

**PLANNING BOARD**  
Meeting Minutes  
Thursday, September 22, 2022  
6:00 P.M.

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

**Members Absent:** Marianne Clements (excused).

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

Mr. Soulé convened the meeting at 6:00 P.M. and 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 app. Since a quorum was present in the room, he said that the meeting would not be suspended or terminated if there are technical problems that interrupt the broadcast, unless required by law. The meeting is being broadcast live on PTV, Ch. 18, and will be posted online as soon as possible.

1. **Public Comment:** Michael Gaucher commented on the Board's discussion about proposing a zoning by-law to establish a short-term rental overlay district north of Route 6. The Board had decided to wait until the Annual Town Meeting in 2023 to bring it forward because it wanted more information about short-term rentals. Mr. Gaucher had contacted Aaron Hobart, who is responsible for issuing rental certificates, who indicated that there were 57 rental certificates in that region, with 8 for weekly rentals and 49 for annual rentals. Mr. Gaucher looks forward to the Board's on-going discussion of this issue with its goal of recommending it for inclusion on the warrant of the Annual Town Meeting in 2023.

2. **Public Hearings:**

**PLN 21-32** *(continued to the meeting of October 27<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** *(continued to the meeting of October 27<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 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**.

**PLN 22-16**

Application by **William N. Rogers, II**, on behalf of **Elizabeth Athineos et al.**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a. (4), Site Plan Review by Special Permit, of the Zoning By-Laws to construct a first and second floor addition on a commercial property that has a curb cut greater than 25% of its existing street frontage on the

property located at **63 Shank Painter Road**. Dana Masterpolo, Jeffrey Mulliken, Stephen Roope, Mia Cliggott-Perlt, and Brandon Quesnell sat on the case.

**Presentation:** Gary Locke appeared to present the application. He said that the project had been considered by the Board in January of 2022. The Board was asked to approve a first-floor addition over an existing foundation with a shed-style roof and a 4.5' by 18' egress deck. There was a lot of discussion about the shed-style roof, which the Board said was awkward and not right for the structure. He said that it was explained at that time that this was phase one of a two-phase project. Circumstances have since changed for the applicant, and she is able to move forward with the entire project without phases. The proposed project will add a second floor over the existing structure, as well as the first-floor addition that the Board had approved in January. This addition now will have a deck on top of it, as opposed to an awkward, low-pitched shed-style roof. This will bring the building into conformity with other structures on Shank Painter Road. He said he has included gutter plans to handle roof runoff. All exterior lighting fixtures will be dark sky compliant. Ms. Athineos joined the discussion.

**Public Comment:** There were no public comments from anyone in the room or online. There were no letters in the file.

**Board Discussion:** Mr. Mulliken asked if there were any other changes to the site plan, other than what Mr. Locke has already identified and commented that it was a greatly improved building as revised. Mr. Locke said that there were two changes, including a 3' by 6' entry roof over the main front door shown on Sheet A4, and they eliminated the awkward chimney that's not needed anymore. A proposed chimney will be added. Mr. Kelly said that the building was attractive and had questions about the Shank Painter Road right-of-way and the planting bed. Mr. Locke said that the planting bed was in the right-of-way and that there were no plans to move it. When the Shank Painter Road reconfiguration project begins, the applicant will address the issue. He said the Board allowed the planting bed to be situated where it is. Mr. Kelly asked about the existing storage container. Mr. Locke said it would remain on the property. Mr. Quesnell asked if the bicycles that were being kept in the storage container could be stored in the basement of the structure. Ms. Athineos said that the basement was being used as storage for bicycles and there was an office down there as well as a breakroom area for workers. Mr. Locke noted Sheet A5, which showed the basement layout. Mr. Quesnell asked about elements of the 2017 project, to which Mr. Locke responded that none of the elements from the previous project were being proposed. The only element similar to the 2017 project is the second-story addition over the existing building. The project has been pared down to what was initially proposed in 2017. Mr. Locke said that the entire building will be sprinklered. Ms. Walker said that the project was a vast improvement and that the applicant had incorporated the Board's suggestions from its review of the 2017 project. She mentioned the container storage unit. Ms. Athineos pointed out that several businesses abutting hers utilized the same type of storage container units. Ms. Masterpolo said that the project was an improvement. As to the storage container unit, there should not be one located on Shank Painter Road and the topic of storage containers could be discussed at a future meeting. It was the sense of the Board that it would like the storage container unit on the property to be moved. Mr. Locke said that the storage container unit was temporary, and he and the applicant would explore that recommendation. Mr. Quesnell suggested that it be labeled as 'temporary' on the site plan rather than 'existing'.

