

PLANNING BOARD MEETING MINUTES

March 2, 2017

PRESENT: Daniel Doucette, Stephen Strojny, Vincent Michienzi, Joe Agrillo, Lou Gallo, John Howarth, Robert Gendron, William Grant, Elmer Clegg

PUBLIC: Michael Rausch, Paul Gately, Joe Longo, Sharon Lucido, Noreen Michienzi, Michaela Michienzi, Don Bracken, Beth Ellis, Jeanne Azarovitz, Michael Geiler, Liz & Norbert Brown, Joseph Agrillo Sr, John & Karen MacLahlan and other members of the public

Ann Gutterson, Recording Secretary

Chairman Doucette called the meeting to order at 7:00pm.

Minutes of 1/12/17 amended: Mr. Strojny made a MOTION to approve, seconded by Mr. Michienzi with all in favor.

Minutes of 1/26/17: Mr. Grant made a MOTION to approve, seconded by Mr. Strojny with all in favor.

Executive Session Minutes 11/12/09 & 12/10/09: Mr. Strojny made a MOTION to unencumber these previously approved minutes, seconded by Mr. Clegg with all in favor.

Request for Bond Release: Cont'd from 2/9/17. Peter Valeri. Kyle Drive. \$3,500 plus interest. Landscaping and road complete since 2005.

Chairman Doucette went to the site and it's complete.

Mr. Clegg made a MOTION to release, seconded by Mr. Strojny with all in favor.

Public Hearing for Site Plan/Special Permit #15-2016: Cont'd from 2/9/17. 1 Bluff Road. Change of use from office to mixed-use.

The applicant's had asked to continue to 3/23/17.

Mr. Grant made a MOTION to continue to 3/23/17, seconded by Mr. Michienzi with all in favor.

Public Hearing for Site Plan/Special Permit #13-2016: Cont'd from 2/9/17. 56 Meetinghouse Ln. For mixed use: office and 2 apartments.

Don Bracken: Currently the foundation is in from the previously approved site plan/special permit from 2011/12. It was for a 3 story office with parking in the front and a ZBA granted variance for 5.8' to the street. The project was stalled and sold to the Lucidos. Asking to modify the use under Section 4250 for mixed use development and it requires any new development to meet the lot requirements. We received a variance from the ZBA for that and a setback from the street. 10 parking spaces are required, we have 11. Using the same septic, drainage and landscaping plans. A fence will be installed against both residential abutters and a picket fence in the front. Trees, shrubs and minimize the lawn area. The lighting plan is the same: 1 light pole the rest on the building. The residential units comply with the zoning bylaw for affordable housing units. One will be a studio the other a 1 bedroom. Acts as a good blend for the area.

Mr. Howarth: Definite improvement in the area. When the first building was proposed, I couldn't believe when they put the lot there. I agree with the whole plan. No objection, aesthetic beauty.

Mr. Agrillo: Using the same foundation? – yes

Mr. Gendron: This fits in with the market. Do you have an approved curb cut?

Don: It's not on the state road so don't need one.

Mr. Howarth made a MOTION to approve, seconded by Mr. Michienzi. Roll call vote as follows:

Mr. Strojny – yes

Mr. Gendron – yes

Mr. Gallo – yes

Mr. Howarth – yes

Mr. Michienzi – yes

Mr. Agrillo –yes

Mr. Grant – yes

Mr. Clegg – yes

Mr. Michienzi recused himself from the next hearing.

Public Hearing for Special Permit #01-2017: 1 Trowbridge Rd. Noreen Michienzi. For a sandwich shop/restaurant.

Makala and Noreen Michienzi: Will be a place for breakfast and lunch. There is an existing bathroom. Unit is 1200sf and will be mostly for employees and patrons of the building.

Mr. Howarth: I reviewed this. It's the perfect project for this spot. It was a deli originally so a grease trap exists. That area needs a coffee/lunch shop, there is currently no place for the people to go.

Mr. Howarth made a MOTION to approve, seconded by Mr. Gallo.

Mr. Clegg: I agree it's a valued addition. The diagram shows two bathrooms, why do you need two?

Noreen: They are already existing.

Mr. Clegg: It's not a large doorway.

Noreen: Maybe cut a door to the hall. The plumbing inspector has approved it.

Mr. Clegg: 8 people at tables, 7 stools. Are you expecting a fair amount of takeout?

Noreen: Yes. We would prefer all take out.

Mr. Clegg: Where will the loading/unloading be?

Noreen: Early morning out front off-hours. There is a larger storage unit out back not for daily deliveries.

Mr. Clegg: You're adding 100sf with the cooler? – yes

Did you consider section 3300 for the parking? It's a change of use from retail to restaurant.

