

Planning Board
Judge Welsh Hearing Room
October 3, 2007

Members Present: Ellen Battaglini, Howard Burchman,
Joseph De Martino, Annie Howard, and Kevin Rich.

Members Absent: none

Site Visit 5:00 p.m. at 29 Miller Hill Road, Provincetown, MA
5:30 p.m. at 207A Bradford Street, Provincetown, MA

New Case

Case #2007-17 Site Plan Review

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.

Duane Landreth outlined the project. Reggie Donahue had revised the plans which were submitted. Slope to 12% and added a ton of stone. The run-off will be contained on the site. The landscaping will have beach plum and rose rugosa and the retaining walls will be less than 4' due to proximity to adjacent property.

Susan Alcott/Thomas Clancey had no objection to the project and Genevieve Martin was in favor of the project.

Height of the Building:

A request for a curb cut is before the BoS and is required. Emergency vehicles would have difficulty getting up areas with a 12% slope. 12% is 1 degree per 8 feet – Reggie said it's not that steep.

Howard said they would have to do a waiver. Reggie said that's for streets and this is a driveway.

Roger Martin – 5 Cook Street said that it's a solitary dune and the last one in Provincetown. It was clandestinely attacked. It was under height restrictions previously before it was attacked.

It should be a place for the public to view the harbor. The house on this property would exceed the height. Ice House and School House would come close to it.

Bradford Street is a terrible street and the intersection of Cook Street is especially terrible. This will

also be a dangerous place for people to enter and exit. Delivery trucks will block the street because they won't be able to go up the hill. The Fire Department will have difficulty getting up to the dwelling in case of fire.

Joe DeMartino: District B building will be away from the 26' crest of the hills – much rather have a dwelling go into the hole rather than destroy the dune.

Kevin Rich: What's the status of the variance? Variance is no longer necessary – they now have 50' of frontage. The Town's suit is between the previous owner and the Town. Town would need to drop its suit. You only have 25' frontage from Bradford Street. Plans were presented as if – in high elevation district – they are complying with the Zoning by-laws.

Anne Howard: Someone could come in with a larger house. They are 7' lower than the requirements for a hip and gable.

Dr. Janet Whelan: Why was work previously stopped in the first place?

Anne H: No permit to excavate because dune was 40 feet.

Howard Burchman: Frontage would have to be established first. The 50' of frontage goes with the property off of Cesco Lane. Safety off of Cesco Lane would be better than off of Bradford Street.

Motion: Move to approve site plan for 207A Bradford Street as per revised plan on 9/28/07.

Motion: Anne Howard Seconded: Joe DeMartino Vote: unanimous

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Pending Cases

Case #2007-19 Site Plan Review

Application by **William N. Rogers, II, P.E. P.L. S. on behalf of Dragonfly Realty Trust** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A. The applicant seeks approval to add a proposed 16' x 11'6" screen porch with deck above and a new spiral stair to the rear southwest corner of the existing building and install a new title 5 upgrade in the driveway at the property located at **3 Pilgrim Heights Road, Provincetown, MA (Res1 Zone)**.

Anne H. and Joe D. did a site visit on 9/24/07. William Rogers, II submitted revised plans and corrected the zoning application to the corrected 11' length to 14'.

Motion: Move to approve the site plan as revised dated 9/20/07.

Motion: Anne Howard Seconded: Ellen Battaglini Vote: unanimous

Case # 2007-14 Definitive Subdivision Plan

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.**

The road is being redesigned at 10% grade – water line is not complete. The Water Department prefers to loop line; they would like to come down Oppen Lane. Mr. Gordon needs to seek permission to access Oppen Lane for water line loop. He requested a continuance.

William Rogers, II said that the Water Superintendent does not have a problem dead-ending the water line but prefers they investigate looking into looping through Oppen Lane. Would like a continuance to December 5th.

Motion: Move to continue the case to December 5th provided time constraints are waived to January 16, 2008.

Motion: Joe DeMartino Seconded: Anne Howard Vote: unanimous.

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 recused themselves. Paul Richardson did receive a site plan approval in January 2006 but it did not delineate parking on site. Full basement was built and was allowed by the Building Department. It allowed for 4 parking spaces – 2 along Pearl Street and 2 along the side of the building. The full basement however has no access from the interior.

Anne H. said it was for tandem parking – the shells would be raked back and a decorative wrought iron fence would be installed. The homeowner opted to put in iron posts and chain.

Motion: Anne Howard moved to approve the amended site plan.

Seconded: Ellen Battaglini.

Voted: Three in favor and none opposed. (3-0-0)

Request for Approval Not Required

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

It was discussed Private vs. Public and it was so proven that it is a private way. Gate to be installed.

Motion: Move to endorse the ANR for 2057-2 as presented.

Motion: Anne Howard Seconded: Ellen Battaglini Vote: Three in favor and none opposed and one abstention. (3-0-1)

Joe DeMartino abstained from voting because he felt rushed.

Request for Approval Not Required

Coastal Engineering Company, Inc. on behalf of Charles W. Silva to remove assessors map 7-3, parcel 8 from proposed Lot 2 at the property located at 39 Ship's Way Road, Provincetown, MA

Remove 10X 8 from original layout creating 4 lots instead of 5.

Motion: Move to endorse ANR plan dated 8/30/2007 as presented noting that the plan adopted by Planning on 9/7/2005 was never recorded and is not void.

Motion: Joe DeMartino Seconded: Anne Howard Vote: unanimous.

Request for Approval Not Required

Edward Malone for proper frontage and access by easements at the property located at 23-43 Race Point Road, Provincetown, MA

Creating lots 19, 21, 35, and 43. 2003-08 ANR – April 2, 2003 recorded in land court. Nothing else was land courted. Two easement owned by same owner could remove both easements and then create new easement. Would have to be concurrent because of existing locations. Easement set by bounds and not lot lines. (Easement Plan – deed Lot 6.)

Prior easement to lot 2 from lot 1, lot 6 is now subset to what was lot 2 but access would not be the same way. House would have easement across barn until there is a road.

Joe DeMartino asked – why not present proposed easements on plan all at once to show how they are laid out?

Motion: Endorse the plan as submitted dated 10/1/07 which supercedes previous plans ANR's 2003-08, 2005-16 and 2006-08.

Motion: Joe DeMartino Seconded: Anne Howard Vote: unanimous.

Old Business

Discussion on Zoning By-Laws

Minutes

Any other business that shall properly come before the board

Motion: Move to adjourn

Motion: Kevin Rich

Seconded: Ellen Battaglini

Vote: unanimous.