

**Public Hearing
Planning Board
September 17, 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)**. *Continued from September 10, 2003*

Mr. William Rogers stated that the abutters were supposed to and have not received any communication from the owner of the property at 68 Race Point Road.

There were no questions from the Planning Board members to the engineer or abutters.

The wall went up without a permit and constitutes a structure. The engineer would like to amend the site plan. If the wall is structurally sound, a variance must be applied for. Mr. Rogers is asking the Planning Board to approve the wall with condition that he will supply full details as to structure, etc. The wall is needed because of the two elevations of the two lots. The Planning Board will obtain information from the engineer.

Barnett Adler feels that the individuals involved will never agree on what happened in this case. Howard Burchman stated that the wall was illegal and there was a lack of communication with the owners. The two parties should come to an agreement. He felt he would not approve the Site Plan.

Barnett Adler agreed but feels no one is 100% in "the right."

Anne Howard suggested that they should ask the Building Commissioner to send a letter of reprimand to the contractor who erected the wall illegally.

William Rogers and the abutters would like to continue this case until the next meeting, October 15th, so they can get and supply more information.

It was moved to continue the case to the October 15th meeting.

Moved by: Howard Burchman

Seconded by: Barnett Adler

Vote: 4-0-0

Update on 89 Shank Painter Road Storage Building

Lester Murphy, Attorney for James Costa, owner of the property, appeared before the Board. The letter of September 8th received from Mr. Murphy was mentioned. (See the minutes of September 10th.)

Anne Howard feels that because of the building not passing inspections, it should be requested that the Temporary

Certificate of Occupancy be revoked. Barnett Adler felt that it was not fair of the builder to skirt some issues. Lester Murphy stated that the 1st floor electrical work has been done and signed off on. The 2nd and 3rd floor electrical work has been completed since his letter of September 8th and signed off on.

The original plans called for white cedar siding but was changed by James Costa to vinyl, which was against the plan signed off on by the Planning Board.

Lester Murphy suggests that the property be occupied with a Temporary Certificate of Occupancy by May of 2004.

An abutter appeared before the Board and wanted at least two sides of the building to be sided with shingles. It would be less of an eyesore on the side facing Shank Painter Road.

Mr. Murphy and Mr. Costa stated that monies generated from the rental of storage space would be used to complete the building. Barnett Adler felt that Mr. Costa disregarded what was discussed regarding the Temporary Certificate of Occupancy. He also feels that the monies generated from the Temporary Certificate of Occupancy was intended to be used to correct the siding and that the Planning Board has tried to be accommodating. Mr. Adler suggests that if the Board considers extending the Temporary Certificate of Occupancy he would like James Costa to be agreeable to redo the siding in white cedar to improve the appearance of the building.

Anne Howard wanted to come up with some sort of compromise. Mr. Murphy said that to reside the building facing Shank Painter Road was a reasonable request. He gave January 15th, 2004 as the date for the two walls to be resided.

Barnett Adler would like to continue the Temporary Certificate of Occupancy in two phases:

1. A letter from Mr. Costa should be submitted to the Board prior to the meeting of October 15th with very specific details of what is being done.
2. The two walls to be done by January 15th, 2004 and the other walls to be completed by a second date to be stipulated.

Anne Howard wanted to impose a finish date for the completion of the building. Mr. Murphy, with Mr. Costa's approval, gave a date of May 15th, 2004 for the completion of the building but the weather will have an effect on the completion of the landscaping.

It was moved to allow the Building Commissioner to reissue the Temporary Certificate of Occupancy based on this meeting's discussion with the full knowledge that if the first letter of October 15th is not received, the Temporary Certificate of Occupancy will be revoked and that by January 15th, 2004 the two sides will be completed.

Because of weather and other extenuating circumstances, Anne Howard suggested a completion date of June 15th, 2004 for the entire building.

The motion to reissue the Temporary Certificate of Occupancy by the Building Commissioner was as follows:

Moved by: Barnett Adler

Seconded by: Ellen Battaglini

Vote: 4-0-0

Update on **68 Shank Painter Road**

Anne Howard briefly mentioned what was happening on this property.

The next meeting will be October 1st, 2003.

It was moved to adjourn the meeting at 9:00 PM

Moved by: Barnett Adler

Seconded by: Ellen Battaglini

Vote: 4-0-0

Respectfully Submitted
Joel Glasser

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