

PLANNING BOARD MEETING MINUTES

October 27, 2016

PRESENT: Stephen Strojny, Lou Gallo, John Howarth, Robert Gendron, William Grant, Elmer Clegg
ABSENT: Daniel Doucette, Vincent Michienzi, Joe Agrillo
STAFF: Tim Lydon
PUBLIC: Jim Mulvey, Ford O'Connor, Terri Leon, Richard Carreiro, Raul Liardi-Rivera, Christine Karnoit

Ann Gutterson, Recording Secretary

Vice-Chairman Strojny called the meeting to order at 7:02pm.

Minutes of 10/13/16: Mr. Gallo made a MOTION to approve, seconded by Mr. Howarth. Mr. Grant wanted to add to the minutes his statement about the 1996 Planning Board review of a convenience store at that location. Mr. Gallo made a MOTION to approve as amended, seconded by Mr. Howarth with five in favor, one abstention.

Request for Release from Covenant: Lot B-1B (House #4) Olivier Way, Cataumet.

Mr. Clegg asked if this was a town accepted road? – no

When is the Planning Board going to make the Town accept the road?

Ford: That is a Town Meeting vote to accept roads.

Mr. Gallo: It's the maintenance of the roads that is the problem.

Mr. Grant: If it meets the town standards, why not accept it? What's the downside?

Mr. Clegg: Long term liability, maintenance. Sooner or later if we don't accept, they become irreparable. If accepted, impact on taxes. People don't know if their road is private.

Mr. Gallo made a MOTION to release the lot seconded by Mr. Gendron with all in favor.

Mr. Howarth: If roads are an issue, maybe we should bring it up at some point.

Request for Release from Covenant and Bond: Cape Sagamore Highlands. Remainder of lots and partial bond for when paving is complete.

Nancy Angus: I met with George Sala, he's happy with the roads and how they are draining presently. My contractor is in the hospital. Sidewalks won't be finished until after the remaining houses are built and driveways designed. I'd like to know that when it's all done and approved by the Town, I can get the bond released? There are 12 lots remaining and the bond is \$54,000. I'd like two lots released in the interim. The paving contract is for \$57,000 and I need to know if I can get the cash released to pay him.

Mr. Gallo: Top coat only?

Nancy: yes and a couple of drains need to be lowered.

Mr. Gendron: Possible to use another contractor?

Nancy: I'd rather not, he's done work for my family for 40 years. We are only building along one segment.

Mr. Howarth: Once done, George will inspect again.

Mr. Gendron: We need a letter from George on the roads.

Vice-chairman Strojny: I left George a message. The roads

Vice-chairman Strojny: I left George a message. The roads won't be to Town standards until the connection is finished. I'm comfortable releasing two lots. We still have the bond and 10 lots.

Mr. Clegg: Are you asking for 2 or 12 lots?

Nancy: 2 and an understanding that it will be done in the spring.

Mr. Gendron made a MOTION to release two lots subject to a letter from George Sala stating the road is ok for them. The MOTION was seconded by Mr. Howarth.

November 10, 2016 meeting, should have the letter and the lot numbers to release.

Mr. Clegg made a MOTION to continue. The MOTION was seconded by Mr. Gendron with all in favor.

Public Hearing for Special Permit #10-2016: 420 MacArthur Blvd. GIND, LLC. For a new façade and new owners.

Ford: The conditions are acceptable. History: was Isuzu 20 years ago. Change of ownership have to amend the special permit. The façade is coming out a bit within the 50' setback for Chevy branding.

Mr. Strojny: I reviewed this project. Carry over the conditions from the previous special permit without changes. Lighting: in the past they give us a lighting plan and down the road change the lights to something else that doesn't conform to our regulations. I don't see handicap or customer parking on the plan. Any change in lighting would have to come to us for approval.

Ford: The second special permit for the addition has lapsed and was never used.

Mr. Strojny: Hazardous waste conditions.

Ford: This is the most regulated use for a dealership when it was built. You've been getting waste management reports.

Mr. Gendron: I'm happy to see someone go in that spot.

Mr. Clegg: Is there an issue with the façade in the 50' setback?

Mr. Strojny: I'm ok with it. If the building was back 6" it'd be fine.

Tim: The Board needs to make a finding with the façade.

Mr. Howarth made a MOTION to approve the façade within the 50' setback. The MOTION was seconded by Mr. Gendron with all in favor.

Mr. Strojny: If they change the lighting, it would be up to the enforcement officer to take care of. We can bring them back in. Address lighting concerns and ask for an amendment.

Ford: Any lighting changes will come back to you.

Mr. Clegg: Has Chevy signed off on the lighting?

Christine, owner of Marty's: It's the only thing they don't care about.

Mr. Howarth: Didn't Bob Scena add lighting for security?

Ford: yes, there were break ins.

Mr. Strojny: When are you planning to open?

Christine: Our goal is Nov. 25th.

