

PLANNING BOARD
Meeting Minutes
Thursday, March 25, 2021
6:00 P.M.

PB Members Present: Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, Paul Kelly and Steve Azar.

Members Absent: Paul Graves (excused) and Marianne Clements (unexcused).

Staff: Thaddeus Soulé (Town Planner).

Mr. Soulé introduced the virtual hearing, explaining the reason the Public Hearing was being held virtually. He then called the roll.

Chair Brandon Quesnell called the Planning Board Public Hearing to order at 6:00 P.M. and turned the meeting back over to Mr. Soulé, who then explained how the Board, the applicants and the public could participate remotely, and reviewed the meeting protocol.

1. Public Comment:

2. Consent Agenda: Approval without objection required for the following item: None.

3. Public Hearings:

PLN 20-2030 *(continued from the meeting of February 11th)*

Application by **Jay Abbiuso** seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015 a., 1), Site Plan Review by Special Permit, and Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, to develop vacant land by constructing a total of 12 dwellings, 2 of which will be community housing units, in 4 duplex units and 4 cottages on the property located at **286.5 Bradford Street**. Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, Paul Kelly, and Steven Azar sat on the case.

Presentation: Jay Abbiuso was in the hearing to discuss the application. He said he would like to discuss fire access, trash and bicycle stations, parking, and mailbox location. He said he would like to receive feedback from the Board and the neighbors regarding these elements of the project. He reviewed a PowerPoint presentation. The project consists of a 22,000 sq. ft. area that will be developed, with the remainder of the lot to be conservation land with an easement. The low impact guidelines from the state are being followed in terms of preserving trees and creating conservation land. The project will exceed the green area requirements of the Zoning By-Laws. The property is located outside of FEMA and wetlands jurisdictions. He said that the building area will be limited and the reduction of parking is being proposed. Regarding fire protection, he has received feedback from the Fire Chief and would like to address the issue. He also has more information about the trash and bicycle stations, the latter under the guidance of Bike Provincetown and the former with recommendations from Roderick's, who will be the trash service provider. As to the fire protection aspect of the project, Mr. Abbiuso said that he looks to the National Fire Protection Association for guidance and compliance on projects he creates and added that the state fire codes follow those regulations as well. He said that the project proposes a 110' fire access lane for a fire truck to travel on. The NFPA

guidelines, given that all of the buildings would be sprinkled, would allow a maximum of 150' road without a turn-around. He said that the Fire Chief has asked for a cul-de-sac, which, he added, doesn't comport with a cluster-type development such as this. He said that the request for a cul-de-sac would be a 'big ask' and excessive for this project. He said the road slope is fully compliant with NFPA guidelines and there are no overhead utility lines. The NFPA guidelines for distance from a fire truck to a structure, again given the sprinkled buildings, allow for 450'. The project proposes no more than 200' from where a fire truck would stop to the nearest corner of a structure. Access to unit doors averages 110', where the NFPA guideline is 150'. He addressed the suggestion from several Board members that some of the buildings be moved back, saying that he would prefer not to do that for aesthetic reasons and it would put them outside the NFPA guidelines for fire safety regarding access for fire trucks. Life safety reasons and reduced insurance costs are reasons for sprinkling the buildings, even though it raised the expense of the project. He said that the site plan is fully compliant with building separation pursuant to the NFPA guidelines.

He reviewed the location of the trash and bicycle stations on the site plan. The number of trash containers as recommended by Roderick's was five for trash and five for recycled materials. The pick-up would be twice a week. He noted the trash and recycled containers shown on the screen. This trash location can be flipped with the bicycle rack location. The bicycle racks would be of the inverted U type and would provide one per bedroom, for a total of two per unit, or 24 bicycles. The location of the racks would be no more than 30' from the parking area. If this area was flipped with the trash enclosure, it would create a distance of more than 30' from the parking area, but he would be willing to do that.

As to parking requirements, he said that he has come up with three options, one of which is for 16 parking spaces, each measuring 8' by 20'. The curb area on Bradford Street has been increased. The second option is for 13 parking spaces, one of which would be for the handicapped and another transient space potentially for emergency vehicles or a delivery truck. The third option is for 12 parking spaces, one for the handicapped, assigned to whichever of the community dwelling units that was the easiest to convert to handicap-accessible, and measuring 8'9" wide, which is the same size as parking spaces at Stop-n-Shop. The latter option would be his preference. The pick-up and drop-off area was noted on the site plan, which under the 12-parking space configuration would allow vehicles to be able to get off Bradford Street and onto the property for that intended purpose. Site lines are excellent due to the height of the property above neighboring structures. The mailbox location is proposed to be located next to the pick-up and drop-off area and is also noted on the site plan. He noted an illustration on the screen of the build-out of that area.

