

PLANNING BOARD
Meeting Minutes
Thursday, April 23, 2020
Judge Welsh Room
6:30 P.M.

Members Present: Brandon Quesnell, Paul Graves, Ross Zachs, Jeff Mulliken, and Monica Stubner.

Members Absent: John Peters-Campbell (excused).

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

Mr. Soulé introduced the virtual hearing, explaining the reason the Public Hearing was being held virtually, how the Board, the applicants and the public could participate remotely, and the meeting protocol. He then called the roll.

Chair Brandon Quesnell called the Planning Board Public Hearing to order at 6:31 P.M.

1. **Public Comments:** None.

2. **Consent Agenda:** Approval without objection required for the following item:

PLN 20-43

Application by **Guy Busa** for endorsement of a plan believed not to require approval (ANR) to combine two parcels at **2 & 2A Conway Street (Map 15-3, Parcels 45 & 46)** 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. The Board decided to continue the matter to the next hearing. *There was a motion by Brandon Quesnell to continue PLN 20-43 to the Public Hearing of May 14, 2020 at 6:30 P.M. Paul Graves seconded. VOTE: 5-0 by roll call.*

3. **Public Hearings:**

PLN 20-30 (*request to withdraw without prejudice*)

Application by **Robin B. Reid, Esq.**, on behalf of **BWell Holdings, Inc.**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B15, Marijuana Establishment, Industrial, of the Zoning By-Laws to operate a cannabis-infusion production facility at the property located at **45 Court Street**. There was a request by the applicant to withdraw without prejudice. *There was a motion by Jeffrey Mulliken to grant the request to withdraw PLN 20-30 without prejudice Paul Graves seconded. VOTE: 5-0-0 by roll call.*

PLN 20-34 (*postponed to the meeting of June 11th*)

Application by **Keith LeBlanc**, of **LeBlanc Jones Landscape Architects**, seeking a Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for changes to parking, stairs, and walkways, and adding a wood deck, and installing a pre-fabricated swim spa, an outdoor shower, retaining walls, and native plantings on the property located at **14 Thistlemore Road**.

PLN 20-35 (continued from the meeting of April 9th)

Application by **Dave Krohn** seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a. (1) and (5), Site Plan Review by Special Permit, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct five dwelling units, two septic systems, gravel driveways, and retaining walls, re-align fencing, complete associated utility upgrades, add hardscape patios and other landscape improvements, resulting in the moving of more than 750 cu. yds. of earth, which will alter the topography from the natural grade on the properties located at **66 & 72 West Vine Street**. Brandon Quesnell, Paul Graves, Ross Zachs, Jeff Mulliken, and Monica Stubner sat on the case.

Presentation: Dave Krohn and Chris King were participating in the meeting in order to discuss the application. Mr. Krohn reviewed new material that had been submitted to the Board regarding the proposed main house. He said that the new material also included an added fence line to delineate the driveway coming into 66 W. Vine St. and a correction to the proposed building height, lowering it from 28' to 25', of the structure. He read a statement elaborating his vision for, and stewardship of, the property and related how he has improved the property since he purchased it. He briefly reviewed the project and emphasized that he has done what was needed in order to permit it. He added that he had never been contacted by neighbors to discuss their concerns. Mr. King spoke reiterated Mr. Krohn's contention that the applicable materials for approval have been submitted to the Board and requested the ability to address any public or Board questions or comments.

Public Comment: Attorney David Reid, representing several abutters, spoke of his clients' concerns about the project. George Salem, Gary Boatman, and Kevin Shellooe, all abutters, spoke in opposition to the project. There were 5 new letters submitted to the Board. The previously submitted letters can be viewed on the Town's website.

Board Discussion: The Board questioned Mr. Krohn and Mr. King. The latter responded to several of the public comments regarding safety issues and access to the properties. In addition, he responded to questions from the Board regarding the wetland delineation and the addition of fill and grade issues on the properties. The Board discussed conditions.

There was a motion by Ross Zachs to grant a Special Permit pursuant to Article 4, Section 4015, a. (1) and (5), Site Plan Review by Special Permit, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct five dwelling units, two septic systems, gravel driveways, and retaining walls, re-align fencing, complete associated utility upgrades, add hardscape patios and other landscape improvements, resulting in the moving of more than 750 cu. yds. of earth, which will alter the topography from the natural grade on the properties located at 66 & 72 West Vine Street subject to the proposed conditions as discussed, such as a notation of the easement and all other standard conditions, such as bike racks and dark sky compliant exterior light fixtures, and as presented in the plans previously. Paul Graves seconded. VOTE: 5-0-0 by roll call.

PLN 20-39

Application by **James & Luanne McCullum** seeking a Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to construct an enclosed screened-in porch over an existing deck and to add egress stairs on grade to the structure on the property located at **28 Berry Lane**.

Presentation: James and Luanne McCullum were participating in the meeting and presented the application. Mr. McCullum reviewed the proposed project, which includes adding a screened porch, with removable screens, with a roof on the east side of the structure and stairs down to the existing grade.

Public Comment: None.

Board Discussion: The Board had no questions for Mr. McCullum, however it requested that all exterior lighting fixtures on the property be dark sky compliant and that any stormwater runoff be contained on the site. The Board noted that the drawings submitted were neither to scale nor horizontally and vertically dimensioned and more architectural information would be needed if applying for site plan review in the future.

