

Town of Bourne Zoning Board of Appeals

Meeting Minutes

Virtual Hearing via Zoom

November 17, 2021

Meeting ID: 817 8179 4218

TOWN CLERK BOURNE

2022 JAN 20 AM 10:20

RECEIVED

1. Call to order

Chair Jim Beyer called to order the meeting of the Zoning Board of Appeals at 7:00 PM on November 17, 2021. Mr. Beyer explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

Mr. Beyer announced the meeting was being recorded and some attendees are participating by video conference. He explained the ground rules associated with conducting the remote meeting, he confirmed the members of the board who were present, identified the building inspector and verified a representative was present for each filing listed on the agenda.

Michael Rausch indicated he was recording the hearing.

Members Present: Jim Beyer, Chris Pine, John O'Brien, Wade Keene, Harold Kalick
Associate Members Pat Nemeth and Karl Spilhaus.

Members Excused –None.

Also Present: Ken Murphy.

Agenda Items

- 2. 4&6 MacArthur Blvd- Requesting an extension of a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 10 to permit the construction of a convenience store more than thirty-five (35') feet in height for a post-construction height of thirty-eight and one half (38.5') feet.**

Materials: Letter to the Board requesting a six-month extension of Variance Final Decision 2016-V21.

Doug Troyer of Moriarty Troyer and Malloy LLC. Representing Cumberland Farms gave an overview and brief history of the variance and extension request.

Mr. O'Brien and Mr. Troyer discussed why this project has been in court for 5 years.

Mr. Kalick expressed concern about the height of the building. Mr. Troyer reviewed that they are proposing a lower height to the Planning Board.

Ms. Nemeth felt 5 years is too long to continue a variance and is against approving it.

Mr. Troyer again explained the reasoning for these variances and the upcoming hearing in December with the Planning Board.

Mr. O'Brien reiterated that if the Board votes no it will not change the outcome as it is in the courts.

Mr. Beyer asked if there were any questions from the Public. There were none.

Mr. O'Brien made a motion to approve 4&6 MacArthur Blvd's request for an extension of a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 10 to permit the construction of a convenience store more than thirty-five (35') feet in height for a post-construction height of thirty-eight and one half (38.5') feet. Mr. Pine seconded. **Roll call vote: Mr. Pine- Yes, Mr. Kalick- no, Mr. Keene- no, Mr. O'Brien- yes, and Mr. Beyer- yes.**

Mr. Beyer will be wiring the decision.

3. 230 Sandwich Rd, Chase Estates, Request to amend the Comprehensive Permit No. 08-18. (Continued from 10.20.21)

Materials: Notice of Project Change (July 2021), proposal from the peer reviewer Thomas Houston, Renderings and Slope Protection plan.

Mr. Beyer requested better copies of the cut and fill diagram. He stated he agrees with the peer review but they were waiting for updated agency comments. Mr. Beyer asked Mr. Murphy where the Board stands with those.

Mr. Murphy stated the site visit is scheduled for the next day and departments will produce comment at that time.

Ms. Nemeth received the cut and fill diagram but the quality and size of the electronic submission is poor. She requested a full scale set of plans to be provided in both electronic and paper form. She also requested a cross section of this cut and fill diagram.

Mr. Beyer commented he is looking for the principle of the schematic design.

Attorney Drew Hoyt representing the applicant introduced the architect, George Gakidis.

George Gakidis, 215 Onset Ave, Onset MA was available to answer questions.

Mr. Beyer again reiterated the request for a drawing that shows what the buildings look like on the site.

There was a discussion between the Board members and Mr. Gakidis in regards to that request for the section elevation of the entire development.

Attorney Hoyt gave an update sharing for the Fire Department the clarity of the grade of the street and specifications for ambulance or fire truck to take a right hand turn. He also shared they will be on the agenda for the upcoming water department hearing.

Mr. Beyer Entertained a motion to continue 230 Sandwich Rd, Chase Estates, Request to amend the Comprehensive Permit No. 08-18 to December 15, 2021. **Mr. O'Brien made a motion. Mr. Keene seconded the motion. Roll call vote: Mr. Pine- Yes, Mr. Kalick- yes, Mr. O'Brien- yes, Mr. Keene and Mr. Beyer- yes.**

4. Cape View Way 40B, Comprehensive Permit (#2021-CP06) to construct and operate 51 affordable rental units on 2.94 acres. (Continued from 11.03.21)

Materials: Response to Peer Review Comments letter with attachments, Revised Cape View Way Permitting Plans, Revised Stormwater Report, including the Operation and Maintenance Plan, Revised Zoning Bylaw waivers list, Revised Subdivision Regulation waivers list, Peer Review of the second submittal of Civil Engineering Design/Septic Design.

