

## PLANNING BOARD

### Meeting Minutes

Thursday, May 24, 2018

Judge Welsh Room

6:30 P.M.

**Members Present:** David Abramson, John Golden, Steven Baker, Brandon Quesnell (left at 8:59 P.M.), Ryan Campbell (Alternate) and Albert Carey (Alternate) (left at 8:20 P.M.).

**Members Absent:** None.

**Staff:** Jeffrey Ribeiro (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair David Abramson called the meeting to order at 6:30 P.M.

1. **Public Comments:**

None.

2. **Public Hearings:**

a) **PLN 18-19** (*request to continue to the meeting of June 28<sup>th</sup>*)

Application by **BPJC, LLC** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) and (5), of the Zoning By-Laws for the modification and supplementation of information regarding a development consisting of more than two residential units on a parcel and resulting in the removal of more than 750 cu. yds. of earth on the property located at **350 Bradford Street**. There was a request from the applicant to continue the matter to the Public Hearing of June 28, 2018. ***There was a motion by Steven Baker to continue PLN 18-19 to the Public Hearing of June 28, 2018 at 6:30 P.M. John Golden seconded. VOTE: 5-0-0.***

b) **PLN 18-28** (*request to postpone to the meeting of June 14<sup>th</sup>*)

Application by **Cape Cod Pilgrim Memorial Association** requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (2), of the Zoning By-Laws for the installation of an inclined elevator (funicular) system comprising more than 2000 sq. ft. of new commercial area on a parcel located at **1 High Pole Hill Road**. There was a request from the applicant to continue the matter to the Public Hearing of June 14, 2018. ***There was a motion by Brandon Quesnell to postpone PLN 18-28 to the Public Hearing of June 14, 2018 at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.***

c) **PLN 18-29** (*request to postpone to the meeting of June 14<sup>th</sup>*)

Application by **Cape Cod Pilgrim Memorial Association** requesting Site Plan Review by Special Permit pursuant to Article 2, Section 2320, High Elevation Protection District (A) & (B), of the Zoning By-Laws for the installation of an inclined elevator (funicular) system running from its property on Bradford Street adjacent to the Bas Relief up the hill to the site of the Pilgrim Monument and Museum located at **1 High Pole Hill Road**. There was a request from the applicant to continue the matter to the Public Hearing of June 14, 2018. ***There was a motion by Brandon Quesnell to postpone PLN 18-29 to the Public Hearing of June 14, 2018 at 6:30 P.M. Steven Baker seconded. VOTE: 5-0-0.***

d) **PLN 18-30**

Application by **Edward “Ted” Malone**, on behalf of **Community Housing Resources, Inc.**, requesting Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to develop six market rate ownership units in three duplex buildings on the property located at **5, 7, & 9 Stable Path**, formerly known as **35 Race Point Road**. David Abramson, John Golden, Steven Baker, Ryan Campbell and Brandon Quesnell sat on the case. The Board had held a site visit earlier in the day.

**Presentation:** Ted Malone appeared to present the application. He reviewed the project and the proposed modification to the site plan. The portion of the project that is being amended involves the market rate units. He said that there will be a change in the configuration of one of the three buildings in question. Building 5 will be reconfigured to be L-shaped instead of a side-by-side parallel unit. Another change involves bringing utility lines originally designed to come in from Race Point Road, cutting into a tree buffer zone, up through the new rental housing development site. He said that a small portion of a septic system that was near Race Point Road would be removed. The change in the utility line is valuable in terms of the elimination of losses in the tree buffer on Race Point Road. The market rate buildings will still have the same square footage as originally proposed. He added that there would be an increase in the parking capacity on the site by 5 visitor spaces, which exceeds the parking requirement. He said that all of the buildings’ configurations had been approved previously. He has updated compliance with all relevant zoning by-laws as stated in the submitted narrative. The construction of these units is Phase II of the residential development on the site. All units on the site share an access point off Race Point Road.

**Public Comment:** None.

**Board Discussion:** The Board questioned Mr. Malone. The Board asked about stormwater management, bike racks and a planting plan for Building 5. Mr. Malone said that the south side of the driveway at Building 5 would afford an opportunity for a rail fence, as in other areas of the site, and for a bike rack. Mr. Malone had submitted a list of native plant materials that were approved by the Conservation Commission, however he stated that there is not a lot of room near the buildings for plantings. He said that all gutters are directed into drainage structures, such as catch basins and drywells, which have been installed for gutter and road surface run-off. Missing from the site plan are stormwater management structures, a bike rack and a planting plan for the building in question. The Board will rely on staff approval of these items when submitted.

*There was a motion by Ryan Campbell to approve the site plan pursuant to Article 2, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to develop six market rate ownership units in three duplex buildings on the property located at 5, 7, & 9 Stable Path formerly known as 35 Race Point Road with the conditions that a bike rack be provided as discussed, that silt fencing and run-off protection be provided per the originally approved site plan, that screened trash enclosures be provided at each unit and that a planting plan be submitted to staff for approval prior to installation. John Golden seconded VOTE: 5-0-0.*

e) **PLN 18-31**

Application by **BPJC, LLC** requesting a modification to the application for Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) and (5), of the Zoning By-Laws to add peaked roofs of approximately 2.5 feet in height to the structures containing Units 3 & 4, 7 & 8 and 9 & 10 at the property located at **350**

**Bradford Street.** Chair David Abramson recused himself because of a conflict of interest. Steven Baker, John Golden, Ryan Campbell, Brandon Quesnell and Albert Carey sat on the case.

