

PLANNING BOARD
Meeting Minutes
Thursday, February 27, 2014
Judge Welsh Room
6:30 P.M.

Members Present: Mark Weinress, Grace Ryder-O'Malley and Brandon Quesnell.

Members Absent: Marianne Clements, John Golden and Dorothy Palanza.

Staff: Gloria McPherson, Town Planner.

Chair Mark Weinress called the meeting to order at 6:35 P.M.

Meeting Agenda

Public Comments:

None.

Public Hearings:

Case #FY14-14:

Application by **Daniel Kaizer and Adam Moss** for endorsement of a plan believed not to require approval (ANR) for a lot line adjustment between two existing lots, both with frontage on a public way, at the property located at **25 and 29 Miller Hill Road (Assessor's Map 13-2, Parcels 33 & 33G)**.

John O'Riley, representing Daniel Kaizer and Adam Moss, presented the application. This plan was presented to the Board approximately six months ago for an ANR review. It was subsequently submitted to the Land Court, which requested minor revisions with regard to some notes and details.

The Board asked Mr. O'Riley to describe the difference between the two plans. He explained that the changes included an old overhead easement for Cape & Vineyard Electric Company that ran from the barn, updated abutting lot numbers and showing the location of two additional points along Miller Hill Road to match up with previous subdivision plans registered with the Land Court.

There was a motion by Grace Ryder-O'Malley to endorse a plan believed not to require approval (ANR) for a lot line adjustment between two existing lots, both with frontage on a public way, at the property located at 25 and 29 Miller Hill Road (Assessor's Map 13-2, Parcels 33 & 33G). The motion was seconded by Brandon Quesnell. VOTE 3-0-0.

Application by Verizon Wireless requesting a pre-application meeting pursuant to Article 7, Wireless Telecommunication Towers and Facilities, Section 7080, Application Requirements, of the Provincetown Zoning By-Laws to discuss the collocation of three sectors of three antennas

onto the existing water tank, together with cables down the side of the water tank and new ground mounted equipment in an existing fenced enclosure adjacent to the water tank located at **108 Mt. Gilboa Road (Assessor's Map 18-2, Parcel 2)**.

Attorney Mike Giaimo appeared to discuss the project. This was a preliminary review to familiarize the Board with the proposal. The project involves the placement of a second carrier on the water tank. This is a Town-leased site. There will be three arrays of three antennas, a standard configuration, each just below the top rim of the tower, and will be made to blend in with the tower. A cable will run up the side of the tower to connect the antennas with an equipment shelter, which will be placed next to the existing fenced enclosure at the site. The equipment shelter will itself be fenced in along with a propane tank.

The Board questioned Attorney Giaimo about the noise from generator-testing emanating from the site, what the equipment shelter will look like, the proposed location of the cable tray and the additional cell coverage that will ensue. He stated that the tests are conducted weekly and the time of the testing can be set. Typically, people prefer testing to occur during the day when other ambient noise is happening. He added that the equipment shed will have a sloped roof and will be shingled. It will go in an area that has already been disturbed. Some small trees and scrub plants may be removed in order to safely site the propane tank on a concrete pad and fence it in. The cable tray cannot be re-positioned, however it will match the color of the water tank to less its visual impact. Attorney Giaimo did not have information in regard to the added coverage that would result from the installation of these antennas. He asked the Board if there was anything in the By-Law that would not be needed at the presentation of the application. Chair Mark Weinress replied that usually attorneys who represented the applicant would request waivers from certain requirements in the By-Law. Attorney Giaimo will submit that information as part of his application. He will submit the application in order to appear at the April 10, 2014 Public Hearing. He reminded the Board that a provision was passed a couple of years ago that said that if a wireless facility exists, minor expansions can occur by right. The Board discussed the simulated photographs that were submitted. In response to a question concerning the addition of any lighting, Attorney Giaimo replied that as a standard feature, the equipment shed would have a motion detector light, directed downward.

Proposed Zoning By-Law Amendments:

Discussion of proposed amendment to Article 2, Section 2330, Floodplain District Boundaries and Base Flood Elevation Data, of the Zoning By-Laws:

Ms. McPherson explained that the amendment is dependent upon whether the revised FEMA maps are adopted this year. She stated that the Board should move forward with this revision in case the maps are adopted. The language was submitted to the Town by the state and revised by Town Counsel. She noted the revisions made by Town Counsel. The changes will bring the Town's By-Laws into conformity with state and federal law.

There was a motion by Grace Ryder-O'Malley to accept the language, as amended by Town Counsel, of Article 2, Section 2330 of the Zoning By-Laws. The motion was seconded by Brandon Quesnell. VOTE 3-0-0.

Ms. McPherson suggested a revision to the motion.

There was a motion by Grace Ryder-O'Malley to refer the final Article 2, Section 2330 of the Zoning By-Laws language, as written and amended by Town Counsel, to the warrant. The motion was seconded by Brandon Quesnell. VOTE 3-0-0.

There was a motion by Brandon Quesnell to adjourn the Public Hearing at 7:15 P.M.

WORK SESSION

Chair Mark Weinress called the Work Session to order at 7:15 P.M.

Joint Meeting with the Conservation Commission regarding the establishment of a Greenway along Route 6:

Members of the Conservation Commission present were Dennis Minsky, Barbara Prato, David Hale and Mark Irving. Members of the Open Space Committee present were Steve Milkewicz, David Hale, Dennis Minsky and April Baxter. Brian Carlson, Conservation Agent, was also present. The Commission, explained Chair Dennis Minsky, was directed by a Town Meeting vote in 2010 to survey and define the Greenway from the Provincetown town line to the National Seashore.

