



PLANNING BOARD
February 6, 2013
Judge Welsh Hearing Room

Members Present: Mr. John Golden, Ms. Marianne Clements,
Mr. Mark Weinress, Ms. Dorothy Palanza.

Other Staff Present: Mr. David Gardner, Assistant Town Manager
Ms. Maxine Notaro, Permit Coordinator
Mr. Edward Atwood, Recording Secretary

Members of Ad Hoc Zoning Bylaw Committee: Ms. Ann Howard, Mr. Peter Page
Mr. Ted Malone, Ms. Marianne
Clements.

The meeting was called to order by Mr. John Golden, Chair at 6:00 p.m.

Open Cape Tower Proposed Project:

Mr. Michael Scott of Nutter McClennan & Fish LLP and Mr. Gary Delius, Construction Coordinator for Open Cape to discuss the Open Cape Tower project located at **7 Captain Birdies Way, Provincetown, MA.**

Mr. Scott explained to the Board that Open Cape is a non-profit company building a fiber optic network on Cape Cod as well as all of South Eastern Massachusetts. The project is funded by local and federal grants. The Open Cape system was developed to include microwave antennas that power a backup system in the event of a compromise in the Fiber optics. Part of the Open Cape plan was to provide high speed internet to local city and towns. Plans will be submitted detailing the installation of the antenna proposed for the towns water tower with additional equipment proposed to be installed at the base of the tower. The Network will also be compatible with cell tower lines to increase 4G LTE services.

Mr. David Gardner, Assistant Town Manager informed the Board that their meeting was not published as a public hearing and that the Board could not make any findings or waivers.

Mr. Scott told the board they would be seeking waivers in a formal public hearing as it pertains to the submission of site plans, balloon and crane test, and a surety bond.

Member Mark Weinress asked if there was any lighting proposed: applicant responded, "NO".

Member Dorothy Palanza asked what the proposed propane tanks were for: Mr. Scott replied that they were to power the back up generator.

The Board thanked Mr. Scott and Mr. Delius for their time and presentation. Mr. John Golden informed the other members of the Board that it was difficult for him to make the meetings on Wednesday's. Mr. Golden proposed they move the Planning Board meetings to Monday nights. The Board discussed this idea and agreed they could all make Monday nights.

A motion by Member Dorothy Palanza to move the Planning Board meetings to Monday nights at 6:30 p.m. instead of Wednesday nights at 6:30 p.m., starting on March 4, 2013. The motion was seconded by Member Marianne Clements. VOTE 4-0-0.

Discussion on proposed amendments to zoning bylaws:

- **Building Scale Bylaw-**

The Board and the Ad Hoc Zoning Bylaw Committee reviewed Article 2- Scale bylaw and discussed proposed amendments. After some discussion the Board agreed to amend section C Procedure, to read as follows:

Each application for a building permit, except where the total volume is reduced, shall contain information on the building volume of all structures that fall wholly or partially within two hundred fifty (250) feet of the center of the proposed renovation if a structure exists, or of the center of the proposed new building except for stand-alone, non-residential accessory use structures of 2160 cubic feet or less.

The Board and the Ad Hoc Zoning bylaw committee discussed possible dates the Scale bylaw amendments would take effect. The Board proposed July 1, 2013 and April 2, 2013 as possible effective dates of the Scale bylaw amendments. After further discussion the Board decided to hold off on picking a date.

Member Mark Weinress agreed with the concerns of the Board, however, said he would not be able to support the propose change to the Scale bylaw without including a grandfather provision for applicants currently in the process.

Member John Golden opened the meeting up to public comments:

Mr. Brian Wahl, attorney representing Mr. Siniko an abutter to the proposed project at 294 Bradford Street, stated for the record the "scale bylaw is supposed to protect all citizens, the applicant and the properties abutters".

A motion by Member Dorothy Palanza to accept the amendments to the Scale bylaw as written. The motion was seconded by Member John Golden. VOTE 4-0-0.

Ad Hoc Zoning Bylaw Committee motion-

A motion to by Member Ann Howard to endorse the amendments to Article 2, Section C Scale bylaw proposed by the Planning Board as written. The motion was seconded by Member Ted Malone. VOTE 4-0-0.

- **Site Plan Review-**

The Board discussed possible changes to the Site Plan Review process and only emphasized that site plans should be done through the special permit process.

- **Proposed Natural Cover Removal: No discussion moved to next item**

- **Earth Removal: No discussion moved to next item**

- **Medical Marijuana Dispensing Site: No discussion moved to next item**

- **Lighting Bylaw-**

The Board and the Ad Hoc Zoning Bylaw Committee discussed possible amendments to Article 3, Outdoor Lighting and Illumination, Sections 3430, 3431 Purpose, 3432 Applicability, 3433 Exemptions, 3434 Mercury Vapor Lamps, 3435 Definitions (lumen, lux, illuminance, color rendering index, light trespass, glare, fully shielded light fixture), 3436 Control on glare and light trespass, 3437 Light Fixture Height, 3438 Compliance, 3439 Enforcement, 3440 Lighting Designation Areas, 3441 Lighting plan.

Mr. David Gardner, Assistant Town Manager informed the Board the there would be a final Public Hearing on the proposed lighting bylaw amendments on **Zoning By-law changes on February 27, 2013 at 6:00 p.m.**

A motion by Member Marianne Clements to accept amendments made to the Outdoor Lighting and Illumination bylaw as written. The Motion was seconded by Member Mark Weinress. VOTE 4-0-0.

Ad Hoc Zoning Bylaw Committee motion-

A motion by Member Ted Malone to accept amendments made to the Outdoor Lighting and Illumination bylaw as proposed by the Planning Board as written. The motion was seconded by Member Anne Howard. VOTE 4-0-0.

Minutes: None to approve.

A motion to adjourn by Member Dorothy Palanza the meeting of the Planning Board, February 6th, 2013 at 9:45 p.m. The motion was seconded by Member Marianne Clements. VOTE 4-0-0.

Respectfully submitted,

Edward Atwood

Edward F. Atwood
Recording Secretary