

PLANNING BOARD
Meeting Minutes
Thursday, March 24, 2022
6:00 P.M.

PB Members Present: Paul Graves, Jeffrey Mulliken, Paul Kelly, Marianne Clements (online), Donna Walker (online), Mia Cliggott-Perlt, and Dana Masterpolo (online).

Members Absent: Brandon Quesnell (excused).

Staff: David Gardner (Assistant Town Manager) and Thaddeus Soulé (Town Planner).

Mr. Soulé called the roll. He explained that the meeting was being held in person, however both the public and the Board members can participate either by dialing into the meeting or joining the Microsoft Teams application. Since a quorum was present, he said that the meeting would not be suspended or terminated if there were technological problems interrupt the broadcast unless required by law. He gave the information that would be needed to call in by phone. The meeting is being broadcast live on PTV, Ch. 18, and will be posted online as soon as possible.

Chair Paul Graves called the meeting to order at 6:02 P.M.

1. **Draft Zoning By-Law Amendment discussion:** To hear comments from the public and vote on the following proposed amendments to the Provincetown Zoning Bylaws for the April 4, 2022 Annual Town Meeting Warrant, as well as any proposed petitioned articles concerning land use or development: Mr. Graves said he would give the public a chance to comment on the proposed changes. There were no public comments. Mr. Soulé introduced and briefly explained each proposed Article. He said the Board could either recommend, not recommend, or take no action on each of the Articles.

Article 17: *There was a motion by Jeffrey Mulliken to recommend Article 17. Mia Cliggott-Perlt seconded. VOTE: 5-0-0.*

Article 24: *There was a motion by Mia Cliggott-Perlt to recommend Article 24. Marianne Clements seconded. VOTE: 5-0-0.*

Article 39: *There was a motion by Jeffrey Mulliken to recommend Article 39. Mia Cliggott-Perlt seconded. VOTE: 5-0-0.*

Article 40: *There was a motion by Jeffrey Mulliken to recommend Article 40. Marianne Clements seconded. VOTE: 5-0-0.*

Article 41: *There was a motion by Mia Cliggott-Perlt to recommend Article 41. Marianne Clements seconded. VOTE: 5-0-0.*

Mr. Graves asked the Board if it had another Article that it would like to weigh in on. Mr. Mulliken suggested Article 8, the east end Cannery Wharf Park. Mr. Gardner suggested weighing in on Article 6, the Police Station.

Article 6: *There was a motion by Jeffrey Mulliken to recommend Article 6. Paul Kelly seconded. VOTE: 5-0-0.*

Article 7: *There was a motion by Jeffrey Mulliken to recommend Article 7. Paul Kelly seconded. VOTE: 5-0-0.*

Article 8: *There was a motion by Jeffrey Mulliken to recommend Article 8. Mia Cliggott-Perlt seconded. VOTE: 5-0-0.*

Mr. Mulliken mentioned weighing in on Article 18, the acquisition of 288A Bradford Street, as it has to do with developing affordable housing and adding land to open space conservation.

Article 18: *There was a motion by Jeffrey Mulliken to recommend Article 18. Marianne Clements seconded. VOTE: 5-0-0.*

Mr. Mulliken suggested weighing in on Articles 20-23.

Article 20: *There was a motion by Paul Kelly to recommend Article 20. Jeffrey Mulliken seconded. VOTE: 5-0-0.*

Article 21: *There was a motion by Jeffrey Mulliken to recommend Article 21. Mia Cliggott-Perlt seconded. VOTE: 5-0-0.*

The Board briefly discussed the Creek Road lot in question. The Board requested that Mr. Soulé research the portion of the lot labelled “Owner Unknown”.

Article 22: *There was a motion by Mia Cliggott-Perlt to recommend Article 22. Jeffrey Mulliken seconded. VOTE: 5-0-0.*

Mr. Soulé reviewed the next Article 23, which involves the second floor of an old Fire Station.

Article 23: *There was a motion by Jeffrey Mulliken to recommend Article 23. Mia Cliggott-Perlt seconded. VOTE: 5-0-0.*

2. **Public Comment:** None.

3. **Public Hearings:**

PLN 21-26 (*request to continue to the meeting of April 28th*)

Application by **Wayne Tavares**, on behalf of **Michael J. Shuster**, seeking Site Plan Review pursuant to Article 2, Section 2320(B), High Elevation Protection District (B), of the Zoning By-Laws to construct retaining walls, stepped terraces (plateaus), a shed, and a swimming pool on the property located at **99 Bayberry Avenue**. There was a request to continue PLN 21-26 to the Public Hearing of April 28, 2022 at 6:00 P.M.

