

PLANNING BOARD
Meeting Minutes
Thursday, April 10, 2014
Judge Welsh Room
6:30 P.M.

Members Present: Mark Weinress, Marianne Clements, John Golden, Dorothy Palanza and Grace Ryder-O'Malley.

Members Absent: Brandon Quesnell (excused).

Staff: Gloria McPherson, Town Planner.

Chair Mark Weinress called the meeting to order at 6:30 P.M.

Meeting Agenda:

1. **Public Comments:**

Derik Burgess, from Cape Associates, appeared to schedule a site visit with the Board for a deck expansion at 5 Upper Miller Hill Road. He is seeking information that will be required for his application prior to his presentation before the Board. He will be applying for waivers on some requirements and the project is relatively small. He asked if contours on the site plan would be required as the existing one does not include them. He stated that they would be expensive to add because, according the land surveyor, there are no benchmarks in this area. The Board generally requires that delineation, according to Chair Mark Weinress, however in light of the fact that including the contour lines would be prohibitively expensive, he suggested that Board members visually review the site and then let Mr. Burgess know if the contours would be required. The site visit will take place on Thursday, April 24th at 12:00 P.M.

2. **Public Hearings:**

a) **Case #FY14-13**

Application by **Thomas A. Moore Design Company, on behalf of Patricia and Janice Fox**, requesting Site Plan Approval pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District, of the Zoning By-Laws for the construction of a second-story addition within the area of an existing deck at the property located at **37 Bayberry Avenue**.

Thomas A. Moore and Michelle Moore appeared to present the application. The applicants seek to enclose a 10' x 12' portion of an existing roof deck in order to construct a master bedroom and walk-in closet. The footprint of the structure will not be expanded and the addition will have a lower ridgeline than what currently exists. No views will be blocked.

The Board questioned Mr. Moore about the project, including if any work was going to be done on the ground level. He stated that all work will be done above the ground level so no disturbance will occur and there will be no additional structural support needed. No heavy equipment will be needed and only minimal staging for siding will be used. The staging will not be installed on the ground. The limit of work was highlighted in yellow on the submitted plans.

There was a motion by Marianne Clements to approve the application for Site Plan Approval as presented, pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District, of the Zoning By-Laws for the construction of a second-story addition within the area of an existing deck at the property located at 37 Bayberry Avenue with the conditions that no heavy equipment shall be used, that no staging shall be placed on the ground, and that no work shall be performed outside the limit of work as noted on the site plan. The motion was seconded by Grace Ryder-O'Malley. VOTE: 5-0-0.

b) **Case #FY14-15**

Application by **Steven Descoteaux** requesting Site Plan Approval pursuant to Article 2, Section 2, Districts and Regulations, Section 2320, High Elevation Protection District, of the Zoning By-Laws for the enlargement of two decks on the northwest side of the property located at **45 Bayberry Avenue**.

Steven Descoteaux appeared to present the application. The applicant seeks to replace an existing balcony/deck with a wider and more functional balcony/deck structure. The structure will be expanded almost to the full width of the house. The existing railings are not in compliance with the State Building Code and will be rebuilt with height and spacing conforming to safety requirements. The railings will be steel cables spaced at 4" and capped with a low-profile steel rail. The footprint of the house will not be altered, no work will be performed on the side of the house facing the dunes, no digging will be performed, no heavy equipment will be used and materials will be delivered and removed from the site using an existing driveway and parking area.

The Board questioned Mr. Descoteaux. The proposed structure will not exceed the existing envelope of the house. He explained that all of the work will be done on pavement and in accordance with the project narrative submitted.

There was a motion by Dorothy Palanza to approve the application for Site Plan Approval as presented, pursuant to Article 2, Section 2, Districts and Regulations, Section 2320, High Elevation Protection District, of the Zoning By-Laws for the enlargement of two decks on the northwest side of the property located at 45 Bayberry Avenue. The motion was seconded by Grace Ryder-O'Malley. VOTE: 5-0-0.

c) **Case #FY14-15**

Application by **Stanley Sikorski** requesting Site Plan Approval pursuant to Article 2, Section 2, Districts and Regulations, Section 2320, High Elevation Protection District, and a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan

Review by Special Permit, of the Zoning By-Laws for the construction of a two-family dwelling, with driveway, landscaping and associated site work at the property located at **294 Bradford Street**.

