

PLANNING BOARD
Meeting Minutes
Thursday, August 9, 2018
Judge Welsh Room
6:30 P.M.

Members Present: David Abramson, John Golden, Steven Baker, Brandon Quesnell, Ryan Campbell and Albert Carey.

Members Absent: None.

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

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

1. **Application for membership:** Jason P. Potter appeared to discuss his application for membership on the Board. The Board briefly questioned him.

There was a motion by John Golden to approve the appointment of Jason P. Potter to the Planning Board. Steven Baker seconded and it was so voted, 6-0-0.

2. **Public Comments:**

None.

3. **Public Hearings:**

a) **PLN 18-28** (*postponed to the meeting of September 13th*)

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**.

b) **PLN 18-29** (*postponed to the meeting of September 13th*)

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**.

c) **PLN 18-33** (*request to continue to the meeting of August 23rd*)

Application by **Curaleaf Massachusetts, Inc.** requesting a modification to the application for a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws for a change of use of a structure to a retail marijuana establishment on the property located at **170 Commercial Street**. There was a request from the applicant to continue PLN 18-33 to the August 23, 2018 Public Hearing at 6:30 P.M. *There was a motion by Steven Baker to continue PLN 18-33 to the Public Hearing of August 23, 2018 at 6:30 P.M. Ryan Campbell seconded. VOTE: 5-0-0.*

d) **PLN 19-02**

Application by **Lorne Buchanan and Catherine L. Miller** requesting Site Plan Review pursuant to Article 2, Section 2320, High Elevation Protection District (A), and Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the construction of a three-bedroom, single-family residence at the property located at **7 George's Path** with requested waivers pursuant to Article 4, Section 4030, Waivers, including Article 4, Section 4163, Residential Design Standards, 1. and 2., Article 5, Section 5331, Development Impact Statements, and for a driveway centerline grade of 20%. David Abramson, Steven Baker, John Golden, Ryan Campbell and Brandon Quesnell sat on the case.

Presentation: Attorney Lester J. Murphy, Stacy Kanega and Gordon Peabody appeared to present the application. Attorney Murphy reviewed the project, which was previously approved by the Board, in conjunction with 9 George's Path, as a duplex. He said that now a single-family residence was requested, a reduction in the development of the site. He reviewed the waivers that have been requested, three of which are related to the development of the driveway, which has already been built and services both 7 and 9 George's Path. He said that the Fire Chief had reviewed the driveway when the application was previously before the Board. The applicants seek only to revise the building development plans for the property. The remaining waiver is for the submission of a development impact statement for the project, as one was submitted when the proposed development for 7 and 9 George's Path was reviewed by the Board. Attorney Murphy reiterated that the proposed development is less intensive, with fewer units. Ms. Kanega reviewed the site development proposal based upon the submitted site plan. Mr. Peabody reviewed the land management plan, including the planting protocol and the tree removal/retention proposal. He said that the applicants have requested the planting of multiple trees for every tree that is removed.

Public Comment: None. There were 4 letters of support from abutters, 1 letter of opposition from an abutter and 1 letter from an abutter that had no issues with the proposal.

Board Discussion: The Board questioned Attorney Murphy, Ms. Kanega and Mr. Peabody. The Board asked that the specific trees to be removed be noted on the planting plan.

There was a motion by Steven Baker to approve the requested waivers for PLN 19-02 pursuant to Article 4, Section 4030, Waivers, including Article 4, Section 4163, Residential Design Standards, 1. and 2., Article 5, Section 5331, Development Impact Statements, and for a driveway centerline grade of 20%. Ryan Campbell seconded. VOTE 4-1-0. (Brandon Quesnell opposed).

There was a motion by Steven Baker to approve a site plan pursuant to Article 2, Section 2320, High Elevation Protection District (A), and Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for the construction of a three-bedroom, single-family residence at the property located at 7 George's Path, with the condition that staff be provided with a revised landscaping plan showing the trees to be removed. Ryan Campbell seconded and it was so voted, 4-1-0. (Brandon Quesnell opposed).

e) **PLN 19-04** (request to postpone to the meeting of August 23rd)

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law, for the construction of two three-bedroom, single-family residences on the property located at **170 Bradford Street Extension**. There was a request from the applicant to postpone to the Public

Hearing of August 23, 2018 at 6:30 P.M. *There was a motion by Ryan Campbell to approve the request to postpone to the Public Hearing of August 23, 2018. John Golden seconded. VOTE: 5-0-0.*

f) **PLN 19-05** (*request to postpone to the meeting of August 23rd*)
Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a., (1), for a development consisting of the aggregate of residential units that will result in two or more residential units on the property located at **170 Bradford Street Extension**. There was a request from the applicant to postpone to the Public Hearing of August 23, 2018 at 6:30 P.M. *There was a motion by Ryan Campbell to approve the request to postpone to the Public Hearing of August 23, 2018. John Golden seconded. VOTE: 5-0-0.*

3) **Work Session:**

a) Pending Decisions:

PLN 18-31 (Jeff)
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**. David Abramson recused himself because of a conflict of interest.

