

PLANNING BOARD
Meeting Minutes
Thursday, January 24, 2019
Judge Welsh Room
6:30 P.M.

Members Present: David Abramson, John Golden, Brandon Quesnell, Jason Potter and Paul Graves.

Members Absent: None.

Staff: JeffRibeiro (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair David Abramson called the Public Hearing to order at 6:32 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

a) **PLN 19-06** (*postponed from the meeting of January 10th*)

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. Dave Abramson recused himself because of a conflict of interest. John Golden chaired the hearing and Brandon Quesnell, Jason Potter and Paul Graves sat on the case.

Presentation: Attorney Lester J. Murphy, Phil Cheney, landscape architect, and John Schnaible, of Coastal Engineering, appeared to present the application. Attorney Murphy reviewed the project, which involves the construction of a single-family, two-story structure of modest proportions, and the waivers requested, including curb radii, the minimum width of the driveway, commercial design standards, street trees and the submission of a development impact statement. He said that the project fully complied with the zoning requirements regarding density and setbacks. He argued that pursuant to Article 5, Section 5330, the social, economic and other benefits of the proposal outweighed any adverse impacts. The benefit is that a single family residence will be added to the housing stock without overcrowding the parcel, making the project is consistent with the goal of the Local Comprehensive Plan to provide additional housing for the Town. He said that the lot coverage would increase to 18.4%, still within the requirements of the Zoning By-Laws, and the green space would decrease to 54.9 %, also within the percentage allowed under the Zoning By-Laws. Five parking spaces will be located on the site. He argued that the new structure would not have a detrimental effect on the neighborhood. He added that significant vegetation will be planted and a well for irrigation purposes will be dug on the site. Cut sheets for exterior lighting fixtures have been submitted and are in compliance with the Board's dark sky compliant policy. He concluded that the plans are modest, the lot will not be subject to overcrowding and

the structure is appropriate for the site and the neighborhood and thus under the criteria of site plan review, the Board can approve the project. Mr. Schnaible briefly reviewed the proposal for the structure, including structural 3-D renderings, and other elements of the project. Mr. Cheney briefly reviewed the proposed landscape plan.

Public Comment: None.

Board Discussion: The Board questioned Attorney Murphy, Mr. Cheney and Mr. Schnaible. The Board noted that the site had not been staked to indicate where the structure would be located and that the trees to be removed were not tagged as such. The Board requested that the trees be replaced on a one-to-one basis and that the landscape plan be amended to indicate existing trees, trees to remain and trees to be removed. The Board requested that both the utilities and the propane tank be located underground and that the location of the trash receptacle be identified. The number of trees to be removed should be specified and be at least of a 4" caliper. Mr. Cheney discussed the tree issue and proposed adding 3 trees. In regard to stormwater runoff, Mr. Schnaible said that the property pitches away from the street, and there is no puddling occurring, based upon observations after an intense rainstorm, and the driveway has a pervious surface. In addition, dry wells and drip trenches will be installed on the structure to handle roof runoff. Attorney Murphy requested that the Board vote on the application and have the requested material reviewed and approved by staff. The Board discussed the issue and requested that the location of the new trees, with no fewer than 2 and locations to be determined by staff, be planted. Mr. Schnaible suggested that the buried propane tank be located on the west side of house behind the retaining wall. The Board said that the exterior lighting was required to be dark sky compliant.

There was a motion by Brandon Quesnell to approve the 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, with the conditions that the applicant shall plant 2-3 trees on the site, with the exact location and number to be determined by Town staff, that updated plans to be incorporated into the decision be submitted, that all utilities and the propane tank be located underground and that all exterior site lighting be dark sky compliant. Jason Potter seconded. VOTE: 4-0-0. Jeff Ribeiro will write the decision.

b) **PLN 19-21** (continued from the meeting of January 10th)

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. Brandon Quesnell and Jason Potter attested to the fact that they had watched

a recording of the initial presentation of the case and can be seated this case. David Abramson, John Golden, Brandon Quesnell, Jason Potter and Paul Graves sat on the case.

