

PLANNING BOARD
Meeting Minutes
Thursday, May 25, 2017
Judge Welsh Room
6:30 P.M.

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

Members Absent: None.

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

Chair John Golden called the Meeting to order at 6:30 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

a) **Case #FY17-17**

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**. Brandon Quesnell invoked the Mullin Rule certifying that he had reviewed a video recording of a previous meeting when the matter was heard by the Board. John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell and Brandon Quesnell sat on the case.

Attorney E. James Veara, representing TMC New England, LLC c/o T.M. Crowley & Associates, LLC and Brian Dundon, a site civil engineer with R.J. O'Connell & Associates, Inc., Civil Engineers, Surveyors & Land Planners and Colleen Medeiros, of McMahon Associates, author of the traffic study for the site, appeared to discuss the application. Attorney Veara said that he had received comments from the Fire Chief, Police Chief and Dept. of Public Works Director and their concerns have been addressed in a letter from Mr. Dundon and have been incorporated into the revised plan submitted to the Board, as have the requests made by the Board at the last hearing. He briefly reviewed the revisions.

Ms. Ryder-O'Malley read the waiver request letter from Attorney Veara. The waivers requested include s. 4053(1)(a), curb cut width, s. 4163(2), curb radii at street intersection and (3), minimum width of travelled surface within the site, and 4150, green area.

There was no public comment and 3 new letters in opposition to the application.

The Board questioned Attorney Veara about the revised site plan and requested that more trash and recycling bins be situated on the property, particularly outside the store near the front door, that a shopping cart corral or a stopping mechanism for shopping carts be placed inside the store or at the property line and that signage be added, noting the speed limit, that the area was a

densely populated one, that children were in the neighborhood, etc., along Standish, Cemetery and the back portion of Alden Streets. Attorney Veara said that deliveries during the season would be made with a 24' box truck and during the off-season when the lot is closed, but still accessible to CVS, with a WB-50 tractor trailer truck or a box truck. The Board questioned Mr. Dundon about the feasibility of putting the utility lines underground and to investigate that option with Eversource. In addition, it was requested that the septic system upgrade be reflected on the site plan and confirm that the septic system, including the soil absorption system, can be paved and driven over and correct relevant notes on the site plan as necessary, that the location of the new ticket booth be verified and that any exterior lighting fixtures, existing or proposed, would be dark sky compliant. The Board asked that during the initial planting of vegetation that the landscape contractor bring water from off-site.

Ms. McPherson said that the DPW Director was opposed to making Standish Street two ways up to Standish Avenue, a position that was supported by Stephen Tupper, a traffic specialist with the Cape Cod Commission, who reiterated his position on the issue at the meeting.

The Board reviewed and discussed each of the requested waivers. The parking issue in general was discussed and whether there were other options to solve the problem.

Attorney Veara requested a continuance to the June 8, 2017 Public Hearing at 6:30 P.M. *There was a motion by Grace Ryder-O'Malley grant the continuance to the June 8, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.*

b) **Case #FY17-18** (continued from the meeting of May 11th)

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 withdraw without prejudice. *There was a motion by Grace Ryder-O'Malley to grant the request to withdraw Case #FY17-18 without prejudice. Steven Baker seconded. VOTE: 5-0-0.*

c) **PLN-17-20**

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**. Brandon Quesnell invoked the Mullin Rule. John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell and Brandon Quesnell sat on the case.

Attorney Lester J. Murphy, representing Chris Wise, and Chris Wise, one of the owners of the property, appeared to discuss the project. Board members had done site visits. Attorney Murphy said that the applicant had provided answers to the questions of AECOM engineers enumerated in a previous letter to the Board. He also addressed the issue of tree removal during the construction process to upgrade utilities at the site.

Tim Famulare, the Conservation Agent, joined the discussion, as the Conservation Commission was reviewing the project as well.

Mr. Wise reviewed some of the concerns at the site in regard to the location of the utility trenches, including the removal of trees, the location of water pedestals and the discharge of gray water on the site. He said that there was no plan to remove trees in sensitive areas. He said that he was still gathering information regarding burying existing overhead wires and would report about that at another meeting. He said he was also researching details about size and weight of vehicles in regard to the use of the sensitive campsites near the resource areas in response to a Conservation Commission request.

