

**Town of Bourne
Planning Board
Meeting Minutes
June 8th, 2023**

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TOWN CLERK BOURNE

PRESENT: Chairman Daniel Doucette, Liz Brown (Vice Chair), David O'Connor (Clerk), Amanda Wing, Christopher Farrell, John Duggan Jr, James Robinson Jr, Catherine Walton.

ABSENT: Jeanne Azarovitz.

STAFF: Jennifer Copeland, Julia Gillis.

PUBLIC: Halim Choubah, Steve Strojny, Doug Oesterheld, MJ Mastrangelo, Coreen Moore, Kevin Hough, Pamela Mascetta.

This meeting took place at Bourne Veterans Memorial Community Building, 239 Main Street, Buzzards Bay and also virtually via Zoom. Chairman Doucette called this meeting to order in open session at approximately 7pm.

1. Minutes: 3.23.23

Ms. Brown makes a Motion to Approve the Minutes, seconded by Mr. Robinson, with all in favor, and abstentions by Ms. Walton, Mr. Duggan, and Mr. O'Connor.

The Motion Passes.

2. Application for Site Plan Review/Special Permit Amendment #13-2019A: 340R Main Street. To construct 12 duplex style houses for a total of 24 units behind the exiting mixed-use structure under section 4400 for earth removal (grading steep slopes).

Halim Choubah introduces himself as a consulting engineer representing the applicant, 340 Main Street LLC. Three years ago they approached this board for a special permit for this four acre property, and at that time they only had plans to develop the northern part of this property into a mixed use building of 12,000sqft. On the first floor would be a gas station with a 2,000sqft convenience store, two fast-food retail spaces, and on the second floor six residential units. This project was approved and covid delayed their plans. Now it is about 90% completed. They decided that the rear of the property is best used as residential, and now they are proposing 12 duplex style houses. They have applied for the sewer, because now they only have approval for 8,000 gallons a day. Unfortunately because of the topography there will be some cut, but from experience they anticipate that it will

all be sandy. They will lose that vegetation but they propose a band of vegetation to separate the residential from the commercial.

Ms. Copeland states that the only outstanding issues is for sewer, DRC, topography, and traffic flow. Chm. Doucette adds that they did a good job adding in the visitor parking. He wonders if any of the trees to the west can be saved. Mr. Choubah confirms this is possible. Mr. Farrell expresses concerns about the traffic being two ways. He believes it should be a one way. Ms. Brown and Ms. Walton agree with Mr. Farrell's concern. Mr. Choubah responds that the owner has control of the delivery of fuel and they can adjust the delivery time so if the traffic was one way, the fuel delivery would not block traffic. The board discusses the grade of the hill from the residential neighborhood to the gas station, and how this may impact the delivery of fuel in icy weather conditions, and whether they should place a restriction on fuel delivery hours.

Mr. Farrell makes a Motion to Continue the Hearing to July 13th. Ms. Brown seconds the Motion, with the majority in favor.

The Motion Passes.

3. **Application for Special Permit Amendment #17-2021A:** 7-9 St. Margarets Street: To modify applicant/owner name from Gregory Leach of Buzzards Bay, MA to Calvin Vu of Lynn, MA.

Ms. Copeland explains that this is a change of ownership from Mr. Leach to Mr. Vu.

Mr. Farrell makes a Motion to Approve the Application for Special Permit Amendment #17-2021A. Mr. Robinson seconds the Motion, with all in favor.

The Motion Passes.

4. **Proposed Marijuana Bylaw Discussion**

Steve Strojny of Monument Beach states that they have met with the Planning Board and come up with an overlay map that shows where the overlay district will be. They suggested that any projects for the downtown area of Buzzards Bay will be subject to a special permit, which gives them an elevated level of review. He adds that it is nearly impossible to make everyone happy, but they hope to write a bylaw that brings the industry into the town and creates significant tax revenue.

The board decides to go over the draft proposal dated June 1st. Ms. Copeland explains that the language of the draft is from the 2018 bylaw that the Planning Board endorsed, with some current changes and suggestions. The board discusses the number of retail dispensaries that will be allowed. The state's minimum

standard is 20% of the number of liquor licenses, and 3 was agreed upon during the previous bylaw in 2018. Mr. Farrell suggests sticking with the minimum standard, and Ms. Brown believes that might not be enough. Mr. Strojny states that number of Marijuana Establishments are not limited to a certain number, and cutting the number down from 3 to 2 will only accomplish in reducing the amount of tax revenue. Mr. Strojny adds that the state now recommends looking to see what the community can support.

