

Planning Board Public Hearing
Wednesday, October 01, 2008
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

Planning Board Members Present: Howard Burchman, Ellen Battaglini, and Marianne Clements.

Excused Absent: Joe DeMartino.

Staff Present: David Gardner, Assistant Town Manager and Maxine Notaro, Permit Coordinator.

Howard Burchman, Chairman, called the meeting to order at 7:00 p.m.

Site Visit 5:30 p.m.

27-31 Bangs Street – attended by Marianne Clements and Ellen Battaglini.

Motion: To change order of agenda to hear 27-31 Bang's Street first.

Moved: Marianne Clements. Seconded: Howard Burchman. Voted: 3-0-0.

Case #2008-17 Site Plan Review (continued from 9-17-08 meeting)

Application by **William N. Rogers, II, P.E. & P.L.S. on behalf of Gunther Realty LLC** under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A and Article 4, Section 4100 Dwelling Units and Commercial Accommodations. The applicants seek approval for the construction of two (2) duplex buildings containing four (4) dwelling units (2 units per building) at the property located at 27-31 Bangs Street, Provincetown, MA (Res3 Zone).

Representing the property owner was Lester J. Murphy, Attorney, William N. Rogers and Gary Locke.

The project is before the Planning Board for high elevation as well as the number of dwelling units on a lot. The proposed work will be done under the crest of the hill. Building #2 unit D has been reduced by 9 ½ feet per the Zoning Board of Appeals thereby reducing the impact of the areas.

Ellen Battaglini said she had no issues with the proposed project because the road will not be extending all the way up.

Howard Burchman said the Planning Board would need to approve for further development in other areas. The Fire Department have not yet responded back, however, the Board could condition the plan upon fire department approval.

Motion: To approve the plan subject to approval by the Board of Fire Engineers.

Moved: Ellen Battaglini. Seconded: Marianne Clements. Voted: 3-0-0.

Provincetown Land Use Vision Map Public Forum

Discussion to develop a Cape-wide map that identifies preferred land uses based on resource constraints, the presence of existing development and infrastructure, and the desired economic development goals of each town.

Review a draft land use map for Provincetown and discuss ways in which both local and regional planning tools can be used to better achieve economic development and environmental protection goals.

Heather McElroy of the Cape Cod Commission gave an overview of the Land Use Vision Map that was originated from the Task Force.

Under the mapping process, what should the map look like based on the local community. The map reflects local planning goals and regional policy plan. The Commission is in the process of revising the policy plan that is soon to be adopted. The Land Use Vision Map focuses on direct growth areas.

The Commission relied on knowledge and recommendations of local planning staff and boards to identify areas in each

community that should be mapped for increased growth and economic activity, and areas where additional development should be discouraged. Up to five broad land use categories have been identified on the Regional Land use vision Map. These include: Economic Centers, Villages, Industrial and Service trade Areas, Resource Protection Areas, and Other areas. The Commission has established a basic resource protection area applicable to all towns, which includes wellhead protection areas, areas vulnerable to flood damage in a significant storm event, historic districts, and the Cape Cod National Seashore. An Economic Center could overlay one of these basic resource protection areas.

In addition to creating a growth policy vision for Cape Cod, the Regional Land Use Vision Map guides the application of new, flexible Development of Regional Impact (DRI) thresholds. Upon completion of a public forum and endorsement of the map, it is then incorporated into a Regional Land use Vision Map and adopted with the update of the Barnstable County Regional Policy Plan (RPP). Following the adoption of the RPP, DRIs are eligible for Minimum Performance Standards pertaining to Economic Centers to create some initial incentives for investment in these areas. The Commission is proposing a flexible framework for DRI thresholds to the Assembly of Delegates that will allow towns to customize DRI thresholds to address local planning goals for these mapped areas.

Following endorsement of the Regional Land Use Vision Map, a town's board of selectmen and planning board, together, may apply for changes to DRI thresholds based on the mapped areas. Strategic changes to DRI thresholds in Economic Centers, Industrial and Service Trade Areas and in Resource Protection Areas are intended to direct growth and reinvestment to appropriate areas, and away from sensitive ones. Modification of DRI thresholds is at the town's initiative; thresholds will remain as they are currently until such time as a town seeks a change.

Towns seeking changes to DRI thresholds will be required to have a Capital Facilities Plan or a Commission-approved Design and Infrastructure Plan to address anticipated growth in Economic Centers and Industrial and services Trade areas, as well as existing or proposed funding mechanisms to provide for capital and infrastructure improvements to address anticipated growth. The town will also need to have taken measures to address underlying resource constraints. The commission will hold a public hearing on any proposed DRI threshold changes

The map is color coded for certain categories i.e. economic centers, resource protection areas, industrial and service trades areas and, villages. However, the industrial and service areas don't really pertain to Provincetown, therefore, no area has been set aside for this type of development. The Shank Painter Road area and certain sections of Conwell Street could be designated as economic center with the remaining areas of Shank Painter Road and Conwell Street as resource protection areas (RPA).

The board should be looking at what areas they want to identify as villages. It was mentioned that it does not make sense to have development in the Resource Protection Areas and the Others category i.e. built-out residential areas, National Seashore areas, Open Space areas, well head protection areas and the SLOSH (sea and lake overland surge from hurricanes) areas.

The Land Use Vision map is a visual growth policy for Cape Cod, identifying discrete areas for economic investment and growth, and areas where additional growth should be discouraged due to the presence of sensitive resource.

The land use-mapping project is a result of a recommendation made by the 21st Century Task Force that the Commission should play a leadership role in establishing a unified Cape-wide map system for planning and zoning. In addition, the Task Force recommended that DRI thresholds should be related to a project's use and location, providing for higher thresholds in designated growth areas, and lower thresholds in other areas.

The goal is to create a mapped vision of desirable growth patterns for Cape Cod. Once the vision has been established, changes to local zoning, DRI thresholds, regional review standards, and other non-regulatory changes related to the mapped land use areas may help direct growth into denser and more vibrant economic centers, and reduce sprawl outside these centers.

The land use categories to create the map are: Economic Center, Industrial Service Trade Area, Village, Resource Protection Area and Other.

Dennis Minsky said the downtown area is a SLOSH area and resource protection area. The Open Space Committee

spent many hours researching and looking at maps and discussed areas as resource protection areas that are not reflected on the map presented, such as Harry Kemp area.

Heather McElroy said the Army Corps of Engineers determines the SLOSH areas as that of category 5.

Heather McElroy reminded everyone that the Land use Vision Map is not a regulatory tool. Endorsing the map has no regulatory effects; it does not affect zoning because it's just used as a tool. To make changes, both the Board of Selectmen and the Planning Board would need to request to change the DRI Thresholds through the Cape Cod Commission. The town can come back to the Commission to change the thresholds at any time.

Dennis Minsky said although it's a good start, this is an abstraction and not a reality.

Celine Gandolfo presented a map pointing out the most vulnerable areas.

Heather McElroy said the primary use of the map is to create a vision for the community.

Denis Minsky said the map does not entirely reflect the Conservation Commission input.

Heather McElroy said there are incentives for locating development in the right areas. Re-development projects don't have to provide Open Space areas whereas before they did.

Public Statements – none.

Minutes – postponed to next meeting.

Other business – none.

Adjournment

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Maxine Notaro