

PLANNING BOARD
Meeting Minutes
Thursday, October 12, 2022
6:00 P.M.

PB Members Present: Dana Masterpolo, Brandon Quesnell, Jeffrey Mulliken, Paul Kelly, Donna Walker, Mia Cliggott-Perlt, Stephen Roope, and Greg Baldwin.

Members Absent: Marianne Clements (excused).

Staff: Thaddeus Soulé (Town Planner).

Mr. Soulé convened the meeting at 6:00P.M. and called the roll.

1. **Work Session:**

a) **Discussion of Shank Painter Road Overlay District/Form-Based Zoning:**

Thaddeus Soulé said that the discussion would include a review four sample form-based codes from other towns in the Commonwealth and a vision of what the Board wants the Shank Painter streetscape to look like in the future, through a review the components of the vision, such as what type of district is envisioned, where, and how much development should be by-right versus subject to Board review, a review of any additional research that other Board members have done, including examples or templates for use. After the discussion, there will hopefully be enough information for him to come back with a draft of a code that can then be workshopped, after which the Board would talk about public outreach and education plans, final revisions and edits based upon public feedback, and Zoning By-Law amendments. Ms. Masterpolo said that Mr. Mulliken had done some research on this topic. She said the Board had been considering whether it should tackle the subject on its own. Mr. Mulliken said that he thought outside assistance might be needed. He shared his ideas, including creating a Shank Painter working group, initiated by the Board, with the full endorsement and support of the Select Board. It could include representatives from the Planning Board, the ZBA, the housing office, the DPW, the Chamber of Commerce, and the PBG, as well as the Town Planner and the Town Manager/Assistant Town Manager. The working group's potential tasks could include creating a statement of goals, considering whether a master planning consultant (with a scope of services to be identified) should be hired, and getting the endorsement of the Select Board. The latter would include presenting it with the goals, expectations, and consultant engagement process in a timeline to gain that endorsement and support. He said this should be done soon. After this process, a warrant article would be developed to present to the next Town Meeting to seek funding to engage a master planning consultant with a dollar amount specified. Concurrent with planning for Town Meeting, an RFP would be created that would address, in a comprehensive manner, all of the potential issues, advantages, disadvantages, and benefits of the project. He said the scope of services that the master planning consultant would be asked to provide might include creating an accurate site plan, with all of the building footprints of all of the properties abutting Shank Painter Road, and in the portions of the General Commercial Zone that surround it, and designing and implementing a community engagement process for input to understand concerns and develop support in order to lay the groundwork for successful adoption by the Town. He said it would be particularly important to engage the property owners of those properties that abut and include Shank Painter Road and

that will be most affected by the project. He said all of the current Zoning By-Laws should be documented to determine what the as-of-right potential uses for each parcel actually are. He said they should investigate form-based zoning, mixed-use projects, and other innovative approaches that may enhance Shank Painter Road. In addition, zoning codes in other communities should be reviewed, including the examples collected by Mr. Soulé, and a summary of the advantages and disadvantages of each, and interviews with officials from communities that have adopted similar zoning and planning initiatives in order to understand successes and failures, lessons learned, etc. In addition, the group would suggest changes to the Zoning By-Laws that would increase or enhance development along Shank Painter Road in accordance with the approved statement of goals and investigate the advantages and disadvantages of a specific overlay district, identifying parcels that are now Town-owned or not that could be redeveloped by the Town to provide amenities, such as parks or wi-fi hotspots. And finally, to prepare a report, which would include all proposed Zoning By-Law changes, the financial, environmental, and social impacts, and graphic representations of a re-imagined Shank Painter Road. Community forums would then be conducted wherein the final report would be presented. And if these can be completed within a 6–8-month period, Zoning By-Law changes could be presented at the 2024 Annual Town Meeting. Following a favorable vote, the working group would be tasked with implementing the master plan by means that are appropriate. He said that community engagement and support during the process would be important for the success of the project, particularly for those who live or own on Shank Painter Road, as well as getting the best technical professional advice on how to implement the plan.

