

PLANNING BOARD
Meeting Minutes
Thursday, February 23, 2017
Judge Welsh Room
5:30 P.M.

Members Present: Grace Ryder-O'Malley (arrived at 6:39 P.M.), Brandon Quesnell, Steven Baker and Dave Abramson.

Members Absent: John Golden (excused), Ryan Campbell (excused).

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

Also: Attorney Ilana Quirk, Town Counsel, Doug Dolezal and Paul Kelly (for Work Session only).

Acting Chair Steven Baker called the Meeting to order at 5:41 P.M.

1. Work Session

a) Discussion regarding the draft Inclusionary By-Law: The Board discussed the latest draft of the Inclusionary By-Law with Attorney Quirk.

b) Discussion of final draft of proposed Tree By-Law: Rich Waldo, Director of the Department of Public Works, and Margaret Murphy, an environmental attorney, appeared to discuss the most recent draft. Mr. Waldo reiterated the goal of the by-law, which is to bring the local regulations into compliance with state statutes. Ms. Murphy reviewed some of its important points. The Board questioned Mr. Waldo and Ms. Murphy.

There was a motion by Brandon Quesnell to endorse the proposed Tree By-Law as presented. Dave Abramson seconded the motion. VOTE: 3-0-0.

Acting Chair Grace Ryder-O'Malley called the Public Hearing to order at 6:45 P.M.

2. Public Comments: Scott Caldwell, of 139 Bradford Street, voiced his dissatisfaction with spillover from a newly-installed light pole in the parking area of the abutting property owned by 7-Eleven and asked the Board to pay attention to that aspect of the project when it is reviewing the project. He also added that he supported the conversion of the retail space at 132 Bradford to a CVS Pharmacy.

3. Public Hearings:

a) **Case #FY17-14**

Application by **William N. Rogers, II, P.E. & P.L.S.**, on behalf of **Milan Realty, LLC**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws, to construct a second floor addition for employee housing on a commercial property with a curb cut greater than 25% of its existing street frontage located at **130 Bradford Street**.

William N. Rogers, II, P.E. & P.L.S., a local civil engineer, and Ken Pandya, the owner of the property, appeared to present the application. Ms. McPherson explained to Mr. Rogers that a Special Permit required a super majority vote of the Board and because only four members seated on the case, a unanimous vote would be required. The applicant had the choice of postponing until five members were available or proceed with the presentation. Mr. Rogers, on behalf of the applicant, chose to proceed. He pointed out the changes that were made after he and the applicant had met with staff, including Eric Larsen, Deputy Director of the Department of Public Works, and two Planning Board members, including a re-configuration of parking spaces and parking flow and the addition of landscaping.

Ms. McPherson reviewed staff comments regarding the project in the context of the entire intersection. Mr. Waldo, DPW Director, joined the discussion.

There were no public comments or letters in the file.

Ms. McPherson reported on staff suggestions for amending the site plan to include dimension lines showing the width of the sidewalks and the granite curbs, suggesting that the sidewalks be 4' of pavement with 6" of granite curbing on each side and flush curbing where there is an opening to keep the line of the sidewalk continuing from 132 Bradford Street. She said that Mr. Waldo had suggested possibly making Standish Street in that area two ways, up to Standish Avenue, to facilitate parking at 132 Bradford Street and as access for fuel trucks servicing the property. She asked Mr. Rogers to clarify parking and pedestrian circulation on the site, given that employee housing is being added to the building. The Board discussed the parking with Mr. Rogers and the option of seeking a parking waiver for the residential unit from the Zoning Board of Appeals. Mr. Rogers was asked to clarify the plans for landscaping on the heavily developed site. The Board questioned Mr. Rogers and discussed traffic in relation to the entire intersection. Mr. Waldo explained the Town's plan for re-configuring the intersection and installing sidewalks.

The Board made recommendations regarding bike racks and lighting for the site, the latter of which has to be dark sky compliant. The Board requested an amended site plan to include lighting specifications, bike racks, landscaping and placing utilities underground for the phone booth and on the north side of the property. Mr. Rogers requested a continuance to the March 9, 2017 Public Meeting. *There was a motion by Steven Baker to grant the request to continue Case #FY17-14 to the March 9, 2017 Public Hearing at 6:30 P.M. Dave Abramson seconded the motion. VOTE: 4-0-0.* Steven Baker will be writing the decision.

The Board briefly discussed scheduling a special meeting to further discuss the inclusionary by-law. The issue was tabled.

b) **Case #FY17-17** (request to postpone to the hearing of March 9th)
Application by **TMC New England, LLC c/o T.M. Crowley & Associates**, on behalf of **Riley Brothers Realty, LLC**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, a (4), Site Plan Review by Special Permit, of the Zoning By-Laws for exterior

building, sidewalk, landscaping and parking improvements on a commercial property with a curb cut greater than 25% of its existing street frontage located at **132 Bradford Street**.

c) **Case #FY17-18**

Application by **Chad, LLC** and **Villa, LLC** requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to amend a previously-approved site plan for the property located at **336R Commercial Street**.

