



Zoning Board of Appeals

Meeting Agenda

The Provincetown Zoning Board of Appeals will hold a Public Meeting followed by a Work Session on Thursday, September 1, 2022, at 6:00 P.M. 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: 870 260 390#

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. **Application by Frank Mockler to join the ZBA**

B. **Public Hearings:**

1) **ZBA 22-41**

Application by **Scott Grady**, on behalf of the **Peter John Petas Living Trust**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to reconfigure a building up an along pre-existing, non-conforming east and west side yard setbacks on the property located at **463 Commercial Street (Residential 3 Zone)**.

2) **ZBA 22-43**

Notice of Appeal by **Michael Miller** for an inability to obtain a Special Permit for a change of use to include retail sales at the property located at **199 Commercial Street, U8 (Town Center Commercial Zone)**.

3) **ZBA 22-45**

Application by **Ted Smith**, on behalf of **Firas Shilaimon et al.**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to extend and reconfigure existing dormers going up and along pre-existing, non-conforming east and west side yard setbacks on the structure located at **366 Commercial Street (Town Center Commercial Zone)**.

4) **ZBA 22-46**

Application by **Robin B. Reid, Esq.**, on behalf of **PV Development, LLC**, seeking a Variance from Article 2, Section 2560, Dimensional Schedule, of the Zoning By-Laws to construct a new duplex that will not meet the dimensional requirement for a front yard setback on the property located at **170 Bradford Street Extension (Residential 3 Zone)**.

5) **ZBA 22-48** (*request to postpone to the meeting of October 6th*)

Application by **Robin B. Reid, Esq.**, on behalf of **Edward M. Stuart 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 **416 Commercial Street (Residential 3 Zone)**.

6) **ZBA 22-49**

Application by **Robin B. Reid, Esq.**, on behalf of **3 Pilgrims Landing Property, LP**, 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 **3 Pilgrims Landing (Residential 1 Zone)**.

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

1) Minor Modification:

ZBA 22-44

Applicant requests a 2-year extension to execute the Special Permit and commence construction from the extended date of August 2, 2022 to August 2, 2024. The Board approved an initial extension from August 2, 2020 to August 2, 2022. The issues regarding the dispute between the property owner, general contractor and subcontractor that necessitated the first extension are still on-going.

2) Pending Decisions:

ZBA 22-23

Application by **Ginny Binder**, on behalf of **Clipper Ventures Realty Trust**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to install a canopy over a second-floor seating area up and along pre-existing, non-conforming side yard setbacks on the property located at **335 Commercial Street (Town Center Commercial Zone)**.

ZBA 22-24

Application by **Ted Smith**, on behalf of **Trevor's Trails II, 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 and rebuild a pre-existing, non-conforming structure in a slightly smaller footprint, but with an increase in its building scale, on an under-sized lot with less than 50' of frontage at **7 Snow Street (Residential 2 Zone)**.

ZBA 22-30

Application by **Doug Dolezal**, on behalf of **Thomas G. Myers et al.**, seeking a Special Permit pursuant to Article 2, Sections 2470, Parking Requirements, and 2550, Multiple Buildings Per Lot, and Article 3, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws to construct three principal buildings on an undersized lot, to build a structure up and along pre-existing, non-conforming side yard setback, to reduce the front yard setback to 10' where 20' is required, and to waive the parking requirements on the property located at **27 Winthrop Street (Residential 3 Zone)**.

ZBA 22-31

Application by **Doug Dolezal**, on behalf of **Thomas G. Myers et al.**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct two buildings that will be in excess of the allowed neighborhood average scale on the property located at **27 Winthrop Street (Residential 3 Zone)**.

ZBA 22-32

Application by **Ted Smith**, on behalf of **The Gift Box, Inc.**, seeking a Special Permit pursuant to Article 2, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws to add a second story to an existing single-story commercial structure up and along a pre-existing, non-conforming west side yard setback on the property located at **397 Commercial Street (Town Center Commercial Zone)**.

ZBA 22-34

Application by **Ginny Binder**, on behalf of **Clipper Ventures Realty Trust, Sara Cole, Trustee**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B5, Restaurants, Bars, Entertainment, footnote 6, of the Zoning By-Laws to approve 14 exterior, second-floor seats on the property located at **335 Commercial Street (Town Center Commercial Zone)**.

ZBA 22-35

Application by **Dan Gallagher**, on behalf of **Patrick Thomas Nolan et vir.**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions, or Alterations, of the Zoning By-Laws to extend a deck along a pre-existing, non-conforming southeast side yard setback on the property located at **38 Pleasant Street (Residential 3 Zone)**.

ZBA 22-38

Application by **Eric Larsen**, on behalf of **Daniel Kearney et al.**, seeking a Special Permit pursuant to Article 2, Sections 3110, Change, Extensions or Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and reconstruct an existing deck on the structure located at **638 Commercial Street (Residential 2 Zone)**.

ZBA 22-39

Application by **Cynthia Bargar** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct a two-story addition on the north elevation of the structure located at **11 Howland Street (Residential 3 Zone)**.

ZBA 22-40

Application by **Harry Brock** 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 **21 Tremont Street (Residential 3 Zone)**.

- 3) Approve Minutes of July 21, 2022 meeting.
- 4) Any other business that may properly come before the Board.

Submitted By: Jeremy Callahan, Chair

Posted: Town Hall, www.provincetown-ma.gov; 08/26/2022, 9:45 am AR