Attorney Lester J. Murphy, Stan Sikorski, Reggie Donoghue, of Coastal Engineering, Eric Tolley, of ERT Architects, Michael Curadossi, of ML Curadossi Landscape Architecture and 3-D Imaging, and Gordon Peabody, of Safe Harbor Environmental Services, appeared to present the application. Attorney Murphy reminded the Board that this property was before the Board last year seeking High Elevation Protection review. A re-design of the site and the structure has been done taking into consideration the concerns of the Board and the public. The length of the house has been reduced by about 14.5', reducing the interior size to 4500 sq. ft. An expanded scale topographic plan has been submitted detailing this property and surrounding area and confirming the location of the crest of the dune, which is well away from the eastern side of the building. A more detailed and complete landscaping plan has been submitted as has a revised driveway design.

Since the volume of earth to be removed will exceed 750 cu. yds., the applicant is seeking a Special Permit under Section 4015. Mr. Donoghue reviewed the site plan, including the proposed two-family dwelling unit, a driveway off Bradford Street, a parking area adjacent to the south side of the dwelling, an interior parking area on the west side of the dwelling and a step-design foundation with a slab on grade on the lower level. Prior to construction, a sediment barrier will be installed on the uphill and downhill sides and delineate the limit of work. A stormwater system will be installed to collect roof run-off and will infiltrate into retention basins. It is designed to accommodate a 25-year storm event and a stormwater recharge system will be located adjacent to Bradford Street to handle run-off from the driveway. The proposed driveway will be 10' wide with a 1' berm on each side and will be heated on the lower section. The project will include the installation of temporary shoring to avoid impact on adjacent properties. The wall to the east of the parking area has been terraced and those walls will be concrete with stone facing and plantings will be installed adjacent to the wall for screening. A profile of the driveway has been submitted and plans for the driveway have been submitted to the Fire Chief. A geo-technical engineer has reviewed the site as part of the process of developing the plans. A pre-construction conference will take place that will include Mr. Peabody as an environmental monitor. He will supervise erosion and sedimentation controls during construction and the stabilization of the site after the project is completed.

Mr. Tolley reviewed the new architectural renderings. He stated that the building as designed is compliant with the By-Law and does meet the spirit and intent of the By-Law, specifically in regard to the definitions of story, floor area and half-story and the two-and-a-half story maximum height. The plans have been reviewed by the Building Commissioner.

Mr. Curadossi reviewed the landscape plans. The goal will be to restore the site with native species after construction. The shape of the driveway will allow many trees on site

to be saved. Having a grade difference between the dwelling and the street will allow the plantings to be layered and screen the dwelling from the street.

Ms. McPherson questioned Mr. Curadossi about how he planned to save trees on the site when cutting into a slope to install the retaining wall. She requested specifications regarding cutting roots and preparing trees for removal. She also requested a list of every species of every tree that he is planning on saving on the site and a realistic appraisal of whether it could be saved. If a tree cannot be saved, he should not show it on the plan, but show instead what will be re-planted in its place. Mr. Curodossi added that all landscape lighting will be low voltage and downward-facing.

Attorney Murphy stated that all exterior lighting fixtures over entrance doors will be downward-facing. The Board requested a plan showing the light fixtures on the building or that the architect indicate them on the elevation plans.