**Presentation:** Attorney Lester J. Murphy, Attorney E. James Veara, Chris Wise, the project's proponent, Patrick Mixdorf, the project architect, and David Michniewicz, the project engineer, appeared to present the application. Mr. Ribeiro reviewed why the Board was considering the project again. He said that the current application is a modification of a previously approved project, Case # 16-28. That plan was previously partially modified by PLN 18-14, as it only pertained to Building 5/6. This application pertains to Buildings 3/4, 7/8 and 9/10. He said the only change requested is to add a capped roof structure to these units and that there are no other changes. He reiterated that there were no architectural design standards for residential structures under Site Plan Review by Special Permit in the Zoning By-Laws. Given that there are no standards for capped roofs and no other changes, the project is properly before the Board. The proposed architectural revisions would be integrated into the previously approved site plan. The Board questioned Mr. Ribeiro. He said that the Board would have to make a finding that a specific Special Permit criteria was not met by the proposed change in order to not approve the project and that there was a clear standard of approval to be considered. He said that there is a different dimensional requirement for flat roofs as opposed to sloped roofs. The buildings in question would be over the height requirement for flat roofs, but not for slightly pitched roofs. He said that the roofs had been designed to be the smallest possible slopes to minimize impacts. He reminded the Board that building height determinations were under the purview of the Building Commissioner. He added that he didn't see any mechanism to review architectural changes.

Attorney Murphy explained that the Building Commissioner's determination of natural grade was being challenged by the applicant and that matter was pending in front of the Zoning Board of Appeals. He said that for the roofs of the buildings in question to remain flat, either the Building Commissioner would have to change her opinion or the ZBA would have to overturn her determination of natural grade. Otherwise the applicant would not have to be before the Board. No changes are being proposed for the site plan, he argued, all they are talking about is a minor change to the roof configurations of several buildings. The scale and height conform to the Zoning By-Laws. He explained that because the Board had originally signed the architectural plans as part of the original site plan review, it had to approve any change in those plans, even though it has no jurisdiction to consider architectural design. Attorney Veara reiterated that the reason why the architectural designs were given to the Board was to provide a visual of what would be built. Those plans were signed and became part of the Board's decision. The applicant is only asking that the Board incorporate the new plans into the originally proposed and approved site plan and he reiterated that it was simply an administrative request that could not be denied.

**Public Comment:** Len Bowan had a question about the height of the buildings and Cathy Kucinkas, David Brody and Joe Joyce spoke in opposition to the application. There were 5 letters in opposition, 1 letter of concern, 1 letter of no objection and 1 letter in support of the application.

**Board Discussion:** The Board questioned Attorneys Murphy and Veara and discussed the request. Mr. Ribeiro reviewed the criteria of Site Plan Review by Special Permit.

*There was a motion by Ryan Campbell to continue PLN 18-31 in order to consult with Town Counsel regarding the Board's options. Brandon Quesnell seconded. VOTE: 2-3 (Steven Baker, John Golden and Albert Carey opposed).*

*There was a motion by Steven Baker to approve the request for a modification to the application for Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) and (5), of the Zoning By-Laws to add peaked roofs of approximately 2.5 feet in height to the structures containing Units 3 & 4, 7 & 8 and 9 & 10 at the property located at 350 Bradford Street.*

There was no second.

*Brandon Quesnell moved to deny the request for a modification to the application for Site Plan Review by Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1) and (5), of the Zoning By-Laws to add peaked roofs of approximately 2.5 feet in height to the structures containing Units 3 & 4, 7 & 8 and 9 & 10 at the property located at 350 Bradford Street.*

Mr. Ribeiro suggested that the Board make a finding to support their motion.

*John Golden seconded. VOTE: 3-2 (Steven Baker and Ryan Campbell opposed).* Steven Baker will write the decision.

### 3) Work Session:

a) **Discussion of potential planning and zoning initiatives related to the creation of year-round and/or seasonal work-force housing.** Mr. Ribeiro presented, via a PowerPoint presentation, ideas on how to create new housing units with proposed planning and zoning suggestions. He reviewed types of housing that are available under several categories, including residential, recreational, business and accessory and reviewed what kind of housing was allowed in each zoning district. He then reviewed the residential and commercial density schedules and presented some theoretical housing scenarios that would be allowed on, for example, a one-acre lot, according to both the residential and commercial dimensional requirements of the Zoning By-Laws. He suggested that by-laws may be revised to allow more housing on a lot, taking into account the trade-offs that would be required in terms of less green space and more density and how these would affect the character of the neighborhood and the Town.

The Board questioned Mr. Ribeiro about how to develop worker and dormitory-style housing, as well as how to create incentives for developers to build those units. He reviewed the federal requirements for manufactured home parks, which have large lot setbacks and distances between units and would not be realistic given the size of the lots in Town. He lastly reviewed campgrounds which, according to the Zoning By-Laws, require 10 acres to establish, however he suggested that in a revised form it may be a remedy for seasonal or year-round housing and an accurate model for tiny homes. If you wanted to put tiny homes in a campground, under the current dimensional requirements, only 5 tiny homes could be built on a one-acre lot. The Board discussed the issues. Mr. Ribeiro said that he would do research about how other municipalities dealt with some of these housing issues and how they mitigate the consequences that increased housing may create.

- b) **Discussion of potential Zoning By-Law amendments for Fall 2018 Town Meeting and/or Spring 2019 Town Meeting.** Tabled.
- c) **Discussion of planting list and categories** (placeholder). Tabled.
- d) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan** (placeholder).
- e) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Tabled.
- f) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and May 10, 2018.**

May 10, 2018: *There was a motion by Steven Baker to approve the minutes as amended. John Golden seconded. VOTE: 4-0-0.*

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

**4. Information items:**

Food truck survey data – for future discussion: Tabled.

Steven Baker moved to adjourn the Planning Board meeting at 9:03 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2018  
David Abramson, Chair