

**Public Hearing
Planning Board
September 10, 2003
Judge Welsh Room at Provincetown Town Hall**

Members Present: Anne Howard (Chair), Ellen Battaglini, Barnett Adler and Howard Burchman

Town Representative: Mark LaTour, Deputy Director of Community Development

Anne Howard called the meeting to order at 7:00 PM introducing the members of the Planning Board present as well as Mark LaTour, Deputy Director of Community Development.

Public Hearings

Case #2003-011 Site Plan Review

Application by **William N. Rogers II, P.E. P.L.S. on behalf of J.B. Realty Trust, c/o Ms. Judy Mencher, Trustee**, under Article 2, Section 2320, of the Zoning Bylaw, High Elevation Protection, District A. The applicant seeks Site Plan Review approval for construction of a stonewall installed as shown on a Site Plan amended June 12, 2003 at the property located at **68 Race Point Road** (Res3 Zone).

Mr. Rogers stated that an abutter spoke to the Building Department on the 3rd of August. The owner and abutters made a verbal agreement. A meeting with Warren Alexander, Building Commissioner, to see if he will accept the 3-foot wall on the abutter's property. The abutters were supposed to receive a proposal from Judy Mencher, owner of the property at 68 Race Point Road.

Anne Howard stated that all the problems would never had happened if the contractor met with the engineer and called the Building Department instead of building something illegal. She also said that the wall is functioning as a retaining wall and would need a variance as it is on the property line.

Some of the abutters were in the audience and showed pictures of the wall.

A motion was made to continue this case so the abutters can talk to Judy Mencher and come to an agreement. The Planning Board will make a decision at the next meeting.

A motion was made to continue this until the next meeting.

Moved by: Howard Burchman

Seconded by: Ellen Battaglini

Vote: 4-0-0

Case # 2003-015 Request for Approval Not Required Pre-Application Meeting

Chester Lay of Slade Associates, Inc. on behalf of Locke Family Trust. Parcel 2B is to become part of and remain part of parcel 17-1-36 at the property located at **682 Commercial Street**; Map/Parcel 17-1-036, Res1 Zone.

Barnett Adler stepped down from hearing this case as he is an abutter. Chester Lay supplied plans and a motion was made to endorse the ANR.

Moved by: Ellen Battaglini

Seconded by: Howard Burchman

Vote: 3-0-0

The plans were signed by the Board members.

89 Shank Painter Road Storage Building

Anne Howard brought up the subject of the siding on the building. A letter saying that the siding would be completed by September 15th was specified. A letter was received dated September 8th, from Lester Murphy, Attorney for James Costa, requesting an extension.

Anne Howard wanted to ask the building inspector if James Costa had received final inspection of the building. Is the

building safe for tenants to be in? The letter from the attorney says it is not. The building inspector has to go to the site.

A motion was made to inform the DRM that the building is not capable for being occupied and the Building Commissioner to remove the Temporary Certificate of Occupancy and that the people involved should attend the October 1st meeting.

Moved by: Barnett Adler

Seconded by: Ellen Battaglini

Vote: 4-0-0

There was an admission by the client that the electrical work need to pass inspection has not been accomplished.

The next meeting will be September 17th, 2003.

It was moved to adjourn the meeting at 7:45M.

Moved by: Barnett Adler

Seconded by: Ellen Battaglini

Vote: 4-0-0

Respectfully Submitted
Joel Glasser

Approved by: _____ on _____
Anne Howard, Chair (Date)