

**PLANNING BOARD**  
Meeting Minutes  
Thursday, February 13, 2020  
Judge Welsh Room  
6:00 P.M.

**Members Present:** Brandon Quesnell Paul Graves, John Peters-Campbell (arrived at 6:18 P.M.), Ross Zachs, and Jeff Mulliken.

**Members Absent:** None.

**Staff:** Thaddeus Soulé (Town Planner), and Ellen C. Battaglini (Permit Coordinator).

Vice Chair Brandon Quesnell called the Planning Board Public Hearing to order at 6:09 P.M.

**3. Work Session:**

a. ANR:

**PLN 20-31**

Application by **DTODD, LLC** for endorsement of a plan believed not to require approval (ANR) to combine two parcels at **66 & 72 West Vine Street (Map 6-1, Parcels 11 & 12)** to form one lot containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P. Dave Krohn appeared to review the ANR plan.

*There was a motion by Jeff Mulliken to endorse a plan believed not to require approval (ANR) to combine two parcels at 66 & 72 West Vine Street (Map 6-1, Parcels 11 & 12) to form one lot containing the minimum area & frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P. Ross Zachs seconded. VOTE: 4-0-0.*

b. Re-sign ANR plan for 25 Winslow Street, PLN 20-29, to correct a scrivener's error.

*There was a motion by Jeff Mulliken to endorse a plan believed not to require approval (ANR) to combine four parcels at 25 Winslow Street (8-2/23 & 26 (3)) to form one lot with the required frontage on a public way and in accordance with the Provincetown Zoning By-Laws and with M.G.L. c. 41, s. 81P. Paul Graves seconded. VOTE: 4-0-0.* The Board signed the revised ANR plan for 25 Winslow Street.

**1. Board Elections:**

*There was a motion by Paul Graves to elect Brandon Quesnell as Chair, John Peters-Campbell seconded. VOTE: 4-0-0.*

*There was a motion by Brandon Quesnell to elect Paul Graves as Vice Chair, Jeff Mulliken seconded. VOTE: 4-0-0.*

*There was a motion by Brandon Quesnell to elect Ross Zachs as Secretary, Paul Graves seconded. VOTE: 4-0-0.*

2. **Public Comments:** None.

3. **Public Hearings:**

**PLN 20-14** *(continued from the meeting of January 23<sup>rd</sup>)*

Application by **Edward Roach**, on behalf of **Meili West, LLC**, requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a. (1), Site Plan Review by Special Permit, of the Zoning By-Laws to construct a three-story, multi-family development that will result in three or more residential units on the property located at **30 Shank Painter Road** with waivers from Article 4, Sections 4035, Review Criteria, e, 4053, Commercial Design Standards, 4120, Density Schedule, 4140, Lot Coverage, 4150, Green Area, and 4600, Street Trees. Jason Potter, Brandon Quesnell, Paul Graves, John Peters-Campbell, and Ross Zachs sat on the case.

**PLN 20-15** *(continued from the meeting of January 23<sup>rd</sup>)*

Application by **Edward Roach**, on behalf of **Meili West, LLC**, seeking a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, to develop 13 condominium units, 4 of which will be affordable, on the property located at **30 Shank Painter Road**. Jason Potter, Brandon Quesnell, Paul Graves, John Peters-Campbell, and Ross Zachs sat on the case. The Board heard the two cases together.

**Presentation:** Attorney Christopher J. Snow, Rafael Hernandez, designer and architect, Randy Carpenter, a representative of ownership group, and Brad Malo, landscape architect appeared to discuss the application. Mr. Hernandez reviewed the revised plans for the project, which address the Board's collective concerns voiced at the previous hearing of the matter. He said the changes included reducing the highest point of the roof from 42' to 34', decreasing the width of the building from 64' to 54', decreasing the square footage of heated space from 12,000 to 9,000, a 25% reduction, shrinking the third floor to less than 75% of the second and the first floors, increasing the amount of green space, changing the type of bike rack to conform with the Board's preference. He continued that the parking based upon circulation requirements have been confirmed and the building will be disabled accessible from the parking area. There will no longer be a third-floor roof deck, added additional detail to façade and trim work and a large front entry has been added on Shank Painter Road and volume, height and details match similar buildings in Town.

Attorney Snow said that there would only be 11 units, with one affordable on the site and one affordable off the site, on Nelson Avenue. The on-site unit will be on the northeast corner of the building and will be the largest of the one-bedrooms.

Mr. Malo said that a site soil test on the site has been done and has confirmed that a coarse sand is prevalent and very good for drainage infiltration and have completed a stormwater drainage design to a 25-year storm event and has been further updated in accordance with the soil type as well as a groundwater level test. He said that in regard to maneuverability for the proposed parking spaces, a 24' wide access/egress aisle off of Browne Street is proposed, an adequate width for such an aisle, and each of the 10 delineated parking spaces will measure 8' by 18'. He said that with the columns for the building support for the overhang located in that area, it was a tight configuration, but workable. As such, one of the parking spaces may have to

be designated for a smaller vehicle. He said that 4 trees are proposed, given frontage and proportion required by the by-law for 177 linear feet, the requirement of 3.5 street trees, will be met. He said that there is an existing fifth tree on the corner of Shank Painter and Browne Street that will remain.