He explained that the Greenway has been defined and mapped by the Commission and included in the Open Space and Recreation Plan, a document approved by the Board of Selectmen. He stated that the discussion this evening was to determine if this area needs more protection and if so, to task the Board with revising Zoning By-Laws to accomplish that goal. Currently it is protected by the Wetlands Protection Act and the Town By-Laws. He explained that the Greenway came into being as a reaction to damage done to several staging areas by the Dept. of Public Works when the sewer was being installed. The Town was fined for that activity and had to mitigate those areas.

Mr. Carlson explained several maps of the Greenway that were projected on the Prometheus screen. The Board, the Commission and the Committee discussed the maps. The issue of how to protect the Greenway was discussed, including whether any new zoning by-laws were needed and it was suggested that the Greenway could be zoned as an overlay district. Ms. McPherson explained that the overlay district wouldn't change the underlying uses that were allowed, but could result in increased buffer requirements in order to preserve the viewscape. In addition, a Special Permit could be mandated for any site plans submitted for the area, as well as the imposition of restoration requirements. An overlay district would involve a change in the zoning map. The Board will look at the issue and discuss possible amendments to the Zoning By-Laws in the future.

Proposed Zoning By-Law Amendments:

Discussion of proposed amendment to Article 6, Growth Management By-Law, Section 6600, Table of Use Categories and Priorities, of the Zoning By-Law:

Ms. McPherson explained the proposal, which the Board discussed at a previous meeting. 3b now includes a single-family dwelling on one lot, a two-family dwelling on one lot or two single-family dwellings on one lot. The proposal is to divide category 3b into two separate categories, making a single-family dwelling on one lot its own category, with a priority slightly above two-family dwellings, as it is potentially more likely to become occupied by a year-round resident, and putting two-family dwellings on one lot and two single-family dwellings on one lot in another category. The Board discussed the amendment.

There was a motion by Brandon Quesnell to refer the final Article 6, Section 6500 of the Zoning By-Laws language, as written by staff, to the warrant. The motion was seconded by Grace Ryder-O'Malley. VOTE 3-0-0.

Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2560, Dimensional Schedule, of the Zoning By-Laws:

Ms. McPherson explained that this amendment to the dimensional schedule eliminates rear yard averaging. The Board briefly discussed the amendment.

There was a motion by Grace Ryder-O'Malley to refer the final Article 6, Section 6500 of the Zoning By-Laws language, as amended by Town Counsel, to the warrant. The motion was seconded by Brandon Quesnell. VOTE 3-0-0.

Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District, of the Zoning By-Laws:

Ms. McPherson said that new language would be added to subsection C. Special Regulations for HEP Districts A and B. The revised subsection would read as follows with the additional language underlined: “All new construction or additions and expansions, decks and other non-enclosed structures, even if the overall footprint is not being enlarged, or any excavation, land removal or earth moving of more than 2500 cubic feet that will alter the topography from natural grade, whether or not subject to a building permit shall be subject to Site Plan Review as specified in Section 4160 with additional requirements as specified herein.”

The Board discussed the amendment and decided to add the phrase, “including but not limited to” after the word ‘expansions’. The new language would read as follows: “... and expansions, including but not limited to decks and other non-enclosed structures, even if the overall footprint is not being enlarged...”

There was a motion by Brandon Quesnell to refer the final Article 6, Section 6500 of the Zoning By-Laws language, as written by staff and amended by the Planning Board, to the warrant. The motion was seconded by Grace Ryder-O'Malley. VOTE 3-0-0.

Minutes of previous meeting:

February 13, 2014: *There was a motion by Mark Weinress to approve the language as amended. The motion was seconded by Grace Ryder-O'Malley. VOTE 3-0-0.*

New Business:

Ms. McPherson stated that an emergency dredging application was submitted to Brian Carlson. On that application, there was a page regarding municipal planning notification. She signed off on the receipt of the application. She wanted to know if the Board would like to comment on the project, which involves the dredging of 82 cu. yds. of material at a commercial marina. The material will be de-watered on a work barge and then trucked to a contractor's yard in North Truro for disposal. The Board discussed the project. The consensus was that the Board supported the project, but had no comments to add.

Ms. McPherson received a letter dated January 17, 2014 regarding 9 Oppen Lane. A renovation had taken place at the site in 2008 and, at that time, the Board required a \$5000 bond for the restoration of the road in case it was damaged during the construction process. A certificate of occupancy has been issued for the house and the owners are looking to have the bond released. Marianne Clements was the only Board member seated at the time of the project who remains on the Board. Ms. McPherson discussed the issue with her. Ms. Clements made a site visit and observed that there were no problems with Oppen Lane. She would recommend the release of the bond. The Board has received no comments or complaints from abutters regarding that issue. The Board briefly discussed the issue.

There was a motion by Grace Ryder-O'Malley to release the \$5000 bond, with interest, which was held in Case #2008-09 for a Site Plan Review at 9 Oppen Lane. The motion was seconded by Brandon Quesnell. VOTE 3-0-0.

The Board did a site visit at 50 Franklin Street. Ted Smith, who presented the application to the Board, wants to modify the application to include a smaller roof deck and a wooden walkway around the first floor. He was invited to the meeting, but did not show up. The Board will wait to render a ruling until Mr. Smith appears to present the revisions.

Ms. McPherson informed the Board about the Citizen Planner training classes taking place on Saturday, March 15, 2014.

There was a motion by Brandon Quesnell to adjourn the Planning Board meeting of February 27, 2014 at 9:00 P.M.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2014
Mark Weinress, Chair