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**PLANNING BOARD
MEETING MINUTES**

2024 JAN 12 AM 11:43

May 27, 2021

PRESENT: Elizabeth Brown, David O'Connor, Daniel Doucette, John Carroll, Elmer Clegg, Jeanne Azarovitz, Louis Gallo, Sandra Goldstein, William Meier (alternate)

ABSENT: Chris Farrell

STAFF: Coreen Moore, Jennifer Copeland

ALSO PRESENT: Chris Sanderson, Don Bracken, Matt, L. Coen, John York, George Seaver, Ben Wallace, John Guynan, Bob Sho, Mike Firestone, James Swent, Ken Brady, Bill Doherty, Mr. Fideli, Fritz Castleman, Mr. and Mrs. McManus, and other members of the public

Vice-Chairman Brown called the meeting to order at 7:00pm via Zoom Remote Meeting.

Congratulations to Dan, John and Chris for being elected.

ANR's: If the plan meets the frontage and access requirements then we are legally required to approve.

81P: 55 Megansett Rd, Cataumet 9 lots.

Matt: Diving into 9 building lots using frontage on Megansett Rd. All meet frontage and have the required lot area.

Mr. Clegg: Is a P&S for all 18+ acres or just lots 1-8?

Matt: For the entire parcel giving them rights to divide.

VChm Brown: Purpose of the large lot?

Matt: Only plan is to divide as shown.

Ms. Goldstein: If approved as an ANR, would that large lot be able to be subdivided in the future?

Matt: Would need to create a road as a definitive subdivision. You wouldn't be endorsing anything but this.

Mr. O'Connor: Probate court in Plymouth approved the ability to sell this property. It's not being appealed?

Matt: That's my understanding.

Mr. Carroll: Urge we give as much time as possible before we reach a final decision.

George Seaver: Member of Friends of Baxendale. Sent an 11 point history to the Board. WE heard about this four days ago, sent a letter to the Attorney General (AG) about camp closure. Filed formal complaint that it's a misuse of charitable funds. They did not follow due process. Ask you postpone, you have until June 8th when the 21 days is up.

Ben Wallace, 56 Megansett: This plan, the town appraises a bird sanctuary for millions, charitable organization, you can make a difference. You don't have to say yes. Say no and let the repercussions go from there. The Baxandales never thought it would be housing units.

Matt: Can we limit the comments to the scope of the ANR? It's not a subdivision, we are not creating a road.

Bob Sho, applicant representative: Understand this parcel is near and dear to many in your area.

Sympathetic to the history. Legally under agreement with ARC. They gave permission to do an ANR plan to divide into lots. If land has frontage and roadway (adequate access) the Board has no ability but to endorse it. The 21 day period is if the Board think it's a subdivision, they have to notify the Clerk in that 21 days. We wouldn't have submitted if didn't meet the statute. Needs to be endorsed.

Mike Firestone: Helped with petition to grant maximum amount of time. 822 signers. Position of community after a 90 year relationship with ARL (Animal Rescue League) and neighbors/village to learn of this last week. Can the Board ask for a continuance? Delay the ANR until they can be more forthcoming of their plans?

VChm. Brown: What is supposed to happen in the two weeks continuance you requested?

Mike: Caught off guard, more transparency.

Bob S. to Mike: The endorsement/vote tonight that's not the end of it. My client will sit down and talk to you at any time.

Mike: How about a voluntary continuance?

Bob: The issue is we submitted a Form A plan, we are going to see it through.

Mike: Many would call it a subdivision. Community sees it as aggressive.

Bob: We have no history here with this property. Doing what we are legally allowed to do. We can have a future conversation starting tomorrow if you want. Building residential is my clients focus.

Jen: Have 21 days, received on 5/18/21, action is needed by 6/8/21.

James Swent, 52 Baxendale: ARL owns more than these properties. Shore P&S details and what other properties are involved.

Bob: This property is all that is before the Board. Not at liberty to speak of the P&S.

James: 10 acres that intends to develop.

Bill Doherty: Change of use, Bird sanctuary not all is proposed to development at this time, would he be willing to put 10 acres aside? Voluntary submission to the CCC for the change of use.

Coreen: CCC threshold residential is 30 acres/lots. Doesn't meet that. But the Board can defer if has cause to think it's a subdivision.

