



Public Meeting  
Monday  
March 26, 2012  
Caucus Hall  
6:30 p.m.

**Members Present:** Marianne Clements, Eric Gelinias, John Golden, Peter Page, and Mark Weinress.

**Member Absent:** Dorothy Palanza

**Staff:** Maxine Notaro

**Meeting Agenda**

**Public Comments**

There were none.

**IT IS IMPORTANT TO NOTE THAT NO MEMBER OF THE PUBLIC WAS IN ATTENDANCE AT THIS PUBLIC HEARING – THUS THERE WAS NO OPPOSITION TO ANY OF THE BY-LAW CHANGES.**

**Public Hearing on Zoning Bylaw Amendments**

**Proposed Zoning By-law changes**

Pursuant to MGL Chapter 40A Section 5, the Provincetown Planning Board will hold a public hearing on **Monday, March 26, 2012, at 6:30 P.M. in the Judge Welsh Room**, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to hear comments from the public on the following proposed amendments to the Provincetown Zoning Bylaws for the April 2, 2012 Annual Town Meeting Warrant, **including any proposed petitioned articles concerning land use or development**. Proposed deletions are stricken through and proposed additions are underlined): A copy of this proposed zoning by-law is available for public inspection at the Office of the Town Clerk, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657.

## **PLANNING BOARD SPONSORED ARTICLES**

### ***1. Definitions***

*To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, as follows:*

**Story** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above it. For the purposes of determining the number of stories specified in the Dimensional Requirements of the Zoning By-Law, the following restrictions shall apply:

- a. If the top story of a building is roofed by a dormer covering fifty (50) percent or more of the floor area, it shall be considered a full story.
  - b. Cellars, basements and/or foundation work shall not be considered a story unless used for a principal use or the walls of which extend more than an average of 3'6" (three feet six inches) on all pertinent sides from the finished grade.
  - c. Floor area under a gambrel or mansard roof shall be considered a full story.
- or take any other action relative thereto.*

**Motion: Move to recommend 1. Definitions as published above.**

**Motion: Marianne Clements                      Seconded: Mark Weinress      Vote: 5-0-0**  
**(Marianne will present at Town Meeting.)**

### ***2. Signage***

*To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions and Section 3200, Sign Regulations as follows:*

#### **Article 1 Definitions**

**Sign** shall mean any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs, as are advertising devices attached to motor vehicles, trailers or other movable objects if regularly located for fixed display. The following however, shall not be considered signs within the context of this By-Law:

**Sign** shall mean any device, contrivance, assemblage, or construction, whether temporary or permanent, designed to inform or attract the attention of a person, not within the building or structure on the premises, to the principal service or product offered for sale at the location on which the device is located. Any exterior building surface which is internally illuminated or decorated with gaseous tube or other lights shall be considered a sign as is any advertising device attached to a motor vehicle, trailer or other movable object if it is regularly located for fixed display.

The following, however, shall not be considered a sign within the context of this By-Law:

- a. Flags and insignia of any government except when displayed in connection with

- commercial promotion;
- b. Legal notices or informational signs erected or required by public agencies;
- c. Standard gasoline pumps bearing thereon, in usual size, the name, type, and price of gasoline;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights;
- e. On premise signage guiding and directing traffic and parking; not exceeding 2 square feet in area, and bearing no advertising matter;
- f. Awnings or similar devices, lettering not exceeding 3” in height, or symbols not exceeding four square feet in area; provided that no lettering or symbols thereon shall exceed 3" in height and no lettering or symbols shall exceed a total of four square feet in area
- g. Paper or cardboard signs inside display windows, provided that they are illuminated only by building illumination only.
- h. Any device with lettering or symbols placed on interior walls, provided that the device shall be placed more than 4 feet from any window or shall be placed so as to be perpendicular to the street that any window faces.
- i. Temporary holiday decorations and lighting that are void of any commercial message placed between Thanksgiving and Martin Luther King Day of each year.

**Motion: Move to recommend 2. Signage as printed above.**

**Motion: John Golden                      Seconded: Marianne Clements                      Vote: 5-0-0.**  
**(Mark will present at Town Meeting.)**

**Article 3 Section 3200 Sign Regulations**

*No changes to Sections 3210 to 3223*

**3224** Neon, gas-filled tube type illuminated or internally illuminated signs shall not be permitted on the exterior of a building or structure. Neon, gas-filled tube type illuminated or internally illuminated signs that are visible from the outside of a building or structure in a manner that attracts the attention of a person, who is located outside of the building or structure at the premises, for any reason to the premises or to any product offered for sale may be permitted internally within storefront windows not to exceed a maximum of 25% of the window surface area. No sign shall be projected upon a building, street or walkway. No sign shall produce glare, flash, move or have activated lights or elements. Signage on record within the Community Development Department as of January 1, 2012 shall be exempt from this section.

*No changes to Sections 3225 to 3227*

**3230 Sign Size**

The Basic Maximum Sign Area for exterior building signs is as follows:

Residential District Res1 2 sq. feet

Residential District Res2 2 sq. feet

Residential District Res3, ResB 16 sq. feet

Commercial District TCC 16 sq. feet

Commercial District GC

Other Uses Properties with greater than 200 ft of street frontage

16 sq. feet

32 sq. feet

Other Districts (S-Seashore, M-Municipal Use) 16 sq. feet

*No further changes*

*or take any other action relative thereto.*

**Motion: Move to recommend portions of Article 3. Signs by-law.**

**Motion: Mark Weinress      Seconded: John Golden      Vote: 5-0-0.**

**Eric will present on the first night of Town Meeting OR**

**Peter will present if it happens on the 2<sup>nd</sup> night.**

**CITIZEN PETITIONED ARTICLES:**

**Eliminate Zoning By-Law 3224**

To see if the Town will vote to eliminate Zoning By-Law 3224 which reads: “Neon, gas-filled tube type illuminated or internally illuminated signs shall not be permitted. No sign shall produce glare, flash, move or have activated lights or elements” *or take any other action relative thereto.*

Since the Planning Board has recommendations regarding this issue the Board voted as follows:

**Motion: Move to NOT recommend elimination of Zoning By-Law 3224.**

**Motion: Mark Weinress      Seconded: Marianne Clements      Vote: 5-0-0**

**(No one has to speak to Town Meeting on this.)**

**Request for Approval Not Required**

**Application by Chester N. Lay of Slade Associates, Inc. on behalf of Bronwyn Malicoat, Galen Malicoat, Robena Malicoat and Mark Protosevich to divide one parcel of land into two parcels of land (Map and lot 16-2, Parcel 1 and Parcel 2) at the property located at 310 & 320 Bradford Street, Provincetown.**

**A motion was made, seconded, and approved by all to table the case until the April 30<sup>th</sup> meeting.**

**Minutes of March 19, 2012.**

**Motion: Move to approve the minutes of the March 19<sup>th</sup> meeting as written.**

**Motion: Mark Weinress      Seconded: Marianne Clements**

**Vote: 3-0-2 abs (EG & JG)**

**Any other business that shall properly come before the board**

At this point in the meeting David Gardner joined the group and had a mini conversation regarding their discussions on the by-laws.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

*Evelyn Gaudiano*

Evelyn Rogers Gaudiano

**Approved by** \_\_\_\_\_ **on** \_\_\_\_\_, 2012.  
John Golden, Chair