

PLANNING BOARD MEETING MINUTES

January 10, 2019

PRESENT: Elmer Clegg, Steven Strojny, Daniel Doucette, Jeanne Azarovitz, William Grant, John Carroll, Sandra Goldstein, Lou Gallo, Elizabeth Brown

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: Tom Guerino, Peter Meier, Jim Mulvey, Zac Basinski, Tom Donovan, Kelly Donovan, Don Bracken, Vincent and Noreen Michienzi, Robert Bowman and other members of the public.

Chairman Clegg called the meeting to order at 7:05pm.

Minutes: 10/11/18: Mr. Grant made a MOTION to approve seconded by Mr. Strojny with all in favor.

12/13/18: Mr. Grant made a MOTION to approve seconded by Mr. Strojny. Seven in favor, two abstentions.

Public Hearing for Site Plan Review/Special Permit #08-2018: Cont'd from 12/13/18. CC Ventures Inc. 31 Jonathan Bourne Dr. Construct an 8,000sf space building on the same lot as a 45,000sf warehouse building, increase of impervious coverage and removal of more than 70% groundcover vegetation in a Water Resource District.

Tom Donovan: Background of the area. In 1996 the Planning Dept., Planning Board and Board of Selectmen received a grant for economic development and job creation. They petitioned to take my road (Jonathan Bourne Dr). I agreed with drainage easements and four acres of land. Retain, establish, revitalize industrial zone. Strength public/private sector \$1 million to the town. A few years ago we wanted to keep Hydroid in town and worked together to do that. With the Cape Cod Commission making this a GIZ area, we can exceed 10,000 sf for certain businesses. The town always said this is where development should occur. In 2011 we were granted a special permit for this project. There was a 35% vacancy then, 10% now. It's a good time for this project. Well need broader tax base and places for young to work. Different initiatives by the Board and others. I live in this water district, my family does too. When the Water District became a bylaw, it was generic. All must be created equal. The difference with this one is a unique situation. Over 400 acres open space that can't be built. The needs are being met. I bought this land when the town bought Four Ponds land. They didn't think it was a concern then. 65% is cleared land from 20 years ago. Where the building will go is cleared land. Very few trees to cut down. Industrial area, always intended to have a building. I met with Bob Prophet from the Water District, he is in support of this. Have never had a violation in 30 years.

Mr. Strojny: He hit every point, I feel the same. Good project. Arial shot of the area, can see green all around the industrial park. Important build the commercial tax base and have jobs for people. This was approved by a prior Planning Board, it's been weighed out twice.

Zac: The water letter was issued with no concerns. The stormwater system is recharging back on site.

Chairman Clegg: Letter said raingardens are a net positive and more than made up for the building.

Absent members signed forms to vote tonight. From the last time a couple have things changed.

Heightened concern with water quality, sensed some issues. Some development behind this property and Rt. 28 with a new roadway. Lots are being advertised. How should we handle those?

Tom: We have eight buildings, and Hydroid. Each was building on land that met or are under thresholds. One of my biggest problems that prohibits putting a building with parking on the side. 24 Jonathan Bourne Dr is 2 acres of land. Theoretically a 10,000sf building with parking and open space. Look at projects individually, how put together. Better one building instead of four, parking issues.

31 Jonathan Bourne Dr. Cont'd:

Poland Springs needs a certain radius for trucks, reducing pavement would not be safe. The Board may want to take a free night and talk about planning. Make a better project with developer and town. Workforce housing is great, addresses concerns. Too much parking, if a company only has 10 employees, reduce parking. Ch. 40A Sec. 9 transfer of development rights. Works for developer and the town. Lots of land not able to develop due to grade.

Mr. Grant: Raised a lot of good issues. Highly regarded developments. Impervious is a big difference from 40-60%. I'm troubled by it.

Tom: Get 40% by right in the water district. The town must look at more engineering techniques to meet it. Most of that 40-70% is based on when the site is under construction to make sure it's not going into a gutter.

Mr. Doucette: Grant Jonathan Bourne Dr. improvements, Commerce Park Dr, property off 28, different lens to look at. Look at all differently.

Chairman Clegg: Same B4 zone. Should look at the entire development.

Coreen: As of right to the special permit 40%. Sec. 1330 criteria to meet, if don't meet you don't get. Section 4700 mitigation is allowed. Rain gardens, performance standards, if has that, gives a trigger to the Board. Met special permit, should grant.

Chairman Clegg: 45,000sf building on lot, largest in your business model.

Tom: Three predate the Cape Cod Commission. The 45,000sf building is on five acres. There is an easement on the land that I control. I allowed developer to cut through with the water main. He doesn't have access to Jonathan Bourne Dr. Originally I had to give two acres for back access. Less than 20 trees will be cut.

