

**Planning Board
Minutes of October 11, 2012
Bourne Community Building
Bourne, MA 02532**

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Planning Board members: Christopher Farrell, Douglas Shearer, Dudley Jensen, John Howarth, Donald DuBerger, Louis Gallo, Jonathan Nelson and Vincent Michienzi.

Members excused: Daniel Doucette and Gerald Carney

Staff present: Dody Adkins-Perry, Engineering and Planning Technician

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

Meeting called to order

7:00 pm by Chm. Farrell

Howarth MOTIONED and Shearer SECONDED to approve minutes of 8/23/12 as submitted.
VOTE: UNANIMOUS.

Public Hearing for Waiver Request: The Villages at Brookside - Installation of 6 speed bumps.

Atty. Leonard Bellard, representative for Brookside, filed the petition for a waiver under Section 1235.

Instead of hearing the waiver request Mr. Farrell MOTIONED and Jenson SECONDED to reconsider the previous decision; to deny the amendment to the Special Permit for speed bumps. VOTE: UNANIMOUS.

Farrell – stated that it is in best interest for Brookside for the Board to reconsider the Special Permit decision rather than going forward with the waiver per the advice of Town Counsel.

Atty. Bellard asked who the members are sitting on this hearing tonight. Farrell answered Howarth, Jensen, DuBerger, Shearer and himself, tonight's vote would have to be unanimous. He explained Doucette was not able to attend, Michienzi was not included in the previous hearing, and Gallo is recused.

Atty. Bellard – stated he wished to move forward with the waiver as it is a new petition.

The Board moved forward with the reconsideration of the special permit amendment:

Farrell – suggested an advanced sign "Speed Bump Ahead" before the actual speed bump. He drove through the development both at night and during the day. By the time he saw the sign there was abrupt speed bump. He also suggested a sidewalk around so a bicycle or wheel chair

can maneuver around rather than cross the table. Lastly, he suggested leveling out the speed bump and having less of a pitch so it is less abrupt.

Atty. Bellard – stated he was comfortable with the advance warning sign, however did feel a sidewalk was not necessary. Farrell said the liability would be on Brookside.

Atty. Bellard – gave an overview of how they used MassDOT standards to determine the size of the speed humps. Upon review of testimony and comments from the previous meeting they have found a speed limit of 25 mph is reasonable, and according to MassDOT standards, the speed hump installed is designed to maintain a speed of 20 miles or less. MassDOT recommended the existing placement of the sign as to prevent cars from going around the speed table. If the Board desires the sign to be moved prior to the speed hump by 5 to 10 ft, he doesn't see it as an issue. Although Attorney Bellard would request not to move signage so far ahead of the speed hump that a car would be tempted to swerve around and drive on the grass area.

Farrell – apologized by admitting he made a mistake with his original vote and that it has been the past practice of the Board to not approve speed bumps, humps or tables. He also expressed his regret that the Board hasn't incorporated speed bumps, humps or tables into their regulations. If both parties agree on the advance warning of signs, he feels issue could be resolved tonight.

Atty. Bellard – appreciated and accepted Farrell's apologies. With regard to sidewalks, Brookside accepts the responsibility.

Mr. Mulvey – suggested that before the Board approve the speed humps, that they get a signed agreement which includes the liability issue in writing and that there be a road plan to show a section of road included, location of bumps, the bike/walk way, cross section of the bumps and the signage/language before agreeing to the waiver.

Farrell – stated that the testimony has been considered and updated. The Board is in receipt of a site plan showing speed tables. As far as liability, it all falls on Brookside. It is not public road it is within a private community. He has reviewed this as well with Town Counsel.

Howarth MOTIONED and Jensen SECONDED; upon the reconsideration of the denial of the amendment to the special permit now approve the installation of 6 speed humps according to the submitted plan with the addition of advance warning signs "Speed Bump Ahead" no less than 20 feet before the hump in both directions. Roll Call: Jensen – yes; Shearer – yes; Duburger – yes; Dudley – yes; and Farrell – yes.

Public Hearing for Site Plan/Special Permit #07-2012 Con't from 8/23/12: 1379 Rt. 28A. Warren Dalton. To develop a mixed-use of office/retail with 12 one-bedroom apartments above.

Chm. Farrell – explained this is an amended Special Permit which has been filed through through Mr. Balentine.

Atty. Ford O'Connor:

Parking area plantings. There no interior islands to put any plantings, but plantings would be everywhere else. He recognizes the curb radius from the State.

Definition of non-residential uses. No one has signed a lease at this time. Parking is for retail.