Presentation: George Cruz, of Flansburgh Architects, and Stacy Kanaga, of Coastal Engineering Co., appeared to discuss the application. Mr. Cruz said that a stormwater management report, a traffic study and a planting plan, with the trees suggested by the Board substituted for the trees initially proposed, had been submitted and the site lighting plan had been clarified. He reviewed the lighting plan, the illumination numbers in foot-candles and the light spread. Mr. Ribeiro said that the proposed lighting levels were reasonable for the proposed use. Mr. Cruz said that the Board had requested that more trees be planted on the Jerome Smith side of the site, however after hearing from the Dept. of Public Works and the Sewer Dept. regarding their concerns about tree roots and the proximity of the leaching basin, which is beneath the parking lot, the applicant has decided to stay with the original concept for landscaping in that area.

Public Comment: None. There was a letter from the Tree Advisory Committee regarding the updated landscaping plan and its approval of the removal of pitch pine trees and their replacement with deciduous trees.

Board Discussion: The Board questioned Mr. Cruz and Ms. Kanaga. The Board asked about the location of the generator and the scheduling of its testing. Mr. Cruz reviewed the specifications of the generator and will locate the generator as far away as possible from the Jerome Smith Road neighborhood. He reviewed the utilities location, which will come underground from a transformer near the dog park. There will be no propane used on the site. Bike racks on the site will be of the post-and-ring variety. Mr. Cruz said that a sign will be located under the canopy, and not on the site as initially proposed, and a police shield will be mounted on the back of the building. Both will be lit. The Board questioned Mr. Cruz about the traffic study and the possibility of improving pedestrian access to the site and improving the Shank Painter intersection at Route 6. This intersection is dangerous in its existing configuration and there is a concern about the safety of pedestrians in the area. Mr. Cruz responded that they were trying to accommodate the existing and the future plans when the intersection will be reconfigured and improved. Rich Waldo, the Director of the Dept. of Public Works, reviewed the Town's plan to install a crosswalk across Jerome Smith Road to the police station site. The Board discussed the issue with Mr. Ribeiro. Mr. Cruz was amenable to discussing with the Building Committee the idea of installing electric car charging stations on the site to accommodate the public parking lot. The signage for cars exiting onto Route 6 indicating that police cars will be exiting on the right will be installed. Mr. Ribeiro reviewed the Town's traffic engineers', Environmental Partners, memo about the way the exit onto Route 6 is structured. He said that staff had a concern and that moving that drive as far to the east as possible would be safer, according to the memo. In addition, the memo suggests making the existing structure resemble more of a highway on-ramp to give on-coming drivers on Route 6 more sightline distance and making it clear, through signage, that emergency vehicles would be exiting on the right at that point to improve the situation. Mr. Waldo commented on the issue. Mr. Ribeiro suggested that the Board approve the project and staff would work with the DPW and the project team to resolve the safety issue of exiting vehicles onto Route 6.

There was a motion by John Golden to approve the 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 with the conditions that the generator and dumpsters shall be enclosed by solid board fencing as detailed on Sheet L 1.1 Landscape Details; routine testing of the generator shall occur between the hours of noon and 4:00 P.M. on weekdays so as to be least impactful to abutters; all sign lighting shall provide full cut-off of light at 90-degrees from vertical; directional signs shall be installed on the site to provide clear direction to motorists; a crosswalk shall be installed across Jerome Smith Road to safely accommodate pedestrians, with the exact location shall be determined by the DPW Director; The site drive exiting onto Route 6 shall be relocated to be as far as possible from Shank Painter Road and the alignment of the drive shall be skewed to lessen the angle of approach so as to further discourage vehicles from entering Route 6. Final plans shall be submitted for review and approval by Town stall and incorporated by reference into the decision and appropriate traffic signage, including its location, shall be determined by Town staff and the traffic engineers. Brandon Quesnell seconded. VOTE: 5-0-0. Jeff Ribeiro will write the decision.

3. Work Session:

a) Pending Decisions:

PLN 19-18 (Jeff)

Application by **Katherine Braucher Adams, Esq.**, on behalf of **Heal, Inc.**, requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws for a change in use of a structure to a retail marijuana establishment at the property located at **48 Shank Painter Road**.