Chairman Clegg: Still a good amount of property not disturbed. Treed area behind the building to remain.

Mr. Strojny made a MOTION to approve subject to the following conditions:

1. An as-built site plan depicting final locations of all structures and site-related appurtenances must be submitted and approved by the Planning Board or its representative before the issuance of an occupancy permit.
2. The site is located in a Water Resource District and is subject to the prohibitions and limitations of Section 4700 of the Zoning bylaw. A copy of this section shall be part of any lease and shall be visibly posted in an area for each leasable unit.
3. Certification from the Health Agent that the sewerage system is adequate.
4. Confirmation from the Fire Department that emergency access is adequate.

The MOTION was seconded by Mr. Doucette.

Mr. Grant: Significant that the Water District said addressed concerns. WE can insist bylaws be followed unless reasons are given. This case they were. Convinced it's a good project.

Mr. Carroll: Tap water south of the canal comes from this area. WE drink it. Want to be careful of our drinking water today for future. Difficult to take water from asphalt to water I want to drink.

Jim Mulvey: The future of the town. Leadership recognized was going to grow. Potable water would be a major factor to protect future. Land clearing is the flag. Population growth with new businesses. The open space isn't an aquifer. Much goes into brooks and runoffs, totally different. Need growth but protect the aquifers.

Chairman Clegg: Agree on importance, that's why we required a detailed letter from the water district.

Jim: At the Selectmen meeting they discussed a dog park. The Bourne Water District spoke in opposition to having it in the proposed area as it's contributory.

Chairman Clegg: Looks at primary and secondary, this property is way out on the perimeter and not near the wellheads.

Chairman Farrell: Chapter 40A Sec. 7 was discussed a number of years ago. Caused the Board to look at it going forward. Used to require water to collect and be stored underground. Rain gardens filter contaminants better if maintained than the old way. Rely on the experts.

Mr. Gallo: Warehouse/office. If solvents/batteries then different.

Ms. Goldstein: Groundwater at this extent will be par for the course. Never know what will happen at the base, etc. Important discussion. The water table is up.

Roll call vote as follows:

Mr. Strojny – yes

Mr. Carroll – no

Ms. Goldstein - yes

Mr. Gallo - yes

Mr. Grant – yes

Ms. Brown - yes

Mr. Doucette – yes

Ms. Azarovitz - yes

Mr. Clegg - yes

Public Hearing for Modification to a Definitive Subdivision: Cont'd from 11/8/18. Robert Bowman. Dayna Lane Extension. Changes to the driveway.

A request to continue to 2/14 was made by the applicant stating the engineering plans are not complete yet.

Coreen: Review takes time, we are so busy. Deadline for submission by 1/31.

Mr. Grant made a MOTION to continue to 2/14 as long as plans are submitted by 1/31. The MOTION was seconded by Mr. Strojny with all in favor.

Discussion: Main St. parking.

Chairman Clegg: Relative to the west end near the park. Business development is being undertaken. Section 2800 parking regulations, 2850. Any developer in a DTD is subject to parking by different rules than the regular bylaw. Belief shared responsibility for parking put on the developer. Offset with Main St. parking and surrounding areas. Michienzi requests a waiver of parking, what is available other than on street and plans of expansion? What parking lots are adjacent?

Tom Guerino: There is limited town owned parking. Commonwealth owns some, the Corps of Engineers. The NMLC lot in off school season, there's a utility right of way between Main St. and the canal could be developed into overflow parking. Potential angled parking in the right of way. Looking at taking different approaches to downtown. Provide shuttle/trolley, work with the hotel, and utilize municipal lot after hours. That will open 25-30 spots. Had a positive meeting with the Rail Transit Authority (RTA). Talked about infrastructure. Rail and transit division change of lot by the Chamber of Commerce. WE can enforce the handicap parking but not regular parking. MMA always looking at parking for their cadets and staff. We are working on it. Parking credit, if 300' off site, public lot and ample spaces to save immediate area. Only lot that falls in there is the lot controlled by Mass DOT. Until we can enforce, police and implement a 3 hour limit during the day, our hands are tied to give consideration. Understand the bylaw provides a few spaces on Main St. that are actually utilized. In a reasonable walking distance there is parking available. If go in the off school season, NMLC can open their lot to allow parking as well. Nights and weekends are not as full.

Chairman Clegg: Agree on monitoring. Weekends it's empty. Appears to be used weekdays, need no overnight parking signs. On-street get credit for spots in front of an address.

Discussion: Main St. parking. Cont'd:

Ms. Azarovitz: Signs have gone up on Main St, it's now only 1-hour parking.

Tom: The Selectmen can alter the parking regulations of the town. Pay spaces and other ways to enhance has been a strong priority for economic development activities in the Town.

