

Board of Selectmen Meeting Notice AGENDA



Date

May 5, 2021

Time

7:00 P.M.

Location

Zoom Remote

Public Access: See Below

Note this Zoom videoconference meeting is being televised, streamed or recorded by Bourne TV.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line:
1-929-205-6099 Meeting ID: 860 1470 5597 Password: 826207

If you already have the Zoom App downloaded to your device or computer, you may simply join the meeting by entering the Meeting ID and Password noted above, or go to <https://zoom.us/meetings> and look for the Join Meeting button.

Participants wishing to speak should click the “Reactions” icon on the lower toolbar and then click “Raise Hand” in the dialog box to notify the Chair. The Chair will recognize participants.

For Participants who are calling into the meeting and wishing to speak should press *9 to notify the Chair. The Chair will recognize participants.

Please MUTE your phone/microphone upon entry.

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen.

7:00 P.M. Call Public Session to Order in Open Session

1. [Moment of Silence to recognize our Troops and our public safety personnel](#)
2. [Salute to the Flag](#)
3. [Vision](#): Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
4. [Mission](#): Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
5. [Public Comment on Non-Agenda Items](#)
Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

6. **Minutes:** 3/30/21; 4/06/21; 4/20/21

7. **Appointments and Licenses**

- a. **7:15 p.m.** Application for a transfer of year round Common Victualer's License for the sale of all kinds of alcoholic beverages to be drunk on the premises from Trading Post Lounge, Inc., Kristine M. Leitzel Mgr. to Trading Post Restaurant, Inc., David P. Delancey, Mgr., 12 Trowbridge Road, Bourne. Application for Common Victualer Food License and Entertainment License.
- b. **7:20 p.m.** Application from Buzzard's Bay Bars LLC, d/b/a TJ's Grill and Bar, Chad Smith, Mgr., 4 Bourne Bridge Approach, Buzzards Bay for a year round Common Victualer License for the sale of all kinds of alcoholic beverages to be drunk on the premises, application for Common Victualer Food License and Entertainment License.
- c. Application for a Common Victualer's Food License for Mic's Main Scoop, Inc., d/b/a Mic's Main Scoop, Michaela Michienzi, Mgr., 100 Main Street, Buzzards Bay.
- d. Downtown Parking Study Final Report – Discussion and possible vote
- e. Application to close a section of Circuit Avenue between Pequot and Kennebec Road to vehicle traffic between 3-8 p.m for wedding reception for the Stenberg family
- f. Use of Monument Beach Fire Station for a small Ice Cream Social on July 12, 2021 from 6-7:30 p.m., sponsored by the Monument Beach Civic Association

8. **Selectmen's Business**

- a. Discussion and possible vote to reduce parking at Shore Rd Park
- b. Discussion and possible vote to appoint an alternate to the Military, Civilian, Community Council (MC3)
- c. Update on DEP Notice of Non-Compliance at 239 Main St.
- d. Update on DEP Administrative Consent Order at 120 Main St.

9. **Town Administrator**

- a. Annual and Special Town Meeting Recap
- b. Gardner Bridge Update
- c. FY2021 Closeout

10. **Correspondence**

11. **Adjourn**



Town of Bourne
Interdepartmental Advisory Form



Start Date:	4/26/2021
Owner/Applicant:	Transfer in license from Trading Post Lounge, Inc., Kristine M. Leitzel, Manager to Trading Post Restaurant, Inc., d/b/a Trading Post Lounge, David P. Delancey, Mgr. 12 Trowbridge Road, Bourne. This is the sale of the business with the following description: First floor: 3 dining room, lounge area, kitchen and 3 restroom. Second floor; 3 rooms and attic space used for apartment & storage, cellar used for storage, outside deck, 4 entrances and exits. Full application on file in the TA's Office. Applicant has also applied for food and entertainment licenses. Since the current licenses are not transferrable, they are required to file new ones.
Project Location:	12 Trowbridge Road, Bourne
Nature of Request:	Transfer in Liquor License, Common Victualer and Entertainment Licenses
Liability Insurance Naming Town of Bourne as Additional Insured	Has applicant provided insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Map:	24.3	Parcel:	57.00	District:	
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☐ **Engineering:**

Date of Recording:	6/12/2002	Lot Area:	18992	Frontage:		Zone:	VB
Resource District:	No	Town Road:	No	Paved:	Yes	Contiguous Lots:	No
Flood Zone:	X	Within 100' of Wetland:	No				

Owner:

Remarks:

4/22/2021	Timothy P Lydon
Date	Department Head

☐ **Planning Department:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/22/2021	CMoore/jlc
Date	Town Planner

☐ **Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/22/2021	SStrojny/ag
Date	Board Member

☐ Conservation Commission: ☐ Must File ☐ Determination ☐ Notice of Intent
☐ Need not File

Remarks:

4/27/2021

Samuel Haines

Date

Conservation Agent

☐ Board of Health: ☒ Concur ☐ Does Not Concur

Remarks:

4/23/2021

K.Shea: pending food permit application

Date

Health Agent

☐ Building Inspector: ☒ Concur ☐ Does Not Concur

Remarks:

4/22/2021

Ken Murphy/ag

Date

Building Inspector

☐ Sewer Commissioners: ☐ Approved ☐ Disapproved ☒ Not Under Sewer Jurisdiction

Remarks:

4/30/2021

Kathleen Thut

Date

Department Head

☐ Town Collector: ☐ Outstanding Taxes ☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

4/30/2021

A Dastous

Date

Town Collector

☐ Town Clerk:
If not corporation has business certificate been issued? ☐ Yes ☒ No

Remarks: In process of obtaining business certificate.

4/30/2021

CCobb

Date

Clerk's Office

☐ **Assessors:**

This individual has (have) completed the Form of List? ☒ Yes ☐ No

Remarks: need new fol from new owner

4/29/2021

Date

Ok to move forward. RPereira

Assessors Office

☐ **Department of Public Works:** ☐ Approved ☐ Disapproved ☒ Not Under DPW Jurisdiction

Remarks:

4/22/2021

Date

Matthew Quinn

Department Head

☐ **Department of Natural Resources:** ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

4/23/2021

Date

Chris Southwood

Department Head

☐ **Recreation Department:** ☐ Concurs ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

4/22/2021

Date

Krissanne M. Caron

Department Head

☐ **Police Department:** ☒ Concurs ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

4/23/2021

Date

Lt. Stowe

Department Head

☐ **Fire Department:** ☒ Concurs ☐ Does Not Concur

Remarks:

4/26/2021

Date

David S. Cody

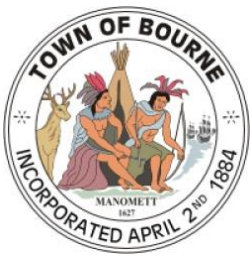
Department Head

☐ **Board of Selectmen:** ☐ Concurs ☐ Does Not Concur

Remarks:

Date

Chairman



TOWN OF BOURNE

Town Administrator

24 Perry Avenue – Room 101
Buzzards Bay, MA 02532
www.townofbourne.com
508.759.0600, Ext. 1308



Anthony E. Schiavi, Town Administrator
Email: aschiavi@townofbourne.com

To: Bourne Enterprise

From: Anthony E. Schiavi, Town Administrator

Date: April 20, 2021

Subject: Liquor License Hearing

Please place the following notice in your Friday, April 23, 2021 edition of your newspaper:

NOTICE TOWN OF BOURNE LIQUOR HEARING

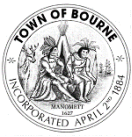
Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Trading Post Lounge, Inc., Kristine M. Leitzel, Manager, 12 Trowbridge Road, Bourne, MA 02532 to transfer their year round Common Victualer's License for the sale of all kinds of alcoholic beverages to Trading Post Restaurant, Inc., d/b/a Trading Post Lounge, David P. Delancey, Manager. 12 Trowbridge Road, Bourne, MA 02532. Description of premises: First floor: 3 dining rooms, lounge area, kitchen and 3 restrooms. Second floor: 3 rooms and attic space used for apartment & storage, cellar used for storage, outside deck, 4 entrances and exits.

A Zoom Remote Public Access hearing will be held on May 5, 2021 at 7:15 PM by calling the following conference line: **1-929-205-6099 Meeting ID: 860 1470 5597 Password: 826207** or by using the following link: <https://zoom.us/join> and look for the Join Meeting button.

BOARD OF SELECTMEN

Judith MacLeod Froman
James L. Potter
George G. Slade, Jr.
Peter J. Meier
Jared P. MacDonald

Anthony E. Schiavi
Town Administrator



Town of Bourne
Interdepartmental Advisory Form



Start Date:	4/26/2021
Owner/Applicant:	Buzzard's Bay Bars LLC, d/b/a TJ's Grill and Bar, Chad Smith, Manager
Project Location:	4 Bourne Bridge Approach, Buzzards Bay
Nature of Request:	New License - Year Round Common Victualer License for the sale of all kinds of alcoholic beverages to be consumed on the premises. 1 floor consisting of 7 rooms: dining room and bar room, men's and ladies restrooms, kitchen, storage room, office and a 150' enclosed patio on the west end of the building without seating. Full application on file in the TA's Office. Applicant has also applied for a common victualer food and entertainment license.
Liability Insurance Naming Town of Bourne as Additional Insured	Has applicant provided insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Map:	20.3	Parcel:	66.00	District:	
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☐ **Engineering:**

Date of Recording:		Lot Area:	16335	Frontage:	x	Zone:	DTG
Resource District:	No	Town Road:	No	Paved:	Yes	Contiguous Lots:	No
Flood Zone:	X	Within 100' of Wetland:	No				

Owner:

Remarks:

4/28/2021

Date

Timothy P lydon

Department Head

☐ **Planning Department:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks: Restaurant permitted by right. Any site changes would require Site Plan Review per Zoning Bylaw sec. 1233.

4/26/2021

Date

CMoore/jlc

Town Planner

☐ **Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/29/2021

Date

SStrojny/ag

Board Member

☐ Conservation Commission: ☐ Must File ☐ Determination ☐ Notice of Intent
☒ Need not File

Remarks:

4/27/2021

Samuel Haines

Date

Conservation Agent

☐ Board of Health: ☒ Concur ☐ Does Not Concur

Remarks: Food Establishment Plan Review currently in review. Will require Food Permit and Pre-op Inspection prior to opening.

4/30/2021

Kaitlyn Shea

Date

Health Agent

☐ Building Inspector: ☒ Concur ☐ Does Not Concur

Remarks: Will need new occupancy permit as has been empty 2 years.

4/29/2021

KMurphy/ag

Date

Building Inspector

☒ Sewer Commissioners: ☐ Approved ☐ Disapproved ☒ Not Under Sewer Jurisdiction

Remarks:

4/30/21

K. Thut

Date

Department Head

☒ Town Collector: ☐ Outstanding Taxes ☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

4/30/2021

S. MURPHY

Date

Town Collector

☐ Town Clerk:
If not corporation has business certificate been issued? ☒ Yes ☐ No

Remarks:

4/22/2021

CCobb

Date

Clerk's Office

☐ **Assessors:**

This individual has (have) completed the Form of List? ☒ Yes ☐ No

Remarks: rcvd fol 3/19/21

4/28/2021

Date

JPotter

Assessors Office

☐ **Department of Public Works:** ☐ Approved ☐ Disapproved ☒ Not Under DPW Jurisdiction

Remarks:

4/22/2021

Date

Matthew Quinn

Department Head

☐ **Department of Natural Resources:** ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

4/23/2021

Date

Chris Southwood

Department Head

☐ **Recreation Department:** ☐ Concurs ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

4/22/2021

Date

Krissanne M. Caron

Department Head

☐ **Police Department:** ☒ Concurs ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks: Must follow all liquor laws.

4/30/2021

Date

Lt. Brandon M. Esip

Department Head

☐ **Fire Department:** ☒ Concurs ☐ Does Not Concur

Remarks: Pending inspection prior to opening

4/30/2021

Date

DCody (njs)

Department Head

☐ **Board of Selectmen:** ☐ Concurs ☐ Does Not Concur

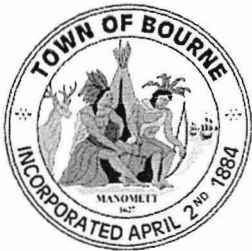
Remarks:

Date

Chairman

04/30/21 11:58 AM

M:\public_share\Routing Slips\Buzzard's Bay Bars.docx



TOWN OF BOURNE

Town Administrator

24 Perry Avenue – Room 101
Buzzards Bay, MA 02532
www.townofbourne.com
508.759.0600, Ext. 1308



Anthony E. Schiavi, Town Administrator
Email: aschiavi@townofbourne.com

April 20, 2021

Bourne Enterprise
Depot Avenue
Falmouth, MA 02540

Attention: Legal Department

Please place the following notice in April 23, 2021 edition of your newspaper:

NOTICE
TOWN OF BOURNE
LIQUOR HEARING

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Buzzard's Bay Bars LLC, d/b/a TJ's Grill and Bar, Chad Smith, Manager, 4 Bourne Bridge Approach, Bourne, MA 02532 for a year round common victualer license for the sale of all kinds of beverages to be drunk on the premises: Description: 1 floor consisting of 7 rooms: dining room and bar room, men's and ladies restrooms, kitchen, storage room, office and a 150 sq.ft. enclosed patio on the west end of the building without seating.

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BOARD OF SELECTMEN

Judith MacLeod Froman
James L. Potter
George G. Slade, Jr.
Peter J. Meier
Jared P. MacDonald

Anthony E. Schiavi
Town Administrator



TOWN OF BOURNE

Planning Board

TOWN HALL
24 PERRY AVE.
BUZZARDS BAY, MA 02532
PHONE: 508-759-0600 ext 1335



RECEIVED

2019 SEP 24 PM 12:18

TOWN CLERK BOURNE

NOTICE OF DECISION

Special Permit No. 05-2019

The Planning Board, acting in their capacity as Special Permit Granting Authority in accordance with the Zoning Bylaw of the Town of Bourne, held a Public Hearing, concerning the following matter as more fully set forth in an Application for a Special Permit dated June 18, 2019 along with Plans, Reports and Memorandum filed therewith, all of which are on file for public inspection at the offices of the Planning Board, Town Hall, 24 Perry Avenue, Buzzards Bay, Massachusetts.

Applicant/Owner: Vincent P. Michienzi Sr, 76 Mashnee Rd, Bourne, MA 02532
Subject Property: 100 Main St, Buzzards Bay, MA 02532 Map 23.2 Parcel 182
Zoning District: DTW (Downtown Waterfront)
Date of Hearing: Opened on 8/8/19 and Closed on 9/12/19
Place of Hearing: Bourne Community Building, 239 Main St., Buzzards Bay MA 02532

I. PROCEDURAL HISTORY / FINDING OF FACTS

Based upon its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board found and concluded that:

1. The property is located at 100 Main Street, Buzzards Bay, MA, and is located within the DTW zoning district. It is shown on Assessor's Map 23.2 Parcel 182 in an AE (16') flood zone and is owned by Vincent P. Michienzi Sr, 76 Mashnee Rd, Bourne, MA 02532.
2. The project is to renovate a 726 square-foot (sf) pre-existing non-conforming single-story building with a 178±sf addition with outside seating in the DTW and in the Growth Incentive Zone.
3. The application is being reviewed pursuant to Sections 1230 Site Plan Review, 2800 Downtown District (all applicable sections), 3100 Lowland regulations, and Section V Definitions.
4. The application is for a reduced lot area under 3,500 s.f. (§2830); the serving of food and beverages to persons outside the building (§2821 and Table DTD); for a reduced rear yard setback of 0.8± feet to the proposed addition (§2832); and parking reduction Methods (§2854 and Table DTD-3).

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Bourne and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.

Town Clerk of Bourne

5. The application is accompanied by a set of plans comprised of the following:
 - Site Development Plans by Bracken Engineering, Inc.
 - Cover sheet 4.9.19, most recently revised 9.9.19
 - Construction notes 4.9.19, most recently revised 9.9.19
 - Existing Conditions 4.9.19, most recently revised 9.9.19
 - Layout, Zoning & Landscaping Plan 4.9.19, most recently revised 9.9.19
 - Grading, Drainage & Utilities Plan 4.9.19, most recently revised 9.9.19
 - Architectural Plans by Rescom Architectural, Inc. unless otherwise noted:
 - EX1.1 – Existing Conditions of Elevations 9.9.19
 - A1.1 – Floor Plan, Foundation Plan and Notes 9.9.19
 - A2.1 and A2.2 – Exterior Elevations and Sections 6.20.19, revised 9.9.19
 - Floor Plan 6.20.19
 - Interior Floor Plan – not to scale 6.20.19 (no title block, address, date, or author)
 - Facade Rendering (north, east, south and west) 9.9.19
6. Notice of the public hearing was given as provided by Massachusetts General Laws, c. 40A, section 11, by mailing and publication.

II. STATEMENT OF APPLICABLE LAW

Based on the Special Permit criterion and its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board has found that the project meets the Special Permit criteria of section 1230, section 2800 Downtown District, and section 2827 and will not have an adverse effect which overbalance its beneficial effects.

III. CONDITIONS

- Final lighting plan must be submitted and approved by the Town Planner prior to issuance of a building permit.
- Submission of an as-built plan showing all above and below ground appurtenances must be submitted prior to issuance of an occupancy permit.
- Emergency access as per the Fire Dept.
- Any changes to the approved site plan or architectural plans must be approved by the Planning Board before being implemented on site.
- Design Review Committee approval of the patio, landscaping, and fence prior to issuance of a building permit.
- Trash containers to be screened with a 4' fence along the south property line.
- Improvements to remove two curb cuts and replace with granite curbing; addition of a 6' walkway; and defining seven parallel parking spaces (paint lines) is at the applicant's expense and upon review and approval of the DPW superintendent.
- On-street loading is allowed preferably on the east side.
- Certification from the Health Agent that the bathroom and grease traps are adequate before an occupancy permit is issued.
- Certification from the Conservation Agent that the revised proposal meets conservation regulations.
- Sewer Commission approval that the allocation is sufficient for flow.

IV. MOTION:

Mr. Clegg made a MOTION to Approve Special Permit #05-2019 in accordance with the above findings, terms and conditions. The MOTION was seconded by Mr. Doucette. A Roll call vote to Approve Special Permit #05-2019 is as follows:

BOURNE PLANNING BOARD**ROLL CALL VOTE**

Mr. Grant – yes

Mr. Strojny – yes

Mr. Gallo – absent

Ms. Azarovitz – yes

Ms. Goldstein – yes


Ms. Brown – absent

Mr. Doucette – yes

Mr. Carroll – yes

Mr. Clegg – yes

Mr. Handy (alternate) – yes

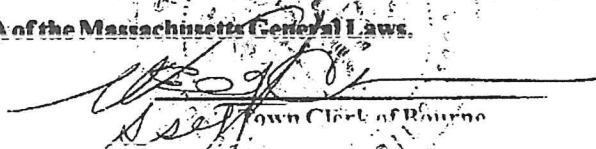


Steven Strojny, Chairman

IMPORTANT:

Any appeal from the decision of the Planning Board can be made only to the court, and must be made pursuant to M.G.L. Chapter 40A, Section 17 as amended, and must be filed within twenty days after the date of the filing with the Town Clerk.

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Bourne and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.





TOWN OF BOURNE Planning Board

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1335



September 24, 2019

Special Permit #05-2019

NOTICE FOR RECORDING IN THE REGISTRY OF SPECIAL PERMIT #05-2019

Notice is hereby given that Special Permit #05-2019 has been approved with the statutory requirements as set forth in Chapter 40A as amended:

TO: Vincent P. Michienzi Sr., 76 Mashnee Rd, Bourne, MA 02532

Premises Affected: 100 Main St, Buzzards Bay, MA 02532 Map 23.2 Parcel 182 Zoning District
Downtown Waterfront (DTW)

The record title to the premises is in the name of: Vincent P. Michienzi Sr., 76 Mashnee Rd.
Bourne, MA 02532

The decision of said Board is on file with the papers and plans in the office of the Town Clerk.

Signed and certified this twenty-fourth day of September of the year 2019.

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Bourne and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.

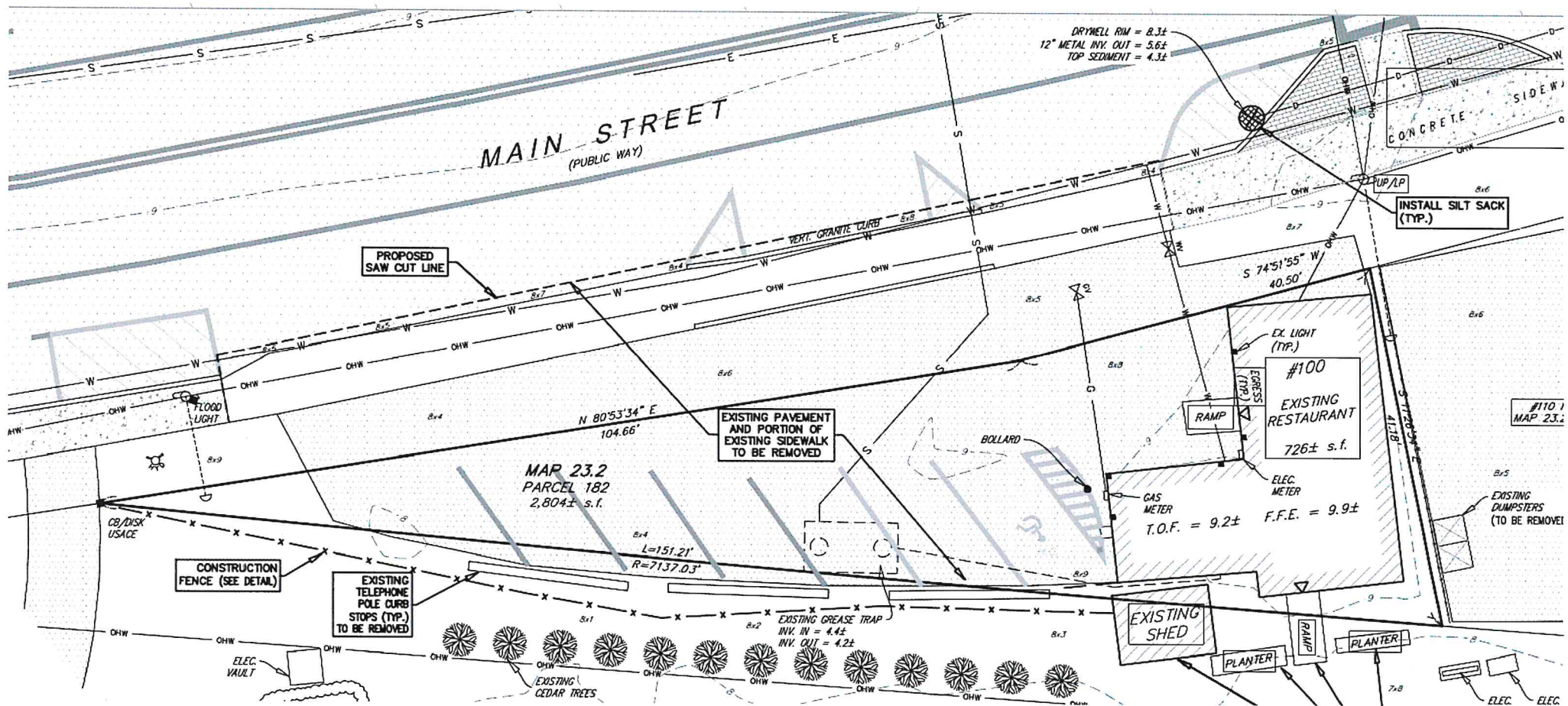
Town Clerk of Bourne

BOURNE PLANNING BOARD

Steven Strojny, Chairman

Certificate of the Town Clerk for Filing of Decision in the Registry

Town Clerk



Existing
Before changes
100 Main





Town of Bourne
Interdepartmental Advisory Form



Start Date:	March 25, 2021
Owner/Applicant:	Mic's Main Scoop, Inc., d/b/a Mic's Main Scoop, Michaela Michienzi [REDACTED]
Project Location:	100 Main Street, Buzzards Bay
Nature of Request:	Common Victualer License Ice cream and frozen food items
Liability Insurance Naming Town of Bourne as Additional Insured	Has applicant provided insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Map:	23.2	Parcel:	182.00	District:	
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☐ **Engineering:**

Date of Recording:		Lot Area:	3049	Frontage:		Zone:	DTC
Resource District:	No	Town Road:	Yes	Paved:	Yes	Contiguous Lots:	No
Flood Zone:	AE 16'	Within 100' of Wetland:	No				

Owner:

Remarks:

3/30/2021

Timothy P Lydon

Date

☐ **Planning Department:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

3.29.21

CMoore/jlc

Date

☐ **Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4.27.21

SStrojny/ag

Date

☐ **Conservation Commission:** ☐ **Must File** ☐ **Determination** ☐ **Notice of Intent**
☒ **Need not File**

Remarks:

03/31/2021

Samuel haines

Date

☐ **Board of Health:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks: Initial walk through looked good. Pending final inspection day before opening.

04/26/2021 Kaitlyn Shea
Date

☐ **Building Inspector:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

04/15/2021 Brenden Brides/ch
Date

☐ **Sewer Commissioners:** ☒ **Approved** ☐ **Disapproved** ☐ **Not Under Sewer Jurisdiction**

Remarks:

04.09.21 Sp(njs)
Date Department Head

☐ **Town Collector:** ☐ **Outstanding Taxes** ☒ **Taxes Paid In Full**

FY	RE	\$0.00	FY	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	\$0.00	FY	RE	\$0.00

Remarks:

3/29/21 A Dastous
Date Town Collector

☐ **Town Clerk:**
If not corporation has business certificate been issued? ☒ **Yes** ☐ **No**

Remarks:

04/23/2021 CCobb
Date Town Clerk's Office

☐ **Assessors:**
This individual has (have) completed the Form of List? ☒ **Yes** ☐ **No**

4/1/21 JPotter
Date Department Head

☐ **Department of Public Works:** ☐ **Approved** ☐ **Disapproved** ☒ **Not Under DPW Jurisdiction**

Remarks:

3/31/2021 Matthew Quinn
Date Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

3/29/2021

Chris Southwood

Date

Department Head

☐ Recreation Department: ☐ Concur ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

3/31/21

Krissanne M. Caron

Date

Department Head

☐ Police Department: ☒ Concur ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

03/29/2021

Lt. Brandon M. Esip

Date

Department Head

☐ Fire Department: ☒ Concur ☐ Does Not Concur

Remarks:

4/8/2021

AC David Pelonzi, kg

Date

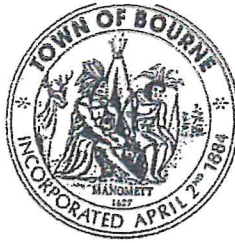
Department Head

☐ Board of Selectmen: ☐ Concur ☐ Does Not Concur

Remarks:

Date

Chairman



Filing fee Vol: 75.-
License fee: 50.-

BOURNE BD OF SELECTMEN
RCUD 2021 MAR 25 AM 8:00

Y OF THE TOWN OF BOURNE:

lication for a

COMMON VICTUALER'S LICENSE ☒
Under MGL, Chapter 140

FOOD VENDOR'S LICENSE
Under Town of Bourne Bylaws
Article 3.5 ☒

Location:	100 Main Street Bourne, MA 02532
Corporate Name:	Mic's Main Scoop Inc
Individual/Partnership:	Michaela Michienzi
Business Name:	Mic's Main Scoop
Manager:	Michaela Michienzi
Date:	3/16/2021

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the Bylaws of the Town, and such other rules and regulations as the Selectmen may establish.

With the signing of this application the applicant acknowledges that:

- (a) It is understood that the Board is not required to grant the license;
- (b) In event of a proposed sale of a business requiring a *Common Victualer and/or Food Vendor's* License, an application for a transfer of said license will be deemed to be an application for a new license (subject to the rules and regulations herein contained), and the owner of such business shall be required to file with the Board of Selectmen a thirty-day notice of his intention to sell same before such application will be acted upon by the Selectmen;
- (c) That the license is subject to revocation if the holder of the license does not comply with state law, town bylaws or the Rules and Regulations of the Board of Selectmen.

Signature Name:	Michaela Michienzi
Signature Name:	
Business Address:	100 Main Street Bourne, MA 02532
Home Address:	
Phone:	(Business)
Email:	

NOTE: (a) If a corporation, state full names and addresses of principal officers;
(b) If a co-partnership, information must be provided on each partner; if corporation information must be provided on corporate officer making application.

