

## PLANNING BOARD MEETING MINUTES

January 28, 2016

**PRESENT:** Christopher Farrell, Daniel Doucette, Vincent Michienzi, Elmer Clegg, Joseph Agrillo, Stephen Strojny  
**ABSENT:** John Howarth, Louis Gallo, Robert Gendron  
**STAFF:** Coreen Moore, Town Planner  
**PUBLIC:** Mike Rausch, Jim Mulvey, Eleannor Wendell, Chris Hyldborg, Zac Basinski, Joel Kubick, Heather DiPaolo, Jon Fitch, Fred Eustis, George Slade, Dan Osala, and other members of the public

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Ann Gratis, Recording Secretary

Chairman Farrell called the meeting to order at 7:00pm.

This meeting was televised and recorded.

Mr. Doucette made a MOTION to take the school out of order. The MOTION was seconded by Mr. Michienzi with all in favor.

**Informal Discussion:** School Committee proposal to change access road from Trowbridge to one-way.

Chris Hyldborg: This was originally the back entrance and now has a lot of traffic flow. It's narrow, has two substantial curves and no sidewalks/bike lanes. The option to widen is too expensive. There are concerns with people at the softball field. Campus traffic to exit onto Waterhouse Road and Trowbridge would be entrance only. We will be working with the State to have Waterhouse Rd marked as a school zone.

Chairman Farrell: That school road has always been a concern. 25-30 years ago we looked at it and asked the State for a crosswalk/school zone, and didn't get it. DOT has changed. I encourage you to proceed with that. It's long overdue and is in the best interest for the school and students.

Consensus of the Board is to proceed with this.

Coreen: I will be doing a staff response and asking the Fire Dept, Police and DPW for support.

**81P:** 357 Circuit Ave, LLC. 4 unbuildable lots.

Joel Kubick, Holmes and McGrath. My client wants to divide it into strips of land similar to nearby properties. He has talked to ConCom but we're not representing. The deed still allows use for the neighbors, I don't know what he's going to do with it.

Coreen: 81P is established by frontage so these will be unbuildable.

Mr. Doucette made a MOTION to approve. The MOTION was seconded by Mr. Strojny with five in favor and one opposed with reservations.

**Public Hearing for Site Plan Review/Special Permit #07-2015:** 9 & 11 Jonathan Bourne Dr. Teresa Battles. For a 10,000sf fitness center in an existing warehouse building.

Zac from Bracken Engineering: There are two existing buildings on this five acre lot that were permitted in the late 80's and built in the 2000's. The large building has manufacturing. For this project it's mainly a fit out. Removing the overhead bay doors and we will stripe the lot. We exceed parking by 29 spaces. Signage and dumpster will be done according to the bylaws.

Mr. Agrillo: I met with Tom Donovan on the site. The striping is done. Met with Tim from Coreen's office and I there are no problems with the plan, they should be all set.

**9 & 11 Jonathan Bourne Dr. Teresa Battles Cont'd:**

Coreen: This project is 10,000sf exactly, if it were 10,001 it would require Cape Cod Commission review.

Mr. Strojny asked if this is a fitness center for the public? Yes. 5am-9pm.

Mr. Clegg: There are two entrances?

Zac: Yes. One is ADA compliant and the other is existing.

Mr. Agrillo made a MOTION to approve. The MOTION was seconded by Mr. Doucette. Roll call vote as follows:

Mr. Clegg – yes

Mr. Agrillo – yes

Mr. Doucette – yes

Mr. Farrell – yes

Mr. Michienzi – yes

Mr. Strojny - yes

**Public Hearing for Amended Site Plan Review/Special Permit #03-2013B:** 50 MacArthur Blvd. Battles. To remove 8 parking spaces for an addition to the rear building and for alternative surfacing.

Dan Osala: They want to modify the striping, stock and public spaces are marked on the plan. The addition would be about 37' from the property line.

Roy, Conserv: The addition doesn't abut residential properties. 25' not in play at the time of the last permit issue. We are keeping the fence.

