

PLANNING BOARD

Meeting Minutes

Thursday, April 8, 2021

6:00 P.M.

PB Members Present: Brandon Quesnell, Paul Graves, Jeffrey Mulliken (arrived at 6:19 P.M.), Monica Stubner, Paul Kelly, Marianne Clements, and Steven Azar.

Members Absent: None.

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 items:

PLN 21-7

Application by **Steve Riley & Kieran J. Healy**, on behalf of **Riley Brothers Realty**, for endorsement of a plan believed not to require approval (ANR) to modify an interior lot line between two parcels held in common ownership at **134 & 136 Bradford Street (Assessor's Map 12-1, Parcels 77-A & 78)** to form one lot containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P.

There was a motion by Monica Stubner to endorse a plan believed not to require approval to modify an interior lot line between two parcels held in common ownership at 134 & 136 Bradford Street (Assessor's Map 12-1, Parcels 77-A & 78) to form one lot containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P. Paul Kelly seconded. VOTE: 5-0-0 by roll call.

PLN 21-10

Application by **Peter J. Kane**, on behalf of **Mary S. Beck & Eric L. Beck**, for endorsement of plans believed not to require approval (ANR) to alter a lot line between two parcels at **31 & 33 Nickerson Street (Assessor's Map 6-3, Parcels 39 & 40)** containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P.

There was a motion by Monica Stubner to endorse a plan believed not to require approval to alter a lot line between two parcels at 31 & 33 Nickerson Street (Assessor's Map 6-3, Parcels 39 & 40) containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P. Paul Kelly seconded. VOTE: 5-0-0 by roll call.

3. Public Hearings:

PLN 20-2030 *(continued to the meeting of April 22nd)*

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**.

PLN 21-4 *(postponed 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 *(postponed 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**.

PLN 21-6

Application by **Ted Smith**, on behalf of **Steven Lagana**, seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a.1, for developments consisting of an increase of residential units that will result in a total of three or more, and a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct a new two-and-a-half story structure containing three one-bedroom dwelling units on the property located at **46.5 Harry Kemp Way**. Brandon Quesnell, Paul Graves, Jeffrey Mulliken, Monica Stubner and Marianne Clements sat on the case.

Presentation: Ted Smith and Stacy Kanaga, an engineer with Coastal Engineering Co., were in the meeting to present the application. Mr. Smith reviewed the project, which was in front of the Board last year, but then only for a total of two units. This made it ineligible for Site Plan Review. Now, however the applicant seeks to build three one-bedroom units. Mr. Smith said that the applicant will be providing a payment in lieu for the affordable housing units. A septic system to service the structure will be installed and the structure and the septic system will meet all of the requisite setbacks. The building scale is within the neighborhood average and all parking requirements will be met. He said the width of the driveway is shown on the site plan as 14', however that will have to be reduced due to other issues on the site. He said that the project will have no effect on traffic or the environment or cause an increase in Town services and will not have a detrimental effect on the Town. He said that there was information submitted on exterior lighting, which will be dark sky compliant. He noted a schematic survey

of all existing public trees in the right of way. He said that the project did not include removing any of those trees.

Ms. Kanaga reviewed the site features and stated that the existing site was undeveloped. The proposal includes 3 residential units on 3 floors. Access to the units will be from an east side front entry facing Harry Kemp Way and a lower basement and upper deck entry facing south. Additional site features include an at-grade patio on the west side. The utilities and the refuse and recycling area will be located on the north side of the structure. The parking area will accommodate 3 spaces, which is the number required by the Zoning By-Laws. Stormwater will be managed through a system of gutters and downspouts emptying into dry wells. The volume of earth that will need to be moved is less than 750 cu. yds., the threshold cited in the Zoning By-Laws. All other utilities will be installed underground and new water service equipment will be installed. Prior to demolition, a limit of work will be established around the perimeter of the site to minimize the migration of debris on the site and to delineate the work area.

Mr. Smith reviewed the lighting plan, which includes wall-mounted lights beside each entryway, pointing down. There is also proposed roof deck lighting that will be installed on the sidewall and will emit light on the floor of the deck. There are lights on the steps to the lower-level entryway and will provide light for the access path. He reviewed the cut sheets for the exterior lighting elements, all of which are dark sky compliant, that were shown on the screen in the meeting. He noted the planting plan and reviewed the proposal, which includes conifers and other evergreen trees, which will screen this property from an abutting property's decks located near the lot line. More decorative trees, instead of an existing deciduous one, are proposed for planting near the parking area and some shrubs will also be included. The paving area will be permeable and as much vegetation as possible will be retained on the site. Mr. Smith next reviewed the public tree survey he created that indicates their location in the public right of way. He indicated that the driveway will be 10' wide.

Public Comment: Richard Arsenault, an abutter, had a question about the project and whether proposed non-bedroom rooms will be used as bedrooms. Mr. Soulé said that bedrooms were a Health Department issue. There were no letters in the file.

