

PLANNING BOARD

Meeting Minutes

Thursday, May 13, 2021

6:00 P.M.

PB Members Present: Paul Graves, Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, Marianne Clements, Paul Kelly, Steven Azar, and Mia Cliggott-Perlt.

Members Absent: None.

Staff: Thaddeus Soulé (Town Planner) and Attorney Amy Kwesell (Town Counsel).

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. Election of Officers: Mr. Quesnell thanked the Board for allowing him to lead the Board for the last two years and reviewed what the Board has accomplished during his tenure as Chair. He said that he is not seeking another term as Chair and nominated Mr. Graves as his replacement if Mr. Graves was willing to serve as Chair. Mr. Graves said he was willing to serve as Chair. *There was a motion by Brandon Quesnell to nominate Paul Graves as Chair of the Board. Jeffrey Mulliken seconded. VOTE: 7-0-1 (Paul Graves abstaining) by roll call.*

Mr. Graves called for nominations for Vice Chair. Mr. Graves said he would like to nominate Mr. Quesnell if he was willing to serve in that capacity. Mr. Quesnell assented. *There was a motion by Paul Graves to nominate Brandon Quesnell as Vice Chair of the Board. Marianne Clements seconded. VOTE: 8-0 by roll call.*

Mr. Graves called for a nomination for Clerk. He asked for a volunteer. Ms. Clements volunteered to serve in that position. *There was a motion by Paul Graves to nominate Marianne Clements as Clerk of the Board. Brandon Quesnell seconded. VOTE: 7-0-1 (Marianne Clements abstaining) by roll call.*

2. Public Comment: Mr. Graves said that public comments would be limited to 3 minutes per person and anyone who has written a letter or email in regard to an application that is being considered by the Board would not be recognized.

There was a motion by Brandon Quesnell to take PLN 21-8 and PLN 21-9 first, followed by PLN 21-12 and PLN 21-13. Monica Stubner seconded. VOTE: 8-0.

3. Public Hearings:

PLN 21-8

Application by **Christine Barker** seeking a Special Permit pursuant to Article 2, Sections 2314, Special Permit Uses, 2440, Permitted Principal Uses, A2, Multi-Family Dwelling, 2., four units or more, 2560, Dimensional Schedule, footnote 8, Article 4, Sections 4120, Density Schedule, 4150, Green Area, and 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to demolish a pre-existing, non-conforming condemned structure and reconstruct it as a new, mixed-use structure consisting of 31 hotel units, 4 residential condominium units, a restaurant/bar, a meeting space, and a ground-level parking area, as well as the reconstruction of a former pier serving the property located at **227R Commercial Street**. The Board will consider the two cases related to 227R Commercial Street together. Paul Graves, Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, and Marianne Clements sat on the cases. The Board heard the applications together.

PLN 21-9

Application by **Christine Barker** seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), for developments resulting in an increase of residential units that will result in 3 or more on a parcel, and a. (2) for developments consisting of more than 2,000 sq. ft. of new commercial area, of the Zoning By-Laws to construct a new, mixed-use structure consisting of 31 hotel units, 4 residential condominium units a restaurant/bar, a meeting space, and a ground-level parking area, as well as the reconstruction of a former pier serving he property located at **227R Commercial Street** with requested waivers from Article 4, Sections 4035 b., referring to Section 4163 3., and 4035 h., referring to Article 3, Section 3432 c.

Town Counsel Amy Kwesell gave a brief overview of the project, which had been considered and approved by the Board, the decision of which then was appealed by several abutters. She explained that the matter was remanded to the Board by the Land Court. The parties had agreed to the remand because the applicant had agreed to reduce the size of the project. She said that the relief requested was the same, but the changes made by the applicant have rendered the relief less in degree than was previously requested and approved. The project was heard by the Zoning Board of Appeals last week, on May 6th, when the Board opened the matter, heard testimony, and then closed the matter. No decision has yet been written and approved.

Mr. Graves announced that the Board will stop the hearing at 9:00 P.M. and any unfinished business will be continued or postponed until the next meeting on May 27, 2021.

