

# PLANNING BOARD

## Meeting Minutes

Thursday, April 12, 2018

Judge Welsh Room

6:30 P.M.

**Members Present:** David Abramson, Grace Ryder-O'Malley (left at 8:30 P.M.), John Golden, Steven Baker (arrived at 6:46 P.M.), Brandon Quesnell, and Albert Carey (Alternate).

**Members Absent:** Ryan Campbell (Alternate) (excused).

**Staff:** Jeff Ribiero (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair David Abramson called the meeting to order at 6:30 P.M.

1. **Public Comments:**

None.

2. **Public Hearings**

a) **PLN 18-19** (*continued to the meeting of April 26<sup>th</sup>*)

Application by **BPJC, LLC** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) and (5), of the Zoning By-Laws for the modification and supplementation of information regarding a development consisting of more than two residential units on a parcel and resulting in the removal of more than 750 cu. yds. of earth on the property located at **350 Bradford Street**.

b) **PLN 18-22** (*continued from the meeting of March 22<sup>nd</sup>*)

Application by **Michael F. Camardello** requesting Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the addition of parking spaces at the property located at **27 Brewster Street**. John Golden said that he had watched a recording of the previous hearing of this matter, invoking the Mullin Rule and signing an affidavit attesting to that fact. David Abramson, Steven Baker, Brandon Quesnell, John Golden and Albert Carey sat on the case.

**Presentation:** Attorney Christopher J. Snow, representing the applicant, Robert Santos, a co-owner of the property, and Don Poole, of Outermost Land Survey, appeared to present the application. Attorney Snow said that a 'pre-existing' site plan had been submitted along with a revised existing site plan, as requested by the Board, in addition to photographs of pre-existing conditions on the site. He argued that his client removed the vegetation with full transparency and with permission from the Town and after having sought all permits that he thought were necessary to perform the work. His client had a meeting with the Building Commissioner and the Building Inspector, who then referred him to the Tree Warden, Rich Waldo. His client sought permission to remove the locust trees on the property and in the private way and received a response from Mr. Waldo that the approval of the Tree Warden was not required as the trees were on private property. Attorney Snow said that his client again met with the Building Commissioner and the Building Inspector who told him that the Building Dept. did not have jurisdiction over the project and that he was free to commence work. Once he began removing the vegetation, several neighbors became concerned. The Building Inspector was

called to the property while the clearing was occurring and he told his client that he was free to proceed and that he would deal with the neighbors once the situation died down.

Attorney Snow alleged that this 40' private way, Standish Way, had been in existence for many years and was part of a subdivision plan, adding that it has also been reflected in numerous Approval Not Required plans approved by the Planning Board since it was created. He said that his client did not remove all of the vegetation that was within the private way. He argued that it is the obligation of the owners of a private way to keep it clear for safe vehicle passage. He said that other property owners on the private way had removed the vegetation from in front of their residences and had also installed impervious material to support parking. He said that having vegetation in the private way, leaving only a 10' wide gap, was dangerous and presented accessibility issues for emergency vehicles. Attorney Snow continued that the parking on the site was pre-existing and grandfathered and that the property always had seven spaces and the applicant added only two additional spaces. He argued against installing a separate entrance and exit, as had been suggested by the Board, as it would be in violation of its interests and claimed that there will be no safety hazard for cars to enter and exit the property from one access point. He reiterated that his client removed only invasive species and no species of value.

**Public Comment:** Susan Davis, Mike Wright, Sheila McGuinness and Kevin Mooney, all abutters, spoke in opposition to the project.

**Board Discussion:** The Board questioned Attorney Snow, Mr. Santos and Mr. Poole and discussed the removal of the vegetation from the private way and the increase in the number of parking spaces on the site. Mr. Ribeiro reminded the Board to look at the design and configuration of the site and not the use of the site, which is an issue for the Zoning Board of Appeals to adjudicate. He said that the Building Commissioner will make a ruling on whether the site could be considered a parking lot and the number of parking spaces would be determined by the ZBA. Attorney Snow said that his client would be willing to re-design the parking on the east side by removing the two spaces closest to the shed and to re-vegetate or screen the area. This would reduce the number of parking to seven, which he contended, had always existed on the site.

***There was a motion by Brandon Quesnell to deny the site plan pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the addition of parking spaces at the property located at 27 Brewster Street. Albert Carey seconded. VOTE: 2-3-0 (David Abramson, John Golden and Steven Baker opposed). The motion failed.***

The Board continued to discuss the number of spaces on the site and requested that it be reduced and vegetation added and that the issues of erosion control and drainage be addressed.

