

**Town of Bourne
Planning Board
Meeting Minutes
March 6th, 2024**

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TOWN CLERK B. JONE

PRESENT: Chair Daniel Doucette, Liz Brown (Vice Chair), Jeanne Azarovitz, James Robinson Jr, John Duggan.

EXCUSED: David O'Connor, Christopher Farrell, Catherine Walton, Amanda Wing.

STAFF: Jennifer Copeland, Julia Gillis, David Pelonzi.

ALSO PRESENT: MJ Mastrangelo, Sue Ross.

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 7:05pm.

1. Meeting Minutes: 2.22.24

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

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

2. Public Hearing for a change to the Zoning Bylaw: To see if the Town will vote to amend the Bourne Zoning Bylaw as follows, or to take any other action in relation thereto:

- a. ARTICLE:** To see if the Town will vote to amend the **Bourne Zoning Bylaw** section 1238A.4.b Traffic and Internal Circulation by deleting “25” from the “527 CMR 25” reference or take any other action in relation thereto.

Bourne Assistant Fire Chief David Pelonzi explains that the Massachusetts Fire Code was rearranged and Chapter 25 has moved,

and now Chapter 18 addresses Fire Department Access. He recommends striking the chapter so they do not have this situation in the future.

Ms. Brown Makes a Motion to Adopt the Article as Proposed. Mr. Robinson Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

- b. **ARTICLE:** To see if the Town will vote to amend the **Bourne Zoning Bylaw** section 1242.1 Enforcement by deleting the word “two” and replacing with “three” or take any other action in relation thereto.

Chm. Doucette explains that this is for extending special permits. The state allows it for up to three years, and this change would align the town with the state.

Mr. Duggan Makes a Motion to Adopt the Article as Presented. Ms. Azarovitz Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

- c. **ARTICLE:** To see if the Town will vote to amend the **Bourne Zoning Bylaw** Section 2821 Downtown District Table of Allowable Uses (DTD-1) Functional Standards and Special Permit Criteria for a Home Occupation Office by deleting “4120” in its entirety and replacing the same “4110” or take any other action in relation thereto.

Chm. Doucette explains that this is a clerical issue, and this article clarifies this mistake.

Ms. Azarovitz Makes a Motion to Adopt the Article as Presented. Mr. Robinson Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Azarovitz – YES.
Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

- d. **ARTICLE:** To see if the Town will vote to amend **Bourne Zoning Bylaw** Section 3343 Interim Egress Control by deleting “Until June 1, 2020, or, if earlier” or take any other action in relation thereto.

Ms. Copeland explains that an earlier article was adopted in approximately 2009, which stated that until an access highway was created from MacArthur Blvd to the Mid-Cape Highway, there are very specific criteria for putting driveways on the scenic highway and Sandwich Rd. This deletion will eliminate the sunset date, and these regulations will remain in place.

Ms. Brown Makes a Motion to Adopt the Article as Presented. Mr. Robinson Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Azarovitz – YES.
Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

- e. **ARTICLE:** To see if the Town will vote to amend the following sections of the **Bourne Zoning Bylaw** for Accessory Dwelling amendments or take any other action in relation thereto: Section 2220 Use Regulation Schedule; Section 2821 Downtown District Table of Allowable Uses (Table DTD-1); Section 2853 Table of Required Parking Spaces (Table DTD-3); Section 4120-4123 Accessory Dwelling; and Section V Definitions.

Ms. Azarovitz expresses concerns regarding smaller lots, in regards to section 4121.d. Mr. Duggan explains that smaller lots will be prohibited by setbacks, which would make them ineligible for accessory dwellings. Ms. Azarovitz believes that there will be more enforcement needed for these accessory dwellings. Mr. Duggan adds that if all the other towns have found a way to make this a viable zoning situation, they should be able to as well. He believes

that since building is cost prohibitive, these dwellings will be self-policing in a sense. Chm. Doucette says that they can always tighten up restrictions if they see the need, but they should see how things go. Ms. Azarovitz states that she believes 5,000 sq. ft. lot is too small, and she believes they should increase it to at least 7,500 sq. ft.

MJ Mastrangelo, Chair of the Select Board, makes a comment. In regards to small non-conforming lots, there are so many variances which make it hard to add on to the primary dwelling, but accessory dwellings could be added by right. She believes that having one standard is better, and they should meet the same criteria whether it is an accessory dwelling or primary dwelling. Mr. Duggan responds that zoning regulations were written in a different situation, and right now they are in a housing crisis.

Sue Ross of the Housing Trust and Partnership Committees makes a comment. She reiterates that Bourne is one of the only towns on Cape that does not have ADU's by right. She states that with ADU's, neighbors will not be rallying around them most of the time.

The board goes over changes made to Section V Definitions, and adds more precise terminology.

Ms. Azarovitz reiterates that she is uncomfortable with the lot size requirement, and cites other towns such as Harwich do not have this requirement. Chm. Doucette says that they are not preventing people with 5,000 sq. ft. lots from building ADUs, instead they will have to go before the Zoning Board of Appeals.

Ms. Ross states that many people with 5,000 sq. ft. lots who would want to build ADU's inside their homes in order to keep their houses.

Ms. Azarovitz Makes a Motion Increase Minimum Lot Size from 5,000 sq. ft. to 7,500 sq. ft. Ms. Brown Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – NO. Mr. Robinson – NO. Ms. Azarovitz – YES. Ms. Brown – YES. Chm. Doucette – NO.

The Motion Does Not Pass.

Mr. Duggan Makes a Motion to Accept the Accessory Dwelling Article as Modified. Mr. Robinson Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Azarovitz – YES.
Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

3. Adjourn:

Mr. Robinson Makes a Motion to Adjourn. Mr. Duggan Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Azarovitz – YES. Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

With no further business before the board, the meeting is adjourned at 7:50PM.

Respectfully Submitted,
Ina Sullivan – Recording Secretary

