

**Town of Bourne
Planning Board
Meeting Minutes
January 11th, 2024**

TOWN CLERK BOURNE

2024 FEB -9 PM 3:00

RECEIVED

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

EXCUSED: Catherine Walton.

STAFF: Jen Copeland, Julia Gillis, Ken Murphy.

ALSO PRESENT: David Uitti, Robert Rand, Tom LeClair, John Bailey, Neil Bowman, Craig Frost, Dana Hanna, Joanne Hanna, Glenn Tripp, Joan Buchanan, Jerry Atkins, Maureen Atkins, Zac Basinski, Merlin Ladd, Doug Shearer,

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 7:00PM.

1. Meeting Minutes: 2/25/21, 5/27/21, 6/24/21, 10/26/23, 11/9/23, and 12/14/23

Mr. O'Connor Makes a Motion to Approve the Minutes for 2/25/21 with the one correction. Mr. Farrell Seconds the Motion.

Roll Call Vote As Follows:

Mr. Farrell – ABSTAIN. Ms. Azarovitz – YES. Mr. O'Connor – YES. Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

Mr. O'Connor Makes a Motion to Approve the Minutes for 5/27/21 as Drafted. Ms. Brown Seconds the Motion.

Roll Call Vote As Follows:

Mr. Farrell – ABSTAIN. Ms. Azarovitz – YES. Mr. O'Connor – YES. Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

Ms. Brown Makes a Motion to Approve the Minutes for 6/24/21 as Drafted. Mr. O'Connor Seconds the Motion.

Roll Call Vote As Follows:

Mr. Farrell – ABSTAIN. Ms. Azarovitz – YES. Mr. O'Connor – YES. Ms. Brown – YES. Chm. Doucette – YES.

The Motion Passes.

Ms. Brown Makes a Motion to Approve the Minutes for 10/26/2023 as Drafted. Mr. Farrell Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – ABSTAIN. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

Mr. O'Connor Makes a Motion to Approve the Minutes for 11/9/23 as Drafted. Ms. Wing Seconds the Motion.

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

Ms. Brown Makes a Motion to Approve the Minutes for 12/14/23 as Drafted. Mr. O'Connor Seconds the Motion.

Mr. Duggan – ABSTAIN. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

2. Enforcement: Ocean Pines Development—Wildwood Lane: *(Continued from 12/14/23)*

a. Updated Stormwater Report for Lot 61

An updated existing grade report was received. Ms. Copeland recommends a peer review. Mr. Farrell points out issues with this report that leads him to

believe that this report was mostly a "cut and paste" job. Atty. Uitti responds that it has an engineer's stamp on the plan, and they are open to a peer review. Mr. O'Connor suggests reviewing "as built" plans. Atty. Uitti suggests that when the peer review is done, the Planning Board flag certain issues that they would like addressed. Mr. Farrell adds that he would like the Town of Bourne to sign off on the post-construction plan.

Robert Rand, a member of the Ocean Pines Condominium Association, notes some comments and concerns made by their engineer in regard to the report. Tom LeClair of 7 Alpine Circle states that there have been some temporary fixes made to divert water from Lot 61, but they should also be paying attention to other issues such as water runoff from the Ocean Pines development. Mr. Farrell adds that he saw that Mr. LeClair was pumping the water on his property into the open space parcels, which is against the bylaw and because his property is at the bottom of a hill, he should expect some water. Mr. LeClair states that he cannot pump it to the catch basins because they do not function.

Ms. Brown Makes a Motion to Request a Peer Review, with the conditions that it is at the cost of the developer and that staff picks the peer reviewer. Mr. O'Connor Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – ABSTAIN. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

b. Roadway finishing and asphalt top coat bond

Atty. Utti states that they are fine with the bond increase to \$60,000. Mr. Rand questions the discrepancy between quotes from the developer and the association. Ms. Copeland states that the town's engineering department and the DPW Director went out to verify the figures. She adds that the quote that was provided by the trust included every single driveway. The bond is for the roadway and not privately owned property.

Craig Frost asks when the parking lots for the condos will be completed, and asks why occupancy permits were granted if construction is not complete. Mr. Murphy, the Building Inspector, explains that they at times issue occupancy permits if the land is not taken care of because the Planning and Building are separate. Mr. Murphy adds that the developer could spend double the money on adding topcoat because this is an active construction site, but this should not stop them from completing parking lots and the Planning Board could act upon this.

Atty. Utti states that when the topcoat is added, it will alleviate many of the water issues because it will guide the water to the catch basins. Mr. O'Connor adds that he would like the engineer to determine whether putting the top coat in place will actually alleviate these issues.

Mr. Farrell Makes a Motion to Approve the \$60,000 Bond. Mr. O'Connor Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – ABSTAIN. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

3. Enforcement SP #05-2021:

148 MacArthur Boulevard, Map: 27.0 Parcel: 82
Update on Landscape Restoration (rear or property)

Ms. Copeland explains that this is Angel's Touch. There was landscaping that needed to be completed in the front and restoration in the rear. The front portion was completed in 2023, and the rear should be completed in the spring. The rear bond is for \$10,043 which is set to expire.

Mr. Farrell Makes a Motion to Extend the Bond until June 30th, 2024. Mr. O'Connor Seconds the Motion.

