

PLANNING BOARD  
Meeting Minutes  
Thursday, October 9, 2014  
Judge Welsh Room  
6:30 P.M.

**Members Present:** Mark Weinress, Dorothy Palanza, John Golden, Grace Ryder-O'Malley and Brandon Quesnell.

**Members Absent:** Marianne Clements (excused).

**Staff:** Gloria McPherson, Town Planner.

Chair Mark Weinress called the meeting to order at 6:32 P.M.

## Meeting Agenda:

### 2. Public Hearings:

#### a) Case #FY15-11

**Application by William N. Rogers on behalf of Josephine Romeo** for endorsement of a plan believed not to require approval (ANR) to combine two existing lots into one single lot at the property located at **44-48 Winslow Street (Assessor's Map 8-2, Parcels 19D & 19)**.

William N. Rogers appeared and submitted a mylar copy for the Board to sign.

*There was a motion by Dorothy Palanza to endorse a plan believed not to require approval (ANR) combining two existing lots into one single lot at the property located at 44-48 Winslow Street (Assessor's Map 8-2, Parcels 19D & 19). The motion was seconded by John Golden. VOTE: 5-0-0.*

### 1. Public Comments:

None.

### 2. Public Hearings:

#### b) Case #FY15-3 (continued from September 11)

**Application by Eric Dray** requesting Site Plan Review and a Special Permit pursuant to Article 4, Special Regulations, Section 4015 (a)(1), Site Plan Review by Special Permit, of the Zoning By-Laws to create a fourth dwelling unit in a new freestanding structure at the property located at **258A Bradford Street**.

Eric Dray appeared to discuss the application. He submitted a revised plan showing the correct location of a second parking space, the locations of the septic system and leach field under the driveway, the proposed water line, and a bike rack. He also submitted a cut sheet for an exterior light fixture. The buried utility line was mistakenly left off the new site plan, however Mr. Dray explained that it would be located starting at the northwest corner of the building, running down the building and then continuing under the walkway. He also submitted a septic plan showing that there was enough space to run that line.

There was no public comment.

*There was a motion by Dorothy Palanza to approve the Site Plan and grant a Special Permit pursuant to Article 4, Special Regulations, Section 4015 (a)(1), Site Plan Review by Special Permit, of the Zoning By-Laws to create a fourth dwelling unit in a new freestanding structure at the property located at 258A Bradford Street. The motion was seconded by Grace Ryder-O'Malley. VOTE: 4-0-0. Grace Ryder-O'Malley will write the decision.*

c) **Case #FY15-5** (postponed from September 25)

**Application by Deborah Paine, Inc. on behalf of John Lamb and David Geiger** requesting Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to expand a ground level deck at the property located at **9 Telegraph Hill Road**.

David Geiger, John Lamb and Liam McCooe, of Deborah Paine, Inc., appeared to present the application. Mr. Geiger reviewed the project, which would allow the creation of stairs to the ground on the northwest end of the deck. On the south side, the deck would be extended slightly and wrap around the turret with another set of stairs to the ground. The expansion will entail a total of 297 sq. ft. The work area is already disturbed. No stock will be stored between the deck and the crest of the hill. Mr. Geiger has started planting in the area and care will be taken not to disturb the dune on the property or the new plantings during construction.

The Board questioned Mr. Geiger, Mr. Lamb and Mr. McCooe. The Board was concerned about the footings and their proximity to the crest of the hill. The Board asked that the footings nearest the crest of the hill be set farther back from hill and that the deck be cantilevered. The Board questioned Mr. Geiger about the landscaping plan. Mr. Geiger added that the white skirting under the deck would be removed.

There was no public comment. There were 2 letters in support of the application, 1 in opposition and 1 of 'no objection' to the project.

*There was a motion by John Golden to approve the Site Plan pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to expand a ground level deck at the property located at 9 Telegraph Hill Road with the condition that a revised site plan showing the new location of the footers and a cut sheet for the exterior light fixtures that will be installed be submitted. The motion was seconded by Brandon Quesnell. VOTE: 5-0-0.*

b) **Case #FY15-6** (postponed from September 25)

**Application by Jonathan Sinaiko** requesting Site Plan Review pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws, to construct a shed at the property located at **292 Bradford Street**.

