

Reviewed: 9/23/21

Approved: 9/25/21

PLANNING BOARD MEETING MINUTES

July 8, 2021

PRESENT: Daniel Doucette, Elizabeth Brown, David O'Connor, Louis Gallo, Sandra Goldstein, and Christopher Farrell

ABSENT: John Carroll, Elmer Clegg, and Jeanne Azarovitz,

STAFF: Jennifer Copeland, Assistant Town Planner - Tracy Sullivan, Administrative Assistant

ALSO PRESENT: Nolan Leroy, Roy Catiginani, Christina Nemes, John Nemes, Jeff Nemes, Rich Tabaczynski, and Jose' Pichardo

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

Public Hearing for Site Plan Review #508: Upper Cape Tech School. 220 Sandwich Road, Bourne to construct a 4,300sf Engineering Technology classroom.

Chairman Doucette: Acknowledged they have quorum – Welcomed and turned the floor over to Nolan Leroy to speak on Upper Cape Tech School. 220 Sandwich Road and the 4300sf Engineering Technology classroom.

N. Leroy: Greeted the board and went on to comment that Mr. Clegg came out to do a site walk with him and they discussed some of his concerns, he went on to say – that they are constructing a 4300 square foot engineering building to rehouse their existing engineering program that's in the main school building. They are trying to revamp the program into more of a civil component to it, to meet the needs of the market right now. This will be a student and teacher run project on campus, as they have done in the past 10 years or so they built a new building on campus with the students that meet the needs of their ever changing curriculum and workforce gains.

Vice Chair Brown: Took over for E. Clegg, the reviewer for this project who is absent so that Chairman Doucette can speak to the application.

Chairman Doucette: Stated he had already spoken to the Planning Department staff asked the staff if they have any comments, or if there is anything outstanding right now.

Assistant Town Planner: Suggested that both the building being shown and the nursing building needs to be added to the overall site plan with the setbacks. No other issues. Chairman agreed a completed site plan is needed.

Vice Chair Brown: Open it up to the board does anyone have any comments?

C. Farrell: Happy that this will not affect any abutters, it is a great project.

D O'Connor: Stated that it is a good plan just concerned about the slope and the grade plan.

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N. Leroy: Stated they do have an engineer working on it on it's going to be a continuation of the retaining walls that are up there now, between the Wellness Center and the Fieldhouse.

D O'Connor: asked if a Professional Engineer has to stamp the plan, Assistant Town Planner stated the plan was stamped by a Professional Engineer.

Vice Chair Brown opened it up to the public:

N. Leroy: Stated that they started the application on March 16th trying to get everything in order - after the surveyors came and went the Fire Department requested an access plan and came to do their assessment, they acknowledge that they had clearance needed. – He also stated it took additional funds and would kindly appreciate more notice so they could coordinate it better –

Vice Chair Brown: Asked the Assistant Planner if there were any conditions regarding this, the Assistant Town Planner said yes they have a condition which is noted bullet 5 on the approval.

Vice Chair Brown: Asked if there is a motion Chairman Doucette answered yes.

On a **Motion** made by Chairman Doucette

Based on the Planning Boards review of the exhibits, testimony of the applicant, experts, witnesses and the record of the proceedings, the Planning Board has found that the project is consistent with the Town of Bourne Zoning Bylaw Site Plan Review §1230, excluding the special permit criterion of section 1331.

Therefore, I move to Approve Site Plan Review #508 in accordance with the following findings, terms, and conditions:

1. Parking is sufficient for the proposed Engineering building because there is no population increase.
2. Installation of a sedimentation barrier (silt fence or coir wattle) downgradient of the proposed clearing area before construction commences.
3. Coordinate with public safety officials as to the numbering and/or lettering of the proposed building within the school campus to assist with 911 emergencies.
4. Prior to the issuance of an Occupancy Permit, add the Engineering, Nursing, and Veterinary Technical buildings to the Overall Site Plan.
5. Emergency access, vehicle turnaround, and fire alarm system as per the Fire Department. All Tier 1 documents as outlined in the building code shall be provided to the Bourne Fire Department (BFD). Knox box required to ensure Fire Department access to the property.

