

Planning Board Public Hearing
Wednesday, May 16, 2007
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

Members Present: Howard Burchman, Anne Howard, Kevin Rich, Ellen Battaglini and Joe DeMartino
Staff Present: Maxine Notaro, Permit Coordinator and Matt Mulvey, Acting Building Commissioner and Director of Community Development

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

Site Visit 21 Bradford Street Extension 6:30 p.m.

Howard Burchman, Kevin Rich and Joe DeMartino attended.

Public Meeting 7:00 p.m.

Case #2007-07 Site Plan Review

Application by **David Krohn on behalf of WK Red Clay, LLC** under Article 4, Section 4100 of the Zoning Bylaws for Dwelling Units and Commercial Accommodations. The applicant seeks approval for the removal of two buildings and for the construction of five buildings to contain a total of 17 residential units and for modification of the commercial tennis operation at the property located at **21 Bradford Street Extension, Provincetown, MA. (Res1 Zone)**

Dave Krohn and Jim Watkins, Co-Owner; Jay Murphy, Attorney; Reggie Donoghue, Coastal Engineering; Mark Kinnane, Cape Associates and Delwyn Trent, Property Manager representing applicants.

Anne Howard recused herself from this case.

Local Housing Partnership voted unanimous support for project, Historic District Commission approved project on March 21, 2007, Board of Health gave unanimous approval on March 22, 2007, Community Housing Action Plan has recommended project, Zoning Board of Appeals issued necessary Special Permit for project, Chief of Police offered verbal support for project, Fire Chief has indicated support but has not as yet, issued written support, Conservation Commission has continued the case until May 29, 2007 meeting with some issues still of concern.

Applicants addressed requirements of Site Plan Review as follows:

4120-17 units with lot coverage 31,500 feet—109,000 feet allowed

4130-not applicable

4140-40% maximum allowed, 9.5% proposed

4150-30% minimum green space allowed, 63% proposed

4162-ZBA issued Special Permit authorizing the continuance of pre-existing non conforming multi-family use. All other permits have been issued except ConCom which is pending.

4163-all design requirements have been met

4170-applicants are proposing thoughtful, environmentally sound development most of which is occurring on least sensitive part of property. Tennis operation will continue.

5331-applicants do not think Development Impact Statement is required but did address many issues and requested that Planning Board waive need for this.

Public Comments:

Richard Morse, abutter at Hatches Harbor Condo, spoke in support of project and its owners.

Ted Malone, abutter, spoke in support of project.

Joan Gibbons, abutter and trustee of Hatches Harbor Condo, thanked the owners for their cooperation but did express the following objections which while under continued negotiation are still not resolved; limited amount of parking for tennis courts; location of trash disposal; and concerns about emergency vehicle access.

Planning Board requested that following items be presented at next meeting:

Conservation Commission decision, illumination plan, letter of support from Fire Chief and a new parking allocation plan.

Motion: To continue to June 6, 2007 meeting

Moved: Kevin Rich

Second: Ellen Battaglini

Vote: 4:0:0

Preliminary Subdivision Plan

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

Discussion on Preliminary Subdivision Plan for 105 Bradford Street Extension

Jay Murphy on behalf of applicants explained that William Rogers has not been able to complete re-engineering/re-design plan and requested that case be continued to June 6, 2007.

Jay Murphy on behalf of Harbour Drive, 837 Commercial Street

Jay Murphy requested complete release of covenants even though all work has not been completed. He presented estimate of \$20,000 for the completion and requested that an agreed upon sum be put into escrow.

Motion: to release Planning Board covenant conditioned on receipt of the town from property owner of \$35,000 to be held by town until completion of work to be certified by engineer and approved by Planning Board. If work is not completed within 6 months, town can use funds to complete the work themselves.

Moved: Anne Howard

Second: Joe DeMartino

Vote: 5:0:0

Preliminary Subdivision Plan

Application by John McElwee Felco, Inc. on behalf of Donald Cote, Joseph Melone & Highland Moors Homeowners Association

Discussion on Preliminary Subdivision Plan for 29-31 Pilgrim Heights Road

Parcel 1 to be conveyed to the Highland Moors Homeowners Association Inc. by Donald Cote and Kenneth Kruse

Parcel 2 to be conveyed to Donald Cote and Kenneth Kruse by the Highland Moors Homeowners Association Inc.

Parcel 3 to be conveyed to Joseph Melone by the Highland Moors Homeowners Association Inc.

John McElwee explained that this was a road rescission plan which is a housekeeping measure amongst owners and condo association.

Applicant was encouraged to proceed.

Discussion on proposed Zoning Bylaws

David Nicoleau and Ted Malone participated in discussion of 4170 particularly the issues of fee in lieu of and offsite options. It was decided that Martha Heavnor from Cape Cod Commission and other interested parties be invited to June 6, 2007 meeting for more substantial discussion.

Ted Malone requested that all previous ANR's regarding 43 Race Point Road be rescinded and that they proceed with Site Plan Review.

Minutes

Motion: to approve minutes from February 21, 2007

Moved: Joe DeMartino **Second:** Ellen Battaglini **Vote:** 3:0:2

Motion: to approve minutes from May 2, 2007

Moved: Kevin Rich **Second:** Joe DeMartino **Vote:** 4:0:1

Board reorganization

Motion: to nominate Howard Burchman as Chairperson

Moved: Joe DeMartino **Second:** Ellen Battaglini **Vote:** 4:0:0

Anne Howard commented that she hoped that he would be more available and present around Town Meeting time next year.

Motion: to nominate Anne Howard as Vice-Chairperson

Moved: Ellen Battaglini **Second:** Joe DeMartino **Vote:** 4:0:0

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary

Approved by _____ on _____