



Zoning Board of Appeals

Meeting Agenda

The Provincetown Zoning Board of Appeals will hold a Public Meeting on Thursday, January 6 2022 at 6:00 P.M., followed by a Work Session in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, MA 02657.

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

Joining the Meeting: [Click here to join the meeting](#)

Microsoft Teams: Join on your computer or mobile app

Phone: Or call in (audio only) [\(833\) 579-7589](tel:8335797589) Phone Conference ID: 334 094 838#

To Participate during public comment:

- Teams: Raise hand to be called on to speak; or
- Phone: Speak name clearly to be called on to speak.

Please do not speak again until acknowledged by Chair or meeting moderator.

- Keep your phone muted at all times when not talking (*6 to mute & unmute your phone);
- Do not use speakerphone, Bluetooth devices (speakers or headphones); and
- Mute all background noises, including PTV, television or computer and use only phone audio.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AND VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW

**MEETING WILL END AT 9:00 P.M. AND ANY APPLICATIONS NOT YET CONSIDERED
WILL BE POSTPONED TO THE NEXT HEARING**

A. Public Hearings:

1) [ZBA 21-59](#)

Application by **Wayne Tavares**, on behalf of **Michael J. Shuster et vir.**, 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 **99 Bayberry Avenue (Residential 1 Zone)**.

2) [ZBA 21-60](#)

Application by **Randy Brummette** seeking a seeking a Special Permit pursuant to Article 2, Section 2450, Permitted Accessory Uses, G12, Swimming pool, of the Zoning By-Law to install a swimming pool on the property located at **10 Harbour Drive (Residential 1 Zone)**.

B. Work Session VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW

1) Pending Decisions:

ZBA 21-23

Application by **Ted Smith**, on behalf of **Howard Burchman**, seeking a Special Permit pursuant to Article 2, Section 2640E, Building Scale, for a deviation in building scale of the principal structure, to allow for the re-configuration of the roofline, expansion on the west and north elevations, and the addition of a bay window, and pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to extend a legally pre-existing non-conforming rear structure along the south side and west rear elevation setbacks on the property located at **12 Center Street (Town Center Commercial Zone)**.

ZBA 21-53

Application by **Ted Smith**, on behalf of **Whitney Kelly**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to remove an exterior stair and add a portico, thereby increasing the building scale of a structure located at **5 Fishburn Court (Residential 3 Zone)**.

ZBA 21-54

Application by **Jeffrey Mulliken** 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 install a shed on the property located at **34A Pearl Street, U1 (Residential B Zone)**.

ZBA 21-55

Application by **Paul Muldoon**, on behalf of **TMW Properties, LLC Provincetown Series**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions, or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to remove and replace retaining walls and a stair structure up and along pre-existing, non-conforming front and side yard setbacks on the property located at **28 Bradford Street (Residential 3 Zone)**.

ZBA 21-56

Application by **Mark Kinnane**, of **Cape Associates, Inc.**, on behalf of **Christine Steinwand et al.**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to increase the volume of a structure above the allowed neighborhood average scale by enclosing a roof deck on the property located at **18 Atkins Mayo Road (Residential 3 Zone)**.

ZBA 21-57

Application by **Robin B. Reid, Esq.**, on behalf of **361 Commercial Holdings, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B, Business, 5, Restaurant, bar, of the Zoning By-Laws to add liquor service to an existing 20-seat coffee and espresso bar and to add 10 exterior seats as part of a new flex-seating plan on the property located at **361 Commercial Street (Town Center Commercial Zone)**.

ZBA 21-58

Application **Mark Kinnane**, of **Cape Associates, Inc.**, on behalf of **Lisa F. Shea Trust et al.**, 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 demolish a portion of a structure located in a pre-existing, non-conforming west side yard setback, raise the entire structure, install helical piers, and frame a new floor system, then lower the structure onto the new floor system and rebuild the portion of the structure that was removed on the property located at **613 Commercial Street (Residential 2 Zone)**.

- 2) Approve Minutes of December 16, 2021 meeting.
- 3) Any other business that may properly come before the Board.

Submitted By: Jeremy Callahan, Chair

Posted: Town Clerk, www.provincetown-ma.gov; 12/30/21 1115hrs EC