

PLANNING BOARD

Meeting Minutes

Thursday, May 26, 2022

6:00 P.M.

PB Members Present: Paul Graves, Jeffrey Mulliken, Paul Kelly, Donna Walker (online), Marianne Clements (online), Dana Masterpolo, and Mia Cliggott-Perlt.

Members Absent: Brandon Quesnell (excused) and Stephen Roope (excused).

Staff: Thaddeus Soulé (Town Planner).

Chair Paul Graves called the meeting to order at 6:00) P.M.

Mr. Soulé called the meeting to order at 6:00 P.M. He called the roll and explained that the meeting was being held in person, however both the public and the Board members can participate either by dialing into the meeting or joining the Microsoft Teams application. Since a quorum was present, he said that the meeting will not be suspended or terminated if there were technological problems interrupt the broadcast unless required by law. He gave the information that would be needed to call in by phone. The meeting is being broadcast live on PTV, Ch. 18, and will be posted online as soon as possible.

1. **Public Comment:** None.

2. **Public Hearings:**

PLN 21-26 *(continued to the meeting of June 9th)*

Application by **Wayne Tavares**, on behalf of **Michael J. Shuster**, seeking Site Plan Review pursuant to Article 2, Section 2320(B), High Elevation Protection District (B), of the Zoning By-Laws to construct retaining walls, stepped terraces (plateaus), a shed, and a swimming pool on the property located at **99 Bayberry Avenue**.

PLN 21-32 *(continued to the meeting of June 23rd)*

Application by **Christopher J. Snow, Esq.**, on behalf of **Tri-T, LLC**, seeking a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, for a development that will result in a net increase of two or more dwelling units on the property located at **22 Nelson Avenue**.

PLN 21-33 *(continued to the meeting of June 23rd)*

Application by **Christopher J. Snow, Esq.**, on behalf of **Tri-T, LLC**, seeking Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1 & (5), of the Zoning By-Laws for a development that will result in an increase of residential units of three or more and will result in new construction or excavation, land removal, or earth-moving of more than 750 cu. yds. that will alter the topography from natural grade on the property located at **22 Nelson Avenue**.

PLN 22-8 (request to postpone to the meeting of June 9th)

Application by **Dave Krohn**, on behalf of **DTODD, LLC**, seeking Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to relocate 3 parking spaces on the property located at **66 West Vine Street**. There was a request by the applicant to postpone PLN 22-8 to the Public Hearing of June 9, 2022 at 6:00 P.M. ***There was a motion by Jeffrey Mulliken to postpone PLN 22-9 to the Public Hearing of June 9, 2022 at 6:00 P.M., Mia Cliggott-Perlt seconded. VOTE: 7-0-0.***

PLN 22-9 (request to postpone to the meeting of June 9th)

Application by **Dave Krohn**, on behalf of **DTODD, LLC**, seeking Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to modify parking on the property located at **72 West Vine Street**. There was a request by the applicant to postpone PLN 22-9 to the Public Hearing of June 9, 2022 at 6:00 P.M. ***There was a motion by Jeffrey Mulliken to postpone PLN 22-9 to the Public Hearing of June 9, 2022 at 6:00 P.M., Mia Cliggott-Perlt seconded. VOTE: 7-0-0.***

3. Work Session:

a) **Advisory Opinion:** **PLN 22-13** To create 5 new dwelling units as 2 two-family and 1 single-family buildings. One of the five units will be built as a Community Unit (affordable dwelling) on the property located at **27 Winthrop Street**.

Presentation: Doug Dolezal and Joe Casto, one of the property owners, appeared to discuss the project. Mr. Dolezal reviewed the project. The intent is to shift the owners' current residence to a different location on the lot and then develop the balance of the lot. Mr. Casto would like to create workforce housing, as he owns a business in Town, and to create an affordable unit. Mr. Dolezal reviewed the zoning compliance table and said he endeavored to meet as many of the zoning requirements as possible. He said that the affordable unit will be one of the five in the building located on lot 1. He said the project will meet the lot coverage, building height limits, density, frontage, green area, and street tree requirements. He said he would be looking for a few waivers from the Board. The first is for multiple buildings per lot, as two smaller buildings rather than one larger building, would make for a better plan. He is seeking relief from the dimensional schedule to move the structures farther into the front yard setback and extend up and along a pre-existing, non-conforming structure, which is the existing house, and a waiver from the parking requirements, to modestly reduce the number of required parking spaces on the property. The project will also have to get the approval of the Zoning Board of Appeals for building scale, as one of the existing structures is slightly above the allowed neighborhood average scale. He reviewed an aerial map of the property and said it was located next to a cemetery and within the Town's Historic District, in the Residential 3 Zone and on the edge of the General Commercial Zone. It is adjacent to a wetland and overlaps slightly with the 100' buffer zone. FEMA flood zone A occupies about 40% of the property. There is an accessory building on the lot on 34 Court Street in addition to the property owners' residence at 27 Winthrop Street. These two buildings will be demolished. He reviewed photographs of abutting structures in the neighborhood.

