

PLANNING BOARD MEETING MINUTES

August 10, 2017

PRESENT: Elmer Clegg, Stephen Strojny, Jeanne Azarovitz, Daniel Doucette, Robert Gendron, William Grant, Elizabeth Brown, Sandra Goldstein

ABSENT: Lou Gallo

STAFF: Coreen Moore

PUBLIC: Ford O'Connor, Michael Rausch, James Mulvey, Judy Tubbs, Stuart Clark, and other members of the public

Ann Gutterson, Recording Secretary

Chairman Clegg called the meeting to order at 7:14pm.

Public Hearing for Extension of Site Plan Review/Special Permit #08-2009B: Cont'd from 7/13/17. 829 Scenic Hwy. Robert & Judith Tubbs. Construct two mixed use buildings with commercial on the bottom and residential apartments above.

Mr. Gendron: Project was approved in 2009, in 2011 it received a 4 year extension from the

State, in 2015 the Board granted a 2 year extension. After meeting with the Tubbs, the property was foreclosed on with the prior applicant and they are looking to sell to a new developer. I met with the potential buyer and Coreen and we went over the original conditions. Whatever goes there will be better. There were 14 original conditions:

- No further encroachments may be made into Burial Hill on the North
- All excavation must immediately halt if any historic or archeological artifacts are uncovered and the applicant or his representative must immediately report this information to the Planning Board and/or Building Inspector, Bourne Historical Commission and the MA Historical Commission
- Project is subject to Bourne Conservation Commission wetland regulations. Must adhere to order of condition Book 21,225 Page 233
- Height of dumpster enclosures must be shown on plan – must be at least the height of the dumpsters
- All plant materials must be maintained in healthful condition. Dead limbs shall be removed promptly and dead plants shall be replaced at earliest appropriate season
- Revised Stormwater design and drainage calculations must be submitted
- Signed Stormwater system inspection and maintenance agreement must be submitted
- Notice of Intent with the EPA for Phase II Stormwater program must be filed prior to issuance of a building permit
- Define benchmark
- An as-built site plan depicting final locations of all structures and site-related appurtenances must be submitted prior to issuance of an occupancy permit
- Maximum trip ends for a single commercial unit (one-third of a building basement) shall not exceed 50 trip ends per peak hour
- Maximum trip ends for the entire site shall not exceed 80 trip ends per peak hour
- Maximum trip ends for the entire site shall not exceed 500 trip ends per day
- Must comply with the rules and regulations of the Bourne Fire Department

The project is for 2 buildings with a total of 6 commercial units and 12 residential units. At the time we concurred with the traffic on Scenic Hwy. If extended, I recommend only 1 year with strict constraints. Come back with a new Stormwater plan, Title V and a revised traffic study within the year.

Chairman Clegg: If we grant a one year extension, are we precluded from granting another?

Coreen: No. There are three other conditions on the traffic: entire site for peak hours and day, Fire Dept. rules and regulations plus the 14 original conditions.

Ms. Brown: Encroachment on Burial Hill, was there an issue?

Mr. Gendron: When they started excavation, they stopped and put up a stone wall.

Mr. Doucette: There was a lot of concern with that hill, we didn't want it encroached upon, it's critical.

Chairman Clegg: Is this in a Water Resource District or ACEC?

Coreen: Not in a resource district. And it was reviewed under the DCPC regulations.

Judy Tubbs: I hope the Board will agree with this plan. We have reduced the price so now it's available for someone to develop it.

Stuart Clark, Green Seal: We have been retained by the purchaser. We agree to do what it takes to get up and running within a year.

Mr. Gendron made a MOTION to extend for one year subject to the following conditions:

- New engineered Stormwater plan
- Stamped Title V
- Revised traffic study
- Substantial completion of one or more of these items within the year
- Carry over the 14 original conditions

The MOTION was seconded by Mr. Doucette. Roll call vote as follows:

Mr. Grant – yes Mr. Strojny – yes Mr. Gendron – yes

Ms. Azarovitz – yes Ms. Goldstein – yes Ms. Brown – yes

Mr. Doucette – yes Mr. Clegg - yes

Public Hearing for Site Plan Review/Special Permit #07-2017: 5 & 7 Commerce Park Dr. Kent Properties LLC. Demolish building and replace with office/storage building with increased impervious surface to 51.2% in a Water Resource District.

Ford O'Connor: We will be removing the existing building and construct a new building in the same footprint with more office space. Asking for a finding for the increase of impervious surface. Have made some changes. We got the Planner review on Monday. Have had discussions with the Fire Dept. Request condition with the Fire Dept. as they aren't available until Monday.

Coreen: There are quite a few outstanding issues. Stormwater questions, I'd like to meet with the engineer. Don't know the size or type of the structures. The loading zone is on the opposite side of the building from what I recommended. Parking space stripes aren't credible/valid. Recommend asking for a waiver of parking. Lighting – no overspill numbers, Landscape plan and lighting plan, the fenced in area don't match with the site plan. The handicap access to office 1 and 2 there is none. Appears the sidewalk can't get to/from the front.