Name: Michaela Michienzi
Address: _____

Description of Applicant

Born in U.S. Yes ☒ No _____
Born Where: Norwood
Date of Naturalization: _____
Male or Female: Female

Photo (1 inch x 1 inch)

Name: _____
Address: _____

Description of Applicant

Born in U.S. Yes _____ No _____
Born Where: _____
Date of Naturalization: _____
Male or Female: _____

Photo (1 inch x 1 inch)

The Establishment shall operate as:

- () Sole ownership
() Limited Liability Corporation
() Partnership - Total Number of Partners _____
☒ Corporation based in Massachusetts

Corporate information (if applicable):

President: Michaela Michienzi _____
Secretary: _____
Treasurer: _____
(Name) (Address)

INFORMATION RELATIVE TO APPLICANT

Is the property owned by you? (Please Check) Yes _____ No X

Tenant at Will _____

Lease X Years 16

Hours of Operation:

Floor Space 1100 Sq. Ft. Seating capacity 24

Parking capacity _____ Number of Employees 18

One (1) copy of the following items must be submitted with the application:

1. Layout plan of facility and fixtures Date received _____
2. Site Plan Date received _____
3. Outside Facade and Sign Plan ☒ Date received _____

If the facilities are not yet completed, provide estimated cost of work to be done:

\$ _____ Date received _____

Please attach Applicant's Resume including References

FOR OFFICE USE ONLY

RECEIVED BY: _____

DATE RECEIVED: _____

FEE PAID: _____

Scheduled hearing when application will be presented to Board of Selectmen for Processing

Date _____ Time _____

Board Action: Approved for processing Yes ☐ No ☐ Date _____

If approved for processing Department reports are due _____ for action at the _____ meeting of the Board of Selectmen.

Board Action: Approved: Yes ☐ No ☐ Date _____ License # _____

Signature _____

Sundman, Nancy

From: Fitch, Stephanie
Sent: Monday, April 26, 2021 3:54 PM
To: michaelamichienzi@gmail.com
Cc: nrmchnz@aol.com
Subject: Final Inspection

Hi Michaela,

This email is in regards to the pre-operational inspection of Mic's Main Scoop. Ideally, the Health Department would like to do a final inspection when you have product in your fridges/freezers and you are close to opening day. I spoke with Nancy Sundman in the Selectmen's Office about your final inspection and we agree that an inspection next week would be fine. I have reworded the BOH approval on your Interdepartmental Routing Slip to say "Initial walk through looked good. Pending final inspection day before opening." This statement will suffice for the Board of Health meeting on Wednesday and the Selectmen meeting next week. I will stop by on May 5th to do the final inspection.

In the meantime, feel free to call me with any questions.

Thank you,
Stevie

Stephanie M. Fitch, MPH
Town of Bourne || Health Department
Health Inspector
(508) 759-0600 ext. 1513
www.townofbourne.com/health

mic's main scoop

100 Main Street, Buzzards Bay, MA 02532

Menu:

ICE CREAM:

Hard Ice Cream – Delivered from Crescent Ridge, Sharon, MA
(vanilla, chocolate, banana, black bear, black raspberry, butter crunch,
chocolate chip, choc. Chip cookie dough, coffee, mint chip, Mississippi
mud, peanut butter cup, pistachio, rum raisin, strawberry, salted
caramel choc. Pretzel)
Soft Serve Ice Cream –
Sugar and Waffle Cones
Sprinkles – Chocolate and Rainbow

FROZEN FOOD ITEMS

Mozarella Sticks
Chicken Fingers
French Fries
Fried Clam Strips
Hot Dogs
Ketchup Packets
Mustard Packets
Relish Packets
Tartar Sauce Packets
Sweet and Sour Packets
Barbeque Sauce Packets
Hot Sauce Packets

* To be delivered by Sysco Food Distributors in their refrigerated frozen meat/seafood container trucks and placed in reach-in freezer and prepared in a fryolator.



Downtown Bourne Parking Strategy Plan

DRAFT FINAL REPORT

March 2021

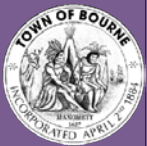




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INTRODUCTION



Your Town: Bourne

The Town of Bourne is located 59 miles southeast of Downtown Boston. Bourne is considered the gateway town into the Cape Cod region with an area of 41 square miles and population of nearly 20,000 (2018). The Town is accessible via U.S. Route 6 from the east, north, and west, and SR 28/Bourne Bridge from the south. The CCRTA (Cape Cod Regional Transit Authority) provides one service (the Bourne Run) which collects riders at a few points in town including the Bourne Council on Aging, near Bourne Pond, and the Buzzard Bay Train Station. In addition, privately owned shuttle services operate between Bourne and medical destinations in Boston. The Buzzard Bay Train Station at the intersection of Main Street and Academy Drive also hosts Cape Cod Flyer routes between South Station in Boston and Hyannis during the summer season.

Downtown Bourne is largely defined by its Main Street, which runs parallel to the Cape Cod Canal. The most active area of the street is approximately two blocks long, between Academy Drive and Wallace Road. This area features one and two-story buildings with a variety of mixed uses along the north side of the street. Ground floor uses include an alternative medicine practice, yoga studio, photography studio, dog groomer, a restaurant, antique store, and other services. Buzzard Bay Park and the National Marine Life Center are the main attractions on the south side of this part of Main Street.

Bourne's economy has been on the uprise following a series of strategic planning efforts over the past several years. All of these recognize the important role parking plays in supporting the trajectory of downtown towards a walkable and sustainably vibrant community.



Historic Bourne



What is the Bourne Downtown Parking Strategy Plan trying to achieve?

As the Town investigates how recent and anticipated changes will shape the experience and opportunities of its downtown long-term, reevaluating the current parking system and adjusting it to create a tailored and effective parking strategy will significantly benefit the Downtown and its various users. This study is one important step in the overall revitalization efforts of Bourne's Downtown improvement program. The specific goals for the study include the following:

PARKING PLAN GOALS

ADDRESSING SHORT-TERM PROBLEMS

Understanding where parking is and isn't hard to find, and what/where factors cause parking impacts

PLANNING FOR LONG-TERM GROWTH

Testing future scenarios and understanding impacts of future changes, including new housing, other development, and more events

IMPROVING TOWN'S PARKING MANAGEMENT APPROACH

Identifying how current practices based on ordinances and parking pricing can be improved using a best practice approach

PROMOTING SHARED PARKING

Maximizing the efficiency of existing underutilized lots for the benefit of all to attract new customers and investment

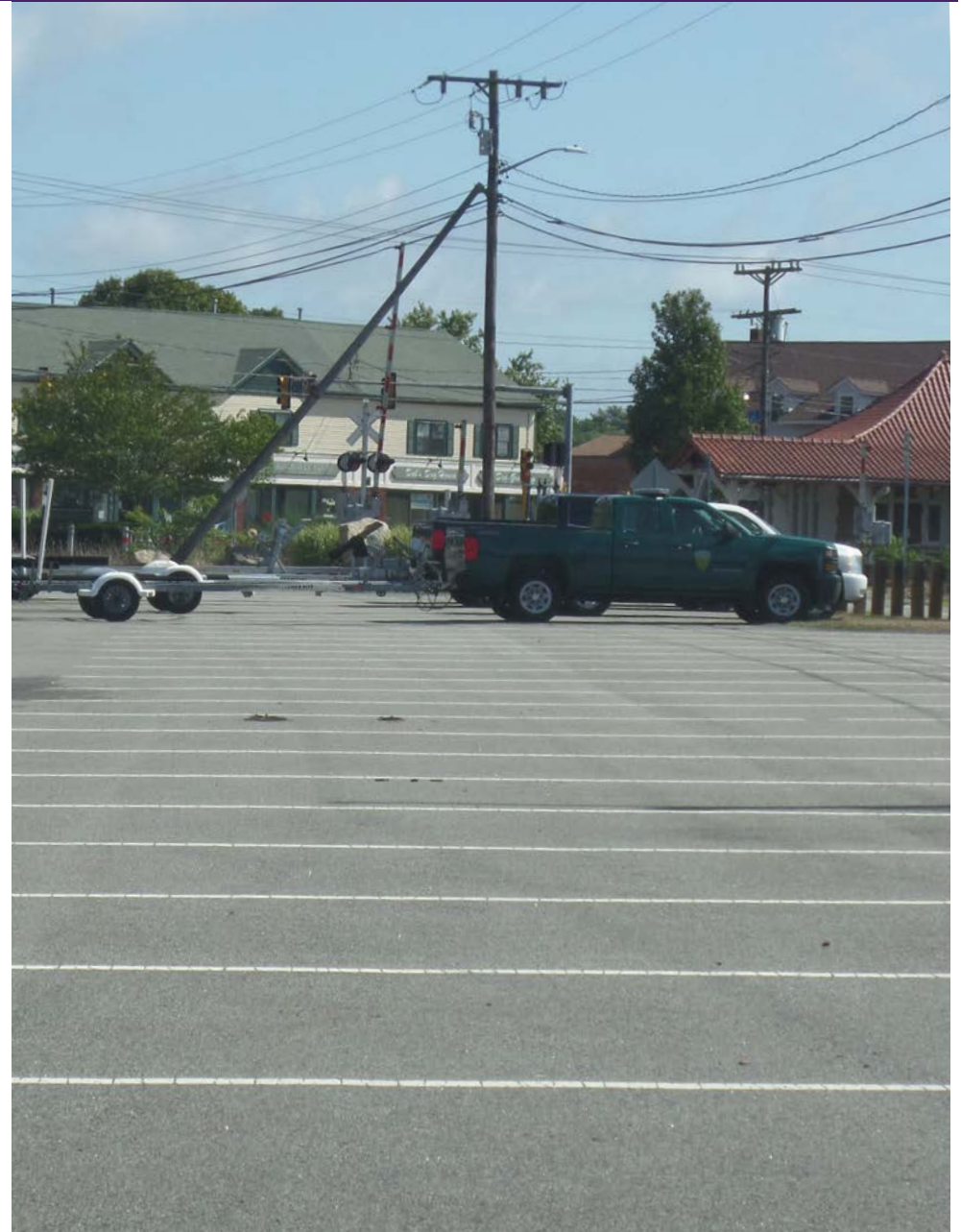


EXISTING CONDITIONS

Municipal Lot during the afternoon



This section documents existing parking conditions within Downtown Bourne. Data was collected in the Summer of 2020, including existing parking supply, levels of recent historic utilization, regulations, and the Town's current parking management strategies.



The parking lot at Taylor Point Marina (off-peak)



EXISTING CONDITIONS | PARKING REGULATIONS



A wide range of parking signs and restrictions can be observed throughout downtown, some of which may be obsolete.



Looking from one of the few, regulated on-street parking spaces toward Buzzards Bay Park.



EXISTING CONDITIONS | STUDY AREA



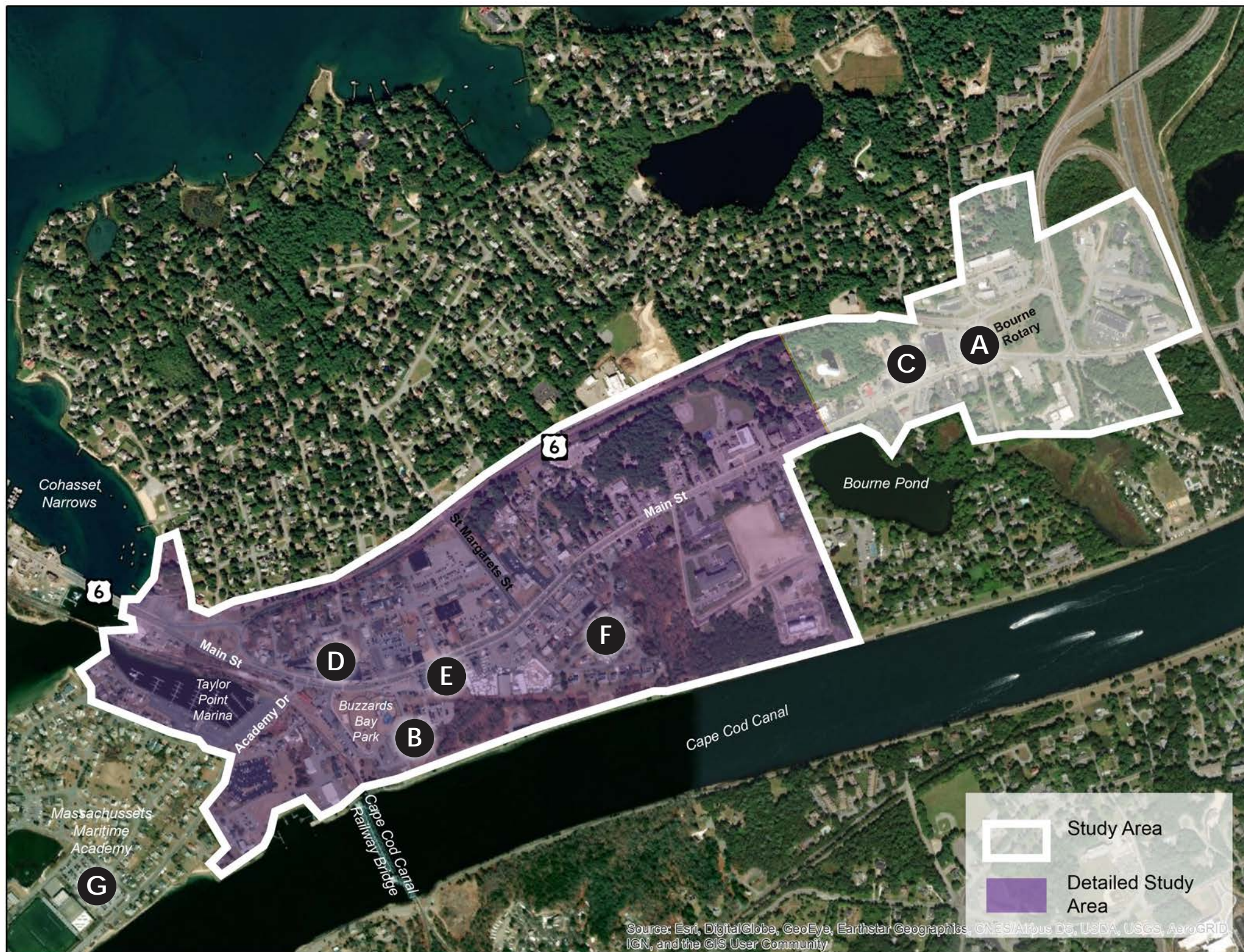
The National Marine Life Center is one of Bourne's biggest attractions



Saint Peter's Episcopal Church

To effectively measure parking usage across the Downtown, the study team and Town defined a study area that generally includes areas of highest parking demand and activity, as well as the wide range of key destinations visitors may target when visiting Bourne. Some of these are highlighted on the map on the following page. In turn, the study area was intended to provide insight into how different parking needs work with or conflict with each other in Bourne's particular context:

- A** Primary regional access
- B** Major recreational area
- C** Commercial/restaurant activity center
- D** Downtown core
- E** Tourist attractions
- F** Residential areas
- G** Adjacency to Massachusetts Maritime Academy





EXISTING CONDITIONS | PARKING INVENTORY

Within the Downtown study area, there is a **total of 2,549 parking spaces***. Of this inventory, 155 spaces (6%) are on-street and 2,396 spaces (94%) are off-street.

In order to gather the most accurate understanding of Downtown's existing parking, the team recorded regulations within the study area as they would be viewed by a first-time "visitor" or Downtown Bourne "guest". A breakdown of parking supply by regulation is reflected in the tables on this page.

The study team used these regulations to generally categorize parking spaces as either 'Available to public' or 'Private.' Spaces available to the public include customer spaces and those categorized as 'Public/Unregulated', or spaces which are available to all users regardless of their destination. These contrast with "Restricted" spaces which are clearly for employees of a private business or reserved resident parking.

Off-street parking in Bourne features parking spaces that are both available to the public or dedicated to private users. Private spaces are those that are associated with a private business or residence and post restrictions limiting who is permitted to park there. Private lots were mainly found along Academy Street where parking permits are required for Massachusetts Maritime Academy students, at spaces reserved near the train station, the police Station, and for residents of Keystone Place.

Almost all on-street parking in Bourne is unmetered and available to the public, with only a small amount of spaces time-regulated near the intersection of Main Street and Academy Drive. Some on-street spaces are signed for handicap (ADA) parking.

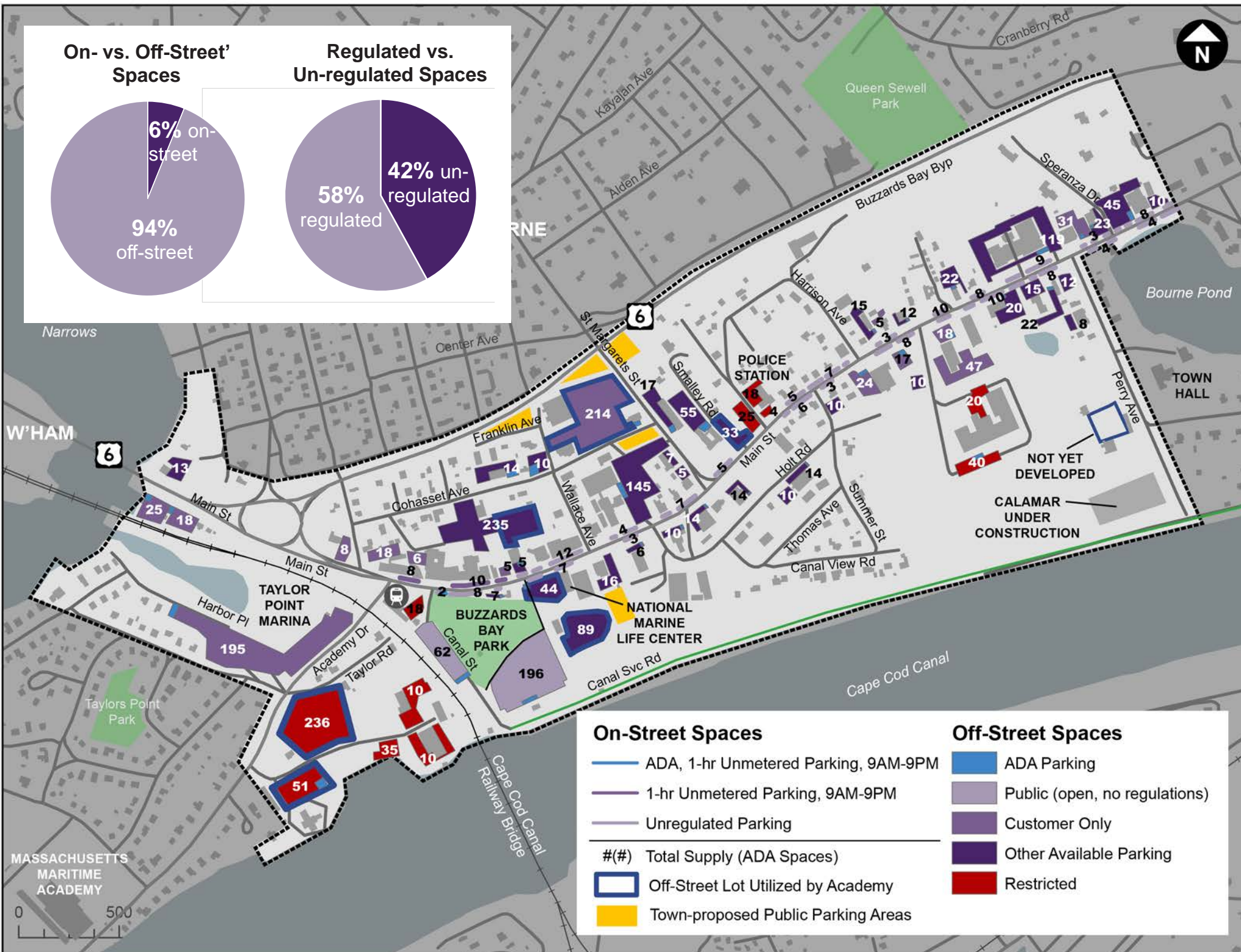
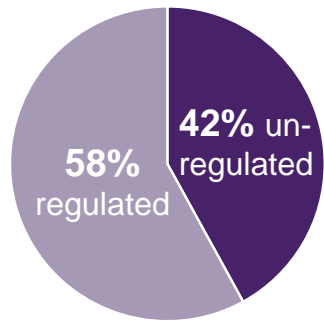
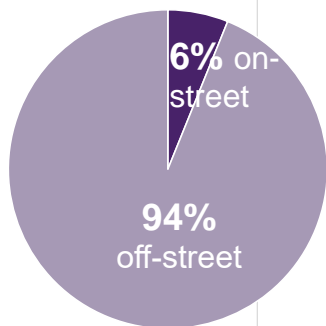
***Note:** Typically, parking lots with less than 5 spaces or those which belong to residences, are not included for this study. 'Town proposed parking areas' are under consideration only, and have not been formally planned.

OFF-STREET

Regulation	Definition	Parking Supply	Percentage of Overall Inventory	Available to Public or Private Users
ADA Parking	ADA parking signage or markings present	72	3%	Public/Private
Public/Unregulated	No regulation or signage, likely on a public location	248	10%	Public
Customer Only	"Customer only" signage present	622	24%	Public
Other Available Parking	No regulation or signage, likely on a privately owned location	1,054	41%	Public
Restricted	"Permit only" or other restricting signage	443	17%	Private

ON-STREET

Regulation	Definition	Parking Supply	Percentage of Overall Inventory	Available to Public or Private Users
ADA Parking 1-hr Unmetered	ADA, 1-hr 9AM-9PM signage	1	-	Public
1-hr Unmetered	1-hr 9AM-9PM signage	18	<1%	Public
Unregulated	No regulation or signage present	137	5%	Public





Parking Utilization Process

Counts of parking occupancy can provide data for a time series during a typical day. Prior to 2020, it was standard practice for parking studies of this nature to gather utilization at multiple periods during a week and/or weekend to demonstrate the real fluctuations of parking demand during an entire day. The unexpected impact of COVID-19 prevented the ability to collect utilization data during 2020 as it would be largely skewed from those of typical conditions. The team therefore referred to historic, high-resolution aerial imagery to count cars parked in every on- and off-street parking space within the study area during the midday peak period in a year prior to the pandemic. Based on the mix of uses in Bourne, midday would be the period of highest demand.

The most recent aerial imagery available dated to October 2018, during a weekday mid-day. Based on current observations and anecdotal evidence, the counts taken from this image did not reflect typical usage in a few, particular off-street facilities. The team therefore conducted an additional utilization count using aerial imagery dated to October 2016, during a weekday, when those facilities were active. This helped the team develop a side by side comparison of utilization and make as accurate as possible estimations of what utilization levels would be if there were not a pandemic.

Mapping the resulting parking utilization data helped to identify clear patterns of both high and low usage, including the impact of regulations. Land uses, regulations, and signage can drastically impact how neighboring parking assets are utilized.

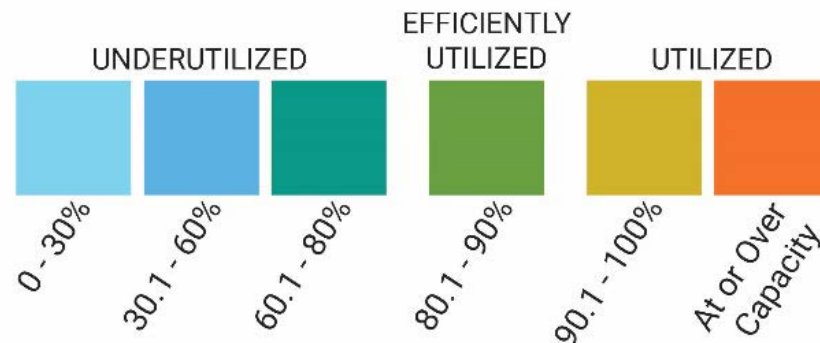
To ensure efficient parking management operations, it is ideal to maintain at least one empty space on each block of street parking to ensure easy customer access to businesses. This typically equates to about 1 out of 8 spaces free, or a target of 10% vacant per block. Similarly, a goal of at least 15% vacancy is considered ideal in off-street lots. If any facility has less availability, it is effectively at its functional

capacity (and drivers perceive a lack of availability). Facilities with lower utilization have excess capacity and can accommodate additional parked cars.

Spatial Analysis of Parking Utilization: General Analysis

The utilization maps included in this report describe the overall occupancy and availability levels of all parking spaces within Downtown Bourne.

Parking Utilization Rates



Parking utilization rates are categorized in three groups, where 0-60% occupancy reflects low utilization, 60-80% is slightly busier, 80-90% is optimal, and 90%+ is at or over capacity.



This image taken during August 2020 is typical of the unusually low parking utilization during the COVID-19 pandemic. As a result, historic aerial data was used for this effort instead.

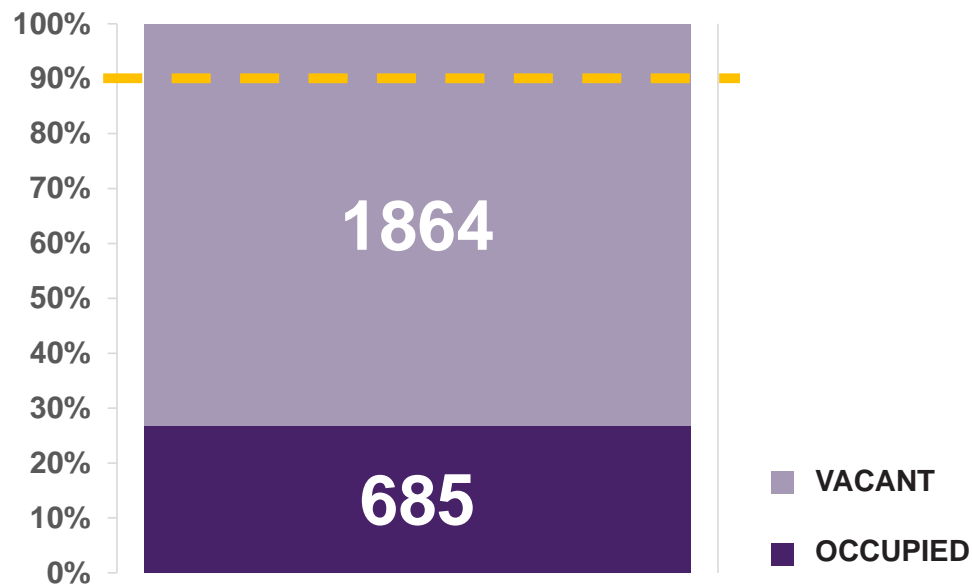


EXISTING CONDITIONS | PARKING UTILIZATION (2018)

At a weekday, mid-day in 2018 (off-season):

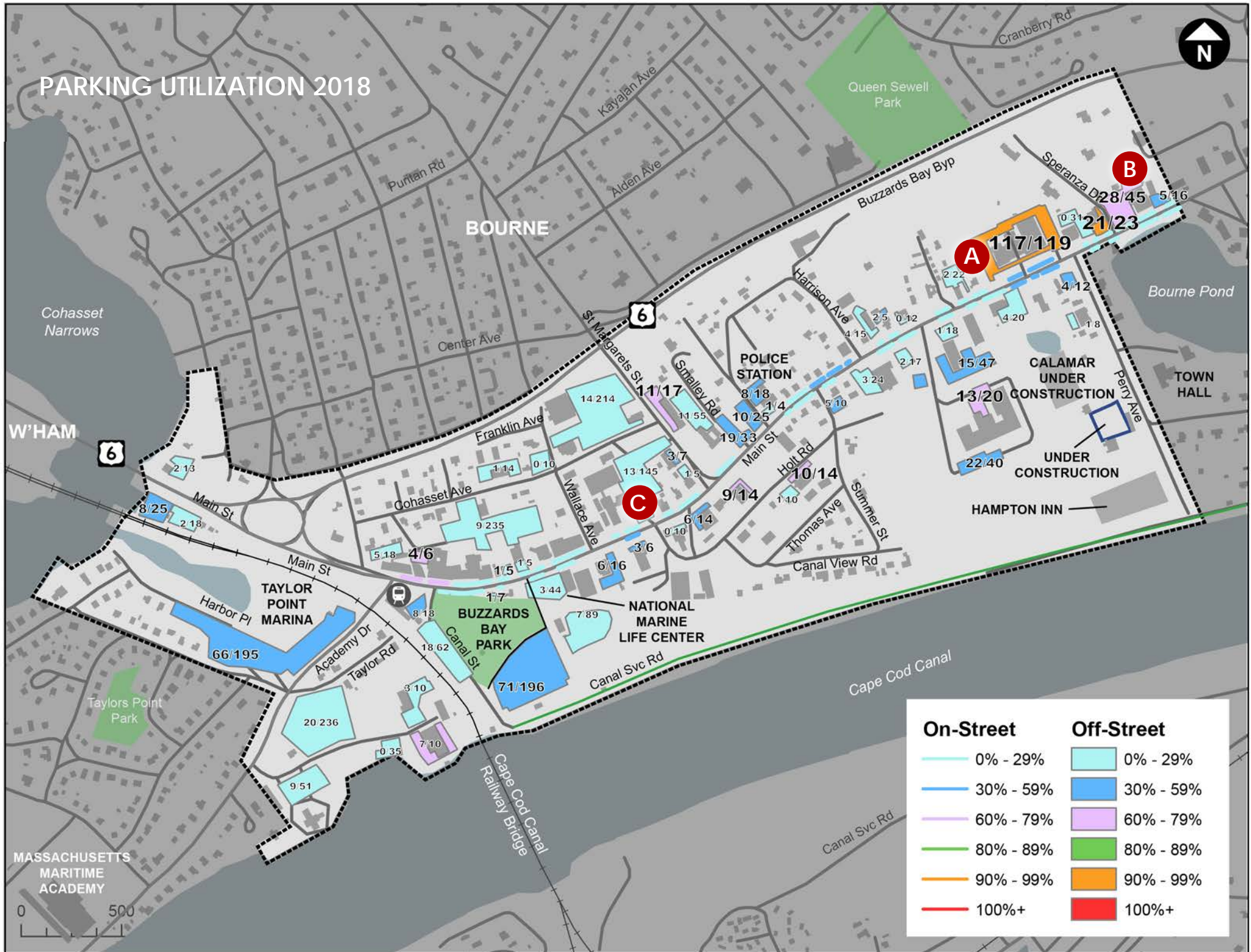
- A** The Council on Aging parking lot and the Leo's Breakfast parking lot are the only facilities near full capacity.
- B** Only a handful of on-street spaces and smaller off-street lots are approaching ideal utilization of 80%.
- C** All other larger-sized lots are less than 35% full.

