

**Planning Board Meeting
May 10, 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*:

April 12, 2023

April 26, 2023

Steven Bolotin moved for the Board to approve the minutes of April 12, 2023 with one addition and the minutes of April 26, 2023 as presented; Birgitta Kuehn, second; the **vote** was unanimous (5-0).

Covenants, Plans and Releases*:

B437 – Pinehills LLC – Release of Covenant for Owl’s Nest

Steven Bolotin moved for the Board to approve and endorse the release of covenant for B437 – Pinehills Owl’s Nest neighborhood; Scott Hokanson, second; the **vote** was unanimous (5-0).

Form A Plans*:

A4854 – Rhode Island Boy Scouts/Town of Plymouth, off Graffam Road, Map 107, Lot 20F-3 – Divide to create lots 20F-4 and 20F-5

Birgitta Kuehn moved for the Board to determine that Form A plan A4854 was entitled to endorsement; Steven Bolotin, second; the **vote** was unanimous (5-0).

Pinehills Village Green - Traffic Update

The Board received the following documentation for this review:

- 2021 Traffic Monitoring Program Memo dated May 20, 2022
- 2022 Traffic Monitoring Program Memo dated February 3, 2023
- Traffic Signal Warrants Analysis dated May 16, 2022
- Map of Existing Village Green Area
- Map of Proposed Improvements to Village Green Area

Atty. Deborah Sedares and Tony Green, Pinehills LLC, and Jeffrey Dirk, Vanasse & Associates, presented an update on the vehicular traffic within the development with focus on the Village Green, Clark Road and Old Sandwich Road, within Pinehills’ development and pedestrian circulation.

Based on the 2021 and 2022 Traffic Reports which measured traffic over a seven day period in the month of October there are approximately 2,000 vehicles per day (vpd) using Landmark Drive and 1,500 vpd using Meeting Way. Vehicles within the development are travelling 20-25 mph with vehicles on Beaver Dam/Clark Roads travelling in excess of 40-45 mph. Suggested improvements within the Village Green area were shown on a plan and included installing/replacing crosswalks with VGN street/print high visibility crosswalks with pedestrian crossing warning signs and wayfinding, pedestrian activated rectangular rapid flashing beacon signalization, additional signage at intersections, additional handicap and conventional parking spaces, restriped parking spaces, and creating a one-way traffic pattern with a crossover connection. Improvements to Pinehills Drive for better emergency vehicle circulation have yet to be completed and may include a right turn lane onto Clark Road. The traffic counts show that signalization at the intersections on Clark Road is not yet warranted.

Public Comment:

Rita Whelan, Stephen Anderson, Stephen Aziz, Dennis Crimmins, and Mark Withington expressed their concerns with the following: pedestrian safety within the development and crossing Clark Road, the traffic study should have been conducted during the summer season, the pedestrian light on Clark Road that has not been replaced, area speed limits and vehicular speeding on Clark Road, insufficient handicapped parking within the Village Green (especially in the area of the post office), preservation of Old Sandwich Road and the impact of traffic from the Pinehills development on surrounding neighborhoods.

Ms. Whelan submitted a petition with 140 signatures of area residents concerned with pedestrian safety and traffic impacts.

Lee Hartmann explained that improvements to Clark Road and Old Sandwich Road would be a collaboration between the Select Board (as Highway Commissioners), DPW and Pinehills LLC. Scott Hokanson suggested providing an employee parking lot in or near the Village Green.

Mr. Dirk commented that handicapped parking in front of the post office was not considered but could be designed and an employee parking lot could be provided by utilizing the parking spaces in back of the commercial buildings.

Frank Mand expressed his concerns with the ripple effect of the impacts with the traffic the development has generated on the surrounding neighborhoods, the vehicular speed in the area, traffic accidents at the on/off ramps from Route 3, and insufficient sight lines at the intersection of Clark Road and Pinehills Drive.