Chairman Clegg: A letter from the Planning Board to the Selectmen about changing parking?

Mr. Carroll: The T coming to town. Proposals were made for multilevel. Overnight parking brought up. Why allow in Sagamore and not Buzzards Bay.

Chairman Clegg: 61 spaces, 25 have signs. No signs by the tracks (28 spaces). Then up by the train station has overnight parking.

Chris Farrell: Sagamore is a commuter lot, they allow overnight parking. This lot on Main St. is owned by three; Town of Bourne, MBTA and Army Corps. The police can only enforce Bourne spots.

Chairman Clegg: The people we talked to say the town doesn't own any.

Chris: The Chief of Police's hands are tied. Who has ownership of these spots.

Chairman Clegg: Firmly determine what spots the town owns or has right to.

Chris: Parking in the area MMA used, extended study is daytime not overnight. There are a number of other places they've circumvented the parking.

Tom: We have control of 3-4 spaces. Conversation with MA DOT and work with them to get delineation to enforce. Using spaces at the marina is possible. Previous lease agreement with MMA for 86 spaces. The Town voted it down. Doesn't mean the Town can't utilize the same spaces. September – Memorial Day. Not policed or enforced in any way.

Ms. Brown: What about the lots from Cohasset to Main St?

Chairman Clegg: Privately owned.

Ms. Goldstein: Look to purchase?

Tom: No, haven't looked into that.

Chris: Behind the movie theater was a commuter bus area, the town leased it. Main St was busy in the 60s and 70s. Did some site improvements. How go forward using existing parking? Scallop fest, no parking requirements but everyone found a place to park. Canal fest they found a place to park. If you want to go, you'll find a way.

Mr. Grant: If this project is successful, and the park successful, we need to address parking. We have to step up too. Utility right of way, what can we do?

Coreen: Cape Cod Commission for funds for a study in downtown to come up with parking. Many studies were down, build on those. Planning for growth. Near future, mid future and further out. Also looking at structured parking. Applied yesterday to the Commission.

Tom: Communities with new parking garages. Many layers and a number of agencies. MA DOT is open to the discussion. Cape Cod bus route not here until five years ago. Want more people riding it. Follow up process, come back in the next 30 days. Should have a good handle or answer by MA DOT. Come back on 2/28.

Peter Meier: May be able to do some shared resources. Make the marina a set area/confined. MMA has the area by the Corps entrance. Partner with the academy. Nice problem to have, it means vitality is coming back. Haven't seen that in 30 years. Town needs to invest too. Public/private partnerships.

Chairman Clegg: Good but until something happens, responsibility is on the developer. Now reacting instead of being proactive.

Mr. Doucette: Parking concern always. Town requires more than the Commission. Match theirs, reduces and people and have the opportunity to research.

Discussion: Main St. parking. Cont'd:

Chairman Clegg: Have we overstated parking requirements in downtown? Trying to compare downtown with other. Get the credit, distance to public parking but give 500' to private. Look at that what's recommendation to parking to an establishment.

Tom: With the GIZ (Growth Incentive Zone) and development – hotel, Keystone, Calamar, parking required for these. Recent past positive movement downtown and Mahoney's have come forward. A few years ago no interest and had no need. Process of overrides and layoffs we were dealing with at the time. This has sparked us to start looking, priority of the town.

Noreen Michienzi: Cadets parking, my daughters school, students weren't allowed to park in certain areas. Reach out and write a letter to the MMA.

Chris: Wastewater took so long. Parking will always be an issue. If we stop building on the Cape, is parking going to increase? Yes. Part want to see economic growth stopped because of parking, need the growth to look at all these issues.

Jim Mulvey: Customers, staff, residents, long term parking, and garages need land, build it, maintenance, proximity.

9:02 – 9:10pm Break

Public Hearing for Site Plan Review #492: Vincent Michienzi. 85-93 Main St. For 4 units, site improvements, etc.

Don Bracken: The site is 46,161sf with 130' of frontage. The building is 10 358sf and is currently vacant and under repair. It's in the FEMA flood zone of 16'. 8'-10' is the current elevation. They are retrofitting and putting on an addition. There will be two restaurants, a bakery and brewery with a patio and seating, pergola for shade, stage with lawn and detached garage for storage and trash. There will be storage for the holding tanks for the brewery. The patio will be stamped concrete and turf for in front of the stage. Will be deflecting noise to the front of the stage. Reduced in size from original concept. A Special Permit is needed for Sec. 2821 for serving of food and beverage outside of the building. Access to parking will be from Cohasset Ave. There will be bike racks and this has been reviewed by the DRC. Stormwater is being tied into the existing, new grease traps will be installed. Low impact standards will be implemented. We are limited to what can be done by FEMA regulations. Overall reduction of impervious coverage. Patio and roof runoff will be on the new drainage system. Installing two rain gardens at the Cohasset Ave entrance and will overflow into the existing drainage.

