

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY, APRIL 27, 2015 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Chairman Donegan convened the meeting at 6:07PM noting the following:

Board of Selectmen attending: Tom Donegan, Erik Yingling, Robert Anthony, Cheryl Andrews, and Raphael Richter.

Other attendees: Acting Town Manager David Gardner, Acting Assistant Town Manager Michele Jarusiewicz and Town Planner Gloria McPherson.

Recorder: Loretta Dougherty

*Consent Agenda – Approval without objection required for the following items:*

A. *Appointment of Ryan Campbell as a Regular Member of the Planning Board with a term to expire December 31, 2016, to replace Marianne Clements who resigned.*

**MOTION: Move that the Board of Selectmen vote to appoint Ryan Campbell as a Regular Member to the Planning Board with a term to expire December 31, 2016.**

B. *Appointment of James E. Woods as an Alternate Member of the Planning Board with a term to expire December 31, 2015.*

**MOTION: Move that the Board of Selectmen vote to appoint James Woods as an Alternate Member to the Planning Board with a term to expire December 31, 2015.**

**Without objection Tom waived the reading of the consent agenda and without objection the Selectmen approved the consent agenda.**

**1. Public Hearings:**

**A. Curb Cut – 594 Commercial Street (Continued from January 12, 2015) – Sheila Sheehan; Kevin Bazarian.**

Nancy Yuronis and Sheila Sheehan presented their new certified plans for the curb cut at 594 Commercial Street. The larger version of the engineer's stamped survey was given to the Selectmen to review; a smaller version was included in the packet.

David explained the dimensions as referenced on page 26 showing the Stall width, angle, and depth of the certified proposed parking area.

Tom stated that this will now preserve the hedge.

Sheila stated that all concerns by abutters have been addressed.

David stated that there are now no obstructions.

Tom asked for public comments. There were none.

Cheryl asked for clarification noting that the way it was drawn may pose a problem when the car enters at an angle.

David asked her to see the diagram (second from left) and briefly explained how this was correct.

**MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to approve the request of Kevin Bazarian to establish a curb cut at the property located at 594 Commercial Street (Assessor's Map 15-3-56) (Res 2 Zone).**

**Motion: Erik Yingling**

**Seconded: Robert Anthony**

**5/0/0 Motion passed.**

Tom adjourned public hearing and moved to public statements.

**2. Public Statements:**

Cathy Nagorski, the General Manager at the Sage Inn and Lounge, personally invited the BOS/Boards/Volunteers/Staff to a cocktail and reception they are hosting on Thursday, April 30<sup>th</sup> from 4pm-6pm to thank all the volunteers and staff who have worked to support the community.

She asked anyone who will be attending to please RSVP on their website at [sageinnptown.com](http://sageinnptown.com). Tom closed the public comments.

**3. Selectmen's Statements:**

Robert urged everyone to get out and vote on May 5<sup>th</sup>. He drives up and down Route 6 every day and had noticed the great job the DPW is doing in keeping it clean.

Raphael had no statement this evening.

Erik had no statement this evening.

Cheryl asked if we could schedule a Round Table with the Pier Corp. The contract for the Harbormaster services expires at the end of June.

Tom scheduled a meeting for Wednesday, May 13, 2015, at 6pm Round Table re: Pier Corp. to be held in the Caucus Hall. There will be no phone in calls accepted. Participants will appear in person.

Cheryl asked if we need to post an agenda for the cocktail party the BOS will be attending.

Tom stated that it was not necessary as long as the BOS does not talk about any issues.

Tom noted that there was, about 6 months ago, a drafted bylaw to have curb cuts handled by the Planning Board and would like to see this moved forward. It would be better for the Planning Board to do these. He thanked Cheryl as the new chair and others on the Screening Committee. The work that is being done is well under way.

**4. Joint meeting/Presentations: None**

**5. Appointments: None**

**6. Requests:**

**A. New Mayflower Trolley Sightseeing Tour Route by Mike Glasfeld.**

Raphael and Erik recused themselves.

Tom wanted to know if this was an alternate route where Mayflower can switch back and forth or is this a complete change?

Michael Costa, Operations Manager for Cape Cod Cabs appeared before the board as Mike Glasfeld could not attend. The alternate routes presented will be used when there is congestion on Commercial Street. This route may be used just during the day or may become permanent during the peak seasons.

Cheryl stated that this has been done before and it makes perfect sense.

**MOTION: Move that the Board of Selectmen vote to approve the new sightseeing tour route of the Mayflower Trolley as presented in our packet on April 27, 2015.**

**Motion: Cheryl Andrews**

**Seconded: Robert Anthony**

**3/0/0 (Raphael Richter & Erik Yingling-Recused) Motion passed.**

**B. Zoning Bylaw Amendments - Discussion of Process by Gloria McPherson.**

Firstly, Town Planner Gloria McPherson asked the BOS if they would take a vote to allocate the gallons in Category 3 which article was passed at Spring Town Meeting for the Growth Management Plan. She does not anticipate any trouble with the Attorney General's office giving approval to do so as there has been a precedent set in the past. She stated that this vote would help speed along the process for people who are waiting for their gallons.

Cheryl asked for clarification.

Gloria stated that it already passed at Spring Town Meeting, but there is only one body that allocate gallons and that is the BOS. The BOS already allocated gallons from Category 3 but there is an additional 660 gallons that are remaining to be allocated.

Tom commented that this needs to actually be on the agenda.

