

## PLANNING BOARD MEETING MINUTES

February 27, 2020

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

**STAFF:** Coreen Moore, Jennifer Copeland

**PUBLIC:** Paul Gately, Hal Choubah, Johnny Hater, Vinny Michienzi, Robert Dyer, Sam Haines and other members of the public

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Ann Gutterson, Recording Secretary

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

**Public Hearing for Site Plan/Special Permit #13-2019:** Cont'd from 2/13/20. 340 Main St. Buzzards Bay. 340 Main St. LLC. Gas station and retail building including a convenience store.

Hal: There are 65 spaces with six apartments, loading areas, revised stormwater.

Jen: I have no additional concerns. Outstanding issues have been addressed.

Ms. Brown: Pleased to see apartment units. Do you know when this will be completed?

Hal: Still have ConCom and others to go through. Late summer/early fall to start construction.

Ms. Azarovitz: The last meeting was informative, apartments, stormwater, parking. DRC signs, lighting, materials used, canopy.

Hal: Went to the DRC, have to go back. They wanted more sign details, just an amendment with them.

Coreen: If changing architectural features, DRC, otherwise just for signage.

Mr. Clegg: The lost is 4.13ac. Assessing has it at 4.27ac

Hal: We go by deeds and survey.

Mr. Clegg: 20' exit from property?

Hal: Yes. Will be reviewed by DOT. I did the fuel truck and template to design.

Mr. Clegg: Earth removal?

Coreen: Section 4400, if with a building permit they don't need a separate permit.

Mr. Clegg: Concerned about construction phase. How much earth will be removed?

Hal: Excavation will be with storage tanks and foundation. Some cut in back for retaining wall.

Mr. Clegg: The wall is 23' high?

Hal: It's four smaller walls, segments. Did to lessen the visual impact. Top of the wall is level with the second floor. Five foot setbacks.

Mr. Gallo: Incidental to the project. Mammoth hill. Sagamore gas station did the same. This is better so doesn't have to move as much material, safer.

Mr. Clegg: Overwhelmed with the 23' height. If subject to 400 have to do a 1-2' setback.

Mr. Gallo: This is 5-1. Plenty of slope, happy with it.

Ms. Goldstein: Drove from Main St. East to the site (bait shop). February traffic very light, entered driveway, drove through, exited onto Scenic Hwy (only one-way east). Cars from Main St. approaching Scenic Hwy "challenging". Plus had to shift to left lane for turn-around back to Buzzards Bay. No U-turn at light! Had to enter residential neighborhood at Nightingale Pond Rd to turn around! Not safe, not efficient in my opinion, especially in summer season. Why invade a neighborhood? Project very close to Belmont Circle where DOT has developed costly changes to mitigate current problems for cyclists, pedestrians and congestion. Your new project could exacerbate conditions at Belmont Circle and in turn Bourne bridge traffic flow. Robert Dyer, President Canal Sportsman's Club: Plans for something on the hill?

Chm. Strojny: Nothing on the books at this time.

### **340 Main St. Buzzards Bay Cont'd:**

Robert: Want to try and keep the club as private as possible.

Mr. Clegg: Army Corps owns the road.

Ms. Goldstein: Not sure additional gas station/convenience store/apartments fulfills GIZ (Growth Incentive Zone) goals to revitalize downtown Buzzards Bay. Does project encourage people and other businesses to the Downtown area? Project seems to benefit developer and motorists gassing up for Scenic Hwy and onto lower Cape. Your building is attractive, has Cape Cod elements, you are good at what you do, (gas station/convenience store with apartments above), but I wish you had come before the Board with something else, different and more interesting in line with continued growth of downtown Buzzards Bay. To attract other business into the already budding downtown area. My concerns are mainly negative traffic consequences and redundancy.

Robert: Go further down, under the bridge. 3 acres of property.

Vinny Michienzi: Why not slope into the property?

Hal: If do that, would cut the whole hill, want to preserve it.

Mr. Doucette made a MOTION to close the public hearing. The MOTION was seconded by Ms. Brown with all in favor.

