

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
October 19, 2017**

Members Present: Jeffrey Gould, Rob Anderson (arrived at 6:50 P.M.), Jeremy Callahan and Daniel Wagner.

Members Absent: Steven Latasa-Nicks (excused) and Marianne Clements (excused).

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

WORK SESSION

Vice Chair Jeffrey Gould called the Work Session to order at 6:35 P.M.

- 1) Election of Officers: Tabled.
- 2) Pending Decisions

- a) **ZBA 18-03 (Jeremy)**
39 Pearl Street (Residential 3 Zone), Stephen Baker –
Jeffrey Gould, Jeremy Callahan, Marianne Clements and Daniel Wagner sat on the case. Jeremy Callahan read the decision. *Jeffrey Gould moved to approve the language as written, Jeremy Callahan seconded and it was so voted, 3-0.*

MINUTES: September 21, 2017 – Jeffrey Gould moved to approve the minutes as written, Daniel Wagner seconded and it was so voted, 2-0-1 (Jeremy Callahan abstaining).

October 5, 2017 – Jeffrey Gould moved to approve the minutes as written, Daniel Wagner seconded and it was so voted, 2-0-1 (Jeremy Callahan abstaining).

- b) **ZBA 17-64 (Steven)**
3 Cudworth Street (Residential 3 Zone), KA Bazarian Construction, on behalf of Maria Cirino–
Jeffrey Gould, Rob Anderson, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. Jeremy Callahan read the decision. *Rob Anderson moved to approve the language as written, Daniel Wagner seconded and it was so voted, 3-0-1 (Jeremy Callahan abstaining).*
- c) **ZBA 18-05 (Jeff)**
350 Bradford Street (Residential 3 Zone), BPJC, LLC –

Jeffrey Gould, Steven Latasa-Nicks, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. The decision was not ready.

d) **ZBA 18-11 (Rob)**

22 Bangs Street & 6 Upper Miller Hill Road (*Residential 3 Zone*), Paul Fiore & David Foley -

Jeffrey Gould, Steven Latasa-Nicks, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. The decision was not read.

e) **ZBA 18-12 (Rob)**

22 Bangs Street (*Residential 3 Zone*), Paul Fiore & David Foley -

Jeffrey Gould, Steven Latasa-Nicks, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. The decision was not read.

f) **ZBA 18-13 (Marianne)**

15 Commercial Street (*Residential 1 Zone*), David Silva -

Jeffrey Gould, Steven Latasa-Nicks, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. The decision was not ready.

Vice Chair Jeffrey Gould adjourned the Work Session at 7:05 P.M.

PUBLIC HEARING

Vice Chair Jeffrey Gould called the Public Hearing to order at 7:05 P.M. There were 4 members of the Board present and 2 absent.

1) **ZBA 18-14**

53 Commercial Street (*Residential 2 Zone*), Don DiRocco, of Hammer Architects, on behalf of Jay Anderson –

The applicant is requesting a Special Permit pursuant to Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to demolish an existing non-conforming three-story structure and construct a new two-story structure within a pre-existing, non-conforming east elevation. Jeffrey Gould, Jeremy Callahan, Rob Anderson and Daniel Wagner sat on the case.

Presentation: Attorney Lester J. Murphy, Don DiRocco and Leif Hamnquist appeared to present the application. Attorney Murphy said that he was aware that there were only 4 members of the Board seated and would necessitate a unanimous decision in order to be granted a Special Permit and that he would like the opportunity to poll the Board before a decision was made. He stated that the application should have been filed under Article 3, Section 3115, as well as Article 3, Section 3110, of the Zoning By-laws, as the project involves the demolition and re-construction of a structure on the site, however he said that the advertisement for the project was sufficient to notice any abutters of the nature of it.

Jeremy Callahan moved to reclassify ZBA 18-14 to add Article 3, Section 3115 of the Zoning By-Laws, Rob Anderson seconded and it was so voted, 4-0.

Attorney Murphy described the project as involving the demolition of an existing three-story structure on the site and its replacement with two new, smaller structures, one on the waterside and one on the Commercial Street side of the property. The street side building will be conforming in regard to its setbacks. The waterside building is non-conforming as to the east dimension. The waterside building will be pulled back slightly from the waterfront setback and the east side setback, whereas the existing building sits on the east lot line. The new building will be less non-conforming in those respects. The building will be partially one-story and partially a two-story structure. The footprint of the new structure will be relocated on the lot. He noted that the scale calculations have not yet been received. Ms. McPherson suggested that the application be withdrawn in light of that fact and that the applicant re-file when the calculations had been received. Attorney Murphy requested that the Board allow the applicant to withdraw the application without prejudice.

Jeffrey Gould moved to grant the request to withdraw ZBA 18-14 without prejudice, Jeremy Callahan seconded and it was so voted, 4-0.

2) **ZBA 18-15**

16 Prince Street Residential 3 Zone, Mark Kinnane, of Cape Associates, on behalf of Christopher N. Amplo –

The applicant requests a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions and Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to tear down and rebuild the south portion of a structure, adding a second story and extending a dormer southward. Jeffrey Gould, Jeremy Callahan, Rob Anderson and Daniel Wagner sat on the case.

Presentation: Mark Kinnane, of Cape Associates, appeared to present the application. He requested that the application be heard under the *Goldhirsh v. McNear* ruling. He described the project that includes the tearing down of a back section of the structure, putting in a crawl space and rebuilding up and along pre-existing, non-conforming west side setbacks to include a second story. He said he didn't have the scale calculations, however the Building Commissioner had informed him that the structure does not need that type of relief.

Public Comment: None.

Board Discussion: The Board questioned Mr. Kinnane.

*Jeremy Callahan moved to grant a Special Permit pursuant to Article 3, Sections 3110, Change, Extensions and Alterations, and 3115, Demolition and Reconstruction, of the Zoning By-Laws to tear down and rebuild the south portion of a structure, adding a second story and extending a dormer southward at the property located at 16 Prince Street (Res 3) pursuant to the *Goldhirsh v. McNear* ruling, Daniel Wagner seconded and it was so voted, 4-0.*

NEXT MEETING: The next meeting will take place on Thursday, November 2, 2017. It will consist of an Executive Session at 6:30 P.M., a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Daniel Wagner moved to adjourn the Public Hearing at 7:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2017
Jeffrey Gould, Vice Chair