

PLANNING BOARD

Meeting Minutes

Thursday, December 9, 2021

6:00 P.M.

PB Members Present: Brandon Quesnell (online), Jeffrey Mulliken, Paul Kelly, Mia Cliggott-Perlt (online), and Donna Walker (online).

Members Absent: Paul Graves (excused), Marianne Clements (excused), and Steven Azar (excused).

Staff: Thaddeus Soulé (Town Planner) (online).

Acting Chair Brandon Quesnell called the meeting to order at 6:00 P.M.

Mr. Soulé 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, he said that 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. The meeting is being broadcast live on PTV, Ch. 18, and will be posted online as soon as possible. He called the roll.

1. **Public Comment:** None.

2. **Public Hearings:**

PLN 21-14 (*continued from the meeting of October 28th*)

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 (*continued from the meeting of October 28th*)

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**. Brandon Quesnell, Jeffrey Mulliken, Paul Kelly, Mia Cliggott-Perlt, and Donna Walker sat on the case.

Presentation: Attorney Lester J. Murphy, Kevin Bazarian, and Gordon Peabody were present to discuss the application. Attorney Murphy said the plans have been altered and the project now includes 9 new residential units, as the removal of the cul-de-sac allowed for more residential units to be built. There will be one affordable unit as proposed, in addition to three payments in lieu made to the Town. There will also be a reduction in the amount of vegetation

being cleared because of the elimination of the cul-de-sac. He said a great effort has been made to save the larger trees on the lot while still developing the site. A site plan has been submitted that shows all the trees that will be maintained and photographs have been submitted by Mr. Peabody showing how those trees will be protected during the construction process. Mr. Peabody said that the plans show that significant erosion controls will be implemented on the site during the construction process. The area adjacent to the wetlands will not be affected in any way by the project, as that is the most important area for habitat protection for species living in the vicinity. He added that this area will be preserved and maintained. The drainage will comply with standards and the details have been provided to confirm the fact that runoff will be handled on the site. Native species will be planted to re-vegetate the site and provide screening from adjacent properties and that the biomass removed will be replaced with an equivalent amount and reflect the species habitat. He also added that vegetation will be provided next to resource areas to prevent residents from entering and causing damage. He reviewed the protocols he will use to protect the trees from damage. Mr. Bazarian said that the buildings on the edge of the wetlands have been moved away from that area due to the Board's concern with excavation.

Public Comment: None. There were no additional letters in the file.

Board Discussion: The Board questioned Attorney Murphy, Mr. Peabody, and Mr. Bazarian. Mr. Kelly proposed some issues to consider:

- The facades of 1-6 buildings are 84' long and the sidewalk in front of them is 4' wide. He suggested that the latter be increased to 6' and allow for 2' of hedge up against the structure to soften the façade. This would be in addition to the 4' of sidewalk. The parking area will not be hindered by the increase. The suggestion was discussed with the applicant's representatives, who agreed to it. Mr. Bazarian said that the sidewalk will most likely be made of brick or masonry pavers. Attorney Murphy agreed to also reduce the length of the parking spaces by 2' and Mr. Bazarian added that the revised design will show the sidewalk serving all of the first-floor level doors on that level.
- It is not clear on the site plan how the sidewalk comes around to the entrance to the downstairs unit or the entrance to the unit on the ground level. The same question was asked about the area between two buildings and Mr. Kelly added that the entrance to the second one-bedroom unit should be shown on the site plan.
- The materials to be used for the stairs should be identified.
- The spaces between Unit 4 and 7 are not clear as to what is going on with the materials used for the retaining wall. The ground plane treatment material should be detailed and identified.
- The material to be used for the curbing and the parking areas should be noted. Mr. Quesnell suggested a pervious material, the choice of which should be left to the discretion of the applicant.
- The material for the sidewalks, patios, fences, including the heights, the spaces between buildings 4 and 5 and 6 and 7 should be identified on the site plan.
- He asked for an explanation of how the surface drainage will get down around the corner to the driveway to reach the catch basin. He said there was space available between the leaching field and across from the bike storage area. The catch basin could be brought closer to the origin of the flow rather than waiting until the runoff flows down the entire length of the driveway. Attorney Murphy said that the surface of the driveway would be

paved, and the parking areas made of pervious material. He said that their engineer could not attend the hearing to answer that question, but a response will be obtained.

