

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
June 1, 2017**

**Members Present:** Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Daniel Wagner.

**Members Absent:** David M. Nicolau (excused), Rob Anderson (unexcused) Jeremy Callahan (excused) and Marianne Clements (excused).

**Others Present:** Ellen C. Battaglini (Permit Coordinator).

**WORK SESSION**

Vice Chair Robert Littlefield called the Work Session to order at 6:31 P.M.

Steven Latasa-Nicks appeared to discuss his application for an alternate position on the Board. *Jeffrey Haley moved to recommend to the Board of Selectmen that Steven Latasa-Nicks be appointed as an alternate on the Zoning Board of Appeals, Joe Vasta seconded and it was so voted, 5-0.*

**PENDING DECISIONS:**

- ZBA 17-57**    **21 Dewey Avenue, Unit 9 (Residential 1 Zone), Timothy Scott** – David M. Nicolau, Jeffrey Gould, Jeremy Callahan, Rob Anderson and Marianne Clements sat on the case. Robert Littlefield read the decision. *Jeffrey Haley moved to approve the language as written Jeffrey Gould seconded and it was so voted, 4-0-1 (Robert Littlefield abstaining).*
- ZBA 17-67**    **23 Winthrop Street, #E5 (Residential 3 Zone), William N. Rogers, II, P.E., P.L.S.**, on behalf of **Russell Davies** - David M. Nicolau, Joe Vasta, Jeffrey Gould, Rob Anderson and Marianne Clements sat on the case. The decision was not ready.
- ZBA 17-68**    **335 Commercial Street (Town Commercial Center Zone), Regina Binder**, on behalf of **Diarmuid O’Neill** and **Sarah Cole** – David M. Nicolau, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Daniel Wagner sat on the case. The decision was not ready.
- ZBA 17-71**    **137 Bradford Street (Town Center Commercial Zone), Robin B. Reid, Esq., on behalf of 7-Eleven, Inc.** – David M. Nicolau, Jeremy Callahan, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. The decision was not ready.

**ZBA 17-73** 384 Commercial Street (*Town Commercial Center Zone*), Meghan O'Connor, Danielle Niedzielski and Silvestro Schiavone, dba The Captain's Daughters, LLC –  
Jeffrey Gould, Jeffrey Haley, Joe Vasta, Jeremy Callahan and Marianne Clements sat on the case. The decision was not ready.

**MINUTES: May 18, 2017**– *Joe Vasta moved to approve the minutes as written, Jeffrey Haley seconded and it was so voted, 5-0.*

Vice Chair Robert Littlefield postponed the Work Session at 6:45 P.M.

## PUBLIC HEARING

Vice Chair Robert Littlefield called the Public Hearing to order at 7:00 P.M. There were 5 members of the Board present and 4 absent.

**FY17-53** 132 Bradford Street (*Town Center Commercial Zone*), TMC New England, LLC, c/o TM Crowley & Associates, on behalf of Steve Riley –  
The applicant seeks a Special Permit pursuant to Article 2, Section 2360, Formula Business Regulated District, of the Zoning By-Laws to allow a formula business (CVS Pharmacy) to operate. This case had previously been postponed to the June 15, 2017 Public Hearing at 6:30 P.M.

**ZBA 17-64** 3 Cudworth Street (*Residential 3 Zone*), KA Bazarian Construction, on behalf of Maria Cirino–  
The applicant seeks a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions and Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish a garage and rebuild in the same footprint, adding dormers on the east and west elevations. This case had previously been postponed to the Public Hearing of July 6, 2017 at 6:30 P.M.

**ZBA 17-72** 58-60 Bradford Street (*Residential 3 Zone*), MEILI, LLC –  
The applicant seeks 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 alter and extend a multi-family structure and a cottage by raising their height up and along pre-existing, non-conforming dimensions and to increase building scale. There was a request to postpone this case to the June 15, 2017 Public Hearing at 6:30 P.M. *Jeffrey Gould moved to grant the request to postpone ZBA 17-72 to the June 15, 2017 Public Hearing at 6:30 P.M., Joe Vasta seconded and it was so voted, 5-0.*

**ZBA 17-74** 258 Commercial Street (*Town Center Commercial Zone*), Saki, LLC –

The applicant seeks a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws to display a sandwich board at the property. Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould, and Daniel Wagner sat on the case.

