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**PLANNING BOARD
MEETING MINUTES:
April 13, 2023**

2023 AUG 18 PM 1:01

PRESENT: Daniel Doucette, Elizabeth Brown, Sandra Goldstein, William Meier, Jeanne Azarovitz, Amanda Wing, Jim Robinson, Christopher Farrell, David O'Connor

ABSENT:

STAFF: Jennifer Copeland, Julia Gillis

ALSO PRESENT: Steve Strojny, Tom Daley, Glenn Harrington, Kevin Howe, Cheryl Green, Ryan Correia, Coreen Moore, George Slade, Catherine Walton

Meeting called to order by Chairmen Doucette at 7 pm.

1. Meeting Minutes: 03/09/23

Motion to approve by Ms. Brown, seconded by Mr. Robinson. All ayes from the board, abstentions by Mr. O'Connor and Ms. Wing.

2. Public Hearing for a Change to the Zoning Bylaw:

Private Petition – to see if the Town will vote to amend the Bourne Zoning Bylaws as follows, or to take any other action in relation thereto:

Section 2250. Medical Marijuana and Marijuana Establishments
(Full text available at the Town Clerk's and the Planning Office).

- **Mr. Strojny** – Present to discuss the Zoning Bylaws pertaining to Marijuana in the Town of Bourne. The Planning Board will have a large role if the ban is lifted in Town. The applicant wants to establish Zoning Bylaws in the case this ban is lifted. We have drafted these Zoning Bylaws based on guidance from the State, and the unique characteristics of Bourne that will work with the Town. The Local Comprehensive Plan (LCP) was used as well and it strongly suggests that what is best for the community is local businesses that recycle money through the Town. Money generated by local businesses stays within the community. This will bring money in and be kept within the local community. With the Bylaws we kept it to areas where cannabis sales would be appropriate. We looked mostly at business zones. We took out areas that lean residential and tried to balance locations with multiple interests in mind. The State guidance basically says don't make rules and regulations that make the siting of these businesses impractical. There is a buffer zone for schools (500 ft.). In the process of siting, owners have to have multiple informational meetings to provide information to local residents, to address various questions and concerns like security, keeping away from minors, etc. They make sure that the location is not a nuisance. There are so many layers of regulation between the different levels of government and their reviews. We took into account the money being brought into town. The previous line of thought is that these establishments are to be hidden and aren't to be promoted within town. This led to poor zoning and poor locations performing badly. We now know these locations are not blights to the community and provide a lot of tax revenue. Recreational marijuana is taxed, but due to the entrance of more marijuana

providers the overall price has fallen, making the price more on par with the black markets. This will put those black market dealers out of business and will be a benefit to the Town.

- **Mr. Robinson** – Do you have the rough numbers of the money the Town made? Will this add to the traffic issue?
- **Mr. Strojny** – It is a complex calculation between taxes with the Town and State, but it's easily over a million dollars with just the three percent (3%) tax to the Town. Bourne is positioned well to make money on marijuana due to its location. In regards to traffic, these are people already traveling through Bourne and it shouldn't add to traffic. We're capturing already present clientele.
- **Mr. O'Connor** – There doesn't seem to be any limitation on the use of the building, being that it could include cultivation or processing. Understands retail operation could work there, but manufacturing could create a mess Downtown. A fence would have to be installed to not show that industrial aspect of the business. The fence would damper walking traffic and wouldn't be appropriate for the Downtown District. Thinks there should be a distinct separation between retail and manufacturing. Suggests modifications to the language to take the industrial side and make that a separate category. Nothing is in the language to prevent the industrial side coming in even if that's not the plan now.
- **Mr. Strojny** – In the business, this is just not practical and it wouldn't happen. There is disagreement in this. This business just doesn't have as large a footprint or influence as people think.
- **Mr. Howe (resident)** – Wife is the owner of Capeway Cannabis in Carver, MA. In regards to the land and footprint discussion, Buzzards Bays would be cost prohibitive for manufacturing. It would be much better in Fall River or New Bedford or the Western part of the State due to the costs here.
- **Mr. O'Connor** – Why so resistant to a change in language then?
- **Mr. Howe** – It's just so inefficient it doesn't even need to be addressed.
- **Mr. Strojny** – Making changes now after already going before the Selectmen as well as other Boards and having the public already weigh in is just not possible.
- **Mr. Doucette** – To make the changes Mr. O'Connor would like, would have to be made by a motion during Town Meeting.
- **Mr. Strojny** – The moderator has already said that she will not allow any motions on this article.
- **Mr. Farrell** – Can always amend the Zoning Bylaw in the Future if this comes before us. This is not one and done.
- **Mr. Howe** – It is a long process before there's even a license granted by the State giving us plenty of time to address this issue.
- **Ms. Goldstein** – What is the sq. ft. of the shop in Carver, MA?
- **Mr. Howe** – 2,500 square feet.
- **Mr. Doucette** – Looking for a motion on if we support the Bylaw to go into the Planning Board's Report for the upcoming Town Meeting.

