

PLANNING BOARD MEETING MINUTES

July 9, 2020

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

STAFF: Jennifer Copeland

PUBLIC: Zac Basinski, Doug Shearer, Richard Prevett, Rob Dewar, Peter Meier and other members of the public

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

This meeting was conducted by Zoom access.

Request for Release from Covenant: Release of Lot 5A Forest Park Drive.

Jen: Recommend release of the lot.

Mr. Clegg: Lot 5A parcel 5, same lot?

Mr. Doucette: Yes. On 7/7/20 we received a letter from Tim Lydon. There were issues with the developer. MOTION to release but any subsequent releases need to be reviewed by Tim Lydon before release. The MOTION was seconded by Mr. Clegg.

Mr. Clegg: Any financial considerations such as bonds affected by this?

Mr. Doucette: Don't think there is, that's why the extra review.

Roll call vote as follows:

Ms. Brown – yes

Ms. Azarovitz – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Clegg – yes

Mr. Doucette – yes

Mr. Gallo – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Public Hearing for Site Plan Review/Special Permit #03-2020: Shearer Holdings, LLC.

5 Forest Park Dr, Pocasset. For a 9,600sf warehouse in a Water Resource District.

Zac: Subdivision created in 1980 and is abutted by commercial sites. Vacant, initially to connect to Jonathan Bourne Dr, but never happened. Cul-de-sac put at the end of the road. Actually on this lot, takes up 6,000sf of the lot. Looking for an impervious coverage special permit for groundwater recharge, allowed is 40%, we are at 41%. The proposed building is 9,600sf (50'x192') for storage of furniture only, no retail. Not open to the general public and only 1-3 employees there at a time. Require 10 spaces, asking for 3 plus a handicap space. Based on the limited use encumbered by the cul-de-sac, we are putting the parking there. Onsite loading, maximum one hour to drop off/pick up. No overnight parking. Trucks can make a 3-point turn. Stormwater on site, installing a hydrant on the property, Title V septic and a screened 30 yard dumpster. Much of the frontage is gone because of the cul-de-sac. 89 shrubs and 8 trees is required. We proposed 5 trees and as many shrubs as we can get in around the rain garden. The site is tucked away, not directly on MacArthur Blvd. Natural cover is maintained at 35%. If you require the full amount of spaces, the impervious coverage goes up to 53%. Looks similar to other buildings in the area. No chemical usage, we met the stormwater regulations.

Mr. Doucette: It's a low use of the road. The cul-de-sac changed to a hammerhead, vehicle turning radius is adequate.

Mr. Gallo: Why can't the road go through for a better flow?

Zac: Was going to be done with easements, but that never happened.

Mr. Clegg: Last year an addition to a building on Donovan's property, he referred to an easement area there. Are we sure can't go through?

Zac: It's up to the developer to discussion that. The easement that is there is for water lines only.

5 Forest Park Dr: Cont'd:

Ms. Goldstein: How wide is the road at the turnaround?

Zac: 120' diameter and 24' wide presently. Mr. Prevett owns the road.

Ms. Goldstein: Possible to use pervious pavement? Rubber with a binding agent?

Zac: Talked about it. Don't like to use in water resource districts, that's better in areas without a lot of heavy traffic.

Ms. Brown: Waiving the six parking spaces – in the future if he sells the property and need the spaces, what is the process? Are the drainage calculations sufficient if use all 10 spaces?

Zac: Stormwater designed for full buildout. Future can come back to the Board.

Mr. Carroll: Water Resource be careful what we do. Seems like light impact.

Mr. Clegg: How does 9,600sf compare to existing warehouse?

Doug S: Monument Beach is 12,000sf, also has an apartment so 10,000sf, I rent space at 51 Jonathan Bourne Dr. on the adjacent lot.

Mr. Clegg: You run sales from the Monument Beach facility, no sales from here?

Doug: Correct.

Mr. Clegg: Concern if sales or showroom people have to park on the street. Don't think can handle it. Need condition that restricts use of the building to strictly storage.

Doug: Would come back to you with changes. This is bulk storage, smaller box trucks, tractor trailer or a vehicle. Four spaces is more than what we need.

Mr. Clegg: Delivery trucks to warehouse, parking any trucks overnight?

Doug: No. They stay at the MacArthur Blvd. location.

Mr. Doucette: Only needs one parking space. Has four just in case. Conditions proposed address that. Change of use has to come back to us. Spaces not sued for sales, no intention of having that here.

