

**PLANNING BOARD**  
Meeting Minutes  
Thursday, March 22, 2018  
Judge Welsh Room  
6:30 P.M.

**Members Present:** David Abramson, Steven Baker, Brandon Quesnell, Ryan Campbell (Alternate) and Albert Carey (Alternate).

**Members Absent:** John Golden (excused) and Grace Ryder-O'Malley (excused).

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

Chair David Abramson called the meeting to order at 6:34 P.M.

**1. Public Comments:**

None.

**2. Public Hearings**

a) Town Meeting Proposed Zoning By-Law Amendments: Mr. Gardner reviewed the proposed Zoning By-Law amendments:

**i. Proposed Zoning By-Law Amendment**

Discussion of proposed amendment to Article 1, Definitions, of the Zoning By-Laws (ATM Warrant Article 30). *There was a motion by Steven Baker to recommend ATM Warrant Article 30. VOTE: 5-0-0.*

**ii. Proposed Zoning By-Law Amendment**

Discussion of proposed amendment to Article 2, Districts and District Regulations, Sections 2440, Permitted Principal Uses, and 2450, Permitted Accessory Uses, of the Zoning By-Laws (ATM Warrant Article 31). *There was a motion by Ryan Campbell to recommend ATM Warrant Article 31. VOTE: 5-0-0.*

**iii. Proposed Zoning By-Law Amendment**

Discussion of proposed amendment to Article 6, Growth Management, Section 6600, Growth Limit Goal Allocations, of the Zoning By-Laws (ATM Warrant Article 32). *There was a motion by Steven Baker to recommend ATM Warrant Article 32. VOTE: 5-0-0.*

**iv. Proposed Zoning By-Law Amendment**

Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2312, Applicability, of the Zoning By-Laws (ATM Warrant Article 33). *There was a motion by Ryan Campbell to recommend ATM Warrant Article 33. VOTE: 5-0-0.*

- v. **Proposed Zoning By-Law Amendment**  
Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2640, Building Scale, of the Zoning By-Laws (ATM Warrant Article 34). *There was a motion by Steven Baker to recommend ATM Warrant Article 34. VOTE: 5-0-0.*
- vi. **Proposed Zoning By-Law Amendment**  
Discussion of proposed amendment to Article 1, Definitions, of the Zoning By-Laws (ATM Warrant Article 35). *There was a motion by Steven Baker to recommend ATM Warrant Article 35. VOTE: 4-0-1. (Ryan Campbell abstaining).*
- vii. **Proposed Zoning By-Law Amendment**  
Discussion of proposed amendment to Article 1, Definitions, of the Zoning By-Laws (ATM Warrant Article 36). *There was a motion by Steven Baker to recommend ATM Warrant Article 36. VOTE: 4-0-1. (Ryan Campbell abstaining).*
- viii. **Proposed Zoning By-Law Amendment**  
Discussion of proposed amendment to Article 4, Special Regulations, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws (ATM Warrant Article 37). *There was a motion by Ryan Campbell to recommend ATM Warrant Article 37. VOTE: 5-0-0.*
- ix. **Proposed Zoning By-Law Amendment**  
Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2560, Dimensional Schedule, of the Zoning By-Laws (ATM Warrant Article 38). *There was a motion by Ryan Campbell to recommend ATM Warrant Article 38. VOTE: 4-1-0. (Steven Baker opposed).*
- x. **Proposed Zoning By-Law Amendment**  
Discussion of proposed amendment to Article 2, Districts and District Regulations, Section 2360, Formula Business Regulated District, of the Zoning By-Laws (ATM Warrant Article 39). *There was a motion by Steven Baker to recommend ATM Warrant Article 39. VOTE: 5-0-0.*
- xi. **Proposed Articles related to Land Use: There was a motion by Steven Baker to recommend ATM Warrant Article 15. VOTE: 5-0-0.**

b) **PLN 18-13** (continued from the meeting of February 22<sup>nd</sup>)

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, Sections 4015 a. (4), Site Plan Review by Special Permit, and 4180, Inclusionary and Incentive Zoning, 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 Commercial Street** with waivers from Article 4,

Section 4028, f. and l. David Abramson, Steven Baker, Brandon Quesnell, Ryan Campbell (Alternate) and Albert Carey (Alternate) sat on the case.