Motion seconded by C. Farrell, the motion passes unanimously 6 to 0

Roll Call Vote as followed:

Mr. Farrell: Yes

Ms. Goldstein: Yes

Mr. O'Connor: Yes

Mr. Gallo: Yes

Mr. Doucette: Yes

Ms. Brown: Yes

Vice Chair Brown: Retained the gavel so that Chairman Doucette can speak on agenda items 2 & 3.

Public Hearing for Supportive Finding: Angels Touch. 148 MacArthur Blvd. Bourne. To extend or alter the pre-existing non-conformity for minimum lot frontage and front yard setback to the parking area.

Chairman Doucette: Angels Touch is proposing to build an additional second building 754 sq. ft. building on their property for car repair and painting, there will be no retail it will be very low key. The property sits on a narrow piece of land with about 121 to 122 ft. frontage requires 150 linear feet. The property has a shared driveway with Majors RV and the lot goes back over 1000 feet - double the area they need to do this project, first the applicant is needs a Supportive Finding for frontage onto McArthur Blvd –

C. Farrell made a **Motion** that we make a supportive finding for this lot, Angels Touch, it is no more detrimental to the existing non-conforming use, **Second** by Chairman Doucette.

C. Farrell also stated the previous occupants also had an agreement to share the driveway in which the Planning Board was very supportive at the time.

Vice Chair Brown opened it up to the board for discussion: S. Goldstein asked if the driveway is shared on paper or gentleman's agreement? R. Tabaczynski replied there is an access easement on record.

R. Tabaczynski stated proposed second building is due to the fact that they need more room as stated by Chairman Doucette and a small area in the first building that they are proposing to square off to use as an entrance/waiting area. Zoning is allowed under the Site plan review process and they proposed what they feel is a looped drive way coming off the shared drive way from the south side of building between the two buildings and out at the north side of the building which meets the Fire Department standards, they did ask the applicant to put in a bump out for the firetrucks to turn around. The applicant feels that they have met all of the zoning, setbacks, open space, gross floor area coverage, except for a few of the findings:

- 1) Frontage is not 150 feet is only 121.68 feet w shared drive way feel not an issue
- 2) Vegetated buffer area along McArthur Blvd we would like to leave the situation as is, so not to make it worse. They have visually enhanced the landscaping,
– applicant submitted a landscape plan which included: post and rail along MacArthur Blvd with shrubs and trees planted along the fence. A short discussion pursued.

Mr. Farrell made a MOTION to APPROVE the Supportive Finding that the requested extension or alteration to maintain both the existing parking area within the front yard at 32.4± feet and lot frontage of 121.68± feet will not be substantially more detrimental to the neighborhood than is the existing nonconforming use. Mr. Doucette seconded. Roll call vote as follows:

Mr. Doucette – yes

Mr. Carroll – absent

Mr. Clegg – absent

Ms. Azarovitz – absent
Ms. Brown – yes

Mr. Gallo – yes
Ms. Goldstein – yes

Mr. O'Connor – yes
Mr. Farrell – yes

3. Public Hearing for Site Plan Review/Special Permit #05-2021: Angels Touch. 148 MacArthur Blvd. Bourne. For an addition to the existing building and add a second building for the same automotive detailing and auto body shop.

Chairman Doucette this application has been continued several times, if they did not sign the Time Waiver they could have received a Constructive Approval – but in Good Faith they are here.

They have proposed a second building, small waiting room increase circulation and landscaping. Vice Chair Brown asked to see the landscaping plan – plans were handed out also asked if there was any input from the board.

C. Farrell this is a very good project and it is well done, beautifying the property by creating a Cape Cod look with green spaces. This is always a win - win for the town.

Assistant Planner stated under section 3500 it requires 5 trees and 41 shrubs, the applicant is actually going above and beyond by adding 5 Red Maples, 31 Arborvitaes 50 shrubs 162 perennials.