Public Comment: Ted DeColo commented on the proposed revisions, including the insufficiency of the trash receptacles, his support for the Fire Chief's recommendations, and his opinion that the development was too large. Staff had no comments.

Board Discussion: The Board questioned Mr. Abbiuso. The Board raised a concern about the lack of visitor parking and would like to see more screening of the parking space right next to Bradford Street. The Board agreed with the compliance with NFPA guidelines and there was a consensus that the third parking option was preferred. Mr. Abbiuso suggested that an automated parking space saver be created for the transient parking space at the end of the parking area, wherein the delivery services or emergency vehicles have a code to use the space

and not use the space as visitor parking. He said that most condominiums in Provincetown do not have enough area to provide visitor parking. He will get clarification as to the location of the edge of the property line in relation to the edge of the pavement and added that the property line and the edge of the pavement rarely coincide. He thought that the edge of the drop-off area probably overlapped the property line. As to screening the first parking space, he said that grasses could be planted that would not impede sightlines. He said that he has had an on-going dialogue with the Tennis Club and an abutting property regarding screening and parking. Mr. Quesnell noted that a landscape plan and an inclusionary plan still needed to be submitted and the issue of moving buildings discussed. Mr. Abbiuso said that he would be submitting an engineered plan delineating the location of irrigation wells and the propane tank. He requested a continuance to the April 22, 2021 Public Hearing. He said he would be working with abutters in regard to fencing and screening of the trash and bicycle stations.

There was a motion by Jeffrey Mulliken to continue PLN 20-2030 to the Public Hearing of April 22, 2021 at 6:00 P.M. Paul Kelly seconded. VOTE: 5-0-0 by roll call.

PLN 21-2 (continued from the meeting of February 25th)

Application by **Susan Packard** requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to install a 16 by 32 in-ground swimming pool surrounded by a patio with new native plants to replace what is removed, a 4' high fence surrounding the back yard, and no new lighting on the property located at **71 Bayberry Avenue**. Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, Paul Kelly, and Steven Azar sat on the case.

Presentation: Susan Packard, Stacy Kanaga, of Coastal Engineering, and Ethan Poulin, the contractor, were in the hearing to discuss the application. Ms. Kanaga reviewed the Board's requests/concerns from the previous hearing, including the possibility of reducing the disturbance of the dune slope, the structural stability of the dune slope given the weight of the pool, and a more detailed description regarding construction methodology. She reviewed the proposal impacting the footprint of the pool and the revised site plan. She said that they took the pool itself, including the pool patio, and shifted it closer to the structure by 2'. The proposal also includes a 14' long, short, less than 4', tall landscape wall towards the bottom of the slope. She was able to reduce the patio footprint by 16% and the grading impact by 52%. She said that she and the applicant thought this was the best way to mitigate the impact on the dune slope. In addition, the structural stability of the pool on the slope was addressed by having a structural engineer who wrote a memo concerning the issue. He evaluated the zone of influence based upon where the pool would be located and what the effect it would have radiating out from that location and what kind of stresses would be created on the soils around it. The slope decreases from an elevation 38' to elevation of 12'. The structural engineer's analysis says that based upon what would be needed to impact the zone of influence, in this situation, 60 linear feet of the slope would need to be removed at the bottom of the slope at the elevation of 12' in order to cause a sloughing of the pool down the slope. In other words, a significant portion of the hill, and the soil supporting it, would have to be removed in order to create this hazard. That is not being proposed for this project. Other documents requested were the construction methodology, the location of the gas line from the propane tank that services the pool equipment and a detail for the erosion control blanket that will stabilize the slope during and after the construction process until the vegetation can be established.

Public Comment: None. There was no staff comment.

Board Discussion: The Board questioned Ms. Kanaga, Ms. Packard, and Mr. Poulin. Ms. Kanaga explained the location of the timber retaining wall and the addition of the 4' retaining wall leading to a reduction in the impact of the construction by about 50%. There was a question about the planting plan, the irrigation system and how that worked with the erosion blanket. Ms. Kanaga said a temporary irrigation system could be implemented until the vegetation was established. The blankets are biodegradable over time. Mr. Poulin said that he had a guy who installed the irrigation system and will maintain the system and make sure the vegetation is being watered adequately.

There was a motion by Jeffrey Mulliken to approve the site plan pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to install a 16 by 32 in-ground swimming pool surrounded by a patio with new native plants to replace what is removed, a 4' high fence surrounding the back yard, and no new lighting on the property located at 71 Bayberry Avenue. Monica Stubner seconded. VOTE: 5-0-0 by roll call.

