

PLANNING BOARD
Meeting Minutes
Thursday, June 22, 2017
Judge Welsh Room
6:30 P.M.

Members Present: John Golden, Steven Baker, Ryan Campbell, Brandon Quesnell and Dave Abramson.

Members Absent: Grace Ryder-O'Malley (excused).

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

Chair John Golden called the Meeting to order at 6:35 P.M.

1. **Public Comments:** None.

2. **Work Session:**

a) **PLN 17-41**

Application by **William N. Rogers, II, Trustee**, for the endorsement of a plan believed not to require approval (ANR) to divide one lot into two parcels; one of which will be conforming and the other which will be combined with 41 Off Cemetery Road, at the property located at **Heather's Way (Assessor's Map 84, Parcel 8)** in accordance with M.G.L. c. 41, s. 81P. John Golden, Steven Baker, Ryan Campbell, Brandon Quesnell and Dave Abramson (alternate) sat on the case.

William N. Rogers, II appeared to present the application. He reviewed the site plan.

The Board briefly questioned Mr. Rogers.

There was a motion by Dave Abramson to endorse the plan believed not to require approval (ANR) to divide one lot into two parcels; one of which will be conforming lot and the other which will be combined with 41 Off Cemetery Road at the property located at Heather's Way (Assessor's Map 84, Parcel 8) in accordance with M.G.L. c. 41, s. 81P. Steven Baker seconded. VOTE: 4-1-0 (Brandon Quesnell opposed).

3. **Public Hearings:**

g) **PLN 17-37**

Application by **Stephen Griffin and Frank Mockler** requesting a Site Plan Review pursuant to Article 2, Districts and District Regulations, Section 2320(A), High Elevation Protection District, of the Zoning By-Laws to construct a 60 sq. ft. addition on the rear of the structure at the property located at **24 Pilgrim Heights Road**. John Golden, Steven Baker, Ryan Campbell, Brandon Quesnell and Dave Abramson sat on the case.

Stephen Griffin and Frank Mockler appeared to present the application. The proposed addition will be 7' by 9' and will be located in an area that is currently a brick patio.

There was no public comment and 2 letters in support of the application.

The Board questioned Mr. Griffin and Mr. Mockler.

There was a motion by Steven Baker to approve the Site Plan pursuant to Article 2, Districts and District Regulations, Section 2320(A), High Elevation Protection District, of the Zoning By-Laws to construct a 60 sq. ft. addition on the rear of the structure at the property located at 24 Pilgrim Heights Road. Ryan Campbell seconded. VOTE: 5-0-0.

a) **PLN-17-20** (continued from the meeting of June 8th)

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, Steven Baker, Ryan Campbell, Brandon Quesnell and Dave Abramson sat on the case.

Attorney Lester J. Murphy, Paul Shea, a wetlands expert, Roger Ling, an electrical contractor, and Chris Wise appeared to discuss the application. Attorney Murphy said that additional information had been submitted to the Board. He reviewed the new information, including the indication on the site plan of the 18 pinch-points for the utility trenches. These were necessitated by an effort to place the water and sewer lines closer together to minimize impact on adjacent foliage. Also submitted were photographs of those pinch-points and trench detail profiles, including those where both the sewer and the water line would be located in the same trench. Attorney Murphy said that the plans were only conceptual plans and that the final installation would not take place until the fully engineered plans had been approved by the Depts. of Public Works, Water and Sewer and by Eversource, the electric company. He added that the Conservation Commission was in the process of writing conditions for the project.

Paul Shea reiterated his position regarding why the high voltage electrical should be kept above the ground, based on the elevation of the site. Mr. Ling then argued against putting the high voltage electrical service underground. The Board questioned Mr. Shea and Mr. Ling.

There was a motion by Steven Baker to find that pursuant to Article 5, Section 5330, the project 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 economic and other benefits to the neighborhood and Town outweigh any adverse effects such as hazard, congestion or environmental degradation. Ryan Campbell seconded. VOTE: 4-1-0 (Brandon Quesnell opposed).

The Board discussed conditions, including that dark-sky compliant fixtures replace all exterior lighting on the property, that all sewer and water lines be as far apart as possible, that all trenching be done on existing pavement and anything dug up be placed on pavement, that any vegetation damaged or removed be replaced with native vegetation, that no removal of trees other

than the one noted on the loop road occur unless the Board grants its approval, that the applicant hire an environmental consultant, to be approved by Planning staff, to oversee the trenching process, that a \$50,000 performance bond be posted, that erosion and sedimentation controls be installed and that roads are patched after utility installation. The Board agreed to incorporate the conditions imposed by the Conservation Commission. Attorney Murphy reviewed those conditions. The Board discussed waivers. Ms. McPherson will work on the conditions and waivers.

