

PLANNING BOARD  
Meeting Minutes  
Thursday, January 12, 2017  
Judge Welsh Room  
6:30 P.M.

**Members Present:** John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Ryan Campbell, Steven Baker and Dave Abramson.

**Members Absent:** None.

**Staff:** Gloria McPherson, Town Planner and Ellen C. Battaglini, Permit Coordinator.

Chair John Golden called the meeting to order at 6:35 P.M.

### Meeting Agenda:

1. **Public Comments:** None.

2. **Public Hearings:**

a) **Cases #FY17-06 & #FY17-07:**

Application by **Coastal Custom Builders** requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (B), and a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws, for the demolition of an existing single-family house and garage and the construction of a new single family residence with a carport, pool, landscaping, new septic system and associated site work, including earth moving of more than 750 cu. yds. at the property located at **226B Bradford Street**. Grace Ryder-O'Malley, Brandon Quesnell, Ryan Campbell, Steven Baker and Dave Abramson sat on the case.

Tim Klink, of Coastal Custom Builders, and Anne Mahoney, a property owner, appeared to discuss the application. Ms. McPherson stated that based upon his review of the plans, the Fire Chief had no problem with the width of the driveway. Mr. Klink had provided additional material to the Board prior to the meeting, including cut sheets for external lighting. As to the surety bond discussed at the last meeting, he said that his client was unwilling to post one. The Board discussed the issue with Mr. Klink. After a brief discussion, the Board reaffirmed its position that a surety bond of \$10,000 be posted by the applicant.

The Board then made a finding that the social, economic and other benefits of the project outweighed any detrimental effects such as hazard, congestion or environmental degradation. It discussed whether a waiver for the minimum width of a traveled surface within the site was needed for the project as presented.

***Ryan Campbell moved to approve the site plan pursuant to Article 2, Section 2320, High Elevation Protection District (B) as presented in Case #FY17-06 and grant a Special Permit in Case #FY17-07, pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws, for the demolition of an existing single-family house and garage and the construction of a new single family residence with a carport, pool, landscaping, new septic***

*system and associated site work, including earth moving of more than 750 cu. yds. at the property located at 226B Bradford Street, with a waiver of Article 4, Section 4163, Residential Design Standards, number 3, to allow for a driveway of 10' where 18' is required, with the conditions that dark-sky compliant exterior light fixtures as submitted be used and that a surety bond of \$10,000 be posted to cover any damage to the road. Brandon Quesnell seconded and it was so voted, 5-0. Ryan Campbell will write the decision.*

b) **Case #FY17-13**

Application by **William N. Rogers, II**, on behalf of **Elizabeth S. Athineos**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws, to construct a second floor addition and install a retaining wall on a commercial property with a curb cut greater than 25% of its existing street frontage located at **63 Shank Painter Road**. John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and Brandon Quesnell sat on the case.

Mr. Rogers appeared to present the application. He described the project, which will include a second floor addition on the existing structure, adding a commercial unit and two residential units. The only increase in the footprint will be as a result of the proposed second floor deck on the front and the egress stairs on the south elevation of the building. In addition, a reinforced concrete retaining wall, topped by a fence, will be added along the east side of the property to help stabilize a bank. Mr. Rogers reviewed the proposed site plan and noted the placement of five proposed parking spaces, which will be located in a pervious parking area. The material for the parking area was discussed, including a suggestion that articulated concrete pavers be used. He added that the applicant is requesting a waiver from the requirements of Article 4, Sections 4053, numbers 1 and 4.

The Board questioned Mr. Rogers. It was concerned about the location of the parking spaces in regard to the retaining wall and the size of the spaces, 8' by 18', in terms of the width of the drive aisle, which is proposed to be 18' wide. The Board discussed with Mr. Rogers if the proposed configuration was feasible, leaving enough space for vehicles to maneuver safely.

The Board discussed several issues with Mr. Rogers, including where to plant two new trees to replace the two that need to be removed, water shedding onto Court Street, which has an existing drainage problem and storage on the lot and conditioning the Special Permit that there be no exterior storage on the property unless the applicant returns to the Planning Board to amend the site plan. The Board reminded Mr. Rogers that all exterior lighting had to be dark-sky compliant. It asked whether the utilities would be going underground. Mr. Rogers was unsure, but will get that information to the Board.

Ms. McPherson read the conditions from the previous site plan approval for the site.

Ms. Ryder-O'Malley asked about the design of the building itself, as she characterized it as architecturally boring. Mr. Rogers said that the applicant approved the design. The Board reviewed the criteria of Article 4, Section 4053, number 3, Commercial Design Standards, of the Zoning By-Laws, which gives it purview over the architectural design of structures for Special

Permits for site plan review. The Board made suggestions about how to improve the design by adding character and detail in order to meet the criteria of the By-Law.

The Board requested that bike racks for the residential units, perhaps on the south side by the porches, be located on the site as well.

