

# PLANNING BOARD

## Meeting Minutes

Thursday, April 14, 2022

6:00 P.M.

**PB Members Present:** Paul Graves, Brandon Quesnell (online), Jeffrey Mulliken, Paul Kelly, Mia Cliggott-Perlt (online), Donna Walker (online), and Stephen Roope.

**Members Absent:** Marianne Clements (excused) and Dana Masterpolo (excused).

**Staff:** Thaddeus Soulé (Town Planner).

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

Mr. Soulé called the roll and 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.

1. **Public Comment:** None.

2. **Public Hearings:**

**PLN 21-26** (*continued to the meeting of April 28<sup>th</sup>*)

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**.

**PLN 21-32** (*request to continue to the meeting of April 28<sup>th</sup>*)

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 28<sup>th</sup>*)

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 by the applicant to continue PLN 21-32 and PLN 21-33 to the Public Hearing of April 28, 2022 at 6:00 P.M.

**There was a motion by Brandon Quesnell to continue PLN 21-32 and PLN 21-33 to the Public Hearing of April 28, 2022 at 6:00 P.M. Paul Kelly seconded. VOTE: 7-0-0.** Mr.

Graves said a site visit would be scheduled after the applicant has made an appearance before the Board.

**3. Work Session:**

a) **Approval Not Required:**

Application by **Jack Landers-Cauley**, on behalf of **Tri-T, LLC**, for endorsement of a plan believed not to require approval (ANR) to combine two lots located at **22 & 22R Nelson Avenue (Map 9-2, Parcel 13, Lot 9 and Map 9-2, Parcel 12, Lot A)** into one lot containing the minimum area and footage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L c. 41, s. 81P. Paul Graves, Jeffrey Mulliken, Paul Kelly, Donna Walker, and Mia Cliggott-Perl sat on the case. ***There was a motion by Jeffrey Mulliken to endorse a plan believed not to require approval (ANR) to combine two lots located at 22 & 22R Nelson Avenue (Map 9-2, Parcel 13, Lot 9 and Map 9-2, Parcel 12, Lot A) into one lot containing the minimum area and footage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L c. 41, s. 81P. Paul Kelly seconded. VOTE: 5-0-0.***

b) **Minor Modification:**

**PLN 22-7**

Application by **Ginny Binder**, on behalf of **350 Bradford Street Condominium**, seeking a minor modification of a previously approved Site Plan C 2.1.1, entitled, “Plan Showing Proposed Site Layout and Materials”, drawn by David J. Michniewicz, issued 4/12/18, to add hardscaping to Units 9-13, taking the green space from 16,767 sq. ft. to 13,663 sq. ft., a reduction of 3,104 sq. ft. on the property located at **350 Bradford Street, U9**. Brandon Quesnell recused himself. Paul Graves, Jeffrey Mulliken, Paul Kelly, Donna Walker, and Mia Cliggott-Perl sat on the case.

**Presentation:** Ginny Binder was online to present the request. She said that the units in question were in the rear, or north, side of the property and were not visible from a public way. The requested reduction was minor and based upon a request from several unit owners, in Units 9-13, to have places to barbecue. These will not be attached to the main structures.

**Board Discussion:** The Board had one question for Ms. Binder. She said that any material installed will be porous so as not to impact the runoff on the property.

***There was a motion by Jeffrey Mulliken to approve PLN 22-7, a request for a minor modification of a previously approved Site Plan C 2.1.1, entitled, “Plan Showing Proposed Site Layout and Materials”, drawn by David J. Michniewicz, issued 4/12/18, to add hardscaping to Units 9-13, taking the green space from 16,767 sq. ft. to 13,663 sq. ft., a reduction of 3,104 sq. ft. on the property located at 350 Bradford Street, U9 with the condition that the new hardscape is porous. Donna Walker seconded. VOTE: 5-0-0.***

c) **Pending Decisions:** None.

d) **Minutes of March 10 and 24, 2022:** The minutes of March 10, 2022 were tabled.

**March 24, 2022: *There was a motion by Brandon Quesnell to approve the language as amended. Jeffrey Mulliken seconded. VOTE: 6-0-0.***

e) **Any other business that may properly come before the Board:** Mr. Mulliken said he was interested in having the Board act on the Town's Shank Painter redevelopment project and specifically to weigh in on how the built environment might be renovated. He would like the Board to make some recommendations, such as recommending the creation of overlay districts. Mr. Soulé said he had just distributed some material to the Board. He didn't expect the Board to deliberate this evening on the project.

Mr. Quesnell said that he wanted the Board to develop language to create, in the General Commercial Zone, multi-level, multi-use structures. These structures would have retail spaces on the ground floor and residential spaces on the second and third floors and would contribute to the creation of new housing, including affordable, community and workforce units. He also suggested that the Board discuss height restrictions on the waterfront.

Mr. Mulliken said that multi-use buildings are supported by form-based zoning. Traditional zoning focuses on the type of use allowed on the land based on the notion that each space should have one, singular use. Form-based zoning focuses on building form as it relates to streetscape and adjacent uses and allowing different uses to occupy the structure. The Board discussed the issue of the redevelopment of Shank Painter Road. Mr. Soulé requested input, ideas, and feedback from the Board concerning the issue. Ms. Walker asked about how to sell the idea of multiple tiers of housing in terms of affordability. It would require the Town to convince market rate owners to live next to workforce housing tenants or owners. The Board agreed that the redevelopment project was an opportunity to create a new neighborhood on Shank Painter Road. Mr. Soulé said that the any benefits granted to developers would be limited to developments that offered affordable housing units. The key at this point in the design-review process is showing that the structures would be built close to the road, with no setbacks, such as 30 and 90 Shank Painter Road, where pedestrians would feel comfortable walking down the road. And not make the streetscape seem like a series of disassociated parking lots with structures set back from the road. He will work on some drafts of ideas expressed by the Board.

Mr. Quesnell noted that the Select Board had discussed before Town Meeting, as had the Board, accessory dwelling units and whether to change the by-law or offer incentives to take advantage of it, such as for seasonal rentals. Mr. Soulé said that staff would be working on that again. In addition, he said that there is information on how to find financial support in the form of construction loans, with assistance on how to navigate federal, state, and local regulations when writing by-laws, from a regional organization of Outer Cape housing groups. He said that one of the biggest hurdles in Town is the septic issue and those properties that could create an ADU may not have the septic system capacity to add a residential unit. If a property is on the sewer system, it can move to the top of the list for hooking into the sewer. The sewer system is scheduled to be expanded and that will allow for some creation of units.

Mr. Mulliken said that he was happy with the prep work that was done by staff to get the Zoning amendments ready for Town Meeting. Ms. Walker agreed with Mr. Mulliken. She

asked what percentage the Town was up to in terms of affordable housing. Mr. Soulé said that the Town was at 9.5%.

***There was a motion by Jeffrey Mulliken to adjourn the meeting at 6:42 P.M. Paul Kelly seconded. VOTE: Unanimous by roll call.***

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2022  
Paul Graves, Chair