

PLANNING BOARD

Meeting Minutes

Thursday, July 25, 2019

Judge Welsh Room

6:30 P.M.

Members Present: Jason Potter, Brandon Quesnell, Shane Landry, Ross Zachs, John Peters-Campbell, and Jeff Mulliken.

Members Absent: Paul Graves (excused).

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

Chair Jason Potter called the Public Hearing to order at 6:30 P.M.

1. Public Hearings:

PLN 19-45 (*continued to the meeting of August 8th*)

Application by **Haven Center, Inc.** requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishment, Retail, of the Zoning By-Laws for a change in use from retail clothing to retail recreational/adult-use marijuana sales on the property located at **308-310 Commercial Street**.

PLN 19-50 (*continued to the meeting of August 8th*)

Application by **Haven Center, Inc.** requesting a Special Permit pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change on the property located at **308-310 Commercial Street**.

PLN 19-51

Application by **Jonathan Sinaiko** requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to increase the size of a shed on the property located at **292 Bradford Street**. Jason Potter, Brandon Quesnell, Shane Landry, Ross Zachs, and Jeffrey Mulliken sat on the case.

Presentation: Jonathan Sinaiko presented the application. He stated that he wanted to add 12' in length to the shed, maintaining the same width. There are no utilities connected to the shed and it is not visible from Bradford Street.

Public Comment: None. There was 1 letter of concern from an abutter.

Board Discussion: The Board questioned Mr. Sinaiko.

There was a motion by Brandon Quesnell to approve the site plan pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to increase the size of a shed on the property located at 292 Bradford Street. Shane Landry seconded.

VOTE: 5-0-0.

PLN 19-52

Application by **Cape Cod Pilgrim Memorial Association of Provincetown** requesting Site Plan Review pursuant to Article 2, Section 2320(B), High Elevation Protection District (B), and Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for

hardscape modifications in the Monument area to provide access to disabled people and to install two handicapped parking spaces adjacent to the Monument on the property located at **1 High Pole Hill Road**. Ross Zachs disclosed that Attorney Murphy has done work for him in the past, however he can render a fair and independent decision in this matter. The applicant had no issue with him sitting on the case. Jason Potter, Brandon Quesnell, Shane Landry, Ross Zachs, and Jeffrey Mulliken sat on the case. The Board had held a site visit at the property earlier in the day.

Presentation: Attorney Lester J. Murphy, Dr. David Weidner, of CCPMA, and Joe Bologna, an engineer with Coastal Engineering, presented the application. Attorney Murphy explained why this matter is before the Board. Upgrades to the monument structure were performed in 2012, and, as a result of the fact that the upgrades cost more than 30% of the assessed value of the Monument, a requirement to make the Monument accessible to disabled individuals was triggered. At that time, the Architectural Access Board, which has jurisdiction over these situations, didn't realize that it would be physically impossible to make the top of the Monument accessible to the disabled. However the AAB did also require certain changes around the site to be able accommodate the movement of the disabled around the site. One of the ways to accomplish this would be to install TV monitors inside the base of the Monument showing video of the trip up and the views that could then can be seen from the top.

Unfortunately, according to Attorney Murphy, the work required by the AAB was never performed by the previous administration. The issue was raised by the AAB and the local Disability Commission when the CCPMA began permitting for the funicular project during last and this year. The funicular project was before the Planning Board for site plan review and its decision to approve came with a condition that before the funicular was permitted to operate, proper access for the disabled, pursuant to the AAB's requirements, had to be provided. The CCPMA had appeared before the AAB regarding the access issue and was issued revised plans, which are the plans currently before the Board, and a mandate to complete the work by December 31, 2021. The plans call for an extension, widening, and installation of a driveway and two handicapped parking spaces adjacent to the grounds so the disabled can be transported to the grounds, as well as changes to the walkways and the installation of a ramp to provide access to the base of the Monument. He said that all of this work is taking place on land above the 60' elevation mark, which is the reason for site plan review. He said that erosion control and water discharge are important issues related to the project and those will be reviewed by Mr. Bologna. He reviewed the other material submitted. He indicated that the proposed work will not significantly alter the site, as most of the work involved the replacement of existing sloped walkways to facilitate handicap access and travel. The two new parking spaces are an extension of the driveway and require some filling, but pervious pavers will be used to reduce runoff. No new structures are being proposed and no increase in site usage is envisioned, and only access for the disabled is being enhanced. Attorney Murphy reviewed the requested waivers. He noted that a temporary waiver from the illumination standards under Article 4, s. 4035 h. has been requested, as the CCPMA is in the process of designing a whole new lighting scheme for the entire property. He said that all exterior lighting will be dark sky compliant and downward-facing, except the lighting on the actual Monument itself. He requested that the applicant be allowed to return, within 3 months, to the Board or have staff review, the new scheme once it has been completed. He said that there was a request for a waiver from submitting a traffic impact assessment waiver, as only two parking spaces for handicapped people are being proposed and no increase in traffic is anticipated. Landscaping in the parking

