

PLANNING BOARD
Meeting Minutes
Thursday, March 24, 2016
Judge Welsh Room
6:30 P.M.

Members Present: Grace Ryder-O'Malley, Brandon Quesnell, Ryan Campbell, and Jim Woods.

Active Chair: Jim Golden

Members Absent: Steven Baker

Staff: Gloria McPherson, Town Planner.

Chair Golden called the meeting to order at 6:32 pm.

Public Comments

There were no public comments.

Public Hearings

Proposed Zoning Bylaw Amendment

Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, of the Provincetown Zoning Bylaw (ATM Warrant Article 24).

Ms. Ryder-O'Malley moved to endorse. Mr. Quesnell seconded. The motion passed unanimously 5-0-0.

Proposed Zoning Bylaw Amendment

Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, of the Provincetown Zoning Bylaw (ATM Warrant Article 25).

Ms. Ryder-O'Malley moved to endorse. Mr. Quesnell seconded. The motion passed unanimously 5-0-0.

Proposed Zoning Bylaw Amendment

Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, of the Provincetown Zoning Bylaw (ATM Warrant Article 26).

Ms. Ryder-O'Malley moved to endorse. Mr. Campbell seconded. The motion passed unanimously 5-0-0.

Proposed Zoning Bylaw Amendment

Discussion of proposed amendment to Article 6, Growth Management, Section 6500, Table of Use Categories and Priorities, of the Provincetown Zoning Bylaw (ATM Warrant Article 27).

Ms. Ryder-O'Malley moved to endorse. Mr. Campbell seconded. The motion passed unanimously 5-0-0.

Proposed Zoning Bylaw Amendment

Discussion of the proposed amendment to Article 1, Definitions, of the Provincetown Zoning Bylaw (ATM Warrant Article 28).

Ms. Ryder-O'Malley moved to endorse the request with the proposed modifications. Mr. Campbell seconded. The motion passed unanimously 5-0-0.

Proposed Zoning Bylaw

Discussion of proposed bylaw to Article 4, Special Regulations, Section 4810, Inclusionary Housing Bylaw, and other corollary Zoning Bylaw amendments (ATM Warrant Article 29).

During public comments, Mr. Ryan representing the Cape Cod Island Realtors states that they are in support of inclusionary bylaws in general but opposes this proposed bylaw. Mr. Ryan offers counters to Article 29. It is brought to his attention that he may have misinterpreted it as being the town's choice rather than the developer's choice.

Ms. Ryder-O'Malley moved to endorse request with the proposed modifications. Mr. Campbell seconded. The motion passed unanimously 5-0-0.

Case #FY16-22

Application by McLane Middleton PA on behalf of Cellco Partnership d/b/a Verizon Wireless requesting Special Permit pursuant to Article 7, Wireless Telecommunication Towers and Facilities, of the Provincetown Zoning Bylaw, to install 'small cell' and 'CRAN' wireless communication on top of existing utility poles at the following locations:

1. Pole #36/1997, 262 Bradford Street
2. Pole #1/8, 471 Commercial Street
3. Pole #36/2031, 14 Johnson Street
4. Utility Pole #5, 261 Commercial Street
5. Pole #2/29, 42 Bradford Street
6. Utility Pole #3/7, 26 Tremont Street
7. Utility pole at Shank Painter Road and Silva Lane

Mr. Peter Anderson on behalf of McLane Middleton PA details the application to develop Verizon cloud access radio network antennas. Mr. Anderson states that they have reached out to all potential abutters. The 'small cell' and 'CRAN' antennas will expand the capacity of the network and supplement the demand for data. The additions will also reduce the gaps in coverage.

Mr. Anderson continues to state that the 'small cell' and 'CRAN' antennas will have no additional noise, lighting, and will have a low impact from an emissions perspective. He

states that these models are extremely well received from other Massachusetts towns that Verizon has installed these antennas. Mr. Anderson states that the goal is to have these up by the summer months when the data demand is at its peak. The models that will be on top of existing utility poles are 29" high and 20" in diameter.

Mr. Anderson mentions that Federal Telecommunication Acts require Verizon to meet Federal standards in respect to emissions to the condition of Verizon's license. The Act prohibits municipalities from regulating on the base of emissions. If the Federal government standards approve the emission standards, municipalities cannot override the regulation.

Mr. Don Haes is an independent consultant that briefs the board on any general concerns. Ms. Ryder-O'Malley expresses concern with the variety of the heights of the 'CRAN' on top of the utility poles. Mr. Quesnell expresses concern with the 5-year plan of upgrades on the poles and antennas. He continues to express concern with the lack of coverage at the airport and public beaches. Mr. Quesnell wants to ensure the antennas will be the same color as the pole as he has an issue with the aesthetic as well as potential bird nesting issue. He also inquires about how these specific locations got generated.

Mr. Anderson begins to address the concerns. He explains that the 'small cells' and 'CRAN' can be any color. He explains that the long-term outlook, Verizon will continue to deploy new technology as it continues to advance. With the beaches and airport, those are Federal Government property, owned by the National Seashore. McLane Middleton PA on behalf of Cellco Partnership d/b/a Verizon Wireless have applications with the Federal Government inquiring about those locations, but the process takes much longer and is complicated. Because there are no poles already existing at the beaches, the result is a long duration through the bureaucracy. With any issues regarding the aesthetic, Mr. Anderson ensures that these don't make the telephone poles 'uglier' and are better than building a tower in town and are the least intrusive option.