Attorney Jean Kampas, representing the applicant, Christine Barker, the applicant, Ginny Binder, a permitting consultant on the project, Jeffry Burchard, of Machado Silvetti, Architects, Raul Lizardi-Rivera, from Cape & Islands Engineering, and Guy Busa, a transportation consultant with Howard Stein-Hudson Associates, Inc., were in the meeting to present the application. Attorney Kampas said that the team would be providing a brief overview of the project with a focus on the project modifications and would then discuss how those modifications, together with the recent changes in the Zoning By-Laws made at the Annual Town Meeting, affect the zoning relief that was previously granted by the Board in

2020. She reiterated that the relief requested is either the same or reduced from that previously granted by the Board in 2020. She said that the ZBA, on May 6th, had voted to grant the Special Permit and Variance relief requested.

Jeffrey Burchard provided an overview of the project by referring to a PowerPoint presentation that focused on the proposed modifications. He reviewed the project's location; west of MacMillan Pier and situated almost entirely in the FEMA VE zone. Because of this location, the project is subject to some very particular requirements related to its elevation and the resiliency of the structure itself. The project will include the reconstruction of a dilapidated pier, an existing pile field, and a right-of-way that links the site to Commercial Street. The latter is about 150-160' long and is the primary access point from the street through the site to the pier. He reviewed an aerial view of the site. He said that the structure on the site has been sitting empty for many years and was condemned several years ago. He noted a view from Commercial Street looking down the right-of-way to the site. He said the existing building on the site is two-and-a-half stories, with several condominiums upstairs and a restaurant on the main floor. There was at one point, a fish house on the site in support of the marine industry that was an historical feature of the Town. When his firm does its work designing a structure, they look to the history of a Town and try to discover what is unique about it and make architecture that is in resonance with not only that history, but is also synchronous with its current state. He reviewed pictures of historical Provincetown that showed perpendicular buildings and many piers jutting out into the Harbor. He reviewed images of those piers and said they played a very important part in Provincetown's identity as a fishing village and in its relationship with the Harbor. The design of the old gable-shaped buildings, almost shed-like and close together, became a motif and literally informed the design of the proposed structure.

The proposed building will be two-and-a-half stories and sit up on an elevated platform to get it out of the flood zone. The overall height was approved by the ZBA last week. It is slightly taller than the abutting Whaler's Wharf building, however it is, unlike that Whaler's Wharf building, not right up against the street. He then noted before and after images showing the southern edge of the proposed building mass will be about 10' back from the Harbor than what exists. He reviewed a before and after view of the building from the beach side. The proposed restaurant/bar will be located in the same area as the old restaurant except it will be elevated out of the flood zone. He then reviewed before and after images looking down the right-of-way to the property. The proposal will include a ramp, open to the public and ADA-accessible, up to the reconstructed pier and will be located in a setback, which is allowed if it is for ADA accessibility reasons. Just to the right of the ramp there will be a public walkway to the beach. He pointed out where the proposed parking spaces would be located underneath the building. He showed an image of the proposed improvements to the right-of-way, which include re-grading and paving, and installing new drainage and stormwater structures. The right-of-way will provide patrons access to the hotel, the condominium owners access to their units, and the public access to the beach and the pier. He said that a signage plan was submitted to the Board last year and the Board conditioned the approval on the applicant re-submitting the plan when the design of the signs was more developed.

Mr. Burchard reviewed what had changed in the building design. A 10' by 28' long by three stories tall section of the proposed building was removed. The result is an increase in the

setback along the north elevation and a slightly increased green area. In addition, a ramp was removed on the west elevation. It was a second accessible ramp and the team decided it wasn't necessary and could be eliminated. He said that because of the modifications, less relief is required, noting a slight increase in the green area and a slight decrease in the building scale and in the percentage of lot coverage, from 63% to 61%. The number of parking spaces was reduced from 14 to 13. The same number of bicycle spaces is being provided. He said it was early in the design of the planting plan and because of the building being lifted, there is a 90% porosity value on the site, which is aided by the gravel parking area, as well as the gravel areas under the ramps and decks.

