

**TOWN OF PROVINCETOWN
ZONING BOARD OF APPEALS
MEETING MINUTES OF
August 15, 2019**

Members Present: Steven Latasa-Nicks, Peter Okun, and Caleb Eigsti, and Robert Nee.

Members Absent: Jeremy Callahan, Susan Peskin, and Daniel Wagner (all excused).

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

WORK SESSION

Vice Chair Steven Latasa-Nicks called the Work Session to order at 6:13 P.M.

1) PENDING DECISIONS:

ZBA 19-65 (Jeff)

Application by **George Tagaris** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to modify a condition of Special Permit #FY15-57 requiring the installation of a sprinkler system in a structure on the property located at **143 Commercial Street (Town Center Commercial Zone)**. **Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Peter Okun, and Caleb Eigsti sat on the case.** Steven Latasa-Nicks read the decision. *Caleb Eigsti moved to approve the language as written, Peter Okun seconded and it was so voted, 4-0.*

ZBA 19-74 (Jeremy)

Application by **Peter Brox** 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 replace a 10' by 12' addition with a 20' by 31' addition and to extend an overhang into a pre-existing, non-conforming front yard setback on the structure located at **74 Franklin Street (Residential 3 Zone)**. **Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Peter Okun, and Caleb Eigsti sat on the case.** The decision was not ready.

ZBA 20-01(Jeremy)

Application by **Brian Bosse**, on behalf of **NSTAR, dba Eversource Energy**, seeking a Special Permit pursuant to Article 2, Sections 2440, Permitted Principal Uses, C8, Public utility, 2470, Parking Requirements, and 2640, Building Scale of the Zoning By-Laws to construct a lithium-ion battery storage system on the property located at **90 Race Point Road (Municipal Zone)**. **Jeremy Callahan, Daniel Wagner, and Caleb Eigsti, and Robert Nee sat on the case.** The decision was not ready.

ZBA 20-03 (Robert)

Application by **William Lord** seeking a Special Permit pursuant to Article 2, Section 2640, Building Scale, of the Zoning By-Laws to add a sunroom to the structure located at **5 Nelson Avenue (Residential 3 Zone)**. **Jeremy Callahan, Daniel Wagner, and Caleb Eigsti, and Robert Nee sat on the case.** The decision was not ready.

2) Approval of Minutes:

August 1, 2019: Robert Nee moved to approve the minutes as written, Caleb Eigsti seconded and it was so voted, 4-0.

4) Any Other Business that may properly come before the Board. None.

Vice Chair Steven Latasa-Nicks adjourned the Work Session at 6:20 P.M.

PUBLIC HEARING

Vice Chair Steven Latasa-Nicks called the Public Hearing to order at 6:30 P.M. There were 4 Board members present and 3 absent.

1) PUBLIC HEARINGS:

ZBA 19-78 *(continued to the meeting of September 19th)*

Application by **Dol-Fin Development, LLC** seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B7, Parking Lots, garages, of the Zoning By-Laws to establish a parking lot on the property located at **3 Cudworth Street (Residential 3 Zone)**. **Jeremy Callahan, Daniel Wagner, Steven Latasa-Nicks, Susan Peskin, and Caleb Eigsti sat on the case.**

ZBA 19-79 *(continued from the meeting of August 1st)*

Application by **Lisa Pacheco Robb**, on behalf of **Travis & Wendy Connors**, seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extension or Alterations, of the Zoning By-Laws to extend two bays along pre-existing, non-conforming front and side yard setbacks and to add a widow's walk on the structure located at **14 Thistlemore Road (Residential 1 Zone)**. **Jeremy Callahan, Daniel Wagner, and Caleb Eigsti, and Robert Nee sat on the case.** A quorum was not present to hear the application. ***Caleb Eigsti moved to continue ZBA 19-79 to the Public Hearing of September 5, 2019 at 6:30 P.M., Robert Nee seconded and it was so voted, 4-0.***

Chair Steven Latasa-Nicks announced that there were only 4 members of the ZBA in attendance and each case would need a unanimous decision in order to be approved as a Special Permit. The applicant can request that the Chair poll the Board before an official vote is taken.

ZBA 20-04

Application by **Jason Chapman** seeking a Special Permit pursuant to Article 3, Section 3110, Change, Extensions or Alterations, of the Zoning By-Laws to connect two structures and extend them along pre-existing, non-conforming east and west side yard setbacks on the property located at **19 Winthrop Street, #3 (Residential 3 Zone)**. Steven Latasa-Nicks, Peter Okun, and Caleb Eigsti, and Robert Nee sat on the case.

