

Planning Board Public Hearing  
Wednesday, February 21, 2007  
Judge Welsh Hearing Room, Town Hall  
260 Commercial Street, Provincetown, MA 02657

Members Present: Anne Howard, Ellen Battaglini and Joe DeMartino

Staff Present: Maxine Notaro, Permit Coordinator and Matt Mulvey, Acting Building Commissioner

Meeting called to order at 7:00 p.m.

**98 Bayberry Avenue Site Visit** 5:00 p.m. - Anne Howard and Ellen Battaglini attended.  
Another site visit scheduled for March 7, 2007 at 5:00 p.m.

**Joint meeting with the LHP to discuss Zoning Bylaw Revisions**

**Article 4170-** LHP reported that they do not want to change from 33% to 20% as suggested by Planning Board. LHP and Planning Board exchanged and reviewed each others revised versions. Questions as to whether it makes sense to meet again or if there is no room for compromise.

**Motion:** to schedule another meeting for February 28, 2007 at 7:00 p.m.

**Moved:** Ellen Battaglini                      **Second:** Joe DeMartino                      **Vote:** 3:0:0

**Case #2007-02 Site Plan Review** (Continued from January 17, 2007 & February 7, 2007)

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).

Applicants went before Conservation Commission and received approval after agreeing to move house about 6 feet back from original plan. Revised plan reflecting changes were submitted.

**Motion:** to approve with condition that Conservation Commission Negative Three determination is upheld.

**Moved:** Joe DeMartino                      **Second:** Ellen Battaglini                      **Vote:** 3:0:0

**Case #2007-04 Site Plan Review**

Application by **Neal Kimball on behalf of Irene Gage** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A. The applicant seeks approval to modify the existing dwelling unit located in the High Elevation Protection District area 56' +/- by increasing the footprint and modifying the style from contemporary to traditional and increase the number of stories from 2 to 2½ at the property located at **98 Bayberry Avenue Road** (Res1 Zone).

**Motion:** to continue to March 7, 2007

**Moved:** Ellen Battaglini                      **Second:** Joe DeMartino                      **Vote:** 3:0:0

**Request for Approval Not Required**

John McElwee of Felco, Inc. on behalf of Provincetown Purchase Trust II to remove a lot line to create one lot at the property located at 102 and 102A Bradford Street.

**Motion:** to accept the request to withdraw without prejudice

**Moved:** Joe DeMartino

**Second:** Ellen Battaglini

**Vote:** 3:0:0

**Request for Approval Not Required Pre-Application**

John McElwee of Felco, Inc. on behalf of Bradford Montello Realty Trust to discuss creating two lots from one lot at the property located at 35 Bradford Street.

**Motion:** to continue to March 7, 2007 (no quorum as Joe DeMartino would have to recuse himself from hearing case)

**Moved:** Ellen Battaglini

**Second:** Joe DeMartino

**Vote:** 3:0:0

**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 accept the request to withdraw without prejudice

**Moved:** Joe DeMartino

**Second:** Ellen Battaglini

**Vote:** 3:0:0

**Preliminary Subdivision**

Application by William N. Rogers II, on behalf of "Chateau Motel", Gordon Realty Trust  
Discussion on Preliminary Subdivision Plan (**Request continuation to February 21, 2007**)  
Applicants requesting continuance.

**Motion:** to accept request to continue until April 18, 2007

**Moved:** Joe DeMartino

**Second:** Ellen Battaglini

**Vote:** 3:0:0

Jay Murphy representing the Tides Motel (Bay Harbour) requesting a partial release of covenants (all but lot 16)

**Motion:** to release covenants on lots 9-15

**Moved:** Joe DeMartino

**Second:** Ellen Battaglini

**Vote:** 3:0:0

**Motion:** to approve minutes from February 7, 2007

**Moved:** Joe DeMartino

**Second:** Ellen Battaglini

**Vote:** 3:0:0

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary

Approved by \_\_\_\_\_ on \_\_\_\_\_