Ms. Masterpolo commented on Mr. Mulliken’s ideas. She said that having property owners on Shank Painter Road and the community at large on board with the concept is critical. She said the Board had to decide whether to let an outside consultant do the brunt of the thinking and design and whether that was the best direction to go in or go with something in between. The Board discussed re-development of Shank Painter Road. Mr. Quesnell added that the Town needs to preserve the GC area, notwithstanding the four-story option, and mentioned the possibility that a developer would put four stories of condominiums along Shank Painter Road. Mr. Mulliken said that there are many components that go into the re-development of Shank Painter Road. Ms. Masterpolo said that the Board’s goal and intent is to increase housing but preserve the ground plain for retail ventures and siting parking behind buildings. She said that seemed to be the thing that a lot of form-based codes have focused on. And does the Board want to go completely form-based where there are modular components that give a developer definitive information about what can go on a particular parcel and that allows a modicum aesthetic control. She said that what Mr. Mulliken suggested gives her pause as it feels heavy and lengthy, and she is concerned about the timeline he had proposed. She wondered if in the meantime, while the process is progressing, if there would be a risk of projects getting out of control. Mr. Quesnell said that the Board had to decide about using an outside consultant or not and that other cities and towns had done what was being proposed already and have had those codes vetted through attorneys and their communities. Getting community support for the project and letting people know how it will benefit both the community and the Town may take a while.

Ms. Masterpolo suggested that they get an idea of Board members thoughts on Mr. Mulliken's concepts. Mr. Baldwin suggested that the Board figure out what it can do and what a consultant would be more qualified to do and asked about getting the Shank Painter property owners together to discuss ideas. Mr. Kelly asked Mr. Soulé if any of the towns he researched had used a consultant from state government. Mr. Soulé said that there are grants available at the state and regional level for these processes.

Louise Venden, a member of the Select Board, commented that the Board should not be shy to bring in professional help for this project. The Town has approved funding for hiring consultants in the past and the public seems to want the Town to professionalize projects. She encouraged the Board to figure out the scope of the project and ask staff to develop an RFP, in addition to seeking grant funding. She said that when the Shank Painter Road corridor was proposed to be reconfigured, there was blowback from the property owners. But she said that this is going to be a benefit to the entire Town. Mr. Baldwin added that it was important to create a scope of work and get price points from consultants. Mr. Mulliken said the Board had to get a scope first before a consultant could be hired. He is hoping that funding can be found for the project. The whole concept of re-imagining town centers is popular right now and noted how Orleans and Dennisport had reconfigured their streetscapes and sidewalks and tied their respective Towns together. It would be a great opportunity to make the built environment better, including being able to give the Town what it most needs, which is affordable housing and new retail opportunities, when new infrastructure and a reconfiguration of the area is going to happen. Mr. Roope said that the Board should create a list of, and define, what it wanted to accomplish.

Ms. Masterpolo said that the Board's role in this is thinking it through, coming up with opinions and key concerns, and priorities related to the Board's jurisdiction, such as parking and first-floor retail with affordable housing above, and similar to a position statement of the Board's primary goals, which could then be funneled into another workgroup. She talked about the working group. She said that Mr. Mulliken's ideas have given the Board some structure. If there was a working group, the Board could operate independently and identify some ideas, which will then be funneled to the working group. She said that the Board could discuss what the tasks of the working group might be, after which it would narrow the scope of the project. The Board can have its opinion but working out the details of the scope should be left to the working group. She said that Mr. Mulliken's ideas were a good beginning and suggested that the Board discuss its ideas first.

Dave Abramson, Chair of the Select Board, said that what the Board had so far discussed is work that Board volunteers should not be expected to do, as it is involved and complicated. He thinks hiring consultants is the way to go. For the project to come to the Select Board and the public, it has to drill down to answer some questions, such as why the Board feels it is necessary to re-imagine the Shank Painter Road corridor, why is it important, and what the Town, the property owners on Shank Painter Road, and the rest of the community will get out of it. He would be curious to know what the other researched Town's processes were followed in their development of form-based codes. Ms. Masterpolo said that Mr. Soulé would be doing research regarding that, including if and who they used as outside consultants and what funding/grants they may have pursued.

