

# Provincetown Planning Board

March 16, 2005

7:00 p.m..

Members Present: Ellen Battaglini, Howard Burchman, Annie Howard, and Winthrop Smith.

Staff: Maxine Notaro and Doug Taylor

The meeting was called to order at 7:00 p.m.

## **Case #2005-01 Definitive Subdivision Plan**

**Application by William N. Rogers II, P.E., P.L.S. on behalf of Clancy Realty Trust under Chapter 41, Section 81-L for approval of a proposed subdivision shown on a plan entitled subdivision plan in accordance with the Rules and Regulations of the Provincetown Planning Board and as shown on a plan entitled Plan of Land in Provincetown by William N. Rogers II, P.E., P.L.S., dated January 31, 2005 located at 837 Commercial Street, Provincetown, (Res 1 Zone), being land bounded as follows: perimeter as delineated on land court plan 14709D, lot numbers 5 and 6.**

William N Rogers, II presented the subdivision plan. He stated that he had received approvals from ConCom, a letter from the Health Agent, and the Fire Chief. Road plan has been changed due to a re-route of water main. (An 8" diameter water line has to be put in.) There will be 10 lots. Chris Snow has drawn up a covenant. Mr. Snow is representing the applicant. The neighborhood's concerns are that they want to maintain a beach cottage feel to the neighborhood and are worried about the scale of houses which will be allowed on the lots. Chris Snows argument is that there are 64 units there now and there could be 18 lots instead of the 10 now planned.

All the negative letters received were concerned with the scale of the buildings.

Maryalice Granier, an abutter, spoke in opposition. She lives on Mayflower Hgts. And is afraid of the scale of the buildings. She wondered if these lots can be subdivided later on.

Lisa Webster, an abutter, wondered about the 10 ft easement. What was it for? The reason given was – so that - Mr. Gordon could go down and clean the beach. – Only lots 10 and 11 could be further subdivided.

Howard Burchman wanted to revisit "lesser water usage" again. Answer: – Compare 64 bedrooms and a restaurant to 10 homes (even if each home had 4 bedrooms!)

**Motion: Howard Burchman made a motion to approve the above plan. Ellen Battaglini seconded the motion and it was approved 4-0-0.**

## **Preliminary Subdivision Plan**

**William N. Rogers II, P.E., P.L.S., on behalf of Outer Edge Nominee Trust, Miriam A. Collinson, Trustee for a Preliminary Subdivision Plan, 386 & 390 Route 6**

Jay Murphy, an attorney, presented the plan along with William Rogers, II, the engineer. Jay gave a

history of the property. The Campground is not legal under today's zoning but has been grandfathered. Health and age were cited as the reasons for a 29 house lot subdivision as opposed to 100 lot campground. The attorney said that you could locate at least 40 lots on this subdivision but the owner only wanted 27 lots restricted to single family use. They would also like to work with Community Housing Development to see if a lot or two could be used for that. The access to this subdivision would be off Nelson Avenue – not Route 6.

The curbcut on Route 6 will still be operational as the owner's driveway to Lot 1.

Doug Taylor thought the impact on Nelson Avenue would be severe. He thought the Route 6 access would be most unobtrusive. Nelson Ave is already over-burdened. We're on a giant wetland and this is one of the largest pieces of development along the National Seashore Park.

Howard Burchman asked Doug if this should be a referral to the Cape Cod Commission. Doug said, "Yes." Jay worried that it would cost \$10K and said, "If this is the case, I'll instruct my client to go another route."

Doug also said his concerns were environmental and water quality issues on a wetland. If they plan over 30 lots they would definitely have to go to the Cape Cod Commission.

Annie Howard couldn't understand why Nelson Ave. was selected instead of Route 6. By popular consensus of the Board, it was decided that this would be tabled until a site visit can take place.

**Motion: Howard Burchman made a motion to continue the case until April 20<sup>th</sup> when a site visit can be scheduled. Ellen Battaglini seconded the motion and it passed 4-0-0.**

#### **ANR Pre-Application**

**Mark Joy of Coastal Engineering on behalf of David Jarrett. Applicant seeks approval to convey a small portion of land from 50 Point Street owned by Michael Abdella & Nicholas Oliveri and a small portion of 52 Point Street, land owned by Daniel Petrucci to David Jarrett of 20 Commercial Street, Res 1 Zone.**

Mark Joy presented the case for David Jarrett. There are 2 minor encroachments. There are two very small pieces of land that are being conveyed; the problems were found when a survey was done for Mr. Schoolman. New easements are currently being negotiated.

**The Board's consensus was that it was O.K. for Mr. Joy to proceed with the ANR.**

#### **ANR Pre-Application**

**Mark Joy of Coastal Engineering on behalf of Seagull Realty Trust, Helen T. and Charles W. Silva, Trustees. Applicant seeks approval to create a parcel of land out of the 56 Shank Painter Road parcel located in the GC Zone.**

Mark Joy, once again, presented the above pre-application. After a small amount of discussion, it was agreed that it was O.K. for Mr. Joy to proceed with the ANR.

#### **Review Town Meeting Warrant Articles**

The articles for both the Special Town Meeting and the Annual Town Meeting were reviewed. Each board member gave their opinions on the discussed articles. All opinions will be taken under advisement. The need for a Town Planner was one of the topics discussed.

#### **Minutes**

**Motion: Howard Burchman made a motion to approve the minutes. Ellen Battaglini seconded the motion and it was approved 3-0-1 abstention (WS).**

**Any other business that shall properly come before the board**

There was none other.

Adjournment happened at 9:20 p.m.

Respectfully submitted,

*Evelyn Gaudiano*

Evelyn Rogers Gaudiano

**Approved by** \_\_\_\_\_ **on** \_\_\_\_\_, 2005.

Anne Howard, Chairman