

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 20, 2020**

Members Present: Jeremy Callahan, Daniel Wagner, Peter Okun, and Robert Nee.

Members Absent: Steven Latasa-Nicks (excused) and Susan Peskin (excused).

Others Present: Thaddeus Soulé (Town Planner), and Ellen C. Battaglini (Permit Coordinator).

WORK SESSION

Chair Jeremy Callahan called the Work Session to order at 6:05 P.M.

1) PENDING DECISIONS:

ZBA 20-51

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **William Lampeter**, seeking a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to construct a new dormer up and along a pre-existing, non-conforming east front yard setback on the structure located at **10 Atwood Avenue (Residential 2 Zone)**. **Jeremy Callahan, Caleb Eigsti, Daniel Wagner, Peter Okun, and Robert Nee sat on the case.** Jeremy Callahan read the decision. *Robert Nee moved to approve the language as amended, Daniel Wagner seconded and it was so voted, 4-0.*

ZBA 20-49

Application by **Mike Czyoski**, on behalf of **Marianne Colacray**, seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G14, Utility Garden Shed (96 sq. ft. max.), of the Zoning By-Laws to construct a shed on the property located at **12 Franklin Street, #1 (Residential 3 Zone)**. **Jeremy Callahan, Caleb Eigsti, Daniel Wagner, Peter Okun, and Robert Nee sat on the case.** Robert Nee read the decision. *Peter Okun moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

ZBA 20-50

Application by **Robin B. Reid, Esq.**, on behalf of **James Savko**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B7, Parking Lots/Garages, of the Zoning By-Laws to create one parking space non-appurtenant to the structure on the property located at **446 Commercial Street (Residential 3 Zone)**. **Jeremy Callahan, Caleb Eigsti, Daniel Wagner, Peter Okun, and Robert Nee sat on the case.** Peter Okun

read the decision. *Robert Nee moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

ZBA 20-52

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Michael Rose & Ruben Rodriguez**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, and Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to construct a new dormer and a second story addition on a pre-existing, non-conforming north side yard setback, a new deck on the south elevation, and for an increase in building scale of the structure located at **11 Pearl Street (Residential 3 Zone)**. **Jeremy Callahan, Caleb Eigsti, Daniel Wagner, Peter Okun, and Robert Nee sat on the case.** Jeremy Callahan read the decision. *Peter Okun moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

- 2) **Discussion regarding the Board’s policy for reading decisions and applicants’ recording requirements.** The discussion was tabled.
- 3) **Approval of Minutes:**

February 6, 2020: *Daniel Wagner moved to approve the minutes of the February 6, 2020 Public Hearing, Robert Nee seconded and it was so voted, 4-0.*

- 3) **Any Other Business that may properly come before the Board:** None.

Chair Jeremy Callahan adjourned the Work Session at 6:30 P.M.

PUBLIC HEARING

Chair Jeremy Callahan called the Public Hearing to order at 6:30 P.M. There were 4 members of the Zoning Board of Appeals present and 2 absent.

1) PUBLIC HEARINGS:

ZBA 20-32 (continued from the meeting of January 16th)

Application by **Ted Smith**, on behalf of **Mitchell Klein**, seeking a Special Permit pursuant to Article 2, Sections 2470, Parking Requirements, and 2640, Building Scale, of the Zoning By-Laws for relief from parking requirements and an increase in building scale due to the addition of a new dwelling unit in the structure located at **26 Bradford Street (Residential 3 Zone)**. Jeremy Callahan, Peter Okun, Caleb Eigsti, Susan Peskin, and Robert Nee sat on the case. The applicant requested a continuance to the March 5, 2020 Public Hearing. *Peter Okun moved to continue ZBA 20-32 to the Public Hearing of March 5, 2020 at 6:30 P.M., Daniel Wagner seconded and it was so voted, 4-0.*

ZBA 20-43 (*request to continue to the meeting of February 20th*)

Application by **Christine Barker** seeking Special Permit pursuant to Article 2, Section 2470, Parking Requirements, of the Zoning By-Laws to construct a building containing 31 hotel units, 4 condominium units, and a restaurant/bar, with a parking area beneath, on the property located at **227R Commercial Street (Town Center Commercial Zone)**. There was a request from the applicant to continue to the Public Hearing of March 5, 2020 at 6:30 P.M. **Peter Okun moved to approve the request to continue ZBA 20-43 to the Public Hearing of March 5, 2020 at 6:30 P.M., Robert Nee seconded and it was so voted, 4-0.**

ZBA 20-53

Application by **Christopher Page**, on behalf of **The Pilgrim House**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to expand an existing full-service restaurant space, add a live music venue for entertainment and reconfigure seats at the property located at **336 Commercial Street (Town Center Commercial Zone)**. The Board postponed the case due to the lack of a quorum.

Peter Okun moved to postpone ZBA 20-53 to the Public Hearing of March 5, 2020 at 6:30 P.M., Daniel Wagner seconded and it was so voted, 4-0.

ZBA 20-54

Application by **William N. Rogers, II**, on behalf of **Noho Properties, LLC**, seeking a Special Permit pursuant to Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and reconstruct decks and stairs at the rear of the property located at **452 Commercial Street (Residential 3 Zone)**. Jeremy Callahan, Daniel Wagner, Peter Okun, and Robert Nee sat on the case.

Presentation: Gary Locke appeared to present the application. He reviewed the project, which involves the removal and rebuilding of a deck that was in poor shape and not in conformity with the State Building Code. The proposal is to rebuild the deck and stairs to bring their elements into conformance with that standard.

Public Comment: None.

Peter Okun moved to close the public portion of the hearing, Robert Nee seconded and it was so voted, 4-0.

Board Discussion: The Board questioned Mr. Locke. He said that the project has already been completed, as the Building Commissioner did issue the building permit to make the assemblage safer for residents. Anne Howard, the Building Commissioner, appeared and stated that the deck and stairs served as the second means of egress and that this was a matter of urgency in order to improve its safety for residents.

Peter Okun moved to find pursuant to Article 5, Section 5330, Special Permit Consideration, of the Zoning By-Laws that the social, economic, or other benefits of the proposal for the neighborhood or Town outweigh any adverse effects such as hazard, congestion, or environmental degradation, Daniel Wagner seconded and it was so voted, 4-0.

Peter Okun moved to grant a Special Permit pursuant to Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and reconstruct decks and stairs at the rear of the property located at 452 Commercial Street (Residential 3 Zone), Robert Nee seconded and it was so voted, 4-0. Jeremy Callahan will write the decision.

NEXT MEETING: The next meeting will take place on Thursday, March 5, 2020 in the Judge Welsh Room. It will consist of a Work Session at 6:00 P.M. and a Public Hearing at 6:30 P.M.

ADJOURNMENT: *Peter Okun moved to adjourn the Public Hearing at 7:00 P.M., Robert Nee seconded and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2020
Acting Chair