

PLANNING BOARD MEETING MINUTES

March 10, 2016

PRESENT: Christopher Farrell, Daniel Doucette, Vincent Michienzi, Elmer Clegg, Joseph Agrillo, Stephen Strojny, John Howarth (8:45pm), Robert Gendron, Louis Gallo

STAFF: Coreen Moore, Town Planner

PUBLIC: Jim Mulvey, Greg Wirsen, Bill Grant, Heather Twiss, Sue Ross, Kerry Horman, Kevin/Kristina McLaughlin, Roger Forget, Roger Norgett, John Mancuso

Ann Gratis, Recording Secretary

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

This meeting was televised and recorded.

1/28/16 minutes: Mr. Doucette made a MOTION to approve with the suggested changes by Mr. Clegg. The MOTION was seconded by Mr. Strojny with 5 in favor, 3 abstentions.

Mr. Clegg further brought to the Board's attention that Chairman Farrell, at the February Special Town Meeting, misrepresented the Board's position with regard to Article VII in stating that the Board had given unanimous approval to removing height restrictions in B3 Zoning.

Due to a clerical error, the report should have read 5 in favor, 1 opposed.

2/11/16 minutes: Mr. Clegg made a MOTION to approve. The MOTION was seconded by Mr. Strojny with all in favor.

Access Determination: Road improvements to access 0 Rt. 28A (175 James West Rd, Falmouth). Property in in Bourne and Falmouth. Land listed as undevelopable.

Coreen: The road is not in good condition and has been to the Board many times since 1989. We are waiting to hear from the Fire Department. The road may get scraped once in a while.

Kevin McLaughlin: It's approximately 18' wide with packed gravel and has washed out under the power lines. It is in 8 years of disrepair.

Mr. Clegg: How far back of Rt. 28A is this?

Kevin: About ½ mile, its one lane wide then widens to 18'.

Coreen: This road also goes into Falmouth. In 2005 and 2007 the Falmouth Planning Board issued conditions and to coordinate with all Bourne departments.

Mr. Gallo: Option 1 for house placement is in an easement, do you own it?

Kevin: yes.

Chairman Farrell: James West Rd has properties in both towns. Without the Fire Dept. input, I caution the Board to grant approval, make sure you are comfortable with the access.

Kevin: The Fire Dept. said the road was fine until it washed out.

Coreen: No building permit until we receive the Fire Dept. letter.

Mr. Clegg made a MOTION to grant approval subject to a clearance letter from the Bourne Fire Dept before the building permit is issued and the Falmouth Planning Board conditions are met.

Chairman Farrell: Is there any fire suppression in the area?

Kevin: There is a hydrant on the corner of 28A and on Whimbrel Drive behind the property.

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

Public Hearing for Special Permit #01-2016: Bourne Housing Trust. For an affordable house on a non-conforming lot.

Sue Ross: We are trying to build a single family home on 31 Wing Rd. We've built 4 in Sagamore Beach, 1 in Buzzards Bay, 1 in Cataumet and 1 in Sagamore.

Kerry Horman: A few years ago we worked with the Planning Board and created a non-conforming lot bylaw which allows people to build an affordable house on a lot that would have been unbuildable.

Bourne Housing Trust Cont'd:

This is a nice lot 12,080sf and is typical of the area. WE want to land bank it until we find a couple of other lots and then go out to bid for all of them as it will save money. The house will be in the 1,400sf range and has been very successful and attractive properties. They fit with the neighborhood. The lot was originally perc tested in the front and the health agent asked us to perc the back where the system will go. That was done today and went great. This will be deed restricted in perpetuity and would not be allowed to have an in-law apartment. We're proposing to build a three bedroom but the buyer may need a fourth, if you have no objection we'd like to leave that open.

Mr. Gendron: The house you built on Old Plymouth Rd. came out beautiful. I worry about four cars egressing onto a single lane. I'd like to see the paving to acquire 2 cars wide.

Kerry: A garage is not likely, but we put it as an option especially for handicapped people that need shelter getting in/out of the vehicles.

Mr. Gendron made a MOTION to approve subject to the following conditions:

- There is a recorded deed rider
- Restricted to 1 single family dwelling
- No accessory dwelling allowed
- If the house is a 4-bedroom, the driveway will be paved for 2 cars wide

The MOTION was seconded by Mr. Doucette.

Margaret Stevens, abutter on lot 6: This house is only 16' from my driveway. I'm not happy with the siting of the house. It would be overshadowing my house, why can't it be moved over and back? Wasn't there a variance done before on this lot?

Coreen: The previous owner tried to get a variance and they withdrew. The Trust is the one ones that can do this as it was owned contiguously. Whoever lives in this house has to meet income requirements.

Mr. Strojny: How big is your lot (Lot 6) compared to this lot?

Kerry: Her lot is 10,498sf.

