

PLANNING BOARD
Meeting Minutes
Thursday, August 26, 2021
6:00 P.M.

PB Members Present: Paul Graves, Brandon Quesnell (online), Jeffrey Mulliken, Paul Kelly (online), Monica Stubner (online), and Steven Azar (online).

Members Absent: Marianne Clements (excused) and Mia Cliggott-Perlt (excused).

Staff: Thaddeus Soulé (Town Planner).

Chair Paul Graves called the meeting to order at 6:00 P.M.

Mr. Soulé called the roll and explained that the meeting was being held in person, however both the public and the Board members can participate either by dialing into the meeting or joining the Microsoft Teams application. Since a quorum was present, the meeting would not be suspended or terminated even if there are technological problems interrupt the broadcast unless required by law. He gave the information that would be needed to call in by phone.

1. Appointment of Donna Walker as an alternate member of the Planning Board with a term to expire on December 31, 2023. This agenda item was tabled until Ms. Walker joined the meeting.

2. Public Comment: Mr. Graves said that public comment was for matters not on the agenda and each person would be given 3 minutes to speak. David Calderone, of 11 George's Path, asked what the process was for amending a Town General By-Law, specifically the one allowing construction activity to take place until 9:00 P.M. every day of the week. He said evenings and weekends should be 'respected' and should be 'quiet time'.

3. Public Hearings:

PLN 21-19

Application by **Robin B. Reid, Esq.**, on behalf of **John McCullough & Lou-Anne Davis**, seeking a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to make a payment in lieu to build a structure with two 2-bedroom dwelling units on a vacant lot at **40 Winslow Street**. Paul Graves, Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, and Steven Azar sat on the case.

Presentation: Robin B. Reid, Esq. appeared in person to present the application. The applicants were attending virtually. She said that the lot is currently undeveloped, and the applicants propose to construct a duplex with two two-bedroom dwelling units. She wanted to confirm that the use Special Permit was moot now, according to the Staff Report. That assumption was confirmed. The inclusionary permit that the applicants seek allows a payment in lieu for providing a fractional affordable housing unit. The estimated payment for FY22 is \$35,195, which will be paid into the housing fund for the development of affordable housing. She said that the proposed development was appropriate for this Res 3 neighborhood, an area of high-density residential development. The project will comply with all Zoning By-Laws. She said the applicants would be seeking a curb cut from the Select Board in September and a

Growth Management permit has been submitted and is in the queue. The social, economic, and other benefits for the neighborhood and Town outweigh any adverse effects such as hazard, congestion, or environmental degradation. The Town will benefit from the addition of two dwelling units to the stock of housing and there will be an increase in the tax base and the housing fund. She argued that there would be no adverse effects arising from the project.

Public Comment: None. There was 1 letter from an abutter with no objections to the project and with questions regarding material that was not required to be submitted with the application.

Board Discussion: The Board questioned Attorney Reid. The 20' right-of-way shown on the site plan of the property will be maintained as such. Attorney Reid said that it was only 10' on the applicant's property, but 20' on the abutting property owned by Verizon. Mr. Soulé explained why the constraint of lot size and the requirements of the septic system, in addition to the limitation of height in the zoning district, precluded the applicants from adding a third residential unit. Mr. Quesnell said that the Board had a prerogative to waive height restrictions. Attorney Reid argued that there was no more room on the lot for increasing septic capacity for another dwelling unit, and the applicants were already installing a custom septic system to fit on the parcel. The issue was briefly discussed, and Mr. Quesnell requested more options for the proposed project. The Board reviewed the septic plan. Mr. Soulé explained why a full site plan review was not required for this project.

There was a motion by Jeffrey Mulliken to grant a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to make a payment in lieu to build a structure with two 2-bedroom dwelling units on a vacant lot at 40 Winslow Street. Monica Stubner seconded. VOTE: 5-0-0 by roll call.

PLN 21-18

Application by **Eugene Carrara** seeking Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to build a foundation under two existing rooms and to extend a structure out 8' on the southeast elevation on the property located at **6 Creek Round Hill Road**. Paul Graves, Brandon Quesnell, Jeffrey Mulliken, Monica Stubner, and Paul Kelly sat on the case.

