

**LOCAL COMPREHENSIVE PLANNING  
IMPLEMENTATION COMMITTEE**

and

**PLANNING BOARD**

**August 5, 2003**

**6:00 p.m.**

**LCPIC Members: Ginny Binder, Anne Howard, and Ted Malone**

**Planning Members: Barnett Adler, Howard Burchman, Ellen Battaglini, (all three were absent) Anne Howard was present**

**Others: Martha Hevenor and Mark Latour**

The Local Comprehensive Plan Implementation Committee will hold a joint meeting with the Planning Board at 6:00 p.m. on Tuesday, August 5, 2003 in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street, Provincetown.

Meeting Agenda

The meeting was called to order at 6:08 p.m.

Martha Hevenor discussed a meeting she had with Rex McKinsey, who is the new Pier Manager. The meeting had to do with moveable vehicles which would be allowed on the Pier, i.e., hot dog carts, etc. Ginny Binder and the rest of the group didn't care for the word "kiosk" as it referred to vehicles. They felt it was important to have a **mobile use category** and it should be a definition that would encompass all requests and vehicles throughout the Town. One thing that was unanimously decided upon was that none of these vehicles should be motorized. This has to be further studied.

Martha Hevenor, an advisor from the Cape Cod Commission (CCC), handed out a memo dated August 1, 2003. It referred to Growth Management proposed revisions and was discussed under the next title.

**Drafting articles for zoning by-law revisions**

Martha said she should be definite about the timeframe the group wants. She had a lot of questions about the process of writing the waiver provision for applicants and/or projects professing hardship if they are denied approval. "Do you want it very hard or very easy and what would be the process?" Martha asked. Ted felt it should be a special permit process. "If it were a special permit with a baseline criteria – i.e. benefits outweighing the negative impact – if these things are satisfied – then the special permit model would be allowed." said Ted.

Martha agreed and said that it is a whole new thing about the hardship and she feels it should not be an easy task to determine. Annie felt it should be a genuine hardship and definitely NOT a financial hardship. She further said that the group shouldn't venture into anything which supercedes BoH rulings.

Ted felt that the term "grant relief" might be more appropriate language. Then Ted wondered (through Mark) if economic benefit might become a consideration?

Martha thought that maybe if it's a situation where you could consider it a hardship that overcomes the applicant? Martha understands that "hardship waiver" is not the needed terminology.

Article 5 – which refers to benefits outweighing detriments. Ted said a waiver could be granted by saying that benefits outweigh detriments to the community.

Martha countered by saying that everyone who applies for a waiver can cite benefit of one kind or another.

Mark thought that perhaps the Planning Board might be the only Board to consider the waiver and then make their recommendations to the appropriate Boards much like the Board of Health makes recommendations to the Water & Sewer Board.

Ginny wondered why this wouldn't be the call of the Development Director?

Ted felt it isn't too difficult to come up with community benefit criteria. Martha felt any benefit should be tied in to the Local Comprehensive Plan in order to be valid.

Ginny felt that scale issues lead to confusion and Annie thought that the Planning Board should be aware of scale but the issue ultimately should go to the Zoning Board of Appeals (ZBA). Ted agreed and added that any Growth Management issue should go to the ZBA.

Ted asked Mark if there were any specific forms for building scale? Mark said he had seen none referring to scale. Ted thought that maybe some forms have to be developed to address this. No committee asks how an application fits into the relationship to the LCP.

Mark said that under the Growth Management by-law maybe all Boards should comment on permit. Martha, said someone has to ultimately make the decision. Perhaps use the scale by-law for the application process. The onus should be on the applicant to focus on the benefits to the community, etc.

Annie said that it makes sense that the Planning Board should oversee the benefits, etc. ZBA is very specific about applications but they don't look at any long range plans or the neighborhood, etc. Ted further commented that an application becomes a positive if no abutters speak against it.

Annie added that many things approved by ZBA have only benefit to the home owner and if no one speaks against it, it becomes an approval.

Ginny said the problem is how it affects community character, – not the height, or anything else. Annie agreed and said we have to communicate to the regulatory Boards that all applications have to

be considered in view of the LCP. Mark said he encourages all Boards to meet and decide on town-wide goals – not just the special Board’s goals.

Ginny suggested that perhaps a master board review should oversee any permits. Martha said that maybe it should be an internal process i.e., a master board review.

Ginny said we already tried that and the form was carried around by the applicant and it failed miserably. Mark assured the group that he is sitting in on regular meetings and he is talking about LCP more and more. Mark is basically the planning person for the downtown district. Annie thought that it would seem that - with a full staff downstairs i.e., Health Agent, etc. the permitting process would be a big part of the LCP consideration.

Ted said there should be some pretty tough standards regarding “criteria for waiver.” Ted further thought it should be a consensual opinion of the Boards.

Martha wondered if the ultimate decision would belong to one Board? Answer: “No, all the Boards should be in agreement.”

Martha said she was still concerned about the community benefit aspect. She felt it will be safe if it’s tied in to the LCP.

**Any other business that shall properly come before the board  
Mark is making a compilation of all vision statements.**

Mark Latour then asked the group what their ideas were regarding Community Vision. At this point he said he didn’t need minutes for this portion since it was merely a discussion with Mark making his own notes. He wanted the group to comment on how they envisioned four subjects:

1. Affordable Housing
2. Economic Development
3. Transportation
4. Open Space

**The meeting adjourned at 7:30 p.m.**

Respectfully submitted,

*Evelyn Gaudiano*  
Evelyn Rogers Gaudiano

Approved by:

\_\_\_\_\_ on August , 2003