

Planning Board

Public Meeting
September 22, 2004
7:00 p.m.

Members Present: **Barnett Adler, Ellen Battaglini, Regina Binder, Howard Burchman, and Annie Howard.**

Member Absent: **none**

The Planning Board will consider the following:

Site Visit 5:30 p.m.

William N. Rogers II, P.E., P.L.S. on behalf of Off Cemetery Road Realty Trust, 45 Off Cemetery Road for a Definitive Subdivision

Four of the five members of the Planning Board took part in the site visit. Howard Burchman was unable to attend.

The Planning Board meeting was convened at 7:00 p.m.

Board reorganization 6:55 p.m.

Motion: Barnett Adler made a motion to table the reorganization until the end of the meeting. Ellen Battaglini seconded it and it was passed 5-0-0.

Public Hearing 7:00 p.m.

Case #2004-13 Definitive Subdivision Plan

Application by William N. Rogers II, P.E., P.L.S. on behalf of Off Cemetery Road Realty Trust under Chapter 41, Section 81-L for approval of a proposed Subdivision in accordance with the Rules and Regulations of the Provincetown Planning Board and as shown on a plan by William N. Rogers II, P.E., P.L.S. dated August 24, 2004 entitled Subdivision Plan of land in Provincetown located at 45R Off Cemetery Road, Provincetown, MA (Res 3 Zone) which are on file in the Department of Community Development, 260 Commercial Street, Provincetown, MA 02657.

William Rogers, II, accompanied by Ken Weiss, presented the plan to the Planning Board. Mr. Rogers said that this plan evolved from the preliminary plan that had been approved by the Planning Board. He presented the 4 waivers that he would need to make the plan work.

Bill also presented a sample of a covenant from his attorney which he was prepared to supply. He then passed it out to group. Also, a letter from Fire Chief had been received in support of the plan. He further elaborated that construction of the road has to be monitored by the Town and there is a strict construction schedule set by the rules. All utilities will be underground and his aunt's house will be removed. Annie Howard had a letter from the BoH and they didn't have any issues with the proposed plan.

Marilyn Downey, an abutter, said she had concerns with drainage. Annie Howard said there are pretty specific protocols for subdivisions and Planning does go out at certain times to check on drainage; that is the 3rd inspection we'll do. Mr. Rogers hopes to eventually put in a trench drain to prevent any possible problems.

Karen Peterman, an abutter and condo owner, had many concerns, which are addressed in the motion for #2004-13.

A letter from Stephen Roach and Jeffrey Asher of West Hartford, CT was read into the record. Their basic concern was the island at the end of the road – they want the island to go. It will not..... Since it's viewed as a safety issue.

Ken Weiss – making one point – wants to meet with residents of Tiny's Way and find ways to improve their street. Maybe pave the road at his expense.

Motion: Howard Burchman made a motion to approve the plan for case #2004-13 with the 4 waivers requested:

1. minimum right of way
2. minimum width of pavement
3. minimum radius – turn around
4. minimum width of berm

Also, as previously discussed, the street pavement will be moved as far to the north east as it can, limited by the underground utilities location – remove and replace the garden as best they can up to the edge of the road – no clear cutting of the trees (primarily between lots 1 and 2) – preserve some of the buffer on lot 2 – and along lot 2 (which is on the side of the condo) Ken Weiss agreed to being willing to commit to a 6 foot buffer zone. Barnett Adler seconded the motion and it passed 4 – in favor, 0 – opposed, and 1 abstention (GB)

Public Meeting

Coastal Engineering Company, Inc. on Behalf of Cumberland Farms, 100 Shank Painter Road for an Administrative Amendment to an approved Site Plan

Reggie Donough presented the plan to the Planning Board. Cumberland Farms wants to enlarge their store and need an administrative amendment to approve the demolition of some of the building; they plan to reconfigure the existing building and add approximately 6 feet on the South side.

Motion: Howard Burchman made a motion to approve the administrative amendment for Cumberland Farms. Ellen Battaglini seconded the motion and it passed 5-0-0.

Reggie Donough had another issue relative to this site. The original plan has been misplaced and cannot be found. Annie Howard said she'd track it down.

Motion: A motion was made to take the Health Care Overlay District out of order because the group had waited a very long time to be heard. It was seconded and unanimously approved.

Health Care Overlay District – language revision as requested.

Dennis Anderson, Keith Bergman, Marilyn Downey, and Eileen Thomas presented the request to the Board. The group wished to take “non-profit” out of the verbage to make the request for an RFP more desirable. The group felt that “non-profit” was too restrictive a term.

Howard Burchman said that he can understand the concept but do the references to non-profit have to be deleted at this time? Howard isn't sure that this is necessary to submit the Determination of Need.

The group argued that it was too restrictive and said that even the FinCom's challenge was “for-profit.”

Motion: Barnett Adler made a motion to recommend this amendment to the zoning by-law. Howard Burchman seconded the motion and it passed 5-0-0.

BSC Group on behalf of Village at the Moors Condominium, 5-15 Bradford Street Extension for an Administrative Amendment to an approved Site Plan

Ellen Battaglini disclosed the fact that she works for an attorney who works for the abutters. The presenters felt that there was no problem with this.

Kerrin _____ and Michael Morris, an attorney, represented the owners of the property. They said they had received approval but since that time they found that they need to do corrections to the drainage problem. They said they removed and replaced some of the landscaping as well as removing all the red brick because they felt it was safer to replace the bricks with wood.

The owner of the front building said that he thinks what is happening out there is much more pleasing than it was or would have been. Roger Dias had issued a temporary Certificate of Occupancy for front building and it has been occupied ever since.

Michael Morris pleaded with the group for approval since everyone is ready to go and the Planning Board is holding him up. Atty. Morris would like everything resolved so they can get on with it. He also presented a letter from the

Moors Condo Trust approving of the plan.

Barnett Adler said he would like to suggest yet another site visit with the Building Inspector and the Planning Board. This, he continued, has been a continual back and forth happening. Mr. Adler said he'd like to know that we're all on the same page. We've already approved whatever we had been given and now we have yet more changes. He's just not comfortable with all the changes that have happened. Howard Burchman agreed that it's incumbent on us to go into greater depth.

Michael Morris agreed saying that this has been a nightmare for everyone. The back building had the wrong elevation. And now, Mr. Morris wants it done super soon because of the weather and time constraints.

The Building Inspector is supposed to be at the site between 1 and 3 on the 23rd.

A tentative site visit is planned for Monday, September 27th at 5:30 p.m. with a meeting immediately following. Annie will also request a letter from the Building Inspector after his site visit planned for September 23rd.

Board Reorganization:

Motion: Ginny Binder made a motion to put the Board Reorganization on hold until after Anne Howard resigns. It was seconded and approved unanimously.

Minutes for September 8th

Motion: Barnett Adler made a motion to accept the minutes of the September 8th meeting. Ginny Binder seconded the motion and it passed 5-0-0.

The Board adjourned at 9:00 p.m.

Respectfully submitted,

Evelyn Gaudiano

Evelyn Rogers Gaudiano

Approved by _____ **on** _____, 2004.
Annie Howard, Chair