

**TOWN OF TRURO
PLANNING BOARD
Meeting Minutes
April 3, 2019, 5:00 pm
Truro Town Hall**

Board Members Present:

**Chair S. Sollog
Vice Chair K. Tosh
Member B. Boleyn
Member P. Herridge
Member P. Kiernan
Member J. Riemer
Member M. Roderick**

Other Participants:

**Steve Parker, Town Planner
John O' Reilly, engineer
Stacy Kanaga, engineer
Maria Kuliopolos, applicant
Atty David Reid
Atty Ed Patten
Atty Lester J. Murphy
Don Poole, surveyor
Atty Andrew Singer
Dan Silva, applicant
Tim Brady, engineer
Atty Dina Brown
Kristen Roberts, owner Truro Vineyards
Amy Paine, Truro resident
Sheryl Costa, owner Truro Center Village
Susan Howe, Truro resident
Michael Silva, Truro resident
Chris Lucy, Truro resident
Steve Roberts, Truro resident
Shawn Monahan, Truro resident
David Del Gizzi, Truro resident
Ave Rosenthal, applicant
Bruce Dekker, Truro resident
Louise Briggs, Truro resident
Susan Kurtzman, Truro resident**

Meeting convened at 5:00 pm by Chair Sollog.

Public Comment Period

Chair Sollog asks if anyone would like to come forward to speak about something not on tonight's

agenda. No one comes forward.

1. Continued Public Hearing

2018-003 ZBA Maria Kuliopolos, White Sands Beach Club, Inc.

Applicant seeks approval of a Commercial Development Site Plan pursuant to Section 70.3 of the Town of Truro Zoning Bylaw to maintain existing uses and structures, reduce the number of units to forty-four (44) and construct a replacement structure. The property is located at 706 Shore Road, Map 1, Parcel 5. John O'Reilly will be present to discuss his engineering review of the plan submission.

John O'Reilly, an engineer engaged by Truro to review the White Sands Beach Club plan submission, comes forward.

Chair Sollog says the plans reviewed were approved by the Zoning Board of Appeals. He says the Board would like to start with outlined items, and if anything stands out to Mr. O'Reilly, he can bring that up. Mr. Sollog would like to start at Section 70.5 D.18, lighting facilities.

Mr. O'Reilly says at the time of his review, March 16th, he did not have a lighting plan, and one from the applicant was forwarded to him on the 22nd of March from Town Planner Steve Parker. Mr. O'Reilly believes the lighting plan is compliant with regulations.

With regards to D.20, traffic study, he didn't see one in the application and doesn't know if one is usually expected in a redevelopment. He does believe that site and traffic safety should be deliberated.

Chair Sollog invites the engineer for White Sands to come forward at this time; Stacy Kanaga, engineer, comes forward.

Chair Sollog asks if the current alternate gravel driveway, which is to be replaced with a paved entrance, is in use. Maria Kuliopolos says that it is closed now but has previously been in use for 30 years. Mr. Sollog would like the Board to deliberate on whether a traffic study is required as the site would see less activity if the plans were to go forward. It is his opinion that the access has been there for years without issue and he wouldn't want to put the hardship of a traffic study in, especially given that one done off-season wouldn't make much sense.

Member Herridge agrees with Chair Sollog that the operation of the entryway for years prior with less future traffic planned would not give reason for a traffic impact study. Member Kiernan also agrees. He adds that the speed on that road in the tourist season also tends to go down. Vice Chair Tosh and Member Roderick agree as well.

Chair Sollog feels that the fiscal and community impact would be positive since the property would be going from non-use to use.

Member Kiernan would like to get a project estimate down on paper. Ms. Kuliopolos says that she has already submitted a cost estimate.

Mr. O'Reilly says the sewage system is shown on the plan and some retrofitting is being done because of the reconfiguration of the parking lot. He had no issues with the size of the system. On March 22nd he received the assigned disposal works permit for the repairs from the Board of Health via Mr. Parker. Mr.

