

**Planning Board Meeting
April 26, 2023
Minutes**

These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting. - Open Meeting Law, G.L. c. 30A§22.

Board Members: Tim Grandy, Steven Bolotin, Birgitta Kuehn, Scott Hokanson and Frank Mand
Staff Members: Robin Carver and Lee Hartmann
Recording Secretary: Eileen Hawthorne

Administrative Notes:

Minutes*:

Covenants, Plans and Releases*:

Form A Plans*:

A4852 – AD Makepeace Company, 0 Tihonet Road, Map 126, Lots 7-1, 8, 11-2, 11-3, 11-4, 12-1 and 14-1 – Lot Line Adjustments to create lots 7-3, 8-2, 11-7, 11-8, 12-2 and 14-2

Lee Hartmann explained that the plan separates bogs, the Frog Foot Pond area, and land that will be placed under a Conservation Restriction.

Steven Bolotin moved for the Board to determine that A4852 was entitled to endorsement; Scott Hokanson, second; the **vote** was (4-1) with Birgitta Kuehn in opposition as her question regarding Tihonet Road was not answered.

Pinehills Village Green - Traffic Update

This presentation has been rescheduled for May 10, 2023 at 7:05 p.m.

**B543 – Redbrook Site Plan Review, Use Area 7, Phase 3
Wareham Road/River Run Way, Map 115, Lots 1-348, 1-406 and A-42**

Construct 100 rental units in two multi-family structures with amenities

The Board received the following documentation for this review:

Staff Memo

Project Narrative

Memo From Weston & Sampson, Flow Projections at Redbrook Wastewater Treatment Facility dated February 21, 2023

Memo from Weston & Sampson, Water Use Projections dated February 21, 2023

Memo from Vanasse & Associates, Inc, Traffic Monitoring Program dated January 25, 2023

Use Area Plan, February 2023

Construction Phasing Plan

Use Area Modifications Table

Trail Plan, February 2023

Lighting Plan, February 2023

Sign Plan, February 2023

Proposed Building Pictures

Proposed Building Elevations

Site Plans dated February 27, 2023

Lee Hartmann explained that staff has not received the technical reviews from Town departments for this review and Makepeace would like to further consider their affordable housing options/alternatives.

The Board agreed to continue this review to a future meeting once Makepeace has considered their options and additional information available.

**ZBA 4089 – Kevin and Sara Jay
20 Cape Cod Ave, Map 48, Lot 53-84**

Special Permit to enlarge and extend a pre-existing non-conforming structure (5/1)

The Board received the following documentation for this review:

Staff Report

Fire Department comments dated March 27, 2023

Director of Public Health comments dated April 4, 2023

Project Narrative dated March 30, 2023

Letters from Abutters (5)

Locus Map and Site Photographs

Building Elevations

Site Plans dated March 13, 2023

Atty. Robb D'Ambruoso, D'Ambruoso Law and Chris Sanderson, Merrill Engineering presented the request for a special permit to raze and reconstruct an existing seasonal cottage into a three story, three-bedroom, five-bathroom year-round dwelling. The reconstruction will include a bump out for an elevator to accommodate an elderly parent and a deck with a spiral staircase. The proposed staircase will be 5.3' from the side lot line with the deck at 7.7' and the elevator bump out at 8.2'. The required side setback is 10'. The Board of Health has approved the plans for the septic system at the rear of the property. The structure will meet current building codes and has off-street parking. The structure will still be used as a residence and will not be detrimental to the neighborhood. Several abutters have submitted letters of support.

Robin Carver noted that Public Health and the Fire Department had no objections and staff received a few minor comments from the Engineering Department this afternoon. Ms. Carver commented that other cottages in this area have been converted to year-round dwellings, the abutters are in support of the project and the project will not be detrimental to the neighborhood. Frank Mand observed that the existing cottage was in decent shape, but the area is upscaling. Mr. Mand asked if the trees and vegetation along Cape Cod Ave will be removed.

Mr. Jay responded that he would like to keep the trees and vegetation along Cape Cod Ave but has been removing some of the invasive vines at the rear of the property.

Birgitta Kuehn asked how the wheelchair bound relative will be able to access the outdoors.

Mr. Jay replied that a handicap ramp will be installed. The new dwelling will be their retirement home and the elevator will extend the length of time they will be able to stay in the home. The number of bathrooms were added for convenience.

Ms. Kuehn questioned whether the location of the ramp should be shown on the plan. She felt the proposed project was a substantial change of use – going from a one bath cottage to a five-bath year-round dwelling. She expressed a concern that one of the rooms that did not have a closet would be converted to a bedroom and that in the future the dwelling would be converted to a two flat or multi-family dwelling.

Mr. Hartmann explained that handicap ramps for access are exempt from zoning and can have a zero-lot line setback. He noted that a two-family use would be illegal.

Steven Bolotin, Tim Grandy and Scott Hokanson were in support of the project and did not feel there was a change of use.

Public Comment: None

Steven Bolotin moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following condition:

Prior to issuance of a Building Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.

