



Public Meeting

May 2, 2011

Auditorium

6:30 p.m.

Members Present: Marianne Clements, Eric Gelinias, John Golden, Peter Page, and Mark Weinress.

Member Absent: Dorothy Palanza (excused)

Staff: David Gardner and Maxine Notaro

The meeting was called to order at 6:40 p.m.

Agenda

Public Comments

People who were not accustomed to attending meetings rose to speak in opposition to the Public Hearing portion of the meeting. They were told they would get a chance to speak when the hearing began; therefore, there were no public comments.

Case #FY11-20 Site Plan Review

Application by Edward Malone and Community Housing Resource, Inc. under the Zoning Bylaws Article 2, Section 2320 High Elevation Protection and Article 4, Section 4100 for Dwelling Units and Commercial Accommodations. The applicant seeks approval for the demolition of a 20' x 124' garage storage structure and for new construction of 29 units on two lots including 23 affordable and community rental housing units at the property located at **19-35 Race Point Road, Provincetown, MA (Res3 Zone).**

Ted Malone made his presentation after handing in the green abutter notification cards. He said that he had purchased the property in 2003 with the long range intention of creating as much rental and affordable housing as he could. It was approved and is not the reason for the meeting tonight; he has plans for mitigating traffic and how it impacts

Race Road. Basically there are 3 lots, known as 19, 35, and the corner of 8 Stearns Avenue; which was the original lot made for a home. Ted then gave a history of the entire property and said that this project has been in front of the board numerous times over the past few years. Stearns Avenue is not included at all in this development and he is encouraging neighbors to work with him on making part of it a recreation area.

The current access to the commercial area is the same opening that will be used for the housing development. As he pointed to the plan, he said that the existing barn and stables are back here. There will be only one access to the road. The arc on the plan shows a turnaround for emergency vehicles. The entire development will be a mix of 1, 2, & 3 bedroom homes. Most of the apartments are within one building which was designed to work with the topography of the site. Ted provided a lot of explanation for the design coupled with the topography. The scale is random to address the one floor needs for the residents. That concluded a brief description of how the development is going. He knows that he does have the high elevations to contend with. He's also planning 1 parking space per unit as well as 9 additional parking spots so he feels he has adequate parking. There are also illumination provisions and low lighting. All of the power lines, cable, etc. will be underground.

The units on the hill will be more traditional, i.e., unpainted cedar siding, unpainted board, etc. Roads will be winding throughout and all of area going down to Route 6 will not be touched. There will be catch basins on site and these will manage the flow of water from the site.

Ted has an impact statement and he wonders if members of Planning have any questions. (David Gardner made copies of the impact statement for all interested parties.)

Meeting opened up for public comments on the project.

Larry Meads, Jr. had many questions and comments; the bulk of them were in opposition to the project. He wanted to know what was going on in the Corral? He's contacted the Building Inspector, the Police on different occasions and said that Ted's group had poured cement for over 5 ft. and his house is being undermined. He concluded (this statement) by saying that the whole hill cannot take all this building. He had filed a formal complaint just yesterday.

Larry talked about the runoff and the gully that is being made. He feels that the town should make Ted fix it. Taking a second breath and resuming his diatribe, he said that Mr. Malone put up a 5 ft. wall and the entire wall was done without a permit - so who is

responsible? Larry then asked David and/or Maxine if they could confirm which permits have been issued so far? That will be investigated and reported on.

Marianne asked if Larry had proof of all of his accusations.

Larry – repeating – the water damage is just terrible and there are many violations without a comprehensive permit. He'd like a separate impact study – the town and board removed from the whole thing. The state told him to call the Health Department who saw the wall and saw the damage to his house.

Larry continued his rant saying that this is total harassment and you're supposed to have all these studies done. Everybody was at the planning board meeting – he called the police – you can't have shrubs and trees - now with the bushes you can only see about 50 ft and that should be checked on. Larry said that Ted threatened everyone with a law suit if they spoke against the project.

Next Larry verbally attacked Irene Rabinowitz (Town Moderator) and said that she didn't let anyone speak against the project at town meeting.

Patricia Franzese of 7B Nelson Avenue said that she has spent a lot of time looking out of her home and has lived there for the last 5 years. The wall that Larry railed about was put in by people who were incredibly respectful. Due to this wall her yard is now level and it has been a great improvement for her property. She feels that the paddock area has become a lightning rod for all Larry's perceived problems with Ted. The Department of Agriculture suggested creating a berm under the fence of sand and manure; there is no runoff of manure to his yard. She also has no runoff of manure, etc. Thus, it has improved everyone's back yard.

Valerie Martin of 10 Nelson Avenue said that she has a fence in front of her house and her fence is caving in and water is getting in to her house. She wondered what this group of condos is going to do - double the problem? We're just a little neighborhood. She's afraid to let her cat out and she has water in her basement.

Aija Briga of 10 Nelson Avenue said that she's concerned about pollution – we're talking of adding at least 150 more people. She loves the horse people but she had to speak in opposition because she's a taxpayer.

