

**PLANNING BOARD**  
Meeting Minutes  
Thursday, September 27, 2018  
Judge Welsh Room  
6:30 P.M.

**Members Present:** David Abramson, John Golden, Jason Potter and Paul Graves.

**Members Absent:** Brandon Quesnell (excused), Ryan Campbell (excused) and Albert Carey (excused).

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

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

1. **Election of Vice Chair:** John Golden volunteered to take the position.  
*There was a motion by John Golden to elect himself as Vice Chair of the Planning Board. Jason Potter seconded. VOTE: 4-0-0.*

2. **Public Comments:**  
None.

3. **Public Hearings:**

a) **PLN 18-28** (*request to withdraw without prejudice*)

Application by **Cape Cod Pilgrim Memorial Association** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (2), of the Zoning By-Laws for the installation of an inclined elevator (funicular) system comprising more than 2000 sq. ft. of new commercial area on a parcel located at **1 High Pole Hill Road**. Attorney Lester J. Murphy, representing the applicant, appeared to request that the Board allow the applicant to withdraw without prejudice, as the new commercial space that is proposed has been revised to be less than 2000 sq. ft. and the project no longer needed relief under the by-law. *There was a motion by John Golden to grant the request to withdraw PLN 18-28 without prejudice. Jason Potter seconded. VOTE: 4-0-0.*

b) **PLN 18-29** (*postponed from the meeting of September 13<sup>th</sup>*)

Application by **Cape Cod Pilgrim Memorial Association** requesting Site Plan Review by Special Permit pursuant to Article 2, Section 2320, High Elevation Protection District (A) & (B), of the Zoning By-Laws for the installation of an inclined elevator (funicular) system running from its property on Bradford Street adjacent to the Bas Relief up the hill to the site of the Pilgrim Monument and Museum located at **1 High Pole Hill Road**. David Abramson, John Golden, Jason Potter and Paul Graves sat on the case.

**Presentation:** Attorney Lester J. Murphy, representing the applicant, Courtney Hurst, President of the Cape Cod Pilgrim Memorial Association, David Weidner, Executive Director of CCPMA, Paul deRuyter, a Trustee of CCPMA, John Bologna, of Coastal Engineering Co., David Hawk, landscape architect, Gordon Peabody, of Safe Harbor Environmental, Colleen Medeiros, a traffic engineer with McMahan Associates, and Tom Swenson, an architect with

Brown, Lindquist, Fenuccio & Raber Architects, Inc., appeared to present the application. Ms. Hurst reviewed public comments and questions that CCPMA had received and introduced a short video regarding the project.

Attorney Murphy reviewed the project, which will create easy public access from the center of Town to the Pilgrim Monument. He said that CCPMA has listened to comments and concerns from both the public and several municipal boards, including the Conservation Commission and the Historic District Commission, and made revisions to the original design to address that input. 70% of letters sent to these municipal boards, including the Planning Board, were in support of the project. Consultation with Town staff revealed serious concerns for safe pedestrian access to the site and an increase in traffic congestion in the area. Attorney Murphy said that any changes, modifications and upgrades to the area are limited by fact that CCPMA is a private property owner of the site and that any safety improvements to the area would have to be made in conjunction with the Town. However, he said that CCPMA was motivated and committed to working with the Town and its municipal boards to ameliorate their concerns regarding safe pedestrian access and the creation of additional vehicle congestion.

Mr. Bologna reviewed the engineering design and geotechnical aspects of the project and how and why the idea of a funicular was proposed. He reviewed some history of the site and the monument that was constructed on the hill. He said that during the construction of that monument, a tramway was needed to transport materials, so there is a precedent for a mechanized transport system on the hill. The slope is currently vegetated and stable, but somewhat overrun with invasive species. The lower part of the site is located in a flood zone and the proposed development will provide easy handicapped access to the site. He reviewed the design of the funicular and the lower pavilion, indicating that fill is proposed to create a gentle slope in the approach area to the semi-enclosed pavilion. This area will provide for pedestrian queuing at a ticket kiosk and access to the funicular cab, which will be able to accommodate 18 individuals. He also reviewed a cross-section of the hill. Overall impact will be 14' wide on the hill slope. The electrical equipment to run the funicular will be housed at the top of the hill and emergency stairs alongside the track will be constructed. He described the funicular's material and how it will operate. He indicated that there would be two staging areas set up during the construction process and the funicular tracks would be attached to helical piers to provide stability.

