

PLANNING BOARD MEETING MINUTES

July 14, 2011

PRESENT: Christopher Farrell, Daniel Doucette, Doug Shearer, Dudley Jensen, Gerald Carney, John Howarth, Louis Gallo, Donald DuBerger, Jon Nelson

STAFF: Dody Adkins-Perry

ALSO PRESENT: Paul Gately, Diana Barth, James Mulvey, Mark McBee, Andrew Campbell, Franco Raponi,

Ann Gratis, Recording Secretary

Chairman Farrell called the meeting to order at 7:00 P.M.

Mr. Howarth made a MOTION to approve the minutes of 6/23/11. The MOTION was seconded by Mr. Doucette with six in favor, 3 abstentions.

Compliance Review: 370 MacArthur Blvd. McDonald's for non-permitted site alterations re: required vegetation.

Mark McBee, owner. Noticed last summer loitering between the properties, kids drinking, etc. Removed the trees to create a safer, more secure area.

Chairman Farrell would like the area re-vegetated. It was a requirement on the original plan.

Dody suggested a mixture of shrubs and trees that are high leafing.

Mr. Howarth made a MOTION to continue to 7/18/11. The MOTION was seconded by Mr. Doucette.

Mr. Jensen wants to make sure proper cultivation control and irrigation are adhered to.

All in favor of the MOTION.

Waiver Request: 55 Jonathan Bourne Dr. Noble Realty Trust. For an addition to the loading dock area.

Mr. Shearer has concerns about parking for the future, given the uses there now, parking is ok. Must meet the Fire Dept. rules and regulations regarding square footage and sprinkler requirements. Mr. Shearer made a MOTION to approve the waiver of site plan review/special permit for the addition to be used for carpet drying. The MOTION was seconded by Mr. Gallo with seven in favor, one abstention.

Public Hearing for Amended Site Plan Review/Special Permit #07-2008E: One
Factory Outlet Rd. Compass Bourne LLC. Modification of approved plan dated 2/14/11
with building gross floor area as follows and alterations to the parking and outdoor
display areas.

Building 1 (proposed retail supermarket): 66,800 sf
Building 2 (proposed retail/restaurant): 25,870 sf
Building 3 (proposed retail with drive-thru): 9,300 sf

Mike Cahil, Kevin Dandrade, Mike Scott presented the plan. This approval will
supersede all past approvals.

Kevin: the overall GFA is reduced by 5,000SF and there is a slight
reconfiguration of parking. There are no architectural drawings for building 3 yet
as there is no confirmed tenant. The road widening is complete. Will finish after
summer. Ornamental lighting going up the driveway, with traditional light poles in
the parking area. The light at Gaffield Ave. will have shielding.

Chairman Farrell asked if there has been any progress with MA Hwy and the Rt.
6 side of the property?

Mike: our intent is to clean up the landscape and work with the Chamber. Will
revisit once under construction.

Mr. Howarth asked if all the retail space is leased.

Kevin: not yet but hoping to have 100% occupancy next summer when we open.

Mr. Doucette made a MOTION to approve subject to the following conditions and
waivers granted:

WAIVERS

Pursuant to its authority in the Zoning Bylaw, the Planning Board grants and/or re-approves the following waivers for this
project:

1. A waiver and/or alternative configuration, in accordance with §3511 of the Zoning Bylaw, from the width of landscape
area, number of plants (trees), and parking lot setbacks is approved for property screening according to the
following:
 - a. §3512(ii)-required due to the inability to plant trees and large shrubs over the proposed septic field, the
stormwater infiltration areas, and the existing high-pressure gas main (along the Mid-Cape Connector).
 - b. §3513(i)-the "street line" landscape buffer of 15 feet is established along the Mid-Cape Connector frontage,
but the plantings will be located immediately behind the loading access aisle due to the proposed site
grades and detention basin.
 - c. §3513(ii)-a waiver for sideline planting areas along the Mid-Cape Highway (Route 6) and the northerly and
southerly property lines.
 - d. §3513(iii)-a waiver of the district boundary planting area is required to maintain the existing vegetation
buffer along the northerly edge of the parcel. A 6-foot high wood fence (or equal type of fence approved
by the Planning Department) will be installed and maintained in this area.
 - e. §3513(iv)-a waiver of planting requirements is required due to the inability to plant trees and large shrubs
over the proposed septic field and stormwater infiltration areas. However, the 2% interior parking lot green
space is satisfied with the proposed site plan, which currently depicts approximately 5% interior parking lot
green space within parking lot islands.
 - f. §3514-a waiver is required to facilitate the construction of the slopes along the Mid-Cape Connector and
the on-site detention basin.
 - g. §3540-a waiver to reduce the minimum allowable setback of 5% of lot depth setback from parking area to
street line to 5 feet along the Route 6 right-of-way. A 15-foot setback will be established along the Mid-
Cape Connector between the state highway right-of-way and the edge of the truck access aisle behind the
"Proposed Retail Supermarket" building.
2. A parking waiver and special permit relief is granted to allow 553 parking spaces where 598 would be required by the
Zoning Bylaw.

