

Planning Board Public Hearing
Wednesday, September 05, 2007
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

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

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

Pending Cases

Case #2007-07 Site Plan Review (Continued from June 6, & June 20, 2007 & July 18, 2007 & Aug. 1, 2007)

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)

Anne Howard recused herself from the case.

Jay Murphy, Attorney for the applicants stated they did not have Conservation Commission approve at the initial presentation but did have approvals from both Zoning and Board Health. Subsequent to those meetings they met with the Board of Fire Engineers who had an issue with the access. The proposal is to relocate the clubhouse to accommodate those concerns.

The Conservation Commission has since approved the project. However, there is still no written response from the Fire Chief but what the Board of Fire Engineers requested has been identified on the plans. It will also require Zoning Board of Appeals for a modification to the plans.

There is no change in the number of dwelling units. The only change is the relocation of the clubhouse.

Attorney Murphy is requesting of the Planning Board conditional approval pending Zoning Board of Appeals approval for the relocation of the buildings on the lot. Units 1 through 11 will remain the same and units 13, 14, 15, 16 and the clubhouse will be relocated to accommodate the turnaround. There is parking for three employees with five spaces for the Tennis Court with the remainder as resident parking.

The engineers are working with the Water Department on the location of a hydrant and water system, which depicts on the plans submitted as being looped around.

Joe DeMartino said the Fire Chief's concerns have been addressed; therefore, he would be in favor of approving with the final approval from the Zoning Board of Appeals.

Howard Burchman said the Bylaw under Section 4160 states other approvals must be obtained and this project requires going back to the Zoning Board of Appeals per Town Counsel.

Kevin Rich said he feels the applicants have made a good faith effort.

Motion: To approve the application and the plans as presented contingent upon modification of the Zoning Board of Appeals and Fire Chief approval.

Moved: Joe DeMartino moved to approve contingent upon modification of ZBA and Fire Chief approval.

Seconded: Kevin Rich. Voted: Unanimously.

Case # 2007-14 Definitive Subdivision Plan (Continue to September 19, 2007)

Application by **William N. Rogers II, P.E., P.L.S. on behalf of Gordon Realty Trust** under Chapter 41, Section 81-L for approval of a proposed subdivision shown on a plan entitled subdivision plan in accordance with the Rules and Regulations of the Provincetown Planning Board and as shown on a plan entitled Plan of Land in Provincetown by William N. Rogers II, P.E., P.L.S., dated June 25, 2007 located at 105 & 109R Bradford Street Extension and 7A & 7B Point Street, Provincetown, (Res1 Zone), Provincetown, MA.

– Matt Mulvey, Acting Building Commissioner will write a report based on Section 2 of the Planning Board Rules and Regulations and will forward said report to Attorney Murphy.

Motion: To continue to October 3, 2007 meeting.

Moved: Joe DeMartino. Seconded: Anne Howard. Voted: Unanimously.

– **New Cases**

Case #2007-17 Site Plan Review (Request continuance/postponement to September 19, 2007)

Application by **Julie Schecter** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A. The applicant seeks approval for the construction of a single family dwelling and associated site work at the property located at **207A Bradford Street**, (Res3 Zone), Provincetown, MA.

The Board received a letter from Coastal Engineering requesting continuance to the September 19, 2007 meeting waiving the time constraints.

Howard Burchman requested that this case be heard at the October 3, 2007 meeting with a scheduled site visit for 5:30 pm.

Moved: Anne Howard moved to schedule a site visit at 5:30 pm and a 7:00 pm hearing on October 3, 2007.

Seconded: Ellen Battaglini. Voted: Unanimously.

Case #2007-18 Site Plan Review

Application by **Paul M. Richardson** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A. The applicant seeks approval to amend a previously approved site plan to change a partial full basement and partial crawl space to a full basement and to delineate parking at the property located at **44-48 Pearl Street**, (ResB Zone), Provincetown, MA.

– Joe DeMartino and Kevin Rich both recused themselves from this case.

Speaking for the project was Paul Richardson, Gregg Morris and Bob O'Malley.

History of the building – a building permit had been issued by a previous Building Commissioner. The plans originally submitted to Planning showed a half basement, not a full basement. The plans must reflect a full basement and it must show parking.

Anne Howard said previous discussions on this property regarding parking had been discussed.

Letters read into the record. There were two letters in support and one from Donna Cooper in opposition. Ms. Cooper urged the Board not to allow the parking on the side next to her house.

Paul Richardson said he proceeded with the project in good faith. The then Building Commissioner had issued a building permit with the full basement as shown. The building permit was issued in two parts – first is the foundation permit and once completed then the building permit for the structure is issued.

The parking was placed on site so as to move it from off the street. The property consists of three one-bedroom units that required at least three parking spaces. There was not other alternative except to place the parking in its present location.

Gregg Morris, contractor said he had discussed reviewed the plans with the then Building Commissioner who had no issues with the front wall.

Anne Howard said Mr. Richardson should have been advised to file an amendment before the Planning Board and a paper trail should have been recorded.

Paul Richardson said the Building Commissioner, after having issued a permit, put a post-it-note in the file that said must go back to planning for review.

Anne Howard said she wanted verification from Felco on the certification of the foundation.

Paul Richardson said Felco submitted a post construction foundation plans.

Howard Burchman felt the application was not complete based on the requirements under 2320 of the Zoning By-Laws.

Anne Howard asked why four parking spaces are shown when in fact there are only three units. Perhaps the direct abutter would be more amenable to the parking request if only three were being requested. The abutter is correct in saying the Planning Board is seeing this a year later than they should be. The Board is probably not going to make you tear out the foundation and put in a crawl space, however, it might be best to only put in three parking spaces.

Howard Burchman suggested the Board members set up a site visit before any action is taken.

Site Visit scheduled for Tuesday, September 11, 2007 at 5:30 pm.

Motion: To continue the case until the October 3, 2007 meeting.

Moved: Anne Howard. Seconded: Ellen Battaglini. Voted: Unanimously.

-
Request for Approval Not Required Pre-Application

William N. Rogers, II on behalf of Edward Foley & Sherman A. Merrill to create three buildable house lots at the property located at 4, 4R, 6 & 6R, Provincetown, MA.

Gary Locke said there are four parcels of land.

The Board members scheduled a Site Visit for September 11, 2007 at 5:30 pm.

-
Request for Approval Not Required Pre-Application

Slade Associates, Inc. on behalf of the Miller Hill Realty Corp. to create three lots from one lot at the property located at 29 Miller Hill Road, Provincetown, MA.

Kevin Rich recused himself.

Chet Lay represented the property owner. He is requesting a Site Visit. The Planning Board signed a plan in 1995, however, that plan was never recorded. The plan changed slightly because lot 34 was conveyed to Ken Weiss. There is a 14' wide access for the Fire Department that has a sub-base of hardening and then crushed shells.

A Site Visit is scheduled at 5:00 pm on October 3, 2007.

Old Business

Discussion on Zoning By-Laws – Martha Hevenor said she cleaned up the language in the Inclusionary Bylaw. 40R – there is a great amount of work in the application process.

Adjournment

Motion by Joe DeMartino to adjourn the meeting at 9:22 pm.

Respectfully submitted,

Maxine Notaro

Permit Coordinator