Mr. Clegg: Landscaping, no shrub quantities?

Zac: Four trees, shrubs will be in rain garden.

Mr. Clegg: Frontage area on Forest Park Dr. Why not do landscaping on the east side by the street? So some clearing and put in shrubs. Tight there, all pines. Beautify a bit along the roadway.

Jen: Agree with planting in that area. Four trees is too few and the number of shrubs needs to be discussed. Not a lot of area. Eastern corner can do some landscaping.

Zac: Could put some in there. Can look at after. First building the development. Beautify area if too bare at the end.

Jen: Think at least six trees at the corners.

Zac: Can do two on the east or one on each corner.

Mr. Clegg: Require planting of six trees total and 20 shrubs at the primarily at the street frontage.

Mr. O'Connor: Raingarden planting plan, then an as-built.

Mr. Doucette: Condition landscaping 6 trees and 20 shrubs approved by the Planning Dept. and a Planning Board member. Don't want to hold up the whole plan to the next meeting.

Chm. Strojny: Won't get the occupancy permit until we sign off with an as-built.

Mr. O'Connor: Trees/plants list of what will use.

5 Forest Park Dr: Cont'd:

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

1. This permit is subject to all Rules, Regulations, & Bylaws of the Town of Bourne.
2. All work authorized under this approval shall be in accordance with the application, supportive materials and testimony of the owner and its representative.
3. Confirmation from the Fire Department that emergency access is adequate prior to the issuance of a building permit. All Tier 1 documents as outlined in the building code shall be provided to the Bourne Fire Department (BFD).
4. Health Department confirmation that the sewerage system is adequate prior to the issuance of a building permit.
5. The prohibitions of the Water Resource District under section 4700 must be included in all leases and be posted in an area visible to the public.
6. Parking areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind.
7. Signage requires a separate building permit application.
8. Authorization of the proposed landscaping alternative of 6 trees and a minimum of 20 shrubs. Revised landscaping plan to be approved by the Planning Dept. and a member of the Planning Board.
9. Grant a waiver of 6 parking spaces. The creation of any additional parking spaces in the future must be approved by the Planning Board before being implemented on site.
10. 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.

The MOTION was seconded by Mr. Gallo. Roll call vote as follows:

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

Public Hearing for Site Plan Review/Special Permit #01-2020: Joseph Cheney. 112 State Rd. Construct a 24x50 two-story three bay garage for storage.

Joe Cheney, owner Cape & Island Kitchens: We built the front building in 2001. This building will be for local storage of cabinets. We utilize many warehouses in NY, NJ, and Maine. Would like to have local inventory to give us flexibility. This will be a two-story warehouse for storage tucked around back of the existing building, no impact to delivery trucks. They come down the main entry, turn 180° and drive out. Putting in a new septic, lot coverage to remain the same. Add arborvitaes along the back. More efficient.

Mr. Gallo: Both great businesses in town of Bourne (referring to Cape & Islands Kitchens and Paine's Patio). This meets all the criteria. The retaining wall in the back, why tear down and make the building the wall?

Joe: The wall will be the retaining wall.

Mr. Gallo: Show septic tank from existing building another tank, just going to the new field?

Joe: yes, trench that across. The new septic is better than existing.

112 State Rd. Cont'd:

Mr. Gallo: Asset for him and won't hinder anything.

Jen: The front building has leased units. This is warehouse storage, no bathroom. Meets stormwater and impervious surface is at 53%, will cut the pavement to maintain that. Safe internal circulation. Hay bales at lowest part of the property for drainage. Met all criteria. In order to have two principal buildings on the lot, need double the area (40,000sf here), they don't have that, that's why it's accessory, not primary.

Ms. Brown: Sycamore Ave is directly behind. Any issue with the roofline? Their backyard is way above your lot.

Joe: Greg Jones is back there. Wall is 10-12 feet high, will almost look like a one story building.

Ms. Goldstein: Where are the arborvitaes going?

Joe: Just added as additional screening. A couple are there now. Neighbor may object as he cuts through to access his back yard. Want it to look better. Front building some commercial tenants: mortgage company, salon, cleaning company and Cape & Islands Kitchens, no signage for this, no residential. Vinyl siding, wood frame, will stick to that with this too, not an industrial look.

Mr. O'Connor: Gravel parking, any issues with gravel taking off during storms?

Joe: No. Not a steep slope left to right.

Mr. O'Connor: Looking for reassurance that gravel parking won't run into the neighbors.

Joe: Haven't had any problems.

