

PLANNING BOARD MEETING MINUTES

May 28, 2020

PRESENT: Steven Strojny, Elmer Clegg, Daniel Doucette, John Carroll, David O'Connor, Sandra Goldstein, Jeanne Azarovitz, Elizabeth Brown, Lou Gallo, William Meier

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: Zac Basinski, Don Bracken, Gary Maloney, Fred and Irene Carbone, Nancy Ghantous and other members of the public

Chairman Strojny called the meeting to order at 7:00pm.

Minutes: 2/13/20: Mr. Doucette made a MOTION to approve seconded by Mr. Clegg.

Roll call vote as follows:

Mr. Clegg – yes	Mr. Gallo – yes	Mr. Doucette – yes
Ms. Brown – abstain	Ms. Azarovitz – yes	Ms. Goldstein – yes
Mr. Strojny – yes	Mr. O'Connor – abstain	Mr. Carroll – not present

Preliminary Wastewater Application: 223 Main St. Buzzards Bay.

Preliminary analysis of property or allowable uses. Complies with the LCP. Eventually will come back to us then we can talk about density, stormwater, etc. When someone asks us for a certain allotment, use Title 5. Say 50,000 gallons per day (gpd), realty use about 40% of that allotment. Up to 3 years to adjust the numbers based on amount of water used.

Don Bracken: Seeking to sell the property and came up with maximum use of the property. Housing with mixed use/retail. The property is just under 3 acres with 2 curb cuts. The main building was built in 1920 and the 17 rental units in 1950. There is boat storage between the property and the bypass. Many uses in the area. There would be 72 housing units including 8 affordable. Keep the curb cuts. The front building would be 4 stories, 52 residential units, back would be 2 buildings, 10 units each. Front would be 15'. Flood zone is 16'. 10' vegetated strip and site per bylaw. 12,000gpd commercial, 11,888 gpd residential/bedroom. Very conservative. At least ½ of the flow will go back in the system after 3 years. Requested amount will be less the current allotment.

Ms. Goldstein: Any part of this property historic?

Don: Yes, the applicant will have to go to Historic for the main building only.

Ms. Goldstein: 2 buildings, how many stories? Mixed use? Style?

Don: They will be 3 stories each, 4,500sf footprint, all residential, and style will be up to the applicant.

Mr. Clegg: Front building is 2 stories stepping up to 4? Rear buildings higher with terrain. Great layout, how will emergency vehicles turn around?

Don: Could do driveway all around or turf. Think the turning radius is ok.

Mr. Clegg: Is there a P&S?

Don: Hasn't hit the market yet. Have to do this first. Originally had 1 building. Bylaw limits to 10 units per building.

Mr. Gallo: Exactly what downtown GIZ needs.

Chm. Strojny: We do not give sewer allocations, that is strictly the Sewer Commissioners. We only say if we think the project is viable. They will have to come back this is conceptual in nature.

An unnamed member of the public asked a question: Have they worked with the Buzzards Bay Water District? Says no water available.

Don: We don't have an answer back from them yet. Not aware not enough water for the project.

223 Main St Cont'd:

Chm. Strojny: Planning Board decision is subject to Fire Dept, Water Dept.

Mr. Doucette made a MOTION to give a positive recommendation and is viable as presented, meets the LCP goals. The MOTION was seconded by Mr. Gallo.

Roll call vote as follows:

Mr. Clegg – yes

Mr. Gallo – yes

Mr. Doucette – yes

Ms. Brown – yes

Ms. Azarovitz – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Mr. O'Connor – yes

Mr. Carroll – not present

Public Hearing for Special Permit #02-2020: 274 Williston Rd. Sagamore Beach. To create a back lot subdivision for one additional dwelling.

Zac: The site is 12.8 acres with 187' of frontage. Other lots in the area are 20,000-40,000 square feet. Lot 1 is 40,000 with frontage. Lot two is the back lot and has double the lot area with a 35' access strip. Lot 3 is undevelopable wetlands. Per tests passed. NSWDC and Fire Dept later review with building permit.

Mr. O'Connor: Emphasize the buffer zone. 25' buffer required, ends at 50' from coastal bank. Normal subdivision would be 15'. No vegetation disturbed in the buffer. Fairly dense cover up to a fire elevation. Mature trees 8-12' high, wildlife habitat. The buffer at the access drive: preserve to fullest extent possible. Perc test pits in the buffer zone, replant.

Chm. Strojny: Mr. O'Connor and I walked the land. Provides quite a bit of privacy and a natural resource.

Ms. Brown: How restore the buffer?

Mr. O'Connor: Not recommend a fence.

Ms. Goldstein: A lot of dead trees. Natural progression?

Mr. O'Connor: The perc test site.

Ms. Goldstein: Buffer zone, enough land to allow?

Chm. Strojny: Maintained to ensure privacy.

Ms. Goldstein: Doesn't take long for these old forests to go down. Habitat, privacy. Glad to see it.

Mr. Gallo: Lot 3, willing to give to the Town?

Jen: This parcel was a nature study in 2013 the Open Space Committee looked at it as a medium priority. Looked at it again recently, still only a medium priority.

Chm. Strojny: Back lot all resource and never will be built on.

Mr. Clegg: Uncomfortable that has to be left as is. New owner come back to us for cleaning up some of the dead wood to make more attractive from his back deck?

Mr. O'Connor: Enhancing, thinking buffer the homes on Pilgrim Road.

Mr. Clegg: No ability to clear out dead wood?

