

PLANNING BOARD

Meeting Minutes

Thursday, June 25, 2020

6:00 P.M.

PB Members Present: Brandon Quesnell, Ross Zachs, Jeff Mulliken, Monica Stubner, Paul Kelly and Marianne Clements.

Members Absent: Paul Graves (excused) and Steven Azar (not excused).

Staff: Thaddeus Soulé (Town Planner).

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. **Public Comment:** None.
2. **Consent Agenda:** Approval without objection required for the following item: None.
3. **Public Hearings:**

PLN 20-34 (*postponed to the meeting of August 27th*)

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)**.

5. **Work Session:**

a) Pending Decisions:

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**. *There was a motion by Jeff Mulliken to approve the language as written, Ross Zachs seconded and it was so voted, 6-0.*

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**.

There was a motion by Marianne Clements to approve the language as written, Jeff Mulliken seconded and it was so voted, 6-0.

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)**. *There was a motion by Ross Zachs to approve the language as amended, Jeffrey Mulliken seconded and it was so voted, 6-0.*

b) **Discussion of potential Zoning By-Law amendments to Article 2, Section 2320 High Elevation Overlay District and Article 4, Section 4000 for Site Plan Review requirements.** Mr. Kelly reviewed his experiences and suggestions about revising the High Elevation Overlay District by-law. He suggested streamlining the application method for projects that are minor in scope and require a review that is similar to the Historic District Commission's Administrative Review process, which is a lower level of review by several Commissioners. He reviewed what kind of projects would be eligible for this type of review, including those that did not include erosion control issues, where dormer construction is proposed to be below the existing ridgeline of a structure, decks or porches built at first and second floor elevations where erosion control and retaining walls are not required, where no change in parking location or adding parking was being proposed, one or two-story additions on flat sites that do not propose basements or moving of earth, where the vertical area between finished grade and the first floor level has appropriate wood screening and is not left exposed, or any alteration that has no effect on the footprint of an existing residential building or accessory structure and does not require additional parking. He reviewed how the application process that he was suggesting would work and what material would have to be required, in a series of 4 steps. He said these suggestions are meant to save the Board's time and a more simplified approach would be appreciated by applicants as well. Mr. Mulliken emphasized that Mr. Kelly had segregated out work that has very little excavation and thus little impact on potential erosion. And if not, the project that involved construction and possible excavation would go have to go through a full hearing before the Board and this process would more accurately fulfill the real intent of the High Elevation Protection District By-Law and not so much the construction of structures that were below the existing ridgeline of that structure. He recalled some recent examples, such as having to review a deck at 19 Brewster Street. He reiterated that the HDC had a process similar to what was being proposed. He characterized the new process as less onerous and would cover projects with little impact on erosion or the view shed. Mr. Soulé added that even though the Zoning By-Laws had two separate standards of review for projects, they are both subject to the same stringent requirements. The Board commented on and discussed the issue of simplifying the Site Plan Review requirements. The Board discussed the high elevation district and where it was located and what kind of information would be required of an applicant for a simple project. Mr. Quesnell suggested that Mr. Soulé confer with Anne Howard, the Building Commissioner, and draft some ideas to send to the Board at its next meeting. If approved by the Board, the revisions would be sent to Town Counsel for review and then place on the Town Warrant. Mr. Soulé said he would do research about what other Towns have in their Zoning By-Laws.

c) **Discussion of potential Zoning By-Law amendments to Article 3, Section 3430, Illumination.** Mr. Mulliken reviewed his proposal. He said that in an effort to devise a meaningful illumination by-law, he consulted with people who have experience in this field, including at a lighting consulting firm in Cambridge. He, the consultants, and Mr. Soulé had a conference call concerning the by-law. They looked at Pepperell's illumination by-law and they agreed to edit it so it was appropriate for Provincetown and sent it to Mr. Mulliken and Mr. Soulé, who both have been working on editing it. The by-law takes the presence of nightlife in the downtown area into consideration and addresses the protection of residential neighborhoods from light pollution. The intent of the by-law is to be useful and enforceable without being onerous and difficult for applicants to adhere to. Mr. Quesnell said that the Board would have to look at what Mr. Mulliken has submitted and discuss at the next meeting. The Board questioned Mr. Mulliken. Mr. Quesnell requested that Mr. Soulé look up the old by-law that was rejected by Town Meeting several years ago so the Board could compare the two. He said that the by-law cannot be too onerous that it won't pass by a two-thirds vote by Town Meeting. At the next meeting, the Board can discuss both proposals. Mr. Mulliken said that some of the language of his proposal could be simplified and made to be less burdensome. Mr. Soulé said that the Fall Town Meeting Warrant will reopen in mid-July and would most likely close in mid-August, but he will confirm that. September 21st is when the Fall Town Meeting is scheduled

d) **Minutes of April 23, 2015, January 14, March 24, April 28, and June 9, 2016, and June 11, 2020.** The minutes for June 11, 2020 were not ready.

January 14, 2016: *There was a motion by Marianne Clements to approve the minutes of January 14, 2016. Monica Stubner seconded. VOTE: Unanimous by roll call.*

June 9, 2016: *There was a motion by Ross Zachs to approve the minutes of June 9, 2016. Marianne Clements seconded. VOTE: Unanimous by roll call.*

e) **Any other business that may properly come before the Board:** Ross Zachs asked about working on other By-Laws, such as those discussed by Jeff Ribeiro, a previous Town Planner. Thaddeus to send out proposed Zoning By-Laws that were scheduled to be heard at the cancelled Spring Town Meeting.

There was a motion by Jeffrey Mulliken to adjourn the meeting at 7:20 P.M. Marianne Clements 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