Motion Made by Mr. Farrell, seconded by Ms. Brown, all yes votes by the Board, motion passes.

3. Application for Site Plan Review/Special Permit #01-2023:

171 Clay Pond Rd. to expand the use from a garden center to a garden center and restaurant with outdoor dining in a business 4 (b-4) district. Request a waiver of the requirements under the Zoning Bylaw Section 1238.B.1.

Applicant Glenn Harrington along with owner's Tom and Greg Daily.
Mr. Robinson recuses himself from the meeting.

- **Mr. Harrington** – Owners are looking to install an open café area previously used from 1993-1995. Floor plan and site plan has been submitted. Will not have wait staff, merely a place that will have baked goods, coffee, and sit own for customers to sit down and relax while visiting the garden center. This will not be a high use restaurant with wait staff.
- **Tom Daley** (Garden Center owner) – The idea is to enhance the experience at the Garden Center for our customers and to have ready to go food made somewhere else, served here. Believes this compliments the town and its goals to be visitor and customer friendly. Square footage of the building is staying the same, just renovating the main floor to make it open. The only external change is in regards to a glass greenhouse where we will replace the glass with a roofed area sitting on the identical footprint of the square area already used by the greenhouse. This is mainly updates and changes to the main building.
- **Ms. Copeland** – The applicant is requesting a waiver for a stamped site plan and requesting a waiver of ten parking spaces. The total required is twenty-eight (28), but the property only has nineteen (19) with one (1) handicapped. Adding twenty-eight (28) seats inside and sixteen (16) outside.
- **Mr. Harrington** – Overall seating has changed, total of fifty (50) went down to thirty (30). We don't have floor plans that show that, but it is due to existing plumbing capacity with the septic system. The owners didn't want to add more to the system so they ended on thirty (30) seats as discussed with the health agent. We can add more to parking, just want to start with and do with this with the changes in seats.
- **Mr. Daley** – Seating would change with the season. It is thirty (30) overall, so during the warm months maybe twenty (20) outside and ten (10) inside. Colder months change. We don't know the answer to how many employees, this is kind of a pilot program to see how the experience works. The whole back area has been cleaned up and there is plenty of room for employee parking if needed. Busy season is April to June.
- **Mr. Doucette** – Seating dictates the parking so we will work within that.
- **Ms. Copeland** – The total required spaces are twenty-one (21). They provide eighteen (18) and they will need three (3) additional spaces waived in the motion.
- **Mr. Farrell** – I have stopped by the property and the applicants have done a good job cleaning up the site. Worried about the angled parking with the limited room seen here.
- **Mr. Daley** – We will be clearing up some of the stumps taking up space that will alleviate some of the parking issues in front.

- **Mr. Harrington** – The angled parking might be pushed to the rear, we are still working out where the parking will exactly go, so the angled parking may go away completely.
- **Ms. Goldstein** – Do we have comments from the Fire Department?
- **Ms. Gillis** – Fire Department commented, “depending on the kitchen equipment installed, a kitchen fire suppression system may be required.” They haven’t commented on traffic flow.

Motion made by Mr. Farrell to approve, seconded by Ms. Azarovitz, all ayes from the Board, motion approved.

4. **13 Kendall Rae Place:**

Site Improvement for pedestrian walkway to Main St.

Mr. Robinson returns to the meeting.

- **Ms. Green** – The Affordable Housing Agreement recorded in the Barnstable county of Deeds. Also, the sewer development fee will be overnighted to the Town. Met with the Design Review Committee for the walkway.
- **Mr. O’Connor** – The design engineer explained everything and suggested adding a timber rail for the walkway. Suggested the applicant revisits the planting plan.
- **Ms. Azarovitz** – There is a follow up meeting to discuss the planting plan.
- **Ms. Green** – I have the updated plan with me tonight. Ms. Green went over the planting plan with the Board by showing the plan on paper. Ms. Green brought the proposal from MJD Excavating for installing the walkway and other items, coming in at \$35,854. This amount will be deposited funds into escrow with the Town.
- **Mr. O’Connor** – Did not feeling that the cost was unreasonable.
- **Mr. Meier** – Who will be doing the lighting?
- **Ms. Green** – The same people will be doing it; it’s just not on the plans. This is the change order that needs to be done with the plan. It will increase the amount but not by a ton. I can make that change and resubmit it.
- **Mr. Doucette** – What we are looking to do tonight is to accept the bond of \$35,854 plus ten percent (10%) which would be \$3,585.40. What is missing is the light plans. We need the estimate submitted by MJD, approved by a PB member. Once the bond posted we are good, plus a cost agreed upon, we would accept that until the work is completed.
- Both parties understand.

