

PLANNING BOARD  
Meeting Minutes  
Thursday, August 25, 2016  
Judge Welsh Room  
6:30 P.M.

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

**Members Absent:** Brandon Quesnell, Ryan Campbell (both excused).

**Staff:** Gloria McPherson, Town Planner and Ellen C. Battaglini, Permit Coordinator.

Chair John Golden called the meeting to order at 6:31 P.M.

### Meeting Agenda:

1. **Public Comments:** None.
  
2. **Discussion with Rik Ahlberg, Bike Committee representative, regarding bike rack specifications:** Mr. Ahlberg reviewed a document entitled, "Essentials of Bike Parking", standards and guidelines for bicycle parking, written by the Association of Pedestrian and Bicycle Professionals. He said that he was responding to an article in The Banner stating that the Planning Board would be conditioning projects to require developers to provide bike parking for their projects, but there weren't any specifications to guide the Board. The document includes what racks are available on the market and how well they work in particular situations. The Bike Committee in endeavoring to improve bike parking and increase bike racks in Town has discovered that certain racks work better than others, despite what manufacturers of those racks claim. The Committee is trying to improve bike parking in Town and would like to provide a bike parking experience that is easy, consistent and standardized throughout Town. He highlighted several types of racks at different locations around Town that he thought were successful and those that he thought were unsuccessful. He briefly reviewed dimensional and placement guidelines and pointed out both good and bad examples around Town. He recommended that the Board use the information when reviewing projects. The Board questioned Mr. Ahlberg.
  
3. **Discussion with Rik Ahlberg, Bike Committee and Gloria McPherson, Town Planner, regarding Complete Streets Policy:** This discussion was postponed.
  
4. **Discussion with Margaret Murphy of Trees Provincetown, Inc. regarding a proposed Tree By-Law:** Rich Waldo, Department of Public Works and Tree Warden, and Margaret Murphy, of the non-profit group Trees Provincetown, Inc., appeared to discuss their proposed Tree By-Law. Mr. Waldo said that they would like to get the support of the Board for the by-law to protect public shade trees in Town. They would like to place it on the warrant for the 2017 Spring Town Meeting. The by-law is based on M.G.L. c. 87, a statute that protects public shade trees. The by-law has a provision for the creation of a tree advisory group who would assist the Tree Warden in the decisions regarding the maintenance, location and removal or trimming of trees around Town as well as standards and recommendations for planting trees, such as site selection. The group would communicate with the Board during its site plan reviews. The by-law

has been revised several times and he would appreciate the Board's input. Ms. McPherson suggested that a Board member be placed on the tree advisory group. The Board questioned Mr. Waldo and Ms. Murphy and discussed revisions, including the provision about the amount of time in which the advisory group has to comment on a site plan review and not having to prolong a site plan review process more than necessary. The Board suggested a change that instead of giving the tree advisory group 30 days from the date of the public hearing to comment, that it is 30 days from the date the site plan review is stamped in by the Town Clerk's office. Mr. Waldo said he will come back in the spring of 2017, before Town Meeting to allow the Board to review the final version and take a formal vote whether to support it.

## **5. Public Hearings:**

### **a) Case #FY16-33**

Application by **Steven N. Avruch** and **Edward G. MacLean** requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (B), of the Zoning By-Laws, to renovate the exterior of a structure, including reducing the number and size of existing decking, shortening and re-configuring a driveway, adding off-street parking, re-configuring and re-grading the northwesterly and southwesterly yards and installing retaining walls at the property located at **119R & 129R Bradford Street Extension**.