Jonathan Sinaiko appeared to present the application. The shed will measure 8' by 12'. It will be built on a CMU block foundation of 4 blocks, one at each corner of the structure. The blocks will be flush with the ground. The materials will be recycled 2 x 4 framing for the walls, recycled 2 x 8 framing for the floor and recycled 2 x 12 framing for the roof. Recycled windows and roofing shingles will be used as well.

There were no public comments. There was 1 letter from an abutting property owner requesting more information about the shed.

The Board briefly questioned for the applicant.

*There was a motion by Dorothy Palanza to approve a Site Plan pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws, to construct a shed at the property located at 292 Bradford Street. The motion was seconded by John Golden. VOTE: 5-0-0.*

d) **Case #FY15-7**

**Application by Five Star Pet Services, LLC, dba Provincetown Pet Resort** requesting Site Plan Review and a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws for a commercial property with a curb cut greater than 25% of the frontage, for Phase 2 parking and landscaping improvements to a previously approved Site Plan (Case #FY14-21) at the property located at **79 Shank Painter Road**.

Attorney Eliot Parkhurst and property owner Tom Walter appeared to present the application. According to Attorney Parkhurst, the parcel upon which the structure sits is irregularly-shaped and the location of the structure is set diagonally on, and towards the front of, the property facing the street. These facts present challenges in terms of the requirements for the Special Permit and site plan review. Therefore, the applicant is asking for waivers from various sections of the Zoning By-Laws, including Article 5, Section 5331, Article 4, Sections 4163, 4163 (5), 4053 (1) (a), 4053 (1) (b), 4053 (2) and 4600. Attorney Parkhurst reviewed each waiver. The site plan showed a paver walkway from the street to the building's front entrance for pedestrian traffic and a second paved walkway located along the south lot line and buffering border garden, and running from the road to the pre-existing ADA ramp, will be used as access by pedestrians and bicycle users. Bicycle parking is proposed on that side of the property. Mr. Walter submitted photographs showing how the building is situated on the lot and of everyday life on Shank Painter Road, including deliveries of product to this and abutting properties.

Sherry Smith and Steven Athineos, both abutters, spoke in support of the application. Sally Brophy and John Clayton, both abutters, were neutral regarding the Special Permit issue, but complained about the noise emanating from the property. Jim Mahoney said he submitted a letter and would like to have the Board read his letter into the record. Ted Malone, who owns an abutting property, was concerned about the noise issue as addressed by previous speakers. He suggested landscaping mitigation/buffer for the noise. He cautioned the Board about making decisions that might negatively impact long

term planning for the rehabilitation of Shank Painter Road and wondered if it was within the Board's authority to give the applicant temporary relief until there was a more definitive plan for the area. There were 6 letters in support of the proposal and the waivers requested, none in opposition to the application, 7 letters in opposition to landscape buffers and planters on Shank Painter Road, and 5 letters addressing the noise issue.

The Board questioned Attorney Parkhurst and Mr. Walter. Some Board members were concerned about the implications of allowing a 100% curb cut, while others were equally concerned about taking away parking spaces from a business. Mr. Walter was concerned about losing parking spaces that are essential to the success and functioning of his business. The Board discussed ideas to re-configure the parking area to allow some kind of buffer to lessen the 100% curb cut with Attorney Parkhurst and Mr. Walter. The Board requested that the applicant continue the case and return with an alternate plan for the parking area. The Board was willing to schedule a work session to discuss any revised plans and indicated that those plans could be in the preliminary phase.

The Board discussed whether to require a traffic impact statement based on the change of use and a stormwater drainage assessment. The Board asked the applicant to address these issues and submit their findings when they returned with design alternatives to the parking area.

*There was a motion by Brandon Quesnell to continue the Case #FY15-7 until the December 11, 2014 Work Session when the applicant is requested to bring alternative layouts for the front parking area, a traffic impact study based on the change in use and a stormwater impact statement. The motion was seconded by Grace Ryder-O'Malley. VOTE: 5-0-0.*

e) **Case #FY15-8**

**Application by B&C Construction, Inc. on behalf of Evelyn Gentemann** requesting Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District (B), of the Zoning By-Laws to construct a dormer and a roof deck at the property located at **10 Telegraph Hill Road**.