Mr. Strojny: Dead wood provides habitat for birds, animals. ConCom tends to take a negative view of that. Leave in a natural state, better for natural habitat, the lot is over 80,000sf.

Mr. Clegg: Have a lot not tended for 75 years. Stated dying/dead trees are not attractive. What recourse would the buyer have?

Chm. Strojny: The buyer is the one who will be living there. Decision in perpetuity.

Mr. Clegg: They could come back and seek relief from that condition, correct?

Chm. Strojny: Anyone can ask for a modification.

274 Williston Rd. Cont'd:

No public comments.

Mr. O'Connor made a MOTION to approve subject to the following conditions:

1. Maintain vegetative buffer in parcel 47.1, 276 Williston Rd and access drive to extent possible.
Maintenance
2. Replace where buffer has been disturbed.
3. Vehicle turnaround approved by Fire Dept.

Jen: Fire Chief is ok with plan as presented.

Coreen: Received today and has in writing.

Chm. Strojny: Like to keep as part of the record in the motion.

The MOTION was seconded by Ms. Azarovitz.

Ms. Goldstein: Maintain buffer. Naturally deteriorate, need ComCom to replant? How get maintained?

Mr. O'Connor: Maintain the Spruce. Perhaps as some trees become old may threaten the house. They can modify, the concept of maintaining.

Ms. Goldstein: Buffer there for a reason.

Jeff Conrad, 40 Pilgrim Rd: Just bought here. Marshland, animals beauty. 25' seems pretty close to our properties. Want to make so the buffer zone is there. Why that close? A lot of space there.

Chm. Strojny: No decision where the house will be. Sited on the lot, the house may be 100' away.

Jeff: Can the whole lot be cleared of trees and everything?

Mr. Strojny: 100' of resource area ConCom jurisdiction, you'd be notified.

Anne Conrad: Buffer, how determine 25' is enough where now have all that acreage?

Chm. Strojny: Zoning bylaws says 25' creates a significant buffer. Affords privacy and maintains habitat. Nothing prevents you from putting a fence on the back of your property for more privacy.

Jerry Atkins, 28 Pilgrim Rd: There is a T and gas to the left. Is there where cars will turn around and park?

Chm. Strojny: No one can tell where the driveway will go and how bends.

Jerry: Don't want headlights shining on to my land. Should do some sort of blind to prevent.

Chm. Strojny: Nothing prevents you from putting a fence on your property.

Jerry: Why should I spend money when they want to develop?

Chm. Strojny: They are going by the bylaw. They have met all the provisions of the bylaw. Have property rights.

Jerry: House site should be now. Cart before the horse.

Glen Trip: 276 Williston Rd. Buffer, trees all dying mostly pine. Where fall who is responsible for cleaning up? Fall almost every storm.

Chm. Strojny: 25' buffer at back of your lot that has to be disturbed so I imagine nice plantings when done. Essentially a no touch zone. Opportunity to come back to the Board when driveway goes in, work with owner of the back lot. Can't have a hazardous situation. People do ask to change because things change.

Glen: The trees in question, they said they are going to take care of them.

Chm. Strojny: Ultimately the responsibility is of the owner.

274 Williston Rd. Cont'd:

Beth Buchanon: Driveway anyway so not along our property line. Maybe on the other side of the property?

Chm. Strojny: Wont' look like a 2 lane highway.

Zac: Based on the topo, this was the appropriate place to put this.

Beth: Was told they were removing the fire hydrant.

Chm. Strojny: Board can't speak to that. Up to the Fire Dept.

Mr. Clegg: Understanding of the tree situation. If on neighbors lot is healthy, get a wind storm, top of the tree falls on my lot, I'm responsible. If diseased trees on their lot, my responsibility to go to them about it. Can't prevent removing dead trees that are dangerous.

Chm. Strojny: Trees threaten life and limb can be removed.

Mr. Clegg made a MOTION to amend with trees that pose an immediate hazard can be removed. The MOTION was seconded by Mr. Doucette.

Zac: Section 2493b, talks about trees coming down.

Glen: Willing to remove trees.

Vote on Amendment to the MOTION:

Roll call vote as follows:

Mr. Clegg – yes

Mr. Gallo – yes

Mr. Doucette – yes

Ms. Brown – yes

Ms. Azarovitz – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Mr. O'Connor – yes

Mr. Carroll – not present

Main MOTION as amended:

Roll call vote as follows:

Mr. Clegg – yes

Mr. Gallo – yes

Mr. Doucette – yes

Ms. Brown – yes

Ms. Azarovitz – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Mr. O'Connor – yes

Mr. Carroll – not present

Public Hearing for Special Permit #11-2019: 183 Shore Rd. Bourne. Court remand for findings.

Chm. Strojny: Still working out the particulars.

Mr. Clegg made a MOTION to continue, seconded by Ms. Azarovitz.

Mr. Clegg: Lawsuit to land court para 60 charges the Planning Board lacks authority to issue the decision and it should be the Board of Appeals.

Chm. Strojny: That's what's being discussed.

Roll call vote as follows:

Mr. Clegg – yes

Mr. Gallo – yes

Mr. Doucette – yes

Ms. Brown – yes

Ms. Azarovitz – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Mr. O'Connor – yes

Mr. Carroll – not present

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Ms. Brown.

Roll call vote as follows:

Mr. Clegg – yes

Mr. Gallo – yes

Mr. Doucette – yes

Ms. Brown – yes

Ms. Azarovitz – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Mr. O'Connor – yes

Mr. Carroll – not present

With no further business before the Board, the meeting was adjourned at 8:41pm.

Respectfully submitted,

Ann Gutterson