

Planning Minutes

April 5, 2004

7:00 p.m.

Members Present: Barnett Adler, Ellen Battaglini, Howard Burchman, and Annie Howard.

Members Absent: none

Advisory Staff: Mark LaTour

The meeting was originally scheduled for Monday, April 1st at 7:00 p.m. but was not held because there was no quorum. It was postponed until April 5th at 4:30 p.m.

The meeting was called to order at 4:35 p.m.

Many of the articles from the Special Town Meeting as well as from the Annual Town Meeting were revisited. For the sake of brevity as well as to spare everyone's eyesight, I'll basically give a condensation of views as well as the motion affecting the by-law and/or article in question:

STM Article 2 – Affordable Housing By-law:

Keith Bergman, Town Manager, explained the two proposed amendments to this article by saying the amendments merely served to remove superfluous language. Ted Malone added that the pricing changes were mainly for marketing purposes.

Motion: Howard Burchman made a motion to support STM Article 2 as amended. Ellen Battaglini seconded the motion and it was so voted 4-0-0.

STM Article 3 – Growth Management Allocation Guidelines

Howard Burchman requested a discussion on ATM Article 21 before any vote is taken on STM Article 3. The request was granted.

ATM Article 21 – Zoning By-law Amendment

Ted Malone explained that in STM Article 3 there is no specific place that identifies where the gallonage came from. That was the basis for the Affordable Housing Task Force (AHTF) – they tried to eliminate long delays – and tried to assist economic development and balance the economy by using the “surplus gallonage pool.” Ted said these are decommissioned uses due to negative growth and could be used to stimulate economic development by using affordable gallonage.

Eliot Parkhurst, the attorney for Crown Point, wondered about use changes and how the extra gallonage would go into the pool. His question evidently stemmed from the fact that Crown Pointe will be giving up (or has given up) bedrooms in order to become a restaurant (only to service their guests).

Richard Olson said that if in STM you pass Article 6 – then will you be prepared to change Article 21????? It was agreed that it will be April 13th or 14th before the Town Meeting reaches ATM Article 21.

Motion: Howard Burchman made a motion to support STM Article 3 as amended. Ellen Battaglini seconded the motion and it was approved by all. 4-0-0.

STM Article 5 – Cape End Manor

KAB said there was still a lot of planning to do before the Care Campus is in place. KAB said the article will ask for a fee to do a complete plan for analysis.

Motion: Barnett Adler made a motion to support STM Article 5; Ellen Battaglini seconded the motion and it was approved 4-0-0.

STM Article 17 – Land Bank Pre-acquisition Expenses

Celine Gandolfo and Robin Evans made their pitch for this article. They said they needed \$25K in the article because it would enable to look into the feasibility and availability of available properties to acquire. (Howard Burchman thought \$10K would be sufficient but.....)

Motion: Ellen Battaglini made a motion to support the ATM Article 17. Anne Howard seconded the motion and it was so voted 3-0-1 abstention (HB).

ATM Article 21 – Zoning By-law Amendment: Growth Management

It was cautioned by Richard Olson that this article would have to be amended again if STM 3 were passed. Eliot Parkhurst had specific questions again relating to reduced number of bedrooms. Much discussion was held.

Motion: Howard Burchman made a motion to include STM 3 in the reworked ATM article 21. Barnett Adler seconded the motion and it passed 4-0-0.

Motion: Howard Burchman made a motion to support STM Article 3 as amended. Ellen Battaglini seconded the motion and it passed 4-0-0.

STM Article 18 – Land Bank Acquisition – 82 Harry Kemp Way

(Howard Burchman stepped down.) Celine Gandolfo and Robin Evans, once again, presented. They said that the property now belonged to Ray Wells and the title was unclear since Ray's husband, Nicky Wells, had acquired the property as an abandoned property.

Motion: Ellen Battaglini made a motion to support the acquisition of 82 Harry Kemp Way; Barnett Adler seconded the motion and it was approved 3-0-0.

STM Article 19 – Land Bank Acquisition = 290F Bradford Street

The above two members of the Open Space Committee, yet again, presented their article to the Planning Board. There were many suppositions in their purchase of the land and hopeful nearby acquisitions, thus, the following motion was made:

Motion: Ellen Battaglini made a motion to support the article – There was no second – so Anne Howard seconded the motion for the purpose of discussion. The vote was 2-in favor – 0-opposed – 2 abstentions (HB & BA).

STM Article 25 – Personal Watercraft Issue

Robin Evans – who had attended many meeting on the issue – updated the Board on the situation as she saw it. “Mad Maxine” who rents PWCs from Grassy's dock is forced to refuel her craft in the

middle of the harbor which the Harbor Master considers an accident waiting to happen. It may be a safety issue.

Motion: Howard Burchman made a motion to take no action. Ellen Battaglini seconded the motion and it was approved 4-0-0.

ATM Article 7

Motion: Howard Burchman made a motion to support the article; Ellen Battaglini seconded the motion and it passed 4-0-0.

ATM Article 8 – “Dormitory Housing”

Motion: Howard Burchman made a motion to

Mark – with further explanation. Ginny – no mechanism before that to ascribe it to another Moors and Bonnie Doone were two examples – David N. arguing the point.

