

PLANNING BOARD
Meeting Minutes
Thursday, September 14, 2017
Judge Welsh Room
6:30 P.M.

Members Present: John Golden, Grace Ryder-O'Malley, Steven Baker (left at 9:02 P.M.), Brandon Quesnell and Ryan Campbell (arrived at 6:41 P.M.).

Members Absent: Dave Abramson (excused).

Staff: Gloria McPherson (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair John Golden called the Meeting to order at 6:30 P.M.

1. **Public Comments:** Robert Casper appeared to ask for the Board's support for his petition, entitled 'Sailing for All', to the Harbor Committee. He said that he was looking for support from various Town Boards and citizens for the petition, which seeks funding from the Harbor Access Gift Fund to subsidize a feasibility study for a sailing program. He reviewed the proposal, which involves locating a space for the installation of a waterfront hoist that runs on vegetable oil. He identified several proposed suitable locations in Town that were being considered. He explained the sailing program, which is for adults and would not compete with the West End Racing Club, which is for children. He said that the petition was at change.org if anyone was interested in signing it. The Board briefly questioned Mr. Casper about the project.

e) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016, August 24 and August 31, 2017.**

August 24, 2017: *There was a motion by Steven Baker to approve the minutes as amended. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.*

August 31, 2017: *There was a motion by Steven Baker to approve the minutes as amended. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.*

2. **Public Hearings:**

a) **PLN 17-30**

Application by **E. James Veara, Esq.**, on behalf of **Lori E. Riley** and **Jeffrey A. Medeiros**, for Site Plan Approval pursuant to Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to construct a new dwelling at the property located at **24 Ship's Way Road**. Chair John Golden invoked the Mullin Rule. John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and Brandon Quesnell sat on the case.

Attorney Lester J. Murphy, representing the property owners, Bob Freeman, site plan designer and engineer, and Lori E. Riley and Jeffrey A. Medeiros, property owners, appeared to discuss the project.

Attorney Murphy reviewed the revised site plan that had been submitted. He said that the Board and several abutters had a concern regarding a proposed parking area on the north side of the property. The abutters were concerned about how the deteriorated condition of the pavement of Ship's Way Road Extension might be damaged further by heavy construction equipment and potential damage to vegetation. He said that as a result of the discussion held subsequent to the Board's site visit, it was decided by the applicants that the parking area would be removed and replaced with a walkway going from that side of the house to Ship's Way Road Extension. The walkway will be a combination of wooden steps and a gravel walkway with granite steps leading up to the road. Attorney Murphy said that removing the parking area would both protect vegetation in the area and reduce traffic on Ship's Way Road Extension.

Also submitted was a plan by Mr. Freeman showing the existing pine and oak trees on the site, 6" caliper at waist height or larger, delineating and re-locating the trees that could be saved on the site plan. Ms. McPherson asked Mr. Freeman to clarify the grading of the driveway.

The Board questioned Attorney Murphy, Mr. Freeman, Mr. Medeiros and Ms. Riley about the site plan and the proposed landscaping and requested that the applicants plant more trees. The Board requested an updated landscape plan, which would include more trees and a restoration of the area that was degraded by the adjacent property owner when clearing was done, based upon its discussion with the applicants' representatives.

There was a motion by Grace Ryder-O'Malley to continue PLN 17-30 until the September 28, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.

b) **PLN 17-33** *(previously continued to the meeting of September 28th)*

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, D7, Medical Marijuana Treatment Center, of the Zoning By-Laws to operate a medical marijuana treatment center at the property located at **2 Harry Kemp Way, Unit 2**.

c) **PLN 17-34** *(previously continued to the meeting of September 28th)*

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, for Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of the structure from a professional office to a medical marijuana treatment center and to make associated site improvements at the property located at **2 Harry Kemp Way**.

d) **PLN 18-03**

Application by **Katherine J. Frischmuth** requesting a Site Plan Review pursuant to Article 2, Districts and District Regulations, Section 2320 (A) & (B), High Elevation Protection District, of the Zoning By-Laws to construct a new 3' by 10' balcony and replace a 13' by 28' roof deck and expanded stairs on the structure located at **6 Upper Miller Hill Road**. John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and Brandon Quesnell sat on the case.

Art Sahakyan, contractor, and Christian Peters and Joseph Amato, two of the co-owners of the property, appeared to present the application. The Board had concerns about the adequacy of the material submitted with the application, the scope of work, the presence of crumbling retaining walls on the site and the status of the project, as it appeared that much of the work had already been completed. Mr. Sahakyan explained his involvement in the project, which did not include any of the landscaping work that had been done on the site.

The Board asked for more information from the applicants in order to make a decision and suggested that the applicants meet with staff to discuss what additional material would need to be submitted. The Board also requested that the Building Commissioner attend the next hearing for a discussion of the project.

There was a motion by Grace Ryder-O'Malley to continue PLN 18-03 until the September 28, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.

e) **PLN 18-04**

Application by **Edward M. Roche**, on behalf of **MEILI, LLC**, requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 3015, Site Plan Review by Special Permit, of the Zoning By-Laws to renovate and raise two structures, construct retaining wall, add parking spaces and complete other site improvements at the property located at **58-60 Bradford Street**, with requested waivers from Article 4, Sections 4035(c), 4163(2), (3) and (6) and 4600. John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and Brandon Quesnell sat on the case.