- The trash area is 22' long, with 9 divisions. But there are 10 units, so another division needs to be delineated. Will residents have to take their garbage to the street? Attorney Murphy said a commercial hauler will pick up the trash within the parking area. Mr. Bazarian said the trash enclosure would be a standard wooden one.
- Building 7 does not show an addition, which will be a garage, and there should be a section detail through the center of the house and garage, showing the exterior elevations on the final plan.
- Is the 10' by 10' electric area enclosed? Attorney Murphy said it would be a pad for the electrical transformer and will not be enclosed.
- The distribution pattern for the well that will be installed on the site needs to be delineated, including for that for irrigation purposes. In addition, its extent should be clarified on the site plan.

Mr. Mulliken thanked the applicant's representatives for eliminating the cul-de-sac and reconfiguring the site to reducing the paved material area. He reviewed his list of questions:

- The site plan and the architectural building plans showing the actual units are not coordinated in terms of where the units are located and how the buildings are labelled. He gave examples.
- There needs to be a clarification on A3 of the architectural plans, as there is a plan labelled, 'garage plan', but there are no garages shown for buildings 3 and 4.
- The site plan shows garage approaches at buildings 3 and 4 but doesn't show a sidewalk in front of the building that was mentioned previously. How does a resident access the building and will it be paved right up to the building?
- There are two different versions of the patios at Units 8 and 9, some are triangular, some rectangular.
- It is unclear what is going on between buildings 1 and 2 and buildings 3 and 4. The door at grade is not shown and a walkway and a set of stairs and is the hard line shown on the site plan a retaining wall?
- On the building and pavement plan, there is no indication as to what the pavement and the walkway materials will be or dimensions showing widths of both.
- The plans do not seem complete and final decisions about various elements have not yet been made.
- There is no location for the accessible unit or its parking space on the site plan.
- There is a notation for the 1" wide cape cod berm, but it is only shown on the northeast edge of the site plan. It shows a single line, and it should show as a double line. It is unclear where it goes or how far, and what the detail of it relative to the landscaped area is.
- Is one catch basin enough for the drainage down the driveway?
- There are two trees, a pine and an oak, at the two points where the driveway necks in. Can the green space around them extend outward more to give them more of a buffer and protection from vehicle damage?
- What kind of bike rack is being proposed?
- Details on fencing and its height need to be submitted.
- Are the trash bins enclosed? Attorney Murphy responded in the affirmative.

- There are retaining walls proposed to be located behind the buildings and in front of Unit 7. There needs to be more information submitted about materials and heights and how the grade will intersect those walls. He has a concern about the retaining wall shown in close proximity to the southwest boundary line. Are the walls stepping up with the grade? Mr. Bazarian said the walls will be under 4' high. The garage will be at the basement level of the building.
- The retaining wall that connects between buildings 1 and 2 and 3 and 4 that has a set of stairs going up to it. What happens there needs to be clarified. Mr. Bazarian said he would revise the site plan to illuminate the issue.
- A detail needs to be noted on the site plan showing all the stairs, including their height and the handrails.
- The front elevation of the existing building and the elevations of the extension need to be shown. A section would be helpful.

Attorney Murphy said he would get an opinion on how the driveway surfaces will impact the septic system, but he said that neither surface will impede the leaching process. Mr. Quesnell asked if the project could be conditioned and move forward. He volunteered to consult with Mr. Soulé to work on the conditions. Staff could then approve the revisions, including a thorough engineering report/assessment for drainage and water, when submitted. Mr. Soulé said that a calculation summary can be submitted demonstrating that on-site stormwater drainage is designed to handle a 25-year storm event or better. Mr. Quesnell asked Mr. Bazarian about materials for the bike rack and lighting. Mr. Bazarian said information about both has been submitted. He mentioned the adequacy of the size of, and amount of space in, the trash enclosure and he recommended the alternative of scheduling more trash pick-ups as opposed to increasing the size of the enclosure. Mr. Soulé recommended a condition that no trash overflow be allowed to occur on the site. Attorney Murphy noted that the intent was not to put more pavement on the site than what is existing, so the existing paved driveway will remain, and any additional driveway length will be comprised of pervious native stone. Mr. Quesnell said that the trash containers should be animal-proof. Mr. Soulé reviewed and clarified the proposed conditions with Attorney Murphy. Mr. Quesnell raised the issue of identifying the affordable unit and its parking space. Mr. Bazarian said the unit would be on the first floor of the first building and its parking space, which can be widened, if necessary, will be labelled 'Unit 1'. The Board commented on the conditions. Mr. Mulliken disagreed with allowing an approval of the project with conditions, saying that final decisions regarding several elements of the project were still needed, there were too many conditions mentioned, and the plans were still incomplete.

