

## PLANNING BOARD MEETING MINUTES

### October 8, 2020

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

**Absent:** Lou Gallo, John Carroll

**Staff:** Coreen Moore, Jennifer Copeland

**Public:** Brad Bortolo,

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

This meeting was conducted by Zoom access.

**Request for Release from Covenant:** 105 Williston Rd. Amended Release request.

Chm. Strojny: Last time we met, we put conditions with a \$15,000 bond and holding the permit pending the binder coat.

Brad: The Board wanted to see the roadway built prior to the building permit being issued. The future property owner doesn't feel safe enough to put up the money before a permit is issued. No problem putting a cash bond and do the binder coat. Would like to be held up at the foundation stage, can't move forward until after the foundation is in, then do the binder coat. The building permit is the last stage. By allowing the foundation only a majority of the site work can be done with the heavy equipment anticipated. Doesn't want the construction equipment ruining the binder coat. The roadway profile, due to the existing grade, some fill is needed to fix and part of that will come from this lot. Running a trench, water line, etc. Then can proceed with 6" of gravel and 2" of binder. Then wouldn't be able to begin framing until sign off from Planning and Building Inspector. Hope this is a middle ground to move project forward.

Chm. Strojny: I reached out to the BI and asked him how he feels about issuing a foundation permit. The problem is that if that's issued and the project goes sideways and doesn't get completed, we have a foundation in the middle of the lot, he wouldn't be inclined to issue a foundation permit. Sounds like a good resolution, but still presents us with a problem. If we go along with a permit being issued with the understanding of holding up the OP, there are unforeseen circumstances and can't be finished. Good compromise but not something I can get behind.

Mr. Clegg: I have concerns with the history of this. Wondering would it be possible to issue a BP but condition our approval saying no actual construction initiated until the conditions of the approval are met? This way they could go to closing and we'd still be protected.

Chm. Strojny: I don't think it's beyond the purview of the Board. Issue the BP but no work can begin on the residence until the binder coat is in?

Mr. Clegg: Yes. You may want to discuss with Ken Murphy first.

Chm. Strojny: Would defer this vote until talk to building inspector. Don't have the authority to tell him how to do his job.

Brad: Having the assurance that the project could be built is better than the current decision made a couple weeks ago. Some site work could be done. Not a roadway for multiple house lots, just a single driveway. Any BP could have issues with a foundation only. Not any different than any other project.

### **105 Williston Rd. Cont'd:**

If the Board feels that holding construction but issuing the permit, that might be something the property owners would be willing to do.

Chm. Strojny: If this goes the way Mr. Clegg suggested, you will have a building permit in hand. Any land use attorney and bank would be satisfied with that. Maybe a quick call to the building inspector would work.

Coreen: I can try calling him now.

Brad: The other Board members, are they amenable to that idea?

Chm. Strojny: Hold this item until contact building inspector. Move to agenda item #3 and take out of order.

**Public Hearing for Extension of Special Permit #08-2009F:** Silvia and Silvia Assoc, Inc. 829 Scenic Hwy, Bournedale. Extension for six months for two mixed use buildings with 6 commercial units and 12 residential units.

Think everyone is familiar with this, has been held up past several years due to title issues, but still some things to straighten out. Like to see move forward. Don't see any downside to giving them a continuance but maybe next time they give us an explanation of what the issues are and how they are being resolved. Can't indefinitely give continuances.

Mr. Clegg: There are no structures on this lot presently?

Coreen: I believe all the structures have been removed, the only thing is a rock wall.

Mr. Clegg: Are there any interests of the Town that should be considered in making this decision?

Coreen: We have changed our stormwater regs. They haven't submitted a new design. If give the extension, like to see a new stormwater plan.

Mr. Clegg: Condition this extension that new stormwater regs be submitted prior to asking for another extension.

Ms. Brown: I believe the last time this came before us, I'm in favor of seeing them spend a little money. Feeling interminable, reaching the end of this.

Mr. Clegg made a MOTION to grant a 6-month continuance subject to the following conditions:

- Submit an updated stormwater mgmt. plan with current regulations 1 month prior to the expiration of the 6-month continuance.
- When they come in for the next hearing, if ask for additional extension, not granted until progress has been made and detailed information and outstanding problems and successful closure.

The MOTION was seconded by Mr. Doucette.

Chm. Strojny: Before we talk about what they need to do at the next meeting, if we just leave the first condition and if they need another continuance, they can ask for it then. Their attendance will be mandatory.

