

**Town of Bourne  
Planning Board  
Meeting Minutes  
February 22<sup>th</sup>, 2024**

**PRESENT:** Chairman Daniel Doucette, Liz Brown (Vice Chair), David O'Connor (Clerk), Christopher Farrell, Jeanne Azarovitz, James Robinson Jr, John Duggan, Amanda Wing,

**EXCUSED:** Catherine Walton.

**STAFF:** Jennifer Copeland, Julia Gillis, Ken Murphy.

**ALSO PRESENT:** James Beyer (ZBA, Chair, Zoom), Chris Pine (Vice-Chair, ZBA, Zoom), Wade Keene (ZBA, Zoom), Elza Bystrom (ZBA, Zoom), John O'Brien (ZBA, Zoom), Steven Kahain (ZBA, Associate), James Donoghue (Housing Partnership, Housing Trust), Robert Frangieh (Housing Partnership), Peter Meier (Housing Trust), Kathy Fox Alfano (Housing Trust, Zoom), Chanrith Uy, Glen Tripp, Beth Buchanan, Joan Buchanan, Brendan Carr, Dana Hanna, Luann Hanna.

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This meeting took place at Bourne Veterans Memorial Community Building, 239 Main Street, Buzzards Bay and also virtually via Zoom. Chairman Doucette called this meeting to order in open session at approximately 7:00 pm.

**1. Meeting Minutes 2/8/24**

Ms. Brown Makes a Motion to Accept the Minutes as Presented. Mr. Robinson Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Mr. Farrell – YES. Mr. O'Connor – YES. Chm. Doucette – YES.

The Motion Passes.

**2. Approval Not Required Plan: 10 Canal Street (Map:11 Parcel: 29)**

Brendan Carr introduces himself as representative of this project. This site is the old Friendly's plaza. There is currently a Starbucks that is ready to open soon, and the owner would like to split the parcel into two lots. These

lots meet all the requirements for size, access, and frontage. Ms. Copeland confirms that this meets all the requirements for an ANR, but there may need to be a stormwater easement. Mr. Carr also explains that there will be a shared parking agreement.

Mr. Farrell Makes a Move to Approve the Approval Not Required Plan. Mr. Robinson Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Mr. Farrell – YES. Mr. O'Connor – YES. Chm. Doucette – YES.

The Motion Passes.

3. **570 MacArthur Blvd:** Supportive Finding #07-2023SF and Waiver of SP/SPR #07-2023W Map: 39 Parcel 77.3 (*Continued from 1/25/24*)  
Application for a Supportive Finding and Waiver of Site Plan Review/Special Permit to convert the temporary outdoor dining area into a permanent outdoor dining area to serve food or beverages to persons outside the building due to the limitations on indoor dining imposed in the Commonwealth of Massachusetts from the COVID-19 public health emergency. This project is in a Water Resource District.

Ms. Copeland states that the issues from the previous meetings have been addressed, including vehicles and boats parked on the property. The outdoor dining area was approved, the dumpster will be screened, and trees will be added.

Ms. Brown Makes a Motion to Approve Supportive Finding #07-2023SF and Waiver of SP/SPR #07-2023W with conditions, including that the dumpster must be adequately screened, removal of boats and vehicles stored on the property by April 1<sup>st</sup>, and the planting of four oak trees. Mr. Farrell Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Mr. Farrell – YES. Mr. O'Connor – YES. Chm. Doucette – YES.

The Motion Passes.

4. Enforcement: SP #02-2020

274 Williston Road, Map: 7 Parcel 48 (Continued from 1/11/24)  
Landscape corrective actions request.

Ms. Copeland explains that the applicant has a special permit for a backlot subdivision. Part of the special permit conditions were a 25 ft. buffer along the stone wall, and 10 ft. buffers along the driveway. The applicants have proposed 74 rhododendron trees along the stone wall and 276 Williston Rd. Mr. O'Connor asks for clarification on what sides of the property have buffers in place. Mr. O'Connor passes out a handout which shows an engineer's drawing of the lot showing the buffer zones, as well as satellite images which show the same boundaries. After some discussion, Mr. O'Connor and the board agree that the land abutting 272 Williston should also have been protected. Mr. O'Connor suggests instead of a line of rhododendrons that they add in some white pines and red maples. Chm. Doucette suggests that Mr. O'Connor and Ms. Azarovitz work with the Hanna's to come up with a solid landscaping plan.

Glenn Tripp of 276 Williston Rd echoes comments made by Planning Board members regarding the planting plan, and that the natural environment is now gone and it will be hard to reestablish. He also asserts that he would like his 10 ft. driveway buffer restored.

Ms. Brown Makes a Motion to Continue the Public Hearing until March 28<sup>th</sup>. Mr. Robinson Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Mr. Farrell – YES. Mr. O'Connor – YES. Chm. Doucette – YES.

The Motion Passes.

**5. Joint Session – Accessory Dwelling Zoning Bylaw Update**

- a. Vote to enter into Joint Session with the Zoning Board of Appeals, Bourne Housing Partnership, and Bourne Housing Trust.

Mr. Frangieh Makes a Motion to Enter into a Joint Meeting Between the Planning Board, Zoning Board of Appeals, Bourne Housing Trust and the Bourne Housing Partnership. Mr. Meier Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Mr. Farrell – YES. Mr. O'Connor



– YES. Ms. Copeland – YES. Mr. Meier – YES. Mr. Frangieh – YES. Chm. Doucette – YES. Mr. Donoghue – YES. Ms. Fox Alfano – YES. Mr. Pine – YES. Mr. Keene – YES. Chm. Beyer – YES. Ms. Bystrom – YES. Mr. Kahain – YES.

The Motion Passes.