Presentation: Eugene Carrara on the phone and presented the application. He said that there was an addition put on the structure in the 1990's and its foundation was not done correctly. He seeks to fix the foundation and extend the structure by 8' on an existing deck, which will be rebuilt. The addition will be one-story high. Several of the Board members noted that there was required material missing from the application and requested that the applicant continue until more information was available. Mr. Soulé said that he had questions about the project. Mr. Graves said that the hearing of the application would proceed, and the Board would ask the applicant questions, however he said that if the applicant could not answer any technical questions regarding the construction of the addition, the site plan, including grading, and other relevant information, the application would be continued until the relevant individuals, such as an engineer or architect, could appear to do so.

Public Comment: None.

Board Discussion: The Board questioned Mr. Carrara. Mr. Mulliken mentioned that there was no information about landscaping or grading changes on the site. He said that there were no plantings shown on the site plan, the driveway was not shown, and there was no information about whether these would be altered during or because of the project. He added that no

erosion control measures during construction were proposed. The proposed structure will impact the visual character of the dune and he wanted to know how that would be addressed. Mr. Carrara said that the grade and the landscaping would not change and that all the work will be done in the existing paved driveway, which extends under the deck and is flat in the area of work. He reiterated that no soil or trees will be affected, except for what is underneath the existing room where the foundation was not properly installed and is currently in a state of deterioration. He added that the deck was in a similar condition, which is why it is being replaced as well. Mr. Mulliken said that in his opinion, the document submission for the project is not adequate. Ms. Stubner thought that more detail should be available if a foundation is being replaced. Mr. Azar agreed with the previous Board members. Mr. Kelly said that he would like to see a foundation plan. Mr. Quesnell asked about drainage, runoff, and grading on the property, as the rot under the deck and in the foundation may indicate that it is an issue that needed resolution. He asked about how the deck would be supported. Mr. Carrara said that the foundation had been built on dirt and stone and the present rot had nothing to do with surface runoff, only roof runoff. He said that new posts would be installed where the old ones would be removed. Mr. Quesnell said that the roof runoff would need to be controlled and infiltrated on the site. Mr. Graves summarized that Board members had questions that need answering and recommended that Mr. Carrara have his architect or engineer for the project appear at a continued hearing of the application. Mr. Soulé is compiling a list of missing material. It included a detailed site plan with elevations and contours of the existing conditions that show the limits of the features that have been described by the applicant verbally but have not been placed on a plan in the context of the limit of the pavement of the driveway, identification and location of existing landscaping, and the location of the existing decking area in relation to the structure and the site. In addition, the applicant needs to submit a proposed site plan that shows proposed contours, as well as the limit of the pavement and how work is being located only within the paved area and/or what, if any, work is being located on any landscaped areas, the elevations of the foundations for the posts to support the proposed decks, more details regarding the location of the limit of work for the proposed excavation for the foundation, including both the structure and the posts, where excavated materials will be stored during the construction phase, the type and location of any sediment control barriers that would be needed in order to contain any excavated material runoff from damaging abutting properties or the roadway, and a grading and drainage plan showing how roof runoff would be contained and infiltrated on the site. Mr. Quesnell requested a continuance to whenever the applicant can acquire the material requested by the Board.

There was a motion by Brandon Quesnell to continue PLN 21-18 to the meeting of September 9, 2021 at 6:00 P.M. Jeffrey Mulliken seconded. VOTE: 5-0-0 by roll call.

PLN 21-14 *(request to continue to the meeting of September 23rd)*

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 *(request to continue to the meeting of September 23rd)*

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**. There was a request to continue PLN 21-14 and PLN 21-15 to the Public Hearing on September 23, 2021. ***There was a motion by Brandon Quesnell to grant the request to continue PLN 21-14 and PLN 21-15 to the Public Hearing of September 23, 2021 at 6:00 P.M. Jeffrey Mulliken seconded. VOTE: 6-0-0 by roll call.***

3. Work Session:

a) **Appointment of Donna Walker** as an alternate member of the Planning Board with a term to expire on December 31, 2023. Ms. Walker was on the phone and described why she is interested in joining the Board. She said she wanted to know more about how the Town develops and what issues may arise from that. She is interested in how the Town establishes the parameters of how its inhabitants live. She thinks she can bring a perspective that is useful. She found that previous application discussions interesting and commented on them. She asked if any Board members had questions for her. Mr. Mulliken asked about her professional experience and background. She said she is in the education field, including enrollment management, admissions, and college planning. She most recently has worked with the Town to bring a diversity/inclusion/equity office to Town government. She does not have experience in the construction field. Mr. Quesnell asked why she chose the Planning Board. She said she had spoken to former Planning Board members who said she would be able to get a better understanding of the Town by joining. Mr. Kelly said that more than knowledge of engineering, landscaping and architectural are involved in evaluating projects that the Board reviews and he thinks that she has other knowledge to contribute to the discussions. Other Board members echoed these sentiments.