27% utilized



Parking regulations near the Train Station.

PARKING UTILIZATION 2018

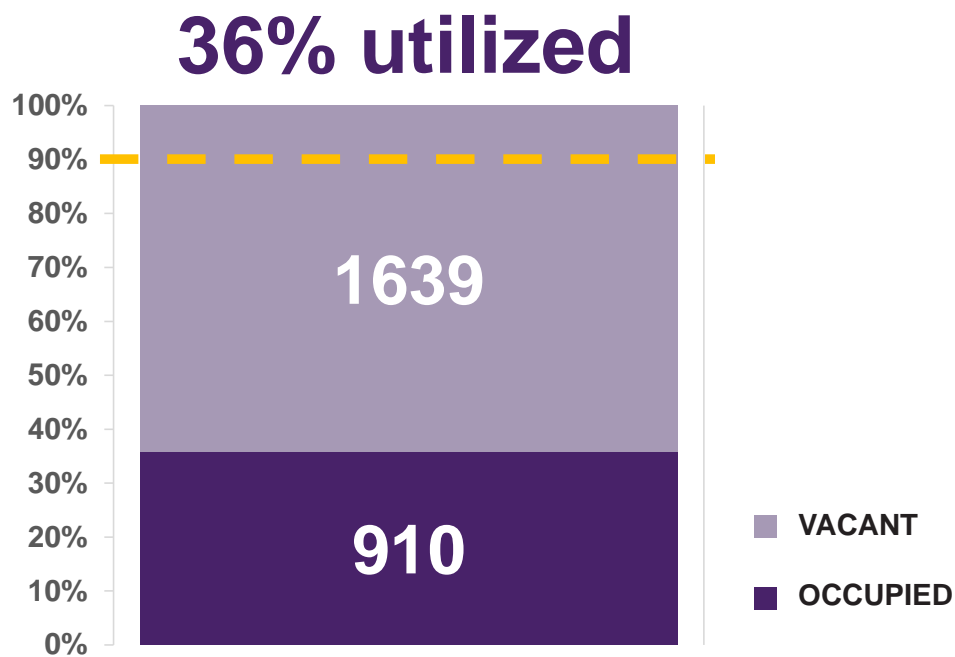




EXISTING CONDITIONS | PARKING UTILIZATION (2016)

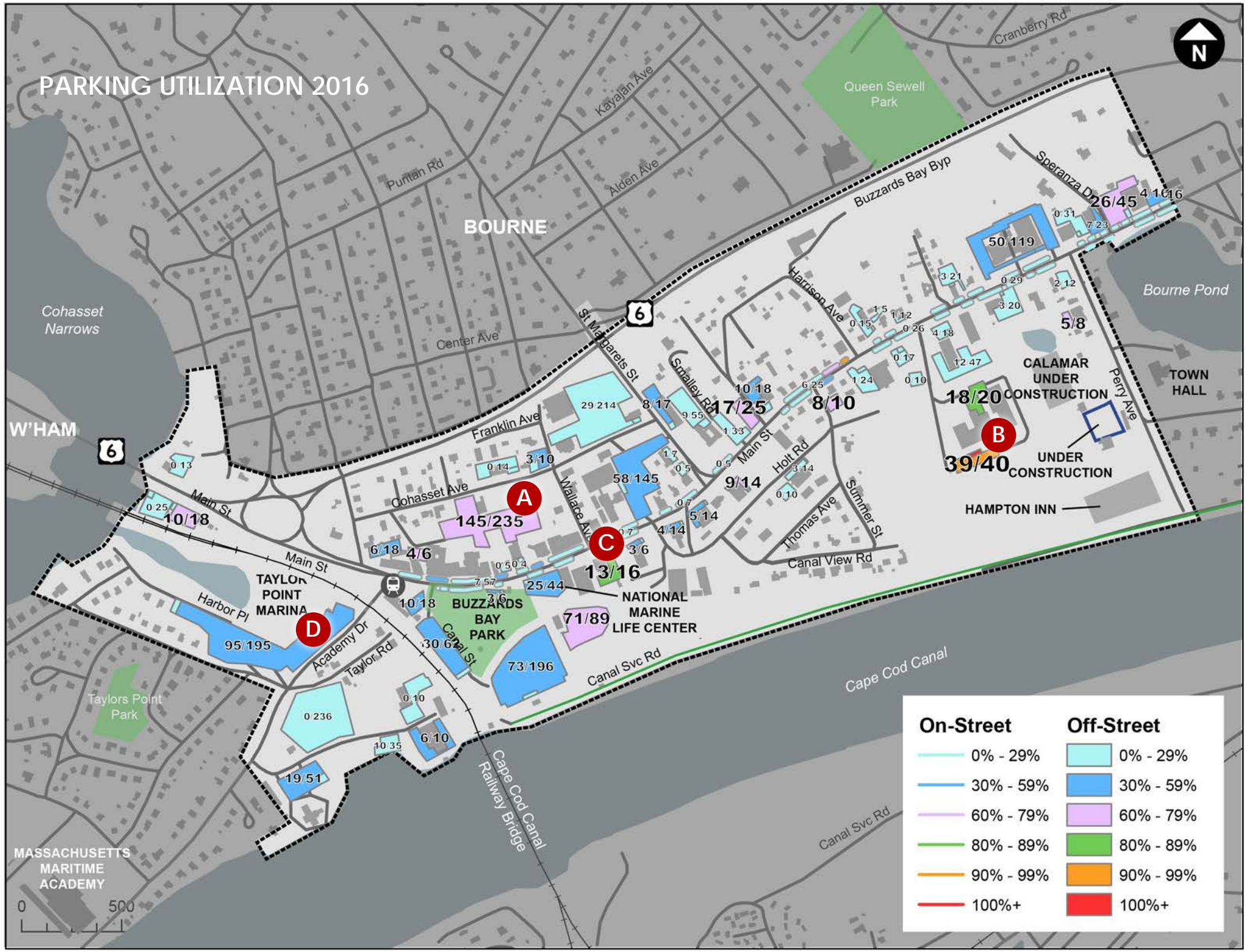
At a weekday, mid-day in 2016 (off-season):

- A** The lots behind Seakers and the National Marine Life Center (which are used by Academy students) are some of the highest used lots in the area.
- B** Keystone Place residential parking lot is the only lot almost at full capacity.
- C** Only two, smaller lots (thrift shop and visitor parking at Keystone Place) are at the ideal utilization of 80-89%.
- D** The majority of larger-sized lots are less than 50% full.



Parking observed during the mid-day (August 2020)

PARKING UTILIZATION 2016



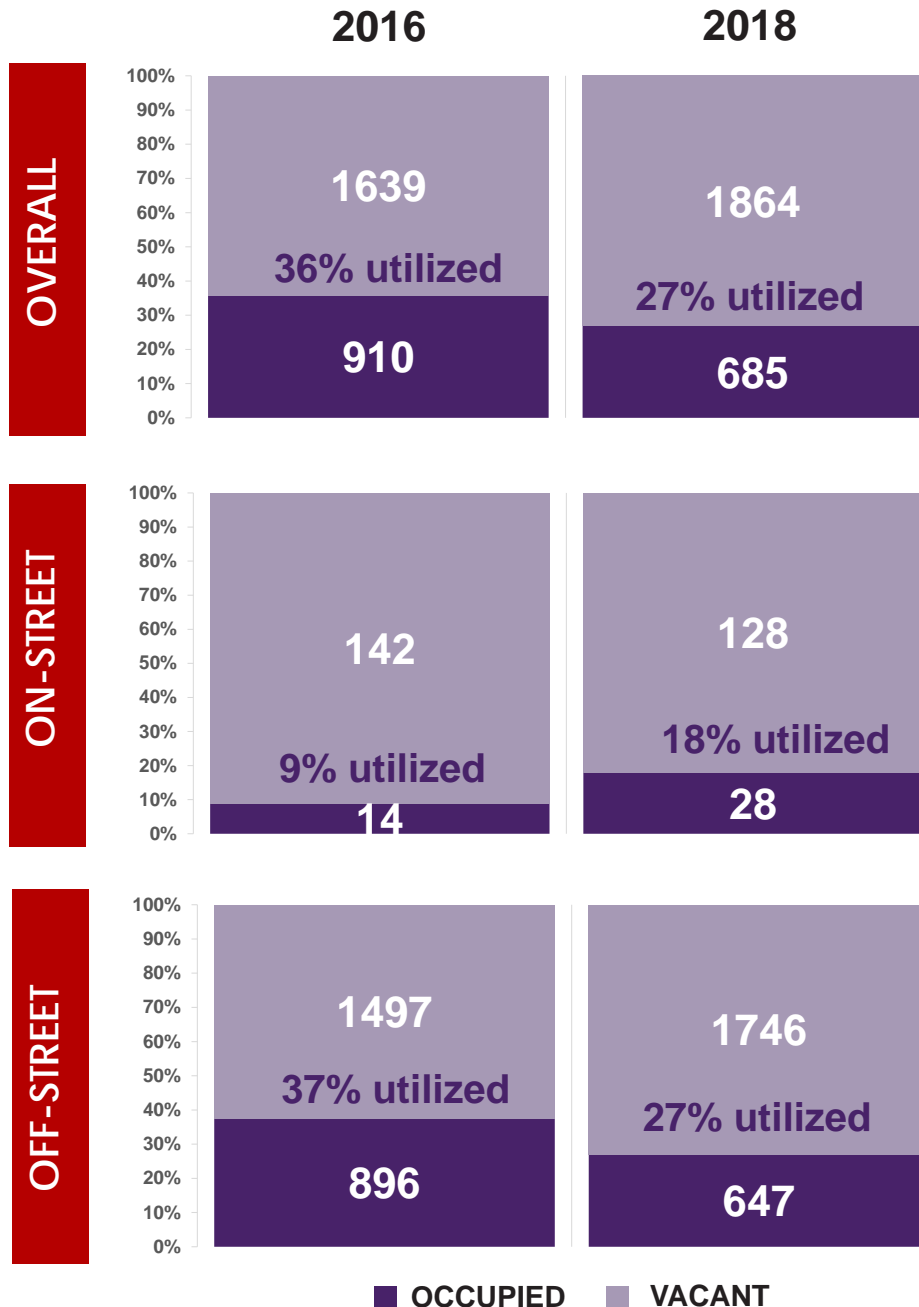
On-Street	Off-Street
— 0% - 29%	■ 0% - 29%
— 30% - 59%	■ 30% - 59%
— 60% - 79%	■ 60% - 79%
— 80% - 89%	■ 80% - 89%
— 90% - 99%	■ 90% - 99%
— 100%+	■ 100%+

MASSACHUSETTS
MARITIME
ACADEMY





EXISTING CONDITIONS | PARKING UTILIZATION KEY FINDINGS



The comprehensive review of parking inventory and utilization provided an important baseline understanding for the study. Key findings from Downtown's parking inventory and utilization include observations about how prime on-street spaces and surface lots in the Downtown core are typically used.

- On either historic count from a typical weekday, there were **no less than 1,600+ empty parking spaces in Downtown**
- On-street spaces are in demand less than off-street
- Time restrictions preserve more than ample availability on Main Street near Admiral Drive
- Lots which are beyond the core activity area but are walkable are nearly vacant
- Lots with shared agreements that permit Marine Academy usage are utilized at a near-ideal level during those periods of demand



An image of the Liberty Liquors parking lot nearly full with Maritime Academy students, prior to 2020 (Google)



EXISTING CONDITIONS | PARKING DEMAND MODEL

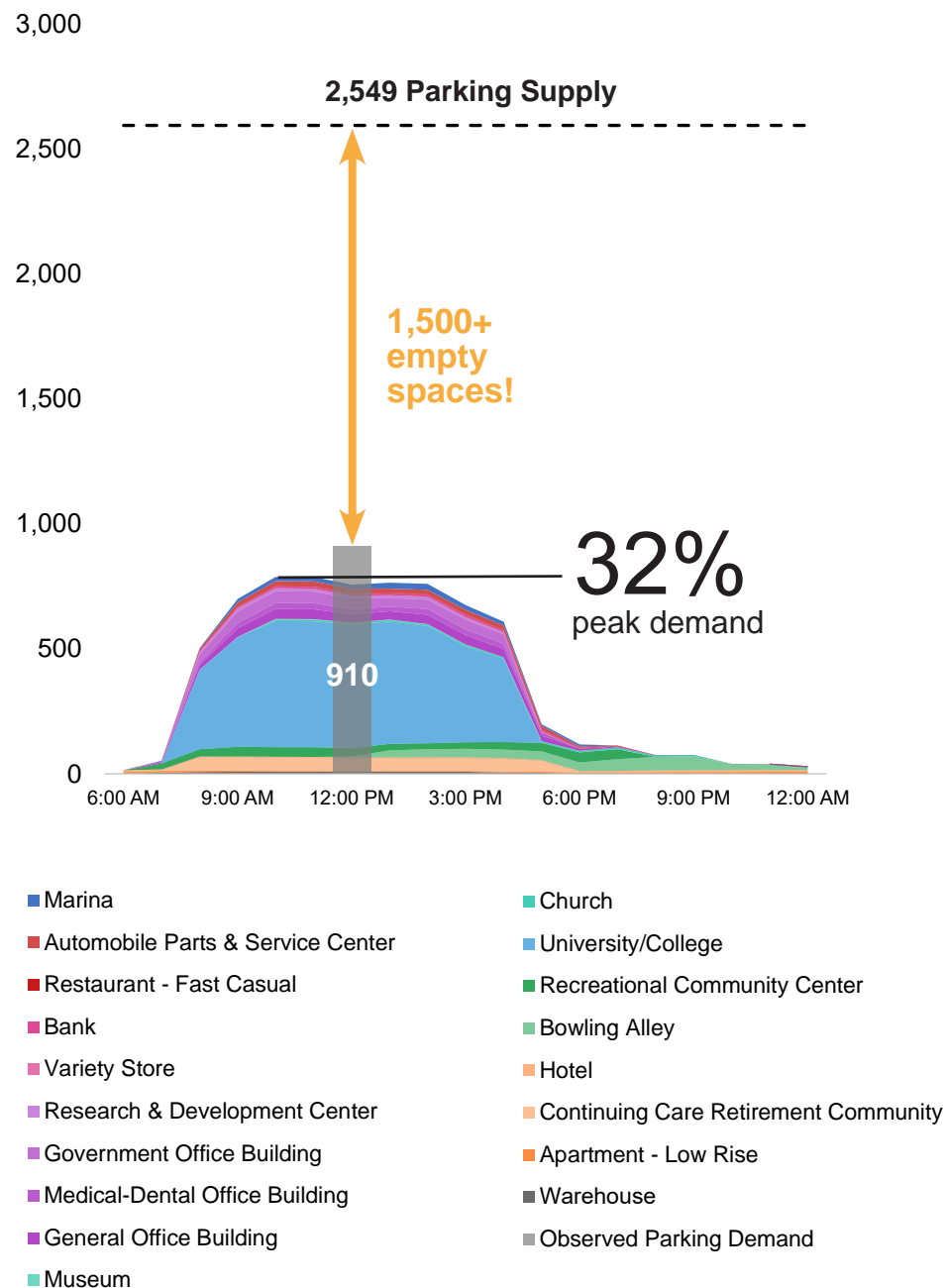
ESTIMATED SHARED DEMAND TODAY (WITH CURRENT UTILIZATION)

A parking demand model was developed for Downtown in order to simulate the impact on parking supply of future redevelopment and new development. The consultant team first modeled parking demand for the total built floor area by land use in Downtown according to national average demand rates from the Institute of Transportation Engineers (ITE). Reduction factors were used to simulate building vacancies. These were derived from past studies, the U.S. Census, and assumptions from visits to the study area.

Based on these assumptions, the theoretical parking demand in Downtown would be 1,233 spaces if every occupied space had its own parking. This is 48% of Bourne's total parking inventory. However, peak utilization is only 36% as noted previously, reflecting that parking is being shared across users in Downtown. To simulate sharing, the consulting team applied Urban Land Institute (ULI) shared parking methods to the model, which simulate the varying peaks of demand of different uses (i.e. a resident may park at night in the same space an office employee used during the day.) Modeling these "staggered peaks" of Downtown Bourne's mix of uses resulted in a peak demand of 955 spaces at 12pm, which is still above the observed peak. By also modeling the effects of "internal capture", whereby one parker may walk to another use (i.e. an office employee parks once but may also visit a restaurant for lunch and go on an errand without moving their car) - this peak goes down to 823 (as shown in the adjacent chart).

Assumptions:

- 2,549 parking spaces
- 905 shared demand parking spaces (with reserve)
- 310,749 sq. ft. non-residential floor area
- 11 low-rise apartment units, 75 continuing care units
- 15% for captive retail market
- 25% vacancy all uses



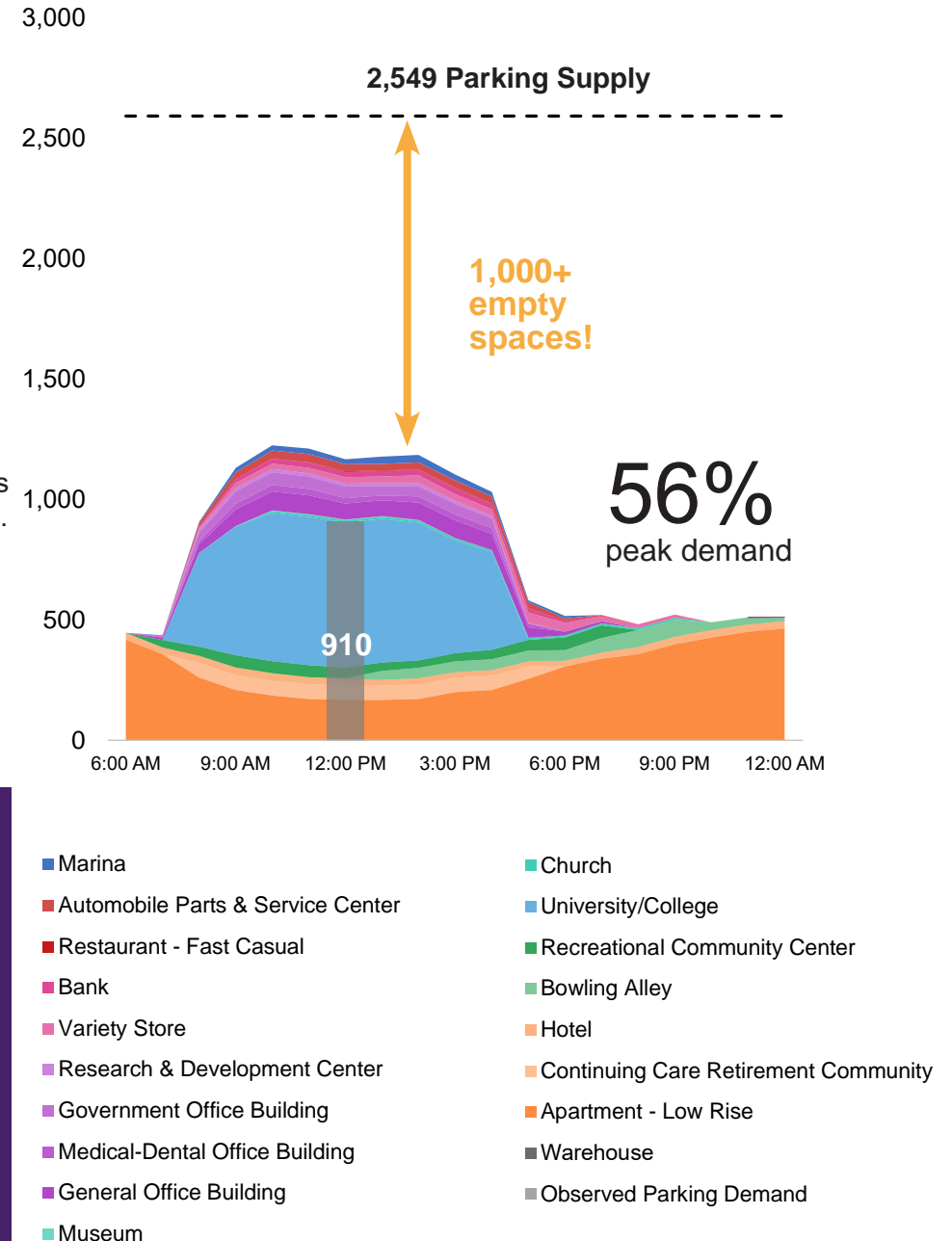


ESTIMATED FUTURE DEMAND

This model estimates parking demand resulting from a number of nearly finished or potential developments as informed by the Town. Proposed building and parking space additions were added to the model of current conditions. This resulted in a net gain of an estimated 70,000 square feet of commercial building space. Land use types for the new developments were based on existing land use type proportions: new buildings were assumed to be mid-rise apartment units, one hotel (motel), general office buildings, restaurants, and retail.

The parking demand model shows that Downtown could easily accommodate all anticipated new development using existing parking spaces. The peak parking demand would occur at 1pm with 1,433 spaces occupied: this represents approximately 50% of available parking spaces.

Bourne could easily add hundreds more housing units in its downtown, hundreds of thousands of square feet of commercial development, or a number of combinations of these and other uses without needing to build additional parking space.



Assumptions:

- 2,549 parking spaces
- 1,240 shared demand parking
- 500 additional low-rise apartment units
- 40 additional motel rooms
- 40,000 sq. ft. additional retail
- 20,000 sq. ft. additional office
- 10,000 sq. ft. additional fast-casual restaurant
- 10% increase of students
- 5% vacancy for new buildings
- 10% vacancy for existing commercial buildings
- 25% vacancy for all other existing buildings



WALKING

Walkable downtowns can reduce some parking demand by “internally capturing” short trips between multiple destinations on foot rather than by car, helping reduce required parking supply. The Town has made improvements downtown to make walking conditions better: there are many crosswalks painted along Main Street to allow people to cross at various locations; there are benches for seating, potted plants, and waste bins located intermittently along the street to give people a place to rest; bumpouts at some crosswalks have been added to shorten the crossing distance along Main Street, slow traffic, and increase the visibility and safety of pedestrians wishing to cross.

Some remaining challenges for walkers include:

- Walking from one end of Main Street to the other takes an average of 20 minutes. Without signage indicating the distance to specific destinations along the way, the effort to walk may be perceived as a bigger inconvenience than it actually is.
- Because of the geography of Main Street and many large parking lots directly abutting the street, the experience of walking as opposed to driving for short trips may not be perceived as desirable or visually rewarding.
- Without clear signage, visitors may not understand how best to connect to the waterfront from any point along Main Street.
- Although there is a good number of crosswalks present on Main Street, the long driving stretch without forced stops may cause speeding drivers who are less likely to stop for crossing pedestrians.
- A lack of street lighting may cause walkers to feel unsafe walking during the evening.



One of the many pleasant areas to sit along Main Street.



The crosswalks along Main Street are in generally good condition with visible striping.



EXISTING PEDESTRIAN CROSSWALKS- MAIN STREET



EXISTING CONDITIONS | MULTIMODAL EVALUATION

BICYCLING

More bicycling into Downtown Bourne can reduce the demand for parking. Bourne benefits from being connected to a strong regional trail system. Bike rentals downtown are also a great offering for visitors for traveling through and around the downtown area. Although the Town bylaws require the provision of one bicycle rack per 15 parking spaces, it is clear this is not in practice, and only a few bicycle racks are available throughout town.

Some existing challenges for bicyclists include:

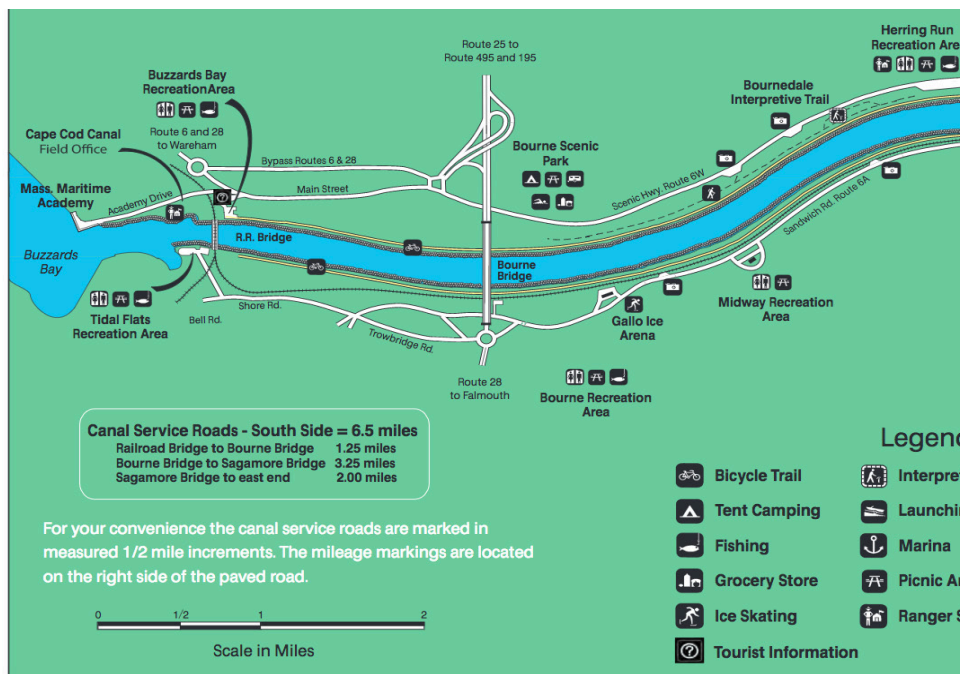
- A lack of bicycle markings on the road, which forces people into riding in empty parking lanes or other unsafe areas
- A Lack of signage identifying how Downtown Bourne connects to existing nearby trails
- A lack of visible bike parking near popular destinations



A young person utilizes empty parking spaces to bike along eastern areas of Main Street.



Bike rentals are especially popular during the summer season.



Bourne's proximity to regional trails provides access to many recreational activities as well as encourages healthy lifestyles.



TRANSIT

Transit is a viable alternative to driving and parking for those with access to Bourne's transit routes. To date, transit ridership on Cape Cod Regional Transit Authority's local bus line has been lower for users for short, daily trips because of long wait times, but the new, increased frequency of Bourne Run service (September 2020) is showing a quick ridership increase. A range of other limited regional services include the GATRA Link 2 flag-down service between Cranberry Plaza and Main Street, on-demand DART Dial-A-Ride Transportation shuttles, and buses to Boston hospitals to reduce people's reliance on cars for specific types of trips. The Buzzard Bay Train Station hosts an infrequent, seasonal service but ongoing discussions about bringing the Commuter Rail extension from Middleborough to Bourne continue to make progress.