3. A waiver for underground utilities has been granted for the existing above-ground utilities along the northerly edge of the property where the utilities transition from overhead to underground.
4. A waiver to allow access and egress points into the buildings to be determined prior to issuance of a building permit.
5. A waiver and special permit relief to allow a driveway width of 62 feet instead of a maximum 24 feet as per §3341.
6. A waiver and/or special permit relief under §§3340 and 3344 to allow for a left turn onto a three plus lane road which will be maintained as part of the site egress at the proposed new signalized access point.
7. A lighting waiver to allow a spillover of 1.8 foot-candles, where 1.0 foot-candles is the maximum allowed under §3542, along the easterly side of the property, abutting the Route 6 right-of-way, which is owned by the Commonwealth of Massachusetts and along the property's south-easterly boundary abutting Garfield Avenue. The spillover along all other property lines abutting residential properties shall be in accordance with condition 3 hereof.
8. A waiver to defer the requirement of architectural floor plans and elevations to be submitted for Building 3, until a time when the client's needs are finalized. Applicant has agreed to seek review and approval by the Planning Board at one of its regularly scheduled meetings without the need for a noticed public hearing, of Building 3 and of site elements in its vicinity, at a later time (see Condition 16 below).

CONDITIONS

1. Must meet all rules and regulations of the Bourne Fire Department including the installation of Knox Boxes on each building.
2. The new traffic signals at the Mid-Cape Connection and Sandwich Road and at the site driveway and Mid-Cape Connector shall include emergency pre-emption equipment, as specified in the Applicant's MassDOT permits and the owner is responsible to have them maintained. The Applicant shall use painted antique style street lights along the southern edge of the main driveway from the Mid-Cape Connector (outside of the state highway right-of-way) toward Building 1, as shown on the approved project lighting photometric plans.
3. Light levels shall not exceed 0.5 foot candles beyond residential property lines.
4. In lieu of striping the loading areas behind the Proposed Retail Supermarket building (Building #1) and the "Proposed Retail/Restaurant" building (Building #2), the Applicant may install "No Parking" signage. The location of this signage shall be subject to approval by the Town and shown on the final plans submitted with the building permit application. Loading areas must be both delineated and labeled on said plan.
5. Any changes to that portion of Garfield Avenue which is located on the southeasterly side of the subject property will require permission from the Board of Selectmen. In addition, if access is eliminated to the small Gallo parcel (653 square feet shown as Assessors Map 1.4, Parcel 54), a cross access easement with the property owner will be required.
6. A signed Stormwater Operations and Maintenance Plan, including the identification of the responsible party(ies), must be submitted to the Building and Planning Departments prior to the issuance of a Certificate of Occupancy.
7. Evidence of filing a Notice of Intent with the EPA for disturbance greater than one (1) acre must be provided prior to the issuance of a building permit.
8. Access/egress points for the buildings must be shown on the final plans submitted with the building permit application.
9. The Applicants have agreed to relocate the reset the existing stone "Coca Cola" sign currently located in the façade to a landscaped area located at the far northeast corner of the parcel, into the new building façade, or placed in another on-site location, approved by the Planning Department.
10. Prior to the issuance of a final occupancy permit, an as-built site plan must be submitted depicting final locations of all structures and site related appurtenances per §1238.B.8 of the Zoning Bylaw.
11. The Applicant shall be responsible for obtaining all required approvals from the Massachusetts Highway Department (MassDOT) for the off site road improvements including, but not limited to, the signalized entrance and roadway changes proposed on the Mid-Cape Connector, and the intersection improvements proposed at the intersection of the Mid-Cape Connector and Sandwich Road (Route 6A).
12. The height of the enclosures for the dumpsters must be at least the height of the enclosed dumpster. Locations of dumpster enclosures, which will be dependent on the individual tenancies, will be submitted to the Planning Department for approval.