- b. Discuss proposed amendments to the Accessory Dwelling sections of the Bourne Zoning Bylaw

Chm. Doucette explains that they are looking to put something forward to vote at Town Meeting. Bourne is currently two out of thirteen towns on Cape that do not allow an Accessory Dwelling Unit (ADU) by right. Instead, they require a special permit.

Mr. Duggan states that this is to create more affordable long term and workforce housing. Under the current special permit process, 82% of the lots in Bourne are not eligible because they are under 40,000 sq. ft. They are recommending a 90-day minimum rental of these ADU's to steer away from short-term rentals like Airbnbs.

ZBA Chairman James Beyer agrees that more affordable housing is necessary and asks how the 1,000 sq. ft. limitation for an ADU was decided upon, and adds that this may be too restrictive.

Ms. Copeland displays a presentation on the screen. First, Ms. Copeland goes over the current zoning bylaws regarding accessory dwellings, including that the accessory dwelling must be attached to primary dwelling, and if the ADU is more than 30% of GFA then a variance is required. Currently, the ZBA must approve all ADU's.

Currently, 28% of the workforce commutes on Cape because of the high housing costs.

Ms. Copeland goes over their goals for ADU's, stating: the ADU's will be by-right with a building permit only; the ADU will be allowable as attached or detached; the GFA for the ADU will be less than 50% of the principal dwelling; the principal dwelling and the ADU must remain in common ownership which cannot be severed; the ADU and principal dwelling may not be rented for periods shorter than 90 days at a time, or rented on a daily or weekly basis. Some benefits of Accessory Dwellings are that it will increase availability of smaller year-round housing, facilitate aging in place, and better use and expansion of Bourne's housing stock.

Chm. Beyer asks where the 1000 ft. recommendation came from, and Mr. Duggan responds that he believes it was from the Cape Cod Commission. He suggests exempting garage space and use the maximum space as gross living area.

The group discusses making the ADU square footage and bedroom count lot specific, such as 1000 sq. ft. and 2BR max for a lot under 40,000 sq. ft., 1500 sq. ft. and 3BR max for a 60,000 sq. ft. lot, and 2,000 sq. ft. and 3BR max for an 80,000+ sq. ft. lot. The group decides to keep the ADU at 50% of the principal dwelling's size.

Ms. Copeland expresses concerns that this will complicate the GFA and Lot Coverage worksheets, which already has a maximum GFA and lot coverage with very specific overages. Right now the definition under the GFA excludes one-story garages less than 480 sq. ft. Chm. Beyer suggests excluding garages up to that limit.

Mr. Pine suggests that if there are non-conforming lots which are seeking an accessory dwelling, it might still be beneficial to have a Board of Appeals review to see if it is detrimental to the neighborhood. Chm. Doucette responds that if setbacks are conforming, then ADU's on smaller lots would still be acceptable. Mr. Frangieh says that the point of having these accessory dwellings is to make things easier for people and they should not make it overly complicated. The group agrees.

Chm. Beyer adds that he doesn't understand why the main house or the ADU do not need to be owner occupied. Mr. Duggan responds that they were thinking of snowbirds and that could open up the possibility for more winter rentals and the point is to be less restrictive. Ms. Copeland adds that the point of making both houses available to rent is increasing the availability of rentals. Chm. Beyer suggests adding that one of the units should be owner occupied to prevent a situation where there are too many rentals. The group clarifies that "owner-occupied" does not mean year-round, but at some point during the year, the owner lives in the property. Mr. Farrell adds that if they do not say owner-occupied, a developer could build a primary dwelling and ADU and rent them both out. Ms. Azarovitz adds that they should also define what ownership means on the property.

Mr. Meier states that Bourne is long overdue for making ADU's by right and Bourne has become more and more unaffordable. Mr. Kahain says that if ADU's are allowed to be three bedrooms, this will impact the schools.

Mr. O'Brien brings up the issue of more dwellings meaning more septic systems on Cape Cod, affecting the potable water supply.

Mr. Frangieh states that in order for someone to buy a house on Cape Cod right now, they must make \$230,000 a year. They are losing their workforce and must do something to make the town more affordable. Chm. Beyer adds that people must have economic incentives for people to build accessory dwellings.

Mr. Murphy says that because 70% of Bourne is in a flood zone, many people are put off by costs for building so they construct illegal basement apartments. Mr. Farrell suggests that they look into the hotbed issue where multiple people stay in an apartment meant for a much smaller number. Ms. Wing proposes reaching out to other towns to see what is being done on some of these issues.

Chm. Beyer suggests that they can incentivize the building of affordable units if the restrictions on them are loose enough.

The Public Hearing date is March 6<sup>th</sup>, 2024.

- c. Vote to adjourn Joint Session with the Zoning Board of Appeals, Bourne Housing Partnership, Bourne Housing Trust, and reconvene Planning Board regular session.

Chm. Beyer Makes a Motion to Adjourn the Joint Session. Ms. Brown Seconds the Motion.

Roll Call Vote As Follows:

Ms. Fox Alfano – YES. Mr. Frangieh – YES. Ms. Copeland – YES. Mr. Meier – YES. Mr. Donohgue – YES. Chm. Beyer – YES. Mr. Pine – YES. Ms. Bystrom – YES. Mr. Kahain – YES. Mr. Keene – YES. Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Mr. Farrell – YES. Mr. O'Connor – YES. Chm. Doucette – YES.

The Motion Passes.

## 6. Adjourn

Mr. Farrell Makes a Motion to Adjourn. Ms. Azarovitz Seconds the Motion.

Roll Call Vote As Follows:



Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Mr. Farrell – YES. Mr. O'Connor – YES. Chm. Doucette – YES.

With no further business before the board, the meeting adjourns at approximately 9:05 pm.

Respectfully Submitted,

Ina Sullivan

Recording Secretary