Mr. Dolezal said the project will entail removing the existing single-family residence and the new structures will not be built in the same footprint, so they will align with the grid of the

Historic District. Two units will be on the street, one unit in the back, and two units to tie those together. There will be a parking courtyard on the inward portion of the lot. He wanted to emulate the rhythm of the buildings in the neighborhood. He reviewed the existing and the proposed site plans. There will be 2 two-family and 1 single-family residences built. The proposed buildings will not be intrusive into the hill on the property. He noted the location of the five proposed parking spaces. He said the access road for fire and emergency is Winthrop Street and the driveway will be 11' wide. There will be 15' clearance between the buildings. Bicycle racks and trash enclosure configurations will be individualized for each building. He noted their locations on his aerial view of the proposed development.

Mr. Dolezal reviewed the floor plans of each building. As to the waiver for parking, five spaces will be provided as one space per unit and the property is located less than 1 block from two public parking lots. There is also on-street parallel parking on Winthrop Street. The site is close to public shuttles and bus stops and is within walking distance of Stop-n-Shop. The location and number of parking spaces allows space for the affordable unit, preserves green space in the front yard, and pulls the parking area to the middle of the lot. He said that the proposed front yard setback of 10' is the average for the neighborhood and more historically consistent. The side yard is pre-existing, non-conforming as well.

The waiver for the multiple buildings per lot is needed, as the design is for a cluster of buildings and not just one big building. This configuration is historically more responsive to the neighborhood and will better accommodate the affordable unit. He reviewed an analysis of the number of units on the lot in comparison to other lots in the neighborhood. He reviewed the proposed building scales. The building scale for the property is 20,173 cu. ft. The existing house is 28,000 cu. ft. Building A, the small single-family, has a scale of 11,000 cu. ft. Buildings B and C each have a building scale of 11,000 cu. ft., however since they are attached, the building scale is 22,000 cu. ft. He compared these building scales to those in the neighborhood. If these buildings were approved and added to those in the neighborhood, they would bring down the average neighborhood scale. The scale of the proposed buildings is commensurate with those in the rest of the neighborhood. He said the location of the buildings on the lot will not have an effect on light or air to neighboring structures.

On lot 2, Mr. Dolezal said that the configuration of the building is such that it is complimentary to the buildings on lot 1. The building on this lot, which is occupied by Mr. Casto's business, will be removed. He said the long-term goal is to separate the properties.

Board Discussion: The Board questioned Mr. Dolezal and commented on the project. Mr. Mulliken commented positively on the proposed project and how well the buildings fit into the character of Winthrop Street, how Mr. Dolezal used the lot to design the development, the availability of private outdoor spaces for the units, and how the parking spaces were located towards the center of the lot. He questioned Mr. Dolezal about the setbacks and how the corner of Building A relates to the property line. He asked about the proposed waiver from the front yard setback.

Ms. Cliggott-Perlt agreed with Mr. Mulliken and asked about the location of the bicycle racks, which will be individualized for each unit.

Ms. Clements also spoke favorably about the proposed plans.

Ms. Masterpolo complimented Mr. Dolezal on his presentation. She asked about the size of the units. She liked the rhythm of the architecture, the scale, and the location of the parking spaces.

Ms. Walker echoed what other Board members said. She like the clarity of the presentation, including the intent behind Mr. Dolezal's design.

Mr. Kelly agreed with previous comments and thinks that the project is well-designed. He asked about the property line between the two lots and how it was determined. Mr. Dolezal said it was determined by the 10' setback on the back of the five-unit property and to maximize the other lot where the two-family structure will be located. He said that there is outdoor space for each of the five units on the front lot. Mr. Kelly asked about the upside-down design of the dwelling units. Mr. Dolezal explained his intent in designing the units in that way.

Mr. Graves echoed the previous comments and appreciated the clear, concise presentation. He added that the project was attractive for streetscape purposes.

