



TOWN OF BOURNE Planning Board



NOT TOWN HALL NOT AN 24 PERRY AVE. AN OFFICE BUZZARDS BAY, MA 02532 OFFICIAL PHONE 508-759-0615 ext 5 FAX: 508-759-0611

2010 MAR 26 PM 3:55

04-23-2010 @ 01:00p

TOWN CLERK'S OFFICE NOT

NOTICE OF DECISION

OFFICIAL OFFICIAL COPY Special Permit No. 04-2010 PY

The Planning Board, acting in their capacity as Special Permit Granting Authority in accordance with the Zoning Bylaw of the Town of Bourne, held a Public Hearing, concerning the following matter as more fully set forth in an Application for Special Permit dated February 25, 2010 along with Plans, Reports and Memorandum filed therewith, all of which are on file for public inspection at the offices of the Planning Board, Town Hall, 24 Perry Avenue, Buzzards Bay, Massachusetts.

Applicant: Deborah Larsen, 502 Village Drive, Bourne MA 02532
Owner: Tim Cornu, 1 McHugh Lane, Hopkinton MA 01748
Subject Property: 440 Shore Rd., Bourne MA 02532, Map 30.4 Parcel 290, VB (village business zone)
Date of Hearing: Opened & Closed on 03/25/10
Place of Hearing: Bourne Community Building, 239 Main St., Buzzards Bay MA 02532

I. PROCEDURAL HISTORY / FINDING OF FACTS

Based upon its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board found and concluded that:

- 1. That the site is located 440 Shore Rd., Bourne, MA, and is located within the VB zone. It is shown on Assessors Map 30.4, Parcel 290. The site is owned by Tim Cornu.
2. The site is located in a FEMA floodplain and a Water Resource District.
3. The application is for a vegetable market with apartment above and hot dog stand outside pursuant to Section 4250 (village mixed use development) of the Bourne Zoning By-Laws.
4. The application was received on February 25, 2010. A public hearing on the Special Permit application was opened and closed on March 25, 2010.
5. This application is accompanied by an undated site plan and floor plan.
6. Building is located on a 15,883 s.f. parcel.
7. There is a deeded easement from Penn Central RR and New England Telephone for use of the platform.

8. The applicant will need a variance from the ZBA as the lot is less than the required 20,000sf. N O T N O T

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9. Notice of said hearing was given as provided by the Massachusetts General Laws Chapter 40A, Section 1C, by mailing and publication. C O P Y

**II. STATEMENT OF APPLICABLE LAW**

N O T

Based on the Special Permit criterion and its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board finds that the project is consistent with Sections 1330 and 4250 and will not have an adverse affect which overbalance its beneficial effects.

**III. CONDITIONS**

- The project must meet the requirements of the Bourne Fire Dept.;
- The applicant will provide three (3) parallel parking spaces to the right of the current building for parking for employees and the renter of the apartment;
- The applicant will provide a sign prohibiting parking within 30' of Worcester Ave.;
- The applicant will provide five (5) angles parking spaces with wheel stops to the left of the building. The space closest to the building to be an 8' wide van accessible handicapped parking space with signage;
- Any outdoor sales of goods to be restricted to :”foodstuffs”, such as produce, coffee, hotdogs and canned and jarred “goods”. Outdoor sales of non foodstuffs such as, but not limited to; clothing, furniture, appliances and other house wares is prohibited without future review of the Planning Board;
- All outdoor sales will be restricted to the existing covered structure (platform) to the right of the building;
- The applicant must provide an enclosed structure for trash and trash barrel storage;
- That overnight storage of “goods” and associated displays outside is prohibited

**IV: MOTION:** Mr. Shearer made a MOTION to APPROVE Special Permit #04-2010 for 440 Shore Rd., Bourne, MA, stating the facts listed in the findings of this decision. The MOTION was seconded by Mr. Howarth. A Roll call vote to Approve Special Permit #04-2010 is as follows:

**BOURNE PLANNING BOARD**

**ROLL CALL VOTE**

Mr. Howarth - yes	Mr. Jensen - yes
Mr. Doucette - yes	Mr. Gallo - yes
Mr. DuBerger - yes	Mr. Shearer - yes

Christopher Farrell, Chairman

IMPORTANT:

Any appeal from the decision of the Planning Board can be made only to the court, and must be made pursuant to M.G.L. Chapter 40A, Section 17 as amended, and must be filed within twenty days after the date of the filing with the Town Clerk.

O F F I C I A L C O P Y O F F I C I A L C O P Y

COMMONWEALTH OF MASSACHUSETTS

N O T

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Barnstable, ss

O F F I C I A L

O F F I C I A L

March 26, 2010

C O P Y

C O P Y

Then personally appeared before me, Christopher Farrell, a member of the Planning Board of the Town of Bourne, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed before me.

*Ann J. Gratis*

Notary Public

My Commission Expires: April 29, 2016



Filed with the Town Clerk on March 26, 2010.

**I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Bourne and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.**

*Kenneth H. Larsen*  
Town Clerk of Bourne

**TOWN OF BOURNE**  
 N O T N O T  
 A N **Planning Board** A N  
 O F F I C I A L B o u r n e T o w n H a l l O F F I C I A L  
 C O P Y 24 Perry Avenue C O P Y  
 Buzzards Bay, MA 02532  
 Phone: (508) 759-0615 Fax: (508) 759-0611  
 A N A N  
 O F F I C I A L O F F I C I A L  
 C O P Y C O P Y

March 26, 2010

Special Permit #04-2010

**NOTICE FOR RECORDING IN THE REGISTRY OF  
 SPECIAL PERMIT #04-2010**

Notice is hereby given that the Special Permit #04-2010 has been approved with the statutory requirements as set forth in Chapter 40A as amended:

TO: Deborah Larsen, 502 Village Drive, Bourne MA 02532

Premises Affected: 440 Shore Rd., Bourne MA, Map 30.4 Parcel 290

The record title to the premises is in the name of: Tim Cornu, 1 McHugh Lane, Hopkinton MA 01748

The decision of said Board is on file with the papers and plans in the office of the Town Clerk.

Signed and certified this twenty-sixth day of March of the year 2010.

BOURNE PLANNING BOARD

*Christopher Farrell*

Christopher Farrell, Chairman

**I hereby certify that 30 days have elapsed after the decision was filed in the office of the Town Clerk of Bourne and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.**

*[Signature]*  
Town Clerk



PB - Special Permit Decision 04-2010 - 440 Shore Rd  
Larsen