

TOWN OF PROVINCETOWN
AD HOC ZONING BYLAW REVISION WORKING GROUP
MEETING MINUTES OF
July 16, 2013

MEETING HELD IN CAUCUS HALL

Members Present: John Golden, Anne Howard (left at 7:45 P.M.), Dorothy Palanza, Mark Weinress, Peter Page, David M. Nicolau (arrived at 6:19 P.M.) and Grace Ryder-O'Malley.

Members Absent: Ted Malone, Ginny Binder and Marianne Clements.

Others Present: David Gardner (Assistant Town Manager), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

David Gardner called the meeting to order at 6:00 P.M. The Fall Special Town Meeting Bylaw Amendment calendar was reviewed. There is only one meeting on the schedule before the publication deadline for the Public Hearing on August 22, 2013. There is a joint meeting with the Board of Selectmen on August 12th. David proposed that the Group meet on July 30th. The Working Group discussed the schedule.

PUBLIC STATEMENTS:

None.

APPROVAL OF MINUTES:

Postponed.

DRAFT MEDICAL MARIJUANA TREATMENT CENTER ZONING BYLAW AMENDMENT:

After the previous meeting, David found a definition for marijuana treatment centers in the Department of Public Health regulations. It is more detailed than the definition in the bylaws for the Town of Concord.

David reviewed the addition to Article 2, Section 2440 of the Zoning Bylaws, D. Institutional use, the proposal for D7 Medical Marijuana Treatment Center, suggesting a 'No' for Res 1, Res 2, TCC, S and M, a 'BA' for Res3/B and a 'Yes' for the GC Zoning Districts. The Group discussed the use table and if the use should be 'BA' or 'Yes' for other Zones. There are only two MMTCs allowed in the county and all proposals must first be vetted by the DPH and meet all of the criteria. A suggestion was to change the GC Zone to 'BA'. No votes will be taken until the public has weighed in on the issue.

SECTION 6500 TABLE OF USE CATEGORIES AND PRIORITIES:

David reviewed the four General Use categories of the Growth Management Bylaw. There are three priorities: 3a, 3b and 3c. 3b refers to a single-family dwelling on one lot and a two-family dwelling on one lot. Because the latter 'dwelling' is not plural, it has been interpreted by the Building Commissioner to refer to one structure with two dwellings. A request has been

submitted to the Town for a project comprised of two dwellings, or two separate structures, on one lot. There is a question as to whether that situation falls into the 3b category. The Group discussed making the word 'dwelling' plural in 3b in regard to the intent of the bylaw. In General Use Category 2, there is reference to both 'dwelling' and 'dwellings'. It was suggested that there be a change to eliminate the word 'family' in 3b altogether and adding an 's' to the second 'dwelling' and adding the word 'unit' in place of the word 'family'. The Group discussed the proposed changes and if they were still in keeping with the intent of the Local Comprehensive Plan and the bylaw.

DISCUSSION OF SITE PLAN REVIEW BYLAW:

David reviewed the language that was agreed upon at the last meeting. He stated that he thought Section 4010. Purpose was fine, although anyone thinking it too wordy should let him know. Section 4020. Applicability still needs work. He reviewed the projects exempted from site plan review and the exceptions to those exemptions. The Group discussed the exceptions. Also discussed was the possibility of increasing setbacks and requiring administrative reviews of all new construction. The meaning of the word 'disturb' and the phrase 'alteration of land' were discussed. David summarized that more discussion in regard to the threshold for disturbance of land is needed. The threshold for the size of structures was discussed. David's written proposal was for 5000 sq. ft. of structure as the trigger for site plan review. After some discussion, the size was tentatively revised to 4000 sq. ft. The Group discussed the next exemption from site plan review related to change of use which does not create an intensification of use requiring site plan modification as determined by the Zoning Enforcement Officer. The decision was to strike this exemption and add the phrase 'change of use' to the third exemption related to construction having no effect on the footprint of the principal building or accessory structures and which would not add parking. The Group reviewed the developments that require Site Plan Review by Special Permit. The decision was to require developments consisting of three or more residential units. In addition, after discussion it was decided that developments consisting of more than 2000 sq. ft. of new commercial area would require a Special Permit. It was suggested that the type of commercial area should be specified as both new and re-developed and that all commercial buildings be require a Special Permit. The last development was discussed, that is those that disturb an area of land greater than a certain amount of sq. ft. A number was not suggested. David will make changes and e-mail those changes to the Group.

NEXT MEETING: The next meeting will take place on July 23, 2013 at 6:00 P.M. The meeting after that will be July 30, 2013 at 5:00 P.M. David suggested that the Group would need to meet weekly until the publication deadline.

ADJOURNMENT: The meeting was adjourned at 8:00 P.M.

Respectfully submitted,
Ellen C. Battaglini