

PLANNING BOARD  
Meeting Minutes  
Thursday, June 23, 2016  
Judge Welsh Room  
5:30 P.M.

**Members Present:** John Golden, Grace Ryder-O'Malley, Ryan Campbell, Steven Baker and David Abramson.

**Members Absent:** Brandon Quesnell (excused) and James Woods (excused).

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

Chair John Golden called the meeting to order at 5:41 P.M.

## **Meeting Agenda:**

### **1. Work Session:**

a) **Discussion of 137 Bradford Street project and the lack of Site Plan review approval:** Mr. Golden said that he asked the Building Commissioner to issue a 'Stop Work' order for the project at 137 Bradford Street until the Board could review and discuss the project with the owners. No site plan has been submitted to the Board. Ms. McPherson said that the work has essentially been completed, except for striping, and that she recommended that the fence around the parking area remain to protect the site for continued access control for random cars moving in and out. Removing the fence would make the situation more dangerous for the public. The Board discussed the situation.

*There was a motion by John Golden to leave the property as is, without removing the fence, until such time as there is a site plan submitted that gives the Board a better idea as to what is going on there. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.*

b) **Discussion with local developers regarding Inclusionary Zoning:** Doug Dolezal, Ted Malone, Abby Chapman and Chris Wise appeared to discuss the inclusionary zoning by-law with the Board. The Board was interested in finding out what issues the developers have with the by-law and how they could be resolved. Ms. McPherson said that at all but the higher end of the spectrum, residents are getting priced out of the market, and any inclusionary by-law will not totally solve the problem because of the desirability of living in Provincetown and the fact that the supply of housing will never be adequate for the demand. Local housing will need to be provided for a range of people and the discussion should also be focused on how to incentivize developers to build those units.

The discussion focused on smaller projects, those involving one to five units, and brainstorming ideas on how to best incentivize developers to create more affordable housing, while lowering their financial risks.

Ms. Chapman asked if the Board had looked at inclusionary by-laws from other cities or towns. According to Ms. McPherson, the Board has examined several New England cities' by-laws. She said that larger cities have less restrictive by-laws concerning building and are able to

generate more community housing as a result. She briefly reviewed several of those by-laws and why they succeed and added that it would be difficult to apply these because of the particular differences between those communities and Provincetown.

Mr. Dolezal pointed out some of the restrictions that disincentivizes the development of affordable housing in Provincetown. Payments in lieu and developmental impact fees were mentioned. Ms. McPherson said that one problematic issue with the payment in lieu for the inclusionary by-law was the uncertainty of the final assessed value and thus, what the payment would be. Mr. Malone asked about the difference between payments in lieu and developmental impact fees and posited that more fees would be paid than units developed. He said that local developers also tend to split up larger parcels to avoid developing affordable housing. He suggested that if the law were truly going to be inclusionary, there should not be a lower limit or the marketplace will always find ways of avoiding it. Ms. McPherson said that the decision as to whether the Town should accept cash to buy back units in the private market or explore the issue from the standpoint of charging developmental impact fees as an alternative is unclear. She briefly reviewed her experience with developmental impact fees in New Hampshire. She thought they were illegal in Massachusetts, but that there might be an exception for the Cape through the Cape Cod Commission. No one knew of examples of impact fees being used on the Cape.

Mr. Wise said that in his view, the math and the element of predictability were the most important pieces of the development process and that the ability of a developer to quickly identify any obstacles was paramount. He would like to see the permit process simplified. It was suggested that streamlining the local permitting process by creating a local 40B process might be productive. Ms. McPherson said that it was important for the Town to collect payments in lieu, albeit partial, for future projects. The Board could also consider just a flat fee. She said that the Town needed to address smaller projects because otherwise people will continually chipping away at achieving the affordable housing goal of 10% and creating community units, gaining 2, 3 or 4 units here and there, however every market rate unit that is created actually puts the Town in a worse position as far as the overall housing stock that is suitable for affordable or community housing. Thus, it is important to capture all of the smaller projects. She stated that everyone in the community should share in the creation of affordable housing units.

Mr. Dolezal agreed that it would be advantageous to somehow include everyone who could have an impact on creating more affordable housing, not just those who create new construction, including those who add units to, and those renovating, existing housing stock. Ms. McPherson said that adding value to an existing unit doesn't do the same for the community as creating a new unit. The state-mandated percentage is not affected by adding value to an existing unit, but adding a new unit does. Mr. Dolezal discussed inclusionary by-laws in the context of zoning by-laws and said that more mechanisms to incentivize developers and how to share the burden of developing affordable housing. Mr. Malone would support a local 40B permitting process and allowing the Planning Board to grant waivers of such requirements as lot size. Ms. McPherson said that the Board should think about using a floor area ratio and linking the development of a site to the total number of bedrooms and the total number of square footage that you can have in buildings as opposed to the number of dwelling units and create many smaller units or fewer larger units. A new way of looking at the Town's density and lot areas and addressing some of

the issues discussed is needed. She suggested a meeting to discuss that idea, even though it may be a harder sell at Town Meeting.

c) **Discussion with Michelle Jarusiewicz regarding the “Housing Playbook”:** Ms. Jarusiewicz said that she was returning with a first draft of the Housing Playbook for Board questions and comments. She said that the first draft was done before spring Town Meeting and thus changes would be made pursuant to that event, such as changes in income limits, and that she had added a sections to explain the process and on acronyms. Comments from the Urban Land Institute will be added as well. The Board discussed the Playbook and made suggestions, such as including an executive summary, or snapshot, at the beginning of it, which could be used to track changes. Ms. Ryder-O’Malley reviewed the questions and issues she had sent to Ms. Jarusiewicz. Ms. Jarusiewicz said that she would be adding an attachment naming the different funding sources and amounts available from those sources. She said that in July, Massachusetts Housing Partnership would be coming to do a public information session on how to do small developments and another on the Mass. Housing Authority.

d) **Discussion with Bill Docker, Chair of the Beautification Committee:** Mr. Docker was not present.