Mr. Strojny: I have done two site visits. Concerns: the north display lots indicate 9 spaces, today 8 of them had 3 trucks in each plus 3 more in other areas. Trucks are parked by the drainage. Employees are parked on the west side (gravel). There is a loss of 13 required spots with this proposed addition. There is a significant drop off by the property line and there is no erosion control going on now with the addition. Based on the use, emergency vehicles, the lot has way more cars than on this plan. Would like a positive recommendation from the Fire Dept. to make sure they can access. Review the memo from the Town Planner's office, make the revisions to address the concerns and come back. This site is built to the max.

Dan: There is a ball field in the back but we would stake the line, put riprap on the slope and a silt fence. The Fire Dept, we keep the aisles clear.

Mr. Doucette: the cars are static display, show how many cars will be in each space so we know the true numbers.

Mr. Clegg: When did you receive the memo from the Planner's office?

Mr. Strojny: Today. The original application was inadequate to do a review. The new plan came in this week.

Mr. Doucette: The deadline for plan submission is Monday at noon. It's unfair to the staff, they need to have time to properly go through the plans and make a decision.

Mr. Doucette made a MOTION to continue to 2/11/13. The MOTON was seconded by Mr. Clegg with all in favor.

**Remand from Courts for Eustis definitive subdivision**

Atty. Jon Fitch on behalf of the abutters: The subdivision created one buildable lot as per the 9/23/14 decision. There was family, perceived promises, and it was a change to their little neighborhood so the abutters appealed. This is the final step after lots of negotiations, many things have been resolved. The decision called for 16' of paved road width, we are asking that to be reduced to 12' to keep with the current width of the road. Eustis Lane is an existing paved way and only two properties use this road and it's in good shape. I checked with the Fire Dept, their largest vehicle including mirrors is 10' wide. There are 2' grass shoulders on each side, they are solid and we are asking to keep it as is. If it gets widened, 27 trees would have to be removed. The narrow road makes people slow down. I know there are some 8' – 10' roads in town (Mayflower, Priscilla). They serve several homes, Holland Ave serves 10

### **Remand from Courts for Eustis definitive subdivision Cont'd**

homes and it's only 1 car wide. I respect your charge of safety, this is only for one more house and no more. It can work. We were scheduled for 1/14/16, I let the courts know the delay. Chris Wilder, abutter, came from London to be here for that meeting to say he wants the road left as is. It would solve the whole situation with the family and neighborhood.

Fred Eustis: My sisters feel strongly about the driveway, decided to drop the suit and appeal to you for the width reduction.

Michael Markoff, attorney for the Jones': We support the request.

Mr. Agrillo: I have a concern with emergency access and that you get a 10' wide fire truck and then an ambulance needs to get by, don't know if there's room.

Jon: The two shoulders are stable and flat.

Mr. Doucette: We will do a 12' width if the road is one way.

Jon: It doesn't work one way as it crosses private property in the back.

Mr. Doucette: Past practice is to bring the road up to subdivision standards after the 2<sup>nd</sup> house.

Chairman Farrell: 6-7 years ago Mr. Doucette and I took the largest fire truck down that road. The truck couldn't turn down a driveway, that's a concern. It's a quaint neighborhood and when another lot went in, we did a compromise to 16'. As a former public safety official, I have concerns.

Mr. Doucette: Coming out of the driveway onto Scraggy Neck Rd. there was a tree that prevented us from turning right (back lot) from the second access point.

Mr. Agrillo: They are going to be doing site work for the hammerhead so a truck can maneuver.

Mr. Clegg: The plan says 13', not 12'.

Chairman Farrell: That road varies, it's old and predated zoning.

Mr. Agrillo made a MOTION to keep it 12' up to the Jones' property line then pave 16' wide and the hammerhead constructed as per the plan.

Mr. Clegg: How do you envision a truck getting out?

Jon: The Fire Dept said it could be done. It was a general conversation with them, not site specific.

