

PLANNING BOARD MEETING MINUTES

January 28, 2021

PRESENT: Steven Strojny, Elmer Clegg, Daniel Doucette (7:50PM), Lou Gallo, John Carroll, Sandra Goldstein, Elizabeth Brown, David O'Connor

ABSENT: Jeanne Azarovitz

PUBLIC: Brad Bertolo, Russell Botto, Linda Naddaff, Barbara Lawrence

Chairman Strojny called the meeting to order at 7:02pm.

This meeting was conducted by Zoom access.

Request for Release of Bond: 1379 Rt. 28A. Paving and landscaping are complete.

Chm. Strojny: History of the project: Came before us in 2012 for a special permit, Dan Doucette is the only member that was on the Board then, came back to us in 2017 for an amendment, Dan, Elmer and myself were on the Board. There is a new owner due to foreclosure and other issues, the original owner is no longer involved. The question is, if everything was done in order. I reached out to the current owner and said not going to be in a position to release tonight. I did a site visit, there are some outstanding issues that we are working on. Ann is doing some research. Continue this to 2/25/21.

Public Hearing for Court Remand of Supportive Finding #11-2019: Cont'd from 1.14.21. ERS Realty Trust. 183 Shore Rd, Bourne. For further consideration to include its reasoning and explain the basis for findings. *This item will be continued.*

Ms. Brown made a MOTION to continue to 2.25.21, seconded by Ms. Goldstein. Roll call vote as follows:

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

Mr. Clegg: Wording in the description needs to be expanded. The remand said the Board should take further action and explain the reasoning of the findings.

Public Hearing for Amended Site Plan Review/Special Permit #11-2003B: James Carter. 304 Main St, Buzzards Bay. To expand the outside area. *The applicant has been requested to withdraw without prejudice.*

Ms. Goldstein made a MOTION to accept the withdrawal without prejudice, seconded by Mr. Clegg. Roll call vote as follows:

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

Public Hearing for Site Plan Review/Special Permit #09-2020: Judah Branagan. 6 Washington Ave, Buzzards Bay. For a two-family residential dwelling on a 6,300s.f. lot.

Brad B: JC Engineering. Construction of a 2-family dwelling on a vacant piece of property. Consisting of 2 units each with a garage. Requires a number of special permits:

- Allowed use of a 2-family dwelling in the downtown district.
- Density of the property. 3,500 per unit.
- Allowed use to have residential use on the first floor.

This area is just north of Main St. The site is surrounded by a gas station, single families, general office and 2-family dwellings. Felt a residential use would be better for the area. This seems to fit well in the neighborhood. Confirmation that water dept. has no issues, and I believe sewer commissioners have no issues either. 10' space around the property be maintained as green space. Proposing two separate driveway entrances on Cohasset Ave. To handle runoff, a number of drywells are proposed. Will connect downspouts to subsurface infiltration. DRC had no issues, but did condition we tag at least 5 trees they would like to save. Most of the lot will be disturbed. The largest is about 30" diameter in SW corner. A few in the street layout we feel could be saved but need to evaluate the condition of the trees.

Mr. O'Connor: Four bedrooms with optional garage?

Brad: It's anticipated they want the garage with a fourth bedroom above.

Mr. O'Connor: Market condition scenario?

Brad: Market it that way.

Mr. O'Connor: Planning have any issues with four bedrooms?

Jen: This shows the garage with fourth bedroom. Architectural plan needs to be submitted prior to a building permit.

Mr. O'Connor: Material for driveway paving?

Brad: Bituminous paving.

Mr. O'Connor: Would like to have the Conservation agent involved when tagging the trees to save. Try and save three trees on Cohasset Ave. Would like to see snow fencing to protect trees from construction.

Ms. Goldstein: Are these or rentals or condos?

Brad: Hasn't been finalized yet how that will be.

Ms. Goldstein: Couldn't get a bedroom on the first floor, that seems to be a thing to do.

Brad: No. It's also across from Mass Maritime. Good for residential use in that proximity of the school. The owner would like to occupy one unit.

Mr. Carroll: Like so far, adds to residential side of Buzzards Bay which we are in need of. Reconnecting Washington Ave over the bypass, this has no effect on what may happen in the future.

Mr. Clegg: Until 3pm today, we hadn't seen anything about this project. No site plans or elevations were sent out. When I saw this was on the agenda, the field card found out the owner is local, a comment says building permit issued. Is there already a building permit issued?

Brad: I'm not aware of any permits being issued.

Mr. Clegg: Realtor.com lists this property for sale at \$134,000 on 2/20/21. Makes me question if the current owners have intent on building this structure. Common to obtain a permit as it can increase the value of vacant land. I have doubts if the current owner is ever going to build what we are asked to approved tonight. When I first looked at this, took a long range view, all the land between Main St and Cohasset Ave, think 20 years from now, and thought all would be commercial. Do we really want to approve single family housing on Cohasset Ave? I didn't think we did. Downtown bylaws, reinforced that stresses mixed use. DTC calls for a higher density mixed use, generally include or be included in multi-use

structures. Cohasset Ave, ground floor commercial use should be in place. I think much better suited for commercial. In order to have ground floor residential, you need a special permit. I'm not in a position to make up my mind on that. Far west end of Cohasset Ave, this would be the place for housing, not a string of townhouses, require 10' buffer, could vote in favor, but not ready to make that determination. Very small lot, we require 3,500sf per unit, residential or commercial, that's another special permit you're asking for.

Ms. Goldstein: Was there a date on the building permit that was issued?

