

PLANNING BOARD MEETING MINUTES

April 24, 2014

PRESENT: Christopher Farrell, Daniel Doucette, Douglas Shearer, Dudley Jensen, John Howarth, Louis Gallo, Elmer Clegg, Lea Benson

ABSENT: Rob Galibois

STAFF: Coreen Moore, Town Planner

PUBLIC: Jim Mulvey, Kathleen Donovan, Tim Santos, Vincent and Noreen Michienzi, Don DuBerger, Joan Roanoke, Raymond Curpa, Beth Ellis, Peter Meier, Maria Huff, Ken Sherman, Ralph Drinkwater, John Kenny, Raymond Kirpa, and other members of the public

Ann Gratis, Recording Secretary

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

This meeting was televised and recorded.

Planning Board Comments:

None

81P 7 Shore Road. 2 lots.

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

Don DuBerger stated at the ZBA hearing the Planning Board chairman spoke against this variance for shape factor. One would think there were serious issues. The ZBA approves this variance all the time. There were other means to get this but we went with what was suggested to us by the Town staff. The deal almost fell apart. This met all the requirements.

Chairman Farrell had no comment.

Request for Waiver of Site Plan Review and/or Special Permit: 2 Williams Avenue #B, Pocasset. Bourne Bridge 24HR Taxi, Inc. For the purpose of using existing fenced and graveled area for parking without any site changes.

Mr. Sherman: The illegal storage has been removed, permits applied for the signage for both businesses, submitted a screening proposal.

Mr. Shearer, reviewed this project. The applicant has done what we requested and what he's capable of doing. We can't set conditions if this gets approved. Problems exist with the overall site and the other tenant. We have to look at the whole site/property. Screening would be sufficient, the kayaks are an issue, illegal storage of kayaks. Plantings have been removed on the other side of the property. It's unfair to the applicant as he's not the property owner.

Mr. Doucette stated we have a code enforcement officer and we can make sure they are in compliance.

Coreen spoke to the kayak lady and mentioned the 50' buffer. The dilemma is if the kayaks should be there or not. They can't fit inside.

Mr. Howarth asked if Roger Laporte can't enforce, what options do we have?

Mr. Doucette stated other businesses in town order inventory, they don't maintain it on lawns.

Mr. Jensen suggested continuing correspondence rather than vote now.

2 Williams Ave:

Joan Roanoke, Chair of Lily Pond Condos stated the kayaks are seasonal and act as a form of advertising, the same as the taxis. It's just a different vehicle. We have a concern with unregistered vehicles.

Ralph Drinkwater, Lily Pond, stated they have observed one unregistered vehicle there now. How many do they want to store? One plan showed 7 and the other 11, neither can be stored safely. 5 would be ok. There has been parking along Windrush and Williams Ave during winter cleanup. Hours later vehicles are still in the street.

Mr. Sherman: there is plenty of room and we only have 1 unregistered car on site, it saves on insurance. We do move vehicles on the road to clean the lot after a storm. They are usually only there 10-15 minutes. We sometimes use Hamilton's driveway. We understand why you want the whole site in compliance. We have no overflow, stagger the shifts. When a driver parks his car, he grabs a cab and goes.

Coreen stated we can always do enforcement.

Mr. Shearer stated the proposed screening will prevent parking on that part of the street.

Mr. Clegg asked what is the maximum number of vehicles parked at any time of day? 7.

Mr. Sherman: There is space for 11 cars, 5 of which are taxis. The drivers vacuum the cars after the shift.

Mr. Shearer: We can correct the on-street parking, unregistered vehicles and kayaks. Plantings are being done on his corner. He has stepped up. If a storage container is needed it will require site plan review. MOTION to waive site plan/special permit and we'll keep tabs on the area. The MOTION was seconded by Mr. Clegg with all in favor.

Mr. Sherman thanked the Board.

Public Hearing for Amended Site Plan Review/Special Permit #08-2013: 1 & 11 Trowbridge Rd and 9

Sandwich Rd. One Trowbridge Rd, LLC. Building addition of a drive-through window for the pharmacy.

Tim Santos of Homes & McGrath represented the applicant. The existing proposed addition is for 43x70, this is 43x80 with an added drive-thru and modified curb cuts/parking.

Mr. Howarth stated he always reviews if the queue line is adequate for all drive-thru's when they come in. I don't see a rush of cars going through there and feel it's adequate. All prior approvals will still apply.

Mr. Clegg: the retaining wall is designed by others. How do we know it'll work? I want firm assurance it will be adequate. It should have been put in before. Can't get a 2:1 slope in that area.

Tim: If the building inspector deems it necessary cut plans will be provided. That can be a condition.

Mr. Gallo: the original wall designed was 13' high. The abutter had concerns then the applicant shows he could do a 2:1 slope and it's almost all landscaping. Much safer and the abutter was happy. Almost 20' of this wall will be 6' high.

Mr. Doucette stated it's ok for Roger to look at the plan for the wall. If we start making applicants come before us to have walls approved we are interpreting the building code which isn't our job. That's why we have a building inspector. Not everything needs to be in the plans, if we need it fine.

Mr. Shearer stated when Roger goes to the site and the slope is more than 2:1, then the wall needs to be put in or no occupancy permit will be given.

Tim: the wall is being constructed because we can't meet the 2:1 slope.

Mr. Gallo asked if the drive-thru stays with the business? It can't be a donut shop later?

Tim: We discussed with the town for a drive-thru and the pharmacy would move down to utilize the window, that's probably how it got put on the agenda as a drive-thru pharmacy.