David stated that it is a part of the packet as a requested motion.

Cheryl gave a brief explanation of the way she understood the process to work; the bylaw creates the gallons and the allocation happens downstairs, they create a list and when they get to the top of the queue they get their building permit so why is the BOS voting to take gallons and give it to a property?

Gloria stated that this procedure is not giving it to any property. On an annual basis the BOS allocate the gallons for the year. This happened last February.

David stated that at the Annual Growth Management review we make a finding that we are in conformance with the DPW water withdrawals permit and then vote to make the annual allocation to Growth Management. What Gloria is requesting is that pursuant to the bylaw amendment that was passed in April that you amend your February 9<sup>th</sup> vote.

Gloria interjected that this is to allocate all of the gallons; the original in the bylaw plus the 660 additional gallons that passed at Town Meeting.

Cheryl was clear on the process. She asked how this would speed it along, if we are still waiting on the Attorney General's approval

David stated that as soon as the AG's response comes then the next day it can be given out. Staff does not have to wait two weeks to get back to the BOS.

Raphael stated that he is happy to make the motion.

**MOTION: Move that the Board of Selectmen vote to allocate 2,530 gpd to General Use Category 3, pursuant to 2015 Annual Town Meeting Article 29, subject to approval of the Attorney General.**

**Motion: Raphael Richter**

**Seconded: Robert Anthony**

Tom stated that he will allow this but it is right on the edge of not being posted right.

Cheryl agreed with Tom; it really should say on the agenda that we are doing the allocation.

Without objection Tom allowed the item to be voted on.

**4/1/0 (Tom Donegan) Motion passed.**

Secondly, Gloria asked the BOS for their help in putting in a process that would give the Planning Board a better chance to review upcoming Zoning bylaw amendments that the BOS might want. The Planning Board would like to be able to have enough time to get any input needed from outside sources as well as have time to get all their paperwork in order. She suggested that perhaps after the Town Meetings the BOS could make a list and she could appear before them and discuss the items the BOS would like for her to pursue for the next Town Meeting; possibly looking at a six month rotation which would give enough time to get drafts out and circulated and get comments back. She knows there is some talk about the curb cuts going to the Planning Board and she is happy to take on the curb cuts. She asked if the BOS would make a list of what they would like to see addressed now and she can then come to a meeting in the next few weeks and talk about the list.

Erik asked about the zoning that is allowed for certain food trucks in some districts. Erik mentioned that he was going to talk with Tom and Gloria about the idea of urban farming.

Gloria commented that this is actually a high priority. The Planning Board has already gone over this and prioritized what they would like to do and it would be nice to see how it meshes with what the BOS wants to do also.

Tom would like to have a meeting with the Planning Board regarding urban farming as well.

Tom requested that an agenda item be added to the next BOS meeting on May 11<sup>th</sup>. Then schedule a joint meeting with the Planning Board in May touching upon any zoning bylaws re: the Bicycle Committee's issues; the assemblage of taking a series of lots and breaking them apart or putting them together which would allow abutters more input in larger scaled developments, as well as an update on the inclusionary bylaw.

Cheryl asked if we could add the agenda item Local Comprehensive Plan update to the May 11<sup>th</sup> meeting.

The BOS and staff will work together on these issues. No action was taken on this item.

**Proclamation for Adele Moore Anderson Day:**

Cheryl read the proclamation.

**MOTION: Move that the Board of Selectmen vote to approve the request of Director Chris Hot-  
tle, Council on Aging, to proclaim Adele Moore Anderson, born on December 10, 1913, as Adele  
Moore Anderson Day on Wednesday, April 29, 2015.**

**Motion: Cheryl Andrews**

**Seconded: Erik Yingling**

**5/0/0 Motion passed.**

**7. Town Manager / Assistant Town Manager:**

**A. Town Manager Search Matters.**

Cheryl stated that the Screening Committee has met and are working in preparation for the meet-  
ing on May 12<sup>th</sup> with Search Consultant Joellen Earl.

Applicants will be interviewed in person by the BOS with the date to be decided shortly.

**B. Other: None**

**8. Minutes: None**

**9. Closing Statements/Administrative Updates:**

A.. Letter of Thanks to Deborah Heller who resigned as of April 15, 2015, from the Licensing  
Board.

The Board motioned to enter into executive session at approximately 6:50pm and then voted  
as follows:

**MOTION: MOVE that the Board of Selectmen vote to go into Executive Session pursuant  
to MGL c30A Section 21 (a) Clause 3 & 6 for the purpose of:**

Clause 3 – To discuss strategy with respect to litigation if an open meeting may have a  
detrimental effect on the bargaining or litigating position of the public body and the chair so  
declares (chair declared). Former Police Chief Jaran Arbitration/Appeals. Votes may be taken.

Clause 6 – To consider the purchase of, exchange, lease or value of real estate, if the chair  
declares (chair declared) that an open meeting may have a detrimental effect on the  
negotiating position of the public body. VFW Property, 3 Jerome Smith Road. Votes may be  
taken.

and not to convene in open session thereafter.

**Motion: Raphael Richter  
(Roll Call)**

**Seconded: Robert Anthony**

**Tom Donegan: Yes**

**Erik Yingling: Yes**

**Cheryl Andrews: Yes**

**Raphael Richter: Yes**

**Robert Anthony: Yes**

**Aye: 5 Nay: 0 Motion passed.**

The BOS went into Executive Session at 6:53pm.

Minutes transcribed by: Loretta Dougherty