Mr. Peabody reviewed slides showing how the slope on the site will be stabilized with natural systems. Attorney Murphy reviewed the specifics of Article 4, Section 4035, subsection a. It requires a plan that is in accordance with the Zoning By-Laws and consistent with the goals of the Local Comprehensive Plan. The proposed design meets all setback, height, lot coverage and use requirements of the Zoning By-laws and the Building Commissioner has reviewed the plans to confirm compliance. According to the Assessor's Office, there is no maximum height value assigned to this property. Consistent with the LCP, this is a small development (less than 10%) of a large lot, providing quality year round residential housing. Subsection b states that the plan must meet the design requirements of Section 4163. Attorney Murphy reviewed his request for waivers from Section 4163, subsection 2, 3 and 4 due to the peculiarities of the site and the size of the development pursuant to the first paragraph of this Section. Mr. Donoghue has addressed the project's compliance with subparagraphs 5, 6 and 7. Attorney Murphy argued that the plan meet the requirements of Article 5, Section 5331, the Development Impact Statement., which the applicant has prepared in consultation with MESA, the Building Commissioner, the Fire Chief and the Conservation Commission. He added that the dwelling will have a sprinkler system installed for safety. He reviewed the requirements of Section 5331 and how the proposed design conformed to each subsection. One of the economic benefits to the Town of the project is that the property will be re-valued and increase tax revenue. This project will not any more impact than other two-family developments in Town. He then reviewed the criteria under Article 2, Section 2320, C, Special Regulations for HEP Districts A and B, and argued that the project met these requirements.

Ms. McPherson asked about how the water flowed around the house. Mr. Donoghue responded that the water will flow down the slope within the property and away from abutting properties contrary to the existing flow.

Attorney Murphy concluded that the social, economic and other benefits of the project outweighed any detrimental effects such as hazard, congestion and environmental degradation in that it will provide year round housing for one of the Town's successful

business owners and his family, the property will be tastefully developed with significant landscaping to buffer the site and will stabilize the site and the hillside, it represents a substantial investment in the Town by the applicant who now operates Land's End Inn and it will provide additional tax revenue to the Town with little in additional services required. There will be no adverse effects to the neighborhood or Town thanks to the design and engineering team assembled by the applicant.

The Board discussed whether it would proceed with the public portion of the hearing or wait until a site visit by the Board had been conducted.

The Board questioned Mr. Donoghue about the design and depth of the driveway and the garage.

Public Comment: William N. Rogers, II, P.E., P.L.S., who had been engaged by several abutters, had concerns about engineering issues related to the project, including the height of the foundation and the nature of the shoring and questions about the design of the driveway, the proposed drainage on the site, the construction protocol and the content of the geo-technical report. Attorney Brian Wall, on behalf of Jonathan Sinaiko, an abutter, spoke about his client's concern about the use of the property, the scale and the Special Permit and what it means to the project. Anthony Fisher, an abutter, urged that the Board take a site visit and Jonathan Sinaiko spoke of his concern about the lack of a scale value for the property. There was a letter from Attorney Wall in the file.

The Board will schedule a site visit via e-mail. Ms. McPherson reviewed Town Counsel's opinion on site visits in that they are for information and not deliberation purposes.

The Board decided to continue the matter to the May 8, 2014 Public Hearing.

3. **Other Business:**

a) Review and vote on Special Permit Decision:

Case FY14-12

Application by New Cingular Wireless PCS, LLC ("AT&T") requesting a Special Permit pursuant to Article 7, Wireless Telecommunication Towers and Facilities, Section 7070, General Requirements, and Section 7080, Application Requirements, and Site Plan Review Approval pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District, of the Provincetown Zoning By-Laws for the installation of panel antennas on the façade of the existing water tank together with related equipment including remote radio heads, surge arrestor, cable trays, GPS antennas and conduits and associated equipment shelter to be located within an existing fenced area at the property located at **7 Capt. Bertie's Way**.

Ms. McPherson read the decision.

The Board discussed cancelling the Work Session on April 24, 2014, because of Board member absences. *There was a motion by Grace Ryder-O'Malley to cancel the April 24, 2014 Work Session. Marianne Clements seconded the motion. VOTE: 5-0-0.*

- b) **Minutes of previous meeting:** March 27, 2014: The review of, and vote on, the minutes was postponed until the May 8, 2014 Public Hearing.

There was a motion by John Golden to adjourn the Planning Board meeting of April 10, 2014 at 9:35 P.M.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2014
Mark Weinress, Chair