

Planning Board Public Hearing
Wednesday, March 29, 2006
Judge Welsh Hearing Room, Town Hall
260 Commercial Street, Provincetown, MA 02657

Members Present: Howard Burchman, Anne Howard, Kevin Rich and Ellen Battaglini

Staff Present: Doug Taylor, Building Commissioner and Maxine Notaro, Permit Coordinator

Public Hearing called to order at 7 p.m.

Proposed Zoning By-law Amendments

ATM-20 Outside Vending By-Law

Howard Burchman stated that at a public warrant review meeting sponsored by PBG and Chamber of Commerce, this proposed amendment met with opposition especially from retail store owners. Planning Board felt compelled to create this amendment because Zoning Board of Appeals had no clear guidelines/criteria as far as this matter is concerned.

Peter Page (member of ZBA) spoke as a member of the public, as members of ZBA are not allowed to be involved in drafting or creating by-laws and reiterated that ZBA has requested a by-law to deal with outside vending.

Ted Malone suggested that perhaps Town Counsel could be consulted to see if ZBA members could in fact be involved in by-law changes since they are most familiar with what issues need to be addressed. After checking, David Nicolau stated that there is no law against members being involved, however, the Chairman of ZBA has requested that members refrain from being involved so as to keep them above controversy.

Anne Howard made a motion to recommend as proposed. Ellen Battaglini seconded and it passed 4:0:0.

ATM-24 Animal Shelter (Carol McDonald, president of CASAS)

Anne Howard made a motion to recommend this article as presented. Kevin Rich seconded and it passed 4:0:0.

ATM-21 Growth Management

David Nicolau is proposing an amendment to 3a to no more than 3 per year.

Anne Howard made a motion to amend article as proposed. Kevin Rich seconded and it passed 4:0:0.

Article to read as follows: 3a. Expansions or alterations to existing residential structures or uses that result in increased Title 5 flow, not to exceed the Title 5 Design flow pursuant to 310 CMR 15.203(2) for one bedroom per year per applicant not to exceed a total of 330 gallons.

Anne Howard made a motion to recommend article as amended. Kevin Rich seconded and it passed 4:0:0.

ATM-22 Growth Management

David Nicolau and Ted Malone participated in discussion.

Kevin Rich made a motion to amend this article. Anne Howard seconded and it passed 4:0:0.

Amended by-law adds section 1c only as follows: On the effective date of this zoning by-law amendment and on the anniversary thereof in 2007 and 2008, 990 gallons shall be allocated for assignment to Use Category 3a for projects where Completed Applications were filed prior to March 31, 2005.

Kevin Rich made a motion to recommend article as amended. Anne Howard seconded and it passed 4:0:0.

ATM-23 Surplus Gallonage Pool

Anne Howard made a motion to recommend this article as proposed. Kevin Rich seconded and it passed 4:0:0.

Peter Page is requesting that Planning Board consider recommending ATM-27 Historic District. He reviewed his proposed changes with board. Howard Burchman questioned how this is the purview of the Planning Board. Doug Taylor stated that he didn't think it was and members agreed that while they support the changes they would not take an official position.

STM-2 Community Preservation: Acquisition of 90 Shankpainter Road for Community Housing Purposes: \$1,000,000 in CPA housing borrowing.

Anne Howard made a motion to recommend this article as presented. Ellen Battaglini seconded and it passed 3:0:1.

STM-3 Open Space Acquisition-74 Harry Kemp Way

Howard Burchman recused himself as he is Chairman of the Board of the Theater Company.

Anne Howard made a motion to recommend as proposed. Ellen Battaglini seconded and it passed 2:0:1.

STM-5 Perfecting Land Transfers

Ellen Battaglini made a motion to recommend as proposed. Kevin Rich seconded and it passed 4:0:0.

Next meeting May 3, 2006 at 7 p.m.

Meeting adjourned at 9 p.m.

Respectfully submitted,

Phyllis Lutsky

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Recording Secretary

Approved by _____ on _____