

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
May 7, 2020**

Members Present: Jeremy Callahan, Daniel Wagner, Peter Okun, Susan Peskin and Robert Nee.
Members Absent: Steven Latasa-Nicks (excused) and Quinn Taylor (excused).
Others Present: Thaddeus Soulé (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Mr. Soulé introduced the virtual hearing, explaining the reason the Public Hearing was being held in this manner, detailing how the Board, the applicants, and the public could participate remotely, and the meeting protocol.

VIRTUAL WORK SESSION

Chair Jeremy Callahan called the virtual Work Session to order at 6:02 P.M. There were 5 members of the Zoning Board of Appeals participating in the virtual hearing and two absent.

1) PENDING DECISIONS:

ZBA 20-32 (Jeremy)

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, Steven Latasa-Nicks, Daniel Wagner, Peter Okun, and Quinn Taylor sat on the case.** A quorum was not available to approve the decision.

ZBA 20-61 (Peter)

Application by **Our Moms, Inc., Irvin D. Morgan, Manager**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to add an interior service bar and an additional 22 flex-seats at the property located at **177 Commercial Street (Town Center Commercial Zone)**. **Jeremy Callahan, Steven Latasa-Nicks, Daniel Wagner, Peter Okun, and Susan Peskin sat on the case. Peter Okun moved to approve the language as written, Robert Nee seconded and it was so voted by roll call, 4-0.**

ZBA 20-64 (Robert)

Application by **50 Commercial St., 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 swimming pool on the property located at **50 Commercial Street (Residential 2 Zone)**. **Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Peter Okun and Robert Nee** sat on the case. *Peter Okun moved to approve the language as written, Robert Nee seconded and it was so voted by roll call, 4-0.*

2) Approval of Minutes:

April 16, 2020: *Peter Okun moved to approve the minutes of the April 16, 2020 Public Hearing, Susan Peskin seconded and it was so voted by roll call, 5-0.*

3) Any Other Business that may properly come before the Board: The Board discussed post-COVID issues.

Chair Jeremy Callahan adjourned the Work Session at 6:15 P.M.

VIRTUAL PUBLIC HEARING

Chair Jeremy Callahan called the virtual Public Hearing to order at 6:30 P.M.

1) PUBLIC HEARINGS:

ZBA 20-43 (*request to continue to the meeting of May 21st*)

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 May 21, 2020 at 6:30 P.M. *Jeremy Callahan moved to approve the request to continue ZBA 20-43 to the Public Hearing of May 21, 2020 at 6:30 P.M., Peter Okun seconded and it was so voted by roll call, 5-0.*

ZBA 20-53 (*request to continue to the meeting of May 21st*)

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)**. There was a request from the applicant to continue to the Public Hearing of May 21, 2020 at 6:30 P.M. *Jeremy Callahan moved to approve the request to continue ZBA 20-53 to the Public Hearing of May 21, 2020 at 6:30 P.M., Peter Okun seconded and it was so voted by roll call, 5-0.*

ZBA 20-56 (continued to the meeting of May 21st)

Application by **Shank Painter Associates, Inc.** seeking a Special Permit pursuant to Article 2, Sections 2470, Parking Requirements, 2630, Roofs, and 2640, Building Scale, of the Zoning By-Laws to develop workforce housing, including requesting a waiver from parking requirements and to add a third story to, and allow an increase above the neighborhood average building scale of, the structure on the property located at **207 Route 6 (General Commercial Zone)**.

ZBA 20-57 (postponed from the meeting of March 5th)

Application by **Meilli West, LLC**, on behalf of **Shank Painter Medical Bldg. Trust**, seeking a Special permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to develop 11 condominium units in a structure that will be greater than the neighborhood average scale on the property located at **30 Shank Painter Road (General Commercial Zone)**. Jeremy Callahan, Daniel Wagner, Peter Okun, Susan Peskin, and Robert Nee sat on the case. The Board decided to postpone the case because of an incomplete application and the submission of additional material was confusing to the Board. Attorney Christopher J. Snow was in the meeting and explained what he thought was missing. He was in agreement with the Board's decision to postpone. **Peter Okun moved to postpone ZBA 20-57 to the Public Hearing of May 21, 2020 at 6:30 P.M., Robert Nee seconded and it was so voted by roll call, 5-0.**

ZBA 20-62 (continued from the meeting of April 16th)

Application by **Mark Kinnane**, of **Cape Associates, Inc.**, on behalf of **Christopher Amplo**, requesting a Special Permit pursuant to Article 2, Section 2640, Building Scale, Article 3, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish the rear section of a structure and rebuild it up and along a pre-existing, non-conforming west side yard setback on the property located at **18 Prince Street (Residential 3 Zone)**. Jeremy Callahan, Daniel Wagner, Peter Okun, Susan Peskin, and Robert Nee sat on the case.