Mr. Lizardi-Rivera reviewed the modifications to the site related to stormwater management, responding to concerns raised by an abutter related to this issue. He said the revisions were minor in scope and were related to stormwater drainage. The project will be managed and water will be captured by two septic systems. The roof runoff will be collected the same way as in the prior design and will infiltrate into a subsurface leaching system. The roof has been reduced in size by about 300 sq. ft., but the over-designed drainage system will remain the same. The front courtyard drainage system was collecting the water draining through 450 sq. ft. of pervious pavers, however in terms of designing the area, it is being analyzed as if was impervious. This analysis will result in the addition of capacity. The courtyard area will now increase in area to 918 sq. ft., a two-fold increase. The original drainage system was designed to handle the increase in square footage in the courtyard, as well as in the patio area where bicycle racks will be located, but the volume capacity of the system was doubled anyway. This will provide more resiliency for the future when storm patterns and events increase with climate change. The drainage system for the alleyway was in disrepair and not being maintained and contained several potholes that collected water. Pervious pavers will serve to improve the sides of the alleyway and down the center a trench grate with a leaching trench beneath will be installed.

Attorney Kampas reviewed the relief request. She said that there was no change to the request for Site Plan Review by Special Permit, which was triggered due to an increase in residential units for a total of three or more and an increase in commercial area of more than 2,000 sq. ft. She said that the two waivers requested are the same as were previously sought and obtained. She reviewed the first waiver, pursuant to Section 4035 b., which requires that the residential design standards be complied with as set forth in Section 4163. Even though this is a commercial development, residential design standards must be satisfied, which include having a paved 18' width of traveled surfaces within the site. The Board found at its previous hearing that the traveled width varies from 19' at Commercial Street to 13' at the proposed building within the site and granted the relief. She argued that absent this waiver, there could be no redevelopment of the site. The second waiver relates to compliance with illumination standards, pursuant to Section 4035 h., and was also previously sought and obtained. The height and nature of the lighting remains the same, and as the Board determined previously, the required 15' height of fixtures would be unworkable as it applied to this project, due to the proposed elevation of the building pursuant to FEMA and state Building Code requirements. The ZBA approved relief for illumination standards last week and she said that if the changes in the Zoning By-Laws voted on at Annual Town Meeting are approved by the Attorney General, some of the relief sought would not be necessary or reduced further.

Attorney Kampas then reviewed the Special Permit relief requested. Under Section 2314, Special Permit uses, a Special Permit is sought and is the same as what was previously requested and granted. The property is located within the Harborfront Overlay district and this requires a Special Permit for the restaurant, hotel and residential uses and includes a requirement that no more than 20% of the gross floor area can consist of residential uses. The Board previously found that the hotel and restaurant, along with the associated public pier, will promote waterfront activity, supply year-round jobs, improve access to the waterfront, and will improve water quality through stormwater management. As such, the social, economic, and other benefits to the neighborhood or Town outweigh any adverse effects.

Attorney Kampas said that the second Special Permit relief is pursuant to Section 2440, A2, Permitted Principal Uses, and is required for multi-family dwellings, as there will be 4 condominium units constructed. Multi-family dwellings for 4 or more residential units in the TCC zone require a Special Permit. The Board had previously approved this request, determining that the relief sought was warranted because the rehabilitation of a dilapidated building is beneficial and the social, economic, and other benefits for the neighborhood and Town outweigh any detrimental effects. This project will supply much-needed year-round job and will provide meeting space, the building will be elevated out of a flood zone, and public hazards present on the existing site will be eliminated.

Attorney Kampas reviewed the requested relief pursuant to Section 2560, Dimensional Requirements, with respect to lot coverage. As the result in the reduction in the building size, the percentage of lot coverage has been reduced. The previously approved lot coverage was 81% and the current request is for 76%. She noted that the lot coverage would be 61% if the public deck area and ramp were excluded from the calculation. She explained that the increase over the 60% maximum allowed is consistent with other developed properties in the area and granting relief is consistent with the purposes of the TCC zone, where dense commercial development in the downtown area is allowed.

