

PLANNING BOARD  
MEETING MINUTES:  
November 10<sup>th</sup>, 2022

PRESENT: John Carroll, David O'Connor, Sandra Goldstein, William Meier, Elizabeth Brown, Christopher Farrell, Jeanne Azarovitz

ABSENT: Daniel Doucette, Amanda Wing, Pat Nemeth

STAFF: Jennifer Copeland, Julia Gillis

ALSO PRESENT: Dan Barrett, Brian Wallace, Phil Goddard, Rich Tabaczynski, Zac Basinski, Keith Galizio, Paula Galizio, Irene Carbone, Ryan McLaughlin, Marie Oliya, Stephanie White, Jenna White, Raymond Quinn, Amy Ball, Levon Semerjian, Joe McLaughlin, Rita Lucciani and other members of the public

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Meeting called to order by Vice-Chairman Brown at 7 pm.

1. Public Hearing for Site Plan Review #509: 0 Ernest Valeri Rd.

Application for Site Plan Review for proposed project to develop a large scale, ground mounted photovoltaic system with inverter and battery storage. Site work include construction of a paved permitted access road, fencing, and stormwater management. Continued from 10/13/22.

Plan is still being developed due to its level of detail.

Motion to withdraw without prejudice by Mr. Carroll, seconded by Mr. Farrell, and vote taken by board. All ayes. Motion is passed.

2. Public Hearing for Site Plan Review #510: ISWM 201 MacArthur Blvd. Development of landfill expansion and the relocation of facilities.

Dan Barrett of ISWM is present to discuss the project. The task of this project is to build up a landfill fully. This includes maximizing it, which calls for the clearing of forests and moving of soils. This triggered a number of reviews needed. Twelve acres have been bought for this development to offset the clearing of the forests. Plans have been reviewed by MEPA, the Cape Cod Commission, and the Board of Health. Plan is subject to endangered species and other Natural Heritage laws due to the area being prime Box Turtle habitat. The plans mitigate this by securing 12 acres to match the 12 being lost: 6.5 acres from one Harding Family Trust and they mitigated 6.5 acres of land purchased and controlled by Conservation. Review is triggered because they need to clear the full 12 acres in order to develop the landfill and relocate the buildings. Over time they would come back to the Board for the designs, plans, stormwater, etc., to create permanent office buildings. Time is needed to figure out exactly what is needed in the future.

Present tonight to get approval to clear the land.

Mr. Carroll - Went on a tour of the new facilities. This is what is needed and should pass. This is a complicated but successful operation. Should not consistently take land and we should be careful in the long run.

Ms. Goldstein - What is the mitigation for the cleared wood area?

Mr. Barrett - There is land near the Otis Rotary that is located between Town owned land under habitat protection. The parcel is ideally suited to connect to and create a corridor along with the military base next to it. This approval tonight will allow the waiver for all 12 acres and go forward with Natural Heritage which they cannot go forward without.

Ms. Goldstein - Explain the acreage issue?

Mr. Barrett - It is 1 to 1, every acre you take you have to give one up. Acreage taken for the new land is being taken by purchased land.

Motion to approve by Mr. O'Connor, seconded by Ms. Azarovitz. Roll Call Vote:

Mr. Farrell – Yes      Ms. Azarovitz – Yes      Mr. Meier – Yes      Mr. Carroll – Abstains

Ms. Brown – Yes      Ms. Goldstein – Yes      Mr. O'Connor – Yes

Motion Passes

3. Site Plan Review and Special Permit SPR/SP #04-2021A: 4-6 Forest Park Dr. To construct a 5 bay, 8,250 ± SF. warehouse/storage commercial building in a Water Resource District. Continued from 10/13/22.

Brian Wallace of JC Engineering present to discuss this project.

Mr. Wallace - Revisions have been made based off of comments from the Board during previous meetings. The first revision is based off of the clearing of trees. Surveyors went out on the property and located existing tree line. Found that there was 80.5% natural vegetation removed from the site. In order to mitigate, there is a restoration plan involving replanting of seeds and trees, upon completion we would be at 69.2%. One bay has been removed and one has been shifted to allow for more vegetation. Footprint of building is lowered to 6,763 ± SF. Maximum floor area did increase, one additional parking space is provided due to this. Impervious decreased from 38.4% to 33.9%. Landscape plan is revised to add 3 street trees, red maples. Additional shrubs added as well. Bio-retention is shifted north and is a little smaller. Plan is to combine the lots. Mr. O'Connor - Happy with changes to the front. Request a submission of a planting plan, will make that a condition. Want the trees a little higher for more presence. Overall much improved.