Chm. Strojny: This is the third time before us. Our peer reviewer is satisfied. Recap: Gas station, 6,000sf on first floor, 2,000sf store, 1,800-2,00sf TBD. Looked at uses allowed. Office, retail, restaurant. Aligns with the LCP's housing goal. Try to give regulatory relief. We asked, they accommodated and these apartments will make a significant impact. I was impressed with Mr. Clarkson last time. Have gone into a number of his other projects. Encourage local business owners that are invested in the community. This land is gateway last piece there. Ideal use of the property. Impressed when developer wants to invest millions into our community. Seems to meet the bylaws. Meets Downtown general criteria. Near public transportation, sidewalk, outdoor seating area looks nice. Can't get anywhere on Cape Cod without going through Bourne. Site lines really good.

Ms. Brown: CVS, people from Scenic Park. Pedestrian safety was addressed at this project.

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

1. All work authorized under this approval shall be in accordance with the application, supportive materials and testimony of the owner and its representative.
1. Per §2872(d), applicant must provide calculations to the Planning Department confirming the 10% landscaping requirement for the interior parking lot.
2. A sign shall be installed on the first pump located at the entrance restricting the queueing of cars or vehicles in tow.
3. The revised plans and must be approved by the Design Review Committee (DRC) before the issuance of a building permit. The sign must also be approved by the DRC before a sign permit is issued by the Building inspector.
4. The following must be confirmed before the issuance of the Building Permit
  - a. Confirmation from the Fire Department that the fuel piping layout and fire truck access is adequate.
  - b. Confirmation from the Conservation Commission that the proposal meets conservation regulations and stormwater regulations under section 3490.

**5. 340 Main St. Buzzards Bay Cont'd:**

- c. Confirmation from the Water District that water service is adequate.
  - d. Confirmation from the Sewer Commissioners of sufficient wastewater capacity.
  - e. Curb cut permit from MassDOT.
6. All erosion and dust controls shall be maintained during construction. Inspections of the erosion control barrier shall be made daily. Any debris carried onto Main Street shall be removed immediately.
7. The retaining wall shall be constructed per the engineered stamped plan and a letter from the engineer confirming the wall has been constructed according to the engineered plans must be submitted to the Building Department prior to the issuance of the occupancy permit.
8. Prior to the issuance of an occupancy permit, an As-Built plan must be submitted to the Planning Board showing all appurtenances above and below ground.

Mr. Clegg: Section 4500, queuing, no fewer than two cars to wait service for filling position. Don't see how can queue there. Think "no queuing" on the first pump, not just "in tow".

Mr. Gallo made a MOTION to reopen the public hearing. The MOTION was seconded by Ms. Azarovitz with all in favor.

Hal: 60' from corner of the pad. Can put three cars behind to street.

Mr. Clegg: If get to street, will totally block the driveway.

Hal: We have room to go around.

Chm. Strojny: Signage indicate on first pump – no vehicles in tow or queuing of cars. And enforce that.

Ms. Azarovitz: That's one of my concerns too.

Chm. Strojny: Revise #6 to add and cars from Queuing up at that pump.

Ms. Goldstein: Will picnic tables be outside? And where located?

Hal: Four tables and to the west.

Ms. Goldstein: If people park there, spaces won't rotate as much.

Hal: We have 20 spaces more than needed.

Mr. Clegg seconded the MOTION. Roll call vote as follows:

Ms. Brown – yes

Ms. Azarovitz - yes

Ms. Goldstein - abstain

Mr. O'Connor– absent

Mr. Carroll – yes

Mr. Gallo - abstain

Mr. Doucette – yes

Mr. Clegg – yes

Mr. Strojny – yes

**Presentation:** Pocasset Park proposal. Sam Haines, Conservation Agent. 789 Shore Rd, Pocasset.

Coreen: General bylaws Sec. 1.4.5, any public park/area that's created needs to be reviewed by the Planning Board and make a recommendation to the Board of Selectmen.

