

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

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

**Members Absent:** 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 6:00 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:**

**2. Consent Agenda:** Approval without objection required for the following item: None.

**3. Public Hearings:**

*PLN 20-34 (postponed from the meeting of November 12<sup>th</sup>)*

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, an outdoor shower, retaining walls, and appurtenant landscaping on the property located at **14 Thistlemore Road**.

**Presentation:** Emma Winkler and Keith LeBlanc were in the meeting to discuss the application. Ms. Winkler said that the site was on a steep slope in the rear of the property and that the front of the existing site has a series of retaining walls that run parallel to the street. She said that the proposal includes removing a section of timber wall and pushing a section of grade back from the property line to construct a new concrete retaining wall that aligns with the existing concrete wall, giving the appearance of a single, continuous wall. In addition, steps leading down to the street will be removed and a series of steps will be rebuilt along the existing retaining wall. From there, a series of wooden steps and platforms will lead to the front door and around to the rear of the structure. In the back of the property, the proposal includes rebuilding and squaring up the existing decks to maximize their usability. An existing shed in the rear will remain and the outdoor shower will be moved next to it. A series of new deck steps of bluestone paving will lead to the front of the structure. The existing light posts will be replaced with downlighting and any recessed fixtures and overhangs at each entrance to the structure will consist of downlights. Mostly native plantings are proposed for the site, however some non-native plantings will be placed in the front of the property. She noted the detail of the front retaining wall that was submitted.

**Public Comment:** None. There were no letters in the file.

**Board Discussion:** The Board briefly commented on the project. The Board discussed the proposed plantings, including the non-natives in the front yard.

*There was a motion by Jeffrey Mulliken to approve 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, an outdoor shower, retaining walls, and appurtenant landscaping on the property located at 14 Thistlemore Road with the conditions that the proposed exterior lighting is mounted in compliance with the Massachusetts Building Code and is dark sky compliant and that all stormwater runoff from proposed impervious surfaces be fully contained on the property. Paul Graves seconded.*  
**VOTE: 5-0-0 by roll call.**

**PLN 20-2013** (continued to the meeting of January 14<sup>th</sup>)

Application by **Richard Figueroa**, on behalf of **Curaleaf**, seeking a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws to expand a retail marijuana establishment at the property located at **170 Commercial Street (Town Center Commercial Zone)**.

**PLN 20-2014**

Application by **Eric Larsen**, on behalf of **Corinne LeGoff & Sharon Pollack**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation protection District (A), of the Zoning By-Laws to construct a garage and an entryway on the property located at **16 Creek Round Hill Road**.

**Presentation:** Attorney Lester J. Murphy, representing the applicants, Joy Cummings, architect, and Eric Larsen were in the hearing to present the application. Attorney Murphy reviewed the project to construct a garage with a flat roof and a deck, incorporating part of the existing paved driveway. A leaching area will be relocated as well. He said that the overriding concern of the high elevation by-law is to protect the dunes, to protect their natural and scenic beauty, and to protect them from erosion and destruction. He said that the proposed landscaping, the diversion of stormwater runoff from the addition into a drywell and the reduction in the paved area will be beneficial to the site. The type of construction used will be helical pile underpinnings and reinforced concrete, which will lessen the impact of the addition on the hillside on the site. This, plus the re-grading due to the proposed addition, aligns with the purpose and concerns of the By-Law. He said that the project also was consistent with Article 4, s. 4035, adding that aside from subsection 5 of Article 4, s. 4163, which is relevant, no other subsection of that by-law applies to the project.

Mr. Larsen said that the subdivision regulations require the installation of a garage and it was situated in the most logical place on the site. Ms. Cummings reviewed the design process and how the addition was situated into the hillside. She said that safety, runoff, and aesthetic reasons were taken into consideration in designing the project, given the topographical configuration on the existing site. She said it was currently difficult to get up the driveway and into the house, so the opportunity to terrace the front of the site and lessen the steep grade of the driveway by regrading was taken advantage of. In addition, she said that the side deck was reconstructed because of the need for helical pilings and the concrete foundation of the proposed garage and new stairs provide access from the new deck to the rebuilt, multi-level

side deck. She noted the fixtures related to the proposed exterior lighting that will be attached to the retaining wall, including some sconces, all will be downlit and sheltered from the sky.