Mr. Dolezal explained the permitting timeline for the project.

b) **Letter of recommendation for the Open Space and Recreation Plan**: Mr. Soulé said that the Board had been tasked by the Open Space and Recreation Committees to provide a letter of recommendation on their behalf for an update of the Town's Open Space and Recreation Plan (2022-2029). It will get included with the plan, in one of the appendices. He said the plan is for the entire Town. Other Town Boards and Committees are also being asked to submit letters. He will draft the letter on the Board's behalf. He will resend a link regarding the plan for those who did not receive it.

c) **Pending Decision**:

PLN 22-11

Application by **Bill Fornaciari**, on behalf of **Woods-Shields Joint Living Trust, J.E. Woods & S.J. Shields, Trustees**, seeking a Site Plan Review pursuant to Article 2, Section 2320 (A), High Elevation Protection District (A), of the Zoning By-Laws to remove an existing porch and replace it with a new enclosed room, expand a deck, and move the front door location on the structure located at **51R Harry Kemp Way, U1**. There were no corrections to the decision.

d) **Minutes of May 12, 2022**: The Board briefly discussed the minutes related to letters submitted for public comment.

May 12, 2022: *There was a motion by Jeffrey Mulliken to approve the language as written. Paul Kelly seconded. VOTE: 7-0-0.*

e) **Any other business that may properly come before the Board**: Mr. Kelly had printed out an update on housing at the old VFW site. He asked if the Board could provide input into that process. Mr. Graves explained that since there was no application before the

Board, it would not, as a Board, be providing input, however Mr. Kelly, as a private citizen, could. Mr. Soulé said that if the project was submitted as a 40B, the Board could meet to discuss the project and then submit advisory letters to the Zoning Board of Appeals.

Mr. Kelly also raised the issue of the Shank Painter development project. He and Mr. Mulliken had gone over to the Dept. of Public Works to look at the plan. He noticed in the form-based code information, a notice about a peer consultant assistance program, in which municipalities can apply to the Dept. of Housing and Community Development for grant money to pay for up to 30 hours and up to \$100 for reimbursement of travel expenses. He asked Mr. Soulé if it was possible to apply for a grant to generate copies of the plan in order to work on developing an overlay district for Shank Painter Road. Mr. Soulé said he would look at the material. He said he has also reached out to the Town's GIS coordinator, who may be able to assist as well. The Board discussed the topic. Mr. Mulliken suggested the need for funding for a master plan project, as there is a lot of confusion about where the district actually starts and ends. In addition, doing an overlay district is a very comprehensive process, as he has researched the issue in other towns. He asked if funding could be requested at the next Town Meeting to hire a consultant to build an overlay district. He also suggested researching other funding sources, such as the Cape Cod Commission. He said it wouldn't make sense to get into form-based zoning, which is laudable and worth considering, unless it could be applied to the overlay district. Another issue to consider integrating into the overlay district is the idea of the multi-use building, retail on the ground floor and residence upstairs. These could also exist in other part of the Town as well. He said it probably could not be done in-house unless there was funding available. Mr. Soulé suggested that he draft a warrant article. Ms. Masterpolo agreed that the undertaking would be large, and many issues would arise. She asked if Mr. Mulliken's concerns were legal in terms of how the topic would be approached so that when it is presented there is a way to deal with opposition from the community about how it's done, or if it is process-oriented and the fact that research would need to be done into where such things as existing sightlines are located. Mr. Mulliken said it is legal because you would be changing what individual property owners could do with their property and the property owners on Shank Painter Road would need to agree. Ms. Masterpolo said that such a large undertaking as an overlay district should be separated from implementing new zoning by-laws or doing something to help inform zoning in other parts of Town, such as allowing and encouraging the development of multi-use buildings. She suggested smaller projects that could be accomplished simply by amending the by-laws. She is concerned that given the size of the project of developing an overlay district, it could take years. She would like to explore the idea of multi-use buildings in other areas, such as Commercial Street, where there already are commercial properties. Mr. Mulliken said that the Board needs to decide if it wants to move the idea of the overlay district forward. Mr. Soulé reviewed how the process of amending by-laws worked. Ms. Masterpolo said that it was worth exploring if the Board could generate a by-law prohibiting the change in use of commercial spaces on Commercial Street to residential spaces. The Board briefly discussed how warrant articles are generated, including citizen petitions. Mr. Mulliken suggested inviting Alex Morse and David Gardner to a meeting to discuss the idea of an overlay district. Mr. Mulliken and Mr. Kelly will work on a document and get a timeline for the Shank Painter Road project. Mr. Soulé said he is working on something related to this idea and will be making a presentation to the Board.

There was a motion by Jeffrey Mulliken to adjourn the meeting at 7:33 P.M. Paul Kelly seconded. VOTE: Unanimous by roll call.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2022
Paul Graves, Chair