O'Reilly received storm drainage calculation plans from Ms. Kanaga and says the applicants are addressing roof runoff appropriately.

Mr. O'Reilly brings up that some additional gravel is being added to the property for parking and that to the east of the pool building he didn't see any impact addressed in the stormwater management report but the underlying soil has a great capacity to absorb water. He adds that his site visit was two days after significant rain, and he saw no evidence of standing water.

Member Reimer asks about the location of the additional gravel. Ms. Kanaga points it out on the plan.

Mr. O'Reilly is leaving it up to the Board to determine if more screening is needed between the property and Shore Road. Chair Sollog says that what can be planted is limited, but that some landscaping that already exists will remain between the applicant's property and the abutter.

Member Riemer asks if any spaces are delineated currently in the grass area that will have gravel added to it. There is no designated parking there now, and Mr. Riemer would like to see screening between the future parking area and Shore Rd. Mr. Sollog questions the safety of obscuring sight lines with screening. Mr. Riemer thinks a 2 or 3-foot-high shrub would help to soften the appearance of the gravel lot. Mr. Sollog asks if there is any proposed landscaping for the lot and Ms. Kanaga replies that it is currently proposed to remain just grass. Member Herridge and Vice Chair Tosh would be opposed to any screening that impacts safety. Mr. Sollog clarifies that while he isn't opposed outright to any screening, they should be cautious with any planting there.

Member Kiernan makes the point that when an existing structure had burned down with a row of trees in front of it, the trees were demolished as well as the structure, and it would be beneficial for the replacement structure to also have trees planted in front of it.

Mr. O'Reilly and Ms. Kanaga say that garbage and loading areas are to be screened.

Due to the nature of three proposed curb cuts into the site affecting traffic flow and safety Mr. O'Reilly suggests that the applicant consider one-way traffic through the site which could eliminate some waivers.

Ms. Kanaga says that the parking configuration has changed. Chair Sollog agrees with Mr. O'Reilly that one-way traffic could help the site. Ms. Kanaga says that the applicant thought one-way may impact some inner workings of the site, but that it has not been discussed in depth. Member Kiernan says that having one-way traffic there will be an overall benefit for entering and exiting the site.

Maria Kuliopolos comes forward and says that the one-way plan would be acceptable as people use the site in that fashion now.

Ms. Kanaga clarifies that there are 94 parking spaces on the plan. Member Kiernan says that having a parking plan that numbers each individual space would be extremely helpful to the Board. Mr. Kiernan says that the proposal of one-way traffic solves almost all the problems and that angled parking spaces could be used.

Ms. Kanaga speaks to a concern that the one-way layout could potentially push more traffic onto Shore Rd.

Mr. O'Reilly says that sightlines could be improved with the one-way traffic flow.

In terms of landscaping, the Board and engineers discuss balancing the addition of greenery with safety.

Mr. Riemer says that the Zoning Board of Appeals had a top condition that the number of units in the final design shall not exceed 47 and that the Planning Board shall approve a site and parking plan that meets the requirements of the Truro Zoning Bylaw. He says that specifically landscaping is a part of the bylaws in question. He points out on the parking plan that no vegetation is shown. Chair Sollog says that perhaps the Board could consider the center of the site for some revegetation, keeping safety in mind.

Maria Kuliopolos says that any large trees are destroyed on Beach Point due to the environmental conditions, especially over the winter.

Member Kiernan wonders if Ms. Kanaga could return to the Board with a parking plan that enumerates not only parking spaces for the Board but also areas that may be suitable for planting. Ms. Kanaga says that she can evaluate that with Ms. Kuliopolos and return to the Board.

Vice Chair Tosh wouldn't support the addition of greenery since the Board has been informed by an engineer that it would impact site safety.

Chair Sollog asks if anyone would like to come forward and speak about the project.

