

Town of Provincetown Planning Board

Meeting Minutes August 2, 2000

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Members present: Gordon Gaskill (Chairman), John Paul Grunz, Anne Howard, and Richard Olson

Member absent: Jeff Carroll (alternate)

Agenda:

**Approval Not Required, Dana Berry
343 Bradford Street**

**Gaylord Neely and representatives to discuss
20A Commercial Street**

**William Rogers, II and representatives to discuss
20A Commercial Street**

**Request to Amend/Modify Site Plan, Brian Swallow
20A Commercial Street**

**Robin Reid on behalf of Nay Block Realty Trust
30 & 43 Atkins-Mayo Road**

Approval of Minutes

Any other business that shall properly come before the Board.

Gordon Gaskill called the meeting to order at 7:05 p.m.

Approval Not Required (ANR) (2000-013), Dana Berry, 343 Bradford Street

Dana Berry presented plans for 343 Bradford Street and informed the Board that his frontage on Bradford Street was 142 feet.

Motion: Anne Howard made a motion to endorse the ANR for 343 Bradford Street, John Paul Grunz seconded it and it passed unanimously.

Next it was decided to take an agenda item out of order; the Request to Amend/Modify Site Plan for 20A Commercial Street. Board member, Richard Olson recused himself from all of the 20A Commercial Street items since he is an abutter.

Request to Amend/Modify Site Plan, 20A Commercial Street, Brian Swallow

Attorney Lester Murphy, Designer Robert Valois, and Rich Bryant from Coastal Engineering presented the request regarding 20A Commercial Street.

Attorney Murphy told the Board they were there for only one finding; whether or not a new filing was required or would an amendment be sufficient. The arguments on the plus side, according to Robert Valois, were:

1. The basement redesign will be a slab.
2. New location shifts the house 4 feet nearer to Commercial Street.
3. Revised protocol would reduce the soil placement.

All changes, Mr. Valois said, are improvements to the original plan.

Lester Murphy, re-emphasizing what Mr. Valois had said, stated that the new plan reducing the height of the building, etc. only serve to reduce what has been already approved by the Board.

Rich Bryant from Coastal Engineering gave a brief summary of the proposed construction protocol. It would be a sheet pile anchorage system which would be less invasive because the work would proceed in small increments. He also said it was a helical tie-back system and he had used similar construction means in a Chatham bulkhead and also at the Universalist Unitarian Church in Provincetown. Anne Howard pointed out the dissimilarity between the Universalist

which is on flat ground and the 20A Commercial Street property which is on a steep slope.

Gordon Gaskill, the Chairman, felt the new plan represented a major change and he would not be agreeable to amending and/or modifying the site plan.

Gaylord Neely and representatives to discuss 20A Commercial Street

Gaylord Neely, an abutter, who has property at both 18 and 21 Commercial Street was accompanied by her attorney, Jamie Veara. Paul Shea, an environmentalist, was also there to address any concerns.

Mr. Veara presented the concerns on behalf of Ms. Neely and Mr. Shea. Attorney Veara quoted from the by-laws and insisted that the by-laws mandated a new site plan. He also said the \$50K bond that has to be secured by Brian Swallow would not begin to cover any damages to his client's property which may be incurred. One of his final points was that 4331 states that an impact statement is needed.

William Rogers, II and representatives to discuss 20A Commercial Street

Attorney Christopher Snow represented William Rogers, II and his concerns. Before Attorney Snow could state his case, Lester Murphy cautioned him that Mr. Rogers was still in the employ of Brian Swallow and Mr. Murphy would strenuously object to any testimony from Mr. Rogers that might be detrimental.

Chris Snow, answering Mr. Murphy's objections, said that Mr. Rogers didn't want to damage anyone but in no way does his original plan address this new plan. Mr. Rogers also contends that no-one from the project has consulted him on any changes. Mr. Rogers' concern stems from his approval stamp being placed on the original plan when now – everything has been changed. He further stated that he had not been contacted for quite a few months and he was quite offended about this case and only found out about it by accident when he visited the Town Hall and found the agenda item on the the Planning Board's meeting posting. Chris Snow stated that William Rogers, II is not under retainer to Brian Swallow.

After deliberations by the Board the following motion was made:

Motion: John Paul Grunz made a motion for the Planning Board to request a new site plan on 20A Commercial Street for their review. Anne Howard seconded the motion and it passed 3-0-1 abstention (Richard Olson abstained).

Robin Reid on behalf of Nay Block Realty Trust – 30 & 43 Atkins-Mayo Road

Robin Reid apologized for missing the last meeting of the Board. She reiterated the desire of the two sisters who own the property; they are part of a trust that is dissolving as of the end of the year 2000 and hope to clarify ownership of the large lot by subdividing it into two separate lots. Attorney Reid addressing the last paragraph in the town counsel's letter said, "Atkins-Mayo Road is NOT a paper street – it's a real road." She further cited a 1986 decision by the Planning Board which approved a division of parcel 1615 owned by John L. Franck. Also in 1987 an ANR 15240 was granted. Robin also felt the Board could endorse this division of 30 and 43 Atkins-Mayo Road since the existing road is sufficient for limited vehicle traffic. She then said the sisters, if they couldn't get the division approved, would look into a condominium development.

John Paul Grunz and Richard Olson both said they would like to see the site before entering into any final decision. It was to be arranged. Gordon Gaskill said he would like the final square footage of each lot if the plan were allowed.

Motion: Anne Howard made a motion to accept the minutes as amended by Richard Olson. John Paul Grunz seconded it and it passed unanimously.

Judith Oset addressed the Board and requested they come up with a schedule of their 2001 meetings by the end of October 2000 and then they could be posted by November 2000. When Judith receives the proposed schedule she will look it over for any dates that conflict with holidays, etc.

The meeting adjourned at 9:20 P.M.

THE NEXT MEETING WILL TAKE PLACE ON AUGUST, 23rd, 2000 AT 7:00 P.M.

Respectfully submitted,

Evelyn Rogers Gaudiano

Approved by _____ on _____
Gordon Gaskill, Chairman date