There was a motion by Jeffrey Mulliken to continue PLN 21-14 and PLN 21-15 to the January 13, 2022 Public Hearing at 6:00 P.M. Donna Walker seconded. VOTE: 5-0-0.

PLN 21-25

Application by **Ted Smith** seeking Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to revise a previously approved Site Plan Review (PLN 20-2012) involving a dormer, roof decks, and an access stair on the structure located at **41 Bradford Street Extension**. Brandon Quesnell, Jeffrey Mulliken, Paul Kelly, Mia Cliggott-Perlt, and Donna Walker sat on the case.

Presentation: Ted Smith appeared virtually to present the application. He reviewed the modifications from the previously approved plans. He said the drawings looked different, but none of the conditions related to the high elevation requirements have changed. He noted that on pages A 1.3R and A 1.3R, the proposed spiral stair will now be a straight-run stairway. The closet in the back will be enlarged. Both are highlighted on the plans. He said that the deck cut into the roof on the south elevation is still being worked on structurally, but it will not go above the roofline. On pages A 1.4 and 1.4R, the deck is larger, but still contained within roof and not higher than the ridgeline, the spiral stair is being replaced with a straight-run stairway and the cut-in deck is not shown, but he can revise that. On pages A 2.1 and 2.1R, the new deck is shown cut into the roof on the south elevation and not higher than the roofline. He noted pages A 2.2 and A 2.2R and the same revisions. Pages A 2.3 and A 2.3R, the back view, have the same revisions with the expanded deck to line up with the roof on the north elevation.

Public Comment: None. There were no additional letters in the file.

Board Discussion: The Board questioned Mr. Smith. It was the sense of the Board that the modifications were not in conflict with the HEP district requirements.

There was a motion by Jeffrey Mulliken to approve the site plan pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to revise a previously approved Site Plan Review (PLN 20-2012) involving a dormer, roof decks, and an access stair on the structure located at 41 Bradford Street Extension. Paul Kelly seconded.

VOTE: 5-0-0.

3. Work Session:

a) Approvals Not Required:

PLN 21-28

Application by **William N. Rogers, II**, on behalf of **Hilary H. Bamford Revocable Living Trust**, for endorsement of a plan believed not to require approval (ANR) to divide one lot, Lot 4, at **8 Willow Drive (Assessor's Map 12-3, Parcel 18)** to form two lots, Lots 4A & 4B, both 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.

PLN 21-29

Application by **William N. Rogers, II**, on behalf of **32 Pearl Street Property Trust**, for endorsement of a plan believed not to require approval (ANR) to combine two lots, Parcels I & II, located at **30 & 32 Pearl Street (Assessor's Map 13-2, Parcel 67)** to form Lot 1, 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.

PLN 21-30

Application by **William N. Rogers, II**, on behalf of **Cynthia Packard & Elizabeth R. Cohen**, for endorsement of a plan believed not to require approval (ANR) to combine and then convey Parcel I of **313 Bradford Street (Assessor's Map 15-3, Parcel 75)** and **311 Bradford Street (Assessor's Map 15-3, Parcel 76)** to **309 Bradford Street (Assessor's Map 15-3, Parcel 70)**, which will then be divided into Lots 2A & 2B, both of which contain 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.

By unanimous consent, per the Acting Chair, PLN 21-28, PLN 21-29, and PLN 21-30 were approved, as no Board member had an objection.

b) **Decisions:**

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**. No changes were made to the decision.

PLN 21-24

Application by **Lester J. Murphy, Esq.**, on behalf of **Marjorie Kehne**, seeking Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for alterations to a site to include installation of hardening and a native stone parking area and driveway, repair of an existing timber wall and installation of a new timber wall, installation of a concrete pad for the relocation of a generator, installation of a new propane tank and removal of existing tanks, approval of recently installed wood steps and adjacent plantings, and approval for recently installed solar panels on the property located at **774 Commercial Street**. No changes were made to the decision.

c) **Minutes of October 28, 2021:**

October 28, 2021: There was a motion by Donna Walker to approve the minutes of October 28, 2021 as written. Jeffrey Mulliken seconded. VOTE: 5-0-0 by roll call.

d) **Any other business that may properly come before the Board:** Mr. Quesnell asked about attendance at the December 23, 2021 Public Hearing. Those Board members present will be in attendance. He said that if there are no new hearings, the meeting will be cancelled.

There was a motion by Jeffrey Mulliken to adjourn the meeting at 7:29 P.M. Paul Kelly seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2021
Paul Graves, Chair