

PLANNING BOARD
Meeting Minutes
Thursday, January 11, 2018
Judge Welsh Room
6:30 P.M.

Members Present: John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell, Dave Abramson and Albert Carey (Alternate).

Members Absent: Brandon Quesnell (excused).

Staff: David Gardner (Assistant Town Manager) and Ellen C. Battaglini (Permit Coordinator).

1. Public Comments:

None.

2. Public Hearings

a) **PLN 18-13**

Application by **Kieran J. Healy**, on behalf of **Marolima East, LLC**, requesting Site Plan Review by Special Permit pursuant to Article 2, Districts and District Regulations, Section 2320 (A), High Elevation Protection District, and Article 4, Special Regulations, Section 4015 a. (4), Site Plan Review by Special Permit, of the Zoning By-Laws for new construction involving the movement of more than 750 cu. yds. of earth on the properties located at **806, 820, 824 and 828 Commercial Street** with waivers from Article 4, Section 4028, f. and l. John Golden, Steven Baker, Ryan Campbell and Dave Abramson sat on the case. The applicant has requested to continue to the meeting of February 8, 2018. *There was a motion by Ryan Campbell to grant the request to continue PLN 18-13 to the February 8, 2018 Public Hearing. Steven Baker seconded. VOTE: 5-0-0.*

b) **PLN 18-14**

Application by **BPJC, LLC**, requesting the modification of a site plan pursuant to Article 4, Special Regulations, Section 4015 a. (1) and (5), of the Zoning By-Laws approved in Case #16-28 to revise portions of Building 5 & 6 to provide a second means of egress for Unit 13, construct wooden stoops for Units 9-12, to provide driveway curb cuts and sidewalk changes, to modify landscaping details and to remove trees and undertake replanting pursuant to directions by Town staff at the property located at **350 Bradford Street**. Dave Abramson recused himself because of a conflict of interest. John Golden, Grace Ryder-O'Malley, Ryan Campbell and Steven Baker sat on the case. Mr. Gardner called the applicant's attention to the fact that only 4 members of the Board were seated on the case and that there would have to be a unanimous decision in order for a Special Permit to be granted. The applicant had the choice of proceeding or postponing until 5 members could be seated. The applicant chose to proceed. **Presentation:** Attorney Lester J. Murphy, Dave Michniewicz, of Coastal Engineering, Patrick Mixdorf, the project's architect, Gordon Peabody, an landscape and environmental consultant, and Chris Wise, the project's representative, appeared to present the application. Attorney Murphy stated that the revisions involved minimal changes in the roof structure of Buildings 5 and 6 and that all structures on the property conform to the height requirements of the Town's Zoning By-Laws. He reviewed a plan memo from the Building Commissioner stating that the

requested site plan modifications would not significantly change the previously-approved Special Permit in Case #FY16-28 to warrant the application to be reviewed as new and would not be subject to any by-law amendments that have been implemented since the granting of that Special Permit. He said that the original plans called for the retention of a number of trees on the hillside, but as the work started, it was discovered that the trees would not survive the changes and had to be removed upon consultation with the Building Dept., the Conservation Agent and the Town Planner. The modification proposal includes the replacement of some of those trees. The change in the roof design is proposed only on Buildings 5 and 6, which are located immediately adjacent to Bradford Street. The previously approved plan shows most of the roofing gabled and only a small section that is presently designed as flat would be gabled and the height would be lower than the gable height of the rest of the building. This is being done in order to comply with the height requirements of the Zoning By-Laws. The changes are minimal, have no negative impact on neighboring properties and would be a benefit to the site. Mr. Michniewicz reviewed five changes in the site plan, including the implementation of flat roof sections on Buildings 5 and 6, a second means of egress for Unit 13, stoops added on the rear of Units 9-12 as second means of egress, landscape and sidewalk changes at the entry to the site that were requested by the Massachusetts Department of Transportation and the flattening of the grade behind the units on the hillside. He briefly reviewed the landscape changes for the trees that were removed. Attorney Murphy added that the retaining walls on the upper units would be landscaped with latticework and ivy for screening purposes. Mr. Mixdorf reviewed the proposed modifications to the buildings and the stoops, which will have no impact on any views on abutting properties. Mr. Peabody reviewed changes to the landscaping. **Public Comment:** David Brody, an abutter, had questions about the modifications and there was a letter signed by 28 abutters in opposition to the project. Mr. Gardner said that the Board members seated on the case were all present at a site visit yesterday.

Board Discussion: The Board questioned Attorney Murphy, Mr. Michniewicz, Mr. Mixdorf and Mr. Peabody. Ms. Ryder-O'Malley read the plan memo from the Building Commissioner. The Board requested that additional information be submitted to staff. Mr. Campbell reviewed the requests for updated plans to include indicating a zero datum line on all elevation drawings, the de-massing of Building 5 and 6 through materials similar to the previous application, utilization of low maintenance native grasses along the back of the property behind Units 9-13, the indication of natural or staff-approved screening on all new retaining walls and the annotation on the landscaping plan of a tree not currently shown on the site plan that exists in the upper corner of the lot, outside the sheet pile wall.

