

PLANNING BOARD MEETING MINUTES

March 10, 2011

PRESENT: Christopher Farrell, Doug Shearer, Dudley Jensen, Peter Meier, John Howarth, Donald DuBerger, Louis Gallo, Gerry Carney (alternate)

ABSENT: Clement DelFavero, Daniel Doucette

STAFF: Coreen Moore, Town Planner

ALSO PRESENT: Jim Mulvey, Paul Gately, Diana Barth, John McCarthy, Mark Hebb, Tom Guerino, David DeSuto, Jim Carter, Don MacPhee, Hendrick Luecke, Karen Runyon, Christine Riha, Mr. & Mrs Kenney, Barbara Frappier, Walter & Barbara Nagle, Michael & Lauren Fortune, Diane Tillitson, Doug Sheadel, Jonathan Dumais, Nicholas Bruno, John Forsberg, Lisa Laine, Richard Elridge, Jerry Ingersoll, John Lipman, Peggy Fantozzi, Bill Corey, Gardner & Kathy Smith, Paul O'Keefe, Phil Herr and other members of the public

Ann Gratis, Recording Secretary

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

Mr. Meier made a MOTION to approve the minutes of 2/24/11. The MOTION was seconded by Mr. Shearer with all in favor.

Request Release from Covenant: DeNormandie estate. Two lots off Scraggy Neck Rd. Barbara Frapier, Warwick & Assoc, handed out a copy of the approved plan. The lots needs to be released so they can proceed with the sale. Chairman Farrell read the covenant and asked if everything has been done. Yes, over the years. Houses are built, culverts/drainage is in, etc. Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Jensen with all in favor.

Mr. Meier made a MOTION to take #5 out of order. The MOTION was seconded by Mr. Shearer with all in favor.

Public Hearing for a Change to the Zoning Bylaw:

Sec. 3460 Wind Energy Conversion System (WECS). Proposed changes by private petition.

Chairman Farrell: Each side will have 15minutes to present, then Phil Herr, Consultant for the Board, then will proceed from there.

Christopher Senie, Atty. For the proponents of the bylaw changes handed out a booklet to the Board. He pointed out the larger turbines are two times the height of the MA Maritime turbine. The Swept area is 4.5 times the MMA turbine. They recommend a flicker and noise setback of 10 times the diameter of the blades and not allowed on any residential zoned property. Highlighted a spreadsheet showing where large turbines are located in the US. Over 99% are in 100 people/sq. mile or less areas.

Public Hearing for a Change to the Zoning Bylaw: Cont'd

Diane Tillitson, Atty. for New Wind Generation: There is no need to change the bylaw. The State passed a green energy policy last May. Acoustic setbacks proposed couples with numerous restrictions would place a moratorium on any wind in Bourne. This proposal is inconsistent of green energy support. Height is the difficulty. The current maximum production of wind at this height won't feel enough energy to the grid. These turbines will shut themselves down if overloaded with ice and they can be programmed for flicker and noise. 5 hours of flicker a year would make turbines mute. 30 hours is standard.

Doug Shedel, scientist, accustition. Qualifications for noise study should only come from those qualified to study noise. The Institute of Noise Control engineering (INCE). Shouldn't need other standards. Noise itself is a health issue. Criteria should be sound – a safe distance o the turbine. Recommend a criteria for noise that protects health be adopted. Potential affect at point of exposure when it's interrupting sleep. Under 40db is minimal.

Phil Herr, consultant for the Board: Be well informed. The Cape Cod Commission has proposed a regulation that can make the Town's bylaw mute. Thinks the Board should get technical assistance from a non-adversarial party. Thinks this should be studied further and not rushed into because of a project.

Chairman Farrell: Received lots of information from both sides. Thanked everyone for being respectful. The Board will not be making a decision tonight. Have to study what was given to us. WE will continue this to April 14, 2011 then only a decision will be made if we support these changes or not. Bourne was the one of the first towns on Cape Cod to craft a wind energy bylaw. It will need tweaking.

Richard Elrick, energy coordinator for the Town of Bourne: if approved at town meeting, this bylaw will eliminate mid to large turbines. Recommend a special planning exercise be done to find the best places in town to place turbines. Bourne's current bylaw is the most comprehensive on Cape Cod. The town has a policy to promote renewable energy. No impact is unrealistic.

Tom Guerino, town administrator, stated that the Board of Selectmen are on record that this project is too big.

Don McPhee: should not allow commercial turbines in a neighborhood. This project will not benefit the town. Would like to see a setback of 3,000 feet from a property line with a max height of 300'.

Paul O'Keefe, MMA turbine operator. We are looking at placement of a municipal turbine at Otis which will be 1200 feet from the nearest residence. 3,000 feet would eliminate any commercial turbines in town. This needs consideration. There are 1200 students and families within 5 rotor diameters of our turbine with no adversarial affects.

Jim Potter: hundreds of people are impacted by anything industrial. Tried to regulate the size impact more. We are for wind energy but are trying to strengthen the current bylaw. Don't think we will find all the answers by town meeting.

Public Hearing for a Change to the Zoning Bylaw: Cont'd

Chairman Farrell closed the public comment section of the Hearing.

Mr. Meier made a MOTION to continue to 4/14/11 for a decision. The MOTION was seconded by Mr. Howarth with all in favor.

Public Hearing for Special Permit #01-2011: 1 Canal Street. John McCarthy for a seasonal hot dog cart.

John McCarthy submitted a request to waive six parking spaces. The trash will go back with the cart daily on Colonel Dr. and be emptied there.

Mr. Meier made MOTION to approve subject to the following conditions:

- File a plan for trash removal
- Grease must be contained on the cart
- Any sign will require a permit

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

Mr. Gallo – yes	Mr. Howarth – yes	Mr. Jensen – yes
Mr. DuBerger – yes	Mr. Shearer – yes	Mr. Meier – yes

Mr. Meier made a MOTION to approve the waiver of six parking spaces. The MOTION was seconded by Mr. Howarth with all in favor.

Public Hearing for a Change to the Zoning Bylaw:

Sec. 2100 and 3100 FEMA. Amendments as required by the National Flood Insurance Program as administered by FEMA.

Coreen stated there are new flood maps and FEMA needs us to make changes listing the maps in the bylaw. The maps are now by county, not town and these changes need to be made to use the new maps.

Mr. Meier made a MOTION to support at Town Meeting. The MOTION was seconded by Mr. Gallo with all in favor.

Public Hearing for a Change to the Zoning Bylaw:

Sec. 4264f Non-Conforming Lot. Change from “town accepted way” to “on a way”.

Coreen stated the Housing Partnership and Housing Trust are looking to increase their numbers. The road still has to meet access standards.

Mr. Meier made a MOTION to support at Town Meeting. The MOTION was seconded by Mr. Howarth with all in favor.

Mr. Howarth 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 8:15 P.M.

Respectfully submitted,
Ann T. Gratis