There was a motion by Ryan Campbell to grant the waivers as requested and discussed at the hearing, including a traffic impact assessment, Article 4, s. 4163 residential design standards, Article 4, s. 4053 commercial design standards, other than the erosion controls, and Article 4, s. 4028 (f.), regarding the location, dimension and use of all proposed structures on the site plan, since none are proposed. Steven Baker seconded VOTE: 4-1-0 (Brandon Quesnell opposed).

There was a motion by Steven Baker to grant 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 with the conditions discussed. Ryan Campbell seconded. VOTE: 4-1-0 (Brandon Quesnell opposed). Steven Baker will write the decision.

b) **PLN 17-30** (previously continued to the meeting of July 13th)
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**.

e) **PLN 17-35** (continued from 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, to operate a medical marijuana treatment center at the property located at **94 Harry Kemp Way**.

f) **PLN 17-36** (continued from the meeting of June 8th)
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. There was a request from the applicant to continue both matters to the Public Hearing of July 13, 2017 at 6:30 P.M. *There was a motion by Ryan Campbell to grant the request to continue PLN 17-35 and PLN 17-36 to the Public Hearing of July 13, 2017 at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.*

c) **PLN 17-33** (continued from the meeting of June 8th)

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**.

d) **PLN 17-34** (continued from the meeting of June 8th)

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**. John Golden, Steven Baker, Ryan Campbell, Brandon Quesnell and Dave Abramson sat on both cases.

Attorney Lester J. Murphy, on behalf of the applicant, Attorney Christopher J. Snow, on behalf of Karen DePalma, Patrick Johnson, of Mass Organic Therapy, Inc., Stephanie Sequin, a civil engineer, and Colleen Medeiros, a traffic engineer, appeared to discuss the application. Attorney Murphy reviewed the new information and revised plan that were submitted. Ms. Medeiros reviewed the Saturday traffic study counts that were recently performed. Attorney Snow commented on the traffic information and the adequacy of public parking in the immediate area to handle any overflow at the site.

Charlie Rogers, Jeff Rogers, the owner of an abutting business, and John Medeiros, the owner of the other condominium unit at the property, spoke against the application. There were no new letters in the file. Attorneys Snow and Murphy rebutted several of the arguments raised by the public against the application.

The Board questioned Attorneys Murphy and Snow and Ms. Medeiros. The Board was concerned about the flow of traffic, in light of a 1990 Special Permit prohibiting cars from backing out onto Harry Kemp Way that was presented to the Board by Mr. Rogers, pedestrians and bicycles and public safety on the proposed site and requested that turning radii information and appropriate signage for the parking area be submitted for the next hearing on the matter.

There was a motion by Ryan Campbell to continue PLN 17-33 and 17-34 to the July 13, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.

h) **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**. John Golden, Steven Baker, Ryan Campbell, Brandon Quesnell and Dave Abramson (alternate) sat on the case.

Attorney Lester J. Murphy, Regina Binder and Rik Ahlberg, a director of the applicant non-profit corporation, appeared to present the application. Attorney Murphy said that the site, which is being leased from the Town, is being re-developed for educational, artist studios and economic

development use purposes. The Board of Selectmen has granted Economic Development Permit gallons so the entire building can be used. He reviewed the waivers requested. Ms. Binder asked that the applicant be allowed to go forward with the site as it exists with the intention of making improvements to it in the future. She said the applicant did not want to over-promise and under-deliver on any promises and that is why conceptual plans were not submitted to the Board.

The Board questioned Attorney Murphy and Ms. Binder. The Board expressed an unwillingness to consider existing plans and requested that if the project were going to be phased, that plans showing that process be submitted for approval.

Mr. Ahlberg had copies of the proposed landscaping plan that he submitted to the Board and reviewed. The Board briefly discussed the plan.

The Board requested that the applicant create a new proposed landscape, parking and site plan that meets the appropriate Zoning By-Laws, shows a phased development of green space and confirms the location of street trees and reduce the list of requested waivers. Ms. McPherson stated that for the trees located on the landscape plan to be considered street trees, they can be located no more than 20' from the edge of right-of-way. Ms. Binder said that the proposed lighting will be dark-sky compliant and new gutters and downspouts draining into dry wells are proposed. The Board requested that these features be indicated on the revised, phased site plan, which should also include a timeline.

There was a motion by Ryan Campbell to continue PLN 17-38 to the July 27, 2017 Public Hearing at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.

3) **Work Session:**

b) Pending Decision:

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**. Postponed to the next meeting.

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

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

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

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

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 10:15 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2017
John Golden, Chair