

**PLANNING BOARD**  
Meeting Minutes  
Thursday, September 28, 2017  
Judge Welsh Room  
6:30 P.M.

**Members Present:** John Golden (left at 8:39 P.M.), Grace Ryder-O'Malley, Steven Baker, Brandon Quesnell and Dave Abramson.

**Members Absent:** Ryan Campbell (excused).

**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) **PLN 17-30**

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**. Chair John Golden invoked the Mullin Rule in order to sit on the case. John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and Brandon Quesnell sat on the case. Attorney Lester J. Murphy, representing the property owners, appeared to request a continuance to the October 12, 2017 Public Hearing at 6:30 P.M.

*There was a motion by Grace Ryder-O'Malley to grant the request to continue PLN 17-30 to the Public Hearing of October 12, 2017 at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0,*

b) **PLN 17-33** (previously continued to the meeting of September 28th)

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**.

c) **PLN 17-34** (previously continued to the meeting of September 28th)

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**. Grace Ryder-O'Malley recused herself because of a conflict of interest. Lester J. Murphy, representing the applicant, appeared to request a continuance for both cases PLN 17-33 and 17-34 to the October 12, 2017 Public Hearing at 6:30 P.M.

*There was a motion by Steven Baker to grant the request to continue PLN 17-33 and 17-34 to the Public Hearing of October 12, 2017 at 6:30 P.M. Dave Abramson seconded. VOTE: 4-0-0.*

d) **PLN 18-03**

Application by **Katherine J. Frischmuth** requesting a Site Plan Review pursuant to Article 2, Districts and District Regulations, Section 2320 (A) & (B), High Elevation Protection District, of the Zoning By-Laws to construct a new 3' by 10' balcony and replace a 13' by 28' roof deck and expanded stairs on the structure located at **6 Upper Miller Hill Road**. John Golden, Grace Ryder-O'Malley, Steven Baker, Brandon Quesnell and Dave Abramson sat on the case. Building Commissioner Anne Howard was present to give a report about the work being done at the site and answer Board questions.

Art Sakahyan, contractor, and Christian Peters and Joseph Amato, co-owners of the property, appeared to discuss the application. Mr. Sakahyan reviewed the work that he had done at the site. The Board questioned Mr. Sakahyan. The Board questioned Ms. Howard about current and previous work done on the site, including landscaping and engineering.

The sense of the Board was that more information was needed from Mr. Sakahyan and the applicants in order to understand what had been existing on the site and what the current project encompassed. Mr. Sakahyan suggested that the Board do another site visit with him on the site so he could explain what was being done.

The Board requested that erosion mitigation measures be installed, including gutters and dry wells, and noted that there was now exterior lighting on the structure that was not dark sky compliant that had not been there two weeks ago. Mr. Quesnell requested that Ms. Howard provide the Board with information from an engineer confirming that the site was structurally sound and that adding stairs and replacing decks would not compromise the site. Ms. Ryder-O'Malley left the room.

Ms. McPherson read the requirements of site plan review and informed Messrs. Sakahyan, Peters and Amato what the Board is looking for in terms of information, in addition to the requirements of the high elevation protection district, including an as-built site plan, how the issue of dark sky compliant light fixtures would be addressed and the submission of cut sheets for proposed lighting fixtures. The Board also requested a letter from the Building Commissioner or a structural engineer attesting to the structural integrity of the site, including retaining walls, etc.

There was a letter in the file from a doctor at Outer Cape Health Services attesting to the fact that he follows the health of Ms. Frischmuth and which supported the proposed improvements to the site (Mr. Quesnell requested that the letter be sent to Morgan Clark, M.P.P., Director, Department of Health & Environment, and Chris Hottle, Director of the Council on Aging), a letter from Ms. Frischmuth in support of the project (Mr. Quesnell requested that the letter also be sent to Ms. Clark and Ms. Hottle), a letter from Robert Martin reviewing his work at the site and letters in support of the project from Alison Waldo, a tenant of the applicant, and Brian Carlson, Joe Carleo, David Foley and Paul Fiore, all abutters. Ted Jones asked a question about problems that could arise when multiple building permits are issued for several projects occurring at one property.

***There was a motion by Steven Baker to continue PLN 18-03 to the October 12, 2017 Public Hearing at 6:30 P.M. Dave Abramson seconded. VOTE: 4-0-0.***

Ms. Ryder-O'Malley returned to the room. The Board questioned Ms. Howard about the fact that work had already been started at the site without being reviewed by the Board and how that situation could be avoided in the future. Ms. Howard explained the various phases of the project, the process of its permitting and the status of the project at this point. The Board discussed the issue.

e) **PLN 18-04**

Application by **Edward M. Roche**, on behalf of **MEILI, LLC**, requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to renovate and raise two structures, construct retaining wall, add parking spaces and complete other site improvements at the property located at **58-60 Bradford Street**, with requested waivers from Article 4, Sections 4035(c), 4163(2), (3) and (6) and 4600. Dave Abramson invoked the Mullin Rule in order to sit on the case. John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and Brandon Quesnell sat on the case.

