

PLANNING BOARD
Meeting Minutes
Thursday, March 26, 2015
Judge Welsh Room
6:30 P.M.

Members Present: Mark Weinress, Marianne Clements, John Golden, Grace Ryder-O'Malley and Ryan Campbell.

Members Absent: Brandon Quesnell (excused).

Staff: Gloria McPherson, Town Planner.

Chair Mark Weinress called the meeting to order at 6:34 P.M.

Meeting Agenda:

1. **Public Comments:**

None.

2. **Public Hearings:**

There was a motion by Marianne Clements to table the Public Hearing on the proposed Zoning By-Law amendments in order to hear the cases of applicants who were present. The motion was seconded by John Golden. VOTE: 5-0-0.

Case #FY15-7 (continued from March 12)

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 By-Laws 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**.

Attorney Eliot Parkhurst, Tom Walter, and Robert M. Perry appeared to present the application. Attorney Parkhurst stated that the applicant had complied with the three requests made by the Board, namely, the preparation of a traffic impact study and a drainage assessment study and a reconfiguration of the parking area at the front of the site. The reconfiguration options included a straight-on and a slightly-angled parking plan. The site has two walkways, one strictly for pedestrians and one for pedestrians and bicycles, an ADA ramp, a bicycle rack and some plantings. Attorney Parkhurst summarized the two studies. One of the conclusions of the traffic study was that the straight-on parking caused less disruption to street traffic. Mr. Walter added that the parking spaces had been reduced from the six that were originally on the site, to the absolute minimum beyond which the business could not function. The applicants had also made several changes in response to the concerns of neighbors who spoke at a previous hearing on the matter.

There were no public comments or new letters received.

The Board questioned Attorney Parkhurst, Mr. Walter and Mr. Perry. The sense of the Board was that the straight-on parking was the best choice and Board members thought that the changes the applicants made were positive.

There was a motion by John Golden to approve the Site Plan and to grant a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Provincetown Zoning By-Laws 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 and to grant a waiver of the following sections: Article 5, Section 5331, 1 and 2; Article 4, Section 4053, 1a and 2a; and Section 4163, 3 and 5. The motion was seconded by Grace Ryder-O'Malley. VOTE: 5-0-0. John Golden will write the decision.

Case #FY15-15 (postponed from March 12)

Application by Ted Smith Architects, LLC, on behalf of Charles Piccirillo requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Provincetown Zoning By-Laws to construct a 4'6" deck at the rear of the structure and install a spiral stair to access a previously approved roof deck at the property located at **50 Franklin Street**.

Ted Smith appeared to present the application. According to Mr. Smith, the Board previously approved a roof deck and a dormer on the west side of the structure. The applicant now seeks to install a spiral staircase to access the roof deck and a deck on the first floor. In addition, the applicant would like to re-configure the driveway arc, which would include increasing an existing curb cut.

There was no public comment and no letters in the file.

The Board questioned Mr. Smith. In response to a question from the Board, Mr. Smith stated that the retaining wall had been in disrepair and the applicant has taken steps to reinforce it. The Board discussed the project.

Mr. Quesnell asked that the downspout at the rear deck be put into a drywell to prevent erosion. The applicant agreed.

There was a motion by Grace Ryder-O'Malley to approve a Site Plan pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Provincetown Zoning By-Laws to construct a 4'6" deck at the rear of the structure and install a spiral stair to access a previously approved roof deck at the property located at 50 Franklin Street. The motion was seconded by Marianne Clements. VOTE: 5-0-0.

Proposed Zoning By-Law Amendment

Discussion of proposed amendment to Article 6, Growth Management By-Law, Section 6600, Growth Limitation Goal Allocations, of the Provincetown Zoning By-Laws (ATM Warrant Article 29): John Golden read the Planning Board's report.

Public Comment: Bob O'Malley spoke in favor of the amendment.

The Board discussed the amendment.

There was a motion by Marianne Clements to recommend ATM Warrant Article 29. The motion was seconded by Ryan Campbell. VOTE: 4-0-1 (Grace Ryder O'Malley abstaining).

