

PLANNING BOARD MEETING MINUTES

September 27, 2018

PRESENT: Elmer Clegg, Steven Strojny Daniel Doucette, Jeanne Azarovitz, William Grant, John Carroll, Lou Gallo
EXCUSED: Sandra Goldstein, Elizabeth Brown
STAFF: Coreen Moore
PUBLIC: Jim Mulvey

Chairman Clegg called the meeting to order at 7:07pm.

Minutes: 8/23/18. Mr. Grant made a MOTION to approve, seconded by Ms. Brown with all in favor.
9/13/18. Mr. Grant made a MOTION to approve, seconded by Mr. Doucette with all in favor.

Project Follow-up: 790 MacArthur Blvd. Campbell's Boat Works. Landscaping.

No one for the project showed up.

Ms. Azarovitz: At the last meeting it was continued. They have not complied to put the trees in. My belief is that a couple trees are starting to die. I was out 2 weeks ago and took pictures.

Coreen: I talked to them and emailed with them a couple of times. He was ill for the last meeting. She asked if it was ok to submit a document and not come.

Ms. Azarovitz: I asked Roger Laporte to make a visit to the site.

Coreen: Need official letter from the Planning Board on non-compliance. Is really for Roger to enforce.

Mr. Grant: If people blow us off, is that the procedure?

Coreen: Yes, through Roger. Now has to go through enforcement because the occupancy permit was released. You can recall the special permit.

Chairman Clegg: Can we request a bond?

Coreen: Could have done one with the original decision.

Chairman Clegg: They were last here on 1/11/18. Put four trees in as on the original plan in the front right area. We issued the occupancy permit with a compliance review in 6 months with 3" caliper trees.

Ms. Azarovitz: They replaced 3 trees by the fence, but not 3" caliper. Two of those are thriving pear trees.

Chairman Clegg: Have Coreen, Roger and Jeanne meet. Like to do a letter as a result of that meeting.

Send someone if work not completed with the four trees and other things, forced to take enforcement action. Have a date for the work to be completed in the letter and show up at the 10/25 meeting.

Mr. Doucette made a MOTION to write the letter and send to the applicant. The MOTION was second by Ms. Azarovitz with all in favor.

Zoning Bylaw Review: Extension of Solar Overlay District. Public Comment.

Chairman Clegg: There is no public here to comment. This came up from a meeting with the Selectmen on 9/6. They wouldn't support until we had a meeting with public comment, this was a citizen petition.

Mr. Strojny: They came in April of 2017 for an informal meeting and wanted to be put on the Annual Town Meeting in 2018. It's the extension of an existing overlay district. Expanding about 20%. The applicant did everything she was supposed to. Her attorney drafted a notice. When the Planning Board took it over, we did everything the law requires. The Town didn't get it on the warrant. At the 4/26/18 Planning Board meeting, Tom Guerino apologized on behalf of the Town and said the Town will sponsor and put on the October Special Town Meeting.

Zoning Bylaw Review: Cont'd.

The Planning Board wanted it to be on the ATM. It's an extension of an existing overlay district. Expanding about 20%. She, the property owner, did everything she was supposed to. Her attorney drafted a notice and sent to the abutters. When the Planning Board took it over, we did everything the law requires. The Town didn't get it on the May Town Meeting. At the 4/26/18 Planning Board meeting, Tom Guerino apologized on behalf of the Town, the Town will sponsor the article and put on the fall STM.

Coreen: We sent letters to all involved and the perimeter abutters. We received two calls and one abutter came in with the concern about devaluing their property on the horse farm.

Mr. Tazareri: Bog owner in the overlay district. Felt positive as it gives another option for property use and increases value.

It's a common concern every time when you put commercial next to residential. Over 250Kw looks pretty large – 750 panels, 5'x7' or 4'x8'. Under that is by right. If make commercial, the Board can put conditions on it.

Chairman Clegg: Would a property owner be able to do it by right?

Coreen: If it's under 250Kw, yes with no review.

Mr. Strojny: If expanded over 250Kw, still have to come to the Board. I'm certain we'd put a buffer zone in. Gives the folks another option for property use. The existing zoning still remains in place. Is this an appropriate area to expand? I think so. The property was used 70 years ago as a dump. Zoning look at the LCP/master plan. Is it consistent with the town or their economic benefits? Goes back 1.5 years. Done everything the right way. She has waited longer than she had to.

