

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
December 17, 2020**

Members Present: Jeremy Callahan, Steven Latasa-Nicks, Peter Okun, Susan Peskin, Robert Nee, Quinn Taylor, and Erik Borg.

Members Absent Daniel Wagner (excused).

Others Present: Thaddeus Soulé (Town Planner).

Town Planner Thaddeus Soulé, the moderator of the meeting, introduced the virtual Public Hearing at 6:00 P.M. He then called the roll.

Chair Jeremy Callahan called the meeting to order.

Mr. Soulé then explained 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.

A. Public Hearings:

ZBA 20-43 (*request to postpone to the meeting of March 4th*)

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)**. **Robert Nee moved to postpone ZBA 20-43 to the Public Hearing of March 4, 2021 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 7-0 by roll call.**

ZBA 20-53 (*request to postpone to the meeting of January 7th*)

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)**. **Robert Nee moved to postpone ZBA 20-53 to the Public Hearing of January 7, 2021 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 7-0 by roll call.**

ZBA 20-2015 (*postponed from the meeting of December 3rd*)

Application by **Robin B. Reid, Esq.**, on behalf of **Foxberry Inn, 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 increase the size of 4 existing rooms and to add a new deck to 3 of those rooms, increasing the building scale, on the property located at **29**

Bradford Street Extension (Residential 1 Zone). Jeremy Callahan, Steven Latasa-Nicks, Peter Okun, Susan Peskin, and Robert Nee sat on the case.

Presentation: Robin B. Reid, Esq., representing the applicant, and Dan Spinello and Matt Verge, the principals of the applicant LLC and owners and operators of the motel, were in the meeting to present the application. Attorney Reid reviewed the modest proposal to the front porch of the manager's quarters and to four of the twelve rooms in the motel structure. She reviewed the architectural plans. She said that an existing planter on the manager's deck would be squared up and incorporated as part of the deck. She reviewed the floor plans. The existing first floor decks on the east and west elevations will be enclosed and an additional deck will be located on the east elevation on the first floor. In addition, both the east and west elevations will get new second floor decks. She reviewed the site plan for the property. She said that the property is non-conforming in several respects, including green space, the front yard setback on Point Street, the front yard setback on Bradford Street Extension, and for building separation. As to the latter, the separation between the manager's quarters and the hotel is 7.2', the required is 9'. The front yard setback on Bradford Street Extension is 15', the required is 30'. The proposal is to reduce that to 14.6'. The Point Street front yard setback is 4.6, the required is 30'. The proposal is to reduce that to 1.4'. The existing green area is 13.5%, the required is 30%, and the proposal will reduce it to 12.6%. She argued that the pre-existing, non-conforming aspects of the property may be extended if the proposal satisfies the criteria of Article 5, Section 5330 and if the proposed alterations can be shown to not be substantially more detrimental than the existing situation. The former requires a finding from the Board that the social, economic or other benefits of the project to the Town or neighborhood outweigh any adverse effects. She argued that the most important benefit from this proposal is supporting the viability of a 12-bedroom bed and breakfast business. She said that accommodations such as this are a key component supporting the tourist economy, which the Town depends upon, and any support should be encouraged. Both intrusions into the two front yard setbacks are towards streets and there are no adverse effects created as a result of this project. The aesthetics of the manager's quarters will be improved and the tax base of the Town will be increased as the value of the property will be greater. She concluded by saying that there will be no increase in the number of rooms, guests or traffic on or to the site. She explained that relief from scale was requested, but after a re-calculation of the scale, it was no longer needed.

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

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

Board Discussion: The Board questioned Attorney Reid. The Board discussed the condition and status of Point Street abutting the property.

Peter Okun moved that pursuant to Article 5, Section 5330, Special Permit Consideration, the Board finds that the economic, social or other benefits of the project to the neighborhood or Town outweigh any adverse effects such as hazard, congestion, or environmental degradation and that the Board grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to increase the size of 4 existing rooms and to add a new deck to 3 of those rooms on the property located at 29 Bradford Street Extension (Residential 1 Zone), Robert Nee seconded and it was so voted, 5-0 by roll call.

Robert Nee moved to approve the decision as amended, Steven Latasa-Nicks seconded and it was so voted, 5-0 by roll call.