PLN 21-4 (*request to postpone to the meeting of April 22nd*)

Application by **Robin B. Reid, Esq.**, on behalf of **100 Bayberry, LLC**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b1., Two Family Dwelling, and Article 4, Section 4180, Inclusionary and Incentive By-Law, and Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) for developments consisting of the aggregate of three or more residential units, of the Zoning By-Laws to add a modest two-family duplex on the property located at **18 Winslow Street** with requested waivers from Article 4, Sections 4163 (2) and (3) and 4600.

PLN 21-5 (*request to postpone to the meeting of April 22nd*)

Application by **Robin B. Reid, Esq.**, on behalf of **100 Bayberry, LLC**, for Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to add a modest two-family duplex to an existing single-family site on the property located at **18 Winslow Street**. There was a request to postpone PLN 21-4 and PLN 21-5 until the meeting of April 22, 2021 at 6:00 P.M. ***There was a motion by Jeffrey Mulliken to postpone PLN 21-4 and PLN 21-5 to the Public Hearing on April 22, 2021 at 6:00 P.M. Steven Azar seconded. VOTE: 5-0-0.***

4. Work Session:

a) Discuss Draft Planning Board Rules and Regulations: Mr. Soulé reviewed the changes he had made. The Board discussed the regulations around illumination standards and language to remind applicants that the Zoning By-Laws are to be followed when designing a project. The rules and regulations will serve as guidance and a tool to be used by the applicant and staff and help make sure that with all submissions, abutters have all the information that they need in order to understand a project. Ms. Stubner reviewed the thresholds that she had created for installing bike racks and mailboxes as part of a project. She included a snow accumulation location, a trash area, propane tank burial, location, dark sky compliant exterior lighting, (who monitors that post-construction), mailboxes, (need at least 10 units according to the U.S. Post Office), a landscape plan, and bike racks and a parking plan. The Board discussed the proposed thresholds. Mr. Quesnell said that the regulations can be changed after use by applicants and staff and that nothing was set in stone. Mr. Azar raised the issue of traffic plans and

commented on the requirement for traffic impact statements versus traffic studies. Mr. Soulé said that this requirement was already in the Zoning By-Laws. The issue was briefly discussed. Anne Howard, the Building Commissioner, weighed in on the landscaping requirements and said she relies on the Town Planner's inspection after a project is complete and the determination of substantial completion of landscaping proposals before issuing a Certificate of Occupancy. She weighed in on the illumination standards and the higher efficiency bulbs that are on the market as it related to enforcement and the challenges that are created. The Board briefly discussed the issue.

There was a motion by Jeffrey Mulliken to adopt the Planning Board Rules and Regulations and place them on file with the Town Clerk. Monica Stubner seconded. VOTE: 5-0-0 by roll call.

b) Pending Decisions: None.

c) Minutes of March 11, 2021:

March 11 2021: ***There was a motion by Monica Stubner to approve the minutes of March 11, 2021 as written. Paul Kelly seconded. VOTE: 5-0-0 by roll call.***

e) **Any other business that may properly come before the Board:** Mr. Quesnell said that he had tasked Mr. Mulliken with developing a marketing campaign to inform the public about the new illumination by-law. Mr. Soulé will make sure that it gets onto social media and the Town website. Mr. Mulliken said he had hoped to get graphics on the topic to the Board. He reviewed the important bullet points, including preservation of the dark sky, reduction of nuisance lighting, health benefits to humans, wildlife and agriculture, energy conservation, color temperature of lighting, and commercial activities and safety. He mentioned another bullet point, which was enforcement of light trespass and glare, and the possibility of tasking that to the Building Commissioner's office. Mr. Quesnell suggested that the latter regarding enforcement not be part of the marketing campaign. Mr. Mulliken said that he has collected images describing and illustrating the bullet points and can generate a tri-fold handout. He will send a PDF to the Board. He will send the draft handout for Town Meeting to Mr. Soulé. Ms. Howard cautioned the Board about encouraging or promoting flashing lights in the downtown area during the holidays and to make sure that no regulations conflict with the existing sign by-law. The issue was briefly discussed. The downtown area has more flexibility regarding lighting than other zoning districts.

Mr. Mulliken gave credit to Mr. Soulé for his accessibility and help to applicants.

There was a motion by Jeffrey Mulliken to adjourn the meeting at 8:16 P.M. Monica Stubner seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2021

Thaddeus Soulé, Town Planner,
on behalf of the Planning Board