Ms. McPherson reviewed the conditions discussed: to note on the site plan the use of articulated concrete pavers for the parking area on the plan, and provide a detail or specification sheet for those pavers, to extend the driveway to the northwest for parking space number 1, so a vehicle can pull up and back into the space, that no exterior storage shall be on the property unless the site plan is amended, to add bike racks for residential units, to provide information regarding underground utilities, to provide specifications for dark-sky compliant exterior fixtures, to plant two new trees and to rework the design of the north façade of the proposed renovated structure. Ms. McPherson will research the sign in the public right-of-way issue that currently exists and whether an existing zoning violation precludes the approval of a Special Permit for site plan review.

Mr. Rogers requested a continuance to the January 26, 2017 Public Hearing. *Grace Ryder-O'Malley moved to grant the request to continue Case #FY17-13 until the January 26, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded and it was so voted, 5-0.*

c) **Case #FY17-14** (request to postpone to the meeting of January 26<sup>th</sup>)

Application by **William N. Rogers, II**, on behalf of **Milan Realty, LLC**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws, to construct a second floor addition for employee housing on a commercial property with a curb cut greater than 25% of its existing street frontage located at **130 Bradford Street**. The applicant requested to postpone the matter to the meeting of January 26, 2017. *John Golden moved to postpone Case #17-14 until the January 26, 2017 Public Hearing at 6:30 P.M. Ryan Campbell seconded and it was so voted, 5-0.*

**3. Work Session:**

a) Application by **Christopher Fiset**, on behalf of **Jay Abiusso**, for an endorsement of a plan believed not to require approval (ANR) to create two conforming lots where one currently exists at the property located at **15 Race Road (Assessor's Map 7-1, Parcel 9)**.

Attorney Christopher Fiset appeared to present the application. The property is being conveyed and the intent of the applicant is to divide the existing lot into two conforming lots. The current lot is 13,528 sq. ft. and will be split into a 5,580 sq. ft. Lot 3A, and a 7,948 sq. Ft. Lot 3B. Both will be conforming as to frontage and size of lot.

*Ryan Campbell moved to endorse the plan believed not to require approval (ANR) at the property located at 15 Race Road (Assessor's Map 7-1, Parcel 9), Case #FY17-16. John Golden seconded and it was so voted, 5-0.*

b) **Discussion with Chris Wise regarding the removal of trees at 350 Bradford Street:**

Mr. Wise appeared to discuss the issue and submitted a planting plan approved by the Board and an amended planting plan with the trees that had been removed with 'X's through them. Also included was an email between the landscape designer, Gordon Peabody, of Safe Harbor Environmental and the project engineer regarding the issue. Mr. Wise explained why the trees had to be removed, including the deleterious effects of the vibratory installation of the sheathing wall on the tree roots. The Board discussed remediation with Mr. Wise, who will replant the trees according to the direction of the Board. Mr. Peabody joined the discussion. The Board was disappointed that so many trees had to be removed. Ms. McPherson reminded the Board that it had also discussed a less invasive process for installing the shoring when it was reviewing the project. She said that the mitigation plan suggested to Mr. Wise by the Conservation Agent was not realistic because of the size of the proposed trees given the landscape.

Mr. Peabody explained his role in the restoration plan and his strategy for re-vegetation. The Board will re-visit the issue on March 9<sup>th</sup>. The Board requested that Mr. Wise submit a draft planting plan to re-vegetate the site before that meeting, after which it will conduct a site visit. Mr. Wise said he would try to get the plan to the Board two weeks before the March 9<sup>th</sup> meeting. Ms. McPherson read a letter from an abutter.

c) **Discussion regarding the Inclusionary By-Law:** Ms. McPherson briefly reviewed some comments that were heard at the Town Forum, including concerns about the height bonus. This discussion is postponed until the January 26, 2017 Public Hearing.

Ms. McPherson reminded the Board about the discussion regarding Harbor Hill at the January 26<sup>th</sup> meeting. She will put together information about the property for that meeting.

d) **Update on 137 Bradford Street:** Ms. McPherson said that this project would be wrapped this project into 130 Bradford and 132 Bradford Street projects. The discussion will be postponed. She has met with engineers for these projects and the Dept. of Public Works, and its consulting engineers, in order to insure that all private improvements in the public way proposed by these projects are coordinated. She reviewed some of the concepts discussed during those meetings.

e) **Discussion of planting list** (not ready)

g) **Discussion of proposed standard conditions for telecommunications facilities** (not ready)

h) **Minutes of April 23<sup>rd</sup>, August 27<sup>th</sup> and October 22, 2015, January 14<sup>th</sup>, March 24<sup>th</sup>, April 28<sup>th</sup>, June 9<sup>th</sup> and December 8, 2016 meetings.**

December 8, 2016: The minutes were not approved.

h) Any other business that may properly come before the Board: The Board requested a review of the planting plan approved for Outer Cape Health.

Ms. McPherson said the Beautification Committee has requested that it be informed when the

Board reviewed projects that might be of interest to the Committee. Bill Docker, the chair of the Committee, will be placed on the Board's email list to receive agendas.

Brandon Quesnell reviewed the Community Preservation Committee's recent activities.

There was a motion by Brandon Quesnell to adjourn the Planning Board meeting at 9:15 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2017  
John Golden, Chair