



## Planning Board

### Minutes

May 19, 2004

7:00 p.m.

**Members Present:** Barnett Adler, Ellen Battaglini, Howard Burchman, and Annie Howard.

**Members Absent:** none

**Advisory Staff:** Mark Latour

The meeting was called to order at 7:05 p.m.

### Agenda

#### Site Visits

**52-56 Creek Road 5:30 p.m.**

**172 Bradford Street 5:45 p.m.**

Barnett Adler, Ellen Battaglini, and Annie Howard went on both site visits.

#### **Administrative Amendment**

##### **5-15 Bradford St extension**

Craig Field along with David Nicolau presented this case to the Board as a revised plan; the original plan was from William Rogers, II and there were problems with grading. Mr. Field was brought in and one difference is two additional parking spaces; they have already gone before the ConCom who had no problem with it. The other change was that on southern portion of plan there was an easement along the fence and that was extinguished. Further north is the new easement for the benefit of the abutters. These were requested by the Building Department. Technical changes regarding grading have been made to the plan as well as minor changes to the landscaping plan.

Barnett Adler said he was unclear about the changes and the reasons as they regard the grading. The easement is shown differently and the 2 parking spaces were not on the original plan; also is the driveway over the leaching bed? Anne said that half of the leach bed is in the area of the driveway. Basically 50% of the easement is over the leaching area.

Wm Rogers II said that it wasn't planned initially to have pavement over it. There was an intent to pave it. Anne asked if the design is capable of having pavement over it? Gary Locke who works with Wm Rogers II assured her that it could support paving. Wm Rogers II hasn't signed off because he was waiting for a change in the grade as shown on the new plan.

Annie said that the front most building on the curve has a “for rent” sign on it. She felt that if the Planning Board allows a temporary COO to continue then David won’t have any impetus to close on it. David Nicolau assured her that the deal (or sale) can’t close without a COO. Banks want this whole site approved by Monday.

Barnett doesn’t want to see a continual granting of temporary approvals; COO has a shelf life of 30 days. David needs an approval before the 27<sup>th</sup>.

The only thing that David sees being late is the landscapers. All else can be done and he can’t see a sloppy job. They have to come back with final plan dated May 7, 2004 (original plan dated August 1, 2003). The landscape plan is new, too. Howard Burchman felt the amount of escrow should be greater than the project to motivate completion.

**Motion: Anne Howard made a motion to approve site 5-15 Bradford St. Ext acknowledging the condition that \$5K must be put into escrow for plantings. Ellen Battaglini seconded the motion and it passed 4-0-0.**

### **Public Hearing**

#### **Case #2004-006**

Application by **William N. Rogers II, P.E., P.L.S., on behalf of George A. Flammer, Jr.** under Article 2, Section 2320 of the Zoning Bylaw, High Elevation Protection District A. The applicant seeks a Site Plan to install an upgraded Title V septic system and construct relocated and renovated cottage at the property located at 172 Bradford Street (Res3 Zone).

**Gary** Locke and Wm Rogers, II presented the case to the Board. They ran over the basics of the design. Essentially they want to relocate an existing cottage literally sitting on top of Priscilla Alden Rd and relocate it within the setbacks with a deck. A new title 5 and leaching was approved on Aug 1, 2002 by BoH. The plan will also lower the grade over the leaching bed by a foot and a half in order to create a courtyard area and make the yard more useable. They’ll also be able to create a stone driveway and keep the perimeter hedges.

**Motion: Barnett Adler made a motion to approve the plan as presented; Howard Burchman seconded the motion and it was approved 4-0-0.**

#### **Case# 2004-003**

Request for Approval Not Required

John McElwee of Felco, Inc. on behalf of Douglas Pew and Donald Croxton. No new ways being created at the property located at 52-56 Creek Road, Provincetown, MA.

John McElwee presented the case to the Board. Douglas Pew and Donald Croxton have a deed claiming ownership of the abutting parcel with adequate frontage on Creek Road.

A great deal of discussion was held on whether or not the Board can endorse this ANR when the owner of record is in question. The adjacent lot of land will become landlocked. John felt that the remaining property is not part of this proposal.

Maxine Notaro spoke against the proposal representing the Conservation Trust of which her husband is a member. Wm Rogers II spoke and told the Board that he is working for the Conservation Trust and said that - yes the parcel that is left does not have frontage and will be landlocked.

After a great deal more discussion it was decided that John McElwee didn’t have to be sanctioned by the Planning Board in order to take this case to the Land Court, thus:

John said that we originally thought it would be a simple process and we could get an easy approval. He still feels it should be endorsed but he's willing to withdraw this application, knowing that he can proceed further.

Maxine said she thinks the original plan was to allow a walkway for the Conservation Trust land.  
**Motion: Ellen Battaglini made a motion to accept a withdrawal without prejudice; Howard Burchman seconded the motion and it passed 4-0-0.**

**Any other business that shall properly come before the board**

Wm Rogers, II wanted an informal discussion with the Planning Board. His aunt, Margaret Rivard, has taken her property off the market and he is interested in buying it for approximately 7 single family house lots. The property is bordered by Cemetery Road, Tiny's Way and Route 6. Mr. Rogers wanted to know if the Planning Board would consider a waiver from requirements of road. Annie replied that she would defer to the Board of Fire Engineers for their findings.

**Minutes for Approval:**

**Motion: Approve the minutes of the April 21<sup>st</sup> meeting, BA 1<sup>st</sup>, EB 2<sup>nd</sup>, 3-0-1 abstention HB.**

**Motion: Approve the minutes of the April 5<sup>th</sup> meeting. AH 1<sup>st</sup>, HB 2<sup>nd</sup>, 4-0-0.**

**Motion: Approve the minutes of the March 17<sup>th</sup> meeting, EB 1<sup>st</sup>, HB 2<sup>nd</sup> 3-0-1 abstention BA**

**Motion: Approve the minutes of the May 5<sup>th</sup> meeting, HB 1<sup>st</sup>, BA 2<sup>nd</sup> 3-0-1 abstention EB**

Annie asked if there were anything else in the Hobson Ave folder. Mark Latour said he had found it but couldn't make heads or tails out of it. The Planning Board was entrusted with the plans for proposals on that avenue and they will study them before the next meeting. Annie wants a copy of Warren's decision. 10 Hobson supposedly became an unbuildable lot.

Anne asked the Board to think about dollar amounts for any future escrows for landscaping plans completion. It was decided that commercial and residential would have different amounts. Commercial would have to put \$2/sq ft into escrow; residential units (aka condos) would be asked for \$2K/unit – unless they were for affordable housing and then the cost would be reduced slightly i.e., if the building had 4 units, instead of putting \$8K in escrow, they'd be asked for only \$6K. This opinion wasn't sealed in stone but is the nucleus of a future discussion that the Planning Board will have.

Next Meeting:

June 2, 2004 7:00 p.m.

Agenda item..... Board Reorganization.

Adjournment – 9:30 p.m.

Respectfully submitted,

*Evelyn Gaudiano*

Evelyn Rogers Gaudiano

**Approved by** \_\_\_\_\_ **on** \_\_\_\_\_, 2004.  
Annie Howard, Chair