

**PLANNING BOARD
MEETING MINUTES:
OCTOBER 14, 2021**

PRESENT: Daniel Doucette, Sandra Goldstein, Elmer Clegg, Christopher Farrell, John Carroll, Elizabeth Brown, Louis Gallo, Jeanne Azarovitz, David O'Connor

STAFF: Coreen Moore, Jennifer Copeland

ALSO PRESENT: Danny Gonsalves, Attorney Peter Freeman, Angela Sorenti, Carl Georgeson, Gary Allen, Tracy Sullivan, and other members of the public.

Mr. Doucette called the meeting to order at 7:00PM.

1. September 9, 2021 Accepting of Minutes

No comments from the board.

Roll call vote from Board: Yes by all members.

2. Lot Releases: 43 Tara Terr lot 54

Requesting lot 54 released formally so title can be cleared.

Motion made by Elmer Clegg to approve lot release, Seconded by Ms. Brown

Roll Call: Yes by all members, motion passes.

3. Peer Review Referral: 2 Kendall Rae Place, Oxford Development Group

Ms. Copeland explains the referral. Received application for a site plan review/special permit. Recommends peer review for entire site, the traffic, and the storm water.

Mr. Clegg has reservations on moving ahead on this. Project is very detailed, has five major questions and concerns about the traffic study already performed. May ask for amended traffic study due to possible omissions. Would agree to moving ahead on identification of a peer reviewer but not having any review work done until the board is able to vet the McMahon traffic study.

Mr. Doucette is in agreement. Big project for the town and it needs to be thoroughly vetted.

Ms. Copeland- agrees and will seek quotes as soon as possible. Can be adjusted according to need.

Ms. Moore- wants clarification on Mr. Clegg's comments.

Mr. Clegg- wants to have a peer reviewer found, but not have the peer review work done until there's another hearing on the project where the board can discuss the traffic project.

Ms. Moore- having a professional's input before discussion allows feedback and the ability to address additional concerns. Confused as to why discuss it before having a professional's opinion.

Ms. Brown- the purpose of the peer review is to find these errors. Peer review is needed because we aren't traffic specialists.

Atty. Morton- represents owner of the property. Bids could take 3-4 weeks and would welcome a public hearing to address concerns before the bids are complete.

Mr. Clegg- would there be an issue if the town proceeds with contracting of peer reviewer but did not do the actual work yet?

Atty. Morton- no issue.

Motion for peer review referral: motion made by Mr. Clegg that the board approves the Planning Dept. initiative, whatever's required to solicit bids for peer review and proceed

to the point of contracting the peer reviewer but hold on any actual work under the contract including site study, stormwater, and traffic, seconded by Ms. Azarovitz. Ms. Moore- don't need to do the bid, just 3 quotes from 3 different engineers to get the best price. Shorter turnaround.

Roll Call vote yes by all board Members

4. Energy Discussion: Green Communities

Carl Georgeson opens discussion on the Green Communities Initiative including a PowerPoint presentation.

283 green communities approved in MA. Once application submitted and approved, would be eligible to receive \$172,000 grant from Dep. of Energy Resources for green initiatives and could continue to apply for funds.

There are five Qualification Criteria:

1. Adopt as-of-right siting for renewable energy/alternative energy generation, R&D, or manufacturing
2. Adopt expedited permitting process
3. Create an energy reduction plan to reduce energy use 20% in 5 years
4. Adopt fuel-efficient vehicle purchase policy
5. Minimize life cycle cost in new construction-adopt the Stretch Energy Code (SEC)

For the first 3 criteria, Bourne is already in the process of fulfilling these. Criterion 4 already adapted by the Board of Selectmen and the School committee.

The SEC applies to new residential construction, commercial construction greater than 100k sq. ft., and conditioned warehouses greater than 40k sq. ft. Additions, renovations, and repairs are exempt.

For criterion #5, it would be adopted at town meeting. Recommended for the upcoming Fall Town Meeting. It is a performance model as well.

Explains HERS System (Home Energy Rating System) for annual energy analysis including a multi-step inspection process along with performance tests.

Meaning for Bourne: Applies to new residential construction in town, 3.9% of building permits issues in 2021. Ends Presentation and opens the floor for questions:

Ms. Goldstein- does Criterion 1 give preference to renewable energy generating facilities, does it change any bylaws?

Mr. Georgeson- bylaws have already been passed to allow for this criteria. Has been confirmed by the state and by the Town Attorney.

Ms. Moore- We have overlay districts that are as-of-right. Confirming that we don't allow it everywhere in the town, we have districts that it's allowed in. If it's on a building and unrestricted, then it is allowed and they don't need review by Planning Board. If in overlay district, is as-of-right just by site plan review.