ZBA 20-2043 (*request to postpone to the meeting of January 7th*)

Application by **Robin B. Reid, Esq.**, on behalf of **Victor's Restaurant**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, and Article 2, Section 2471, Parking Requirements, of the Zoning By-Laws to add an 18-seat outdoor service area of less than 300 sq. ft. and to waive the parking requirement of 6 spaces on the property located at **175 Bradford Street Extension, UC1 (Residential 1 Zone)**. There was a request to postpone ZBA 20-2043 until the meeting of January 7, 2021. **Robert Nee moved to postpone ZBA 20-2043 to the Public Hearing of January 7, 2021 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 7-0 by roll call.**

ZBA 20-2044 (*request to postpone to the meeting of January 7th*)

Application by **Robin B. Reid, Esq.**, on behalf of **Victor's Restaurant**, seeking a Variance pursuant to Article 5, Section 5222 of the Zoning By-Laws to install an awning that will encroach into a pre-existing, non-conforming side yard setback on the property located at **175 Bradford Street Extension, UC1 (Residential 1 Zone)**. There was a request to postpone ZBA 20-2044 until the meeting of January 7, 2021. **Robert Nee moved to postpone ZBA 20-2044 to the Public Hearing of January 7, 2021 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 7-0 by roll call.**

ZBA 20-2045

Application by **Robin B. Reid, Esq.**, on behalf of **The Bradford House and Motel**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, and Article 2, Section 2471, Parking Requirements, of the Zoning By-Laws to establish an 11-seat bar on the first floor of an existing guesthouse and to waive the parking requirement of 6 spaces on the property located at **41 Bradford Street (Residential 3 Zone)**. Jeremy Callahan said that this application is requesting relief under Article 2, Section 2440, Permitted Principal Uses, B5, Restaurant, bar. This request was inadvertently left off the notice. Jeremy Callahan, Steven Latasa-Nicks, Peter Okun, Susan Peskin, and Quinn Taylor sat on the case.

Presentation: Attorney Robin B. Reid, representing the applicant, and Patrick Wilson, the owner and operator of The Bradford and principal of the 43 Towne LLC that owns the property, presented the application. Attorney Reid reviewed the proposed site plan. The proposal includes the establishment of a small, 11-seat neighborhood bar to be located on the first floor of a carriage house on the property. There will be a reconfiguration of the entrance to accommodate a new access ramp that will be added. Mr. Wilson seeks to strengthen his business model in order to ensure the sustainability of his motel business and to offer another option for folks in the neighborhood seeking a quiet place to relax and enjoy company. She said that there are three requests before the Board, one for the use as a bar, for permitting the service of alcohol, and for a parking waiver for the required parking spaces for a 265 sq. ft. service area. The only change is to add an access ramp and to re-configure the entrance to the structure, which, she added, would not be a deck. She emphasized that the proposal does not include any outside service area. There are decks on the far side of the motel building and only available for use by motel guests. She reviewed the existing floor plan, which shows an interior service kitchen where continental breakfasts are served. This area will be re-configured as a lounge area and a single bathroom will be made accessible to the public. The intent is to create a small, relaxed, neighborhood establishment, which will operate from 11:00 A.M. to 11:00 P.M. She reiterated that this will not be another Boatslip Resort and all beverage service will occur inside. She noted a parking plan showing 17 parking spaces for 19 units. Mr. Wilson anticipates that most customers will arrive

on foot or by bicycle or will already be guests of the motel. There most likely will be spaces for those who want to drive to the property. There will be a proposed bicycle rack that will handle at least 8 bicycles added at the end of the parking area in addition to the existing one, which also accommodates at least 8 bicycles. Attorney Reid argued that this proposal will have social, economic and other benefits for the neighborhood and Town, by contributing to the year-round sustainability of an existing commercial operation, by adding a welcoming option for guests of that motel and residents of, and visitors to, the Town. This will strengthen the viability of another critical component of the tourist economy. She said that there would be no adverse effects associated with the proposal, no hazard, congestion or environmental degradation will result from this request. Two bedrooms will be given up in order to have the gallons to serve the bar seating.