Ms. Walker said that one of the characteristics that the Board should identify is what the community wants from the development, other than affordable housing. She suggested the Board consider affordable retail space, as the rents on Commercial Street are astronomical, parking needs and how the parking spaces behind buildings would be used and could additional parking be installed, not just for the use(s) on a particular property, access to open spaces, and the creation of more open space. She asked if the project could be developed in subsections that may address different needs, such as parking. She suggested that the Board and the working group look at not only what is there, but how it could be used more effectively. She suggested that the project may be done in phases. Ms. Venden said that Tim Famulare, the Conservation Agent, should be brought into this process, given the various wetlands that are in the area. She said that the current police station and the Stop-n-Shop property would be great for redevelopment, especially given that the latter's lease is ending in two years and the company is trying to renew it. She said the company had plans to rebuild the space it occupies because the building is inadequate. She would like to get a sense from the Board as to which parcels on Shank Painter Road are important for the Town to focus on. She said there were more open areas along this road than there are in the downtown area. Leslie Sandburg, a member of the Select Board, said if the Board is going to talk to the Shank Painter Road property owners and business owners, she would also suggest talking to other people and do some outreach, as the reason the housing articles did so well was because so much outreach was done before Town Meeting. That way the Board can take the temperature of the Town and shape the narrative before Town Meeting and anticipate what questions you may get regarding the project. Ms. Cliggott-Perlt added another suggestion, that bicycle and pedestrian safety should be a priority, especially given the new rotary that will be constructed. Mr. Mulliken said that bike lanes and crosswalks have been built into the proposed rotary system. Ms. Masterpolo said that part of the form-based code is to make streets pedestrian-friendly. Mr. Kelly mentioned creating a relationship between the re-designed Shank Painter Road and Commercial Street. The Board briefly discussed the idea. Mr. Quesnell mentioned an idea that had been raised in the past that proposed using shuttle services to move people to Shank Painter Road and around Town, as this may help people to not use their cars less. Mr. Kelly mentioned Mt. Desert Island and its shuttle system.

Ms. Masterpolo asked for the Board members' opinions on Mr. Mulliken's structure. Ms. Sandburg thought the idea of a working group was good and suggested that Town Counsel weigh in on the appointing authority for this working group to make sure it is done appropriately. The Board briefly discussed how to begin the process. Mr. Baldwin suggested that the decision-making reside with the Board and not the working group, which would bring ideas to the Board for approval. The working group would be functioning as a consultant or a subcommittee of the Board. Mr. Quesnell suggested starting with the hiring of a consultant. The working group would then take the ideas and thoughts of how the Board would like to proceed and the consultant would then come up with ideas and suggestions, based upon his or her knowledge of the by-laws and other restrictions. But ultimately, the Board would have the final say, based upon the input from the consultant and he representatives of working group. He said the latter would come up with an RFP for a consultant and the Board would ask the working group for an update during its bi-weekly meeting. Mr. Quesnell said that Town staff could put together the bullet points that the Board expects the consultant to work on. The RFP

would go out and the respondents, after vetting by Town staff and having been reduced to three, would be interviewed by the working group to determine who would be the best fit for the project, the working group, and the Town. The goals would be identified by the Board and given to the working group, which would contribute its members' ideas, to be consolidated by Town staff and sent out in the RFP. Mr. Mulliken suggested getting the working group established first and then organize the RFP. The Board discussed first steps. The Board decided to develop a set of goals for the working group, such as engaging a master planning consultant, which was agreed to by the Board. The Board briefly discussed whether it or the working group would vet the consultant. Ms. Cliggott-Perlt said in terms of efficiency, the Board would find the consultant and not have to wait for the establishment of the working group, which could take a while. Mr. Mulliken suggested getting funding and refining Board goals before a consultant is hired. Ms. Venden said that a price is needed before a warrant article for funding can be presented to the Finance Committee and Town Meeting. She also said that an RFP with a scope of work would be needed in order to gather bids. Mr. Soulé said that his understanding is that the Board sets the goals, and the working group knows what it needs to do. It would then bring in the stakeholders in the process, the property and business owners, the bicyclists, etc. The working group would then identify the consultant's tasks more appropriately than the Board could do because of the additional voices. Those tasks would inform the RFP process. In the meantime, Mr. Soulé can contact the Cape Cod Commission and other Planners in the state who do this kind of work to establish an appropriation. Ms. Masterpolo summarized by saying the Board develops the goals for the project, assembles the working group, gives the group the goals, and it then looks at the goals and hires a consultant. Mr. Mulliken said that each Board member should write down what they think the goals should be and send them to Mr. Soulé. At the next Board Work Session on October 27th, it could review the goals and compile a list. Ms. Walker asked about scheduling a separate meeting to discuss the goals. Ms. Masterpolo said there may be time at the November 3rd meeting to discuss the topic, but there is a hard stop at 6:00 P.M. She suggested submitting proposed goals electronically on Monday, October 24th, before the next hearing. Ms. Cliggott-Perlt suggested starting the October 27th meeting at 5:00 P.M. Mr. Soulé said the Board should think about its long-term vision for the area and then from those, he can pull out some common elements and create goals. Dana Masterpolo and Stephen Roope volunteered to be in the working group from the Board.

There was a motion by Jeffrey Mulliken to adjourn the meeting at 7:47 P.M. Paul Kelly seconded. VOTE: Unanimous by roll call.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2022
Dana Masterpolo, Chair