

## **PLANNING BOARD**

### Meeting Minutes

Thursday, March 14, 2019

Judge Welsh Room

6:00 P.M.

**Members Present:** David Abramson, Brandon Quesnell, Jason Potter and Paul Graves.

**Members Absent:** Shane Landry (excused) and John Peters-Campbell (excused).

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

Chair David Abramson called the Public Hearing to order at 6:01 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

a) **Proposed Zoning Amendment Articles for Spring Town Meeting:** The Board will hear comments from the public and vote on proposed amendments to the Provincetown Zoning By-Laws for the April 1, 2019 Annual Town Meeting Warrant, as well as any proposed petitioned articles concerning land use or development. Mr. Ribeiro and Mr. Abramson reviewed the following articles before a vote was taken.

**Article 24:** *There was a motion by David Abramson to recommend Article 24. Jason Potter seconded. VOTE: 4-0-0.*

**Article 25:** *There was a motion by David Abramson to recommend Article 25. Jason Potter seconded. VOTE: 4-0-0.*

**Article 26:** *There was a motion by David Abramson to recommend Article 26. Paul Graves seconded. VOTE: 4-0-0.*

**Article 27:** *There was a motion by David Abramson to recommend Article 27. Jason Potter seconded. VOTE: 4-0-0.*

**Article 28:** *There was a motion by David Abramson to recommend Article 28. Jason Potter seconded. VOTE: 4-0-0.*

**Article 29:** *There was a motion by David Abramson to recommend Article 29. Jason Potter seconded. VOTE: 4-0-0.*

**Article 30:** *There was a motion by David Abramson to recommend Article 30. Jason Potter seconded. VOTE: 4-0-0.*

**Article 31:** *There was a motion by David Abramson to recommend Article 31. Jason Potter seconded. VOTE: 4-0-0.*

**Article 32:** *There was a motion by David Abramson to recommend Article 32. Jason Potter seconded. VOTE: 4-0-0.*

**Article 33:** *There was a motion by David Abramson to recommend Article 33. Jason Potter seconded. VOTE: 4-0-0.*

**Article 34:** Ginny Binder commented on the Article, recommending an amendment to add a footnote, similar to the previous article discussed, to allow the requirement to be waived by the Planning Board. She explained that this would give the properties that are above the lot average now the chance to grow incrementally without having to seek a variance. Mr. Ribeiro commented on the amendment and explained what the intent of the proposed Article was and said if the Board agreed, the Article could be amended on the Town Meeting floor. ***There was a motion by David Abramson to recommend Article 34 with the proposed footnote amendment as discussed. Jason Potter seconded. VOTE: 4-0-0.***

**Article 35:** *There was a motion by David Abramson to recommend Article 35. Jason Potter seconded. VOTE: 4-0-0.*

**Article 36:** *There was a motion by David Abramson to recommend Article 36. Jason Potter seconded. VOTE: 4-0-0.*

b) **PLN 19-30** (*postponed from the meeting of February 28<sup>th</sup>*)

Application by **Mark Albert** requesting Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to modify a previously approved site plan for renovations and additions to a structure located at **44 Franklin Street**.

**Presentation:** Mark Albert presented the application. He submitted updated plans and reviewed the project, which involves an amendment to a previously approved site plan, which will add to the footprint on the south elevation and reduce the roof height. He reviewed the proposed site plan.

**Public Comment:** None. There was 1 letter of concern from an abutter whose septic system is in close proximity to the property and 1 letter from an abutter in opposition to the application.

**Board Discussion:** The Board questioned Mr. Albert about exterior lighting, mitigation for runoff from the structure and the patio and landscaping for the site. Mr. Ribeiro reviewed the previously approved site plan for the property, which required dark sky compliant exterior lighting fixtures and the submission of a landscape plan showing the drip line. Mr. Albert agreed to comply with those conditions.

***There was a motion by David Abramson to approve the site plan pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to modify a previously approved site plan for renovations and additions to a structure located at 44 Franklin Street with the condition that a revised plan showing dark sky compliant exterior lighting for the deck be submitted to staff. Jason Potter seconded. VOTE: 4-0-0.***

c) **PLN 19-33**

Application by **Michelle Jarusiewicz**, on behalf of the **Provincetown Year-Round Market Rate Rental Housing Trust**, requesting Site Plan Review pursuant to Articles 4, Sections

4015 a (1), Site Plan Review by Special Permit, and 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Laws to renovate a development that will result in an increase of residential units that will result in three or more residential units and contribute to the local stock of affordable and community housing units on the property located at **3, 4 & 8 Harbor Hill Road and 37 Bradford Street Extension**.

**Presentation:** Treff LaFleche, of LDC Architects, and Michelle Jarusiewicz presented the application. Mr. LaFleche reviewed the project, which involves a 26-unit development in four buildings on four separate parcels. The proposed renovation, which will provide community housing for the Town, is consistent with the Zoning By-Laws and the Local Comprehensive Plan, however in order to comply with Architectural Access Board, two handicap units had to be added. Given the steep topography of the site, adapting any of the existing units for handicap living would be problematic and difficult. The project proposed instead to take existing space within the existing footprints of Building 4 and 7 to construct those units. In Building 4, an office space will be converted into an accessible studio apartment. In Building 7, an existing storage space will be combined with an adjacent two-bedroom unit to create two new one-bedroom units, one of which will be accessible. One of the two units will be deed-restricted affordable and both will be comparable to the market-rate units. All units on the properties will be rented for community housing as long as the Town owns the property. The applicant has received a Special Permit from the Zoning Board of Appeals for an increase in density and for a parking waiver in order to provide spaces for the two new units. The project has also received a variance from the AAB to increase the number of units from 26 to 28, in addition to approval from the Conservation Commission.

