



Public Meeting
January 23, 2012
Judge Welsh Hearing Room
6:30 p.m.

Members Present: John Golden, Peter Page, Dorothy Palanza,
and Mark Weinress.

Member Absent: Marianne Clements and Eric Gelinis

Staff: Maxine Notaro

Agenda.

Public Comments

There were none.

Request for Approval Not Required Pre-Application

Application by Chester N. Lay of Slade Associates, Inc. on behalf of Roger S. Locke, Trustee to convey a small portion of land from 684 Commercial Street (Map and lot 17-1-37) to 682 Commercial Street (Map & Lot 17-1-36) with the required frontage and lot area per lot at the property located at **682 and 684 Commercial Street, Provincetown.**

Mr. Lay presented the case to the Board. He handed out newly redone plans and said the changes were mainly due to accommodate parking for the properties. Also, all the lots are owned by the same person.

Maxine said that this is not being filed anyway. The presentation is just for informational purposes and the design is to accommodate parking.

Mr. Lay was told that there won't be a quorum the February 13th meeting, but, for February 27th there will be a quorum.

Attorney James E. Veara on behalf of Robert M. Levin and Jerome P. Colin under Article 2, Section 2320 of the Zoning Bylaws for High Elevation Protection District A to discuss deviation from approved site plan for Case #FY11-16 at the property located at **65 Bayberry Avenue, Provincetown, MA (Res1 Zone)**.

Attorney Veara was here to officially lead the discussion on the deviation from the approved site plan. John Golden officially opened the case.

At this point, Mark told Atty. Veara that the reason we asked you to come in is because there were questions about the lighting and the major issue is that the pool location was moved. The ZBA asked for it to be moved away from the other property lines.

Jamie Veara said that it was moved for code compliance and that usually trumps any Board decisions.

Next Custodio Silva, Jr. also discussed the code regs and agreed with Mr. Veara that the code regs have to be followed.

Mark continued by saying that moving the pump wasn't approved and – as such – it should have come back to us. Doing this without telling anyone isn't something that we've approved of.

That was a bit of back and forth discussion after that with Mark finally saying that someone he knew told him how bright the lights were that were put in to accommodate the pool. Atty Veara informed the Planning Board that the lights have been in place for the last 15 years.

Atty Veara also told the Board that the lighting plan which had been previously approved has not been installed as yet and the electrician is waiting for the weather to improve for the installation.

Peter Page said - when we're talking pool equipment – is there other equipment other than the heater because pool equipment includes the pumps, etc. Mark said you try to locate it away from the property line and that's why there were complaints and it did not comply with the recently approved plan.

Bottom line – per Mr. Veara – code trumps plans - so now we're back to plans of what was approved 15 years ago and you can't get a finished lighting plan until the weather improves. When we've finished, he said, we'll call in Mr. Braun and then we'll abide by what he says.

Maxine said that there were probably miscommunications all along the way.

Minutes of previous meeting – December 19, 2011

Motion: Move to approve the minutes of the December 19th meeting as written.

Motion: Mark Weinress Seconded: Dorothy Palanza

Vote: 3-0-1 ab (JG)

Any other business that shall properly come before the board

Work Session on proposed Outdoor Lighting bylaw

Peter Page and Dorothy Palanza collaborated on the Outdoor Lighting bylaw and attempted to model it along the lines of Nantucket. The Board went through the changes/addition/specifications listed and there were many opinions expressed. Most of the opinions dealt with clarity and definitions of the terms, i.e., lumens, etc. Also some of the by-law didn't pertain to Provincetown, i.e., restrictions regarding time of illumination.

Also, a biggie was enforcement. Who does it and what are the penalties?

It was decided that the changes discussed at this meeting would be incorporated into the final product which would then be presented to the town voters. Should it be included in a site plan review or could people apply for a variance.....?

(A copy is attached to these minutes to allow for possible further discussion.)

Adjournment happened at 9:00 p.m.

Respectfully submitted,

Evelyn Gaudiano

Evelyn Rogers Gaudiano

Approved by _____ on _____, 2012.