

## PLANNING BOARD MEETING MINUTES

January 8, 2015

**PRESENT:** Christopher Farrell, Daniel Doucette, Vincent Michienzi, John Howarth, Louis Gallo, Elmer Clegg, Daniel Chauvin, Shaun Handy (alternate)

**ABSENT:** Elmer Clegg

**STAFF:** Coreen Moore, Town Planner, Tim Lydon, Engineering Tech

**PUBLIC:** Mike Rausch, Jim Mulvey, Jon Fitch, Noreen Michienzi, Raul Lizardi-Rivera, John Marth, Elizabeth Ellis, Bob Prohett, 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. Michael Rausch of the Bourne Enterprise is recording the meeting also.

Chairman Farrell read an announcement about the Canal Area Transportation study meeting set for 1/15/15 at 7pm at the MMA. If you live in Bourne, I encourage you to attend.

Minutes of 12/11/14: Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Michienzi with all in favor.

**Request for Release of Bond:** Tern Way. Continued from 12/11/14.

Chairman Farrell read the letter from George Sala stating all issues have been resolved.

Mr. Howarth made a MOTION to release the bond. The MOTION was seconded by Mr. Doucette with all in favor.

**Request for Release of Covenant:** Finch Lane. Alan Sanders. All lots.

Ann explained that these lots have both been built on. The road is the access for Bourne Oaks.

Mr. Howarth made a MOTION to release the lots. The MOTION was seconded by Mr. Michienzi with all in favor.

**Request for Temporary Occupancy Permit:** 435 Shore Rd. Cumberland Farms.

John Marth, project manager, stated the landscaping won't be finished until Spring. The canopy over the gas pumps needed replacing, it was found to be structurally unsafe. We had a survey company out there today for the sidewalks and ramps. There is an issue with the Beach St crosswalk and the wall across the street. The ramp would have to go out into the street. We met with George Sala to discuss. We have provided a bond for landscaping, paving and ramp improvements for \$41,988. Cumberland Farms will improve the whole area at their expense. We are looking to open on Wednesday.

Chairman Farrell: You've answered some of my questions. We would like engineered plans for the intersection and I suggest adding an additional \$25,000 to the bond to hold up to three years but will release as work is done.

John: We feel the bond we provided will cover it.

Mr. Doucette: So the bond you posted already covers the site plan and sidewalks?

John: Yes.

Mr. Doucette: Can we hold back \$25,000 for those improvements? Would Cumberland Farms be willing to do that?

**Request for Temporary Occupancy Permit: 435 Shore Rd. Cont'd**

John: Holding \$25,000 won't allow enough to cover the other work.

Chairman Farrell: The Town budget has already been set for the sidewalk on Beach St. We can't have ADA on one side and not the other. To make it work it will take time. You've done a great job. Why not round up the bond to \$50,000 and hold up to 3 years.

John: I can agree to that.

Mr. Doucette: Have your engineers work with George Sala to coordinate with what the Town is doing.

Chairman Farrell: the stop sign on Beach St. is scary at that intersection. They were talking about moving it out more to make the walk ADA compatible.

Mr. Doucette made a MOTION to give the temporary occupancy permit pending we receive a \$50,000 bond. The MOTION was seconded by Mr. Agrillo with all in favor.

Mr. Agrillo and Mr. Michienzi recused themselves from the public hearing for #08-2013B and left the room.

Mr. Handy, alternate member, sat in on the hearing.

**Public Hearing for Amended Site Plan Review/Special Permit #08-2013B: 1 & 11 Trowbridge Rd and 9 Sandwich Rd. Michienzi. Traffic flow changes.**

Raul Lizardi-Rivera presented the plan highlighting the changes. Revisions had to be done during construction. The eastward curb cut on Trowbridge Rd was eliminated, the retaining wall extended and the drive made one-way. Sandwich Rd: the layout changed, the green space for the house was increased, and the drive was made one-way. The pavement was made wider and the walkway striped instead of concrete. The random landscaping didn't make sense that's why the increase in landscaping for the house.

Mr. Howarth: The site lines are good. The end of the parking lot is gravel, what will this be?

Raul: the gravel area is left for overflow parking. We have added vegetation all around the property. There is no intention to put a walk thru to the ball field. Shrubs will be planted in front of the building onto Sandwich Rd. We have them set back from the road as the house meets the back edge of the sidewalk.

Mr. Howarth: the change in the retaining wall is good. I think people will be pleased, better for safety. Where does the easement with the Board of Selectmen for Trowbridge Rd. stand?

Raul: We need additional talks with them. It's still pending.

Coreen: If emergency vehicles were needed and the parking lot was at capacity, the turning radius works. The two-way drive was just an option.

Mr. Chauvin asked with the easement issue was.

Raul: The driveway and parking in front of the building on Trowbridge Rd is in the road layout. We have permission for the grading, utilities and driveway.

Mr. Gallo asked if the drive-thru was one-way now.

Raul: yes as we eliminated the curb cut by the wall. All traffic along the front is now one-way. It's still wide enough for the ladder truck.

Chairman Farrell: what is the status of the MassDOT permit on Sandwich Rd?

