

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
November 16, 2017**

Members Present: Jeremy Callahan, Rob Anderson, Daniel Wagner and Steven Latasa-Nicks.

Members Absent: Jeffrey Gould (excused) and Marianne Clements (excused).

Others Present: Ellen C. Battaglini (Permit Coordinator).

WORK SESSION

Vice Chair Jeremy Callahan called the Work Session to order at 6:32 P.M.

1) Pending Decisions:

a) **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. Rob Anderson read the decision. *Daniel Wagner moved to approve the language as written, Steven Latasa-Nicks seconded and it was so voted, 3-0.*

b) **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. *Steven Latasa-Nicks moved to approve the language as written, Daniel Wagner seconded and it was so voted, 3-0.*

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

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

Jeffrey Gould, Rob Anderson, Marianne Clements and Daniel Wagner sat on the case. Steven Latasa-Nicks read the decision. The decision will be revised and voted on at the next meeting.

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

6 Cottage Street (Residential 2 Zone), Wesley Price, of C.H. Newton-Builders, on behalf of Neil Jacobs and Eric Ganz –

Jeffrey Gould, Jeremy Callahan, Daniel Wagner and Steven Latasa-Nicks sat on the case. The decision was not ready.

- e) **ZBA 18-18 (Jeremy)**
353 Commercial Street (Residential 3 Zone), Christopher Rego, of Rego Construction & Remodeling, on behalf of Studio Realty Trust -
Jeffrey Gould, Jeremy Callahan, Daniel Wagner and Steven Latasa-Nicks sat on the case. Jeremy Callahan read the decision. *Steven Latasa-Nicks moved to approve the language as written, Rob Anderson seconded and it was so voted, 3-0.*

MINUTES: November 2, 2017 – Steven Latasa-Nicks moved to approve the minutes as amended, Rob Anderson seconded and it was so voted, 3-0.

Vice Chair Jeremy Callahan adjourned the Work Session at 7:00 P.M.

PUBLIC HEARING

Vice Chair Jeremy Callahan called the Public Hearing to order at 7:00 P.M. There were 4 members of the Board present and 2 absent.

1) **ZBA 18-19**

2 Schueler Boulevard (Residential 1 Zone), William N. Rogers, II, on behalf of Brendan P. O'Brien, et al. –

The applicant seeks a Special Permit pursuant to Article 3, Section 3110, Change, Extension 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 a pre-existing, non-conforming side yard extensions. There was a request from the applicant to postpone to the meeting of December 7, 2017.

Rob Anderson moved to grant the request to postpone ZBA 18-19 until the December 7, 2017 Public Hearing at 6:30 P.M., Steven Latasa-Nicks seconded and it was so voted, 4-0.

2) **ZBA 18-20**

247 Commercial Street (Town Center Commercial Zone), Rick Murray, on behalf of Crown & Anchor, LLC –

The applicant seeks a Special Permit pursuant to Article 2, Section 2460, Special Permit Regulations, of the Zoning By-Laws to amend a seating plan for an outdoor dining area. Rob Anderson disclosed that he is an abutter to the property, however he stated that he would be able to render an unbiased decision. Vice Chair Jeremy Callahan stated that there were only 4 members seated and that the applicant would need a unanimous decision for a Special Permit and had the choice of postponing until a five-member Board could be seated or proceeding. Mr. Murray chose to proceed. Jeremy Callahan, Rob Anderson, Daniel Wagner and Steven Latasa-Nicks sat on the case.

Presentation: Rick Murray appeared to present the application. He reviewed the project, which involves re-arranging an outdoor seating area and plan. He argued that the project is not substantially more detrimental to the neighborhood than the existing situation and that there

would be no adverse effects such as hazard, congestion or environmental degradation as a result of the re-arrangement.

Public Comment: None. There were 7 letters in support of the application.

Board Discussion: The Board questioned Mr. Murray.

Steven Latasa-Nicks moved to grant a Special Permit pursuant to Article 2, Section 2460, Special Permit Regulations, of the Zoning By-Laws to amend a seating plan for an outdoor dining area at the property located at 247 Commercial Street (TCC), Daniel Wagner seconded and it was so voted, 4-0. Jeremy Callahan will write the decision.

NEXT MEETING: The next meeting will take place on Thursday, December 7, 2017. It will consist of 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.

ADJOURNMENT: *Daniel Wagner moved to adjourn the Public Hearing at 7:15 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
Jeremy Callahan, Vice Chair