

Town of Bourne Zoning Board of Appeals

Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

December 21, 2016

I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:10 PM on December 21, 2016. 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, Wade Keene (7:09), Timothy Sawyer, Harold Kalick and Associate Member, Kat Brennan.

Members Excused: John O'Brien and Lee Berger

Also Present: Roger Laporte, Carol Mitchell, Greg Siroonian, Julie Vecchio and Nicholas Vecchio.

Documents: Agenda and documents pertaining to Special Permit/Supportive Finding, **2016-SP33** and Special Permit/Supportive Finding, **2016-SP29**.

Sitting on tonight's hearings are; Amy Kullar, Wade Keene, Timothy Sawyer, Harold Kalick and Associate Member, Kat Brennan.

Wade Keene will be writing tonight's Decisions.

III. Agenda Items

1. Approval of Minutes -

Ms. Kullar entertained a motion to approve the minutes of the December 7, 2016 meeting. **Mr. Keene moved and Ms. Brennan seconded to approve the minutes of the December 7, 2016 meeting as submitted.** With no discussion, the motion carried. 5-0-0.

2. 4 Massasoit Avenue, Special Permit/Supportive Finding 2016-SP33— requesting a Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec 9, to raze and reconstruct the structure on the same footprint and elevated an additional story to become compliant with Flood Zone regulations.

Representative, Greg Siroonian, addressed the board on behalf of the applicants. He referred to the site plan and described the proposed project. He stated because of the location of the bog, a sophisticated septic system must be installed; which has already been approved by the Board of Health. He noted that the Conservation Commission has also approved this project. The property is located in a Zone A Flood Zone and will meet the requirements of Flood Zone regulations.

Board Comment – Mr. Keene asked what the grade will be prior to construction. Mr. Siroonian stated it will be 4' above sea level. Ms. Brennan expressed concern with regard to the home's proximity to the water. Mr. Laporte explained that regulations require the home be elevated and the lower level be uninhabitable; it may only be used as a garage or for storage.

A brief discussion transpired concerning the current value of the property and the type of septic system that will be installed. Ms. Kullar discussed the fact that the home's septic system had failed inspection prior to closing. Mr. Laporte explained that it's up to the buyer and seller to decide who will be responsible for repairing/replacing the failed system. The property owner, Nicholas Vecchio, explained he and his wife decided to take on that responsibility. He stated he spoke with the Town prior to the closing and was told he would be allowed to take on the responsibility of replacing the septic system. A discussion ensued.

Mr. Siroonian briefly discussed the proposed lower garage area. He stated originally, only a section of the garage was to be enclosed with hard walls and flood vents, the remaining space would be screened. This design put the GFA over by 35 sq. ft.; therefore, in order to be in compliance, the walls will be moved in 8 inches, which will reduce the GFA by 35 sq. ft. Mr. Laporte briefly discussed the small lot By-Law.

Ms. Kullar discussed the height of the proposed home and expressed concern that the house will obstruct the neighbor's view of the water. Mr. Siroonian explained the project meets the height requirement; they are requesting the permit for the front yard setback.

A brief discussion transpired concerning the Flood Zone requirements. Mr. Laporte discussed the function of flood vents.

Public Comment – None.

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

Board Discussion – Mr. Sawyer feels the proposed project will be an improvement to the neighborhood. Mr. Kalick feels the proposed project is consistent with requests from other property owners in the area. Ms. Brennan disagreed.

With no further discussion, Ms. Kullar entertained a motion on the matter. **Mr. Kalick moved to grant the Special Permit under 2016-SP33, for permission to extend the pre-existing, non-conforming structure use, to raze and reconstruct the structure on the same footprint and elevated an additional story to become compliant with Flood Zone regulations. Mr. Sawyer seconded.** With no discussion, the motion carried. 4-1-0. Ms. Brennan opposed.

3. 282 Main Street, Special Permit/Supportive Finding, **2016-SP29**, requesting a Supportive Finding under section 2320 of the Bourne Zoning By-Law and M.G.L., Chapter 40A, Section 6, that the proposed alteration of the 32' tall existing freestanding sign and replace with a new sixteen foot (16') non-conforming sign to exceed height requirements is not substantially more detrimental to the neighborhood. Also, the finding is conditioned on removal of 2 signs as proposed.

Ms. Kullar stated no one was present on behalf of the applicant to discuss the matter. She explained that the board will have to make a decision on the matter that evening. She read an email from Town Counsel which recommends that the board allow this matter to work its way through the court system.

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

Ms. Kullar entertained a motion on the matter. **Ms. Brennan moved and Mr. Sawyer seconded to deny the Special Permit/Supportive Finding, 2016-SP29, pursuant to the advice of Town Counsel.** With no discussion, the motion carried. 5-0-0.

4. Old Business – A brief discussion transpired concerning the Pocasset Mobile Home Park. The Board of Health has issued to them a conditional 6 month license to operate providing they meet several conditions; to upgrade the failed septic system, they are required to pay a fine of \$300.00 per day if the septic overflows, the BOH must be made aware of all contracts related to the maintenance, pumping, sewer within

12 hours of the contract being made, there must be a competent on-site manager, all representatives of the BOH will be allowed to access the mobile home park at reasonable times to conduct inspections and any transfer of property by option purchase and sale or other must be filed with the BOH within 5 days.

5. New Business – There are no hearings scheduled for January 4, 2017.

6. Public Comment – None

IV. Adjournment –

Mr. Kalick moved to adjourn the meeting. Mr. Keene seconded. With no further discussion, the motion carried 5-0-0. The meeting adjourned at 7:40 PM.

Minutes Submitted By: Carol Mitchell