Diane DiCarlo and Jeanne Leszczynski, the owners of the property, appeared to present the application. Ms. Leszczynski said that they seek to amend a 1993 site plan, approved by the Planning Board, to add two parking spaces for electric car charging in the parking area at the rear of the property. These spaces were added about three years ago and they were not aware that the installation of the charging stations would need Board approval. Further, they seek to memorialize an addition of a handicapped space near the entrance to the building and the re-location of five spaces originally approved on the 1993 site plan on the northeast wall of the property that were actually used along the back of the fence. The new site plan was engineered to include these new spaces. They are seeking confirmation from the Board that their guests are able to use the five parking spots. They also requested that two security gates; one on the north side of the property, which had been present at one point, but then removed upon the request of abutters, and one on the Freeman Street side of the property, not be required to be installed.

Attorney Tom Ellsworth, on behalf of Purple Point, LLC, owner of an abutting business and currently engaged in litigation with the applicants, spoke in opposition to the application. There were 2 letters, one from Mr. Okun and another from an attorney in the firm representing Purple Point, LLC, in opposition to the application and alleged that the applicants had no standing in the matter. There were 13 letters in support of the application.

The Board questioned Ms. DiCarlo and Leszczynski. They claimed that the issue in front of the Board had nothing to do with the pending litigation. Ms. McPherson reviewed the report of the Cape Cod Commission regarding the site. The Board discussed the application and the implications for the safety of cars and pedestrians on the site in regard to the amendments. The Board would like a comment from the Fire Chief and Cape Cod Commission regarding the location of the three new spaces, the handicapped plus the two charging stations, and the reconfiguration of the five spaces. Types of bike racks, such as post and ring and inverted 'U', were suggested by the Board and, if possible, it was requested that the handicapped parking space be made larger in order to accommodate a van.

The Board questioned the applicants about lighting on the site. Only one light above the charging stations would be new, according to the applicants. The Board requested that the light be dark sky compliant and the specifications for and location of it be indicated on the site plan. It was recommended that the applicants suggest more sites for proposed bike racks. Ms. McPherson suggested that the applicants add dimensions for distances between parking spaces 1 and 5 and notate the exclusive use area of the property on the proposed site plan.

There was a motion from Dave Abramson to continue Case #FY17-18 until the March 9, 2017 Public Hearing at 6:30 P.M. The motion was seconded by Steven Baker. VOTE: 4-0-0. Dave Abramson will be writing the decision.

4. **Work Session** (continued):

c) **Case #FY17-19**

Application by **William N. Rogers, II, P.E. & P.L.S.** on behalf of **Seventy-One Race Point Road, LLC** and **Two Nelson Avenue, LLC** for endorsement of a plan believed not to require approval (ANR) to create two conforming lots and a parcel where only one lot was located and combine the parcel to form a third conforming lot at the properties located at **71 Race Point Road (Map & Parcel 9-2-4-0)** and **2 Nelson Avenue (Map & Parcel 9-2-5-0)**.

William N. Rogers, II, P.E. & P.L.S., a local civil engineer, representing the applicants, appeared to present the application. He reviewed the site plan and why the lots were divided as shown on it. The Board questioned Mr. Rogers.

Steven Baker moved to endorse a plan believed not to require approval (ANR) to create two conforming lots and a parcel where only one lot was located and combine the parcel to form a third conforming lot at the properties located at 71 Race Point Road (Map & Parcel 9-2-4-0) and 2 Nelson Avenue (Map & Parcel 9-2-5-0). Dave Abramson seconded. VOTE: 3-0-1 (Brandon Quesnell abstaining).

d) Pending Decisions:

i) **Cases #FY17-06 & #FY17-07: (Ryan)**

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**. The decision was not ready.

ii) **Case #FY17-13 (Grace)**

Application by **William N. Rogers, II**, on behalf of **Elizabeth S. Athineos**, requesting a Special Permit pursuant to Article 4, Section 4015, **Site Plan Review by Special Permit**, of the Zoning By-Laws, to construct a second floor addition and install a retaining wall on a commercial property with a curb cut greater than 25% of its existing street frontage located at **63 Shank Painter Road**.

William N. Rogers, II, P.E. & P.L.S., a local civil engineer, had submitted an amended site plan based upon the Board's previous discussion of the application. He reviewed and discussed the changes. The Board requested that Mr. Rogers amend the site plan again to show the location of the drywells and new bike racks. On the draft decision, the Board decided that condition #4 would be amended to strike the phrase, "...fence should be level and step down at the end of each parking space." Condition #5 will be amended to add the phrase, "for final Planning Board approval".

Ms. Ryder-O'Malley read the draft decision. She will amend it.

e) **Annual Board Organization:** Postponed.

i) Election of Chair

ii) Election of Vice Chair

f) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan:** Postponed.

g) **Discussion of planting list** (placeholder)

h) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder)

i) **Minutes of April 23rd, August 27th and October 22, 2015, January 14th, March 24th, April 28th, June 9th, December 8, 2016 and January 26 and January 31, 2017 meetings.**

January 26, 2017: *There was a motion by Dave Abramson to approve the minutes as amended. Steven Baker seconded. VOTE: 4-0-0.*

j) **Any other business that may properly come before the Board:** A meeting was scheduled for Tuesday, February 28, 2017 at 6:30 P.M.

The Board briefly discussed the draft Inclusionary By-Law and the Formula Business By-Law.

There was a motion by Brandon Quesnell to adjourn the Planning Board meeting at 10:00 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
John Golden, Chair