There was a motion by Ryan Campbell to approve PLN 18-14, the modification of a site plan by BPJC, LLC, pursuant to Article 4, Special Regulations, Section 4015 a. (1) and (5), of the Zoning By-Laws approved in Case #16-28 to revise portions of Building 5 & 6 to provide a second means of egress for Unit 13, construct wooden stoops for Units 9-12, to provide driveway curb cuts and sidewalk changes, to modify landscaping details and to remove trees and undertake replanting pursuant to directions by Town staff at the property located at 350 Bradford Street. Grace Ryder-O'Malley seconded. VOTE: 4-0-0 Ryan Campbell will write the decision.

c) **PLN 17-33 (reconsideration)**

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**.

d) **PLN 17-34 (reconsideration)**

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, Unit 2**. The Board heard the two cases together. Grace Ryder-O'Malley recused herself because of a conflict of interest. John Golden, Steven Baker, Ryan Campbell and Dave Abramson sat on the case.

Presentation: Attorney Lester J. Murphy, Stephanie Sequin, the project engineer, and Patrik Jonsson, an owner of the applicant corporation, appeared to present the application. Attorney Murphy reviewed the proposed changes in the site plan, which included the width and the direction of travel of the right of way between the property and the abutting property at 25 Conwell Street. The revisions are the result of an agreement with a new unit owner in the building where the facility is being proposed. He said the changes will guarantee safe access to the parking spaces on the property and ensure that the loading ability of, and access to, the abutting lumber company would not be impacted. In addition, the applicant has agreed to reverse the traffic flow on the right of way from the original condition and to now enter on Conwell Street and exit on Harry Kemp Way. The revisions also necessitated a change in the signage from the original proposal. Another proposed change is to use pervious pavers in the previously proposed gravel areas and throughout the entire site and to stripe the parking spaces to delineate them. Attorney Murphy reviewed the revised conditions of the Special Permit. He addressed a letter from abutters who opposed the project. Ms. Sequin briefly reviewed the changes on the site plan.

Public Comment: Jeff Mulliken, an abutter, had questions about the proposed signage at the right of way and the implications of traffic now turning off of Conwell Street, and there was 1 letter from an abutter with concerns and suggestions for conditions in regard to the project.

Board Discussion: The Board questioned Attorney Murphy, Ms. Sequin and Mr. Jonsson. Attorney Murphy said that the applicant had incorporated several of the suggestions in the letter from the abutter. He also noted that the name of the applicant company has been changed to Curaleaf Massachusetts, Inc.

*There was a motion by Steven Baker to approve the Site Plan of Curaleaf Massachusetts, Inc., PLN 17-33 and PLN 17-34, 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 and to grant 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 located at **2 Harry Kemp Way, Unit 2** with the revised site plan as submitted and the revised conditions as discussed. Dave Abramson seconded. VOTE: 4-0-0. Steven Baker will write the decision.*

3. Work Session:

a) Board Elections: The Board tabled the elections until the February 8, 2018 Public Hearing.

b) Pending Decisions:

i) **PLN 18-09 (Dave)**

Application by **Steven H. Cook**, on behalf of **KIP Financial, LLP**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to add a principal structure and create four residential units in two structures, re-configure parking spaces, replace a wire fence with a stockade fence and to make other site and landscape improvements on the property located at **446 Commercial Street**. John Golden, Steven Baker, Ryan Campbell and Dave Abramson sat on the case. Dave Abramson read the decision. *There was a motion by Steven Baker to approve the language as written. Ryan Campbell seconded. VOTE: 5-0-0.*

ii) **PLN 18-11 (Ryan)**

Application by **PMR Realty Trust** requesting a Site Plan Review by Special Permit pursuant to Article 4, Special Regulations, Section 4015 a (4), Site Plan Review by Special Permit, of the Zoning By-Laws to add a second floor dormer to accommodate employee dormitory housing on a property that has a curb cut greater than 25% of its existing street frontage located at **212 Bradford Street**. John Golden, Steven Baker, Ryan Campbell and Dave Abramson sat on the case.

c) **Discussion regarding a proposed project at 21 Pilgrim Heights Road:** Attorney Lester J. Murphy, representing the property owner, Stacy Kanega, an engineer with Coastal Engineering, and Charles Rose, an architect, appeared to discuss the proposed project, which includes the construction of a single family house, out buildings and a pool. It is in a high elevation district and requires at least a site plan review approval from the Board. Attorney Murphy said that the amount of earth moving has not yet been determined. If it was over 750 cu. yds., it would trigger the requirement for a Special Permit from the Board. He said that they are presenting site development options for the Board's feedback and concerns so they can then finalize the plans before submitting an application. Mr. Rose reviewed the shape and vegetation of the terrain of the site and the architectural aspects of the project. He reviewed how the landscape ecology would be improved and how the proposed structures would integrate into the site. The buildings will be sited off any slopes and will be located in previously disturbed areas of the property. The Board questioned the Mr. Rose and commented on the project.

d) **Discussion regarding Board communication and meeting length.** Tabled.

e) **Discussion of planting list and categories** (placeholder). Tabled.

- f) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan** (placeholder). This topic will be discussed in the spring.
- g) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Tabled.
- h) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and December 14, 2017.**

December 14, 2017: *There was a motion by Steven Baker to approve the minutes as amended. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.*

- i) **Any other business that may properly come before the Board:** None.

4. Information items:

- a) Food truck survey data – for future discussion: Tabled.
- b) Town Planner’s memo of potential zoning by-law amendments for Annual Town Meeting 2018 – Mr. Gardner reviewed his proposed amendments. The Board discussed the changes.

Dave Abramson moved to adjourn the Planning Board meeting at 10:45 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
John Golden, Chair