**Presentation:** Kieran Healy, a land surveyor with BSC Group, Mark Legere, the manager of Marolima East, LLC, and Attorney Alan Lipkind, representing the applicant, appeared to discuss the application. Mr. Healy reviewed the new plans submitted by the applicant and changes to the project based upon revisions requested by the Board, including the addition of catch basins and the use of helical piles for almost 50% of the proposed foundation at 820 Commercial St. In addition, Mr. Healy related the discussions that he had with the Fire Chief regarding access for emergency vehicles, wherein Chief Trovato requested that the driveway be widened to 10', with additional 2' buffer strips on both the east and west sides. Mr. Healy proposed a low-growing wildflower mix to be planted on the 2' buffer strips. Additional grading had to be done on the site in order to accommodate the wider driveway with additional space being utilized on the east side of the driveway, which is farther away from a resource area on the site. He reviewed which trees would be impacted as a result of the widening.

**Public Comment:** Attorney Jean Kampas, representing an abutting condominium and four neighbors, spoke of her clients' concerns regarding the walking path existing on the site and their rights to utilize the path, their access to the driveway during the construction phase of the project and asked for more detail about the construction storage area. She requested that the applicant submit a construction management plan for review by the Board. Mary Ellen Dwyer, an abutter, requested that there be a time restrictions for construction activities during the day and seasonally.

**Board Discussion:** The Board questioned Mr. Healy, Mr. Legere and Attorney Lipkind. Mr. Healy reviewed the proposed protocol related to the sequence of construction activities and the proposed erosion control measures, which were approved by the Conservation Commission. He indicated that there was a contingency plan involving dropping large metal plates across the driveway for access in case of an emergency. He predicted only minimal disruption in access by the neighbors when the water and utility lines were being installed and said that the neighbors would be noticed as to when the driveway work would commence. Mr. Legere suggested that the work would be performed between the hours of 7:00 A.M and 4:00 P.M. Mr. Gardner reviewed a list of conditions, including the Inclusionary By-Law requirements, that the remaining two structures, Lots 1C and 1E, proposed on the site would need to be reviewed by the Board at a future date and that the site plan amended to reflect their construction, that driveway access would be maintained during the trenching process to bury the water and utility lines. The Board discussed the walkway with Attorney Lipkind. The Board requested that the path be indicated on the site plan and maintained on the ground and provide continued access without obstruction.

***There was a motion by Steven Baker to approve the requested waivers from Article 4, Section 4163, 3. & 4. Ryan Campbell seconded. VOTE: 5-0-0.***

***There was a motion by Steven Baker to grant a Special Permit and approve the Site Plan pursuant to Article 2, Districts and District Regulations, Section 2320 (A), High Elevation Protection District, and Article 4, Special Regulations, Sections 4015 a. (4), Site Plan Review by Special Permit, and 4180, Inclusionary and Incentive Zoning, of the Zoning By-Laws, PLN 18-13, for new construction involving the movement of more than 750 cu. yds. of earth on the properties located at 806 & 820 Commercial Street with the following conditions:***

- ***that the Inclusionary By-Law requirements for in lieu fees be met;***

- *that future structures constructed on the site require Special Permit approval by the Planning Board;*
- *that continued access to the existing footpath as shown on the site plan be provided without obstruction;*
- *that the hours of construction for road trenching be 7:00 A.M. to 4:00 P.M., with advance notice given to abutters regarding when access or obstruction will occur and that metal plates be kept on hand and utilized for emergency access;*
- *that the driveway be widened to 10' in addition to 2' buffer strips on each side planted with a wildflower mix; and*
- *that a staging area be developed to allow the parking of construction vehicles and allowing the driveway to remain accessible.*

*Brandon Quesnell seconded. VOTE: 5-0-0.*

*There was a motion by Steven Baker to make a finding pursuant to Article 5, Section 5330 of the Zoning By-Laws that the economic or other benefits outweigh any adverse effects such as hazard, congestion and environmental degradation. Albert Carey seconded. VOTE: 5-0-0. Steven Baker will write the decision.*

c) **PLN 18-19** (continued to the meeting of April 26<sup>th</sup>)

