

PLANNING BOARD

Meeting Minutes

Thursday, July 23, 2020

6:00 P.M.

PB Members Present: Brandon Quesnell, Paul Graves, Jeffrey Mulliken, Monica Stubner, Paul Kelly, and Marianne Clements.

Members Absent: Paul Graves (excused), Ross Zachs (excused) and Steven Azar (excused).

Staff: Thaddeus Soulé (Town Planner) and David Gardner (Acting 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 reviewed 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: Doug Dolezal spoke of his concerns regarding proposed changes to the Zoning By-Laws, particularly the Inclusionary Incentive By-Law. He said he is an advocate of inclusionary zoning and is eager to have it succeed. He said that the By-Law had gotten off to a slow start after its approval at Town Meeting and he wanted to comment on the proposed changes to it. He said he supported simplifying the By-Law, as it is complex and overwrought, which was probably necessary in order to get it approved. He is concerned about several changes that are being proposed, particularly regarding standardizing the formulas. He is concerned that the existing requirement for the number of built affordable units is being decreased and incentives reduced for what can and should be built, which is not in the Town's interest, and does not comply with its housing policies. In addition, standardization has the effect of eliminating the tier and incentivized clauses in the By-Law. This type of tiered and incentivized system has been an important part of incentive by-laws in other municipalities, including Boston, and serves to move and inspire property owners or developers to move to the next level and get benefits for doing so. Additional benefits associated with creating more affordable units should be given to property owners or developers. The proposed revision is that the benefits are being standardized and that all the same benefits are being given to property owners or developers who build 1 affordable unit or 10 affordable units and this doesn't incentivize developers for the greatest number of affordable units to be built. In addition, the proposed changes eliminate any opportunity for any affordable units in the Residential 1 Zone, which currently allowed on a lot of more than 60,000 sq. ft. He said that the current By-Law allows not just single-family houses, but through the Inclusionary By-Law, an increase in density would be allowed if the Board so determines on a lot of more than 60,000 sq. ft. There are also hotels, motels and dormitories in this district. There are other things that require Board approval, but are allowed within the current by-laws, including large parcels, such as the Provincetown Inn, the Harbor Hotel, and the Sea Glass Inn. The intent when developing the Inclusionary By-Law was to take into consideration that these large lots, in the future, could be sold for development purposes and to encourage mixing residential and retail components, keeping the lodging, but making the site richer. If that opportunity is eliminated, all these large sites, over 60,000 sq. ft., won't have any opportunity to deliver affordable housing, unless it is in the interest of a developer to do so. He said the existing By-

Law is better because it encourages developers to get additional density if they create more affordable housing. In 2019, he said that the existing Zoning By-Laws were revised to allow increased density on a site. For example, on a 5,000 sq. ft. lot, you could have 2 units (at 2500 sq. ft. each), but after the revision, 3 were allowed. He said that was now problematic in terms of creating affordable housing units as before you could increase density only by creating an affordable unit, which would allow you to get a bonus market rate unit. He proposed that he write a letter that summarizes his ideas and analyzing how the proposed amendment actually reduces the number of affordable units for any size. He offered to meet with Board members or facilitate in any way he could.

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)**.

PLN 20-2001

Application by **William N. Rogers, II**, on behalf of **Enco Realty, Inc.**, requesting Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to renovate an existing building, including new egresses and a new entryway, and to improve landscaping by adding plantings on the property located at **32 Bradford Street**. Mr. Quesnell said that he is postponing this matter to give the applicant the opportunity to submit material that was missing from the application. Mr. Soulé explained that the missing material related to proposed lighting on the site. Attorney Lester J. Murphy said that the only the lighting cut sheets were not submitted, but the site plan does indicate that all exterior lighting would be dark sky compliant.

4. **Work Session:**

a) **Discussion of potential Zoning By-Law amendments:** Mr. Soulé reviewed the changes made since the last discussion, including revising the high elevation protection district site plan review (Article 2, s. 2320) by adding the requirement that Board consideration regarding decks or alterations to buildings is required only if they were greater than 1' above natural grade and creating a high elevation protection district site plan review separate from the administrative site plan review, with all criteria for approval to be included in that Article and Section. Mr. Quesnell said that Board members still had concerns, but the by-law can continue to be streamlined in the future. The Board discussed the revision and were in agreement with the changes as proposed.

Mr. Soulé reviewed the changes to the Illumination Standards by-law. There are a lot of exemptions listed and he had utilized the insight from other communities in the

Commonwealth and a lighting consultant. He reviewed the intent of the by-law. The Board questioned Mr. Soulé and asked if the Board could get some support from other Town Boards and if it could engage anyone to speak at Town Meeting in support of the by-law. The Board discussed ideas on how to present the by-law at Town Meeting.

Mr. Gardner commented on the Growth Management By-Law revisions by stating that the intent of the revision was to eliminate language due to the implementation of the inclusionary by-law. Mr. Soulé asked if anyone had questions. Mr. Gardner commented that this By-Law does not fundamentally change the intent or result of the existing Inclusionary By-Law. He disagreed with Mr. Dolezal's comments and said the intent of the revisions was to simplify the existing By-Law and to provide greater assurances for developers and that they have greater confidence in what the Board is looking for. He said that he had forwarded to the Board the density analysis that was done by Mr. Dolezal. Staff also did a density analysis that was presented to the Board in March. He said that the discrepancies between the two were due to the math and how it was viewed and implemented. He said that the By-Law had to state clearly what the minimum percentage (16.6%) of affordable housing units is required in order to make sure the developer provided it. The By-Law applies to all projects over 2 units and is consistent with small projects that are undertaken most frequently in Town. Smaller developments may be affected differently under the By-Law than larger projects. As to the Res 1 question raised by Mr. Dolezal, multifamily housing is not an allowed use in the Res 1 Zone. Large hotels located in the district may be attractive to developers, but they are not considered good sites for re-development with condominium units, notwithstanding any inclusion of affordable housing units, as that would affect the character of the Town and its economy in dramatic ways. He said that the Town wants to prevent or discourage the potential for large hotel re-developments into condominium units. He said that the Inclusionary By-Law revisions were not removing incentives, only clarifying them. He reviewed the change regarding the role of the Community Housing Council, in Article 6, in reviewing the affordable housing units and what criteria it uses, in addition to that of the Planning Board. The revision seeks to remove the two layers of review for the same criteria. He explained that the Board's purview would be for density and the CHC would look at affordability level of the units approved by the Board. Hopefully those two separate reviews would concur. The Board questioned Mr. Gardner. There was a request to review the inclusionary presentation made to the Board in March. Mr. Quesnell said it would be on the next Board's agenda. There were no other comments on revisions.

b) Minutes of April 23, 2015, March 24, April 28, 2016, and June 11, June 25, and July 9, 2020.

June 11, 2020: *There was a motion by Jeffrey Mulliken to approve the minutes of June 11, 2020 as written. Monica Stubner seconded. VOTE: Unanimous by roll call.*

June 25, 2020: *There was a motion by Jeffrey Mulliken to approve the minutes of June 11, 2020 as written. Marianne Clements seconded. VOTE: Unanimous by roll call.*

c) Any other business that may properly come before the Board: Mr. Kelly reviewed the draft of his requirements for engineered site plans related to trees for any site

plan review applications. Mr. Soulé said that the suggestions would go on the Board's application requirements in Viewpoint, the Town's new database.

There was a motion by Marianne Clements to adjourn the meeting at 7:15 P.M. Jeffrey Mulliken 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