***There was a motion by Steven Baker to continue PLN 18-22 to the Public Hearing of May 10, 2018 Public Hearing at 6:30 P.M. John Golden seconded. VOTE: 3-2-0 (Brandon Quesnell and Albert Carey opposed).***

### **3. Work Session:**

#### **a) Pending Decisions:**

i. **PLN 18-20 (David)**

Application by **Pavel Fiodarau** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws for the development of two or more residential units on a parcel located at **168 Bradford Street Extension** with requested waivers from Article 4, Special Regulations, Section 4163, Residential Design Standards, 2. and 3. David Abramson, Grace Ryder-O'Malley, Steven Baker, Albert Carey and Brandon Quesnell had sat on the case. The Board discussed the recommendation of the Fire Chief that was a condition of the approval.

Attorney Reid reviewed a revised site plan that had been submitted to the Board indicating the addition of a turn-around for emergency vehicles. The Board had requested that the Fire Chief review the site plan to approve the placement of a hydrant and to sign-off on the plan in regard to emergency vehicle access. She said that the site plan had been reviewed by the Fire Chief, who asked that the roadway from Bradford Street Extension to Creek Road be paved for safe emergency vehicle access. She said that this was a condition that the Board had not required and from which the applicant was seeking relief. The applicant, however, had agreed to place a hydrant at the intersection of the roadway and Bradford Street Extension pursuant to the Fire Chief's request. She submitted a detailed report from the applicant's engineer stating that the driveway, as proposed by the applicant, was capable of supporting the weight of a fire truck and the turn-around as proposed was adequate for maneuvering a fire truck. Notwithstanding the engineering report, the Fire Chief is still requesting that the roadway be paved. She requested that the roadway be approved as proposed and that her client not be required to pave it, as an engineering report maintains that it is adequate for safe fire truck access and travel. She added that her client's project had been held up now for a month and a half because of the difficulty in communicating with the Fire Chief. Mr. Ribeiro said that an issue such as the paving of the roadway would be a material change central to the project and would require that the hearing be re-opened and re-noticed to the public. He indicated that staff supports this option.

The Board questioned Attorney Reid and Mr. Fiodarau and discussed whether the case should be re-opened or if the Board should vote to reconsider the matter, remove the condition that the Fire Chief sign off on the site plan and vote to approve or not approve. The Board requested some additional input from the Fire Chief.

***There was a motion by Steven Baker to re-open PLN 18-2 to reconsider the project in light of the Fire Chief's recommendation that the roadway be paved. Grace Ryder-O'Malley seconded VOTE: 4-1-0 (Brandon Quesnell opposed).***

Chair David Abramson recognized and thanked Grace Ryder-O'Malley for her work on the Planning Board, as this was her last meeting.

ii. **PLN 18-13 (Steven)**

Application by **Kieran J. Healy**, on behalf of **Marolima East, LLC**, requesting Site Plan Review by Special Permit pursuant to Article 2, Districts and District Regulations, Section 2320 (A), High Elevation Protection District, and Article 4, Special Regulations, Sections 4015 a. (4), Site Plan Review by Special Permit, and 4180, Inclusionary and Incentive Zoning, of the

Zoning By-Laws for new construction involving the movement of more than 750 cu. yds. of earth on the properties located at **806 & 820 Commercial Street** with waivers from Article 4, Section 4028, f. and l. **John, Grace, Ryan, Steven and David sat on the case.** Steven Baker read the decision. *There was a motion by David Abramson to approve the language as amended. Brandon Quesnell seconded. VOTE: 5-0-0.*

- c) **Discussion of potential Zoning By-Law amendments for Fall 2018 Town Meeting and/or Spring 2019 Town Meeting.** Tabled.
- d) **Discussion of planting list and categories** (placeholder). Tabled.
- e) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan** (placeholder).
- f) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Tabled.
- g) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and March 22, 2018.**

March 22, 2018: *There was a motion by Brandon Quesnell to approve the minutes as written. John Golden seconded. VOTE: 5-0-0.*

- h) **Any other business that may properly come before the Board:** The Board discussed the issue of tiny homes and dormitory-style housing for seasonal employees.

**4. Information items:**

Food truck survey data – for future discussion: Tabled.

Brandon Quesnell moved to adjourn the Planning Board meeting at 9:30 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2018  
David Abramson, Chair