

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
June 2, 2016**

Members Present: David M. Nicolau, Joe Vasta, Jeffrey Haley and Jeffrey Gould.

Members Absent: Robert Littlefield (excused), Rob Anderson (excused) and Bryan Armstrong (excused).

Others Present: Anne Howard (Building Commissioner) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:30 P.M.

PENDING DECISIONS:

FY16-32 176 Race Point Road (*Seashore District*), Provincetown Airport Commission –

David M. Nicolau, Jeffrey Haley, Robert Anderson and Jeffrey Gould sat on the case. The decision was not ready.

FY16-45 389 Commercial Street (*Town Commercial Center Zone*), Tom Thompson, on behalf of Clyde Mellert –

David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Jeffrey Gould sat on the case. David M. Nicolau read the decision. *Jeffrey Gould moved to approve the language as amended, Jeffrey Haley seconded and it was so voted, 4-0.*

FY16-47 164 Bradford Street Extension (*Residential 1 Zone*), Robin B. Reid, Esq., on behalf of Marcus Builders, LLC –

David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Jeffrey Gould sat on the case. Jeffrey Gould read the decision. *Joe Vasta moved to approve the language as written, Jeffrey Haley seconded and it was so voted, 4-0.*

FY16-50 457 Commercial Street (*Residential 3 Zone*), Seth Kaplowitz and Elena Ende –

David M. Nicolau, Joe Vasta, Jeffrey Haley, Rob Anderson and Jeffrey Gould sat on the case. Jeffrey Gould read the decision. *Joe Vasta moved to approve the language as written, Jeffrey Haley seconded and it was so voted, 4-0.*

FY16-51 9 Ryder Street Extension (*Town Commercial Center Zone*), Kurt Raber, of Brown Lindquist Fenuccio & Raber Architects, Inc. on behalf of Provincetown Marina, LLC –

David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Jeffrey Gould sat on the case. David M. Nicolau read the decision. The decision will be revised.

MINUTES: May 19, 2016– *Jeffrey Haley moved to approve the language as written, Joe Vasta seconded and it was so voted, 4-0.*

Chair David M. Nicolau adjourned the Work Session at 7:10 P.M.

PUBLIC HEARING

Chair David M. Nicolau called the Public Hearing to order at 7:10 P.M. There were four members of the Zoning Board present and three absent.

PUBLIC HEARINGS:

- FY16-37** **132 Bradford Street (Town Commercial Center Zone), Steve Riley –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow public entertainment in a newly-created theater space and the installation of a bar for the service of alcohol to patrons of the theater. This case is postponed until the June 16, 2016 Public Hearing at 7:00 P.M.
- FY16-49** **5 Tiny’s Way (Residential 3 Zone), William N. Rogers on behalf of Sean Burke (continued from May 19th) –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a covered porch. David M. Nicolau, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Rob Anderson sat on the case.
Presentation: Gary Locke appeared to discuss the application. He had submitted new plans with all elevations and a proper title block, and a complete scale application. Mr. Locke briefly reviewed the project and reiterated that it met the requirements of test 5 of Article 2, Section 2640 E of the Zoning By-Laws.
Board Discussion: The Board had no questions for Mr. Locke.
Jeffrey Haley moved to find that the project satisfied test #5 of Article 2, Section 2640E of the Zoning By-Laws, Joe Vasta seconded and it was so voted, 4-0.
- Jeffrey Haley moved to grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a covered porch at the property located at 5 Tiny’s Way (Res 3), Jeffrey Haley seconded and it was so voted, 4-0. Jeffrey Gould will write the decision.***
- FY16-52** **130 Bradford Street (Town Commercial Center Zone), William N. Rogers, on behalf of Milan Realty, LLC –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building

Scale, of the Zoning By-Laws to construct a dormered second floor addition. Chair David M. Nicolau explained to Mr. Locke, who was representing the applicant, that a unanimous decision was needed in order to be granted a Special Permit, as there were only four members present to sit on the case. Mr. Locke asked if he would be able to poll the Board before a decision was made and the request was granted. David M. Nicolau, Joe Vasta, Jeffrey Haley and Jeffrey Gould sat on the case.

Presentation: Gary Locke and Kenny Pabanby appeared to present the application. Mr. Locke explained that the applicant seeks to add a second floor addition to the existing structure for the purpose of employee housing. The pitch of the roof will be increased to 10/12 and two dormers will be added. The project was approved by the Historic District Commission and is consistent with the goals of the Local Comprehensive Plan, as it seeks to provide employee housing. The scale increase, while large, will create a second floor with the requisite headroom. The egresses from the structure, pursuant to the State Building Code, will be located outside the retail store located on the first floor. Mr. Locke said that the design of the addition would be in keeping with other structures in the neighborhood. The neighborhood average scale is 18,128 cu. ft., the allowable neighborhood scale is 20,847 cu. ft., the existing sale is 14,700 cu. ft., the proposed scale of the addition is 12,815 cu. ft., for a total proposed scale of 27,515 cu. ft. This represents an 87% increase in scale.

Public Comment: Jackie Kelly, a direct abutter, spoke in favor of the application. There were no letters in the file.

Board Discussion: The Board questioned Mr. Locke. Mr. Nicolau asked if Mr. Locke would indicate the one parking space on the site plan that is required for the residence. Mr. Locke said he would revise the plan and submit it to the Board. *Jeffrey Haley moved to find that the project satisfied test #1 of Article 2, Section 2640E of the Zoning By-Laws, Joe Vasta seconded and it was so voted, 4-0.*

Jeffrey Haley moved to grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a dormered second floor addition at the property located at 130 Bradford Street (TCC), Joe Vasta seconded and it was so voted, 4-0. Jeffrey Gould will write the decision.

NEXT MEETING: The next meeting will take place on Thursday, June 16, 2016. It will consist of a Work Session at 6:30 P.M. followed by a Public Meeting at 7:00 P.M.

ADJOURNMENT: *Joe Vasta moved to adjourn at 7:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2016

David M. Nicolau, Chair