

## **PLANNING BOARD MEETING MINUTES**

### **April 14, 2011**

**PRESENT:** Christopher Farrell, Doug Shearer, Dudley Jensen, Peter Meier, John Howarth, Louis Gallo, Gerald Carney (Alternate)

**ABSENT:** Daniel Doucette, Donald DuBerger, Clement DelFavero

**ALSO PRESENT:** Paul Gately, Diana Barth, Mike Bilodeau, John Brennan, Christine Riha, Robert Sheehan Sr., Christopher Senie, Lisa Laine, John Lipman, Daniel DeSisto, Peter Gasbano, James Potter, Michael Blanton, Mr. & Mrs. Burke, Mark Hebb, Eric & Karen Runyon, Andrew Intreiri, Joshua Curan, Barbatra Nagle, Chris Hyldburg, Ford O'Connor and other members of the public

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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 3/10/11. The MOTION was seconded by Mr. Shearer with all in favor.

Mr. Howarth made a MOTION to approve the minutes of 3/24/11. The MOTION was seconded by Mr. Shearer with five in favor, 1 abstention.

Mr. Howarth made a MOTION to approve the executive session minutes from 2/10/11 and for them to remain encumbered. The MOTION was seconded by Mr. Shearer with all in favor.

Mr. Howarth made a MOTION to approve the executive session minutes from 3/24/11 and for them to remain encumbered. The MOTION was seconded by Mr. Shearer with five in favor, 1 abstention.

Mr. Jensen made a MOTION take items out of order. The MOTION was seconded by Mr. Howarth with all in favor.

Waiver Request: 1131 Sandwich Rd. Michael Bilodeau for a deck on the rear of the property for outside seating.

Coreen stated there are no issues.

Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Meier with all in favor.

Waiver Request: Cont'd from 2/24/11. Falmouth Motor Car for an addition.

Mr. Jensen stated the Mr. DuBerger had the project and had some concerns. The letter from the Town Planner's office recommended not approving as they needed a supportive finding which also requires site plan /special permit review. The site is already non-conforming. The applicant's have attempted to bring the site more into conformity.

Ford O'Connor: They are adding a waiting room and that's not increasing the use. Can only fix so many cars at a time. Would like to sit with Board and address issues.

Coreen: The reason we wanted a full review is so the Board could have enforceable review. Discovered the Board can always go to Roger for enforcement if see something out of compliance. They don't need the supportive finding anymore (building was moved back).

Mr. Jensen stated the parking was reduced from 20 to 14. Has concerns with viable access for emergency vehicles.

Chairman Farrell stated there is access on both sides of the building.

Ford would like a revised memo from the Planner's office and requested to continue to the next meeting.

Mr. Jensen made a MOTION to continue to the 4/28/11 meeting. The MOTION was seconded by Mr. Howarth with all in favor.

Public Hearing for Definitive Subdivision: Diane Beatty. Two lots off Nick Vedder Road.

Mr. Howarth reviewed this project and made a MOTION to approve with the following conditions:

- No further dwellings beyond two houses
- The owner is responsible for maintaining the road sign and stop sign
- Bounds as shown on the plan must be set by a registered land surveyor. Bounds must be installed at all street intersections and all points of change in direction or curvature of street sidelines, per §363(b) of the Bourne Subdivision Regulations. All bounds must be granite or concrete, not less than 30" long and not less than 5" in least dimension. Prior to release of security, developer's land surveyor must furnish the Planning Board with a letter certifying that the bounds defining the street layout have been placed precisely as indicated on the Definitive Plan. Per §2460 of the Bourne Zoning Bylaw: Each corner of the new lots must be marked by a bound prior to foundation construction.
- Waivers Granted:
  - Reduction in pavement width from 20' to 16'
  - Reduction in the minimum width of the right of way from 40' to a variable width with a minimum of 33.5'
  - Waiver from the requirement that the centerline of the road be centered in the right of way

The MOTION was seconded by Mr. Shearer with all in favor.