Sam Haines, Conservation Agent: I've worked on this with Tim Lydon, George Sala and Chris Southwood (DNR). We are looking for \$80,000 from CPA funds. History: When they dredged Barlows Landing Rd, it was stockpiled here. Donated the sand to Sandwich. Did some vista pruning. Once cleared, it's a beautiful spot, underutilized. Thought could do something good for the community at little cost. Want a low maintenance area, pocket park feel. 1.25 acres, mostly green space. Fescue mix, no irrigation, low maintenance, environmentally friendly. Proposing 28 parking spaces, 2 handicap. Proposing bumper strips. Drainage around the edge of the parking lot. Gazebo, picnic tables, 40-40 blueberry plants.

**Pocasset Park proposal Cont'd:**

Mr. Clegg: What use of this park/common are do you envision needing 28 spaces?

Sam: There are events and they use here as overflow parking. Make sure use for community and make a green space.

Mr. Clegg: Never have seen 4-5 vehicles at once. Overflow for boat trailers.

Sam: Put bumpout in parking lots for trailers.

Mr. Clegg: Think sending the wrong message. Everything we heard is minimal. Maybe 10-12 cars, trucks, 3-4 trailers on other lot. It overwhelms me.

Ms. Azarovitz: People use it for overflow, a bit daunting.

Mr. Carroll: Open space that has been meeting functions. Many to drive on now. Seems to be formalizing what's working now.

Ms. Goldstein: Seems parking is too much. Will attract people from other places. More traffic that may not be available to the residents that live there. Plant lavender or indigenous plants instead of formal.

Mr. Clegg: Eyesore now. Dumping site, looks unsightly. Could do some beautification, make look natural, a part of the community and a plus without changing the nature.

Ms. Brown: Benches to enjoy the view. People walk and bike, less parking. Erosion, kayaks, seems hard to find places to put in kayaks.

Sam: Control erosion.

Ms. Brown: Boats interfere with kayaks.

Sam: Parking loam/seed, cheaper than hard pack and drainage. If Planning Board wants less paces, willing to look at it.

Coreen: May be maximum here. Phase, do one lot then the other if needed. People that live in town may go there. We are a town and should enjoy all of it. Enjoy other parts of town. This will keep with the property values, economic development, bigger picture.

Mr. Doucette: Parking, delineate parking/recreation. Safety, no overnight parking, only with a beach sticker parking only. Don't want it overwhelmed with people from out of town.

Sam: I don't set policy, that's the Board of Selectmen.

Chm. Strojny: Start by eliminating the southerly lot.

Sue Barakini: Appreciate the intention, wedding in Tahanto overflow, excavation equipment there. Already a fragile area. Parking, vehicle fluids, etc. Boat owners know they need to be careful, only small boats there. No delineated parking. Seems unnecessary. Some surface to make even and manageable.

### **Pocasset Park proposal Cont'd:**

Not in favor of planting that requires maintenance. Not crazy about the stairway for kayaks. Carrying a kayak down stairs is not safe. Like benches.

Vinny Michienzi: Nice project. Kayaks pull in the marina, 4-5 are dangerous. Current is strong. People will take kayak the easiest way. Like all grass myself. Nice opportunity to have to put there.

Sam: If the Board doesn't want this, not going to do all grass.

Ms. Goldstein: A bit too much for area. Some sprucing up in a way. Enhance it. Never a lot of parking at conservation areas. Can't have everything. Quite/peaceful. Don't sacrifice.

Ms. Azarovitz: Wake limit in those areas. Sticker parking? Benches, bike rack.

Sam: Looked into a grant for the racks.

Mr. Clegg: If pavilion, tables, benches, needs to be ADA compliant.

Sam: Could do pathways.

Mr. Clegg: Lot of kayaking to go in the waters. If ocean side, will go to Monk's, don't think lot a kayak traffic here.

Sam: Value of open space is tremendous. Understand wanted more with requests of vista pruning, etc.

Ms. Brown: Will the existing signage remain?

Sam: Yes. Needs to be cleaned, part of the project. ACEC

Chm. Strojny: Board position generally favorable, concurs with excessive parking, one lot, not two.

Mr. Doucette: Smaller and expand in future if needed.

Mr. Clegg: Have two lots, one for trucks and trailers only. Cut both lots in, don't need sticker restriction. Safety to have one area for trucks/trailers and one for cars.

Mr. Doucette: Sticker if it becomes a problem.

