

Planning Board Public Hearing
Wednesday, June 21, 2006
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

Members Present: Anne Howard, Kevin Rich, Ellen Battaglini and Joe DeMartino

Excused absent: Howard Burchman

Staff Present: Doug Taylor, Building Commissioner and Maxine Notaro, Permit Coordinator

Agenda

Rick Wrigley, 232 Bradford Street for an administrative amendment for combining two dwelling units into one building. The corner setbacks will remain the same and a new septic system will be installed.

Motion: Kevin Rich moved to accept the amended site plan.

Seconded: Joe DeMartino.

Voted: Unanimously.

Case #2006-10 Site Plan Review (continued from previous meeting)

Application by **Edward "Ted" Malone** under Article 4, Section 4100 of the Zoning Bylaws for Dwelling Units and Commercial Accommodations. The applicant seeks approval for the construction of a three-unit residential dwelling at the property located at **10 Stearns Avenue (23 Race point Road)** (Res3 Zone).

The public portion of the meeting was closed at the last meeting, however, the board moved to reopen the public portion based on additional input from the abutters.

Rachel Peters said she had a conversation with Mike Trovato, Fire Chief. There is still no need for a temporary fire road because the fire hydrants in the neighborhood are sufficient. She asked who determines if the road will happen?

Anne Howard said it was up to the Fire Chief and the Board of Fire Engineers.

Rachel Peters asked Ted Malone when he thought he would be speaking with the Fire Chief.

Ted Malone said he left a message with the Fire Chief as of today. There will be a road originating off of Race Point Road to service a twenty-one-unit development, which is still in the development stages.

Kevin Rich asked if the driveways would be paved.

Mr. Malone said they would be gravel surface.

Kevin Rich then said there would really be no hardship to show the road at this particular time.

Ted Malone said no but he was trying to be up front with everything. He felt strongly for the safety of Nelson Avenue by creating another route. One concern of the Cape Cod Commission is access. There is no other access for vehicular vehicles other than emergency access.

Larry Meads said he was concerned about the present location of where the horses are places. He said he would like to see a fence installed between his property and Ted Malone's property. He also mentioned the following:

- He was recently tested for Barn Disease
- He is scheduled for heart surgery in August and this has caused added stress

- The electrified fence has shocked his daughter
- Constant dust through his windows because of the close proximity of the horses and construction
- He cuts the grass in the area of Mr. Malone's property to cut down on the misquotes and ticks

He further stated that people have to compromise too much for projects of this nature.

Ted Malone said he felt he has disclosed more information than he had to. Therefore, he confined the discussion to a three-unit building that is small within the scale structure. It has sufficient frontage to create two lots with two units fronting on Nelson Avenue without the Planning Board approval. That is more than what he was asking for, which is a multi-family dwelling on one lot.

Francis Peters questioned the size of the lot. Also the two driveways going in.

Ted Malone said the lot size is 7700 sq. ft., which is enough land to accommodate a three unit dwelling with a septic system designed for 4 bedrooms.

Francis Peters said the road should not be addressed at this time because it is for a future project. However, the Fire Chief should review the road and perhaps even an engineer to make sure the road is or is not needed.

Also, he said he was not aware the fence surrounding the horse corral was electrified. Perhaps Mr. Malone can turn it off or do something else to protect the horses. There are a lot of children that play in that immediate area and the electrified fence could be a danger to anyone who comes in contact with it.

Ted Malone said there is plank board fencing. One small area of the fence had an electrified fence on top to teach the horses not to jump over the fence.

Anne Howard asked how far away the electrified fence was because there is a bylaw that states it must be posted.

Francis Peters said Ted Malone has a right to build by law, however, he does object to the road and the electric fence.

Larry Meads said the fence is electric. His property is 12' from the fence. He witnessed a horse being electrified by the fence. His back patio abuts the horse area.

Ted Malone said he would agree to install a 6' fence that would separate his property from Mr. Meads property.

Lisa Martin, abutter asked that Mr. Malone move the electrified fence in a little so the children that play in that area do not get shocked.

Anne Howard cautioned that she believes you cannot have an electric fence on top of a wooden fence.

The board members were concerned about the safety of the children during the construction phase of the project. Perhaps there should be a detailed police officer. Also, more information is required regarding the fire road accessing out onto Stearns Avenue as opposed to using Race Point Road access. A copy of the Fire Chief's comments to the board is required.

Joe DeMartino said it looked as though the proposed fire access road crosses over the lot.

Ted Malone said yes it does and would need an easement to cross over the property.

Doug Taylor said the board should define detail because they have police details or it could be someone on site by Ted Malone. There has been a lot of activity in that area over the last year.