**Public Comment:** Carolyn Westmark, president of the abutting condominium association, had concerns about safe access to the condominium's property given the proposed location of the two new parking spaces on the road apron and the construction work to take place when the property is hooked up to the Town's sewer system.

**Board Discussion:** The Board questioned Mr. LaFleche about the proposed exterior lighting for the site and bike racks. He indicated that only the exterior fixtures on the walkway and on the new units would be replaced and the rest would be done when needed. The Board requested a condition that all exterior lighting be made dark sky compliant, not just when the fixtures needed replacing. The Board asked about the proposed parking change to provide spaces on site for the two new units. Ms. Jarusiewicz said that more bike racks could be added. The Board asked about trash and recycling receptacles and she said that a dumpster would be provided in the northeast corner of the circle driveway. Ms. Jarusiewicz and Mr. LaFleche agreed to the conditions of replacing all of the exterior lighting fixtures and as many bike racks as possible, post and ring or U-shaped, would be provided, given the challenging topography of the site. Mr. Ribeiro reviewed the distribution of affordability requirements for the Inclusionary Incentive by-law for the two new units, which is done in consultation with the Community Housing Council. Mr. Abramson reviewed the material requested from the applicant, including that all existing exterior light fixtures be dark sky compliant, that the enclosed dumpster be shown on the site plan and that post and ring or U-shaped style bike racks, to be approved by staff and to the greatest extent possible, be installed. One of the two new units shall be provided as affordable to a household with up to 100% Average Median Income and priced at 80% AMI.

***There was a motion by David Abramson to approve the site plan pursuant to Article 4, Section 4015, a (1) and (5) for PLN 19-33 at the property located at 3, 4 & 8 Harbor Hill***

*Road and 37 Bradford Street Extension with the conditions that all existing and new lighting be dark sky compliant, that any dumpsters be enclosed and marked on the site plan, that post and ring style bike racks, to be approved by staff, be provided to the greatest extent feasible. Jason Potter seconded. VOTE: 4-0-0.*

*There was a motion by David Abramson to grant a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Laws to renovate a development that will result in an increase of three or more residential units and contribute to the local stock of affordable and community housing units on the property located at 3, 4 & 8 Harbor Hill Road and 37 Bradford Street Extension with the condition that the affordable unit shall be provided for eligible households making up to 100% AMI and will be priced at 80% AMI, with the exact language to be worked out by the Community Housing Council and Town staff. Jason Potter seconded.*

d) **PLN 19-34** (request to postpone to the meeting of March 28, 2019)  
Application by **Doug Dolezal**, of **Design Matters, LLC**, requesting Site Plan Review pursuant to Article 4, Sections 4015, a (1) & (5), Site Plan Review by Special Permit, and 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Law to demolish and rebuild an existing structure, resulting in the excavation of more than 750 cu. yds. of earth, and to create 12 new dwelling units, 3 of which will be affordable, on the property located at **30 Shank Painter Road**. *There was a motion by David Abramson to postpone PLN 19-34 to the March 28, 2019 Public Hearing at 6:30 P.M. Jason Potter seconded. VOTE: 4-0-0*

### 3. Work Session:

#### a) Pending Decisions:

##### **PLN 19-06**

Application by **J. Bruce MacGregor, Trustee, Cape Commerce Nominee Trust**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws for the construction of a one-bedroom, single-family residence on the property located at **13 Willow Drive** with requested waivers pursuant to Article 4, Section 4030, Waivers, including from Article 4, Sections 4053, Commercial Design Standards, 4163, Residential Design Standards, 2. and 3. and 4600, Street Trees and Article 5, Section 5331, Developmental Impact Statements. The decision was not approved due to quorum issues.

##### **PLN 19-21**

Application by the **Town of Provincetown** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (5), of the Zoning By-Laws for land removal or earth-moving of more than 750 cu. yds. that will alter the topography from natural grade, to construct a two-story police station to include a bureau of records, a dispatch and patrol command, administration and senior command, detectives' and sergeants' units, police operations, detention, personnel support and operations support on the property located at **16 Jerome Smith Road** with a requested waiver pursuant to Article 4, Section 4030, Waiver, of Article 4 Section 4163, Residential Design Standards, 3., of the

Zoning By-Laws that the minimum width of traveled surface within the site shall not be less than eighteen feet. The decision was not approved due to quorum issues.

b) **Review a proposal and make recommendations regarding the alteration of the layout of a portion of Route 6.** Mr. Ribeiro reviewed the proposal, which is also a Town Meeting Warrant Article 7. The proposal is related to the construction of the new Police Station. The layout includes a discontinuation of a small portion of Route 6, including a shoulder, but it doesn't change the actual roadway itself. Mr. Abramson read a letter from the Select Board to the Planning Board. *There was a motion by David Abramson to recommend the alteration of the layout of Route 6 as requested by the Select Board. Jason Potter seconded. VOTE: 4-0-0.*

c) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and February 28, 2019.**

February 28, 2019: *There was a motion by David Abramson to approve the minutes as written. Jason Potter seconded. VOTE: 4-0.*

d) **Any other business that may properly come before the Board:** None.

*There was a motion by to adjourn the Planning Board meeting at 8:00 P.M. Jason Potter seconded. VOTE: 4-0-0.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2019  
David Abramson, Chair