

PLANNING BOARD

Meeting Minutes

Thursday, June 10, 2021

6:00 P.M.

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

Members Absent: Marianne Clements (excused).

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 Paul Graves 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, either by dialing into the meeting or joining the Microsoft Teams application. He reviewed the meeting protocol.

Mr. Graves announced that there had been an inadvertent noticing error involving PLN 21-14 and PLN 21-15 related to 50 Nelson Avenue. Therefore, he said, to cure any deficiencies in the process, both applications will be re-noticed to abutters within 300' of the property with a new hearing date of June 24, 2021.

Mr. Graves also reviewed the protocol for public comments on any matter on the agenda.

1. **Public Comment:** None.

2. **Public Hearings:**

PLN 21-12 *(continued from the meeting of May 13th)*

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 *(continued from the meeting of May 13th)*

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**. Paul Graves, Brandon Quesnell, Monica Stubner, Jeffrey Mulliken, and Steven Azar sat on the case.

Presentation: Attorney Lester J. Murphy, Patrick Patrick, the owner of the property, Stacy Kanaga, formerly of Coastal Engineering, Co., David Michniewicz, of Coastal Engineering Co., Dan Bullock, of Holtz Builders, Inc., Patrick Kelly, of Hawk Design, and Alison Alessi, of A3 Architects, were in the meeting to discuss the changes to the project.

Mr. Patrick spoke about his outreach efforts to neighbors of the project. Starting in December of 2019, he spoke with 2 neighbors, Jay Gurewitsch and John Crowley, about the project. He met the latter at his office and showed him rough drafts of the plans. The former requested Mr. Patrick's contact information to pass along to other neighbors, which was given. A year later, Mr. Patrick emailed Mr. Gurewitsch and offered to meet with neighbors. Mr. Patrick did meet with a Ship's Way neighborhood association, which included 6 neighbors, to discuss the project. He emailed those neighbors a synopsis of answers to questions that were asked at that meeting. He also included links to the project. He reviewed some of the issues discussed with the neighbors, including the height of the new structure, the location of the decks, access over Ship's Way and Province Road, dryer vents, construction access, the location of smoking areas, and late-night access.

Mr. Quesnell interrupted Mr. Patrick and said that in the interest of time and since the abutters have had an opportunity to express their objections to the project, the Board should move on to hear the changes that have been made to the project. Mr. Quesnell stipulated that Mr. Patrick had done appropriate outreach and requested that the hearing proceed.

Attorney Murphy asked Mr. Bullock to talk about how the property would be managed. Mr. Bullock was unavailable at that moment. Mr. Mulliken interrupted and asked that the project proponents speak to the changes that the Board had requested. Mr. Bullock rejoined the hearing and said he would be available for questions later if needed.

Patrick Kelly explained changes in the layout of the project and in the landscaping plan. He reviewed a revised site plan. He said that in the northeast and northwest elevations are access areas for parking and fire access to the building. On the south elevation of the building is communal patio space and on the southwest elevation are additional communal areas. To orient people away from these spaces, a proposed deck that extends on the northeast and northern edges of the building will be added and will provide extra space for residents to sit outside. He said that another space that was added on the northwest elevation, by the warehouse building and along the property line next to J&E Fruit, and will be flexed use, for such things as additional patio space, grills, a temporary firepit, and for residents to gather. He said that on the southeast elevation where there was a concern about maintaining an existing hill, the size of the retaining wall along the top of the hill has been increased and moved as close as possible to the proposed building. This allows for maintenance of the existing slope and the retention of the most vegetation at the top of the hill. This will also allow for more of a buffer and a vegetative screen for neighbors. Another addition will be to include green space on the top of the building with native grasses. This will screen the top patio from the southeast neighbors. He indicated that the retaining walls measure from 30" to 4', the latter being the maximum height allowed by the Zoning By-Laws for retaining walls located in a setback. There is a 12' wide existing slope that is being maintained on the property line. He addressed the lighting, which has been revised to be dark sky compliant for post fixtures in the parking area. These fixtures will cause no light spillover that would be visible to neighbors and there will be back-

shielding of lights close to the property line to avoid casting light over it. He said the bollards are dark sky compliant, as are the sconces on the proposed building, and the wall and step lights. He indicated that the proposed string lights have been removed, as have the up-lights illuminating the art sculptures on the site. This will reduce the overall light on the property. There is no exterior lighting on the site that is not dark sky compliant.

Mr. Michniewicz said that the site plan amendments included relocating and modifying the retaining walls on the south/southeast side of the proposed building. The scope of these revisions is denoted with some 'clouding' on the site plan. Retaining walls were shifted closer to the proposed building to preserve as much of the natural grade as possible and create more buffer space between the upper retaining wall and the south/southeast property line.

