

PLANNING BOARD MEETING MINUTES

December 13, 2018

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

EXCUSED: Lou Gallo, Elizabeth Brown

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: Jim Mulvey, Zac Basinski, Judy Tubbs, Kelly Donovan, Jamie Hannah, Jamie Bissonnette

Chairman Clegg called the meeting to order at 7:04pm.

Minutes: 9/27/18 – Mr. Grant made a MOTION to approve, seconded by Mr. Strojny with all in favor.
10/25/18 - Mr. Grant made a MOTION to approve, seconded by Mr. Strojny with all in favor.
11/8/18 - Mr. Grant made a MOTION to approve, seconded by Mr. Doucette with all in favor.

Public Hearing for Site Plan Review/Special Permit #08-2018: 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.

Zac: It's a 5 acre lot with an existing 45,000 warehouse with multiple tenants built in 1990. This building will be built in the existing stormwater area, we are reconfiguring with the addition of two rain gardens. All runoff will be kept on site. We are asking for 59.6% impervious surface coverage and 80% natural cover removal, 10% more than allowed. Then will conform to all open space requirements after construction. Utilities are existing, no detriment to other properties, no tenants yet.

Mr. Strojny: Reviewer. They were before us in 2009 with this project and it wasn't economically viable at the time so it was never built. This is the same proposal. Impervious coverage will be 59.6% from 40%. This is essentially an industrial park, large lot, good use of the property. Pros – business, taxes, jobs. It does meet the special permit criteria and the waivers are reasonable. Conditions would be the same as now: Septic system adequate, Fire Dept access adequate, Water Resource District prohibitions.

Chairman Clegg: Any other buildings on this road owned by this developer that are over the impervious coverage?

Zac: The building to the north has 58.2%.

Mr. Strojny: It will look like the other buildings.

Chairman Clegg: Should follow up with the Water Dept. and get their agreement with this waiver. Make it a condition.

Zac: Zone II groundwater, more concerned with offsite water. We are far enough from the well and are recharging all on site.

Ms. Goldstein: Any thoughts to an alternative types of surfacing?

Zac: Wouldn't hold up with the trucks and if there's a spill, how would it be cleaned up?

Mr. Grant: The new road next to Stir Crazy, what's it for?

Coreen: It's being marketed, but no developments yet.

Mr. Grant: It's nicely maintained. Problem with developing to that extent with the impervious surface coverage and when the remaining green space is developed there will be issues. Unless a good reason is given, it shouldn't be given.

Mr. Strojny: This was already approved by a previous Board.

Chairman Clegg: There has been significant development on Jonathan Bourne Drive since 2009.

31 Jonathan Bourne Dr. Cont'd:

Mr. Strojny: The water district's concern is water going off site, they've addressed it. This project is reasonable.

Mr. Carroll: Hard surface always requires more plowing and salt. Salt in our water isn't a plus.

Zac: Salt is not allowed, they use sand.

Ms. Goldstein: The application says production, warehouse, office. What's the production?

Zac: That was the old proposal, now just warehouse and office.

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

- The project will not have an adverse effect on the neighborhood
- Confirmation that the sewerage system is adequate
- Confirmation from the Fire Dept that emergency access is adequate
- Prohibitions of Sec. 4700 included in all leases
- An asbuilt showing above and below ground appurtenances submitted prior to an occupancy permit.
- Written confirmation from the water district on the increase of impervious coverage

The MOTION was seconded by Mr. Doucette.

Ms. Goldstein: Is there an O&M plan in place?

Zac: Yes.

Jim Mulvey: Long term concerns with water districts. How measure/oversee/enforce so no detrimental effect. Goes far beyond this project. If working with the CCC, define water resources in this town.

Mr. Grant: Begin looking at surrounding development and possible developments. Overall development in a water district. Long range, not good for our environment.

Mr. Strojny: Most of the community doesn't know what's in our bylaw. LCP zoning, just because it's in the bylaw, doesn't mean the community wants it.

Chairman Clegg: Designated B4 district, opportunity, industrial area, inclined to support.

Mr. Doucette: We have the ability to waive the 40%.

Zac: Potential tenants are looking for that size.

Coreen: Consider waiving, not a zone of contribution. When the water district was designated, they made a line, may need to look at it again. Shrunk it in Sagamore once we got better data. How are they mitigating it, making it better? If at 40% they don't need to do extra, they are increasing drainage. How close to the well, etc. Would like to hear from the water district.

Chairman Clegg: Significant forestation goes back to Pocasset Woods that can never be developed. Don't think this will tip the scale in our way.

Mr. Grant: Offsets, 40% vs 59% seems excessive. Some things by right, will have plenty of space. Getting to be very developed.

Ms. Goldstein: Climate change, will raise sea levels, salt water will start to infiltrate, nitrogen reduction in septic systems, standards may change.

Chairman Clegg: This is 1.5 miles away from the water.

Mr. Strojny: Overall a good project, fits in the area. I think this is the wrong project to make a stand on. Punitive in nature if denied. I considered all we've talked about during my review.

Mr. Grant: It's not punitive to Donovan.

Kelly Donovan: I'd like to request a continuance.

31 Jonathan Bourne Dr. Cont'd:

Chairman Clegg: Consider why this spot for the building. Other larger developable lots on Jonathan Bourne Dr. Asked to add small house/garage on another lot. Why not further up, on an empty lot?

Kelly: This is what Tom and his partners decided to do in that area. We've had the demand for space like at 9 Jonathan Bourne Dr. Respectful on what the Board wants. Want to make a nice community. Will review with Tom and go through some points.

Mr. Strojny withdrew his MOTION. Mr. Doucette withdrew his second.