Sandra Bowlin of 28 Pleasant Street has a horse who has been stabled there for a few years also referred to the Department of Agriculture's suggestion of a berm.

Jude Maria of 14 Nelson Avenue said that she moved to Nelson Ave. because it was isolated. She objects to the impact, the run-off, and is concerned about the box turtles who have a penchant for crossing the roadway. She also never before had flooding in her yard. Safety is another issue – every time she pulls out of Nelson Ave. she worries about it. You're talking about putting another neighborhood into an existing neighborhood and she believes that it's too big a project. She is talking about the retaining wall, too and said that Ted even filled in the meadow.

One of the women who lives at **21 Race Point Road** said that she felt that the impact will be minimal and she supports this project. She also said that there will be no more curb cuts and it is a self-contained neighborhood.

Larry Meads, Jr. was allowed to speak again and much of what he had to say was redundant.

Planning Board's comments:

Mark Weinress asked questions about redesigning the plan; there is so much on this plan right now that it's hard for him to visualize. He would prefer more detail on the plan.

Marianne Clements said that her concern is about the box turtles and she wants an environmental study done. Ted said that he had a study done when he moved the house. Marianne felt that the negative determinations should be done by the Conservation Agent.

Eric Gelinis wanted to know which permits were secured and from whom. We also need a comment on the construction debris and the safety concerns; he'd like to know more about that.

Ted Malone said that there's a site plan review and a spec permit with drainage. Permits were issued about 2005 from both the Planning Board and the Zoning Board of Appeals - also the demolition of the home on the hill was approved by the local Conservation Commission about 4 or 5 years ago. The retaining wall did not require a permit and was 6 ft off the property line and there was some concern about the height. The side line set back was discussed in the past and he withdrew that application without prejudice.

Ted continuing said that regarding all the permits - the fill has been there since he developed 4-8 Nelson Avenue; there was a significant amount of fill that could be eventually used. We leveled it down and stabilized it - it's still there and will eventually

be used. There is nothing hazardous and all of this will eventually be removed. It will be needed on another site. It's not a contaminant and is not hazardous to anyone. Also, on the issue of safety, Ted said that he has designed a pedestrian path – closer to town. The issue is really controlling pedestrian traffic & bicycles.

Eric G. wondered about crushed shells since there will be at least 4 units that will be wheel-chair accessible. Eric would like to see some detail about ADA accessibility.

Larry M. hopped up again and asked about Halloween; he has about 100 kids show up and how about them???

Mark W. said that once the permit has been issued – we have no jurisdiction over the amount of units – this concern is irrelevant.

Ted M. said that he's proposing 29 units on 80K sq ft. and he has 92K sq ft so what he's proposing is not nearly as dense as possible. Therefore this is not going to be a congested area.

Ted said he'll bring in all the information you looked for and bring it to Planning. The other safety issue - Race Point Road has the capacity to handle a lot of traffic. If the traffic were moving slower we wouldn't have an issue. He thinks sidewalks along the roadway will be helpful and are mandated. Planning wants the sidewalks on the plan. Marianne C. wanted to know if the fire chief has seen the plan. Maxine suggested that Ted get another letter from Mike Trovato (Fire Chief) because this plan is new.

Eric said that he listened to all the problems voiced by the audience and he would like to see all the permits that address all the issues - that's step 1. Ted said that there were some letters that are already in the file. (Maxine will look them up.)

Marianne also wants dimensions of the width of the driveways, etc. Mark wants clarification of any of the issues that have been raised.

Ted and his architect believe the plans are right on – and he will have revised plans after meeting with the Building Commissioner.

Eric said that - in terms of the fill – David G. would like to schedule a site visit and he would like the conservation agent (Brian) to attend since he has been dealing with several complaints in the paddock area. Maybe when we go through the impact statement - item by item and on article 4 go - step by step just to make sure that the project meets all the necessary concerns. The public portion ended.

Motion: Move to continue the case until the May 16th meeting.

Motion: Peter Page

Seconded: Mark Weinress

Vote: 5-0-0.

At this time (May 16th) we will have copies of all the pertinent permits.

SITE VISIT OF STABLE PATH

ON

MONDAY – MAY 23RD

4:00 P.M.

STARTING AT THE PADDOCK

David Gardner then advised the Board that it will be their decision at the May 16th meeting whether they want to re-open the public hearing portion. So just be clear for the abutters about when you are seeking additional comments.

Provincetown Harbor Hotel, 698 Commercial Street (site plan signatures)

This had been completed and just required signatures which were done.

Minutes of previous meeting

Discrepancies were found and the minutes of April 11th were sent back to the proverbial drawing board.

Any other business that shall properly come before the Board.

A letter regarding 63 Shankpainter Road was received stating that the health plan was missing and asking about assessed usages, etc. It will be looked into.

The meeting finally adjourned at 9:15 pm

Respectfully submitted,

Evelyn Gaudiano

Evelyn Rogers Gaudiano

Approved by _____ on _____, 2011.
Marianne Clements, Chair