An additional representative for the McLane Middleton PA on behalf of Cellco Partnership d/b/a Verizon explains LTE coverage and addresses the process behind the chosen locations. The locations allow the carrier to put remote radio head units to create an overlay over the residential population. This allows the macro cells to cover the larger area. As a result, the footprint is larger.

Public Comments for the application:

Public Tom- has an opinion with the elevation of the small cells on the poles.

Public Karen- is concerned with the unknown health risks. She is located 50 feet from the proposed small cell installation.

Public Janet- is concerned with the size of the 'CRAN'.

Public Sherry- is concerned with the radiation.

Public Penny- has an opinion on the Federal standards that are super seed the Board decisions on the telecommunications.

Public Mike- is concerned with the installations distance from the residential houses and that it is detrimental to health.

Public Charles- wants to regulate against the Federal telecommunications Act and allow the Board to oppose the installations. He thinks that the Shank Painter x Silva pole is on his property and is concerned with radiation.

Public comment letters:

1st- approves the small cell instead of towers.

2nd- concerned with the aesthetics and thinks they are an eye sore.

3rd- concerned with radiation.

4th- upset that these installations devalue the property value from the aesthetic and beatification of the property.

5th- does not see the benefit- ruins the beatification, health, and no extra need for coverage.

Mr. Anderson addresses the issues by explaining that these 'small cells' have been deployed in towns throughout Western Massachusetts, including Boston, as well as Phoenix and San Francisco. These installments have a proven history and have been of value to these communities. Verizon will continue to develop new technology to support the evolutions that are going to occur. City and town's have parking meters, robotics technology, as well as people working from home that need this coverage to work properly. Inevitably, these changes are coming and "as a tech company we need to support the movement."

Mr. Anderson concludes to the public comments that the emissions issue is a non-starter. If Verizon meets the Federal limits, then it can't be regulated by the Board. The pole attachments are the least intrusive option. These 'small cells' are intended to close the gap in coverage.

Mr. Anderson addresses to the Board that he will generate a rough long term plan for the technology installations, a rough plan addressing the bird nesting, get contact information for the application process in regards to the airport and beaches, any additional supplemental filing, and a estimate of the plan with pictures. Ms. McPherson requests an estimate for the removal of the (7) poles to set a bond.

Motion by Mr. Golden to move the decision to April 14th meeting with the updated requests from Mr. Anderson. Mr. Quesnell approved. The motion passed unanimously.

Work Session

- (a) **Case #FY16-06** (John) Application by Lester J. Murphy on behalf of Kathleen C. Meads requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (A), and Article 4, Section 4015(a)(1)(5), Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw, to construct two duplex structures, one per lot, install a shared driveway and perform associated site work resulting in the excavation of more than 750 cubic yards of earth at the property located at 5 & 7 Georges Path.

Decision was postponed to April 14th meeting.

(b) **Case #FY16-04** (Jim) (need revised plans) Application by Lester J. Murphy on behalf of 3 Cottages LLC requesting Site Plan Approval pursuant to Article 4, Section 4015(a)(1)(5), Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw, to demolish 3 existing cottages and construct two duplex structures resulting in a total of 5 dwelling units on the lot and perform associated site work resulting in the excavation of more than 750 cubic yards of earth at the property located at 52 Creek Road.

Ms. Ryder-O'Malley moved to endorse. Mr. Campbell seconded. The motion passed unanimously.

(c) **Case# FY16-19** (revised decision - Ryan) Application by 26 Alden LLC requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw to modify a previously approved site plan case #FY15-2, to eliminate a shed, increase parking by two spots, plant an additional tree, change surface parking from paving to pea stone, place an easement for pedestrian traffic to Motta field, install timber retaining walls on the rear of the property and change wheel stops from concrete to timbers at the property located at 26 Alden Street.

Ms. Ryder-O'Malley moved to endorse. Mr. Campbell seconded. The motion passed unanimously.

Meeting Minutes:

Minutes of September 10th were approved. The approval of these minutes was tabled. Minutes of April 23, August 27, and October 22, 2015, January 14, January 26, February 11, February 25, March 10, March 24 meetings were moved to a later date.

Other Business:

Ms. Jarusiewicz, the Grand Administrator/Housing Specialist for the Town of Provincetown, appears before the board with a rough 'Housing Playbook' for the Town of Provincetown. She states that it was drafted under the direction of the Town Manager and the Town staff. Ms. Jarusiewicz is going over the process and is looking for comments from the public, board, and committees. As town meetings continue, opportunities arise. The playbook targets (3) different areas: Affordable Housing, Seasonal Housing, and Community Housing. The playbook goes over summaries of different strategies for these areas with zoning, development, and financial. The playbook will be brought in front of the Board later when it has been fully developed.

Respectfully submitted,
Tyler Ranauro, Administrative Assistant

Approved by Thaddeus J. Soule on August 27, 2020
Thaddeus Soule, Town Planner,
on behalf of the Planning Board