

PLANNING BOARD
Meeting Minutes
Thursday, December 8, 2016
Judge Welsh Room
6:30 P.M.

Members Present: Grace Ryder-O'Malley, Brandon Quesnell, Ryan Campbell, Steven Baker and Dave Abramson.

Members Absent: John Golden (excused).

Staff: Ellen C. Battaglini, Permit Coordinator.

Acting Chair Grace Ryder-O'Malley called the meeting to order at 6:32 P.M. She announced that the discussion regarding the Inclusionary By-Law would be postponed because of the absence of the Town Planner, Gloria McPherson, and several Board members. The discussion will take place at the next Planning Board meeting on January 12, 2017.

Meeting Agenda:

1. **Public Comments:** David Garten said that he had attended the Town Forum a couple of weeks ago and found it helpful. He commended the Board for its revisions to the Inclusionary By-Law and suggested more public outreach before it is presented at the spring Town Meeting.

2. **Public Hearings:**

Cases #FY17-06 & #FY17-07:

Application by **Coastal Custom Builders** requesting Site Plan Approval pursuant to Article 2, Section 2320, High Elevation Protection District (B), and a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws, for the demolition of an existing single-family house and garage and the construction of a new single family residence with a carport, pool, landscaping, new septic system and associated site work, including earth moving of more than 750 cu. yds. at the property located at **226B Bradford Street**.

Attorney E. James Veara, representing the property owners, and Tim Klink, of Coastal Custom Builders, appeared to present the application. Attorney Veara explained that the proposal includes the razing of two buildings, a main and an accessory structure, and the rebuilding of a new principal structure. The project will include earth moving in an amount greater than 750 cu. yds. Specifically, the volume of excavation will be 1,285 cu. yds. on what is a very large lot of 82,269 sq. ft. The lot is located in both High Elevation Protection Districts A and B, however no work will take place in the highest of the two, District B. The project fully conforms to the Zoning By-Laws and has obtained a Special Permit from the Zoning Board for a proposed swimming pool. The proposed structure will have a single story with just over 2,500 sq. ft. of living space and will include exterior decking. In addition to a swimming pool, an upgraded septic system will be installed on the site. He referenced the criteria of Article 2, s. 2320 (A), High Elevation Protection District, that were relevant to the project, the most important being that the property owners have chosen to place the structure on the southern portion of the lot,

which is situated at a low elevation and will be directed away from the crest of the highest elevation on the site.

According to Attorney Veara, because the project triggers Site Plan Review, Article 4, s. 4035, Review Criteria, is relevant. He said that the project meets the residential design standards of s. 4163, in that the plan is in accordance with the Zoning By-Laws and is consistent with the goals of the Local Comprehensive Plan. In terms of the latter, the structure will be located on the south portion of the lot, preserving an existing dune area, and will satisfy the LCP goal of rebuilding and revitalizing older structures in order to increase the local tax base. In regard to s. 4163, Attorney Veara reviewed the criteria as applicable, or non-applicable, to the project. He stated that the project addressed the requirements of Article 5, s. 5331, regarding the submission of a Development Impact Statement that sets forth the probable impact or effect of the proposed project on the neighborhood and the Town in general. Rather than submitting a Statement, Attorney Veara reviewed the criteria and explained how the project would impact, or not impact, such things as water supply and quality, drainage and runoff from the property, proposed filling, cutting or other alteration of the topography, roads to the site, including carrying capacity, maintenance and safety, Town facilities and safety services, such as Fire and Police, and administration and solar access to neighboring buildings. He argued that there would not be any detrimental impacts due to the proposed use of the property, as the use of the property was not changing. He also added that the property owners had taken care to disturb as little vegetation and natural features on the property as possible in light of its review with the Conservation Commission, which has approved the project. The project will not impact the safety and convenience of pedestrian and vehicular movement within the site and in relation to abutting properties. The project will be in conformity with the Illumination Standards of Article 3, s.3430.

There was no public comment and there was 1 letter in the file in support of the project.

The Board questioned Attorney Veara and Mr. Klink. The Board questioned Mr. Klink about the lighting for the proposed project. The Board requested the applicants submit cut sheets for all exterior lighting fixtures. It discussed the width of the access road and the driveway and its adequacy for handling the passage of construction and public service vehicles, such as fire trucks and ambulances. The Board would like to see written comments from the Fire Chief regarding access. The Board discussed requiring the applicant to post a performance bond for potential damage to the access road.

Attorney Veara requested a continuance to the January 12, 2017 Public Hearing at 6:30 P.M. ***Ryan Campbell moved to grant the request to continue Cases #FY 17-06 and #FY17-07 to the January 12, 2017 Public Hearing at 6:30 P.M., Dave Abramson seconded and it was so voted, 5-0.***

3. Work Session:

- a) **Discussion regarding the Inclusionary By-Law:** This discussion has been postponed.
- b) **Discussion regarding the Complete Streets Policy:** This discussion has been postponed.

- c) **Discussion regarding draft Food Truck Survey:** This discussion has been postponed.
- d) **Update on 137 Bradford Street:** This discussion has been postponed.
- e) **Discussion of planting list (not ready)**
- f) **Discussion of proposed standard conditions for telecommunications facilities (not ready)**
- g) **Minutes of April 23rd, August 27th and October 22, 2015, January 14th, March 24th, April 28th, June 9th and November 10, 2016 meetings.**

November 10, 2016: *There was a motion by Ryan Campbell to approve the minutes of November 10, 2016 as amended. Brandon Quesnell seconded. VOTE: 5-0-0.*

h) Any other business that may properly come before the Board: The Board discussed a tree removal issue at 350 Bradford Street. Ms. Ryder-O'Malley explained that it was brought to her attention that when shoring was being installed at the property last week, Chris Wise, the developer of the property, wanted to remove several trees whose roots were impeding the process of installation. He contacted the Conservation Agent, Deb Albenberg, about the issue. She went to the site and made a field change, allowing the trees to be removed. The Board was not informed of the issue before the field change was made even though it had jurisdiction over the project. Ms. Albenberg did require Mr. Wise to mitigate the removal, however Ms. Ryder-O'Malley was unclear whether the plan she proposed was viable. The Board was concerned that it was not informed of the request to remove trees so a site visit could have been done and mitigation discussed. The Board briefly discussed the situation and requested that Mr. Wise attend the next Board hearing on January 12, 2017, and submit a copy of the approved plan and a revised plan without the trees that were removed.

There was a motion by Brandon Quesnell to adjourn the Planning Board meeting at 7:30 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
John Golden, Chair