

**PLANNING BOARD
MEETING MINUTES:
September 22th, 2022**

PRESENT: Jeanne Azarovitz, Christopher Farrell, Daniel Doucette, John Carroll, Amanda Wing, William Meier, David O'Connor, Sandra Goldstein, Pat Nemeth, Elizabeth Brown

ABSENT:

STAFF: Jennifer Copeland, Julia Gillis

ALSO PRESENT: Jilian Morton, Jason Pannone, Joe Longo, Fred Carbone

Meeting called to order at 7 pm by Chairman Doucette.

TOWN CLERK BOURNE

2022 DEC 29 AM 11:39

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1. Meeting Minutes

- a. **April 28, 2022-** Ms. Nemeth abstains from voting. Mr. Meier abstains from voting. Motion to approve by Mr. Farrell, aye vote taken, all ayes, minutes approved.
- b. **May 26, 2022-** Ms. Brown abstains from voting. Motion to approve by Mr. O'Connor, seconded by Ms. Azarovitz aye vote taken, all ayes, minutes approved.

2. Site Plan Review #509, 0 Ernest Valeri Rd.

Proposed project to develop a large scale, ground mounted photovoltaic system with inverter and battery storage. Site work includes construction of a paved permitted access road, fencing and Stormwater management. Continued from 9/8/22.

Ms. Copeland – No update from Cape Cod Commission, applicant has asked for a continuation to 10/13/22.

Motion to continue by Mr. Farrell, seconded by Ms. Brown, aye vote taken, all ayes, motion passes.

3. Amended Site Plan Review/ Special Permit #19-2021A: 2 Kendall Rae Pl.

Multi-story, mixed-use building for permanent outdoor dining areas to serve food or beverages outside the building. Continued from 9/8/22.

Ms. Morton – Have been working on a plan with the Town. Revisions have been made to address the concerns from Board Members. Approval has been given by the Water Department. Updates include: Mechanical rooms being removed from the ground floor and parking garage. Did reduce commercial space but a parking space was gained.

Mr. Longo – Water board approved the plans as shown today.

Ms. Nemeth – Still not clear with building two what the elevation is of first floor. Wants the applicant to compare the size of the building with the hotel and other similar project. Has some questions about parking regarding having enough for each bedroom. Thinks there is a shortfall of parking.

Mr. Pannone – Floor elevation of garage floor is 8.5 ft. Finished floor on both building are 18.5 ft. Buildings are a floor higher than those other projects. Regarding parking: the market study performed with this project showed mostly younger families. Calculations are based off the ordinance and market study. Experience shows that through these calculations there will be enough parking.

Ms. Copeland – Bylaw requires one space per dwelling unit. Because it is multi-family there is 1.5 spaces per unit plus one guest space for every 10 units.

Ms. Morton – Similar project experience shows there will be enough spaces.

Mr. Pannone – Spaces are based off of data from planners and engineers for decades from the transportation industry. Multiple agencies have approved this project and see the parking as satisfactory.

Ms. Goldstein – Questions posed about parking being taken from residents.

Ms. Morton – Signage is being proposed as well as on site security. Site Plan Review process isn't where this would be discussed, done more with an open forum.

Mr. Farrell – The parking provided is above the minimum regulations set by the Cape Cod Commission. Doesn't see an issue coming from parking spaces. Hampton Inn has 70-80% consistent residency and there is always parking available. There was a required amount for them as well.

Mr. Doucette – Massachusetts Maritime Academy Parking is also available every weekend when school is not in session.

Ms. Nemeth – After reading through the reports and responses from the peer review reports, I found inconsistencies in the responses when it came to bylaws regarding density and height. Would like to see better answers to questions regarding the height and density of the building, and why they should be given the waiver for both as well.

Ms. Morton asks for a recess.

