

PLANNING BOARD

Meeting Minutes  
Thursday, April 13, 2017  
Auditorium  
6:30 P.M.

**Members Present:** John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Steven Baker, Ryan Campbell (joined the Board at 10:40 P.M.) and Dave Abramson.

**Members Absent:** None.

**Staff:** David Gardner, Assistant Town Manager (arrived at 7:25 P.M.) and Ellen C. Battaglini, Permit Coordinator.

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

1. **Public Comments:** None.

2. **Public Hearings:**

a) **Case #FY17-17** (*previously continued to the meeting of April 27<sup>th</sup>*)

Application by **TMC New England, LLC c/o T.M. Crowley & Associates**, on behalf of **Riley Brothers Realty, LLC**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, a (4), Site Plan Review by Special Permit, of the Zoning By-Laws for exterior building, sidewalk, landscaping and parking improvements on a commercial property with a curb cut greater than 25% of its existing street frontage located at **132 Bradford Street**.

b) **Case #FY17-18** (*previously continued to the meeting of April 27<sup>th</sup>*)

Application by **Chad, LLC** and **Villa, LLC** requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to amend a previously-approved site plan for the property located at **336R Commercial Street**. There was a request from the applicant to continue to the meeting of April 27 or May 11, 2017. The Board decided to continue the case until April 27, 2017.

**Steven Baker made a motion to continue Case #17-18 to the April 27, 2017 Public Hearing at 6:30 P.M. Grace Ryder-O'Malley seconded. VOTE: 4-0-0.**

c) **PLN-17-20** (*request to continue to the meeting of May 11<sup>th</sup>*)

Application by **Christopher D. Wise**, on behalf of **Coastal Acres Properties, LLC**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, a (5), Site Plan Review by Special Permit, of the Zoning By-Laws for the upgrading of an electrical system, including the installation of meter pedestals and electric packs, and the extension of a line of service to meter sites, which requires trenching and earth moving of more than 750 cu. yds. at the property located at **76R Bayberry Avenue**. **There was a motion by Grace Ryder-O'Malley to grant the request to continue to the meeting of May 11, 2017 at 6:30 P.M. Brandon Quesnell seconded. VOTE: 5-0-0.**

d) **PLN-17-21** (previously continued from the meeting of March 23<sup>rd</sup>)

Application by **Scott N. Adams, Advanced Engineering Group, P.C.**, on behalf of **7-Eleven, Inc.**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, a (5), Site Plan Review by Special Permit, of the Zoning By-Laws for exterior improvements on a commercial property with a curb cut greater than 25% of its existing street frontage, including realigning an existing curb gutter line, replacement of a bike rack, re-stripping an existing parking lot and the installation of a 4' wide sidewalk with granite curbing, a crosswalk striping across curb cuts, landscape plantings, composite traffic dividers, two additional light poles, two street trees and an additional handicap ramp within a proposed sidewalk at the property located at **137 Bradford Street**. Brandon Quesnell invoked the Mullin Rule as he viewed the video of the previous hearing. John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Steven Baker and Dave Abramson sat on the case.

**Presentation:** Attorney Robin B. Reid, representing the applicant, Becky Renauld, a field consultant from 7-Eleven, Scott Adams, from Advanced Engineering Group. Attorney Reid submitted revised plans that were electronically conveyed to the Board earlier in the week. She said that she and Mr. Adams were there to review the changes requested by the Board at the last meeting. She reviewed the waivers requested by the applicant and stated that all had been discussed at the previous meeting. Both she and Mr. Adams pointed out the changes that had been made on the site plan, including the removal of the air pump, the addition of the curb radii, the addition of two trash/recycling cans and the pulling back of the sidewalk on the Bradford Street side to the utility pole. She submitted options for the paint scheme for the curb cuts and reminded the Board that maintenance issues would be an important consideration given the high pedestrian traffic in the area. A red brick paint scheme for the walkway behind the bollards and in is proposed. She submitted the lighting specifications for dark-sky compliant fixtures that were requested by the Board. Both the base and the light pole near the island, measuring 17.5', will be replaced with one that will be less than 15' high from grade. The lighting on the building are dark-sky compliant and those that aren't will be replaced with fixtures that are. The existing bike area and the island have been reconfigured and will be bricked and include 4 more bike racks installed. The island will be curbed and re-shaped. The Standish Street sidewalk was widened to 5'. Only a small amount of landscaping was affected and the vehicle lanes were reduced to 11.5' in width, which was agreed to by the Dept. of Public Works Director, Rich Waldo.

