

PLANNING BOARD

Meeting Minutes
Thursday, April 28, 2016
Judge Welsh Room
6:30 P.M.

Members Present: Steve Baker, Brandon Quesnell, Ryan Campbell, and Jim Woods.
Active Chair: Grace Ryder-O'Malley.
Members Absent: John Golden.
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

Case #FY16-22 (Continued to the meeting of May 26)

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:

- i. Pole #36/1997, 262 Bradford Street
- ii. Pole #1/8, 471 Commercial Street
- iii. Pole #36/2031, 14 Johnson Street
- iv. Utility Pole #5, 261 Commercial Street
- v. Pole #2/29, 42 Bradford Street
- vi. Utility Pole #3/7, 26 Tremont Street
- vii. Utility pole at Shank Painter Road and Silva Lane

Case #FY16-24 (Postponed to the meeting of May 26)

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 Pole #36/1935, located at the corner of Commercial and Cleveland St.

Work Session

i) Discussion of proposed changes to previously approved site plan for 664R Commercial Street, and determination of whether the proposed modifications require an amendment to the site plan or whether they are not substantial and are consistent with the approved site plan.

Applicant has changed location of (2) proposed parking spaces. As of right now, nothing will go in the former parking spaces. The proposed parking spaces will be gravel and not paved.

Mr. Campbell moved to endorse the request with the proposed modifications. Mr. Quesnell seconded. The motion passed unanimously.

ii) Briefing from Steve Katsurinis, Esq, regarding case law pertaining to the Telecommunications Act of 1996 and recent ruling.

Mr. Katsurinis had prior experience with interpreting statutes and regulations and has previously represented Verizon in prior cases (not related to this). Points made by the representative included that the Board would be unable to favor one company over another- must be neutral or the federal government can overturn the decision.

Mr. Katsurinis also makes it clear that the law states it is not preempting state and local regulation, so the Board has the responsibility under town bylaw and the right under the federal law to grant or not grant the permit.

Mr. Katsurinis mentions that in 2012 in an unrelated bill, congress injected language that said towns would be able to pass or fail the applications that would drastically alternate the size, shape, or location of the infrastructure. But if the company had an updated antenna available that is *better* than the old antenna, the company should be able to automatically make the improvement without the Board being able to deny the application.

Mr. Katsurinis concludes that law permits the Board can take in account aesthetics, but the Board cannot permit a degradation in service as service would trump aesthetics. The standard is that the service cannot degrade, but it can remain the same.

iii) Debriefing and discussion regarding Annual Town Meeting 2016, with a focus on Warrant Articles 7 and 32.

Ms. McPherson suggests that the Board should reach out to the developers first then the real estate agents. Ms. McPherson wants to proceed through the month of May, make tweaks to the bylaw, and think about bringing in developers in June. Ms. McPherson will generate a list of proposed developers.

iv) 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 sitework resulting in the excavation of more than 750 cubic yards of earth at the property located at 5 & 7 Georges Path.

Mr. Baker moved to endorse the request with the proposed modifications. Mr. Quesnell seconded. The motion passed unanimously.

Other Business:

Revised landscape plan for 52 Creek Rd.

Applicant is working with Safe Harbor to maintain the landscape and for the reestablishment of the plants. The revised landscape plan has been approved by the Conversation Board.

Ms. Ryder-O'Malley asked to take out "not limited too" and insert "shall include" in regards to the kinds of trees and plants.

Mr. Baker moved to endorse the request with the proposed modifications. Mr. Quesnell seconded. The motion passed unanimously.

Meeting Minutes:

Minutes of April 14 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.

Respectfully submitted,
Tyler Ranauro, Administrative Assistant

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