## 2. **Public Comments:**

Jim Turner, an abutter to the 350 Bradford Street project, commented on what he considered unprofessional and counterproductive behavior on the part of a Board member, which resulted in the loss of four year-round apartments. One of his tenants told him that a Planning Board member allegedly said that the project at 350 Bradford Street was definitely moving forward. Mr. Turner had informed his tenants that if the project were approved, he would sell his property and move. He has conveyed his disagreement with the project to this Board member and Ms. McPherson at a site visit. Mr. Turner felt compelled to put his rental units on the market based on the alleged conversation and will be moving to California. Ms. McPherson indicated that there was probably a miscommunication amongst the parties involved.

## 3. **Public Hearings:**

a) **Case #FY16-28** (*continued to July 14, 2016 Public Hearing*)

**Application by BPJC, LLC** requesting Site Plan Approval and a Special Permit pursuant to Article 4, Special Regulations, Section 4015 Site Plan Review by Special Permit, of the Zoning By-Laws to construct 13 residential units, a septic system and associated site development, including earth moving of greater than 750 cu. yds. at the property located at **350 Bradford Street**.

b) **Case #FY16-29** (*continued to July 14, 2016 Public Hearing*)

**Application by William N. Rogers, II, on behalf of AR Franklin, LLC** requesting a Special Permit pursuant to Article 4, Section 4015 Site Plan Review by Special Permit, of the Zoning By-Laws to construct two duplexes comprising four one-bedroom units at the property located at **65 Franklin Street**.

c) **Case #FY16-31**

**Application by Holly Tarleton, on behalf of Deirdre Tasha**, requesting Site Plan Approval and a Special Permit pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws, to construct a new 10' by 12' deck at the back of the house at the property located at **8 Webster Avenue**.

Holly Tarleton, president of The Art of Construction, appeared to present the application. She said that the applicant seeks to construct a 10' by 12' deck at grade that will also function as an egress from the structure. The property is flat and the deck will be constructed within the setbacks.

The Board questioned Ms. Tarleton. The Board recommended that the lighting fixture on the deck, to the left of the slider, be a full cut-off fixture.

There was neither public comment nor letters in the file.

*There was a motion by Ryan Campbell to approve Case #FY16-31, application by Holly Tarleton, on behalf of Deirdre Tasha, requesting Site Plan Approval and a Special Permit pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws, to construct a new 10' by 12' deck at the back of the house at the property located at 8 Webster Avenue with no conditions. Steven Baker seconded. VOTE: 5-0-0.*

d) **Case #FY16-32**

**Application by Provincetown Department of Public Works, on behalf of the Provincetown School Committee** requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to install three shade structures, one over a play area and two smaller structures over a picnic area at the VMCC playground located at **12 Winslow Street**.

Eric Larsen, Deputy Director of the Department of Public Works, and Brandon Motta, Recreation Director, appeared to present the application. Mr. Larsen described the project and added that it was approved for funding at the last Town Meeting and has been approved by the Historic District Commission. Minimal excavation will occur in the installation process. The footings are 30" wide and will be placed 4' deep. The ridgeline of the structure is 15' 9" high. There will be no lighting installed.

The Board questioned Mr. Larsen.

*There was a motion by Grace Ryder-O'Malley to approve Case #FY16-32, application by Provincetown Department of Public Works, on behalf of the Provincetown School Committee requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to install three shade structures, one over a play area and two smaller structures over a picnic area at the VMCC playground located at 12 Winslow Street. David Abramson seconded. VOTE: 5-0-0.*

4. **Work Session (cont'd)**

a) **Discussion regarding Board of Selectmen's June 27<sup>th</sup> Public Hearing on brick sidewalks:** The BOS is looking for comment from the Board. Ms. Ryder-O'Malley reviewed the meeting that she attended about the issue. A brief discussion ensued. *There was a motion by Steven Baker to support the installation of brick sidewalks. Ryan Campbell seconded. VOTE: 5-0-0.*

b) **Vote on Planning Board representative to the Community Preservation Committee:** *There was a motion by John Golden to vote for Brandon Quesnell to continue as the Planning Board's representative on the CPC. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.*

c) **Minutes of April 23<sup>rd</sup>, August 27<sup>th</sup> and October 22, 2015, January 14<sup>th</sup>, January 26<sup>th</sup>, February 11<sup>th</sup>, March 24, April 28<sup>th</sup>, May 12<sup>th</sup> and June 9, 2016 meetings.** The approval of these minutes was tabled.

d) **Reminder of Joint BOS/Planning Board Meeting on Monday, July 11<sup>th</sup>:** Ms. McPherson reminded the Board of the Joint Meeting with the BOS when inclusionary zoning will be discussed, as well as any other zoning issues the Board might want to raise.

e) **Any other business that may properly come before the Board:** Ms. Ryder-O'Malley raised the issue of Town Board email policy and suggested that it be discussed at the next meeting. Ms. McPherson clarified that if Town Board members use either their private email addresses or email addresses assigned by the Town, she needs to be cc'd.

There was a motion by Mr. Abramson to adjourn the Planning Board meeting at 7:00 P.M.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2016  
John Golden, Chair