

PLANNING BOARD
Meeting Minutes
Thursday, May 11, 2017
Judge Welsh Room
6:30 P.M.

Members Present: John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell and Dave Abramson (alternate).

Members Absent: Brandon Quesnell (excused).

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

Chair John Golden called the Meeting to order at 6:33 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

a) **Case #FY17-17**

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**.

Attorney E. James Veara, representing TMC New England, LLC c/o T.M. Crowley & Associates, LLC and Brian Dundon, a site civil engineer with R.J. O'Connell & Associates, Inc., Civil Engineers, Surveyors & Land Planners and Colleen Medeiros, of McMahon Associates, author of the traffic study, appeared to discuss the application. Attorney Veara informed the Board that a traffic study had been submitted to the Board, as well as a peer review of that study generated by the Cape Cod Commission. He said that the revised plans included suggestions made by the Department of Public Works, the Cape Cod Commission, and the Town Planner.

Ms. Medeiros reviewed the traffic study, the conclusion of which was that the project would have a negligible effect on traffic in the area. Steven Topper, a member of the transportation staff at the CCC, briefly commented on the traffic study and agreed with its conclusion that the project would not have a significant effect on the traffic in the area and added that he was comfortable with the capacity analysis in the study. The Board questioned Ms. Medeiros about traffic flow at the site.

Mr. Dundon reviewed the design revisions on the plans. The Board questioned and made suggestions to Mr. Dundon and Attorney Veara about the project.

Louise Venden posed a question about the project's coordination with projects underway in the intersection and Tracy Kachtick-Anders, Sonya Vallianos and Patrick Patrick spoke in opposition to the project. There was 1 letter in opposition to the project and a letter suggesting

kinds of trees to plant in the front of the property. The Board discussed street trees and landscaping on the site with Mr. Dundon.

The Board reviewed its requested changes to the site plan, including a proposed sidewalk connecting from the corner where the handicapped van parking space is located to the sidewalk on the southwest corner of the property, with the connector measuring 4', leaving the remainder at 5' as proposed, removing any proposed grass from behind the building and replacing it with landscaping and indicating a bike rack on the site plan. Mr. Golden stated that the Fire and Police Chiefs, as well as the DPW Director should review the revised plans for comments.

There was a motion by Steven Baker to continue Case #FY17-17 to the May 25, 2017 Public Hearing at 6:30 P.M. Dave Abramson seconded. VOTE: 5-0-0.

b) **Case #FY17-18** (previously continued to the meeting of May 25th)

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**.

c) **PLN-17-20**

Application by **Christopher D. Wise**, on behalf of **Coastal Acres Properties, LLC**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, a (5), Site Plan Review by Special Permit, of the Zoning By-Laws for the upgrading of an electrical system, including the installation of meter pedestals and electric packs, and the extension of a line of service to meter sites, which requires trenching and earth moving of more than 750 cu. yds. at the property located at **76R Bayberry Avenue**. John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell and Dave Abramson sat on the case.

Attorney Lester J. Murphy, representing Chris Wise, William N. Rogers, II, P.E. & P.L.S. and Chris Wise appeared to discuss the project.

Attorney Murphy reviewed the project and its scope, which is to replace the electrical, water and sewer facilities at the site in order to provide better services at individual campsites. This upgrade will enhance the business and allow a safer and environmentally friendly operation. The business will continue to operate as it has in the past as a campground. The project involves the excavation of more than 750 cu. yds. of earth, but there will be no alteration in the geography or grade on the site because the earth will be returned after the various conduits and pipes have been installed. There will be a separation of 10' between the sewer and water lines. A detailed survey showing the location of the utilities has been submitted. The project is currently pending before the Conservation Commission. More detailed engineered schematics will be prepared and filed before any permits are issued to begin work on the project. Attorney Murphy argued that the plan was in accordance with the Zoning By-Laws and the Local Comprehensive Plan. There are no site changes or parking or structures proposed and utilities be placed underground, enhancing and upgrading the campsites. There have been waivers requested, including the submission of a developmental impact statement. Attorney Murphy argued that there would be no increase in the operation of the campground; no structural changes, no increase in the number of campsites, no changes to the septic flow, no increase in parking and no new structures. Thus,

there will be no detrimental impacts to the site, only positive ones, including better facilities for transient visitors and improvements in the environmental situation at the site. The project will be a net positive for the Town and improve the facility for summer tourists.

