TOWN OF BOURNE
Planning Board

TOWN HALL
24 PERRY AVE.
BUZZARDS BAY, MA 02532
PHONE: 508-759-0600 ext. 1335



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Bk 32617 Pg139 #1755
01-13-2020 @ 11:05a

NOTICE OF DECISION

Site Plan Review/Special Permit No. 04-2019

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 Site Plan Review/Special Permit dated February 25, 2019 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.

Owner/Applicant:	Greg Wirsen - 21 Hunters Brook Rd, Inc. 323 Manley St, West Bridgewater, MA 02379
Subject Property:	21 Hunters Brook Rd, Sagamore Beach, MA, 02562, Map 11 Parcel 27 located in an R-40 (Residential) and B-2 (Business) Zone and the Senior Care Overlay District (SCOD)
Date of Hearing:	Opened on 11/14/19 & Closed on 12/12/19
Place of Hearing:	Bourne Veteran's Community Building, 239 Main St, Buzzards Bay, MA 02532

Bk 30451 Pg 57

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. The property is located at 21 Hunters Brook Road, Sagamore Beach, MA, 02562, and is located in an R-40 (Residential) and B-2 (Business) Zone and the Senior Care Overlay District (SCOD). It is shown on Assessor's Map 11 Parcel 27 and is owned by 21 Hunters Brook Rd., Inc.

2. The application is to develop a medical office building, a Continued Care Retirement Community and 15 age restricted townhouses. The project is being reviewed pursuant to sections 1230 – Site plan Review and Special Permit criteria of 1331 and section 4800 Senior Care Retirement Community.

3. The property is currently undeveloped and forested and contains 10.95 acres with a wetland to the west along Canal Street

4. The project was a Development of Regional Impact (DRI) and was reviewed by the Cape Cod Commission and approved with conditions on 7/11/19.

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.

Barry H. Johnson
Town Clerk of Bourne

5.

6. Notice of the public hearing was given as provided by Massachusetts General Laws, c. 40A, section 11, by mailing and publication.

II. STATEMENT OF APPLICABLE LAW

Based on the Special Permit criterion and its review of the exhibits, testimony of witnesses and the record of the proceedings, the Planning Board has found that the project meets the Special Permit criterion of section 1238, 1331, and 4840 and will not have an adverse effect which overbalance its beneficial effects.

III. TERMS:

All documents/plans submitted as part of the Cape Cod Commission review packet along with all documents and plans submitted to the Planning Board shall be incorporated into this decision and is subject to use as enforcement of this decision. Any deviation requires resubmittal and approval by the Planning Board.

IV. CONDITIONS:

1. All work authorized under this approval shall be in accordance with the application, supportive materials and testimony of the owner and its representative.

2. Construction vehicle access to the site is permitted from Hunters Brook Road only during initial site clearing and construction of the bridge. Once the bridge is constructed, all site access will be via the Canal Street entrance, including access for residential construction of the townhouses. The Developer will be held responsible for directing all construction and delivery vehicles to approach the site using Canal Street. Construction/delivery vehicles exceeding 18,000lbs GVW shall be prohibited on Hunters Brook Road except during initial site clearing and bridge construction.

3. Dust control shall be maintained on site at all times during construction Local roads shall be swept as needed, but no less than once a week.

4. A 100 foot vegetated buffer from Hunters Brook Road layout line shall be maintained throughout the project with exception of the residential roadway. Residential units closest to Hunters Brook Road which require clearing within the 100 foot buffer shall be constructed last. Underbrush in the buffer area shall be cleared after residential construction is completed.

5. Parking on Hunter's Brook Road and Patty's Way by construction site vehicles is prohibited following initial site clearing and bridge construction.

6. Exterior site work and building construction shall be performed between the hours of 7:00 am and 6:00 pm, Monday through Saturday. No construction equipment shall be operated outside a buildingon Holidays or Sundays.

7. The roadway servicing the residential units shall be named and approved by the Board of Selectmen. House/street numbers shall be assigned by the Town Engineer before building permits are issued.

8. An abutter's contact list including email address and cell phone numbers shall be solicited from both direct abutters and concerned neighborhood residents, upon agreement of those wishing to be notified. Listed members shall be notified fourteen (14) days before work begins within the right of ways surrounding the project. The list shall be retained to disseminate information concerning unplanned emergency's affecting the surrounding right of ways.