The Board discussed the location of the pedestals, the removal of trees and the protection of the pond. Dark-sky compliant lighting and putting utility lines underground was discussed and the Board requested that the applicant research the topic with Eversource.

The Board asked Ms. McPherson to inquire of the DPW Director about his opinion of the applicant's response to AECOM's questions.

Ms. McPherson said that a joint meeting with the Conservation Commission had been suggested, but no decision had been made about scheduling one.

The Board requested that the location of each pedestal be marked at each campsite and that the applicant mark what trees he anticipates would need removing, for any reason, and that cut sheets for dark-sky compliant fixtures be submitted. Mr. Wise said he would submit to the Board size restriction information, gray water analysis and would locate water spigot locations away from sensitive areas. He will stake the location of the road in the field area for Board site visits. ***There was a motion by Ryan Campbell to continue PLN 17-20 to the Public Hearing of June 8, 2017 at 6:30 P.M. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.***

d) **PLN 17-23 & PLN 17-24** (*previously continued to the meeting of June 8th*)
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**. There was a request from the applicant to withdraw the case without prejudice. ***There was a motion by Steven Baker to grant the request to withdraw without prejudice. Ryan Campbell seconded. VOTE:5-0-0.***

e) **PLN 17-28**
Application by **Teresa R. Hickok**, on behalf of **East End Reserve Condominium**, requesting Site Plan Approval pursuant Article 2, Districts and District Regulations, Section 2320C, High Elevation Protection District (A), of the Zoning By-Laws to install a shed at the property located

at **664R Commercial Street**. Dave Abramson recused himself because of a conflict of interest. John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell and Brandon Quesnell sat on the case.

Teresa Hickok and Bob O'Malley, a realtor who sold properties on the site, appeared to discuss the application. Ms. Hickok said she had submitted a planting plan at the request of the Board. She reviewed the plan and what vegetation had been planted and what remained to be planted. The Board questioned her and Mr. O'Malley about the proposed planting plan. Ms. McPherson said if the Board approved the submitted plan, it would not supersede the original planting plan as approved. She said that she had met with Chris Wise and he indicated that he would be responsible for planting trees on the property located at 350 Bradford Street and he would be submitting a planting plan for those trees.

Chris Wise, who was present at the meeting, confirmed that he was planning on replacing the trees that were removed from close to the property line at 350 Bradford Street in a ratio of 2 trees planted to 1 tree removed.

The Board discussed the proposed planting plan. Ms. McPherson suggested conditions that the large oak to the southwest of Building 1 be replaced with an oak of minimum 3" caliper in the same location, that this approved planting plan shall be in addition to the originally approved landscape plan with all previously approved plantings to be installed and that an additional oak, of minimum 3" caliper, be planted to the south of Buildings 2 and 3.

There was a motion by Ryan Campbell to approve the site plan pursuant Article 2, Districts and District Regulations, Section 2320C, High Elevation Protection District (A), of the Zoning By-Laws to install a shed at the property located at 664R Commercial Street with the conditions that the large oak to the southwest of Building 1 shall be replaced with an oak of minimum 3" caliper in the same location, that this approved planting plan shall be in addition to the originally approved landscape plan with all previously approved plantings to be installed and that an additional oak, of minimum 3" caliper, shall be planted to the south of Buildings 2 and 3. Steven Baker seconded. VOTE: 5-0-0.

f) **PLN 17-30** (previously continued to the meeting of June 8th)

Application by **E. James Veara, Esq.**, on behalf of **Lori E. Riley** and **Jeffrey A. Medeiros**, for Site Plan Approval pursuant to Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to construct a new dwelling at the property located at **24 Ship's Way Road**.

g) **PLN 17-32** (request to postpone to the meeting of June 8th)

Application by **MEILI, LLC**, on behalf of **Edward Roach**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015 a (1), Site Plan Review by Special Permit, the Zoning By-Laws to renovate and raise an existing multi-family structure, including adding a dwelling unit, and an existing cottage and to make associated site improvements on the property located at **58-60 Bradford Street**. There was a request to postpone the case to the Public Hearing of June 8, 2017. ***There was a motion by Ryan Campbell to grant the request to***

postpone PLN 17-32 to the Public Hearing of June 8, 2017 at 6:30 P.M. John Golden seconded. VOTE: 5-0-0.

h) **PLN 17-33**

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, D7, Medical Marijuana Treatment Center, of the Zoning By-Laws to operate a medical marijuana treatment center at the property located at **2 Harry Kemp Way, Unit 2**.

i) **PLN 17-34**

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, for Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of the structure from a professional office to a medical marijuana treatment center and to make associated site improvements at the property located at **2 Harry Kemp Way**. John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and Brandon Quesnell sat on both cases. The Board heard the two cases together.