D. O' Connor circulating materials around asked if you look at the exposure from McArthur Blvd most plants are deciduous. I would concentrate on the islands and the front which would look when not in season – you need some evergreen that will top out at 3-4ft to block the hoods of the cars looking up just to screen, other than that I am supportive

Vice Chair Brown invited the public to speak

J. Nemes part of our goal is car restoration and planting shrubs to cover our cars will have a bad impact on our business – he went on to explain when they bring the finished restored clean cars up to the front, this is our showcase – cars waiting to be worked on will be in back - we will put bushes in if that is what you would like. Cars will be placed on pavement.

Vice Chair Brown asked if anyone else would like to speak.

Chairman Doucette asked if they would agree to a modified landscaping Plan, to be approved by the Planning Department Staff. Applicant agreed

Assistant Town Planner asked if the reviewer should view the modified plan as well, Chairman Doucette replied yes.

Mr. Doucette made a **MOTION** to APPROVE Site Plan/Special Permit #05-2021 at 148 MacArthur Boulevard, Bourne, MA, stating the facts listed in the findings, applicable law and decision criteria of this decision. Mr. Gallo **SECONDED** the **MOTION**. Roll call vote as follows:

BOURNE PLANNING BOARD**ROLL CALL VOTE**

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

Mr. Carroll – absent
Mr. Gallo – yes
Ms. Goldstein – yes

Mr. Clegg – absent
Mr. O'Connor – yes
Mr. Farrell – yes

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. Authorize landscape alternatives per section 3513(ii) to repurpose the sideline landscaping plantings from the south property sideline due to a common driveway and integrate them along the north and eastern landscape areas of the property.
4. Coordinate with public safety officials as to the numbering and/or lettering of the buildings to assist with 911 emergencies.
5. Sewerage system adequacy as per the Health Department.
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. The modified planting plan to be provided and approved by the Planning Department and/or Planning Board representative.
8. Finished vehicle products are permitted to be displayed in the front parking area.
9. 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.

MOTION passed unanimously 6-0

4. Public Hearing for Site Plan Review/Special Permit #06-2021: PSC Group Inc. 152 State Rd., Sagamore Beach. For a 6,400sf office and equipment and maintenance garage in a Water Resource District.

Chairman Doucette resumed the gavel, this is a Special Permit and requires 6 votes to pass.

J. Pichardo from Green Seal Environmental: The applicant, proposes to construct a 6400 square-foot building for offices, light maintenance of the applicant's construction equipment and vehicles, providing shelter for the equipment and a contractor's yard. In addition they propose an associated drive way and drainage. 152 State Road is within the state's property and will have to go to MASDOT for clearcutting of the vacant lot.

S. Goldstein asked if the oil changes are to be done off site, J. Pichardo replied the oil will be stored and removed from the lot, a short conversation followed.

We are asking: Impervious Surface, the proposed impervious surface is 58.4%. 7. Parking Requirements §3320: A total of 16 spaces is required for the office, warehouse, and storage use and a total of 16 are provided (including one handicapped van accessible space). Six spaces are proposed on the west side, seven parallel parking spaces along the east side, and three on the south side. 8. Loading Area (§3370 & 3540): A loading area must be shown as required by Section 1238.B.2.f to accommodate normal deliveries to the site. This area must be so sized and arranged that no vehicles back onto or off of a public way, or be parked on a public way while loading, unloading, or waiting to do so, and so that use of parking spaces is not impaired

Assistant Town Planner received notice from the North water District that they would like conditions included. Assistant Town Planner had no further comments

L. Gallo: Wanted to let the board know they did a good job maintaining and moving an enormous amount of fill on all sides. They will need to construct a well-built construction entrance – Slope easement from South Eastern Mill work to keep the water in the back corner of their property – will build a 2ft wall as well.

D. O'Connor asked if they should bring in the town's conservation agent, a short discussion pursued – resolved by having a board member walk the lot, and seeing that this is the applicant's profession (landscaping) they asked for a restoration plan. J. Pichardo agreed

Chairman Doucette as if there was any questions or comments from the public. South Eastern Woodwork wanted to let the board now the support the project.

