

## PLANNING BOARD

### Meeting Minutes

Thursday, March 28, 2019

Judge Welsh Room

6:30 P.M.

**Members Present:** David Abramson, Brandon Quesnell, Jason Potter, Paul Graves, Shane Landry, John Peters-Campbell, and Ross Zachs.

**Members Absent:** None.

**Staff:** Jeff Ribeiro (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair David Abramson called the Public Hearing to order at 6:30 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

a) **PLN 19-34** (*postponed from the meeting of March 14<sup>th</sup>*)

Application by **Doug Dolezal**, of **Design Matters, LLC**, requesting Site Plan Review pursuant to Article 4, Sections 4015, a (1) & (5), Site Plan Review by Special Permit, and 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Law to demolish and rebuild an existing structure, resulting in the excavation of more than 750 cu. yds. of earth, and to create 12 new dwelling units, 3 of which will be affordable, on the property located at **30 Shank Painter Road**. Doug Dolezal appeared to request that the Board allow him to withdraw PLN 19-34 without prejudice. He also requested a discussion with the Board about the Inclusionary Incentive By-Law regarding how it can be better utilized or amended in order to support the creation of affordable housing units. *There was a motion by Jason Potter to grant the request to withdraw PLN 19-34 without prejudice. Brandon Quesnell seconded. VOTE: 5-0-0.*

b) **PLN 19-35** (*request to postpone to the meeting of April 25<sup>th</sup>*)

Application by **David Krohn** requesting a Special Permit pursuant to Article 4, Section 4180, Inclusionary Incentive By-Law, for the development of two or more new dwelling units on the property located at **66 & 72 West Vine Street**. There was a request from the applicant to postpone PLN 19-35 to the Public Hearing of April 25, 2019 at 6:30 P.M. *There was a motion by Jason Potter to grant the request to postpone PLN 19-35 to the Public Hearing of April 25, 2019 at 6:30 P.M., Brandon Quesnell seconded. VOTE: 5-0-0.*

c) **PLN 19-36** (*request to postpone to the meeting of April 25<sup>th</sup>*)

Application by **David Krohn** requesting a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a (1), of the Zoning By-Laws for the construction of a single family structure and a duplex, an increase of residential units that will result in three or more dwelling units on the property located at **66 & 72 West Vine Street**. There was a request from the applicant to postpone PLN 19-36 to the Public Hearing of April 25, 2019 at 6:30 P.M. *There was a motion by Jason Potter to grant the request to*

*postpone PLN 19-36 to the Public Hearing of April 25, 2019 at 6:30 P.M., Brandon Quesnell seconded. VOTE: 5-0-0.*

**b) PLN 19-38**

Application by **William N. Rogers, II**, on behalf of **Milan Realty, LLC**, requesting a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a (4), of the Zoning By-Laws to modify a condition of a previously-approved Special Permit FY17-14 requiring the placement of utilities underground on the property located at **130 Bradford Street**. David Abramson, Brandon Quesnell, Jason Potter, Paul Graves and Ross Zachs sat on the case.

**Presentation:** William N. Rogers, II presented the application. He requested that the Board reconsider condition #9 in the original Special Permit approved for the project requiring that the utilities on the site be put underground. He said that the electrician working on the project advised his client that it would be dangerous, as they would be too close to gas tanks located on the property. He asked the Board to remove the condition in order to allow the project to move forward. Mr. Abramson said that the Town was changing the Zoning By-Laws to allow these types of changes to be handled administratively without having to appear before the Board. Mr. Ribeiro encouraged the Board to grant the request as the project did not involve new construction, but was instead a renovation, and the by-law did not require utilities to be put underground as such.

**Public Comment:** None.

**Board Discussion:** The Board questioned Mr. Rogers. Mr. Ribeiro commented that the sidewalk on that part of the intersection should be completed before Memorial Day.

*There was a motion by Jason Potter to approve the Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a (4), of the Zoning By-Laws to modify a condition of a previously-approved Special Permit FY17-14 requiring the placement of utilities underground on the property located at 130 Bradford Street. Paul Graves seconded. VOTE: 5-0-0.*

**c) PLN 19-39**

Application by **Chris Hartley** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a (4) of the Zoning By-Laws for the development of a nano brewery on a commercial property that has a curb cut of more than 25% of its existing frontage on the property located at **141 Bradford Street**. David Abramson, Brandon Quesnell, Jason Potter, Paul Graves and Ross Zachs sat on the case.

**Presentation:** Chris Hartley and his colleague, Steve Azar, presented the application. Mr. Hartley said he seeks to create a taproom and nano brewery, which is characterized by a three-barrel system, at the site. Mr. Hartley said that he had gotten an Economic Development Permit to raise the seating at the property to 93 and reviewed the project, including the interior floor, the site, the stormwater management and the landscaping plans. The site plan included the location of trash receptacles and a linear and a small channel drain. He had also submitted photographs of the site and a traffic study. The exterior seating area will replace the existing parking spaces, be enclosed by boxwoods around its perimeter and feature café lights strung above it. The curb cut along Bradford Street will be landscaped, also with boxwoods, to increase public safety by creating a buffer between the site and the road, and for stormwater

control. Mr. Ribeiro reviewed the proposed stormwater management controls and commented on the landscaped strip next to Bradford Street.