Attorney Murphy said that the team had listened to the Board and the public when revising the project. The revised plans were not created in a vacuum. A lot of review and research went into the changes. Ms. Kanaga said that other locations for the building were considered, such as shifting it farther to the northeast to limit the earth work excavation on the site, but new zoning issues were created related to the height and the massing of the building. It would also require access and egress from Province Road and the highway. She addressed the 90-degree rotation suggestion, but that orientation would force all vehicular traffic to use Province Road to accommodate the bicycle and garage parking. Both bicycle and vehicle parking would either be severely limited or non-existent, other than what could be accommodated inside the building. A corridor from Province Road would have to be created necessitating the need for more zoning relief in the form of a variance. She added that the fire truck access would not work with this orientation and would create access issues for the abutting business. She added that this orientation would also create a more exposed building that would not be nestled into the hill and would also create additional zoning issues. The added cost of a redesign, in addition to the expense and time of further permitting, would limit the potential for the project and prevent it from moving forward. She said that the needs for the project, including vehicle and bicycle parking and outdoor living spaces, would not work with this orientation.

Attorney Murphy said that a redesign could nullify permitting approvals that the project had already received and stall the project for another year or more and would also affect the financial viability of the project for the applicant. The size of the project is a direct result of the finances. A re-orientation could also affect access to the property and the abutting business, as well as emergency access to and around the property. He noted that the decks on the third floor are the exclusive use of the residents of those apartments and not accessible to the dormitory room occupants. Vegetative screening along the edge of the decks facing the neighbors will provide a noise and visual buffer. Also, a re-orientation would cause the side of the building facing the neighbors to appear more massive, possibly affecting the zoning approval for the scale of the proposed building. He concluded by saying that the team thought that this was the best proposal for the site, the neighbors, and the Town. He argued that the location of the building, nestled into the side of the hill, is consistent with the high elevation protection district requirements. He also argued that this project will not be detrimental to the Town or the neighborhood and if neighbors have an issue, there is a phone number to call to reach the management company and talk to someone about it. He reviewed the mechanicals and said they would not be located on the roof or the third floor or on a deck of the building and would

be screened for visual and noise buffering. The HVAC units will be split units, which are much quieter than other systems. Berms and vegetation will be between where the units are situated and any neighbors and he does not anticipate any noise complaints due to them.

Mr. Bullock introduced himself and made comments about his company's role in managing and building dormitory developments. His company owns, builds, and operates seasonal work force housing. He reviewed his experience in managing these developments and said that Mr. Patrick has the right approach in this project and said that trained staff and communication with residents was the key to the success of these developments.

Ms. Alessi reviewed the changes to the architectural elements of the proposed building. She said that nothing related to the mechanicals will be located on the neighbors' side of the building. Everything will be at grade and will have adequate screening for noise and visuals. Adequate solar charging stations will be placed on site, both for bicycles in the bicycle storage area and for cars in the garage area. She echoed what Mr. Kelly said about the lighting. Step lighting that will 'wash' the deck will replace the wall sconces on either side or above the doors to the decks on the second and third floors for a more subtle effect and will make the building 'quieter'.

Public Comment: Louise Venden spoke in support of the project. John Crowley, an abutter, spoke in opposition to the project and of his concern about protecting the hill that the proposed building is being built into.

Board Discussion: The Board questioned Attorney Murphy. Ms. Stubner supported the project changes. Several Board members expressed concern regarding the amount of the dune that would have to be removed. Mr. Mulliken reiterated his suggestion concerning reconfiguring or moving the building to mitigate this, including moving the proposed building closer to the warehouse. He said he has seen no evidence from the applicant regarding their alternative location schematic studies and why this suggestion would not be feasible. He said that the space between the warehouse and the proposed building is taken up with parking garage spaces and summer workers do not traditionally have cars. He felt that the high elevation protection district seeks to protect dunes and if the Board approves this project, it would not be complying with the spirit of the by-law. Ms. Cliggott-Perlt echoed Mr. Mulliken's comments about the alternative location schematic studies and why a different location would be unfeasible. Mr. Kelly commented that his main concern is about the abutters' issues, such as visual and noise impacts, being addressed. He is worried about the 2 decks on the third floor causing problems for the neighbors. He suggested that the applicant consider removing them. Mr. Azar supported the current project as amended. He commented on the issue of mitigating the damage to the dune and the potential design costs of having to generate new drawings if the proposed building was relocated. This situation could cause the project to not be completed and urged the Board to support it. Mr. Quesnell appreciated the applicant's team and the project and thought the project should be supported. He added that more such projects should be encouraged by the Town and the community. He argued that the social and economic benefits of the project outweigh the detrimental effects and the Board should support it. He said the project was allowed by right in the GC zone and the design of the proposed building was appropriate. Mr. Graves said that the project was attractive and humane as to its living spaces for a group of people who are generally exploited. Workers' choices for summer housing are frequently substandard and sometimes outright squalid. Town businesses are having to close

