

Public Meeting Agenda

April 4, 2019

The Provincetown Zoning Board of Appeals will hold an Executive Session at 6:00 P.M. followed by a Public Hearing and a Work Session at 6:30 P.M. on Thursday, April 4, 2019, in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, MA. 02657.

A. **Board Appointments**

B. **Executive Session VOTES MAY BE TAKEN**

Executive Session pursuant to G.L. c. 30A, §21(a)(3) to discuss strategy with respect to litigation regarding *Deckelbaum v. Clements, et. al. (Town of Provincetown Zoning Board of Appeals)*; Land Court No. 18 MISC. The Board will then return to open session.

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

- 1) **ZBA 19-29** (*continued from the meeting of March 7th*)
Application by **509 Commercial St., LLC** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to raise a structure by 9', alter it up and along pre-existing, non-conforming east and west elevations and move it 15' to the south of its existing location on the property at **509 Commercial Street (Residential 3 Zone)**.
 - 2) **ZBA 19-35** (*request to postpone to the meeting of April 18th*)
Application by **Mark Legere, of Marolima East, LLC**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where a neighborhood average scale has not yet been established on the property located at **806 Commercial Street (Residential 1 Zone)**.
 - 3) **ZBA 19-36** (*request to postpone to the meeting of April 18th*)
Application by **Mark Legere, of Marolima East, LLC**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where a neighborhood average scale has not yet been established on the property located at **820 Commercial Street (Residential 1 Zone)**.
 - 4) **ZBA 19-41** (*continued from the meeting of March 7th*)
Application by **Ted Smith, Architect**, on behalf of **Thomas Tannariello**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a new single-family structure that will have a volume greater than the maximum allowable scale for the neighborhood on the property located at **6 Commercial Street (Residential 1 Zone)**.
 - 5) **ZBA 19-44** (*postponed from the meeting of March 7th*)
Notice of Appeal by the **White Sands Beach Club** aggrieved by a decision of the Building Commissioner dated December 21, 2018, which it believes to be a violation of the Provincetown Zoning By-Laws or the Massachusetts Zoning Act, in reference to the property located at **963 Commercial Street, #10 (Residential 1 Zone)**.
 - 6) **ZBA 19-46** (*request to postpone to the meeting of April 18th*)
Application by **Stanley Sikorski & Eva Sikorski**, on behalf of **David Mayo**, seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family structure that will exceed the allowable building scale on the property located at **294 Bradford Street (Residential 3 Zone)**.
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- 7) **ZBA 19-48** (*request to postpone to the meeting of April 18th*)
Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Steve Tait & Dave Cook**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, and Section 3115, Demolition and Reconstruction, of the Zoning By-Laws to demolish and rebuild portions of a structure up and along pre-existing, non-conforming dimensions, including height and side yard setbacks, at the property located at **425 Commercial Street (Residential 3 Zone)**.
- 8) **ZBA 19-50** (*postponed from the meeting of March 21st*)
Application by **Christopher J. Snow, Esq.**, on behalf of **Linchris Hotel Corp.**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to provide entertainment, including movies, pool tables, karaoke, dancing, live entertainment with amplified music and theatrical shows, at the property located at **698 Commercial Street (Residential 1 Zone)**.
- 9) **ZBA 19-51** (*postponed from the meeting of March 21st*)
Application by **Glenn Siegmund** seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to change the seating plan for a coffee shop on the property located at **170 Commercial Street (Town Commercial Center Zone)**.
- 10) **ZBA 19-52** (*postponed from the meeting of March 21st*)
Application by **One Hundred Twenty-Nine Commercial Street Corp** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to alter and extend a pre-existing, non-conforming two-family dwelling for the installation of exterior egress stairs per FEMA regulations on the property located at **129 Commercial Street (Town Commercial Center Zone)**.
- 11) **ZBA 19-54** (*request to postpone to the meeting of April 18th*)
Application by **Olivier Jamin Changeart** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to construct a deck on the south elevation of a structure up and along a pre-existing, non-conforming east elevation dimension on the property located at **259-263 Commercial Street (Town Commercial Center Zone)**.
- 12) **ZBA 19-55** (*request to postpone to the meeting of April 18th*)
Application by **Dave Krohn** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to demolish and replace a horse barn and to construct a new culinary barn, which will include a dwelling unit, and a single-family and a duplex residential structure on the property located at **66 & 72 West Vine Street (Residential 1 & 3 Zones)**.
- 13) **ZBA 19-56**
Application by **Steven L. Benjamin**, seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B5, Restaurant, bar, and 2460, Special Permit Requirements, of the Zoning By-Laws to convert a retail space to a coffee shop with pre-packaged food on the property located at **361 Commercial Street (Town Commercial Center Zone)**.
- 14) **ZBA 19-57**
Application by **Chris Hartley** seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B5, Restaurant, bar, and 2460, Special Permit Requirements, of the Zoning By-Laws to convert a market to a nano brewery and for the service of food and alcohol on the property located at **141 Bradford Street (Town Commercial Center Zone)**.
- 15) **ZBA 19-58**
Application by **Joanne Cancro & Charlene P. Allen** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to raise a structure to comply with FEMA regulations and to construct egress stairs under a second floor deck in the pre-existing, non-conforming south elevation and a deck with stairs on the north elevation, up and along the pre-existing, non-conforming east elevation on the property located at **8 Commercial Street, #DUA (Residential 1 Zone)**.

