

Planning Board Public Hearing  
Wednesday, December 5, 2007  
Judge Welsh Hearing Room, Town Hall  
260 Commercial Street, Provincetown, MA 02657

Members Present: Anne Howard, Ellen Battaglini, Kevin Rich and Joe DeMartino

Staff Excused: Howard Burchman

Staff Present: Maxine Notaro, Permit Coordinator and David Gardner, Asst. Town Manager

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

**Escrow Funds**

Cassandra Benson & Gerry Anathan, 6 Sandy Hill Lane, request release of escrow funds

**Motion:** to table until later in meeting

**Moved:** Kevin Rich           **Second:** Joe DeMartino           **Vote:** 3:0:0

**Approval Not Required Pre-Application**

John McElwee of Felco, Inc. on behalf of Caro Campbell Hawthorne, 46 Harry Kemp Way, to create three parcels of land from one lot.

Planning Board encouraged applicant to go forward with Approval Not Required.

**Approval Not Required Pre-Application**

John McElwee of Felco, Inc. on behalf of Michael Winstanley to convey a piece of land from 781 Commercial Street to 779 Commercial Street to create a conforming lot at 779 Commercial Street. Joe DeMartino has recused himself due to conflict of interest.

Planning Board encouraged applicant to go forward with Approval Not Required.

**Continued Case**

**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.

**Motion:** to continue case until February 7, 2008 as requested by applicants.

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

**New Cases**

**Case #2007-26 Definitive Subdivision Plan**

Application by **John McElwee of Felco, Inc. on behalf of Donald Cote, Kenneth Kruse, Joseph Melone and the Highland Moors Homeowners Association, Inc.** under Chapter 41, Section 81-L for approval of a redefinition of Pilgrim Heights Road and Lots 15 & 16 known as 29 and 31 Pilgrim Heights Road shown on a subdivision plan in accordance with the Rules and Regulations of the Provincetown Planning Board and as defined on Land Court Plan 16929-B entitled Plan of Land in Provincetown by

John McElwee of Felco, Inc. dated September 17, 2007 located at 29 and 31 Pilgrim Heights Road, Provincetown, MA (Res 1 Zone).

John McElwee representing applicants. Abutter cards submitted.

**Motion:** to accept Subdivision Plan as presented.

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

### **Case #2007-27 Site Plan Review**

Application by **Edward Malone** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A and, under Article 4, Section 4000, Commercial Business Retail, Wholesale, Service and Industrial and, under Article 4, Section 4100, Dwelling Units and Commercial Accommodations. The applicant seeks approval for the modification of an approved Site Plan (Case# 2006-05), to construct the studio building in a new location and revise the traffic pattern at the property located at 43 Race Point Road (Res3 Zone).

Abutter cards submitted. Planning Board approved original Site Plan on March, 2006. New Site Plan was presented as well as written narrative addressing Site Plan Review Regulations.

Richard Wood, owner of Nelson's Bait & Tackle stated following concerns:

Width of driveway, proposed entrance and exit for residential area that intersects with commercial area, and parking area. He has talked to Ted Malone and feels satisfied that issues will be worked out satisfactorily. He also submitted letter to board.

Letters were submitted from Chris Hottle and Denny Camino in support. Letter from Lisa and Larry Meads against project.

Kevin Rich asked about safety/signage for intersection of driveways. Ted Malone assured that Stop signs would be put in place.

Joe DeMartino asked why they changed from one way to two way traffic. Issue of illumination was discussed.

**Motion:** to approve Site Plan (03023SIT-L3) with supporting documentation as submitted.

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

Planning Board has decided to hear the following 2 cases together.

### **Case #2007-28 Site Plan Review**

Application by **Edward Malone** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A and, under Article 4, Section 4100, Dwelling Units and Commercial Accommodations. The applicant seeks approval for the proposed construction of 20 residential units in 7 buildings and associated site construction and demo the garage workspaces at the property located at 19 Race Point Road (Res3 Zone).

### **Case #2007-29 Site Plan Review**

Application by **Edward Malone** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A and, under Article 4, Section 4100, Dwelling Units and Commercial Accommodations. The applicant seeks approval for the proposed construction of 15 residential units in 6 structures and associated site work at the property located at 35 Race Point Road (Res3 Zone).  
Open to the public.

Lynn Stanley, 48 Nelson Ave. in an affordable rental unit spoke in favor of project.

Elizabeth Bridgewater, resident of Provincetown and is Executive Director of Lower Cape Cod Community Development Corporation spoke strongly in favor of project citing affordable housing

needs and goals.

Mary Peres, 48 Nelson Ave. an affordable rental unit, built and managed by Ted Malone, spoke in favor of project.

Nancy Roderick, abutter on Nelson Avenue spoke against project citing scale as being too large and too vague.

Jude Maria, 14 Nelson Ave. spoke against project citing excessively large scale and the ruin of neighborhood.

Carl Osowski, abutter, spoke against project citing water issues and large scale.

Letters cited in previous case apply to these cases as well.

Ted Malone claims that in comparison to other developments this is under scale.

Kevin Rich asked what about project needed ZBA approval. Special permits will be needed for scale issue on one building and approval for more than 6 units per lot. Project is also waiting for Board of Fire Engineer's report, Water & Sewer Board and DPW report.

Joe DeMartino asked about septic issues. Project will be hooked up to town sewer system.

Kevin Rich said he would like to see a Development Impact Statement given size of project and to help address abutters concerns.

Want to see plan with actual frontage calculations.

Applicant submitted waiver of 30 day time restrictions for Cases 2007-28 and 2007-29.

**Motion:** to accept applicants waiver request

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

**Motion:** to continue Cases for 2007-28 and 2007-29 until December 19, 2007

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

Anne Howard, Kevin Rich and Howard Burchman met with Provincetown Community Housing Council along with Martha Heavnor and discussed the exclusionary bylaw.

Meeting adjourned at 9:30p.m.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary