



Public Meeting
June 20, 2011
Judge Welsh Hearing Room
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

Site Visit 5:45 p.m.

Alan Hall, Director of Facilities and Purchasing on behalf of Outer Cape Health Services, 49 Harry Kemp Way

All Board members present were at the site visit except for Marianne Clements who had recused herself.

Meeting Agenda 6:40 p.m.

Public Comments

There were none.

Request for Approval Not Required Pre-Application

Application by William N. Rogers, P.E. & P.L.S. on behalf of John Etedman and David McMahon to convey Parcel 1 from 7 Whorf's Court to 9 Whorf's Court, Provincetown, MA.

The meeting was called to order at 6:40 p.m. Wm Rogers, II told the group that the owner wants to convey one parcel to another – 7 Whorf's Court is a non conforming lot and the owners have approval to remove a building. Mr. Rogers continued by saying that one parcel is registered land. He will return with more information at a future meeting since this is merely a pre-application.

Request for Approval Not Required Pre-Application

Application by William N. Rogers, P.E. & P.L.S. on behalf of Trevor's Trail LLC to divide Lot 45 into two lots to become Lots 45 and 46 with frontage on Harry Kemp Way at the property located at 59 Harry Kemp Way, Provincetown, MA.

Mr. Rogers said that this presentation concludes about a year of plans for this case. Billy was required to bring back the easement before the final plans could be endorsed. What his client wants to do now is to divide these two lots - 42 and 44 have already been approved. He also brought in the easement and if you approve this plan at the next meeting then the whole thing is just to make this a buildable lot.

There is already a cottage on the lot and a pool and the case is about being able to sell this lot. Peter Page said the access to that cottage was through another lot (a big gully). Peter also wanted to know about the parking. Mr. Rogers will bring in the site plan & show you all of that. The pool may have to be moved and that may be an eventuality. All of this has to be done in order to get a building permit.

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).**

The ZBA requested more dimensions on the plan and there was a notation that said "not to scale" however there are no changes in the design – just the additional dimensions have been put on the design. The Board also requested letters and there are back up sheets that show utilities, roads, etc.

Ted continued by saying that the landscape plan is not yet in full size. He brought extra copies of the development impact statement, too. The impact statement had already been given out.

The report from the Fire Chief is waiting for the next Fire Chief's meeting – late in July. Ted is hoping that the board may have a special meeting to expedite this. The Fire Department had commented on this plan when it was 37 units but they want to review it again.

Mr. Malone began to walk the Board through the plan starting with the larger lot. The cover sheet had all the information and the next page shows the road & sidewalk layout throughout the site.

Ted continued by saying that the addition to the outline of roadways, etc. You can also see the drainage structure on the parcels that will collect water from the roads. He has plans for dry wells and rain barrels; these are designed to handle the roadway runoff.

Marianne had a question about the parking lot. She was told that there are accommodations made for delivery vehicles and the occasional big-rig so that there is no longer a circular situation; this reconfiguration should alleviate any problems. Marianne wanted clarification about parking right beside the barn. Ted said that there are handicapped spaces provided, as well. We plan 23 units and we're providing 32 spaces - more than necessary.

The plans show septic, water mains, and something Ted wants to point out – we did change something on pg 1 – it has to do with contours and he was able to find the original contours on the original plan so we were able to recreate them. The contours show up quite well on the utilities plan. There are 2 leaching fields – one in the paddock area and one under the roadway. On the next page – gas (very large tanks buried) – and all the electric will be underground. The hydrants were next discussed; there will be 1 near the entry, and the 3rd one just off the property line at the edge of Stearns Avenue.

The existing trees are labeled, i.e., oak, etc. One tree is a huge poplar and there are a lot of native plants; Ted named a few.

Marianne wanted to know more about the lighting. Ted said that this will be furnished. It will be low illumination just for the purpose of lighting roadways and walkways. The light fixtures on the buildings are shown on the engineer's plan.

Ted asked, "Do you want to see the detail for the lighting on the plan? The last two pages have detail about septic, etc. Then he said - just to quickly walk you thru lot 10 – he's not quite sure why the architect changed the scale of lot 10 but this is a one-way loop. Ted said that the only plan that gets recorded is the composite.

Eric Gelinis said that when we walked along the highest spot – there's one area that steps down toward Race Point Road – so are you putting a fence there? Ted said – if you look at the new proposed property line it's really near the top of the bank and it very well may need some type of a fence up there. All these issues may come to light

during the actual building. The rear elevation of the building line is really a private area. Ted asked - are you requesting more detail? Eric said no.

Ted said that when there's staging for a fire – the firemen prefer to park their vehicles and fight the fire independent of vehicles. Mark Weinress said - on the landscape plan at the top of lot 10 – he hopes you replace the tree if it dies during the building. No problem – Ted said - the existing trees are the reason the roadway takes a bend.

Ted did produce a memo from the Building Commissioner regarding the legality of the retaining wall. There was also a favorable report from Brian Carlson the Conservation Officer.

John Golden said that he didn't feel comfortable making a decision until the Board hears from the Fire Chief. Mark W. asked if there were any other issues? Eric said that when we originally heard from the abutters there were complaints about horse manure; it was noted that Brian Carlson already addressed this. Marianne C. said that the plan is not entirely in scale.

Motion: Move to approve FY11-20 contingent on the Fire Chief's letter of approval.

Motion: Mark Weinress Seconded: Peter Page Vote: 5-0-0.

Motion: Move to extend the waiver and time constraints of FY11-20 until the July 18th meeting.

Motion: Mark Weinress Seconded: Peter Page 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).**

A request was made to continue the case until the August 1, 2011 meeting.

Motion: Move to waive the time constraints and continue FY11-24 until the August 1st meeting.

Motion: John Golden Seconded: Mark Weinress Vote: 5-0-0.

Motion: Move to take FY11-26 out of order at request of applicant. The remaining case applicants had no objection.

Motion was made, seconded, and approved by all. Vote: 5-0-0.

Case #FY11-26 Site Plan Review

Application by Joshua Prager under the Zoning Bylaws Article 2, Section 2320, High Elevation Protection, District B). The applicant seeks approval to repair and insulate an existing Artist Studio and to demolish the existing addition and build a new addition in the same location to include a kitchen a full bathroom and to construct a roof deck at the property located at **25 Miller Hill Road, Provincetown, MA (ResB Zone)**. Existing use of the premises is Artist Studio and proposed use is Mixed-use residence and Artist's Studio.

Eric Gelinas disclosed that he's an abutter but there was no objection raised by anyone.

Joshua Prager made the presentation and told the Board that the Historic District Commission had approved the proposal (The HDC vote for approval was 3-2-0.) He spoke about what he intends to do and said that it was almost an identical replacement. He continued saying that the barn is not changing at all - just a bit wider, etc. He's describing the plan he hopes to build.

He's not changing any of the landscaping and he described measures he's taking to prevent erosion – he just wants a deck added and it's remaining at exactly the same grade. His neighbors would be happy to have him use their driveway during construction and demolition. No one can see this addition from a public space and it is using the same footprint (except that it's a big larger). He then quoted from bylaws that will easily allow his addition. The only utility changed would be to move the electric wires a few feet above ground.

Stephan Borkowski, a member of both the HDC and the Historic Commission, said that he was strongly in favor of the demolition and addition.

The plan was submitted under the name of Joshua Prager and he hopes to become a non-profit soon but is not as yet. Mr. Prager said that he'll be returning to Provincetown for a curb cut on July 11th and he wondered if the Planning Board could further accommodate him and schedule the site visit on that day.

Peter Page said that you have to have a set of plans that say “not for construction.”

Motion: Move to continue FY11-26 until the July 11th 6:30 p.m. meeting following the site visit on that same date at 5:00 p.m.

The motion was made, seconded, and approved by a vote of 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, an employee of OCHS stepped down.

Jill Vaughan of 27 Standish Way asked many questions, i.e., what about zoning barriers – what about parking – the BoS when they granted a curb cut, the DPW has not officially voted in on this project. She finished by saying that her main question is how will all this really get done?