Public Comment: There were 8 letters from abutters, one in support, for the application. Mr. Callahan reviewed the contents of the letters. Deborah Vanderveen, an abutter, on behalf of herself and her partner Christine Norcross, spoke in opposition to the proposal. Kevin Parton, an abutter, had a concern about patrons drinking outside. Tim Sheehan, an abutter, spoke about his concern regarding the use of a right-of-way from Atlantic Avenue that accesses the motel and the added noise that may be generated by bars customers. William McLaughlin, an abutter, spoke of his concerns about the potential noise generated by a bar in a residential neighborhood.

Board Discussion: The Board questioned Attorney Reid and opined on the project. The Board had concerns about the location of a bar in a residential area. Attorney Reid responded to the comments, indicating the local and state licensing authorities are strict about the area of alcohol service and no exterior service area is being proposed. They anticipate a slight increase in pedestrian and bicycle traffic to the property. Mr. Wilson said that he has spent a lot of money since purchasing the property to make it more aesthetically pleasing. Attorney Reid added that there was plenty of commercial business across and down Bradford Street and that the neighborhood was not strictly residential. Mr. Wilson said that he would be willing to close the path to Atlantic Avenue and to encourage access from customers from Bradford Street. Mr. Callahan provided information about the 2007 Town Meeting vote that allowed this type of business, via a footnote in the Zoning By-Laws, in the Res 3 zone. The Board discussed the request and whether Mr. Wilson should talk more with his neighbors and try to come to an accommodation. Mr. Wilson agreed to take the suggestion of the Board and requested to continue to the January 7, 2021 Public Hearing.

Steven Latasa-Nicks moved to grant the request to continue ZBA 20-2045 to the Public Hearing of January 7, 2021 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 5-0 by roll call.

ZBA 20-2046

Application by **Kurt Raber**, on behalf of **Riley Brothers Realty, LLC**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to remodel and improve an existing bike shop with a residential use above, including expanding interior bike shop storage and adding a new residential unit, thereby increasing the scale of the building above the allowed neighborhood average scale on the property located at **134 Bradford Street (Town Center Commercial Zone)**. Jeremy Callahan, Steven Latasa-Nicks, Peter Okun, Susan Peskin, and Robert Nee sat on the case.

Presentation: Attorney Lester J. Murphy and Steve Riley were in the meeting to discuss the application. Attorney Murphy said that the building needed to be expanded because of the success of the bike shop. The building contains the bike shop, as well as 3 residential units. The

entire first floor will be devoted to bicycle rentals, bicycle repair, and bicycle sales, for a total of 1800 sq. ft. One residential unit will be added for a total of 4. All will be a little larger, safer, and in much better condition. The building plans have been approved by the Historic District Commission. He said that the project complies with all zoning requirements except the building scale. He argued that the project was consistent with Article 5, Section 5330, in that the social, economic and other benefits to the Town or neighborhood outweigh any adverse effects. He said that the total scale would be 69,410 cu. ft., well above the allowed neighborhood scale, which is 32,012 cu. ft.. Since the area is comprised of dense, commercial activity, he said that the proposed building would not be disruptive to the character of the existing neighborhood. The entire downstairs expansion is being devoted to a tourist-oriented, commercial activity and Mr. Riley intends on hiring more seasonal employees, a financial benefit to the Town. The store is a busy, seasonal operation and it will result in additional seasonal employee opportunities. The expansion will have better facilities for tourists, a social and economic benefit to the Town. A new Title 5 septic system will be installed. It has 5 parking spaces to accommodate vehicular requirements and all stormwater runoff will be contained on the site. Increase in the size of a business devoted to the tourist industry with more employment opportunities and the real estate taxes collected by the Town will increase. He argued that project will be compliant with subparagraphs 1 and 5 of Article 2, Section 2640E. The Local Comprehensive Plan supports the redevelopment of the building, the development of an existing site, and the expansion of the bicycle shop will provide additional seasonal employment. The residential units are used for employee housing and will continue to do so. Seasonal or year-round employee housing, also consistent with the LCP. The new building will integrate into its surroundings, an area of large commercial and residential buildings. This building will be similar or larger in scale than several adjacent buildings. Attorney Murphy said that there had been a lot of give and take with the HDC to break up the building and not present a huge mass from streetscape. He said that the L-shape of the building helps to break up the mass as well. The building will retain the look of the existing building while expanding to meet the needs of the growing business.

Public Comment: None. There was 1 letter in the file in opposition to the application.

