

**TOWN OF PROVINCETOWN  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
February 7, 2019**

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

**Members Absent:** Peter Okun (excused).

**Others Present:** David Gardner (Assistant Town Manager) and Ellen C. Battaglini (Permit Coordinator).

**A. WORK SESSION**

Chair Jeremy Callahan called the Work Session to order at 6:04 P.M.

1) Pending Decisions:

**ZBA 19-30 (Jeremy)**

**16 Pilgrim Heights Road (Residential 1 Zone), Ted Smith Architect, LLC, on behalf of Matthew Patsky –**

Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. Jeremy Callahan read the decision. *Rob Anderson moved to approve the language as revised, Steven Latasa-Nicks seconded and it was so voted 3-0.*

**ZBA 19-33 (Rob)**

**157 Commercial Street (Town Commercial Center Zone), Kevin O’Shea –**

Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. The decision was not ready.

**ZBA 19-34 (Peter)**

**30 Shank Painter Road (General Commercial Zone), Doug Dolezal, of Design Matters, LLC, on behalf of Brian O’Malley -**

Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. The decision was not ready.

**ZBA 19-38 (Jeremy)**

**16 Jerome Smith Road (Residential 3 Zone), the Town of Provincetown –**

Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Peter Okun sat on the case. Jeremy Callahan read the decision. *Rob Anderson moved to approve the language as revised, Steven Latasa-Nicks seconded and it was so voted 4-0.*

- 2) **Approve minutes of the January 17, 2019 meeting.**

**MINUTES: January 17 2019 – Rob Anderson moved to approve the minutes as written, Steven Latasa-Nicks seconded and it was so voted, 4-0.**

- 3) **Any Other Business that may properly come before the Board.** None.

Chair Jeremy Callahan adjourned the Work Session at 6:30 P.M.

## **B. PUBLIC HEARING**

Chair Jeremy Callahan called the Public Hearing to order at 6:30 P.M. There were 5 Board members present and one absent.

- 1) **ZBA 18-69** (*request to withdraw without prejudice*)

**199 Bradford Street (Residential 3 Zone), 199 Bradford St., LLC -**

The applicant seeks a Special Permit pursuant to Article 2, Sections 2450, Permitted Accessory Uses, G17, Accessory Dwelling Unit and 2640, Building Scale and Article 3, Section 3110, Change, Extensions and Alterations, of the Zoning By-Laws to rebuild a foundation, renovate a structure by adding a balcony, a covered porch and stairs on a pre-existing, non-conforming south/southwest elevation, increase building scale by adding a covered porch on a pre-existing, non-conforming north elevation and an accessory dwelling unit. There was a request from the applicant to withdraw ZBA 18-69 without prejudice. **Steven Latasa-Nicks moved to grant the request to withdraw ZBA 18-69 without prejudice, Rob Anderson seconded and it was so voted, 5-0**

- 2) **ZBA 19-29** (*continued to the meeting of February 21<sup>st</sup>*)

**509 Commercial Street (Residential 3 Zone), 509 Commercial St., LLC –**

The applicant seeks 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. streetscape, to move the structure 15' southward.

- 3) **ZBA 19-31** (*request to withdraw without prejudice*)

**32 Bradford Street (Residential 3 Zone), William N. Rogers, II, on behalf of Enco Realty Trust, Inc. –**

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 renovate a structure by adding a residential unit to an attic floor, construct two dormers; one along a northeast elevation and one along a pre-existing, non-conforming southwest elevation, and increase its building scale. There was a request from the applicant to withdraw ZBA 19-31

without prejudice. *Steven Latasa-Nicks moved to grant the request to withdraw ZBA 19-31 without prejudice, Rob Anderson seconded and it was so voted, 5-0*

4) **ZBA 19-35** (*request to postpone to the meeting of March 7<sup>th</sup>*)

**806 Commercial Street (Residential 1 Zone), Mark Legere, of Marolima East, LLC –**

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where the neighborhood average scale has not yet been established. There was a request from the applicant to postpone this matter to the March 7, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-35 to the March 7, 2019 Public Hearing at 6:30 P.M., Peter Okun seconded and it was so voted, 5-0.*

5) **ZBA 19-36** (*request to postpone to the meeting of March 7<sup>th</sup>*)

**820 Commercial Street (Residential 1 Zone), Mark Legere, of Marolima East, LLC –**

The applicant seeks a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to construct a single-family house where the neighborhood average scale has not yet been established. There was a request from the applicant to postpone this matter to the February 7, 2019 Public Hearing. *Steven Latasa-Nicks moved to grant the request to postpone ZBA 19-36 to the March 7, 2019 Public Hearing at 6:30 P.M., Peter Okun seconded and it was so voted, 5-0.*

6) **ZBA 19-37** (*postponed to the meeting of February 21<sup>st</sup>*)

**225 Commercial Street (Town Commercial Center Zone), Topknot Properties, LLC –**

Notice of Appeal by the applicant of a decision by the Building Commissioner, dated November 21, 2018, regarding the calculation of a front yard setback on the property.