(After recess) Ms. Morton – Regarding density: started with 220 units originally. Most things have changed. Wanted a lot on the site to make it profitable for developers. The request for density is to provide more housing which is a desire for the town. This would also be more affordable. Seeking more because it is a public good meeting needs of both the developer and the Town. Regarding height – similar to other projects in area. Design has been created and vetted with other boards and hearings to fit the Town's wants/needs. Can only go up, can go out because the project is in a flood zone.

Mr. Farrell – Created a bylaw for developers to be able to bring more to Bourne because Bourne is in a flood plain. The Downtown District Bylaw is to produce a mixed use zone to facilitate a higher density mix of commercial entertainment and other types of units. This would encourage growth and development in Bourne. We knew when this Zone was being created that this would mean higher density and greater heights because developers can only build up. Thinks we need to allow this density. If the bylaw needs to be changed we can change it, when this bylaw was passed it was passed unanimously.

Mr. Doucette – When the Bylaws were passed, there was extensive research including public outreach, public hearings, and other processes to get the best possible view of the public.

Mr. O'Connor – The garage floor level on the plans showed site storage, just wondering what's in the storage, how big, continuous, etc.? It would be handy if an architect was present. Wondering what the security is, have the architects developed any sketches? The security barrier for the area is required for Site Plan Review. Doesn't want chain link fence, wants some kind of sketch for what they intend to put in. Wants a landscaping design as well.

Mr. Pannone – Open storage that they can lock up, expecting to have these areas fenced in and secured. Possible storage of bicycles or other things residents couldn't bring into the unit. Goal is to have 24/7 security through a private company. Card access for residents only to enter the garage. Intent would be a four foot ornamental fence.

Mr. Doucette – Regarding the landscaping design: part of the property is bordered by Town property. The Town Engineer and Town Planner will determine any changes needed on the final plans.

Mr. Longo – will work with the Town with that area.

Ms. Azarovitz – DRC wants more of a review of the landscaping and Mr. O'Connor wants a sketch of the security area as a condition with the DRC seen as some members of that board are present as well to be brought up at those meetings. Applicants and members of the board are both ok with this. The landscaping and security would be outlined specifically.

Ms. Goldstein – Sign at the intersection of Kendall Rae Place and Perry Avenue for residential no thru traffic and a left turn only sign. Mr. Farrell informed the board that the working groups decided that the DPW Director will deal with those signs. Can't put in "left hand only" due to it being a public way.

Audience member Mr. Fred Carbone voiced his support for this project and its benefit to the Town. Voiced the need for a traffic light due to pedestrians and to control speed. This would help safety.

Mr. Doucette – Police Department is looking into more enforcement, regarding stop light: the Cape Cod Commission has looked into that and future traffic studies will have to be undertaken.

Mr. Carroll - Stop lights/signs and speed bumps will not be as effective as increased enforcement.

Mr. Farrell – Main St. has been studied for many years. Many comments and criticisms are valid; it just takes a lot of money to do some of the fixes. Development will help decrease speed and traffic.

Ms. Morton – This open walkway with this project is an asset for the Town, opening up the area to enjoy the canal.

Ms. Azarovitz – Notices the increased enforcement but believes a traffic light would be a good way to help with speed.

Mr. Farrell – The expense and reconfiguration of the area is large and a big undertaking. It would come with time.

Ms. Nemeth - Finds the project is too large for the site and that there is not adequate parking.

Mr. Farrell – Has reviewed the project and finds it to be allowable in the Downtown District and the Board has found it consistent with the Town Bylaws. The mixed-use of this building is also allowable. The parcel is 4.07 acres located within the Downtown Core district in the Growth Incentive Zone. Mr. Farrell makes a motion to approve with the following conditions:

1. The relevant goals of the Town are satisfied
2. Improved pedestrian access and parking
3. 284 parking spaces provided, 281 spaces are required
4. The mixed use is allowed

The project is to develop a project consistent of the following:

1. The first floor is retail, professional and commercial space. Indoor restaurant space, and outdoor restaurant space along with 10 residential units.
2. Floors 2-5 are 92 residential units

3. Rooftop restaurant for residents only
4. Underground parking with 82 spaces for residents only

For building 2:

1. Floor 1 is storage and other amenities.
2. Floor 2 is 13 residential apartments
3. Floor 3-6 is 52 residential apartments
4. 30 shared parking spaces for the Town of Bourne's all-inclusive park.

