

Zoning Board of Appeals

Public Meeting Agenda December 7, 2017

The Provincetown Zoning Board of Appeals will hold an Executive Session at 6:30 P.M. followed by a Work Session at 6:45 P.M. and a Public Hearing at 7:00 P.M. on Thursday, December 7, 2017, in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA.

A. 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.

B. Work Session VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW

1) Pending Decisions:

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

Application by **David Silva**, requesting a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to continue to allow public entertainment at the Red Inn located at **15 Commercial Street (Residential 1 Zone)**. **Jeff, Steven, Rob, Marianne and Daniel sat on the case.**

b) **ZBA 18-16 (Daniel)**

Application by **Wesley Price**, of **C.H. Newton-Builders**, on behalf of **Neil Jacobs** and **Eric Ganz**, requesting a Special Permit pursuant to Article 2, Section 2450, G12, Permitted Accessory Uses, Swimming Pool, of the Zoning By-Laws to install a pool on the property located at **6 Cottage Street (Residential 2 Zone)**. **Jeff, Jeremy, Daniel and Steven sat on the case.**

2) Review and approve minutes of the November 16, 2017 meeting.

3) Any other business that may properly come before the Board.

C) Public Hearings VOTES MAY BE TAKEN ON ANY OF THE AGENDA ITEMS BELOW

1) **ZBA 18-05**

Reconsideration of a **Notice of Appeal** by **BPJC, LLC**, regarding a July 12, 2017 decision by the Building Commissioner that a flat-roofed structure on the property located at **350 Bradford Street (Residential 3 Zone)** was in excess of 23' and was in violation of Article 2, Section 2560, Dimensional Schedule, of the Zoning By-Laws.

2) **ZBA 18-17**

Application by **Lisa Pacheco Robb**, on behalf of **Deborah Graeber**, requesting a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct a second floor addition with a dormer on the south elevation of the structure, going up and along pre-existing, non-conforming east and north dimensions on the structure located at **15 Hobson Avenue (Residential 1 Zone)**.

3) **ZBA 18-19** (*postponed from the meeting of November 16th*)

Application by **William N. Rogers, II**, on behalf of **Brendan P. O'Brien et al.**, requesting a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to remove an existing cottage and reconstruct a new two-story structure with an expanded footprint up and along pre-existing, non-conforming side yard dimensions on the property located at **2 Schueler Boulevard (Residential 1 Zone)**.

- 4) [ZBA 18-21](#)
Application by **Don DiRocco, Hammer Architects**, on behalf of **Jay Anderson**, requesting a Special Permit pursuant to Article 2, Section 2640, Building Scale, Article 3, Section 3110, Change, Extensions or Alterations, and Article 3, Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish an existing structure and construct a new structure within a pre-existing, non-conforming east elevation and for an increase in building scale on the property located at **53 Commercial Street, Rear (Residential 2 Zone)**.
- 5) [ZBA 18-22](#)
Application by **Don DiRocco, Hammer Architects**, on behalf of **Jay Anderson**, requesting a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to separate an addition from the south elevation of a structure and re-attach it via a breezeway, to add roof dormers and to increase the building scale of the structure on the property located at **51 Commercial Street, Front (Residential 2 Zone)**.
- 6) [ZBA 18-23](#)
Application by **KA Bazarian**, on behalf of **509 Commercial Street, LLC**, requesting a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to raise a structure 9' to conform with FEMA regulations, going up and along east and west pre-existing, non-conforming elevations, to add and enclose the space below a deck on the south elevation and to add an egress stairway on the west elevation of the structure on the property located at **509 Commercial Street (Residential 3 Zone)**.
- 7) [ZBA 18-24](#)
Application by **Ed Dusek**, on behalf of **Scott Shields and Jim Woods**, requesting a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add an 18' wide shed dormer on a northeast elevation of the structure on the property located at **51 Harry Kemp Way, #UR1 (Residential 3 Zone)**.
- 8) [ZBA 18-25](#)
Application by **Lisa Pacheco-Robb**, on behalf of **Miriam Gallardo** and **Courtney Spitz**, requesting 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 construct an addition up and along a pre-existing, non-conforming north and west elevation and a small addition on the east elevation and to increase the building scale of the structure on the property located at **62 Mayflower Avenue (Residential 1 Zone)**.
- 9) [ZBA 18-27](#)
Application by **William N. Rogers, II**, on behalf of **Luco Realty, Inc.**, requesting 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 restore a fire-damaged structure, including re-locating a second floor dwelling unit, constructing a roof structure for a new second floor restaurant/bar and seating area and adding two egress decks and stairways on the east elevation of the structure on the property located at **315A Commercial Street (Town Center Commercial Zone)**.

Jeffrey Gould, Chair

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