Attorney Lester J. Murphy, representing the applicant, Stacy Kanega, of Coastal Engineering, the project engineer, and Ted Roach, a principal of MEILI, LLC, appeared to present the application. Attorney Murphy reviewed the project. The buildings on the site are in disrepair and the applicant intends to upgrade and renovate the buildings and make other site improvements. Portions of each building are located in a flood zone, which along with the cost of the renovations, necessitated raising them out of the zone. He reviewed the requested waivers. He said that his clients had decided to put the utilities to the two buildings underground and wanted to discuss alternatives to the street tree requirement of the Zoning By-Laws, such as planting ornamental trees or shrubs instead. There is a proposal to increase the parking on the site, which includes some filling. He reviewed the requirements of s. 4035 and how the project complied with them, including the upgrading of the residential units, the project's approval by the Zoning Board of Appeals and the containment of all storm water run-off on the site. He said that the parking area would be composed shells and grass pavers to increase pervious areas on the site and added that all exterior lighting would be dark sky compliant. Ms. Kanega reviewed the site design.

Shelly Jennings, an abutter, spoke of her concerned about the loss of a large tree on the property. Elizabeth Lowell spoke in support of the application.

The Board questioned Attorney Murphy, Ms. Kanega and Mr. Roche about various aspects of the site plan, including the removal of trees lining Winthrop Street, the proposed fencing, the material used in the parking area, bike racks, the location of heat pumps and the retaining wall on Winthrop Street. The Board requested that the applicant add more trees to the site. The Board

asked how the residential trash would be handled on the site and that trash and recycling receptacles are identified on the site plan. After some discussion about the proposed parking area and vehicular access to and from Winthrop Street, in light of the large curb cut on that side of the property, another Board request was to indicate a raised curbing along parking space #1 adjacent to Winthrop Street and show a delineation of the parking space and the yard area. In addition, it asked for an increase in the bike rack capacity to 9, that the species and location of 3 more trees along Bradford and Winthrop Streets be noted on the site plan and that the walkway in front of the cottage be delineated using stepping stones with groundcover between them and, as part of the sprinkler system, that an exterior standpipe for use by the Fire Dept. be included on the site.

There was a motion by Grace Ryder-O'Malley to continue PLN 18-04 until the September 28, 2017 Public Hearing at 6:30 P.M. Ryan Campbell seconded. VOTE: 5-0-0. Ryan Campbell will write the decision.

f) **PLN 18-06**

Application by **612-614 Palmer, LLC, Jim Savko, Manager**, on behalf of **Sue Harrison and Leslie Brock**, requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to create two new dwelling units, replace a stockade fence, remove a garage and construct a larger garage in a new location and complete other site improvements at the property located at **16 Holway Avenue**, with a requested waiver from Article 4, Section 4163(3). Steven Baker recused himself because of a conflict of interest. John Golden, Grace Ryder-O'Malley, Ryan Campbell and Brandon Quesnell sat on the case.

g) **PLN 18-07**

Application by **612-614 Palmer, LLC, Jim Savko, Manager**, on behalf of **Sue Harrison and Leslie Brock**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to create two new dwelling units and proposing a payment in lieu of creating a partial affordable unit at the property located at **16 Holway Avenue**. Steven Baker recused himself because of a conflict of interest. John Golden, Grace Ryder-O'Malley, Ryan Campbell and Brandon Quesnell sat on both cases.

Attorney Christopher Fiset, representing 612-614 Palmer, LLC, Jim Savko, the manager of the applicant LLC, and Kevin Bazarian, of Bazarian Construction, appeared to present the application. Attorney Fiset reviewed the proposed project, which includes two phases; the first of which is to construct two new dwelling units in separate structures on the site and the second of which will be the construction of a two-car garage. He said the driveway would be stone and that existing large trees on the site would be retained. Small shrubs and trees will be planted in front of the two new proposed structures, which will be equipped with smart vent technology to allow storm water runoff to flow beneath them and a stockade fence would be replaced in kind. The proposal also includes reducing the width of the driveway from 18' to 10', as this portion of Holway Avenue is narrow, thereby increasing green space. He reviewed the waiver requests.

There were no public comments. There was 1 letter raising questions about 'through lots', which could potentially give the property frontage on a private way and whether the project is subject to the requirement that the site plan show that a septic system designed to handle four bedrooms could be located on the site, as growth management is involved, and a request that the site be

staked to indicate the corners of the new structures and the garage. Ms. McPherson will follow up with Town Counsel and the Building Commission regarding the ‘through lot’ question. The applicant agreed to stake the site.

The Board questioned Attorney Fiset, Mr. Bazarian and Mr. Savko about the site plan and the project. The Board was concerned about the removal of trees and asked if the site could be re-configured to save 2 of the larger trees that were proposed to be removed. The Board requested an existing conditions plan and a proposed site plan showing the 2 trees and a re-configuration of the structures and parking spaces on the lot and a shadowed outline of a four-bedroom septic system. Also requested was a follow-up with staff regarding the ‘through’ lot question and the flagging of the proposed corners of the buildings and the garage on the site.

There was a motion by Grace Ryder-O’Malley to continue PLN 18-06 and 18-07 until the September 28, 2017 Public Hearing at 6:30 P.M. Ryan Campbell seconded. VOTE: 4-0-0. Grace Ryder-O’Malley will write the decision.

3) Work Session

a) PLN 17-36 (Brandon)

Application by **Heal, Inc.**, on behalf of **94 Harry Kemp Way Revocable Trust, William Gately, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, D7, Medical Marijuana Treatment Center, to operate a medical marijuana treatment center at the property located at **94 Harry Kemp Way**. John Golden, Steven Baker, Brandon Quesnell, Ryan Campbell and Dave Abramson sat on the case. The decision was not ready.

b) Discussion of planting list and categories (placeholder). Tabled.

e) Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan (placeholder). Tabled.

c) Discussion of proposed standard conditions for telecommunications facilities (placeholder). Tabled.

d) Any other business that may properly come before the Board: None.

There was a motion by Steven Baker to adjourn the Planning Board meeting at 9:45 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
John Golden, Chair