PLN 19-19 (Jeff)

Application by **Katherine Braucher Adams Esq.**, on behalf of **Heal, Inc.**, 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 commercial property that has a curb cut greater than 25% of its existing street frontage on the property located at **48 Shank Painter Road** with requested waivers pursuant to Article 4, Section 4030, Waiver, from Article 4, Sections 4140, Lot Coverage, 4150, Green Space, 4163, Residential Design Standards, 2. and 3., and 4600, Street Trees.

Dave Abramson read the decision. *There was a motion by Jason Potter to approve the language as written, John Golden seconded. VOTE: 4-0-1 (Brandon Quesnell abstaining).*

PLN 19-22 (Jeff)

Application by **Ezra Parzybok**, on behalf of **Hennep, Inc.**, requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishment, Retail, of the Zoning By-Laws for a change of use to establish a retail marijuana facility in the structure located at **246 Commercial Street**. Mr. Ribeiro reviewed the unresolved issues at the last hearing and reviewed revisions made to the windows, the lighting and the addition of a back door, the latter of which had to do with a question about occupancy at the last hearing.

Mr. Parzybok reviewed the revisions on a PowerPoint presentation and the Board briefly questioned him. Dave Abramson read the decision. *There was a motion by Paul Graves to approve the language as written. Jason Potter seconded. VOTE: 4-0-1 (Brandon Quesnell abstaining).*

b) Planning Board letter to the Building Commissioner clarifying the timing considerations of Conditions #2 and #4 (a) of the Site Plan Review approval for PLN 18-29 (application by Cape Cod Pilgrim Memorial Association for the installation of an inclined elevator at 1 High Pole Hill Road). Mr. Ribeiro reviewed the issue and the letter that clarifies the intention of the Board's decision. *There was a motion by John Golden to sign the letter and send it to the Building Commissioner. Paul Graves seconded. VOTE: 3-0-2 (Brandon Quesnell and Jason Potter abstaining).*

c) Informal discussion with Chris Hartley regarding the establishment of a craft brewery. Mr. Hartley appeared to discuss his project, which will include a year-round restaurant and a bar along with a nano-brewery at the site. He is looking for feedback from the Board regarding its concerns. All parking will be removed and tables will be located in the front area of the building. A landscaped area will be planted along the property on Bradford Street for drainage control. He said he was having a site survey done and will provide a traffic study with his application. The Board questioned Mr. Hartley. Mr. Ribeiro said that the project was being brought to the Board for guidance because there is a curb cut of more than 25% of the existing frontage and the intent is to close the curb cut. There will also be a change in use of the building from a market to a restaurant and bar. The Board discussed the project and voiced some concerns that Mr. Hartley should consider, including an accommodation for deliveries to the site and proposed changes to the parking area, clarification regarding exterior site lighting, the landscaping in the front, signage, a cleaning up of the existing garbage area and the location of the bike racks. Mr. Ribeiro said that the proposed changes to the building are very minimal and he would not recommend requiring the utilities to be placed underground, given that it is not new construction and the seeming reluctance of Eversource to change existing utility location on a recent project across the street.

d) Discussion of zoning amendments for the 2019 Spring Annual Town Meeting. David Gardner, Assistant Town Manager, Ginny Binder, Chair of the Local Comprehensive Plan Committee, and Louise Venden, a Select Board member, joined the discussion. Mr. Ribeiro reviewed and explained the reasoning behind the proposed zoning amendments. The Board questioned Mr. Ribeiro and Mr. Gardner, discussed the proposed amendments and made recommendations.

e) Discussion of planting list and categories (placeholder).

f) Discussion of proposed standard conditions for telecommunications facilities (placeholder).

g) Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and January 10, 2019.

January 10, 2019: *There was a motion by John Golden to approve the minutes as written. Paul Graves seconded. VOTE: 4-0-1 (Brandon Quesnell abstaining).*

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

There was a motion by John Golden to adjourn the Planning Board meeting at 11:15 P.M. Paul Graves seconded. VOTE: 5-0-0.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
David Abramson, Chair