

**Planning Board Public Meeting
Wednesday, March 15, 2006
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657**

Members Present: Howard Burchman, Anne Howard and Ellen Battaglini

Staff Present: Doug Taylor, Building Commissioner and Maxine Notaro, Permit Coordinator

Excused absence: Kevin Rich

Meeting called to order at 7 p.m.

***Ted Malone for Case 2006-05 for Site Plan Review and Case 2006-08 ANR
Anne Howard made a motion to take both cases consecutively.
Seconded by Ellen Battaglini. Voted unanimously.***

Case# 2006-05 Site Plan Review

Ted Malone submitted a site plan showing the location of the retaining wall and drainage. The lots created by the ANR left a large parcel of land. The commercial activity on the property is carved out into one lot. The total development shows the existing structures.

One area on the plan showed the new road layout. The original road was artificially built up to accommodate the house on the hill. The circle will be counter clockwise and the employee parking will be located in the back. There are a total of 44 parking spaces; 42 are for the commercial uses and one each for the two residential units. The square footage ratio per commercial space is 350 sq. ft., which gives 42 parking spaces plus the one space per residential unit.

Lot coverage is 17.3% vs. the 40% permitted, which leaves 46% of green area. The traffic flow and the access point all work together. Buffering of trees areas take place.

There are a variety of businesses that will draw activity. The bike shop will not be in operation after this season. The garden shop will be relocated on site. This development will operate with year-round businesses.

Illumination Issues

Mr. Malone said he met with the immediate abutters regarding lighting. The abutters said they would like to keep the area secluded as much as possible; therefore, no light will be shed onto the neighborhood.

Mr. Malone requested a waiver from the Traffic Impact Assessment and the Development Impact Statement.

The road change is the most significant to this property.

Doug Taylor asked the applicant how he intended on addressing the High Elevation issues.

Mr. Malone said the property drops down on the south side to Conservation Commission land. The range is from 40 to 42 and the low is 38 at the existing entry corner. The highest point is 52. The southeast corner range is from 40 to 60.

Doug Taylor asked how much cut and fill would be required.

Ted Malone said there would be very limited fill required.

Doug Taylor said it appears this is not a big cut and fill project, therefore, will probably surpass the Bylaw required.

Anne Howard said this is a reconstitution of an already developed commercial use area for more than 20+

years. The uses now being requested are not dramatically different from previous years.

Ellen Battaglini agreed.

Howard Burchman said he was glad to see the existing uses remain and will maintain character during development.

Anne Howard moved to grant relief from 5331. Development Impact Statement.

Ellen Battaglini seconded the motion. Voted unanimously.

Ted Malone there is substantial improvement to what exists. A curb cut will have to be approved by the State because the access is from a State road.

Howard Burchman said the Board will revisit the traffic analysis when the plan is brought back before the Planning Board for the residential aspect of the project.

Ted Malone said he would have to disclose to the State there is a future phase to the project. However, this portion of the project does meet the requirements for a curb cut.

Anne Howard said the State might look hard at this area because of the development over the past several years. We would support a sidewalk. There is increased traffic, whether it is pedestrian, bicycle, vehicular, or foot traffic now in this area.

Howard Burchman said this issue would have to be addressed at a later date.

Anne Howard said she would prefer to not piece meal the project.

Doug Taylor said the Board should be looking at the project as it is presented.

Article 4 Special Regulations

4053 Design Standards

Access and Traffic impact:

A Traffic Impact Assessment shall be prepared including: a detailed assessment of the traffic safety impacts of the proposed project on the carrying capacity of any adjacent road, a plan to minimize any such impacts, adequate pedestrian and bicycle access including sidewalks to provide access to adjacent properties and between individual businesses within a development.

Ted Malone said this phase is the least change to the project. Emergency vehicle access will be proposed.

Anne Howard moved to accept the waiver of 4053, Section 1b.

Ellen Battaglini seconded the motion. Voted unanimously.

Anne Howard said the scope of the project and the percentage will be greater than 2500 cubic feet, however, as long as there will not be a lot of removal and fill then there should be no problem.

Anne Howard moved to approve the Site Plan for 43 Race point Road with the revised date of 3/14/06, plan 03-023 with the two waivers as described and that the Planning Board acknowledges that a percentage of high elevation protection district A will require the removal of more than 2500 cubic feet of fill. Also, the report submitted by Ted Malone is made a part of the record.

Ellen Battaglini seconded the motion. Voted unanimously.

Case# 2006-08 Approval Not Required Plan

Application by CHR, Inc. Ted Malone for proper frontage and real access to the site for the property located at 43 Race Point Road (Res3 Zone).

Access will not be on Nelson Avenue.

The property consists of 5 lots. One lot is being further subdivided into two lots known as 1A and 1B. An easement will be required from 1B to access lot 1A.

The existing garage building will be removed.

Anne Howard moved to endorse the plan as presented.

Ellen Battaglini seconded the motion. Voted unanimously.