There was a motion by Brandon Quesnell to appoint Donna Walker as an alternate Planning Board member with a term to expire on December 31, 2023. Jeffrey Mulliken seconded. VOTE: Unanimous by roll call.

b) **Review and Vote to Recommend Complete Streets Policy:** Mr. Soulé introduced Bob Capurso, the Town engineer, who was on the phone and gave a brief overview of the topic of the Massachusetts Dept. of Transportation Complete Streets Funding Program. A PowerPoint presentation was shown as he reviewed the issue. Mr. Soulé and Mr. Capurso have completed a required training program related to the topic. Part of the process for approval is that a policy would be generated and would be given to the Select Board to approve. Mr. Soulé and Mr. Capurso, along with Rich Waldo, Director of the Dept. of Public Works, worked with a design engineering firm to draft a policy for Provincetown and both the Bike Committee and the Town Manager have voiced support for it. It will now be submitted to the Board to review, and hopefully support, it before it goes to the Select Board for approval and adoption. It then goes to the state for approval. Once it is approved, the Town would be eligible for up to \$50,000 for a design firm to perform a prioritization plan of all the Town's streets. He said that Shank Painter Road would be at the top of the list, but since there is funding and a design plan for this that is being worked on already, the funds would go to other projects in Town. Once a prioritization plan has been formulated, up to \$400,000 can be applied for to fund roadwork projects. He reviewed communities that have participated in the program. He then briefly

explained details of the Policy. He anticipated that the Board would be very involved in the planning of projects. He asked if there were questions about the Complete Streets Policy and if the Board would support it. The Board questioned Mr. Capurso.

There was a motion to recommend that the Town adopt the Complete Streets Policy as presented. Paul Kelly seconded. VOTE: 6-0-0 by roll call.

c) **Pending Decision:**

PLN 21-17

Application by **Leif Hamnquist, of Hammer Architects**, seeking Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to demolish an existing structure and construct a new structure with associated site work on the property located at **25 Pilgrim Heights Road**. There was one revision to the draft decision. Mr. Mulliken asked a question about the location of the limit of work and said he didn't think the applicants had submitted one. Mr. Soulé will add the request to the Board's submission checklist. ***There was a motion to approve the decision in PLN 21-17 as amended. Brandon Quesnell seconded. VOTE: 4-0-0 by roll call.***

d) Minutes of August 12, 2021:

August 12, 2021: ***There was a motion by Jeffrey Mulliken to approve the minutes of August 12, 2021, as written. Paul Kelly seconded. VOTE: 5-0-1 by roll call (Monica Stubner abstaining).***

e) Any other business that may properly come before the Board: Mr. Quesnell asked if the power company that was going to make a presentation at a previous meeting and didn't show up had contacted Mr. Soulé. He responded that he has not heard from the company.

Mr. Quesnell asked about the status of the Inclusionary and Incentive By-Law Committee. He said there was still a dire need for businesses in Town for employee housing. Mr. Azar said that he and Mr. Soulé still had to meet and gather the group.

Mr. Quesnell asked about the pending litigation regarding 207 Route 6 that involved the Board. Mr. Soulé said there hadn't been any movement yet.

Mr. Mulliken reported they had a productive meeting with the applicant for 50 Nelson Avenue. The applicants are looking at preserving existing trees, re-configuring/moving the septic system, re-positioning buildings slightly, and getting rid of the cul-de-sac. They have also agreed to sprinkle the buildings. He said it looked to him like they are moving towards a plan that will be more acceptable to the Board. Mr. Soulé said that expanding the municipal sewer system would make it easier to develop more workforce and affordable housing units and that having to install Title 5 septic systems were limiting that development.

There was a motion by Jeffrey Mulliken to adjourn the meeting at 7:46 P.M. Brandon Quesnell seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2021
Paul Graves, Chair