

# **Town of Bourne Zoning Board of Appeals**

## **Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

July 17, 2019

### **I. Call to order**

Vice chair John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on July 17, 2019. Mr. O'Brien 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. O'Brien announced the meeting was being recorded and asked if anyone in the audience was recording the meeting to please acknowledge such to the board. He noted Carol Mitchell and Beth Treffeisen were recording the meeting.

**Members Present:** John O'Brien, Wade Keene, Kat Brennan and Associate Members, Deb Bryant and Chris Pine.

**Members Excused:** Amy Kullar and Harold Kalick

**Also Present:** Roger Laporte, Carol Mitchell, Paul Gately, Beth Treffeisen, Andreas Chiros, Elaine Chiros, Beth Thompson, Michael Chiros, Bill Grant, Veronica Tavares, John Tavares, Jim Pavlik, Drew Hoyt and Tom Pappas.

*John O'Brien will be writing the Decisions.*

### **II. Agenda Items**

**1. Approval of Minutes** – Mr. O'Brien entertained a motion to approve the minutes of the June 19, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the June 19, 2019 meeting.** With no discussion, the motion carried. 5-0-0.

*Sitting on the hearings; Wade Keene, John O'Brien, Kat Brennan, Deb Bryant and Chris Pine.*

**2. 7 Pine Ridge Road**, Special Permit #2019-10SP- Animal Kennel Special Permit sought per Section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

*Materials – Request for continuance by petitioner.*

Mr. O'Brien announced that due to medical reasons, the petitioner requested the matter be continued to August 7, 2019.

Mr. O'Brien entertained a motion to continue the matter. A member of the audience asked if the petitioner must be present for the matter to be heard. Mr. O'Brien stated yes and then explained the continuance process. **Ms. Brennan moved, Mr. Pine seconded to continue the matter to August 7, 2019.** The motion carried. 5-0-0.

A member of the public asked whether the petitioner is allowed to have multiple dogs on the property until the next hearing date. Mr. Laporte explained the applicant isn't allowed to have more than three dogs without a Special Permit.

A brief discussion transpired regarding violations of the bylaw and the number of continuances the board is allowed to grant.

**3. 230 Sandwich Road,** Chase Developer, Inc. Amendment to Comprehensive Permit No. 08-18 Requesting to amend the Comprehensive Permit for Determination of Substantial Change from 16 units to 20 units.

*Materials – Public Hearing Notice, Revised Project Narrative, Evaluation of Loss Letter, Site Photographs, Historical Site Photographs*

Mr. O'Brien reminded the board members that the purpose of the hearing is only to determine whether there is a substantial change to the previously proposed project. Should the board determine there is a substantial change, the petitioner must return with revised plans for a determination.

Contractor Thomas Pappas addressed the members and provided a brief history of the project. He discussed the reasons why revisions are being sought. Mr. O'Brien reiterated that the sole purpose of the hearing is for the board to determine whether there are substantial changes to the previously proposed project. He asked that any additional input address only that issue.

Attorney Drew Hoyt asked that should the members determine there are substantial changes to the proposed project, they provide preliminary feedback which will aid in preparing a brief and focused presentation for the next hearing. Ms. Brennan voiced concern over providing any feedback since Ms. Kullar and Mr. Kalick were not in attendance and thinks the board should only vote on whether substantial changes are being sought. Ms. Bryant and Mr. Keene requested additional information so they could determine whether substantial changes are being sought. Jim Pavlik briefly summarized the original proposal and revisions being proposed. A brief discussion transpired regarding the proposed connector road.

Board Comment – None.

Mr. Pappas questioned how some of the Conditions that were placed on the original Special Permit can be removed. Mr. Laporte offered suggestions on how revisions should be presented at a future hearing.

Public Comment – None.

Mr. O’Brien entertained a motion to close the public hearing. **Mr. Pine moved, Ms. Brennan seconded to close the public hearing.** The motion carried. 5-0-0.

Mr. O’Brien entertained a motion. **Mr. Keene moved to determine there is a substantial change for permit number 08-18 from 16 units to 20 units. Ms. Bryant seconded.** The motion carried. 5-0-0. The applicant will return on August 21, 2019 to present a revised plan.

**Old Business** – For discussion purpose only: Update on Cape Cod Aggregates 665 Scenic Hwy. – Completion of Restoration Agreement Decision #04-23 – There was no one in attendance from Cape Cod Aggregates to provide an update.

**New Business** – None.

**Public Comment** – None.

### **III. Adjournment –**

**Ms. Bryant moved, Ms. Brennan seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:33 PM.

Minutes Submitted by: Carol Mitchell