Attorney Kampas said that relief from Article 4, Section 4120, Density Schedule, is being requested. The area of the property is about 12,783 sq. ft. and given this area, it would be allowed, by right, to have 4 dwelling units and 16 commercial accommodations. The applicant is seeking 31 commercial accommodations. This same request for 31 units was granted previously as the Board which found that the Town needs commercial accommodations and year-round jobs, both of which this use would provide. She said that the hotel will be open all year and would provide meeting space for events that would provide off-season economic growth. The economics of the site are such that a smaller hotel, with less rooms, would be financially unfeasible. Finally, the Board determined that the design would limit any congestion or environmental degradation.

The penultimate request is for relief pursuant to Section 4150, Green Area. Attorney Kampas said the relief for this is less than previously requested and granted. The previously approved green area was 11%, but this excluded a proposed rooftop garden. The current request is for 13%. She explained that this Section was amended at the Annual Town Meeting to require

only 10% of green area in the TCC zone. The applicant is still requesting relief in case the amendment is not approved by the Attorney General.

The final request, Attorney Kampas said, is for relief pursuant to Section 4180, Inclusionary and Incentive By-Law, the same request sought and approved previously. If an affordable unit is not provided, a payment in lieu is required. The applicant will provide a payment in lieu, as she had indicated previously, and in accordance with the formula stated in the By-Law.

Attorney Kampas rebutted a letter, dated May 4th, that stated concerns regarding the existing condition of the property. She emphasized the applicant does not yet own the property, but only has a Purchase and Sale Agreement stating her intent to purchase it. Also stated in the letter were concerns about the pier, to which Attorney Kampas said that permitting specifications for the pier are within the purview of the Conservation Commission and the Dept. of Environmental Protection. She said that the ZBA had included a condition in its previous approval that a written application to the DEP for Chapter 91 licensure for the pier be submitted prior to the issuance of a Certificate of Occupancy. She anticipates the same requirement when the ZBA issues its decision. The last issue in the letter raised was regarding access across the right-of-way. In response to that concern, Attorney Kampas reiterated that it was a title issue and it will be addressed during the Chapter 91 permitting process and to the extent necessary in the on-going litigation. She said that is not a zoning issue. She also said that the property has broad and exclusive easement rights over the right-of-way for the contemplated project and for all purposes whatsoever in connection with the conduct of the business on the property and the use of the pier. The applicant has the right to use the right-of-way for uses as contemplated for the project and further that the project and the pier will not constitute a more intensive use than the previous use. She concluded by again reviewing the benefits of the project that she had covered in her presentation.

Public Comment: John Yingling and Rick Murray spoke in support of the applications. There were 4 letters; 1 in opposition and 3 in support of the applications. Mr. Soulé reviewed the Board's conditions from the previous hearing of the project.

Board Discussion: The Board commented on the project. The sense of the Board was positive regarding the reduction in the size of the project and other modifications made by the applicant. Attorney Kwesell confirmed that all the previous conditions placed on the project by the Board would be incorporated into the remand decision. Ms. Clements asked if the applicant would consider adding another vehicle charging station and Ms. Barker agreed to that. Ms. Barker reiterated her intention to be open year-round and provide year-round employment and said she would make every effort to do that. Mr. Quesnell asked about pier amenities and who was responsible for that. Attorney Kwesell explained that it was the responsibility of the DEP to approve those when they issue the Chapter 91 license.

