

Planning Board Public Hearing
Monday, August 02, 2010
Grace Gouveia Building, Room 6
26 Alden Street, Provincetown, MA 02657

Planning Board Members Present: Howard Burchman, Dorothy Palanza, Marianne Clements and Peter Page.

Excused Absent: John Golden.

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

Howard Burchman called the meeting to order at 6:00 p.m.

Public Comments: None.

Continued Public Hearing

Case #2010-17 Site Plan Review

Application by **Anne K. Malone, Esq. of Prince, Lobel, Glovsky & Tye LLP on behalf of Nextel Communications of the Mid-Atlantic, Inc. and its affiliate Sprint Spectrum, L.P.** under Article 7, Wireless Telecommunication Towers and Facilities of the Zoning Bylaws. The applicant seeks to modify their Special Permit (Case No. 2002-12 dated August 25, 2003) regarding the requirement for the Radio frequency ("RF") Emissions monitoring at the property located at 232-236R Bradford Street, Provincetown, MA (Res3 Zone).

Anne K. Malone of Prince Lobel Glovsky & Tye LLP, representative for Nextel Communications of the Mid Atlantic, Inc. and its affiliate Sprint Spectrum requested in writing a continuance to the meeting of September 20, 2010.

Motion: To continue the public hearing to the meeting of September 20, 2010.

Moved: Marianne Clements. Seconded: Dorothy Palanza. Voted: 3-0-1(Howard Burchman).

Request for Approval Not Required Pre-Application

Application by John McElwee of Felco, Inc. on behalf of 170 Michael Winstanley and Nathan B. Winstanley to relocate a lot line between properties at the property located at 777 and 781 Commercial Street, Provincetown MA.

John McElwee said the intent is to relocate a lot line to create lot 8 and to combine lot 8 to 777 Commercial Street known as lot 10 to give it 50.99 feet of frontage leaving 781 Commercial Street (lot 9) with 50 feet of frontage. The plan meets all zoning requirements. The lot line jogs due to the septic system. The two lots have more than 8,000 square feet required and will have sufficient lot frontage.

Peter Page said the little sliver of land serves no purpose. This seems to be the way around making sufficient frontage. Although not opposed, he does not understand why the board continues to allow this.

Howard Burchman suggested a site visit before the next regularly scheduled meeting of the Board on September 20, 2010 at 5:00 p.m.

Request for Approval Not Required

Application by John McElwee of Felco, Inc. on behalf of Paul & Victoria Mendes to reconfigure two lots to create frontage for Lot 47 on Captain Bertie's way at the property located at 55 & 55R Captain Bertie's Way Street, Provincetown MA.

John McElwee said the parcel of land at the back was landlocked. The owner is creating 50 feet of frontage on Captain Bertie's Way and creating a pan-handle to create the back lot. There is an easement through the existing driveway by Mr. Mendes for the back lot.

Peter Page said here we go again with how the lot lines are being asked to be relocated. He asked if the board is going to allow this sort of relocation of lot lines to create additional lots.

Howard Burchman said the bylaw does not say it has to be 50 feet of frontage on a street straight across the front of the property.

David Gardner said the minimum lot size in the zone for the area is 5,000 square feet. The board will continue to see this unless the lot size changes.

Howard Burchman said by endorsing the Planning Board is saying it does not trigger subdivision control.

Motion: To endorse the plan as submitted.

Moved: Howard Burchman. Seconded: Marianne Clements. Voted: 4-0-0.

Request for Approval Not Required

Application by John McElwee of Felco, Inc. on behalf of Gregg Russo to relocate a lot line between properties at the property located at 168 and 170 Commercial Street, Provincetown MA.

John McElwee said the intent is to convey a piece of land from 170 Commercial Street to 168 Commercial Street.

Peter Page said the concrete retaining wall will be right at the property line. The argument someone could make is they could add to the building under pre-existing non-conforming structure.

David Nicolau said the retaining wall is not 4' above natural grade.

Peter Page said it is a retaining wall because it is holding back 4' of fill. The future concern would be for someone to want to build on it. The setback from the retaining wall is approximately 10'.

John McElwee said he would discuss this with his client. No further discussion.

Joint workshop with the Town Manager's AdHoc Zoning Bylaws Revision Committee

David Gardner said the Planning Board would have to hold a public hearing at their meeting of September 20, 2010. The Special Town Meeting may slide to November 8, 2010. The Bylaw Revision Committee has two more meetings between now and the September 20th meeting.

Scale Bylaw (See attached working document)

The intent is to remove scale units and deal with volume. The proposed change does not change how it is figured, only calculated in volume instead of scale units. What this does is removes the scale divided by 216 and will now be calculated on volume. The applicant must demonstrate criteria that they meet scale. The more criteria presented means there are more tools in which to work with. It is more universal to calculate in volume.

Ted Malone said he was afraid it would be shot down at Town Meeting on the Methodology language. It sounds non-transparent. Someone might question what the methodology is.

Also discussed under PROCEDURE was changing the wording Building Commissioner to Zoning Enforcement Officer and removing the word prescribed and substitute "with established". Also under the paragraph that starts with "All municipal buildings, remove the word "All".

Under E. Board of Appeals Approval recommend language change under #5. where it states "impact on the light to and views from neighboring homes" to "impact on the light to **or** views from neighboring **structures**."

Lighting on larger buildings with light and casting shadows has become an issue on surrounding abutter properties.

Motion: To refer the scale bylaw language to the September 20, 2010 Planning Board Public Hearing.

Moved: Peter Page. Seconded: Marianne Clements. Voted: 4-0-0.

David Gardner said the board should consider in concept adding another section to the public hearing notice to review the language on roofs and signage.

Design Standards should be relocated in the bylaw to the Dimensional Schedule.

Next meeting of the board will be August 23, 2010 for a workshop on bylaws only.

The Formula Business Bylaw had not been approved by the Attorney General's Office as of yet. This bylaw still needs attention on a local level.

Minutes of previous meeting

Any other business that shall properly come before the Board

None.

Adjournment

Motion to adjourn at 8:05 p.m.

Respectfully submitted,

Maxine Notaro

Permit Coordinator/Recording Secretary