

PLANNING BOARD
Meeting Minutes
Thursday, January 22, 2015
Judge Welsh Room
6:30 P.M.

Members Present: Mark Weinress, John Golden, Grace Ryder-O'Malley and Brandon Quesnell.

Members Absent: Marianne Clements.

Staff: Gloria McPherson, Town Planner and Geoffrey Larsen, Building Commissioner.

Chair Mark Weinress called the meeting to order at 6:32 P.M.

Public Comments

There were none.

Meeting with Building Commissioner, Geoffrey Larsen

Mr. Weinress introduced the members present to the Building Commissioner.

Ms. Ryder-O'Malley said she thought it would be a good idea to get some follow-up from fall town meeting so the Board can learn from the situation and not put forward any bylaws that are not necessary or feasible in the future.

Mr. Weinress also thought there was a lack of understanding before the bylaw was brought up and with what we were trying to do with the bylaw.

Mr. Larsen stated he understands the genesis of the bylaw was from the building department, so he thanked the board for their efforts. He said he understands there were issues from the community regarding the placement of the structures and thought maybe it didn't fare so well at town meeting because of the complexity of the issue.

Mr. Weinress noted that we had no bylaw regarding storage units and they were not allowed. He stated that the Board worked with the Building Department to come up with something that would allow them.

Ms. Ryder-O'Malley stated that since the amendment was shot down, they're still illegal. She noted that since the issue has been brought to light, there is no obvious enforcement effort. She stressed the need to be fair across the board, and if the Building Department is not going to enforce it, that needs to be addressed.

Mr. Larsen explained that he is animated by written complaints and stated that he has discretion with respect to the weighing of pros and cons. Currently he has 3 active zoning enforcement issues, one of which is pertaining to "temporary accessory shelter use." Enforcement action

requires a site visit, careful reading of the bylaw, request for information, then after that, he can move forward. He stated that he is the steward of a process. Words mean what they should mean. He uses the zoning bylaw definition and a dictionary to help in his determination.

Mr. Weinress stated that he wants to be careful about setting negative precedent.

Ms. Ryder-O'Malley explained how the proposed bylaw came about.

Mr. Weinress asked the Building Commissioner if he has received complaints.

Mr. Larsen stated that he has responded according to statute to a written complaint addressing 3 storage units and it's an ongoing enforcement action that takes a long time. He stated that there are currently 3 zoning enforcement actions, one of which involves this complaint.

Mr. Weinress asked what specific actions Mr. Larsen was taking.

Mr. Larsen stated that it is a matter of public record and he could get it for the Board.

Mr. Weinress stated that he would just like to be told what action is being taken because it makes him nervous because we have bylaws and one way another this needs to be addressed. Either we get a bylaw for portable storage structures, or we do enforcement.

Mr. Larsen stated that he is in an effort to enforce it in a way that sets a course to make the greatest impact for the town's benefit.

Mr. Weinress asked if the person gets a written response from a written complaint.

Mr. Larsen stated that they got a written response from the Building Commissioner informing them that they can go to the ZBA. So far they haven't.

Mr. Quesnell noted that this was addressing a container that was there for years and asked what would happen when someone puts a new one on their property, which could potentially impact an abutter.

Mr. Larsen replied that the structure of the process itself provides some protection to the abutter. The process is self-cleaning. If there is truly an issue, and the Building Commissioner says there's not an issue, the complainant can take the Building Commissioner to the ZBA. There is a process.

Ms. Ryder-O'Malley asked Mr. Larsen to clarify. She said what she got out of what was stated is that if we give you a written complaint, you'll turn us down and we can go to the ZBA so we can publically discuss this?

Mr. Larsen stated that complaints over all the storage containers in town would overwhelm the building department.

Ms. Ryder-O'Malley said that she understands it would be a lot of work, but there should be a way of addressing it as a whole.

Mr. Golden stated that he understands that the process handles complaints as they come in. That the Planning Board shouldn't be making complaints, but should come up with a bylaw that will pass Town Meeting. The onus is on the Planning Board.

Mr. Quesnell stated that the Building Department should participate in this and provide the Finance Committee with specific details that will help make this pass. We would be protecting property owners who might be impacted by the placement, but also property owners who need the structures. He told Mr. Larsen it would be helpful if he could prepare something and bring to the Planning Board to show how other towns address the issue and how it can be applied here. He went on to state that he believes it is the town's responsibility to do enforcement evenly throughout the town, not just an individual portable storage structure that happens to receive a complaint. Something should come from the building department that would support the enforcement effort.

Mr. Larsen stated that he appreciates the frustration. "I'm the building official and charged with zoning enforcement so I've laid out the process for you."

Mr. Quesnell asked Mr. Larsen when he might be able to look at the bylaw, provide feedback and meet with the Board to discuss a revision to the Portable Storage Structure bylaw. He asked if he thought it would be possible to get it on the 2015 ATM agenda or 2016. He stated that he doesn't want to rush this, and would rather have something that is good enough to pass, but that we should start looking at it again.

The Board decided that as a next step, Ms. McPherson will facilitate a meeting between herself, Mr. Larsen, Mr. Golden and Mr. Quesnell to look at developing a bylaw that will help with enforcement.

