

PLANNING BOARD MEETING MINUTES

April 12, 2012

PRESENT: Christopher Farrell, Doug Shearer, Donald DuBerger, John Howarth, Dudley Jensen, Louis Gallo, Gerry Carney (7:05), Jon Nelson

ABSENT: Daniel Doucette

STAFF: Coreen Moore, Town Planner, Dody Adkins-Perry - Engineering Tech.

ALSO PRESENT: Diana Barth, Jim Mulvey, Don Bracken, Lorraine Young, David Dimmick, Don & Beth Ellis, Roberta Barss, Deborah Burgess, Judith Riordan, Jean Gleason, Carol Wynne, Franco Raponi, Vincent & Noreen Michienzi, Joan Odom Daris, Connie Dodm Sopor, Blanche Cody, Judith McAlister, Jane Dalton, Mary Ellis, Avis Glasheen, Jean Gleason, Jane Nam, Edward Ellis, Danielle Medeiros, Annette Parece, Sandy Cortese, Ford O'Connor

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 2/23/12. The MOTION was seconded by Mr. Howarth with five in favor, one abstention.

Informal Discussion: Cataumet Gardens

Ford O'Connor represented the applicant. He presented a plan of mixed use with offices and apartments. Looking for comments and suggestions. The site is 1 acre and we meet all the lot coverage rules. We may be doing some more reconfiguring.

Mr. DuBerger stated the design is nice but seems very dense for the site. 13 apartments can potentially have 2 cars each.

Chairman Farrell stated they have 13 extra parking spaces than required.

Coreen stated it still needs some work. It's 51% commercial but have to look to see if that has to be above or total.

Ford stated we will work with Coreen. Bourne Conservation Trust has to review the plans as well.

Discussion: Thomas Ave. Condos to apartments

Ford O'Connor stated there are four buildings that used to be apartments and were changed into condos. They aren't selling and prospective owners would like to buy the buildings and change them back to apartments. There will be multiple owners of the buildings. Buildings 1-3 meet the bylaws, building 4 will need a special permit and a waiver of the lot area as it's 3,000' short. Or we can steal sections from building 3's lot. We would rather get the special permit and waiver. The use won't change, it will just go back to what it was previously.

Enforcement: Subaru landscape plan.

Levon submitted a new plan after getting guidance from Coreen and Mr. Shearer. Mr. Shearer stated the plan meets the requirements for the disturbed area and there is more than enough frontage. The Commission gave us copies of the plan they have but they couldn't find their approved plan. Part of Bayview Campground landscaping falls onto the Subaru lot. He has more than enough trees. In 1997 the town approved plan showed no additional plantings. Mr. Shearer made a MOTION to accept this plan to add 38 shrubs and to not add any trees. The MOTION was seconded by Mr. Howarth with all in favor.

Public Hearing for a Change to the Zoning Map: To change a portion of Trowbridge Rd. and Shore Rd. from R-40 to VB.

Vincent Michienzi stated he is trying to rezone the Raponi parcel next to his property and 2 parcels across the street from his building, one is to be used for parking. He would keep the structure, fix it up and use it as a deli. The Raponi parcel would be used for an addition to the building.

Mr. Jensen stated that area is a strong village concept. The LCP action items under Section 13, Cultural Heritage.

Mr. Howarth stated the building is falling down and something should be done with it. Personally, I would remove it but if he wants to preserve it and make it a coffee shop, more power to him.

Mr. Shearer stated he lives in a village business zone and there are parking issues and businesses can't operate to full capacity. The medical building, library and historic buildings are there and this is no different. There isn't adequate parking anywhere. The building can be preserved and the parking benefits everyone. This may be the only chance to save the building.

Leah Benson, Chamber of Commerce, stated the Michienzi's buildings have helped the community. A gift/coffee shop is great and we have no problem with the plan.

Donald Ellis, Historic Commission Chairman gave the Board a letter and read it into the record. The Commission supports lot 23 only (11 Trowbridge Rd). We oppose 1 and 9 Sandwich Road, and we acknowledge the need for parking.

