

Town of Bourne Zoning Board of Appeals Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

February 21, 2018

I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:04 PM on February 21, 2018. 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, John O'Brien (7:05), Harold Kalick and Associate Members, Deb Bryant and Kat Brennan.

Members Excused: Wade Keene.

Also Present: Roger Laporte, Carol Mitchell, Jim Mulvey, Robert Mills, Russell Gonsalves, Katarina Kumbatiadis, Steven Cook and Peter Meier (left at 7:05).

Timothy Sawyer will be writing the Decisions.

III. Agenda Items

- 1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the February 7, 2018 meeting. **Mr. O'Brien moved, Ms. Bryant seconded to approve the minutes of the February 7, 2018 meeting.** With no discussion, the motion carried. 5-0-0.

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

- 2. 2 Worcester Ave, Special Permit, 2017-SP33**, Requesting Special Permit under M.G.L., Ch. 40A, Sec. 9, and the Bourne Zoning Bylaw Sections; 1331, 2320, 2450, 2453, 2454, 2500: Supportive Finding for the alteration of an existing single-family structure by constructing a new non-conforming two-story, single-family structure on a smaller footprint not to be substantially more detrimental than the original structure to the neighborhood.

(Continued from 1/17/18 and 2/7/18)

Materials - Public Hearing Notice, Assessor's Card, Application for Supportive Finding/Special Permit, Abutters List, Directions, Revised Site Plan, letter and photos submitted by Mr. Emmons, Updated Gross Floor Area Worksheet and approval for demolition from Historical Commission.

On behalf of the property owners, Mr. Mills briefly recapped his presentation of the proposed project given at the January 7, 2018 hearing. He explained that an additional continuance was requested because they hadn't yet gone before the Historical Commission; which was a requirement by the Zoning Board of Appeals. The matter was heard by the Historical Commission who suggested only aesthetic revisions be made. They did not find the existing structure to be historically significant; therefore, the applicant's request to demolish the existing home was approved.

Mr. Mills discussed revisions made to the plan; shutters added to the exterior, steps were moved from the front of the porch to the side of the porch, the proposed septic system was revised, the height of the structure has been reduced and a patio was added.

Ms. Kullar stated an abutter had raised a concern regarding the retaining wall. Mr. Mills stated that issue has been addressed. Mr. Cook explained the existing retaining wall will remain intact. He also discussed revisions made to the size of the proposed structure and the home was moved further away from the abutter's side of the property line. Mr. Cook stated the septic system was changed from an H-10 to H-20 load so it can be driven over. Two parking spots have been developed over the septic system and a patio was added. Additionally, Mr. Cook discussed the grade of the site and the reduction in the height of the structure. Mr. Mills stated this plan is less non-conforming in all respects than what's existing.

Board Comment - Ms. Brennan feels the proposed parking is an improvement.

Mr. O'Brien opened a brief discussion regarding the timeline of the septic system installation.

Ms. Kullar asked for clarification regarding the Gross Floor Area calculations. Mr. Laporte provided an explanation of the revised GFA calculations and stated the calculations are in compliance. Ms. Kullar discussed the language in Section 2457 of the Zoning Bylaw and questioned whether the board can approve this project above the 10%. Mr. Laporte explained that the proposed project is more conforming than the existing structure; which is grandfathered. The applicants have two years to rebuild. After the two years, if they haven't rebuilt, they'd lose the grandfathered protection.

Mr. O'Brien asked whether the grandfathered protection includes the ability to exceed the Gross Floor Area. Mr. Laporte stated it does. He explained the applicants could

apply for and receive a Building Permit to replace the existing structure with the exact same structure, which would be worse for the neighborhood.

Mr. O'Brien asked if the reason that they need the Special Permit is because they are modifying the pre-existing, non-conforming structure. Mr. Laporte stated that's correct.

Public Comment – None.

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

Mr. O'Brien questioned whether all the sections of the Bylaw that were noted on the application should to be mentioned in the motion. Mr. Laporte suggested language for the motion.

Mr. O'Brien moved, Mr. Kalick seconded to grant a Supportive Finding under Special Permit 2017-SP33, 2 Worcester Ave, for the alteration of an existing single-family structure by constructing a new non-conforming two-story, single-family structure on a smaller footprint not to be substantially more detrimental than the original structure to the neighborhood, per the plans submitted. With no discussion, the motion carried. 5-0-0.

3. Old Business – None.

4. New Business – None.

5. Public Comment – None.

IV. Adjournment –

Mr. O'Brien moved, Ms. Kullar seconded to adjourn the meeting. With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:20 PM.

Minutes Submitted By: Carol Mitchell