***There was a motion by Jeffrey Mulliken to grant a Special Permit pursuant to Article 4, Section 4015, a. (4), Site Plan Review by Special Permit, of the Zoning By-Laws to construct***

*a first and second floor addition on a commercial property that has a curb cut greater than 25% of its existing street frontage on the property located at 63 Shank Painter Road. Stephen Roope seconded.* Ms. Masterpolo reviewed conditions from the previous Special Permit and Mr. Locke responded to those that were relevant to this project. **VOTE: 5-0-0 by roll call.**

**PLN 22-17** (*request to withdraw without prejudice*)

Application by **Robin B. Reid, Esq.**, on behalf of **PV Development, LLC**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015 a. (1), Site Plan Review by Special Permit, of the Zoning By-Laws to construct a duplex that will result in three or more residential units on the property located at **170 Bradford Street Extension**.

**PLN 22-18** (*request to withdraw without prejudice*)

Application by **Robin B. Reid, Esq.**, on behalf of **PV Development, LLC**, seeking a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, to construct a duplex that will result in three or more residential units and submit a payment in lieu of providing an affordable unit on the property located at **170 Bradford Street Extension**.

*There was a motion by Brandon Quesnell to withdraw PLN 22-17 and PLN 22-18 without prejudice. Jeffrey Mulliken seconded. VOTE: 8-0-0 by roll call.*

### **3. Work Session:**

a) **Endorsement of plan submitted by Coastal Engineering on behalf of the Provincetown Select Board to alter the layout of Route 6 in preparation for the November 9, 2022 Special Town Meeting:** Mr. Soulé presented the aerial plan to the Board for its review. Ms. Masterpolo reviewed the plan. She said there is a right-of-way on Route 6 that needs to be modified so it can allow for the creation of a parcel which will be used for the proposed sewer project. This right-of-way is part of the shoulder of Route 6. Mr. Soulé reviewed the aerial photograph. The Board will refer the plan to the Select Board, which will present it to Town Meeting as part of the sewer project. After Town Meeting and the approved warrant article, the plan will come back to the Board for its endorsement as an ANR plan. It will adjust the Town-owned right-of-way on Route 6 in order to create a new parcel that will contain a new future sewage treatment facility if approved at Town Meeting. The Board questioned Mr. Soulé. David Gardner, Director of the Dept. of Community Development, explained the anomaly in Jerome Smith Road was identified by Coastal Engineering. The issue was avoided when the adjustment for an alteration of the way was made to accommodate the new police station because that parcel did not have to go that far. Then the Town was confronted with the issue again, but because of the scheduling of Town Meeting, there was not enough time to correct it. There was a meeting with Town Counsel, Coastal Engineering, and the sewer system engineers to discuss the issue. The solution was just to create the two parcels so the alteration of the way on Route 6 can move forward for the Town Meeting timeframe. This deadline needs to be met in order to have the approval of Town Meeting. Subsequent to that approval, the Town will need to submit grant proposals to fund the sewer expansion project and the wastewater treatment plant. Those grant processes also have deadlines. *There was a motion by Brandon Quesnell to vote to recommend that the Select Board adopt an order of alteration of the layout as shown on the plan submitted by Coastal Engineering*

*to alter the layout of Route 6 in preparation for the November 9, 2022 Special Town Meeting. Donna Walker seconded. VOTE: 8-0-0 by roll call.*