16) **ZBA 19-59**

Application by **Steven Schnitzer** seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, B5, Restaurant, bar, and 2460, Special Permit Requirements, of the Zoning By-Laws to convert a retail shop to a bar for the service of alcohol and take-out food on the property located at **258 Commercial Street (Town Commercial Center Zone)**.

17) **ZBA 19-60**

Application by **Angela McCarthy** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to replace a foundation and renovate a structure, including replacing an entry porch and stairs on the pre-existing, non-conforming north elevation and a stoop on the pre-existing, non-conforming south elevation on a structure located at **199 Bradford St. (Residential 3 Zone)**.

18) **ZBA 19-62**

Application by the **Provincetown Film Society** seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the service of alcohol in the lobby of a movie theater on the property located at **237 Commercial Street (Town Commercial Center Zone)**.

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

1) Pending Decisions:

ZBA 19-43 (Daniel)

Application by **Tom Thompson**, on behalf of **George Sauer**, seeking 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 side yard dimension to construct a second floor deck over an existing first floor deck at the property located at **2 Winthrop Place, U2D (Residential 3 Zone)**. **Jeremy, Daniel, Peter and Susan sat on the case.**

ZBA 19-45 (Peter)

Application by **Lululemon USA, Inc.**, on behalf of **Marc Roland, LLC**, seeking a Special Permit pursuant to Article 2, Section 2360, Formula Business Regulated District, of the Zoning By-Laws to establish a formula business retail store on the premises located at **184 Commercial Street (Town Center Commercial Zone)**. **Jeremy, Daniel, Peter and Susan sat on the case.**

ZBA 19-47 (Jeremy)

Application by **John Love Yingling** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add a canopy to a structure that exceeds the allowable building scale on the property located at **183-185 Commercial Street (Town Center Commercial Zone)**. **Jeremy, Daniel, Peter and Susan sat on the case.**

ZBA 19-49 (Susan)

Application by **Tom Thompson**, on behalf of **Frank Christopher**, seeking a Special Permit pursuant to Article 2, Section 2460, Special Permit Requirements, of the Zoning By-Laws to allow the service of food and alcohol and to provide entertainment at the property located at **193 Commercial Street, #AU6 (Town Commercial Center Zone)**. **Jeremy, Daniel, Peter and Susan sat on the case.**

2) Approve minutes of the March 7, 2019 meeting.

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

Jeremy Callahan, Chair,

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