13. The Applicant shall provide additional natural screening and maintain the fence between the project and neighbors to the north, and add additional opening between the project site and Eleanor Avenue with path and stairs, if needed.
14. Sign permits will be required for all signs, including the proposed pylon sign that is shown on Sheet C-4 but not described or dimensioned thereon.
15. Complete architectural floor plans and elevations for Buildings 1 and 2, stamped by a registered architect, must be submitted before a building permit for these buildings will be issued.
16. Before applying for a building permit for Building 3, the Applicant shall seek and obtain review and approval from the Planning Board for the final configuration of Building 3 and of the site in the vicinity of Building 3, including but not limited to such items as loading area, parking adequacy, emergency access, queuing adequacy, dumpster placement and enclosure, etc. This site plan review may occur at any regularly scheduled meeting of the Planning Board meeting without the need for a public hearing or abutter notification.
17. This decision, and the conditions contained herein, shall supersede the prior Site Plan/Special Permit Approvals (Nos. 07-2008, 07-2008A, 07-2008B, 07-2008C and 07-2008D).

The MOTION was seconded by Mr. Carney. Roll call vote as follows:

Mr. Carney – yes	Mr. Doucette – yes	Mr. DuBerger - yes
Mr. Nelson – yes	Mr. Jensen – yes	Mr. Howarth - yes
Mr. Shearer – yes	Mr. Gallo - yes	

Public Hearing for Special Permit #04-2011: 239 Main St. James Carter. For a seasonal hot dog cart at the park.

Mr. Carney made a MOTION to encompass the three special permits for James Carter in one discussion. The MOTION was seconded by Mr. Doucette with all in favor.

Mr. Carney stated the Board of Selectmen granted James Carter permission to have a sausage cart on two town properties and it's subject to our approval.

What are your hours going to be? Where will it be located?

Jim: the cart at the park (90 Main St) will be located on the path about 100 yards away from the gazebo and will mainly be for the Thursday night concerts 4:30-9:00pm. 149 Main St. will be located in the driveway. At 239 Main St. it will be located near the picnic tables. Only have one cart now. If business increases, then may get another.

Mr. Carney made a MOTION to approve all three subject to the following conditions:

All trash removed daily, waste contained on the cart and not disposed of on site, if a two year lapse of use, the special permits are void. Use is not to take affect until a recorded copy of the decision is given to the Planning Board office. Must meet requirements of the Board of Health and Fire Dept.

Must come back for an amended review if more carts are purchased.

Mr. Howarth feels that if we allow hot dog carts all over town we are setting a bad precedent. What about competition? Can more than one vendor sell at the same location?

The MOTION was seconded by Mr. Shearer. Roll call vote as follows:
04-2011

Mr. Carney – yes	Mr. Doucette – yes	Mr. DuBerger - yes
Mr. Nelson – yes	Mr. Jensen – yes	Mr. Howarth - no
Mr. Shearer – yes	Mr. Gallo - yes	

Public Hearing for Special Permit #05-2011: 90 Main St. James Carter. For a seasonal hot dog cart at the park.

Mr. Carney – yes	Mr. Doucette – yes	Mr. DuBerger - yes
Mr. Nelson – yes	Mr. Jensen – yes	Mr. Howarth - no
Mr. Shearer – yes	Mr. Gallo - yes	

Public Hearing for Special Permit #06-2011: 149 Main St. James Carter. For a seasonal hot dog cart at the park.

Mr. Carney – yes	Mr. Doucette – yes	Mr. DuBerger - yes
Mr. Nelson – yes	Mr. Jensen – yes	Mr. Howarth - no
Mr. Shearer – yes	Mr. Gallo - yes	

Chairman Farrell read a letter from the National Register of Deeds into the record that the Historic Center is to be considered.

Chairman Farrell asked for a moment of silence for Roland Dupont.

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Mr. Carney with all in favor.

With no further business before the Board, the meeting was adjourned at 8:00 PM.

Respectfully submitted,
Ann T. Gratis