Mr. Rogers reviewed the engineering aspect of the project. Mr. Wise explained that the water table is too shallow to place the electrical lines underground. He said that if a pole with a fixture needs to be replaced that a dark sky compliant fixture would be placed on the new pole that replaces it.

There were no public comments or letters.

The Board questioned Attorney Murphy, Mr. Wise and Mr. Rogers. The Board requested that the applicant replace and upgrade all exterior fixtures with dark sky compliant fixtures. The Board was concerned about the unauthorized removal of trees in the work area and requested that all significant trees be marked on the plans as to whether they will remain or be removed. Mr. Wise said that he was going to spray-paint the lines to indicate the location of the pedestals in the middle of each campsite. The Board requested that the location of each pedestal be marked with a stake and the conduit lines are spray-painted. Board members will schedule a site visit after the staking and spray-painting is completed. The Board proposed that either Mr. Wise can stake the location of the pedestals and spray-paint the lines or he can survey of all trees greater than 10" dbh within 8' of any line drawn on the site plan. Mr. Wise agreed to stake the location of the pedestals and the Board will identify trees of concern at the site visit. Mr. Wise will stake the location of the pedestals and mark trees of concern on the plan. The site visit was scheduled for Friday, May 19th at 10:00 A.M. Ms. McPherson will research the 10 year-round units on the site. ***There was a motion by Ryan Campbell to continue PLN 17-20 to the May 25, 2017 Public Hearing at 6:30 P.M. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.***

d) **PLN 17-23 & PLN 17-24** (*previously continued to the meeting of June 8th*)
Application by **Heal, Inc.**, on behalf of **94 Harry Kemp Way Revocable Trust, William Gately, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, D7, Medical Marijuana Treatment Center, and Article 4, Special Regulations, Section 4015 a (2), Site Plan Review by Special Permit, of the Zoning By-Laws for the establishment of a medical marijuana treatment center that includes a change in use of an existing storage building, the development of more than 2,000 sq. ft. of commercial area, upgrades to parking, landscaping and associated site improvements at the property located at **94 Harry Kemp Way**.

e) **PLN 17-28** (*continued from the meeting of April 27th*)
Application by **Teresa R. Hickok**, on behalf of **East End Reserve Condominium**, requesting Site Plan Approval pursuant Article 2, Districts and District Regulations, Section 2320C, High Elevation Protection District (A), of the Zoning By-Laws to install a shed at the property located at **664R Commercial Street**. Dave Abramson recused himself because of a conflict of interest. John Golden, Grace Ryder-O'Malley, Ryan Campbell and Steven Baker sat on the case.

Teresa Hickok appeared to discuss the application. She submitted an amended plan as requested by the Board where the shed was relocated 4' off the asphalt and 4' away from the parking

spaces. She proposed planting roses and lavender around the shed. The Board discussed the site plan and the trees that were taken down on or near the southern lot line with 350 Bradford St. and the landscaping plan for 664R Commercial St. Ms. McPherson suggested that the applicant ask Brad Locke, the developer of the condominium, to amend the planting plan to include the proposed shed. The Board requested an amended plan showing the dimensions and location of the shed and the proposed vegetation to surround the shed and screen it from abutting properties, and include on the plan the location of the replacement trees on the southern portion of the property and of those removed by Chris Wise on 350 Bradford St.

Cydney Berry, a unit owner in the condominium, commented on the plans for the removal of the knotweed between 664R Commercial and the abutting property and the condominium's intention to replace it with landscaping screening.

There was a motion by Grace Ryder O'Malley to continue PLN 17-28 to the May 25, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 4-0-0.

f) PLN 17-30

Application by **E. James Veara, Esq.**, on behalf of **Lori E. Riley** and **Jeffrey A. Medeiros**, for Site Plan Approval pursuant to Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to construct a new dwelling at the property located at **24 Ship's Way Road**. John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell and Dave Abramson sat on the case.

Attorney E. James Veara, Lori E. Riley and Jeffrey A. Medeiros appeared to present the application. Attorney Veara reviewed the project. He said that the landscape and mitigation plan by Safe Harbor Environmental had been provided to the Board, in addition to renderings of the proposed structure. The location of the structure was chosen after careful consideration of the concerns, and with the collaboration of, the Conservation Commission and Gordon Peabody, of Safe Harbor Environmental. Attorney Veara said the project sought to preserve as much of the landscape on the site as possible and of two specific trees, including a large oak and a tree that is located in the driveway area.