9. Debris or trash that becomes a nuisance to abutters or blows into the roadway shall be removed immediately upon notification by the Town.

10. Site work limit shall be staked before site work commences and maintained at all times. If the work limit perimeter is changed, the Planning Board or its designee shall be notified immediately.

11. An asbuilt plan shall be submitted to the Planning Department at the completion of the following phases and may trigger Planning Board project review for each completed phase. The Project Engineer shall submit a written statement, with seal/stamp affixed, certifying that all work has been done in accordance with the approved plans and conditions of this Approval.

    a. Access Bridge Construction
    b. Medical Office Building construction
    c. Continuing Care Retirement building construction
    d. Residential Unit construction and project closeout

12. DPW Superintendent to inspect catch basins down gradient from the construction sites prior to construction and the project engineer to certify catch basins are operational after construction of access bridge and prior to occupancy permits on medical office building, continue care retirement building and residential townhouse units. If found compromised, the applicant will make corrections i.e. Cleaning, etc.

13. This approval shall lapse after two years from the granting of this special permit if substantial construction has not commenced except for good cause. The Planning Board upon the written request of the owner/applicant may for good cause, extend the approval in writing.

14. The applicant/owners/construction site manager shall arrange and conduct a monthly construction briefing with appropriate town officials. The frequency of the meetings can be reduced or increased as appropriate by the Building Inspector.

15. A plan showing a defined limit of work must be submitted prior to issuance of a building permit.

MOTION:

Mr. Doucette made a MOTION to Approve Site Plan Review/Special Permit #04-2019 in accordance with the above findings, and terms. The MOTION was seconded by Mr. Clegg. A Roll call vote to Approve Site Plan Review/Special Permit #04-2019 is as follows:

BOURNE PLANNING BOARD **ROLL CALL VOTE**

Mr. Carroll – no	Ms. Azarovitz - yes	Ms. Goldstein - no
Mr. O'Connor – yes	Ms. Brown – yes	Mr. Gallo - absent
Mr. Doucette – yes	Mr. Clegg – yes	Mr. Strojny – yes
Mr. Meier (alternate) - yes		

Steven Strojny, 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.

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.

BOURNE

Town Clerk of Bourne

TOWN OF BOURNE
Planning Board

BOURNE TOWN HALL
24 PERRY AVENUE
BUZZARDS BAY, MA 02532
PHONE: (508) 759-0600 EX. 1335



December 19, 2019 **Site Plan Review/Special Permit #04-2019**

NOTICE FOR RECORDING IN THE REGISTRY OF SITE PLAN REVIEW/SPECIAL PERMIT #04-2019

Notice is hereby given that the Site Plan Review/Special Permit #04-2019 has been approved with the statutory requirements as set forth in Chapter 40A as amended:

TO: 21 Greg Wirsen - Hunters Brook Rd, Inc. 323 Manley St, West Bridgewater, MA 02379

Premises Affected: 21 Hunters Brook Rd, Sagamore Beach, MA, Map 11 Parcel 27 located in an R-40 (Residential) and B-2 (Business) Zone and the Senior Care Overlay District (SCOD)

The record title to the premises is in the name of: Greg Wirsen - 21 Hunters Brook Rd, Inc. 323 Manley St, West Bridgewater, MA 02379

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

Signed and certified this nineteenth day of December of the year 2019.

BOURNE PLANNING BOARD

Steven Strojny, Chairman

Certificate of the Town Clerk for Filing of Decision in the Registry

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.

Barry H. Johnson

Town Clerk

Barry H. Johnson

Town Clerk of Bourne

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

Daniel Doucette
Chair

TOWN OF BOURNE
Planning Board

TOWN HALL
24 PERRY AVE.
BUZZARDS BAY, MA 02532
PHONE: 508-759-0600 ext. 1301



NOTICE OF DECISION

Extension of Site Plan Review/Special Permit No. 04-2019X-A

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 Extension of Site Plan Review/Special Permit dated December 15, 2023 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.