Presentation: Mark Kinnane was in the meeting to present the application. He reviewed the project. He said the request for building scale was for an increase of less than 1% and that the structure was being moved farther away from the yard per Historic District Commission approval. He argued that the project was in compliance with subparagraph 5 of Article 2, Section 2640E.

Public Comment: None. There was 1 letter from an abutter with concerns and requests.

Peter Okun moved to close the public portion of the hearing, Robert Nee seconded and it was so voted by roll call, 5-0.

Board Discussion: The Board questioned Mr. Kinnane. He noted that a new narrative had been submitted and then addressed the concerns of the abutter's letter.

Peter Okun moved that the Board find pursuant to Article 2, Section 2640E Building Scale, subparagraph 5 the proposed new construction integrates into its surroundings and is sited in a manner that minimizes the appearance of mass from the streetscape and will not have a significant negative impact on the natural light to, or views from neighboring structures on the property located at 18 Prince Street, Robert Nee seconded and it was so voted by roll call, 5-0.

Peter Okun moved that the Board grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, Article 3, Sections 3110, Change, Extensions or Alterations, and 3115,

Demolition and Reconstruction, of the Zoning By-Laws to demolish the rear section of a structure and rebuild it up and along a pre-existing, non-conforming west side yard setback on the property located at 18 Prince Street (Res 3), Robert Nee seconded and it was so voted by roll call, 5-0.

Peter Okum moved that the Board find pursuant to Article 5, Section 5330, Special Permit Consideration, that the social, economic, and other benefits of the proposal for the neighborhood or Town outweigh any adverse effects such as hazard, congestion, or environmental degradation, Robert Nee seconded and it was so voted by roll call, 5-0. Daniel Wagner will write the decision.

ZBA 20-63 (request to withdraw without prejudice)

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Builder Boys 286.5, LLC** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct 5 new structures, containing 12 residential units, all of which will exceed the neighborhood average building scale on the property located at **286.5 Bradford Street (Residential 3 Zone)**. There was a request from the applicant to withdraw ZBA 20-63 to withdraw without prejudice. **Jeremy Callahan moved to approve the request to withdraw ZBA 20-63 without prejudice, Robert Nee seconded and it was so voted by roll call, 5-0.**

ZBA 20-65 (postponed to the meeting of May 21st)

Application by **53 Commercial Provincetown, LLC** 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 demolish a structure and replace it with two new structures, one of which will exceed the neighborhood average building scale and extend up and along a pre-existing, non-conforming east side yard setback on the property located at **53 Commercial Street (Residential 2 Zone)**.

ZBA 20-66

Application by **Meili West, LLC**, on behalf of **Shank Painter Medical**, seeking a Special Permit pursuant to Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a building and replace it with a three-story multi-family development on the property located at **30 Shank Painter Road (General Commercial Zone)**. The Board decided to postpone the case because of an incomplete application. Attorney Christopher J. Snow was in the meeting and explained what he thought was missing. He was in agreement with the Board's decision to postpone. **Peter Okum moved to postpone ZBA 20-66 to the Public Hearing of May 21, 2020 at 6:30 P.M., Robert Nee seconded and it was so voted by roll call, 5-0.**

ZBA 20-67 (request to postpone to the meeting of May 21st)

Application by **Robin B. Reid, Esq.**, on behalf of **Marcus Builders, LLC**, seeking a Special Permit pursuant to Article 2, Sections 2460, Special Permit Requirements, and 2470, Parking Requirements, of the Zoning By-Laws to allow the flex-seating of 18 existing interior seats to an exterior parking area and relief from parking requirements for a period of one year on the property located at **175 Bradford Street Extension (Residential 3 Zone)**.

NEXT MEETING: The next virtual meeting will take place on Thursday, May 21, 2020. It will consist of a virtual Work Session at 6:00 P.M. and a virtual Public Hearing at 6:30 P.M.

ADJOURNMENT: *Susan Peskin moved to adjourn the Public Hearing at 7:00 P.M., Robert Nee seconded and it was so voted unanimously by roll call.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2020
Thaddeus Soulé on behalf of the Zoning Board of Appeals,