Scott Hokanson, second; the **vote** was unanimous (5-0).

**ZBA 4090 – Gary and Alison Phillips
17 Guide Board Road, Map 44, Lot 8-10**

Special Permits required to extend and alter a pre-existing non-conforming structure and to waive setbacks to construct an addition on a multi-dwelling lot (5/15)

The Board received the following documentation for this review:

Staff Report

Conservation Planner comments dated March 24, 2023

Letter from Alison and Gary Phillips dated March 1, 2023

Letter from Francis Ouimet dated December 12, 2022

Locus Map and Site Photographs

Zoning Application Plan dated March 18, 2023

Septic System Plan dated October 27, 2006, revised October 10, 2009

Plan of Land, B64, Page 1170

Robin Carver presented the request for a special permit to extend and alter a pre-existing nonconforming structure and to waive side setback requirements in order to construct a 14'x14', single-story addition with a 6.9' side setback to an existing dwelling at 17 Guide Board Road.

Ms. Carver explained that in 2016 an ANR plan divided the site in to three lots and in 2020 one of those lots was divided into two to create a non-buildable lot in the rear. The project will be reviewed by the Conservation Commission on May 7, 2023 for its proximity to a pond at the rear of the existing dwelling.

Alison Phillips informed the Board that she has received letters of support from abutters and noted that because of the configuration of the site the proposed location of the addition is the only area that it can be constructed.

The Board members were all supportive of the proposed addition.

Public Comment: None

Birgitta Kuehn moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following condition(s):

Prior to issuance of a Zoning Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.

Frank Mand, second; the **vote** was unanimous (5-0).

**ZBA 4093 – CabbyShack
30 Town Wharf, Map 14A Lot 14**

Special Permit to eliminate off-street parking for outdoor seating (5/1)

The Board received the following documentation for this review:

Staff Report

Fire Department comments dated April 10, 2023

Director of the Board of Health comments dated April 11, 2023

Locus Map and Site Photographs

Site Plan dated March 21, 2023

Atty. William Sims presented the request for a special permit for Cabby Shack to relocate their temporary outdoor seating by moving the canopy that was used the past couple of years adjacent to the building, thereby eliminating six employee parking spaces. The owner would pay \$5,500 into the Town's parking fund. The Director of Public Health and the Plymouth Center Steering Committee have both reviewed the location and are supportive.

Frank Mand expressed his concerns with expanding seating in an already densely populated area and developing the waterfront in this manner. He did not feel the location was safe and the seating would not contribute to positive growth in the area.

Scott Hokanson supported the initiative and felt that the outdoor dining areas on the Town Wharf create an atmosphere that makes Plymouth a destination for residents and tourists.

Birgitta Kuehn asked if the canopy had sides and whether the grease trap would accommodate an additional 100 seats. Ms. Kuehn was concerned with stormwater runoff into Anna's seating area. She asked if this is existing outdoor seating why is a special permit being required now?

Atty. Sims and Roo Jocelyn, restaurant manager replied that the canopy does not have sides and is not used during inclement weather. There has been no runoff or parking issues and the site is on Town Sewer.

Lee Hartmann explained that a special permit is needed because a portion of the property is in the waterfront district which requires a special permit to pay into the parking fund and eliminate parking. During Covid and since then, the Select Board has allowed restaurants to apply for seasonal outdoor seating areas.

Steven Bolotin commented that all businesses should be treated the same regardless of which zone they are in.

Tim Grandy asked how long the canopy stays up and whether the parking spaces will be usable when the canopy comes down.

Atty. Sims replied that if the special permit is granted it will go up in a few weeks and will come down by mid or the end of October. The area will revert to being used for parking once the canopy is dismantled in the fall.

Public Comment: None

Scott Hokanson moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following conditions:

No portion of the tent or any other structure shall be constructed on the Town of Plymouth's established fire lane that could obstruct access by the Plymouth Fire Department. The tent must also be installed so that no portion of the existing fire protection components or means of egress are blocked.

Staff recommends the Petitioner pay into the parking fund to replace these private spaces with the required payment of \$5,500 toward public parking.

The applicant must show the proposed canopy anchor points/cables and/or foundation on the plans.

The wastewater flow calculations associated with this project must be reviewed by the Sewer Division. All connections to Town sewer are subject to wastewater flow availability and payment of all applicable sewer connection fees.

The applicant must mark out and coordinate with the Engineering Division the location of the proposed fence posts prior to installation for compliance with the existing lease lines. The fence and posts must be within the leased area.

The temporary tent may be installed during the months of May through October.

Steven Bolotin, second; the **vote** was unanimous (5-0).

Steven Bolotin moved for the Board to adjourn at 8:00 p.m.; Scott Hokanson, second; the **vote** was unanimous (5-0).

Other Business:

"Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting."

***On file with the Office of Planning and Development in project case files.**

Respectfully Submitted,

Approved: May 10, 2023

Eileen Hawthorne
Administrative Assistant