b) **Comments to the Zoning Board of Appeals on 3 Jerome Smith Road Housing Project:** Mr. Soulé handed out a draft letter of support from the Board to the ZBA for the project. The Board questioned Mr. Soulé about the project and Ms. Walker noted that it was proposing only two handicapped spaces. Mr. Soulé said that the project proposes four ADA spaces. It was asked why only four electric vehicle charging stations were being proposed and why all spaces would not have conduits to make them able to become electric vehicle charging stations, as conduits are relatively inexpensive. Mr. Soulé said that the Board was free to edit its letter of recommendation to incorporate its suggestions and comments. Mr. Quesnell asked why the Board was sending a letter of support. Mr. Gardner said that this is a common practice with Chapter 40B projects. Its purpose is to seek input, comments, or concerns about a project from all Town Boards, Commissions, Committees, and staff. These comments and suggestions will aid the ZBA in evaluating the project. The ZBA will be looking for any proposed conditions that the Board would like to see attached to the Comprehensive Permit. The Board suggested that additional ADA parking spaces and the installation of electric vehicle conduits, or EV infrastructure. Mr. Quesnell asked that the developers be cognizant of accessibility issues on the site, maximizing green space, promoting stormwater recycling, solar usage, energy conservation, fiber optic- ready installation with the other utilities, and making sure that they are being water-conscious with what types of native plantings are being proposed. Mr. Mulliken said the elevation plans shows that the buildings will be solar-ready. He said he was not concerned about the number of EV stations, but more importantly, their distribution on the site. Mr. Soulé pointed out the ADA units on a floor plan. The Board reiterated its suggestions and comments. Mr. Soulé said that he would modify the letter to reflect these.

*There was a motion by Jeffrey Mulliken to endorse the letter drafted by Mr. Soulé as amended with the Board's comments to the ZBA regarding the 3 Jerome Smith Road project. Paul Kelly seconded. VOTE: 8-0-0.*

c) **Discussion of Proposed By-Laws:** Mr. Soulé said that the proposed increase in building height to four stories in the Town Center Commercial Zone will be discussed in a workshop with the Select Board and housing committees for their input and this proposed by-law may not yet be ready to bring to Town Meeting yet. Ms. Masterpolo said that allowing that height in the center of Town would be contrary to the Town's character, which should be preserved. Mr. Quesnell and other Board members did not like the idea of stepping back buildings in the TCC Zone or making it denser. Mr. Kelly asked about the definition of 'four' stories. The Board discussed the proposed amendment. Ms. Masterpolo said that this was approved for a very specific part of Town where it seems more appropriate and that is where the developments should be promoted, adding that the waterfront was not an appropriate part of Town. Mr. Gardner apologized for confusing the Board and he wanted a vote on this before the housing workshop, which will occur before the Board's next meeting. He said the idea of extending four stories into the TCC Zone was to try and figure out where the boundaries were for the relevant Town Boards in relation to affordable housing. They are looking for the Board's position on record going into the housing workshop so when the Community Housing Council weighs in, the Board's position is known.

*There was a motion by Brandon Quesnell to not support or endorse the proposed Zoning By-Law amendment related to allowing four story structures in the TCC Zoning District. Jeffrey Mulliken seconded. VOTE: 8-0-0.*

d) **Discussion of Shank Painter Road Overlay District/Form-Based Zoning:** Ms. Masterpolo suggested that the Board hold a special meeting to discuss this topic. Mr. Soulé said a Work Session could be held, or a subcommittee could be formed, to deal with the issue. October 12<sup>th</sup> was chosen as a date for the Work Session. Ms. Walker said she had comments on the material that was passed out to Board members. Mr. Quesnell suggested having someone from the Dept. of Public Works attend. Mr. Kelly suggested including some of the resources, including technical assistance from professionals, as shown on pages 40-44 of the material, be in attendance if possible. Mr. Soulé said he would invite Mr. Gardner and Tim Famulare, the Conservation Agent. Mr. Mulliken suggested inviting Jim Vincent, the DPW Director.

e) **Pending Decisions:** None.

f) **Minutes of September 8, 2022:**

*September 8, 2022: There was a motion by Brandon Quesnell to approve the minutes of September 8, 2022, as written. Donna Walker seconded. VOTE: 8-0-0 by roll call.*

g) **Any other business that may properly come before the Board:** Mr. Quesnell asked if Town Counsel had reviewed the amendment. Mr. Soulé said they had been reviewed. He also asked about short-term rentals north of Route 6 and asked if it could be added to an agenda. Ms. Masterpolo said she wanted to continue to table the idea

*There was a motion by Brandon Quesnell to adjourn the meeting at 8:00 P.M. Jeffrey Mulliken seconded. VOTE: Unanimous by roll call.*

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2022  
Dana Masterpolo, Chair