Attorney David Reid representing the abutters to the west comes forward. He says that the abutters and himself are concerned when they hear the plan referred to as a reduction in motel units. Mr. Reid says there is currently proposed an about 30% increase in units. There is also a proposed almost 300% increase in parking spaces. He says that the parking bylaw does not exempt parking areas from existing design standards if there is a proposed increase in the use. A minimum of 10% of the interior area of the parking lot be landscaped is required in Truro. He displays photos prior to the fire on the property showing how the area was filled with vegetation before. Mr. Reid says that the applicants have designed the number of units that they would like and then the parking spaces that would accommodate them which does not provide enough room for landscape islands and planting. He says that Truro bylaw dictates a motel unit to not consist of more than one room and shows plans for Unit 1 consisting of what he interprets as more than one room. He wishes the Board in its deliberations to consider if the plans satisfy the criteria of bylaws. He demonstrates to the Board the visual level at which the balcony of the proposed building will sit and displays a sketch of the building's profile to represent its effect on the community.

Attorney Ed Patten representing the applicant comes forward. He says the objectors would like the Board to look at the plans as if the property is going from vacant to what is proposed, instead of a development to replace what was lost. Mr. Patten presents an image from a Provincetown case of a large building going up 3 lots away from the objectors that they have no problem with.

Chair Sollog explains that because the property is deeded as a condominium, the Board has to count two parking spaces per unit.

Vice Chair Tosh says that the ZBA had 9 hearings on this issue and that zoning has been decided. It is her opinion that the Board has distilled it down to sticking to site plan review and voting on one condition and

any waivers.

Member Riemer reads the decision from zoning that states if insufficient parking could be created on the property that the number of units would be reduced appropriately. He says that suggested changes to the way that traffic flows through the site could also change the parking configuration as well and doesn't think the Board can go forward until it sees the new parking plan.

Vice Chair Tosh moves that the commercial site plan submitted to the Planning Board be approved with the condition that the traffic pattern in the parking lot is changed to be a one-way traffic pattern entering by the motel office and exiting to the southernmost exit and that the following waivers be granted: Section 30.9.E, the loading area be waived. There will be no designated loading space. Section 30.9.G.4 aisle width – based on the outside engineer's opinion, if a one-way traffic option is viable, the aisle width is sufficient. Section 30.9.G.5 curb cut width – the plans reflect a slight reduction in the existing width, but with a viable alternative of a one-way traffic pattern the curb cut width would be waived by this Board. Section 30.9.G.6 sight distance should be waived because the proposed traffic pattern improves the sight distance significantly. Section 30.9.H.2 interior trees for parking areas – given that additional vegetation may result in a safety issue for pedestrians and traffic, that requirement is waived. Section 30.9.H.3 interior landscape space – for the same safety reasons, additional landscaping is waived. Member Herridge seconds. So voted, 4-2-1. Motion carries.

Chair Sollog moves to close the public hearing. Member Herridge seconds. So voted, 7-0-0. Motion carries.

2. Discussion and Action

2017-010 PB John B. Rice – 6,8, and 10 Hatch Road, Revised Covenant

Applicant has submitted a revised covenant to address Planning Board concerns.

Attorney Lester J. Murphy representing the applicant and Don Poole, surveyor, come forward.

Atty Murphy gives a brief recap of coming before the Board.

Mr. Murphy has with him signed agreements from Mr. Rice that the utilities will be underground, that the pool room on lot 13 will be removed from the plan, a shed structure will be removed from the plan that was non-complying, and a condition that neither lots 12 nor 13 could be conveyed until new septic systems are installed within the lots.

Mr. Murphy speaks of the existing retaining wall and the Board's concern that it would be in the right of way. The Board had wanted to see if the roadway could be relocated further south to solve that problem. He says that the issue with that solution became that a turnaround would be needed requiring a significant amount of fill.

Mr. Poole explains the 300 yards of fill that would be necessary to add the turnaround.

Chair Sollog says he's satisfied with the covenant and would entertain a motion.

Member Reimer clarifies with Atty Murphy a structure on the plan that is an existing treehouse. Mr.