Beth Ellis stated the zoning change will set up that property forever. Many people use the medical center and love it, it's an asset to the village. Against the change to the Sandwich Road properties.

David Dimmick read a letter into the record from the Historic Society stating this is essentially spot zoning and cited the Cultural Heritage section of the LCP. They voted not to support this change.

Noreen Michienzi stated she wished the Historic Society would have approached them. The wound center at Falmouth Hospital is getting angry with them because of the lack of parking. We are looking at doing underground parking. We want to maintain the building at 9 Sandwich Rd. We would like people to walk and go do things. A coffee shop would allow the kids from high school to bring their laptops and hang out or do historic things. We feel we got off on the wrong foot. The interior is dilapidated and lots of work needs to be done to the house. Would love help to preserve it. Willing to work with the Historic groups.

Public Hearing for a Change to the Zoning Map: cont'd.

Don Pickard stated the Planning Board is better to determine safety than Historic. Have seen people parking at 1 Trowbridge and walking over to the library. Think everyone benefits with more parking and it will help keep jobs.

Coreen stated under Sec. 3300 we do allow parking across the street within 350' of the building under a special permit.

Joe Agrillo Sr. Everyone knows I'm pro-business and also a member of the historic society. Looking at both sides. The man made a major investment and it has outgrown the site. Need to give more parking for safety of citizens. We have options.

Jane Dalton, Briggs McDermott house stated the Keene house can be restored. Why the parking wasn't considered when it was built... This was Bourne's center. What brings business to towns on Cape Cod? The historic resources.

Don Ellis: the issue is not the Michienzi's. It is a change to the land to rezone 3 parcels. It doesn't matter who owns it. Would like to remind the audience that Ch. 13 of the LCP goal is to protect and preserve structures and landscape.

Joe Agrillo Jr. drives by the medical center daily. People park and walk to the library. The speed limit is 20mph on Sandwich Rd. A crosswalk would help.

There is an option with the house. The parking would be a good benefit. There is a lot of business in that area that isn't zoned business – the post office, school admin. Building, the library, the ball field. Don't see an impact on residences or the village character. Any project would still have to go to the Planning Board for a review.

Beth Ellis stated she supports business, it's about the right business in the right place.

Mr. Shearer stated there needs to be a balance in what we do. Sec. 17 of the LCP Economic Development priorities bringing business to town as it's good for the community as a whole. Keeping doctors, the library wants to expand, are they going to fight them on parking? Do you want another empty building? That's what's happening in the other villages. If a building can be preserved it's better. If nothing is done to it, that building won't be standing in 4-5 years. The decision comes down to town meeting vote.

Mr. DuBerger stated the medical complex initially required 144 spaces and provided 109. What was approved to what's there now would have to compare. Public safety and common sense, would like to see the Raponi property as parking, not building expansion. Sometimes businesses outgrow sites, a zoning change will be permanent.

Mr. Howarth stated many people spoke against the building when it was originally before us. I bet they are using it now. Everyone needs doctors and this center benefits the town greatly. I was part of the LCP. Balance between historic and business so people can benefit.

Chairman Farrell stated the LCP is a guideline. Sec. 6 Growth Management says to preserve and expand village centers. 6.3 states revise the bylaw to strengthen centers. 7.2 land use – strengthen centers.

Villages are the core of this town, not just for the people who live there, it's for everyone. Where do you park in Monument Beach? Pocasset?

Public Hearing for a Change to the Zoning Map: cont'd.

The Historical Society has many events at the Briggs-McDermott house area and where do people park? At the library and they cross the street, at the medical center and walk over. The land at 9 Sandwich Rd. dips down behind the house and the parking lot won't be seen. It's going to be gravel, not paved. This rezoning will bring the library and Manomet building (1 Sandwich Rd) into compliance with zoning. They have evolved over the years, this helps the village.