Mr. Doucette: Look at the tree on the back driveway as it's hard to get around.

The MOTION was seconded by Mr. Doucette with all in favor.

### **Public Hearing for a Change to the Zoning Bylaws:** DTN signage change.

Coreen: We have found the 6' height for signs is too restrictive especially on the outlying areas. We are changing it to 8'-12' depending on the characteristics. They will have to give a definition of where the height is coming from, mainly the gas stations.

Mr. Doucette made a MOTION to support. The MOTION was seconded by Mr. Clegg with all in favor.

Mr. Doucette made a MOTION to take the zoning map out of order. The MOTION was seconded by Mr. Clegg with all in favor.

### **Public Hearing for a Change to the Zoning Map:** Change a portion of land from B2 to B3.

Coreen: The change will make the area a continuous flow and will take the residential component out of it unless they have 10 acres of open space. The Town is looking for economic development and this is a good place.

Mr. Doucette made a MOTION to support. The Motion was seconded by Mr. Agrillo with all in favor.

**Public Hearing for a Change to the Zoning Bylaws:** Change height in B3 zoning district.

Coreen: We discussed with the Town Engineer about removing B1 zoning but we may want to leave it and research if any other areas of town need it.

Mr. Doucette: Allows relief for certain aspects, it's what we've discussed with the hotel/motel bylaw we are working on.

Jim Mulvey: I have concerns about allowing an unlimited height. A Board should not state they are pro-business, how can you look at something unbiased? Personally I'd like to see the height with no increase over 4 stories in downtown. We are still under the LCP. We want growth, yes, but appropriate growth.

Mr. Clegg: If going north on MacArthur Blvd, everything is B3 on the right, everything is B4 on the left. The height is 40' in B4.

Coreen: The height in the downtown area is already in place and not on the table and has been approved by the Commission. The only section is on the hill. The B4 abuts residential, the B3 abuts the base and UCT, it's an exclusive area and we don't really want to restrict that area as it gives businesses an opportunity to come to town.

Mr. Clegg: As a taxpayer I don't want unlimited height anywhere.

Jim: I'm concerned with the Town's character as a whole.

Mr. Doucette: The village character of buildings falling down is not what I want to see.

Chairman Farrell: Yes, I'm pro-business, we are in dire straits now, we can't offer the same services. Business doesn't impact services, they take care of themselves. I can read and interpret the rules as you saw tonight. I think we can do objectively. This is the last and largest track of land on the Cape.

Jim: Growth and taxes are important, but the type of growth is important.

Chairman Farrell: What other property in town do we have to bring growth to the town? Wastewater for downtown is the lynchpin. May be able to develop at much less cost than anticipated. We need tax relief and without increased growth and revenues, it's not going to happen. We need the opportunity for potential developers to come here.

Mr. Clegg: It's a pivot point to the future of Bourne. How high of a limit would you look at/live with?

Chairman Farrell: Flood plain, need relief for developers. Specific? I don't know, need to look at each project individually.

Mr. Doucette: They would have to prove to us with costs etc. that they need the height. We can balance height with more open space too.

Chairman Farrell: Special permit requires a super majority vote to pass.

Coreen: Downtown won't have the "tunnel affect" as we have a step back so the height isn't right on Main St.

Mr. Doucette made a MOTION to support. The MOTION was seconded by Mr. Strojny. The MOTION passed with five in favor, 1 opposed.

**Fees:** Annual review of Planning Board fees.

Ann: The only change is the mailing, instead of setting a set price, costs are always going up so I put 'current mailing fees'. Right now it's \$5.33 per envelope. The rest of the fees are similar to surrounding towns.

Mr. Doucette made a MOTION to approve. The MOTION was seconded by Mr. Clegg with all in favor.

Mr. Doucette made a MOTION to adjourn, seconded by Mr. Strojny with all in favor.

With no further business before the Board, the meeting was adjourned at 9:20.

Respectfully submitted, Ann Gratis