Attorney Lester J. Murphy, representing the applicant, Ted Roche, the applicant, and Stacy Kanega, of Coastal Engineering, appeared to discuss the project. Attorney Murphy reviewed revised site and landscaping plans with the Board's requested changes, including showing the planting of 5 shade trees in order to comply with the street tree requirement of the Zoning By-Laws. The Board requested that the exact location of the 5 or 6 trash and 3 recycling receptacles and the propane tank be indicated on the site plan and that the bike rack show spaces for 9 bicycles. The Board questioned Attorney Murphy and Ms. Kanega. The Board discussed which trees would remain and which would be removed. Attorney Murphy said that trees could be retained on Winthrop Street by slightly shortening a parking space. He said that it had been confirmed that a standpipe, which is part of the sprinkler system, would be located somewhere on the site, probably on the Winthrop Street side, however that will be part of the final construction process and a condition of the final approval and would be determined at a later date. The walkway in front of the cottage would consist of grass, or ground cover, in between pavers. The Board asked about how parking space #7 would work given its proximity to the main structure and the potential for a car door hitting a window.

Elizabeth Lowell spoke in support of the project. There was a letter of concern from Shelley Jennings, an abutter, regarding several issues, including tree removal, the parking spaces, including space #7, green space on the site, the location of trash receptacles, the difficulty of removing snow from the parking area and the overall density of the lot and a letter of concern from Michael Keyes, an abutter, raising issues about the use of the site, including the configuration of the parking area, the wide curb cut on Winthrop Street and the proposed material for windows and doors on the main structure.

Attorney Murphy reviewed the changes that would be made on the site plan as a result of the discussion, including accurately locating the trash bins and propane tank, indicating the bike rack for 9 bicycles to scale, revising the proposed species of tree to be planted on the site, screening or eliminating the window adjacent to parking space #7 and redesigning parking space #2 in order to insure that the trees in the area will be preserved. Mr. Roche explained how the trash and recyclables would be removed from the site. Attorney Murphy reviewed the requested waivers.

He said the project would meet the requirement for street trees, as two would be planted along Bradford Street and one along Winthrop Street. Ms. McPherson suggested putting a separate line in zoning table showing trees required and trees proposed. The Board discussed the possible protection measures for the window adjacent to parking space #7.

*There was a motion by Brandon Quesnell to approve PLN 18-04 site plan and grant a Special Permit to MEILI, LLC pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to renovate and raise two structures, construct retaining wall, add parking spaces and complete other site improvements at the property located at 58-60 Bradford Street with the conditions that a revised site plan be submitted showing a shortened parking space #2 in order to retain trees, with a notation that a standpipe would be installed, that the trash bins and propane tanks be indicated accurately and to scale and that the bike rack be shown to scale, that a bollard to protect the window adjacent to parking space #7 be installed, that the zoning table on the site plan be revised to show frontage and the required number of street trees, that the landscape plan be revised to show street trees, that a \$5000 landscaping bond be submitted, that standard language for vegetation survival is required, that dark sky compliant exterior light fixtures (new and upgraded) be installed, that the landscape plan specify grass or ground cover to be planted in front of the cottage, that parking spaces will be delineated with cobblestones, and that the curb radii be added to the site plan. Steven Baker seconded. VOTE: 5-0-0.*

*There was a motion by Brandon Quesnell to approve the waiver from Article 4, Section 4163 (2) and a finding that a waiver from Article 4, Section 4053 (c) was not required. Grace Ryder-O'Malley seconded. VOTE: 5-0-0. Brandon Quesnell will write the decision.*

e) **PLN 18-06**

Application by **612-614 Palmer, LLC, Jim Savko, Manager**, on behalf of **Sue Harrison** and **Leslie Brock**, requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to create two new dwelling units, replace a stockade fence, remove a garage and construct a larger garage in a new location and complete other site improvements at the property located at **16 Holway Avenue**, with a requested waiver from Article 4, Section 4163(3).

g) **PLN 18-07**

Application by **612-614 Palmer, LLC, Jim Savko, Manager**, on behalf of **Sue Harrison** and **Leslie Brock**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to create two new dwelling units and proposing a payment in lieu of creating a partial affordable unit at the property located at **16 Holway Avenue**. Steven Baker recused himself from both cases because of a conflict of interest. John Golden, Grace Ryder-O'Malley, Ryan Campbell and Brandon Quesnell sat on both cases. There was a request from Attorney Christopher Fiset, representing the applicant to continue PLN 18-06 and 18-07 to the Public Hearing of October 12, 2017 at 6:30 P.M. *There was a motion by Grace Ryder-O'Malley to grant the request to continue PLN 17-33 and 17-34 to the Public Hearing of October 12, 2017 at 6:30 P.M. Dave Abramson seconded. VOTE: 4-0-0.*

3) **Work Session**

a) **PLN 17-36 (Brandon)**

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, to operate a medical marijuana treatment center at the property located at **94 Harry Kemp Way**. Grace Ryder-O'Malley recused herself and left the room. Brandon Quesnell read the decision. The Board made revisions to the decision. Attorney Robin B. Reid, representing Heal, Inc., joined the discussion. Ms. McPherson will revise the decision based upon those revisions. The Board requested that the applicant submit a plan showing an outline of the leasehold area.

***There was a motion by Steven Baker to approve the language as revised. Brandon Quesnell seconded. VOTE: 3-0-0.***

Dave Abramson raised an issue concerning suitable conduct by the Board and applicants at public hearings. The Board briefly discussed the issue.

b) **Discussion of planting list and categories** (placeholder). Tabled.

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

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

d) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and September 14, 2017.**

September 14, 2017: ***There was a motion by Steven Baker to approve the minutes as amended. Dave Abramson seconded. VOTE: 4-0-0.***

e) **Any other business that may properly come before the Board:** None.

There was a motion by Steven Baker to adjourn the Planning Board meeting at 9:00 P.M.

Respectfully submitted,

Ellen C. Battaglini

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