several days a week due to the lack of housing for their employees. He thinks this project is crucial to the community and the health of its businesses. Attorney Murphy and Mr. Patrick responded to the Board's comments, the latter specifically to the suggestion that the third-floor decks be removed, the conforming setbacks, the allowed right for the project to be built in the GC zone, why there is vehicular parking, why moving the proposed building closer to the warehouse would not work, and reiterated the desperate need for workforce housing in Town. ***There was a motion by Brandon Quesnell to approve PLN 21-12 and PLN 21-13, with the revised plans as presented and to grant the requested waivers. Monica Stubner seconded.*** Mr. Mulliken spoke again and said he felt in an uncomfortable position. He agreed that there was a socio-economic benefit to the Town from the project. He said that the process for reviewing and studying projects of this magnitude and their ramifications should be prolonged before a final plan has been generated and presented to the Board. He said that there must have been alternate plans that may have had less impact on the hill and the neighbors. Going forward he would like the Board to examine and discuss its process and Board members' understanding of the Zoning By-Laws when a decision is made that a project's benefits outweigh any other restrictions or interpretations. Mr. Soulé reviewed the standard conditions for site plan reviews.

VOTE: 5-0-0.

PLN 21-14 *(re-noticed to the meeting of June 24th)*

Application by **Lester J. Murphy, Jr., Esq.**, on behalf of **Dol-Fin Development**, seeks Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to construct 7 new residential units on the property located at **50 Nelson Avenue**.

PLN 21-15 *(re-noticed to the meeting of June 24th)*

Application by **Lester J. Murphy, Jr., Esq.**, on behalf of **Dol-Fin Development**, seeks Site Plan Review by Special Permit pursuant to Article 4, Sections 4015, Site Plan Review by Special Permit, a. (1) for an increase in residential units resulting in three or more, and (5, for the excavation, land removal, or earth-moving of more than 750 cu. yds. that will alter the topography from natural grade, and 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws for the construction of 7 new residential units; 1 of which will be located on the site and deed-restricted as affordable, and 1 for which the Town will receive a payment in lieu on the property located at **50 Nelson Avenue**.

3. Work Session:

a) Pending Decisions:

PLN 21-4

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. There were no comments from the Board.

PLN 21-5

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 were no comments from the Board.

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. There were no comments from the Board.

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. There were no comments from the Board.

PLN 21-11 *(continued from the meeting of May 13th)*

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 were no comments from the Board.

b) Minutes of May 27, 2021:

May 27, 2021: There was a motion by Brandon Quesnell to approve the minutes of May 27, 2021, as written. Jeffrey Mulliken seconded. VOTE: Unanimous by roll call.

c) Any other business that may properly come before the Board: Mr. Soulé said he had no updates about public meetings returning to in-person attendance on June 15th. He will keep the Board posted.

Mr. Mulliken said that at the last meeting the Inclusionary By-Law Review Committee was formed, however Mr. Graves said that Ms. Stubner could not be on the Committee. Mr. Mulliken said he might be interested in joining and asked if it would include members not on the Planning Board. Mr. Soulé said that Mr. Azar would be directing the Committee. Mr. Soulé said he had a meeting with Ted Malone, who has experience in the development of affordable housing, and who said he would not be able to attend Committee meetings regularly. No more than 2 Board members could be on the Committee. Mr. Azar spoke of his vision for the Committee, his experience with the issue in Somerville, MA., and his development experience. He said he and Mr. Soulé had discussed utilizing a symposium structure. Mr. Quesnell thanked Mr. Azar and Mr. Soulé. He also suggested providing more education and awareness in the community about the Inclusionary By-Law and ADUs. Mr. Mulliken said he would like to be a part of any symposium or provide support in some other capacity. Mr. Quesnell suggested reaching out to David Gardner and Alex Morse, as well as Michelle Jarusiewicz, the Town's community housing specialist. Mr. Kelly asked if the development at the old VFW would be reviewed by the Board. Mr. Soulé said it would.

There was a motion by Brandon Quesnell to adjourn the meeting at 7:45 P.M. Jeffrey Mulliken seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2021
Paul Graves Chair