Mr. Shearer made a MOTION that the Board support this at Town Meeting. The MOTION was seconded by Mr. Howarth. 4 in favor, 4 opposed,

Chairman Farrell stated the Board's report at Town Meeting will state the split vote.

Public Hearing for Site Plan Review/Special Permit #09-2011: 56 Meetinghouse Lane. Office building.

Don Bracken presented the plan. They received ZBA approval. The south end of the lot is R-40. The proposed office use will be low impact and a good transition from KAM to the residential area. There will only be 5'8" from the parking lot to the street, but actually is 30' from the pavement as the street is 80' wide in that area. It's not near any other driveways and will have a catch basin in the lot. It's designed for one occupant at this time.

Mr. Shearer reviewed this project. Outstanding issues: erosion control at the south east corner, light fixtures.

Don stated the lights are on the plan and will be 16' above finish grade. They would like a couple of trash barrels enclosed. Don't want a dumpster.

Dody stated the handicap is fine for one tenant.

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

- The erosion be addressed/controlled
- Trash be enclosed – if a dumpster goes in, it must be fenced with the height 2' above the dumpster, Fire Dept. rules & regulations must be met, any future expanded use must meet ADA requirements.

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

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

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

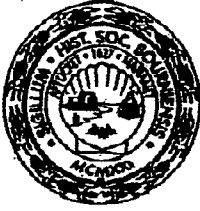
With no further business before the Board, the meeting was adjourned at 8:47 PM.

Respectfully submitted,
Ann T. Gratis

Attachments: Letters read into the record.

Submitted 4/12/12 masting

Read into record



Bourne Historical Society, Inc.
Box 3095, Bourne, Massachusetts 02532-0795

(508) 759-8167

Aptucxet Trading Post • Gray Gables Train Station • Windmill Gift Shop • Museum Rooms, Jonathan Bourne Historical Center

2 April 2012

Honorable Board of Selectmen
Town of Bourne
24 Perry Avenue
Bourne, MA 02532

Town of Bourne Planning Board
24 Perry Avenue
Bourne, MA 02532

RE: Purposed Zoning Change Bourne Village

Honorable Boards:

The Bourne Historic Society is a group of several hundred area residents committed to the preservation, presentation and conservation of significant events, times and places. The Society has officially been active in the community for nearly a century. At our recent Bourne Historical Society Annual Meeting a discussion came forward regarding proposed zoning changes affecting historic land and buildings in Bourne Village. The thrust of the changes would re-zone certain parcels from residential to business or commercial. The membership present voted unanimously to have their concerns forwarded to the responsible boards and commissions before Bourne's Annual Town Meeting.

On its face these particular changes appear to be spot zoning for a specific entity with limited benefit to the community in general. The primary concerns center around the Town of Bourne's Local Comprehensive Plan (LCP). We reference to:

Section 6. Growth Management states:

"Bourne needs to diligently control growth to protect and preserve the town's cultural and historic character."

Section 13.0 Cultural Heritage:

"Bourne has the means to not only protect its cultural heritage, but also assure that future development builds on the best traditions of the community, further strengthening that heritage for future generations."

"Firstly, historic sites and buildings need to be protected from destruction."

13.1 Cultural Heritage Goal:

"The goal is to protect and preserve the important historic and cultural features of the town's landscape, structures and community activities."

13.2 Cultural Heritage Policies:

"Encourage recognition and preservation of historic buildings".

Email: info@bournehistoricalsociety.org
WEBSITE: www.bournehistoricalsoc.org

American Association for State and Local History • Bay State Historical League


13.3 Highest Priority Actions for Cultural Heritage:


"Responsibility: Board of Selectmen, Planning Board, and Historic Commission."

This is just a sampling of issues discussed which do not appear to have been addressed by the appropriate boards in a timely fashion.