David doesn't think that first come – first serve is a solution..... What the Christ is he arguing about? He feels solution is – if you have 10 bdrms/yr and have 8 bdrms/yr given out to – Annie agrees with what the Christ ever he's saying. Annie doesn't think it can be changed yet. David thinks the article is premature.

Eliot Parkhurst – has questions on change of use – Bldg Comm is to make a determination – 2c – is crossed out (deleted) is that a snapshot of time on that date? Confusing question. Annie – you would get the info from the Health Agent – she would have the determination- Eliot – let's say we have fewer bdrms – giving examples (Annie – if you have a 3 ft door and not a travelable room -) HA will still make that determination. So an abatement would be in line????? David said yes. Mark L – that wouldn't be addressed thru this group.

Lincoln – wasn't part of the commun vision project to see how we – what's that info going to be used for.

Motion: HB 1st include 3 BA 2nd 4-0-0.

Article 18

HB stepping down – Celine and Robin presenting. Show and tell the two properties - Ray Wells property.

Motion: EB 1st, BA 2nd support. 3-0-0.

Article 19

Celine has been looking at Snow's property next to Shankpainter Pond. But now this is for a strip – Robin talking about taking over the property and handing it over to the AHTF. Doing the white cedar swamp story – whole different world. \$100K is the price. And now its \$95K---- BoS said yes and the FinCom said no.

290F Bradford St

Barnett – pro idea of preserving land – concern – limited marketability – get other strips of land before the purchase. Wants other pieces formalized.....

Motion: EB 1st support – no second – AH 2nd for discussion. BA will abstain HB abstain – 2-0-2 abstain

Article 25 – Town Mgr is proponent.

Robin Evans – Mad Maxine can't operate her boats out of Grassys – had to do everything off the float. Came up at PBG mtg –

Based on further statements..... Annie – on safety issue – might support it.

Motion: HB 1st EB 2nd take no action. 4-0-0.

ATM Article 7

Motion: HB1st EB 2nd support

Article (dormitory housing) 8 ATM

Motion: must be for more than a month requirement of seasonable employment or education in a recognized institution. (educational or cultural) per HB for his actors. (add dormitories to the hotel) (minimum period of a month) kill the next line.

Amendment above

Motion HB support as amended EB 2nd 4-0-0.

Article 9 – Richard had questions – got down to 473 – typo – PBG was

Article 10 – Why has Pl Bd inserted themselves into G-15.

LCPIC put this forward – reduction of redundancy.....

Article 17 passes?? That one footnote – it becomes 1

I'm so confused. Nursing home or schools. (missing the and)

Article 22

Article 22. **Zoning Amendment. Masonic Place Rezoning.** To see if the Town will vote to amend the Provincetown Zoning By-Laws as follows: by adding the following paragraph to §2100, Establishment of districts: “The boundaries of the Town Center Commercial District shall be expanded to include those properties shown on a map, entitled “Masonic Place Expansion of Town Center Commercial District, Provincetown, MA” dated March 4, 2004, which map is on file with the Town Clerk’s office and hereby incorporated by reference into the Zoning By-Laws. Those properties to be rezoned from Residential District 3 (Res 3) to Town Center Commercial District (TCC) include 11-3-040 (7 Masonic Place) and the adjacent property 11-3-041 (5 ½ Masonic place). (11-3-041 is already adjacent to the Town Center Commercial district, but is outside of that district).” The original copy of this zoning by-law change is on file for public inspection in the Town clerk’s office; or to take any other action relative thereto.

[Requested by Eliot Denault and others]

Owner of property requested this change – He’s adjacent to this property and wants to sell antiques.

Motion: Support - not support HB 1st. AH 2nd “spot zoning”

Motion: Take no action 4-0-0..... Proponent was not here.

Article 23 –

Motion: HB 1st, support – AH 2nd 4-0-0.

See below

Article 23. Zoning Amendment: Outdoor Display. To see if the Town will vote to amend the Zoning By-law, Article 2420, Outside Display, by amending Section E under “exceptions” to read as follows:
E. The displaying and selling of commodities (excluding food and beverage) by businesses and residents during the weekend (Saturday and Sunday) in May of the "Monumental Yard Sale", which shall be under the sponsorship of a local businesspersons' organization; and an inventory sale during Columbus Day Weekend (Saturday, Sunday, and Monday) in October . ~~"The Monumental Yard Sale" will occur annually during the weekend prior to Memorial Day weekend.~~ No displays or sales shall take place within or upon public land, sidewalks or roadways. Displays and sales shall only appear upon property of the participants, whether jointly or independently. Displays and sales shall not impede pedestrian traffic or cause concerns for the public's safety.
or to take any other action relative thereto.

[Requested by Rob Tosner and others]

Adjourned

ECM 12 - to amend article 12

HB 1st support BA 2nd 4-0-0 as amended

ATM 10

Motion: support HB 1st BA 2nd 4-0-0. – as amended

ATM 17

Should be strike-out of the BA? Amended

Motion: line B4 – more corrections – due to typos

Motion: ?????

Adj – 7:00 p.m.