Case# 2006-06 and Case# 2006-07 Site Plan Review

Neal Kimball of Kimball Residential Design and Attorney Chris Snow made the presentation on behalf of Provincetown Hospitality, LLC
540-544 Commercial Street and 543-545 Commercial Street to convert existing motel units to multi-family residential units.

Howard Burchman asked if they could satisfy under the Zoning By-law Article 4 – Special Regulations, Section 4162 Consideration and 4163 Design Standards.

Attorney Snow said they could not. The Conservation Commission cannot act until all approvals are in place. At present, they are waiting on FEMA who are not available at this time. FEMA has put all other projects on hold until they are clear from New Orleans devastation. He said they would waive all time constraints. They would like to use this meeting as an opening for a dialogue for the project without having to put pressures on anyone.

Technically the Planning Board will not be hearing the case until all other processes have been met. A letter from Attorney Snow waiving all time constraints will be forthcoming.

Neal Kimball said Building #1 is the building with the pool, which is the street side. Building #2 is the building on the waterside.

Building #1 at present has 45 guest units and one studio apartment. The proposed use will be for 14 condominium units consisting of eight 2-bedroom units and six 3-bedroom units.

Building #2 at present has 38 guest units, one 1-bedroom apartment, one 2-bedroom apartment with #4 and #5 as workers rooms. The proposal is to convert this building to 19 condo units consisting of five 1-bedroom units, twelve 2-bedroom units and two 3-bedroom units.

Both buildings are in need of major renovations. Based on the renovations required, the owners decided it would be a good time to convert to residential.

The owners are in the resort business and not the condominium conversion business, however, due to the heavy renovations that would be required they decided to condo both buildings.

The current parking area has approximately 100 spaces shared by both buildings. This leaves 2% or 3% green space. After proposed renovations, green space will be 33% with 56 parking spaces for both buildings.

Patrick Eleey, Landscape Architect said the proposal is to have water runoff contained on site and placed back into the green area. The plantings will be mostly native vegetation. The intention is to remove the brick retaining wall on all sides and replace with native plant material. The street façade will have a cedar fencing with privacy to the pool area.

Neal Kimball said there would be a beautiful garden on the town landing side of the property with common

access ways to the beach on the left and right sides of Building #2 – waterside.

Patrick Eleey said lighting would be residential in scale to be 7' or 8' in height with a radius of 15' and to have shades on the top. All lighting will be contained within the perimeter of the property.

Neal Kimball said the lighting would be of residential style at a conventional height.

Chris Snow said the intent is to contain and maintain the surface water on site. The green solution may be the best alternative for all. The plan is to open up the solid macadam and have plantings, which will also be very helpful to this area. A cistern will be installed on site and will disperse into the irrigation system. This will eliminate the surface water caused to the neighborhood.

Also, to further add, this neighborhood does not allow motels. These 83 motel units will become 39 residential units.

They will be looking at a Variance from density

Special Permit under 3110 on the poolside structure and to mansard the now flat roof to eliminate the problem of leaking

Special Permit under 3340E building scale and,
Variance for multi-family use

The town will gain in real estate tax vs. room tax. A new title 5 will be installed in the parking lot. More refined plans will evolve in the future.

This discussion is for preliminary purposes only and Attorney Chris Snow will be forwarding a letter waiving all time restraints.

Jim Baker of 248 Bradford Street said there is a storm drain of concern in the immediate area also. The motel parking lot is only half or three-quarters of the problem. Perhaps a traffic impact assessment should be required if the breezeway area will be changing. The board members should make a site visit to the area during a storm. A lot of people use the breezeway as an access to and from Commercial and Bradford Street. Also, reducing the retaining wall is a great idea, as it will prevent accidents from occurring in this area.

Doug Taylor asked if the elimination of the breezeway was of any importance to the property owner(s).

Neal Kimball said it is not a make or break situation.

Attorney Chris Snow said he would recommend to the owner(s) to keep it open.

Klaus Betten said the town is supposed to be putting in a drainage system. He asked if the proposed condominium project would be for year-round use and will it have on site management?

Neal Kimball said it would make sense to have a management company oversee the units.

Attorney Chris Snow said it is a condo complex that will have condominium documents that have not yet been determined.

Elsbeth Vevers said the breezeway is her only view of the water and further added that flooding to her property is a problem.

Anne Howard made a motion to continue cases 2006-06 and 2006-07 to their May 3, 2006 meeting.

Seconded by Ellen Battaglini. Voted unanimously.

12 Ship's Way Road Extension

Anne Howard made a motion to notice out this property for the meeting of March 29, 2006.

Seconded by Ellen Battaglini. Voted unanimously.

Minutes of March 1, 2006

Ellen Battaglini moved to approve the minutes of March 1, 2006.

Seconded by Anne Howard. Voted unanimously.

Adjournment

Ellen Battaglini moved to adjourn the meeting at 9:29 p.m.

Anne Howard seconded the motion. Voted unanimously.

Respectfully submitted,

Maxine Notaro

Permit Coordinator

Approved by _____ on _____