There was a motion by Brandon Quesnell to approve PLN 21-8 and PLN 21-9 based upon the application and with the additional condition that another vehicular charging station, for a total of 2, be added on the property. Marianne Clements seconded. VOTE:

PLN 21-12

Application by **Lester J. Murphy, Esq.**, on behalf of **Shank Painter Associates, Inc.**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (2), for developments consisting of more than 2,000 sq. ft. of commercial

area, and a. (5), for new construction or any excavation, land removal, or earth moving of more than 750 cu. ft. that will alter the topography from natural grade, of the Zoning By-Laws for the construction of a three-story structure containing twenty-eight, 4-person dormitory units, 5 studio apartments, ten 1-bedroom apartments, and one 2-bedroom apartment on the property located at **207 Route 6** with requested waivers from Article 4, Section 4035 b. and referring to Sections 4163, and 4053 (1) (b).

PLN 21-13

Application by **Lester J. Murphy, Esq.**, on behalf of **Shank Painter Associates**, seeking Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for the construction of a three-story structure containing twenty-eight, 4-person dormitory units, 5 studio apartments, ten 1-bedroom apartments, and one 2-bedroom apartment on the property located at **207 Route 6**. The Board heard the applications together. Paul Graves, Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, and Marianne Clements sat on the cases.

Presentation: Attorney Lester J. Murphy, Patrick Patrick, the owner of the property, Stacy Kanaga, of Coastal Engineering Co., Alison Alessi, of A3 Architects, Inc., and Patrick Kelly, of Hawk Designs, were in the meeting to present the applications. Attorney Murphy said that the project is to construct workforce housing adjacent to an existing warehouse on the property. He said the applicant was seeking Site Plan Review, as the property is in a high elevation protection district and a Site Plan Review by Special Permit given the size of the project and the amount of soil disturbance. He reviewed some history of the project, which has been delayed due to the COVID-19 pandemic. When the project was presented to the Select Board, it granted an Economic Development Permit for 9,645 gallons to connect the property to the Town's sewer system. Last year, the ZBA granted relief for a deviation in scale, adding a third story to the building, and relief for a reduction in the number of required parking spaces, as most of the people residing at the premises will be walking or riding bicycles to access the Town. And just last week, the ZBA modified the scale authorization for deviation to allow for the construction of exterior decks. All but one deck will be located on the side of the building that faces away from an abutting neighborhood. He noted the material that had been submitted to the Board. He said that the waivers requested were from Article 4, Section 4035 b., the residential design standards of Section 4163, as this is a large commercial project, not a residential one, and from the provisions of Section 4053 (1) (b), which requires the submission of a traffic impact assessment. Normally, the Board would look for the latter given the size and number of occupants of the proposed building and the possibility of more vehicular traffic and more congestion being generated. However, in this situation, that will not be the case. The access to the property, except in the case of an emergency will be from Route 6. There will be gates on Province Road to provide emergency vehicle access only. He said that most of the occupants of the workforce housing such as summer workers, and students in the winter will not own vehicles. They will travel on foot or by bicycle to access the Shank Painter Road. He said that there would not be a significant increase in daily traffic to the property beyond what now exists on the site for the warehouse and the artists' studios.

Mr. Patrick spoke of his intentions in creating the project. He gave a brief history of the property. The current lot is the largest undeveloped one in the GC zone. He said that the need for seasonal and year-round housing for his family's business, Marine Specialties, as well as other businesses in Town, has become problematic. He said the building will house 112

seasonal workers in the summer and 112 students in the winter for off-season educational opportunities. Many local non-profit companies can take advantage of these dormitory units. There will be 16 year-round apartments for people who live and work in Town. He said there is plenty of communal space for dining, socializing, and cooking purposes. He added that local businesses and non-profits can pre-lease space for staff.

Ms. Kanaga reviewed the site design work, including access and drainage. She reviewed the existing conditions on a site plan. Foot and bicycle traffic can access the warehouse from Province Road via a right-of way. A gravel parking area connects to the entrance on Route 6 via an asphalt driveway in front of the existing building on the site. There are 2 existing sewage disposal systems on the site. There is significant topography on the site and elevations range from 6' to 58', the latter of which occurs behind the warehouse. The site is flat in the front of the existing building and parking area and the topography falls behind the building. The site is in the high elevation protection district.

