

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

Members Present: David Abramson, John Golden, Brandon Quesnell, Albert Carey (left at 8:25 P.M.), Jason Potter and Paul Graves.

Members Absent: Ryan Campbell (excused).

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. Public Comments:

Doug Dolezal informed the Board that he is planning a project to provide housing that would include affordable and community units, however he needs written clarification regarding the incentives written into the Inclusionary Zoning By-Law, which would govern the project, such as bonuses for lot density. He said he was under a time constraint and asked for help from the Board in clarifying the By-Law and facilitating the project. He submitted a list of his questions regarding the By-Law.

2. Public Hearings:

a) **PLN 18-29** (*continued from the meeting of September 27th*)

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**. Brandon Quesnell signed an affidavit attesting to having watched the video recording of the previous hearing of the application. David Abramson, John Golden, Brandon Quesnell, Jason Potter and Paul Graves sat on the case.

Presentation: Attorney Lester J. Murphy, representing the applicant, Dr. David Weidner, Executive Director of the CCPMA, Courtney Hurst, President of the Board of the CCPMA, Dave Hawk, landscape architect, Tom Swenson, an architect with Brown, Lindquist, Fenuccio & Raber Architects, Inc., Jay Norton, an engineer with Coastal Engineering Co., Philip Viveiros, a traffic engineer with McMahan Associates, Rick Fenuccio, an architect with Brown, Lindquist, Fenuccio & Raber Architects, Inc., Gordon Peabody, of Safe Harbor Environmental, and Brian Orter and Charlie Dumais, of Bold, a lighting design firm, were present to discuss the application.

Dr. Weidner presented a brief Powerpoint regarding the project and reviewed revisions requested at the last hearing concerning issues that the Board had determined needed more detail and discussion. He indicated that a physical address and QR code had been added to the promotional material, driving and walking directions have been added to the CCPMA website

and vista view photographs had been submitted. He said other potential topics for discussion this evening included slope and drainage and tree management, including images of trees that will be removed, only 8 in total, those to remain and those that will be added. A revised lighting plan has also been submitted. He added that CCPMA's traffic engineers have worked hard on gathering more information and creating new proposals regarding traffic and pedestrian safety and Mr. Viveiros, of McMahon Associates, is present to answer questions regarding those issues.

Attorney Murphy noted that supplemental and updated material had been submitted to answer questions that the Board had at the last hearing, including an addendum to the traffic study and updated computations of pedestrian counts, based upon discussions with Mr. Ribeiro, photographs for vista view purposes, promotional directional materials for locating the funicular, after its completion, that will be included on the CCPMA website, a stormwater drainage study and evaluation from Coastal Engineering and a geotechnical letter from Terracon Consultants regarding the installation of the helical pilings and their contribution to improving the stability of the slope and pedestrian/traffic safety enhancements. He added up-lighting on trees has been removed and lights are no longer being proposed on the hill next to the funicular. He said that the CCPMA has been transparent about the funicular project and has been willing to provide all information and answer all questions posed by the public and Town Boards regarding this significant project. The CCPMA seeks to complete the project before the 2020 commemorative events celebrating the landing of the Pilgrims in 1620. A lot of the proposed improvements regarding pedestrian safety, access and convenience, including a proposed bump-out and an increase in the size of sidewalks, have to be approved by the Town as they are located in the public right-of-way. He said that the traffic engineers have worked on how to reconcile the increase in vehicle and foot traffic at the intersection of Bradford and Ryder Streets and how to guarantee the safety of both pedestrians and drivers. However, they can only make proposals and suggest ideas to the Town, as many of these improvements have to be approved by the Select Board. The intention is to make a focal point for pedestrians to cross Bradford Street at the Ryder Street intersection, as this has been deemed to be the safest of the crossing options to the site. CCPMA is willing to make a commitment and contribute financially to these proposed improvements. In addition, he added that CCPMA is willing to continue working with abutters to minimize any impact this project may have on their properties.

Board Discussion: The Board questioned the design team regarding lighting, traffic, pedestrian crossings in the area and the proposed bump-out at the intersection of Bradford and Ryder Streets. Mr. Viveiros reviewed the new traffic information. Mr. Ribeiro reviewed his staff report on the project, specifically regarding traffic issues. He said he had reached out to Steven Tupper, the Transportation Program Manager for the Cape Cod Commission, to do a quick analysis. A copy of the traffic study was given to the Jim Golden, the Police Chief, and Rich Waldo, Director of the Dept. of Public Works. Mr. Viveiros said that the intention was to create a safe and inviting gateway to the Monument, and other attractions in this part of the Town, and that vehicular traffic and pedestrian activity conditions as a result of the project would not be much different than what exists already. Mr. Ribeiro said that he thought further traffic analysis was warranted. He said that staff suggests that the Board does not have adequate information to determine that the project as proposed meets the Site Plan Review criteria under Article 4, Section 4035, (c), (d), (f) and (l), of the Zoning By-Laws. Based upon