Board Discussion: The Board questioned Attorney Murphy and Mr. Riley and opined on the project. Most Board members were concerned about the large increase in scale and stated that it was not integrated into its surroundings and the concern about how busy that area of Bradford Street is already. The Board suggested considering making all of the residential units permanent workforce housing. Attorney Murphy asked for a continuance to the next Public Hearing in order to consult with an architect about a possible re-design to address the Board's concerns and discuss the housing request with the applicant.

Steven Latasa-Nicks moved to grant the request for a continuance to the January 7, 2021 Public Hearing at 6:00 P.M., Robert Nee seconded and it was so voted, 5-0 by roll call.

ZBA 20-2047

Application by **Lyn Plummer**, on behalf of **18 Bangs Street, 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 increase the scale of a structure that is already above the allowed neighborhood average scale to accommodate new decks and stairways for egress on the west elevation of a structure on a pre-existing, non-conforming lot located at **18 Bangs Street (Residential 3 Zone)**. Peter Okun recused himself because of a conflict of interest. Jeremy Callahan, Steven Latasa-Nicks, Susan Peskin, Quinn Taylor, and Erik Borg sat on the case.

Presentation: Lyn Plummer was in the meeting to discuss the project. She reviewed the project involving a pre-existing, non-conforming lot that contains 3 structures. The building located in the southwest corner of the lot contains 4 residential units and will be converted to 2 units, 1 of which will be moved to the front building closest to Bangs Street. The project includes creating a second means of egress on the front building. A deck, a set of stairs, and a handicapped lift will be removed on the south elevation of the front structure to allow for more parking and a new deck with a set of stairs will be constructed on the west elevation of that structure. The addition of the latter would require an increase in scale by 1370 cu. ft. The structure is already in excess of the allowed neighborhood average scale by about 6400 cu. ft. The footprint will remain the same except for the new deck and stairs. Ms. Plummer said that upgrading the structure and decreasing the density of residential units on the property are benefits to the neighborhood. She argued that the addition of the deck and stairs on the west elevation, which will not be visible from the street, would not be substantially more detrimental to the neighborhood than the existing situation. The project has been approved by the HDC. She reviewed the elevation drawings.

Public Comment: There were 3 letters from abutters in opposition to the project. Ms. Plummer addressed the concerns of the neighbors and reviewed some accommodations that were made in light of those.

Steven Latasa-Nicks moved to close the public portion of the hearing, Quinn Taylor seconded and it was so voted, 5-0 by roll call.

Board Discussion: The Board questioned Ms. Plummer.

Jeremy Callahan moved that the Board find pursuant to Article 5, Section 5330, Special Permit Consideration, that the economic, social or other benefits of the proposal to the neighborhood or Town outweigh any adverse effects such as hazard, congestion, or environmental degradation and that the Board find pursuant to Article 2, Section 2640E, Building Scale, that the applicant has demonstrated that the deviation is appropriate and meets one or more of the following criteria: (1) the proposed building or addition is in keeping with the goals and objectives of the Local Comprehensive Plan, specifically Economic Development, Goal 2, to locate development so as to preserve Provincetown environmental and cultural heritage, minimize adverse impacts, and enhance the quality of life, and (5) the proposed building or addition successfully 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, and that the Board grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to increase the scale of a structure that is already above the allowed neighborhood average scale to accommodate new decks and stairways for egress on the west elevation of a structure on a pre-existing, non-conforming lot located at 18 Bangs Street (Res 3), Steven Latasa-Nicks seconded and it was so voted, 5-0 by roll call.

ZBA 20-2048

Application by **Ginny Binder**, on behalf of **419 Commercial St. Partners, LLC**, seeking a Special Permit pursuant to Article 2, Section 2630D, Building Height, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws for a change from a three-family to a two-family use and for an increase in the height of that structure above the maximum allowed for a gambrel roof on the property located at **419 Commercial Street (Residential 3**

Zone). Steven Latasa-Nicks recused himself because of a conflict of interest. Jeremy Callahan, Peter Okun, Susan Peskin, Robert Nee, and Quin Taylor sat on the case.