Ms. Kanaga reviewed the proposed conditions, including a new building measuring over 7,000 sq. ft. and said that there are no proposed changes to the existing warehouse building. The new building has been nestled into a hill and integrated into the significant change in topography, which will facilitate reducing the mass of the overall development. The drive and parking areas in the front of the warehouse were designed to tie-into the new parking area and provide access to Province Road at the southeast corner of the property. Parking will be located at the lowest floor of the building, on the east side of the existing warehouse, and will marry the two access points. Vehicular access will remain as it is now from the highway, northwest of the property. An asphalt pavement driveway will be constructed on the east side of the warehouse to connect the existing gravel driveway to the proposed site. The pavement driveway will then extend to the northwest and northeast side of the proposed building to allow access to the lower parking garage areas and to the trash disposal and recycling area, which will be located between the existing and the proposed building. Exterior vehicular parking will be located northeast of the warehouse and will consist of both bituminous concrete pavement nearest the warehouse for accessible parking and pervious pavers closer to the northeast property line. She reiterated that most residents will be accessing the site via foot or bicycle. Three of the parking spaces will be ADA-compliant. Eleven of the 20 parking spaces will be in the building's lowest floor. If there is a need for additional vehicular parking, there are 2 public parking areas located off Shank Painter Road. There will be 189 bicycle parking spaces, for occupants and support staff, provided. 133 of those spaces will be internal to the building in the west pod with a dedicated access point. 56 bicycle parking spaces will be scattered around the site external to the building. Bicycle access will be from Route 6 or from Province Road to Shank Painter Road. Walkways will be located throughout the site to allow residents to access the parking, Province Road and the proposed patio area on the site located southeast and southwest of the building. The patio area adjacent to the building is also nestled into the hill and will be screened with landscaping from the adjacent neighborhood. The means and methods for shoring during the construction of the building will be determined by the contractor and input will be provided by the geotechnical, structural, and the civil engineers. She said that neighboring structures will not be disturbed during the construction process, including during excavation and earth-moving. Most likely, at the conceptual level, no shoring will be necessary during the excavation phase of the project. Excavation of the slopes on the property will be monitored by

the contractor to avoid damage to neighboring structures and erosion control mechanisms are proposed to stabilize the topography until the entire site can be fully stabilized. A geotechnical study is proposed to determine the make-up and characteristics of the existing soils and will be utilized in the design of the foundation of the proposed building. She said that they are aware of the hazards and concerns about slope stability and will consult with geotechnical, structural, and civil engineers, as well as the contractor to address these issues. The Fire Chief has been contacted and made some preliminary comments. She said that they have been able to implement most of the comments. There will be a fully-addressed fire alarm system and the building will be sprinklered throughout. Hydrant locations within the site was being discussed. The plan is to continue to coordinate with the Fire Chief and the Fire Board of Engineers regarding these topics. Attorney Murphy said that he has been in touch with the Fire Chief who is looking for a third hydrant, located closer to Route 6, in addition to the 2 proposed for the site. He said that the Chief was looking for an access road around the west side of the existing warehouse to give fire trucks access to the northwest corner of the building, but understood that it would not most likely be possible because of the wetland resource and Cape Cod Commission restrictions in that area. A water main will run along the northeast side of the property and electricity will be provided by an on-site power pole on the east side of the property, running underground, and will be detailed in later engineering drawings. Gas tanks will be located underground. Stormwater will be managed and will infiltrate on-site. The system has been designed to handle the 25-year peak storm flow event. Roof runoff will be captured and routed from gutters and downspouts into drywells. Patio and driveway area runoff will be captured in trench drains, area drains, or catch basins and will be routed to stormwater infiltration basins on the site. The paver parking site will allow for water to infiltrate. An irrigation well may be installed and, if feasible, have the capacity to capture and re-use stormwater. Sediment barriers will be installed to limit the migration of soil and debris during construction. In addition, a limit of work will be established before work begins and be maintained throughout the construction process. Erosion blankets will be installed on unvegetated, disturbed areas.