Bill: Only 8 lots identified.

John York: What documentary evidence does the Board require in order to do this?

Coreen: WE have a P&S copy. Would be redacted showing only ownership not financials.

Vcm. Brown: Board has not seen the P&S. We have looked at the bylaws and the plans if it meets the requirements.

Mr. Fideli: More work needs to be done. What benefit is this to the Town? Push back from homeowners in the area.

Matt: Plan worthy of endorsement.

Fritz Castleman: Concerns of neighbors and others on what could happen with this property. Situation is questionable. ARL complied, when ARL got this property. Developer ends up with marketable title. So many defects in this process and let go into a deep hole.

Matt: None of this discussion is relevant to this plan.

John York: In your purview that you don't have sufficient information that this is properly before you?

Vchm. Brown: I rely on the Planning Dept. to vet it and get out to the Board.

John Y: Is it in the purview of a Planning Board member to read the P&S? This sort of application, an ANR case for lots, one of which I own, the Planning Board certified and ANR not required when I tried to build, I was told can't build in that lot for 30 years.

Coreen: 81P/ANR do not guarantee the lot is buildable. They can create a 10,000SF lot that does not guarantee buildable with zoning. Any Board member has a right to review the file.

Bob: We submitted documentation of control of the site with permission by the seller.

Mike F: Think the Board has been patient on this matter tonight. The Board should continue so owner can address the concerns.

Ben Wallace: If you create additional lots, before granted, a traffic study should be done. Now access to many lots.

Charles York: Board being asked that this doesn't need approval.

Vchm. Brown: We are being asked to follow the law of an ANR.

Charles: What's the decision you're being asked? About 1,000 on a petition that disagree that this development should go forward.

Bob to the Board: The staff prepared a memo:

1. Std. 1 has been met.
2. Std. 2 met – frontage
3. Std. 3 vital access provided

Once findings met, then this plan does not require approval. Statute that this does not require a public hearing.

Kyle Juric: Specific construction consent scope of lot, stormwater, etc?

Vchm. Brown: Not part of the ANR. Don't have to present to us now. Read a letter from Beth Ellis into the record.

Public Comments are closed.

Ms. Goldstein: It affects me as a resident. My concerns:

- Compliance of ARL in following the terms of the will
- Suddenness of this plan to sell without giving neighbors/community
- Haven't read the P&S, would like to see it.

Has struck a nerve, don't see what harm in continuing this. Having hostile neighbors is not good for anyone, slap in the face.

Mr. Clegg: Nothing in 81P says have to make a decision tonight. Don't have to have applicant's agreement. Can continue to do more research. I attended the camp for three years from 1947.

Environmentally sensitive area in town. All septic systems will leach into the harbor. If we do nothing, constructive approval is granted. We can schedule another meeting and make a final determination. If we deny, have to have legal grounds.

Matt: No good reason to withhold endorsement.

Mr. Clegg: Seems to be within the law. Breaking a moral obligation to be open with us/community.

MOTION to not make a decision and continue to another date.

The MOTION was seconded by Ms. Azarovitz.

Ms. Goldstein: Rushed to a motion.

Mr. Doucette: The motion should include a date specific.

Coreen: June 3rd. My department and the Board are going through a transition and we are overwhelmed. Offices will be open, everything will be difficult. Can do June 7th.

Mr. Clegg made a MOTION to amend to continue to June 7th. The Amended MOTION was seconded by Ms. Azarovits.

Matt: Reason, what additional information do you need?

Vchm. Brown: Questioning the legality.

Matt: Doesn't need to be for sale.

Vchm. Brown: Allow the community due diligence.

Roll call vote as follows:

Ms. Goldstein – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Doucette – no

Mr. Clegg – yes

Ms. Azarovitz – yes

Mr. Gallo – yes

Ms. Brown – yes

Mr. Farrell - absent

Bob S: The applicant objects to the motion.

17 Scotch House Cove Rd 3 lots.

Jen: Purpose to combine two parcels.

Mr. Clegg: Where's the road on the diagram?

Jen: Southern portion. A 10' way from one side of property line to the other. Frontage is on Scotch House Cove.

Mr. Clegg: My mind think insufficient.