There was no new public comment or letters in the file.

Mr. Golden informed Attorney Reid of a staff meeting about the property and discussed the Fire Chief's concern about the ability of fire trucks to be able to maneuver around vehicles that may be stopped on Bradford Street. He was concerned that the proposed granite curbing would create a barrier creating difficulty in moving stationary vehicles or passing vehicles out of the way of a fire or other emergency vehicle. Mr. Adams suggested a configuration similar to a Cape Cod berm, 3" high and of bituminous material that has a rolled edge and can be driven over easily. The Board discussed the issue. Mr. Adams proposed a concrete slope-faced berm/curb, integral to the sidewalk on the Bradford Street side.

***There was a motion by Steven Baker to grant a Special Permit pursuant to Article 4, Special Regulations, Section 4015, a (5), Site Plan Review by Special Permit, of the Zoning By-Laws***

*for exterior improvements on a commercial property with a curb cut greater than 25% of its existing street frontage, including realigning an existing curb gutter line, replacement of a bike rack, re-striping an existing parking lot and the installation of a 5' wide sidewalk with granite curbing, a crosswalk striping across curb cuts, landscape plantings, composite traffic dividers, two additional light poles, two street trees and an additional handicap ramp within a proposed sidewalk at the property located at 137 Bradford Street with the condition that the Bradford Street sidewalk have concrete integral slope-faced rounded edges and with the following waivers: from Article 4, s. 4053 (1)(a), the number and width of curb cuts; 4053 (1)(b), a traffic impact assessment; s. 4053 2(d), the screening of truck-loading areas; s. 4150, the minimum green area; and s. 4600, the number of street trees. Dave Abramson seconded. VOTE: 5-0-0. Grace Ryder-O'Malley will write the decision.*

e) **PLN 17-25**

Application by **Provincetown LEI Holdings, LLC, dba Land's End Inn**, requesting Site Plan Approval pursuant Article 2, Districts and District Regulations, Section 2320C, High Elevation Protection District (A), of the Zoning By-Laws for the upgrading of existing retaining walls to a tiered stone retaining wall on the properties located at **22 and 24 Commercial Street and 32 Point Street**.

Jay Norton, engineer with Coastal Engineering, representing Land's End Inn, appeared to present the application. He described the tiered retaining wall system. The area of concern contains block retaining walls that are failing, causing slope instability and is a safety hazard. The proposed project involves replacing them with a tiered rock system similar to revetment stones less than 4' high, with a 4' terrace in between tiers. The terraces will be planted with indigenous species. The existing wooden stairway from Commercial Street that is located on the northern property line will also be replaced with a timber stairway that follows the grade. Access to the site will be from 32 Point Street. Both property owners, of 24 Commercial Street and 32 Point Street have agreed to the project. The project minimizes adverse impacts on the site, such as erosion and siltation, and will greatly improve the stability of the slope and wildlife habitat, along with proposed plantings. The wall will blend in with the natural landscape and slopes will only be minimally modified.

There was no public comment and no letters in the file.

The Board questioned Mr. Norton. The Board requested the applicant replace the trees being taken down with new trees and submit a planting list of trees prior to construction. There is no new lighting proposed according to Mr. Norton. The Board asked about the permissions granted by the property owners at 24 Commercial Street and 32 Point Street.

