

Planning Board Public Hearing
Wednesday, January 17, 2007
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

Members Present: Howard Burchman, Anne Howard, Ellen Battaglini and Kevin Rich

Members Excused: Joe DeMartino

Staff Present: Doug Taylor, Building Commissioner and Maxine Notaro, Permit Coordinator

Meeting called to order at 7 p.m.

Case #2007-01 Site Plan Review (Continued to February 21, 2007)

Application by Douglas Taylor under Article 4, Section 4100 of the Zoning Bylaws for Dwelling Units and Commercial Accommodations. The applicant seeks approval to create two community-housing units on the lot at the property located at 29 Alden Street (Res3 Zone).

Motion: to continue to February 21, 2007

Moved: Anne Howard **Second:** Kevin Rich **Vote:** 4:0:0

Motion: to take items out of order

Moved: Anne Howard **Second:** Ellen Battaglini **Vote:** 4:0:0

Application by William N. Rogers II and Lester Jay Murphy, on behalf of "Chateau Motel", Gordon Realty Trust.

Discussion on Preliminary subdivision Plan

Applicant is willing to grant any time waivers, if necessary.

The following are waivers that applicants will be seeking:

Sect 4A2d-25 foot radius where road meets paved surface not at property line as required.

Sect 4A4a, b-proposed grade will be maximum of 12%

Sect 4A5-dead end would be 600 feet not 400 feet as required

Sect 4A6-not sure if they will need a waiver

Sect5A7-pavement 18 feet not 20 feet and burm 18 inches not 24 inches as required.

Howard Burchman reminded Mr. Murphy to be prepared to present why and how this project is in the public interest.

Motion: to continue to February 21, 2007

Moved: Anne Howard **Second:** Ellen Battaglini **Vote:** 4:0:0

Case #2007-02 Site Plan Review

Application by Edward Malone under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A. The applicant seeks approval to move a single-family structure to a new foundation on the lot approximately 140 feet from its original location on the lot at the property located at 23 Race Point Road (Res3 Zone).

Ted Malone and Monica Stubner (property owner and construction manager)

Abutter cards submitted. Review of plan. Gordon Spingler representing Susan O'Neil Trust (an abutter) was present.

Site visit scheduled for February 7, 2007 at 5:00 p.m.

Motion: to take items out of order

Moved: Anne Howard **Second:** Ellen Battaglini **Vote:** 4:0:0

Doug Taylor left the meeting at 8:00 p.m.

Case #2007-03

Notice is hereby given that on January 17, 2007, the Planning Board will hold a hearing, pursuant to G.L. c.41, §81W, to consider modification, amendment or rescission of its constructive approval, as determined by the Massachusetts Appeals Court, of a plan entitled, "plan of Land in Provincetown being a Subdivision of Lot 2 as Shown on L.C.P. 37209B," dated February 26, 2004, and submitted by Henry Bloch. This matter was formerly heard by the Planning Board as Case No. 2004-05. At the hearing, the Planning Board may consider any grounds for possible modification, amendment or rescission, including but not limited to, considerations of whether the referenced plan depicts a subdivision entitled to approval under the Subdivision Control Law, whether the referenced plan would conform to the Planning Board's Rules and Regulations Governing the Subdivision of Land, and whether the referenced plan would conform to the Provincetown Zoning Bylaw.

A copy of the original applications dated May 07, 2004, a certified abutters list, the Planning Board's original decision, the above-referenced plan, and other related material are on file at the Town Clerk's Office, 260 Commercial Street, and are available for inspection. Pursuant to G.L. c.41, §81W, modification, amendment or rescission would not apply to lots within the subdivision that have already been sold or mortgaged in good faith. Ed Patton, attorney and Henry Bloch were present and requested that Planning Board not rescind constructive grant.

Anne Howard reminded Planning Board of overwhelming opposition to project in the past.

Public Comments:

Eric Mitteus, abutter, stated that no one in the neighborhood is in favor of this project and urges board to rescind approval.

Maryann Boswell, 16 Hobson Ave, urges board to rescind approval.

Letters from following people urging board to rescind approval were read into the record:

Arthur Gltzer, 876 Commercial Street

RS Mason

Pauline Saunders

Eleanor & Vladimer Schuster

Neil Hanscomb, 863 Commercial Street

Lisa M. Westervelt

Dennis Allee

Doug & Lisa Traub

Motion: to rescind constructive grant of approval and asserting prior decision that this is not a subdivision.

Moved: Anne Howard

Second: Kevin Rich

Vote: 4:0:0

Discussion on Zoning Bylaws

Board of Selectmen has requested that Cape Cod Commission make presentation on 40R-Smart Growth at a joint meeting with Planning Board on February 7, 2007.

Section 4800 revisions

Motion: To send revisions as corrected to Board of Selectmen

Moved: Anne Howard

Second: Ellen Battaglini

Vote: 4:0:0

Section 4170 revisions

-make it more universally applicable and provide greater incentive

-change 33% to 20%

-include local initiative language and density bonus

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary

Approved by _____ on _____