

Town of Bourne Zoning Board of Appeals

Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

November 1, 2017

I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on November 1, 2017. Ms. Kullar 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.

II. Members Present: Amy Kullar, Timothy Sawyer, Harold Kalick, John O'Brien, Associate Members, Kat Brennan and Deb Bryant

Members Excused: Wade Keene

Also Present: Roger Laporte, Carol Mitchell, Jim Mulvey (7:19), William Russell, Beth Russell, Richard Jason, Kathy Hallam and Mike Hallam.

Documents: Agenda, submitted documents pertaining to Special Permit, **2017-SP22**; abutters list, assessor's card, application, site plan, google directions, site photographs and assessor's map and submitted documents pertaining to Special Permit, **2017-SP23**; assessor's card, application, site plan, directions, site photographs, GFA calculation sheet, abutter's letter and assessor's map.

John O'Brien will be writing the Decisions.

III. Agenda Items

1. Approval of Minutes -

Ms. Kullar entertained a motion to approve the minutes of the October 18, 2017 meeting. After a brief discussion, **Mr. Kalick moved, Mr. O'Brien seconded to approve the minutes of the October 18, 2017 meeting as revised.** With no discussion, the motion carried. 6-0-0.

Sitting on this hearing; Timothy Sawyer, Amy Kullar, Harold Kalick, John O'Brien and Associate Member, Deb Bryant.

2. 165 Jefferson Road, Special Permit, 2017-SP22 – Requesting Special Permit under Section 1331, Section 2320, Section 2340 and Section 4900 of the Bourne Zoning

Bylaw under M.G.L., Ch. 40A, Section 9, to alter a pre-existing, non-conforming structure and change the use from seasonal to year-round.

William and Beth Russell addressed the board and discussed the proposed project. Mr. Russell stated they are seeking to renovate the interior of an existing cottage on their property. He and his wife are planning on renovating the main house; so, they would like to move into the cottage while the renovations on the main house are being performed.

Board Comment – Mr. O’Brien asked if the cottage is the building behind the larger one. Mr. Russell stated it is. He provided a brief history about the property.

Ms. Brennan asked if the cottage is a rental. Mr. Russell stated it is not.

Ms. Kullar stated under the Bylaw, Section 4900, a Board of Health (BOH) approval of the septic system is required. Mr. Russell stated the BOH has approved the septic. Ms. Kullar stated the written approval was not submitted with the application. Mr. Laporte asked if the BOH agent approved their existing system. Mr. Russell stated she approved the existing five bedroom septic.

Mr. Kalick asked how many bedrooms are in the cottage. Mr. Russell stated the main house has four bedrooms and the cottage has one bedroom. Mr. Russell submitted photographs of the cottage and the site for the record.

Mr. O’Brien asked if the work has already begun. Mr. Russell stated they obtained a Building Permit to replace a beam to reinforce the deteriorating floor. He stated the structure was built in 1923.

Ms. Kullar asked if it will ever be rented. Mr. Russell stated it will not be rented. He and his wife will be living in it just for the winter.

Ms. Bryant asked if the tax base will change by making it year-round. Mrs. Russell stated she wasn’t sure.

Mr. O’Brien questioned which section of the Bylaw applies to this project. Ms. Kullar pointed out the section in the Bylaw that refers to the project. Mr. Laporte explained Section 4900 relates to seasonal conversion.

Ms. Kullar asked if the outside of the structure will be altered or just the inside. Mr. Russell stated only the inside will be altered.

Mr. Sawyer asked if they plan on living in the cottage this winter. Mr. & Mrs. Russell responded that they do.

Public Comment – Mr. & Mrs. Hallam expressed support of the project. A brief discussion transpired with regard to the lack of year-round residents in their neighborhood.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O'Brien moved, Ms. Bryant seconded to close the public hearing.** With the no discussion the motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. Sawyer moved, Mr. Kalick seconded to grant the Special Permit 2017-SP22, to change the use from seasonal to year-round and alter a pre-existing, non-conforming structure. No exterior alterations will be performed, it will not be rented and subject to Board of Health approval of the septic system.** With no discussion, the motion carried. 5-0-0.

Sitting on this hearing; Timothy Sawyer, Amy Kullar, Harold Kalick, John O'Brien and Kat Brennan.

3. 1046 County Road, Special Permit, 2017-SP23, Requesting Special Permit Supportive Finding under Section 1331, Section 2320 and Section 2450 of the Bourne Zoning Bylaw under M.G.L., Ch.40A, Section 9, that the reconstruction of a single-story 20'x 26' garage will not be more detrimental to the neighborhood than is the pre-existing, non-conforming garage.

Richard Jason addressed the board and discussed the proposed project. He explained that the existing structure was at one time a cranberry screen house and is now in extremely poor condition. He uses the structure as a wood carving shop and because of its proximity to the road, the structure rattles when large vehicles drive by. He is seeking to move the structure 8' away from County Road. Mr. Jason submitted site photographs and briefly discussed an area on the property that has a steep drop off.

Ms. Brennan opened a brief discussion with regard to the dimensions and design of the proposed structure.

Ms. Brennan asked Mr. Laporte if he has any concerns about the project. Mr. Laporte stated he does not.

Mr. O'Brien asked if the applicant is moving the existing structure or tearing it down and rebuilding. Mr. Jason stated he is tearing it down and rebuilding it approximately 6' from the location of the existing structure.

Ms. Kullar asked if the proposed structure will fit in with the character of the neighborhood. Mr. Jason stated it will be an improvement.

Public Comment – Mr. Jason submitted for the record, a letter of support from an abutter.

Mr. O'Brien asked if a foundation will be installed. Mr. Jason stated there will be a foundation.

Ms. Kullar noted that the Gross Floor Area calculations are accurate.

Mr. Sawyer asked if the structure will be 26' wide or 26' deep. Mr. Jason stated it depends on how you're looking at it. It will be 26' from the road back toward the bog and 20' deep if approaching the building from the driveway.

Mr. Sawyer asked if the applicant will use the structure for automobiles. Mr. Jason stated he does not intend to store automobiles in the structure.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O'Brien moved, Ms. Kullar seconded to close the public hearing.** With the no discussion the motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. O'Brien moved, Mr. Sawyer seconded to grant the Special Permit and Supportive Finding for request 2017-SP23, approving under Sections 1331, 2320 and 2450 of the Bourne Zoning Bylaw for the removal of the garage and replacement for a 20'x 26' garage workshop pursuant to the plan submitted with the application.** With no discussion, the motion carried. 5-0-0.

4. Old Business – Ms. Kullar stated she is still in the process of revising the Zoning Board rules.

5. New Business – Mr. Kalick questioned the need to hold a meeting when there's a limited number of hearings scheduled. Ms. Kullar stated it is necessary to take the hearings as they come as it can be costly to the town if a hearing has to be republished. Additionally, some cases are time sensitive. Mr. Laporte elaborated further.

Ms. Kullar stated she is waiting for a legal opinion from Town Counsel with regard to the 10 Harbor Way hearing.

Mr. Sawyer opened a lengthy discussion with regard the definition of a road vs. an easement, right of usage on a road, private ways and paper roads.

6. Public Comment – None.

IV. Adjournment –

Mr. O'Brien moved, Mr. Sawyer seconded to adjourn the meeting. With no discussion, the motion carried 6-0-0. The meeting adjourned at 7:43 PM.

Minutes Submitted By: Carol Mitchell