Some existing challenges for transit riders, include:

- A lack of signage to indicate where bus stops are located
- A lack of centralized and visible information for new riders to indicate how transit is an option in Bourne and how it connects people to specific destinations within a walkable distance
- A lack of information for how bicyclists can incorporate transit as part of their journeys (e.g., how to fasten their bike to a bus rack)



BOURNE RUN - BOURNE TO MASHPEE

Effective November 14, 2020 through January 22, 2021
MONDAY through FRIDAY

NextBus Stop# ***	Departs	AM				
142	Buzzards Bay Train Station / Mass Maritime	--	8:00	9:00	10:00	11:00
193	Keystone Place At Buzzards Bay	--	8:02	9:02	10:02	11:02
192	Hampton Inn Hotel	--	8:03	9:03	10:03	11:03
194	Bourne Town Hall	--	8:04	9:04	10:04	11:04
195	Perry Avenue & Main Street	--	8:05	9:05	10:05	11:05



The new schedule for the Bourne Run can attract new riders (PM periods not shown) but without signage, people may be uncertain of where to wait for a bus and feel less confident in being able to plan their trips.



PUBLIC PROCESS



Public outreach is integral to the parking study, helping to reveal how the parking system is used, perceived, and areas for potential improvement. The study team facilitated multiple stakeholder discussions, a public survey in September 2019, and a public open house in October 2019. These events provided valuable feedback from local residents and business owners.

On July 16, 2020 the study team met with the Town's Planner. This initial meeting helped to inform the team of existing issues, considerations and opportunities that could help provide context during the data and analysis portion of the study.

In August 2020 the team was provided with a recording of the Regional Cape Cod Transportation Committee's August Meeting to learn about concurrent efforts in improving regional transportation as well as to hear the perspective from regional stakeholders on short- and long-term transportation-related concerns and opportunities.

On October 5, 6 2019 the team held virtual meetings with two stakeholder groups representing people from local agencies, business owners, developers, and other interested parties. On October 29th, a third virtual stakeholder meeting was held which the public was also invited to attend. The virtual meetings were formatted in a similar way to those of an in-person open house, giving attendees an opportunity to mark maps with comments, ideas, and to get a more detailed understanding of local parking challenges and opportunities.

Why stakeholder meetings?

Stakeholder meetings are an integral part in the planning process. Only through local knowledge can a full understanding of issues specific to the town be investigated. As a result, appropriate and feasible recommendations can be developed.

TOWN OF BOURNE

BOURNE PARKING STRATEGY PLAN

See data on parking supply and use

Share your parking concerns

Tell us your ideas on how to improve parking access

Discuss what the future of Bourne and its parking needs might look like

PUBLIC MEETING

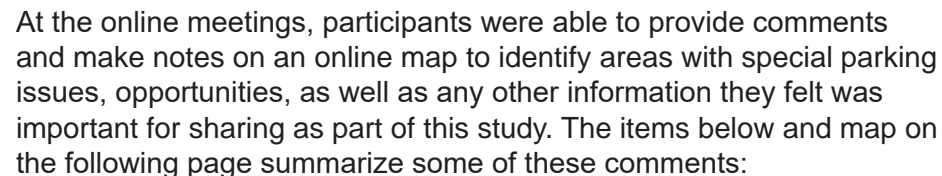
Thursday, September 24th
6:00 pm - 8:00 pm
Online, virtual Zoom meeting (link in email)

For more information, please email cmoore@townofbourne.com

One of the virtual flyers advertising opportunities to participate in the parking study process.

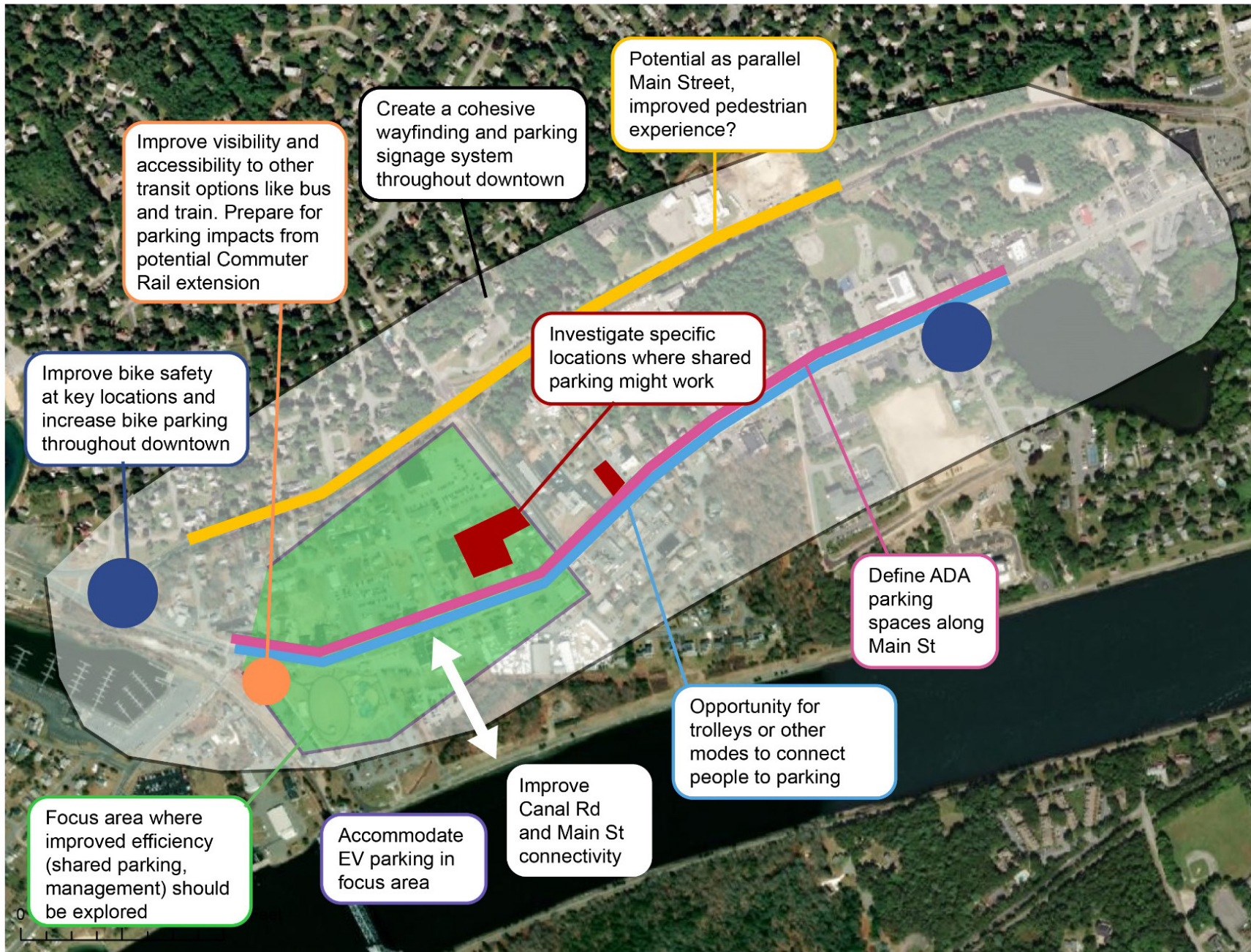


Use the 'draw', text', and 'shapes and connectors' tools to mark or leave comments about areas or information that should be included in our parking analysis



- Improve wayfinding and parking signage
- Improve visibility of alternative transportation options
- Improve bike safety
- Explore shared parking in the downtown core and identify locations where it makes sense
- Accommodate other kinds of parking (e.g. EV, bike)
- Create a sense of connectivity with Canal Road
- Consider options for connecting people to farther parking areas
- Define ADA spaces on-street along Main Street
- Consider how Route 6 can act as an extension of the downtown/Main Street experience







PUBLIC PROCESS | VIRTUAL MEETINGS SUMMARY

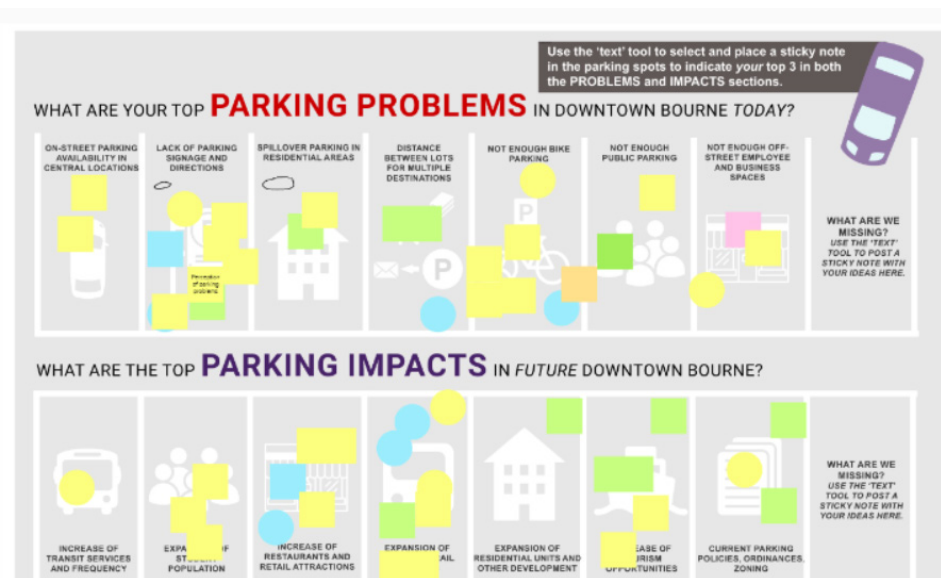
At the meetings, participants voted for their “top parking concerns” both existing today as well as the concerns which may have most impact on Bourne in the future. Each participant had a set number of votes that they could assign to multiple priorities, with the option to put multiple votes towards a topic they felt strongly about. The following were the top 3 identified concerns in both categories:

TOP CURRENT PARKING CONCERNS

- Lack of parking signage and directions
- Not enough bike parking
- Not enough off-street employee/business spaces

TOP FUTURE PARKING CONCERNS

- Expansion of Commuter Rail
- Increase of restaurants and retail attractions
- Increase of tourism opportunities



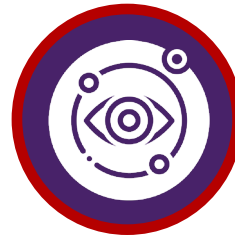
Participant discussion (bottom image) during an interactive exercise (top image) as part of one of the virtual stakeholder meetings conducted for this study.



Based on both the evaluation of parking supply and activity, as well as input from stakeholders, the following key findings were identified:



Parking is generally widely available during typical, non-peak conditions but there is a lack of signage to direct people to appropriate off-street lots



Localized negative impacts are hurting the perception of availability



While some shared parking is taking place, there is opportunity for more



The potential of parking demand exceeding capacity only occurs during a handful of event days per year



Some people are biking, but there is a lack of signage identifying safe routes and a lack of bike parking



Transit ridership is increasing, but there is a lack of signage identifying it as an option to people unfamiliar with the area



RECOMMENDATIONS

RECOMMENDATIONS

Based on the analysis of this study, Downtown Bourne has more than ample parking to support its current needs, and current usage does not warrant the need for building additional facilities. However, as Bourne begins to achieve its goals of future economic growth and revitalization, increased demand may require a re-assessment of the performance, adequacy, and efficiency of the downtown parking network. The results from this study provide a foundational understanding of the parking network, as well as related opportunities which can be built upon to improve it, particularly relating to optimizing usage of underutilized off-street parking spaces.

The 13 strategies outlined in the following section aim to help Bourne prepare in its transition towards increased economic activity, and are organized in order of importance. They have also been categorized within four areas to help the Town address parking and mobility issues within the Downtown core both now and in the future:



SHORT-TERM

Can be achieved within 1 year



LONG-TERM

Can be achieved between 1-3 years



WORKING WITH EXISTING

Can be addressed now



MAINTAINING MOMENTUM

Can provide ongoing support

The strategies offer practical solutions that reflect and support the project goals, reiterated below:

PROJECT GOALS

ADDRESSING SHORT-TERM PROBLEMS

Understanding where parking is and isn't hard to find, and what/where factors cause parking impacts

PLANNING FOR LONG-TERM GROWTH

Testing future scenarios and understanding impacts of future changes, including new housing, other development, and more events

IMPROVING TOWN'S PARKING MANAGEMENT APPROACH

Identifying how current practices based on ordinances and parking pricing can be improved using a best practice approach

PROMOTING SHARED PARKING

Maximizing the efficiency of existing underutilized lots for the benefit of all to attract new customers and investment

RECOMMENDATIONS | TAKING IT ALL INTO CONSIDERATION

In addition to the data gathered during this study, other factors have been considered in the development of potential recommendations:

EXISTING POLICIES

This Parking Strategy Plan takes into account Bourne's existing policies and recent plans to better understand the town's bigger picture.

The Town has previously identified parking-specific action items through the 2008 Downtown Action Plan, some of which are still relevant based on the findings from this study.

- Reconfigure town, state and federal parking around the Town Park to increase number of spaces, circulation, safety, and aesthetics.
- Create a new public parking facility off Academy Drive to serve the Town Marina, Bridge Park, downtown development, tourist rail and potentially commuter rail service. This could be a surface lot in the short term with the option of expanding into deck parking as needed in the future.
- Work in partnership with developers to build parking facilities, especially on or in vicinity of Taylor Road
- Evaluate need for a ride-share parking lot on the bypass road.

EXISTING PARTNERSHIPS

Bourne is experiencing change in a variety of ways and with the involvement of a wide range of local and regional, public and private agencies. The Regional Cape Cod Transportation Committee began holding regular meetings in early 2020 with the intention of maintaining dialogue with transportation stakeholders, and providing updates on transportation efforts, challenges, and opportunities. The maintenance of this partnership will be an essential resource in planning for and executing successful and appropriate transportation projects and solutions in and near Bourne. Other existing channels of communication such as those between the Town and landowners, or with the MMA, will also be invaluable in preparing for Bourne's future needs.

CHANGES IN BOURNE TODAY AND TOMORROW

Bourne is evolving quickly with new development and other factors potentially changing demand for parking. These are important to consider so that Bourne's parking strategy is relevant and flexible.

- The Calamar Tides at Bourne development project will provide 120 new apartments, attracting a large amount of 55+ residents. Construction is projected to be complete in 2021.
- Other new housing may attract people with preferences for alternative transportation modes
- The increased transit services in 2020 is attracting new riders
- The MMA student enrollment will continue to grow
- The recent MMA construction of a new parking lot will shift some demand
- The pursuit of a Commuter Rail extension is ongoing
- Tourists will visit Bourne for new reasons, such as to see the schooner coming to MMA, or for (potential) short cruise services



MMA students participate in a training exercise.

1. CREATE A JOINT MANAGEMENT STRATEGY

One of the biggest challenges in any town is the management of parking assets under different ownership. In Bourne, there is a combination of facilities owned by the Town and private owners to accommodate a range of different user needs. Each has limitations to consider regarding the capacity to maintain/fund facilities (e.g. restriping spaces, updating faded signage, snow clearance), enforce regulations, and accommodate unusual impacts to demand (e.g., special events).

In order to create a more collaborative approach to downtown's parking management and increase the consistency of parking facility regulations and conditions, the following is recommended for Town government:

- Promote more shared parking opportunities. Some of the benefits the Town can provide to incentivize participation, include in-kind services to re-pave lots, add landscaping, provide lighting and signage, maintain the facility, and provide winter maintenance/plowing services. The Town can act as a mediator between involved parties, ensuring land rights are protected and maintaining any grandfathered zoning privileges. Finally, the Town can be a resource for sample shared parking agreements, helping to overcome liability concerns, and providing best practices
- Act as neutral arbiter / "middle man" to lessen landowner effort in arranging fair designation of shared spaces between private and public, establishing times and days of week for sharing, and ensuring fair protections and exit clauses for participating landowners
- Where shared parking isn't taking place, define and enforce roles and responsibilities for the following:
 - Enforcement, including chains of communication
 - Communication to the public (location and visibility of signage, updating parking maps)
 - Coordination and sharing of parking-related data to better understand the Town's needs as a whole



Parking sign displaying a shared parking partnership between the city and a local bank.

2. IDENTIFY OPTIONS FOR SHARING PARKING SPACES

The overall goal of sharing parking spaces is to accommodate various users without needing to build additional parking facilities. This is already happening effectively at some facilities Downtown, as described earlier in the report, but additional locations prone to periods of overlapping demand (particularly during events) may also benefit from this approach. Given the significant amount of un-utilized parking within a close walk throughout Downtown, Bourne can support significant amounts of redevelopment and new development without any new parking for years to come. While sharing is a natural effect in any mixed-use downtown, encouraging it and educating landowners about the value of sharing (and the misperceptions of liability concerns) is an extremely cost-effective economic development strategy.

Right away, the Town should prepare and provide educational material about the benefits of sharing, the truth about liability, and the ease of formalizing shared arrangements if landowners prefer (sample shared parking agreements can be found at the end of this report). Advancing shared parking can be a way to open up underutilized parking lots just off of Main Street. This would be beneficial to nearby residents and small businesses that don't have a dedicated parking facility, and also offset the few periods of high demand of some street spaces in the core of downtown, particularly in the evening.

To further incentivize participation in shared parking agreements, the Town can provide in-kind services, such as plowing, maintenance, improved walking connections to Downtown and signage in exchange for property owners allowing the public to use their parking.

To ensure that adequate parking is both available and located near desired destinations during different times of the day, the following is recommended:

- Amend ordinances to encourage shared parking at current and future developments
- Hold an informational meeting for landowners and provide educational materials and sample agreements
- Using the information from this study, identify the lots which would be most beneficial to alleviating parking demand in specific areas of Main Street (e.g. the Marina parking lot, St. Peter's Church)
- Pursue shared agreements between the Town and landowners with in-kind services provided by the Town to help private lots become part of an overall public system - while ensuring that all private rights to shared lots can revert with short notice. (see recommendation 1)

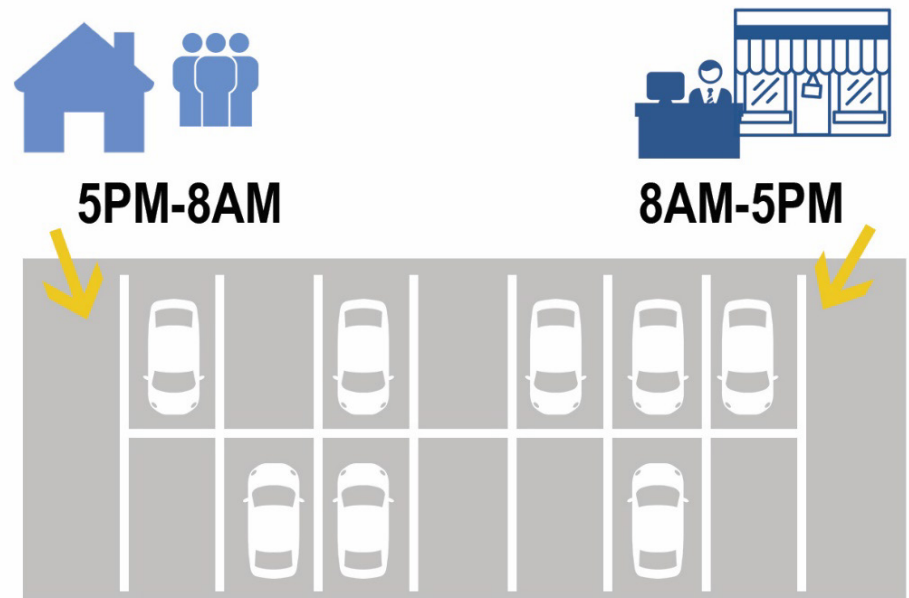


Diagram depicting the general concept of shared parking

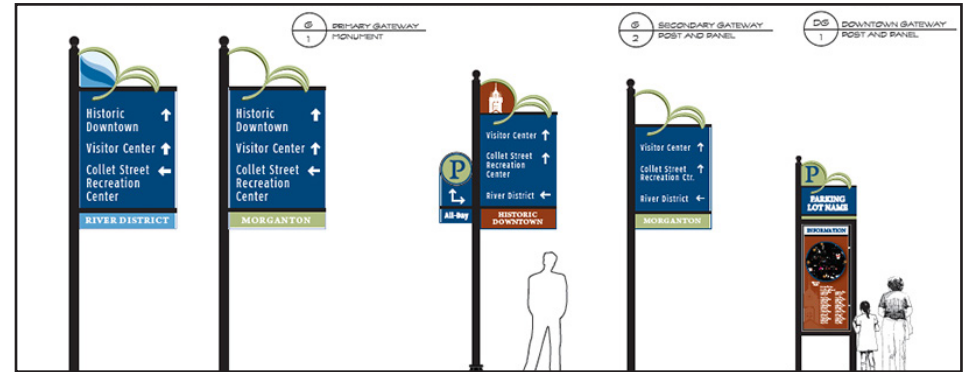
3. IMPROVE WAYFINDING AND CUES TO PARKING

Creating signage with clear guidance for patrons unfamiliar with the area will help to create a visitor-friendly environment. It will also reduce instances of homeowner zoning and access violations of leasing personal parking spaces when supply is actually available elsewhere. A highly-visible and consistently designed wayfinding signage system should highlight on and off-street parking options. The signage should clearly indicate where the public is allowed to park, including on shared private lots. As a result, demand for Main Street spaces can be reduced, and longer walking trips are encouraged which may in turn support the local economy. Additionally, wayfinding signage should:

- Define clear parking rules
- Identify public parking, including short and long-term parking (both on-and off-street)
- Identify major points of interest (such as the Marine Life Center and bus stops)
- Guide people walking to destinations Downtown – and importantly back to parking locations

The Town should use wayfinding and signage to:

- Intercept vehicle traffic before it reaches Downtown
- Direct pedestrians to different locations Downtown
- Implement a voluntary program for business owners where the Town installs shared customer private parking lot signage along public sidewalks
- Direct parkers to parking that is less easy to find and at a walkable distance from Downtown destinations



Signage like these examples can create cohesion downtown and make it easier for drivers to navigate to appropriate parking locations.

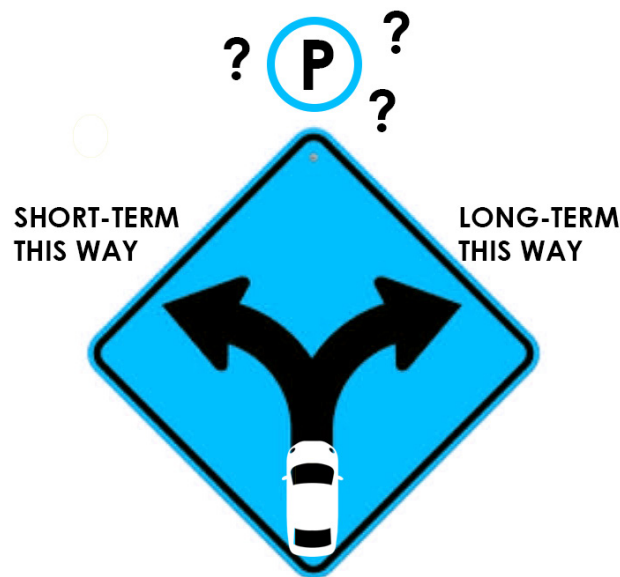
4. IDENTIFY SHORT- AND LONG-TERM PARKING AREAS

Identifying off-street areas that can be designated for people who may need to park in Bourne for longer periods (e.g. employees of local businesses, residents) increases availability and turnover of on- and off-street spaces in higher demand areas. This is particularly relevant to smaller lots dedicated to restaurants or businesses where some all-day parking is known to exist, but not clearly signed as such. By reducing the number of people hunting for parking space in a concentrated area, traffic circulation may also be improved.

Many types of users utilize Bourne's parking network- residents making short trips, employees working during various business hours, Academy students in session for the majority of the day, visitors attending special events for a few hours, and so on. Freight vehicles also need a safe and easily accessible space to make short deliveries. This supports the idea that parking needs and options should not be considered "one-size-fits-all". Education about parking should be an ongoing effort that is supported through a range of channels.

To ensure that parking is available to users with different/competing time durations:

- Work with landowners and business owners to identify various needs for short and long-term parking (e.g. number of employees vs. needs for loading areas and short-term deliveries)
- Designate on-street parking spaces along West Main Street as short-term
- Designate lots or portions of lots that can support all-day parking (e.g. the Marina lot during off-season, or the larger western lot along Cohasset Avenue) and form an agreement with relevant landowners and businesses
- Reinforce these areas through wayfinding techniques that provide high-visibility direction (e.g. lamp-post banners, permanent street signs like the example shown)
- The Town should also publish a user-friendly parking map on the Town website to describe available parking resources and help visitors easily find the right parking.



5. PROVIDE OPTIONS FOR DEVELOPERS

Bourne is, and will continue to be, a desirable place for development and investment as people realize what the town has to offer as a home or for business. While this provides promise for the town's economic growth, the parking requirements for new development can potentially compound existing parking problems if creative options for alternative ways of meeting the requirements are not available.

While the current parking supply sufficiently meets the town's needs, generally, Bourne should both educate about and offer incentives to developers to help minimize parking demand that may put pressure on capacity in the future. Ultimately, the goal is to ensure Bourne is better positioned to absorb and respond to future impacts on demand.

The following is recommended:

- Approve the previously drafted amendment to Section 2854 to provide the option of an off-site parking credit.
- Identify additional parking reduction methods that may be relevant to Bourne and support the use of alternative modes, such as connecting sidewalks to neighboring developments or enhancing a bus stop adjacent to the development site.
- Consider amending the Shared Parking Reduction Factor table from the Bourne Zoning Bylaws or adding a secondary, downtown-specific table to include other relevant uses in the downtown area, such as restaurant, marina, or church.
- Create a toolkit of information about alternative ways for developers to meet parking requirements and host it on the 'Doing Business' page of the Town's website.

ATM 2020 – Downtown Parking

ARTICLE _____: To see if the Town will vote to amend the Bourne Zoning Bylaws relative to the Downtown Parking Regulations as follows, or take any other action relative thereto:

Sponsored: Planning Board

SECTION 2854. Parking Reduction Methods

Amend Section 2854 b) Off-Site Parking Credit by deleting 300 feet and replace with 1000 feet for public and private parking lots as follows:

- Off-Site Parking Credit - Parking requirements may be reduced by up to fifty percent (50%) with a Special Permit by the Planning Board if an off-street public parking lot of 20 spaces or more exists within ~~300~~ **1000** feet of the principal land use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of peak hour occupancy and usage. If this rule cannot be met, the applicant can secure private off-site parking within ~~500~~ **1000** feet of the site by ownership or lease with another landowner with the following conditions:

- The off-site parking will be shared by more than one landowner; and
- The greater distance is justified because of pedestrian traffic patterns and the vitality of the area that would be part of the walk.

***Purpose:** After reviewing projects in the Downtown and after a feasibility study identifying potential parking sites in the downtown. The Planning Board determined that public and privately owned parking lots within 1000 feet of a potential business could be considered to serve as an off-site parking credit.*

Source: Bourne's Drafted Downtown Parking Bylaw Changes (February 2020)

Figure DTD-7: Shared Parking Reduction Factor				
Function	with			Function
RESIDENTIAL				RESIDENTIAL
LODGING				LODGING
OFFICE		1	1	OFFICE
RETAIL	1.1	1.1	1.1	RETAIL
	1.4	1.7	1.7	
	1.2	1.3	1.3	
	1.2	1.2	1.2	
	1	1	1	

Source: Town of Bourne Zoning Bylaws (May 2014)

6. REVIEW AND AMEND PARKING RATIOS

As new or infill development increases in Bourne, higher-than-necessary parking requirements can result in the creation of new parking facilities that are unlikely to be utilized and potentially prevent opportunities for other uses to be developed that can support a range of Bourne's needs (e.g. new housing, landscaped or park areas to beautify downtown).

While the Downtown area currently has separate bylaw parking requirements from those for the rest of town, they are generally higher than typical national standards for the anticipated demand of uses in Bourne. It would therefore be beneficial to evaluate and potentially adjust the requirements as well as to adjust bylaw wording to better reflect Bourne's long-term vision.