Attorney Andrew Singer, on behalf of the owners, and Ed MacLean, an owner and the landscape designer, appeared to discuss the application. The structure is being redesigned and redeveloped, specifically renovating the exterior, including reducing the number and size of existing decking on the north and west side for aesthetic reasons and for the purpose of standardizing the design. The project will also include a shortening and reconfiguring of a driveway, adding off-street parking in place of an existing curb cut and reconfigure and re-grade the northwesterly and southwesterly yards. Re-built retaining walls will replace unorganized concrete block structure that encroaches from off the site and will be more attractive and of a more efficient design and configuration. He said that the project does meet the requirements for Article 2, Section 2320 (B) of the Zoning By-Laws and upholds the purpose of protecting the high elevation district and the site plan review provisions. There will be no change in the residential use of the structure or its height, however there will be a small reduction in the footprint. Lot coverage will decrease to 11% from 12.9% and green area will increase to 75%. Native trees and plants will be used for landscaping. The proposed changes will result in the structure better integrating into the natural landscape and the proposal will result in the structure being compatible and in keeping with the character of the neighborhood. Grading and earth-moving for the proposed changes and landscaping will only involve 459 cu. yds. of cut and fill. Attorney Singer emphasized that there would be no negative impact on off-street parking, no increase in traffic congestion, no negative impact on traffic safety, no adverse impact on water supply or drainage of water, with all run-off being discharged on site. The project will have no impact on public health, public safety or on the convenience or general welfare of the Town.

There were two letters in the file from abutters who supported the project.

The Board questioned Attorney Singer and Mr. MacLean about the project. Proposed light fixtures were reviewed. The Board requested that the lighting be compliant with dark sky protocols.

***Steven Baker moved to grant Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (B), of the Zoning By-Laws, to renovate the exterior of a structure, including reducing the number and size of existing decking, shortening and re-configuring a driveway, adding off-street parking, re-configuring and re-grading the northwesterly and southwesterly yards and installing retaining walls at the property located at 119R & 129R Bradford Street Extension with the condition that the Hinckley Nyuvi 10 pack 15446BZ-10 wall lights be installed in the proper manner facing downward and under a stone cap. Dave Abramson seconded. VOTE: 4-0-0.***

b) **Case #FY17-04**

Application by **William N. Rogers, II P.E., P.L.S.**, representing **Two Nelson Avenue, LLC**, requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws, for the construction of an 18' x 26' addition with a second dwelling unit, a 26' x 24' garage with artist studio above and a new septic system, with associated site work, landscaping and parking at the property located at **2 Nelson Avenue**.

William N. Rogers, II and Gary Locke, of William N. Rogers, Civil Engineers and Land Surveyors, and Bill Bond and Fred Leary, the owners of the property, appeared to present the application. The existing structure contains two units with three bedrooms and the applicants seek to add an additional dwelling unit and a garage with an artist studio. The existing lot coverage 12.4 %, the proposed coverage is 24.7%. The existing green space is 80.0%, and the proposed is 52.4%. The existing dwelling with 2 units and 3 bedrooms will be converted to 2 units with 2 bedrooms, with one bedroom being moved to the new addition. They have revised the low voltage lighting on the site to be dark sky compliant. The proposal attempts to beautify the lot and have hired a horticultural consultant to create a landscape plan. The total cut and fill is 322.3 cu. yds.

Michael Ciaglo, an abutter, asked about tree removal on Warren Avenue. Pat Franzese, an abutter, expressed her concern about the garage/artist studio being converted into a dwelling unit, as many have been in Town over the last 30 years and asked about parking on the site.

The Board questioned Messrs. Locke, Rogers, Bond and Leary. The Board was concerned about the illegal parking on the property on Race Point Road and asked if that situation could be prevented. Mr. Locke said that landscaping features could be used. The Board questioned Mr. Locke about the removal of trees on the lot, and, in particular a large tree that had already been removed, asking if the owners would agree to mitigate by replanting. Mr. Bond explained why the tree had been removed and that two trees would be planted to replace it. The Board discussed shade trees, reviewed the proposed planting plan and suggested mitigation options. Mr. Locke said that the owners would remove the least amount of trees as possible when constructing the garage. The Board discussed the trees along Warren Avenue and the proposed grading. It suggested that any trees removed must be replaced with a 2" caliper trees. Mr. Locke said that all disturbed areas would be re-planted with native trees and shrubs. Mr. Golden volunteered to meet with the applicants and Mr. Locke at the site tomorrow to document the trees and discuss

options. The Board requested that the southeast tree, a Hawthorn, fronting Nelson Avenue shown on the plan be replaced with a bigger shade tree.