*There was a motion by Grace Ryder O'Malley to approve the site plan pursuant Article 2, Districts and District Regulations, Section 2320C, High Elevation Protection District (A), of the Zoning By-Laws for the upgrading of existing retaining walls to a tiered stone retaining wall on the properties located at 22 and 24 Commercial Street and 32 Point Street with the conditions that if any lighting is added it be dark-sky compliant, that a tree list noting how many trees will be removed and planted after the completion of construction be submitted and pending approval by Town Counsel that the Planning Board can legally approve a project for*

*work to be done on property not owned by the applicant. Brandon Quesnell seconded. VOTE: 5-0-0.*

f) **PLN 17-26**

Application by **William N. Rogers II, P.E., P.L.S.**, on behalf of **Seventy-One Race Point Road, LLC**, for Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan, of the Zoning By-Laws to add a dwelling unit and associated site work improvements at the property located at **71 Race Point Road**.

William N. Rogers, II, P.E. and P.L.S., a local civil engineer, representing the applicant appeared to present the application. Mr. Rogers explained that the lot sized had been increased as a result of an ANR approved by the Board, which allows the structure to have three dwelling units. He is appearing before the Board to make the third unit, already existing, legal. Nothing is changing on the building except the construction of a second means of egress. There are 4 parking spaces on the site to accommodate three dwelling units.

Anne Marie Piccarelli spoke about her concern regarding parking on that portion of Race Point Road.

The Board questioned Mr. Rogers and requested that the applicant agree to replace the trees removed in kind, noted that there were rain gutters missing on the structure and requested that the exterior lighting be dark-sky compliant.

*There was a motion by Dave Abramson to approve the site plan pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan, of the Zoning By-Laws to add a dwelling unit and associated site work improvements at the property located at 71 Race Point Road with the conditions that the trees removed be replaced in kind, that rain gutters be attached to the structure and the roof run-off plan be followed and that all exterior lighting be dark-sky compliant. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.*

g) **PLN 17-23 & PLN 17-24**

Application by **Heal, Inc.**, on behalf of **94 Harry Kemp Way Revocable Trust, William Gately, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, D7, Medical Marijuana Treatment Center, and Article 4, Special Regulations, Section 4015 a (2), Site Plan Review by Special Permit, of the Zoning By-Laws for the establishment of a medical marijuana treatment center that includes a change in use of an existing storage building, the development of more than 2,000 sq. ft. of commercial area, upgrades to parking, landscaping and associated site improvements at the property located at **94 Harry Kemp Way**. John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Steven Baker and Dave Abramson sat on the case.

Attorney Katherine Adams, representing Heal, Inc., Alex Oliphant, Trish Faass. Gary Einsidler, owners of Heal, Inc., Brian Anderson, of ADP Architecture, Brad Mallow, a civil engineer at Coastal Engineering, Tom Walsh, from Netwatch USA, security consultants, Randy Hart, from VHB, a traffic engineer, and William Gately, the owner of the property. She provided an overview of the application and the requested waivers and each of the team will review his

particular aspect of the project. She explained that the applicant has received permission from the Department of Public Health for three medical marijuana sites in the state, including at 94 Harry Kemp Way, and would cultivate and process the product at a facility in Warren, MA. In 2014, the Town designated particular zoning districts where a medical marijuana treatment center would be allowed, including the Residential B Zone where the structure is proposed to be located. Last August, Heal, Inc. received a letter of non-opposition from the Board of Selectmen and a Community Benefit Agreement was executed with the BOS in January. The wetland delineation has been completed and approved by the Conservation Commission and the project will return for approval to reconstruct a building in the same footprint as the existing storage structure on the site, as it is in the 50' buffer zone to a resource area.