Mr. Strojny made a MOTION to continue to 1/10/19. The MOTION was seconded by Mr. Doucette with all in favor.

Public Hearing for Site Plan Review/Special Permit #10-2018: Alan Quaglieri. 18 Foster Howard Rd. To construct 2 50'x50' commercial buildings with associated parking, drainage, landscaping, etc.

Jamie Bissonette: The applicant is proposing 2 5,000sf buildings. The parking backs up to the new building on the abutting lot, all drainage is on site, 2 dumpster pads. Exceed parking and not in a water district.

Mr. Doucette, reviewing member: Due to the sight line on 28A, we had him make that driveway entrance only and exit/entrance on Foster Howard Rd.

Jen: Design of the entire area. Lots 32 and 31 can be built in the future. Think about future curb cuts on 28A. Enter only is a good solution, ideally if all could travel on Foster Howard to leave the wooded area.

Jamie: Next property has a 40' radius, we function at 30'.

Chairman Clegg: Were abutters notified? – yes. Argument invasion of residential. Closer to the traffic light, safety issue.

Mr. Doucette: We had a lot of that discussion, that's why he agreed to entrance only. Difficult to shut down driveways with the Board, the state can do that.

Chairman Clegg: This entire property was two parcels, now four. Would be more comfortable with two lots and no curb cuts on 28A.

Mr. Grant: The state gives weights to decisions by the Planning Board.

Mr. Doucette: Abutters look to what's been given. We're trying to minimize by making it "in" only.

Jamie: Concern with entrance only. Any concern with the subdivision across the street? Wouldn't approve another curb cut closer than the other one.

Mr. Carroll: It's beginning to look at another mini industrial park.

Mr. Doucette: It's zoned B2, allowed use, preexists.

Chairman Clegg: Think worst setoff conditions than what we approved before.

Ms. Goldstein: Such a large curbcut from previous buildings, look at density, traffic, congestion. Need to anticipate.

Mr. Doucette: Not looking for any waivers, only hurdle is the 28A entrance. If commercial here first, would we not allow residential?

Chairman Clegg: Screening was wiped out with the state requirement.

Coreen: Needs to be revegetated.

Mr. Carroll: Wide aprons enable/encourage big trucks at higher speeds. Safe road, slower. When we build a road, once in a while a truck will turn over.

18 Foster Howard Rd. Cont'd:

Mr. Doucette: It's made so a truck can access without going in other lanes or running over a curb. The State requires that. MOTION to continue to 2/14/19. The MOTION was seconded by Mr. Carroll with all in favor.

Public Hearing for Extension of Special Permit #08-2009C: Robert & Judith Tubbs. 829 Scenic Hwy. Extension request for project to construct 2 mixed use building with 6 commercial and 12 residential units.

Judy Tubbs: The sale didn't happen, there were issues with the group we foreclosed on and how it's recorded at the Registry of Deeds. It's a good project. A company has signed an intent to purchase, they'll do due diligence.

Chairman Clegg: Do you have the intent in writing?

Judy: Yes. Have been told they are good developers, but don't want to say the name now. I'll give it to Coreen.

Attorney Christopher: The client is a local developer, there is something in writing.

Mr. Doucette: If we grant another extension, what would be the time request? Don't mind proposing an extension, but want to give you the time you need.

Atty. Christopher: As of now we have a 120 day due diligence signing period. Zoning, title work, environmental, if they need to modify, etc.

Chairman Clegg: How about 6 months and then come back?

Mr. Doucette: We asked for one or more of three things. Traffic count was submitted, similar to what we had prior. It's up to 2017 from the Cape Cod Commission. Or septic design or stormwater updated.

Coreen: Both should wait until we know what they want to do.

Mr. Doucette made a MOTION to extend the special permit to 6/27/19 with receiving the letter of agreement. The MOTION was seconded by Mr. Strojny. Roll call vote as follows:

Mr. Doucette – yes	Ms. Brown – absent	Ms. Goldstein – yes
Mr. Clegg – yes	Ms. Azarovitz – yes	Mr. Gallo – absent
Mr. Strojny – yes	Mr. Carroll –yes	Mr. Grant -yes

Design Review Committee: Update and reappointments.

DRC: Coreen: There are currently two expired terms and one vacancy. All are three year terms. Currently Doug Shearer and Pam Matheson are the expired and have said they want to be reappointed. Their terms will expire on 6/30/2020.

Chairman Clegg: No requirement to be a resident?

Coreen: No, Doug is a business owner in Town.

Mr. Doucette made a MOTION to reappoint Doug and Pam. The MOTION was seconded by Ms. Azarovitz with all in favor.

Committee Reports

LCP: Mr. Strojny: There is a survey for public input. We have used social media, the website and newspaper to spread the word. There have been 317 responses. After 300 the data is statistically valid. The work of Coreen, Jen and Wes is exemplary. We want the LCP to be clear, concise and easy to work through. Take pride in it. It's going to guide the town in the next 10 years. The survey is open until January 4th.

Chairman Clegg: Have you met with other towns?

Mr. Strojny: Wes has met with 11 out of 27 required.

CPC: Mr. Doucette: We are now accepting applications for FY20. The application is available at the Town Clerk's office. Community Housing, Open Space, Recreation, and Housing. They need to be turned in by Jan. 25, 2019.

Rail Trail: Mr. Carroll: Considering access to the trail from neighborhoods, safer than the streets. Upper Cape Tech has no way to walk to the ballfield. Cape Cod Commission may help with a path to the canal.

Chairman Clegg: Personal privilege: I had said we'd put parking at the West End of Main St. on the agenda and we didn't. It will be on for 1/10/19. There have been some developments.

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 9:17pm.

Respectfully submitted,
Ann Gutterson