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**PLANNING BOARD  
MEETING MINUTES  
January 12<sup>th</sup>, 2023**

**PRESENT:** Daniel Doucette, John Carroll, Amanda Wing, David O'Connor, Sandra Goldstein, Jeanne Azarovitz

**ABSENT:** Elizabeth Brown, Pat Nemeth

**STAFF:** Jennifer Copeland

**ALSO PRESENT:** Jeff Nemes, Christina Nemes and Don Bracken

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Meeting called to order by Chairman Doucette at 7:00 PM.

**1. Minutes:**

- a. **10/13/22** – Motion to accept by Mr. O'Connor, seconded by Mr. Carroll, all ayes by the board. Minutes approved.
- b. **10/27/22** – Motion to accept by Mr. O'Connor, seconded by Mr. Carroll, all ayes by the board. Minutes Approved.

**2. 148 MacArthur Blvd.: Angel's Touch – Bonds for Occupancy**

**Mr. Doucette** – Gives some background information. There was a disturbance behind Angels Touch that was supposed to remain untouched. The Building Inspector would not give an occupancy or temporary occupancy permit. That's what we are discussing in the rear. In the front, the plantings aren't finished. Some are in, some aren't, would like to place a bond to complete both parts. Once complete the bond would be released back. If agreeable, the building inspector will release a temporary occupancy permit.

**Mr. Farrell** – Angels Touch provided an estimate for both sides. The back side: Install loam, broadcast seed with eco-friendly clover, put in 12 white pines, 15,000 sq. ft. Includes costs of machine rentals, loam, delivery fee, temporary gas or charge, the plantings, labor and equipment, total comes to \$9,147.94. Option two is more expensive. Estimate to finish the landscaping required in front and sides of existing building. With disruption of the lot, it's been used to park vehicles. Total bond is \$24,935.32. Believes expensive but will look good in the end.

**Mr. Nemes** (Owner of the property) – Project was phase 1: New building, phase 2: existing building revamp, phased 3: expand and improve the showroom. Pave front and do landscaping. Not there yet, over 100 thousand negative. Willing to do the bond, need time for the front. Need to get in the building to make money to pay for the project. Has put a lot of work in. Will correct any mistakes already made. Clearing the back will be tough. The final inspections will be Tuesday, discussed with Inspector Murphy, as long as I have a reasonable proposal he would stand by his word. Willing to do bond if willing to let be. Will throw clover in back or grass seed.

**Ms. Goldstein** – Did the concrete/cement stuff in back belong to you or the previous owner?

**Mr. Nemes** – I inherited all of the concrete mess in the back along with a few other things that were dumped. It is a tiny lot considering the business.

**Mr. O'Connor** – What was the contractor doing that cleared land in the back? Concern is clear cutting. Mr. Farrell made it clear that it wasn't clear cutting.

**Mr. Nemes** – The contractor was moving his excavator and cleared out some underbrush. Previous owner dumped a lot in the back and a lot of vegetation grew in over it all making it difficult to remove. Will restore land that was accidentally taken out.

**Mr. Doucette** – Holding the bond ensures that the work will be done. If the owner does not do it the town will take the bond and do it themselves. To establish the trees, would the contractor guarantee the trees live up to 2 years.

**Mr. O'Connor** – Is the plan identifying all the trees being put it? Plans don't clearly show what's going on in the front of the property. Plans aren't clear with what is being planted. On the plant list and planting plan there are some that are unaccounted for. Plans are messy. Plans should be resubmitted.

**Ms. Azarovitz** – Couldn't understand the plans when looking over it previously.

**Ms. Nemes** – Asking if this is detrimental to a decision today. We could cover the \$25,000.

**Mr. Nemes** – Once we get occupancy, we will work with the plantings.

**Mr. O'Connor** – Not sure what they get for 25k. Will work with the town and the applicant.

**Ms. Azarovitz** – It's not the plans that are the problem, it's the content that is incomplete.

**Mr. Farrell** – The problem with the front part is the approved plan said certain plantings in certain areas and now the applicant is trying to revise it. The changes do make sense but it is still a problem.

