

PLANNING BOARD
Meeting Minutes
Thursday, August 11, 2016
Judge Welsh Room
6:30 P.M.

Members Present: John Golden, Grace Ryder-O'Malley, Steven Baker and Dave Abramson.

Members Absent: Brandon Quesnell, Ryan Campbell and James Woods (all excused).

Staff: Gloria McPherson, Town Planner and Ellen C. Battaglini, Permit Coordinator.

Chair John Golden called the meeting to order at 6:35 P.M.

Meeting Agenda:

1. **Public Comments:** None.

2. **Public Hearings:**

a) **Case #FY16-33** (*postponed to August 25, 2016*)

Application by **Steven N. Avruch** and **Edward G. MacLean** requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (B), of the Zoning By-Laws, to renovate the exterior of a structure, including reducing the number and size of existing decking, shortening and re-configuring a driveway, adding off-street parking, re-configuring and re-grading the northwesterly and southwesterly yards and installing retaining walls at the property located at **119R & 129R Bradford Street Extension**.

b) **Case #FY17-01**

Application by **Edward D. Pare, Jr., Esq., of Brown Rudnick, LLP**, on behalf of **New Cingular Wireless PCS, LLC ("AT&T")** requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District, and Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the installation of 12 panel antennas on a water tank together with related equipment including remote radio heads, surge arrestor, cable trays, GPS antennas and conduits and a new equipment shelter to be located within an existing fenced area at the property located at **7 Capt. Bertie's Way**.

Attorney Michael Dolan, of Brown Rudnick, LLP, appeared to present the application. He explained that his client, New Cingular Wireless PCS, LLC, has FCC licenses to operate in Massachusetts, however it currently has a gap in coverage in Provincetown and has entered into a lease with the Town to locate antennas on the existing water tank on Capt. Bertie's Way. The proposal is for 12 antennas with related cabling down to a cedar shingled equipment shelter on the ground. AT&T had obtained a Special Permit and Site Plan Approval in 2014 for this facility, however it was not built at that time. The approvals have since lapsed and now AT&T has allocated the funding to build the facility at this time on the water tank location. Since 2014, with the passage of the Spectrum Act, which governs adding transmission communication equipment to existing eligible facility structures, administrative review in the form of site plan approval only is required from the Planning Board. He stated that based upon examining photographs of

the location, the Board will realize that it will have a minimal effect, including negligible visual impact, on the site, while the Town collects revenue from AT&T's equipment. He added that cable trays and other equipment will be painted to match the color of the water tank and asked that AT&T be treated, in terms of conditions imposed, the same as T Mobile and other carriers that have similar transmission equipment on the water tower.

The Board questioned Attorney Dolan and discussed conditions.

There was 1 letter of no objection from an abutter, but with a concern about early morning noise emanating from the site.

The Board discussed conditions, including not permitting construction on the weekends and requiring adherence to the hours stated in the Town's by-law on weekdays, unless there was an emergency.

There was a motion by Steven Baker to approve Case #FY17-01, application by Edward D. Pare, Jr., Esq., of Brown Rudnick, LLP, on behalf of New Cingular Wireless PCS, LLC ("AT&T"), with the following conditions;

- *in accordance with Article 7, Section 7020(A) of the Zoning By-laws entitled "Removal Requirements, Abandonment or Discontinuance of Use", the applicant shall post a removal bond in the amount of \$30,000;*
- *the emergency back-up power generator shall be tested and exercised on Wednesdays at noon to avoid any unnecessary noise or disruption at the site;*
- *the applicant shall be responsible for site maintenance;*
- *the site plan approval shall lapse 24 months after issuance thereof and be valid for 8 years, coterminous with AT&T's lease with the Town; and*
- *construction and installation of the facility shall only take place Monday through Friday, unless there is an emergency. Dave Abramson seconded. VOTE: 4-0-0.*

