



Public Meeting
June 6, 2011
Judge Welsh Hearing Room
6:30 p.m.

Members Present: Marianne Clements, Eric Gelinas, John Golden, Peter Page, Dorothy Palanza, and Mark Weinress.

Member Absent: none

Staff: David Gardner

Site visit 5:00 p.m.

William N. Rogers, II, P.E. & P.L.S. on behalf of Ronald Reil, 53 West Vine Street, Provincetown, MA

All the members listed above attended the site visit except for Marianne Clements.

Site Visit 5:45 p.m.

William N. Rogers, II, P.E. & P.L.S. on behalf of Demetri Daphnis, 67 Harry Kemp Way, Provincetown, MA

Everyone of the members listed above attended the site visit.

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

Meeting Agenda 6:30 p.m.

Election of Officers

This occurred close to the end of the meeting but the results are listed here:

Motion: Move to nominate John Golden as Chair of the Planning Board.

Motion: Move to nominate Mark Weinress as Vice Chair of the Planning Board.

The above two motions were made, seconded, and approved by a vote of 5-0-0.

Public Comments

There were none

Public Hearing

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).**

Dorothy Palanza stepped down from the hearing.

Ted Malone presented his version 5.11 of Stable Path. Originally he had presented the Board with a layered plan which basically detailed roadways, drainage, etc. Now there are 3 additional plans and these additions are for informational purposes. He didn't have more information to present but hopes to clarify what formerly had been presented.

David Gardner said that he did receive a letter today from James Roderick of 12 Nelson Avenue.

Ted has requested an additional review from the fire chief which has been scheduled for June 8th. The Board had requested an updated letter from the board of fire engineers and the fire chief. Ted also said that the changes in plans for (buildings) 9 and 11 are for issues which were raised by the Building Commissioner regarding scale, thus a new scale calculation was done and the project is still in scale.

There will be 43 bedrooms and the parking spaces number 44. There will be 4 handicapped spaces. Marianne read a letter re: parking which warned that we also have people from out of town parking and taking cabs to the downtown area. Also, the letter continued, the water pressure should be tested.

Peter Page was a passenger in a car this weekend in that area and he would like to see signage for people using this area. It would be easy to become confused.

There had been questions on whether the appropriate permitting had been done. Ted provided a list of when all the necessary permits had been issued.

Eric Gelinas had a list of permits in chronological order since 2004 and went through all the permits which have been pulled. Ted asked if the Board wanted to have comments from the ConCom and Conservation Agent to put these issues to rest. The issues of handling manure was relocated under Brian Carlson's suggestion and the drainage issue

of the gutters coming off the stables was also satisfied. Other drainage goes to underground drainage structures.

David said the Conservation Agent was present at one of the site visits and weighed in on it. John Golden said that he didn't see any evidence of poor drainage.

Marianne asked about the demolition of the garage – was it ever approved? Ted said that the garage would not be demolished until all the other things were approved.

Eric Gelinas asked about the parking and the traffic flow, especially down toward Stearns Avenue. Eric felt that it will create congestion. Ted said that if you look at the whole plan – there would be little incentive for a resident to take a back way so that would not be something that you would expect to happen. There could be a gate that prevented access only to fire and emergency vehicles. Ted agreed that we may need to have some behavior modification.

Marianne Clements wondered about the lighting plan. Ted said the lighting plan will be shown on the street plan. Ted continued that he really hasn't developed the lighting plan except for the street plan.

Mark Weinress asked if we did get specifications for non-polluting lighting? Everyone would be happier if they could be, Mark continued, even though they are only 4 ft off the ground. Ted said that the parking areas are smaller so they are not going to be overly lit and there is also a wattage restriction. Mark wants more specifications.

Peter said that this development came before Zoning and there were complaints about the wall but he does know that the current Building Commissioner and the previous one both decided that that wall didn't require a building permit.

David G. – after reading all the issues – said that if you want to continue the hearing then we should receive a motion to that effect. Peter said he would like a further exit on Race Point Road and this should be done by the time we meet again.

Motion: Move to waive the timeframe and extend FY11-20 until June 20, 2011.

Motion: Marianne Clements Seconded: Peter Page Vote: 5-0-0.

Motion: Move to continue the public hearing part of FY11-20 until the June 20th meeting.