Reimer also explains that there should be a timeline included within the covenant. Chair Sollog says the timeline might not be appropriate with the nature of the agreements and the already filed plan. Mr. Reimer wonders if a condition might be included that no further subdivision of lots appear on the plan, and that the subdivision road shall serve only those lots on the plan.

Mr. Parker thinks that would be part of the decision process, but not part of the covenant process. Mr. Murphy adds that further subdivision can't be done without coming before the Board.

Member Reimer refers to paragraph 5 of a letter from Outermost Land Survey dated December of 2017 that states that the Planning Board should determine the existing gravel drive and drainage is adequate and satisfies requirements of regulations.

Vice Chair Tosh moves that the Board approve the covenant for recording and attaching to the plan. Member Herridge seconds. Motion is pending.

Member Kiernan asks Mr. Parker what happens if the covenant does not get the required 4 votes. Mr. Parker says that he's never seen that happen and isn't sure, given the nature of a covenant being part of acceptance by the Board for a subdivision. Mr. Kiernan also asks Mr. Parker what the process for rescindment of the plan is. He says the Board would need a majority of 4 votes to rescind.

The pending motion is put to a vote. So voted, 4-3-0. Motion carries.

3. Continued Public Hearing

2019-003/SPR Tradesmen's Park South, 298 Route 6

Applicant seeks approval for Commercial Site Plan review pursuant to Section 70.3 of the Truro Zoning Bylaw for the development of two (2) steel framed buildings. Building one will have 7,200 square feet and contain seven (7) contractor bays on the main level and sixty-four (64) climate controlled self-storage units on the lower level. Building two will have 5,400 square feet and contain five (5) contractor bays on the main level and forty-six (46) climate controlled self-storage units on the second level. The property is located at 298 Route 6, Atlas Map 43, Parcel 57.

Member Herridge recuses himself from this hearing as he lives directly across from the property in question.

Attorney Andrew Singer representing the applicant, Dan Silva, one of the applicants, and Tim Brady, the project engineer come forward. Atty Singer gives a brief description of the property and the proposal. He also goes over compliance with bylaw criteria. Due to the nature of the property the applicants request to waive the criteria to require a bicycle rack on site.

Mr. Singer also expresses a desire to waive two more requirements, keeping the property buffer as is and not needing a refuse area as tenants of storage will be responsible for removal of their own garbage.

Mr. Brady comments that shingling added to a building that will be visible from one area of Route 6 will only be on the appropriate side of that building, and not all buildings will be designed with the shingling and stonework all the way around. He also adds that coming from the north a concrete section of basement will be visible until it is treated, which is shown on the plan.

Chair Sollog says several letters were received about the property. He says most are positive but would like to read one of the negative responses to the project. The letter from Arlene Greenspan does not support the proposal because the author feels there are already too many residential and commercial properties in the area and the new addition would be a visual blight to the community. They assume there is a more industrialized area that would better suit the location of the property.

Chair Sollog and Mr. Singer note that there are 10 positive letters in the public record. Mr. Sollog reads one of the positive ones. The letter is from Christine McCarthy. She writes that the existing Tradesmen's Park has been a well-maintained and important addition to the Cape especially for artists.

Chair Sollog reads another supporting letter from Bert Yarbrough, a professional artist looking to return to Truro after years away in Vermont. The letter reads that he has been on a waiting list for the current Tradesmen's Park for over a year, showing the need for storage in this area, and will not be able to complete his move without the necessary space for storage.

Attorney Dina Brown comes forward who represents the owners of the Truro Motor Inn. She begins by saying that her clients and several other neighbors never received notice of the proposed development. Ms. Brown requests that the issue be continued so that neighbors have appropriate time to review the project. She shows photographs of the existing Tradesmen's Park exhibiting pesticide tanks, oil on the ground, and garbage. She gathers that most contractor bays at the existing site are used not by artisans but by tenants such as landscapers, salt trucks, and mechanics. The well for the Truro Motor Inn is inside a required buffer zone, Ms. Brown says. She would like to know what businesses currently occupy the existing Tradesmen's Park and which are on the waitlist. Ms. Brown believes the square-footage of the buildings have been represented inaccurately and are in fact much larger. She questions the validity of the stated traffic, hypothesizing that contractors could very well create busy conditions. She explains that groundwater can still be contaminated without outside storage. Ms. Brown is concerned about the oversight on the existing Tradesmen's Park. She submits another letter from two neighbors concerned about the potential for groundwater contamination.

