

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
July 20, 2017**

Members Present: Jeffrey Gould, Joe Vasta (left at 8:00 P.M.), Jeffrey Haley (left at 8:00 P.M.), Jeremy Callahan, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks (left at 8:20 P.M.).

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

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

WORK SESSION

Acting Chair Jeffrey Gould called the Work Session to order at 6:48 P.M.

PENDING DECISION:

FY17-53 **132 Bradford Street (Town Center Commercial Zone), TMC New England, LLC, c/o TM Crowley & Associates, on behalf of Steve Riley –** Robert Littlefield, Joe Vasta, Jeffrey Haley, Jeffrey Gould and Marianne Clements sat on the case. Gloria McPherson read the decision. *Marianne Clements moved to approve the language as amended, Jeffrey Haley seconded and it was so voted, 4-0.*

Acting Chair Jeffrey Gould postponed the Work Session at 7:27 P.M.

PUBLIC HEARING

Acting Chair Jeffrey Gould called the Public Hearing to order at 7:27 P.M. There were 7 members of the Board present and 2 absent.

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. There was a request from the applicant to postpone to the September 7, 2017 Public Hearing. *Jeremy Callahan moved to grant the request to postpone ZBA 17-64 to the September 7, 2017*

Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 5-0.

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. There was a request from the applicant to postpone to the July 20, 2017 Public Hearing. *Jeremy Callahan moved to grant the request to postpone ZBA 17-79 to the August 3, 2017 Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 5-0.*

ZBA 17-80 **24 Ship’s Way Road (Residential 1 Zone), Jeffrey A. Medeiros and Lori E. Riley –**
The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to increase the building scale of a structure. Jeffrey Gould, Joe Vasta, Jeffrey Haley, Jeremy Callahan and Marianne Clements sat on the case.

Presentation: Attorney Lester J. Murphy and Lori E. Riley appeared to present the application. Attorney Murphy reviewed the history of the project. The applicants have made an effort to downsize the project from its original proposal after receiving the first scale calculation, which indicated that it was over the allowable scale for the neighborhood, in an effort to keep the structure within that scale. However, after a re-design and a second scale calculation, the structure was still slightly over the maximum allowable. The proposed structure will be 22,695 cu. ft., the neighborhood average is 17,054 cu. ft. and the maximum allowed scale for the neighborhood without a Special Permit is 21,318 cu. ft., making the proposed structure 1,377 cu. ft., or 137 sq. ft., above that maximum allowed scale. He argued that the deviation meets the standards of Article 5, Section 5330 because the social, economic and other benefits would outweigh any detrimental effects. He indicated that the house is of modest size, will have a new Title V system and result in an increase in tax revenue to the Town. In addition, the project will include a substantial re-vegetation and stabilization of the lot.

Attorney Murphy said that pursuant to Article 2, Section 2640E, subparagraph 5, the house will successfully integrate into its surroundings and is sited in such a manner that it minimizes the appearance of mass from the streetscape and will not have a significant negative impact on the natural light to, or views from, abutting properties. The structure will not have a disruptive effect on the neighborhood, but will be consistent with the character of abutting structures.

Public Comment: None. There were 2 letters in support of the application and 1 letter of concern about access to the site by construction vehicles.

Board Discussion: The Board questioned Attorney Murphy and Ms. Riley. *Jeremy Callahan moved to find that the social, economic and other benefits of the project will outweigh any detrimental effects such as hazard, congestion or*

environmental degradation, Joe Vasta seconded and it was so voted, 4-1 (Jeffrey Haley opposed).

Jeremy Callahan moved to find that the project met the requirements of subparagraph 5 of Article 2, Section 2640E of the Zoning By-Laws, Joe Vasta seconded and it was so voted, 4-1 (Jeffrey Haley opposed). Jeremy Callahan will write the decision.

ZBA 17-82 30 Conant Street (Residential 3 Zone), Derik Burgess, of Cape Associates, on behalf of Christian Charrette –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct an egress deck and stairs within a pre-existing, non-conforming front yard setback. Jeffrey Gould, Jeremy Callahan, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case.

Presentation: Derik Burgess appeared to present the application. He requested that the matter be heard under the *Goldhirsh v. McNear* ruling. He reviewed the project which involves the construction of an egress deck and stairs, which will terminate in the driveway and not further encroach into the setback. He indicated that the project will improve the safety of the living space and will not be more detrimental to the neighborhood.

Public Comment: None. There was a letter of support signed by 8 abutters in the file.

Board Discussion: The Board briefly questioned Mr. Burgess.

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

ZBA 17-83 657 Commercial Street (Residential 2 Zone), Don DiRocco, of Hammer Architects, on behalf of John and Consuelo Isaacson –

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 south elevation by enlarging an existing dormer, extending a first floor deck and constructing a second-floor deck on top of a porch and to extend along a west elevation to re-locate a set of stairs on the structure. Jeffrey Gould, Jeremy Callahan, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case.

Presentation: Don DiRocco appeared to present the application. He reviewed the project. He said that all construction will occur on the rear of the building and include enlarging a dormer by 1.5' on the east and west sides and installing egress windows, and extending a portion of a first floor deck southward about 13', but within the footprint of a deck at grade. In addition, a staircase will be moved to the southwest corner of the structure. He reviewed the site plan.

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

Board Discussion: The Board questioned Mr. DiRocco.
Jeremy Callahan moved to find that the increase in building scale was consistent with Article 2, Section 2640E, subparagraph 5, of the Zoning By-Laws Marianne Clements seconded and it was so voted, 5-0.

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

Jeremy Callahan 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 south elevation by enlarging an existing dormer, extending a first floor deck and constructing a second-floor deck on top of a porch and to extend along a west elevation to re-locate a set of stairs on the structure at the property located at 657 Commercial Street (Res 2), Marianne Clements seconded and it was so voted, 5-0. Jeffrey Gould will write the decision.

Acting Chair Jeffrey Gould adjourned the Public Hearing at 8:15 P.M.

WORK SESSION

Acting Chair Jeffrey Gould reconvened the Work Session at 8:15 P.M. *Steven Latasa-Nicks moved to allow the Work Sessions of the Zoning Board of Appeals to be broadcast live and recorded, Marianne Clements seconded and it was so voted, 5-0.*

MINUTES: June 15, 2017 – *Marianne Clements moved to approve the minutes as written, Jeremy Callahan seconded and it was so voted, 5-0.*

July 6, 2017 – *Jeremy Callahan moved to approve the minutes as written, Steven Latasa-Nicks seconded and it was so voted, 5-0.*

PENDING DECISIONS:

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. A quorum was not available to approve the decision.

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 available.

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. A quorum was not available to approve the decision.

ZBA 17-76 **258 Bradford Street (Residential 3 Zone), Tom Thurston** –
David M. Nicolau, Joe Vasta, Jeffrey Gould, Jeremy Callahan and Marianne Clements sat on the case. Ms. McPherson read the decision. ***Jeremy Callahan moved to approve the language as amended, Marianne Clements seconded and it was so voted, 3-0.***

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. The decision was not available.

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. A quorum was not available to approve the decision.

NEXT MEETING: The next meeting will take place on Thursday, August 3, 2017. It will consist of a Work Session at 6:15 P.M. followed by a Public Hearing at 7:00 P.M.

ADJOURNMENT: *Daniel Wagner moved to adjourn at 8:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

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