**Mr. O'Connor** – Suggests going back to the designer notifying them of the problems mentioned by the board with the planting plans. Look at plant list and the plan and then go through the rest and do some quality control. Wants the plants specified better in the plans.

**Ms. Copeland** – Conditions in the original special permit decision authorized landscaping alternatives to repurpose the area and to submit the planting plan. This is the revised plan based on these conditions.

The board is looking to see if they can come up with a dollar figure tonight for the plants to be put in. This was determined to be hard to do, due to the changes in prices recently in the economy.

Applicant expressed desire to work with the board to get whatever they need done. The plans were rushed and that led to some discrepancies. A bond until September would work the best for the planting.

Motion made by Mr. Farrell that on the front portion we accept the proposal; it will be more expensive making the total \$27,428.57. Hold bond until October 1, 2023. Not to release until completed, a member of the planning board will work with staff to make sure it is in compliance.

Seconded by Mr. O'Connor, aye vote taken by board, all ayes, motion passes. 7-0.

Motion made by Mr. Farrell that with the rear portion we accept option one where it is \$10,043.00 to complete it and the bond will be held until July 1, 2023.



Motion seconded by Ms. Wing.

Comment from Mr. Carroll on how he has a hard time accepting this proposal.

Comment from a member of the audience, Mr. Bracken who owns the property behind where the clearing took place. Filed a complaint on the property because the project did not comply with the minimum open space requirement. Wants the area re-naturalized with greenery to make a buffer between properties.

Motion amended that the rear portion, we ensure that we have 53.9% coverage.

Seconded by Mr. O'Connor, all ayes, motion amended.

Vote taken by board, one nay vote, all others were aye votes, motion passes. 6-1.

### **3. Discussion: MBTA Section 3A – Draft Action Plan for Interim Compliance**

This is just information to start the process. Information was passed out to the board members. The Board will be working on this until 2024.

**Ms. Copeland** – This was a presentation given in May to the selectmen. This is a new General Law, where Bourne is an MBTA district; there shall be an ordinance/bylaw where one district of reasonable size shall be provided where multi-family housing by right without age restrictions and suitable for families with children. Housing cannot be located further than a half a mile from some kind of commuter/bus/ferry station. Any MBTA community that does not comply with this section will not be eligible for multiple public grants offered by the State. The housing is permitted by right not by special permit. There are certain criteria such as minimum gross density of units, Unit capacity, and location with access to a transit station or downtown. New category is an adjacent mall town, which Bourne is. Unit capacity is capped at 5%. We have 11,140 units, 5% would be 557 units. Draft action plans was handed out to the board tonight, received funds to work on this action plan. Submission deadline is 1/31/23. It is interim action plan not final action plan. Next step is compliance modeling. Will apply for further funds to help develop the plan.

**Mr. Doucette** – What is the plan for the next meeting?

**Ms. Copeland** – The plan is to approve the draft plan for this after receiving comments and working with the board. This is overall the goals.

**Mr. Carroll** – Concern with title of agenda item. More emphasis on housing aspect of initiative.

**Mr. Farrell** – Expressed concern about whether the current sewage system could handle and addition of that many units.

**Mr. Doucette** – This information will be discussed in the plan.

**Ms. Goldstein** – Wanted clarification on whether current wastewater system would need to support 557 more units.

**Mr. O'Connor** – Asks whether there is a 25 acre parcel in Buzzards Bay. There is not but it would have to be done as an overlay district.

**Ms. Copeland** – On the scheduling, want to know if the board would like to bring the plan to the Annual Town Meeting for May of 2024 to give additional time for planning and outreach.

**Ms. Goldstein** – What is the biggest hurdle with this project?

The Board unanimously agreed the flood zone issue is the biggest hurdle.

Discussion took place regarding the overlay area being in the downtown district as well as flooding issues. Elevated buildings and sidewalks have been discussed in the past. Board agrees there is much homework to do on this project.

#### **4. Adjourn:**

Motion to adjourn by Mr. Doucette, seconded by Mr. Farrell, ate vote take, all ayes, motion passes.