Mr. O’Connor makes a motion to approve the amount of the bond as represented by MJD cost proposal plus 10%, in addition another cost proposal for the furnishing of the lights agreed upon by a member of the Planning Board, plus 10%, and installation. Seconded by Mr. Robinson.

Motion to amend the main motion that the Design Review Committee will approve the details of the landscaping cuts. All ayes from the board.

Main motion vote received all ayes, motion approved.

- **Mr. O'Connor** – Worried about some of the older trees being cut down by Coastal Motors if the land was ever transferred over. Also, could the designer put some screen material to hide some of the vehicles there to not be the main theme of the walkway?
- **Ms. Green** – Would not transfer over the trees, the tree line would remain ours via the property line. Looking at something to stand there seasonally.
- **Mr. Doucette** – Applicant should bring that up to the Design Review Committee.

5. Discussion: Status of Kendall Rae Rd. Construction:

Continued from 3/23/23

- **Mr. Doucette** – Last meeting we talked about posting a bond to get the road done with what was remaining.
- **Ms. Green** – Shared a copy of an email meant for edification for the board on this specific point. We have been working on resolving a matter with CMP Development. There are multiple facets to it including the roadway. We have been discussing what that resolution is but it is my understanding that the agreement is close. It would include CMP contracting directly with MJD to coordinate the top coat of the pavement. MJD would hold the bond for the roadway. Just a timing issue, would defer to the master developer when they want the top coat to take place. There are some repairs needed for the base coat. This hasn't been discussed yet with the Engineering Department. The ultimate cost will be Calamar's due to the agreement made. The repairs would be made quickly. But the top coat itself, we believe is best coordinated by the master developers.
- **Mr. Doucette** – Walked with Mr. Lydon today to document the fixes needed. Mr. Longo will do an as-built to make sure everything is built according to plan. Biggest concern is getting the top coat done. As long as a bond is in place we are fine with it.
- **Ms. Green** – Agrees to working with Mr. Lydon regarding this and CMP will want to work with him as well.
- **Mr. Doucette** – Concern is with the road going into another winter unfinished. We want the bond posted and an agreement by the end of November it is done by this date or the town will take the bond and complete the remaining work.
- **Mr. Correia** – Walked with Tim Lydon today at the property. Is working with Mr. Longo at Bracken Engineering on getting an as-built to make sure everything is built according to plan. Our biggest concern is the street lights and to make sure the top coat is done as long as there is a bond in place from Calamar. Would like to have the road done by November 30, 2023. We are fine with that as long as there is a bond in place that can be done. Best time to do it would be done the latest by August.
- **Mr. Farrell** – When will lights be done?
- **Mr. Correia** – Mid-May. Everything is on site already. Reason for the delay was deliberation.
- **Ms. Green** – Most occupants will be moving in mid-May starting around May 13th.
- **Mr. Correia** – Can get it done by May 13th but if we can't, latest would be the 20th.

- **Mr. Doucette** – Would like to see a bond that is agreeable to the Town Engineer and DPW Superintendent. When it is agreeable to them with the work to be done, with the bond posted, and if it is not done by a date certain like end of November the town will take the bond.
- **Mr. Meier** – Would feel more comfortable being November 1st due to the plantings being affected by the cold and the sand/plowing affecting the plantings.
- **Mr. Correia** – As soon as the bond is posted we are ready to go. Agreed by all that they have until Nov. 1st to complete the work.
- **Ms. Green** – MJD wants to get this done quick.

Motion to approve, that with the bond agreed upon by the Town Engineer and The DPW Superintendent and posted, and if it is not done by this date the town will take the bond. Occupancy will go into final inspection, have occupancy approved, and work will finish by November 1st if not the bond will be taken and the Town will complete the work remaining motion made by Mr. Farrell, seconded by Mr. Robinson, all ayes by Board. The motion passes.

6. Adjourn

Motion to adjourn by Mr. Farrell at 8:51 p.m., seconded by Mr. Robinson, all ayes from the board, meeting adjourned.