Presentation: Attorney Lester J. Murphy, representing the applicant, Patrick Johnson, on behalf of Mass Organic Therapy, and Stephanie Sequin, of Ryder & Wilcox, civil engineers, and Colleen Medeiros, of McMahan Associates, traffic engineers, appeared to present the applications. Attorney Murphy described the project. He reviewed the Community Benefit Agreement and the amount of money that the Town will receive as a result of the establishment of the medical marijuana treatment center; money that the Town could use for various projects, such as affordable housing. He asserted that the project would also provide a needed service in Town.

There were 3 letters in support of the application and 1 letter in opposition to the application.

Attorney Murphy reviewed the project and how the site was suitable for this proposed use, the availability of adjacent parking facilities, both Town and privately owned, in the area, and the easy access and egress to and from an existing commercial site. He argued that the site design lends itself well to the new business use. The building is already handicap-accessible. He reviewed the Special Permit requirements that the benefits outweigh any adverse effects such as hazard, congestion and environmental degradation. The benefits include the monetary contributions to the Town, as well as the fact that this site is closer to the center of Town, at the intersection of two main roads, and easily accessible by both pedestrians and bicycle riders. He stated that there were no negative impacts to the Town or neighborhood, however there was one area of potential impact, which would be in respect to the municipal services provided by the police department. More discussions are planned between Mr. Johnson and the Police Chief to address police concerns with the new use of the site. He said that most of the changes would be to the interior of the structure and related to security concerns.

Attorney Murphy reviewed the requested waivers.

Ms. Sequin reviewed the existing site plan for the proposed use and reviewed the layout of the parking spaces on the property. The Board questioned her. Karen DePalma joined the discussion about the easement abutting the property and Conwell Lumber. The Board was concerned about the circulation markings and the flow of pedestrians and vehicles on the site and asked about the proposed manner of delineating the parking spaces on the site. In addition, the issues raised by the Police Chief were of concern. The Board suggested that diagrams of the flow of traffic and pedestrians be generated and submitted, requested that any lighting be dark-sky compliant and that the generator be indicated on the site plan. Ms. McPherson suggested the applicant solicit recommendations from a traffic engineer and discuss with Conwell Lumber the issue of the flow of vehicular traffic on the right-of-way between the properties.

Ms. Medeiros reviewed the traffic impact study. The Board questioned her. The Board had a concern about the accessibility of the site for pedestrians and the problem of the lack of sidewalks on Conwell Street, given that more pedestrians will be visiting the site. The Board briefly discussed off-site mitigation with Ms. Medeiros.

Mr. Johnson added that deliveries would be done during off hours and the proposed hours of operation would be 10:00 A.M. to 7:00 P.M.

There was a motion by Grace Ryder-O'Malley to continue PLN 17-33 & 17-34 to the June 8, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.

3) Work Session:

a) Discussion (at the request of the Board of Selectmen) regarding Town-wide goals for FY18. The Board briefly discussed the topic.

b) Pending Decision:

PLN-17-21 (Grace)

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-striping 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**. *There was a motion by Ryan Campbell to approve the language as written. Steven Baker seconded. VOTE: 5-0-0.*

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

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

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

f) Minutes of April 23rd, August 27th and October 22, 2015, January 14th, March 24th, April 28th, June 9th, December 8, 2016 and March 30, April 27 and May 11, 2017.

March 30, 2017: *There was a motion by Ryan Campbell to approve the minutes as amended. Steven Baker seconded. VOTE: 5-0-0.*

April 27, 2017: *There was a motion by Ryan Campbell to approve the minutes as amended. Steven Baker seconded. VOTE: 5-0-0.*

May 11 2017: *There was a motion by Steven Baker to approve the minutes as amended. Ryan Campbell seconded. VOTE: 5-0-0.*

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

There was a motion by Dave Abramson to adjourn the Planning Board meeting at 10:30 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
John Golden, Chair