**Public Comment:** None. There were 10 letters in favor of the application.

**Board Discussion:** The Board questioned Mr. Hartley and Mr. Azar and discussed the stormwater management proposals and the café lights, which feature exposed bulbs, requesting that they be replaced with dark sky compliant lights and the proposed plantings, suggesting salt-resistant plantings for the site. The Board asked about bicycle racks planned for the site. Mr. Hartley indicated that the existing bicycle rack would remain. The Board suggested that it be replaced with either post and ring or inverted u style racks. Mr. Hartley said he would be willing to replace the existing bicycle rack and would work with his architect to select the appropriate dark sky exterior light fixtures. Mr. Ribeiro said he would be willing to work with the applicant with the lighting requirements and vegetation.

*There was a motion by Jason Potter to approve a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a (4) of the Zoning By-Laws for the development of a nano brewery on a commercial property that has a curb cut of more than 25% of its existing frontage on the property located at 141 Bradford Street with the conditions that the bicycle racks be replaced with inverted u or post and ring racks, and that both the exterior dark sky compliant lighting and the vegetation for the planting strip on Bradford Street be chosen in consultation with the Town Planner. Brandon Quesnell seconded. VOTE: 5-0-0.*

### 3. Work Session:

#### a) Pending Decisions:

##### **PLN 19-06**

Application by **J. Bruce MacGregor, Trustee, Cape Commerce Nominee Trust**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws for the construction of a one-bedroom, single-family residence on the property located at 13 Willow Drive with requested waivers pursuant to Article 4, Section 4030, Waivers, including from Article 4, Sections 4053, Commercial Design Standards, 4163, Residential Design Standards, 2. and 3. and 4600, Street Trees and Article 5, Section 5331, Developmental Impact Statements. *There was a motion by Jason Potter to approve the decision as written, Brandon Quesnell seconded. VOTE: 3-0-0.*

##### **PLN 19-21**

Application by the **Town of Provincetown** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (5), of the Zoning By-Laws for land removal or earth-moving of more than 750 cu. yds. that will alter the topography from natural grade, to construct a two-story police station to include a bureau of records, a dispatch and patrol command, administration and senior command, detectives' and sergeants' units, police operations, detention, personnel support and operations support on the property located at 16 Jerome Smith Road with a requested waiver pursuant to Article 4, Section 4030, Waiver, of Article 4 Section 4163, Residential Design Standards, 3., of the Zoning By-Laws that the minimum width of traveled surface within the site shall not be less

than eighteen feet. The decision was not approved due to quorum issues. The decision was not ready.

**PLN 19-33**

Application by **Michelle Jarusiewicz**, on behalf of the **Provincetown Year-Round Market Rate Rental Housing Trust**, requesting Site Plan Review pursuant to Articles 4, Sections 4015 a (1), Site Plan Review by Special Permit, and 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Laws to renovate a development that will result in an increase of three or more residential units and contribute to the local stock of affordable and community housing units on the property located at **3, 4 & 8 Harbor Hill Road and 37 Bradford Street Extension**. The Board reviewed the decision. An amendment was made to condition #3 to read that all existing and new site lighting shall be dark sky compliant and an addition that the trash receptacle on the site be enclosed by fencing or otherwise disguised from view. *There was a motion by David Abramson to approve the decision as amended. Brandon Quesnell seconded. VOTE: 4-0-0.*

b) Discussion of potential changes to the Inclusionary and Incentive Zoning Bylaw. Mr. Ribeiro said that staff had made changes in an attempt to clarify ambiguities regarding the language in order to facilitate the objectives of the density bonus in the By-Law. This issue had arisen when staff and the Board were reviewing the project at 30 Shank Painter Road proposed by Doug Dolezal. The Board has the authority to waive the dimensional requirements as a means to create greater density, however, according to the existing By-Law, it would have to make a finding that the waiver of the density schedule was to facilitate the objectives of the density bonus and was necessary to accommodate the additional units on the site. He suggested that a better way to accomplish this would be to provide adequate density and then make clear what can or cannot be waived. To accommodate additional units on the site, considerations would include building height, lot coverage, and setbacks. He said that this change, which is scheduled to go before Spring Town Meeting, was slated to be presented in conjunction with revising the density schedule, increasing the allowable density to what existed in the 1980s. Using this provision is currently problematic because of the lack of predictability for developers who need more certainty when considering a project. Instead of clarity and certainty, Mr. Dolezal had to discuss his project with the Board several times to try and get an idea whether the Board would approve the project. Mr. Ribeiro reviewed additional sections of the By-Law for the Board to consider revising, including the fact that there was no provision for fractional unit payments, whether a Special Permit was the right mechanism for the by-law, given the Town's other Special Permit and Site Plan requirements, and how those Special Permit review criteria should be applied to a payment in lieu, the fact that the language regarding the provisions applicable for affordable and community housing units does not account for density bonuses, and the mechanism for determining the level of affordability. Currently, the By-Law has the Planning Board determining the level of affordability in consultation with the Community Housing Council, whereas the Growth Management Permits for affordable housing units is determined solely by the CHC. Mr. Ribeiro suggested that the CHC had more knowledge about the subject than the Planning Board and should be the body determining the level of affordability. The Board discussed the changes with Mr. Ribeiro.

c) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and March 14, 2019.**

March 14, 2019: *There was a motion by David Abramson to approve the minutes as written. Jason Potter seconded. VOTE: 4-0.*

d) **Any other business that may properly come before the Board:** Mr. Abramson requested that Board elections be put on the next agenda and suggested that the Board should look at revising the High Elevation Protection District, particularly where it is located in areas that are not exceedingly elevated over their surrounding neighborhoods, such as occurs on Brewster and Pearl Streets.

*There was a motion by Brandon Quesnell to adjourn the Planning Board meeting at 8:30 P.M. Ross Zachs seconded. VOTE: Unanimous.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2019  
David Abramson, Chair