Trowbridge Rd:

Mr. Doucette stated we are not obligated to know what business is going in there, but if something other than a pharmacy goes in, they will come before us.

Coreen stated the bylaw is broad for retail. If it's a concern, condition it.

Mr. Clegg: we assume it's for a pharmacy. How is it compared to other pharmacy's in town with drive-thrus? CVS has 2 windows.

Mr. Howarth has never seen more than 1 vehicle in line at the CVS at a time.

Mr. Clegg: change in parking , pedestrian traffic, parking.

Mr. Howarth saw all those and found no problems.

Tim: all the changes on the plan were approved by MA Hwy. The State wanted the crosswalk perpendicular.

Mr. Clegg: If the four illegal spaces in the sate right-of-way why haven't' they been removed? If the crosswalk is installed as on the plan pedestrians will be dumped into the parking lot of the site. Safety is an issue.

Tim: striping in the lot can be done. We can slide a space down.

Mr. Clegg: the original special permit called for 157 spaces, this plan has that exactly. Space #125 is exactly 2' from the entrance to the dumpster area.

Tim: the dumpsters are maintained at night and early morning. The overhead doors are storage for the owners equipment.

Mr. Clegg: the 350' was straight across the road, no pointing to a common door. The parking is not compliant.

Chairman Farrell stated the measurement went to a common door to the left of the fire door.

Mr. Doucette: we can't put a sidewalk through a driveway. Don't know any other building or plan in town like that.

Mr. Shearer stated the Board voted unanimously to approve the ice cream shop with no objections to the crosswalk, shared parking spaces, there is no crosswalk on the property. How can you approve one and rip apart the other? This seems like a personal agenda. They can't put a shovel in the ground until the Board approves it.

Chairman Farrell asked if there were any other issues on the drive-thru? All previous conditions are not up for discussion. The overhead doors are not used during business hours.

Mr. Clegg: the queue, if one car is at the window, there is space for only one other car, then cars will go to one lane on Trowbridge Rd.

Ms. Benson asked if there is a bylaw that states how much space is allowed.

Mr. Clegg: it varies by the type of business.

Mr. Howarth made a MOTION to approve subject to the following:

- All prior conditions are incorporated into the plan and are still in effect
- A cut of the all will be provided if required by the Building Inspector.

The MOTION was seconded by Ms. Benson.

Mr. Clegg: Anyone who votes yes is being arbitrary and capricious.

Chairman Farrell stated he and other members of the Board filed a 23B form.

Roll call vote as follows:

Mr. Clegg – no	Ms. Benson – yes	Mr. Doucette – yes
Mr. Shearer – yes	Mr. Jensen – no	Mr. Howarth – yes
Mr. Gallo – yes	Mr. Farrell -yes	

Discussion: 41 Meetinghouse Lane – parking lot

Nobody representing. Mr. Howarth stated nothing has been done. Put on the next meeting.

Informal Discussion: 25 Perry Ave. Ryan Correia. Future proposal.

Continued to a future date.

Public Hearing to Amend the Bourne Zoning Map: Adams St. and Cranberry Highway, village of South Sagamore. The map amendment is proposed to extend the B2 business zone.

Coreen stated the proposal is to move the zoning line to follow the existing property line.

Atty. John Kenny (representing the buyer) said they have no plans for development now. They have a P&S. The current zoning line cuts through a building. It's a 25' front setback so can't park, we can go 30' into the residential zone. Following the property line makes for better development of the property.

Mr. Clegg: there are 2 lots in question – 62 and 64. The owner of record is Michienzi and I'm questioning how the ad was done. I was for this until I saw who owned it.

Coreen stated she doesn't supervise the Planning Board. When Ann goes on vacation I'll help as much as I can, I'm not an employee of the Planning Board.

Mr. Shearer: this is just to determine if we support it at town meeting. The public will be aware of who owns it, the Town people will be the ones to decide.

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

Beth Ellis, Sagamore, said the ad didn't meet Ch. 40A regulations as for notifying abutters.

Coreen stated we have never notified abutters of a zoning change unless they leave their name.

Mrs. Ellis asked the Chairman if he could act ethically as he's a good friend of the Michienzis.

Chairman Farrell stated he filed a 23B Ethics form with the Town Clerk.

Mrs. Ellis heard a rumor of a small strip mall, is there any truth to this?

Coreen has not heard that. If this fails at town meeting, the developer can go 30' into the residential zone. Mr. Kenny wanted it to be clean and on the property lines. Don't see a problem with this as we have done this in other areas of town. The area is all commercial in the front.

Noreen Michienzi stated she owns the property at 15 Cranberry Hwy with her mother in law. There is no issue with our lot, we are just trying to sell it. It's the lot next to ours that wants the line changed. We are done developing in this town.

Mrs. Ellis spoke to some abutters and there are 5 generations that have been in those homes. Right now they have a big residential buffer and they would lose that.

Selectmen Peter Meier stated we spoke about making Adams St. one way at the FinCom meeting, does the Board have an issue with that?

Coreen stated Jean Michienzi's name is on the original submission and in the article.

Mr. Clegg stated he's not trying to hold up the issue. There is lax work being provided and different wording on the agenda from the ad.

Vote: 6 in favor, 1 opposed.

Selectmen Meier asked for a point of order. Would like to invite the Planning Board to a round table discussion about a public/private sewer in Buzzards Bay on Tuesday, April 29th prior to their meeting. What direction do they want to go? The Town can't do it on its own. Reasonable, sensible development and there is very little tax base as a residential community. We need to start working together for the best interest of the Town.

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

With no further business before the Board, the meeting was adjourned at 9:00pm.

Respectfully submitted,
Ann Gratis