Owner/Applicant:	21 Hunters Brook Road, Inc. P.O. Box 58, Assonnet, MA
Subject Property:	21 Canal Street (formerly 21 Hunters Brook Rd), Sagamore Beach, MA, 02562, Map 11 Parcel 27
Title Reference:	Book 30451 Page 57
Date of Hearing:	Opened & Closed on 01/25/24
Place of Hearing:	Bourne Community Building, 239 Main Street, Buzzards Bay, MA Zoom Remote Access Meeting ID: 872 7853 7439 Passcode: 363656

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. The property is located at 21 Canal Street (formerly 21 Hunters Brook Road), Sagamore Beach, MA, 02562, and is located in an R-40 (Residential) and B-2 (Business) Zone and the Senior Care Overlay District (SCOD). It is shown on Assessor's Map 11 Parcel 27 and is owned by 21 Hunters Brook Road, Inc.

2. The application is to extend the original special permit (#04-2019) approved on 12/12/19 in addition to the first Extension of Site Plan Review/Special Permit (04-2019X) approved on 11/18/21 due to COVID 19 related delays.

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3. The project is to develop a medical office building, a Continued Care Retirement Community and 15 age restricted townhouses. The project is being reviewed pursuant to sections 1230 – Site plan Review and Special Permit criteria of 1331 and section 4800 Senior Care Retirement Community.

4. The property is currently undeveloped and forested and contains 10.95 acres with a wetland to the west along Canal Street

5. The project was a Development of Regional Impact (DRI) and was reviewed by the Cape Cod Commission and approved with conditions on 7/11/19.

6. Notice of the public hearing was given as provided by Massachusetts General Laws, c. 40A, section 11, by mailing and publication.

II. STATEMENT OF APPLICABLE LAW

Based on Section 1333, the Special Permit Granting Authority, if substantial use has not commenced, or if in the case of a permit for construction, if construction has not begun, may for good cause, by a majority vote, grant the holder of said special permit additional time, to time certain, to exercise the rights under said permit, provided the holder of the permit has timely requested such extension in writing to the Special Permit Granting Authority.

After a review of exhibits, testimony of the applicant and witnesses and the record of proceedings, the Planning Board found that the request for an extension was for good cause.

III. CONDITIONS:

1. This permit is subject to all Rules, Regulations, & Bylaws of the Town of Bourne.
2. A two (2) year extension is granted.
3. All conditions of the original special permit are incorporated herein.
4. Applicant to provide a written update to the Planning Office/Planning Board on the status of the project in one year.

IV. MOTION:

Mr. Farrell made a MOTION to approve Extension of Site Plan Review/Special Permit #04-2019X-A in accordance with the above findings and conditions. Mr. Robinson seconded the MOTION. A roll call vote as follows:

BOURNE PLANNING BOARD		ROLL CALL VOTE
Mr. Robinson – yes	Ms. Azarovitz – yes	Ms. Walton – yes
Mr. O'Connor – yes	Ms. Brown – yes	Mr. Duggan – yes
Mr. Doucette – yes	Ms. Wing – yes	Mr. Farrell – yes

The motion was unanimously approved.



Daniel Doucette, Chair

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.

TOWN OF BOURNE
Planning Board

BOURNE TOWN HALL
24 PERRY AVENUE
BUZZARDS BAY, MA 02532
PHONE: (508) 759-0600 EX. 1301



February 7, 2024 **Extension of Site Plan Review/Special Permit No. 04-2019X-A**

NOTICE FOR RECORDING IN THE REGISTRY OF EXTENSION OF SITE PLAN REVIEW/SPECIAL PERMIT

Notice is hereby given that the Extension of Site Plan Review/Special Permit #04-2019X-A has been approved with the statutory requirements as set forth in Chapter 40A as amended:

TO: 21 Hunters Brook Road, Inc. P.O. Box 58, Assonnet, MA 02702

Premises Affected: 21 Canal Street (formerly 21 Hunters Brook Rd), Sagamore Beach, MA, 02562, Map 11 Parcel 27

The record title to the premises is in the name of: 21 Hunters Brook Road, Inc.

Title Reference: Book 30451 Page 57

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

Signed and certified this seventh day of February of the year 2024.

BOURNE PLANNING BOARD

Daniel Doucette, Chair

Certificate of the Town Clerk for Filing of Decision in the Registry

Town Clerk