

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 2, 2017**

Members Present: Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Marianne Clements, Jeremy Callahan and Daniel Wagner.

Members Absent: David M. Nicolau excused), Joe Vasta (excused) and Rob Anderson (unexcused).

Others Present: Gloria McPherson (Town Planner).

WORK SESSION

Acting Chair Robert Littlefield called the Work Session to order at 6:32 P.M.

Reorganization of the Board and discussion of amending Zoning By-Laws Article 3, s. 3110 were tabled.

PENDING DECISIONS:

FY17-31 **90 Bradford Street (Residential 3 Zone), EH OP CO, LLC, dba Eben House –**
Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the case. *Jeffrey Haley moved to amend the decision to include the lot located at 92 Bradford as part of the Special Permit which has been issued for Case #FY17-31, Marianne Clements seconded and it was so voted, 5-0.*

FY17-29 **29 Point Street (Residential 1 Zone), Jeffrey R. Larsen –**
Robert Littlefield, Joe Vasta, Rob Anderson, Jeffrey Gould and Daniel Wagner sat on the case. There was a brief discussion regarding amending the decision. Robert Littlefield will correct the decision to reference the 6.6' side yard setback as requested by the applicant.

FY17-40 **51 Commercial Street, Front (Residential 2 Zone), Don DiRocco, of Hammer Architects, on behalf of Jay Anderson -**
Robert Littlefield, Jeffrey Haley, Jeffrey Gould and Jeremy Callahan sat on the case. Jeremy Callahan read the decision. *Jeffrey Haley moved to approve the decision as written, Jeffrey Gould seconded and it was so voted, 4-0.*

FY17-43 **404 Commercial Street (Town Center Commercial Zone), Steven Latasa-Nicks, on behalf of Strangers and Saints, Inc. –**
Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Marianne Clements and Daniel Wagner sat on the case. Jeffrey Gould read the decision. *Jeffrey Haley moved to approve the decision as written, Marianne Clements seconded and it was so*

voted, 5-0.

Acting Chair Robert Littlefield postponed the Work Session at 7:02 P.M.

PUBLIC HEARING

Acting Chair Robert Littlefield called the Public Hearing to order at 7:02 P.M. There were six members of the Zoning Board present and three absent.

FY17-47 12 Cudworth Street (*Residential 3 Zone*), KA Bazarian Construction, on behalf of Jennifer Realty Trust –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to add a farmer's porch on a north elevation, to construct two 18' dormers up and along east and west elevations and to extend a gable up and along east and south elevations. Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Jeremy Callahan and Daniel Wagner sat on the case.

Presentation: Kevin Bazarian appeared to present the application. He requested that the application be heard under the *Goldhirsh v. McNear* ruling.

Jeremy Callahan moved to hear the matter under the Goldhirsh v. McNear ruling, Jeffrey Haley seconded and it was so voted, 5-0.

Mr. Bazarian said that the footprint would remain the same. The east side elevation is pre-existing, non-conforming and the applicant seeks to build an 18' dormer and extend the gable back over an flat roof section on the rear of the structure, as well as build an 18' dormer on the conforming west side elevation, part of which would be to create more headroom in a stairway. On the north elevation, on a section of the structure between the two gables, there is a farmer's porch that the applicant seeks to extend 4'. He said that the renovation would not be more detrimental to the neighborhood than the existing situation.

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

Board Discussion: The Board briefly discussed the issue. The Board decided that the proposed project would not be substantially more detrimental to the neighborhood than what exists.

Jeffrey Haley moved to grant a Special Permit pursuant to Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to add a farmer's porch on a north elevation, to construct two 18' dormers up and along east and west elevations and to extend a gable up and along east and south elevations at the property located at 12 Cudworth Street (Res 3) under the Goldhirsh v. McNear ruling, finding that the proposed would not be substantially more detrimental to the neighborhood than what existing non-conformancies, Jeremy Callahan seconded and it was so voted, 5-0. Jeremy Callahan will write the decision.

FY17-51 **401½ Commercial Street (Town Center Commercial Zone), Steve & B Company –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, to continue the service of food and alcohol to the public and maintain a flex-seating plan at the restaurant. There was a request from the applicant to postpone until the February 16, 2017 Public Hearing. *Jeffrey Haley moved to grant the request to postpone Case #17-51 until the February 16, 2017 Public Hearing, Marianne Clements seconded and it was so voted, 5-0.*

FY17-50 **4 Kiley Court, Residential 3 Zone), Zachary Luster, on behalf of Larry Luster –**
The applicant seeks a Special Permit pursuant to Article 3, Section 3420, Outside Display, of the Zoning By-Laws for the outdoor display of a sign advertising the restaurant. Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Jeremy Callahan and Marianne Clements sat on the case.
Presentation: The applicant did not appear.
Public Comment: None. There were no letters in the file.
Board Discussion: The Board briefly discussed the matter.
Jeffrey Haley moved to grant a Special Permit pursuant to Article 3, Section 3420, Outside Display, of the Zoning By-Laws for the outdoor display of a sign advertising the restaurant at the property located at 4 Kiley Court (Res 3), Marianne Clements seconded and it was so voted, 5-0.

MINUTES: January 12, 2016 – Postponed.

Acting Chair Robert Littlefield adjourned the Public Hearing at 7:30 P.M.

WORK SESSION

Acting Chair Robert Littlefield reconvened the Work Session at 7:30 P.M.

PENDING DECISIONS:

FY17-45 **300A Commercial Street (Town Center Commercial Zone), SGI 300A, LLC –**
Robert Littlefield, Jeffrey Haley, Jeffrey Gould, Jeremy Callahan and Marianne Clements sat on the case. Jeremy Callahan read the decision. *Jeffrey Haley moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 5-0.*

FY17-46 **307 Bradford Street (Residential 2 Zone), Tom Thompson, on behalf of Hal Z. Katzen –**
Robert Littlefield, Jeffrey Gould, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the decision as written, Marianne Clements seconded and it*

was so voted, 5-0.

FY17-48 **63 Shank Painter Road (General Commercial Zone), William N. Rogers, II, on behalf of Elizabeth Athineos –**
Robert Littlefield, Jeffrey Haley, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case. Robert Littlefield read the decision. ***Jeffrey Haley moved to approve the decision as amended, Marianne Clements seconded and it was so voted, 5-0.***

FY17-49 **63 Shank Painter Road (General Commercial Zone), William N. Rogers, II, on behalf of Elizabeth Athineos –**
Robert Littlefield, Jeffrey Haley, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case. Robert Littlefield read the decision. ***Jeffrey Haley moved to approve the decision as written, Jeremy Callahan seconded and it was so voted, 5-0.***

NEXT MEETING: The next meeting will take place on Thursday, February 16, 2017. It will consist of a Work Session at 6:30 P.M. and a Public Meeting at 7:00 P.M.

ADJOURNMENT: *Jeffrey Haley moved to adjourn at 8:11 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2017
David M. Nicolau, Chair