

PLANNING BOARD

Meeting Minutes

Thursday, August 23, 2018

Judge Welsh Room

6:30 P.M.

Members Present: David Abramson, John Golden, Steven Baker and Ryan Campbell.

Members Absent: Albert Carey (excused), Brandon Quesnell (excused) and Jason Potter (unexcused).

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

Chair David Abramson called the Public Hearing to order at 6:32 P.M.

1. **Public Comments:**

None.

2. **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** (*continued from the meeting of August 9th*)

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**. David Abramson, John Golden, Steven Baker and Ryan Campbell sat on the case.

Presentation: Attorney Lester J. Murphy, representing the applicant, Patrik Jonsson, a principal of Curaleaf Massachusetts, Inc., appeared to discuss the application. Attorney Murphy reviewed the changes requested by the Board at the last hearing of the proposal, including a site plan showing the location of the generator and an additional propane tank to fuel that generator and an agreement from the property owner granting the applicant exclusive use of one of several bike racks, capable of accommodating nine bikes, on the west side of the property. He added that since the issue of queuing on the ramp was of concern to the Board, a

plan of the ramp, showing over 120' of length with 5' of width of queuing area, had been submitted along with a zoning opinion from the Building Commissioner about the ramp's compliance with safety and ADA accessibility issues for its use as a queuing area. Apropos of the queuing issue as well, the applicant has submitted a floor plan showing 10 or 11 interior seats available for customers waiting for service. He also noted that the applicant had given the Board website information notifying potential customers about the lack of parking on the site, plans showing exterior lighting along the side of the building will be designed to be downward facing. He explained that the appropriateness of an increase in lighting in the parking area is an issue that staff, the owner of the building and the abutting property owners would have to work out, as the applicant does not have spaces in the parking area on the north elevation. Attorney Murphy said that the applicant would be willing to station a third security guard on site during the hours after Tea Dance let out to maintain and control accessibility to the business.

Public Comment: None. There was 1 letter in support of the application, 1 letter of concern from an abutter regarding the crowds going to and coming from Tea Dance and 2 letters from abutters in opposition to the application.

Board Discussion: The Board questioned Attorney Murphy and Mr. Jonsson. Mr. Abramson polled the Board.

There was a motion by Steven Baker to grant 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 with the conditions as stated in the staff report written by Jeff Ribeiro, Town Planner. Ryan Campbell seconded. VOTE: 4-0-0. Ryan Campbell will write the decision.

e) **PLN 19-04** (*request to postpone to the meeting of September 13th*)

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 PLN 19-04 to the Public Hearing of September 13, 2018 at 6:30 P.M. *There was a motion by Ryan Campbell to approve the request to postpone PLN 19-04 to the Public Hearing of September 13, 2018. John Golden seconded. VOTE: 4-0-0.*

f) **PLN 19-05** (*request to postpone to the meeting of September 13th*)

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), of the Zoning By-Laws 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 PLN 19-05 to the Public Hearing of September 13, 2018 at 6:30 P.M. *There was a motion by Ryan Campbell to approve the request to postpone PLN 19-05 to the Public Hearing of September 13, 2018. John Golden seconded. VOTE: 4-0-0.*

g) **PLN 19-07** (*request to postpone to the meeting of September 13th*)

Application by **Bruce MacGregor, Trustee, Cape Commerce Nominee Trust**, requesting a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive Zoning By-Law,

for the construction of a one-bedroom, one-family residence on the property located at **13 Willow Drive**. There was a request from the applicant to postpone PLN 19-07 to the Public Hearing of September 13, 2018 at 6:30 P.M. *There was a motion by Ryan Campbell to approve the request to postpone PLN 19-07 to the Public Hearing of September 13, 2018. Steven Baker seconded. VOTE: 4-0-0.*

h) **PLN 19-08**

Application by **Pavel Fiodarau**, on behalf of **PV Development, LLC**, requesting to modify a previously approved Special Permit, PLN 18-20, to change the proposed surface of the driveway on the property located at **168 Bradford Street Extension**. David Abramson, John Golden, Steven Baker and Ryan Campbell sat on the case.

Presentation: Attorney Robin B. Reid, on behalf of the applicant, and Pavel Fiodarau appeared to present the application. Attorney Reid requested that she be able to poll the Board before the final vote. The request was granted. She reviewed the information regarding the material for the driveway that had been submitted to the Board. Instead of paving the driveway, she said that the applicants seek to install a Tru-grid, permeable paver system. She said it was a system that gets buried into the ground and noted that a specification sheet had been submitted as well. She reviewed the plan showing a side view of the driveway and explained that laid on top of the subgrade is a layer of geo-fabric, covered by a 6” layer of gravel, then 1” of Tru-grid and finally covered by crushed shell. She reviewed the benefits of this system, including better drainage management in the neighborhood and a more aesthetically pleasing surface that will mitigate any detrimental effects of runoff during heavy storm events. In addition, it will also better protect the natural and scenic values of the property than compacted gravel and the installation will be able to withstand almost double the load of a fire truck as specified by the Fire Chief. This is supported by an engineering report submitted to the Board.

Public Comment: Richard Spada, an abutter, spoke in opposition to the application. There were no letters in the file.

Board Discussion: The Board questioned Attorney Reid and Mr. Fiodarau. The Board discussed the proposed driveway surface and whether to wait for the approval of the Fire Chief regarding the surface. Mr. Ribeiro weighed in on the issue and was supportive of the approval of the application without further comments by the Fire Chief.

There was a motion by Ryan Campbell to modify a previously approved Special Permit, PLN 18-20, to change the proposed surface of the driveway on the property located at 168 Bradford Street Extension. John Golden seconded. VOTE: 4-0-0. David Abramson will write the decision.

3) **Work Session:**

a) Pending Decisions:

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**.

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**. David Abramson read the decision for both cases. *There was a motion by Steven Baker to approve the decision as revised. Ryan Campbell seconded. VOTE: 4-0-0.*

- b) **Discussion of planting list and categories** (placeholder). Tabled.
- c) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan.**
- d) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder).
- e) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016, August 9 and August 14, 2018.**

August 9, 2018: *There was a motion by Ryan Campbell to approve the minutes as written. Steven Baker seconded. VOTE: 4-0-0.*

August 14, 2018: *There was a motion by Steven Baker to approve the minutes as written. John Golden seconded. VOTE: 4-0-0.*

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

Ryan Campbell moved to adjourn the Planning Board meeting at 8:00 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018

David Abramson, Chair