Raul: we are waiting for their approval which should be any day. The work doesn't affect the curb cuts. Loam and seed were their only concern and that has been addressed.

Coreen: What are the square things in front of the building on Trowbridge?

Raul: Moveable planters, better for plowing and in lieu of landscape islands.

Chairman Farrell: Similar to what we approved at Cumberland Farms on Shore Rd.

Raul: We want to provide separation for the lane and parking.

Coreen suggested painting by the arrow on the ground "one-way".

**Public Hearing for #08-2013B: 1 & 11 Trowbridge Rd and 9 Sandwich Rd. Cont'd.**

Dave Dimick: Moving the line for the property was good. Would it be possible to move the parking spaces back further, would make it better looking. People would have to walk further to get to work. The landscape plan shows a pincushion every 3'. What kind of hydrangeas, rhodys, locusts?  
Mr. Howarth: We are held to the 350'. Parking if egress was both ways, would be a nightmare. Landscaping is mandated by our bylaws.

Noreen Michienzi: We ran out of time. Winter is here and we can't do everything now. The island on Trowbridge Rd. was just too big to go around.

Raul: There are 36 spaces on Sandwich Rd and 121 on Trowbridge Rd. We removed the 4 facing Sandwich Rd then added 4 to the Sandwich Rd. lot but they are more than 350' from the door.

Elizabeth Ellis: I want to thank Roger Laporte for staying on top of this project and commend the Planning Board for opening discussion. There have been many changes from the original site plan, they may be beneficial. I've never seen so many changes to a plan. Why weren't these problem recognized/remedied in the first place? Why didn't they get it right? I hope it's not rushed through to accommodate a fellow board member. Why have many of the changes been completed prior to board approval?

Mr. Chauvin: Construction is not perfection. It's difficult to see every obstacle. Changes to a site/building is standard practice.

Chairman Farrell: There have been other projects where the plans had to be changed mid-stream. Engineers can't see every nuance. The Sagamore flyover is a good example. It happens all the time.

Elizabeth: The original plan allotted a few spaces and a walk to the library, this was promised and approved. Did the library director/trustees request I be removed?

Noreen: In the beginning, we wanted to give 1/2 of the lot to the Town. One selectman said no thank you. We have offered parking for some events but there is the liability insurance. We can't do that now.

Jim Mulvey: So this is an after the fact filing? Most come to us before making changes.

Chairman Farrell: A bit of both. The landscaping needs to be completed and some work has been done.

Coreen: It's on my report. I looked at eth parking calculations and no waiver is needed.

Raul: This site is still under construction. Some site conditions have required changes. Those changes require amendments, that's why we're here.

Mr. Howarth: I had a project on Cranberry Hwy with a big retaining wall. The developer called and they needed to spray the gill with gunite before it fell down. Nothing is square or plumb.

Coreen: Mrs. Ellis stated "why we didn't catch this". I look at the plan to make sure it meets the bylaw. We make suggestions along the way but the plan may be better. We don't design their plans.

Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Chauvin.

Roll call vote as follows:

Mr. Doucette – yes	Mr. Handy – yes	Mr. Howarth – yes
Mr. Gallo – yes	Mr. Campos – yes	Mr. Chauvin - yes

Mr. Agrillo is back.

**Public Hearing for a change in the Zoning Bylaws:** Amend Section 2842 Performance Standards for Residential Uses in the Downtown District. *(full text available at the Town Clerk's office or Planning Board office)*

Coreen: Trying to help remedy issues for future developers, gives them options. When a development with residential aspect is over a certain threshold they need to provide 10% affordable units. This bylaw gives them the option to mitigate or provide the units off-site. Gives us choices too. WE can't take fees unless we have this on the books. Assisted living is a bit different. Enforcement in the future would be difficult to monitor. Every time a person left that unit, a new person would have to be certified.

Chairman Farrell: We used the Cape Cod Commission recommendation. Didn't they look at is as more service?

Coreen: The CCC doesn't review in the GIZ (Growth Incentive Zone). It got missed. There are 106 units. We could only do 126 for sewer, and the CCC deemed this type of development as commercial except the independent units.

Chairman Farrell: If we pass something, there is an appeal period. We missed this, but that appeal time went by many months ago. At what point in a timeline do we say enough is enough? The law says so many days, if not done in a timely fashion...we could go back years. I think this s wrong. We granted it, either we missed or decided not to do it, it's still a certain time period and that has elapsed.

Coreen: Anyone knows about the 20 day appeal period, that's how case law is made.

Chairman Farrell: Something like this bylaw is excellent for options.

Coreen: Good to have options. You'd have to provide those units otherwise. Opens for more people to use affordable housing. Kerry felt the applicant should ask for it from the Board if they want it. It would still need Board approval. We could add that, maybe do it on Town meeting floor.

Mr. Chauvin: I love this moving forward, our demographics show the vacancy rate is up.

Mr. Howarth made a MOTION to send to town meeting. The MOTION was seconded by Mr. Doucette with all in favor.

Mr. Howarth made a MOTION to adjourn. The MOTION was seconded by Mr. Doucette with all in favor.

With no further business before the Board, the meeting was adjourned at 8:25pm.

Respectfully submitted,  
Ann Gratis