Kristen Roberts, owner of Truro Vineyards comes forward. She says they occupy units at the existing Tradesmen's Park and use the property once or twice a week. Ms. Roberts says this is an opportunity to help businesses grow without commercializing more of Truro and sees the project as a benefit to the Town.

Amy Paine, neighbor of the proposed project comes forward concerned about the pollution of the water, referencing Ms. Brown's photographs and other industrial sites on the Cape. Ms. Paine doesn't think it's a proper location next to residential properties in the area.

Sheryl Costa, owner of Truro Center Village comes forward. She is concerned about the water well for her property overlapping. She doesn't have a property with the business going in but feels that the water issue could be solved if Truro and the businesses helped bring town water through that area.

Susan Howe of 12 Houser Way comes forward. She isn't against the business going in either but feels strongly that the traffic needs to be addressed in the area, citing 5-7-minute wait times to turn left out of her neighborhood in the summer. She would like to see a traffic study done keeping contractor traffic in mind and perhaps find that even a traffic light is needed in the area.

Michael Silva, Truro resident and brother of applicant Dan Silva comes forward. He uses the busy area of the existing Tradesmen's Park as an example that the business can be a good neighbor that doesn't add to traffic congestion. He's in support of the project.

Chris Lucy, resident of Truro comes forward. He comments on wastewater drawing from his experience in septic design. He explains how the planned system will clean the wastewater effectively. Mr. Lucy says that the law dictates it's a property owner's responsibility to secure the area around their well and not the applicant, through easement, purchase, or conservation.

Member Riemer asks Mr. Brady if there is an oil-water separator system planned. He explains there is one in the northwest corner of the property and another type of system using vegetation and catch basins in the center of the parking lot.

Steve Roberts, Truro resident, comes forward. He says the existing Tradesmen's Park being next to Noon's Pit industrial zone makes it different than this new planned park. Mr. Roberts reiterates what some have said about the desperate need for storage space in Truro.

Dina Brown comes forward again. She appreciates the comments of those who occupy the current Tradesmen's Park but thinks there's a huge distinction between storage units and contractor bays. Ms. Brown says an attempt was made before by the Truro Motor Inn to acquire land that would have affected the well but was unable to reach an agreement. She doesn't believe that removes responsibility from a business as to how the water well area is treated.

Shawn Monahan comes forward. He is a direct neighbor of the property. Mr. Monahan doesn't think the visual design will fit Truro but wishes to speak more about the issue of traffic. He isn't sure if the traffic bottleneck has been considered in the case of an accident where the highway will be closed.

David Del Gizzi, Truro resident and son of owner of the Truro Motor Inn comes forward and adamantly opposes the development of the property for industrial use. He also says that the Truro Motor Inn was never notified of the project. Mr. Del Gizzi is concerned about the water for the Inn. He voices concerns about noise from the contractor bays with work being done not being addressed. They would like more time to look over the project and be a part of all review.

Atty Singer takes a moment to respond to some of the public comments. He begins by saying that all abutters have been notified repeatedly of the project, including the Del Gizzi property. Mr. Singer claims the use will not be industrial like Noon's Pit in Truro. Mr. Singer again addresses the peak vehicle trips in and out of the property, addressing the data collected.

Chair Sollog announces that the Board will take a short recess at 8:15 pm.

Meeting reconvened by Chair Sollog at 8:25 pm.

Chair Sollog asks if the Board has any questions for the applicant.