Mr. Clegg: I'm ok with that.

Jen: That report is due one month ahead of time, would the Board want that peer review?

Coreen: We can send to the Commission and not have to worry about that. They can file for the extension, but the Board doesn't have to grant that request if we don't have a report back.

Roll call vote as follows:

Ms. Azarovitz - yes

Ms. Brown - yes

Ms. Goldstein – yes

Mr. Doucette – yes

Mr. Carroll – absent

Mr. O'Connor – yes

Mr. Gallo – absent

Mr. Clegg – yes

Mr. Strojny – yes

### **105 Williston Rd. Cont'd:**

Coreen: Mr. Murphy said he can work with that. If apply for the permit, conditioned on fulfilling the conditions of the Planning Board. If not completed, he can revoke the permit.

Mr. Clegg: The motion as to do with release from covenant? I don't have in front of me how we worded the motion last time.

Mr. Doucette: To Elmer: motion to amend lot release, release lot 2, 105 Williston Rd for conveyance purposes only with bond and 2 binder and final coat prior to issuance of OP.

Chm. Strojny: when BP issued, no site work to begin until all conditions imposed upon the site until met.

Mr. Clegg: The wording for BP to be granted but no construction to begin until other conditions of approval are met, feel a need to get in first.

Coreen: Recommend revoke the first approval.

Brad: No objection revoking last approval to this one.

Mr. Clegg: MOTION to rescind the conditional approval on 9/24/20. The MOTION was seconded by Ms. Brown. Roll call vote as follows:

Ms. Azarovitz - yes

Ms. Brown - yes

Ms. Goldstein – yes

Mr. Doucette – yes

Mr. Carroll – absent

Mr. O'Connor – yes

Mr. Gallo – absent

Mr. Clegg – yes

Mr. Strojny – yes

Mr. Doucette: MOTION to approve lot release at 105 Williston Rd for release with a \$15,000 bond prior to construction of the road and issuance of a building permit. No construction started until the site work has been completed.

Chm. Strojny: Allow for release of lot and BP with \$15,000 bond to binder coat being put down and no construction work to begin until done.

Mr. Clegg: Want to release the lot and allow the issuance of the building permit conditional...don't want them to give us the money until permit is issued. Installing road up to binder coat and bond prior to any construction on the structure.

Mr. Doucette: MOTION to release lot 2, with the 15k bond and issuance of a building permit. And no construction started until site work is completed.

Chm. Strojny: No construction of the building.

Mr. Clegg: MOTION to release lot 2, and authorize the issuance of a building permit. Further, once the sale of the lot is final, the new owner will post a \$15,000 bond and install the driveway/roadway up to the point of a binder coat before any work is initiated/commenced on the foundation of the residence.

Chm. Strojny: We understand what we want it to say. I'll work on this wording and get it out to you tomorrow.

Mr. O'Connor seconded the MOTION.

Ms. Goldstein: What are the issues Mr. Clegg has with this that he mentioned before?

Chm. Strojny: Only discussing the motion right now.

Ms. Goldstein: Putting a binder coat down then bringing in the trucks...

Mr. Clegg: Common practice to put binder coat on then the final after construction. They put down dense grade fill, first coat of asphalt over that.

### **105 Williston Rd. Cont'd:**

Roll call vote as follows:

Ms. Azarovitz - yes

Ms. Brown - yes

Ms. Goldstein – yes

Mr. Doucette – yes

Mr. Carroll – absent

Mr. O'Connor – yes

Mr. Gallo – absent

Mr. Clegg – yes

Mr. Strojny – yes

### **Public Hearing for Site Plan Review #507:** Cont. 9.24.20. 665 Scenic Hwy, Bournedale. Next Grid Inc.

Redevelopment of site for a photovoltaic ground mounted system with associated drives, stormwater.

Background: Cape Cod Aggregates sand pit on Scenic Hwy. Not visible from any street. Used as active sand and gravel pit, two months ago about 60 vehicle trips per day. Our system, no moving parts, battery system, Eversource lines already on site, stormwater kept on site. You requested the CCC review the drainage plan, no comments. DOT no additional permits needed, all local and regional permits received except this one. We were waiting for ZBA on post closure use permit. You wanted to make sure they were ok with it. They approved it. Board of Selectmen signed off two days ago. No negative aspects as far as community is concerned. Very easy win-win project.

Chm. Strojny: The Selectmen, Town Administrator and Building Inspector all gave a positive recommendation. Since that has happened, we can move forward.