Chairman Clegg: Current zoning of land is R-80 and the Bournedale overlay district. Has quite a bit of conditions. Residential now. This lady inherited the property, it was a dump site and then her father got subdivision approval. Can't get Scenic Hwy access with the state. Her property takes up less than 1/3 of the total.

Coreen: It's 40 acres total, the bog is 10+ acres.

Mr. Strojny: FinCom is addressing on Monday prior to the STM. Spoke to the Board of Selectmen chair, we did notifications, he indicated he thought was positive for the area. Make a positive motion from the floor at STM. Hope to have a positive motion. History of the Board with projects, we make them jump through hoops with concerns of the abutters.

Coreen: The SDD (Scenic Development District) is on the line where the current line is. All our overlay districts are in commercial based zones. We gave a waiver to Bourne Water District for their solar project.

The bog can be commercial, horse farm. Not enough to not support. Like use to a like district. The underlying district is not consistent.

Mr. Doucette: 21E concerns. Don't want to disturb the land. Panels would be places on top. Can't put residential there with the dump unless mitigated. Can't be developed residentially anyway, not economically feasible.

Mr. Strojny: That's why panels are appropriate to the area. Dovetails with what the LCP asks us to do. Cars, traffic jams, more renewable sources. Bourne can benefit from these.

Jim Mulvey: Policy vs. legislation. What does it really mean? Somewhat disturbed by overlay districts. The last overlay district was designed to solely help one developer and one property owner. That offends me.

Zoning Bylaw Review: Cont'd.

Chairman Clegg: We had a public hearing in April, it's in the article and warrant, voter handbook. We invited the property owners and abutting owners. I don't think anyone was aggrieved by not having it tonight. This was brought up by the opinion of another Board.

Jim: What benefit to the owners and the Town?

Chairman Clegg: Any property owner may put solar up to 250Kw. To go beyond requires they be in a solar overlay district. The owners in this between the applicant's property and the bog property make up ½ of the affected area. The bog owner said he's all for this. Other owners have not commented. To be commercially viable, it's necessary to be over 250Kw. Glad we had this discussion. Position stands to support.

Public Hearing for Site Plan Review/Special Permit #09-2017: Cont'd from 7/12/18.

154 Cranberry Hwy. Michael & Liesl Fraser. For contractor condos with apartments above, and associated parking, drainage, landscaping, etc.

Chairman Clegg: The engineer asked to extend to 11/8/18.

Mr. Gallo: They patched the fence on top of the hill. Applicant wanted to put shrubs in the future. Nothing has been received in the office yet. Wants to build a stone wall instead of the previously approved wall. Would have to be engineered approved first prior to the project. MOTION to continue to 11/8/18. The MOTION was seconded by Mr. Strojny.

Mr. Grant: If we continue, he's still operating and has violations?

Chairman Clegg: Last time we leaned on him, he acted.

Coreen: The other violation included an apartment on the abutting property.

VOTE: All in favor.

LCP Presentation

Mr. Strojny: We will be meeting at 6:00pm prior to Planning Board meetings here at the Community Building. The public is invited to attend and participate. Community outreach, we are holding a meeting on 10/27 from 10am-12pm, location TBD. The LCP website is: www.townofbournelcp.com. We hope to get a good crowd.

Chairman Clegg: \$25,000 granted at Town Meeting for the LCP. What does it cover?

Coreen: Not as much as we asked for. Consultant.

Ms. Brown: If go to the website, you can put your email so we can reach out to you.

Mr. Strojny: We meet with Planning staff on Fridays to keep the time line in place and on track.

Committee Reports

Mr. Doucette: The CPC has an article for the STM. Funding for the rail trail extension.

Town meeting review

Chairman Clegg:

Articles 11 and 12 – housing: Ms. Brown will present with Coreen.

Article 13 – solar: Mr. Strojny to present.

Article 15 – marijuana: Chairman Clegg to present.

Article 14 – Citizen’s petition to ban recreational marijuana.

Anticipate what kind of questions you might get from the audience.

Coreen: You worked hard and know your materials.

Chairman Clegg: Personal privilege. Former Board member, Dudley Jensen, passed away. He was in his late 90s and had a long life. He retired from the Board in 2014 or 15. Great guy overall, a real contributor.

Mr. Doucette: He was a true gentleman.

Mr. Strojny made a MOTION to adjourn. The MOTION was seconded by Mr. Doucette with all in favor. With no further business before the Board, the meeting was adjourned at 8:06pm.

Respectfully submitted,
Ann Gutterson