

**Public Hearing  
Planning Board  
October 1, 2003  
Judge Welsh Room at Provincetown Town Hall**

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

**Town Representative:** Mark LaTour, Deputy Director of Community Development

Anne Howard called the meeting to order at 7:00 PM introducing the members of the Planning Board present as well as Mark LaTour, Deputy Director of Community Development.

*Public Hearings*

There was a Public Hearing regarding the proposed zoning amendments pertaining to the Adult Entertainment By-law. Howard Burchman disclosed that he is on the Board of Directors of the Provincetown Theater Club.

Rick Murray, General Manager of the Crown and Anchor spoke up and questioned some of the items in the by-law. He asked what were the differences between the new by-law and the previous by-law. Anne Howard replied that footnote 17 was deleted. The question of being 300 feet from a school, playground, library, etc. arose. Mark LaTour stated that it is measured from the lot not the building. The new theater is not within 300 feet of the mentioned facilities.

Anne Howard stated that a new definition of theater is included and it was given a use category.

Rick Murray recommended that a new overlay map be made with areas designated where adult entertainment can be performed. He also wanted the minutes to reflect that the proposed Section A, Item 1 does not affect the Crown and Anchor. He asked that certain items be clarified for the Town Meeting and requested the Planning Board to be prepared for questions at the Town Meeting and the Proposed Zoning Amendments clarified.

Barnett Adler requested that appropriated back-up material be made available in advance of the Town Meeting so the Planning Board could be prepared.

Anne Howard closed the Public Hearing regarding the Adult Entertainment By-law. She stated that there would be Town Meeting in the Fall and asked the Planning Board members not to vote on this and get further information from Town Counsel. It will be held over until the first meeting in November (5<sup>th</sup>). It was moved to continue until then.

**Motion by:** Howard Burchman

**Seconded by:** Barnett Adler

**Vote:** 4-0-0

The regular schedule of Public Hearings commenced at 7:30 PM.

**Case #2003-017 Site Plan Review**

Application by **Hal Winard** for Site Plan Review under Article 4, Section 4100 of the Zoning Bylaw, Dwelling Units and Commercial Accommodations. The applicant seeks Site Plan Review approval to convert a two-family dwelling use building to residential, retail and office space at the property located at **206 Commercial Street** (TCC Zone).

Howard Burchman is an abutter and had to leave the room during this part of the Public Hearing and could not vote on this Case.

Tom Thompson, John De Souza and Hal Winard were the representatives for this Case. Mr. Winard explained that the first floor would be all commercial units; the second floor would contain two offices and two duplex, one-bedroom apartments. Plans were submitted to the Zoning Board and Historical Commission and the new ones show their changes and recommendations.

The Planning Board cannot stamp the preliminary plan as submitted but needs a copy of the previously approved plans with conditions from the Zoning Board and Historical Commission.

Anne Howard has no problem with signing the Certified Site Plan as long as a Certified As-Built will be submitted at the final finished building reconstruction.

Barnett Adler stated that since the building will be of mixed use, a Temporary Certificate of Occupancy will be needed and the Planning Board should be aware of conditions made by the Zoning Board and Historical Commission.

A motion was made to approve the plan with conditions.

**Moved by:** Barnett Adler

**Seconded by:** Ellen Battaglini

**Vote:** 3-0-0

The Planning Board members will sign the actual plans on October 2<sup>nd</sup> at Town Hall.

***New Business***

A possible new applicant for membership on the Planning Board was introduced. Patrick Eleey was with the National Park Service and is a Registered Landscape Architect. Anne Howard explained the workings of the Planning Board to Mr. Eleey. He will think over the information supplied to him and let the Planning Board know if he is interested in applying for membership.

Mark LaTour will pass on the information to Keith Bergman that the Planning Board would like to have a meeting with Town Counsel to discuss the Adult Entertainment By-law. He feels that Mr. Bergman would not go along with a meeting but would request that Planning Board questions be put in writing and submitted to Town Counsel.

It was moved to adjourn the meeting at 9:00 PM.

**Moved by:** Barnett Adler

**Seconded by:** Howard Burchman

**Vote:** 4-0-0

Respectfully Submitted  
Joel Glasser

Approved by: \_\_\_\_\_ on \_\_\_\_\_  
Anne Howard, Chair (Date)