Evelyn Gentemann and Kevin Bazarian appeared to present the application. The applicant seeks to connect two dormers on the south side of the structure with a 12' shed dormer and a deck. All construction work will be done from the deck and materials will be brought in via the driveway.

There was no public comment. There was 1 letter in support of the application.

The Board questioned Mr. Bazarian and Ms. Gentemann.

*There was a motion by John Golden to approve the site plan pursuant to Article 2, Section 2320, High Elevation Protection District (B), of the Zoning By-Laws to construct a dormer and a roof deck at the property located at 10 Telegraph Hill Road*

*with the conditions that a tear sheet for exterior lighting be submitted and that any lighting placed on the deck be dark sky compliant. The motion was seconded by Grace Ryder-O'Malley. VOTE: 5-0-0.*

The Public Hearing was adjourned at 9:12 P.M.

### 3. Work Session

#### a) **Case #FY15-9**

**Application by Trevors Tide, LLC** for endorsement of a plan believed not to require approval (ANR) to combine two existing lots into one single lot at the property located at **344-346 Commercial Street (Assessor's Map 12-1, Parcel 149 & 150).**

John McElwee and Tom Tanariello presented the application. The Board questioned Mr. McElwee.

*There was a motion by Dorothy Palanza to endorse a plan believed not to require approval (ANR) to combine two existing lots into one single lot at the property located at 344-346 Commercial Street (Assessor's Map 12-1, Parcel 149 & 150). The motion was seconded by John Golden. VOTE: 5-0-0.*

#### b) **Pending Decisions**

##### i. **Case #FY14-26**

**Request by Sprint Spectrum L.P.**, 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 approval pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District (B), of the Zoning By-Laws for the addition of two panel antennas and two remote radio heads, onto the existing water tank located at together with new cables down the side of the water tank to the existing ground mounted equipment at the property located at **120 Mt. Gilboa Road.**

John Golden read the decision. *There was a motion by Dorothy Palanza to accept the decision as written. John Golden seconded. VOTE: 5-0-0.*

##### ii. **Case #FY15-2**

**Application by 26 Alden LLC** requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to develop an existing building into nine dwelling units, three of which will be affordable, to reconfigure an existing parking lot and install landscaping, lighting, walkways and drainage, with associated site work at the property located at **26 Alden Street.**

The Board discussed the pedestrian easement issue at the property. Ms. McPherson updated the Board that the applicant was working with the Town and it seemed likely that there would be an easement granted to construct a path

between Alden Street and Motta Field along the side of the property and not using the existing stairs.

John Golden and Mark Weinress read the decision.

*There was a motion by Mark Weinress to accept the decision as written. The motion was seconded by Grace Ryder-O'Malley. VOTE: 5-0-0.*

- c) **Case #FY14-27 (need revised plans to sign)**  
**Application by William N. Rogers II, P.E., P.L.S., on behalf of Brad Locke Development, LLC**, requesting Site Plan Approval pursuant to Article 2, Districts and Regulations, Section 2320, High Elevation Protection District (A), and a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to demolish an existing single-family dwelling and construct three new single-family dwellings, an access drive and septic system, along with associated site work, landscaping and drainage at the property located at **664R Commercial Street**. The Board signed revised plans.
- d) Discussion of proposed by-law amendment public presentation materials. This matter was postponed to a Work Session to be held on Thursday, October 16, 2014 at 12:00 P.M. at the Squealing Pig restaurant.
- e) Review and approve the minutes of the September 23, 2014:  
*There was a motion by Mark Weinress to approve the language of the minutes of September 23, 2014 Public Hearing as written. The motion was seconded by Grace Ryder-O'Malley. VOTE 5-0-0.*
- f) Update on minute taking after Ellen's last meeting. The Board briefly discussed the issue.
- d) Any other business that may properly come before the Board.

There was a motion by Dorothy Palanza to adjourn the Planning Board meeting at 10:30 P.M.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2014  
Mark Weinress, Chair