Attorney Snow said that much of the public comment is related to the large size of the building, however a previous project had been approved by the Zoning Board of Appeals for a 350% increase in scale and this project has filed an application for a Special Permit to deviate from the neighborhood average building scale.

**Public Comment:** Doug Dolezal commented on the revisions and spoke of his continuing concerns about the project. He suggested that the applicant seek the guidance and review of the Historic District Commission regarding the empire style of architecture that was being proposed. There were 21 letters in opposition and 17 letters with concerns about the project.

**Board Discussion:** Mr. Soulé reviewed the staff report on the project, including the waivers and suggested that the applicant submit a revised list of requested waivers. He said that the Board may want to require an engineer's certification that the plan as designed will not increase runoff to other properties or to public ways. He said that there was a request to waive the development impact statement and the Board can deny that if that information would help them to better evaluate the project based on the number of waivers. Deed restricted unit should be identified on the plan. He said that the electric meters could pose a public safety hazard and could be moved to another location. The applicant should provide information about the fence, including size and material, to ensure that it provided adequate screening and was appropriate with the façade. Additional information about the trash area to ensure that material will be blowing around the property. He requested more vegetative screening and a detailed planting plan showing native species that are drought-tolerant and a photometric lighting plan for exterior light fixtures or indicating the fixtures on the site plan. The Board questioned Attorney Snow, Mr. Rodriguez, Mr. Malo and Mr. Carpenter. Discussed were some of the suggestions by Mr. Dolezal and Mr. Soulé. Mr. Rodriguez said that the affordable unit would be marked on a revised plan and a change in the location of the electrical panel would be explored. Attorney Snow said that he would speak with the chair of the HDC about a review and recommendations regarding the project's proposed empire-style architecture and the most appropriate fencing. The Board discussed the architecture and the parking layout with Mr. Rodriguez. The Board agreed that the revisions were an improvement over the original proposal. The Board suggested that an alternative for the crushed shell dumpster area be created. Mr. Rodriguez suggested that a walkway area could be built. The Board will require only drought-resistant, native plantings for the property, cut sheets for proposed fencing and condenser units, and replace proposed asphalt pavement with pervious pavers. Attorney Snow requested a continuance to the meeting of March 26<sup>th</sup>. ***There was a motion by John Peters-Campbell to grant the request to continue PLN 20-14 & PLN 20-15 to the Public Hearing of March 26, 2020 at 6:30 P.M. Jeff Mulliken seconded. VOTE: 5-0-0.***

**PLN 20-19** (continued from the meeting of January 23<sup>rd</sup>)

Application by **Ted Smith**, on behalf of **Mitchell Klein**, seeking 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 to move one bedroom from the main structure to another structure on the site

and to create a new dwelling unit in the main structure, resulting in three or more dwelling units, on the property located at **26 Bradford Street**.

**PLN 20-20** (continued from the meeting of January 23<sup>rd</sup>)

Application by **Ted Smith**, on behalf of **Mitchell Klein**, seeking Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to move one bedroom from the main structure to another structure on the site and create a new dwelling unit in the main structure on the property located at **26 Bradford Street**.

**Presentation:** Ted Smith appeared to present the application. He reviewed the project, which involves two structures on the site; a main one, used as an Airbnb guesthouse, and a smaller cottage. There are 10 bedrooms on the property, nine in the main structure, some of which have been used as temporary housing for seasonal workers. The proposal includes moving one bedroom from the main structure, leaving eight, while adding a kitchen, creating a new dwelling unit, and reconfiguring bedrooms, to the cottage. Also, the cottage will be expanded by 6'; 3' in the back and 3' in the front. Some shrubs in that area will be disturbed. The main structure will retain five guestrooms, plus a three-bedroom dwelling unit, while the cottage will become a two-bedroom dwelling unit. He emphasized that no new bedrooms are being added, or density increased, no additional parking spaces are being proposed and a parking waiver has been requested from the ZBA, as there are currently not enough spaces to accommodate the existing or proposed situation. There are eight needed where seven now exist. He reviewed the elevation drawings and the site and the landscaping plans. As to landscaping, the proposal looks to disrupt as little as possible. No existing trees will be removed from the site. The existing paved terrace will be replaced with permeable pavers. The parking area will remain permeable. The existing exterior light fixtures will remain. Mr. Smith said that there is a roof deck on the main structure on two different levels, the smaller being the higher of the two, and when reconfiguring rooms on the main structure, these existing decks will be made level with each other. The lower, larger deck will be raised to be level with the smaller, but higher deck. Additional deck area in back will be added. He addressed the runoff of the terrace and decks, stating that the former would be comprised of permeable pavers and the latter will be handled by new gutters and new dry wells on all four corners of the main structure. There will be some reconfiguration of the roof areas to accommodate greater headroom as a result of the reconfiguration of the five guest units. In conclusion, Mr. Smith said that his client was dedicated to improving the condition of Carnes Lane, which intersects the rear of the structure.

