

Planning Board Public Meeting
Wednesday, July 21, 2004
Judge Welsh Hearing Room, Town Hall, Provincetown, MA 02657

Members Present: Anne Howard, Chair, Barnett Adler, Ellen Battaglini and Howard Burchman.
Advisory Staff: Warren Alexander

Meeting was called to order at 7PM

Administrative Amendment con't

Case #2003-18

Randy McDonald of Notis Construction, Inc. on behalf of George Nash to add a roof deck to the existing dwelling using a spiral staircase as a means of egress at the property located at *9 Pilgrim Heights Rd.*, Provincetown.

Deck will be 4' x 32' and be 6'8" from roof line.

Motion: Barnett Adler made a motion to approve amendment to original site plan. Ellen Battaglini seconded and it passed 4:0:0.

Anne Howard asked that member sign 2 copies of plans for files.

Public Hearing

Case #2004-05 (continued from July 7, 2004) Definitive Subdivision Application by Slade Associates, Inc. on behalf of Henry Bloch, Jr. under Chapter 41, Section 81-L for approval of a Definitive Subdivision Plan in accordance the Rules and Regulations of the Provincetown Planning Board and as shown on a plan entitled Plan of Land in Provincetown by Slade Associates, Inc. Surveyors dated February 26, 2004 located at *10 Hobson Avenue, Provincetown, (Res 1 Zone)*, being land bounded as follows: northerly by Lot 1, LLC 37209, easterly by Hobson Ave., southerly by Provincetown Harbor and westerly by land of Douglas Taylor.

It was reported that Fire Department had no problem with proposed plan.

Barnett Adler read a memo from the Deputy Director of DPW regarding Public Waste??? and legal requirements for betterment of Hobson Avenue. He also stated that he and other members of the Board have read numerous letters from the abutters in which many concerns were raised about this project but are not the purview of the Planning Board. He suggested a motion approving the proposed subdivision plan with the following conditions: that no development take place beyond lot 5, and that Hobson Ave being a private way; and if legally required, receive unanimous approval from all abutters (property owners) agreeing to the betterment of Hobson Avenue. Mr. Patton, attorney representing Mr. Bloch questioned the legality of the previous condition and Deputy Director of DPW issuing memo to that effect. He stated that he would advise his client not to accept the condition and asked that motion be revised.

A point of order was raised by a member of the audience asking if the Planning Board followed up with Town Counsel on this and other issues that were raised previously. Anne Howard responded that as procedure requires, she requested that Town Manager be contacted, who in turn, if he sees fit, will contact Town Counsel. No response had been received as of this date.

Barnett Adler refused to revise motion to change condition as he is concerned about the project and the change it will have on the neighborhood and residents quality of life. Again Mr. Patton said that he could not advise his client to accept that condition and suggested postponing matter until Town

Counsel could provide an opinion. He did state that his client was willing to agree to the first condition of no more development beyond lot 5. Ellen Battaglini and Howard Burchman prefer continuance for Town Counsel's opinion on DPW memo. Warren Alexander stated that he thinks that is a good idea. It was decided that Planning Board Secretary will contact parties when opinion is received to set up new meeting. Attorney Veara representing abutters requested that he receive a copy of Town Counsel letter and notification of next meeting along with Slade Associates and Mr. Patton.

Ken Weiss, a member of the audience made a statement saying he was appalled that Town Counsel hadn't responded to previous request for an opinion. Anne Howard explained that the Planning Board staff liaison position had been eliminated as of July 1, 2004 and perhaps that is what led to communication breakdown.

Motion: Ellen Battaglini made a motion to continue case, Barnett Adler seconded and it passed 4:0:0.

Case#2002-017-William Rogers and Ken Weiss on behalf of 48-60 Race Point Road Realty Trust. Amended Site Plan.

New revised plans were handed out with only change being the elimination of the reinforced concrete wall and use of stone wall instead. Ken Weiss stated that he had spoken with abutters and all the issues have been resolved.

Motion: Barnett Adler made a motion to approve revised plan. Howard Burchman seconded and it passed 4:0:0.

Plans were passed around for signatures and stamp.

Case#2004-09-William Rogers and Ken Weiss on behalf of Off Cemetery Road Realty Trust for a Preliminary Subdivision Plan for land bounded as delineated on plan filed with the Provincetown Town Clerk and on file in the Department of Community Development. Revised plan dated July 8, 2004 was presented. Andrea Monetti an abutter who lives at 42 Off Cemetery Road (Woods Edge Condo) expressed concern that new plan has Off Cemetery Road being changed to Heather Way. She was concerned that this would change condo's address which would require all sorts of document changes and expenses. Mr. Rogers explained that said property would not be affected by name change. She also expressed concern that new subdivision would affect already low water pressure at her condo. Mr. Rogers said it wouldn't but that he would mention it to Water Department when he goes there for approval.

Motion: Ellen Battaglini made a motion to approve revised plan. Barnett Adler seconded and it passed 4:0:0.

Case#2004-08-Pre-application conference requested by Southern Bell Mobile Systems, LLC d/b/a Cingular Wireless under Article 7, Wireless Telecommunication Towers and Facilities to discuss the placement of an antenna system on the top of the building and for space on the third floor for radio equipment on the property located at 9 Ryder Street Extension, (Fisherman's Pier) Provincetown, (TCC Zone).

Various issues were discussed.

Motion: Barnett Adler made a motion to accept minutes from July 7, 2004. Ellen Battaglini seconded and it passed 3:0:1.

Barnett Adler agreed to be the Planning Board representative to the Community Preservation Committee.

Meeting was adjourned at 9PM.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary

Approved by

Date