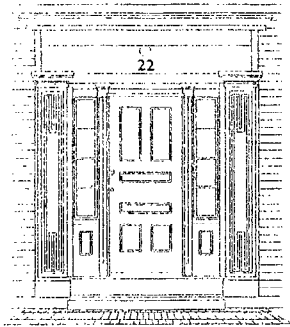
The body of the Annual Meeting of The Bourne Historical Society voted unanimously not to support these zoning changes as proposed.

Respectfully,


Galon "Skip" Barlow
President Bourne Historic Society


Judith McAlister
Executive Director

Submitted 4/12/12 meeting
read into record



Bourne Society for Historic Preservation

Post Office Box 125, Pocasset, Massachusetts 02559

2012 APR 12 PM 12 28

TOWN CLERK'S OFFICE
BOURNE, MASS

Chairman Christopher Farrell and members of the Bourne Planning Board

Subject:- Annual Town Meeting Warrant Article Rezoning request for 1 and 9
Sandwich Road, Bourne Village,
Assessors map 24.3, parcels 15 and 16

The Bourne Society for Historic Preservation (BSHP) respectfully requests that the Bourne Planning Board recommend Indefinite postponement to the subject matter of the warrant article on the 2012 Annual town Meeting to rezone the properties located at 1 and 9 Sandwich Road from R-40 to a commercial zone.

The reasons for our request are safety, historic preservation, apparent spot zoning and change to historic village character. The stated reason for the zoning request is to provide parking for the office building across Sandwich Road.

To expand our concerns listed in the previous paragraph –

Safety. Pedestrians would have to cross a State Road from the subject property to reach the office building. This crossing would be within 80 yards of a dangerous intersection ("five corners") and a traffic light approximately 300 yards to the north. Many of the clients are visiting medical offices; crossing a busy state road is potentially dangerous.

Historic Preservation. The house located at 9 Sandwich Road is perhaps the oldest house in existence in the town, dating from 1690 and tied to names including Keene, Perry and Ellis. The property is listed on the Massachusetts Historic Commission's MACRIS database under BOU07. The house is not currently protected by an Historic Preservation Restriction or any other legal restriction that could provide protection beyond likely "Demo Delay." The BSHP has been given the opportunity to observe the interior of the home. While in need of extensive restoration and preservation, the home retains most of the original seventeenth century features, including a four-fireplaced arched center chimney.

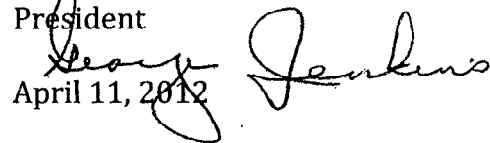
The apartment building located at 1 Sandwich Road is, likewise, historically important. Known as the Manomet House, it for years served as a stagecoach stop. Together with 9 Sandwich Road, the abutting property, these two buildings are significant to the history of the Town of Bourne and, more specifically, to the village of Bourne which was the center of the town until the construction of the Canal.

Apparent Spot Zoning. If the Planning Board wishes to consider rezoning of these parcels, the BSHP respectfully requests the Board consider the long-term future of the immediate Bourne Village area before making any changes to these parcels. Several important changes to the "village scene" are being discussed or "in the works"-- including possible Library expansion, possible construction of new public safety facility or other town use of the approximately five acres behind the library and adjacent to the old bridge abutment, and Coady School restoration and reuse. The 2008 Local Comprehensive Plan speaks to the importance of land use planning for the long-term attractiveness of the Town, and to the value of protecting our cultural heritage. Permitting the sprawl of VB zoning in Bourne Village seems to be trying to push the Planning Board's thoughtful work in a most undesirable direction.

Bourne Village. Our town is a collection of villages. The road going by 1 and 9 Sandwich Road was the main road connecting the homes in the village of Bourne. Bourne retains one of the most historic appearances, including many homes listed on several town surveys of historic properties. In addition, the area contains the old town library (now the location of the Town Archives and Historic Center), Coady School (which is being saved and converted to new use), Briggs McDermott House and Alonzo Booth Blacksmith Shop, Bourne Methodist Church and the old grammar school now carefully converted into the Bourne Public Library. Changing the zoning of the corner two properties would destroy the character of this area.