Mr. Clegg- are zoning bylaws that allow ground mounted solar on a residence, that already has limits, would we have to expand that limit?

Georgeson- Unsure.

Lisa- Ms. Moore is correct, no further work is needed when it comes to zoning. Zoning bylaws meet their guidance.

Mr. Clegg- Including ground mounted solar?

Lisa- don't allow it as a right in residential areas, so it doesn't extend to residential areas. It is limited to overlays.

Ms. Goldstein- we do allow solar systems in residential areas? Are there similar areas in Town? Could there be?

Ms. Moore- We do not have any ground mounted solar systems in these areas, its typically on the roofs. No, the allowable isn't considered large ground mounted. There are inquiries that would do smaller panels in a residential area. The next question is on energy use, whether it will be stored and used on-sight or sold off-sight. If its sold off-sight, it's considered commercial which is not allowed in residential areas. We would need to see the plans. There are some agricultural areas within residential areas, like bogs for example that have large solar arrays. Majority of energy needs to be used on-sight.

Lisa- Not proposing any changes to any existing zoning.

No more comments or questions.

5. Special Permit #13-2021: 303 Barlows Landing Rd.

Children's outreach community take out ice cream. Discussion on this special permit will be continued until October 28th.

Ms. Copeland- We received an email from the applicant to continue this discussion on the next meeting, October 28th.

Motion to continue by Mr. Carroll, seconded by Ms. Brown.

Roll Call Vote: Yes by all members.

6. Special Permit #15-2021: 1236 RTE 28A

Danny Gonsalves of Down Cape Engineering representing the applicant who is in the audience with Atty. Peter Freeman. The summary is a new commercial building on an existing lot with an existing dwelling on it. We need the permit is the two principle dwellings on one lot. We do meet lot requirement and have enough square footage. We have parking and drive under bays in the back. The owner wants to use a portion of the building for his own use as a contractor and wants to lease out the commercial space available. Couple issues are they're in Water Resource District. There's less than 40% impervious required. We are currently at 34% impervious required, as well as in a zone 2 and we do meet state Title V state requirements for the allowed gallons per day in that septic system for that zone. Have address current standing issues. One comment is the loading area requirements. There are no specific areas for loading. There currently is no designated area for loading because the back bay area has enough space. When it comes to the front landscaping, there's a large natural area where we won't do much changed besides clean up. Open to questions.

Ms. Copeland: Worked with Mr. Farrell. There is an existing dwelling located close to Long Pond. Proposing to have dwelling there with commercial building in the front. It does meet the land area requirements for 2 principle buildings. Confirmed criteria met mentioned by Mr. Gonsalves.

Mr. Farrell: Challenging site due to the slope down to the existing dwelling and the plans meet the criteria for fixing the slope. My concerns is the driveway going up to Rte. 28A is going to need site line clearing of vegetation but that is very limited. Other minor concern is the proposal of lighting wall packs on the building. Have had problems with light pollution with the wall packs. Might ask to do something other than wall packs. Drainage is above and beyond what's needed. More than enough parking spaces. Catch

basins at lowest end of the property will collect a lot of water. Might want to see those basins cleaned out at least once a year as a recommendation.

Ms. Goldstein: What is planned for entrance? The entrance is very small.

Mr. Farrell: Calls for 20 Ft. wide driveway, which is more than enough for the trucks. The site line clearing of vegetation will help with this. A curb cut will be required by the state.

Mr. Clegg: Suggests putting brush clearance and site line as much as 400 feet as a condition to approving this.

Mr. Farrell: Agreed. Will have to work with and cooperate with neighbors.

Mr. Clegg: Plans have 20ft vegetative buffer at the front. Having them increase from 20ft to 25-30ft will make a difference and make up for the absence of number of shrubs required. Other issue is after 3 years the residence will be demolished. Would like to see no buildings in that area after that residence is demolished ad to be left vacant. Shouldn't be able to put a building so close to long pond.

Mr. Doucette: I don't see any reason to ban any future possible building in that area.

Any issue you have with a new building is settled through zoning and the like.

Atty. Freeman: Respectfully disagree to restrict further development, we should be able to go through special permits if needed. You can't prejudge an area before any plans are even in place. There are due process and property rights issues as well. On site distance is 400 feet a problem?

Mr. Gonsalves: Would just need neighbor's approval. Would want to talk to the neighbors before answering that.

Mr. Clegg: I withdraw my objection due to Mr. Freeman's comments.

