

**PLANNING BOARD
MEETING MINUTES
July 22, 2021**

Reviewed: 9/23/21

Approved: 9/23/21

PRESENT: Daniel Doucette, Elizabeth Brown, David O'Connor, Louis Gallo, Sandra Goldstein, John Carroll, Elmer Clegg, Jeanne Azarovitz, and Christopher Farrell
ABSENT: None
STAFF: Coreen Moore, Town Planner - Jennifer Copeland, Assistant Town Planner - Tracy Sullivan, Administrative Assistant

ALSO PRESENT: John Hughes, Paula Hughes, Christina Nelson

Chairman Doucette called the meeting to order at 7:13pm.

1. **Access Determination** – 79 Mayflower Road, Sagamore Beach as shown on Map 4. Parcel 11.0 in a Residential District 40 (R-40)

Chairman Doucette: Acknowledged they have quorum – Welcomed and turned the floor over to owner John Hughes regarding 79 Mayflower Road.

J. Hughes: Thanked the board explained he owned the property at 79 Mayflower Road and is asking to use the existing road the way it is to reach his property. Only three properties use this section of the road it is a 40 feet road and 37 feet of it is gravel

C. Farrell: Reviewer of the application stated that he has reviewed this property for the second time in about 40 years. Handed out a map for the board to follow the "lot" (locus) is highlighted in "blue". North goes to the left of the locus. That's the part of the road that is currently gravel and maintained by three or four property owners in the area. Lot 79 is basically in a hole, and all the runoff from the north, from the east, from the west, all goes into this piece of property, the property labeled number 75 to the right of locus the owner a number of years ago, had to build a large retention basin underground to collect all the water. He also stated the shorter distance is from Mayflower Rd. to the right of the locus, where you'll see the paved road there, which transitions into Holland Rd. goes back out to Philips Road, so that's the shortest, but that would require some monetary effort on the part of the owner. Again he has reviewed this a number of years ago, and again, it's the same issue. These are the issues the Planning Board and the Town of Bourne have started to look at with private roads. We have allowed this to keep happening, by granting the waivers on private roads. It usually comes down to the last person on the road, they get stuck. And then we say well, build the road up to subdivision standards, put in some drainage, make it usable for everybody. But that comes at an expense, C. Farrell went on to say I understand that. But I think it's time for this board to start to say that enough is enough. Don't take the

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short cut if you do it the proper way, that's better for the property owner, it's better for the neighborhood, and it's better for the town. "So my recommendation is that we not grant access to the existing gravel roadway that already exists to the north for access to that particular lot." I think it would just increase the water problems. It would be much better to have the roads loop together for all the utilities and entire town.

J. Hughes: Shortest way in is the way I am asking, it will be very disruptive to lots numbers 75 and 78. Lot 75 has landscaped that part of the road, they have a beautiful yard because of it. It is the widest part of Mayflower Road compared to the other end that is roughly 8 or 9 feet wide - would be less disruptive if allowed to reach my lot this way.

C. Farrell: Stated that is part of the problem private roads, people encroach on them – this is a town issue.

D. O'Conner asked the Town Planner if the town was to enforce the road to be held to a subdivision standard would they have to pave to Standish or would it be under the grandfather clause Town Planner replied it is dependent on whether or not the board issued a waiver. If not it would have to be built to dense grade under the road, Cape Cod berms and drainage if paved out to Standish Rd.

Discussion followed specific to: Topography/Depth of lot
Complete Streets
Drainage
Emergency Access

On a **Motion** made by C. Farrell and **Seconded** by J. Carroll application for Access Determination for 79 Mayflower Road was continued until August 12, 2021 for input from town staff; Engineering Department, Fire Department, and the DPW Superintendent. **Motion Passes 9-0**

Discussion on the Motion:

S. Goldstein: Asked if the applicant had any engineering studies done on their own, Applicant replied no.

E. Clegg: Stated maybe they should go see the property in regards to the depth of the lot.

Vice Chair Brown: Do the Abutters need to be notified? Town Planner replied no, not for access determination.

2.Public Hearing for Special Permit #07-2021 – 160 MacArthur Boulevard, Unit 7. Under section 2220 for a take-out restaurant.

Christina Nelson: Greeted the board and described to them what her business Bourne Nutrition will entail.

- Healthy Smoothies
- Energizing Teas
- Education and weight loss challenges for the community.