Mr. Doucette: Worked closely with applicant, Planning Dept. and Cape Cod Commission. Primary hurdle was to have the clearance of the Selectmen, Building and ZBA. MOTION to approve subject to the following conditions:

- a) The decision of the Planning Board shall be appurtenant to and run with the property which is the subject project site. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.
- b) Failure to comply, and remain in compliance, with all findings and conditions stated herein, and with all related Town of Bourne bylaws and regulations, shall be deemed cause to revoke or modify this decision.
- c) The Applicant shall obtain all necessary federal, state, and local permits for the proposed project. Specifically, prior to the issuance of a building permit.
- d) Any modification to the approved project plans shall be approved by the Planning Board. Unless deemed insignificant by the Town Planner in agreement with the Planning Board Chairman.
- e) All development shall be undertaken and constructed in accordance with the approved plan sets and other information and documents referenced herein.
- f) All other plans and documents submitted shall hereby be incorporated into the decision as a condition of approval as and when received, reviewed, and approved by the Planning Board.
- g) This decision shall be provided to the Project general contractor(s).
- h) All development activities shall comply with protocol outlined by the Applicant and referenced herein
- i) Documents to be submitted prior to building permit issuance
  - a. Emergency response Plan

- j) The owner or operator shall maintain the facility in good condition.
- k) Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
- l) Before the solar array is constructed evidence shall be provided to the Planning Board, confirming that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator.
- m) All material modifications made after site plan review approval or the issuance of the required building permit shall require an amended site plan review approval.
- n) The applicant shall meet with the Emergency Planning Coordinator and the Fire Department to develop an emergency response plan.
- o) Abandonment or decommissioning:
  - 1. Financial surety for decommissioning has been estimated at \$189,600 plus an assumption of 2% yearly inflation for a 20 year project life for a total of \$281,736. The surety shall be provided either through an escrow account, bond or otherwise, in the amount and form acceptable to Town Counsel, but in no event to exceed more than 125% of the cost of removal. The amount shall include removal, disposal and remediation of the landscape, and shall include a mechanism for prorating removal costs as they may be affected by inflation or changes to disposal regulations. The estimate shall be prepared by a qualified engineer.
  - 2. Once the SPS has reached the end of its useful life or has been abandoned shall be removed.
  - 3. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations.
  - 4. The owner or operator shall notify the Inspector of Buildings by certified mail of the proposed date of discontinued operations and plans for removal.
  - 5. Decommissioning shall consist of:
    - i. Physical removal of all components of the SPS, including but not limited to structures, equipment, security barriers and transmission lines from the site.
    - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.
    - iv. The Inspector of Buildings may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation

The MOTION was seconded by Ms. Goldstein.

Mr. Clegg: A building permit is needed? – Yes

Mr. Clegg: condition n – when does that have to be done?

Mr. Doucette: As long as it's done before operation.

Mr. Clegg: Who else other than the building inspector approves?

Coreen: condition l states that.

Mr. O'Connor: After decommissioning, maintain the landscape. Anything in the language to prevent erosion?

Mr. Doucette: Slopes have already been stabilized. Should there be language regarding that?

Mr. Server: We submitted an O&M plan that covers landscaping and stormwater of the site including erosion control. Doesn't address seeding of the slopes but we can turn in an updated plan that talks about that. Hydroseeding when needed.

Coreen: If you look at condition j that includes anything that is failing including erosion. Everything they submitted to the Town is incorporated in this decision.

Mr. Clegg: Who reviewed and approved the O&M plan?

Coreen: We review it and incorporate into the decision. Not like the stormwater, this is saying what they are going to do to keep the site operational. Didn't have outside peer review.

Roll call vote as follows:

Ms. Azarovitz - yes

Ms. Brown - yes

Ms. Goldstein – yes

Mr. Doucette – yes

Mr. Carroll – absent

Mr. O'Connor – yes

Mr. Gallo – absent

Mr. Clegg – yes

Mr. Strojny – yes

Mr. O'Connor: When do you see construction being completed?

April.

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

Ms. Azarovitz - yes

Ms. Brown - yes

Ms. Goldstein – yes

Mr. Doucette – yes

Mr. Carroll – absent

Mr. O'Connor – yes

Mr. Gallo – absent

Mr. Clegg – yes

Mr. Strojny – yes

With no further business before the Board, the meeting was adjourned at 8:08pm.

Respectfully submitted,

Ann Gutterson