Chairman Clegg: Original plans dated 11/13. We compared our plans to ConCom and there was no note on the ConCom plans, only ours.

Don: The note was added to the plan because the ConCom agent asked for more information.

Chairman Clegg: What happens with new construction with FEMA?

Don: The site is in AE, it will need flood vents to allow water to go through, pretty standard.

Coreen: The building is architectural and falls under the building inspector. The site is ConCom. If two years the 50% is up to the building inspector because he issues those permits. The site, drainage, elevation has to be on the plan. Different responsibilities on this plan.

Don: Parking, may not meet all parking, there is other parking in the area. Don't feel all the spaces are necessary. Understand there is area relief already. Looking at smart growth articles, too much parking

85-93 Main St. Cont'd:

can be detrimental also. Sec. 2854 gives off-site credits. Not all bylaws are perfect as we know and we don't anticipate/accommodate every situation. Hyannis downtown, people enjoy walking the streets. Chairman Clegg: They have through lots like we have.

Don: Downtown is evolving, need to get business in there first.

Chairman Clegg: Sec. 2853 DTD is specific. Proposed business, 10 spaces per 1,000sf gfa.

Don: 121 required based on the square footage of the structure.

Chairman Clegg: Haven't included outdoor food service and entertainment area in the calculations.

Jennifer Copeland: Came to 91 spaces, didn't go with the 50% credit.

Coreen: If go with 2853d – expanded uses, use the 50% reduction.

Jen: The lower number is 188 for everything.

Chairman Clegg: Outside area requires additional parking, about 20 spaces, brings it to 140.

Coreen: Add 25 spaces, storage area. Roger says use 15sf per person for the stage area, then it's 182 with the stage area.

Don: 50 spaces out back, can alternate times. The stage will also be used with a future hotel on the abutting site. The intent was to have this stand alone.

Chairman Clegg: Based on the square footage of the building not the tenant. 335 seats if filled. A percentage will be able to park out back. He's betting on a hotel. Costs every time he inflates a number, affects parking.

Mr. Carroll: He's put a lot into this, people will go parking spaces or not.

Don: A lot of restaurants, Uber is being used a lot more now, especially when people drink. Trying to be smart. More and more kids using Uber, bikes.

Mr. Grant: For fewer seats and more parking the Mezza Luna is always full. We don't want to make so burdensome. Fear is not enough parking.

Vinny: Parking for the hotel, Hampton Inn, they came to me. We don't want Buzzards Bay to be a full parking lot. We want a parking problem. This is a seasonal space. Already talked with NMLC about their spaces. Canal day, I didn't allow anyone I didn't know to park in my lot. MMA had theirs. If it doesn't work, will steal spots from the next lot. Think I'm investing all that money to fail?

Chairman Clegg: Mr. Grant and I visited the property. What he's done to improve the structure is significant. Want to find a way to make it work too.

Vinny: More profitable to put a hotel. Better for the town with this project. MMA has created a downtown parking problem, has to be enforced by them or the PD. Putting in three-phase power. Eversource won't look at it until I have something from the Planning Board. Fenway has no parking, how are they doing?

Chairman Clegg: Water usage with a brewery. Numbers for sewer were meaningful, questioned all along.

Coreen: I called the water district and asked if the letter was still valid, they said yes and enough capacity.

Vinny: Trying to change to a tap house so no brewery on site. Many breweries bring in their own water. A tap house is more efficient.

85-93 Main St. Cont'd:

Chairman Clegg: Fire Dept. needs a sweep path for the rear.

Don: Ran a quick analysis will meet with the Fire chief.

Ms. Azarovitz: Curbcuts, how long will they be like that?

Chris Farrell: Weather dependent, about a week or so.

Mr. Strojny: Envision the scenario, offer 100 spaces and after one year of full operation, only need 50.

Possible then to take back those spots? Gives everyone a way to address the concerns. Our zoning is behind the times, anyone's guess what's going to be enough.

Mr. Doucette made a MOTION to continue to 1/24. The MOTION was seconded by Mr. Grant with all in favor.

Chris: Excited for Main St. worried about parking.

Committee Reports

LCP: Mr. Strojny: The online survey we now have 760 responses! Stretched out demographics by reaching out to schools. Valid, strong document.

Mr. Doucette: More input on the survey than anything we did 14 years ago. We'll have at least one more public outreach.

CPC: Mr. Doucette: FY20 applications need to be in to the Town Clerk by 1/25.

Mr. Grant 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 10:45pm.

Respectfully submitted,
Ann Gutterson