Eric Gelinis suggested ways to mitigate – maybe by changing the parking on one space.

George Berg said that they are shifting those parking spaces over to the southeast part of the property; he & Reggie Donoghue talked about doing that. We'll present in any order that you wish.

Joyce Meadows said that the Fire Dept. has not received a set of plans about this expansion and – Mr. Berg said that they have requested a review with the Fire Dept. and David Gardner. Mr. Berg said that they did receive a plan but perhaps not a final set of plans. He hasn't had a chance to speak to the Fire Chief but the Chief did sign off on the curb cut for the BoS.

Sally Deane, CEO of OCHS and a Provincetown resident, spoke next. She said that the suggestions made by the abutters & the Planning Board were of a great deal of value. Most of the residents who come to the health center can eliminate driving to Hyannis. The nearest mammography center is in Harwich and currently there is an 8 mos. wait to get a mammogram. Ms. Deane had lots of figures proving the need. The nearby Gosnold does not accept MassHealth for payment. She also wants to personally thank Jill Vaughan since her suggestions have helped us improve the project. These include minimizing the parking spaces and just one more as required by the Mass BoH. The landscaping plan for this is included in the federal funding; it also minimizes the impact of lighting. She said, too, that she has submitted a letter of request to have the shuttle bus make OCHS a regular stop.

George Berg included an impact statement and also acoustical information on the chiller on the roof. Mr. Berg proceeded to verbally walk everyone through the impact statement that he had prepared. It had approximately 14 lengthy statements which he

painstakingly read to all. All the improvements suggested sounded marvelous and the Board can go over his statement at their leisure.

- Support letter from Jane Evans, Health Agent. – flow below what expected
- Curb cut granted by BoS on June 13th as “exit only”
- No bearing on aquifers
- No bearing on toads
- OCHS will work with town to cap fees
- All storm water will be contained on site
- Catch basin on Harry Kemp that will also be captured on site.
- Much care regarding Standish Way or abutting properties
- OCHS is promising to retain any and/or all trees.
- Building is now fully sprinklered
- Site will be protected by security – no impact on town’s svcs
- No detrimental shadows for solar access

The above list condenses the impact statement.

John Golden’s questions had to do with the elevation of the road behind the building and where the road is in relation to the abutter’s property.

There was a question about permeable driveway material but gravel is not only noisy but requires regular maintenance.

Mr. Berg said that our planting space is flexible and we’re trying to address the screening.

Mark W. wants the lighting reduced. George said that there are a couple of poles that are existing for now and cause undue glare on neighbor’s property and these will be turned off during off hours.

Mr. Berg soldiered on by saying that he had yet two more pieces of information:

1. the generator will have an enhanced acoustical cover and it has to be run one day/wk and we’ll try to schedule it for any 30 min test period/once/wk that will be compatible to neighbor’s requests.
2. the chiller will be mounted on the roof tops and they are looking at membrane roofing that will provide some acoustical relief.

John G. would like to have an arborist look at the existing trees to see if they can be saved.

Motion: Move to approve the plan as revised on June 21st with the following conditions:

- 1. Move to have an arborist review any trees outside of the disturbed area**
- 2. Add an additional parking space near the stairs.**
- 3. Have parallel parking closest to the stairwell.**

Motion: Eric Gelinass Seconded: Mark Weinress Vote: 4-0-1 ab (MC)

Minutes of previous meeting

Motion: Move to approve the minutes of the June 6th meeting as written.

Motion: Marianne Clements Seconded: Mark Weinress Vote: 5-0-0.

Any other business that shall properly come before the Board

There was none.

The meeting adjourned at 9:48 p.m.

Respectfully submitted,

Evelyn Gaudiano

Evelyn Rogers Gaudiano

Approved by _____ **on** _____, 2011.
John Golden, Chairman

NEXT MEETING
JULY 11TH
6:30 P.M.
PRECEDED BY SITE VISIT
HAWTHORNE BARN
5:00 P.M.

Kindly note change in meeting date!