Application by **BPJC, LLC** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) and (5), of the Zoning By-Laws for the modification and supplementation of information regarding a development consisting of more than two residential units on a parcel and resulting in the removal of more than 750 cu. yds. of earth on the property located at **350 Bradford Street**. There was a request to continue PLN 18-19 to the April 26, 2018 Public Hearing at 6:30 P.M. *There was a motion by Ryan Campbell to continue PLN 18-19 to the April 26, 2018 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.*

d) **PLN 18-22** (rescheduled from the meeting of March 8<sup>th</sup>)

Application by **Michael F. Camardello** requesting Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the addition of parking spaces at the property located at **27 Brewster Street**. David Abramson, Steven Baker, Brandon Quesnell, Ryan Campbell (Alternate) and Albert Carey (Alternate) sat on the case.

**Presentation:** Attorney Christopher J. Snow, representing the applicant, and Don Poole, of Outermost Land Survey, appeared to present the application. Attorney Snow reviewed the project, which involves the addition of parking spaces on a site with a structure containing 3 dwelling units. Attorney Snow said that the applicant was in front of the Board for conditioning after the fact, since the work had already been done. The applicant sought to add parking spaces and was told by the Building Dept. that the Tree Warden would need to be consulted about the removal of any vegetation on the site. He contended that the Tree Warden had approved the removal of vegetation so subsequent to that consultation, vegetation on the site was removed in order to accommodate more parking spaces. Attorney Snow indicated that 6 small-diameter locust trees, scrub brush and invasive weeds were removed, a large majority of which were encroaching 5' into Standish Way, a private road. 6 parking spaces have been added, 5 of which would be potentially saleable and unrelated to the residences in the structure.

He added that the removal of the vegetation made the private way safer and more accessible. and argued that Standish Way was laid out as a subdivision and as such, has specific requirements for access roads of sufficient width, suitable grade and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land. All of the vegetation removed by the applicant was growing into the private way and was in violation of this subdivision requirement for proper access.

**Public Comment:** Susan Davis, Mike Wright, Sheila McGuinness and Donna Cooper, all abutters, spoke in opposition to the project. There were 3 letters and a petition signed by 15 individuals from the neighborhood in opposition to the project.

**Board Discussion:** The Board questioned Attorney Snow and Mr. Poole. The Board agreed that its decision could not be rendered unless a 'pre-existing' site plan was submitted for review. It requested that such a plan be submitted along with landscaping on the existing site plan. In addition, the Board wanted to know how the parking spaces would be delineated and what the surface material would be, would like to see a bike rack located on the existing site plan, wanted an explanation of how the trash and recycling issue would be handled, wanted the number of bedrooms in the structure denoted and an indication of which parking space would be assigned to which unit. Attorney Snow requested time to amend the plan and to continue to the April 12, 2018 Public Hearing.

***There was a motion by Ryan Campbell to continue PLN 18-22 to the April 12, 2018 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.***

e) **PLN 18-23**

Application by **William N. Rogers, II**, on behalf of **Luco Realty, Inc.**, requesting Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the restoration of a fire-damaged building consisting of the installation of concrete pier foundations, the reconstruction of a first floor and the reconstruction and renovation of a second floor, including the relocation of a three-bedroom dwelling unit and the addition of second means of egresses and a roofed outdoor seating area on the property located at **315A Commercial Street** with requested waivers from Article 4, Sections 4035, 4053 1.(b) and 2.(b), 4140 and 4600.

**Presentation:** William N. Rogers, II and Leonard Enos, the property owner, appeared to present the application. Mr. Rogers reviewed the proposed project to reconstruct and add seating and egresses to a fire-damaged structure. He said that the only changes occurring outside the footprint of the structure are the installation of a new, upgraded grease trap to accommodate additional seating on the second floor and the addition of two second means of egress.

**Public Comment:** None. There were no letters in the file.

**Board Discussion:** The Board questioned Mr. Rogers and Mr. Enos. The Board raised the issue of screening the mechanicals, including the condensers and the ice machine, located in the rear of the structure and had a concern about the location of the vending machines in the public right-of-way in the front of the structure in terms of how they might affect pedestrian, especially handicapped, access. The Board requested that the applicant determine whether the vending machines are in the public right-of-way and consider moving them, indicate the existing bike rack on the property on the plan and install screening in the area between the two egresses where the condensers and the ice machine are located.

