

PLANNING BOARD

Meeting Minutes

Thursday, July 9, 2020

6:00 P.M.

PB Members Present: Brandon Quesnell, Paul Graves, Jeff Mulliken, Paul Kelly, Steven Azar and Marianne Clements.

Members Absent: Ross Zachs (excused) and Monica Stubner (excused).

Staff: Thaddeus Soulé (Town Planner) and David Gardner (Interim Town Manager).

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)**.

4. **Work Session:**

- a) **Board Elections:**

Clerk: Mr. Quesnell reviewed the duties of the Clerk. The matter was tabled.

Vice-Chair: *There was a motion by Jeffrey Mulliken to nominate Paul Graves as Vice-Chair.* Mr. Graves accepted the nomination. *Marianne Clements seconded. VOTE: 5-0-1 by roll call. (Paul Graves abstaining).*

Chair: *There was a motion by Jeffrey Mulliken to nominate Brandon Quesnell as Chair.* *Paul Graves seconded. VOTE: 5-0-1 by roll call. (Brandon Quesnell abstaining).*

- b) **Minor modification: 446 Commercial Street, U4 to extend a deck:** Mr. Soulé explained that the Board would have to find that the request for a modification to the site plan did not represent a substantive change to the findings or conditions of the approval of the

project and, if the Board so finds, it can be administered by making a notation to the file based upon the finding. This site plan was previously approved as PLN 18-09 for 446 Commercial St. and the owner of Unit 4 now seeks to install a deck similar to other decks on other units of the condominium on the property. He noted the colored photos submitted with the request. Mr. Mulliken questioned Mr. Soulé about the proposal.

There was a motion by Jeffrey Mulliken to approve the minor modification to the site plan for PLN 18-09, pursuant to Article 4, s. 4040, Amendments and Minor Modifications to a Site Plan, of the Zoning By-Laws for the construction of an approximately 11' by 14' deck on the east side of Unit 4 over an existing stone paver patio within the owner's exclusive use area on the property located at 446 Commercial Street. Marianne Clements seconded.
VOTE: 6-0 by roll call.

c) **Discussion of potential Zoning By-Law amendments:** Mr. Soulé indicated that the revisions to the amendments were based upon the Board's feedback at the last hearing. He introduced each by-law that was being revised, read the explanations for the changes and then reviewed the changes, which were indicated by being underlined and/or stricken through.

Site Plan Review in the High Elevation Protection District: The first article clarifies the applicable standards by which a project located in the high elevation protection district is reviewed. With the exception of stabilization and illumination, the Administrative Site Plan Review criteria in s. 4035 and 4163 would not be applicable to certain projects. The proposed amendment consolidates the review criteria to a single section. There will now be a specific category for projects considered under high elevation Site Plan Review. Mr. Soulé said that the same procedures would be used for Site Plan Review, however the Board will only be using criteria specific to the high elevation district. This will make it clearer to applicants. Mr. Kelly and Mr. Mulliken commented on the amendment and the intent that they had in proposing the change, including adding a less onerous tier of review for certain small projects of minimal impact located in the high elevation protection district. These would just be administrative reviews, similar to those considered by the Historic District Commission, that the Board would vote on and would not have the same submission requirements as other more extensive projects located in the high elevation district. There would also be an option to waive the requirement for an engineered site plan as well. The Board discussed the amendment to s. 2320 and the proposed exceptions. Mr. Soulé will share the proposed amendment with the Dept. of Community Development for comment. Mr. Quesnell suggested that this item be tabled until it was reviewed by the DCD staff. Mr. Mulliken said he would agree with Mr. Soulé's amendment and suggested that the Board continue to work on streamlining the site plan review process for these projects of minimal impact. Mr. Quesnell took a poll. The Board agreed to move forward with the amendments as presented. Mr. Soulé will send the amendments out to DCD staff for comment before the changes are presented to the Select Board for approval.

Multiple Buildings per lot: Mr. Soulé said that this amendment was introduced in March. He asked if any new members had questions. None were expressed.

