

# **Town of Bourne Zoning Board of Appeals**

## **Meeting Minutes**

Virtual Hearing via Zoom

August 11, 2021

Meeting ID: 867 3412 5291

2021 NOV -9 PM 4: 25  
TOWN CLERK BOURNE

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### **1. Call to order**

Chair Jim Beyer called to order the meeting of the Zoning Board of Appeals at 7:00 PM on August 11, 2021. Mr. Beyer explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

Mr. Beyer announced the meeting was being recorded and some attendees are participating by video conference. He explained the ground rules associated with conducting the remote meeting, he confirmed the members of the board who were present, identified the building inspector and verified a representative was present for each filing listed on the agenda.

Mr. Michael Rausch acknowledged he is recording.

Members Present: Jim Beyer, Chris Pine, John O'Brien, Harold Kalick, Wade Keene, and Associate Member Pat Nemeth.

Members Excused – None.

Also Present: Building Inspector and Zoning Officer Ken Murphy.

### **Agenda Items**

1. Approval of meeting minutes for hearings July 7, 2021 and July 21, 2021. **Ms. Nemeth made a motion to approve the meeting minutes for hearings dated July 7, 2021 and July 21, 2021. Mr. O'Brien second the motion. Roll call vote: Mr. Pine- Yes, Mr. Kalick- yes, Mr. Keene- yes, Mr. O'Brien- yes, and Mr. Beyer- yes.**
2. **Cape View Way 40B, Comprehensive Permit (#2021-CP06) to construct and operate 51 affordable rental units on 2.94 acres.**

*Materials: Peer Review of the Transportation Impact Assessment, Response to Peer Review of the Traffic Impact Assessment, Tudor Cherry Investors LLC comment for the Board.*

Mr. Beyer reviewed the received correspondence on the Traffic Impact Analysis and explained the purpose of this hearing was to entertain comments and questions from the public and Board members limited to this subject. He also requested public comments be kept brief and to not repeat items already addressed.

Mr. Peter Freeman of Freeman Law Group, 86 Willow St. Yarmouthport MA, is present as the applicant and agreed to the focus of the hearing. He reviewed there would be a short presentation and introduced Mr. Arseneault.

Mr. Arseneault, of Venasse Associates at 35 New England Business Center Dr. Andover MA, is present to discuss the Traffic Impact Analysis on behalf of the applicant. Mr. Arseneault shared his screen and gave a short presentation in regards to the Traffic Impact Analysis. He highlighted that the traffic data was adjusted to pre-COVID-19 and analyzed for both average and peak month conditions. He also explained there was no motor vehicle crash history at this site. He reviewed the lines of sight at this intersection of Meetinghouse Ln and Cape View Way exceed minimum distances for safe and efficient operations. He showed a schematic of the existing conditions showing crosswalks, sidewalks, traffic signals and the like. Mr. Arseneault also reviewed the trip generation summary and the trip distribution and their recommendations.

Mr. Beyer asked Mr. Arseneault to elaborate on how they assessed the peak month travel volume conditions.

Mr. Arseneault explained they used the data from the MassDOT stations from April and added a percentage to achieve an average month, then another percentage to achieve peak month of July.

Mr. Nemeth requested the logic be explained behind the math showing that 51 units and 100 vehicles can produce only 18 trips in the morning commute.

Mr. Arseneault explained that not all people leave their house at the same time, and have a variety of work schedules. He cited studies from the institute of engineers which uses data collected in the real world by watching apartment's buildings and multi-family units and recording when and how often people come and go.

Mr. Beyer asked if there were any further questions or comments from the Board. There were none.

Mr. Beyer asked if there were any members of the public with questions or comments. There were none.

Mr. Freeman reported a good meeting with the Cherry Tudor Apartments.

Mr. Beyer asked about the timeline of this meeting and the most recent letter received from Mr. Sabbot.

Mr. Chuck Sabbot, representing Cherry Hill Apartments explained the meeting took place after his letter was submitted.

Mr. Beyer sought confirmation that the Cape View Way and Cherry Hill Apartments came to an agreement at this meeting on what will be done.

Mr. Freeman clarified they had not agreed 100% but their concepts are mutual.

Ms. Nemeth asked for a status update of work with the Fire Department in regards to the pressure test.

Mr. Kuchar reported the flow test was completed and the data had been received and a memo is expected later in the week.

Ms. Nemeth asked for an update on the status of work with the Health Department and the Title 5 system,

Mr. Kuchar stated they refiled plans with the Board of Health then received additional comments at the hearing. They plan to be modifying their plans and refileing with the Board of Health.

There was a discussion between Board members, Mr. Freeman and Mr. Houston about a date to continue to and the concern to allow for enough time for the peer review reports and the comments from the applicant.

Mr. Kalick asked when there would be time to discuss the architectural needs for the 51 units.

Mr. Beyer replied that he understands there are Board members with concerns and questions related to the architectural side of this project and he asked the Board members to compile their questions, send them to him and he will get a comprehensive list for the members to review and determine if an architectural peer review is necessary.

Ms. Nemeth asked if there would be a waiver by waiver discussion by the Board as she remains concerned the project is too large for the site.

Mr. Beyer agreed with this concern and confirmed there would be a time to review and discuss the waivers.

Mr. Beyer Entertained a motion to continue Cape View Way 40B, Comprehensive Permit (#2021-CP06) to construct and operate 51 affordable rental units on 2.94 acres to

September 15, 2021. **Mr. Pine made a motion. Mr. Keene seconded the motion. Roll call vote: Mr. O'Brien- Yes, Mr. Pine- yes, Mr. Kalick- yes, Mr. Keene- yes, and Mr. Beyer- yes.**

**Old Business – None.**

**New Business –** Mr. Beyer reviewed the upcoming hearing scheduled to discuss and vote on whether the recent submission from 230 Sandwich Rd, Chase Estates notice of project change is a substantial change to the permit 08-18.

**Public Comment – None.**

**Adjournment –**

**Mr. Beyer entertained a motion to adjourn the hearing. Mr. O'Brien moved, Mr. Keene seconded to adjourn the meeting. Roll call vote: Mr. Kalick- yes, Mr. Pine- yes, Mr. O'Brien- yes, Mr. O'Brien- yes, Mr. Keene- yes, and Mr. Beyer- yes. The meeting adjourned at 7:46pm.**

Respectfully submitted,  
Cassie Hammond