

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

## ***Meeting Minutes***

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

September 18, 2019

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

Vicechair John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on September 18, 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 was recording the meeting.

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

**Members Excused** – Amy Kullar, Harold Kalick and Associate Member Deb Bryant.

**Also Present:** Roger Laporte, Carol Mitchell, Chester Fahey, Lynne Budge, Kristen Budge-Tatalias, Arthur Budge Jr., Art Akeley, Mrs. Akeley, Jim Mulvey, Robert Dutch and Roger Forget.

*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 August 7, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the August 7, 2019 meeting.** The motion carried. 4-0-1. Mr. Pine abstained.

Mr. O'Brien entertained a motion to approve the minutes of the August 21, 2019 meeting. **Ms. Brennan moved, Mr. Pine seconded to approve the minutes of the August 21, 2019 meeting.** The motion carried. 4-0-1. Mr. O'Brien abstained.

Mr. O'Brien announced that the matters pertaining to Cape Cod Aggregates and Chase Estates have been continued at the request of the applicants.

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

**2. 2 Alpine Circle, Special Permit #2019-14SP** Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 4120 to construct a single-story addition to contain an accessory dwelling.

*Materials – Public Hearing Notice, Abutter's List, Gross Floor Area Worksheet, Application for Special Permit, Plot Plan of Record, Directions to the Property and Site Plan of Record.*

Chester Fahey, the general contractor, described the proposed project, mentioning that the proposed septic system was approved by the Board of Health (BOH). Mr. O'Brien indicated that written BOH approval of the proposed septic system will be required to be submitted should the Special Permit be granted.

Mr. Fahey then discussed the proposed Gross Floor Area. He made note that the proposed accessory dwelling will be handicapped accessible. He also discussed the proposed elevation changes.

Board Comment – Ms. Brennan questioned why the proposed addition is larger than the existing dwelling. Mr. Fahey stated the proposed addition is slightly smaller than the existing dwelling.

Ms. Brennan asked why two bathrooms are being proposed. Mr. Fahey explained one bathroom will be a half bath and used by guests. The other will be a full bath that will be handicapped accessible.

Ms. Brennan asked who will reside in the proposed accessory dwelling. Mr. Fahey stated the property owner's parents will reside in the accessory dwelling. Mr. Laporte explained that a Special Permit for an accessory dwelling is name specific and is valid for three years. A change in occupancy requires board approval.

Mr. O'Brien asked for the names of the occupants. The property owner, Kristen Budge-Tatalias stated her parents, Lynne and Arthur Budge Jr., will reside in the accessory dwelling. Mr. O'Brien explained that, in the future, the property cannot become a rental property.

A brief discussion transpired regarding the proposed parking at the site and the Water District.

Mr. Pine questioned whether feedback has been received from the neighbors. The property owner stated the neighbors she contacted were not opposed to the project.

Mr. O'Brien asked whether the property owner will be occupying the main house. Ms. Budge-Tatalias stated she will be. She provided details regarding her medical needs which require her parent's assistance.

Mr. Beyer opened a brief discussion regarding the proposed second driveway, noting it isn't depicted on the plan. Mr. Beyer asked that the representative notate the approximate location of the proposed second driveway. After a brief discussion, Mr. Fahey drew in the proposed second driveway on the plan.

Public Comment – Art Akeley asked for additional information on the proposed roof line and questioned whether a second floor is being proposed. Mr. Fahey described the proposed roof line, stating the second floor of the addition will be used for storage or mechanicals, not for occupancy. Mr. Akeley asked if there will be any access points. Mr. Fahey stated most likely a pull down stairway will be used for access. However, if mechanicals are installed there, then a door off one of the existing bedrooms may be installed for access.

Mrs. Akeley asked for the duration of the construction. Mr. Fahey stated the plan is to begin the project mid-October. He's hoping to have the project completed by spring.

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

Mr. O'Brien entertained a motion. **Mr. Beyer moved, Ms. Brennan seconded to approve Special Permit #2019-14SP to construct a single-story addition to contain an accessory dwelling, for the occupancy of Lynne and Arthur Budge Jr., pending Board of Health approval of the septic system.** The motion carried. 5-0-0. Roll Call Vote – Jim Beyer – yes, Chris Pine – yes, John O'Brien – yes, Kat Brennan – yes, and Wade Keene – yes.

**3. 665 Scenic Highway,** Revision of Bond, #04-23, Adjust bond amount required for site closure.

Mr. O'Brien read a request from Cape Cod Aggregates requesting a continuance of the site visit and the public hearing to October 16, 2019.

Board Comment – Mr. Keene asked how many continuances may be granted by the board. Mr. O'Brien stated as many as the board would like to grant.

Mr. O'Brien entertained a motion. **Ms. Brennan moved, Mr. Keene seconded to continue the matter to October 16, 2019 at 7:05 PM.** The motion carried. 5-0-0.

**4. 230 Sandwich Road, Special Permit #18-08-40B** – Vote to continue this request to amend the Comprehensive Permit from 16 units to 20 units.

*Materials – Letter of Continuance Request.*

Mr. O'Brien read the continuance request.

After a brief discussion, Mr. O'Brien entertained a motion. **Mr. Pine moved, Ms. Brennan seconded to continue the matter to October 2, 2019 at 7:30 PM.** The motion carried. 5-0-0.

A brief discussion transpired regarding some of the abutters concerns that were voiced at a previous hearing.

**Old Business** – None.

**New Business** – None.

**Public Comment** – None.

### **III. Adjournment –**

**Mr. Keene moved, Ms. Brennan seconded to adjourn the meeting.** The motion carried 5-0-0. The meeting adjourned at 7:40 PM.

Minutes Submitted by: Carol Mitchell