3. Work Session:

a) Pending Decision

Case #FY16-28

Application by **BPJC, LLC** requesting Site Plan Approval and a Special Permit pursuant to Article 4, Special Regulations and Section 4015 Site Plan Review by Special Permit, of the Zoning By-Laws to construct 13 residential units, a septic system and associated site development, including earth moving of greater than 750 cu. yds. at the property located at **350 Bradford Street**. Ms. McPherson said that the applicant has submitted revised plans, which she will review. The decision was not ready.

b) Discussion regarding MA Zoning Reform bill – S. 2311, "An Act Promoting the Planning and Development of Sustainable Communities": Ms. McPherson said that a link to the bill had been provided for the Board's review. The same topic was discussed at the Joint meeting with the Board of Selectmen in July. The BOS would like to revisit the issue and is looking for comments from the Board. She had printed out for the Board a table of what was in the original bill as compared to the revised bill. She added that zoning reform is much needed in

Massachusetts, which has some of the most antiquated Zoning laws in the country. She reviewed several items that she had concerns about in the revised bill and how Provincetown would be impacted by some provisions in the bill. The Board will continue the discussion at a later meeting. Ms. McPherson will contact the Cape Cod Commission to find out if it has generated any opinions about the issue.

c) Update on 137 Bradford Street: Ms. McPherson said that the fencing will be removed and Jersey barriers with two vehicle access points will be installed next week. Ms. Ryder-O'Malley and Mr. Golden may attend pre-application meetings for the project.

d) Mapping for increased density overly zone for seasonal housing: This topic will be discussed at a later meeting.

e) 9 Oppen Lane: Ms. McPherson briefly reviewed the project, which does not come under the jurisdiction of the Planning Board. She also briefly reviewed the project at 29 Point Street. Anne Howard, Building Commissioner, joined the discussion.

f) Discussion regarding the draft Inclusionary By-Law: Ms. MacPherson reviewed the changes that the Board had discussed at a previous meeting. She had underlined the changes in the Board's handout. She reviewed the revisions to Section 4, 'Mandatory Provision of Affordable Units for all Development' and payments in lieu to the Housing Fund for the development of affordable dwelling units, on what basis the amounts would be calculated and adjusted annually and who would be responsible for determining the amounts. She reviewed the changes to the density, building height and growth management bonuses under Section 5, Incentives. The Board discussed the revisions and made suggestions. Ms. McPherson will research information about the average square footage of units for payment in lieu calculations on lot sizes in the Residential 1 Zoning District and liens and if they are a negative factor for refinancing. She will revise the rental unit development language concerning payments or liens and will work on some of the imprecise concepts in her revisions of the by-law, such as clarifying the fee reduction bonus. The Board discussed the timeline for the by-law's path to Town Meeting.

g) Minutes of April 23rd, August 27th and October 22, 2015, January 14th, January 26th, February 11th, March 24, April 28th, May 12th, June 9, June 23 and July 14 and July 28, 2016 meetings.

January 28, 2016: There was a motion by Steven Baker to approve the minutes of January 28, 2016 as amended. Grace Ryder-O'Malley seconded. VOTE: 4-0-0.

May 12, 2016: There was a motion by Steven Baker to approve the minutes of May 12, 2016 as amended. Grace Ryder-O'Malley seconded. VOTE: 4-0-0.

July 14 and July 28, 2016: There was a motion by Grace Ryder-O'Malley to approve the minutes of July 14 and July 28, 2016 as amended. Dave Abramson seconded. VOTE: 4-0-0.

h) Any other business that may properly come before the Board: Ms. Ryder-O'Malley said she had been working with Rik Ahlberg from the Bicycle Committee about bike racks and she

said that he had obtained information on bike racks that work successfully, which is information that the Planning Board could use as a standard when reviewing site plans. She will print out the information and the Board will discuss at the next meeting. Ms. McPherson will invite Mr. Ahlberg to the next meeting to participate in the discussion.

There was a motion by Dave Abramson to adjourn the Planning Board meeting at 8:30 P.M.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2016
John Golden, Chair