

PLANNING BOARD

Meeting Minutes

Thursday, May 14, 2020

Judge Welsh Room

6:00 P.M.

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

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 6:01 P.M.

1. **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. Mr. Soulé explained what an ANR is for the sake of the new PB members. *There was a motion by Ross Zachs to endorse 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. Jeffrey Mulliken seconded. VOTE: 5-0-0 by roll call.*

2. **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**.

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**.

Jeffrey Mulliken moved to approve the language as written for PLN 20-19 and PLN 20-20, Paul Graves seconded. VOTE: 5-0 by roll call.

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. *Jeffrey Mulliken moved to approve the language as written for PLN 20-26, Monica Stubner seconded. VOTE: 5-0 by roll call.*

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 20-35

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**. 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 20-39

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**. 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.

PLN 20-42

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**. 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 23, 2020.**

March 26 2020: There was a motion by Ross Zachs to approve the minutes of March 26, 2020 as written. Jeffrey Mulliken seconded. VOTE: Unanimous by roll call.

April 23, 2020: There was a motion by Jeff Mulliken to approve the minutes of April 23, 2020 as written. Paul Graves seconded. VOTE: Unanimous by roll call.

c) **Any other business that may properly come before the Board:** Mr. Soulé mentioned the Citizen’s Training Collaborative about which he had sent out information to the Board regarding its training seminars. The Board briefly discussed the subject.

Mr. Mulliken asked about the status of the proposed Zoning By-Law changes, given the cancellation of spring Town Meeting. Information about Town Meeting will be forthcoming according to Mr. Soulé. He said the warrant may open up again for a Town Meeting to be re-scheduled for September. He will send out information to Board members. Mr. Quesnell said that any ideas about by-law changes should be sent to him or Mr. Graves. Mr. Mulliken mentioned a by-law regarding lighting and wondered if it made sense to spend time discussing the information that he had researched regarding the topic.

Chair Brandon Quesnell called the Public Hearing to order at 6:30 P.M.

3. Public Comments: Paul Kelly asked a question about the property located at 46.5 Harry Kemp Way concerning the difference between a Special Permit and a Site Plan Review. He also asked about a Town right-of-way for a such a lot that is set so far back from the street. He said he had visited the site and could not see any stakes delineating the right-of-way and that the plot was complicated as it also abutted the Maushope property. He mentioned several trees

that were planted on the Town right-of-way and asked if they would be protected and whether the Town's tree committee had been contacted about them. Mr. Soulé said that he would follow up with Mr. Kelly outside the hearing.

4. Public Hearings:

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 (Residential 1 Zone)**.

PLN 20-44

Application by **Robin B. Reid, Esq.**, on behalf of **Pensco Trust Company, Custodian**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B15, Marijuana Establishment, Industrial, of the Zoning By-Laws to establish a marijuana production facility on the property located at **220 Commercial Street, U2 (Town Center Commercial Zone)**. Brandon Quesnell, Paul Graves, Ross Zachs, Jeffrey Mulliken and Monica Stubner sat on the case.

Presentation: Attorney Robin B. Reid and Karen Nash were participating in the meeting and presented the application. Attorney Reid reviewed the proposed project, which is the same project that the Board had approved for the property located at 336 Commercial Street, in which it issued a Special Permit, PLN 19-42, for a marijuana production facility. That SP would be relinquished if the Board were to approve the present application. The applicant already has a SP, PLN 19-54, to operate a retail marijuana establishment at this property and has received a provisional license from the state Cannabis Control Commission. The retail facility will be located in the front, street-side building on the site. The proposed production facility will be located in a free-standing building in the back of the property, behind the front building, which is set back from the street and surrounded by a locked, gated fence. Attorney Reid said that the gate in the fence will be locked at all times. All state operations and security regulations promulgated by the CCC will be complied with for both the retail and production aspects of the operation. There will be a limited amount of changes to the site, including additional security lighting, a generator and the lock on the gate. The exercising of the generator will be performed only on a weekday between 12:00 P.M. and 4:00 P.M. New lighting will be dark sky compliant. Included in the submission is an explanation of the production process, including the equipment to be employed, that will be taking place on the site. There will be no processing of marijuana at this location, but it will be purchased off-site and delivered to the facility. Minimal waste will be generated from the production process and all trash will be handled inside the buildings until picked up by a hauler. Deliveries of cannabis distillates and transportation of the finished products will be made off-hours by a specially licensed cannabis transportation company. All cannabis product inventory will be stored in secure vaults and access to the premises will be strictly controlled. Helix Security, which specializes in cannabis security, will be setting up the security system, which will include door, window, and perimeter alarms, security cameras to be monitored 24/7, and motion detectors. The security plan has been reviewed and approved by the CCC. The applicant will also provide

any security measures required by Chief Golden. She argued that there will be significant social and economic benefits to the Town as a result of this proposal, including the local ownership and operation of a small business and its operation on a year-round basis. This business, unlike other retail marijuana establishments approved by the Board, will add value by increasing the value of the raw input through the production process in Town and by creating jobs other than retail. The product will also be sold elsewhere and the dollars will come back into the Town. The proposed business will provide year-round jobs and will pay 1% of the gross revenue generated as a community impact fee, as well as 1% of the gross revenue generated to the Town's charitable fund. There are no adverse effects associated with this proposal. No congestion, no noise or odors, and only minimal waste will be generated by this facility. There will be no hazard or environmental degradation created.

Public Comment: None.

Board Discussion: The Board questioned Attorney Reid and Ms. Nash. Ms. Nash said that instead of a generator, there will be battery packs located in each building to provide for 6 hours of back-up power. Mr. Quesnell said that the reference to the generator in the Board's finding will be removed. Attorney Reid said that a bigger vault will be located in the front building and a separate vault installed in the back building. There will be no waste generated as a result of the production process, which is done on the molecular level. Ms. Nash reviewed the lighting plan for the property.

There was a motion by Jeffrey Mulliken to grant a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B15, Marijuana Establishment, Industrial, of the Zoning By-Laws to establish a marijuana production facility on the property located at 220 Commercial Street, U2 (TCC). Paul Graves seconded. VOTE: 5-0 by roll call.

There was a motion by Jeff Mulliken to adjourn the Planning Board meeting at 7:00 P.M. Monica Stubner seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

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