E. Clegg asked for more information on what she will be doing in this space, short discussion pursued.

D. O'Connor Asked to see the floor plan, as he does not understand the lay-out of it – A discussion pursued with the end result:

- Floor Plan differs from the Assessors Card
- 6 seats – Board of Health Approved
- Needs 21.9 Parking spots has 60
- No Plans for the extra space applicant has in the unit
- Existing site
- No exterior Changes

The Planning Board, acting in their capacity as Special Permit Granting Authority in accordance with the Zoning Bylaw of the Town of Bourne, held a Public Hearing on July 22, 2021, concerning the following matter as more fully set forth in an Application for Site Plan Review/Special Permit dated June 30, 2021 along with Plans, Reports and Memorandum filed therewith, all of which are on file for public inspection at the offices of the Planning Board, Town Hall, 24 Perry Avenue, Buzzards Bay, Massachusetts.

Owner/Applicant: Bourne Nutrition Inc./Kristina Nelson

Subject Property: 160 MacArthur Boulevard, Unit #7, Bourne, MA 02532
Business 4 District (B-4)

Title Reference: Book 19424 Page 120

Date of Hearing: Opened and Closed on July 22, 2021

Place of Hearing: Bourne Community Building, 239 Main Street, Buzzards, Bay, MA

I. PROCEDURAL HISTORY / FINDING OF FACTS

Based upon its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board found and concluded that:

1. The site is located at 160 MacArthur Boulevard, Bourne, MA, within the B-4 zoning district. It is shown on Assessors Map 27.0 Parcel 84.0. The site is owned by JVJ, LLC according to the Bourne Assessors Department.
2. The lot is 46,609± square-feet (SF) with two existing principle buildings, one 10,041± SF one-story and one 3,194± SF one-story retail shopping center. The application is to occupy Unit #7 (1,500± SF) for a food establishment, with no exterior changes

3. The project is determined to be an allowed use within the B-4 zoning district under section 2220 land use classification for a Takeout Restaurant.
4. The application is accompanied by an interior floor plan, pedestrian and vehicular flow diagram, and a locus dated June 30, 2021.
5. Notice of said hearing was given as provided by the Massachusetts General Laws Chapter 40A, Section 11, by mailing and publication.

II. STATEMENT OF APPLICABLE LAW & DECISION CRITERIA

Based on the Use Regulation Schedule Section 2220 and Special Permit Decision Criteria §1331; and its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board finds that:

1. That the Planning Board is the permit granting authority according to §2220 of the Bourne Zoning bylaw.
2. The proposed use to operate a Takeout Restaurant is allowed within a Business B4 District.
3. The project is consistent to the Special Permit Criteria §1331 as follows:
 - a. The pedestrian and vehicular flow and safety has been met.
 - b. The utilities and other public services are adequate.
 - c. There are no impacts to the natural environment.
 - d. Impact upon nearby developed premises are minimized.
 - e. The existing building is visually compatible with surrounding commercial buildings.
 - f. It is not located in a Water Resource District.
 - g. There is no impact to the Town's year-round housing because no housing is proposed.

III. MOTION

Mr. Clegg made a **MOTION** to **APPROVE** Special Permit #07-2021 for 160 MacArthur Boulevard, Unit #7, Bourne, MA, stating the facts listed in the findings of this decision. Ms. Goldstein seconded the **MOTION**. Roll call vote as follows:

Mr. Doucette – yes

Mr. Carroll – yes

Mr. Clegg – yes

Ms. Azarovitz – yes

Mr. Gallo – yes

Mr. O'Connor – yes

Ms. Brown – yes

Ms. Goldstein – yes

Mr. Farrell – yes

Motion passes unanimously 9-0

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. This decision shall be recorded at the Barnstable County Registry of Deeds/Land Court Registry and a copy provided to the Planning Department.
4. Limited to a maximum of 6 seats.

3. Lot Release – 5 Grinnell Lane - Lot 2

Michael Sweeney: Is here for a lot release and feel we have gone above and beyond for what we needed to do.

Town Planner: M. Sweeney has done a great job, we are pleased with his work as is the DPW Department. The Planning Department has no issues with this lot release.

J. Carroll asked of there was away they could gift M. Sweeny, the property owner 5 Grinnell Lane makes sense to be the owner of the driveway and this land– Chairman Doucette replied that he needs that land for frontage to make his lot buildable - discussion regarding the pros and cons pursued. A conclusion was reached by Chairman Doucette that there would be less of an impact on the road.

On a **Motion** made by Vice Chair Brown and **Seconded** by J. Carroll to release Lot 2, 5 Grinnell Lane, **Motion passes unanimously 9-0**

Discussion on Motion: None

4. Approval of Minutes: 6/15/21 Executive Session & Open Meeting

- **Executive Session:** Continued until August 12, 2021
- **Open Meeting:**

On a **Motion** made by S. Goldstein and **Seconded** by Vice Chair Brown to approve minutes with changes, **Motion passes unanimously 9-0**

On a **Motion** made by D. O'Connor and **Seconded** by J. Carroll to adjourn, **Motion passes unanimously 9-0**

Respectively,
Tracy Sullivan
PB Administrative Assistant