Rachel Peters said a police officer would be assigned if a lot of complaints come in.

Francis Peters said he assumed there are rules and regulations required on development of roads and construction.

Anne Howard said there are and that would happen at the next phase of Mr. Malone's project. She would like to see a competent person to oversee the site during construction.

Ted Malone requested a continuance to July 19, 2006.

Motion: Kevin Rich moved to accept the request to continue to July 19, 2006.

Seconded: Ellen Battaglini seconded the motion.

Voted: Unanimously.

Administrative Amendment to Site Plan Review

William N. Rogers on behalf of Evelyn M. Gentemann and Roberta J. Cornette to discuss the construction of a deck on the south elevation and for the installation of a swimming pool with surrounding decking at the property located at **10 Telegraph Hill, Provincetown, MA.**

Motion: Kevin Rich moved to continue to July 19, 2006.

Seconded: Ellen Battaglini.

Voted: Unanimously.

Administrative Amendment to Site Plan Review

William N. Rogers on behalf of Jamie Kryszkiewicz to construct decks and steps at the property located at **59 Bayberry Avenue, Provincetown, MA.**

There are three required changes:

- Timber front steps
- Timber side steps
- Wood decks

Motion: Ellen Battaglini moved to approve the amended site plan as presented.

Seconded: Kevin Rich.

Voted: Unanimously.

Case #2006-06 Site Plan Review

Application by **Neal Kimball on behalf of Provincetown Hospitality, LLC.** The applicant seeks approval to convert an existing motel to multi-family residential use at the property located at **540-544 Commercial Street, Provincetown, MA.**

Case #2006-07 Site Plan Review

Application by **Neal Kimball on behalf of Provincetown Hospitality, LLC.** The applicant seeks approval to convert an existing motel to multi-family residential use at the property located at **543-545 Commercial Street, Provincetown, MA.**

Attorney Chris Snow said the plan is to keep the present openings from Bradford Street to Commercial Street open to allow a commercial vista see-through.

Reggie Donahue said a new drainage system would be installed. There will be a trench drain and two catch

basins. The parking area will be reconfigured.

Patrick Eeley, landscape architect said the key elements are:

Green area.

Native beach grass.

Tall hedge material.

There will be a 10' buffer near parking stalls.

The east side of Kendall Lane will be resurfaced with a lattice structure with green.

543-545 Commercial Street

The apron will remain as a drop-off area.

Lighting will be controlled.

No light pollution.

Neal Kimball said there is only one change to the design. Drive-thru access reinstated and one-way traffic flow.

Cecily Stetson – Harbor Mist Condominium residents are concerned about the refuse and the pickup of it.

Attorney Snow said private trash pickup could be addressed as part of the condominium documents.

Reggie Donahue said there is no improvement in storm water by lowering the parking lot.

Kevin Rich said at present everything is draining to the northwest corner.

Reggie Donahue said it is but will be reduced. He explained the drainage and how the water collects. There is also a municipal drain in the immediate area. The town discussed installing a pump station but it is not in the works at this time.

Kevin Rich asked if the trash bins would be enough to handle the units or would a dumpster be required.

Attorney Snow said as stated in a previous meeting, they are up-scaled condo units that are pretty much self-contained.

Anne Howard said they would probably be looking at a private pick-up service.

Attorney Chris Snow said this project would not apply for municipal pick-up.

540-544 Commercial Street

Motion: Kevin Rich moved to accept the site plan for 540-544 Commercial Street as presented.

Seconded: Ellen Battalion seconded the motion.

Voted: Three in favor, zero opposed and one abstention.

In favor were Anne Howard, Ellen Battalion and Kevin Rich. Joe DeMartino abstained.

543-545 Commercial Street

Motion: Kevin Rich moved to accept the site plan for 543-545 Commercial Street as presented.

Seconded: Ellen Battalion seconded the motion.

Voted: Three in favor with, zero opposed and one abstention.

In favor were Anne Howard, Ellen Battalion and Kevin Rich. Joe DeMartino abstained.

Minutes of March 15, 2006

Motion: Ellen Battalion moved to approve the minutes as corrected.

Seconded: Joe Demotion seconded the motion.

Voted: Unanimously.

Briggs Report on Growth and Development/Population

Open Space Committee was looking for information previous to 1995.

Anne Howard said the properties that come into mind were the Locke Property and Shank Painter Pond Property.

Adjournment

Motion: Ellen Battalion moved to adjourn the meeting at 9:50 pm.

Seconded: Joe DeMartino seconded the motion.

Voted: Unanimously.

Respectfully submitted,

Maxine Notaro
Permit Coordinator

Approved by _____ on _____