

PLANNING BOARD

Meeting Minutes

Thursday, May 10, 2018

Judge Welsh Room

6:30 P.M.

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

Members Absent: None.

Staff: Jeffrey Ribeiro (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair David Abramson called the meeting to order at 6:30 P.M.

1. **Public Comments:**

None.

2. **Public Hearings:**

a) **PLN 18-19** (*request to continue to the meeting of May 24th*)

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 from the applicant to continue the matter to the Public Hearing of May 24, 2018. ***There was a motion by Steven Baker to continue PLN 18-19 to the Public Hearing of May 24, 2018 at 6:30 P.M. John Golden seconded. VOTE: 5-0-0.***

b) **PLN 18-20 - Reconsideration**

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. David Abramson, Steven Baker, Brandon Quesnell, John Golden and Albert Carey sat on the case. Mr. Abramson explained that this matter was being reconsidered by the Board due to new information and requests from the Fire Chief that were generated after a site visit at the property.

Presentation: Attorney Robin B. Reid and Pavel Fiodarau appeared to present the application. Attorney Reid briefly reviewed the Board requests from previous hearings of the matter and how and when the applicant had complied with them. The one remaining issue was the surface of the driveway through the site. She said that the applicant was willing to pave the driveway per the request of the Fire Chief, if the Board requested it, but remained convinced that the stone topped with shell driveway as proposed was adequate to sustain the load of emergency vehicles. This was confirmed by an engineering report submitted to the Board. The proposed shell on stone driveway is aesthetically more pleasing and better for drainage and erosion than a paved driveway. Mr. Ribeiro reviewed the issue of maintenance of the driveway and the pros

and cons of paving. He said he had drafted language for the existing Board decision, depending upon what the vote of the Board is, so not only would the case be decided at this hearing, but a decision approved as well.

Board Discussion: The Board questioned Attorney Reid.

There was a motion by Steven Baker to approve PLN 18-20 with the decision as drafted.

John Golden seconded. VOTE: 5-0-0. Mr. Ribeiro requested that the applicant submit final plans showing the paved road and indicating the delineation of paved and shell areas, as well as the stormwater requirements, for approval by staff.

c) **PLN 18-22** (*continued from the meeting of April 12th*)

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, John Golden and Albert Carey sat on the case.

Presentation: Attorney Christopher J. Snow, representing the applicant, Robert Santos, a co-owner of the property, and Don Poole, of Outermost Land Survey, appeared to discuss the application. Attorney Snow explained that the revised plans submitted to the Board, as requested at the last hearing, showed 6 parking spaces, a reduction of 3, a landscaping design and an evaluation for drainage. He said that the parking space configuration shows one less space than what had been present on the property in the past and he reiterated his argument that the Board had no jurisdiction over the project, but that the applicant was willing to submit to the site plan review process anyway. Mr. Ribeiro commented on the project and said that the proposed alteration had rightfully triggered site plan review by the Board. He said that there weren't any specific drainage issues associated with the new parking area as re-configured and added that the Special Permit criteria should still be considered by the Board, which would then determine if the proposal as modified was consistent with those criteria.

Public Comment: Attorney Robin B. Reid, on behalf of abutters Susan Davis and Mike Wright spoke in opposition to the application, arguing that the project was still an alteration of land and properly before the Board and that the parking area was, in fact, by definition, a parking lot. She also said that the project would create drainage issues in the private way, pointing out on photographs submitted, a downspout draining into that private way.

Board Discussion: The Board questioned Attorney Snow and Mr. Santos about the landscape plan and the revised configuration of the parking area. The Board requested that the wood timbers at the end of the landscaped area, and as shown on the plan, be removed and that the downspout draining into the private way be re-directed.

There was a motion by Steven Baker to approve the site plan 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 with the site plan as amended. John Golden seconded. VOTE: 4-1-0. (Brandon Quesnell opposed).

d) **PLN 18-25**

Application by **Robin B. Reid** requesting Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District, of the Zoning By-Laws for the replacement of an existing deck on the property located at **2 Willow Drive**. David Abramson, Steven Baker, Brandon Quesnell, John Golden and Albert Carey sat on the case.

Presentation: Robin B. Reid appeared to present the application. She reviewed the project, which involves the replacement in kind of a deck that serves as a second means of egress and is in poor physical condition. The footings and the railings are different than the existing deck, but only because of the need to better support deck and make it safer.

Public Comment: None.

Board Discussion: The Board questioned Ms. Reid.

