

PLANNING BOARD
Meeting Minutes
Thursday, June 11, 2015
Judge Welsh Room
6:30 P.M.

Members Present: John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Ryan Campbell (arrived at 6:40 P.M.) and James Woods.

Members Absent: Mark Weinress (excused).

Staff: None.

Others: Attorney Ilana M. Quirk, Town Counsel.

Acting Chair John Golden called the meeting to order at 6:31 P.M.

Meeting Agenda:

1. **Public Comments:**
None.

2. **Public Hearings:**

a) **Case #FY15-16** (*Continued from May 28*)

Application by William N. Rogers II, PE & PLS on behalf of Demetrios Daphnis requesting Site Plan Approval pursuant to Article 4, Section 4015(a)(1)(5), Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw, to construct 4 structures containing 5 dwelling units and perform associated site work resulting in the moving of more than 750 cubic yards of earth at the property located at **67 Harry Kemp Way**. A quorum was not yet available to hear this case.

b) **Case #FY15-20**

Application by Elizabeth Athineos dba Bike Shack requesting Site Plan Approval pursuant to Article 4, Section 4015(a)(4), Site Plan Review by Special Permit, to modify an approved site plan (FY14-09) for a curb cut that is greater than 25% of the parcel's frontage at the property located at **63 Shank Painter Road**.

Liz Athineos appeared to present the application. She seeks four changes to previously approved site plan #FY14-09, including deleting the requirement that street trees be planted on the site, deleting the installation of a second bed and a walkway and permission to display a different 'Open' sign.

The Board questioned Ms. Athineos about the signs at the property, including a sandwich-style sign that was located in the public right of way. Attorney Quirk stated that a sign in the Town right of way required a license from the Board of Selectmen. Pursuant to the sign by-law, a business was allowed to have two signs, not including an 'Open for Business' sign. The existing total signage for the property was more than what was allowed under the sign by-law, which states that the area of two signs combined cannot be more than the basic maximum sign area of

16 sq. ft. Ms. Athineos would only be allowed one of the signs currently on the property, unless she applied for relief in the form of a dimensional variance from the Zoning Board of Appeals. After some discussion the Board denied the request to display an alternate 'Open' sign.

The Board next questioned Ms. Athineos about the Board's requirement to plant street trees and to install a second bed and a walkway. Ms. Athineos said she had hired someone to install the second bed, however her neighbor was concerned about its location, as it would interfere with cars exiting from her parking lot. At that point, the Town told Ms. Athineos not to move forward with the installation. She also observed a problem with the location of the bed when she started getting deliveries and realized that the delivery trucks were so large that they would have to pass over the bed to access the patio area in order to unload bikes. She said that the DPW Director Rich Waldo visited the site and told her that the first bed should not have been installed and that the second should not be installed either.

Attorney Quirk briefly reviewed the regulatory history of the site for the sake of new Board members. She said that the issue for the Board to decide was whether the bed was in the public right of way. She said it was difficult to know where the right of way was located by looking at the plan, however if it were in the right of way, it would need a license. And if it were in the right of way and not interfering with anything, the license could easily be obtained. The buffering, according to the Zoning By-Laws, was supposed to be adjacent to a right of way. The Board discussed the issue. Attorney Quirk stated the if the Board were to grant the request to delete the second bed, it could also impose a condition that the remaining bed would need to be moved back on the applicant's property unless a license from the BOS were obtained. The sense of the Board was that it would like input from the DPW about the location of the right of way before it ruled on the request to delete the both the bed and the trees.

The Board next discussed the request to delete the walkway. The sense of the Board was that the walkway should remain for public safety reasons. Ms. Athineos asked if she could use crushed bluestone for the walk and the Board agreed.

The Board decided to continue the matter until the June 25, 2015 Public Hearing. The Board discussed requesting a written statement in regard to the location of the public right of way from the DPW Director Rich Waldo, especially if he could not attend the next meeting, and from Town Planner Gloria McPherson, who would not be in attendance at the next meeting. Acting Chair John Golden will contact Mr. Waldo and ask if he has a plan that clearly showed the location of the right of way and the property line.

There was a motion by Grace Ryder-O'Malley to continue Case #FY15-20 to the June 25, 2015 Public Hearing at 5:30 P.M., Brandon Quesnell seconded. VOTE: 5-0-0.

c) Case #FY15-16 (Continued from May 28)

Application by William N. Rogers II, PE & PLS on behalf of Demetrios Daphnis requesting Site Plan Approval pursuant to Article 4, Section 4015(a)(1)(5), Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw, to construct 4 structures containing 5 dwelling units and perform associated site work resulting in the moving of more than 750 cubic yards of earth at the property located at **67 Harry Kemp Way**. James Woods recused himself because he is an abutter.

Attorney Lester J. Murphy, Gary Locke and Demetrios Daphnis appeared to present the application. Attorney Murphy stated that the Board heard this application at the end of April and that it was going to make a site visit. He said that they were there to answer any questions that the Board might have as a result of the site visit.

The Board questioned Attorney Murphy, Mr. Locke and Mr. Daphnis.

There was a motion by Grace Ryder-O'Malley to grant a Special Permit pursuant to Article 4, Section 4015(a)(1)(5), Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw, to construct 4 structures containing 5 dwelling units and perform associated site work resulting in the moving of more than 750 cubic yards of earth at the property located at 67 Harry Kemp Way with the requested waiver for a 12' curb radius. Brandon Quesnell seconded the motion. VOTE: 4-0-0.

The Public Hearing was adjourned at 7:43 P.M.

3. Work Session: The Work Session was called to order at 7:43 P.M.

a) Election of officers: ***There was a motion by Ryan Campbell to nominate John Golden for the position of Chair. Grace Ryder-O'Malley seconded the motion. VOTE: 5-0-0.***

There was a motion by Brandon Quesnell to nominate Grace Ryder-O'Malley for the position of Vice Chair. John Golden seconded the motion. VOTE: 4-0-0.

b) Minutes of April 23, May 14, and May 28, 2015 meetings. The minutes were not ready for approval.

c) Any other business that may properly come before the Board: Grace Ryder-O'Malley suggested creating a policy in regard to having a written statement submitted from, or an appearance by, the Building Commissioner and/or the Building Inspector if an applicant makes a claim that she or he has gotten an opinion from either of those Town officials. She will draft an email to the Town Planner for advice about such a policy.

Brandon Quesnell asked if it was possible for the Board to get updates from Town staff on the status of projects that it had approved. He suggested that a report be given to the Board once a month by staff, either the Building Inspector or the Zoning Enforcement Officer, via the Town Planner. The Board briefly discussed the matter.

The Board discussed some of the priorities raised at the Joint Meeting with the BOS and how to implement them, including the inclusionary housing by-law, curb cuts, parks, the snow and ice removal policy and site plan design standards. John Golden will speak to Mr. Waldo about the Town's existing snow removal policy. The Board briefly discussed bike racks.

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

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2015
John Golden, Chair