Mr. Gallo: Not as critical as it seems. Won't bring any silt to the neighbor.

Mr. Clegg: Four spaces proposed, bituminous?

Joe: Gravel plus six existing gravel spaces.

Mr. Clegg: Customer parking in the front?

Joe: This building is strictly storage, that's at 99 State Rd.

Mr. Clegg: Screening, emerald green arborvitaes 6' spacing not something smaller.

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

1. The second building is an accessory to the principal building devoted exclusively to the accessory use for storage by Cape and Islands Kitchens. It occupies less than 30% of the habitable floor area on the premise and less than 50% of the lot area.
2. All prior conditions of Site Plan Review #350 dated April 13, 2001 shall continue to be in effect.
3. This plan is subject to all Rules, Regulations, & Bylaws of the Town of Bourne.
4. All work authorized under this approval shall be in accordance with the application, supportive materials and testimony of the owner and its representative.
5. Coordinate with public safety officials as to the numbering and/or lettering of the buildings to assist with 911 emergencies.
6. Emergency access and vehicle turnaround as per the Fire Department. All Tier 1 documents as outlined in the building code shall be provided to the Bourne Fire Department.
7. Confirmation from the Health Department that the sewerage system is adequate prior to the issuance of a building permit.
8. Placement of an erosion control barrier (haybales or silt fence) around the on-site drainage area before construction and maintain throughout construction.

112 State Rd. Cont'd:

9. The prohibitions of the Water Resource District under section 4700 must be included in all leases and visibly posted in a public area of the building.
10. Any changes to the approved site plan or architectural plans must be approved by the Planning Board before being implemented on site.
11. 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.

The MOTION was seconded by Mr. Carroll. Roll call vote as follows:

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

Public Hearing for Amended Site Plan Review/Special Permit #09-2019A: Freedom River LLC. 49 Herring Pond Rd. Construct 1 story 26'x30' dwelling unit on existing foundation.

Zac: Last year the Board approved a special permit for mixed use with an apartment over a commercial garage. Construction was started and due to circumstances, changes were made and we are here for that approval. During the foundation excavation, old pits were found and had to change the basement style. Also, with COVID, the tenant backed out. We are removing the garage and constructing a one story single family house. The basement would be the commercial use for storage of our files which frees up the garage for a future tenant. This is more in harmony with surrounding areas. Thought helped with blending of the area. Provides year round housing. Complies with Sec. 4250. Existing office 2,700 sf, 782sf residential, still meets the bylaw.

Chm. Strojny: I reviewed this last year. I like the redesign much better, it's more aesthetically appealing. Having an area for file storage is good. See no reason not to support.

Mr. Clegg: Designated parking?

Zac: Off hour use, spaces next to the building. Our office is there 8-5, night is freed up. Reduces the number needed. Have plenty of parking.

Mr. Clegg: Underground storage. Integrity of storage area as it's downhill from roadway. Runoff impacting basement?

Zac: Drainage water will go way from this building. Basement was water proofed. Bulkhead is around back.

Mr. O'Connor: Finish floor elevation in relation to the lot?

Zac: About a foot above.

Mr. O'Connor: How much of the foundation is exposed?

Zac: Shade tree and a porch on the front, won't see the foundation.

Ms. Goldstein: Tenant has their own entrance?

Zac: Two doors in.

Ms. Goldstein: Concerned about parking not being designated. Someone might leave a car in the lot all day.

Zac: The two spaces required are now open. We don't fill up the lot as is. We go to our clients, we don't get a lot of visitors at the building and now everything is via Zoom.

Ms. Goldstein: Why not put a sign to reserve for residential so they have their own space. Halliday's building on Rt. 28A has upstairs apartments and has a sign for resident parking.

Zac: Can add a sign.

49 Herring Pond Rd.

Mr. Carroll: Uncomfortable requiring a sign if not needed. Doesn't seem if there will be a problem. Onerous if not needed.

Ms. Goldstein: Halliday building not obtrusive to anyone. Vertical post with wood on top.

Chm. Strojny: Usually parking is in the lease. They'll want to know where their parking is.

Mr. Clegg: Designate at least one space. Doesn't need sign, can do wheel stop that say "tenant" especially if other commercial tenants are coming in.

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

- Coordinate with public safety officials as to the numbering and/or lettering of the buildings.
- Utilities must be shown on the plan.
- A lighting plan must be submitted and approved prior to issuance of a building permit.
- The limit of the disturbed area must be staked before construction and maintained throughout construction.
- Board of Health certification that the sewage system is adequate is required prior to issuance of a building permit.
- Prior to issuance of an occupancy permit, an as-built plan must be submitted showing all appurtenances above and below ground.

