

PLANNING BOARD
Meeting Minutes
Thursday, September 10, 2020
6:00 P.M.

PB Members Present: Brandon Quesnell, Paul Graves, Jeffrey Mulliken, Ross Zachs, Paul Kelly (tuned in at 6:36 P.M.), and Monica Stubner.

Members Absent: Steven Azar (unexcused), and Marianne Clements (excused).

Staff: Thaddeus Soulé (Town Planner).

Mr. Soulé introduced the virtual hearing, explaining the reason the Public Hearing was being held virtually. He then called the roll.

Chair Brandon Quesnell called the Planning Board Public Hearing to order at 6:01 P.M. and turned the meeting back over to Mr. Soulé, who then explained how the Board, the applicants and the public could participate remotely, and reviewed the meeting protocol.

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 October 22nd*)

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**.

4. **Work Session:**

a) Discussion of the Tree By-Law with Rich Waldo, Tree Warden, and Margaret Murphy, an environmental lawyer and the founder of Trees Provincetown, a non-profit organization recently formed to provide tree-related community service in Town:

Mr. Waldo added that Ms. Murphy is also the Chair of the Tree Advisory Group, a group that assists the Tree Warden in reviewing decisions and developing maintenance programs. He said that both he and Ms. Murphy want to foster a good relationship with the Board. Ms. Murphy said that she began her effort regarding the Town's trees 4 years ago, in 2016, at which time she met with Mr. Waldo to develop the Tree By-Law and draft the Tree Manual. Mr. Soulé said that he had forwarded questions and concerns from the Board to Mr. Waldo and Ms. Murphy. Mr. Quesnell said that he would like their assistance in streamlining and making the site plan review process more efficient and in disseminating information to applicants regarding how they could incorporate more trees into their projects. Mr. Waldo briefly reviewed the Tree By-Law and what his role is in enforcing it. He would like to be included in the review of relevant site plans that are before the Board. He explained that the By-Law

relates to trees on Town-owned land, in the public right-of-way, not trees on private property, which are outside his jurisdiction. Ms. Murphy said that the Tree Warden has jurisdiction over community trees, which include public shade trees and Town trees, whereas the Board is most frequently involved with trees on private property. However, at times, the Board considers public shade trees that are located on site plans. She said the definition of a public shade tree is a tree that is within or on the boundary of a public right-of-way, apart from a state highway. Town trees are only located on Town property. She said that the removal of any public shade tree or the planting of a tree within or on the boundary of a Town right-of-way must be approved by the Tree Warden. She commented on a suggestion of Mr. Kelly's regarding having the two of them comment on projects that are before the Board, involving public trees, at a point after submission of an application and before the Public Hearing is held. Mr. Kelly had recommended that copies of the site plans could be submitted to Mr. Waldo for his review.

Mr. Mulliken asked Mr. Soulé to explain the Zoning By-Law, Article 4, s. 4600, regarding trees on private property. Ms. Murphy said that public shade trees can be on private property. The Board discussed a hypothetical scenario that included this situation. Ms. Murphy spoke about the Tree By-Law, s. 16-3-3 of the General By-Laws, which states that, "for projects that require Planning Board Site Plan Review or Special Permit, the provisions of Sections 16-4-2 and 16-5 of the By-Law shall be waived and all tree and landscape requirements shall be made part of the Planning Board Site Plan Approval or Special Permit. The Planning Department shall forward Site Plan Review and Special Permit applications to the Tree Warden for review and comment. No Site Plan Approval or Special Permit shall be issued without written comments from the Tree Warden, unless such written comments are not received by the Planning Board within 30 days of the date the application is submitted." Ms. Murphy said that this was a whole new layer of review and she and Mr. Waldo have been wanting to work this out with the appropriate Boards in order to properly and fully implement the Tree By-Law. Mr. Waldo said that he would like 14 days to review a site plan. Ms. Murphy said that when it comes to coordinating the review of applications, the Tree Advisory Group is, as its name reflects, advisory only. For Town trees and public shade trees, she said, some agreement should be worked out with the applicant, but Mr. Waldo has the final decision about the removal or planting of public shade or Town trees, which may also require a public hearing. It was suggested that pre-application hearings might involve comments by Mr. Waldo or Ms. Murphy. Mr. Soulé said that this topic will be added to the pre-application checklist. He added that applications are available to both the public and all staff in the Town's new database. Mr. Quesnell asked about implementing a process to provide more resources, other than the Tree Manual, to the public or applicants to make them aware of what other Boards, such as Zoning and Planning, may require regarding street trees. Mr. Waldo said that the Tree Manual was very thorough and comprehensive. He said that he would be willing to work with the Board on other means to dispense information, such as a pamphlet that could be sent out to the public or incorporated into the application instructions to let applicants know what is required regarding trees. Mr. Quesnell asked if there could be some guidance given to the Board and the applicant regarding the removal of trees for new construction on a vacant lot. Mr. Waldo said that he would be willing to give assistance to the Board in such a case, if requested, but that he wouldn't offer that assistance as a professional opinion, say of an arborist. Ms. Murphy said that the Tree Manual could be used by both property owners and Boards for advice about trees, with specific chapters on siting and distance, etc., and she suggested that it be made more