**Public Comment:** Arthur Mahoney, an abutter, spoke in opposition to the project. There were 2 letters in opposition and 4 with concerns about the project.

**Board Discussion:** Mr. Soulé commented on the project, stating that the landscaping and screening increased to mitigate the increase in density being requested in the cottage structure and all runoff of impervious surfaces and drainage needs to be confined to the site. He said that Board could require additional engineering solutions for any additional runoff issues that may be occurring on the site and in the parking area. He said that the lighting on the decks is not identified and that the Board should have that information to review, including specification sheets for the lighting fixtures. The Board questioned Mr. Smith, including about the parking area and the condition of Carnes Lane abutting the property. The Board requested more information about stormwater management, better landscaping plans, specification sheets for all exterior fixtures, which must be dark sky compliant, and a lighting plan, all parking spaces must be delineated on the ground, bike rack location and gate. The Board had a concern about the height and proposed leveling of the decks and suggested that the proposal be revised to

keep the larger deck below the smaller, higher deck. In addition, requiring that the applicant post a bond, as was done for 12 Pleasant Street during its renovation, in case damage is done to Carnes Lane and look at parking space #4 and whether it is interfering with what may be an egress gate. Mr. Smith requested a continuance to the meeting of February 27, 2020. ***There was a motion by Jeff Mulliken to grant the request to continue PLN 20-19 & PLN 20-20 to the Public Hearing of February 27, 2020 at 6:30 P.M. Ross Zachs seconded. VOTE: 5-0-0.***

**PLN 20-26** (continued to the meeting of February 27<sup>th</sup>)

Application by **Eliot Parkhurst, Esq.**, on behalf of **Five Star Pet Services, LLC**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) & (2), and a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, of the Zoning By-Laws to add a dwelling unit and 3 dormers and a new egress on an existing structure and remove a shed, animal runs, and fenced pens in the rear of the site to construct a duplex on the property located at **79 Shank Painter Road**, with waivers from Article 4, Sections 4053, Commercial Design Standards, 4163, Residential Design Standards, and 4150, Green Area, of the Zoning By-Laws.

**Work Session:**

c) Discussion of potential Zoning By-Law amendments: David Gardner presented the proposed Zoning By-Law amendments recommended by staff. The Board questioned Mr. Gardner on the amendments and made suggestions for revisions. The topics presented included:

- Removing the limitation on multiple buildings per lot, as the allowed density was doubled at last year's Town Meeting. Allowing more dwelling units per lot, but not more buildings, forcing increases in the size of buildings disincentivizing smaller scale buildings in favor of fewer larger buildings;
- Adding to the list of requirements for exterior lighting fixtures that they have to be downward-facing and adding a lighting plan. The amendment clarifies the requirement for a lighting plan to be included in a Site Plan Review application. Mr. Mulliken volunteered to do some research regarding this amendment;

Section 4053/ Appearance/Architectural Design: The amendment clarifies the Board's role in reviewing Site Plan Review applications for commercial businesses. Commercial design standards as it relates to architectural design in that the design shall be compatible with other buildings in the neighborhood building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used, removing references to historical character and scale and removing a reference to a section in the By-Laws, Article 3, section 3300, that no longer exists;

- Growth Management: Updates to the Growth Management By-Law based upon the adoption of the Inclusionary and Incentive Zoning By-Law. The amendment provides the Housing Council and the Select Board with more flexibility in allocating gallons for affordable

and community housing projects. The gallons would be allocated from within the appropriate categories based upon need to ensure that there are gallons available;

- **Inclusionary and Incentive Zoning By-Law:** This is being clarified and simplified; including clarifying that all projects must provide a minimum of 1/6 inclusionary contribution either through the provision of units or an in-lieu fee, simplifying the payment-in-lieu process, simplifying the density bonus and removing a reference to incrementally adding density units, removing references to density bonuses within the Res 1 district, which is a single family zone, clarifying the incentives available once the 1/6 provision is met and being specific as to the types of dimensional relief available to the Board, clarifying the fee reduction bonus and allowing the building permit fees for all dee-restricted units to be waived, and clarifying the duplicity of approvals required for the determination of the income level of dee-restricted units.

d) Pending Decision:

**PLN 20-21 (Gloria)**

Application by **John DeSouza** seeking 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 to add a dwelling unit on the site, resulting in three or more dwelling units at **22 Conwell Street, UD**. **Jason Potter, Brandon Quesnell, Paul Graves, John Peters-Campbell, and Ross Zachs** sat on the case. Brandon Quesnell read the decision. *There was a motion by Ross Zachs to approve the language as written. Paul Graves seconded. VOTE: 4-0-0.*

e) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and January 23, 2020.**

January 23, 2020: *There was a motion by Jeff Mulliken to approve the minutes of January 23, 2020 as written. Paul Graves seconded. VOTE: 5-0-0.*

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

*There was a motion by Ross Zachs to adjourn the Planning Board meeting at 10:45 P.M. Jeff Mulliken seconded. VOTE: Unanimous.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2020  
Brandon Quesnell, Chair