Ms. Azarovitz - Planning Board finds it is an allowed use. Consistent with the Town's goals and Bylaws and it meets the criteria for a Special Permit. The reduction of vegetation will not have an adverse effect that offsets the projects benefits.

Motion to approve by Ms. Azarovitz with the following conditions:

1. Permit subject to all rules and laws of the Town of Bourne
2. The conditions from the previous permit from 2021 will be followed.
3. All work shall be in accordance with the application.
4. All buildings will be recorded in the Barnstable County Registry of Deeds before occupancy permit is issued.
5. Prohibitions of Water Resource District must be posted to the public
6. Emergency access and vehicle turnaround and all documents related to this must be provided to BFD.
7. Parking area will not be used for any way besides parking



8. Signage requires separate building permit application
9. Prior to issuance of an occupancy permit, an as-built plan will be provided to the board showing all occurrences above and below ground.
10. Submit a detailed landscape plan before permit issued
11. Condition added and voted on by all members all ayes- Oak trees and white pines in restoration area will be 5-6ft height.

Seconded by Mr. Farrell, Roll Call Vote:

Mr. Carroll – Yes      Mr. Farrell – Yes      Ms. Azarovitz – Yes      Mr. Meier – Yes  
 Ms. Brown – Yes      Ms. Goldstein – Yes      Mr. O'Connor – Yes      Motion Passes.

4. Application for Site Plan Review/Special Permit #10-2022: 120 Waterhouse Rd. and 3 Dornick Rd.

To construct a vehicle storage facility and associated parking spaces. Gross floor area greater than 1600 SF. To include an outdoor vehicle storage area.

Rich Tabaczynski of Atlantic Design Engineers present along with Levon Semerjian from Waterhouse Properties.

Mr. Tabaczynski – This is a 1.86 acre property. Proposing a 9,951 ± SF building that would serve as a boat and vehicle storage facility including indoor storage of vehicles and boats as well as 29 vehicle spaces for outdoor storage. 13 parking spaces in accordance with the Town Bylaw. Remaining is vehicle storage spaces. One access off Waterhouse Road. Meets all bylaw requirements regarding setbacks and green space. Kept development area under 40,000 SF. Open space exceed requirement, at 59.3% remaining in natural state. Fully wooded site abutting Brookside Rd. Atlantic Subaru to the South. Very little disturbance. Retaining wall in the back of the site. Site will served by septic system on site. Simple drainage, several catch basins will be on site, discharged to multiple water leaching structures. Site does not sit in a wildlife habitat area. Fire Department had concerns with trucks getting out of property but we are confident they can get out. Needs to give another template showing they can exit out. Lighting plan and landscaping plan was handed out to the Board.

Brookside was confirmed that they were notified, as the abutter, of the project.

Mr. O'Connor would like more white pines planted to enforce the forest buffer.

Motion by Mr. Farrell to accept finding that the project is consistent with the Zoning Bylaw. It meets the criteria for the special permit. Building is visually compatible with local buildings. This plan has the same basic conditions as other Special Permits. One condition added that a revised planting plan will be submitted to the Planning Department before building permit is issued.

Motion seconded by Ms. Azarovitz. Roll call vote:

Mr. Carroll – Yes      Mr. Farrell – Yes      Ms. Azarovitz – Yes      Mr. Meier – Yes  
 Ms. Brown – Yes      Ms. Goldstein – Yes      Mr. O'Connor – Yes      Motion Passes.

5. Site Plan Review/Special Permit #11-2022: 140 Main St.

Owner: Keith Galizio. Downtown Core District for a mixed-use redevelopment project under Zoning Bylaw sections 1230; 2800; and 2833(g) for an off-locus/on-street loading area.

Zac Basinski present to speak on behalf of this project. Here to talk about a raise and rebuild of the old Asacks Shoe store. Project consists of demoing a building from 1920. Existing 13,000 SF lot. Abutted by Main Street and G&S Marine. Construct a new mixed-use building, three story building. First floor is commercial, second and third are residential. Six residential units, two one-bedroom units and four two-bedroom units. Designed in accordance with dimensional requirements. Building will be closer to the street with parking behind and underneath. Project reviewed through DRC. Project received comments from Tim Lydon and have added two additional parking spaces. Requires 12 parking spaces, providing 18. Six added underneath, the rest are behind and on Main Street. All utilities exist on lot and will be upgraded. Project can be approved under the Bylaw. Doesn't affect vehicular or pedestrian safety. Positive impact on natural environment: 5 new sugar maple trees on property. New flood compliant structure. Onsite stormwater management that has been approved by Conservation. No direct impact with abutters. Many residents present here to speak on behalf of the project. Letter of support from abutter G&S. Positive impact on residential housing.

