



## Public Meeting

August 1, 2011

## Caucus Hall

6:30 p.m.

**Members Present:** Marianne Clements (arr 6:50 p.m.), Eric Gelinas, John Golden, Peter Page, Dorothy Palanza, and Mark Weinress (arr 6:41).

**Staff:** David Gardner and Maxine Notaro

The meeting was called to order at 6:30 p.m.

### Meeting Agenda 6:30 p.m.

#### Public Comments

There were none.

#### Request for Approval Not Required

Application by William N. Rogers, P.E. & P.L.S. on behalf of John Erdman and David McMahan to convey Parcel 1 from **7 Whorf's Court to 9 Whorf's Court, Provincetown, MA.**

Mr. Rogers made the presentation and told the group that they had been given 2 plans – 1 is for the land court. 1 is for the registry of deeds. The land court one has less details and just shows one piece being conveyed – the only thing changing – lot 1 is to be combined with lot 3 – and lot 4 to be combined with lot 2. There is no change in the square footage - just some changes to make it more conforming. The plan he talked about will go to the registry of deeds; the other plan is the land court plan. Mr. Rogers is sure he'll have to come back before you. J. Murphy, the attorney, is working with him for the land court.

**Motion: Move to endorse both plans - plan #1 – P-11-0864F and plan #2 – P-11-1928D.**

**Motion: Dorothy Palanza      Seconded: Eric Gelinas      Vote: 4-0-1 ab (MW).**

## **Request for Approval Not Required**

Application by William N. Rogers, P.E. & P.L.S. on behalf of Trevor's Trail LLC to divide Lot 45 into two lots to become Lots 45 and 46 with frontage on Harry Kemp Way at the property located at **59 Harry Kemp Way, Provincetown, MA.**

There was no action taken on this ANR since the client is anticipating other changes.

## **Public Hearing**

**Case #FY11-24 Site Plan Review (Request continuance on or before Sept. 19, 2011)**

**Application by William N. Rogers, II, P.E. & P.L.S. under the Zoning Bylaws Article 4, Section 4100 for Dwelling Units and Commercial Accommodations.** The applicant seeks approval for the construction of five buildings to consist of 6 dwelling units with a total of 15 bedrooms at the property located at **67 Harry Kemp Way, Provincetown, MA (Res3 Zone).**

The Planning Board received a letter requesting a continuance to September 19<sup>th</sup> thus the following motion was made:

**Motion: Move to continue FY11-24 until the next available meeting date.**

**Motion: Mark Weinress      Seconded: Eric Gelinias      Vote: 5-0-1 ab (MC).**

**Case #FY11-20 Site Plan Review (Review and approve revised plans)**

**Application by Edward Malone and Community Housing Resource, Inc. under the Zoning Bylaws Article 2, Section 2320 High Elevation Protection and Article 4, Section 4100 for Dwelling Units and Commercial Accommodations.** The applicant seeks approval for the demolition of a 20' x 124' garage storage structure and for new construction of 29 units on two lots including 23 affordable and community rental housing units at the property located at **19-35 Race Point Road, Provincetown, MA (Res3 Zone).**

Ted Malone came in with a plan which had been revised as of June 24, 2011. At the last meeting of the Planning Board (July 11<sup>th</sup>) it was decided to wait until the ZBA had met on the plan and the Fire Department had reviewed it. That has been done and the subsequent revisions made. Ted said that the entry roadway would come in and then branch out. Ted further explained that the road (on the plan) had been 12 ft wide (with a 1 ft berm on each side). It has been adjusted so that it's now a 13 ft wide road which satisfied the Fire Department's objections as to the width. The radius of coming back out has also been adjusted. These changes have been done with no changes to the originally planned buildings.

Ted also gave more of an arc in the staging area; this arc was able to be changed so it didn't affect any of the large trees and all of their other issues have been addressed. Ted's engineers also put a 3<sup>rd</sup> fire hydrant on site. Ted's not asking you to sign this plan

and will return again. Scale mediation is the other issue before the ZBA. Ted's arguments weren't convincing so he came back with an adjustment; he's separated the 3 pods and created a new pod here (with an overlay describing what he has done). He explained the modifications on the soon-to-be returned plan. The scale of the buildings will have to be passed on by the assessors but he's not withdrawing the scale deviation until other things are approved. Ted said that maybe your vote has to be modified. Mark W. wondered if Planning has to wait to vote on this; he's not sure that we shouldn't wait. David Gardner said that they don't have anything to do tonight. The next Planning Board meeting will be on August 15<sup>th</sup>. Ted will be ready by the 15<sup>th</sup> and said the other issue is the appeal period.