Chm. Strojny: Favorable. Concern proposed parking 50% reduction advisable subject to further limitations.

Coreen: Educational aspect to enhance.

Mr. Carroll: Need to find a ratio. Serve both needs. We don't know how many utility trucks will be there.

Chm. Strojny: ADA access and compliance. Will there ever be shell fishing there?

Sam: Maybe save time in the future.

Mr. Doucette made a MOTION to recommend approval with the following conditions: Reduction of 50% future limitations/expansion/restriction. Signage for educational value of the surrounding area. The MOTION was seconded by Ms. Azarovitz with all in favor.

## **Zoning Article Discussion:**

**Food trucks:** Coreen: Expedite licensing. Board of Health issue food vendor licenses, model after other towns. Still working on a policy for the Board of Selectmen to follow if grant food vendor license to a food truck. Look at definition of a restaurant, trying to separate certain “stands” from actual restaurants. Still require a site placement plan. Example: VFW submit a plan on site where it’s going and how make safe for pedestrians, approval by the Planning Dept. Case by case basis. Included residential district. Many town facilities are located in residential districts.

Mr. Gallo: Trucks need site plan review?

Coreen: No, just showing where they’re going to park. Would be licensed for that area for the season. Distance requirement from restaurants in the policy. If the Planning Board felt they wanted some oversight/public hearing but no advertising, you’d be saying the proposed site is safe.

Mr. Doucette: Number of trucks restricted at one time and not to restrict weddings, etc.

Chm. Strojny: Problem is if a food truck festival. Now have vents committee. Think buffer from establishments is good.

Coreen: If seasonal/yearly license, limit the number of them. If an vent, unlimited.

Mr. Doucette: Distances how about from similar: Mexican restaurant/Mexican food truck. Competition, no.

Vinny Michienzi: Opened a brewery, they wanted trucks. I said no. Taking and stealing money from brick and mortar shops. Not paying taxes. Oppose ice cream trucks too. Trucks come and go as they please. Defend the tax payer. Events they get permits. Private property/event, who will police these trucks? Not fair to people that pay taxes.

Ms. Goldstein: In an R40/R80 without discussion is too arbitrary.

Coreen: Now allowed with a special permit which takes 2-3 months, just trying to expedite the process.

Mr. Doucette: Not our problem if poor planning. Start in January and have it ready for the season.

Consensus: Leave as is.

**Dog kennels:** Coreen: Board of Health licenses kennels, DNR enforcement, leave under the Health and DNR and Town Clerk. Recommend split commercial and personal. 4+ dogs is a kennel for ZBA. If commercial, yes should need ZBA special permit. Personal allowed by right. Not allowed downtown. New definitions.

Jen: Pulled from the State definitions.

Ms. Goldstein: If raising dogs to sell, commercial or residential? Bring back with new numbers.

**Flood zone:** Coreen: From FEMA, to be compliant to remain eligible, mandated. 5 maps changing. Add to the subdivision regulations after Town Meeting.

**Parking:** Coreen: Changed 300’ to 500’.

Mr. Clegg: Bylaw uses 500’ if developer wants to make arrangement with private lot. 300’ if public lot. My concentration has been 500’. If make more than 500’ then make private more than 500’. What’s reasonable amount of vicinity?

Mr. Doucette: If 50% reduction, it takes public 300’ to get credit. Any public parking space then 50% reduction. 4 space lot vs 50 space lot.

Coreen: Has to be determined to provide ample parking.

Mr. Clegg: Ok with 500’. Want to keep pressure on the town.

Chm. Strojny: Expand to 1000’ and see if it works.

Mr. Clegg: Credit to developer A with 1000’, then developer B same credit for same spaces?

Ms. Brown: More parking you facilitate, less potential for productive development. Building way too much parking everywhere.

Coreen: Safe principal land use, ample spaces to save area based on peak time. At least 20 spaces.

Example: 50 need 35, say give 10. 1,000' just downtown.

Mr. Doucette made a MOTION to adjourn, seconded by Ms. Azarovitz with all in favor.

With no further business before the Board, the meeting was adjourned at 9:45pm.

Respectfully submitted,

Ann Gutterson