Member Kiernan says the traffic there is bad but there is sight distance in either direction. Mr. Kiernan clarifies with the applicants which plan represents the final number of contractor bays and climate-controlled storage units. He explains that the area will be paved, giving the applicant better control of

runoff, and says that the well and septic system look good but would like to be sure an oil-water separator makes its way into the final project.

Member Kiernan asks the applicant if there will be a gate and Mr. Silva answers that the storage is inside a building accessible by a keypad that only those with storage can access. Mr. Brady explains in greater detail. Mr. Kiernan asks if the parking will be all assigned parking. Mr. Silva replies that the contractor bays will have assigned parking. He clarifies that a vehicle could be parked inside the bay. The parking could be overnight. There won't be assigned parking for the self-storage units.

Member Kiernan and the applicants clarify that the Building 1 entrances will not be too blocked by parked cars for emergency services to access. They discuss where a truck would turn around and note that the turnaround is directly above the well. Mr. Kiernan is somewhat concerned about that area of the plan.

Member Kiernan points out two parking spaces on the east side of Building 2 and notes that the access to them seems somewhat difficult. He asks if the area on the west side towards the elevator to get to second floor storage will be paved and is told it will be. Mr. Kiernan asks them to look again at the size of proposed parking spaces that don't meet the requirements of Truro bylaw. He would also like to see the distance between the parking spaces and the back of the contractor bays so it is known that there's enough room to navigate. Motion lights are also discussed since the units are accessible 24-hours a day.

Vice Chair Tosh references the photos brought to the Board's attention of the existing Tradesmen's Park pollution. Mr. Silva says that they would like to take a look at the photos and examine the situation at the park to address the issue.

Member Boleyn says that he's glad the issue was addressed and would like to see it checked on. The applicants address that the ground will be different being paved but that they will assume the responsibility of checking up on the properties.

Member Reimer asks if it is correct that there are 122 storage bays and asks how the activities would be controlled. Mr. Brady says that the lease will control the activity and that the frequency of access to the units will mean that there isn't a lot of site activity. Mr. Reimer asks if the oil-water separator could be pointed out to him on the plan and if it is the lowest area of the property, which it is. Mr. Brady reiterates the drainage system. Mr. Reimer asks if the applicants would be willing to place more of the high-tech drainage systems on the property and when they would be inspected. Mr. Brady says that they would be inspected often and explains reasoning behind the placement of the drainage systems. Mr. Singer also explains that there is no plumbing in the contractor bays, so no one will be able to, for example, wash a vehicle inside of one. Mr. Reimer asks if there is a way to get traffic flow from the east into the back of the property and around to minimize backup movements and the noise pollution of commercial backup alarms. Mr. Brady thinks that the site is low-traffic impact and there is enough room for vehicles. Mr. Singer says a concern with a wraparound is that the area is very steep and it was discussed with the fire-chief. Mr. Reimer is concerned about runoff in the area if it is so steep, and Mr. Brady again goes over the system to deal with drainage and his confidence in it.

Vice Chair Tosh makes a motion to continue the hearing to the next meeting, April 17th. Member Boleyn seconds. So voted, 6-0-0.

4. Discussion and Action

2019-005/SPR Ave D. Rosenthal, Atlantis Inc., Avenue D Inc.

Applicant is seeking to open a wine/bar bistro located at 14C Truro Center Road and is seeking a wavier of Section 70.3, Commercial Site Plan Review of the Truro Zoning Bylaw. This request is in accordance with Section 70.9 of the Town's Bylaw.

Attorney Lester J. Murphy Jr. and applicant Ave Rosenthal come forward. Mr. Murphy goes over a brief history of the property and how long it has been. Chair Sollog remarks that the site plan is dated 2002. Ms. Rosenthal is looking to open a 17-seat area in the back of the property that will have alcohol and some food service but no full kitchen. Mr. Murphy says that less parking is needed with this new use. He shows photos of the rear of the property before the previous tenant, Mac's Seafood, had left, and after. They show that the area is much clearer now and says it will not become a nuisance with the wine/bar bistro.