**Presentation:** The applicant did not show up.

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

**Board Discussion:** The Board briefly discussed the request.

*Jeffrey Gould moved to grant a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws to display a sandwich board at the property, Joe Vasta seconded and it was so voted, 5-0.*

**ZBA 17-75    20 Montello Street (Residential 3 Zone), Tom Thompson, dba Provincetown Design Studio, on behalf of Scott R. Liddell –**

The applicant seeks 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 extend up and along a pre-existing, non-conforming northeast dimension to convert an existing deck to a roofed porch and for a modest increase in building scale. Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould, and Daniel Wagner sat on the case.

**Presentation:** Tom Thompson appeared to present the application. He said that the applicant seeks to replace a deck with a roofed porch with the same footprint. The neighborhood is primarily residential and many structures have the same type of porch as proposed. The porch is within a pre-existing, non-conforming front yard setback. The increase in building scale is in keeping with subparagraphs 1 and 5 of Section 2640E. It is also in keeping with the goals and policies of the Local Comprehensive Plan Chapter 1, Goal 1, Policy B; Goal 2, Policy A and Chapter 4, Goal 2, Policy A, successfully integrates into the neighborhood and does not create a disruption in its character, but is harmonious with the character, and is of limited visibility. The porch will successfully integrate 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. There will be no adverse effects such as hazard, congestion or environmental degradation as a result of the project. The benefits will consist of an increase in the local tax base and providing better accommodations for the property owners and their continued economic contributions to the Town. He added that the porch will not be substantially more detrimental to the neighborhood than what exists.

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

**Board Discussion:** The Board questioned Mr. Thompson.

*Jeffrey Gould moved to find that the roofed porch would not intrude farther into the setback nor increase the intensity of the existing non-conformancy, Daniel Wagner seconded and it was so voted, 5-0.*

*Joe Vasta moved to find that the applicant met the requirements of subparagraphs 1 and 5 of Article 2, Section 2640 of the Zoning By-Laws, Jeffrey Gould seconded and it was so voted, 4-0-1 (Daniel Wagner abstaining).*

*Jeffrey Gould moved to find that the proposed project would not be substantially more detrimental than the existing non-conformancy, Joe Vasta seconded and it was so voted, 4-1-0 (Daniel Wagner opposed).*

*Jeffrey Gould moved to grant 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 extend up and along a pre-existing, non-conforming northeast dimension to convert an existing deck to a roofed porch and for a modest increase in building scale, Joe Vasta seconded and it was so voted, 4-0-1 (Daniel Wagner abstaining).*

**ZBA 17-77 21 Bradford Street Extension, (Residential 1 Zone), Herring Cove Village Condominium Trust, Ryan Campbell, Trustee –**

The applicant seeks a Special Permit pursuant to Article 3, Section 3230, Sign Size, of the Zoning By-Laws to display a 6 sq. ft. sign on the property. Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould, and Daniel Wagner sat on the case. The applicant did not show up. The Board decided to continue the matter to the next Public Hearing on June 15, 2017 at 6:30 P.M. *Jeffrey Haley moved to continue ZBA 17-77 to the June 15, 2017 Public Hearing at 6:30 P.M., Joe Vasta seconded and it was so voted, 5-0.*

**NEXT MEETING:** The next meeting will take place on Thursday, June 15, 2017. It will consist of a Work Session at 6:30 P.M. followed by a Public Hearing at 7:00 P.M.

**ADJOURNMENT:** *Jeffrey Haley moved to adjourn at 7:30 P.M. and it was so voted unanimously.*

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2017  
David M. Nicolau, Chair