Motion: Marianne Clements Seconded: Eric Gelinas Vote: 5-0-0.

Public Hearing

Case #FY11-23 Site Plan Review

Application by William N. Rogers, II, P.E. & P.L.S. under the Zoning Bylaws Article 4, Section 4100 for Dwelling Units and Commercial Accommodations. The applicant seeks approval for the construction of two buildings to consist of 4 dwelling units with a total of 8 bedrooms at the property located at **53 West Vine Street, Provincetown, MA (Res3 Zone).**

(Marianne Clements recused herself from the hearing because she is an abutter.)

J. Lester Murphy presented the scenario thus far. (Mark Weinress requested a copy of everything being handed out even though he had not attended the original meeting. If the site plan review is continued he will be able to sit on the case if he reviews the testimony of the meeting he missed.) As of tonight's meeting (June 6th) John Golden, Eric Gelinias, Dorothy Palanza, and Peter Page are sitting on the case.

Gary Locke, an employee of Wm. Rogers, II, said that last time the site plan was understated and there was a miscommunication or misstatement. He said that in adjusting the green space, we have eliminated the side doors and patios on two buildings to give them more green space. The "driveable" green pavers are good for parking because they're permeable and Gary is excited about it. Gary concluded by saying - so that's the genesis of the green space.

J. apologized for the lack of green space but it now exceeds 900 sq ft of green space. The green pavers have been looked on favorably by many conservation areas. This is a good alternative here and we believe that we now meet and exceed the requirements of green areas. He also pointed out that when a project is designed there are certain requirements, i.e., safety, sewerage, etc. There are a lot of factors that dictate what we can and can't do on the site.

Wm. Rogers, II, said that these lots have gone through many approvals; lot 6 has been designated for an endangered species, the spade footed toad.

J. said that this is part of a larger development and a lot had been given up as a proper site for the spade footed toad.

Dorothy Palanza wants more detail on the plantings that are planned such as the Leland Cypress, etc. Gary said that they want to create a natural barrier and will provide more detail.

Motion: Move to approve FY11-23 as presented.

Motion: Eric Gelinias

Seconded: John Golden

Vote: 5-0-0.

Public Hearing

Case #FY11-24 Site Plan Review

Application by William N. Rogers, II, P.E. & P.L.S. under the Zoning Bylaws Article 4, Section 4100 for Dwelling Units and Commercial Accommodations. The applicant seeks approval for the construction of five buildings to consist of 6 dwelling units with a total of 15 bedrooms at the property located at **67 Harry Kemp Way, Provincetown, MA (Res3 Zone).**

J. Lester Murphy presented this case also. He said that the board members are probably aware that an issue has arisen with the Conservation Commission. This property through Billy's office has been being developed for quite some time. In 2007 we ran into health and financing issues and stopped for awhile. In Sept 2009 – knowing that the timeframe was about to expire they asked for a year's extension and ConCom said that if they were to extend the project it must be reduced. Then.....along came the Stimulous Program and the legislation threw in an extension of any permits that had been issued. So-o-o-o any permit in effect was automatically extended and thus it extended the original order of conditions. It had been issued in 2007 and extended for a 2 year period. As a result we're going back to ConCom to say – in essence - thanks but no thanks. These plans are the originally approved so that's the history. Their position has thus been explained and we have asked to be on the ConCom's agenda tomorrow evening (June 7th). J. said that he knows that Planning can't approve this tonight but that's the history of the plan. J. further said that he was willing to address any issues that come up at this meeting.

Gary Locke passed out plans and said that when we were going through the site plan at the last meeting – the green space was an issue. Instead of 56% green space – we actually have 54%. It would be 54%, but our lot coverage does not change. We've also noticed a snafu about the parking.

Marianne said that the parking lot is tight and asked if there were any way we can make the parking lot bigger?

Gary said that by expanding the parking area, the existing tree would have to go. Gary envisioned that space as a park and/or a picnic area.

Dorothy Palanza said - regarding the street tree. You were proposing a 20 ft tree - an eastern redbud which won't provide that much shade. J. said that given the layout of Harry Kemp Way – these trees are going to be down in the hollow and will be ornamental trees for the back yards of the buildings.

Mark Weinress said that the Board would appreciate having a revised plan on just what is being planned and/or planted.