*Grace Ryder-O'Malley moved to grant Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws, for the construction of an 18' x 26' addition with a second dwelling unit, a 26' x 24' garage with artist studio above and a new septic system, with associated site work, landscaping and parking at the property located at 2 Nelson Avenue with the conditions that any trees removed due to the construction of the garage/artist studio shall be replaced with a minimum 2" caliper native trees and that the southeast tree fronting Nelson Avenue currently a Hawthorn, shall be replaced with a minimum 2" caliper native shade tree. Steven Baker seconded. VOTE: 4-0-0.*

c) Case #FY17-05

Application by **Regina Binder** representing **Scott Van Hove**, requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (B), of the Zoning By-Laws, for the construction of an 8' x 8' shed in the southeast corner at the property located at **162 Bradford Street Extension**. The Board received a request from Ms. Binder, on behalf of her client, to withdraw the case without prejudice. *Dave Abramson moved to grant the request to withdraw Case #FY17-05 without prejudice. Steven Baker seconded. VOTE: 4-0-0.*

6. Work Session:

a) Pending Decision

Case #FY16-28

Application by **BPJC, LLC** requesting Site Plan Approval and a Special Permit pursuant to Article 4, Special Regulations and 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**.

John Golden, Steven Baker and Grace Ryder-O'Malley shared the reading of the decision. The Board discussed the decision and made revisions. Ms. McPherson will make corrections before the Chair signs and the decision is filed.

Ms. McPherson reminded the Board of its Joint Meeting with the Board of Selectmen scheduled for September 26, 2016, to talk about Senate Bill 2311, the Zoning Reform Act, inclusionary zoning and to discuss other potential zoning and general by-law amendments. The Board can discuss the topics at its September 8<sup>th</sup> or September 22<sup>nd</sup> meeting in preparation for the joint meeting.

b) Discussion regarding Charter revisions to section on Planning Board: Ms. McPherson asked the Board to review the Charter and suggest changes for a later discussion.

c) Discussion regarding the draft Inclusionary By-Law: Ms. McPherson reviewed the changes from the Board's last discussion. In 4 (a) (2) i, Year round rental unit development, she changed it to the lien system. The Board briefly discussed the revision. She did try to get an answer regarding the gap in letter v. in regard to payments in lieu. She hasn't yet run the

numbers or gotten the relevant information from Michelle Jarusiewicz. The density bonus excepts Res 1 now. Letter e under Density Bonus, she changed the percentage from 50% to either 200% (for a total of three units on a lot) or 100% (for a total of two units on a lot). Ms. McPherson said that this would be a policy decision on the part of the Board and it can discuss this with the BOS. The Board briefly discussed the issue. Doug Dolezal joined the discussion. She called the Board's attention to the building height bonus potential language. She also listed some possible fees to be reduced under the Fee Reduction Bonus section. She will revise the by-law based upon the discussion. She added that the note on the last page about encourage community housing units and encourage home-ownership for middle-income residents with the goal of enhancing the year-round community would most likely be a policy discussion with the BOS at the joint meeting.

d) Mapping for increased density overly zone for seasonal housing: This topic was postponed.

e) Update on 137 Bradford Street: Ms. McPherson updated the Board on the issue. Temporary barriers replaced the construction fencing so the parking area could be used at the site. It can give the PB good information to see if the proposed layout will be efficient for traffic purposes in light of the submission of an application for site plan review. The Board briefly discussed the situation at the site. She asked the Board to let her know if they observe any issues concerning traffic at the site.

f) Minutes of April 23<sup>rd</sup>, August 27<sup>th</sup> and October 22, 2015, January 14<sup>th</sup>, March 24, April 28<sup>th</sup>, June 9, and August 11, 2016 meetings.

**August 11, 2016: There was a motion by Steven Baker to approve the minutes of August 11, 2016 as written. Dave Abramson seconded. VOTE: 4-0-0.**

g) Any other business that may properly come before the Board:

There was a motion by Dave Abramson to adjourn the Planning Board meeting at 9:30 P.M.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2016  
Grace Ryder-O'Malley, Acting Chair