area will not change a great deal, as only the two new spaces are being added, however as on the rest of the site, only native trees and plants will be used. He argued that the commercial design standards have been met and disability access enhanced. He said there would be no detrimental impacts as a result of the project, and the benefits for the disabled are in keeping with the goals and policies of the Local Comprehensive Plan, the Zoning By-Laws and the local Disability Commission. He reviewed the high elevation protection requirements and indicated how the project will be in compliance.

Mr. Bologna reviewed the engineering aspects of the proposed work. He said that one of the challenges on the site is the grading. He reviewed the site layout and accessibility, the site plans and the proposed erosion controls that will keep runoff on the site. Pervious pavers will be used in the two new handicap parking spaces. He reviewed the movement of handicapped visitors around the site. Dr. Weidner explained the process by which the disabled are able to access the handicap parking, spaces, which includes contacting staff to unlock the area, and how they will be able to then proceed up to the Monument.

Public Comment: None.

Chair Jason Potter closed the public portion of the hearing.

Board Discussion: The Board questioned Attorney Murphy, Mr. Bologna and Dr. Weidner. The Board discussed the lighting and signage on the site. Attorney Murphy reviewed the proposed lighting scheme and agreed that any security lighting and the lighting of the Monument itself will remain the same while all other lighting would be dark sky compliant. The applicant agreed to place a sign on the fence of the handicapped parking area identifying it as such.

There was a motion by grant the waivers as requested except Article 4, s. 4035 h. for illumination standards. Shane Landry seconded. VOTE: 5-0-0.

There was a motion by Brandon Quesnell to approve the site plan pursuant to Article 2, Section 2320(B), High Elevation Protection District (B), and Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for hardscape modifications in the Monument area to provide access to disabled people and to install two handicapped parking spaces adjacent to the Monument on the property located at 1 High Pole Hill Road with the conditions that the applicant submit a lighting plan to Town staff and that all lighting on the site except Monument lighting and required safety lighting will be dark sky compliant and such lighting be reviewed and approved by Town staff and that ‘disabled access only’ signage at the disabled access entrance shall be posted. Shane Landry seconded. VOTE: 5-0-0.

There was a motion by Jason Potter to take PLN 19-56 out of order. Brandon Quesnell seconded. VOTE: 5-0-0.

PLN 19-56 (request to postpone to the meeting of August 8th)
Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Enco Realty, Inc.**, requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a (4), of the Zoning By-Laws for the Development of a commercial property that has a curb cut greater than 25% of its existing frontage at the property located at **20 Province Road**. Attorney Lester

J. Murphy appeared to request the postponement to the Public Hearing of August 8, 2019 at 6:30 P.M. He said that it had not been definitively determined whether the project needed site plan review and he requested that it be postponed until that has been decided.

There was a motion by Brandon Quesnell to open the public hearing. Shane Landry seconded. VOTE: 5-0-0.

There was a motion by Brandon Quesnell to continue PLN 19-56 to the August 8, 2019 Public Hearing at 6:30 P.M. Jason Potter seconded. VOTE: 5-0-0.

PLN 19-53

Application by **Doug Dolezal**, on behalf of **Mariam Gallardo & Courtney Spitz**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for a two-story addition to the structure on the property located at **62 Mayflower Avenue**. Jason Potter, Brandon Quesnell, Shane Landry, Ross Zachs, and Jeff Mulliken sat on the case.