Motion: Move to waive the timeframe and extend FY11-24 until June 20, 2011.
Motion: Eric Gelin **Seconded: Dorothy Palanza** **Vote: 5-0-0.**

Motion: Move to continue the public hearing part of FY11-24 until the June 20th meeting.

Motion: Eric Gelin **Seconded: Dorothy Palanza** **Vote: 5-0-0.**

Case #FY11-25 Site Plan Review

Application by Alan Hall, Director of Facilities and Purchasing on behalf of Outer Cape Health Services under the Zoning Bylaws Article 4, Section 4000, Commercial Business, Retail, Wholesale, Service and Industrial and Other (Community Health Center). The applicant seeks approval to construct a one-story addition and site improvements to support additional required parking and site circulation at the property located at **49 Harry Kemp Way, Provincetown, MA (ResB Zone).**

Marianne Clements recused herself and stepped down.

The main presenter of the plan was George Berg, President of Trapani + Associates, Inc., a Health Facility Consultant. Mr. Berg introduced Sally Deane, CEO, of Outer Cape Health Services, and also Reggie Donahue from Coastal Engineering.

George Berg gave a lengthy, comprehensive single plan and said that they had just completed the north side additions which were done with a grant. They are now proposing a 3400 sq ft addition with a full basement. The current lot coverage is only at 21% and we exceed the green needed on the site. The proposed addition will be on the south side and will contain 12 exam rooms plus many other rooms. They will have a more cohesive diagnostic center when the addition is completed. The addition will also include a mammography room, bone density test site, and many other diagnostic facilities that residents have previously had to travel to Hyannis to obtain. Mr. Berg said that there seems to be word out there that we're overbuilding. This is all on grants.

The Planning Board was then given an overview (and plan) of what was proposed. It was a detailed presentation which discussed lighting, curb cuts, parking spaces, generators, etc. Also sound tamping additions for the required machinery were discussed. It was deemed obvious that some vegetation has to be removed. They want to provide an evergreen buffer and will try to save the pin oaks. There will also be a handicapped sidewalk onto the property.

We are currently under scale and the ZBA has continued their hearing in order to get a reading of the Planning Board.

Dorothy Palanza who was chairing the hearing then opened up the meeting to the public.

Public Input:

Terry Johnson who currently lives at Maushope and has lived in Town for 46 years said that everyone is so excited about a complete facility. OCHS has been like our life line and we're excited about having a dentist who takes MassHealth. She knows of 12 people who have not been to a dentist in the last 2 years. Anyway, she presented a supportive signed document from most of the residents of Maushope.

Priscilla Jackett who is an employee of OCHS said that she's been working with people who have no insurance and she knows how OCHS has helped people. She also had a letter of support with a lot of signatures.

Billy Avery, a member of the board of directors of OCHS, has been a women's care activist for most of her life. She has mother who is 102 and she'd like to live to be as old as her mother. She gave another plug for MassHealth and concluded by saying that she thinks this is something that deserves everyone's interest.

June Foreman said that she is an abutter to OCHS and she is opposed to the expansion. The plans haven't addressed the proximity to Standish Way which is where her house is. She had quite a few pictures showing the proximity of her home to OCHS. She bought her house 14 years ago and OCHS said they would never expand. She has already spoken to the Board of Selectmen (BoS) asking how many retaining walls will be needed. Also what recourse she might have. She further asked how can they support this facility? She is overwhelmed by all the lights and is concerned about the safety. She had 4 letters from her neighbors voicing much the same concerns.

Susan Davis from 11 Standish Way sent in a letter of disapproval. She is a 25 year abutter and she feels the town has rubber stamped this proposal. There is a sand dune which supports and stabilizes Standish Way and she would like a deed restriction mandated for the OCHS property.

Towanda DeNagy McClure from Maushope also wrote in a letter of support for the project.

Sheila McGuinness of 11 Standish Way had a letter of support for OCHS but she still feels conflicted about such a massive expansion. OCHS has big plans when it comes to lot coverage. It is an affront to the entire community. It will alter the topography and

she really wants a site visit re: high elevation district. Also it should require an environmental assessment.

