

PLANNING BOARD  
Meeting Minutes  
Thursday, February 13, 2014  
Judge Welsh Room  
6:30 P.M.

**Members Present:** Mark Weinress, John Golden, Marianne Clements, Grace Ryder-O'Malley and Brandon Quesnell.

**Members Absent:** Dorothy Palanza.

**Staff:** Gloria McPherson, Town Planner.

Chair Mark Weinress called the meeting to order at 6:35 P.M.

### **Meeting Agenda:**

#### **Public Comments:**

None.

#### **Case #FY14-05 Site Plan Review:**

**Application by Deborah Paine, Inc. on behalf of John Lamb and David Geiger** under the Zoning By-Laws Article 2, Section 2320, High Elevation Protection District A. The applicant seeks approval to remove an existing deck and construct an 18'6" x 21'6" addition with a flat roof and a roof deck above on the south elevation, construct a new deck on the south elevation with stairs down to grade and stairs up to the roof deck, modify existing dormers on the south side of the roof from hip roof dormers to gable roof dormers, push the front face of the dormers out slightly and add a door to the southwest dormer for access to the roof deck, connect the existing dormers on the south side of the roof with a new shed dormer to allow for more windows on the second floor and modify the existing dormers on the north side of the roof from hip roof dormers to gable roof dormers at the property located at **9 Telegraph Hill Road, Provincetown, MA (Res 1 Zone)**. A letter from the applicant requesting a withdrawal without prejudice was read into the record.

*There was a motion by Grace Ryder-O'Malley to grant the request to withdraw Case #FY14-05 without prejudice. The motion was seconded by Marianne Clements. VOTE 5-0-0.*

#### **Case #FY14-10 Site Plan Review:**

Application by **William N. Rogers, II, on behalf of Robin Reid and Donna Vaillancourt** requesting Site Plan approval under Article 2, Section 2320(c) of the Zoning By-Laws, High Elevation Protection District, Special Regulations for HEP Districts A and B, for the property located at **2 Willow Drive**.

William N. Rogers, II presented the application. In August 24, 2006, the applicant applied under Article 2, Section 2320(c) to install a septic system. A 35' by 20' section of the property to be used as the leaching facility was proposed by the applicant and approved by the Planning Board. The work was never done. The current proposal is to increase the cut on the street from 35' to 55'. In addition, a previously proposed concrete retaining wall will be revised to a wall

comprised of landscaping timbers. This area will be used for parking. A little grading will be done on the southwest corner of the timber wall and native plants and shrubs will be planted. The excavation volume will be approximately 104 cubic yards.

The Board questioned Mr. Rogers about what trees would be removed and whether lighting would be installed at the site. Only small scrub pines will be removed and no lighting has been proposed. The Board requested that if lighting is added, it should be constrained to the area and adhere to dark sky protocols. There were no letters in the file.

***There was a motion made by Marianne Clements to approve Case #FY14-10, Site Plan approval under Article 2, Section 2320(c) of the Zoning By-Laws. The motion was seconded by John Golden.*** The Board discussed conditions.

***There was a motion by Marianne Clements to approve Case #FY14-10, Site Plan approval under Article 2, Section 2320(c) of the Zoning By-Laws with the conditions that if lighting is utilized in the future it shall be dark sky compliant and that one tree only shall be removed for septic system installation. The motion was seconded by John Golden. VOTE 5-0-0.***

**Case #FY14-11 Site Plan Review:**

Application by **Attorney Charles Sabatt, on behalf of Designer Fragrances and Cosmetics Company, dba Kiehl's since 1851** requesting a waiver of Site Plan Review under Article 2, Section 2320(3) of the Zoning By-Laws, Formula Business-Regulated District, Regulated Uses, for the property located at **200 Commercial Street**. Grace Ryder-O'Malley filed a potential conflict of interest form with the Town Clerk and has spoken with an attorney at the State Ethics Committee who advised that she could sit on the case.

Attorneys Charles Sabatt and Christopher Snow presented the application. The applicant is a purveyor of skin and hair care products for men and women. There are 58 stores nationwide and the company maintains a low profile and does not advertise. There will be no structural changes to the building on the site. The only change is that the trim will be painted black and a sign will be placed on the structure. The business is not a destination business. There is nothing in the presentation that would trigger a site plan review. Attorney Sabatt reviewed the minutes of a Planning Board meeting with the proponent of the by-law. A passage he read from the minutes implied that if a building already existed on the site in question, the Board had the ability to waive the by-law. He asked that if the Planning Board agreed to the current request, there be language in the decision to the effect that the site has been approved "as it pre-exists".

John Paul Bianchi spoke in opposition to the application. There was one letter in opposition to the application.

The Board briefly discussed the application.

***There was a motion by John Golden to grant a waiver for Case #FY14-11 for Designer Fragrances and Cosmetics Company, dba Kiehl's since 1851. The motion was seconded by Grace Ryder-O'Malley. VOTE 5-0-0.***

*There was a motion by Marianne Clements to adjourn the Public Hearing and open the Work Session at 7:12 P.M. The motion was seconded by John Golden. VOTE 5-0-0.*

## **WORK SESSION**

FY14-08 Site Plan Review revised site plan and applicant's request for alternative plantings for 63 Shank Painter Road: The Planning Board reviewed the conditions of its approval of the project and the applicant's revised site plan. The applicant is of the opinion that, in regard to the Board's approved plan, short trees would hide the storefront and tall trees would interfere with power lines at the site. She has suggested that beds be planted on either side of the 25' driveway, in addition to bushes, shrubs and groundcovers. Her revised plan showed small 5' circular beds around the proposed four trees. The Board had approved one large 8' wide bed, incorporating both connecting two trees on either side of the entranceway to define the edge of the driveway. The Board discussed the site plan and what kinds of trees would be appropriate on the site. It decided that the applicant should implement the original plan approved by the Board, which included shade trees with one big bed on each side of the driveway. The applicant will need to submit a revised site plan.

### **Minutes of previous meetings:**

November 18, 2013: *There was a motion by Grace Ryder-O'Malley to approve the language as written. The motion was seconded by Marianne Clements. VOTE 5-0-0.*

December 16, 2013: *There was a motion by John Golden to approve the language as written. The motion was seconded by Grace Ryder-O'Malley. VOTE 4-0-1(Marianne Clements abstaining).*

January 6, 2014: *There was a motion by Grace Ryder-O'Malley to approve the language as amended. The motion was seconded by Marianne Clements. VOTE 5-0-0.*

The Board discussed an issue involving a house located in the HEP district where two decks, one upper and one lower, were being expanded. The Board discussed the definition of HEP 'expansions' versus 'additions' and if both should trigger site plan review. The Board would like to review all HEP projects, whether expansions or additions, as it would allow them to look at other aspects of the project from a Planning perspective.

### **Prioritize 2014 Work Session agenda items:**

Site Plan design and performance standards;  
Inclusionary housing by-law;  
Outdoor lighting; and  
Renewable energy.

Other ideas mentioned included accessory apartment and condominium conversion by-law revisions.

There was a motion by Marianne Clements to adjourn the Planning Board meeting of February 13, 2014 at 9:00 P.M.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2014  
Mark Weinress, Chair