

**Public Hearing
Planning Board
March 26, 2003
Judge Welsh Room at Provincetown Town Hall**

Members Present: Anne Howard (Chair), Ellen Battaglini, and Howard Burchman

Excused Absence: Barnett Adler

Town Representative: Mark LaTour, Deputy Director of Community Development

Town Counsel: Patricia Cantor, K&P

Anne Howard called the meeting to order at 7:04 PM introducing the Planning Board members present and other Town and counsel representatives.

Public Meeting

ATM Article #24: Ted Malone, representing the LCPIP and the public stated that the LCP considered the Article at their last meeting and questioned the need for Item 1 but supported Items 2 and 3. Mark LaTour replied that Item 1 was just a wording change to clarify the text of the Article.

It was moved to make this amendment on the Town Hall floor at the Town Meeting deleting A, B and C in Item 1 and putting forward Items 2 and 3 as written.

Moved by: Howard Burchman

Seconded by: Ellen Battaglini

Vote: 3-0-0

ATM Article #25: Ted Malone supports this article and stated that the LCP supports it as well.

It was moved to support this Article as written.

Moved by: Howard Burchman

Seconded by: Ellen Battaglini

Vote: 3-0-0

ATM Article #21: Mark LaTour spoke to Mark Hutchins who felt the "Waiver Article" should be supported. He feels that this will help the Town keep out of legal cases.

Celine Gandolfo, a member of the public, supports this Article as it gives the Town more flexibility as long as the Planning Board gets advice from engineers and others stating that the applicant could not use another site.

Mrs. Patrick, also a member of the public, asked if a vote on this would require a super majority. Patricia Cantor said that to grant a waiver for a special permit would require a super majority vote. She also said that she was not clear on the wording of the Article.

There was a general discussion regarding the Waiver Article with other questions from the public. Judith Oset stated that the Planning Board could have a paid consultant in to advise them if needed.

Dr. Kathleen Thurmond, a member of the public, agreed with Ms. Gandolfo. Mark LaTour handed out copies of a letter from a resident at 15 Howland Street who was against changing the Telecommunications By-law and wanted in kept intact.

There was a discussion initiated by the members of the public that there is a need for the applicant to do exhaustive research as to the location of any towers, etc. Patricia Cantor said that she felt the wordage should be kept as it and looked at in a case-by-case basis. Changing the wordage might be asking for more problems.

Howard Burchman made a motion to discuss adding to the Article that prior to seeking a waiver, the applicant must demonstrate that there are no other alternative sites.

Moved by: Howard Burchman **Seconded by:** Anne Howard **Vote:** 3-0-0

Anne Howard felt that changing the wordage would cause a problem and the whole Waiver Article might be “thrown out.” Howard Burchman stated that the wordage change would make less opposition to the amendment change. Ellen Battaglini thought that the amendment was redundant.

A motion was made to support the amendment as written.

Moved by: Howard Burchman **Seconded by:** Anne Howard **Vote:** 2-1-0
Ellen Battaglini voted against.

ATM Article #21: It was moved to support this Article as amended.

Moved by: Howard Burchman **Seconded by:** Ellen Battaglini **Vote:** 3-0-0

A motion was made to support the Article as written without the amendment.

Moved by: Howard Burchman **Seconded by:** Ellen Battaglini **Vote:** 3-0-0

ATM Article #22: This Article cites requirements necessary for a Special Permit. Mark LaTour spoke with Mark Hutchins and this Article would make it clear to applicants where towers would be encouraged. In Subsections P1 and P2 the word “emissions” will be changed to “exposure.”

Dr. Thurmond asked if there are any water towers in Town which do not have any schools, dwellings, etc. within 500 foot setback. Mark LaTour replied that there are none. Mrs. Patrick and Dr. Thurmond were against waiving the 500-foot setback. Patricia Cantor does not recommend putting in the 500-foot setback because of possible litigation. Dr. Thurmond wanted the setbacks put back in in Subsection P. Howard Burchman felt that the overlay district is arbitrarily drawn. Ms Cantor stated that the overlay district was drawn because of applicant’s sites that would work for them. In general the members of the public wanted the 500-foot setback put back in and better sites selected.

Ms. Gandolfo handed out literature and a book to the Planning Board members regarding the health aspects of radio frequency towers, etc.

No motion was made to support ATM Article 22. A motion was made not to support this article.

Moved by: Howard Burchman **Seconded by:** Anne Howard **Vote:** 3-0-0

Mark LaTour will get the word change – emissions to exposure – to the Board of Selectmen. The Planning Board would like to see a list of site recommendations from Mark Hutchins.

Dr. Thurmond gave Anne Howard some literature for the record.

ATM Article #23: Stealth – equipment inside an existing building or camouflaged outside of a building.

Howard Burchman feels that the wording of this Article is not clear. Mrs. Patrick feels that it gives the

Telecommunications Companies everything they want.

No motion was made to support ATM Article 23. A motion was made not to support this article.

Moved by: Howard Burchman

Seconded by: Anne Howard

Vote: 3-0-0

The next meeting will be a Public Hearing on April 2nd and another meeting on April 3rd with Ted Malone regarding 122 Bradford Street.

Anne Howard thanked Patricia Cantor for attending and supplying the help and information.

It was moved to adjourn the meeting at 9:30 PM.

Moved by: Anne Howard

Seconded by: Ellen Battaglini

Vote: 3-0-0

Respectfully Submitted
Joel Glasser

Approved by: _____ on _____
Anne Howard, Chair (Date)