

PLANNING BOARD
Meeting Minutes
Thursday, January 8, 2015
Judge Welsh Hearing Room
6:30 P.M.

Members Present: Mark Weinress, Grace Ryder-O'Malley, John Golden and Marianne Clements
Members Absent: Brandon Quesnell
Staff: Gloria McPherson, Town Planner

A quorum was noted and the meeting was called to order at 6:40 P.M.

Meeting Agenda:

There were no public comments.

1. Public Hearings

a) **Case #FY15-7 (Continued from December 11)**

Application by Five Star Pet Services, LLC dba Provincetown Pet Resort requesting Site Plan Approval and a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw, for a commercial property with a curb cut greater than 25% of the frontage, for Phase 2 parking and landscaping improvements to a previously approved Site Plan (Case #FY14-21) at the property located at **79 Shank Painter Road**.

Ms. McPherson reported that the applicant had requested a continuation to the January 22 Planning Board meeting.

Ms. Ryder-O'Malley moved to continue Case #FY15-7 to January 22 at 6:30 pm. Ms. Clements seconded. The motion passed unanimously.

2. Work Session

a) **Determination as to the status of Garfield Street as a qualified way under Section 2530(a)(3) of the Provincetown Zoning Bylaw and under Chapter 41, Section 81L of the Massachusetts General Laws.**

Ms. McPherson passed out a packet of information from Attorney L. Jay Murphy and a letter from the Provincetown Fire Chief.

Attorney Murphy presented a site plan and showed the Board the location of the lot, Commercial Street, Garfield Street and Cleveland Street. He stated that the subject property was owned by the Housing Authority, but they decided it didn't make sense for affordable housing, so Dean Madden has a P&S to purchase the lot for a single family house. He explained the isolated lot exemption requirements, which he believes this lot meets. In order to meet the requirement, the lot needs to have at least 20 feet of frontage along a "qualified way." By statute, the Planning Board must determine that the road has sufficient width, suitable grade and provides adequate access for vehicular traffic.

The Fire Chief had submitted a letter stating that he believes there is adequate access to the lot, although he did not mention which street he was referring to that provides that access.

The Board reviewed the site plan and other materials presented to them, including an old plan from 1915 provided by Attorney Murphy.

Mr. Weinress asked if any neighbors know the development of the lot is being proposed.

William Rogers, P.E., stated that they filed a Notice of Intent with the Conservation Commission and had to notify all abutters.

Ms. Clements asked why the house is set back so far in the narrower part of the lot.

Mr. Rogers stated that they need to show a non-varianced septic system can be installed, and that it is located in the wider, front portion of the lot.

Mr. Golden stated that he did a site visit and thought the access was acceptable along Garfield Street. Also noted that the proposed single-family house fits in with the density of the existing neighborhood.

Mr. Weinress asked how long the Housing Authority has owned the lot.

Attorney Murphy stated that the Housing Authority has had it since 2007, but the Town had previously taken it for non-payment of taxes.

Mr. Golden made a motion that the Planning Board determine Garfield Street is a qualified way under Section 2530(a)(3) of the Provincetown Zoning Bylaw and under Chapter 41, Section 81L of the Massachusetts General Laws. Ms. Clements seconded. The motion passed unanimously.

b) Discussion regarding Local Comprehensive Plan content, schedule, meeting with Cape Cod Commission

Ms. McPherson handed out copies of the Cape Cod Commission Local Comprehensive Plan Regulations and a summary of the Comprehensive Plan Project process that she put together for the Board. She explained that the CCC was in the process of updating its Regulations, but that by the time Provincetown is in the chapter writing phase of the LCP, we should be able to make it fit the new requirements. She noted that if the Town follows the CCC LCP Regulations, the LCP would be certified by the CCC and it would put the Town at an advantage for some grant opportunities.

The Board discussed the make-up of the Local Comprehensive Plan Committee, which will be appointed by the Board of Selectmen, per CCC regulations. The Board generally agreed that while they would like to have a strong presence on the Committee, that the Committee should not be the Planning Board alone, and should have representatives from all other Boards, Committees and Commissions in Town, as well as representatives from Town Departments, that are interested.

Ms. McPherson will pass this along to the BOS through a staff report on the LCP process and Committee.

Ms. McPherson told the Board that she was applying for a state grant through the CCC for a public visioning process as well as the developing of Goals and Policies based on the visioning, in order to develop the framework of the LCP. General discussion regarding the plan elements/chapters ensued.

c) **Review and approve the Minutes of the October 9, December 4 and December 11, 2014 meetings**

Minutes of October 9 – Ms. McPherson will count the letters in support and opposition and make any corresponding edits to the Minutes for the Board to review at the next meeting.

Ms. Ryder-O'Malley made a motion to approve the minutes of the December 4th hearing as amended. Mr. Weinress seconded. The motion passed unanimously.

Mr. Golden made a motion to approve the minutes of the December 11th hearing as submitted. Ms. Clements seconded. The motion passed unanimously.

d) **Any other business that may properly come before the Board**

Telecommunications

Ms. Ryder-O'Malley asked the Board if they should consider adding something to the ZBL regarding telecommunications so that the Board has some weight in requiring that telecom companies actually improve coverage when they update their installations.

Mr. Golden noted that they are federal regulations and wondered if anything the Board required would be superceded.

Ms. Ryder-O'Malley stated that she would like to at least see, through mapping or another way, the coverage and any efforts they could make to expand it, and/or require them to show us why they aren't providing more coverage.

Mr. Weinress noted that this would begin to address a public safety issue since the airport and much of the seashore doesn't have cell service. This would also be important for economic development.

Next steps: Ms. McPherson will invite representatives from the seashore and airport to a future work session.

DART

Ms. Ryder-O'Malley wondered how the Planning Board should interact with the DART group, whether there should be an official representative from the Board to the DART or just updates at meetings from Ms. McPherson.

Mr. Golden stated that at this stage, it should be flexible, to which the Board generally agreed.

63 Shank Painter Road

Mr. Golden stated that he received an email from Liz Atheneos that she wants to amend her approved site plan.

Ms. Ryder-O'Malley stated that she doesn't want to let all projects on Shank Painter go just because there isn't a finalized streetscape plan.

Mr. Weinress noted that there are already standards codified in the Zoning Bylaw, including curb cut requirements, street trees, planting beds, and other bylaws are already in place.

Ms. McPherson stated that when a site plan is filed, the board can review and act on that, as opposed to discussing hypotheticals with a quorum of the Board before an application is filed.

Portable Storage Structures

Ms. Ryder-O'Malley wondered where we are on storage containers, noting that she read an email from November from Acting Town Manager David Gardner to the PB chair. She stated that she feels frustrated that the Board spent time on this at the request of the Building Department and now nothing is happening. She asked if the Board could meet with the Building Commissioner and discuss this, or maybe get a memo from him about the issue about what's been decided about the legality of storage containers and enforcement.

Ms. McPherson will see if the Building Commissioner is available to meet with the Board at the January 22 meeting.

FEMA mapping and Zoning Amendments

Ms. McPherson explained the recent Deadrick Decision to the Board and said that the Board might want to consider a ZBL amendment that would allow new height non-conformity due to FEMA requirements to raise a structure to be able to be permitted by Special Permit, rather than by Variance, as would currently be the case.

Mr. Golden suggested that the Board move forward with that amendment for spring town meeting.

At 8:31 pm Mr. Golden made a motion to adjourn. Ms. Clements seconded. The motion passed unanimously.

Respectfully submitted,
Gloria McPherson

Approved by _____ on _____, 2015
Mark Weinress, Chair