To prevent the potential future addition of more new parking in areas

where there may be sufficient supply, the following is recommended:

- Reference study findings and national standards for appropriate and relevant parking ordinance wording that would be relevant to Bourne and its development goals
- Establish zoning and bylaw amendments prior to the adoption of current developments and proposals being considered for the downtown area. This will aid in setting the stage for long-term best practice.
- Reference national standards and study findings to amend ordinances to reduce requirement of parking spaces where reasonable, and to permit shared parking prior to finalization of upcoming development plans

A comparison of Bourne's parking requirements to national standards shows an undesirable mandate to oversupply Downtown.

Bourne Category	Bourne Parking Requirement	Equivalent ITE Category	ITE Requirement (based on 5 th edition)	Comparison to national standards
Multi-family (buildings with 3+ dwellings)	1.5 spaces per dwelling unit plus 1 guest space for every 10 units	Multi-family low-rise	1.21 spaces per unit	32% HIGHER
Senior citizen apartment or condominium building	1 space per unit plus 1 guest space per every 10 units	Senior Adult Housing Attached	.61 spaces per unit	80% HIGHER
General office	2 spaces per 1,000 SF NET	General Office	2.39 spaces per 1,000 SF GFA	~same
Medical or dental office	4 spaces per 1,000 SF NET	Medical or Dental Office	3.23 spaces per 1,000 SF GFA	~30% HIGHER
Retail/commercial use	2.5 spaces per 1,000 SF GFA	Retail- Shopping Center	1.93 per 1,000 SF GFA (peak demand M-TH)	30% HIGHER
Restaurant, café, bar, and other eating and drinking establishment	10 spaces per 1,000 SF GFA	High-turnover Sit Down Restaurant (Saturday)	6.5 per 1,000 SF GFA	54% HIGHER

7. PLAN FOR EXCEPTIONAL CIRCUMSTANCES

Based on estimates prepared for this study, the only periods when Bourne's downtown parking supply may reach near-capacity is during some of the town's larger, special events between mid-May and early September. Planning for these occurrences can increase the efficiency of available parking, improve safety through reduced traffic congestion from hunting for parking spaces, and improve the overall experience of visitors.

To ensure efficiency and best management of parking during unusual periods of demand, the following is recommended:

- Form a committee including representation from the Department of Public Works and the Cape Cod Regional Chamber for the development of an event parking plan and strategy
- Identify roles and responsibilities for landowner coordination, event organizers, traffic control, communication triggers, etc.
- Identify all planned events/days requiring a special parking plan
- Identify private facilities that can be publicly shared during events, including acceptable parking fees or in-kind benefits to landowners
- Identify potential existing parking facilities at the edge of town or adjacent to town that might be used for remote parking
- Identify existing services/drivers which might be a resource for providing shuttle service during events between remote parking and downtown locations, define a schedule and identify incentives
- Advertise the connection to particular destinations with a comprehensive signage and wayfinding approach
- Consider additional potential incentives to offer visitors to take transit, such as reduced fares during specific times
- Consider defining and implementing a paid parking zone during events at the most high-demand areas, and contributing the revenue towards a fund for parking operations/maintenance
- Evaluate parking lot utilization to understand effectiveness and need for adjustment in planning



Vehicles like these are ideal for frequent shuttling of people during busy periods.



Lots like this one just before the Route 6 bridge may be ideal candidates for hosting remote parking during special events.

8. DESIGNATE BIKE AREAS

Improving the networks for biking can reduce some need for driving for short trips (and some parking demand), particularly by encouraging bike riders of all skill levels. The existing bike rental shop on Main Street and Bourne's nearby bike trails are a perfect pairing, however on-street conditions need improvement in order for bikers to feel safe and comfortable using a bike for various destinations. In addition, there are few locations in downtown with bike parking available, and they may be difficult to locate.

To encourage the use of bicycles along Main Street and to help drivers become accustomed to sharing the road with other users, the following is recommended:

- Identify and designate a formal bike network that includes both on and off-street facilities
- Implement consistent pavement markings and signage that alert drivers and safely direct bicyclists (e.g. painted sharrows, Share the Road signs)
- Advertise the network with publicly-accessible maps and information through a variety of platforms
- Evaluate and make necessary safety improvements to roads that are likely connections for bicyclists to the new, proposed route
- Develop a program/strategy for achieving compliance with the Town's Bylaw requirements of one bicycle rack being provided for every 15 spaces, which may include a larger concentration of bike parking (corral) near areas of likely demand (e.g. Buzzard Bay Park)
- Identify a creative way (through color or design) of making the bike racks highly visible throughout town and complementary to the town's branding/wayfinding strategy



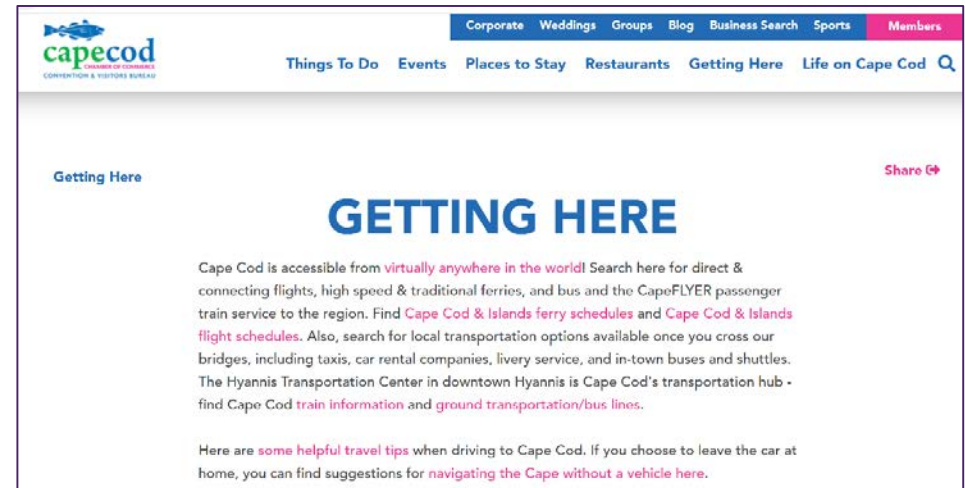
Examples of signage, marking, and bike parking solutions to make biking more safe and visible as a travel option.

9. IMPROVE EDUCATION ABOUT TRANSIT OPTIONS

Although, historically, Bourne's transit and rail services have been infrequent, recent and anticipated increases in service make them more feasible as travel options for visitors to Bourne and can aid in reducing some parking demand. As mentioned previously, the Bourne Run has recently more than doubled its frequency service and immediately saw a rise in ridership. Currently, there is little to no visibility of bus stop locations, however. Improved bus facilities may encourage ridership and reduce demand for local car trips. The Cape Cod Flyer provides another important travel mode for visitors coming from farther away. Although it is a seasonal service, only, ridership has increased every year for the past 8 years, implying that service frequency could also eventually increase. The years-long planning effort of the Commuter Rail feeder service between Middleborough and Bourne continues to make slow and steady progress, and may be realized in a few years.

To advertise the benefits and ensure the utilization of various forms of transit travel to and from Bourne, the following is recommended:

- Include information and a map on the 'Welcome' page of the Town's website to help residents and visitors understand the different modes available for traveling to and from Bourne.
- Increase signage at bus stops and display current bus schedules
- Improve clarity of pedestrian connections to bus stops with wayfinding and other visual cues
- Work with the CCRTA to identify options for encouraging first-time riders to experience the service (e.g., providing first-time ride for free, or discounted fare during special events/holidays)
- Work with the MMA to have information available to students both online and in print for available transit options and identify if any incentives are available for students that use transit for a portion of their journey
- Take a proactive part in existing regional discussions about service changes and how they can best be coordinated with specific needs arising from anticipated development



The Cape Cod Regional Chamber website provides travel information to visitors.



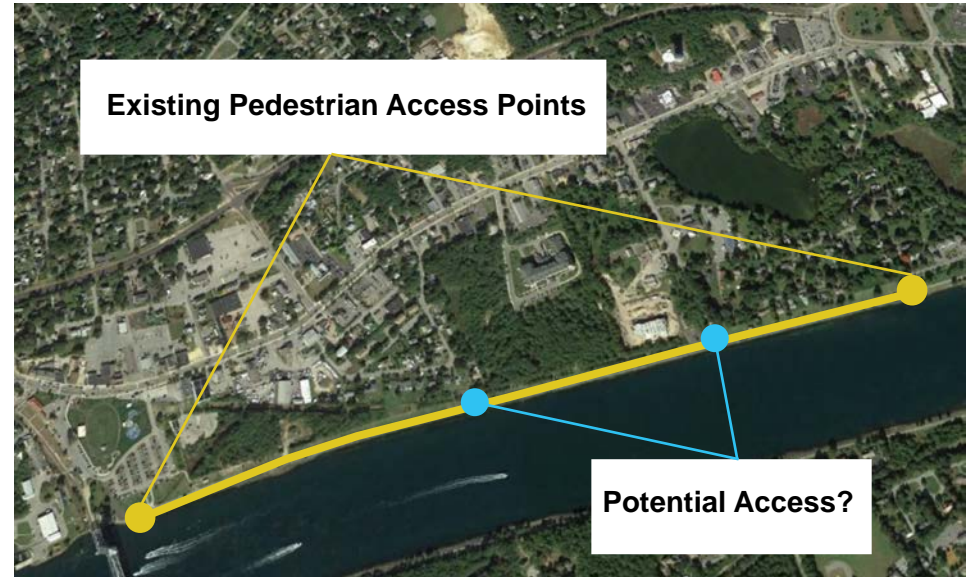
CCRTA Bourne Run bus and Cape Cod Flyer

10. IMPROVE CONNECTIVITY TO THE WATERFRONT

Bourne's proximity to the waterfront and Canal Service Road are a significant asset, with a high volume of people walking and biking along it to enjoy the scenery. With one mile between its only two pedestrian access points (Buzzard Bay Park to the west and Old Bridge Road to the east), it can be perceived as disjointed and inaccessible from downtown Bourne. As new development near Town Hall attracts more visitors and parking demand, improved connections to Downtown can reduce short-distance driving and parking impact.

To increase the walkability and bikability to more destinations along Main Street, as well as to help pedestrians and bicyclists navigate easier to/from the waterfront, the following is recommended:

- As part of an overall town wayfinding strategy, include signage leading up to and at access points between Main Street and Canal Service Road directing people to multimodal paths and destinations (e.g. 'Bourne Bridge 5 minute walk', 'Bike path continues along Main Street')
- Identify all potential locations along Canal Service Road that could provide a desirable and logical pedestrian connection opportunity.
- Work with developers to build these connections as part of their concepts or as an incentive to reduce their on-site parking requirements.
- Work with planners and the Regional Chamber to develop and advertise a self-guided walking tour (map or app) to encourage visitor interaction with other areas of Main Street



The blue areas identified might be desirable and easy to connect locations for increasing access options between Main Street and the waterfront.



Canal Service Road attracts pedestrians and bicyclists who may also want to visit destinations along parallel Main Street.

11. ALLOCATE PARKING SPACES FOR ALL TYPES OF USERS

Parking should be accessible to all users, particularly those with mobility challenges requiring unimpeded access between their vehicles and the main entrance of their destinations. Currently, there is only 1 defined ADA space on-street in the entirety of the study area, however on-street spaces at many locations are located nearer the access point of destinations than the lots nearby these facilities. As technology spreads, the town may also see an increase in demand for other types of parking, such as for electric vehicles (EV) and electric scooters.

The design of parking goes hand in hand with planning for the right types. Thinking of parking as an extension of Bourne's buildings should encourage creative solutions about how to make parking more attractive and integrated into the context of downtown.

In order to guarantee nearby parking access to key destinations for people with mobility issues and improve the visual integration of parking, the following is recommended:

- Use the data from this survey to understand whether off-street parking facilities are providing the required amount of handicapped parking spaces according to the Handicapped Parking Regulations from the Town's Bylaws as a guide
- Using the Town's bylaws, identify the locations of desirable ADA parking spaces based on the number of existing on-street spaces available. Work with the Council on Aging for potential need for a higher concentration of ADA spaces near their facility.
- Conduct a survey of walking conditions along Main Street to identify any potential barriers (e.g., unlevel sidewalk, lack of access ramp) for those with mobility challenges moving from a vehicle parked on-street to the access point of a building.
- Allocate funds for striping the identified spaces and include them in a current map of the town's available parking spaces by type.
- Create an accompanying document to the Town's parking standards that provides design techniques/examples for alternative surfacing options, landscaping/stormwater treatments, etc.

Handicapped Parking Regulations

<u>Total Spaces</u>	<u>Required HP Spaces</u>
1-25	1 Space
26-40	5% but not less than 2 spaces
41-100	4% but not less than 3 spaces
101-200	3% but not less than 4 spaces
201-500	2% but not less than 6 spaces
501-1000	1.5% but not less than 10 spaces
1001-2000	1% but not less than 15 spaces
2001-5000	.75% but not less than 20 spaces
5001-	.50% but not less than 30 spaces

Section 3.1.33 of the Town's Bylaws (2019)



Drivable permeable pavers are an attractive and low-maintenance alternative to asphalt.

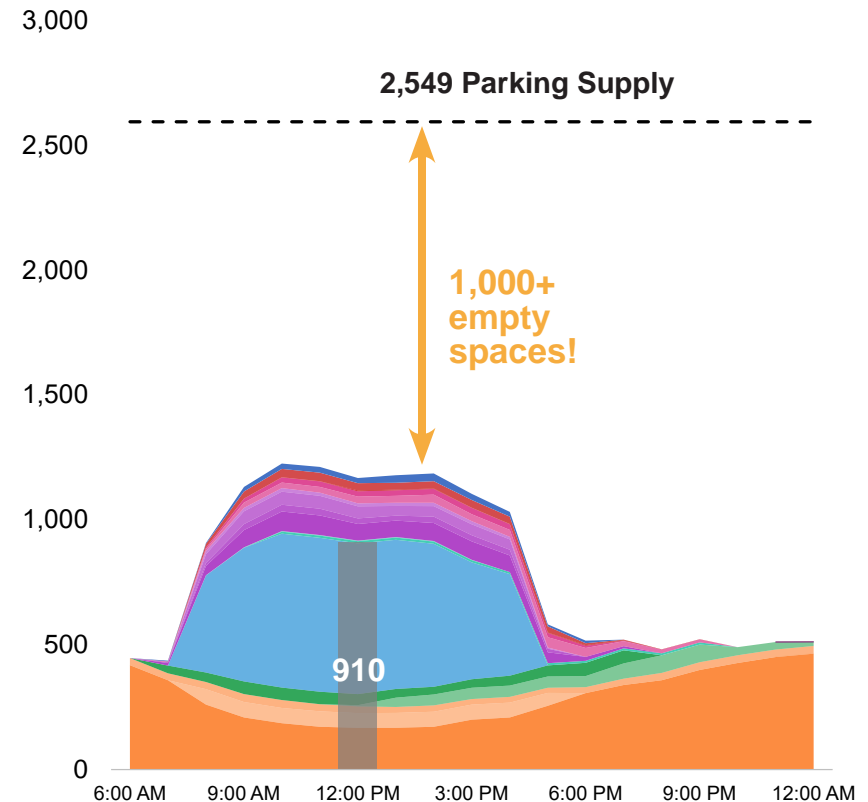
12 RECOMMENDATION | IDENTIFY THE NEED FOR A FUTURE PARKING STRUCTURE

12. IDENTIFY THE NEED FOR A FUTURE PARKING STRUCTURE

Although the data from this study concludes that there is no current need for new parking facilities to be built, the location and scale of future parking demands may warrant consideration of a parking structure to help centralize the parking of specific users (e.g., tourists, MMA students) and manage demand with the rest of the parking network.

In order to have a better understanding of Bourne's parking needs in the context of potential expansion of supply, the following is recommended:

- Identify the true cost vs. value of potential new parking spaces. The cost to build additional facilities may go much farther towards other town improvements that can actually reduce parking demand.
- Identify what kind of triggers (e.g., parking utilization, number of types of parkers, etc) would initiate the need to consider building a new facility
- Identify the partnerships needed in order to plan for, fund, and manage a new facility



As shown in an earlier section, there is significant availability of parking spaces in typical conditions today, based on both the demand anticipated by existing land uses and the actual demand demonstrated by observed utilization.

In 2019, the median construction cost for a new parking structure was \$21,500 per space and \$64.77 per square foot, increasing 5.1% over 2018 (not including land acquisition or opportunity costs).

Source: WGI

13. MAINTAIN AND UPDATE PARKING STUDY INFORMATION

Throughout the Bourne Downtown Parking Strategy Plan process, useful data and information was collected both on the ground, through research, and through stakeholder discussions. One of the most useful tools from a parking plan is having knowledge that can be carried forward and used to support other efforts for the Town, including changes to development or adjustments to roadway infrastructure.

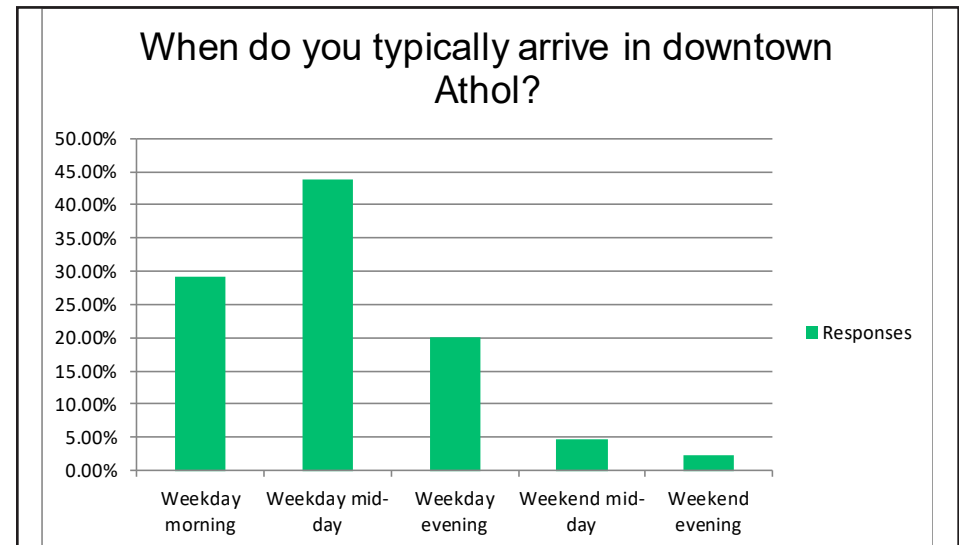
Some of the benefits of data from this plan include:

- Removing the need to “start from scratch” in data needs for future studies/plans
- Ground-truthing perceived issues
- Inform priorities and identify solutions likely to garner support

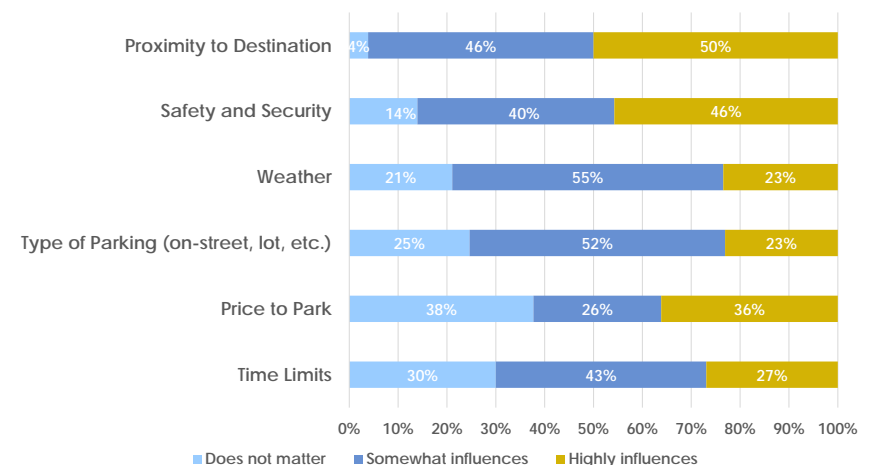
Because this effort was conducted during a year with atypical conditions as a result of COVID-19, the team had to rely on data from recent years. As a result, conditions or information which may have influenced 2020 parking results and conclusions (had data collection been possible), are unknown factors.

To maintain an ongoing, accurate understanding of Bourne’s parking needs and challenges, the following is recommended:

- Identify information/data analyzed in this report that is likely to fluctuate over a period of time (e.g. parking counts)
- Identify a reasonable time period for regular updates but prioritize updating counts once typical conditions have returned to the Town following the phasing out of COVID-19 impacts
- Identify potential staff/committee that can help update data
- As new data and information is gathered, analyze it together with the findings and recommendations from this report to identify whether adjustment of strategies may be necessary
- During data collection or when potential changes are considered for the parking system, conduct public surveys to help shape decisions and understand better what is happening on the ground



When looking for a space to park, how do the following factors influence your choice?



Sample survey question and results



APPENDICES

Town of Bourne | **DRAFT** Bourne Downtown Parking Strategy Plan 53



54 Town of Bourne | **DRAFT** Bourne Downtown Parking Strategy Plan

Town of Bourne | **DRAFT** Bourne Downtown Parking Strategy Plan 55



APPENDIX B | SAMPLE SHARED PARKING AGREEMENTS

Model - Shared Use Agreement for Parking Facilities

This Shared Use Agreement for Parking Facilities, entered into this ____ day of _____, _____, between _____, hereinafter called lessor and _____, hereinafter called lessee. In consideration of the covenants herein, lessor agrees to share with lessee certain parking facilities, as is situated in the City of _____, County of _____ and State of _____, hereinafter called the facilities, described as: [Include legal description of location and spaces to be shared here, and as shown on attachment 1.]

The facilities shall be shared commencing with the ____ day of _____, _____, and ending at 11:59 PM on the ____ day of _____, _____, for [insert negotiated compensation figures, as appropriate]. [The lessee agrees to pay at [insert payment address] to lessor by the ____ day of each month [or other payment arrangements].] Lessor hereby represents that it holds legal title to the facilities

The parties agree:

1. USE OF FACILITIES

This section should describe the nature of the shared use (exclusive, joint sections, time(s) and day(s) of week of usage.

-SAMPLE CLAUSE-[Lessee shall have exclusive use of the facilities. The use shall only be between the hours of 5:30 PM Friday through 5:30 AM Monday and between the hours of 5:30 PM and 5:30 AM Monday through Thursday.]

2. MAINTENANCE

This section should describe responsibility for aspects of maintenance of the facilities. This could include cleaning, striping, seal coating, asphalt repair and more.

-SAMPLE CLAUSE-[Lessor shall provide, as reasonably necessary asphalt repair work. Lessee and Lessor agree to share striping, seal coating and lot sweeping at a 50%/50% split based upon mutually accepted maintenance contracts with outside vendors. Lessor shall maintain lot and landscaping at or above the current condition, at no additional cost to the lessee.]

3. UTILITIES and TAXES

This section should describe responsibility for utilities and taxes. This could include electrical, water, sewage, and more.

-SAMPLE CLAUSE-[Lessor shall pay all taxes and utilities associated with the facilities, including maintenance of existing facility lighting as directed by standard safety practices.]

4. SIGNAGE

This section should describe signage allowances and restrictions.

-SAMPLE CLAUSE-
[Lessee may provide signage, meeting with the written approval of lessor, designating usage allowances.]

5. ENFORCEMENT

This section should describe any facility usage enforcement methods.

-SAMPLE CLAUSE-[Lessee may provide a surveillance officer(s) for parking safety and usage only for the period of its exclusive use. Lessee and lessor reserve the right to tow, at owners expense, vehicles improperly parked or abandoned. All towing shall be with the approval of the lessor.]

6. COOPERATION

This section should describe communication relationship.

-SAMPLE CLAUSE-[Lessor and lessee agree to cooperate to the best of their abilities to mutually use the facilities without disrupting the other party. The parties agree to meet on occasion to work out any problems that may arise to the shared use.]

7. INSURANCE

This section should describe insurance requirements for the facilities.

-SAMPLE CLAUSE-[At their own expense, lessor and lessee agree to maintain liability insurance for the facilities as is standard for their own business usage.]

8. INDEMNIFICATION

This section should describe indemnification as applicable and negotiated. This is a very technical section and legal counsel should be consulted for appropriate language to each and every agreement.

-NO SAMPLE CLAUSE PROVIDED-

9. TERMINATION

This section should describe how to or if this agreement can be terminated and post termination responsibilities.

-SAMPLE CLAUSE-[If lessor transfers ownership, or if part of all of the facilities are condemned, or access to the facilities is changed or limited, lessee may, in its sole discretion terminate this agreement without further liability by giving Lessor not less than 60 days prior written notice. Upon termination of this agreement, Lessee agrees to remove all signage and repair damage due to excessive use or abuse. Lessor agrees to give lessee the right of first refusal on subsequent renewal of this agreement.]

10. SUPPLEMENTAL COVENANTS

This section should contain any additional covenants, rights, responsibilities and/or agreements.

-NO SAMPLE CLAUSE PROVIDED-

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date Set forth at the outset hereof.

[Signature and notarization as appropriate to a legal document and as appropriate to recording process negotiated between parties.]



LICENSE AGREEMENT

This Agreement is executed as of _____, 2006 by and between **BOSTON EDISON COMPANY** a Massachusetts corporation and electric company having its principal place of business at 800 Boylston Street, Boston, Massachusetts 02199, hereinafter called the "Licensor", and the **TOWN OF LEXINGTON**, a Massachusetts municipal corporation, having a principal place of business at 1625 Massachusetts Avenue, Lexington, MA 02420, hereinafter called the "Licensee".

RECITALS:

WHEREAS, Licensor is the owner of a certain parcel of real property (the "Property") with an address of 4 Grant Street in the Town of Lexington, Middlesex County, Massachusetts, by virtue of deeds and other instruments recorded in the Middlesex South District Registry of Deeds, including but not limited to Book 3749, Page 370, Book 3773, Page 318, Book 5184, Page 296, and Book 5198, Page 21.

WHEREAS, the Licensee has requested permission from the Licensor to make use of a portion of the Property, said portion located outside the Licensor's electrical substation, hereinafter referred to as the "Licensed Area", which Licensed Area is shown on a plan entitled "Conceptual Parking Plan, 4 Grant Street, Lexington" attached hereto as Exhibit A, for the specific purpose of constructing, maintaining and operating a public, municipal parking lot.

WHEREAS, Licensor is willing to permit the use of the Licensed Area by the Licensee for such purposes, but only upon the terms and conditions hereinafter set forth; and

NOW THEREFORE, for and in consideration of such permission and the payments to Licensor described herein, Licensor and Licensee hereby agree as follows:

1. Licensee, its agents, contractors, employees, and invitees, including members of the public, may enter upon and use the Licensed Area for the purpose of constructing, maintaining, operating and utilizing a municipal parking lot. No other activity on the Licensed Area (specifically including, but without limitation, (a) maintenance, servicing or repair of motor vehicles, or (b) storage of vehicles, other equipment, machinery, or parts) is permitted hereby (with the exception of initial construction activity to prepare the Licensed Area for said permitted use, said construction activity shall proceed as set forth in Section 6). In its sole discretion, Licensor reserves the right under this Section to require Licensee to relocate or remove from the Licensed Area any item Licensor deems reasonably necessary to protect its electric facilities and operations. Upon verbal or written notice by Licensor to Licensee, Licensee shall relocate or remove any such items from the Licensed Area as soon as possible, but in all events within 24 hours.
2. Licensee, its agents, contractors, employees and invitees, shall have the right of ingress and egress over, across and upon the Licensed Area as necessary for the uses permitted hereby.
3. This License shall commence upon the issuance of all approvals and permits from the Town of Lexington or any other entity required by law for the

construction and operation of the Licensed Area for the specific and limited purposes stated herein, and shall continue for three (3) years from the earlier of (a) the date construction is completed and the lot is ready for use, as established by notice given by Licensee to Licensor, or (b) eighteen (18) months after the date of execution hereof (herein the "Construction Completion Date"). After the expiration of the Initial Term, absent a notice of termination pursuant to Section 5 below, the term shall automatically renew for successive periods of one (1) year each. The Licensee shall give the Licensor written notification of its receipt of all the necessary permits and approvals. In the event the Licensee is unable to obtain all necessary approvals and permits required by law within 12 months of the execution of this Agreement, this Agreement shall become null and void, unless the parties agree to extend this period, without any recourse for the Licensee at law or in equity.