Chair Sollog asks for clarification on seating and is told that the water dictates 17 as the total number of customers whether the seating be interior or exterior.

Member Kiernan reads the first and last paragraphs of a letter from Town Counsel. It states that counsel believes the proposed change of use to a food & liquor establishment requires a site plan review and should not be waived.

Mr. Murphy says that they disagree with the conclusions of Town Counsel. If the Board is hung up on the issue of the deck that was originally constructed for access to a walk-in freezer being used for seating, he says the applicant would be willing to not use the deck in the bistro.

Member Herridge says that he can see waiving site plan review making sense, but that he knows there are abutters who oppose the project and perhaps they can be assured in another way.

Member Kiernan thinks a site plan review that will allow the Board to condition and waive things would be helpful to the neighbors.

Member Roderick doesn't think a site plan review is necessary.

Member Riemer and Member Boleyn believes site plan review would be useful.

Vice Chair Tosh believes wavier of a site plan review would be appropriate. She speaks to the small size of the establishment and the applicant's history. Ms. Tosh thinks abutters are protected through existing means and the space being used for an establishment will be beneficial to Truro instead of leaving it vacant.

Bruce Dekker, one of the abutters comes forward in opposition to the project. He says that the Mac's Seafood was quiet with no light or noise at night because most fish was delivered early in the morning. Mr. Dekker would like to see a site plan review and at least have the Board ask questions.

Louise Briggs of 8 Castle Road, Truro comes forward. She is concerned that if the deck is noisy, it will affect her property. She reads a letter of opposition submitted to the Board that focuses on concerns about noise and light.

Susan Kurtzman, an abutter to the property comes forward. She would not be opposed to the wine bar, but the impact of the outside deck causing concern seems to be the largest problem. Ms. Kurtzman references Atty Murphy's offer to take the deck out of the proposal and suggests that could be the best course of action.

Member Riemer reads the requirements for commercial site plan. He says there has been a huge difference in what is required since the site was approved in 2003.

Vice Chair Tosh makes a motion that the Board approve the wavier for site plan review on the condition that the applicant not use the deck and that use of the exterior deck be subject to site plan review. Member Herridge seconds. Motion is pending.

An unannounced attendee of the meeting quickly adds that the deck is required as a second means of egress.

Member Kiernan asks Mr. Parker if it is legal to waive site plan review and put conditions on it. He believes so. Mr. Kiernan asks how the 17 seats would be limited. Mr. Murphy says the physical seating and operator would. Overcapacity would be a violation of the license. Mr. Kiernan asks if there would be music and Ms. Rosenthal says that there would be quiet music indoors and no live music.

The pending motion is put to a vote. So voted, 4-3-0. Motion carries.

5. Reports from Board Members and Staff

Request of Member to change start time of Planning Board meetings from May 1, 2019 through October 23, 2019 to 6:00 pm.

Vice Chair Tosh makes a motion to approve the new start time of the Board. Member Herridge seconds. So voted, 7-0-0. Motion carries.

6. Review and Approval of Meeting Minutes

October 20, 2018

Member Boleyn makes a motion to approve the minutes as written. Member Herridge seconds. So voted, 7-0-0, motion carries.

February 6, 2019

Member Boleyn makes a motion to approve the minutes as written. Member Herridge seconds. So voted, 7-0-0, motion carries.

February 12, 2019

Member Boleyn makes a motion to approve the minutes as written. Member Herridge seconds. So voted, 7-0-0, motion carries.

March 20, 2019

Member Boleyn makes a motion to approve the minutes as written. Member Herridge seconds. So voted, 7-0-0, motion carries.

March 26, 2019

Member Boleyn makes a motion to approve the minutes as written. Member Herridge seconds. So voted, 7-0-0, motion carries.

The next Planning Board meeting is set for April 17th.

Vice Chair Tosh makes a motion to adjourn. Member Riemer seconds. So voted, 7-0-0, motion carries.

Meeting is adjourned at 9:57 pm.

Respectfully submitted,



Paxton Green