There was a motion by John Golden to approve the site plan pursuant to Article 2, Section 2320, High Elevation Protection District, of the Zoning By-Laws for the replacement of an existing deck on the property located at 2 Willow Drive. Brandon Quesnell seconded. VOTE: 5-0-0.

e) **PLN 18-26**

Application by **Ted Smith, Architect, LLC**, on behalf of **Mark Albert**, for Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District, of the Zoning By-Laws to raise a roof 4'5" to add a 2' kneewall and to construction additions on south and west elevations of the structure on the property at **44 Franklin Street**. David Abramson, Steven Baker, Brandon Quesnell, John Golden and Albert Carey sat on the case.

Presentation: Ted Smith and Mark Albert appeared to present the application. Mr. Smith reviewed the project which involves the construction of two additions on a structure and the raising of a roof to install a kneewall. He said that the renovated structure will be in keeping with abutting structures and the neighborhood.

Public Comment: Alex Brown, an abutter, and Carolyn Pampino, representing several abutters, spoke in favor of the project.

Board Discussion: The Board questioned Mr. Smith and Mr. Albert about the project. The Board requested that a lighting plan be submitted, showing dark sky compliant exterior light fixtures and that the applicant submit an existing and proposed landscape plan for the rear of the property, showing any trees that will be removed and the softscape, such as plants and flowers, and the hardscape, such as stones, rocks, driveways and patios, in the front yard. The Board asked about downspouts and the drainage issue given the increase in roof area. Mr. Smith said that gravel and pea stone would be installed under the roof overhangs to act as permeable areas. The Board requested that the dripline around the structure be shown if no dry wells or gutters are proposed.

There was a motion by John Golden to approve the site plan pursuant to Article 2, Section 2320, High Elevation Protection District, of the Zoning By-Laws to raise a roof 4'5" to add a 2' kneewall and to construction additions on south and west elevations of the structure on the property at 44 Franklin Street. Brandon Quesnell seconded. VOTE: 5-0-0.

3) **Work Session:**

a) **PLN 18-27**

Application by **William N. Rogers, II**, on behalf of **Jon Salvador**, for the endorsement of a plan believed not to require approval (ANR) to create parcels 1-4, to be conveyed to abutting property owners, from Lots 1 & 2 that both contain the minimum area and frontage required by the Provincetown Zoning By-Laws at the property located at **35 Franklin Street (Map & Parcel 6-4-93)**. David Abramson, Steven Baker, Brandon Quesnell, John Golden and Albert Carey sat on the case.

Presentation: Attorney Lester J. Murphy, representing the property owner, and Billy Rogers appeared to present the application. Attorney Murphy reviewed the site plan. Mr. Rogers explained that there was a slight revision to the plan and submitted revised plans to the Board. He reviewed the revision.

Public Comment: None.

Board Discussion: The Board questioned Attorney Murphy and Mr. Rogers.

There was a motion by Steven Baker to endorse a plan believed not to require approval (ANR) to create parcels 1-4, to be conveyed to abutting property owners, from Lots 1 & 2 that both contain the minimum area and frontage required by the Provincetown Zoning By-Laws at the property located at 35 Franklin Street (Map & Parcel 6-4-93). John Golden seconded. VOTE: 4-1-0 (Brandon Quesnell opposed).

b) **Pending Decisions:**

i. **PLN 18-13 (Steven)**

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, Brandon, Ryan, Steven and Albert sat on the case.** Mr. Ribeiro explained that staff had revised language in the decision, per the request of the applicant, as there was a finding in it that could be construed to have granted rights to traverse the property, which was not within the jurisdiction of the Board.

There was a motion by Steven Baker to approve the decision as amended. Brandon Quesnell seconded. VOTE: 5-0-0.

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 April 12, 2018.**

April 12, 2018: *There was a motion by David Abramson to approve the minutes as written. Steven Baker seconded. VOTE: 5-0-0.*

h) **Any other business that may properly come before the Board:** Mr. Ribeiro reviewed a proposed plan for bike and pedestrian access to the National Seashore from the Shank Painter Road corridor. It is in the queue of major transportation projects planned in the next five years by the Transportation Improvement Program, which is a capital plan of the Cape Cod Metropolitan Planning Organization. The CCMPO is the main funding mechanism that allots funds for these proposed projects. He said he had drafted a proposed letter from the Board for its consideration to the organization in support of the project, as the process is very competitive. *There was a motion by Steven Baker to endorse the draft letter written by staff on behalf of the Planning Board in support of the proposed Shank Painter corridor to the National Seashore transportation project. Brandon Quesnell seconded. VOTE: 5-0-0.*

4. Information items:

Food truck survey data – for future discussion: Tabled.

Steven Baker moved to adjourn the Planning Board meeting at 8:20 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
David Abramson, Chair