

PLANNING BOARD
Meeting Minutes
Monday, October 7, 2019
Judge Welsh Room
6:00 P.M.

Members Present: Jason Potter, Brandon Quesnell, Ross Zachs John Peters-Campbell, and Jeff Mulliken (via telephone).

Members Absent: Paul Graves (excused).

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

Chair Jason Potter called the Work Session to order at 6:04 P.M.

1. Work Session:

a) Discussion of potential changes to the Inclusionary and Incentive Zoning By-Law and other Zoning By-Laws. Mr. Ribeiro reviewed his suggestions for Zoning By-Law revisions. The list began with changes to ‘Definitions’ that will clean up overlap or more closely explain such definitions as Boarding, Lodging or Rooming House, Cabin, Commercial Accommodations, Dormitory or Employee Housing, Dwelling/Multi-family, Dwelling Unit, Guest Unit, Hotel, Motel and Inn, and Tourist House, Guest House or Bed and Breakfast. He reviewed each definition and some of the issues raised by each, such as the clarity of the language, interpretation and enforcement, and suggested how these could be revised. Other issues include how to differentiate between commercial and residential accommodations and how those uses can be enforced.

He reviewed the ‘Permitted Principal Uses’ table of the Zoning By-Laws and which of its ‘A. Residential’ categories could be combined and suggested that Footnote 14 be revised to provide more flexibility to “Temporary Carnivals, Festivals and Fairs’. In addition, under “Permitted Accessory Uses”, he recommended that ‘Accessory Dwelling Unit’ be given its own section, as the footnote explaining its use is difficult to find.

He suggested that the Building Scale criteria, under the purview of the ZBA, may be consolidated with the Site Plan Review criteria, which is reviewed by the Planning Board, and that the Outside Display By-Law could be transferred to the Licensing Board regulations and that its three-year expiration date should be removed.

In Article 4, Section 4025, Required contents of site plan, s. 4026, Mr. Ribeiro suggested that the word ‘may’ be removed in the first sentence of that paragraph and similarly in s. 4028. As to Sections 4030, Waiver, and 4035, Review Criteria, Mr. Ribeiro recommended that the two should be merged and allow enough flexibility to possibly remove the former entirely. Under 4053, Commercial Design Standards, 3., Appearance/Architectural Design, he suggested that the Board discuss whether architectural review for residential structures be included as well. In Section 4120, Density Schedule, he suggested that the Board may want to consider moving the unit densities to Article 2, Section 2500, Dimensional Requirements.

As to the Inclusionary and Incentive Zoning By-Law, Section 4180, he had several recommendations. In s. 4180, 3., Applicability, he said that the by-law was unclear as to exactly what uses under Article 2, Section 2440, Permitted Principal Uses, would be subject to the By-Law. Current “residential” uses include dormitory housing, nursing homes, etc. In 4., Mandatory Provision of Affordable or Community Housing for Development of New Residential Units, 4A., there is a question as to whether a Special Permit should be required for a payment in lieu. Under 4B., the Board might want to consider provisions for fractional payments in lieu for projects over 6 units. In 5A. (1), Density Bonus, and A (2), allowable density for an eligible project, the provision for a project in the Res 1 Zoning District where the lot size is 60,000 sq. ft. or greater, should not be triggered as multi-family dwellings are not allowed in the Res 1 District. The Board may want to re-think how the density bonus is applied if projects are below the allowed density, such as for septic limitations. Under A (1) a., “For every deed-restricted unit of Affordable Housing construction or rehabilitated either on or off-site, two market rate dwelling units may be added as density a bonus”, the Board should think about whether this provision is intended for the creation of more housing units. The Board is allowed, in order to facilitate the objectives of a density bonus, to waive some requirements, such as lot or dimensional, multiple buildings per lot and parking regulations, however does this apply to off-site projects as well? Under D., Streamlined Permitting Process Bonus, Mr. Ribeiro suggested that other Special Permits, such as building scale, might come under the purview of the Planning Board. Under 8., Distribution of Affordability, he asked the Board to think what the expectation is when the Planning Board is required to consult with the Community Housing Council. Under 8. A., regarding the Town’s Subsidized Housing Inventory (SHI). He commented that the 10% SHI number does not actually reflect the need for housing in the community, affordability cutoffs and pricing do not reflect the incomes of Provincetown, which are lower than Barnstable County median incomes and ownership units that are SHI-eligible may not be financially practical or present other challenges.

b) Decisions:

PLN 19-51

Application by **Jonathan Sinaiko** requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to increase the size of a shed on the property located at **292 Bradford Street**. The decision was not ready.

PLN 19-52

Application by **Cape Cod Pilgrim Memorial Association of Provincetown** requesting Site Plan Review pursuant to Article 2, Section 2320(B), High Elevation Protection District (B), and Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for hardscape modifications in the Monument area to provide access to disabled people and to install two handicapped parking spaces adjacent to the Monument on the property located at **1 High Pole Hill Road**. The decision was not ready.

PLN 19-53

Application by **Doug Dolezal**, on behalf of **Mariam Gallardo & Courtney Spitz**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District

(A), of the Zoning By-Laws for a two-story addition to the structure on the property located at **62 Mayflower Avenue**. The decision was not ready.

PLN 20-03

Application by **Lisa Pacheco-Robb**, on behalf of **Travis and Wendy Connors**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A) of the Zoning By-Laws to extend a cantilevered addition to the ground on the north elevation, to add a widow's walk that extends above the existing roof deck railing by 3'6", and to add and relocate windows on the structure located at **14 Thistlemore Road**. The decision was not ready.

PLN 20-04

Application by **NSTAR Electric Company, dba Eversource Energy**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A) of the Zoning By-Laws to construct an energy storage facility on the property located at **90 Race Point Road**. The decision was not ready.

PLN 20-05

Application by **NSTAR Electric Company, dba Eversource Energy**, requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015 a. (2) and (5), of the Zoning By-Laws to construct an energy storage facility consisting of more than 2,000 sq. ft. of new commercial area and that will involve moving more than 750 cu. yds. of earth, altering the topography from natural grade, on the property located at **90 Race Point Road**. The decision was not ready.

PLN 20-06

Application by **Dol-Fin Development** requesting Administrative Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of a pre-existing, non-conforming lot with a garage to provide off-street parking for a two-family dwelling at 16 Carver Street on the property located at **3 Cudworth Street**. The decision was not ready.

PLN 20-07

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Enco Realty, Inc.**, requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a. (2) and (3), of the Zoning By-Laws to construct a second-floor addition over a storage and landing area, to add dwelling units along a northwest property line, and to enclose a loading dock area under an overhand that will result in more than 2,000 sq. ft. of commercial area on the property located at **20 Province Road**. The decision was not ready.

c) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and September 12, 2019**. No minutes were approved.

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

***There was a motion by Jason Potter to adjourn the Planning Board meeting at 9:00 P.M.
Jeffrey Mulliken seconded. VOTE: Unanimous.***

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
Jason Potter, Chair