The MOTION was seconded by Mr. Doucette.

Mr. Clegg would like it to say designated.

Chm. Strojny made a MOTION to amend to say designated. The MOTION was seconded by Mr. Clegg.

Ms. Goldstein: What if a couple is there? They'll have two cars. Had space under any circumstance. Wouldn't hesitate to designate it. Think should be two spaces.

Jen: Bylaw requires two spaces for one dwelling unit.

Zac: Can designate two spaces.

Roll call vote as follows:

Ms. Brown – yes

Ms. Azarovitz – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Clegg – yes

Mr. Doucette – yes

Mr. Gallo – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Election of Officers

Chm. Strojny: Would like to do it by Clerk, Vice then Chair.

Mr. Clegg: Find this order to be counter intuitive. Someone may run for Chair and not get it then may run for Clerk.

Ms. Goldstein: Backwards, not the right order.

Chm. Strojny: I was thinking this way in order to hand over the gavel to a new chair. Any nominations for Chair? Mr. Doucette nominated Steve Strojny, seconded by Ms. Brown.

Vote as follows:

Ms. Brown: I expressed by concerns about rushing or pushing forward and not getting community input. Maintain an awareness of it. Taken on a tough job. I vote yes.

Chm. Strojny: I'll be very mindful of your words.

Ms. Azarovitz – yes

Mr. Carroll – yes

Mr. O'Connor – yes

Mr. Clegg: Commend on a job you did in running the meeting tonight. Competent in training and experience and well prepared to lead the Board. Bothered that you said this will be the most business oriented Board the Town has ever seen. Felt personal agenda being pursued, if can subjugate your personal agenda, if capable of doing that and put aside personal agenda, abstain from voting.
Chm. Strojny: Don't think I said that, but think important for a strong commercial back base, helps with taxes and strong financial base for the community. If I said that, then I misspoke.

Mr. Doucette – yes

Mr. Gallo – yes

Ms. Goldstein: Don't think if live near commercial you're a second class citizen and that you should have known that was there. Think about the residential, not weigh so much on commercial. Screen more resident may be losing \$20-\$30,000 of value next to it. I vote yes. Businesses need do their share of being a good neighbor.

Chm. Strojny: Yes, thank you. I do take to heart every suggestion made by the Board.

Vice Chair: Chm. Strojny nominates Dan Doucette. He's a tremendous institution, has lots of knowledge and is ca[able, I go to him often when I need a sounding board, second opinion or a different perspective. Seconded by Mr. Gallo.

Ms. Azarovitz nominated Elizabeth Brown, seconded by Mr. Carroll.

Vote as follows:

Ms. Brown – Liz Brown

Ms. Azarovitz – Liz Brown

Mr. Carroll – Liz Brown

Mr. O'Connor – Liz Brown

Mr. Clegg: Groom for future as chair. I vote for Liz Brown

Mr. Doucette – Dan Doucette

Mr. Gallo – Dan Doucette

Ms. Goldstein – Dan Doucette

Mr. Strojny – Dan Doucette

Chm. Strojny: Liz is now vice chair. I'll be leaning on you.

Mr. Doucette: Congratulations, let me know if you need anything.

Clerk: Mr. Doucette nominated David O'Connor, seconded by Mr. Clegg.

Mr. O'Connor: Feel green. After 1-2 years listening would be well served. Prefer not to be clerk.

Mr. Clegg: Clerk's do a lot of listening. Educate self on the process. Backup recording secretary if need be. Third in line to run a meeting. Haven't seen that yet.

Mr. O'Connor: Tonight was full. Prepared a day to review. My interest is in the product and getting best for the Town. Feel spread too thin. I accept the nomination.

Vote as follows:

Ms. Brown – yes

Ms. Azarovitz – yes

Mr. Carroll – yes

Mr. O'Connor – abstain

Mr. Clegg – yes

Mr. Doucette – yes

Mr. Gallo – yes

Ms. Goldstein – yes

Mr. Strojny – yes

Steve Strojny – Chair

Elizabeth Brown – Vice Chair

David O'Connor – Clerk

Mr. Doucette made a MOTION to adjourn. The MOTION was seconded by Ms. Brown.
With no further business before the Board, the meeting was adjourned at 9:13pm.

Respectfully submitted,
Ann Gutterson