available, or the fact of its location on the Dept. of Public Works site more widely disseminated, to applicants for reference purposes. Ms. Murphy said that shade trees can be planted on private property, with the permission of the property owner, and the Tree Warden can plant a shade tree within 20' of the right-of-way and have it protected as a Town tree. Mr. Kelly asked about the Board's requiring the planting of street trees in the public right-of-way and about delineating the Town right-of-way on site plans. Mr. Waldo said that boundaries of the public right-of-way should be shown on a site plan if work is to be done in that area and that he would not want to use the requirement to plant street trees as leverage in the Board's deliberations, but would prefer to have the requirements for such stated in the application instructions instead. He didn't think it was a hardship for a surveyor to put the boundary on a site plan. He added that some roadways are undefined and a boundary survey is very detailed and costly, but a survey could be done with historic information as to boundaries for rights-of-ways and most surveyors do estimates within a foot or two. He reiterated that if work was being done in that area, its boundary would have to be shown. Mr. Soulé added that Article 4, s. 4028 says that the Board may require additional boundaries, such as for rights-of-way, on site plans and he will be adding a link to the Tree Manual to site plan review application.

b) Discussion of support for Community Preservation Committee warrant articles: Mr. Quesnell said that there are a few CPC grant requests on the Annual Town Meeting warrant that the Planning Board should support. The following were considered:

Article 9, Part 3, D., Community Housing, a grant request by the Provincetown Housing Affordable and Community for the acquisition of 46 Harry Kemp Way for the purposes of affordable and community housing to allow for the expansion of Maushope. It will provide 15 units of housing. ***There was a motion by Ross Zachs to support the request by the Provincetown Housing Affordable and Community for the acquisition of 46 Harry Kemp Way for the purposes of affordable and community housing. Jeffrey Mulliken seconded. Vote: 6-0-0 by roll call.***

Article 9, Part 3, I., Open Space/Recreation, a grant request by the Recreation Commission for preliminary design and community process for the development of the Waterfront Park at 387 Commercial Street. Mr. Quesnell gave some background on the process. ***There was a motion by Jeffrey Mulliken to support the request by the Recreation Commission for preliminary design and community process for the development of the Waterfront Park at 387 Commercial Street. Monica Stubner seconded. 6-0-0 by roll call.***

Article 9, Part 3, J., Open Space/Recreation, a grant request by the Recreation Commission for a retrofit of the Chelsea Earnest basketball courts. ***There was a motion by Ross Zachs to support the request by the Recreation Commission for a retrofit of the Chelsea Earnest basketball courts. Jeffrey Mulliken seconded. VOTE: 6-0-0 by roll call.***

Mr. Quesnell said that the Building Commissioner has requested money from the CPC to update the Historic District inventory and guideline development. He briefly reviewed the request, which includes a handbook for citizens who are planning on redeveloping or redesigning their properties to help them navigate the Historic process. Mr. Kelly questioned Mr. Quesnell about the request. ***There was a motion by Jeffrey Mulliken to support the***

Building Commissioner's request for money to update the Historic District inventory and guideline development. Paul Kelly seconded and it was so voted, 6-0-0 by roll call.

c) Pending Decisions:

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**. ***There was a motion by Paul Graves to approve the language as written. Paul Kelly seconded. VOTE: 4-0-0 by roll call.***

PLN 20-2005

Application by **Doug Dolezal**, of **Design Matters, LLC**, on behalf of **Miriam Gallardo & Courtney Spitz**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to add a new 96 sq. ft. shed to an existing terrace on the property located at **62 Mayflower Avenue**. ***There was a motion by Jeffrey Mulliken to approve the language as written. Paul Kelly seconded. VOTE: 4-0-0 by roll call.***

d) **Minutes of April 23, 2015, March 24, 2016, and August 27, 2020:**

April 23, 2015: ***There was a motion by Monica Stubner to approve the minutes of April 23, 2015 as written. Paul Graves seconded. VOTE: 6-0-0 by roll call.***

August 27, 2020: ***There was a motion by Jeffrey Mulliken to approve the minutes of August 27, 2020 as written. Monica Stubner seconded. VOTE: 6-0-0 by roll call.***

b) **Any other business that may properly come before the Board:** Mr. Mulliken raised the issue of the proposed dormitory housing at 207 Route 6 that is being considered by the Zoning Board of Appeals. He said that it was a huge building, exceeding the neighborhood average scale, and he asked if staff had considered having a joint meeting of the ZBA and the Board to consider the project. Mr. Kelly asked if the Board could make a statement to the ZBA or could ask for a joint workshop. Mr. Soulé said that the project would likely come before the Board in the future and he would not discuss the project. Mr. Quesnell said that he, Mr. Kelly, could make a public comment about the project, as a citizen, at a ZBA hearing.

Mr. Soulé said that the Stellwagen Visitor Center committee is workshopping with architects to develop the site'. He will keep the Board updated on the process as it progresses. He will also keep the Board updated on the Local Comprehensive Plan committee's progress.

There was a motion by Ross Zachs to adjourn the meeting at 7:30 P.M. Paul Graves 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