

Planning Board Public Hearing
Wednesday, September 6, 2006
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

Members Present: Howard Burchman, Anne Howard, Ellen Battaglini, Kevin Rich and Joe DeMartino
Staff Present: Doug Taylor, Building Commissioner and Maxine Notaro, Permit Coordinator

Public Hearing called to order at 7 p.m.

Site Visit

204 Bradford Street

6:15 pm

Agenda

Case #2006-08 Site Plan Review (Continued from August 9, 2006)

Application by **Robert Hughes on behalf of Ann O'Hara Hughes, Trustee** under Article 4, Section 4100 of the Zoning Bylaws for Dwelling Units and Commercial Accommodations. The applicant seeks approval for the construction of four new residential condominiums at the property located at **204 Bradford Street** (Res3 Zone).

Ellen Battaglini recused herself.

It was clarified that Joe DeMartino will participate in the discussion of above case but would not vote as he was not a member of the Planning Board at the time this case was first presented.

Howard Burchman clarified that Public Hearing was still open.

Jamie Veara, attorney, Robert Hughes, applicant, Patrick Eleey, landscape designer, Reggie Donohue, Coastal Engineering and Neil Kimball, Kimball Design were all present on behalf of applicant.

Proposing one structure with 4 separate units.

Jane Evans, Health Agent did inspection and determined that main house currently has 11 bedrooms and cottage has 1 for a total of 12 bedrooms. 4 bedrooms from the main house will be transferred to new units and basement apartment bedroom will be discontinued.

Applicants are requesting the following waivers:

Section 4163(2)-current driveway will be moved towards the NE center of property, proposed curb-cut of 18ft. with a 12 ft. radius.

Section 4163(3)-proposing to keep it as is given that it has functioned and always served 12 bedrooms. Applicant will also be installing a non-varianced, upgraded septic system.

Mr. Veara stated that all criteria have been met for Site Plan Review with 2 requested waivers. He claimed that a Development Impact Statement was not necessary because project does not pose any adverse impact. He stated that project received Historic District Commission approval on April 12, 2006. Howard Burchman was concerned that approval was given to original proposal which is different than current plans. Applicants agreed to request an administrative review before HDC.

Meeting was open to the public for comment:

In favor:

Barbara Rushmore stated that the Hughes family is invested in the town and would like to see the project approved.

Opposed:

Peter Brady, direct abutter at 4 Willow Drive.

- public safety concerns with increased traffic

- density issues

- concerned about elimination of trees resulting in lack of privacy on his property.

- new structure will block air and light to his property.

- new septic system will be built on "dune" which his property is constructed on.

- growth management issues in that there is no guarantee that eliminated bedrooms won't reappear at later time.

- proposed project will change the character of the neighborhood.

Alan Davis, direct abutter at 4 Willow Drive.

- requested that his letter be read into the record.

- project will diminish quality of life in neighborhood.

Henry Tuttle, direct abutter at 4 Willow Drive.

- police have been called to this property 11 times in the last 2 years due to noise complaints.

Robin Reid, attorney for 4 Willow Drive.

- Plan is still inadequate: no illumination plan, no scale calculations

- questioned 51% of green space calculations.

- concerned that waiver requests will affect public safety

- dispute 1 structure argument and believe project is 3 separate units.

- dispute claim that this will not increase usage of property.

- concern that new structure and septic system will affect stability of dune that 4 Willow Drive is built on.

- dispute that project will not impact on town services.

- submitted letter from tree service stating that trees will not be able to be saved which will affect abutters privacy.

Tom Sterrick, direct abutter at 4 Willow Drive.

- trees that service states can not be saved have their root systems in the dune that his property is built on.

Letters in opposition to the project from the following people were read into the record:

- Tammy Arcurie

- Serge Joyal

- Parke Davis

- Dr. Kenneth Sklar

- Todd L. Pittinsky

- Eve Featherman

- Steven Borkowski

Mr. Veara stated that the complaint do not have substance; no articulated facts beyond speculation were presented that affect the purview of the Planning Board or Zoning Analysis. He stated that project meets definition of structure and building, that it meets all criteria of Zoning Bylaws as far as noise, traffic and density. He disputes that "dune" in question is a true dune by definition and

therefore concerns are not relevant. He stated that no violations were ever recorded in reference to police calls.

Patrick Eleey questioned whether tree service used a certified arborist as they were referring to trees as locusts when in fact they are elms which are very substantial and sited the elm at PAAM which was able to be saved.

Amy Germaine, 150 Bradford Street, encouraged Planning Board to stay focused on Zoning issues and public sentiment.

Public Session was closed at 8:25 p.m.

Kevin Rich stated that he thinks applicants are required to submit an illumination plan (4162(6)), a scale calculation plan and to go to HDC for administrative review. Applicants agreed to provide the above.

Joe DeMartino stated that according to regulatory definitions the section of property being referred to as a dune by abutters, does not fall under the definition of a dune and as such everything that is required is included in proposal.

Howard Burchman questioned whether proposal is in fact for 6 units or is really 7 units which would require a Special Permit (2440). Applicants stated that they would agree to have the unit certified as gone by the town before construction on new units begins. Mr. Burchman cited BOA inspection dated August 14, 2003 which differs from BOH count of bedrooms and therefore calls into question whether the 11 bedrooms are in fact legal and therefore, can be transferred. Mr. Veara responded that the current BOH count of bedrooms should be the legal standard and that since he has not idea what standard the BOA used in 2003, he is unable to dispute that claim.

Anne Howard asked whether proposed basements are necessary now that storage connectors have been added. She wanted to know if they could be eliminated so as to lessen extent of excavation.

It was decided that Site Plan Review would be amended in the interest of clarity to multi-family structure, bedroom exchange, etc. An illumination plan, scale calculations and administrative review at HDC will be provided. Applicants requested continuance until September 20, 2006.

Motion: To continue case until September 20, 2006.

Moved: Kevin Rich Seconded: Anne Howard Vote: 4:0:0

Motion: To adjourn meeting and move into Executive Session

Moved: Anne Howard Seconded: Ellen Battaglini Vote: 5:0:0

Motion: To reconvene meeting at 9:20 p.m.

Moved: Anne Howard Seconded: Ellen Battaglini Vote: 5:0:0

Minutes

Motion: To approve minutes from August 9, 2006

Moved: Anne Howard Seconded: Joe DeMartino Vote: 3:0:2

Motion: To approve minutes from June 21, 2006

Moved: Anne Howard Seconded: Kevin Rich Vote:4:0:1

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary

Approved by _____ on _____