Mr. O'Connor (Project Reviewer) – Project helps with housing, new businesses, adds street life, building is brought up to curb line which is in line with the Local Comprehensive Plan. Believes this is a good project. Would like more detail in the landscape plan. Shrubs may not meet town goal. Requesting plan has more detail added and submitted as a condition.

Mr. Farrell approves of the project and believes it will be a big benefit to the Downtown. Open now to the public:

Ms. Irene Carbone (owner of Bay Motor Inn) – approves of the project and what it will bring to the Town. 100% behind the project

Ms. Marie Oliya (Cape Cod Canal Region Chamber of Commerce and Member of Design Review Committee) – Present to support the project and the positive economic and housing benefits it brings to the Town. Adds a nice aesthetic to the Town.

Mr. Joe McLaughlin (Attorney and Resident) – Present to support this project. Ms. Rita Lucciani – Present to support the project and how it brings more life to the Downtown area.

Ms. Stephanie White (resident of Bourne and owner of the Liquor Barn) – Present to express her support and excitement for the project.

Motion made by Mr. O'Connor to approve the project, it is an allowed use. This project is consistent with Town Zoning Bylaws. Meets the criteria of the Special Permit. Proposed building is visually compatible with surroundings. Helps with Town need for housing. Plan is subject to basic conditions of a Special Permit. Condition added that a more detailed landscaping plan will be submitted to Planning Department prior to issuance of a building permit.



Seconded by Mr. Farrell. Roll call vote:

Mr. Carroll- Yes      Mr. Farrell- Yes      Ms. Azarovitz- Yes      Mr. Meier- Abstains  
Ms. Brown- Yes      Ms. Goldstein- Yes      Mr. O'Connor- Yes  
Motion Passes.

6. 1 Otis Park Dr. – Rhino Lining of Cape Cod: Landscaping Bond

Ms. Azarovitz giving background – Project was previously submitted to the Board and approved with conditions back in March of 2021. One condition was to submit a detailed landscaping plan before issuance of Building Permit. Two was to repurpose a minimum of 30 shrubs of east property line to the guard rail and to shield the parking area. Conditions were not met in due time. Before the Board again to best determine how to handle this.

Mr. Basinski – By end of the project, the budget was concerned. Steven Mealy the owner, spoke to the Building Department to be let into the building, it was believed he was let in with a temporary Occupancy Permit. It was a miscommunication. Updating the landscaping plan and want to review with the Board in December. Also, wants to leave the rocks in place. Only question that has come up is the timing of the year to execute the plan. Winter conditions may cause this to be postponed, we are looking to post a bond with the Planning Department allowing the issuance of an occupancy permit with the intent the plan will be implemented in the spring. Has a preliminary landscaping plan for the Board and Staff. Looking for a bond 1.5x over certified bank check for the town and will review at next meeting. Bond is for cost of landscaping plans. Any modifications to the plan will be submitted to the plan.

Mr. O'Connor expressed his displeasure with the Board continually getting burned on the plans. Wants review of landscape plan before issuance of a building permit. Wants more detail in the plans. Board keeps getting poor landscaping plans.

Ms. Azarovitz wants to continue due to the lack of information currently.

Mr. Basinski – Wants to come back in December or January to review the landscaping plan. Wants to confirm the bond cost with the Planning Department. Have to put in guard rail still and take rocks out.

Board expressed how this has been a bad decision and there have been bad decisions made on behalf of the owner's part. There isn't enough information to approve the bond and there was discussion about continuing the discussion to the next meeting.

Motion made by Mr. Farrell to continue the meeting to December 8<sup>th</sup>, seconded by Ms. Azarovitz. Roll Call vote:

Mr. Carroll – Yes      Mr. Farrell – Yes      Ms. Azarovitz – Yes      Mr. Meier – Yes  
Ms. Brown – Yes      Ms. Goldstein – Yes      Mr. O'Connor – Yes      Motion Passes.

Motion to end the meeting by Ms. Brown, seconded by Mr. Farrell, all aye vote. Meeting adjourned.