Respectfully,
George Jenkins
President

April 11, 2012



*Submitted @ meeting 4/12/12
By Donald Ellis*

read into record

**Bourne Historical Commission
Bourne Historic Center**

**30 Keene Street 2012 APR 12 PM 12 27
Bourne, MA 02532**

TOWN CLERK'S OFFICE
BOURNE, MASS

April 10, 2012

Members, Bourne Planning Board
Bourne Town Hall
Perry Avenue
Buzzards Bay, MA 02532

Dear Members of the Bourne Planning Board:

I respectfully request that this letter be read into the minutes of the Planning Board meeting on April 12, 2012 when it holds its public hearing relative to the private petition for a zoning change from Residential to Village Business in Bourne Village including map 24.3 parcels 15, 16, and 23.

At its regularly scheduled meeting on Tuesday, March 20, 2012, the members of the Bourne Historical Commission voted unanimously to support that part of the petition that requests said zoning change for **Lot 23 only**, Map 24.3 (11 Trowbridge Rd.). The members also voted unanimously to **oppose** that part of the petitioner's request which asks for the same zoning change from Residential to Village Business at **Lots 15 & 16**, Map 24.3 (1 and 9 Sandwich Rd.).

The members of the Historical Commission acknowledge the need for more parking at the medical/business complex at the locally known "five corners" intersection in Bourne Village. They acknowledge the success of the businesses located here but respectfully request that the Planning Board investigate what may have been illegally expanded uses on the site and also dangerous and possibly illegal expansion of the parking lot (4 spaces) at the Sandwich Rd. corner of the site.

After discussion of the proposed zoning change, the Historical Commission concluded and so voted that Lot # 23 on Trowbridge Rd. is an appropriate and desirable location to expand the Village Business zone because the structure on the parcel has no historic significance and expansion of the parking lot here would have little or no impact on neighboring properties. The additional parking would be adjacent to the current parking lot.

A change in zoning for Lots 15 & 16 (1 and 9 Sandwich Rd.), Map 24.3, is strongly opposed. While such a zoning change would be immensely beneficial to one person, applicant Vincent Michienzi, it would not be in the best interest of neighbors and the citizens of Bourne for many reasons.

The Historical Commission respectfully reminds the Planning Board members that this Bourne Village center is one of the most historically important parts of the town of Bourne. It

was an early site of government shortly after the town was established in 1884. Selectmen held their meetings in what became the Bourne Library and is now the Bourne Historic Center, located nearby the area proposed for re-zoning. The present Bourne Library, originally the Bourne Grammar School, is adjacent to the property proposed for re-zoning. Both buildings – the Library and the Historic Center – have been nominated for placement on the National Register of Historic Places. At present, there are only two places in Bourne listed on the Register and one - the Briggs-McDermott House - is located almost directly across from #9 Sandwich Rd.

The house at #9 Sandwich Rd. is one the oldest in town and on the Cape, with the main structure dating back possibly to 1690. It was the home of Betsey Keene, the author of the only comprehensive history of Bourne. The property at #1 Sandwich Rd., known as the Manomet House, is a historic building that once served as a stagecoach stop. These buildings provide an aesthetically pleasing introduction to the neighborhood of Bourne's singularly most important historic site at the Aptuxet Trading Post complex. Business uses extended to these parcels would seriously and permanently detract from the character of this still charming neighborhood.

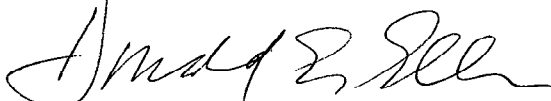
While the Commission recognizes that today's town and Cape population should not be chained to the past in ways that are detrimental to current standards of living, it does also recognize and is charged to protect those aspects of our heritage that enhance our appreciation for our roots and add to the visual quality of the lives of all citizens.