Presentation: Ginny Binder, Christine Barker, and Jeffrey Burchard, the project architect, were in the meeting to present the application. Ms. Binder said that the applicant was requesting relief from a pre-existing, non-conforming front and side yard setbacks. The side yard setbacks will become less non-conforming as a result of the project. The use of the building is being changed from a three-family to a two-family, decreasing the residential density, the structure will be raised out of the flood plain, and it complies with the goals and objectives of the land use section of the LCP. Jeffrey Burchard reviewed the architectural plans, the site plan, and the floor plans, stating that part of the building has been demolished by the previous owner who was renovating the structure. Specifically, a 10' section of the south elevation where a gable roof had been located. He said that the roof was proposed to be a gambrel on the front of the structure. The pre-existing, non-conforming side yard setbacks for the demolished section will be made less non-conforming as a result of the new project. The new proposed construction will extend southward, replacing the demolished section and will be extend 22' to the south, about 12' farther than the structure as it originally existed, prior to demolition, and 7' beyond what was previously permitted. Of the 12' extension, a 7' cantilever will allow the project to avoid landing any structure in the flood zone. This also creates an exterior covered area for the ground floor unit. In consideration of the decks, fenestration, and views of the neighbors, the design proposes to pull the building back towards its existing footprint, while improving the setbacks on the east and west elevations. He noted that the original building had a large south-facing deck on the first and second levels and an intrusive exterior spiral stair, whereas this proposal includes adding a shallower deck cantilevered from the building on the second floor and a lighter, structurally disconnected first floor deck with a straight run of stairs southward. He said that this decreases the visual barrier of additional decking structures south of the building. The main floors and the roof of the structure will be raised by 3.5' and the elevation of the ground level will be raised by 1.4'. By doing the former, the basement level unit has adequate ceiling height and it will be a more habitable residential unit. The ceiling heights of the first and second level will remain the same. If the building were located 6" farther to the south, the entire structure would have to be raised even higher to meet the FEMA and state building code requirements for a structure located in the AE flood zone. By raising the building 3.5', it also allows for some protection from the effects of climate change, such as flooding due to storm surges. He then noted on a visual representation what the effect of the lifting of the building would have on adjacent buildings and compared their existing heights to the new structure. The visual shows that this structure will still be lower than the buildings to the east and west of it on Commercial Street. The gambrel elevation on the street side will still be 4" lower than the maximum allowed of 28', relative to Commercial Street. Because of the slope of the property southward and the average natural grade, the calculated height of the raised gambrel roof does exceed the allowable height by 3.03'. In conclusion, he noted that the front door will only be raised by 6" as a result of the life and will remain in context with its neighbors. Ms. Binder then briefly reviewed the project that was approved by the Board last year.

Public Comment: There were 4 letters with concerns, 1 letter in support, and 1 letter of support for a portion of the project. Ted Smith, an abutter, asked questions about why the project didn't need relief from building scale, which would bring in the issues of views and light and air from abutting structures, and said he thought it would have a detrimental effect on the neighborhood. Stephen Netemeyer, an abutter, said that he and his partner were "on the fence" about the project, questioned the building scale, the walkway on the side of the structure, and the extension

of the building to the south. Ronnie Sherwood, an abutter, spoke of her concerns about the impact of the renovation on her view, the proximity of the proposed deck to her deck, and about the use of a shed on the property. Pam French, an abutter, spoke in opposition to the project. Steven Lawler, an abutter, spoke in opposition to the project. Marianne Kopaczynski, an abutter, spoke of her concerns about the extension of the structure and the visually unattractive south stair. Austin Trimble, an abutter, spoke in opposition to the project. Mr. Burchard and Ms. Binder responded to some of the neighbors' concerns regarding the project's impact on views and the absence of negative environmental or other adverse impacts on the property as a result of the project.

