

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
September 21, 2017**

Members Present: Jeffrey Gould, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks.

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

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

EXECUTIVE SESSION

TMC New England LLC v. Zoning Board of Appeals, Land Court Docket No. 17 MISC 000430. A declaration and vote, under G.L. c.30A, §21(a)(3), are expected, to allow the ZBA to go into executive session to discuss litigation strategy as a discussion in open session may have a detrimental effect on the litigation position of the ZBA. The litigation concerns the appeal of a ZBA decision which denied the Plaintiff's Special Permit application request for a Formula Business use at 132 Bradford Street.
Postponed.

WORK SESSION

Vice Chair Jeffrey Gould called the Work Session to order at 6:45 P.M.

1) 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. The decision was not ready.

- b) **ZBA 18-08 (Steven)**
212 Bradford Street (Residential 3 Zone), Michael McIntyre, on behalf of PMR Realty, LLC -
Jeffrey Gould, Jeremy Callahan, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case. Steven Latasa-Nicks read the decision. *Jeffrey Gould moved to approve the language as written, Marianne Clements seconded and it was so voted, 4-0.*

- c) **ZBA 18-09 (Steven)**

212 Bradford Street (Residential 3 Zone), Michael McIntyre, on behalf of PMR Realty, LLC –

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

MINUTES: September 7, 2017 – Marianne Clements moved to approve the minutes as written, Daniel Webster seconded and it was so voted, 4-0.

Vice Chair Jeffrey Gould adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

Vice Chair Jeffrey Gould called the Public Hearing to order at 7:00 P.M. There were 4 members of the Board present and 3 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. There was a request from the applicant to postpone until the October 5, 2017 Public Hearing at 7:00 P.M. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 17-64 until the October 5, 2017 Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 4-0.*
- 2) **ZBA 18-05**
350 Bradford Street (Residential 3 Zone), BPJC, LLC –
The applicant is aggrieved by a July 12, 2017 decision by the Building Commissioner regarding the height of a structure at the property and is appealing that decision. There was a request from the applicant to postpone the matter until the October 5, 2017 Public Hearing at 7:00 P.M. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 18-05 until the October 5, 2017 Public Hearing at 7:00 P.M., Marianne Clements seconded and it was so voted, 4-0.*
- 3) **ZBA 18-07 (previously postponed to the hearing of October 5th)**
963 Commercial Street, #28 (Residential 1 Zone), Linda E. Salmon -
The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to vertically extend a cottage up pre-existing, non-conforming dimensions.

- 4) **ZBA 18-10**
208 Bradford Street (Residential 3 Zone), Berta Walker –
 The applicant seeks a Special Permit pursuant to Article 3, Section 3420, Outside Display, of the Zoning By-Laws to allow an outdoor display of sculptures on the property. Jeffrey Gould, Marianne Clements, Daniel Wagner and Steven Latasa-Nicks sat on the case.
Presentation: Laura Shabott appeared to present the application. She reviewed the location of the proposed sculptures.
Public Comment: None.
Board Discussion: The Board had no questions.
Marianne Clements moved to grant a Special Permit pursuant to Article 3, Section 3420, Outside Display, of the Zoning By-Laws to allow an outdoor display of sculptures on the property located at 208 Bradford Street (Res 3), Daniel Wagner seconded and it was so voted, 4-0.
- 5) **ZBA 18-11**
22 Bangs Street (Residential 3 Zone), Paul Fiore & David Foley -
 The applicants seek a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to replace a retaining wall. The applicants were not present. The Board postponed the matter to the October 5, 2017 Public Hearing at 7:00 P.M. *Steven Latasa-Nicks moved to postponed ZBA 18-11 to the October 5, 2017 Public Hearing at 7:00 P.M., Daniel Wagner seconded and it was so voted, 4-0.*
- 6) **ZBA 18-12**
22 Bangs Street (Residential 3 Zone), Paul Fiore & David Foley -
 The applicants seek a Special Permit pursuant to Article 2, Section 2550, Multiple Buildings per Lot, and Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to renovate a cottage up and along pre-existing, non-conforming south and west elevations. The applicants were not present. The Board postponed the matter to the October 5, 2017 Public Hearing at 7:00 P.M. *Steven Latasa-Nicks moved to postponed ZBA 18-11 to the October 5, 2017 Public Hearing at 7:00 P.M., Daniel Wagner seconded and it was so voted, 4-0.*

NEXT MEETING: The next meeting will take place on Thursday, October 5, 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 at 8:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
 Ellen C. Battaglini

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