Mr. Swenson reviewed the arrangement of proposed landscape elements. A meandering pathway that mimics the pathway on the Bas-Relief will be created to run from Bradford Street to the pavilion, featuring a gentle slope and will include a convenient handrail next to the Bas-Relief that will be lit from under the rail. A brick path with plenty of seating and a way-finder will intersect this path as it approaches the pavilion platform. A roof will cover a portion of the pavilion, which will be composed of glass panels. He reviewed the materials that will be used for the pavilion.

Mr. Hawk said that the site will have a park-like appearance in terms of landscaping and the property will be softened with landscaping elements. He reviewed the site lighting plan, which will include small bollard lights next to the track going up the hill, lighting under the hand railing to cast light on the pedestrian pathway to the kiosk and pavilion, and lighting fixtures

located under benches along that pathway. This lighting will be low-key as will the lighting on the upper landing platform. The lighting plan for the pavilion has not yet been finalized and will be submitted at a later time.

Mr. Peabody reviewed the issue of slope stability and how it will be maintained with native vegetation. A permeable earth mat will be placed beneath the track to prevent vegetative matter from growing. He said that the total volume of biomass on the site will be maintained and that invasive species will be removed. Small trees will be replaced in a one-to-one ratio. He reviewed his long-range slope management plan, including performance standards for stormwater management.

Ms. Medeiros reviewed her traffic memo, an off-site signage and striping plan and a way-finding aerial signage plan. She addressed concerns about the increase in pedestrians in the area and traffic in the Bradford and Ryder Street intersection, including the existing issues related to illegal parking along the Bas-Relief. She offered some solutions to these challenges, including those that would require permission from the Town to be implemented.

Mr. Weidner reviewed the management plan for the funicular, which will include a security protocol with video camera surveillance of the grounds, and a daily, as well as a five-year, maintenance plan for the site. He said the applicant was dedicated to ensuring the site is safe and accessible for visitors.

**Public Comment:** Khristine Hopkins, Donald Beal, Kaolin Davis, Paul Texeira, L.J. Kugler, all abutters, spoke in opposition to the application. Bill Docker, Steve Jerome and John Jay Wooldridge, a trustee of CCPMA, spoke in support of the application. Mr. Abramson said that the public portion of the hearing will remain open until the next hearing, as the Board does not intend on rendering a decision about the matter this evening.

**Board Discussion:** The Board questioned Attorney Murphy and the technical team. The Board voiced concerns about pedestrian traffic, including queuing, on the site, as well as the effect of the funicular on vehicle traffic at this intersection and lighting and drainage on the site, considering the history of flooding during the past winter season. Mr. Weidner indicated that CCPMA staff could alleviate any pedestrian congestion on the site. Attorney Murphy said that updated stormwater management information will be submitted before the next meeting. Mr. Ribeiro said that pedestrian safety and vehicle congestion is still a concern of staff, despite the submitted material and the presentation of the team, and it is still staff's opinion that a more comprehensive transportation analysis is needed from the applicant. He said that the way-finding plan presented was a good start. Any off site signage or striping or other options to mitigate traffic congestion would be up to the Town's Select Board to review and approve. He said that the traffic issue, particularly the dropping off of passengers, needed to be examined further and he suggested a third party review of the project might be considered by the Board. The Board requested that the applicant provide photographs of the site from points along the harborfront, streets, highways and town-entry vistas, as required in all high elevation projects, that any upward lighting of trees be minimized and that only as much illumination as is needed for safety and security be utilized, that the stormwater report for all Board members be submitted before the next hearing, that an estimation of possible queuing numbers at the ticketing kiosk and the pavilion be generated, that a solution for pedestrian traffic congestion on the site be formulated, that the applicant post on the website or for communication via other

media, information about the issues involved in moving around on, and getting to, the site, given the challenges discussed. Mr. Ribeiro reiterated that staff will require the submission of a comprehensive traffic study to vet with the public safety officials at the Department of Public Works before the next hearing.