Mr. Clegg: Do you have the assessed value for Lots 6 and 8? How many bedrooms do you have on Lot 6? Answer – 3. What is the positioning on the lots?

Coreen: It's 80' from her house and 80' from the other house on lot 8.

Margaret: I would only be 26' away from the house.

Chairman Farrell: The bylaw allows 12' from the property line.

Mr. Clegg: Is the back point of the lot against the railroad right of way? – yes.

Mr. Agrillo: This house will fit in with the rest of the development.

Chairman Farrell: They meet the setbacks. If they go back further, it'll encroach on the septic.

Mr. Clegg: The reason I asked about the assessed value, would it make this overbearing to the adjacent property? Nothing stands out as overbuilt on that road, we could limit it to 3 bedrooms and no garage.

Kerry: We presented the largest possible house. We aren't adding a garage. It's for future if the owners wanted to. We located the septic systems because for families, a backyard is more valuable than a front.

Coreen: Driveways have to be kept 20' from a principal structure for an affordable.

Sue: WE ask not to have the garage restriction as we get handicap buyers; vets, etc. They need cover.

I'd opt to have a garage over the 4th bedroom.

Assessed values: Lot 6 - \$33,247. Lot 8 - \$272,100.

Mr. Clegg: We can set the price limit for a 3-bedroom affordable at \$225,000.

Bourne Housing Trust Cont'd:

Kerry: We usually market them around \$185,000 and they cost about \$220,000 to build. Would be \$290,000-\$350,000.

Roll call vote as follows:

Mr. Clegg – yes

Mr. Agrillo – yes

Mr. Doucette – yes

Mr. Michienzi – yes

Mr. Gallo – yes

Mr. Gendron – yes

Mr. Strojny - yes

Public Hearing for Site Plan Review #488: 220 Sandwich Rd. UCT. For a Solar Canopy over the parking lot.

Greg Wirson, Greenseal Environmental: We are proposing a 613kW solar car canopy over the parking lot. It will be steel frame and support with solar panels on top. The water sheds off onto the ground. There will be 30 casons reinforced with steel. The current lighting will be removed in that area and 20 LED structures will be mounted underneath the canopy. The trench will only be open a couple of days. Will coordinate with the school and have a control person on site. Looking to start late spring/early summer.

Mr. Strojny: I reviewed this project and we look at the health, safety and welfare of the public. What are the dimensions? Any consideration if it collapses?

Greg: 101'w x 440' L. It has to meet MGL as any other structure. There is still lots of engineering to be done before applying for a building permit. The panels, structures and trenching was all detailed on the plans. There is already a transformer on site. The inverters are mounted high up. Similar to Hydroid. We will work with the Fire Dept on what they want. There will be a travel lane in the middle of the area.

Mr. Strojny: Erosion and lighting have been addressed.

Mr. Clegg: Will it be a flat roof?

Greg: It's a support structure, not a roof. It has a dual incline and pitches to the center.

Tom Pappas, abutter: My issue is the trees in the back about 1.5 acres were cleared with no permits and they removed trees on my land as well. There is no buffer anymore. The school says they have no money to put them back but they have millions to put into this project. I've been fixing erosion issues caused by this for the last year and a half.

Roger Norgett, Assistant Superintendent: This is a back and forth between the school and Mr. Pappas. It has nothing to do with this project.

Tom submitted a plot plan showing the disturbance.

Greg: It's 40' +/- to the property line. The height is 20.1' on that side.

Mr. Agrillo: I don't think the trees would be an issue.

Greg: They wouldn't be. This is a \$2 million project. I'm doing the infrastructure.

Mr. Michienzi asked how high the casons will be?

Greg: 2-3 feet.

Mr. Clegg: This rendering we've seen, the trees are no longer there?

Greg: We did Google maps when we did the renderings. Some of these trees probably don't exist today.

Mr. Agrillo: I propose bringing in a landscape plan with more details on the lot line.

Coreen: Tim reviewed this. I didn't realize it was 613kW. Anything over 250Kw needs to be in a Solar District. I know they have school protection, I just want to make sure it doesn't trigger the Cape Cod Commission.

220 Sandwich Rd. UCT - Solar Cont'd:

Greg: It's not a ground array structure like in the bylaw so it doesn't fall under that. We are not taking away any land area or parking.

Mr. Strojny: I don't think the Planning Board should get involved with the dispute as it's not in the scope of our review and it doesn't trip the CCC. The school falls under the Dover Act unless there are concerns with health and welfare.

Mr. Strojny made a MOTION to approve subject to the following conditions:

- Fire Dept. approval
- Clarification of complete construction needs to be submitted

Tom: I have a bunch of houses going on this property and I'm not going to be able to sell if this is endorsed.

Chairman Farrell: When did the trees come down?

Tom: I have a lawsuit ready to go. The school said they would take care of it and it never happened.

Mr. Agrillo: Regardless of the dispute, a buffer should be required.