Roll Call Vote as Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

4. Enforcement SP #02-2020:

274 Williston Road, Map: 7 Parcel 48
Landscape corrective actions request.

Ms. Copeland explains that this property was granted a backlot special permit. There needed to be a 10ft buffer along the driveway, and a 25ft natural vegetative buffer along the northern and westerly sides. After conducting a site visit some years ago, they asked them for a landscaping plan, which they have not yet received.

The property owner, Mr. Hanna, explains what he has done with his property and shows the plan that he submitted to Conservation. Chm. Doucette explains what they are requiring from Mr. Hanna, and informs him that they will put him back on the agenda for February 22nd. The landscaping plan is due February 16th. An abutter, Glenn Tripp, expresses concern that what was ordered by the town is not being abided by in terms of a landscaping plan. Chm. Doucette responds that with the restoration plan, they are trying to undo the damage that was done. Joan Buchanan, an abutter, asks that conservation looks at the back border of plantings.

Jerry Atkins, an abutter, states that when this permit was granted, there was supposed to be a 25ft fire department turn around.

Mr. Farrell Makes a Motion to Continue the Public Hearing till February 22nd. Ms. Brown Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

5. Project Update #01-2022

568 MacArthur Boulevard, Couto Management Group, Map: 39.0 Parcel: 77
Update on building dimensions and acceleration/deceleration lane.

Zac Basinski introduces himself as representative of this project. He states that they have been granted approval for a deceleration lane. Initially they were granted approval for a 1900sqft building, and now are going up to a 2700sqft building. They hope to start construction on the Dunkin' Donuts by this summer. The lot coverage will stay the same. The parking spaces will remain the same. The larger floor space will expand the kitchen and expand the windows between the drive-thru. Ms. Copeland states that for the record, they are not increasing their lot coverage, and nothing is changing in the zoning summary. Chm. Doucette asks that the increase be shown on the "as built" plan.

6. Supportive Finding #07-2023SF and Waiver of SP/SPR #07-2023W:

570 MacArthur Boulevard, Map 39 Parcel 77.3

Application for a Supportive Finding and Waiver of Site Plan Review/Special Permit to convert the temporary outdoor dining area into a permanent outdoor dining area to serve food or beverages to persons outside the building due to limitations on indoor

dining imposed in the Commonwealth of Massachusetts from the COVID-19 public health emergency. This project is in a Water Resource District.

There is no one present to speak to this issue. Chm. Doucette states that he had a couple issues after a site visit. He says that the dumpsters are not enclosed; there are approximately 13 cars, trailers, or boats in the parking lot, which must be removed if seating is increased; and he suggests additional landscaping.

Mr. Farrell Makes a Motion to Continue the Public Hearing until January 25th. Mr. Robinson Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

7. Application to Amend Site Plan Review/Special Permit #19-2021B:

2 Kendall Rae Place, Map 24.1 Parcel: 6 (*Continued from 12/14/23*)

Application to amend SPR/SP #19-2021A to change the name of applicant from Oxford Development Group, LLC to CMP Development, LLC.

Chm. Doucette states that they have the assignment and assumption agreement which is signed by both parties. Town Counsel was satisfied with the wording of this document.

Mr. Robinson Makes a Motion to Approve the Change of Name of the Applicant from Oxford Development Group, LLC to CMP Development, LLC. Ms. Brown Seconds the Motion.

Mr. Farrell expresses some concern about issues regarding this special permit.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – NO. Chm. Doucette – YES.

The Motion Passes.

8. Application to Amend Site Plan Review/Special Permit #06-2023:

46 Holt Road, Map: 23.2 Parcel: 156 (*Continued from 12/14/23*)

The application is to construct two (2) duplex residences, for a total of four (4) dwelling units.

Merlin Ladd introduces himself as representative of this project. He states that there will be no dumpster provided. Conservation has approved the site plan. Mr. Ladd says that after meeting with the Design Review Committee, there were some suggestions which he goes over. A second rear door is added for egress. Doug Shearer, Chair of the DRC, states that a full landscape plan was missing. Mr. O'Connor says that they asked Mr. Ladd for existing conditions, significant trees, a standard planting plan for the rain garden. Mr. O'Connor suggests the DRC meets on site with Mr. Ladd to mark significant trees. They would also want to know where the parking spots would be.

Mr. O'Connor Makes a Motion to Continue until January 25th. Mr. Robinson Seconds the Motion.

Roll Call Vote As Follows:

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

9. Application for Site Plan Review/Special Permit #04-2023:

119 Cranberry Highway, Map: 12.3 Parcel: 60 (Continued from 12/14/23)

The application is to construct a 3,600 square foot garage to be used for storage.

This item is continued.

Mr. Robinson Makes a Motion to Continue until January 25th. Mr. Farrell Seconds the Motion.

Mr. Duggan – YES. Mr. Robinson – YES. Ms. Wing – YES. Ms. Brown – YES. Ms. Azarovitz – YES. Mr. O'Connor – YES. Mr. Farrell – YES. Chm. Doucette – YES.

The Motion Passes.

10. Adjourn

Mr. Duggan Makes a Motion to Adjourn. Mr. Robinson Seconds the Motion, with all in favor.

With no further business before the board, the meeting is adjourned at approximately 9:08pm.

Respectfully Submitted,
Ina Sullivan