

PLANNING BOARD
Meeting Minutes
Thursday, January 25, 2018
Judge Welsh Room
6:30 P.M.

Members Present: Grace Ryder-O'Malley, Steven Baker, Dave Abramson and Albert Carey (Alternate).

Members Absent: John Golden (excused), Ryan Campbell (excused) and Brandon Quesnell (excused).

Staff: David Gardner (Assistant Town Manager) and Ellen C. Battaglini (Permit Coordinator).

Vice Chair Grace Ryder-O'Malley called the meeting to order at 6:34 P.M.

1. Public Comments:

Ray Riguglioso spoke in regard to Rik Ahlberg's memo to the Planning Board detailing his recommendations for amending the Zoning By-Laws. Mr. Riguglioso wanted to voice his support for Mr. Ahlberg's proposal to strengthen the Formula Business By-Law in light of issues and concerns the public had about CVS opening a store in Town. He briefly reviewed Mr. Ahlberg's recommendations and stated his hope that the Board adopted them. He also asked that the Board, pursuant to another of Mr. Ahlberg's suggestions, to find ways to encourage homeowners in the Residential 1 Zoning District to create accessory units, as he has been a beneficiary of that by-law change.

2. Public Hearings

a) **PLN 18-13**

Application by **Kieran J. Healy**, on behalf of **Marolima East, LLC**, requesting Site Plan Review by Special Permit pursuant to Article 2, Districts and District Regulations, Section 2320 (A), High Elevation Protection District, and Article 4, Special Regulations, Section 4015 a. (4), Site Plan Review by Special Permit, of the Zoning By-Laws for new construction involving the movement of more than 750 cu. yds. of earth on the properties located at **806, 820, 824 and 828 Commercial Street** with waivers from Article 4, Section 4028, f. and l. John Golden, Steven Baker, Ryan Campbell and Dave Abramson sat on the case. This matter has been continued to the Public Hearing of February 8, 2018.

David Gardner told the Board that he wrote to Town Counsel regarding how the Inclusionary By-Law related to this project. He has received a response and will keep the Planning Board apprised of the outcome of the inquiry. Steven Baker suggested a site visit by the Board. A site visit will be tentatively scheduled for February 8th at noon and the applicant will be requested to stake the site.

3. Work Session:

a) **Board Elections:** The elections are tabled until the February 8, 2018 Public Hearing.

b) Discussion of proposed By-Law Amendments for April Town Meeting

David Gardner reviewed his revisions to the proposed Zoning By-Laws. The Board discussed the revisions including:

- revising Article 2, Section 2640, Building Scale, regarding structures destroyed by fire or other casualty and the application of FEMA regulations relating to building scale;
- eliminating the definition of ‘seating’, as it more aptly belongs in the Health regulations and not in the Zoning By-Laws;
- revising the Article 2, Section 2440, Permitted Principal Uses, and 2450, Permitted Accessory Uses, charts, clarifying what is permitted and what is not permitted, if adding an accessory unit requires approval by the Zoning Board or the Planning Board and to delete footnote 4;
- to amend Article 2, Section 2472, Parking Requirements for All Districts to exempt accessory dwelling units from the parking requirements in order to incentivize their creation;
- the deletion of Article 4, Section 4800, the Affordable Housing By-Law as it is inconsistent with the new Inclusionary By-Law;
- correcting a mistake under Article 2, Section 2300, Overlay Districts, in Section 2312, Applicability, by revising the GC zone to the TCC Zone;
- creating new by-laws to deal with the new state law legalizing marijuana, including onsite consumption (Mr. Gardner is still working on drafting these and will be for the near future);
- revise Article 1, Definitions and Article 2, Use, Commercial Accommodations;
- amend Article 2, Section 2440, Table of Permitted Uses under A. Residential, A3 and B., Business, B3 and to delete footnotes 2 and 3;
- eliminating most of the commercial accommodations footnotes in Article 2, Section 2440, Permitted Principal Uses, removing inconsistencies in the uses as currently defined and adding a definition for dormitory housing; and
- revising the Article 2, Section 2560, Dimensional Schedule, for the Res 1 and GC Zoning Districts, to increase the minimum lot area and the lineal frontage for a parcel, in order to discourage further subdivision of parcels in the Res 1 Zone and decreasing the front yard setback and the side yard setback in the GC Zone in order to discourage parking in the front of the property, thereby encouraging the development of Shank Painter Road as a ‘complete street’.

Mr. Gardner said that he has not yet revised the Site Plan Review articles, stating that more time would be needed to revise them, and asked for input from the Board.

The Board next discussed Mr. Ahlberg’s memo, including proposals regarding accessory dwelling units, affordable housing, the outdoor display by-law, dimensional and setback requirements in the TCC Zone, reducing minimum lot sizes, revising parking requirements and proposing options, such as shared and offsite parking and maximum parking requirements, the creation of a municipal overlay district, comprehensive permitting and formula-regulated businesses.

c) Pending Decisions:

i) **PLN 17-33 (reconsideration) (Steven)**

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, D7, Medical Marijuana Treatment Center, of the Zoning By-Laws to operate a medical marijuana treatment center at the property located at **2 Harry Kemp Way, Unit 2**. Tabled due to the lack of a quorum for Board members seated on the case.

ii) **PLN 17-34 (reconsideration) (Steven)**

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, for Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of the structure from a professional office to a medical marijuana treatment center and to make associated site improvements at the property located at **2 Harry Kemp Way, Unit 2**. Tabled due to the lack of a quorum for Board members seated on the case.

iii) **PLN 18-11 (Ryan)**

Application by **PMR Realty Trust** requesting a Site Plan Review by Special Permit pursuant to Article 4, Special Regulations, Section 4015 a (4), Site Plan Review by Special Permit, of the Zoning By-Laws to add a second floor dormer to accommodate employee dormitory housing on a property that has a curb cut greater than 25% of its existing street frontage located at **212 Bradford Street**. Grace Ryder-O'Malley read the decision. *There was a motion by Dave Abramson to approve the language as amended. Steven Baker seconded. VOTE: 3-0-0.*

iv) **PLN 18-14 (Ryan)**

Application by **BPJC, LLC**, requesting the modification of a site plan pursuant to Article 4, Special Regulations, Section 4015 a. (1) and (5), of the Zoning By-Laws approved in Case #16-28 to revise portions of Building 5 & 6 to provide a second means of egress for Unit 13, construct wooden stoops for Units 9-12, to provide driveway curb cuts and sidewalk changes, to modify landscaping details and to remove trees and undertake replanting pursuant to directions by Town staff at the property located at **350 Bradford Street**. The decision was not ready.

d) **Discussion of planting list and categories** (placeholder). Tabled.

e) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan** (placeholder). This topic will be discussed in the spring.

f) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Tabled.

g) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and January 11, 2018.**

January 11, 2018: *There was a motion by Steven Baker to approve the minutes as amended. Dave Abramson seconded. VOTE: 4-0-0.*

- i) **Any other business that may properly come before the Board:** None.

4. Information items:

- a) Food truck survey data – for future discussion: Tabled.

Dave Abramson moved to adjourn the Planning Board meeting at 8:45 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
John Golden, Chair