Mr. Howarth made a MOTION to approve subject to the following conditions:

1. Project must comply with all rules and regulations of the Bourne Fire Department.
2. Final architectural plans showing building height compliance must be submitted with the building permit.
3. Prior to issuance of an occupancy permit, an updated bond or insurance policy shall be provided to the Board in the case of a spill or leakage for the life of the special permit.
4. A contract must be provided showing an agreement to maintain outside drains (inspection and maintenance of oil grit separators and absorbent pillows).
5. A contract shall be provided naming a certified waste hauler.
6. All conditions of the original special permit #92 dated 3/31/2005 remain in full effect as listed:

1. Above ground tanks and containers of all toxic and hazardous materials must be stored on a surface free from cracks or gaps and be impervious to the hazardous materials being stored. The building shall not have any floor drains. Existing drains are to be removed.
2. The area which contains any toxic or hazardous materials must be secured against unauthorized entry;
3. The area must be clearly marked (e.g. by a visible line or tape or fence) and must be separate from any points of generation;
4. The area must be posted with a sign: "Hazardous Waste" in capital letters at least 1 inch in height. The total capacity of the area must be identified similarly;
5. All storage must have secondary containment and must operate passively (i.e. no power to operate containment). The containment must be for 120% of the total posted volume allowed within the area, including dry materials;
6. Any spillage must be promptly removed and the owner or operator shall keep appropriate and adequate absorbent materials on hand to facilitate spillage containment and removal. Spills greater than one gallon of any petroleum products or exceeding permissible contamination levels as stated on the appropriate MSDS for other materials shall additionally be reported within twenty-four hours; as well as any spill, regardless of quantity, which results in a release to the environment.
7. Each container and tank shall be clearly and visibly marked throughout the period of accumulation with the following:
 - (a) The words "HAZARDOUS WASTE" or "HAZARDOUS MATERIAL" as appropriate
 - (b) The contents shall be identified: acetone, oil, toluene, etc.
 - (c) The type of hazards associated with the materials indicated in words: Ignitable, toxic, dangerous when wet, etc.;
 - (d) The date upon which the accumulation begins;
 - (e) The shelf-life or expiration date if applicable;
 - (f) All labels must be clearly visible for inspection;
 - (g) All containers must be in good condition. Any container found failing (rusting, dented, leaking) must be disposed of properly;
8. At least weekly, the owner or operator must inspect all areas where hazardous containers are stored, inspecting for leakage, or deterioration of containers and the containment system caused by corrosion or other factors. Sufficient aisle space must be maintained between containers to allow for inspections;
9. Wastes of different types must be segregated. I.E. waste oil cannot be mixed with fuel oil or oils used for other purposes;
10. Containers of incompatible wastes must be separated by a berm, dike or other similar device/structure. The area within the structure must be of sufficient size to accommodate 120% of the specified material stored.
11. Each container holding materials must be covered with a securable cover or lid throughout the period of accumulation.
12. No storage of any type of material will be allowed in a container at or below ground level. I.E., all containers must sit above floor level. No underground tanks of any kind will be allowed.
13. Hazardous wastes generated must be removed by a certified waste hauler. A contract or other means of proving such a service has been undertaken shall be submitted with the application of the Special Permit. In the event that the contract is terminated for any reason, it shall be the operator's or owner's responsibility to notify the Board of Health within three business days, along with information regarding how service will be continued. Service shall not be interrupted longer than 25 days without revoking the Special Permit.

14. A bond or an insurance policy shall be placed in the event of a spill or leakage for the life of the Special Permit. This figure may be adjusted by the Planning Board in the event it proves to be inadequate for handling a potential spill or leakage.
15. Prior to any work relative to the above conditions or any other conditions associated with the special permit, engineering plans supporting such conditions shall be submitted to the Planning Board for review;
16. Any change in ownership, beneficial interest shall required an amended Special Permit.
17. Any substantial change in materials stored or used - or change in use - shall require an amendment to the Special Permit.
18. Contract(s) to maintain outside drains, (i.e. the changing of absorbent pillows) shall be part of the file.
19. A certified Hazardous Waste Hauler/Inspector shall certify that all conditions of the Special Permit have been met every SIX MONTHS to the Bourne Planning Board in writing. A list of any change and/or removal shall be part of said report.
20. All applicable provisions of the Bourne Zoning By-laws shall be conformed to.

The MOTION was seconded by Mr. Gendron.

Mr. Clegg: Any changes to the Water district?

Ford: No.

Roll call vote as follows:

Mr. Clegg – yes

Mr. Grant – yes

Mr. Strojny – yes

Mr. Howarth – yes

Mr. Gallo – yes

Mr. Gendron - yes

Mr. Howarth made a MOTION to adjourn, seconded by Mr. Clegg with all in favor. With no further business before the Board, the meeting was adjourned at 7:50pm.

Respectfully submitted,

Ann Gutterson