

PLANNING BOARD

Meeting Minutes

Thursday, May 23, 2019

Judge Welsh Room

6:00 P.M.

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

Members Absent: Brandon Quesnell (excused).

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

Vice Chair Jason Potter called the Public Hearing to order at 6:08 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

PLN 19-43

Application by **William N. Rogers, II**, on behalf of **Seventy-One Race Point Road, LLC**, requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b, Residential Two Family Dwelling, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws, for the development of two or more dwelling units on the property located at **67 Race Point Road**.

Presentation: Attorney Lester J. Murphy and Gary Locke presented the application. Attorney Murphy reviewed the relief sought. The applicant seeks to construct a duplex on the property. He said that the Board had to look at the criteria under Article 5, Section 5330 and make a determination that the benefits of the project outweigh any adverse effects, such as hazard, congestion or environmental degradation. The lot contains 7,629 sq. ft., with 70' of frontage on Race Point Road, and the structure has been designed to comply with all the zoning setback requirements, resulting in lot coverage of 19% and green space coverage of 52%. An unvarianced septic system with innovative, enhanced nitrogen-removing technology will service the dwelling units. He said the project also falls under the Inclusionary By-Law and the construction will result in a payment in lieu of \$33,487 for the Town's housing fund, a significant financial contribution. The applicant could have constructed three units, however there is no intention of maximizing development of the site in this manner. Attorney Murphy argued that the benefits of the project included adding two dwelling units to the housing stock of the Town, as well as a significant financial contribution to its housing fund. He indicated that providing two market-rate housing units is in keeping with the Local Comprehensive Plan. This area of town is already a developed residential neighborhood.

Mr. Locke reviewed the particulars of the building and the site. He said the structure was designed to fit into the contours of the site. The building will have two levels to follow the slope of the land and the style is traditional Cape Cod/Provincetown. Two parking spaces will be located in the front of the property. All runoff will be contained on the site. All gutters will be directed to subsurface drains. Mr. Ribeiro commented on the project, reminding the Board

that this is a request for a Special Permit, not a Site Plan Review and the Board would need to determine whether the site was appropriate for the proposed use. He said that the Board should determine if there would be any adverse effects in regard to the criteria of outlined in the applicant's development impact statement, and if not, that it could approve the project. He reviewed the condition related to the payment in lieu that he had suggested as a draft condition.

Public Comment None.

Board Discussion: The Board questioned Attorney Murphy and Mr. Locke.

There was a motion by Jason Potter to find that pursuant to Article 5, Section 5330 of the Zoning By-Laws, the social, economic and other benefits of the project for the neighborhood or Town outweighed any adverse effects such as hazard congestion or environmental degradation. Paul Graves seconded. VOTE: 5-0-0.

There was a motion by Jason Potter to grant a Special Permit pursuant to pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b, Residential Two Family Dwelling, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws, for the development of two or more dwelling units on the property located at 67 Race Point Road with the condition that prior to the issuance of a Certificate of Occupancy for the project, the applicant shall make a payment of \$33,487 to the Town's Housing Fund to fulfill the Affordable/Community Housing requirement of Article 4, Section 4180 of the Zoning By-Laws. Paul Graves seconded. VOTE: 5-0-0.

3. Work Session:

a) Special Permit decision-writing workshop conducted by Town Counsel: Members of the Zoning Board, including Jeremy Callahan, Steven Latasa-Nicks, Peter Okun, Daniel Wagner and Caleb Eigsti joined the Work Session discussion. Attorney Carolyn Murray, Town Counsel, reviewed a PowerPoint presentation entitled, "Training for Land Use Boards", giving a broad overview of various issues that municipal boards deal with on a regular basis, including the Open Meeting law issues, making and writing defensible decisions and avoiding litigation, conflicts of interest, public records requests, conducting a public hearing and appeals. Attorney Murray reviewed the issues and the Board members questioned her on various topics.

b) **Discussion of potential changes to the Inclusionary and Incentive Zoning By-Law.** This issue was not discussed.

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

May 9, 2019: *There was a motion by Jason Potter to approve the minutes as written. Ross Zachs seconded. VOTE: 6-0-0.*

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

There was a motion by Ross Zachs to adjourn the Planning Board meeting at 9:00 P.M. Paul Graves seconded. VOTE: Unanimous.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
David Abramson, Chair