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TOWN CLERK BOURNE

**Town of Bourne  
Planning Board  
Meeting Minutes  
December 14th, 2023**

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

**EXCUSED:** John Duggan.

**STAFF:** Jen Copeland, Julia Gillis, Bryan Bertram.

**ALSO PRESENT:** Craig Frost, David Uitti, Greg Bailey, Craig Hartwell, Moe Ladd, Evan Watson, Robert Raud, Arthur Budge, Pat Frost, Neal Comen, Dennis Fry, Kelley Collins, Tom LeClair, Jon Duane, Menlia Ladd, Chris Dohner, Wendy Morgan, Regan Jason, Megan Farmsworth, Sartita Diaz, Scott Hebb.

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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 7:04pm.

**1. Meeting Minutes: 7.13.23, 8.10.23, 8.24.23, 9.14.23, 9.28.23 & 10.12.23.**

Ms. Brown Makes a Motion to Accept the Meeting Minutes for 7.13.2023 as Presented. Mr. O'Connor Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

Ms. Brown Makes a Motion to Accept the Meeting Minutes for 8.10.2023 as Presented. Mr. Robinson Seconds the Motion.

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

The Motion Passes.

Mr. O'Connor Makes a Motion to Accept the Meeting Minutes for 8.24.2023 as Presented. Mr. Farrell Seconds the Motion.

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

The Motion Passes.

Ms. Brown Makes a Motion to Accept the Meeting Minutes for 9.14.2023 as Presented. Mr. Farrell Seconds the Motion.

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

The Motion Passes.

Ms. Brown Makes a Motion to Accept the Meeting Minutes for 9.28.2023 as Presented. Ms. Azarovitz Seconds the Motion.

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

The Motion Passes.

Mr. O'Connor Makes a Motion to Accept the Meeting Minutes for 10.12.2023 as Presented. Ms. Azarovitz Seconds the Motion.

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

The Motion Passes.

**2. Lot Release (Duplicate):** Sorenti Heights II, Shells Way – Lots 16, 17, 18, 23, 24, 26, 27.

Ms. Copeland explains that this is just a re-release of the Sorenti Heights II definitive plan. It was released years ago, but the certificate was not recorded at the registry.

Mr. Farrell Makes a Motion that the Planning Board Approves the Lot Release. Ms. Azarovitz Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

**3. Approval Not Required Plans MGL Chapter 41 Section 81P: 101 & 105 Williams Avenue (Map: 44.1 Parcels: 133 & 134)**

Ms. Copeland believes that this is a project in which they are switching the lots so the shed is on 101. The lot line is currently in the middle of the shed. Lot 27A is taking approximately 600sqft, and parcel B is 120sqft. Ms. Copeland confirms this meets the requirements for an 81P.

Mr. Farrell Makes a Motion to Approve the Approval Not Required Plan for 101 and 105 Williams Ave. Mr. Robinson Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

**4. Bond Release: 1379 Route 28A, Cataumet**

The applicant states that the bond was approved to be released at the February 21<sup>st</sup> meeting. Mr. Farrell states there are several issues that must be discussed before the bond is released, such as ADA parking, fire lane, and "As Built" Plan. Mr. O'Connor discusses the landscaping details and requirements for this lot.

Chm. Doucette suggests that they continue this hearing so the applicant can work with staff and a member of the Planning Board.

**5. Application for Special Permit #05-2023: 220 Sandwich Road, Map 25.0 Parcel: 1, Upper Cape Technical School. Special Permit application to clear greater than 10,000sqft of natural cover per section 3570 for two athletic fields (*Continued from 11/9/23*).**

Chm. Doucette states that the applicants would like to continue this hearing till March 28<sup>th</sup> while paperwork with the state is being completed.

Mr. Robinson Makes a Motion to Continue the Hearing for Application for Special Permit #05-2023 until March 28<sup>th</sup>, 2024. Ms. Brown Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

**6. Enforcement:** Ocean Pines Development – Wildwood Lane: *(Continued from 10/26/23).*

**a.** Lot 61 Site Plan

Ms. Copeland states that this is now under the Building Inspector's purview.

**b.** Roadway Finishing and Asphalt Top Coat

Chm. Doucette states that the Building Inspector now has these plans and is making sure that it meets the requirements of the plans that were approved.

**c.** Drainage and Detention Pond Design

They are awaiting the results of the revised stormwater report.

Craig Frost of 17 Ocean Pines Drive makes a public comment. He states that the original site plan submitted in 2007 has changed regarding the elevation, although a new site plan was submitted in 2018.

David Uitti introduces himself as counsel for the developer. Atty. Uitti informs the board that the Building Inspector issued a cease and desist order to his client on November 20<sup>th</sup>, and in the meantime apply for a local stormwater permit. He adds that they are happy to up the roadway bond from \$38,000 to \$58,000.