**Motion: Move to continue FY11-20 – waiving the time constraints – and pending a revised plan approved by the ZBA.**

**Motion: Mark Weinress    Seconded: Marianne Clements    Vote: 5-0-1 ab (DP)**

#### **Minutes of previous meeting**

**Motion: Move to approve the minutes of the July 11<sup>th</sup> meeting as amended.**

**Motion: Marianne Clements    Seconded: Mark Weinress    Vote: 5-0-1 ab (DP).**

#### **Any other business that shall properly come before the Board**

##### **Discussion on Zoning Bylaw Revisions**

David Gardner, Assistant Town Manager, led the meeting from this point on. He told the group that October 24<sup>th</sup> is the fall town meeting date and the warrant closes on September 23<sup>rd</sup> for any revisions to the by-laws. David said that he had put together a calendar and the By-law Review Committee is meeting on August 10<sup>th</sup>. He needs time to take whatever happens at that meeting to turn it around so he's requesting that Planning propose any revisions at the August 15<sup>th</sup> meeting.

David then proceeded by going through some of the amendments, i.e., parking, sign regulations, etc. We also have additional considerations since some of the improvements we have thought about are within the National Seashore Park (NSP).

Parking has always been under the Zoning Board of Appeals (ZBA) and parking variances have always been treated like a special permit.

Sign regulations are similar in that – we have a sign bylaw –there are many exceptions to the rule – so there is an historic problem. Should we treat all properties the same? – the only real difference is the SIZE of signs.

Thus – David said – we can go through all of these – or – we can do it now and get it out of the way.

Peter Page asked – referring to the sign by-law - does this mean that contractors can't put up their signs at their job sites? Peter continuing said – does anyone ever go to the Building Commissioner to put up a sign? Mark said that we should just eliminate the confusing verbage.

David said that mainly what we have to do is just to add another paragraph. Just delete cardboard, etc. from the by-law and call all these temporary signs.

Dorothy talked about setbacks (in regards to setting a limit on sign size) and said – you can only be granted up to ½ the setback distance.

Also there was a thought about green by-laws, i.e., solar, wind, etc. The transfer station was thought to be an appropriate site for future planning BUT it's within the NSP and the government would have to enter into (or control) any decisions.

David also said that he was looking at the by-laws of both Truro and Mashpee for comparisons. We really don't have too many properties in the NSP unlike Truro, Wellfleet, Eastham, etc.

The Board of Selectmen (BoS) requested another amendment to the Growth Management By-Law as it refers to gallonage for commercial usage and citing Outer Cape Health as an example; they're not on the sewer and are seeking to expand in the fall.

Cell phone towers were also discussed, i.e., the sewerage treatment plant location and the height limitations imposed by the FAA. Also discussed was the water tower as a future location if we alter the existing telecommunications bylaw and that the current bylaw cannot be upheld in court.

The last subject was suggested by Dorothy Palanza and was a by-law related to outdoor lighting. It was modeled on rules and regs from Nantucket. One of the members succinctly pointed out that “we aren't quite Nantucket-like.” The suggested by-law would limit outdoor lighting to no more than a certain wattage with all outdoor lighting facing down.

Eric Gelinis thought that the ordinance would be over-reaching as well as too “big brotherish.” In other words – a hard sell! He further felt that it was a sound proposal but not easy to enforce. All members agreed that some version of an outdoor lighting bylaw would be beneficial to the community.

Dorothy was then asked if she had looked over the Historic District Commission’s by-laws to see if the issue has already been covered. This research will take place.

The conclusion of the discussion had the Planning Board members taking home all the suggestions, studying them, and returning to the added meeting (August 15<sup>th</sup>) with their findings. Everyone has been charged with doing their “homework.”

The meeting adjourned at 8:55 p.m.

**NEXT TWO MEETINGS**  
**MONDAY**  
**AUGUST 15<sup>TH</sup>**  
**and**  
**SEPTEMBER 19, 2011**  
**6:30 P.M.**

Respectfully submitted,  
*Evelyn Gaudiano*  
Evelyn Rogers Gaudiano

**Approved by** \_\_\_\_\_ **on** \_\_\_\_\_, 2011.  
John Golden, Chairman