7) **ZBA 19-41** (*request to postpone to the meeting of February 21<sup>st</sup>*)

**6 Commercial Street (Residential 1 Zone), Ted Smith Architect, on behalf of Thomas Tannariello –**

The applicant seeks 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. There was a request from the applicant to withdraw ZBA 19-41 without prejudice. *Steven Latasa-Nicks moved to grant the request to postpone to the meeting of February 21, 2019, Rob Anderson seconded and it was so voted, 5-0.*

8) **ZBA 19-42**

**24 Pearl Street (Residential 3 Zone), Fine Arts Work Center –**

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 renovate a common room, increasing pre-existing, non-conforming lot coverage and building scale. Jeremy Callahan, Rob Anderson, Daniel Wagner, Steven Latasa-Nicks and Susan Peskin sat on the case. **Presentation:** Margaret Murphy, Board President of the Fine Arts Work Center, Brad Malo, of Coastal Engineering and Betsy Garcia, of Flansburgh Architects, appeared to present the application. Ms. Murphy reviewed a PowerPoint presentation regarding the project and gave a

brief history of the site. The project includes the renovation of the entrance to the Stanley Kunitz common room that will add 111 sq. ft. to the building and an additional 2,180 cu. ft. of volume. The common room is a public space used for readings, lectures and presentations by artists' work. Palletized decking will be added to the courtyard to replace the existing gravel, enhancing the area, and several existing doors and windows in the common room will be replaced by a garage door, which will be opened for public events, weather permitting. She said that this will serve to fuse the interior and the exterior spaces. Interior columns, which compromised views and use of the space, will be removed for better viewing by the public. Steel crossbeams to support the structure will replace them. The addition of the common room is in a courtyard area and is only minimally visible from the street. The original building was used as a lumberyard and was always larger than other structures in the neighborhood by necessity. The increase in scale will be mitigated by improvements to the courtyard area and will make the space more ADA-accessible. She reviewed the elevation drawings. She argued that the social, economic and other benefits outweigh any negative effects. Pursuant to Article 2, Section 2640E, subparagraph 1, she said that the project is in keeping with the goals and objectives of the Local Comprehensive Plan, as the project is re-using an existing building. In addition and pursuant to subparagraph 6, the Historic District Commission has approved the project. The addition is set back from the streetscape and will not increase the appearance of mass, nor interfere with the views from, or natural light to, adjacent buildings. FAWC provides studio and living space for artists of their Fellowship Program. It is also a year-round arts-related business and contributes to the cultural strengths of the community and promotes year-round cultural activities, interacting with various elements of the community, such as students and seniors. The renovated common room will be a more engaging, vibrant and attractive space for public events. Mr. Malo reviewed the site plan.

**Public Comment:** None. There were 21 letters of support for the application.

***Jeremy Callahan moved to close the public portion of the hearing, Steven Latasa-Nicks seconded and it was so voted, 5-0.***

**Board Discussion:** The Board questioned Ms. Murphy, Mr. Malo and Ms. Garcia.

***Rob Anderson moved to find that pursuant to Article 5, Section 5330, the social, economic or other benefits of the proposal for the neighborhood or Town outweigh any adverse effects such as hazard, congestion or environmental degradation, Steven Latasa-Nicks seconded and it was so voted, 5-0.***

***Rob Anderson moved to find that pursuant to Article 2, Section 2640, subsection 1, the proposed building or addition is in keeping with the goals and objectives of the Local Comprehensive Plan; subsection 2, the building is an important structure to the community as a whole, as FAWC celebrates and contributes to the Town's history and in giving identity to the Town, makes it acceptable; subsection 3, that the proposed building or addition by necessity must be large and that the location is suited for that larger scale use; and subsection 5, that the proposed addition integrates into its surroundings and is sited in a manner that minimized the appearance of mass from the streetscape and will not have a significant negative impact on the natural light to, or views from, neighboring structures, Steven Latasa-Nicks seconded and it was so voted, 5-0.***

***Rob Anderson 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 renovate a common room, increasing pre-existing, non-conforming lot coverage and building scale at the property located at 24 Pearl Street (Res 3), Steven Latasa-Nicks seconded seconded and it was so voted, 5-0. Jeremy Callahan will write the decision.*

**NEXT MEETING:** The next meeting will take place on Thursday, February 21, 2019 in the Town Hall Auditorium. It will consist of an Executive Session at 6:00 P.M. followed by a Public Hearing and Work Session at 6:30 P.M.

**ADJOURNMENT:** *Steven Latasa-Nicks moved to adjourn the Public Hearing at 7:15 P.M., Rob Anderson seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2019  
Jeremy Callahan, Chair