There was a motion by Marianne Clements to grant the request to continue PLN 21-26 to the Public Hearing of April 28, 2022 at 6:00 P.M., Jeffrey Mulliken seconded. VOTE: 7-0-0.

PLN 21-32 (*request to continue to the meeting of April 14th*)

Application by **Christopher J. Snow, Esq.**, on behalf of **Tri-T, LLC**, seeking a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, for a development that will result in a net increase of two or more dwelling units on the property located at **22 Nelson Avenue**.

PLN 21-33 (*request to continue to the meeting of April 14th*)

Application by **Christopher J. Snow, Esq.**, on behalf of **Tri-T, LLC**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1 & (5)), of the Zoning By-Laws for a development that will result in an increase of residential units of three or more and will result in new construction or any excavation, land removal, or earth-moving of more than 750 cu. yds. That will alter the topography from natural grade on the property located at **22 Nelson Avenue**. There was a request from the applicant to continue PLN 21-32 and PLN 21-33 to the Public Hearing of April 14, 2022 at 6:00 P.M.

There was a motion by Donna Walker to continue PLN 21-32 and PLN 21-34 to the Public Hearing of April 14, 2022 at 6:00 P.M. Marianne Clements seconded. VOTE: 7-0-0.

4. Work Session:

a) **Approval Not Required:**

PLN 22-5

Application by **DTODD, LLC** for endorsement of a plan believed not to require approval (ANR) to modify the property located at **72 West Vine Street (Map 6-1, Parcel 12)** containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P. Mr. Soulé explained what an Approval Not Required and the requirements for endorsing an ANR site plan. ***There was a motion by Jeffrey Mulliken to endorse a plan believed not to require approval (ANR) to modify the property located at 72 West Vine Street (Map 6-1, Parcel 12) containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P. Marianne Clements seconded. VOTE: 5-0-0.***

b) **Pending Decisions:**

PLN 22-4

Application by **Kurt Raber**, on behalf of **Riley Brothers Realty, LLC**, seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a. (2), (4), and (5), Site Plan Review by Special Permit, of the Zoning By-Laws to renovate an existing bike shop, including combining dwelling units on the second and attic floors of an existing structure to make a three-bedroom dwelling unit, demolishing and removing an existing dwelling unit in the rear, and constructing a new building with a bicycle storage on the first floor and two new two-bedroom dwelling units on the second floor on the property located at **136 Bradford Street**. There were no amendments to the decision.

c) **Minutes of March 10, 2022:** The minutes were tabled.

d) **Any other business that may properly come before the Board:** Ms. Masterpolo asked a question about the discussion concerning 136 Braford Street where a deed restriction about prohibiting short-term rentals had been discussed. She asked about that the definition of short-term rental. Mr. Soulé said that a short-term rental was defined as a rental period of 31 days or less and was a definition of the Commonwealth of Massachusetts' Department of Revenue. Ms. Masterpolo said that in condominium documents in most cities in the Commonwealth that she was aware of, the definition of short-term rental was six months or less. She is bringing this up for discussion and if the intent of the definition that the Town relies upon would achieve the desired goal. Mr. Graves said that summer worker housing is just as much an issue as housing for year-round residents. Ms. Masterpolo asked if there were other options to make sure that the definition served the broader purpose of creating housing for seasonal workers. Her concern is that rentals are now being used for longer periods of time. Mr. Soulé explained that a Zoning By-Law amendment had been proposed to use accessory dwelling units on a 90-day basis and to limit those to use by people working or employed in Town. That proposal went to Town Counsel for an opinion, which was that it would not be approved by the Attorney General, because it may violate the Fair Housing Act by limiting housing to one specific class of individuals. He added that the condominium associations can create their own definitions, as they are held privately.

Mr. Graves asked if any Board member wanted to be a representative to the Coastal Resiliency Advisory Committee. Ms. Cliggott-Perl expressed interest as did Ms. Walker, but the latter deferred to the former. ***There was a motion by Donna Walker to nominate Mia Cliggott-Perl as a representative to the Coastal Resiliency Committee. Paul Kelly seconded. VOTE: Unanimous by roll call.***

There was a motion by Jeffrey Mulliken to adjourn the meeting at 7:08 P.M. Paul Kelly seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2022
Paul Graves, Chair