

PLANNING BOARD

Meeting Minutes

Thursday, June 13, 2019

Judge Welsh Room

6:30 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).

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

1. **Public Comments:** None.

2. **Public Hearings:**

a) **PLN 19-45** (*request to postpone to the meeting of July 11th*)

Application by **Haven Center, 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 in use from retail clothing to retail recreational/adult-use marijuana sales on the property located at **308-310 Commercial Street**. There was a request by the applicant to postpone the matter to the July 11, 2019 Public Hearing. **Ross Zachs moved to grant the request to postpone to the July 11, 2019 Public Hearing, Jason Potter seconded and it was so voted, 5-0.**

3. **Work Session:**

a) Recommendation regarding the Select Board's intention to alter the layout of a portion of Route 6 as a public way to exclude from said layout the parcel of land shown as "Lot 1 131, 166± sq. ft. (3.01± ac.)" on a plan entitled "Route 6 Alteration and Division Plan," dated October 1, 2018, prepared by Coastal Engineering Co., pursuant to G.L. c. 41 §§G and 81I. Mr. Ribeiro explained this action is necessary for the up-coming Special Town Meeting. The portion needed to be established for the Police Station project. The Route 6 layout includes the skate park, and a portion of a leaching field and a parking lot and he said that it is prudent and necessary action to take. There will be no changes to the physical roadway, only the shoulder. The alteration will go to Town Meeting after its approval by the Board and then will return after approval by Town Meeting as an Approval Not Required. Mr. Ribeiro reviewed the process and said that even though the Planning Board has already weighed in on the issue, the Town Charter, as amended, requires a noticed Planning Board hearing for another approval after the Select Board meets to take a final action, which will happen tomorrow, and files it with the Town Clerk. Hence, there will be a brief Planning Board meeting next Thursday at 6:00 P.M. for just this land use article. **Jason Potter made a motion to recommend the Select Board's intention to alter the layout of a portion of Route 6. Paul Graves seconded. VOTE: 5-0-0.**

b) **PLN 19-46**

Application by **John McElwee, of Coastal Engineering, Inc.** on behalf of **Paul C. & Victoria M. Mendes**, for endorsement of a plan believed not to require approval (ANR) to shift the frontage for Lot 51 out of the driveway of Lot 50 located at **44, 55 & 55R Capt. Berties Way (Map 8-2, Parcels 1, 2, & 19H)**.

Presentation: John McElwee, of Coastal Engineering, Inc., presented the application. He reviewed the site plan, which includes the minor reconfiguration of three lots in order to move the frontage portion of Lot 51, the rear lot, so Lot 50, the existing paved driveway, is now out of Lot 51 entirely. This will negate the need to grant easements to the future owner of Lot 50 when it is conveyed. No new ways are being created.

Public Comment: None.

Board Discussion: Mr. Ribeiro reviewed what an ANR is for new Board members.

There was a motion by Jason Potter to endorse a plan believed not to require approval (ANR) to shift the frontage for Lot 51 out of the driveway of Lot 50 located at 44, 55 & 55R Capt. Berties Way (Map 8-2, Parcels 1, 2, & 19H). Paul Graves seconded. VOTE: 5-0-0.

c) **PLN 19-47**

Request by **New Cingular Wireless, PCS, LLC (d/b/t AT&T Mobility)** for a minor modification to a Special Permit for equipment modifications, including replacing antennas and a canister, on an AT&T wireless communications facility on the property located at **9 Ryder Street Extension**.

Presentation: Eric Dahl, agent for the applicant, presented the application. He reviewed the project, saying that in order to serve its customers better, the applicant seeks to modify its equipment at the site. There are currently four antennas in a stealth canister and the applicant seeks to replace two of the larger antennas in the canister, thus necessitating an increase in the size of the existing canister. There will be no negligible visual impact resulting from the installation of a larger canister.

Public Comment: None.

Board Discussion: The Board questioned Mr. Dahl.

There was a motion by Jason Potter to approve the minor modification to a Special Permit for equipment modifications, including replacing antennas and a canister, on an AT&T wireless communications facility on the property located at 9 Ryder Street Extension. Paul Graves seconded. VOTE: 5-0-0. Mr. Ribeiro will issue a letter regarding the approval.

d) **PLN 19-49**

Request by **Chris Wise**, on behalf of **BPJC, LLC**, for a minor modification of a Special Permit for the revision of a previously-approved landscaping plan for the property located at **350 Bradford Street**. Chair David Abramson recused himself because of a conflict of interest. Vice Chair Jason Potter chaired the hearing.

Presentation: Chris Wise presented the application. He reviewed the proposed landscaping plan for the site, which involves replacing fescue grass, beyond the 15' state highway markers, with bearberry ground cover. The bearberry will be placed in clusters in order to encourage its growth and will be surrounded with mulch weed aprons. Mr. Wise stated that the natural fescue grass that was originally planted is taller than the existing grass and is strangling the nearby Rosa rugosa and bearberry bushes. He is proposing to leave the state highway land up to the 15' mark planted with grass, and in back of that, establish a border and do a weed bed

with bark mulch and plant bearberry to spread, however it should not be planted too close to other bushes, until the latter can get grow higher. He is requesting this because of feedback from brokers and potential buyers.

Public Comment: None.

Board Discussion: The Board questioned Mr. Wise. Mr. Ribeiro said that staff had no issues with the request.

There was a motion to approve the minor modification of a Special Permit for the revision of a previously-approved landscaping plan for the property located at 350 Bradford Street.

John Peters-Campbell seconded and it was so voted, 5-0. Mr. Ribeiro will issue a letter regarding the approval.

e) Decision:

PLN 19-43

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Seventy-One Race Point Road, LLC**, requesting a Special Permit pursuant to 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**. The decision was not ready.

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

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

May 23, 2019: ***There was a motion by Jason Potter to approve the minutes as written. Ross Zachs seconded. VOTE: 5-0-0.***

d) **Any other business that may properly come before the Board:** Mr. Ribeiro announced that the Community Development Partnership along with a housing and planning firm will host a community engagement training in Wellfleet on Tuesday, June 18th from 5-7 P.M.

In addition, the Town will be holding a workshop and listening session at Town Hall on Wednesday, June 19th at 5:30 P.M. to discuss housing ideas for the VFW site.

There was a motion by Ross Zachs to adjourn the Planning Board meeting at 7:30 P.M. Paul Graves seconded. VOTE: Unanimous.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
_____, Chair