Celine Gandolfo of The Conservation Trust wrote that we find this plan to be massively excessive. In this region more than 59 species of birds have been documented and this clear cutting would negatively affect these birds. It will be very vulnerable to storms and when this area is clear cut it will hurt birds. They feel that there is no need to destroy a large habitat for summer parking. Once this habitat is destroyed – it's gone.

Craig Coons & Charles Roberts penned a negative letter in which they stated that they do not support the expansion. Please schedule a site visit and find that it will negatively impact our peaceful neighborhood. When the facility is closed - people will park in this giant lot. The resulting foot traffic from Pearl Street and Standish Way will be difficult to bear. They would like the parking put in nearer to Harry Kemp Way. It's an affront and we suggest that you leave the back property as is.

Dorothy Palanza closed the public hearing portion at 9:00 p.m.

Eric Gelinis – speaking to the proponents – said that he would encourage them to respond to some of these questions. George Berg said that he would like copies of the letters.

Dorothy said one of the big questions seems to be the parking area. George said that they're only adding 14 spaces.

Dorothy asked if there were any way to have the space smaller and have some of the support facilities of OCHS moved into the building. The spaces for exam rooms are a standard size. George said that his ZBA meeting is on Thursday with the assumption that they want the same thing.

Dorothy wondered if that includes an environmental impact statement? George said that he's in the process of getting - a determination of environmental statement.

David G. asked if there was anything that Planning would like to be looked at specifically. The ZBA only said that they wanted an impact statement. Dorothy read from the Town's bylaws which only seemed to promote more confusion.

Mark Weinress had questions about sound proofing the HVAC equipment. George said that he'd look into it.

John Golden's concern was a bike rack because he has a bike and rides it everywhere.

Reggie Donohue from Coastal Engineering said that he's proposing storm water management which will accept run-off from roofs and he's describing procedures that will be happening during construction. He spoke about the parking spaces and referred to a neighbor who expressed concern about saving trees; they redesigned the plan to accommodate the concerns. He's also proposing gates to close off parking during off hours. He mentioned, too, that the proposed site is not in a high elevation district.

Peter Page said that the planting plan should show what is existing and what is planned; he'd like to see a lot more planting. Someone mentioned a fence and he's not crazy about that but allowing planting along that whole back would be beneficial. He asked, "the gates will be locked every night?" Peter continued by saying that you mentioned the generator – how about acoustics and it should be on one of the plans. He appreciates keeping the lights low – but what about shutting them off at night? He understands the security issue but how about shutting them off at night. He would be satisfied if the lights on the building would be on.

George agreed about no fence because it becomes a maintenance issue.

Motion: Move to have a site visit at OCHS on June 20th at 5:45 p.m.

Motion: Dorothy Palanza Seconded: Eric Gelinas Vote: 5-0-0.

Motion: Move to continue FY11-25 until the meeting on June 20th. At this time there will an environmental statement, letter re: septic, a planting plan regarding planting and screening on the back property line and a plan for the acoustics on generators, air conditioners, etc.

Motion: Dorothy Palanza Seconded: Eric Gelinas Vote: 5-0-0.

Minutes of previous meeting

Motion: Move to approve the minutes of the January 24th meeting as written.

**Motion: Dorothy Palanza Seconded: John Golden
Vote: 4-0-2 ab (MC & MW)**

Motion: Move to approve the minutes of the February 28th meeting as amended.

Motion: Dorothy Palanza Seconded: Eric Gelinas Vote: 5-0-1 ab (MC)

Motion: Move to approve the minutes of the May 16th meeting as amended.

Motion: Marianne Clements Seconded: Peter Page Vote: 5-0-1 ab (MW)

Any other business that shall properly come before the Board

Dorothy Palanza wants a working session on the Local Comprehensive Plan. David G. suggested that perhaps a joint meeting with the LCP committee might be arranged. They meet on the 2nd and 4th Wednesdays of the month. They start the LCP meeting at 5 p.m. and usually try to keep their meeting down to 2 hrs – so we may be able to have a joint meeting at 7:00 p.m. on one of those nights. Eric may have a conflict but he'll see what he can do. David Gardner said that we have to post it.

The meeting adjourned at 9:53 p.m.

Respectfully submitted,

Evelyn Gaudiano

Evelyn Rogers Gaudiano

Approved by _____ on _____, 2011.
Marianne Clements