**Public Comment:** None. There were no letters.

**Board Discussion:** Board members commented on the project. Ms. Cummings said that all native plantings are being proposed, but she has no specific plant species chosen yet. Mr. Larsen responded to a question about a fire hydrant at the bottom of the driveway. He said that the project would have no effect on it. He said that the proposed drywell will catch stormwater runoff from the garage deck. Ms. Cummings added that the driveway will be comprised of more pervious material, such as gravel, however Mr. Larsen said that he was not sure if that could happen. Attorney Murphy said that the engineer could report to staff about the material of the driveway when the time came, after the grade of the driveway has been determined, as it may not be safe, given that grade, to change the material to a more pervious surface. The issue was discussed. Ms. Cumming said that there is a second parking space available on the driveway. Sharon Pollack, one of the applicants, commented on the driveway and that the driveway is steep as it exists. She said that she and her partner would like to replace the asphalt eventually. For long term maintenance and use, Attorney Murphy said that the applicants would like to replace the asphalt, but it is not guaranteed that it can be done until the site is developed.

***There was a motion by Ross Zachs to approve the site plan pursuant to Article 2, Section 2320(A), High Elevation protection District (A), of the Zoning By-Laws to construct a garage and an entryway on the property located at 16 Creek Round Hill Road with the condition that that the proposed exterior lighting is mounted in compliance with the Massachusetts Building Code and dark sky compliant and that all stormwater runoff from proposed impervious surfaces be fully contained on the property. Jeffrey Mulliken seconded. VOTE: 5-0-0 by roll call.***

#### **4. Work Session:**

a) Vote to extend the May 28, 2020 Amendment and Minor Modification under the Board of Health Rule and Order with a new expiration date to be “until 60 days after the end of the state of emergency”. Mr. Soulé reviewed the request. ***There was a motion by Jeffrey Mulliken to extend the May 28, 2020 Amendment and Minor Modification under the Board of Health Rule and Order with a new expiration date to be “until 60 days after the end of the state of emergency”. Monica Stubner seconded and it was so voted, 7-0-0 by roll call.***

b) Pending Decisions:

#### **PLN 20-2009**

Application by **Lester J. Murphy Esq.**, on behalf of **Jay Anderson**, seeking a Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a.1) and a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, A1b, Two Family Dwelling, of the Zoning By-Laws for the redevelopment of a site to authorize the construction of two single-family structures, resulting in three or more residential units, on the property located at **53 Commercial Street** with requested waivers from Article 4, Sections 4163, Residential Design Standards, (2) and (3), and 4035, Review Criteria, (2).

The Board briefly discussed the decision regarding the location of the irrigation system and well and whether revised plans had been submitted. Mr. Soulé will clarify the confusion and the Board will vote on the decision at the January 14, 2021 Public Hearing.

**PLN 20-2012**

Application by **Ted Smith**, on behalf of **John Gaitenby**, seeking Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protect District (A), of the Zoning By-Laws to renovate a structure, including adding a roof deck on the east elevation, reconfiguring decks on the north and south elevations, moving interior stairways to the exterior within existing footprints of stairways, retaining walls and decks, reconfiguring retaining walls and decks, reconfiguring walkways, re-grading, and installing new exterior lighting fixtures on the property located at **41 Bradford Street Extension**.

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

c) **Minutes of November 12, 2020:** The minutes were not ready.

d) **Any other business that may properly come before the Board:** Jeffrey Mulliken asked whether a virtual drop-box could be set up for Board documents. The Board discussed the issue and Mr. Soulé reviewed the various locations of application information can be found on the website.

Mr. Soulé said that the 2021 Planning Board schedule was available online.

Mr. Soulé also announced that he will be working with the Coastal Resiliency team in the spring of 2021 to examine the resiliency of the Town's infrastructure, including how to protect the historic houses in the community, and for updating the Municipal Vulnerability Plan. He informed the Board that they may want input on these topics.

*There was a motion by Steven Azar to adjourn the meeting at 7:12 P.M. Monic Stubner seconded. VOTE: unanimous by roll call.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2021  
Thaddeus Soulé, Town Planner,  
on behalf of the Planning Board