

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
August 3, 2017**

Members Present: David M. Nicolau (left at 6:16 P.M.), Jeffrey Gould, Joe Vasta (left at 7:13 P.M.), Jeffrey Haley, Jeremy Callahan, Marianne Clement and Daniel Wagner.

Members Absent: Steven Latasa-Nicks (excused) and Rob Anderson (unexcused).

Others Present: Gloria McPherson (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

WORK SESSION

Chair David M. Nicolau called the Work Session to order at 6:15 P.M.

1) Election of new Vice Chair and Clerk:

David M. Nicolau moved to elect Jeffrey Gould as Vice Chair of the Zoning Board of Appeals, Marianne Clements seconded and it was so voted, 5-0.

Jeffrey Gould moved to elect Jeremy Callahan as Clerk of the Zoning Board of Appeals, Jeffrey Gould seconded and it was so voted, 5-0.

2) **PENDING DECISIONS:**

a) **ZBA 17-72**

58-60 Bradford Street (Residential 3 Zone), MEILI, LLC –

David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Gould and Jeremy Callahan sat on the case. Jeremy Callahan read the decision. *Joe Vasta moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 3-0.*

b) **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. Marianne Clements read the decision. *Joe Vasta moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

c) **ZBA 17-75**

Application by **Tom Thompson, dba Provincetown Design Studio**, on behalf of **Scott R. Liddell –**

Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould, and Daniel Wagner sat on the case. Jeffrey Gould read the decision. *Joe Vasta moved to approve the language as written, Daniel Wagner seconded and it was so voted, 4-0.*

d) **ZBA 17-77**

21 Bradford Street Extension, (Residential 1 Zone), Herring Cove Village Condominium Trust, Ryan Campbell, Trustee –

Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Marianne Clements sat on the case. Marianne Clements read the decision. *Joe Vasta moved to approve the language as written, Jeffrey Gould seconded and it was so voted, 4-0.*

e) **ZBA 17-78**

46 Bradford Street (Residential 3 Zone), Regina Binder, for Provincetown Commons, Inc., on behalf of the Town of Provincetown –

David M. Nicolau, Robert Littlefield, Joe Vasta, Jeffrey Haley and Jeffrey Gould sat on the case. Jeffrey Gould read the decision. *Joe Vasta moved to approve the language as written, Jeffrey Haley seconded and it was so voted, 3-0.*

f) **ZBA 17-80**

24 Ship's Way Road (Residential 1 Zone), Jeffrey A. Medeiros and Lori E. Riley –

Jeffrey Gould, Joe Vasta, Jeffrey Haley, Jeremy Callahan and Marianne Clements sat on the case. Jeremy Callahan read the decision. *Marianne Clements moved to approve the language as revised, Joe Vasta seconded and it was so voted, 4-1 (Jeffrey Haley opposed).*

Vice Chair Jeffrey Gould postponed the Work Session at 7:13 P.M.

PUBLIC HEARING

Vice Chair Jeffrey Gould called the Public Hearing to order at 7:13 P.M. There were 5 members of the Board present and 4 absent.

1) **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.

2) **ZBA 17-79**

63 Shank Painter Road (General Commercial Zone), Elizabeth Athineos–

The applicant seeks a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws to display a sandwich board. Jeffrey Gould, Jeffrey Haley, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case.

Presentation: Liz Athineos appeared to present the application. In addition to what she had requested on her application, she asked the Board to approve an additional sandwich board on the property.

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

Board Discussion: The Board questioned Ms. Athineos about the proposed location of the boards. The Board noted that neither sign could be located in the public right-of-way, but must be in the bounds of the property.

Marianne Clements moved to grant a Special Permit pursuant to Article 3, Section 3420, Outdoor Display, of the Zoning By-Laws to display two sandwich boards at the property located at 63 Shank Painter Road (GC), Jeffrey Haley seconded and it was so voted, 5-0.

3) **ZBA 18-01**

23 Watson's Court (Residential 3 Zone), Neil Korpinen –

The applicant seeks a Special Permit pursuant to Article 3, Section 310, Change, Extensions and Alterations, of the Zoning By-Laws to remove and replace a 12' by 10' one-story addition with a 16' by 18' one-story addition on a cottage. Jeffrey Gould, Jeffrey Haley, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case.

Presentation: Neil Korpinen and Eric Erickson appeared to present the application. Mr. Korpinen described the project, which will add about 80 sq. ft. to the structure and improve its safety. No new non-conformancies will be created. Ms. McPherson added that the applicant had requested that the matter be heard under the *Goldhirsh v. McNear* ruling.

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

Board Discussion: The Board questioned Mr. Korpinen.

Jeremy Callahan moved to find that the project was not substantially more detrimental to the neighborhood than the existing situation, Marianne Clements seconded and it was so voted, 5-0.

4) **ZBA 18-02**

6 Tiny's Way (Residential 3, Zone), Pamela W. Barter, Trustee, on behalf of Realty Acquisition Trust –

The applicant seeks 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 allow a 96 sq. ft. shed to be located in pre-existing, non-conforming side yard setbacks. Jeffrey Gould, Jeffrey Haley, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case.

Presentation: Pamela W. Barter appeared to present the application. She explained that the shed had already been installed. Ms. McPherson reviewed the dimensional schedule as it related to sheds and recommended that the Board condition the Special Permit to require a foundation survey to verify the exact location of the shed or approve the application and request that the Zoning Enforcement Officer confirm that the 3' setback is maintained.

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

Board Discussion: The Board questioned Ms. Barker.

Jeremy Callahan moved to grant 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 allow a 96 sq. ft. shed to be located in pre-existing, non-conforming side yard setbacks at the property located at 6 Tiny's Way (Res 3) with the condition that the Zoning Enforcement Officer/Building Commissioner verify that the blocks/pad upon which the shed sits are located at a distance of 3' from the lot line, Marianne Clements seconded and it was so voted, 5-0. Jeffrey Gould will write the decision.

Vice Chair Jeffrey Gould adjourned the Public Hearing at 7:49 P.M.

WORK SESSION

Vice Chair Jeffrey Gould reconvened the Work Session at 7:49 P.M.

PENDING DECISION:

g) **ZBA 17-83**

657 Commercial Street (Residential 2 Zone), Don DiRocco, of Hammer Architects,
on behalf of **John and Consuelo Isaacson –**

Jeffrey Gould, Jeremy Callahan, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. Jeffrey Gould read the decision. *Jeremy Callahan moved to approve the language as written, Marianne Clements seconded and it was so voted, 4-0.*

MINUTES: July 20, 2017 – Jeremy Callahan moved to approve the minutes as written, Marianne Clements seconded and it was so voted, 5-0.

NEXT MEETING: The next meeting will take place on Thursday, September 7, 2017. It will consist of a Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Daniel Wagner moved to adjourn at 8:00 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

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