

Planning Board Meeting
February 6, 2002, 7:00 PM

Members Present: Anne Howard, Ellen Battaglini, Richard Olson and Mindy Baransky.

Meeting

The meeting was called to order by Anne Howard at 7:00 PM.

A site visit to **68 Race Point Road** was made by the Board at 3:30 PM. All members attended.

Agenda Item: Warren Alexander, Building Commissioner discussed that some buildings, like shed, utility buildings, etc. are in violation of zoning laws. People have not created set-backs as stipulated in the by-laws. He said that there should be an article to help those who need such structures. The public can then store certain dangerous items outside.

Motion: A motion was made by Richard Olson that the zoning by-law changes should be brought to a public hearing. It was **seconded** by Ellen Battaglini and passed unanimously.

Warren Alexander also stated that there should be a general by-law change in graduated fines upward. First offense = \$50, second offense = \$150 and third offense = \$300. The maximum fine for a non-criminal ticket can only be \$300.

Motion: A motion was made by Richard Olson to support this article. It was **seconded** by Mindy Baransky and passed unanimously.

Case #2001-021 (Public Hearing continued from December 05, 2001) Application by William Rogers, II on behalf of James M. Costa under Article III, Section 3000 of the Zoning By-law, Commercial Business Retail, Wholesale, Service and Industrial. The applicant seeks Site Plan Review approval to construct a proposed storage building at the property located at 89 Shank Painter Road. (*Commercial Class P Zone*).

J. Murphy represented the applicant. He filed with the Board of Appeals. Board voted to allow construction of storage building. with a special permit and variance. He needed final approval of site plan from the Planning Board.

Motion: Ellen Battaglini moved to approve the site plan with the following conditions.

1. Intersection radii <25'
2. Lane width <18'
3. <10' landscape buffer
4. < parking as required by 3054.

Mindy Baransky **seconded** the motion and it was passed unanimously.

Case #2002-003 (Public Hearing Continued from January 15, 2002) Application by William Rogers, II on behalf of JB Realty Trust under Article III, Section 3900 of the Zoning By-law, High Elevation Protection, District A and under Article III, Section 3100, Dwelling Units and Commercial Accommodations. The applicant seeks Site Plan Review approval to construct four dwelling units at the property located at 68 Race Point Road. (*Residential Class W Zone*)

Gary Locke, William Rogers, Rose Gscherendtner and Eric Dray represented the applicant. Some of the buildings were revised as to number of bedrooms. The septic system will be a gravity system. Mr. Locke described the various units in the buildings. Screenings and plantings have not been finalized as yet. No retaining walls will be used. The utilities will be underground.

Motion: Ellen Battaglini made a motion to approve site plan P-01-1739 with condition that typical measures are taken to prevent erosion and landscape plan to be approved prior to issuance of building permit. Mindy Baransky **seconded**

the motion and it passed unanimously.

Case #2002-001 and Case #2002-002 (Public Hearing Continued from January 16, 2002)

See minutes of meeting of January 16, 2002 for a description of these cases.

Motion: Richard Olson made the motion to continue the hearing for these two cases on March 6, 2002. Ellen Battaglini **seconded** and it passed unanimously.

Proposed Zoning Amendment (Public Hearing Continued from January 16,2002) This is a continuation of a Public Hearing regarding amendments to the Provincetown Zoning By-laws.

Mark Latour, Assistant Town Manager submitted a memo regarding Removing **the Water Resources District Designation** and **Exempting the Care Complex from the Growth Management By-law**. A copy of this memo is attached.

Mr. Latour gave an explanation of this memo. **David Guertin, Chairman, Department of Public Works**, regarding the Water Resources District and presented a flip-chart showing the amount of water usage by the Town. There was a discussion as to how to purify water using desalinization or treatment of waste water. **John Sinako, Chairman, Water and Sewer Department** spoke on what are the real sources of water the Town has. Members of the public, Robin Evans, Celine Gandolfo, Mrs. Papetsas and others, asked questions and made comments regarding where to get water and water usage.

Motion: Richard Olson moved to endorse proposed **Article D, Water Resources District** as written. It was **seconded** by Ellen Battaglini and the vote was 3 for (Mindy Baransky, Richard Olson and Ellen Battaglini) and one opposed (Anne Howard).

A discussion then followed regarding **Article C, Exemption From Growth Management By-Law**. It was explained by Denis Anderson that the nursing home can use in-patient services for outpatient services in a not for profit manner. Members of the public stated that outpatient services were necessary for all members of the public, not only the elderly. Ellen Battaglini stated that when the Growth Management By-Laws were written, they could not foresee the future and now is the time to bring them current and up-to-date which will occur in the future as well. A discussion followed by the public audience members.

Motion: Richard Olson moved to endorse the recommendation to a Town Meeting. Ellen Battaglini **seconded** the motion and it passed 3 for (Anne Howard, Richard Olson and Ellen Battaglini) and one opposed (Mindy Baransky).

A short discussion of **Article B, Route 6 Highway Corridor Overlay District** ensued. It was suggested that the word “Nonprofit” be placed in front of “Outpatient Rehabilitation Facility” under the heading of Permitted Uses.

Motion: Anne Howard moved to bring the Article to a Town Meeting with request to make above changes. It was **seconded** by Ellen Battaglini and passed unanimously.

The Minutes of January 2nd and January 23rd were read and approved with some changes to be made and resubmitted. Richard Olson moved to accept both sets of minutes and Ellen Battaglini seconded both motions. They were passed unanimously.

Anne Howard read a resignation letter from John Paul Grunz resigning from the Planning Board.

The meeting was adjourned at 10:30 by Anne Howard.

Respectfully Submitted

Joel Glasser

Approved by: _____ on _____
Ann Howard, Chair, Planning Board Date