Roger: There is a third party involved with the project, investor.

Mr. Michienzi: What about a berm with trees?

Tom: They put in fill where there was none. This will get worse if passed.

Mr. Agrillo: The lighting is an improvement.

Greg: They will be mounted at 15' and go straight down.

Mr. Strojny: The lighting plan is very comprehensive.

Mr. Clegg: I agree with Mr. Agrillo. When we reviewed the campground, we made them put in trees for a fence. Here is a 20' structure, some infill of trees in in order.

Greg: I can't commit to any other infrastructure at this time.

Chairman Farrell: This is going on the existing parking lot, no other disturbed area. Should there be some sort of screening? What is the gravel area used for?

Roger: Additional parking.

Mr. Agrillo: is there a buffer on your plan?

Tom: My road will come up and the trees on the plan aren't there anymore. I think the Planning Board should have had been involved for the cutting of trees, and creating drainage.

Coreen: Your jurisdiction is safety, public health. We review parking lots, egress, etc. not trees.

Chairman Farrell: Is the gravel lot being used?

Roger: No.

Greg: My lease is associated with the area of where I maintain the canopy, electrical. If you require a landscape plan, it would have to be in my area.

The MOTION was seconded by Mr. Gendron. MOTION passes with 5 in favor, 3 opposed.

Public Hearing for Site Plan Review #489: 220 Sandwich Rd. UCT. For a 3,800sf Information Technology classroom building.

Chairman Farrell: There has been a lot of back and forth on this. When was this plan submitted to the Town Planner?

Coreen: It came in late yesterday. I'm trying to find out if the parking is sufficient.

Roger: There is no parking, just classrooms.

Mr. Doucette: You're adding 3,800sf, a drainage field, subsurface or catch basin. Need to have a discussion with the Fire Dept. about circulation and access.

Chairman Farrell: A late submittal is not fair to the staff or the Board. The deadline is Monday at noon. I'm asking to continue this to give the proper time to review. The next meeting date is March 24th.

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

Public Hearing for Special Permit #02-2015: Cont'd from 11/12/15. 23 Main St. Bay Village Auto. For multiple food carts.

John Mancuso, owner

Coreen: Since the last time he was here the DRC had discussed the signs and made a recommendation about the food trucks.

John: I don't have a store for food, this would be a good way to attract people to the site. It's not a canteen truck, similar to Big Daddy's real food truck. I thought the truck needed a permit, but it's me, the owner. It's a food attraction without a lot of capital. I don't want headaches, when I choose the final truck, I'll get approval from the DRC.

Chairman Farrell: It's a third party truck that will lease from you.

John: The DRC will allow one truck for the first year and more after that if it goes well.

Coreen: The special permit would be for one year, then look at it and consider another truck. The DRC is concerned with pedestrian and vehicular traffic/circulation on that site. If a truck stays in place for more than 15 minutes, it has to be permitted.

Coreen: The special permit would be for one year, then look at it and consider another truck. The DRC is concerned with pedestrian and vehicular traffic/circulation on that site. If a truck stays in place for more than 15 minutes, it has to be permitted.

John: I want a good truck that I can be proud of.

Chairman Farrell: A condition would be that this Board see what it is before you finalize.

Mr. Michienzi: I feel the trucks take away from the store overall.

John: I intend to build the site eventually, looking at five years.

Coreen: There would be a fenced in seating area similar to the Buzzards Bay Tavern. He can ask to amend the special permit after one year.

Mr. Michienzi: How does this benefit the Town?

Coreen: Trucks are emerging, there is even a food truck event at the fairgrounds every year because they are getting so popular. The population likes them but they need to be quality trucks/food if serving the public. They are providing a service. Small amount of taxes, it's an amenity.

Mr. Agrillo: Sanitary issues, how are the bathrooms? Water supply?

John: I have it all set.

Mr. Howarth: Mike Penner put up trucks on his property and they only lasted one season and they were expensive, high quality. I was against the ones at the park and the sausage carts. Not my vision of Main St.

23 Main St. Bay Village Auto Cont'd:

Mr. Doucette made a MOTION to approve subject to the conditions of the DRC and the applicant comes back if the truck changes, the permit is only good for one year and has to come back to extend. The MOTION was seconded by Mr. Clegg with the amendment to add: the first truck needs to be approved by this Board as well as the DRC. Mr. Doucette seconded the amendment to the MOTION.

Roll call vote as follows:

Mr. Clegg – yes	Mr. Agrillo – no	Mr. Doucette – yes
Mr. Michienzi – no	Mr. Howarth – no	Mr. Gallo – yes
Mr. Gendron – yes	Mr. Strojny – yes	Mr. Farrell – no

MOTION does not pass.

Chairman Farrell: This isn't what we envisioned for Main St.

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

With no further business before the Board, the meeting was adjourned at 9:00pm.

Respectfully submitted,
Ann Gratis