Ms. Walton asks Mr. Strojny if he knows what the projections are for revenue. Mr. Strojny states that any numbers are only projections, but he estimates that with three fully functional dispensaries, the town would receive \$30,000 on a weekly basis in revenue. Mr. Robinson suggests going with three and then adding additional locations if the demand is satisfactory. Ms. Brown suggests not limiting small businesses to revenue. Chm. Doucette adds that they know much more about the industry than they knew in 2018. Ms. Walton states that she has heard many concerns from people in town, so having 3 might make it more palatable for some.

The proposed operating hours end at 11pm, and Ms. Walton states that this seems late. Mr. Strojny adds that they can take that out and it will be part of the host community agreement.

Doug Oesterheld of Monument Beach makes a comment. He wonders when the viewpoint which does not support this bylaw in the town will be voiced. Chm. Doucette responds that this dissent can be voiced at any time. Mr. Oesterheld states that he would like zero MEs in town, and he would like the ban of marijuana sales in Bourne. He reads a statement from the School Committee that states that they do not support MEs in town, and it is not in the best interest of their students because it does not send the right message and normalizes and encourages use.

Ms. Brown states that tonight they are discussing where the proposed retail dispensaries would go if they were approved, and they understand that not everyone is in support of the bylaw. Chm. Doucette adds that no matter what, the bylaw that they are discussing requires two-thirds vote at Town Meeting. What they are trying to do tonight is put solid zoning in town so this can be negotiated. Chm. Doucette explains that the marijuana ban is a general bylaw, and it was voted down. If it had passed, they would then need two-thirds vote for zoning. Mr. O'Connor reinforces the fact that this is a technical exercise to protect the town's interests in a proactive matter if the ban is lifted.

A member of the public who does not identify herself uses the example of Sandwich in which the town had one medical marijuana dispensary and recently it was converted to serve recreational customers as well. She states that this was brought to a town meeting and voted upon. She wonders if this can happen in Bourne too, and Ms. Brown responds that it is possible. She states that she believes it makes sense to only have three dispensaries in town. She adds that when people such as

Mr. Strojny talk about “us,” she believes that they are not speaking in the interest of the town, but in the interest of people who are set to make money. Ms. Brown responds that the town will make money, taxes will be affected, the schools could receive money, etc. The member of the public responds that it is one thing to promise millions, when this is not the case in towns like Wareham.

Ms. Brown brings up the independent testing labs. She wonders why this cannot happen in areas like MacArthur Blvd. Mr. Strojny responds that there are not many testing labs per county, and the reason they took the labs out of the plans is that they wanted to focus more on the three dispensaries.

MJ Mastrangelo via Zoom asks about the distinction between the special permit granting authority and the permit granting authority in relation to the downtown area. Mr. Strojny relates the information that he relayed earlier in the meeting. Ms. Mastrangelo states that she believes in all cases it should be special permit. She references the property on MacArthur Blvd, which abuts school property, and believes that there should be fences in place. Chm. Doucette responds that they will look at buffer zones to address this concern that she brings up. Ms. Mastrangelo believes that special permit for each three MEs is the best course of action so they can determine what is appropriate. She believes that it will be difficult to get zoning passed if this is not a special permit in order to address all concerns. Chm. Doucette responds that he understands the concerns, but understands that the Cannabis Control Commission also has an intense level of scrutiny as well. Mr. Strojny adds that when they go through the community outreach process, the notification process is greater than what is in the special permit process. By the time it gets to the special permit stage, the business has already been vetted, they’ve been to the community, and they must play by the rules of the zoning district. Ms. Mastrangelo restates that she has real concerns about marijuana zoning without a special permit.

Coreen Moore of Sagamore states that she believes the distinction between special permit and site plan review is very important. She states that the special permit was crafted to determine if this business was harmonious with the surrounding area. If there is something that they want in the review, that should be in the bylaw. Any business that comes to town should be able to look at the bylaw and determine what they need to do. She states that a special permit has been used to say that someone does not like this, so they won’t vote for it. If the town votes down something, they must know the reason why. She suggests adding the conditions to the bylaw that they believe are important, and listening to the community.

In regards to the buffer zone in 4854, Mr. O’Connor states that the current state law only requires 500ft from a school, but anything else would be a technical bylaw. Mr. Strojny responds that they are comfortable with the state buffers, and more restrictions does not serve the public. Also, in the state laws, they must have a secure perimeter. On MacArthur Blvd, there are no houses or neighborhoods, so they would have little impact on the public and also a very profitable business. Ms.

Brown adds that the possibility of a child wandering 500ft from a school to a ME is very low, and Mr. Strojny adds that there are many advertising limitations which would not allow the ME to display their product to children. Mr. O'Connor states that he sees the point of the special permit, and any additional buffers will reflect community values.

Ms. Brown states that the three districts are very different in terms of buffers. Ms. Moore adds that some of the buffer definitions are from door to door and not property lines. Chm. Doucette requests that they put the definition of the buffer zone in their bylaws.