4. Licensee agrees, beginning on the Construction Completion Date of this License, to pay Licensor an annual rental equal to Nine Thousand Six Hundred Dollars (\$9,600.00) per year, payable to Licensee in monthly installments of Eight Hundred Dollars (\$800.00). After year three, and every year thereafter, the annual fee of this License shall be increased by three (3%) percent over the previous year's rent until the termination or expiration date of this License.
5. After the expiration of the Initial Term, Licensor and Licensee shall each have the right to terminate this License at any time, for any or no stated reason, by written notice to the other party. The effective date of such termination shall be one (1) year from the date of the notice of termination, regardless of any then effective renewal term. Notwithstanding any other provision of this License, the parties intend that this Agreement constitute a terminable license, and no interest in real property is created hereby. The Licensor does not hereby dedicate the Property or the Licensed Area to public use.
6. Prior to any installation, preparation, or construction by Licensee of the Licensed Area to accommodate said municipal parking lot, Licensee shall submit plans to Licensor for approval detailing all work to be performed at the Licensed Area. Such approval shall not be unreasonably withheld or delayed. Once approved by Licensor, any such plans will be incorporated as Exhibit B to this Agreement. Licensee agrees to follow any guidelines reasonably set forth by the Licensor, and Licensee shall coordinate any initial construction work in the Licensed Area with the Licensor. Licensee further agrees to reimburse Licensor for all costs associated with any construction activities (including but not limited to Licensor's supervision of said construction activities).
7. It is agreed that Licensee shall not erect or permit any structures or improvements upon, and that Licensee shall make or permit no uses of the Licensed Area, other than those improvements and uses expressly permitted in this License.
8. During the term of this Agreement, Licensee shall maintain the Licensed Area in good order and condition in all respects, free from snow, ice, trash and debris or other nuisance. Prior to the effective date of the termination of this Agreement, Licensee shall remove its personal property and, if necessary, restore the Licensed Area to the same condition as it was in (other than changes made by the



APPENDIX B | SAMPLE SHARED PARKING AGREEMENTS

Licensor) prior to Licensee's use. All vehicles will be removed prior to termination.

9. By granting this License, Licensor does not represent or warrant that the Licensed Area is appropriate, safe or suitable for the proposed use, or that it may be used for the purposes specified herein under applicable zoning, environmental or other laws or regulations, nor does Licensor undertake to make the Licensed Area appropriate, safe or suitable for such use, or to obtain any permits, licenses or approvals of any governmental authority which may be required to permit such use. Licensee shall obtain any and all necessary governmental permits, licenses and approvals at its sole cost and expense prior to the commencement of any use of the Licensed Area and Licensor shall cooperate in any efforts by Licensee to obtain any such permits so long as there is no cost or expense for Licensor that is not paid by Licensee. Licensee shall notify Licensor of its intentions to obtain said permits, licenses and approvals and shall provide copies of the same once received.
10. In exercising its rights under this License, Licensee shall at all times and in all respects comply with all applicable laws, ordinances, rules and regulations of all governmental authorities having jurisdiction and shall comply with all licenses and permits or other approvals issued to it by a governmental authority.
11. Licensee hereby represents and warrants, and it is hereby made a condition of this License, that the use of the Licensed Area by Licensee shall not result in the release of any oil or hazardous materials (other than non-reportable quantities associated with typical leaks from automobiles and construction equipment in the ordinary course of operation), as those terms are defined in the Massachusetts Contingency Plan, 310 CMR 40.000, et seq. In the event of any breach of the foregoing warranty and condition by Licensee, Licensor shall, in addition to the right to terminate this License and seek damages, have the benefit of the indemnity provision set forth in Section 12, and injunctive relief.
12. Licensee acknowledges that the Licensed Area is situated in close proximity to an operating electrical substation, which carries inherent risks associated with high voltage operations. Accordingly, to the greatest extent permitted by law, the Licensee, for itself and its agents, contractors, employees, and invitees, hereby releases and shall indemnify, defend and save harmless the Licensor, its officers, agents and employees from and against all demands, claims, actions, damages, costs, expenses, losses or liability whatsoever in any manner resulting from or arising out of the actions of any person with respect to the Licensed Area or the use thereof, or in any manner resulting from or arising out of the use of the Licensed Area by any person, including, without limitation, any failure of any person to comply with any applicable laws or regulations, except to the extent that such liability results from the gross negligence or willful misconduct of the Licensor, its employees, agents or contractors. This provision shall survive the termination of this License.
13. Licensee shall procure and maintain at its expense, at all times during the term of this License Agreement, public liability insurance, including personal injury and property damage, in amounts of \$4,000,000 combined single limit, against all claims and demands of any injury to person or property which may occur or

be claimed to have occurred on the property of the Licensor as the result of the use of the Licensed Area by any person. Licensor shall be designated as an additional insured party in such policy. Licensee shall also maintain workers compensation insurance in statutory amounts as required by Massachusetts law. The Licensee shall, before entry upon the Licensed Area for the purposes herein set forth, furnish the Licensor (to the address listed in Section 15) with a valid certificate of such insurances reasonably satisfactory to it. Such policies shall specify that they are not cancelable except upon twenty (20) days' prior written notice to the Licensor.

14. Licensee agrees that in the event a public health, safety or security emergency should arise as determined at the sole discretion of the Licensor, the Licensor, its officers, agents and employees, shall have the right to enter upon the Licensed Area, and undertake whatever action may be necessary, in the Licensor's discretion, to alleviate the emergency, including but not limited to requiring the temporary suspension of Licensee's use and occupancy of the Licensed Area. If in connection therewith Licensor requires the removal of any vehicles, Licensor shall notify Licensee thereof and effect such removal in a safe and reasonable manner. In the event the vehicles need to be removed at any time the Licensor shall contact the Town DPW Department at 1-781-862-0500 to effectuate said removal.
15. Notices, statements and other communications to be given under the terms of this License shall be in writing and delivered by hand against receipt, or sent by first class mail and addressed as follows:

If to Licensor:

Boston Edison Company
Real Estate Department
One NSTAR Way, SE-210
Westwood, MA 02090
Attn: Real Estate Manager
Fax: (781) 441-8909

If to the Licensee:

Town of Lexington
Lexington Town Hall
1625 Massachusetts Avenue
Lexington, MA 02420
Attn: Town Manager
Fax: (781) 861-2921

16. This License is personal to the Licensee, and Licensee shall have no right to assign or transfer its rights and obligations hereunder, in whole or in part to any other person. This provision does not preclude use of the Licensed Area as contemplated hereby.



17. This License contains all the agreements of the parties with respect to the subject matter thereof and supersedes all prior agreements and dealings between them with respect to such subject matter.
18. Licensee acknowledges and agrees that the Licensor shall at all times have convenient and unimpeded access to its electrical substation or any other structures and equipment, which are now or may hereinafter be installed by Licensor within the Licensed Area.
19. Licensee acknowledges that the Licensor will not be providing, and is under no obligation to provide, any security or lighting for the Licensed Area.
20. In the event that the Licensor's Property or a material portion of the Property of which the Licensed Area are a part, shall be taken by any public authority or for any public use, or shall be destroyed or damaged by fire or casualty, or by action of any public authority, then this License shall terminate with respect to the taken, damaged or destroyed area, effective on the date when title vests in the condemning authority, or when the casualty occurs.
21. Irrespective of the form in which recovery may be had by law, all rights to damages or compensation for a taking or casualty for the Licensed Area shall belong to Licensor in all cases. Licensee hereby grants to Licensor all of Licensee's rights to such damages and covenants to deliver such further assignments or endorsements as Licensor may from time to time request.
22. In connection with Licensee's use and maintenance of the Licensed Area, the Licensee shall not endanger or damage the existing buried transmission lines, cad weld connections, grounding grid system or any other structures and equipment in the Licensed Area which are now or may hereafter be installed within the Licensed Area, all being the property of the Licensor. In the event that such damage should nevertheless occur resulting from an act, omission or negligence of Licensee, its agents, contractors and employees, the Licensee shall forthwith notify the Licensor, by calling the Licensor's System Dispatcher at the Licensor's Boston Service Center (telephone number 617-541-7833), so that immediate repairs may be made, and shall also promptly reimburse the Licensor upon request for all reasonable costs or expenses incurred by it in repairing or replacing any such damage to said structures and equipment or to any other property of the Licensor.
23. **ADDITIONAL PROVISIONS:**
 - a. Licensee shall post a sign on the Property restricting access to Licensor's existing parking area behind the electrical substation building. The sign shall read "No vehicles beyond this point, NSTAR vehicles only".
 - b. The Licensee shall perform snow plowing, ice and litter removal for the entire portion of the Property that is outside the substation fence and that includes the Licensed Area, including snow removal on the public sidewalks outside the substation and substation fencing.

- c. Licensee agrees to deal with any and all comments, questions or complaints from any abutters and or the general public with regards to the Licensed Area and its permitted use as set forth herein.

IN WITNESS WHEREOF, the parties have executed this License Agreement as a sealed instrument by and through their respective duly authorized representatives, as of the day and year first above written.

LICENSOR:

BOSTON EDISON COMPANY

By: _____
Donald Anastasia
Assistant Treasurer

LICENSEE:

TOWN OF LEXINGTON

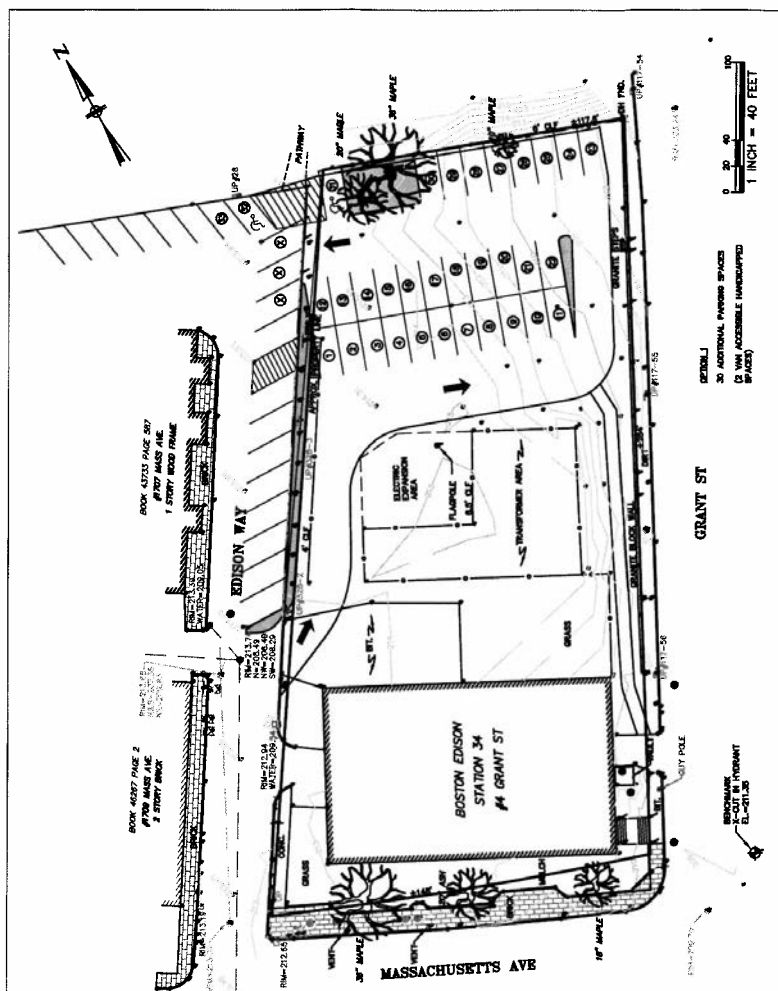
By: _____
Name: Carl F. Valente
Title: Town Manager



APPENDIX B | SAMPLE SHARED PARKING AGREEMENTS

Exhibit A

Conceptual Parking Plan
4 Grant Street, Lexington



DRAFT

PARKING EASEMENT AND MAINTENANCE AGREEMENT

Preamble and Recitals

This Agreement is entered into on _____ 2014 by and between Church of the Ascension, hereafter referred to as "Church," and Congregation Beth David, a California Non-Profit Religious Corporation, hereafter referred to as "Synagogue." Together, Church and Synagogue may be identified as the "Parties" herein.

A. Whereas, Church is the owner of certain real property situated in the City of Saratoga, Santa Clara County, California (hereafter referred to as "Parcel 1"), commonly known as 12033 Miller Rd., Saratoga, CA 95070, APN: _____ and more particularly described in Exhibit A, which is attached to this Agreement and hereby incorporated by reference.

B. Whereas, Synagogue is the owner of certain real property situated in City of Saratoga, Santa Clara County, California (hereafter referred to as the "Parcel 2"), commonly known as 19700 Prospect Rd., Saratoga, CA 95070, APN: 386-35-071 and 386-35-070 and more particularly described in Exhibit B, which is attached to this Agreement and hereby incorporated by reference.

C. Whereas, since the early 1970s, Church and Synagogue have shared parking and maintenance costs for those portions of Parcel 1 and Parcel 2 that are identified as a parking lot, as described by the parking diagram attached hereto as Exhibit C, and incorporated herein by reference. This Agreement is intended to memorialize the long-standing agreement in writing.

NOW, THEREFORE, in consideration of the mutual benefits bestowed by this Agreement, the Parties acknowledge that the above recitals are true and correct, and hereby agree to:

Grant of Easement

1. Church grants to Synagogue, and Synagogue grants to Church cross-easements, for parking on the terms and conditions set forth in this Agreement.

Description of Easement

2. The easement granted in this Agreement is an easement for parking on the cross-hatched areas identified in the Parking Lot Diagram attached hereto as Exhibit C.

A. Synagogue grants to Church the right to park on Synagogue's parking lots at any time where Church's parking needs exceed the available spaces on Church's own lots, (for example, but not limited to: Christmas and Easter);

Parking Easement and Maintenance Agreement
Page 1 of ____
Ver. 1



B. Church grants Synagogue the right to park on Church's parking lots at any time where Synagogue's parking needs exceed the available spaces on Synagogue's own lots, (for example, but not limited to the Jewish High Holy Days).

C. Church grants to Synagogue an easement for shared use of the middle section of the parking lot indicated on the cross-hatched areas set forth in Exhibit C, attached and incorporated herein as if fully set forth.

Maintenance of Easement

3. The Parties may establish and assign maintenance, insurance and other obligations to each other that may be mutually acceptable without an amendment of this Agreement.

Indemnity

4. Synagogue will indemnify and defend Church for any claims filed by a visitor to Synagogue who utilizes Church's parking areas and files a claim against Church. Church will indemnify and defend Synagogue for any claims filed by a visitor to Church who utilizes Synagogue's parking areas and files a claim against Synagogue.

Attorneys' Fees

5. If any legal action or proceeding arising out of or relating to this Agreement is brought by either party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses incurred in the action or proceeding by the prevailing party.

Entire Agreement

6. This Agreement constitutes the entire agreement between Church and Synagogue relating to the above easement. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Church and Synagogue.

Binding Effect

7. This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantor and Grantee.

Executed on _____ [date].

CHURCH OF THE ASCENSION

By: _____, it's _____

Parking Easement and Maintenance Agreement
Page 2 of ____
Ver. 1

CONGREGATION BETH DAVID

By: _____, it's President

Notary Acknowledgment

Attachments:
Exhibit A, Legal Description for Church
Exhibit B, Legal Description for Synagogue
Exhibit C, Parking Diagram

Parking Easement and Maintenance Agreement
Page 3 of ____
Ver. 1



APPENDIX B | SAMPLE SHARED PARKING AGREEMENTS

EXHIBIT A
Legal Description
Church of the Ascension

[to be supplied by the Church]

Parking Easement and Maintenance Agreement
Page 4 of ____
Ver. 1

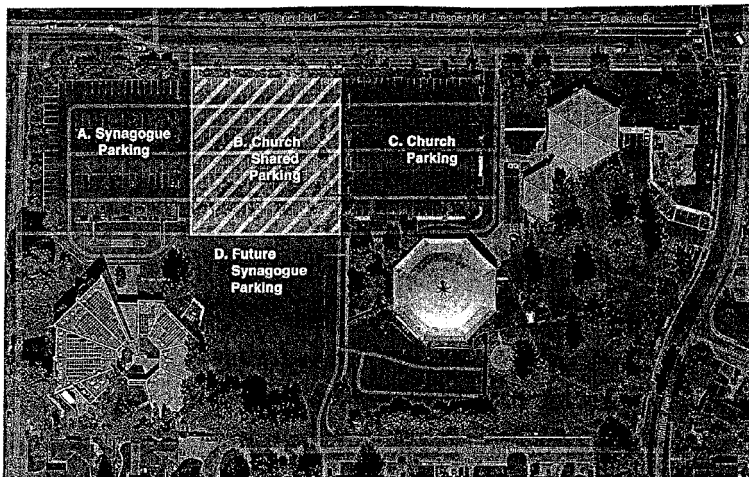
Exhibit B
Legal Description
Congregation Beth David

[to be supplied by Beth David]

Parking Easement and Maintenance Agreement
Page 5 of ____
Ver. 1



Exhibit C
Parking Easement Diagram



Parking Easement and Maintenance Agreement
Page 6 of ____
Ver. 1



Town of Bourne
Interdepartmental Advisory Form



Start Date:	4/22/2021
Owner/Applicant:	Paul and Madeline Stenberg, 435 Circuit Avenue, Pocasset
Project Location:	Circuit Avenue - section of Circuit Ave between Pequot Ave & Kennebec between house numbers 425-457 on June 26, 2021 from 3-8 p.m.
Nature of Request:	Wedding reception for daughter with a clambake. Attached is the full application.
Liability Insurance Naming Town of Bourne as Additional Insured	Has applicant provided insurance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Map:	47.1	Parcel:	7.00	District:	
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☐ **Engineering:**

Date of Recording:		Lot Area:		Frontage:		Zone:	R40
Resource District:		Town Road:	Yes	Paved:	Yes	Contiguous Lots:	No
Flood Zone:	AE 15'	Within 100' of Wetland:	Yes				

Owner:
Remarks:

4/22/2021 Timothy P Lydon
Date Department Head

☐ **Planning Department:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks: No issues for the Planning Dept.

4/22/21 Coreen V. Moore
Date Town Planner

☐ **Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/29/2021 SSStrojny/ag
Date Board Member

☐ **Conservation Commission:** ☐ **Must File** ☐ **Determination** ☐ **Notice of Intent**
☒ **Need not File**

Remarks: No structures are allowed to be erected on the beach without a permit and no porti-potties within 100' of the water.

04/26/2021 Samuel Haines
Date Conservation Agent

☐ **Board of Health:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/22/2021 K.Shea
Date Health Agent

☐ **Building Inspector:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/29/2021 KMurphy/ag
Date Building Inspector

☐ **Sewer Commissioners:** ☐ **Approved** ☐ **Disapproved** ☒ **Not Under Sewer Jurisdiction**

Remarks:

4/28/2021 mquinn(njs)
Date Department Head

☐ **Town Collector:** ☐ **Outstanding Taxes** ☒ **Taxes Paid In Full**

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

4/28/2021 A Dastous
Date Town Collector

☐ **Town Clerk:**
If not corporation has business certificate been issued? ☐ **Yes** ☒ **No**

Remarks: Not Applicable

4/22/2021 CCobb
Date Clerk's Office

☐ **Assessors:**
This individual has (have) completed the Form of List? ☐ **Yes** ☐ **No**

Remarks: NA

4/28/2021 JPotter

Date

Assessors Office

☐ Department of Public Works: ☒ Approved ☐ Disapproved ☐ Not Under DPW Jurisdiction

Remarks:

4/22/2021

Matthew Quinn

Date

Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

4/23/2021

Chris Southwood

Date

Department Head

☐ Recreation Department: ☐ Concur ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

4/22/2021

Krissanne M. Caron

Date

Department Head

☐ Police Department: ☒ Concur ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks: Access for emergency vehicles must be maintained. Appropriate barriers/signage should be in place indicating closure.

4/23/2021

Lt. Stowe

Date

Department Head

☐ Fire Department: ☒ Concur ☐ Does Not Concur

Remarks: Access for emergency vehicles must be provided if necessary.

4/22/2021

Department Head

☐ Board of Selectmen: ☐ Concur ☐ Does Not Concur

Remarks:

Date

Chairman



Town of Bourne Interdepartmental Advisory Form



Start Date:	4/16/2021
Owner/Applicant:	Beth Agrillo [baa136@gmail.com] - [mobeachcivicassoc20@gmail.com] Monument Beach Civic Associates
Project Location:	Monument Beach Fire Station
Nature of Request:	<p>July 12, 2021 6:00-7:30 p.m. [MMBA arriving at 4:00 p.m. for setup] Ice Cream Social</p> <p>The newly revived Monument Beach Civic Associates (501c3) is seeking approval to host a small socially distant ice cream social for the Monument Beach Community at the Monument Beach fire station on July, 12th. Members of the association will be present to strictly enforce the safety guidelines issued by the state and detailed below.</p> <ul style="list-style-type: none"> * MBCA will provide tables spaced no less than 6' apart for families to sit at if families choose to sit. * MBCA will provide paper towels, hand sanitizer, disinfectant and garbage receptacles and ensure all trash is carried out. * MBCA will disinfect each table after each use with a EPA-registered disinfectant while wearing gloves. * All MBCA volunteers will wear masks and encourage others to do the same if a distance of 6' cannot be kept. * We will clearly mark the "entrance only" so we can easily count attendants if there is a cap limit at the time of the social. <p>In addition to hand-written posted signs encouraging distancing, mask wearing and the use of hand sanitizer, MBCA members will be on-site for the duration of the event in easily identifiable Monument Beach tee-shirts to enforce all of the above explained policies. MBCA will adapt to any and all covid guidelines that are put in place after our request letter.</p> <p>Public safety is our paramount concern, and we look forward to safely bringing events back to our beloved community.</p> <p>We are happy to answer any questions, Monument Beach Civic Association Board of Directors</p>
Liability Insurance Naming Town of Bourne as Additional Insured	Has applicant provided insurance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Map:	30.4	Parcel:	99.00	District:	
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☐ **Engineering:**

Date of Recording:	5/11/1960	Lot Area:	4500sf	Frontage:		Zone:	VB
Resource District:	No	Town Road:	Yes	Paved:	Yes	Contiguous Lots:	No
Flood Zone:	X	Within 100' of Wetland:	No				

Owner:
Remarks:

4/20/2021
Date

Timothy P Lydon
Department Head

☐ Planning Department: ☒ Concur ☐ Does Not Concur

Remarks:

4/20/2021 Coreen V. Moore
Date Town Planner

☐ Planning Board: ☒ Concur ☐ Does Not Concur

Remarks:

4/20/2021 SStrojny/ag
Date Board Member

☐ Conservation Commission: ☐ Must File ☐ Determination ☐ Notice of Intent
☒ Need not File

Remarks:

04/2/2021 Samuel Haines
Date Conservation Agent

☐ Board of Health: ☒ Concur ☐ Does Not Concur

Remarks:

4/22/2021 K.Shea
Date Health Agent

☐ Building Inspector: ☒ Concur ☐ Does Not Concur

Remarks:

4/20/2021 KMurphy/ag
Date Building Inspector

☐ Sewer Commissioners: ☒ Approved ☐ Disapproved ☐ Not Under Sewer Jurisdiction

Remarks: not under my jurisdiction

4/26/2021 Matt Quinn (njs)
Date Department Head

☐ Town Collector: ☐ Outstanding Taxes ☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

4/26/2021

A Dastous

Date

Town Collector

☐ **Town Clerk:**

If not corporation has business certificate been issued? ☐ Yes ☒ No

Remarks: Not Applicable

4/20/2021

CCobb

Date

Clerk's Office

☐ **Assessors:**

This individual has (have) completed the Form of List? ☒ Yes ☐ No

Remarks:

4/26/2021

rpereira

Date

Assessors Office

☐ **Department of Public Works:** ☒ Approved ☐ Disapproved ☐ Not Under DPW Jurisdiction

Remarks: not under my jurisdiction

4/26/2021

Matt Quinn (njs)

Date

Department Head

☐ **Department of Natural Resources:** ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

4/23/2021

Chris Southwood

Date

Department Head

☐ **Recreation Department:** ☐ Concur ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

4/20/2021

Krissanne M. Caron

Date

Department Head

☐ **Police Department:** ☒ Concur ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

4/28/2021

Lt. Brandon M. Esip

Date

Department Head

☐ **Fire Department:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

4/20/2021

Date

David S. Cody

Department Head

☐ **Board of Selectmen:** ☐ **Concurs** ☐ **Does Not Concur**

Remarks:

Date

Chairman

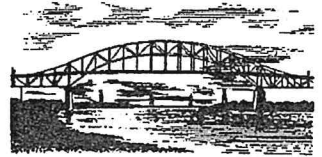


TOWN OF BOURNE

Board of Selectmen

24 Perry Avenue – Room 101
Buzzards Bay, MA 02532-3496
www.townofbourne.com

Phone: 508-759-0600 x1503
Fax: 508-759-0420



APPLICATION FOR THE USE OF TOWN PROPERTY

Individual/Organization MONUMENT BEACH CIVIC ASSOCIATES

Address (mailing) P.O. BOX 13

MONUMENT BEACH, MA 02553

Home/Business Address _____

Home Telephone # _____

Business Telephone # _____

Contact Person BETH AGRILLO

Email address: _____

I (we) request the use of the following town owned property:

Name: BOURNE FIRE STATION 2

Location: 14 THOMAS PHILBRICK RD. MONUMENT BEACH, MA 02553

Purpose: *** ICE CREAM SOCIAL - SERVING ICECREAM PROVIDED BY THE WHISTLE STOP ICE CREAM SHOP

Please indicate if a tent will be used or food served/available at event

Date(s) JULY 12, 2021

Time(s)

From 4:00 PM (time first person will arrive)

To 8:30 PM OR UNTIL FULL CLEANUP + RESTORATION OF STATION (time last person will leave)

From _____ (time first person will arrive)

To _____ (time last person will leave)

*****Copy of Liability Insurance with town named as additional insured*****
(PLEASE COMPLETE THE REVERSE SIDE OF THIS FORM)

BOURNE BD OF SELECTMEN
RD 2021 APR 20 AM 9:50

I (we) agree to pay the Town of Bourne a fee, if required, for use of such facilities

Estimated Attendance APPROX 25-50 PEOPLE

Will the affair be policed? Yes _____ No ✓

Will admission be charged: Yes _____ No ✓

Signed Both Aquillo

Identification Presented _____

HOLD HARMLESS AGREEMENT

It is agreed by MONUMENT BEACH CIVIC ASSOCIATES
Hereinafter called the Organization, that the Town of Bourne be absolved of any and all liability brought about by actions of the participants and/or patrons of the organization while using the facilities of the Town of Bourne for the purpose of

MBCA ICE CREAM SOCIAL

It is further agreed that the Organization accepts responsibility for any and all damages caused by the participants and/or patrons of the Organization that are determined to be above and beyond what is considered normal wear and tear of the facilities.

Signature of Organization Monument Beach Civic Assoc.

Printed Name MONUMENT BEACH CIVIC ASSOCIATES

Title VICE PRESIDENT Dated 4/16/2021

FOR TOWN ADMINISTRATOR'S USE ONLY

Estimated Facility Costs _____

Total Estimated Costs _____

APPROVED _____ NOT APPROVED _____

Town Administrator

Anthony Schiavi
Town Administrator

Approval is contingent upon your acceptance of the estimated costs as listed above. If for any reason, you no longer wish to use our facility, please contact us immediately.

Section 1.4.4

Zoning Actions at Town Meeting. Planning Board shall make a report and recommendation on each article in a town meeting warrant relating to or amending the Zoning Bylaw of the Town of Bourne.

*** Section 1.4.5**

Public Land. No public park, recreation area, or similar land or facility for public use shall be created without prior reference to the Planning Board for investigation and the Planning Board shall report and make recommendations to the Board of Selectmen thereon.

Section 1.4.6

Buildings and Roads. The location and placement of all proposed public buildings, and acceptance of roads or improvement thereof, shall be referred to the Planning Board for investigation and report to the Board of Selectmen thereon.

Section 1.4.7

Reporting on Referrals. In all cases referred to the Planning Board for investigation, report, or other action, a failure of the Planning Board to report in writing thereon to the Board of Selectmen within forty-five days from the date of its referral shall be construed as an approval of the action requested.

Section 1.4.8

Matter Not Requiring Planning Board Action. No matters involving ordinary maintenance and/or repairs shall require action by the Planning Board.

Section 1.4.9

Street Names. The Board of Selectmen may after public hearing change the name of streets, ways and alleys and shall approve the name of all streets. No street sign shall be erected without approval of the name by the Board of Selectmen.