Board Discussion: The Board questioned Mr. Smith and Ms. Kanaga. Mr. Soulé requested that a rendering error be corrected on the plans. Mr. Kelly discussed with Ms. Kanaga and Mr. Smith elements of the site plan, including the location of the structure on the site, the lot lines and the retaining wall locations. Mr. Graves asked about proposed screening for utilities and propane tank, etc. Ms. Kanaga said that a retaining wall, about 2-4' high, would provide some screening. Mr. Smith said that the proposed decks are up high enough and the utilities and propane tank would not be seen from these areas. These elements would not be seen from the proposed patios, according to Ms. Kanaga. Mr. Quesnell requested that the applicant install a lateral stub for a sewer hook-up in order to avoid having to dig up the parking area when sewer service becomes available in the future. Mr. Kelly asked about installing a larger, enclosed space for trash and recyclables. Ms. Kanaga said that the size and location of the trash and recyclable area was done in order to minimize the footprint and the amount of earth removal on a topographically challenging site. Mr. Mulliken had a question about the size of the lot and said that it was a tight site, especially on the north side. Specifically, he was concerned with the proposed installation of the retaining wall in that area without encroaching into the abutter's property. He was also concerned about the location of the propane tank, the trash, and HVAC

condensers and that these were going to be located beneath the decks. He suggested that the applicant clarify the 3 retaining walls and provide a top-of-wall elevations to compare with the existing and proposed grades and confirmation that no retaining walls would be over 4' high. He also addressed the public trees. Mr. Smith said that the project could be done without removing any existing trees. Mr. Mulliken was concerned about the grading in that area and whether it would have an impact the health of the trees. Ms. Kanaga said that the width of the driveway and the grading will be looked at carefully with that concern in mind. Mr. Mulliken asked about how much work would be done on Town-owned land. He asked to see the grading in that area and in the driveway area because of a concern about the protection of the Town's property. Mr. Soulé said that Rich Waldo, the Director of the Dept. of Public Works and the Tree Warden, has reviewed the proposal and had no issues with the project. Mr. Mulliken asked to see the impact on, and the modifications to, Town-owned land. Mr. Soulé said that what the applicant is proposing is less impactful on the trees than what was approved by Mr. Waldo. The Board discussed the issue. Mr. Kelly was concerned about the amount of re-grading proposed in the Town-owned area. Mr. Kanaga will review the grading and coordinate with Mr. Smith to minimize the tree removal. She will extend her grading into the Town-owned land area. Mr. Smith said that the best and least impactful location of the structure and the driveway have been chosen. The Board decided to leave the tree plan as submitted. **Mr. Kelly requested that it be recorded in the minutes that the grades at the Maushope property will not be changed or filled.** Mr. Mulliken requested a copy of the email regarding the proposal that was sent to the Board by Mr. Waldo. Mr. Soulé said that the DPW also looks at the grading on Town-owned property. **Mr. Mulliken requested that the minutes reflect that Mr. Waldo, as the Tree Warden and as the Director of the DPW, approved of this proposed modification of Town land.** Ms. Kanaga said that wherever the retaining wall changed elevation, she had listed an upper grade elevation and a lower grade elevation. That information is on all of the retaining walls at all of the elevation changes. Mr. Smith said that he would put those numbers on his exterior elevation plans. Mr. Soulé reviewed the waiver requests.

There was a motion by Marianne Clements to approve the requested waivers. Monica Stubner seconded. VOTE: 5-0-0 by roll call.

There was a motion by Jeffrey Mulliken to approve the site plan and grant a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a.1, for developments consisting of an increase of residential units that will result in a total of three or more, and a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct a new two-and-a-half story structure containing three one-bedroom dwelling units on the property located at 46.5 Harry Kemp Way with the condition that on the architectural elevation drawings, A2.1, A2.2 and A2.3, retaining walls adjacent to the elevations and their elevations will be shown and with the standard condition regarding a payment in lieu. Marianne Clements seconded. VOTE: 5-0-0 by roll call.

4. Work Session:

a) Discuss Draft Planning Board Rules and Regulations: Mr. Soulé said that the Board had already reviewed and discussed the draft Rules and Regulations. Now there will be a formal

Public Hearing on April 22nd to hear public comment regarding the final Rules and Regulations and the Board will then vote to approve them.

b) Pending Decision:

PLN 21-2

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**. *There was a motion by Jeffrey Mulliken to approve the language as written. Monica Stubner seconded. VOTE: 5-0-0 by roll call.*

c) Minutes of March 25, 2021:

March 25 2021: *There was a motion by Monica Stubner to approve the minutes of March 25, 2021 as written. Paul Graves seconded. VOTE: Unanimous by roll call.*

d) Any other business that may properly come before the Board: Mr. Mulliken was asked about his proposed marketing plan for the illumination by-law. He said that the Board should be prepared to defend, comment on, and explain what the by-law involves at the Public Hearing on April 22nd. The Board briefly discussed the issue. Mr. Mulliken suggested a pre-hearing caucus about the by-law. Mr. Soulé said that there would be an opportunity to show visuals at the Public Hearing, but not at Town Meeting. He will work on a PowerPoint presentation.

There was a motion by Jeffrey Mulliken to adjourn the meeting at 7:33 P.M. Paul Kelly 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