Lawrence: Look where the scale is, see the road?

Mr. O'Connor: Confused on frontage.

L. Coen: Two points of access and a way on South side of property.

Jen: Frontage by lot 5C and whole bottom of the property line.

Mr. O'Connor made a MOTION to endorse the ANR. The MOTION was seconded by Mr. Doucette. Roll call vote as follows:

Ms. Goldstein – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Doucette – yes

Mr. Clegg – yes

Ms. Azarovitz – yes

Mr. Gallo – yes

Ms. Brown – yes

Mr. Farrell - absent

290 Barlows Landing Rd 2 lots.

Don Bracken: Owned for 16 years, small house built in 1926 and the garage in 1940 on three acres with frontage on Pocasset River. Allowed to put on two lots. New lot frontage on Barlows Landing Rd and Sylvan Ln. Back lot with garage also has another dwelling and garage built 11 years ago. Both will be non-conforming, no additional dwelling lots.

Jen: Access to back lot?

Don: From Sylvan.

Mr. O'Connor made a MOTION to endorse the ANR. The MOTION was seconded by Mr. Clegg. Roll call vote as follows:

Ms. Goldstein – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Doucette – yes

Mr. Clegg – yes

Ms. Azarovitz – yes

Mr. Gallo – yes

Ms. Brown – yes

Mr. Farrell - absent

Public Hearing for Modification of a Definitive Subdivision: Cont'd from 5/13/21.

Grinnell Lane. Pocasset. Modify cul-de-sac to a driveway with hammerhead turn-around.

Mr. Carroll: I believe the same person owns the land. No records for Sweeny owning the land. Key shaped lot, never acted on it, appears to be private property? Build a road on not public property or da driveway on public property. If make sense years ago, private drive belongs on private property. End result in keeping with neighborhood. Years of investment. Not prepared to move forward. Mr. Sweeny has every right to go forward. Who owns lot 114? Andrew Pupolo.

Mike Sweeny: We own the entire property, closed in Oct. 2020.

Coreen: The names change fiscal year. Have a recorded deed.

Chris Sampson, Merrill Engineering: All lots created in 1995. 18' wide cul-de-sac for emergency access. This can be built as approved. Still maintains emergency access with less impact now. Satisfies fire dept. access with grass pavers and width.

Coreen: Created the road for frontage. Asking to take a driveway in the right of way to private owned property. Secure one lot but could be frontage for two lots, no town services.

Mr. Doucette: Not much different than Dayna Lane. Public not giving up any rights to anything. Just mark as Grinnell Lane for public safety.

Ms. Azarovitz: Abutter. Proposal is better than previous approval. No parking in lower turn-around area as a condition?

Ms. Goldstein: Several abutters, one with the road near their yard.

Mr. Doucette: Is Jeanne an abutter? Be careful about recusing yourself.

Ms. Azarovitz: I'm two properties over.

Mr. Clegg made a MOTION to accept the application subject to the following conditions:

1. Fire Dept. approval of hammerhead location
2. Visible signage for turnaround, no parking

Mr. Doucette suggested adding "waive Town Services – plowing, trash, etc."

The MOTION was seconded by Mr. O'Connor.

Christine McManus: This drive will go to the dwelling. Single dwelling and possible garage. Not a large garage going up for equipment?

Mike S: No plans for that. I have a separate location for my business, residential for family only.

Ms. Goldstein: Any other lots there that haven't been developed yet?

Mr. Clegg: residential, two lots only.

Roll call vote as follows:

Ms. Goldstein – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Doucette – yes	Mr. Clegg – yes	Ms. Azarovitz – yes
Mr. Gallo – yes	Ms. Brown – yes	Mr. Farrell - absent

Public Hearing for Site Plan Review/Special Permit #05-2021: 148 MacArthur Blvd, Bourne. Angels Touch of Bourne LLC. 7,450sf addition for automotive detailing and auto body shop.

This item is being continued to 6/10/21

Mr. Doucette made a MOTION to continue to 6/10/21. The MOTION was seconded by Mr. Clegg. Roll call vote as follows:

Ms. Goldstein – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Doucette – yes	Mr. Clegg – yes	Ms. Azarovitz – yes
Mr. Gallo – yes	Ms. Brown – yes	Mr. Farrell - absent

Conditional Use Permit #CU-1-2021: 10 St. Margaret's St. Kenneth Brady. Dog training facility.