Mr. Dirk acknowledged that speeds in the area are of concern and explained how the thresholds for traffic mitigation including signage and signalization are measured. He noted that the interchange of the ramps from Route 3 are under the jurisdiction of Mass DOT. Pinehills has dedicated land to provide roadway improvements such as possible slip ramps rather than signalization at the Route 3 interchange.

Birgitta Kuehn detailed her concerns with the pedestrian safety of the Pinehills residents that live on the south side of Clark Road that have to cross at unsafe intersections and are therefore disinclined to participate in the community life of the development. Ms. Kuehn was also concerned with the traffic volume impact on emergency vehicle response, traffic impacts on the surrounding neighborhoods an unintended consequence of the preservation of Old Sandwich Road. She suggested considering a pedestrian bridge across Clark Road. She said that most neighborhoods have mail houses while the Village Green Post Office, serving residents who do not, plus serving as a Federal Post Office for non-residents, has fewer amenities and less parking, a planning failure.

Steven Bolotin observed that there are multiple considerations for traffic mitigation and multiple parties responsible. Mr. Bolotin supported the one-way traffic circulation within the Village Green and encouraged providing additional handicapped parking and installing signalization to provide safety.

Tim Grandy asked why the pedestrian light that was damaged has not been replaced and encouraged the Pinehills to work with the staff, and residents to provide pedestrian safety measures.

Atty. Sedares explained that Pinehills installed pedestrian signalization and the crosswalk then turned them over to the Town. The DPW has been dealing with an insurance claim and has ordered the replacement fixture.

Lee Hartmann stated that he would upload the traffic studies to the Town's website.

The Board took a five-minute recess.

Public Hearing: B-642 – 687 State Road Inclusionary Housing Dev. - Sheridan Home Builders

687 State Road, Map 45, Lot 41A

Special Permit for inclusionary housing, use of existing access and parking, and GC to allow more than 6,000 SF of floor area

The Board received the following documentation for this review:

Draft Vote

Project Narrative dated March 24, 2023

Fire Department comments dated May 2, 2023

Locus Map

Site Photographs

Site Plans dated March 14, 2023

Tim Grandy read the public hearing notice and opened the public hearing.

Atty. Robb D'Ambruoso, D'Ambruoso Law, and Kevin Flaherty, Flaherty & Stefani, Inc.

presented the proposed special permit for an inclusionary housing development in an existing two-story office building. The building would be converted to six residential units (3 affordable and 3 market rate) and one office/storage space on the first floor. The 3 affordable units would provide compliance with the affordable housing component required (a payment in lieu of or offsite) as part of the special permit for the age-restricted Ocean Walk development. There will be no change to the footprint of the existing structure, the number of parking spaces will be increased from 12 spaces to 14 with one space ADA compliant, and significant landscaping will be installed along the front and rear of the site. The septic system will be located in front of the building and the building will have a fire suppression system.

Robin Carver noted that in the General Commercial (GC) zone, the proposed mixed-use is allowed with a special permit as long as the residential component is not on the street floor of the building fronting on a State Numbered Arterial Route. The 800 sq. ft. of commercial space will be in the front of the building facing State Road (Rte. 3A); the three affordable housing units will consist of 2 2-bedroom units (one in the basement and one on the first floor) and a 1-bedroom unit on the first floor, and the three market rate units will consist of a 1-bedroom unit and 2 2-bedroom units on the second and attic levels. Ms. Carver stated that the landscape plan will need to be revised to show native drought/salt tolerant species. A rain garden will be installed in the rear to capture runoff from the impervious surfaces, a new handicapped ramp will be installed, and the dumpster and snow storage locations are shown on the plan.

Public Comment:

Michelle Peterson, an abutter, asked whether the two large trees on the site will remain, how much excavation will take place and whether a portion of the parking will still be leased from Webster Place.

Mr. Flaherty responded that the only excavation will be in front of the building in order to install the septic system, the two large trees will remain and the 99-year lease for the parking spaces will still be in effect.

As there was no further public comment, Steve Bolotin moved to close the public hearing; Scott Hokanson, second; the **vote** was unanimous (5-0).