Mr. Clegg: Land was changed to developable in August 2020, then it comes after that. Must be recent. No date included.

Ms. Goldstein: It was designated as a buildable lot. There are other 2-family and residential around it. Maybe could be a neighborhood area in that spot.

Mr. Clegg: All the surrounding houses go back to at least the 40's.

Ms. Goldstein: Limited taxing on sewer and water, a high rise would be worse, density issue. This seems less of a burden on sewer and water.

Mr. Clegg: If you combined this lot with the abutting properties, then would have space for workforce housing.

Chm. Strojny: A very small lot, limited what you can do. When look at real estate, highest and best use. Serious need for housing especially in the downtown area. They want goods and services. WE have a vision for downtown, but the reality is we can wait for years for what we'd like to see. We have someone willing to invest in engineering, etc. Future, maybe get a project that aligns better with the LCP, this does align and know it's only two units, but we are making a dent, making a difference. We have significant water and sewer issues in downtown. A smaller project is what the doctor ordered. Good use, surrounded by other multi-family dwellings. Will fit in nicely. Encourage others to make improvements to their properties.

Mr. Clegg: Is this property actively on the market?

Brad: I'm working for the buyer who has a purchase and sales that wants to develop this property. It would be owner occupied. Can't close until has a permit in place.

Mr. Clegg: Would the new owner come forward? Can you share who it is?

Brad: The developer is local out of Onset.

Mr. Clegg: I'd vote in favor of this project if the developer would come forward.

Chm. Strojny: I'd caution you on that. The project needs to be evaluated on the project. When we want to know the people behind the project and factor that into the decision making process, I think it is a mistake.

Mr. Clegg: Well, you don't know if it's a project or a marketing ploy until you get face to face with someone intent on buying this.

Barbara: I was in real estate for years, I know the developer who has it under contract. He tells me he's going to build. It's not physically on the market as he has a P&S.

Russell Motto, Pete Contractors LLC: I'm the developer on the property. My partner plans on moving there. We are both from the area. Looking forward to this project, working on it for about a year. Hoping to move forward with this. Think it will fit really well. Would like to do more projects in town if they come available.

Mr. Clegg: Given the comments, I'm swayed and will stand behind the project.

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

1. The project is approved for two dwelling units. Each unit shall consist of four bedrooms and a one-car garage.
2. Any change to the composition of the number of bedrooms must be reviewed by the Planning Board before being implemented on site.
3. Coordinate with public officials as to the numbering and/or lettering of the units to assist with 911 emergencies.
4. The applicant shall, with input from the Conservation Agent, tag a minimum of five significant trees before construction commences and retain them to the maximum extent possible during construction. To the extent possible, three trees shall be on Cohasset Avenue and two trees shall be on Washington Avenue frontages. Protect tagged trees with snow fence barrier at/close to the canopy "drip line". If any condition shall arise that threatens the survival of tagged trees, notify Conservation Agent before taking any action.
5. Adequacy of emergency access is deferred to the Fire Department.
6. Defer to the Buzzards Bay Water District for adequacy of service.
7. 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.
8. This permit is subject to all Town of Bourne, State, and Federal rules, regulations, and bylaws.
9. This decision shall be recorded at the Barnstable County Registry of Deeds/Land Court Registry and a copy returned to the Planning Department prior to the issuance of a building permit.

The MOTION was seconded by Ms. Brown.

Jen: The concrete paving will be bituminous.

Mr. O'Connor made a MOTION to amend by adding: Driveways shall be bituminous concrete and noted on the As-Built plan. The amended MOTION was seconded by Ms. Brown.

Ms. Goldstein: Flood zone?

Chm. Strojny: It is in an AE flood zone so will have to be built above the flood zone.

Ms. Goldstein: Only space for two cars for each unit to park?

Chm. Strojny: plus on street parking.

Ms. Goldstein: Decks? - yes. Housing for MMA students, thinking frat house. Is that a consideration?

Chm. Strojny: In housing we can't discriminate against students or other parties. No restrictions on space? Trying to think of who will live there and making a sense of the neighborhood. I'd like to see a little residential area, walk to downtown. Sometimes density does matter.

Mr. Clegg: Like to point out that having just received the information just this afternoon, I'm concerned on the point of parking. What are the requirements for this?

Jen: one space per residential dwelling. The one space is in front of the garage. You can get two spaces each with the garage, then you have the green space perimeter. The house is 10.5' from the porch.

Mr. Clegg: You can't get a car in that space.

Jen: on the other side where the green spaces are.

Mr. Clegg: I see a driveway and a garage. Is there enough space for another car to park? Is there room to fit a car in the driveway?

Brad: About 18' from garage door and property line.

Mr. Clegg: Doesn't leave room for people to walk by.

Mr. O'Connor: That's to the right of way line, about another 15' to the property line.

Roll call vote as follows:

Ms. Brown – yes
Mr. Strojny – yes
Mr. Clegg – yes

Ms. Goldstein – yes
Mr. O’Connor – yes
Mr. Gallo – yes

Mr. Carroll –yes
Mr. Doucette – absent
Ms. Azarovitz –absent

Ms. Brown made a MOTION to adjourn, seconded by Mr. Doucette. Roll call vote as follows:

Ms. Brown – yes
Mr. Strojny – yes
Mr. Clegg – yes

Ms. Goldstein – yes
Mr. O’Connor – yes
Mr. Gallo – yes

Mr. Carroll –yes
Mr. Doucette – yes
Ms. Azarovitz –absent

With no further business before the Board, the meeting was adjourned at 8:12pm.

Respectfully submitted,
Ann Gutterson