Ms. Alessi reviewed the architectural features of the proposed building, which will be just under 20,000 sq. ft. She said that the design was intended to integrate the building into the topography of the site and break up its mass. She reviewed the floor plans for the new building. She indicated that the building is referenced as being split into 3 pods. There is bicycle storage in the far southwest pod and in the other 2 pods are vehicular parking spaces located under the building. Vertical circulation in the form of an elevators and stairways have been placed between the each of the pods. These will help break up the mass of the building. 14 dormitory-style rooms are on the first floor and common areas, including kitchen and dining, will be located along the northeast side. Some of these spaces spill out onto a patio on the south and a wrap-around deck along the northeast side of the building will serve to activate more of the outside area. There will be 14 more dormitory-style units on the second floor, stacked above the first-floor units, and 4/1-bedroom apartments will be located over the common areas. These apartments have decks for outdoor space. The third floor has 4/1-bedroom apartments, also with decks. These decks, as those below, are not facing the abutting neighborhood of Ship's Way Road. In the middle pod are 5 studio apartments. In the southwest pod are more 1-bedroom apartments and a 2-bedroom apartment. There are larger south-facing decks on the third floor that will also face the back of the building, away from the abutting neighbors.

Ms. Alessi reviewed the elevation drawings. There will be solar panels on the south-facing roof and the building has been designed to be nearly net energy zero and the team is exploring enhanced insulation strategies to that end. Most of the mechanicals will be powered by electricity. Solar panels will be added to the warehouse building. A lot of glazing and the addition of decks have been added to the north side of the building to break up the long north façade of the building. She reviewed a site section to explain how the topography works and how the building is set into the slope of the dune and how it will relate to the two closest abutting neighborhood buildings.

Mr. Kelly reviewed the landscaping plan. To the southeast is a passive patio space that will be screened from neighboring properties with evergreens, both native and ornamental, planted along the property on the highest point on the slope. A native, salt-tolerant meadow grass mix will be planted on the slope between the evergreens and the patio to provide erosion control and habitat for smaller animals. Along that slope 4 native river birch trees, which will help with the screening and provide visual variation, will be planted. The patio transitions into a walkway moving to the southwest towards the rear of the building and the garden area. This area will be planted with flowers and vegetables, which residents would be allowed to tend. There is a water feature in the middle of the patio that may become a koi pond or contain a sculptural fountain. Native American beach grass is also proposed for the disturbed area on the slope between the new building and the abutting neighborhood. Foundation plantings will be installed in smaller pockets around the other side of the building and will be a mix of native plantings and ornamentals. The plantings were chosen with the purpose of limiting irrigation and maintenance needs. He pointed out details depicting exterior lighting fixtures and the bicycle rack.

Attorney Murphy added that neighbors had met on site with the landscape architect to discuss the vegetative screening. He concluded that the economic benefits of the proposal for the Town outweigh any adverse effects. The proposed building will not tower over the abutting neighborhood and will provide workforce housing for businesses in Town. The proposal meets the requirements of Section 2320, the high elevation protect district, as the design and siting of the building has taken the topography and the crest of the hill into consideration. He said the lot coverage will be 15% and green space will be 60% and therefore this is not an overdevelopment of the site. He said he has submitted a development impact statement for the project.

Public Comment: Michela Murphy, John Yingling, and Rick Murray spoke in support of the project. John Crowley, an abutter, had concerns and suggestions about the project. Jay Gurewitsch, an abutter, expressed concerns about the project and wanted to condition how earth would be removed from the site. Jeff Medeiros, an abutter, spoke of his concerns about the size of the project and the Fire Chief's comments. Sonia Vallianos, an abutter, spoke of her concerns, including bicycle traffic and safety, illumination, and noise generated by the installation of south-facing decks. Mike Cerruti spoke in support of the neighbors' concerns and praised the design of the project. There were 38 letters in support and 4 letters in opposition. Attorney Murphy addressed the neighbors' concerns. Mr. Soulé reviewed concerns contained in the opposition letters that were received.