*There was a motion by Ryan Campbell to approve the waivers from Article 4, Sections 4035 b., 4053 1. b. and 2. b., 4140 and 4600. Steven Baker seconded. VOTE: 5-0-0.*

*There was a motion by Ryan Campbell to approve the site plan pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the restoration of a fire-damaged building consisting of the installation of concrete pier foundations, the reconstruction of a first floor and the reconstruction and renovation of a second floor, including the relocation of a three-bedroom dwelling unit and the addition of second means of egresses and a roofed outdoor seating area on the property located at 315A Commercial Street, PLN 18-23, with the conditions that the equipment in the rear of the building be screened from the beach view and verification of pedestrian access in the front of the building with regard to the vending machines and inclusion of a bike rack on the site plan. Steven Baker seconded. VOTE: 5-0-0. Steven Baker will write the decision.*

### 3. Work Session:

#### a) **PLN 18-24**

Application by **William N. Rogers, II** for the endorsement of a plan believed not to require approval (ANR) to divide one parcel, Lot 5, into two parcels, Lots 6 & 7, both conforming in minimum lot size and frontage requirements of the Zoning By-Laws at the property located at **466 Commercial Street (Assessor's Map 12-4, Parcel 48)** in accordance with M.G.L. c. 41, s. 81P.

**Presentation:** William N. Rogers, II appeared to present the application. He reviewed the ANR plan and the proposed division of lots.

*There was a motion by Steven Baker to endorse a plan believed not to require approval (ANR) to divide one parcel, Lot 5, into two parcels, Lots 6 & 7, both conforming in minimum lot size and frontage requirements of the Zoning By-Laws at the property located at 466 Commercial Street (Assessor's Map 12-4, Parcel 48) in accordance with M.G.L. c. 41, s. 81P, PLN 18-24. Ryan Campbell seconded. VOTE: 4-1-0 (Brandon Quesnell opposed).*

#### b) **Pending Decisions:**

##### i. **PLN 18-17 & 18 (Steven)**

Application by **William Ned Munroe & Garry Sabatini** requesting Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws for the construction of a new single-family residential structure with a pool and two accessory structures on the property located at **21 Pilgrim Heights Road.**

Application by **William Ned Munroe & Garry Sabatini** requesting Site Plan Review by Special Permit pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, a. (5), of the Zoning By-Laws for the removal of more than 750 cu. yds. of earth in the construction of a new single-family residential structure with a pool and two accessory structures on the property located at **21 Pilgrim Heights Road.** Steven Baker read the decision. *There was a motion by Brandon Quesnell to approve the language as amended. Ryan Campbell seconded. VOTE: 5-0-0.*

ii. **PLN 18-20 (David)**

Application by **Pavel Fiodarau** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws for the development of two or more residential units on a parcel located at **168 Bradford Street Extension** with requested waivers from Article 4, Special Regulations, Section 4163, Residential Design Standards, 2. and 3. The decision was not read.

- c) **Discussion of potential Zoning By-Law amendments for Fall 2018 Town Meeting and/or Spring 2019 Town Meeting.** Tabled.
- d) **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).
- f) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Tabled.
- g) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and February 22, 2018.**

*February 22, 2018: There was a motion by Steven Baker to approve the minutes as amended. Ryan Campbell seconded. VOTE: 5-0-0.*

h) **Any other business that may properly come before the Board:**

The Board briefly discussed how to encourage the creation of employee and dormitory housing.

Mr. Gardner said he had received a request from the applicant of 664R Commercial Street to make two minor changes to the site plan to replace a mature oak with a river birch because of potential insect damage, and to install a pedestal for charging an electric car. David Abramson recused himself from the decision, as he is an abutter. *There was a motion by Ryan Campbell to approve the requested changes for 664R Commercial Street. Steven Baker seconded. VOTE: 4-0-0.*

**4. Information items:**

Food truck survey data – for future discussion: Tabled.

Brandon Quesnell moved to adjourn the Planning Board meeting at 10:00 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2018  
David Abramson, Chair