



PLANNING BOARD
May 20, 2013
Public Hearing
Judge Welsh Hearing Room
6:30 p.m.

Members Present: **Mr. John Golden, Chair**
 Ms. Marianne Clements
 Mr. Mark Weinress
 Ms. Dorothy Palanza
 Ms. Grace Ryder O'Malley

Other Staff Present: **Mr. David Gardner, Assistant Town Manager**
 Ms. Maxine Notaro, Permit Coordinator

The meeting was called to order at 6:30 p.m. by John Golden, Chair.

General Public Statements:

Mr. David Nicolau asked the Board what the specific Zoning Bylaw changes are that are on the agenda to be discussed. Mr. Nicalau informed the Board that as per the open meeting law the agenda needs to specifically outline what is being discussed.

Public Comments closed by Chair John Golden at 6:32 p.m.

Public Hearing opened at 6:33 p.m. by Chair, John Golden.

CASE# FY13-06 Site Plan Review (Request to withdraw without prejudice)

Application by Lester J. Murphy, Jr. Attorney on behalf of Stanley Sikorski under the Zoning Bylaws Article 2, Section 2320, High Elevation Protection District A. The applicant seeks approval for the construction of a two-family residential structure on vacant land at the property located at **294 Bradford Street, Provincetown MA (Res3 Zone)**.

Mr. Lester J. Murphy, Attorney, on behalf of the applicant respectfully requests to withdraw CASE# FY13-06 without prejudice.

A motion made by Member Dorothy Palanza to grant CASE# FY13-06 Site Plan Review, to withdraw without prejudice. The motion was seconded by Member Marianne Clements.
VOTE 5-0-0.

Application by Daniel Kaizer and Adam Moss under the Zoning Bylaws Article 2, Section 2320, High Elevation Protection District A. The applicants seek approval for the construction of a separate three bedroom structure and a separate two bedroom structure on a vacant lot on the property located at **25 Miller Hill Road, Provincetown MA, (Res RB Zone)**.

Member John Golden for the record disclosed he has done work for the applicant in the past and has no financial interest regarding this application.

Member Marianne Clements for the record disclosed she is an employee of Outer Cape Health in Wellfleet and has no financial interest regarding this application.

Mr. Kaizer, applicant, Mr. Rick Wrigley, Architect, Mr. John O'Reilly, Engineer, informed the Board that they were respectfully seeking approval for the construction of a separate three bedroom structure and a separate two bedroom structure on the vacant lot, by combining a portion of 25 Miller Hill Rd with 29 Miller Hill Rd. The barn that has been restored will be leased to non-profit organization to benefit the public, the lease agreement is for a period of ten (10) years.

Public Comments:

Comments were heard in favor and in opposition to this application from the following:

Ms. April Cabral (abutter), spoke in opposition to the application stating the proposed structure is dangerously close to her retaining wall and would like to see a \$20,000 surety bond for any damages. Ms. Cabral also informed the Board and the applicant that she has hired William N. Rogers II, P.E. & P.L.S., to review the plans, if there is a site visit scheduled she would like to be notified.

Mr. Ed Lungin (abutter) spoke as a neutral party neither for nor against the application, however has concerns and suggestions to remedy each as follows:

1. Road damage due to construction, request \$20,000 surety bond.
2. Vehicle access and parking during construction, request \$20,000 surety bond.
3. Erosion mitigation plan from the previously approved application by the Board, was not followed, requests the Board monitor the application during construction.

Ms. Estelle Goldberg (abutter) respectfully requests a surety bond in the amount of \$20,000 should the road need repair due to construction at 25 Miller Hill Rd. (letter in file)

Mr. Tom Tenarello (abutter) asked the Board if the application was submitted to MESA prior to clear cutting. Mr. Kaizer informed the Board he wasn't aware a MESA application was required, and since has filed one.

Mr. Kaizer does not feel the current issue with erosion at 29 Miller Hill Road is being created by 25 Miller Hill Road. Mr. Kaizer is currently in contact with Outer Cape Health, and Mr. Richard Waldo, Town DPW to address the erosion from 29 Miller Hill Road to Outer Cape Health. Mr. Kaizer is in the process of getting three (3) estimates from engineers to determine cost.

Mr. Kaizer requested clarification regarding the need for a surety bond for a parking lot.

