

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
November 3, 2016**

Members Present: Robert Littlefield, Joe Vasta, Jeffrey Haley Jeffrey Gould, Marianne Clements, Jeremy Callahan and Daniel Wagner.

Members Absent: David M. Nicolau (excused) and Rob Anderson (unexcused).

Others Present: Gloria McPherson (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

WORK SESSION

Vice Chair Robert Littlefield called the Work Session to order at 6:30 P.M.

MINUTES: October 20, 2016– *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 7-0.*

PENDING DECISIONS:

- FY17-25** **698 Commercial Street (*Residential 1 Zone*), Christopher J. Snow, Esq., on behalf of 698 Commercial Street Realty, LLC –**
Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 4-0.*
- FY17-27** **3A Jerome Smith Road, (*Residential 3 Zone*), Town of Provincetown –**
Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the case. The decision was not ready.
- FY17-28** **225 Commercial Street (*Town Center Commercial Zone*), Loic Rossignon –**
Robert Littlefield, Joe Vasta, Jeffrey Gould and Daniel Wagner sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 4-0.*
- FY17-29** **29 Point Street (*Residential 1 Zone*), Jeffrey R. Larsen –**
Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 4-0.*

- FY17-30** **6 Conwell Street (Residential 3 Zone), Bowd Hotels, LLC, dba Salt House Inn –**
 Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the cases. Joe Vasta read the decision. *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 4-0.*
- FY17-31** **90 Bradford Street (Residential 3 Zone), EH OP CO, LLC, dba Eben House –**
 Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the cases. *Jeffrey Haley moved to approve the language as amended, Jeffrey Gould seconded and it was so voted, 4-0.*

Vice Chair Robert Littlefield adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

Vice Chair Robert Littlefield called the Public Hearing to order at 7:00 P.M. There were seven members of the Zoning Board present and two absent.

- FY17-19** **12 Cudworth Street (Residential 3 Zone), Ted Smith, Architect, LLC on behalf of Tom Tannariello (postponed from October 20th) –**
 The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to change the roof pitch and height of a structure by adding a second story. Acting Chair Robert Littlefield opened the hearing and continued the case. *Jeffrey Haley moved to continue Case #FY17-19 until the November 17, 2016 Public Hearing, Marianne Clements seconded and it was so voted, 5-0.*
- FY17-22** **23 Winthrop Street, #E5 (Residential 3 Zone), William N. Rogers, II, on behalf of Russell C. Davies (postponed from October 20th) –**
 The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations of the Zoning By-Laws to construct a second floor addition. There was a request from the applicant to postpone the case until the November 17, 2016 Public Hearing and a submission of a waiver of time constraints. *Marianne Clements moved to postpone Case #FY17-22 until the November 17, 2016 Public Hearing. Joe Vasta seconded and it was so voted, 5-0.*
- FY17-32** **3 Harbour Drive (Residential 1 Zone), William N. Rogers, II on behalf of Lynn A. Kappelman & Katherine E. Perelli –**
 The applicant seeks a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming Pool, of the Zoning By-Laws for the construction of an 18' by 35' 11" in-ground saltwater pool. Robert Littlefield, Joe

Vasta, Jeffrey Gould, Jeremy Callahan and Daniel Wagner sat on the case.

Presentation: Gary Locke appeared to present the application. He stated that the saltwater pool will be outside the setbacks and the lot coverage will only be increased by 3% and the green space percentage will drop to 78.5 from 86.

Public Comment: None. There was 1 letter of no objection and 7 letters in support of the application.

Board Discussion: The Board briefly questioned Mr. Locke who stated that the water would be trucked in, the lighting would be low level, it will be equipped with a safety cover and there was no sound system planned for the area around the pool.

Jeffrey Gould moved to grant a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming Pool, of the Zoning By-Laws for the construction of an 18' by 35'11" in-ground saltwater pool at the property located at 3 Harbour Drive (Res 1), Joe Vasta seconded and it so voted, 5-0. Jeremy Callahan will write the decision.

FY17-33 328 Commercial Street (Town Center Commercial Zone), Joachim Sandbichler –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Special Permit Requirements, of the Zoning By-Laws to adjust the location of an interior bar. Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Jeremy Callahan and Marianne Clements sat on the case.

Presentation: Joachim Sandbichler appeared to present the application. He seeks to adjust the bar slightly, back to where it was located previously. The number of seats will not change

Public Comment: None. There were no letters in the file.

Board Discussion: The Board briefly questioned Mr. Sandbichler.

Jeffrey Haley moved to grant a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming Pool, of the Zoning By-Laws for the construction of an 18' by 35'11" in-ground saltwater pool at the property located at 328 Commercial Street (TCC), Jeffrey Gould seconded and it was so voted, 5-0. Jeffrey Gould will write the decision.

FY17-34 85-87 Shank Painter Road (General Commercial Zone), MacGregor Hay –

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Special Permit Requirements, of the Zoning By-Laws to re-configure an outdoor counter to bar service and to serve food and alcoholic beverages at the outdoor, fenced-in bar area and tables. Jeffrey Gould recused himself because of a conflict of interest. Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeremy Callahan and Daniel Wagner sat on the case.

Presentation: Mac Hay appeared to present the application. He explained that he seeks to re-configure the counter service from food and ice cream to food and alcoholic beverages in the fenced-in area. This would include 6 picnic tables that would be changed to seats, with no increase in their number.

Public Comment: None. There were 2 letters in support of the application.

Board Discussion: The Board questioned Mr. Hay about the controls in place for preventing alcohol from leaving the premises.

Jeffrey Haley moved to grant a Special Permit pursuant to Article 2, Section 2640, Special Permit Requirements, of the Zoning By-Laws to re-configure an outdoor counter to bar service and to serve food and alcoholic beverages at the outdoor, fenced-in bar area and tables at the property located at 85-87 Shank Painter Road (GC), Joe Vasta seconded and it was so voted, 5-0. Joe Vasta will write the decision.

FY17-35 572 Commercial Street (Residential 3 Zone), Mark Wisneski & Ron Kollen – The applicants seek a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to replace an existing shed in a parking area. Robert Littlefield, Joe Vasta, Jeffrey Gould, Jeremy Callahan and Marianne Clements sat on the case.

Presentation: Mark Wisneski and Ron Kollen appeared to present the application. The shed is located in a pre-existing, non-conforming side yard setback. Mr. Kollen said that they would like to increase the footprint of a pre-existing, non-conforming shed from 6' by 8' to 10' by 12' and extend the non-conformancy along the pre-existing, non-conforming dimension, but not encroach further into the side yard setback. The current setback is 4.7' at its closest point to the lot line.

Public Comment: None. There was 1 letter from an abutter in support of the application.

Board Discussion: The Board questioned Mr. Kollen and Mr. Wisneski. Since the shed would not be placed closer than 4.7' from the lot line, the Board decided that the non-conformancy was not being intensified and found that the change would not be substantially more detrimental to the neighborhood and Town than the existing non-conformancy.

Jeremy Callahan moved to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to replace an existing shed in a parking area at the property located at 572 Commercial Street (Res 3), Jeffrey Gould seconded and it was so voted, 5-0. Jeremy Callahan will write the decision.

The Board briefly discussed some Charter revisions.

NEXT MEETING: The next meeting will take place on Thursday, November 17, 2016. It will consist of a Work Session at 6:30 P.M. followed by a Public Meeting at 7:00 P.M.

ADJOURNMENT: *Jeffrey Gould moved to adjourn at 7:45 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2016
David M. Nicolau, Chair