Greg Bailey introduces himself as an attorney for Ocean Pines Condominium Association. He states that the Building Inspector was required to deny anything he was going to deny within 14 days of their submission of a Enforcement. He states that this was not put in writing and they never heard from the Building Inspector

within the 14 days. By right, he believes they are entitled to the relief they sought, which they will bring up with the Zoning Board of Appeals. Atty. Bailey also expresses disappointment that the Building Inspector did not inform them that he had entered a violation. Atty. Bailey believes that they were not informed until December 8<sup>th</sup> because their appellate rights expired on December 7<sup>th</sup>, and the Building Inspector could not be questioned. He states that the Planning Board Process has not been fair to his clients. Ms. Walton responds that everyone is working as hard as they can, and she does not appreciate the accusations.

Atty. Bailey believes that the Planning Board can act upon the three items before them. The town bylaws specifically allowed a mixed-use development to be enforced under 1230 and 1240. The Town Counsel said that this was only a residential development, and they believe that this is incorrect. Because these are open space parcels, Atty. Bailey states that this should be reviewed by the Planning Board. He asks that they put in a stop order on Lot 61.

Chm. Doucette states that they do not need to continue this because they do not know when they will get more information, but they will add it to the agenda as soon as they do.

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

2 Kendall Rae Place, Map 24.1 Parcel: 6. Application to amend SPR/SP #19-2021A to change the name of the applicant from Oxford Development Group, LLC to CMP Development, LLC.

Craig Hartwell introduces himself as representative of this project. They are seeking a change to the previously approved site plan. He states that Oxford Development Group is no longer involved in this project.

Mr. Farrell states that they should see the legal paperwork between Oxford and CMP. He also adds that when a special permit is granted, they give it to the applicant and not the lot.

The board and the applicant decide to continue this till January 11<sup>th</sup>.

Mr. Farrell Makes a Motion to Continue the Hearing till January 11<sup>th</sup>, 2024. Ms. Brown Seconds the Motion.

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

The Motion Passes.

**8. Application for Site Plan Review/Special Permit #06-2023**

46 Holt Road, Map 23.2 Parcel 156. The application is to construct two (2) duplex residences, for a total for four (4) dwelling units.

The applicant introduces himself as representative Ladd Homes. Ms. Gillis states that there were comments from Conservation, Fire Department, and Water District. She adds that they need the Zoning Table. Ms. Azarovitz notes that Mr. Ladd will have to go through the DRC because this is in Buzzards Bay, and they need more info for garbage and landscaping.

Chm. Doucette suggests continuing this till the next hearing and coordinating with the DRC, so Mr. Ladd can address some of the issues Ms. Gillis and Ms. Azarovitz have brought up.

Mr. O'Connor predicts that there might be some objection from abutters regarding the amount of trees removed.

Mr. Farrell Makes a Motion to Continue the Hearing until January 11<sup>th</sup>, 2024. Mr. Robinson Seconds the Motion.

Mr. Robinson – YES. Ms. Brown – YES. Mr. Farrell – YES. Ms. Walton – YES. Mr. O'Connor – YES. Ms. Azarovitz – YES. Ms. Wing – 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. The application is to construct a 3,600 square foot garage to be used for storage.

Evan Watson introduces himself as representative of this project. The front of the property is in the B2 district, the back is in R40, and the Historic District abuts the property. They are not proposing to do anything to the restaurant building, but are proposing to build a warehouse in the corner of the property closest to Canal Fuel. There is no need for water or sewer because this is strictly a storage building. No additional landscaping or lighting is proposed on this site. The Fire Department asked them to demonstrate the truck turn as well as some other items. Engineering asked them to look at drainage. When the restaurant reopens, they will address parking striping, as well as landscaping in front of the property. There is an overhead wire that they were hoping to keep above ground.

Chm. Doucette confirms that the two buildings on the lot are owned by the same entity. Mr. Farrell believes that the electrical connection should be underground if the drainage easement allows it. Mr. O'Connor wishes to see some pine or cedar trees in the corner nearest the cemetery to break down the mass of the building.

Ms. Copeland comments that this does not trigger 3511, and only four parking spaces are required.

Mr. Robinson Makes a Motion to Continue the Hearing until January 11<sup>th</sup>, 2024.  
Ms. Azarovitz Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

## **10. Adjourn**

Ms. Azarovitz Makes a Motion to Adjourn. Ms. Brown Seconds the Motion.

Roll Call Vote As Follows:

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

The Motion Passes.

With no further business before the board, the meeting is adjourned at approximately 8:23pm.

Respectfully Submitted,  
Ina Sullivan