A parking waiver will be requested of the Zoning Board of Appeals to reduce the required parking spaces for the use. Mr. Mallow reviewed the site plan and the landscape plan. Mr. Anderson reviewed the proposed building plans, the lighting plans, including exterior lighting fixtures. Mr. Walsh provided an overview of the proposed security plan from Netwatch. Mr. Hart reviewed the traffic generation study and parking circulation for the proposed use at the site. Attorney Adams reviewed the requested waivers from the Board, including s. 4035 1(a) for curb cut width, s. 4053 2(d) for screening of loading areas and s. 4163 2, curb cut radii. She reviewed the elements of the Development Impact Statement, which concluded that the proposed use would not have a significant impact, including on the Town, its services, the environment and neighboring buildings. She addressed comments made by Rich Waldo, the Dept. of Public Works director and Police Chief Jim Golden.

Attorney David Reid, on behalf of several abutters, spoke in opposition to the application, citing several concerns about the proposed use and its impact on the neighborhood. William N. Rogers, II spoke of his concern about the parking on the site, site distances when egressing from the site on Harry Kemp Way and about the septic system. Gerald Cassese, Stephanie Page, Brian Melanson, Mary Jane Canavan, Marie Pace, Mark Perra, Anne Paradis, Steve Hadley, all abutters, spoke in opposition to the application. Anne Marie Piccarelli, Dr. Andrew Gatowsky and Jay Zimmerman spoke in support of the application. There were 3 letters in opposition and 1 letter in support of the application.

The Board questioned Attorney Adams and the team representing Heal, Inc., about the lighting, including pole heights and fixtures on the site. Attorney Adams said the applicant is open to taking direction from the Board about the lighting based upon the concerns of the abutters. The Board also had concerns about the parking on the site, specifically about the availability of overflow parking and the adequacy of the parking when a funeral was taking place. The Board asked for more information about the location of the generator, its screening and testing hours. Questions regarding the increase in traffic to and on the site, the number of potential patients that might be authorized to use medical marijuana were asked. The Board also requested looking at adding more bike racks to the site. The Board discussed the Development Impact Statement, particularly about the requirements in c, e and g of s. 5331 and it was requested that the applicant expand on those in its submitted review of the project's impact. The architecture of the building was discussed in regard to its aesthetics and how it didn't seem to fit in with the other structures in the neighborhood. It requested an explanation of why the entrance could not be moved after researching it. The Board asked that the entrance on Howland Street that is proposed to be 'enter

only' could be improved by closing up curb and signage and requested an additional sign that asks patrons to please respect the neighbors' properties. Suggested the curb cut on Howland Street made narrower. Attorney Adams requested to continue to May 11, 2017 Public Hearing. ***There was a motion by Grace Ryder-O'Malley to grant the request to continued PLN 23 and PLN 24 to the Public Hearing of May 11, 2017 at 6:30 P.M., Brandon Quesnell seconded. VOTE: 3-0-2 (Grace Ryder-O'Malley and Brandon Quesnell abstainin).***

3) **Work Session:**

a) **Annual Board Organization:** Postponed.

- i) Election of Chair
- ii) Election of Vice Chair

b) **PLN 17-29**

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **John W. Dillon**, for the endorsement of a plan believed not to require approval (ANR) to create two conforming lots and one lot that will be conveyed to the Provincetown Conservation Trust at the property located at **286 Bradford Street (Assessor's Map 15-3, Parcel 99)**.

William N. Rogers, II, P.E., P.L.S. appeared to present the application. He reviewed the request.

***Steven Baker moved to endorse the plan believed not to require approval (ANR) to create two conforming lots and one lot that will be conveyed to the Provincetown Conservation Trust at the property located at 286 Bradford Street (Assessor's Map 15-3, Parcel 99), Dave Abramson seconded and it was so voted, 5-0.***

c) Pending Decision:

**Case #FY17-14 (Steven)**

Application by **William N. Rogers, II, P.E. & P.L.S.**, 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**. Tabled.

b) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan:** Postponed.

b) **Discussion of planting list** (placeholder)

c) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder)

d) **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>, December 8, 2016 and March 9, March 23 and March 30, 2017.**  
The minutes were tabled.

e) **Any other business that may properly come before the Board:**

There was a motion by Dave Abramson to adjourn the Planning Board meeting at 11:30 P.M.

Respectfully submitted,

Ellen C. Battaglini

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