Mr. Howarth: It was originally a restaurant. The theory is for the people working there and using the businesses.

Mr. Clegg: How can you consider just for the tenant?

Noreen: The drive-thru alleviated some parking issues.

Mr. Clegg: The parking calculations should require 30 spaces.

Mr. Howarth: There is auxiliary parking behind the house. There is plenty of parking.

Mr. Clegg: Only spaces within the 350' of the building count. The number of seats, people waiting, employees, and 5 for takeout. I don't believe it will primarily serve the building. I wouldn't want to levy 30 spaces for this, but can't levy 0 spaces. Some people will drive there and go.

Mr. Gendron: There have been lots of projects at this building, do we have a traffic analysis?

Chairman Doucette: Originally we wanted some, with the addition and the Keene house parking.

Mr. Clegg: Wish the planner was here, this should be held up. Back in 2013 when it was approved, 32 spaces are within the 350', but we don't have an as built. It wasn't built to specifications and spaces got pushed back, made the yard bigger. This building has never been meeting requirements.

Mr. Gallo: 10-11 spaces seems to be adequate. Less the six so maybe 5 additional.

Mr. Clegg: I'd like to see this go through but parking has been the Achilles heel.

Noreen: The dentist is closed on Wednesdays, the Obgyn is only open two days a week.

Mr. Clegg: I appreciate your point. If you can give us data like that would you agree? – yes.

Mr. Clegg made a MOTION to continue to the next meeting and that we receive a memo from the Planner's office and send it to all members and we receive mitigating factors of the businesses in order

to arrive at an appropriate number of spaces. In 2015/16 there was a bumpout on the back of the building that added 750sf of leasable space and it was done by a building permit only which was inappropriately done.

Chairman Doucette: Primarily customer base at the building and offset of business hours for others.

Mr. Howarth: I'm not willing to withdraw if just more obstruction from a board member because of a personal argument with the applicant. Rather an up or down vote now.

Mr. Clegg: All I ask is compliance with the bylaws. I'm accused of not liking or shooting off my mouth. Match it up with the bylaws.

Noreen: It's my business, not my husband's.

Mr. Grant: I like that coffee will be available, lunch too will draw additional people.

Mr. Strojny: If the applicant is willing to come back with a parking plan, seems reasonable. It's a quasi type of restaurant. Historically cognizant/strict when it comes to parking with projects. Would like to see the original motion withdrawn.

Mr. Howarth withdrew his MOTION. Mr. Gallo withdrew his second.

Mr. Grant made a MOTION to continue to the next meeting, seconded by Mr. Clegg with seven in favor, 1 abstention.

Mr. Gendron recused himself. Mr. Handy filled in.

Preliminary Subdivision: Cont'd from 2/9/17. 25 Perry Ave. Ryan Correia. Reconfiguration of four lots into four new lots with a collector street and a minor dead end street.

Public Hearing for Site Plan Review/Special Permit #14-2016: 25 Perry Ave. Darling Development Group. For a 100 room hotel and relief from dimensional requirements.

Joe Longo, Ryan Correia. This is a 15 acre parcel with four lots that we are just configuring. They all meet zoning. In 2013 we presented a residential development with a franchise hotel.

Mr. Strojny: I reviewed and have discussed this with Coreen. Big picture view, the subdivision then the application for the hotel. Take in conjunction with each other. A waiver request from the hotel for an undersized lot. Combine the two projects for presentation purposes. We had peer review for the Stormwater management. The review came in today and was circulated to the Board. It indicates some deficiencies or more clarification in needed for our reviewer to make a determination. This needs to be addressed.

Joe: We received the review today and need more time to respond. We have worked with Coastal before and appreciate the review. A couple of things we can do won't change much, mostly the road.

Mr. Strojny: Peer review works. Stormwater is hyper technical so we hire someone to advise us and the applicant pays for the peer review. She agreed to come to one meeting. I'm meeting with her on Tuesday. Very; minor differences, some clerical fixes/tweaks.

Mr. Agrillo: Concrete pipe, nobody uses that now.

Mr. Grant: Is it consistent with the proposed Stormwater regulations?

Chairman Doucette: They have to meet the regulations what we have now. They meet state and local. The question to Coreen would be to see if they meet the proposed regulations.

Joe: Conservation approved the plan tonight. We comply with local and state policy.

25 Perry Ave Cont'd:

Eric Bransky, attorney for Hampton Inn: We fully anticipated to continue this. The new Stormwater regulations we agree can't be required.

Mr. Gallo: Is the road going to tie into Kendall Court?

Joe: We are going to tie into Keystone Drive but right now will build the road to the hotel Phase 1. It will have gravel extended for now and pave when complete.