Presentation: Doug Dolezal presented the application. He reviewed the project narrative, which included a short history of the property. In 2017, a previous plan for the renovation of the structure on the site had been reviewed and approved by the Planning Board. However, that proposed project, which would have encompassed an extensive rebuild, including a demolition of half of the existing foundation and structure, and an entire reworking of the landscaping on the site, was never undertaken, as its design exceeded the scope, finances and need of the applicants. And, it would have an increased the height, volume and footprint of the structure. In contrast, this 2019 renovation of the building will be more modest and only include a 180 sq. ft. two-story addition to the rear of the house, which will not be visible from the public way or from any long-distance viewpoints to the property. Mr. Dolezal reviewed photographs of the building from Route 6 as you are traveling into Town to indicate that the addition will not be visible. The house is set downward from the crest of the hill in the area of Mayflower Avenue already so the building is not conspicuous and, because of the vegetation across the street, the visibility from the highway is, and would continue to be, very limited. He reviewed the site plan and the set of drawings for the proposal, including the added footprint for both the 2017 and the 2019 renovations. He briefly reviewed the history of the structure itself as its configuration changed throughout the years starting in the late 1930s when it was built. He explained the applicants' intent in renovating the structure, part of which is due to previous additions to the structure, and reviewed the PB's previous approval. He showed highlighted rooftops of the abutting houses in the neighborhood, including 62 Mayflower, which showed how visible they are from the highway. He reviewed the building elevations. Any landscaping will continue to be native plantings and no trees will be removed on the site. Access to the site will be from the driveway, which is outside the high elevation protection district. A lot of the work will be done by hand in the area within the high elevation protection district located on the rear of the house. He indicated that the 2019 renovation will have less impact on the site and has the full support of the direct abutters.

Public Comment: None. There were 4 letters in support of the application.

There was a motion by Jason Potter to close the public portion of the hearing, Shane Landry seconded. VOTE: 5-0-0.

Board Discussion: The Board questioned Mr. Dolezal about the proposed exterior lighting fixtures and whether they fit the criteria of dark sky compliant. The Board requested a lighting

plan for the property and required that all new and existing exterior lights be dark sky compliant. Mr. Dolezal will clarify whether the deck will have to be removed. No modifications need to be done to the septic system or the propane tank and roof runoff will be handled by dry wells.

There was a motion by Brandon Quesnell to approve the site plan pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for a two-story addition to the structure on the property located at 62 Mayflower Avenue with the conditions that a lighting schedule be submitted for staff review and approval, that all exterior lighting fixtures be dark sky compliant and subject to staff approval, that a storm management detail be provided for staff review and approval, and that the removal or non-removal of the deck be clarified. Ross Zachs seconded. VOTE: 5-0-0

PLN 19-54

Application by **Robin B. Reid, Esq.**, on behalf of **BWell Holdings, Inc.**, requesting a Special Permit pursuant to Article 2, Section 2440, B14, Marijuana Establishment, Retail, of the Zoning By-Laws to establish a retail marijuana store on the property located at **220 Commercial Street, #2**. Jason Potter, Brandon Quesnell, Shane Landry, Ross Zachs, and Jeff Mulliken sat on the case.

Presentation: Attorney Robin B. Reid and Karen Nash appeared before the Board to present the application. Attorney Reid began to review the narrative for the project. The applicant will comport with all Cannabis Control Commission regulations and local licensing regulations, there will be screening by security guard at the entrance, product will be sold in tamper-and child-proof, and deliveries will be at off hours by car or small van. The Chair interrupted the presentation to request further information, including a new narrative, a queuing plan, exterior lighting and security plans, that the maximum occupancy of the retail space be determined and that the generator location be marked on the site plan. The Board continued the matter.

There was a motion by Brandon Quesnell to continue PLN 19-54 to the Public Hearing of August 8, 2019 at 6:30 P.M. Jason Potter seconded. VOTE: 5-0-0.

2. Work Session:

a) **Discussion of potential changes to the Inclusionary and Incentive Zoning By-Law.**
None.

b) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and July 11, 2019.**

July 11, 2019: ***There was a motion by Jason Potter to approve both sets of minutes as written. Shane Landry seconded. VOTE: 5-0-0.***

c) **Any other business that may properly come before the Board:** The Board discussed the submission of material by applicants.

There was a motion by Ross Zachs to adjourn the Planning Board meeting at 9:00 P.M. Shane Landry seconded. VOTE: Unanimous.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
Jason Potter, Chair