MOTION:

Mr. Gallo made a MOTION to APPROVE Site Plan/Special Permit #06-2021 for 152 State Road, Sagamore Beach, Bourne, MA, stating the facts listed in the findings of this decision. Ms. Goldstein seconded the MOTION. Roll call is as follows:

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

Subject to the following conditions:

1. A definition of "light maintenance" shall be submitted in writing and approved by the North Sagamore Water District (NSWD) prior to the issuance of a building permit.
2. All vehicle maintenance shall be performed within the garage space. The garage area shall be designed to not allow any hazardous materials to escape to the exterior.
3. Provide a list of the hazardous materials that may be stored, used, or generated on site. Any storage of hazardous materials should be stored inside the building and in a properly designed and maintained secondary containment system.

4. No onsite storage of ice removal chemicals per 4721(g).
 5. Leaking and damaged vehicles shall not be stored outside.
 6. The holding tank attached to the floor trench drain shall be tested for leakage prior to going into service. Copies of any documents pertaining to the testing and planned maintenance of the building's floor drain system and associated tight tank shall be submitted to the NSWSD.
 7. The NSWSD has the right to inspect the grounds at any time. If any condition exists that may lead to groundwater contamination, the NSWSD will immediately report the violation to the Zoning Enforcement Officer.
 8. The prohibitions of the Water Resource District must be included in all leases and be posted in an area visible to the public.
 9. Submit a landscaping plan and plant detail to be approved by a Planning Board member representative prior to the issuance of an occupancy permit.
 10. Confirmation from the Health Department that the sewerage system is adequate.
 11. All Tier 1 documents as outlined in the building code shall be provided to the Bourne Fire Department (BFD).
 12. At least one Knox box is required for the building.
 13. Emergency responder radio coverage is required for all new buildings. Before final sign-off, substantial documentation will need to be provided to ensure adequate coverage exists. If coverage is not sufficient, a radio signal booster will be required.
 14. State curb-cut is required prior to the issuance of a building permit.
 15. Slope and grading easement required prior to the issuance of an occupancy permit.
 16. The Stormwater Operation & Maintenance Plan must be signed by owner of responsible party.
 17. 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.
1. **Committee Appointments:** Roadway Traffic Safety Committee (new), Wastewater Advisory Committee. Term until 6/30/22.

Roadway Traffic Safety Committee D. O'Conner read the duties of this position

Both Chris Farrell and Sandra Goldstein showed interest there was a vote by raised hands. 4 for Chris Farrell -2 for Sandra Goldstein. Chris Farrell takes the position.

Wastewater Advisory Committee Chairman Doucette read the duties of this position

Sandra Goldstein showed interest and in the absence of Elmer Clegg was nominated by Chris Farrell there was a vote by raised hands in his absence. 4 for Elmer Clegg – 2 for Sandra Goldstein. Elmer Clegg takes the position if he wants to if not it will default to Sandra Goldstein.

2. Minutes:

5.13.21 Approved as written on a **Motion** by Vice Chair Brown and **Seconded** it by D. O'Connor- **Motion passes 4-0 with 2 Abstentions** Abstained: Chris Farrell and Sandra Goldstein

5.27.21 Continued to review corrections

Executive Session Minutes:

4.12.18 Approved as written on a **Motion** by Vice Chair Brown and **Seconded** by Chairman Doucette Minutes to be encumbered until case is complete- **Motion passes 4-0 with 2 Abstention** Abstained: D. O'Connor and L. Gallo

4.25.19 Continued to review corrections

10.24.19 Approved as written on a **Motion** by Vice Chair Brown and **Seconded** it by L. Gallo- **Motion passes 5-0 with 1 Abstentions** Abstained: D. O'Connor

6.7.21 Approved as written with a correction on a **Motion** by D. O'Connor and **Seconded** by Vice Chair Brown Minutes to be encumbered **Abstained:** C. Farrell **Motion passes 5-0 with 1 Abstention** Abstained: C. Farrell

CORRECTION to Minutes – Christopher Farrell was absent from Executive Meeting

Adjournment

With no further discussion a **Motion** was made at 8:35pm to adjourn by D. O'Connor and **Seconded** by Vice Chair Brown **Motion passes 6-0**