Public Hearings

Case #FY15-7 (Continued from December 11)

Application by Five Star Pet Services, LLC dba Provincetown Pet Resort requesting Site Plan Approval and a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw, for a commercial property with a curb cut greater than 25% of the frontage, for Phase 2 parking and landscaping improvements to a previously approved Site Plan (Case #FY14-21) at the property located at **79 Shank Painter Road**.

A motion was made by Mr. Quesnell to continue this hearing to February 26 at 6:30 pm. Ms. Ryder-O'Malley seconded. The motion passed unanimously.

Case #FY15-12

Application by Deborah Paine, Inc. on behalf of Susan C. Bestgen requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the

Provincetown Zoning Bylaw, to construct an 8'x15' addition and enclose an existing carport at the property located at **684 Commercial Street**.

Deborah Paine presented the application. She noted that the house was located right on top of the dune so she looked for ways to do the project with minimal impact to the environment. All work can be done within the footprint of the existing carport and deck. They plan to use helical piles which will result in the least possible disruption to the dune. She stated that the proposed small addition will allow a transient cottage to become a home for her client.

There was a discussion amongst the Board members regarding silt fencing and the possibility of erosion at the downspouts.

Ms. Ryder-O'Malley questioned whether they would be pruning a tree on site

Mr. Quesnell stated that the existing foundation looks like it is cracking which could be indicative that the hill is still moving. He asked what they were planning to do to keep it from sliding down the hill. He also noted that the carport is actually over the edge of the dune and requested that they move it forward so that the crest of the dune is protected.

Ms. Paine replied that they explored the possibility of pulling it forward, but for a variety of reasons including economical, they decided not to. The helical piles are very deep. And yes, the dune is moving, so they want to be very careful. The client will do nothing but let the vegetation be. She also noted that the erosion around the corner by the downspout probably has a lot to do with the foundation cracking. They take care of the issue from the inside by pouring a slab and bolting it to the foundation, as well as from the outside with epoxy sealant. She is confident that the house and site will be stabilized.

Mr. Quesnell would like to see a vegetation plan because the neighbors are looking up at the underside of the deck. He asked her to close it off for neighbor's views.

Ms. Paine stated that she would rather encourage the growth that's already there as opposed to digging to install new plantings and disturbing the soil.

Mr. Weinress suggested the possibility of vertical skirting boards on the deck for visual screening.

Ms. McPherson noted that the boards would potentially shade under the deck so that nothing would be able to grow and stabilize the ground.

Ms. Paine said the owners would be happy to plant some shade loving plants.

Mr. Quesnell noted that since they are at the top of the hill, they should be mindful of lighting and its impact on neighbors. He requested to see lighting specifications.

Ms. Paine stated that they were in favor of smaller, lower wattage lights and would bring cut sheets to the next meeting.

There was no public comment.

Two letters read aloud into the record by Mr. Weinress, both in favor of the project, one only if all vegetation remains.

The Board scheduled a site visit with Ms. Paine on Wednesday, January 28th at 12 noon.

Ms. Ryder-O'Malley made a motion to continue the hearing to February 12 at 6:30. Mr. Quesnell seconded. The motion passed unanimously.

Work Session

Alternate member applications

Ms. McPherson noted that there were two applicants for the single alternate position, and that it might not be a bad idea to have a second alternate position. She stated that this could be done through a Charter Amendment at Town Meeting.

Mr. Golden made a motion to put an article on the Warrant for Spring 2015 Town Meeting for a second Planning Board alternate. Ms. Ryder-O'Malley seconded. The motion passed unanimously.

Discussion with alternate member applicant Ryan Campbell

Mr. Campbell stated that he applied to be an alternate member of the Planning Board.

The Board and Mr. Campbell engaged in a discussion regarding the Board, its roles and responsibilities, and Mr. Campbell's background and qualifications.

Annual Report

Mr. Weinress stated that because of eye surgery, he has not finished the report, but that he will look at last year's report and update it for this year

Minutes

The Board reviewed the Minutes of October 9, 2014.

Ms. Ryder-O'Malley made a motion to accept the Minutes as revised. Mr. Quesnell seconded. The motion passed unanimously.

The Board reviewed the Minutes of January 8, 2015.

Mr. Golden made a motion to accept the Minutes as written. Mr. Weinress seconded. The motion passed 3-0-1 with Mr. Quesnell abstaining because he was not present at January 8th meeting.

Other Business

Ms. Ryder-O'Malley stated that she had read the annual Growth Management Report and wanted to point out the need for affordable rental housing and hoped that it would not be impacted by the no-growth sewer situation.

Mr. Quesnell updated the Board on the Community Preservation Committee recommendations. The Committee has \$500,000 to disperse and the applications for funding that apply to the Planning Board's purview include: the playground resurfacing to rubber – he brought up issues of run-off, lighting, accessible parking; the Winslow Farm acquisition - \$1 million was requested, and the purchase would be used for affordable and/or community housing; \$900,000 was requested to develop the former Community Center into 7 affordable units. He noted that the next CPC meeting is February 2 at 1:00 at the VMCC, for anyone interested in attending.

There was a motion by Mr. Weinress to adjourn the Planning Board meeting at 9:16 pm. Mr. Golden seconded. The motion passed unanimously.

Respectfully submitted,
Gloria McPherson

Approved by _____ on _____, 2015
Mark Weinress, Chair