In regards to the minimum separation of 150ft between retailers, Mr. O'Connor wonders where this number came from. Mr. Robinson states that they have not specified that they want one retailer in each overlay, not three in one overlay. Mr. Strojny replies that they want the market to choose the location, because he believes MacArthur Blvd could support two stores. Chm. Doucette says that it should be a business decision where the stores should go.

Mr. O'Connor addresses permit compliance regarding change of ownership. Mr. Strojny states that when you have a special permit, the change of ownership is brought before the Planning Board. If someone wants to sell their license, that is outside the Planning Board's jurisdiction and will be thoroughly vetted by the Cannabis Control Commission. Mr. O'Connor asks if the original local owner has an opportunity to sell the license to a larger entity, should the town have the opportunity to review this. Mr. Strojny responds that this is not likely and they give preference to social equity candidates. Kevin Hough adds that the permit must be renewed every year, and there is scrutiny for the applicant every year. The town can decide if the individual keeps their license every year during the renewal process.

Ms. Mastrangelo states that she believes the transfer of the license should say subject to the approval of the CCC and the Select Board.

In 4855, Ms. Copeland states that this will be labelled as Office, Retail for parking and loading. Mr. O'Connor addresses that there will be no advertising visible from windows. He states that it is critical that there are no dead windows in the downtown Buzzards Bay area.

Ms. Mastrangelo says that it is important to note that if they rely upon the CCC's regulations in their bylaws, that changes are reflected in their bylaws as well. She wonders what regulations they want in their future regardless of what the CCC does. She adds that they always want to comply with the tougher standard, but she does not want them to go less and then not know it. The main point is that there may be a communication issue if they reference the state's laws in the town's bylaws without being explicit about what the law is. Mr. Strojny responds that they

can work with the language to make this point more clear. The main point is that state law will always trump the bylaws.

Under 4857, Ms. Copeland states they will add in the buffer zone.

Next, the board displays the overlay zones on the screen. First, they display the Sagamore overlay district. Mr. Strojny suggests that they reduce the overlay district to the commuter parking area so there is less community objection.

On the Buzzards Bay overlay district, Chm. Doucette suggests they start from the east end and work their way through. Mr. O'Connor adds that there are two zones in Buzzards Bay: from the east they have the gateway district which is on the rotary to the property line of Mezza Luna; from the west they have from Mezza Luna to the second rotary is the downtown core. They display the west zone on the screen and discuss buffer zones. Ms. Brown states that the first time they went through this process, what made it fail was the idea that there could be a ME near homes. Mr. O'Connor states that in the downtown core zone, there are many residences. If it is an R zone, then there must be accommodations made. Ms. Moore adds that the police station might be for sale so that could be an ideal place, and Ms. Copeland states that she will add the police station to the overlay.

Pam Mascetta of Buzzards Bay makes a comment. She addresses the traffic issues that surround the Bourne Bridge Approach, and how it would be unfortunate to see more traffic in that area. Ms. Mastrangelo adds that she believes the Bourne Bridge Approach area would be a good place. She asks why the Mass Maritime Academy is not included in the overlay if it could be sold and switch hands from state property. Chm. Doucette responds that Old Bridge Rd connects with that property and they are trying to keep residences away from the overlay zones.

Mr. O'Connor states that he understands all of the other zones, but has problems with the downtown core. Gross revenue is MacArthur Blvd, Sagamore second, but does not understand the business model for the downtown core. He states that he has done some research and no other town in the area has put a ME on a main corridor, and discusses why he believes that the downtown core is not a good location, citing the town's comprehensive plan. Mr. Strojny states he will take this into consideration and get back to them at the next meeting.

The board looks at an overlay map of MacArthur Blvd nearest the Bourne Bridge, and decides that they will only keep the area by Trowbridge Rd and MacArthur Blvd, but everything to the east will be taken out. The board decides that there should be frontage and access from MacArthur Blvd.

Ms. Mastrangelo states that she does not know how much of the overlay on Sheet 2 is necessary because they do not know what is happening with the rotary. Ms. Copeland states that they made these maps under time constraints so they will look more closely at the residential areas in the future. Mr. O'Connor suggests that if

they want frontage and access from MacArthur Blvd, perhaps they should just consider the parcels that meet that description. The board decides that they will take out parcels that do not have access or frontage to MacArthur Blvd. They would like the overlay zone to be in between the two rotaries. The board finishes going through the proposed draft.

Mr. Robinson makes a Motion to Adjourn. Mr. O'Connor seconds the Motion, with all in favor.

The Motion Passes.

With no further business before the Board, the meeting is adjourned at approximately 10:13PM.

Respectfully Submitted,
Ina Sullivan