Member John Golden explained to Mr. Kaizer the bond would be to mitigate and any damage due to construction trucks and equipment.

Ed Lungrin (abutter) for a the point of clarification informed the Board there was very little space to turn around at 25 Miller Hill Road without using 29 Miller Hill Road parking which is already compromised due to the erosion.

Tom Tenarello, owner and developer of 27 Miller Hill Road informed the Board he had to post a \$7,500 dollar surety bond for parking and that is was impossible to develop on 25 Miller Hill Road with using other property's to turn around.

Board Discussion:

Member Dorothy Palanza would like the applicant to use steel plates to keep the land secure for the abutter's retaining wall. John O'Reilly, Engineer, informed the Board they would only be digging 5 ½ ft. deep and does not feel steel plates would be necessary.

Member Marianne Clements asked the applicant how many cubic feet of fill being removed due to 25 Miller Hill Road being within the High Elevation District. Mr. O'Reilly feels there will be little if any re-grading necessary and emphasized the structure will be built into the hillside.

Member Clements asked the applicant if it would be possible to move the structure 2-3 ft further away from the retaining wall, the applicant believes that would put them over the setback requirements for their title 5 system.

The Board had further discussion on surety bonds and moved to approve Case FY13-16 with conditions.

A motion made by Member Mark Weinress to approve Case # FY13-16 with the following conditions:

- 1. \$10,000 Surety Bond for protection of Road and Parking Lot at 18 Miller Hill Road.*
- 2. \$10,000 Surety Bond for the protection of the Retaining Wall with the use of steel plates to secure 1 Upper Miller Hill Road.*
- 3. Requests information on how much cubic feet of fill is being removed.*

the motion was seconded by Member Marianne Clements. VOTE 5-0-0.

Application by Derik Burgess of Cape Associates, Inc. on behalf of Pat Kearney under the Zoning Bylaws Article 2, Section 2320, High Elevation Protection District. The applicant seeks approval to construct a second story deck on the rear of the house and repair existing deck railings at the property located at **5 Thistlemore Way, Provincetown MA (Res1 Zone)**.

Member Mark Weinress recused himself due to being an abutter.

Mr. Burgess informed the Board the application is to bring the structure into compliance using existing footings which are sound.

The Board had no questions or comments for the applicant and so moved.

A motion made by Member John Golden to approve Case# FY13-15 as presented. The motion was seconded by Member Marianne Clements. VOTE 4-0-1.

Member Mark Weinress came back to the meeting.

Sibel Asantugrul, AIA LEEG AP on behalf of Outer Cape Health Services, Inc., 49 Harry Kemp Way, Provincetown, MA

Request modification to previously approved plan on installation of exterior gates.

Member Marianne Clements recused herself due to being an employee of Outer Cape Health.

Ms. Asantugrul informed the Board that the Board didn't specify what type of gate sliding or swing door.

The Board had no questions or comments and so moved.

A motion made by Member John Golden to amend previous approved plan on installation of exterior gates at Outer Cape Health to be single swing doors on both sides. The motion was seconded by Member Dorothy Palanza. VOTE 4-0-1.

Member Marianne Clements came back to the meeting.

Minutes:

There were no minutes for review/approval at this meeting.

Board Discussion on acceptance of revised plans:

The Board agreed revised plans should be submitted by the Wednesday prior to the meeting night and so moved.

A motion made by Member Marianne Clements that the deadline for all revised plan will be the Wednesday before the Monday night hearing. The motion was seconded by Member Mark Weinress. VOTE 5-0-0.

Discussion on proposed Zoning By-Law changes:

David Gardner, Assistant Town Manager, informed the Board of the need to start planning on any proposed Zoning By-Law changes for Special Town Meeting, and provided the Board with a schedule of proposed meeting dates with the Ad Hoc Zoning Bylaw Revision Committee.

Any other unanticipated business that shall properly come before the board:

No other business at this time.

The next meeting of the Planning Board will be on Monday, June 3, 2013 at 6:30 p.m. in the Judge Welsh Hearing Room, Town Hall.

Adjournment:

A motion made by Member John Golden to adjourn at 8:30 p.m. the Planning Board meeting of May 20, 2013. The motion was seconded by Member Mark Weinress. VOTE 5-0-0.

Respectfully submitted,

Edward Atwood

Edward Atwood
Recording Secretary

Approved by _____ on _____, 2013.