There was no public comment and 1 letter in support of the application.

The Board questioned Attorney Veara about the proposal for two parking areas on the site, the submitted landscape plan and proposed lighting on the site. There was a question as to how the tree in the driveway area will be protected from vehicles. The Board requested that a complete landscape plan be submitted showing not only vegetation that will be added, but existing vegetation as well, and specifically, what trees would be removed and what trees would remain. Included on the plan as well should be an explanation of how the tree in the driveway would be protected from vehicles parking in area. In addition, it requested a lighting plan showing dark sky compliant exterior fixtures accompanied by a cut sheet. The Board continued the matter.

There was a motion by Steven Baker to continue PLN 17-30 to the June 8, 2017 Public Hearing at 6:30 P.M. Grace Ryder-O'Malley seconded. VOTE: 5-0-0.

g) **PLN 17-31**

Application by **Peter Makrauer**, of **LDa Architecture & Interiors**, on behalf of **Gregory Lombardi**, for Site Plan Approval pursuant to Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to re-side and install new windows and a new kitchen and master suite in the structure located at **24 Bradford Street**. John Golden, Grace Ryder-O'Malley, Steven Baker, Ryan Campbell and Dave Abramson sat on the case.

Peter Makrauer and Greg Lombardi appeared to present the application. Mr. Makrauer reviewed the proposed project. The pitch of the roof and the ridge height as well as the footprint of the structure will remain unchanged.

Arthur Mahoney, a direct abutter, spoke in support of the application. There were no letters in the file.

The Board questioned Mr. Makrauer and Mr. Lombardi. The Board requested that the exterior lighting fixtures are dark sky compliant and that a cut sheet be submitted to Ms. McPherson. The condition of the driveway was discussed. Mr. Makrauer said that the driveway would be patched. The Board discussed the condition of the existing gutters and run-off from the roof. Mr. Makrauer said that a part of the project would involve the installation of drywells or a gravel drip line for roof run-off. The Board noted that the brick walkway to the house needed repair.

There was a motion by Steven Baker to approve the Site Plan pursuant to Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to re-side and install new windows and a new kitchen and master suite in the structure located at 24 Bradford Street with the conditions that all exterior lighting be dark sky compliant and a cut sheet submitted to the Planning Department, that a dry wells or gravel drip line for roof run-off be installed and that the driveway paving be patched. Ryan Campbell seconded. VOTE: 5-0-0.

3) **Work Session:**

The Board briefly discussed the height of a building being framed at 350 Bradford St. based upon input from Anne Howard, Building Commissioner.

a) Pending Decisions:

i. **Case #FY17-14 (Steven)**

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**. Mr. Baker reviewed the changes. *There was a motion by Ryan Campbell to approve the language as written. Dave Abramson seconded. VOTE: 5-0-0.*

ii. **PLN-17-21 (Grace)**

Application by **Scott N. Adams, Advanced Engineering Group, P.C.**, on behalf of **7-Eleven, Inc.**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4015, a (5), Site Plan Review by Special Permit, of the Zoning By-Laws for exterior improvements on a commercial property with a curb cut greater than 25% of its existing street frontage, including realigning an existing curb gutter line, replacement of a bike rack, re-striping an existing parking lot and the installation of a 4' wide sidewalk with granite curbing, a crosswalk striping across curb cuts, landscape plantings, composite traffic dividers, two additional light poles, two street trees and an additional handicap ramp within a proposed sidewalk at the property located at **137 Bradford Street**. Ms. Ryder O'Malley read the decision. The decision will be revised and brought back at the next meeting for consideration.

iii. **PLN 17-27 (Ryan)**

Application by **Robin B. Reid** for a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, (A1a)(2), Permitted Principal Uses, of the Zoning By-Laws to add an accessory dwelling unit at the property located at **12 Thistlemore Road**. Mr. Campbell read the decision. *There was a motion by Dave Abramson to approve the language as amended. Ryan Campbell seconded. VOTE: 5-0-0.*

- b) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan:** Tabled.
- b) **Discussion of planting list** (placeholder)
- c) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder)
- d) **Minutes of April 23rd, August 27th and October 22, 2015, January 14th, March 24th, April 28th, June 9th, December 8, 2016 and March 30 and April 27, 2017.** The approval of minutes was tabled.
- e) **Any other business that may properly come before the Board:**

There was a motion by Dave Abramson to adjourn the Planning Board meeting at 11:30 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
John Golden, Chair