Illumination Standards: Mr. Soulé said he revised the by-law according to Board comments at the last hearing. Mr. Mulliken said that he had had a conference call with lighting consultants

who modified a Pepperell illumination by-law to fit the situation in Provincetown. Further streamlining was done to reflect the lighting technologies of today. He reviewed the purpose of the by-law and asked for Board comment. Mr. Quesnell asked the Board if it agreed with the illumination by-law as proposed or as presented originally. He said that the Board could ask for support from the Board of Health. Mr. Quesnell suggested that Mr. Soulé give this to the DCD staff for comments and then discuss at the next hearing and Board members could have more time to consider the proposal.

Site Plan Review Requirements: Mr. Kelly read his comments about site plan review requirements. He suggested additions, including that site plans should include indicating where the boundaries of Town road surfaces were located and the extent of rights-of-way. He cited the Town's Tree Manual regarding this issue. He asked for comments on his suggestion, as he is concerned with the protection of the Town's trees, which are a part of its heritage. Mr. Gardner commented on the suggestion saying it could be included in the revised application instructions located online for Site Plan Review submittals. Mr. Quesnell added that it was verbiage that was not needed given the new application instructions. Mr. Mulliken asked if Rich Waldo, the tree warden, could come to speak with the Board about the Town's Tree Manual. Mr. Quesnell said that relevant questions related to this issue are asked when the Board considers landscaping plans. Mr. Soulé said he could reach out to Mr. Waldo and forward a copy of the Tree Manual to the Board. Mr. Gardner suggested putting the tree by-law on a future agenda for discussion for the edification of new Board members. If there are further questions, Mr. Waldo could be brought in to answer them.

Mr. Gardner said that he and Mr. Soulé were available for Board questions about any by-law amendments. Mr. Kelly had a question about the building height density bonus in the Inclusionary and Incentive By-Law. It offers to a developer the possibility of 5 additional feet to get a third story, but is not available in the high elevation protection district. He asked if there would be situations where it could occur in the high elevation protection district if a viewshed was not involved. Mr. Gardner said that this part of the by-law was not discussed by the Board for amending. He said that the purpose of amending the Inclusionary and Incentive By-Law was to provide clarity for applicants and he would prefer not to add layers that may cloud incentives or restrictions. Mr. Quesnell had a question about the on-site or off-site option for applicants to provide affordable units and whether it was the purpose of staff to delete the off-site options. Mr. Soulé said that there still was an option, but that the intent was to simplify the multiplier for the bonus. Mr. Gardner said that the language was crossed out because of repetitiveness. Mr. Quesnell suggested that in regard to presenting the Inclusionary and Incentive By-Law amendment at Town Meeting, the use of charts and/or graphs would simplify and clarify the issues for attendees.

Mr. Gardner suggested reviewing the new by-laws in the public hearing notice. Mr. Mulliken asked about the requirement for seating plan review for restaurants. Mr. Gardner explained the origin of Article 2, s. 2460 of the Zoning By-Laws. His experience during the pandemic and the need to change and review seating plans was the impetus for the proposed amendment. On the outdoor display amendment, it seeks to take the Zoning Board of Appeals out of the approval process and place under the purview of the Zoning Compliance Officer. It would then be incorporated into the business license for the establishment. He said that there

is a General By-Law amendment being proposed for outdoor display in order to tighten up the standards as well. In addition, there is an amendment to the Residential Design standards revising the driveway radius requirement down from 20' to 5', as it is virtually impossible to conform to in Town. Mr. Quesnell asked about a Growth Management amendment giving the Select Board the authority to grant more gallons to growth management. Mr. Gardner explained that the change would give the Select Board flexibility and an ability to move gallons around to accommodate demand in the various Growth Management categories and make gallons available for affordable housing generated by inclusionary projects.

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

e) **Any other business that may properly come before the Board:** Mr. Quesnell said that Mr. Zachs has indicated his wish to remain as Clerk for the Board. ***There was a motion by Brandon Quesnell to nominate Ross Zachs as Clerk. Jeffrey Mulliken seconded. VOTE: 6-0 by roll call.***

There was a motion by Jeffrey Mulliken to adjourn the meeting at 8:00 P.M. Paul Kelly 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