Mr. Doucette: Impervious is 2.4% increase – consider plantings between the parking and southerly property line, something that will last through winter.

Coreen: I'll come up with a list. I suggest one way around the building and angled parking.

Ford: We will work with a waiver. Note on the plan, it's registered land and would take 5-7 years to approve, that's why we are keeping it one lot.

Coreen: If the lot line exists, it's too close, the Planning Board can do a finding, you'll need to apply for that.

Mr. Doucette made a MOTION to continue to 8/24/17. The MOTION was seconded by Mr. Gendron.

Mr. Strojny: When standing in the front, there is a big drop off on the left.

Ford: Swale on front left.

Chairman Clegg: They are already over the 40% impervious surface coverage by 8-9%. What is the setback?

5 & 7 Commerce Park Dr. Cont'd:

Coreen: I'd like to talk about the Stormwater with that. Setbacks 30' rear and side.

Mr. Doucette: Increase plantings.

Ford: It's in a water resource district, better for impervious.

Chairman Clegg: They are 1' from the line.

Ford: The last time we presented two buildings on the lot. It was built in the 70's. If we didn't have to deal with Land Court, this would be done differently. We're agreeable to make it work.

Chairman Clegg: So it will continue as separate leasable properties?

Ford: The land is in one ownership. The intent is to lease the building, can't sell unless it condominiumized.

Mr. Doucette withdrew his MOTION. Mr. Gendron withdrew his second.

Mr. Doucette made a MOTION to Continue to 8/24/17. The MOTION was seconded by Mr. Gendron with all in favor.

LCP Update

Chairman Clegg: Last meeting I left out the CCC regulations governing LCP plans. Town Charter and the State say the Planning Board shall have responsibility. The CCC regs state the Board of Selectmen shall have responsibility for designating the committee for the LCP. I met with Coreen and George Slade. The LCP is on for the Selectmen agenda on 8/22/17. The Planning Board in the 90s had an outside consultant for a number of years, held hearings as part of the agenda. The Selectmen then placed it to a citizen committee with 2 Planning Board members on it. After looking at it and the wastewater challenge and economic development, awarding the GIZ to Buzzards Bay we're constrained by the amount of wastewater we have. It's crucial for development of the Downtown District. Public hearings were effective in the villages. The CCC says there should be strong citizen involvement. My personal feeling is the Town will be best served by a citizen committee with heavy Planning Board involvement. If we took it, I couldn't lead it but would have asked the Vice Chair to run it. Will be a 18-30 month project. We have a base plan but requires a major revision. There are many benefits, good resources/funding if we have a CCC certified plan. I encourage the Board to go along with that course of action.

Mr. Strojny: Is there a process on how to do it?

Chairman Clegg: There are nine pages of regulations with guidelines from the CCC.

Mr. Doucette: We are all citizens of the Town too. I think the LCP is in good hands any way it goes.

Chairman Clegg: The economic development plan is going on now. Should be completed before get too far into the LCP process. Tom Guerino endorses getting a consultant and funding will be on the May Town Meeting. Maybe by the end of the year have a game plan then late first quarter of 2018 serious work to start.

Board Member Comments/Reports

Chairman Clegg: Need to remove “comments” from the line item. Reports if members attended other groups.

Ms. Brown: I went to the Open Space Committee (OSC) and they talked about accessibility to the inclusive playground from Keystone to the canal. There is a complex path developing there, the hotel road, Keystone and canal crossways.

Chairman Clegg: That site will be much more congested than we first envisioned. No parking, or great access to the canal. May have to place conditions on the plan in future phases. Work with him to alleviate safety hazards at that intersection.

Ms. Brown: How do you get to the canal from the hotel?

There would have to be a Town easement and Army Corps easement.

Mr. Grant: The Wastewater committee is presenting a location plan to the Sewer Commissioners. Need to make sure it’s given (allocated) to the most realistic projects. Encourage people to develop. Make it definite. Hope citizens say what they think. Perry Ave: People have approached me about traffic and why not discussed more.

Chairman Clegg to Coreen: Should we have looked forward to the point of full development when doing the hotel? The Wastewater advisory committee has been around a number of years. The Charter revised to look beyond Buzzards Bay and formed the wastewater construction committee, seven members, formed by the Town Administrator. I am the WW advisory rep and we had our first meeting today. The RFP for Queen Sewel, settled on a company and in negotiations now. Marching toward October STM for a plan for presentation and grant requests. Critical we get additional wastewater without sitting here waiting for projects that want to come forward and can’t.

Minutes of 7/13/17: Mr. Gendron had a change about 829 Scenic Hwy. MOTION to approve with amendment. The MOTION was seconded by MR. Doucette with seven in favor, one abstention.

Minutes of 7/27/17: Mr. Gendron made a MOTION to approve. The MOTION was seconded by Mr. Doucette with 7 in favor, one abstention.

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Mr. Strojny with all in favor. With no further business before the Board, the meeting was adjourned at 8:17pm.

Respectfully submitted,

Ann Gutterson