Mr. Clegg: No turnaround needed?

Joe: No. the fire chief reviewed and the DRC reviewed and approved too.

Mr. Strojny: I discussed with Coreen the Stormwater relative to the lot being undersized. If a smaller lot can be managed, that's the intent. Our engineer has said that.

Mr. Gallo: Is there storage under the lot for retention?

Joe: Yes. Catchbasins to a bio retention green area then discharged through 325 underground chambers and infiltrated slowly for a 25 year storm. The lot holds that. We can hide it with green space. Flood zone elevation 16'. 16.25' is the finished floor elevation. No wetland but flood zone.

Mr. Clegg: How much do you need to raise the elevation to get to 16'?

Joe: Perry Ave is at 12', the site is about 10'-12'.

Mr. Clegg: I've never walked the site, might be a good idea to do that. Parking under?

Joe: The terrain is very interesting, it's a thickly wooded site. All parking is on the surface.

Mr. Agrillo: Why the need for a lot reduction? What's the intention for the rest of the property?

Joe: We meet the parking, 107, required 105 and the hotel size didn't feel we needed the full lot area. Didn't want to extend further than needed. The other lots are going to be a mixed use development.

Eric: My client builds hotels. They acquire how much land they need, typically 1.5 acres. We are short.75 acres. This site differs as no wetlands or site constraints. We are lucky this piece makes sense. Bylaw is 1500sf per room. Anticipate parts that can't be developed, it exceeds parking and setbacks, etc. It is consistent with the zoning and will bring business into the area. It will be the most expensive Hampton Inn in the Northeast not in a city. The architectural, landscape and all the fill, etc.

Mr. Agrillo: What does the lot reduction do to the Stormwater?

Joe: Nothing as it's going under the lot. Saving space, and again, meets the 25 year storm.

Mr. Clegg: The 1500sf per room is because of environmental considerations. This is Cape Cod, we think more horizontal, not vertical. The assisted living facility is on 4.3 acres with 105 units and is bigger than this. Seems to me hard pushed why we shouldn't we enforce our bylaw.

Eric: What is the purpose of the bylaw then?

Mr. Clegg: Height is allowed up to 4 stories, after that need a special permit.

Chairman Doucette: It's in a flood zone and they'll have to add a lot of fill, the height relief for that and the site work they'd have to do.

Mr. Strojny: A vision plan for Bourne's Downtown. Some things touch on a project of this nature. Attribute of this transect, the canal and spectacular views. Height restrictions a deterrent to development says the folks in town that have this vision and in the plan it has mixed use/hotel with seven stories. The 1500 is fairly arbitrary. Many linear as opposed to vertical. Our greatest natural reserve is the canal. Within reason should build a more vertical hotel. The Army Corps says this side of the canal gets 400,000 visitors annually, what happens if provide real nice accommodations?

Mr. Clegg: Vision plan by an outside consulting group. Then the Growth Incentive Zone (GIZ). This 1500sf is not general, it relates to every hotel in Buzzards Bay.

Eric: Approved in the Downtown District, also approved Section 2838 providing the Board to waive. The height issue, we are asking to go up one story, it's only 5.4' above what the bylaw requires.

25 Perry Ave Cont'd:

Mr. Clegg to Ryan: You had originally talked about three phases. Phase 1 hotel/conference center, 2 mixed use low rise housing toward Main St. What's planned for Lot 2?

Ryan: It took over a year to find someone to consider building here. Studies show a conference center wouldn't work or be worth it. The four acres are still for a high rise. The hotel will have a restaurant and the views are going to be amazing at 5 stories.

Mr. Clegg: Why can't incorporate 117,000sf into their lot? Why do you need lot 2 to be what it is?

Ryan: The residential portion won't fit.

Mr. Clegg: I'm very in favor of this and you're only 20.6% under the target of our bylaws. I might be willing to go along with it if it was 10% under but not 20%. Perhaps overdeveloping the lot. Want it to look like a campus not an innercity. Just to provide a more open and provide views for everyone.

Mr. Strojny: The vision plan calls for more density, and trade off to allow that. If it means crippling future development, we need to facilitate creative thinking. They're making a \$18 million investment in our community. If they are willing to come in and invest, we should make reasonable accommodations.

Mr. Clegg: I wasn't on the Board when Keystone was approved. They exceeded the height, we asked them to try and get it down, they did and didn't need a waiver. Just because they can doesn't mean they should. Meet partway.

Mr. Agrillo: The Board can waive the requirement. They are bringing \$18 million and cutting short $\frac{3}{4}$ of an acre. See overdevelopment with the remaining parcels.