Presentation: Lyn Plummer and Jason Chapman appeared to present the application. Ms. Plummer reviewed the project, which involves two small discrete cottages on the site. The applicant seeks to extend a west cottage along a pre-existing, non-conforming side yard setback by 6' and to extend an east cottage along a pre-existing, non-conforming side yard setback by 2'. She said that the proposal is not substantially more detrimental to the neighborhood and there are five abutters who have written letters in support of the application. She said that there are a total of three buildings on the lot and the two cottages would become attached, lessening the non-conformancy in the number of structures on the lot.

Public Comment: None. There were 5 letters from abutters in support of the application.

Robert Nee moved to close the public portion of the hearing, Peter Okun seconded and it was so voted, 4-0.

Board Discussion: The Board briefly questioned Ms. Plummer and Mr. Chapman.

Peter Okun moved to find that the economic, social and other benefits to the neighborhood and Town outweighed any adverse effects such as hazard, congestion or environmental degradation, Caleb Eigsti seconded and it was so voted, 4-0.

Peter Okun moved to grant a Special Permit pursuant to Article 3, Section 3110 (1), Change, Extensions or Alterations, of the Zoning By-Laws to connect two structures and extend them along pre-existing, non-conforming east and west side yard setbacks on the property located at 19 Winthrop Street, #3 (Res 3), Caleb Eigsti seconded and it was so voted, 4-0. Steven Latasa-Nicks will write the decision.

ZBA 20-05

Application by **Doug Dolezal**, of **Design Matters, LLC**, on behalf of **Miriam Gallardo & Courtney Spitz**, 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 construct a two-story, 180 sq. ft. addition on the rear northwest corner, along a pre-existing, non-conforming west side yard elevation, and to increase the building scale of the structure located at **62 Mayflower Avenue (Residential 1 Zone)**. Steven Latasa-Nicks, Peter Okun, and Caleb Eigsti, and Robert Nee sat on the case.

Presentation: Doug Dolezal appeared to present the application. He reviewed the project with a PowerPoint presentation. He said that the revised renovation and addition are scaled down from an original project, conceived in 2017, that was approved by the Board in January of 2018. It involved an increase in height, overall volume and in the footprint of the structure, in addition to new landscape work. That project, however, exceeded the scope and needs of the applicants. This recent proposal would be more modest, as it would only add 180 sq. ft. footprint as a two-story addition to the rear of the existing structure. The alteration occurs along a pre-existing, non-conforming west side yard setback. The proposed volume would be smaller than the previous iteration. He then reviewed the visuals of the project. He said that 3200 cu. ft. would be

added and a back deck and partial front stair removed, creating a net new volume of 530 cu. ft. The resulting volume of the structure is 25,430 cu. ft. This has the effect of lowering the neighborhood average scale, even with the proposed addition of 530 cu. ft. to the existing building scale. He said that the proposed floor plan changes would create a more livable and usable space, including a functional master bath. He reviewed the building scale of other structures in the neighborhood and within the 250' radius of structures that determine the building scale calculation for the house. He reviewed the design criteria for an increase in the volume of the structure. The project will not result in any negative impacts on the neighbors and is not substantially more detrimental to the neighborhood. He cited Article 2, Section 2640E, subparagraph 1, that the proposal is in keeping with the goals and objectives of the Local Comprehensive Plan, Chapter 1, Land Use and Growth Management, Chapter 2, Natural Resources and Chapter 3, Historic Preservation and Community Character and, in addition, subparagraph 5, that the building successfully integrates into its surroundings and is cited in a manner that minimizes its mass from the streetscape and will not have a significant impact on the light to, or views from, neighboring structures. The applicants also seek relief from Article 3, Section 3110 to construct an addition up and along a pre-existing, non-conforming west side yard setback.

Public Comment: None. There were 3 letters from direct abutters in support of the application. *Caleb Eigsti moved to close the public portion of the hearing, Peter Okun seconded and it was so voted, 4-0.*

Board Discussion: The Board questioned Mr. Dolezal. *Caleb Eigsti moved to find that the economic, social and other benefits to the neighborhood and Town outweighed any adverse effects such as hazard, congestion or environmental degradation, Peter Okun seconded and it was so voted, 4-0.*

Caleb Eigsti 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 construct a two-story, 180 sq. ft. addition on the rear northwest corner, along a pre-existing, non-conforming west side yard elevation, and to increase the building scale of the structure located at 62 Mayflower Avenue (Res1), Peter Okun seconded and it was so voted, 4-0. Peter Okun will write the decision.

NEXT MEETING: The next meeting will take place on Thursday, September 5, 2019 in the Judge Welsh Room. It will consist of a Work Session at 6:00 P.M. and a Public Hearing at 6:30 P.M.

ADJOURNMENT: *Caleb Eigsti moved to adjourn the Public Hearing at 7:00 P.M., Robert Nee seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019

Jeremy Callahan, Chair