Proposed Zoning By-Law Amendment

Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, of the Provincetown Zoning By-Laws (ATM Warrant Article 21): John Golden read the Planning Board report. The Board discussed the amendment. Mark Weinress and Ryan Campbell recused themselves from voting on the amendment.

There was a motion by Marianne Clements to recommend ATM Warrant Article 21. The motion was seconded by John Golden. VOTE: 2-0-1 (Grace Ryder O'Malley abstaining).

Proposed Zoning By-Law Amendment

Discussion of proposed amendment to Article 1, Definitions, and Article 3, General Requirements, Section 3110, Change, Extensions or Alterations, of the Provincetown Zoning By-Laws (ATM Warrant Article 28): John Golden read the Planning Board report. The Board discussed the amendment. Ryan Campbell recused himself from voting on the amendment.

There was a motion by Marianne Clements to recommend ATM Warrant Article 21. The motion was seconded by Mark Weinress. VOTE: 3-0-1 (Grace Ryder O'Malley abstaining).

Proposed Charter Amendment

Discussion of proposed amendment to Chapter 6, Section 12-1, to add an additional alternate member to the Planning Board, for a total of five regular members and two alternate members (STM Warrant Article 2): The Board took no action on this amendment.

The Public Hearing adjourned at 7:52 P.M.

3. Work Session

- a. **Application by Lisa Pacheco Robb** for endorsement of a plan believed not to require approval (ANR) to merge a portion of an existing lot with an adjacent lot, creating no new lots at the properties located at **19 Franklin Street (Assessor's**

Map 06-4, Parcel 102) & (Assessor's Map 06-4, Parcel 114): The Board briefly discussed the application.

There was a motion by Marianne Clements to endorse a plan believed not to require approve (ANR) to merge a portion of an existing lot with an adjacent lot, creating no new lots at the properties located at 19 Franklin Street (Assessor's Map 06-4, Parcel 102) & (Assessor's Map 06-4, Parcel 114). The motion was seconded by Grace Ryder O'Malley. VOTE: 5-0.

b. **Release of Surety Bond at 25 Miller Hill Road (FY13-16):** The request was from Daniel Kaiser for the release of a \$10,000 bond for the stabilization of the site, which consisted of the installation of steel plates for foundation work. Mr. Kaiser sent an e-mail to the Board with photographs of the work that had been done. There remained a \$10,000 surety bond for potential damage to a road. The Board discussed the issue. The Board requested that Ms. McPherson ask Mr. Kaiser when the plates were pulled and will discuss the issue again at the first meeting in May.

c. **Minutes of January 29, February 12 and March 12, 2015 Meetings:** The minutes were not available.

d. **Any other business that may properly come before the Board:** Grace Ryder-O'Malley asked whether an upcoming site visit at 350 Bradford Street was open to the public. Ms. McPherson explained that it was not open to the public and was for Town staff and Town Boards only, and that the public would have a comment period after an application was filed with the Zoning Board of Appeals for a Comprehensive Permit. Currently there was no application before the Town. The matter will be on the next Planning Board agenda to give the Board an opportunity to discuss the project and the site visit. It is the right of Town Boards and staff to provide comments to the Commonwealth in determining the eligibility of the project and the site to apply to the Town pursuant to Chapter 40B. The Planning Board meeting will not be a public hearing on the matter, but only a discussion about whether the Board would send comments to the Commonwealth. However, if any member of the public were to show up, comments regarding the project could be made to the Board. Other Town Boards can also make comments to the ZBA which will hold a public hearing on the Comprehensive Permit when it is submitted.

Ms. Ryder-O'Malley asked about the proposed increase in the Planning Board budget. Ms. McPherson explained that the money was to be used for advertising and outreach for revising the Local Comprehensive Plan.

There was a motion by John Golden to adjourn the Planning Board meeting at 8:15 P.M.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2015
Grace Ryder-O'Malley, Acting Chair