There was a motion by Ryan Campbell to reconsider the decision for PLN 18-31. John Golden seconded. VOTE: 3-2-0. (Brandon Quesnell and Albert Carey opposed).

The Board briefly discussed the decision.

There was a motion by Steven Baker to grant a 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 with the conditions that the increase in height of the roofs not exceed 2.5' and that the existing grade be used to determine height. Ryan Campbell seconded. VOTE: 3-2-0. (Albert Carey and Brandon Quesnell opposed). The motion fails.

Steven Baker read the decision. *There was a motion by Ryan Campbell to approve the decision as amended. John Golden seconded. VOTE: 5-0-0.*

David Abramson rejoined the Board.

PLN 18-34 (Jeff)

Application by **Anne Nagle**, on behalf of **Verdant Medical, Inc.**, requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishments, Retail, of the Zoning By-Laws for a change in use of a structure to a retail marijuana establishment on the property located at **44 Capt. Bertie's Way**. The decision was not ready.

PLN 18-35 (Jeff)

Application by **Anne Nagle**, on behalf of **Verdant Medical, Inc.**, requesting Site Plan Review pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of a structure to a retail marijuana establishment on the property located at **44 Capt. Bertie's Way**. The decision was not ready.

b) **Discussion of potential changes to the Zoning By-Laws related to the Harborfront Overlay District and the Harbor Setback, inconsistencies within the Site Plan Review thresholds, Growth Management provisions in anticipation of potential sewer expansions and public utility uses.** Jeff Ribeiro reviewed proposed Zoning By-Law amendments for Fall 2018 Town Meeting. They include changes to the Harborfront Overlay District and the Harborfront Setback regulations that will combine and re-define the districts as one Harborfront Area, which will be located 160 feet seaward of the northern edge of Commercial Street. The existing regulations for the Harbor Setback and the Harborfront Overlay District are inconsistent with each other and incompatible with the historic development of the Town. The purpose of the new designation is to better promote public and visual access to the waterfront. He said that staff tried to simplify the two and bring them into conformity with Town goals and the Harbor Plan. The existing waterfront dependent uses will remain and, instead of regulating other Special Permit uses in the Harborfront Area, there are now proposed review criteria pursuant to Section 5300, to be determined by the Planning Board. The criteria would include the efficient use of the harbor frontage in relation to jobs supported, taxes contributed and other public benefits, including but not limited to, improving opportunities for visual and pedestrian access to the waterfront and impact to water quality. Private/public uses would be encouraged as would hotels, restaurants and private piers open to the public. He added that there is a proposed limit on residential uses so as not occupy more than 25% of gross floor area of any structure or portion thereof in the district, which is more permissive than what exists today.

Mr. Ribeiro then reviewed proposed revisions to the Administrative Site Plan Review and Site Plan Review by Special Permit by-laws that will clear up some inconsistencies and vagaries in the existing by-laws. The changes are in the criteria for review under each category and which projects are exempted from review. He added that the definition of parking as an accessory to a residential use versus parking as a principal use would also be addressed.

He reviewed proposed changes to the Dimensional Schedule that, in addition to the elimination of the Harborfront Setback, includes a revision related to the design of municipal buildings and height restrictions, specifically that municipal use buildings can be higher than what is allowed, but only by the granting of a Special Permit and pursuant to the appropriate criteria. Lastly, he noted the expansion of public utilities to the Seashore and Public Use districts in the

table in Permitted Principle Uses by approval of the Board of Appeals. The Board questioned Mr. Ribeiro and discussed the proposals.

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.** Mr. Ribeiro said he would work on this issue and report back to the Board.

e) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Mr. Quesnell explained the agenda item. The Board requested that staff review the conditions from previous approvals and compile a list of the conditions.

f) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and July 26, 2018.**

July 26, 2018: *There was a motion by Ryan Campbell to approve the minutes as amended. John Golden seconded. VOTE: 5-0-0.*

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

4. **Informational Items**

Food truck survey data – This item will be removed from the agenda.

Brandon Quesnell moved to adjourn the Planning Board meeting at 8:30 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
David Abramson, Chair