Board Discussion: The Board questioned Attorney Murphy. Mr. Mulliken voiced concerns about the project's compliance with the requirements of the high elevation protection district and the proposed removal of a significant portion of a dune to nestle the building into the slope. He suggested re-positioning the building and access to it by 90 degrees to mitigate its effect on the dune. Mr. Azar spoke in support of the project, stating that it was well thought out, and asked if the decks could be flipped to the other side of the building. Mr. Kelly suggested that the building be moved 15' closer to the warehouse, leaving room for a planting a double row of substantial trees to buffer the neighbors. He was concerned about the roof decks and their use, or potential misuse, by occupants of the building. He suggested eliminating the decks or partially enclosing them to protect the privacy of, and for noise control in regard to, the neighbors. Ms. Stubner agreed with the previous Board member comments and reiterated re-positioning the building and dealing with the potential problems that the roof deck could present. Ms. Clements and Ms. Cliggott-Perlt also agreed with the previous Board comments. Mr. Quesnell agreed with other Board members and said the Town should support the project in the form of providing bicycle lanes, sidewalks, and appropriate street lighting, whether on Route 6 or Ship's Way Road, to handle the number of occupants that this project will attract to provide them safe, appropriate access. He said this could also include signage for same. He reiterated the need for dark sky compliant exterior lighting fixtures and the prohibition of any upward facing lighting. He recommended devising a management plan to address the noise, the pedestrians, and the parties that may take place. He suggested more discussion on the construction plan and when it was going to happen, and how to address access from Route 6 and Ship's Way Road. He also suggested that Attorney Murphy consult the national fire codes for standards, guidance, and options, especially regarding the provision for emergency vehicle access, considering the Fire Chief's proposed requests for the project. He asked for more information about the location of the mechanicals, including HVAC systems, and the location of any generator and propane tanks. He suggested placing the mechanicals on the roof and screening them and asked how the applicant would mitigate the noise of trash pick-ups and propane re-fueling. He said that the project should accommodate electrical bicycle and scooter charging needs. Attorney Murphy requested a continuance to the Public Hearing on June 10, 2021 at 6:00 P.M. ***There was a motion by Brandon Quesnell to grant the request to continue PLN 21-12 and PLN 21-13 to the Public Hearing of June 10, 2021 at 6:00 P.M. Jeffrey Mulliken seconded. VOTE: 8-0-0 by roll call.***

PLN 21-4 *(continued from 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 from 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 motion by Jeffrey Mulliken to continue PLN 21-4***

and PLN 21-5 to the Public Hearing of May 27, 2021 at 6:00 P.M. Brandon Quesnell seconded. VOTE: 8-0-0 by roll call.

PLN 21-11

Application by **Hennep, Inc., Andrew Koudijs, President**, seeking a Special Permit pursuant to Article 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws to re-design an existing retail establishment and sell marijuana products at the property located at **246 Commercial Street**. *There was a motion by Jeffrey Mulliken to postpone PLN 21-11 to the Public Hearing of May 27, 2021 at 6:00 P.M. Brandon Quesnell seconded. VOTE: 8-0-0 by roll call.*

4. Work Session:

- a) Debrief Annual Town Meeting articles: Tabled until the next meeting.
- b) Inclusionary sub-committee: Tabled until the next meeting.
- b) Pending Decisions:

PLN 20-2030

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**. *There was a motion by Brandon Quesnell to approve the language as amended. Jeffrey Mulliken seconded. VOTE: 5-0-0 by roll call.*

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**. A quorum was not present to approve the decision. *There was a motion by Brandon Quesnell to approve the language as written. Monica Stubner seconded. VOTE:5-0-0 by roll call.*

- b) Minutes of April 22, 2021:

April 22, 2021: There was a motion by Brandon Quesnell to approve the minutes of April 22, 2021 as written. Marianne Clements seconded. VOTE: Unanimous by roll call.

- c) Any other business that may properly come before the Board: None.

There was a motion by Marianne Clements to adjourn the meeting at 9:00 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