

PLANNING BOARD

Meeting Minutes

Thursday, July 27, 2017

Judge Welsh Room

6:30 P.M.

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

Members Absent: None.

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

Chair John Golden called the Meeting to order at 6:32 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

a) **PLN 17-30** (*request to continue to the meeting of August 10th*)

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**. There was a request from the applicant to continue to the Public Hearing of August 10, 2017. **Ryan Campbell moved to grant the request to continue PLN 17-30k to the August 10, 2017 Public Hearing at 6:30 P.M., Grace Ryder-O'Malley seconded and it was so voted, 5-0.** The Board discussed scheduling a site visit on August 10, 2017 at 5:00 P.M.

b) **PLN 17-33** (*request to continue to the meeting of August 10th*)

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, D7, Medical Marijuana Treatment Center, of the Zoning By-Laws to operate a medical marijuana treatment center at the property located at **2 Harry Kemp Way, Unit 2**.

c) **PLN 17-34** (*request to continue to the meeting of August 10th*)

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, for Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of the structure from a professional office to a medical marijuana treatment center and to make associated site improvements at the property located at **2 Harry Kemp Way**. Grace Ryder-O'Malley informed the Board that she would be recusing herself from PLN 17-33 and PLN 17-34 going forward because of a conflict of interest. There was a request from the applicant to continue PLN 17-33 and PPLN 17-34 to the Public Hearing of August 10, 2017.

d) **PLN 17-35** (*request to continue to the meeting of August 10th*)

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, to operate a medical marijuana treatment center at the property located at **94 Harry Kemp Way**.

e) **PLN 17-36** (*request to continue to the meeting of August 10th*)

Application by **Heal, Inc.**, on behalf of **94 Harry Kemp Way Revocable Trust, William Gately, Trustee**, requesting Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-laws for a change in use from a funeral home to a medical marijuana treatment center at the property located at **94 Harry Kemp Way** with waivers from Article 4, Sections 4053(1)(a), curb cut width and number per business, 4053(2)(d), Screening of loading areas, 4163(2), Curb radii, Minimum width of traveled surface area, 4600, Street tree and Article 5, Section 5331, Submission of Development Impact Statement. Grace Ryder-O'Malley informed the Board that she would be recusing herself from PLN 17-35 and PLN 17-36 going forward because of a conflict of interest There was a request from the applicant to continue to the Public Hearing of August 10, 2017. ***Steven Baker moved to grant the request to continue PLN 17-35 and PLN 17-36 to the Public Hearing of August 10, 2017 at 6:30 P.M., Ryan Campbell seconded and it was so voted, 5-0.***

f) **PLN 17-38**

Application by **Regina Binder**, on behalf of **Provincetown Commons, Inc.**, requesting Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use from a municipal recreation center to an artist and economic incubator space at the property located at **46 Bradford Street**. Ms. Ryder O'Malley invoked the Mullin Rule, certifying that she had watched a video of the meeting on June 22, 2017 and would continue to sit on the case. John Golden, Grace Ryder-O'Malley, Brandon Quesnell, Ryan Campbell and Steven Baker sat on the case.

Ginny Binder, Attorney Lester J. Murphy and Peter Hocking, Vice-President of Provincetown Commons, appeared to discuss the application. Attorney Murphy and Ms. Binder reviewed the new material that had been submitted and the plan for phasing the project.

The Board questioned Attorney Murphy, Ms. Binder and Mr. Hocking about the parking and the landscape plans. Attorney Murphy reviewed the waivers requested, including Article 4, Sections 4053 (1) (a) and (b) and 2 (c), 4150 and 4163 (2). The Board discussed the gravel area in the front of the structure and the question of what tree would be planted on the site. A sculpture garden was proposed, to which the Board agreed, or in lieu, this area would be converted to lawn.

There was no public comment and there was 1 letter from the Provincetown Public Landscape Committee in support of the project.

There was a motion to grant the waivers as requested; Article 4, Sections 4053 (1) (a) and (b) and 2 (c), 4150 and 4163 (2). Brandon Quesnell seconded. VOTE: 5-0-0.

There was a motion to approve site plan for 46 Bradford Street pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use from a municipal recreation center to an artist and economic incubator space at the property with the condition that if no sculpture garden is installed that the gravel in front of building should be converted to lawn. Brandon Quesnell seconded. VOTE: 5-0-0.

3) **Work Session:**

a) Pending Decisions:

Case #FY17-17 (Dave)

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**. Dave Abramson read the decision. *Brandon Quesnell moved to approve the language as amended, Grace Ryder O'Malley seconded and it was so voted, 5-0.*

PLN 17-20 (Steven)

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**. Postponed to the Work Session of August 10, 2017.

b) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan** (placeholder). Tabled.

c) **Discussion of planting list** (placeholder). Tabled.

d) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Tabled.

e) **Minutes of April 23rd, August 27th and October 22, 2015, January 14th, March 24th, April 28th, June 9th, December 8, 2016, June 8, June 22 and July 13, 2017.**

July 13, 2017: There was a motion by Grace Ryder-O'Malley to approve the minutes as amended. Steven Baker seconded. VOTE: 5-0-0.

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

There was a motion by Dave Abramson to adjourn the Planning Board meeting at 8:00 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
John Golden, Chair