Article 1.5 Capital Outlay Committee

Section 1.5.1

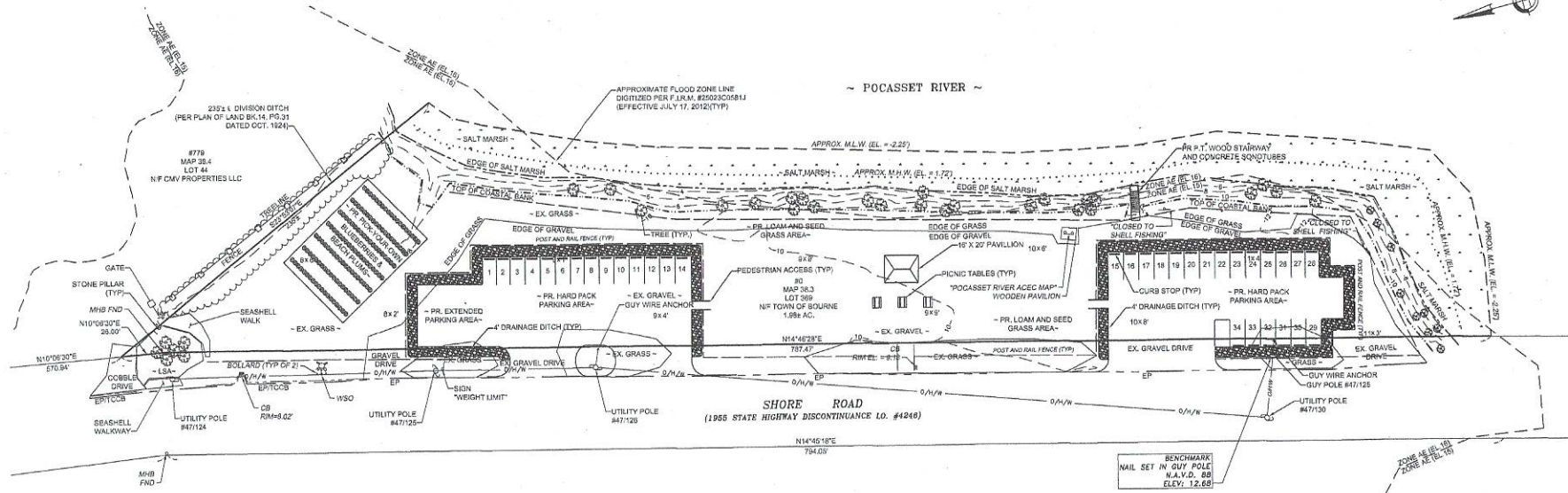
Membership. There shall be a Capital Outlay Committee, consisting of five (5) voters of the town appointed as follows: The Selectmen shall appoint three (3) members at large and two (2) members shall be appointed by the members of the Finance Committee from its membership.

Section 1.5.2

Finance Director Ex-Officio. The Finance Director shall be an ex-officio member and shall not be entitled to vote on making recommendations to be included in its reports. *

Section 1.5.3

Terms of Appointment and Officers. Members shall be appointed for 3-year terms. The terms shall be so arranged that the terms of all members of the Committee do not expire in the same year. Members may be reappointed and they shall serve without compensation. The Committee shall elect a Chairman, Vice-Chairman and Clerk from among the members at its first meeting, on or after July 1st of each year.



LEGEND

NF	- NOW OR FORMERLY	GP	- GUARD POST
ELEV.	- ELEVATION	S	- SEWER LINE
DM	- DRAIN MANHOLE	T	- TELEPHONE LINE
MS	- MANHOLE	D	- DRAIN LINE
TS	- TRAFFIC SIGNAL	G	- GAS LINE
WS	- WATER SERVICE	W	- WATER LINE
GS	- GAS SERVICE	OW	- OVERHEAD WIRE
SS	- SEWER SERVICE	AP	- APPROXIMATE
WG	- WATER GATE	H	- HIGHWAY BOUND
GV	- GAS VALVE	TP	- TRAVERSE POINT
SV	- SEWER VALVE	DYLL	- DOUBLE YELLOW LANE LINE
RC	- REINFORCED CONCRETE PIPE	SWEL	- SOLID WHITE EDGE LINE
FE	- FLARED END	BWLL	- BROKEN WHITE LANE LINE
LBA	- LANDSCAPED AREA	SWLL	- SOLID WHITE LANE LINE
TCB	- TOP CURB BITUMINOUS	DYCL	- DOUBLE YELLOW CENTER LINE
GC	- TOP CURB GRANITE	RR	- RIP RAP
TCB	- TOP CAPE COD BERM	TR	- TREE OR HEDGE LINE
GWA	- GUY WIRE ANCHOR	R	- RECORD
EP	- EDGE PAVEMENT	NF	- NOT FOUND
WF	- WOOD FENCE	N/A	- NOT AVAILABLE / NOT ACCESSIBLE
CLF	- CHAIN LINK FENCE	UP	- UTILITY POLE
BC	- BITUMINOUS CONCRETE	ST	- STONE WALL
		OR	- SIGN

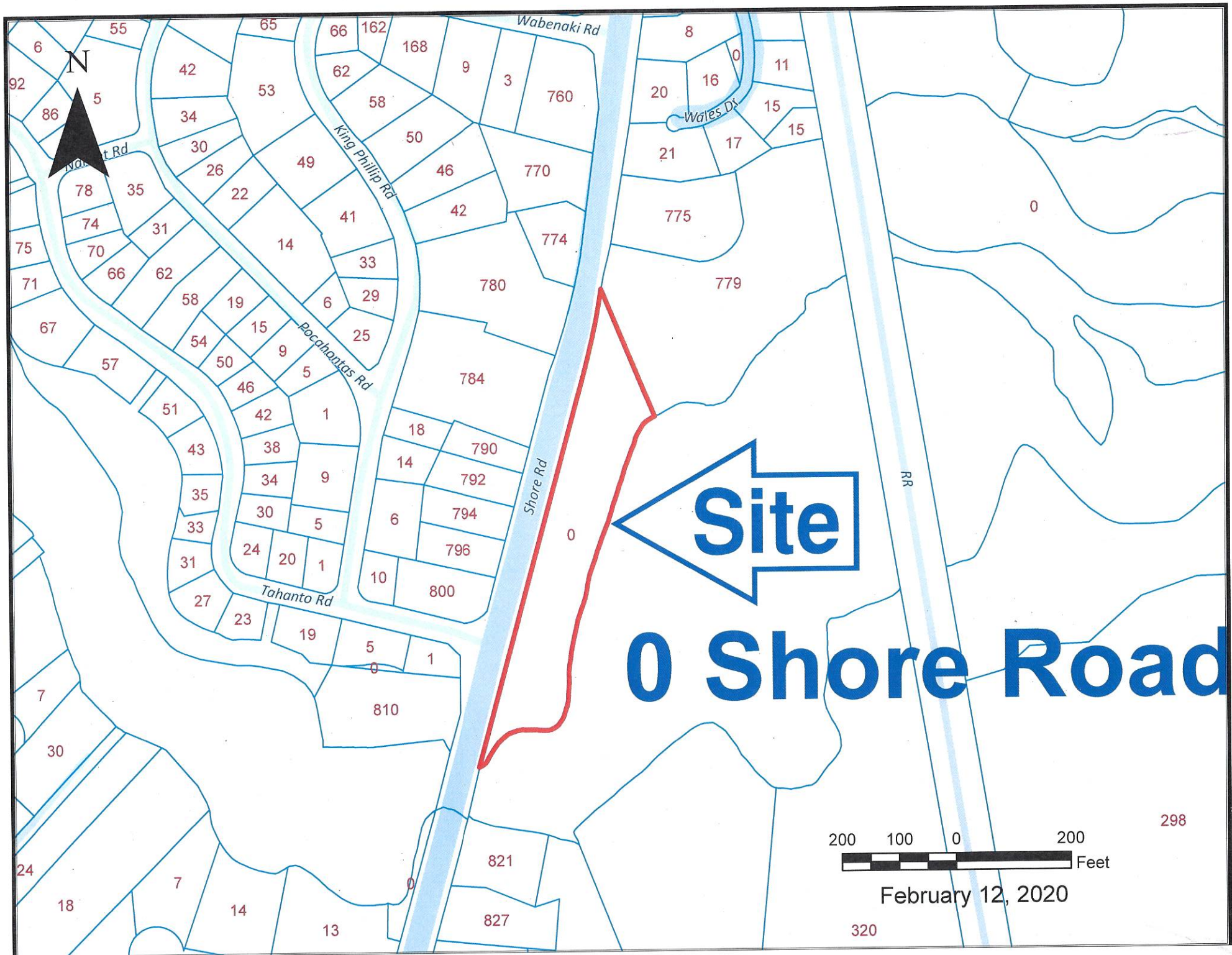
NOTES:

1. THE HORIZONTAL DATUM SHOWN HEREON IS HAD83 AS TAKEN FROM A GPS SURVEY. COORDINATES BASED UPON MASSACHUSETTS STATE PLANE COORDINATE SYSTEM.
2. ELEVATIONS BASED UPON N.A.S.D. 83 DATUM.
3. ALL UTILITIES SHOWN ON PLAN ARE APPROXIMATE ONLY. UTILITIES ARE BASED ON DISSEMINATED MARKINGS AND AVAILABLE RECORD PLANS.
4. M.H.W. AND M.L.W. LOCATION LINES ARE APPROXIMATE, BASED ON PLAN BK 14, PG 31.
5. A FIELD SURVEY WAS PERFORMED BY JC ENGINEERING ON DECEMBER 13, 2019.
6. MUNICIPAL UTILITY COMPANIES:
DRAIN, WATER, TELEPHONE AND CABLE
ELECTRIC

PREPARED BY:
TOWN OF BOURNE
ENGINEERING DEPARTMENT
24 PERRY AVE, BOURNE, MA
TOWN@TOWNOFBOURNE.COM
SCALE: 1" = 30'
SHEET 1 OF 1

PROPOSED CONDITIONS
AT
SHORE ROAD
BOURNE, MA
DREDGE REMEDIATION OPERATIONS
JOB: 00001 JANUARY 24, 2019





Moore, Coreen

From: Haines, Samuel
Sent: Monday, February 24, 2020 9:50 AM
To: Southwood Christopher; Moore, Coreen; Copeland, Jennifer
Subject: FW: Pocasset Park

Hello, please see email below from a resident with concerns about the propose park.

Samuel Haines
Bourne Conservation Agent
508.759.0600 X 1344

-----Original Message-----

From: Delian Wylie [mailto:ddwylie@comcast.net]
Sent: Sunday, February 23, 2020 6:10 PM
To: Haines, Samuel <shaines@townofbourne.com>
Subject: Pocasset Park

Sam, I am a resident in Tahanto.. we do have a boat in the Pocasset River...kayakers are a concern now... adding more is going to be an issue. Other concerns are that people are launching kayaks regularly from the shores by where the park is going...(this was seen last summer) will this cause another issue of erosion? Will this also lead to swimming? Will people who use park need a sticker? Can anyone park there and then walk into tahanto and use our private dock?

My concern is enticing and bringing people into an area that we are already struggling to keep quiet and free from kids hanging out in the evening. Will there be a time limit as to when park is open and closed? Who will enforce? It seems like it will be a great place to go for the day and hang out in the summer with all the water available and not necessarily blueberry picking and a picnic.

Thanks for your involvement in this park, Dee Wylie

Sent from my iPhone

Moore, Coreen

From: Haines, Samuel
Sent: Monday, February 24, 2020 9:54 AM
To: Moore, Coreen; Southwood Christopher; Copeland, Jennifer
Subject: FW: Shore Road plans/neighbor In Tahanto

Another email with similar concerns

Samuel Haines
Bourne Conservation Agent
508.759.0600 X 1344

From: Maryann Molloy [mailto:tahanto02559@aol.com]
Sent: Sunday, February 23, 2020 5:48 PM
To: patticlombardo@gmail.com; Haines, Samuel <shaines@townofbourne.com>; ddwylie@comcast.net
Subject: Shore Road plans/neighbor In Tahanto

Sam,
Forwarding from Patti Lombardo.
Maryann

-----Original Message-----

From: Patricia lombardo <patticlombardo@gmail.com>
To: Maryann Molloy <tahanto02559@aol.com>
Sent: Fri, Feb 21, 2020 9:41 am
Subject: Re: Shore Road plans

Yes, you may share it. I know others have the same concerns. I might encourage them to share their thoughts. It helps I would think to have some idea what some are thinking. Hate to sound unneighborly but—
Thanks, Patti

Sent from my iPad

On Feb 20, 2020, at 9:38 PM, Maryann Molloy <tahanto02559@aol.com> wrote:

Patti,
Thanks for the email. I am sure it is busy at your house day and night.
Since this is not a Tahanto project, would you like me to share this email with Contact: Haines, Samuel:
shaines@townofbourne.com
Maryann

-----Original Message-----

From: Patricia lombardo <patticlombardo@gmail.com>
To: MolloyMary <tahanto02559@aol.com>
Sent: Thu, Feb 20, 2020 8:53 pm
Subject: Shore Road plans

Dear Maryann,
I have been trying to find time to write to you, Joe keeps me busy.
I would love to join you at the meeting but cannot get out at night. I want you to know how I feel about this project.
At first glance it looks like a nice idea but when you go a few steps into the project you begin having questions.

For boaters there is a concern with additional kayaks, etc. They are a challenge for the bigger boats since they don't have brakes and must maneuver around them. Safety is an issue.
For picnickers one can only hope we don't find their waste flying around.
And last but I know a concern for many is late night picnics, which could result in late night visitors.
I hate to sound so negative, like an old biddy but sometimes we can't help looking beyond an idea.
Thanks for hearing my concerns and know that I am open to any new info.
Also thanks for all you do, Patti Lombardo

Sent from my iPad

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Moore, Coreen

From: Gutterson, Ann
Sent: Monday, March 2, 2020 4:24 PM
To: Haines, Samuel; Schiavi, Anthony; Sundman, Nancy; Moore, Coreen
Subject: Pocasset Pocket Park

Good afternoon,

Please allow this email as correspondence from the Planning Board regarding the subject project.

The Planning Board, at a regularly scheduled meeting on Feb. 27, 2020, voted favorably for this project. They would like to see a 50% reduction in parking, with the ability to expand it in the future if necessary, the park should be ADA accessible and compliant, and encourage signage regarding the educational value of the surrounding area.

Have a wonderful day!

Ann Gutterson
Administrative Assistant
Bourne Building Dept. & Planning Board
24 Perry Avenue
Buzzards Bay MA 02532
508-759-0600 ex. 1335

PLANNING BOARD MEETING MINUTES

February 27, 2020

PRESENT: Steven Strojny, Elmer Clegg, Daniel Doucette, David O'Connor, Sandra Goldstein, Lou Gallo, Elizabeth Brown, John Carroll, Jeanne Azarovitz

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: Paul Gately, Hal Choubah, Johnny Hater, Vinny Michienzi, Robert Dyer, Sam Haines and other members of the public

Ann Gutterson, Recording Secretary

Chairman Strojny called the meeting to order at 7:00pm.

Public Hearing for Site Plan/Special Permit #13-2019: Cont'd from 2/13/20. 340 Main St. Buzzards Bay. 340 Main St. LLC. Gas station and retail building including a convenience store.

Hal: There are 65 spaces with six apartments, loading areas, revised stormwater.

Jen: I have no additional concerns. Outstanding issues have been addressed.

Ms. Brown: Pleased to see apartment units. Do you know when this will be completed?

Hal: Still have ConCom and others to go through. Late summer/early fall to start construction.

Ms. Azarovitz: The last meeting was informative, apartments, stormwater, parking. DRC signs, lighting, materials used, canopy.

Hal: Went to the DRC, have to go back. They wanted more sign details, just an amendment with them.

Coreen: If changing architectural features, DRC, otherwise just for signage.

Mr. Clegg: The lost is 4.13ac. Assessing has it at 4.27ac

Hal: We go by deeds and survey.

Mr. Clegg: 20' exit from property?

Hal: Yes. Will be reviewed by DOT. I did the fuel truck and template to design.

Mr. Clegg: Earth removal?

Coreen: Section 4400, if with a building permit they don't need a separate permit.

Mr. Clegg: Concerned about construction phase. How much earth will be removed?

Hal: Excavation will be with storage tanks and foundation. Some cut in back for retaining wall.

Mr. Clegg: The wall is 23' high?

Hal: It's four smaller walls, segments. Did to lessen the visual impact. Top of the wall is level with the second floor. Five foot setbacks.

Mr. Gallo: Incidental to the project. Mammoth hill. Sagamore gas station did the same. This is better so doesn't have to move as much material, safer.

Mr. Clegg: Overwhelmed with the 23' height. If subject to 400 have to do a 1-2' setback.

Mr. Gallo: This is 5-1. Plenty of slope, happy with it.

Ms. Goldstein: Drove from Main St. East to the site (bait shop). February traffic very light, entered driveway, drove through, exited onto Scenic Hwy (only one-way east). Cars from Main St. approaching Scenic Hwy "challenging". Plus had to shift to left lane for turn-around back to Buzzards Bay. No U-turn at light! Had to enter residential neighborhood at Nightingale Pond Rd to turn around! Not safe, not efficient in my opinion, especially in summer season. Why invade a neighborhood? Project very close to Belmont Circle where DOT has developed costly changes to mitigate current problems for cyclists, pedestrians and congestion. Your new project could exacerbate conditions at Belmont Circle and in turn Bourne bridge traffic flow. Robert Dyer, President Canal Sportsman's Club: Plans for something on the hill?

Chm. Strojny: Nothing on the books at this time.

340 Main St. Buzzards Bay Cont'd:

Robert: Want to try and keep the club as private as possible.

Mr. Clegg: Army Corps owns the road.

Ms. Goldstein: Not sure additional gas station/convenience store/apartments fulfills GIZ (Growth Incentive Zone) goals to revitalize downtown Buzzards Bay. Does project encourage people and other businesses to the Downtown area? Project seems to benefit developer and motorists gassing up for Scenic Hwy and onto lower Cape. Your building is attractive, has Cape Cod elements, you are good at what you do, (gas station/convenience store with apartments above), but I wish you had come before the Board with something else, different and more interesting in line with continued growth of downtown Buzzards Bay. To attract other business into the already budding downtown area. My concerns are mainly negative traffic consequences and redundancy.

Robert: Go further down, under the bridge. 3 acres of property.

Vinny Michienzi: Why not slope into the property?

Hal: If do that, would cut the whole hill, want to preserve it.

Mr. Doucette made a MOTION to close the public hearing. The MOTION was seconded by Ms. Brown with all in favor.

Chm. Strojny: This is the third time before us. Our peer reviewer is satisfied. Recap: Gas station, 6,000sf on first floor, 2,000sf store, 1,800-2,00sf TBD. Looked at uses allowed. Office, retail, restaurant. Aligns with the LCP's housing goal. Try to give regulatory relief. We asked, they accommodated and these apartments will make a significant impact. I was impressed with Mr. Clarkson last time. Have gone into a number of his other projects. Encourage local business owners that are invested in the community. This land is gateway last piece there. Ideal use of the property. Impressed when developer wants to invest millions into our community. Seems to meet the bylaws. Meets Downtown general criteria. Near public transportation, sidewalk, outdoor seating area looks nice. Can't get anywhere on Cape Cod without going through Bourne. Site lines really good.

Ms. Brown: CVS, people from Scenic Park. Pedestrian safety was addressed at this project.

Chm. Strojny made a MOTION to approve subject to the following conditions:

1. All work authorized under this approval shall be in accordance with the application, supportive materials and testimony of the owner and its representative.
1. Per §2872(d), applicant must provide calculations to the Planning Department confirming the 10% landscaping requirement for the interior parking lot.
2. A sign shall be installed on the first pump located at the entrance restricting the queueing of cars or vehicles in tow.
3. The revised plans and must be approved by the Design Review Committee (DRC) before the issuance of a building permit. The sign must also be approved by the DRC before a sign permit is issued by the Building inspector.
4. The following must be confirmed before the issuance of the Building Permit
 - a. Confirmation from the Fire Department that the fuel piping layout and fire truck access is adequate.
 - b. Confirmation from the Conservation Commission that the proposal meets conservation regulations and stormwater regulations under section 3490.

5. 340 Main St. Buzzards Bay Cont'd:

- c. Confirmation from the Water District that water service is adequate.
 - d. Confirmation from the Sewer Commissioners of sufficient wastewater capacity.
 - e. Curb cut permit from MassDOT.
6. All erosion and dust controls shall be maintained during construction. Inspections of the erosion control barrier shall be made daily. Any debris carried onto Main Street shall be removed immediately.
7. The retaining wall shall be constructed per the engineered stamped plan and a letter from the engineer confirming the wall has been constructed according to the engineered plans must be submitted to the Building Department prior to the issuance of the occupancy permit.
8. Prior to the issuance of an occupancy permit, an As-Built plan must be submitted to the Planning Board showing all appurtenances above and below ground.

Mr. Clegg: Section 4500, queuing, no fewer than two cars to wait service for filling position. Don't see how can queue there. Think "no queuing" on the first pump, not just "in tow".

Mr. Gallo made a MOTION to reopen the public hearing. The MOTION was seconded by Ms. Azarovitz with all in favor.

Hal: 60' from corner of the pad. Can put three cars behind to street.

Mr. Clegg: If get to street, will totally block the driveway.

Hal: We have room to go around.

Chm. Strojny: Signage indicate on first pump – no vehicles in tow or queuing of cars. And enforce that.

Ms. Azarovitz: That's one of my concerns too.

Chm. Strojny: Revise #6 to add and cars from Queuing up at that pump.

Ms. Goldstein: Will picnic tables be outside? And where located?

Hal: Four tables and to the west.

Ms. Goldstein: If people park there, spaces won't rotate as much.

Hal: We have 20 spaces more than needed.

Mr. Clegg seconded the MOTION. Roll call vote as follows:

Ms. Brown – yes

Ms. Azarovitz - yes

Ms. Goldstein - abstain

Mr. O'Connor– absent

Mr. Carroll – yes

Mr. Gallo - abstain

Mr. Doucette – yes

Mr. Clegg – yes

Mr. Strojny – yes

Presentation: Pocasset Park proposal. Sam Haines, Conservation Agent. 789 Shore Rd, Pocasset.

Coreen: General bylaws Sec. 1.4.5, any public park/area that's created needs to be reviewed by the Planning Board and make a recommendation to the Board of Selectmen.

Sam Haines, Conservation Agent: I've worked on this with Tim Lydon, George Sala and Chris Southwood (DNR). We are looking for \$80,000 from CPA funds. History: When they dredged Barlows Landing Rd, it was stockpiled here. Donated the sand to Sandwich. Did some vista pruning. Once cleared, it's a beautiful spot, underutilized. Thought could do something good for the community at little cost. Want a low maintenance area, pocket park feel. 1.25 acres, mostly green space. Fescue mix, no irrigation, low maintenance, environmentally friendly. Proposing 28 parking spaces, 2 handicap. Proposing bumper strips. Drainage around the edge of the parking lot. Gazebo, picnic tables, 40-40 blueberry plants.

Pocasset Park proposal Cont'd:

Mr. Clegg: What use of this park/common are do you envision needing 28 spaces?

Sam: There are events and they use here as overflow parking. Make sure use for community and make a green space.

Mr. Clegg: Never have seen 4-5 vehicles at once. Overflow for boat trailers.

Sam: Put bumpout in parking lots for trailers.

Mr. Clegg: Think sending the wrong message. Everything we heard is minimal. Maybe 10-12 cars, trucks, 3-4 trailers on other lot. It overwhelms me.

Ms. Azarovitz: People use it for overflow, a bit daunting.

Mr. Carroll: Open space that has been meeting functions. Many to drive on now. Seems to be formalizing what's working now.

Ms. Goldstein: Seems parking is too much. Will attract people from other places. More traffic that may not be available to the residents that live there. Plant lavender or indigenous plants instead of formal.

Mr. Clegg: Eyesore now. Dumping site, looks unsightly. Could do some beautification, make look natural, a part of the community and a plus without changing the nature.

Ms. Brown: Benches to enjoy the view. People walk and bike, less parking. Erosion, kayaks, seems hard to find places to put in kayaks.

Sam: Control erosion.

Ms. Brown: Boats interfere with kayaks.

Sam: Parking loam/seed, cheaper than hard pack and drainage. If Planning Board wants less paces, willing to look at it.

Coreen: May be maximum here. Phase, do one lot then the other if needed. People that live in town may go there. We are a town and should enjoy all of it. Enjoy other parts of town. This will keep with the property values, economic development, bigger picture.

Mr. Doucette: Parking, delineate parking/recreation. Safety, no overnight parking, only with a beach sticker parking only. Don't want it overwhelmed with people from out of town.

Sam: I don't set policy, that's the Board of Selectmen.

Chm. Strojny: Start by eliminating the southerly lot.

Sue Barakini: Appreciate the intention, wedding in Tahanto overflow, excavation equipment there. Already a fragile area. Parking, vehicle fluids, etc. Boat owners know they need to be careful, only small boats there. No delineated parking. Seems unnecessary. Some surface to make even and manageable.

Pocasset Park proposal Cont'd:

Not in favor of planting that requires maintenance. Not crazy about the stairway for kayaks. Carrying a kayak down stairs is not safe. Like benches.

Vinny Michienzi: Nice project. Kayaks pull in the marina, 4-5 are dangerous. Current is strong. People will take kayak the easiest way. Like all grass myself. Nice opportunity to have to put there.

Sam: If the Board doesn't want this, not going to do all grass.

Ms. Goldstein: A bit too much for area. Some sprucing up in a way. Enhance it. Never a lot of parking at conservation areas. Can't have everything. Quite/peaceful. Don't sacrifice.

Ms. Azarovitz: Wake limit in those areas. Sticker parking? Benches, bike rack.

Sam: Looked into a grant for the racks.

Mr. Clegg: If pavilion, tables, benches, needs to be ADA compliant.

Sam: Could do pathways.

Mr. Clegg: Lot of kayaking to go in the waters. If ocean side, will go to Monk's, don't think lot a kayak traffic here.

Sam: Value of open space is tremendous. Understand wanted more with requests of vista pruning, etc.

Ms. Brown: Will the existing signage remain?

Sam: Yes. Needs to be cleaned, part of the project. ACEC

Chm. Strojny: Board position generally favorable, concurs with excessive parking, one lot, not two.

Mr. Doucette: Smaller and expand in future if needed.

Mr. Clegg: Have two lots, one for trucks and trailers only. Cut both lots in, don't need sticker restriction. Safety to have one area for trucks/trailers and one for cars.

Mr. Doucette: Sticker if it becomes a problem.

Chm. Strojny: Favorable. Concern proposed parking 50% reduction advisable subject to further limitations.

Coreen: Educational aspect to enhance.

Mr. Carroll: Need to find a ratio. Serve both needs. We don't know how many utility trucks will be there.

Chm. Strojny: ADA access and compliance. Will there ever be shell fishing there?

Sam: Maybe save time in the future.

Mr. Doucette made a MOTION to recommend approval with the following conditions: Reduction of 50% future limitations/expansion/restriction. Signage for educational value of the surrounding area. The MOTION was seconded by Ms. Azarovitz with all in favor.

Zoning Article Discussion:

Food trucks: Coreen: Expedite licensing. Board of Health issue food vendor licenses, model after other towns. Still working on a policy for the Board of Selectmen to follow if grant food vendor license to a food truck. Look at definition of a restaurant, trying to separate certain “stands” from actual restaurants. Still require a site placement plan. Example: VFW submit a plan on site where it’s going and how make safe for pedestrians, approval by the Planning Dept. Case by case basis. Included residential district. Many town facilities are located in residential districts.

Mr. Gallo: Trucks need site plan review?

Coreen: No, just showing where they’re going to park. Would be licensed for that area for the season. Distance requirement from restaurants in the policy. If the Planning Board felt they wanted some oversight/public hearing but no advertising, you’d be saying the proposed site is safe.

Mr. Doucette: Number of trucks restricted at one time and not to restrict weddings, etc.

Chm. Strojny: Problem is if a food truck festival. Now have vents committee. Think buffer from establishments is good.

Coreen: If seasonal/yearly license, limit the number of them. If an vent, unlimited.

Mr. Doucette: Distances how about from similar: Mexican restaurant/Mexican food truck. Competition, no.

Vinny Michienzi: Opened a brewery, they wanted trucks. I said no. Taking and stealing money from brick and mortar shops. Not paying taxes. Oppose ice cream trucks too. Trucks come and go as they please. Defend the tax payer. Events they get permits. Private property/event, who will police these trucks? Not fair to people that pay taxes.

Ms. Goldstein: In an R40/R80 without discussion is too arbitrary.

Coreen: Now allowed with a special permit which takes 2-3 months, just trying to expedite the process.