***There was a motion by John Golden to continue PLN 18-29 to the October 25, 2018 Public Hearing at 6:30 P.M. Jason Potter seconded. VOTE: 4-0-0.*** The public portion of the hearing is still open.

c) **PLN 19-04** (*request to continue to the meeting of October 11<sup>th</sup>*)

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, for the construction of two three-bedroom, single-family residences on the property located at **170 Bradford Street Extension**. There was a request from the applicant to continue PLN 19-04 to the October 11, 2018 Public Hearing at 6:30 P.M. ***There was a motion by John Golden to continue PLN 19-04 to the October 11, 2018 Public Hearing at 6:30 P.M. Jason Potter seconded. VOTE: 4-0-0.***

d) **PLN 19-05** (*request to continue to the meeting of October 11<sup>th</sup>*)

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a., (1), of the Zoning By-Laws for a development consisting of the aggregate of residential units that will result in two or more residential units on the property located at **170 Bradford Street Extension**. There was a request from the applicant to continue PLN 19-05 to the October 11, 2018 Public Hearing at 6:30 P.M. ***There was a motion by John Golden to continue PLN 19-05 to the October 11, 2018 Public Hearing at 6:30 P.M. Jason Potter seconded. VOTE: 4-0-0.***

e) **PLN 19-06** (*request to postpone to the meeting of October 11<sup>th</sup>*)

Application by **J. Bruce MacGregor, Trustee, Cape Commerce Nominee Trust**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws for the construction of a one-bedroom, single-family residence on the property located at **13 Willow Drive** with requested waivers pursuant to Article 4, Section 4030, Waivers, including from Article 4, Sections 4053, Commercial Design Standards, 4163, Residential Design Standards, 2. and 3. and 4600, Street Trees and Article 5, Section 5331, Developmental Impact Statements. There was a request from the applicant to postpone PLN 19-06 to the Public Hearing of October 11, 2018 at 6:30 P.M. ***There was a motion by John Golden to approve the request to postpone PLN 19-06 to the Public Hearing of October 11, 2018 at 6:30 P.M. John Golden seconded. VOTE: 4-0-0.***

f) **PLN 19-07** (*request to withdraw without prejudice*)

Application by **Bruce MacGregor, Trustee, Cape Commerce Nominee Trust**, requesting a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, for the construction of a one-bedroom, one-family residence on the property located at **13 Willow Drive**. There was a request from the applicant to withdraw PLN 19-07 without prejudice. ***There was a motion by John Golden to approve the request to withdraw PLN 19-07 without prejudice. Jason Potter seconded. VOTE: 4-0-0.***

**4. Work Session:**

a) Pending Decisions:

**PLN 18-33 (Jeff)**

Application by **Curaleaf Massachusetts, Inc.** requesting a modification to the application for a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws for a change of use of a structure to a retail marijuana establishment on the property located at **170 Commercial Street**. The decision was not ready.

**PLN 19-08 (Jeff)**

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting to modify a previously approved Special Permit, PLN 18-20, to change the proposed surface of the driveway on the property located at **168 Bradford Street Extension**. The decision was not ready.

b) **Discussion of proposed Zoning By-Law revisions for 2018 Fall Town Meeting.**

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

d) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan.**

e) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder).

f) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and September 13, 2018.**

September 13, 2018: *There was a motion by John Golden to approve the minutes as written. Jason Potter seconded. VOTE: 4-0-0.*

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

There was a motion by John Golden to adjourn the Planning Board meeting at 9:15 P.M. Jason Potter seconded. VOTE: 4-0-0.

Respectfully submitted,

Ellen C. Battaglini

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