Mr. O'Connor: I agree with Ms. Copeland's recommendation that the limit of work be staked where we are trying to preserve that vegetative buffer. There is a little concern due to it being a tight construction site. I've seen where construction supplies get dumped. Proposing a netting or fence at a limit of work line to prevent the issue of supplies being dumped.

Mr. Gallo: Agree on the plan. The drainage in the front and rear are fine with stormwater and run-off.

Motion made by Mr. Farrell to approve this plan with a revised lighting plan due to the light pollution from the wall packs and the adding a few plantings in the front. Also including that the drainage basins be cleaned annually and that the frontage be a minimum kept natural state 30ft if possible.

Mr. Gonsalves: On the lighting, could we install building mounted cut off lights rather than perimeter post lights that are more expensive. Is that reasonable?

Mr. Farrell: That is reasonable, we have used those lights before.

Mr. Gonsalves: We have to get a firetruck on site and it is a tight area. There will be a large natural barrier that's not in our property. To slide everything back would be very tight.

Mr. Doucette: We wouldn't include our 30 ft. front on top of the state mandated 10ft. We would incorporate that with your limits.

Mr. Clegg: We are not talking about moving the planned building back.

Mr. Clegg seconds the motion.

Mr. O'Connor: Buffer on east side of parking lot will be graded away, my recommendation is a construction fence to clearly mark the limit of grading and protect what we have.

Dan, Bracken Engineering: Agreeable to this and we can include some changes in our plan.

Mr. Doucette: Are these conditions included in the motions?

Yes by both Mr. Clegg and Mr. Farrell.

Roll Call Vote: Yes by all members.

7. Special Permit #16-2021: 3 Lisa Ln.

Natural Cover Remover, Angela Sorenti is the applicant.

Ms. Sorenti: need special permit to remove 10k ft. of tree removal, did this process to start clearing the lot. We want the lot cleared to start developing. There's many dead trees and such, will replant as needed.

Mr. Doucette: no stumps or soil removed until engineer plan is received.

Ms. Moore: not the usual cover removal, just stumps not worried about erosion. Lot is 40k lot if clearing. Entire lot brings stormwater concerns. Chance to see how much of land is going to be cleared at first. Want a plan with a limit of clearing. Abutter came in today with concerns.

Mr. O'Connor: you want to clear cut the site, is that the plan?

Ms. Sorenti: no just did that to show the site not the plan to clear entire thing

O'Connor: have you talked to an engineer?

Ms. Sorenti: going to talk to a contractor, the area's very tight

Mr. O'Connor: worried about over-clearing before engineer looks at it, suggests taking out vines and such to allow people in there. Suggest gradual approach

Mr. Gallo: I've reviewed the site, minimum clearing of half of what they want they would do it anyway for the house and septic. It's the last lot on cul-de-sac, will be developed, doesn't see a reason that they can't proceed.

Mr. O'Connor: in that case, wants a limited clearing plan

Ms. Moore: we just need the applicants to show area that you want to clear. That would be satisfactory

Ms. Sorenti: it won't be 40 sq. ft., it'll be closer to 20-29k ft. understands the desire for a plan.

Mr. Clegg: you decide exactly what you need to clear based on engineer plans and we'd consider it.

Mr. Gallo: objects to this being a condition. They can clear the lot after they own it, just a discovery. After house is built they can develop the entire lot if they want. Doesn't want to complicate things.

Mr. O'Connor: this is not very burdensome. Just taking out small amounts, and leaving larger allows you to take a more stepped approach

Mr. Gallo: motion to grant permit under criteria to grant 20k sq. ft.,

Seconded by Mr. Farrell

Mr. O'Connor: acceptable with plan.

Mr. Gallo: agrees.

Mr. Clegg: applicant will submit plan for lot before any cutting, after plan submission they can cut up to 20k feet?

Mr. Doucette: yes
Roll call- yes by all

8. Special Permit #14-2021: 147 State Rd.

Gary Allen is the applicant, it is a change from a truck repair facility to classic car storage.

Ms. Brown: straightforward change of use from truck facility to car facility no site review, it is an existing building located off 3a.

Ms. Copeland: two prior spec perm and 1 site review approved in 2002 and 2007 with certain land use conditions.

Mr. Doucette: we can continue those conditions with new applicant. Less intense use and a nice change.

Ms. Goldstein: cars all inside or outside?

Ms. Copeland: inside

Ms. Brown: motion to approve, meets criteria of special permit,

Motion seconded by Ms. Goldstein

Roll call vote: yes by all

Meeting called to adjourn by Ms. Brown, seconded by Mr. Clegg meeting over at 8:39PM