The specification of lawn depth and provide erosion. New plans provided showing unit layout with elevations of the buildings – it will have the same style with clapboard and shingles. The dumpster will be lowered. 10 spaces will be picked up which is the same number as previous plan. Plans are reconfigured with the residential outback.

Building permits. Built to code and garage is underneath. There is more adequate utility access per the town bylaw. All uses may be retail mixed in the front. All signage will be placed. Plans have been architecturally stamped when submitted. Section 403 has been triggered and doesn't need a need waiver.

Proposed emergency egress. There will be emergency access and will loom and seed the area as well.

In summary, Atty. O'Connor feels all conditions have been met.

Dody Adkins-Perry – the same floor plans and elevations of a typical apartment has been submitted. Not all floor plans and elevations.

Farrell – the board does not approve any permit until they have seen all materials necessary for a vote.

Atty. O'Connor – believed submitting plans of a typical apartment was sufficient.

Dody Adkins-Perry – the shape and size of some of the other apartments vary.

Jon Nelson – recommends applicant resubmit and include elevation plans in the package plan. He would like to see a full submission, updated set of plans with revisions and time to review.

Howarth MOVED and SECONDED by Dudley to continue hearing to 10/25/12 with all requirements requested are submitted under a 72-hour deadline. UNANIMOUS VOTE.

Nelson - will review plans for adequacy and get back to Atty. O'Connor.

At this time, Farrell acknowledged Jon Nelson as Bourne's First Facility Manager.

Public Hearing for Special Permit #11-2012 85 Main Street – Applicant Ed Chambeau for Selling Art & Antiques.

Applicant present. He is in the building at 85 Main and wants to sell antiques – not junk.

Jensen – in keeping with the downtown revitalization, applicant seems to have met conditions. He is personally concerned with the limited Main Street parking. If off street parking is made accessible, it would benefit all involved. Applicant will be the only employee. Wants customers to know there is easily accessible parking. Dudley recommended to approve contingent on "Additional Parking in Back" signs.

Dody Adkins-Perry – applicant has obtained his business license. He doesn't know about the display of sidewalk issue.

Farrell - erected signs are required to be reviewed by the new Sign Bylaw Committee bylaw at the Town Planner's office. Artifacts on the sidewalk is limited to 12 feet from the curbing.

Howarth – "junk" is the board's pet peeve and the town doesn't need any displayed on Main Street. The town needs nice quality items; if there aren't, there will be issues.

Dudley MOVED and SECONDED by Howarth to approve Special Permit #11-2012 contingent upon signage stating "Additional Parking in Back", all additional signage approved by the Sign Bylaw Committee and Town Planner and with the condition of applicant to return in two (2) years to obtain a Special permit for compliance. Roll call vote as follows:

Shearer – yes	Jensen – yes	Nelson – yes	Gallo – yes
Howarth – yes	DuBerger – yes	Michienzi - yes	

Public Hearing for Site Plan/Special Permit #10-2012: Con't from 8/23/12: 1&11 Trowbridge Road – Applicant One Trowbridge Rd LLC to remove existing dwelling and construct a transitional parking lot with alternative surfacing.

Michienzi recused himself from discussion and vote as he is applicant.

Raul Lizardi-Rivera, for applicant, with revised plans which proposes 20 parking spaces. Gravel surfaces on plans reviewed. The village is zoned with commercial and residential properties. This revision brings back setbacks and has no zoning requirement. Revised plans were presented before the Conservation Commission and approved with conditions.

For the record, abutter Mr. Buguey present tonight. Applicant met with abutter for proposed project designed with 20 parking spaces. Applicant's concern is with his view with regarding to the retaining wall and plantings. Applicant is agreeable to the proposed fencing - a privacy wooden fence.

Proposing plans meet the zoning bylaws.

Farrell – asked applicant to over conditions from the Conservation Commission.

Mr. Lizardi-Rivera:

Conservation Commission special conditions

1. Permitting required if surface needs to be changed as parking lot is presented as gravel.
2. Silt and debris accumulated from the adjacent roadway drainage can be removed by applicant.
3. Area closest to the parking lot and the wetlands are fully vegetated; replanting required in any bare areas to comply with a minimum of 20 feet of natural vegetation for a buffer zone between the embankment and altered area.

Jensen – feels applicant has intension for future projects with the medical facility which are still in progress.

Farrell – any extension would have to come back to the board, including alternative surface for the parking lot.

Gallo – discussed on the gravel area there will be numbered bumpers. No detail, cross section, or composition list of the retaining wall. He is worried about construction due to its proximity to the property line.

Farrell – asked about the drive sheathing. Mr. Michienzie said he may not build wall, but the Building Inspector suggested building a black wall; he is currently reviewing with the architect.

Mark Buguey – abutter is concerned with the integrity of the retaining wall.

