Application by **Ted Smith**, on behalf of **Orchard East, LLC**, 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 renovate a structure resulting in an increase in scale above the allowable neighborhood scale, including adding two dormers; one on the south and one on the north elevation, extending a second floor to the east, and constructing a new porch on the west elevation up and along a pre-existing, non-conforming front yard setback and extending along a pre-existing, non-conforming condition pertaining to the required distance between buildings on the property located at **25 Conant Street (Residential 3 Zone)**.

ZBA 22-82

Application by **Robin B. Reid, Esq.**, on behalf of **Adam S. Ackerman**, seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install a 7' by 9' jacuzzi on the property located at **2 Willow Drive (Residential 3 Zone)**.

ZBA 22-83

Application by **Robin B. Reid, Esq.**, on behalf of **Dol-Fin Development, LLC**, seeking a Special Permit pursuant to Article 2, Sections 2470, Parking Requirements, and 2640, Building Scale, and Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws for approval of four rather than five parking spaces, for a deviation in scale above the maximum allowable neighborhood scale, and to allow the demolition and reconstruction of a main building and a cottage, including the extension of pre-existing, non-conforming setbacks, on the property located at **10 Bradford Street (Residential 3 Zone)**.

ZBA 22-84

Application by **Michael Fullen** seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory, G14, Utility/Garden Shed (96 sq. ft. max., of the Zoning By-Laws to install a shed on the property located at **446 Commercial Street, U2 (Residential 3 Zone)**.

ZBA 23-3

Application by **Eric Larsen**, on behalf of **TNCO, LLC**, seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Laws to install a spa tub on the property located at **296 Commercial Street (Town Center Commercial Zone)**.

ZBA 23-4

Application by **Robin B. Reid, Esq.**, on behalf of **198 Commercial Propco, LLC**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to renovate the rear of a lodging house, including adding 2 guestrooms, up and along pre-existing, non-conforming side and rear yard setbacks by two-and-a-half stories and to extend the pre-existing, non-conforming lot coverage by 2 sq. ft. on the property located at **198 Commercial Street (Town Center Commercial Zone)**.

- 3) **Approve Minutes**: February 2, 2023 meeting.
- 4) **Any other business that may properly come before the Board:**

Submitted By: Jeremy Callahan, Chair

Posted: Town Hall, www.provincetown-ma.gov; 02/10/2023, 9:35 am AR