Fee Schedule: Add fee for scanning/emailing/printing documents; \$20 per hour. Printing of color copies is extra.

Ann Gratis, explained the time involved with scanning documents. There is a cost for making copies, this is essentially the same.

Mr. Howarth made a MOTION to approve the fee schedule change. The MOTION was seconded by Mr. Jensen with all in favor.

Mandatory Referral to Cape Cod Commission: New Generation Wind project.

Coreen stated they withdrew and refilled. We sent it to the CCC as it was mandatory and it's what we did when they originally filed. The CCC received a challenge that the referral was not made by a vote of the Board. As it was mandatory, it was just done in-house. The CCC and New Gen. Wind have asked for a vote from the Board to send it down.

Mr. Jensen made a MOTION to send it. The MOTION was seconded by Mr. Howarth with all in favor.

Procedural Rules: Amend Section 3.2 by adding the following:

**3.2.5 Cape Cod Commission Referral**

**Mandatory Referrals** When a project is determined to be a mandatory Development of Regional Impact (DRI) the Planning Board Chairman at his discretion may refer the project to the Cape Cod Commission using the Cape Cod Commission DRI referral form.

**Discretionary and Jurisdictional referrals** must be made by a majority of the Board at a regularly scheduled meeting.

Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Shearer.

Chairman Farrell stated that mandatory referral is just that. The CCC just wants someone to say ok.

All in favor of the MOTION.

Public Hearing for a Change to the Zoning Bylaw: Cont'd from 3/10/11. Sec. 3460 Wind Energy Conversion System (WECS). Proposed changes by private petition. Deliberation and decision.

Christopher Senie, atty. for the proponents, had met with Coreen Moore to discuss some changes to the proposed bylaw; the changes were submitted to the Planning Board office a couple of days prior to this meeting. Phil Herr, consultant for the Board, gave his response stating he thought some of the changes were significant enough to require a new public hearing.

Chairman Farrell read some of the highlights of Phil Herr's memo into the record: The change would limit WECS to heights no more than 175 feet, effectively making that the "expected to be allowed" height. There are other changes as well.

Senie would like to withdraw that change. Would rather go forward with the original petition.

Mr. Gallo read the pros and cons. There is a lot to digest that we got in the last 24 hours. Some concerns are justified and some are not. Turbines are so new. We did not have enough time to put it all in order.

Mr. Howarth would like to be able to sit as a Board to discuss this among ourselves.

Mr. Shearer stated some of the maps with locations to change to smaller turbines only, disagree with some of the placement. Looking at potential – maybe – health hazards. Don't know what kind of noise. This proposal will allow no turbines in town. Not comfortable. We spent two years writing our current bylaw. There are too many questions.

Mr. Meier stated we need to listen to more public comment. Didn't give enough time. There are massive changes that will change the quality of life in this town. Safety and setbacks are concerns. It's a work in progress.

Chairman Farrell stated these changes to our existing bylaw are we supportive or does it need tweaking? Laws should not be arbitrary. Give favor to both sides.

Mr. Howarth stated every town has problems with turbines. Have many questions, not ready to kill or approve. Both sides are emotional. Need to study and learn before making a decision or we are not doing it justice.

Chairman Farrell stated we are not talking about a particular project. We have to look at this in regards to the Town. Good, Bad, in between. Phil Herr suggests we take no action now. Setback of 1.5 x height, we need to study more.

Coreen stated the map she created (special analysis) would not allow industrial or utility turbines allowed.

Mr. Howarth made a MOTION to table this to further study and review for the best interest of the town. The MOTION was seconded by Mr. Shearer.

Senie: We want to present at the 5/2/11 Town Meeting. In order to have that opportunity, we need a recommendation by the Board.

MOTION: 5 in favor, 1 opposed.

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 7:40P.M.

Respectfully submitted,  
Ann T. Gratis