David Darling: I'm a third generation hotel developer. I don't think another developer other than me is going to go here. I'm here for long term investment. The bank appraiser said I'm \$1.5 million short of getting a hotel. I'm not looking to sell or flip. I'm doing renovations to our W. Yarmouth property. This is a unique situation. You're trying to get development in, most bylaws aren't friendly and you have a special permit that can be utilized. The majority of investment is for the design. Don't want a beige box on the canal. Spending \$1-2 million on the façade alone. Feasibility studies, the economy can't support it with a conference center, etc. It's designed to maximize the view and is only 6'6" above the height restriction. This site anywhere else could be under 2 acres and accomplish it. We are trying to make it work for both parties economically. Convinced it will work long term.

Mr. Clegg: We want your business. Asking us to go 5' plus 20% on the lot. There's a way we can get together. Play with the dimensions just a little.

Mr. Grant: Does the height of 61' include the sign and equipment on top?

David: No sign. Does include the equipment behind the faux mansard roof. Plymouth is a typical box.

Eric: Came in at 64', met with DRC and they had some concerns so we brought it down.

Mr. Clegg: We have no results from the DRC or modifications.

Ralph Biggars, architect: I understand the height issue, we are only about 5' over and a full story. Typical building is 10-12' per floor. Hotels are different as the low floor to floor height. WE can get 5 floors in roughly the same space. The mansard roof looks pitched with a well inside hiding the equipment. Able to achieve a more aesthetic balance. Tried to work with local criteria. We are at the upper range of cost per guest room. It's a concrete building, not wood, amenities include decks, patios, more of a resort type setting. Provide people spaces in back. It's a huge cost to bring the fill up and are already at the limit. Economics many not be one of your criteria, but it is for development. The average hotel sells every five years, so there's incentive to build cheap. You have a unique situation, the numbers don't work. Build and hold onto it, that's what makes this possible. 1500sf per room is very

25 Perry Ave Cont'd:

appropriate for a full service hotel with convention services, café, etc. This is a limited service business class hotel with a breakfast area only for hotel guests. Doesn't cater to outside guests, no coffee shop. On the back of the hotel we just are doing a stylized anchor as the logo. The pallet is neutral, boxed bays, paned windows. Signature building needs to be a high standard. Will have an indoor pool, a patio spills out from the lobby, and lots of glass to connect to the canal view. Stairs to the second floor meeting room. Breaking up the façade with pergolas and trellises, really a Cape Cod look. Simplicity, traditionally sloped roof, understated. Chimney top architectural elements, clapboards, shakes, trim.

Mr. Clegg: I'd like input from the town's people. The height of the brick façade is equal or above the roof height?

Ralph: It's above. The roof ridge is 151.5, that's about 2' above. Appurtenances (spire, cupola, etc.) fall outside of height restrictions. I can see your argument on land size, but drop down and widen is more not aesthetically appealing. It's got a signature building look to it.

Mr. Agrillo: It looks proportionate. Any projected tax revenues from the room tax?

David: Projecting, about three years stabilized, around \$130 per room at 70% occupancy. \$3 million gross, then divide out tax revenue. Nice, different project you won't see anywhere else. Our plan is that it will do well. Haven't seen numbers from the appraiser yet. Have some cost estimates, quite higher than anticipated.

Mr. Handy: Lot 3 is for residential development?

Ryan: It's going to be a multi-use highrise.

Joe Longo: 100' of open space from the canal road to the property. Sidewalk to connect to the open space parcel. We tried to account for open space and development.

Public Comment:

John McGlaughlin, 19 Perry Ave: What is the height of the hotel in Yarmouth?

- 3 stories, but no view.

Is it profitable?

- Yes

Seems like not profitable if not 5 stories.

David: Not at this location. Yarmouth is shorter and wider. Concerns about elevations of residential and water shedding on our property.

Mr. Agrillo: Runoff has to be contained on site.

John: The GIZ (Growth Incentive Zone) took the Cape Cod Commission out. Are these variances compliant with the CCC?

Chairman Doucette: Yes. They are bringing the grade up to a total of 16' from existing.

Beth Ellis: I like what I've heard, and hope it goes through. Glad recognizing it as a signature building as it will be seen. Compatible with what people are trying to get away from. Surprised not considering a restaurant for the public. All about the canal view, it's a big attraction. I think the Planning Board has to respect the zoning bylaw. ¾ acre doesn't seem like a big compromise for the hotel

Mr. Strojny made a MOTION to continue both items to 3/16/17. The MOTION was seconded by Mr. Clegg with all in favor.

Mr. Clegg made a MOTION to adjourn, seconded by Mr. Gallo with all in favor. With no further business before the Board, the meeting was adjourned at 9:18pm.

Respectfully submitted,
Ann Gutterson