Frank Mand stated that the building needs improvement and this is a positive step for the site.

Birgitta Kuehn asked if the units would be for sale or rent.

Atty. D'Ambruoso replied that they would most likely be units for sale.

Ms. Kuehn suggested working with the abutting land owner to provide a pedestrian connection to the shopping center and to improve the right-hand side of access way onto State Road.

Scott Hokanson stated that he loved the concept and the provision for affordable housing in this area.

Tim Grandy asked where the snow storage area would be and whether the plans went before the Manomet Steering Committee.

Matt Sheridan pointed out the snow storage area on the plan and Atty. D'Ambruoso replied that the plans were not presented to the Steering Committee.

Steven Bolotin encouraged the developer to meet with the steering committee.

Birgitta Kuehn moved for the Board to approve the special permit for inclusionary housing subject to the following conditions:

Final landscape plans shall indicate all native and/or salt tolerant plants.

Any exterior lighting shall be compliant with Section 207-4 Prevention of Light Pollution of the Zoning Bylaw and utilize LED light bulbs.

Final plans shall address all comments and concerns of the Town Engineering, Public Health, and Fire Departments, and provide them to the Planning Department.

Prior to issuance of a Zoning Permit:

Evidence of recording of this Special Permit at the Plymouth County Registry of Deeds shall be presented to the Building Inspector.

Evidence of payment of any back taxes owed to the Town, if any, in the form of a Municipal Lien Certificate, shall be provided to the Building Commissioner.

Prior to issuance of a Building Permit, a Memorandum of Understanding (MOU) shall be approved and executed by the Petitioner and the Office of Community Development in accordance with Section 207-7 of the Bylaw.

Prior to issuance of a Final Occupancy Permit:

A Registered Landscape Architect or other qualified licensed professional must certify to the Building Commissioner that the required landscaping has been installed substantially in accordance with the approved site plan and Bylaw; and

A report must be submitted to the Director of Inspectional Services by a Registered Professional Engineer, certifying that the drainage system, driveways, curbing, and parking areas are according to accepted practices and in compliance with the Bylaw and approved site plan.

Planning staff shall inspect the property to ensure compliance with the conditions of this Special Permit.

Minor modifications to the design and location of buildings, parking, landscaping, and other site elements may be allowed by the Building Commissioner (aka Director of Inspectional Services) and Planning staff to accommodate reasonable and/or necessary field conditions, which modifications do not amount to a substantial modification of the plans. Such changes as substituting a particular plant material or number of shrubs or trees where it is impractical to do something or move a building in a manner which does not materially change the project, or slightly reconfigure a drainage area or parking area may be allowed.

If after a period of two (2) growing seasons any of the installed landscaping has failed to thrive, the Petitioner shall replace said failed landscaping materials to the satisfaction of the Planning Board.

The Petitioner has agreed to meet with the Manomet Steering Committee.

The Petitioner has agreed to work with the abutter to look at the feasibility of providing pedestrian access to the shopping center.

The Petitioner has agreed to look at the feasibility of widening the right-side curve of the entrance.

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

ZBA 4091 – David Souther

16 Cliff Street, Map 38 Lot 12

Special Permit to waive the rear setback requirements to construct a detached garage

The Board received the following documentation for this review:

Staff Report

Fire Department comments dated April 10, 2023

Locus Map

Site Photographs

Floor Plans and Building Elevations dated October 3, 2022

Site Plan dated March 15, 2023

Kevin Flaherty, Flaherty & Stefani, Inc. presented the request for a special permit to waive the rear setback requirements in order to construct a detached 28'x28' garage with a 12'x26' carport that would have a 21.4' setback from the rear lot line. There is an existing drainage easement for a Town drain that runs from Cliff Street to the rear of the property. Requests included in the Engineering Department's comments include making a slight adjustment to the location of the proposed garage/carport to keep it away from the drainage easement by moving it closer to the street and modifying the gravel driveway to accommodate the revised location.