Board Discussion: The Board questioned Ms. Binder and Mr. Burchard. Mr. Burchard responded to the building scale issue. Mr. Soulé informed the Board that no scale calculation has been done for the new structure. Ms. Binder said that a scale calculation would be requested from the Town. Several Board members said they would like to review the previous applications/approvals for renovation of the structure and Mr. Callahan said that he would like to see a scale calculation. Ms. Binder said that the walkway on the east and west sides would be widened and made less non-conforming than what was previously approved. Mr. Burchard said that the shed was approved in the previous renovation proposal and that its proposed location could be discussed with the neighbors. Mr. Callahan urged the Board to review the minutes and the video of the meeting where the previous project was approved. The Board decided to continue the

Matter to the January 7, 2021 Public Hearing. *Robert Nee moved to continue ZBA 20-2048 to the Public Hearing of January 7, 2021 at 6:00 P.M., Quinn Taylor seconded and it was so voted, 5-0 by roll call.*

ZBA 20-2049

Application by **Lester J. Murphy, Esq.**, on behalf of **ERM Trust 2014, Edmond R. Macri, Trustee**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to deviate from the allowed neighborhood scale by constructing an addition to a single-family and a detached garage/artist studio accessory structure on the property located at **32 Point Street (Residential 2 Zone)**. Jeremy Callahan, Steven Latasa-Nicks, Peter Okun, Robert Nee, Susan Peskin, and Erik Borg sat on the case.

Presentation: Attorney Lester J. Murphy, and property owners Edmond R. Macri and Trevor Mikula, Ryan Campbell, project architect, Stacy Kanaga, project engineer, and Tom Fraley, representing the project's landscape company, were in the meeting to present the application. Mr. Macri said that he and Mr. Mikula wanted to repair some retaining walls on the property, make any pre-existing, non-conformances conforming, and preserve and enhance the existing structure, adding an artist's studio. Mr. Campbell reviewed the proposed structural renovations and the landscape plan. He said that the intention was to renovate and not make the structure any more visible from the public ways from which it can be seen. Only three bedrooms will be created in one principal structure. The structure is part of two neighborhoods with varying building scales. One of the intents is to stabilize and fix the slope on the site. He said that they would use helical piers and a shallow foundation system, digging less out of the site, stepping the building down, and breaking up the building mass in order to lessen the visual impact of the structure. He added that they would be using the architecture, the materiality, and fenestration to de-mass the building and to fit both the north and south elevations into the two neighborhoods to which they respectively belong. Attorney Murphy argued that the social, economic, and other benefits of the project outweighed any adverse effects. He said that the property and the structure

would be upgraded and enhanced, the tax base of the Town increased, and the septic system will be de-commissioned down from a five to a three-bedroom system. The structure will be a single-family building and no other development of the site will occur. He noted other buildings in the neighborhood and said that the proposed building will not be substantially more detrimental to, and will fit into, and not be disruptive to, the character of the other buildings in, the neighborhood. He reviewed the scales of other buildings in both the Commercial Street and Point Street neighborhoods, of which this structure will be a part, and compared them to the proposed scale. As designed, he argued that there is a minimum of structural mass visible from the streetscapes, the structure is broken up in a way that minimizes the size of the building.

Public Comment: There was 1 letter in support of the application. There was no other public comment.

Steven Latasa-Nicks moved to close the public portion of the meeting, Susan Peskin seconded and it was so vote, 5-0.

Board Discussion: The Board briefly discussed the project.

Peter Okun moved that the Board find pursuant to Article 5, Section 5330, Special Permit Consideration, that the economic, social or other benefits of the proposal to the neighborhood or Town outweigh any adverse effects such as hazard, congestion, or environmental degradation, that the Board find pursuant to Article 2, Section 2640E, Building Scale, that the applicant has demonstrated that the deviation is appropriate and meets the following criteria: (5) the proposed building or addition successfully 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, and that the Board grant a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to deviate from the allowed neighborhood scale by constructing an addition to a single-family and a detached garage/artist studio accessory structure on the property located at 32 Point Street (Res 2), Steven Latasa-Nicks seconded and it was so voted, 5-0 by roll call.

B. Work Session:

1) **Pending Decisions:** None.

2) **Approval of minutes: December 3, 2020: Robert Nee moved to approve the language as written, Quinn Taylor seconded and it was so voted, 5-0-1 (Jeremy Callahan abstaining) roll call.**

4) **Any other business that may properly come before the Board:** None.

NEXT MEETING: The next virtual meeting will take place on Thursday, January 7, 2021. It will consist of a virtual Public Hearing at 6:00 P.M. followed by a Work Session.

ADJOURNMENT: Steven Latasa-Nicks moved to adjourn the meeting at 9:50 P.M., Robert Nee seconded and it was so voted unanimously by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2021
Thaddeus Soulé on behalf of the Zoning Board of Appeals