A special permit is granted to provide outside dining on the first floor and on the rooftop.

Waivers include:

1. Base residential density of 167 market rate apartments per 1,063 sq. ft.
2. Ground floor limitations
3. 3 parking spaces in shared parking area

Following Conditions:

1. No building permit issued until the following are satisfied:
 - a. An agreement between applicant and Town with the shared parking and the all-inclusive park
 - b. An agreement executed for canal access on town owned land
 - c. Financial surety provided for Stormwater, parking, and underground utilities
 - d. Decision will be recorded in Barnstable Registry of Deeds, land court and registry with a copy delivered to the Planning Department.

No occupancy permit will be issued until the following are satisfied:

1. An agreement between the Applicant and CMP Development LLC. To widen Kendal Rae Place to accommodate parallel parking spaces and for appropriate street lights on frontage of 2 Kendall Rae Place.
2. Under direction of DPW and at expense of the developer, to put a sign notifying no thru-traffic, residential parking only or some other kind of similar language.
3. 10% affordable housing.
4. An affordable Housing regulatory agreement sign and record
5. An as-built plan submitted to Planning Department showing all occurrences above and below ground
6. All tier 1 documents provided to Fire Department
7. Plans subject to rules and bylaws of the town of Bourne
8. Emergency access and turning around plans given to Fire Dep.
9. On site changes to shared spaces will be submitted and approved by the planning and building department and will be reflected in as-built plans
10. Applicant will provide a bike rack, two street lights, water and electrical connections at the Bourne all-inclusive park

11. Design Review approval required before any sign can be erected in particular the security fencing around parking space and the landscaping.
12. Off-site signage approved by the Board of Selectmen
13. Defer to Sewer Commission for compliance of sewage.
14. Defer to Buzzard Bay water district for water supply
15. Defer to Conservation Commission for project compliance in flood zone.
16. Applicant will coordinate with Engineering Department and public safety for numbering of buildings.
17. Site work will be staked before construction and maintained at all times as well as erosion control measures.
18. Local roads swept as needed, not less than once a week.
19. Fencing will have privacy screening and damaged fencing will be replaced by applicant.
20. Applicant shall provide a traffic study 12 months after 80% or more of occupancy. Town will require peer review including improvements at expense of property owner.
21. Emergency management plan for removal of vehicles in underground storage or to an offsite location will be provided to emergency management director before issuance of occupancy. The plan will identify the name of towing company and storage location. Plan will be updated annually.
22. 3 year landscaping maintenance plan provided to the planning department and any dead plants/shrubs will be removed and replaced in that timeline. Any revisions must be submitted to planning department.
23. Conservation Agent and Planning Department to approve landscaping at the town-owned park.
24. Trash or debris that's a nuisance to abutters shall be removed immediately after notice to the town.

Motion seconded by Ms. Brown. Roll call vote as follows:

Mr. O'Connor- Yes	Mr. Farrell- Yes	Ms. Goldstein- Yes	Mr. Doucette- Yes
Ms. Brown- Yes	Ms. Azarovitz- yes	Ms. Wing- Yes	Mr. Carroll- No
Ms. Nemeth- No			

Vote is 7-2, motion passes.

Mr. Farrell emphasized how the applicant and the Town worked well together to create a good plan that meets the Town's needs and visions.

Applicant thanked the Board for the cooperative effort made by everyone involved.

Motion to adjourn by Ms. Nemeth, seconded by Mr. Carroll, aye vote taken, all ayes, meeting adjourned.