Robin Carver noted that the Engineering Comments were received this morning and will be addressed with a revised site plan prior to the ZBA public hearing.

Public Comment: None

Frank Mand moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following condition:

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.

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

ZBA 4092 – HIGH SEA LLC

245 Taylor Ave., Map 45A, Lot 96

Special Permit required per Section 203-9B for a pre-existing nonconforming structure for 2 dwellings on one lot

The Board received the following documentation for this review:

Staff Report

Project Narrative dated March 28, 2023

Fire Department comments dated April 10, 2023

Memo from Conservation Inspector dated April 27, 2023

Memo from Director of Public Health dated April 13, 2023

Letters from abutters (7)

Locus Map and Site Photographs

Floor Plans and Building Elevations dated January 4, 2023, revised through March 22, 2023

Site Plan dated March 27, 2023

Atty. Robb D'Ambruso, D'Ambruso Law, presented the request for a special permit to raze and reconstruct an existing seasonal cottage into a year-round dwelling. The other cottage on the lot will remain seasonal. The reconstruction will include a 30'x36' four-story footprint (basement included) with an 8'x14' bump out in the rear with five bedrooms. The existing cottage has five bedrooms. A new 9-bedroom septic system will be installed to accommodate both structures. Two drywells will be installed to capture runoff. DPW has issued minor comments that will be addressed, and the Conservation Commission has reviewed the project and issued an Order of Conditions. The applicant has submitted several letters of support from abutting neighbors.

Robin Carver commented that the special permit is needed because there are two dwellings on the lot and is considered pre-existing non-conforming. The proposed structure meets all dimensional standards, there will be no increase in bedroom count, a new septic system will be installed and the neighbors are in support.

Public Comment:

Cathy Perry 249 Taylor Ave and Linda Ferguson, 248 Taylor Ave spoke in support of the project via Zoom.

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

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 4094 – John Tobin

151 Sandy Beach Rd, Map 120, Lot 1-155

Special Permit per Section 203.9 to expand a pre-existing non-conforming structure and construct a second story addition

The Board received the following documentation for this review:

Staff Report

Project Narrative dated March 30, 2023

Fire Department comments dated April 19, 2023

Memo from Conservation Inspector dated April 27, 2023

Memo from Director of Public Health dated April 13, 2023

Letters from abutters (2)
Locus Map and Site Photographs
Floor Plans and Building Elevations
Site Plan dated February 2, 2023

Chris Sanderson, Merrill Engineering, presented a special permit request to expand a pre-existing non-conforming structure by adding a second story to the existing footprint. The existing deck will remain and there will be no increase in bedroom count. The two-bedroom septic system will accommodate the two bedrooms that will now be located on the second floor. The Conservation Commission has reviewed the proposed addition and requested that the staging area be outside the 100' buffer zone.

Robin Carver observed that as the addition would be within the same footprint, staff is supportive.

Public Comment: None

The Board had no questions or comments.

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 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

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."

Tim Grandy and other Board members thanked both Frank Mand and Scott Hokanson for their service on the Planning Board.

Birgitta Kuehn questioned whether the Master Plan Task Group could move forward after the elections with three members sitting on the Planning Board. Ms. Kuehn noted that would be a quorum of Planning Board members. She indicated that her preference would be for Steven Bolotin to step down and allow the newest members to participate in the Master Plan Task Group.

Steven Bolotin responded that as an advisory subcommittee to the Planning Board, all five Board members could participate. Mr. Bolotin stated that The Master Plan Task Group doesn't deliberate on matters before the Planning Board and is creating a scope of services and to seek funding for the future Master Plan and carry out the policy of the Planning Board.

Lee Hartmann agreed to contact Town Counsel regarding this matter and report back to the Planning Board Chair.

Ms. Kuehn requested that the Town Counsel report be presented in writing

Steven Bolotin moved for the Board to adjourn at 9:53 p.m.; Frank Mand, second; the **vote** was unanimous (5-0).

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

Respectfully Submitted,

Approved: May 24, 2023

Eileen Hawthorne
Administrative Assistant