Mr. Beyer reviewed there was a work session on November 12, 2021 and felt it was productive and the applicant addressed the concerns brought forth by the Board.

Peter Freeman, of Freeman Law Group, representing the applicant, shared who was present from his team for the hearing.

David Quinn, Director of Housing Development at HAC and representing POAH and HAC, gave a review of the last meeting and how they applied the comments to the new plan. He stressed the impact reducing the number of units has on the project overall.

Mr. Freeman shared he will be sending in an updated draft decision with a condition about landscaping and fencing.

Brian Kuchar, Associate Principal and Associate Engineer for Horsley Whitten Group, shared his screen to review the updated site plan. He reviewed the following;

- Units reduced from 51 to 42
- Compact parking spaces removed (12)
- Parking ratio increased from 1.6 (89 spaces for 51 units) to 1.7 (73 spaces for 42 units)
- Building footprint reduced by approx. 1,600SF
- Wastewater flow reduced by 1,100 gallons per day
- Leach field area reduced by approx. 2,100SF
- Building moved out of 15ft rear setback along north property line
- Retaining wall along south property line moved south and increased in height.

He also showed the cross section of the proposed retaining wall.

Ms. Nemeth asked if an updated landscaping plan will be available. Mr. Kuchar replied there will be. She stated she is very pleased with the design but would like to see benches on a future plan.

Michelle Waldon Associate Principal of Icon Architecture, shared her screen to show how and where they reduced the unit size.

Board members praised the revised plans.

Mr. Pine questioned how the changes will affect the water needs for the projects.

Mr. Freeman stated the water needs are reduced, the superintendent of the water district attended the zoom workshop and is present this evening.

Mr. Beyer confirmed front and side yard setbacks are now met.

Mr. Kalick questioned the vehicle access to the rear of the complex for emergency access.

Mr. Murphy stated he had spoken with the Fire Department and since the building is fully sprinkled there is no need for vehicle access to the rear.

Mr. Freeman and Mr. Kuchar identified where the communal areas and open space are outside the complex.

Corey Fellows, Vice President of Real Estate at POAH, stated they are willing to provide benches and more detail at a later hearing.

Mr. Kalick asked if there is any guest parking.

Mr. Freeman replied they are unsure if there will be designated spaces but acknowledged the increase in parking ration.

Mr. Fellows stated they do designate guest parking areas and will clarify what that looks like in future designs.

Mr. Beyer asked if there were any questions from the Board. There were none.

Mr. Beyer asked if there were any questions from the Public.

Charles Sabbot, of Tudor Cherry Investors LLC, shared they had arrived at an agreement with the applicant to ensue screening and fencing. He will submit a condition with 2 attached exhibits showing plan and fencing.

Ms. Nemeth stated the Town had adopted a green energy stretch code affective July 2022 and would like a presentation on what environmental designs will be included.

Mr. Beyer and Mr. Murphy clarified if the permit were issued prior to July 2022 they would not be required to adhere to these requirements.

There was a discussion of the timeline for permitting process.

Mr. Fellows stated they can review the energy efficient details at a future hearing.

Mr. Beyer summarized that the Board is impressed but still needs to see a few things:

- **Revised landscape plans**
- **Elevation of the retaining wall**
- **Explanation of green design element efforts**
- **Guest parking**

Mr. Kalick asked to see the interior common spaces. Ms. Waldon shared her screen to identify these spaces.

Mr. Beyer entertained a motion to Cape View Way 40B, Comprehensive Permit (#2021-CP06) to construct and operate 42 affordable rental units on 2.94 acres continuance to December 1, 2021. **Ms. Nemeth made a motion. Mr. Pine seconded the motion. Roll call vote: Mr. Pine- Yes, Mr. Kalick- yes, Mr. O'Brien- yes, Mr. Keene and Mr. Beyer- yes.**

Old Business – None.

New Business – None.

Public Comment – None.

Adjournment –

Mr. Beyer entertained a motion to adjourn the hearing. Mr. Kalick moved, Mr. O'Brien seconded to adjourn the meeting. Roll call vote: Mr. Pine- Yes, Mr. Kalick- yes, Mr. O'Brien- yes, Mr. Keene and Mr. Beyer- yes. The meeting adjourned at 8:25pm.

Respectfully submitted,
Cassie Hammond