consultation with the DPW Director, he suggested that the methodology should be revised to represent pedestrian trips based on actual expected admissions at the funicular site, the distribution of trips across the network should be evaluated given the sidewalk and road conditions in the vicinity of the site, and the capacity analysis should be run through the modeling software again because of revised trip generation data to determine potential delays at the intersection, including any impacts to nearby intersections. He also recommended that the Board should consider asking for additional technical assistance by Town staff and potentially hiring an independent engineering firm to conduct a peer review or a request that the Cape Cod Commission generate a more detailed analysis of the submitted material.

Public Comment: Napi Van Dereck, Warren Goff, Mark Schiffman, an abutter, and Paul Teixeira, an abutter, spoke in opposition to the project. Tom Donegan had concerns about the project regarding drainage and the proposed improvements in the public right-of-way. There were 12 letters in opposition to, and 16 in support of, the project. Linda Loren, the chair of the Disability Commission, spoke of her concerns regarding access for the disabled.

Board Discussion: The Board questioned Dr. Weidner about access to the site for the disabled and requested further analysis of accessibility issues. Mr. Abramson reviewed several conditions that the Board would consider proposing regarding the project based upon its concerns; that CCPMA staff receive training in traffic monitoring to monitor the funicular site during the first 12 months of operation to insure that pedestrians are contained within the site and to deter drop-off activity, that CCPMA coordinate with the Police Chief regarding increased police details at the site in conjunction with special events at the Monument and during the high season and holidays, that any proposed mitigation suggestions implemented from the traffic report, such as the proposed bump-out and enhanced crosswalks located in the public right-of-way, be presented to the Select Board for approval, that way-finding information for pedestrian and vehicular access be coordinated with the Town Planner and that the information be available on the website and in printed materials. The Board briefly discussed the issue of hours of operation with the team.

There was a motion by John Golden to continue PLN 18-29 to the Public Hearing of December 13, 2018 at 6:30 P.M. Jason Potter seconded. VOTE: 5-0-0.

b) **PLN 19-06** (*request to postpone to the meeting of November 8th*)
Application by **J. Bruce MacGregor, Trustee, Cape Commerce Nominee Trust**, requesting a Special Permit pursuant to Article 4, Section 4015, Site Plan Review by Special Permit, a. (1), of the Zoning By-Laws for the construction of a one-bedroom, single-family residence on the property located at **13 Willow Drive** with requested waivers pursuant to Article 4, Section 4030, Waivers, including from Article 4, Sections 4053, Commercial Design Standards, 4163, Residential Design Standards, 2. and 3. and 4600, Street Trees and Article 5, Section 5331, Developmental Impact Statements. There was a request from the applicant to postpone PLN 19-06 to the Public Hearing of November 8, 2018 at 6:30 P.M. ***There was a motion by John Golden to approve the request to postpone PLN 19-06 to the Public Hearing of November 8, 2018 at 6:30 P.M. Jason Potter seconded. VOTE: 5-0-0.*** The Board determined that a quorum would not be available for the November 8, 2018 Public Hearing and the next meeting is on December 13th. ***There was a motion by John Golden to approve the request to postpone PLN 19-06 to the Public Hearing of December 13, 2018 at 6:30 P.M. Jason Potter seconded. VOTE: 5-0-0.***

4. Work Session:

a) **Pending Decisions:**

PLN 18-33 (Jeff)

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**. The decision was not read because of quorum purposes.

PLN 19-04

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**. David Abramson, John Golden, Ryan Campbell, Albert Carey and Jason Potter sat on the case.

PLN 19-05

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**. David Abramson, John Golden, Ryan Campbell, Albert Carey and Jason Potter sat on the case.

Dave Abramson read both decisions. *There was a motion by John Golden to approve the PLN 19-04 and 19-05 as written. Jason Potter seconded. VOTE: 3-0-0.*

b) **Discussion of the Cape Cod Commission's draft Regional Policy Plan and potential vote to provide comments on the plan.**

c) **Discussion of zoning amendments to be proposed at the Spring Annual Town Meeting, including potential amendments to encourage the production of housing.**

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

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

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

October 11, 2018: *There was a motion by John Golden to approve the minutes as written. Jason Potter seconded. VOTE: 5-0-0.*

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

***There was a motion by John Golden to adjourn the Planning Board meeting at 9:00 P.M.
Jason Potter seconded. VOTE: 4-0-0.***

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
David Abramson, Chair