A vote of the Planning Board to **not recommend** that portion of the re-zoning article relating to the Sandwich Road parcels would correctly reflect the sentiment in the Local Comprehensive Plan (p.37) that states the town's planning goal thus: "The cultural heritage goal of the Bourne Local Comprehensive Plan is to protect and preserve the important historic and cultural features of the town's landscape, structures and community activities that help shape its special character, and to ensure that future development respects the traditions and distinctive character of historic village centers." The Commission respectfully suggests that the proposed zoning change to business at the designated parcels on Sandwich Rd. would be "the first nail in the coffin" to the destruction of two important historic properties as they become replaced by the owner or owners with businesses of undetermined nature.

Looking to the future, in the event that either or both of these residences should disappear through natural or deliberate demolition, the Commission recommends that the structures be replaced with residences (allowed) or that the lots remain as an open space buffer between the existing business part of this intersection and the quiet residential areas around it.

The commission respectfully requests that you follow the guidelines you developed and the town accepted in the Comprehensive Plan and vote to **not recommend** that part of the article that pertains to #1 and #9 Sandwich Road.

Respectfully submitted for the Bourne Historical Commission,



Donald E. Ellis, Chairman

"THIS AREA IS SIGNIFICANT AS THE ONLY
EXAMPLE OF A LATE 19th Century Civic
CENTER ON THE CAPE"

Julie P. JOHSON
PRESERVATION PLANNER STATE

Submitted 4/12/12 C meeting

April 12, 2012

Vincent and Noreen Michienzi

76 Mashnee Road

Bourne, MA 02532

Dear Town of Bourne Planning Board,

I would like to address some of the concerns for the property located at 9 Sandwich Road, Bourne, MA.

- The home located at **9 Sandwich Road** is a one family dwelling that is in need of repair. The roof, floors, septic, walls, staircases all are in a dilapidated state. The owner has lived in this home with limited resources to fix these major and costly repairs. Unfortunately, the historic aspect of the home has become unsafe.
- The owner will be selling the property for a great price which will not require a bank to inspect the property or bring the current issues up to standards. We are buying the property "as is" which is rare in this economy.
- The need for employee parking for One Trowbridge Road will help the community that uses the medical and retail facilities. No longer will you have to drive around the building looking for a space since the employees will be parking across the street leaving spaces for the customers and patients.
- Falmouth Hospital Urgent Care, Falmouth Hospital Wound Center, Dr. Harris, Bourne Eye Health Care, Stop & Shop Pharmacy, Dr. Lynne Marshall, Falmouth OBGYN, Salon B'Lor, Engineering Firm Weston & Sampson, Falmouth Rehabilitation and many more Falmouth Hospital doctors will have the ability to allow their patients and customers the ease to park

without hassle. This in turn helps the community of Bourne be successful with jobs and business. It also creates more tax money for the town.

- The library will have access to use the parking also for events such as the Easter Egg Hunt, Christmas Stroll and Fourth of July which typically overflows to One Trowbridge Road parking. We will continue to work closely with them for their special days and meetings.
- We will try to work with The Bourne Historic Society to decide if the building can be rehabilitated in an economical way. We would like to explore the idea of putting a business in the building. They will benefit from the parking as they can use it for their Special Events.

*We would just like to point out that the location of the building is located in the area known as **Trading Post Corners**. At one time, this is where the business of Bourne was conducted. Currently, there is the town library located to the right and a tenement building with over 9 apartments to the left. A few years ago, the building two parcels to the left was an insurance agency. The building across the street is One Trowbridge Road Medical and Retail Building. Also, there is a bar, hairdresser, dentist, real estate agency and another doctor office located around the corner on Trowbridge Road. This area flourishes as a business area already.*

Also, it has been in the local paper that the Town of Bourne is considering moving the Police Station behind this property for the new Station which certainly will add to Business type atmosphere.

It is our request that you approve to change the zoning for this piece of property. We will continue to work with the Town in order to keep the integrity and charm of the area with both business and residences co-existing in quiet harmony.

Thank you for your time,

Vinny and Noreen Michienzi