There was a motion by Jeffrey Mulliken to approve the site plan pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to construct an enclosed screened-in porch over an existing deck and to add egress stairs to grade to the structure on the property located at 28 Berry Lane subject to the conditions as discussed. Monica Stubner seconded. VOTE: 5-0-0 by roll call.

PLN 20-40

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Adam S. Ackerman**, seeking a Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to add a new entryway and a new covered porch and to convert an existing deck into a screened-in porch on the structure located at **2 Willow Drive**.

Presentation: Billy Rogers and Gary Locke were participating in the meeting to present the application. Mr. Rogers reviewed the project, which involves an addition, measuring 6' by 11.5', and a covered porch measuring 5'11" by 6' abutting it and the conversion of an existing deck into a screened-in porch.

Public Comment: John Porell, an abutter, had concerns about the project, requesting that shrubbery be planted between the subject property and his property for more privacy and asked about runoff from the proposed screened-in porch.

Board Discussion: The Board questioned Mr. Rogers and Mr. Locke about the public comment from the abutter and if there was going to be any exterior lighting in the area of the abutter's property. Mr. Rogers said that the site plan indicated that all roof runoff would be directed to subsurface drains, flowell systems, or equal, and all exterior lighting fixtures would be dark sky compliant and not mounted more than 15' high.

There was a motion by Jeffrey Mulliken to approve the site plan pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to add a new entryway and a new covered porch and to convert an existing deck into a screened-in porch on the structure located at 2 Willow Drive subject to the conditions that all exterior fixtures shall be dark sky compliant and that all stormwater shall be contained on the site. Paul Graves seconded. VOTE: 5-0-0 by roll call.

3. Work Session:

- a) Pending Decisions:

PLN 20-19

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**. The decision was not ready for approval.

PLN 20-20

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**. The decision was not ready for approval.

PLN 20-26

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. The decision was not ready for approval.

PLN 20-31

Application by **Don DiRocco**, of **Hammer Architects**, seeking a Site Plan Review pursuant to Article 2, Section 2320 (B), High Elevation Protection District (B), of the Zoning By-Laws to construct a screen porch on an existing second floor deck and reconstruct an existing set of stairs on the structure located at **5 Telegraph Road**. The decision was not ready for approval.

PLN 20-36

Application by **Deborah Rossi, Patricia Ackad, & Jonathan Stevens** seeking a Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to add a wrap-around deck and to remove a concrete ramp on the structure located at **19 Brewster Street**. The decision was not ready for approval.

PLN 20-37

Application by **Melissa S. Schwartz & Linda M. Freundlich** seeking a Site Plan Review pursuant to Article 2, Section 2320 (B), High Elevation Protection District (B), of the Zoning By-Laws to construct a three-season addition and two decks on the structure located at **24 Berry Lane**. The decision was not ready for approval.

PLN 20-40

Application by **Ted Smith, Architect, LLC**, on behalf of **Steven Lagana**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b, Two Family Dwelling, 1., One per lot, and Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to construct a new structure containing two dwelling units on a vacant lot located at **46.5 Harry Kemp Way**. The decision was not ready for approval.

b) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, and June 9, 2016, and March 26 and April 9, 2020.**

April 9, 2020: *There was a motion by Ross Zachs to approve the minutes of April 9, 2020 as amended. Jeffrey Mulliken seconded. VOTE: 5-0-0 by roll call.*

c) **Any other business that may properly come before the Board:** Paul Kelly had submitted an application for an alternate membership on the Board. He spoke about his interest in joining the Board. *There was a motion by Jeffrey Mulliken to accept Paul Kelly as an alternate member of the Planning Board. Monica Stubner seconded. VOTE: 5-0-0 by roll call.*

Mr. Quesnell said that he would like to change the starting time of the virtual Planning Board meetings to 6:00 P.M. *There was a motion by Jeffrey Mulliken to change the starting time for virtual Public Hearings of the Planning Board from 6:30 P.M. to 6:00 P.M. until meetings are no longer virtual. Ross Zachs seconded. VOTE: 5-0-0 by roll call.*

Mr. Quesnell said that he and Mr. Graves will be working with staff to create policies, procedures and rules for the Planning Board. He will bring the suggestions to the Board for discussion. Mr. Mulliken raised the issue of Board members accessing physical plans and large-sized plans. Mr. Soulé said that physical packets can be requested from staff currently working at Town Hall. There is a pick-up bin outside the basement of Town Hall on Ryder Street.

Mr. Mulliken asked about the issue of Board members signing approved plans given the fact that meetings are virtual. Mr. Soulé requested that the Board appoint him to be the signatory for Planning Board decisions and plans, as he has been for the Zoning Board of Appeals. *There was a motion by Ross Zachs to appoint Thaddeus Soulé to sign decisions and plans on behalf of the Planning Board. Jeffrey Mulliken seconded. VOTE: 5-0-0 by roll call.*

There was a motion by Jeff Mulliken to adjourn the Planning Board meeting at 9:00 P.M. Monica Stubner seconded. VOTE: Unanimous.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2020
Thaddeus Soulé, Town Planner,
on behalf of the Planning Board