Mr. Lizardi-Rivera explained plantings are between fence and the property line, not on top of the retaining wall.

Gallo – asked if applicant has State approval of the curb cut in front of the property. Applicant does have approval and will be cut per Mass. Highway. Permit application includes a guard rail and will require information on draining onto the State highway. Grading is also required and the State will receive revised plan along with forms they require.

Farrell – grading will prevent any run off from property and contained on this site.

Dody Adkins-Perry - draining treats half of the runoff. The remainder goes into the lower parking lot.

Mr. Lizardi-Rivera – did review, and included in the analysis is the draining system. Discharge to existing facility will not increase discharge or flow into that system.

Gallo – there is no emergency vehicle access. Mr. Lizardi-Rivera called the Fire Department and was told there is emergency vehicle access around the medical facility from the existing drive and highway to reach any potential hazard from this parking lot.

Don DuBerger – several concerns.

1. Transitional parking when existing condition is a 35-space parking lot. Applicant approached the town to help himself be relieved of parking shortage.

The Intent of the voters at Town Meeting was to help property owner solve a portion of the parking problem. Transitional parking for a potential building will further hurt the parking issue.

2. Why isn't retaining wall moved?
3. When was the last time the board approved gravel?
4. This past weekend (Saturday), trees were cut down - which could have been a potential buffer between the commercial and residential - without a permit. He is very upset about this decision will make the public look at this board unfavorably and this proposal is even being considered. He feels this will set a precedent and urges this board to consider before approving and this is not what the voters voted at the Town Meeting.

Shearer – proposal is adding 20 additional parking spots. Alternative surface will be in front of another building. He believes the town is in favor of more parking in this area and doesn't see an issue.

Jon Nelson – would like to see a cross section of the retaining wall.

Gallo – applicant needs to accommodate the slope.

Howarth – doesn't feel there are alternative motives involved in this application. He is in favor of increased parking which is what Bourne needs.

DuBerger – believes this property has been an issue from the beginning and continues to do so. No further board comment.

Mr. Mulvey – ConCom was concerned with water runoff to the wetlands. He worries about establishing something that has not been covered by town bylaws.

Dody – how applicant chose to phrase.

Mr. Lizardi-Rivera - alternative surface is gravel. Any proposed addition to the parking will have to be back before this board. It is not a given that this parking lot authorizes expansion to the building. With the addition of an ADA parking site, the area uses 18 spaces with 2 handicapped spaces.

Mr. Buguey - not sure how the retaining wall will affect his property as there is a possibility it could collapse and part of his property could come down.

Farrell – applicant will have to restore abutter's property which is between abutter and the applicant. If while constructing retaining wall it collapses, it is his applicant's responsibility.

Diana Barth – asked the difference between transitional and temporary. Farrell – the timeframe in terms of whether the parking lot stays gravel.

Dody Adkins-Perry – believes there will be more silt coming off the parking lot than existed before.

Farrell – asked Mr. Lizardi-Rivera if this can be changed. Mr. Lizardi-Rivera said the proposed elevations are driven by the existing elevation of the current parking lot of medical facility. Applicant is keeping 4% from the paved driveway to the retaining wall; if make flatter, it will require a higher retaining wall.

Mr. Lizardi-Rivera – the amount of flow is cleaner coming from paved surface. Once a year applicant will clean silts from existing drainage. If there is an issue with erosion and silt, he has the option to pave. He doesn't want this parking lot to be a problem for the existing facility. If paving will be a better solution, applicant will pave the parking lot.

Mr. Buguey – for clarification, the retaining wall is something he has to work out with Mr. Michienzi.

Howarth – requires the construction of the retaining wall go through an engineer, stamped and approved. Mr. Michienzi will further discuss with the abutter.

Gallo – silt is going into adjacent parking lot, not into the wetlands. Paving causes water issues.

Mr. Mulvey – in the ConCom meeting, there were discussions of another building and setbacks. He suggests the word "transition" be defined.

Howarth – any changes have to come back to this board. Town Counsel did not have issue with term "transition".

Gallo MOVED and SECONDED by Howarth to approve the additional 20 parking spaces with the condition that the board receives a copy of the letter from the State with regard to the curb cut, retaining wall composition with drawings, applicant following conditions set forth by the Conservation Commission and the Planning Board, a letter from the Fire Department with regard to emergency vehicle access and the approval of the term "alternative surface for parking lot." Roll call: Nelson – yes; Shearer – yes; DuBerger – no; Howarth – yes; and Gallo – yes. Motion carries.

Adjournment

Howarth MOVED and SECONDED by Jensen to adjourn meeting. Meeting adjourned at 8:30 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.