Mr. Doucette: Not our problem if poor planning. Start in January and have it ready for the season.

Consensus: Leave as is.

Dog kennels: Coreen: Board of Health licenses kennels, DNR enforcement, leave under the Health and DNR and Town Clerk. Recommend split commercial and personal. 4+ dogs is a kennel for ZBA. If commercial, yes should need ZBA special permit. Personal allowed by right. Not allowed downtown. New definitions.

Jen: Pulled from the State definitions.

Ms. Goldstein: If raising dogs to sell, commercial or residential? Bring back with new numbers.

Flood zone: Coreen: From FEMA, to be compliant to remain eligible, mandated. 5 maps changing. Add to the subdivision regulations after Town Meeting.

Parking: Coreen: Changed 300’ to 500’.

Mr. Clegg: Bylaw uses 500’ if developer wants to make arrangement with private lot. 300’ if public lot. My concentration has been 500’. If make more than 500’ then make private more than 500’. What’s reasonable amount of vicinity?

Mr. Doucette: If 50% reduction, it takes public 300’ to get credit. Any public parking space then 50% reduction. 4 space lot vs 50 space lot.

Coreen: Has to be determined to provide ample parking.

Mr. Clegg: Ok with 500’. Want to keep pressure on the town.

Chm. Strojny: Expand to 1000’ and see if it works.

Mr. Clegg: Credit to developer A with 1000’, then developer B same credit for same spaces?

Ms. Brown: More parking you facilitate, less potential for productive development. Building way too much parking everywhere.

Coreen: Safe principal land use, ample spaces to save area based on peak time. At least 20 spaces.

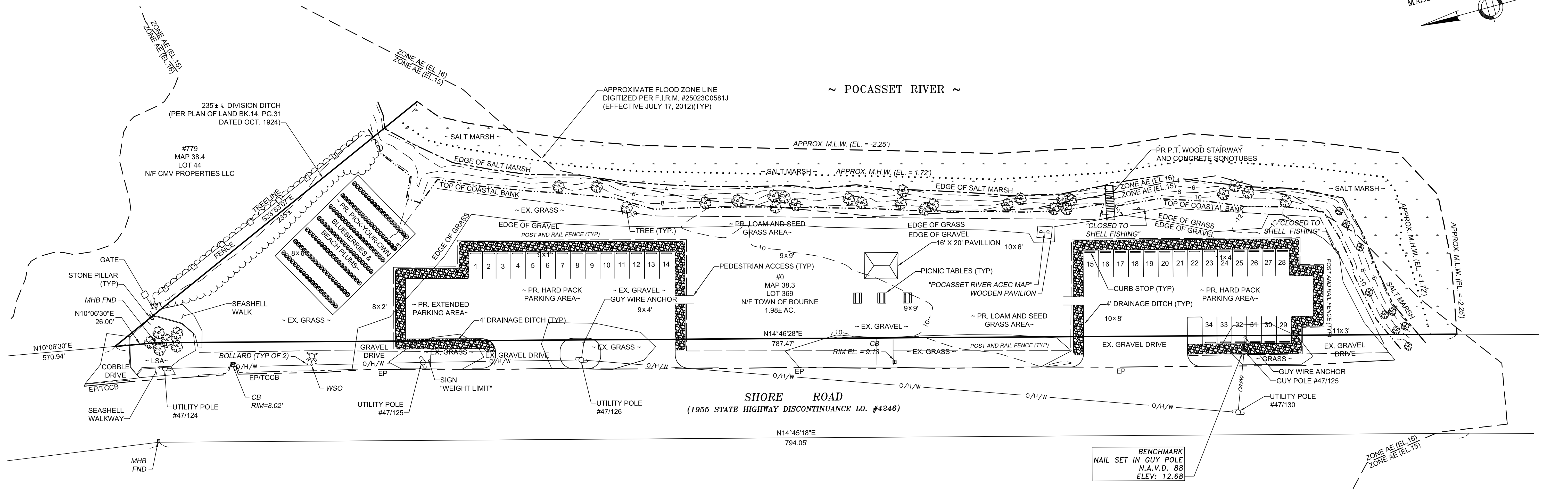
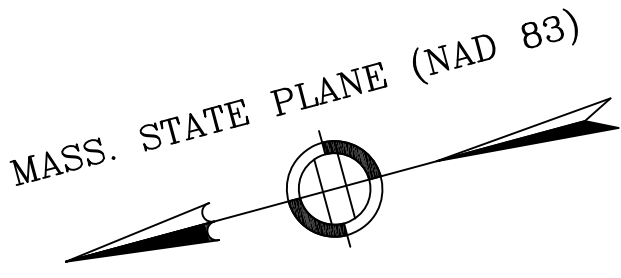
Example: 50 need 35, say give 10. 1,000' just downtown.

Mr. Doucette made a MOTION to adjourn, seconded by Ms. Azarovitz with all in favor.

With no further business before the Board, the meeting was adjourned at 9:45pm.

Respectfully submitted,

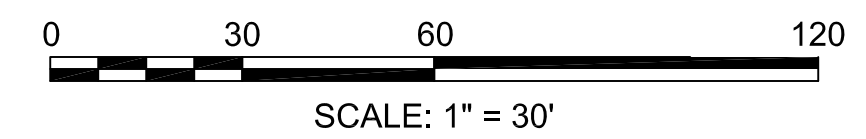
Ann Gutterson



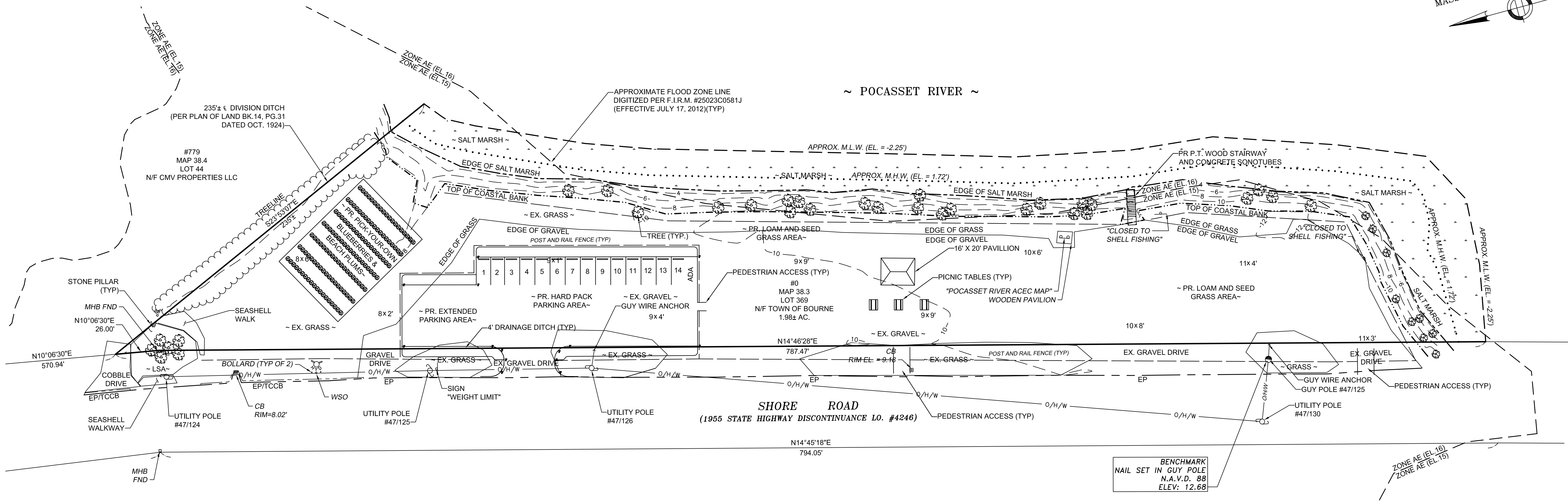
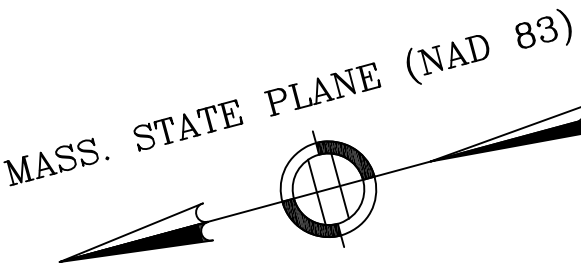
LEGEND

- | | | | |
|----------|----------------------------|-------------|-----------------------------|
| N/F | - NOW OR FORMERLY | GP | - GUARD POST |
| ELEV. | - ELEVATION | S | - SEWER LINE |
| ⊙ | - DRAIN MANHOLE | T | - TELEPHONE LINE |
| ⊙ | - SEWER MANHOLE | D | - DRAIN LINE |
| ⊙ | - MANHOLE | G | - GAS LINE |
| ⊙ | - CATCH BASIN | W | - WATER LINE |
| + | - TRAFFIC SIGNAL | OHW | - OVERHEAD WIRE |
| WSO | - WATER SERVICE | P | - SIDELINE |
| GS | - GAS SERVICE | APPROXIMATE | - HIGHWAY BOUND |
| SS | - SEWER SERVICE | □ | - TRAVERSE POINT |
| WV | - WATER GATE | DYLL | - DOUBLE YELLOW LANE LINE |
| CV | - GAS VALVE | SWEL | - SOLID WHITE EDGE LINE |
| SV | - SEWER VALVE | BWLL | - BROKEN WHITE LANE LINE |
| RCP | - REINFORCED CONCRETE PIPE | SWLL | - SOLID WHITE LANE LINE |
| FE | - FLARED END | DYCL | - DOUBLE YELLOW CENTER LINE |
| LSA | - LANDSCAPED AREA | | |
| TCB | - TOP CURB BITUMINOUS | | |
| GC | - TOP CURB GRANITE | | |
| TCCB | - TOP CAPE COD BERM | | |
| GWA | - GUY WIRE ANCHOR | | |
| EP | - EDGE PAVEMENT | | |
| — | - WOOD FENCE | | |
| ***** | - CHAIN LINK FENCE | | |
| BIT CONC | - BITUMINOUS CONCRETE | | |

- NOTES:
- THE HORIZONTAL DATUM SHOWN HEREON IS NAD83 AS TAKEN FROM A GPS SURVEY. COORDINATES BASED UPON MASSACHUSETTS STATE PLANE COORDINATE SYSTEM.
 - ELEVATIONS BASED UPON N.A.V.D. 88 DATUM.
 - ALL UTILITIES SHOWN ON PLAN ARE APPROXIMATE ONLY. UTILITIES ARE BASED ON DIGSAFE MARKINGS AND AVAILABLE RECORD PLANS.
 - M.H.W. AND M.L.W. LOCATION LINES ARE APPROXIMATE, BASED ON PLAN BK 14, PG 31.
 - A FIELD SURVEY WAS PERFORMED BY JC ENGINEERING ON DECEMBER 13, 2019.
 - MUNICIPAL UTILITY COMPANIES:
DRAIN, WATER, TELEPHONE AND CABLE TOWN OF BOURNE
COMCAST/VERIZON EVERSOURCE
ELECTRIC



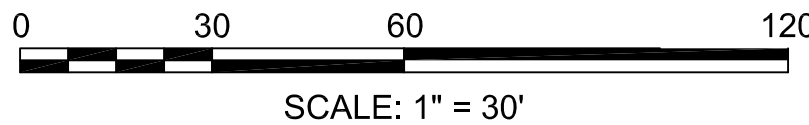
PREPARED BY: TOWN OF BOURNE ENGINEERING DEPARTMENT 24 PERRY AVE, BOURNE, MA TLYDON@TOWNOFBOURNE.COM SCALE: 1" = 30' SHEET 1 OF 1	PROPOSED CONDITIONS AT SHORE ROAD BOURNE, MA DREDGE REMEDIATION OPERATIONS TOB: 00001 JANUARY 24, 2019
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LEGEND

N/F	- NOW OR FORMERLY	GP	- GUARD POST
ELEV.	- ELEVATION	S	- SEWER LINE
⊙	- DRAIN MANHOLE	T	- TELEPHONE LINE
⊙	- SEWER MANHOLE	D	- DRAIN LINE
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TELEPHONE AND CABLE COMCAST/VERIZON
ELECTRIC EVERSOURCE



PREPARED BY:
TOWN OF BOURNE
ENGINEERING DEPARTMENT
24 PERRY AVE, BOURNE, MA
TLYDON@TOWNOFBOURNE.COM
SCALE: 1" = 30'
SHEET 1 OF 1

PROPOSED CONDITIONS
AT
SHORE ROAD
BOURNE, MA
DREDGE REMEDIATION OPERATIONS
TOB: 00001 JANUARY 24, 2019



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

March 9, 2021

Town of Bourne
Attn: Judith MacLeod Froman, Chair
Bourne Selectboard
24 Perry Avenue
Buzzard Bay, Massachusetts 02532-3441

RE: **BOURNE**
Release Tracking Number: 4-0016075
Bourne Community Building,
Former Phil's Auto
229-239 Main Street
NOTICE OF NONCOMPLIANCE
ENFORCEMENT DOCUMENT NUMBER
00010578

**THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE
COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Ms. MacLeod Froman:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) is tasked with ensuring the cleanup of oil and hazardous material releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both M.G.L. c. 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material at disposal sites.

REASON FOR THIS NOTICE

You have not conducted response actions at the above site in compliance with the MCP. A Tier Classification Submittal, Phase IV Completion Report, and Permanent or Temporary Solution Statement have not been submitted to MassDEP as required.

SITE STATUS

MassDEP has reason to believe that there have been one or more releases of oil and/or hazardous materials at the above-referenced property located at 229-239 Main Street (the Site), which require one or more response actions. The MassDEP issued a Notice of Responsibility to you (as used in this notice, "you" and "your" refers to Town of Bourne) on April 12, 2001, explaining your statutory liabilities and has assigned Release Tracking Number (RTN) 4-0016075 to the Site. As outlined in the NOR, as the current owner, you are a Potentially Responsible Party (PRP) for this site.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

This Notice of Noncompliance (NON) is provided to inform you that you are not in compliance with the MCP. MassDEP has no record of your completing the response actions required by the MCP to address this release.

The enclosed NON outlines the provisions of the MCP that you have not complied with. Contained within the Noncompliance Summary are the necessary actions you must complete to return to compliance. Additionally, there is a prescribed deadline for your completion of the action(s).

MassDEP may assess a Civil Administrative Penalty in excess of several thousand dollars if you continue to be in noncompliance with the violation(s) cited herein.

Notwithstanding this NON, MassDEP reserves the right to exercise the full extent of its legal authority in order to obtain compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative penalties assessed by MassDEP.

Attachment 2 of this NON is a Fact Sheet containing supplemental information.

If you have any questions regarding this matter, or if you would like to discuss compliance with this NON, please contact Allen Hemberger at the letterhead address or by email at allen.hemberger@mass.gov. All communications regarding this matter must reference Release Tracking Number 4-0016075.

Sincerely,



John T. Handrahan, Chief
Site Management/C&E Section
Bureau of Waste Site Cleanup

H/AH/lg

Enclosures: Notice of Noncompliance
Attachment 2: Supplemental Information Regarding This Notice of Noncompliance

CERTIFIED MAIL # 7019 2280 00002 2137 0444
RETURN RECEIPT REQUESTED

ec: Terri Guarino, Health Agent
Bourne Board of Health
tguarino@townofbourne.com

DEP-SERO
Attn: Lisa Ramos, Regional Enforcement Office

cc: DEP-SERO
Attn: Regional Enforcement Office

NOTICE OF NONCOMPLIANCE

**ENFORCEMENT DOCUMENT NUMBER 00010578
RELEASE TRACKING NUMBER 4-0016075**

NAME OF ENTITY IN NONCOMPLIANCE:

Town of Bourne
24 Perry Avenue
Buzzard Bay, Massachusetts 02532-3441

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

Bourne Community Building - Former Phil's Auto
229-239 Main Street
Buzzards Bay, Massachusetts

DATES & DESCRIPTION OF REQUIREMENT(S) NOT COMPLIED WITH:

1. Violation of 310 CMR 40.0560(7) – Tier Classification Extensions

Except where a site has filed a Permanent Solution Statement or a Downgradient Property Status Submittal, all sites for which MassDEP receives notification of a release or threat of release of oil and/or hazardous material pursuant to 310 CMR 40.0300 shall be Tier Classified in accordance with 310 CMR 40.0500. The site was Tier Classified on January 23, 2002. A Tier Classification Extension must be submitted within five years of the date of the initial Tier Classification to conduct ongoing MCP response actions at the Site.

To date, MassDEP has not received a Permanent Solution Statement, Downgradient Property Status Submittal, or a Tier Classification Extension for the Site. The deadline for submittal for the Tier Classification Extension was January 23, 2007. Therefore, you are not in compliance with the provisions of 310 CMR 40.0560(7).

2. Violation of 310 CMR 40.0877 – Phase IV Status Report and Remedial Monitoring Report

A Phase IV Remedy Implementation Plan was submitted to MassDEP on April 5, 2002. Phase IV Status Reports shall be submitted to MassDEP every six months thereafter until a Permanent Solution, a Temporary Solution, or Remedy Operation Status (ROS) has been achieved.

The last Phase IV Status Report for the Site, dated September 29, 2006, was received by MassDEP on October 24, 2006. Therefore, you are not in compliance with the provisions of 310 CMR 40.0877.

3. Violation of 310 CMR 40.0560(2)(e) – Deadline for Permanent or Temporary Solution Statement

Pursuant to 310 CMR 40.0560(2)(e), a Permanent Solution Statement or Temporary Solution Statement, prepared pursuant to 310 CMR 40.1000, or a Remedy Operation Status Submittal pursuant to 310 CMR 40.0893, is due to be submitted to MassDEP within five (5) years of the effective date of the Tier Classification. Given the effective date listed above, one of these documents was due to be submitted by January 23, 2007.

To date, you have not submitted a Permanent Solution Statement, Temporary Solution Statement, or Remedy Operation Status Submittal to MassDEP. Therefore, you have failed to comply with the provisions of 310 CMR 40.0560(2)(e).

DESCRIPTION AND DEADLINES OF ACTIONS TO BE TAKEN:

1. **By June 5, 2021**, submit to MassDEP a Tier Classification Extension.
2. **By June 5, 2021**, submit to MassDEP a Phase IV Status Report.
3. **By March 5, 2022**, submit to MassDEP either a Permanent Solution Statement, a Temporary Solution Statement, or a Phase V Remedy Operation Status.

All items must be prepared in accordance with the MCP.

Notwithstanding this NON, MassDEP reserves the right to exercise the full extent of its legal authority to obtain compliance with all applicable requirements, including but not limited to, criminal prosecution, civil action including court-imposed civil penalties, and Civil Administrative Penalties issued by MassDEP.

By:



John T. Handrahan, Chief
Site Management / C&E Section
Bureau of Waste Site Cleanup

Date: March 9, 2021

ATTACHMENT 2

SUPPLEMENTAL INFORMATION FACT SHEET REGARDING THIS NOTICE OF NONCOMPLIANCE

This attachment further explains why this Notice of Noncompliance (NON) has been issued to you.

Why was I issued this NON?

MassDEP's records indicate that you are not in compliance with the MCP. This NON was issued to inform you of this fact and offer you an opportunity to come back into compliance by submitting information to MassDEP by the deadlines specified in the NON. You are listed in MassDEP's records as the person who is responsible for cleaning up the release cited in the attached NON. For example, at the time you or another party notified MassDEP that the release occurred, you either informed MassDEP that you accepted responsibility for the cleanup or you were sent a "Notice of Responsibility" (NOR) by MassDEP informing you that you are responsible for the release. In either case, MassDEP has reason to believe that you are an owner, operator, generator, transporter, disposer, or person who otherwise caused the release or threat of release of oil and/or hazardous materials cited in the attached NON. This means that, under Section 5 of M.G.L. Chapter 21E, you are a *Potentially Responsible Party* (PRP) and liable for response action costs associated with the release. As a PRP, you are required to conduct and complete certain response actions outlined in the MCP to clean up the release of oil and/or hazardous materials expeditiously.

What happens if I fail to comply with or respond to the NON?

You have specified deadlines for compliance with the NON. If you fail to comply, you may be assessed a penalty by MassDEP. Your total penalty exposure can be considerable. For example, penalties can be assessed for **each day** you remain in noncompliance. **You could be penalized thousands of dollars if you fail to comply with or respond to the NON by the deadline.** Please refer to the Civil Administrative Penalty Statute, Chapter 21A, Section 16 and 310 CMR 5.00, the Civil Administrative Penalty Regulations, for complete details on the Administrative Penalty rules.

When the cleanup contractor finished the work in the field, I thought my dealings with MassDEP were finished. What more do I have to do?

This is a common question asked when a NON is received. PRPs often think their dealings with MassDEP are over when, for example, the fieldwork is completed by an environmental consultant. Examples of this type of fieldwork include cleaning up a spill from a saddle tank leak on a roadway, or removing contaminated soil from a tank excavation during a tank replacement or contaminated debris from a fire. The fieldwork may be complete, but you still must submit paperwork to MassDEP to prove that the cleanup was undertaken in compliance with the MCP.

The MCP includes deadlines by which you must complete response actions and submit information about those response actions to MassDEP. MassDEP tracks the progress of cleanups by checking to see if you are sending information about your cleanup progress to MassDEP on time. For example, if a Permanent or Temporary Solution Statement is not received by MassDEP before the 1-year anniversary date of the release, MassDEP must assume that the environmental cleanup has not been completed. For work to continue after the 1-year anniversary date of the release, the MCP requires that you submit a Tier

Classification Submittal to MassDEP. If MassDEP does not receive either a Permanent or Temporary Solution Statement or Tier Classification Statement by the 1-year anniversary date, MassDEP must assume that you are not implementing any cleanup at all. Without your cooperation in obtaining the cleanup information, MassDEP does not know whether serious environmental problems are being addressed. If work is not being performed, MassDEP must take action to ensure it happens. On the other hand, you may have finished the cleanup but neglected to forward the cleanup documentation required by the MCP.

What do I have to do to comply with the NON?

First, all response actions not directly managed by MassDEP staff must be overseen and directed by a "Licensed Site Professional" or LSP. LSPs are licensed by the Commonwealth, and their stamp and signature are required (together with yours) on all but one form you must submit to MassDEP. If you are not familiar with the forms and information required for you to comply with this NON, contact the environmental consultant who worked on your cleanup. If you have not undertaken any cleanup work, contact an LSP immediately. A list of LSPs may be obtained by calling (617) 556-1091 or viewing the list on the Internet at <http://www.state.ma.us/lsp>.

The documents you must submit to MassDEP require LSP stamp and signature. For example, when a cleanup is completely finished, the MCP requires that you submit a closure document (Permanent or Temporary Solution Statement) to MassDEP in which you attest that you have completed the cleanup in accordance with the MCP. If you do not submit a Permanent or Temporary Solution Statement to MassDEP, the case remains open in MassDEP's files even if the fieldwork is completely finished. If you received this NON and you think the fieldwork is completely finished, call your environmental consultant and LSP to find out how to have a Permanent or Temporary Solution Statement prepared and submitted to MassDEP.

If more environmental studies or cleanup are needed (for example, following the initial cleanup of a highway spill or soil contamination found during a tank replacement), you must submit paperwork to MassDEP describing your plans to continue the work in a timely manner. Again, these forms must contain an LSP's stamp and signature, and be co-signed by you. Depending on the circumstances, the possible submittals are an Immediate Response Action (IRA) Plan, IRA Status Report, IRA Completion Statement, and/or a Tier Classification Submittal.

You should also be aware that MassDEP does not become involved in or help mediate billing disputes with insurance companies, consultants, or LSPs. A common response to a NON is that an insurance company is slow on paying cleanup bills or will not cover various cleanup costs. Environmental consultants and LSPs may not submit MCP forms because their clients have not paid their bills. These matters must be resolved privately by you. You ultimately must comply with the attached NON or be subject to significant penalties from MassDEP.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

December 21, 2015

Mr. Tomas M. Guerino, Town Administrator
Town of Bourne
24 Perry Avenue
Bourne, Massachusetts 02532

RE: **BOURNE**
Release Tracking Number: 4-0010373
120 Main Street
**ADMINISTRATIVE CONSENT ORDER –
AMENDMENT**
ACO-SE-15-3T-006-AMEND#2

Dear Mr. Guerino:

Please find enclosed a signed copy of the Administrative Consent Order Amendment ("Consent Order") that the Department of Environmental Protection (MassDEP) has negotiated with the Town of Bourne.

The Consent Order was executed on December 21, 2015, with MassDEP's signature. The terms and conditions of the Consent Order now apply and are binding.

If you have any questions regarding this Consent Order or any of the requirements contained in it, please contact John Handrahan at the letterhead address or by calling (508) 946-2883. MassDEP appreciates your cooperation in this matter.

Sincerely,



Millie Garcia-Serrano
Millie Garcia-Serrano
Regional Director

MGS/JTH/lg

Enclosure: Copy of Administrative Consent Order Amendment 1: ACO-SE-15-3T-006-AMEND#2

CERTIFIED MAIL # 7014 2120 0003 6904 3785
RETURN RECEIPT REQUESTED

ec: Board of Health
Board of Selectmen

DEP-SERO

Attn: Gerard Martin, Acting Deputy Regional Director

Attn: John Handrahan, BWSC

Attn: Dawn Stolfi Stalenhoef, Chief Regional Counsel

Attn: Lisa Ramos, Regional Enforcement Office

Kate Mahoney

ktmahoney@comcast.net

cc: DEP-SERO
Attn: Regional Enforcement Office

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

THE TOWN OF BOURNE

File No.: ACO-SE-15-3T-006

AMENDMENT OF ADMINISTRATIVE CONSENT ORDER

The Department of Environmental Protection ("Department" or "MassDEP") and the Respondent agree to amend and incorporate the following changes into the Administrative Consent Order ACO-SE-15-3T-006:

1. *Section III, paragraph 10, that originally stated:*

10. Respondent shall perform the following actions:

- A. By **October 1, 2015**, submit to MassDEP a Tier Classification Extension Submittal prepared accordance with 310 CMR 40.0560(7).
- B. By **October 1, 2015**, the Respondent shall submit to MassDEP a Phase IV Remedy Implementation Plan (RIP) prepared in full accordance with the provisions of 310 CMR 40.0870.
- C. By **October 1, 2015**, the Respondent shall submit to MassDEP a RAM Status Report, prepared in full accordance with the provisions of 310 CMR 40.0445. If the RAM has been completed, the Respondent shall submit a RAM Completion Report to MassDEP, prepared in full accordance with 310 CMR 40.0446.
- D. By **October 1, 2016**, Respondent shall submit to MassDEP a Permanent or Temporary Solution Statement prepared in full accordance with 310 CMR 40.1000. This deadline to submit a Permanent Solution Statement shall not apply if you achieve Remedy Operation Status pursuant to 310 CMR 40.0893 on or before October 1, 2016.

is hereby amended to:

10. Respondent shall perform the following actions:

- A. By **February 1, 2016**, submit to MassDEP a Tier Classification Extension Submittal prepared accordance with 310 CMR 40.0560(7).
- B. By **February 1, 2016**, the Respondent shall submit to MassDEP a RAM Status Report, prepared in full accordance with the provisions of 310 CMR 40.0445. If the RAM has been completed, the Respondent shall submit a RAM Completion Report to MassDEP, prepared in full accordance with 310 CMR 40.0446.

- C. By **July 1, 2016**, the Respondent shall submit to MassDEP a Phase IV Remedy Implementation Plan (RIP) prepared in full accordance with the provisions of 310 CMR 40.0870.
- D. By **October 1, 2016**, Respondent shall submit to MassDEP a Permanent or Temporary Solution Statement prepared in full accordance with 310 CMR 40.1000. This deadline to submit a Permanent Solution Statement shall not apply if you achieve Remedy Operation Status pursuant to 310 CMR 40.0893 on or before **October 1, 2016**.
2. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.
3. This Consent Order Amendment shall become effective on the date that it is executed by MassDEP.
4. The Department represents that the Regional Director has the authority to issue this Order on behalf of the Department.
5. The remaining provisions of this Order, specifically Section III, which addresses the terms and conditions for imposing stipulated penalties, are still in force.

Consented To:
TOWN OF BOURNE

By: 

Mr. Thomas M. Guerino, Town Administrator
Town of Bourne
24 Perry Avenue
Bourne, Massachusetts 02532

Date: **12/7/15**

Issued By:
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:  **millie Garcia-Serrano**

Millie Garcia-Serrano, Regional Director
MassDEP - Southeast Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347

Date: **12/21/15**