Jen: Dog training facility is not a use listed in the bylaw. Sections 2821/2826 criteria to approve not in the bylaws, written finding of use. Determine not detrimental to other uses in the area. Use must be similar.

Vchm. Brown: Dog groomer downtown, allowed?

Ms. Goldstein: I believe she is still there.

Vchm. Brown: Maybe grandfathered. Has anyone looked at the tables?

Ken Brady, applicant: 100 yards away is a canine cancer business on Cohasset Ave.

Jen: That's permitted under a vet clinic/animal hospital.

Ken: A dog could be up to 3 weeks on site, boarding and training.

Mr. Clegg: Subject to bylaws for kennels?

Ken: The kennels will be commercial grade.

Coreen: Kennels regulated through the Board of Health. Tonight just get classified then come back for site plan review/special permit and all the details then will be reviewed. Can say use is similar to or not what intended in downtown.

Mr. O'Connor: Night time noise. 1-2 dogs is one thing, 10-15 is another. Concrete block building?

Ken: Yes, 3,000sf plus a 3,000sf basement.

Vchm. Brown: Are there residential abutters?

Ken: No.

Mr. Doucette: Care and custody of training is different than just kenneling.

Ken: Dogs would be alone 11pm – 6am. Control, no freed running dogs.

Mr. Clegg: Better suited to an industrial area.

Ms. Goldstein: Good business, not sure with future development of Buzzards Bay if it fits in. Do you have another location?

Ken: Working out of my house now but I don't board. Kennels have solid front doors so dogs don't see each other. They are trained not to bark.

Ms. Goldstein: Concerned about dogs being crated in the dark with no one around.

Ken: Not an issue. No trauma to them.

Mr. O'Connor: I'll visit the site and send pictures to Coreen.

Mr. Doucette: Had complaints about the existing tenant. Think balance what could be there and what's there now.

Ken: Current tenant there until end of June.

Coreen: Assign a Board member to this. Have David work with us to formulate a presentation.

Mr. O'Connor made a MOTION to continue to 6/10/21. The MOTION was seconded by Mr. Doucette.

Roll call vote as follows:

Ms. Goldstein – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Doucette – yes

Mr. Clegg – yes

Ms. Azarovitz – yes

Mr. Gallo – yes

Ms. Brown – yes

Mr. Farrell - absent

Election of Officers

Ms. Azarovitz nominated Dan Doucette for Chairman. The nomination was seconded by Mr. Clegg. Mr. Doucette accepted. No other nominations.

Roll call vote as follows:

Ms. Goldstein – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Doucette – yes

Mr. Clegg – yes

Ms. Azarovitz – yes

Mr. Gallo – yes

Ms. Brown – yes

Mr. Farrell - absent

Mr. O'Connor nominated Liz Brown as Vice Chair. Ms. Goldstein seconded the nomination. Ms. Brown accepted. No other nominations.

Roll call vote as follows:

Ms. Goldstein – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Doucette – yes	Mr. Clegg – yes	Ms. Azarovitz – yes
Mr. Gallo – yes	Ms. Brown – yes	Mr. Farrell – absent

Mr. Clegg nominated David O'Connor as Clerk. Ms. Azarovitz seconded the nomination. Mr. O'Connor accepted. No other nominations.

Roll call vote as follows:

Ms. Goldstein – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Doucette – yes	Mr. Clegg – yes	Ms. Azarovitz – yes
Mr. Gallo – yes	Ms. Brown – yes	Mr. Farrell – absent

For Discussion Purposes Only: Schedule Executive Session for pending litigation regarding Cumberland Farms.

Chm. Doucette: Schedule it for June 10th.

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Ms. Azarovitz. Roll call vote as follows:

Ms. Goldstein – yes	Mr. Carroll – yes	Mr. O'Connor – yes
Mr. Doucette – yes	Mr. Clegg – yes	Ms. Azarovitz – yes
Mr. Gallo – yes	Ms. Brown – yes	Mr. Farrell – absent

With no further business before the Board, the meeting was adjourned at 10:20pm.

Respectfully submitted,

Ann Gutterson

