

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

## ***Meeting Minutes***

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

February 15, 2017

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

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:07 PM on February 15, 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, John O'Brien, Wade Keene (7:06), Timothy Sawyer, and Associate Member, Kat Brennan.

**Members Excused:** Harold Kalick and Associate Member, Lee Berger.

**Also Present:** Carol Mitchell, Jim Mulvey, Robert Baker, Derek Timo, Nancy Daniels, Charles Daniels, Nick Bruno, Jamie Bruno and Richard Ruggiero.

**Documents:** Agenda and documents pertaining to Variance, **2017-V1** and Special Permit, **2017-SP2**.

*Sitting on tonight's hearings are; Amy Kullar, John O'Brien, Wade Keene, Timothy Sawyer, and Associate Member, Kat Brennan.*

*John O'Brien 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 21, 2016 meeting. **Mr. Sawyer moved and Ms. Brennan seconded to approve the minutes of the December 21, 2016 meeting as submitted.** With no discussion, the motion carried. 5-0-0.

**2. Rte 28A, Variance 2017-V1**— requesting a Variance from the following section of the Bourne Zoning By-Law: Section 4100 Accessory Uses & 4110 Home Occupations, to permit an accessory building to be utilized for a Home Occupation business.

Robert Baker addressed the board and stated he is seeking a Variance so that he may sell his art from his existing barn.

Ms. Kullar questioned why the Building Inspector, Roger Laporte, denied the application. She stated she doesn't know if the applicant has grounds or standing for requesting a Variance under the Variance requirements. She's concerned that the board does not have enough information as to why the initial permit was denied and feels a Variance may not be required in this matter. Mr. Laporte was not present to discuss the matter.

Board Comment – Mr. Keene asked the applicant if he applied for a Special Permit. Mr. Baker stated he was told when applying that a Variance was needed.

Several board members stated based on the regulations, the applicant is allowed to sell his artwork from the accessory building.

After a brief discussion, Ms. Kullar suggested that the applicant continue the matter to March 1, 2017. This will allow the board to seek clarification from the building inspector. The applicant asked to continue the matter.

**Mr. O'Brien moved and Mr. Sawyer seconded to continue, Variance 2017-V1, to the March 1, 2017 meeting.** With no discussion, the motion carried. 5-0-0.

**3. 3 Glacier Way, Special Permit, 2017-SP2,** requesting a Special Permit per section 4120-4123 of the Bourne Zoning By-Law and M.G.L., Chapter 40A, Section 9, for construction of a 26'x 32' 2-story addition for an accessory dwelling in an R-80 zone.

The contractor, Derek Timo, addressed the board and discussed the proposed project.

Board Comment – Both Ms. Kullar and Mr. O'Brien questioned the square footage of the lot. Mr. Timo stated he submitted a plot plan which lists the square footage as 41,034 square feet.

Ms. Brennan asked what the upstairs area of the addition will be used for. Mr. Timo explained there will be a living room and kitchen on one half and a bedroom and bathroom on the other half.

Ms. Kullar asked for the name of the person who will be residing in the apartment. Mr. Timo stated it will be Richard Ruggiero. Mr. O'Brien explained to the representative, should the Special Permit be issued, it will be valid for three years. After three years, they are required to contact the building inspector and verify that the same person still resides there. Mr. Timo acknowledged the requirement.

Mr. O'Brien stated another requirement is a passed septic inspection by the Board of Health. Mr. Timo stated he filed the permit application with the Board of Health last week. Mr. O'Brien informed the applicant that a Condition relating to the septic inspection would be added. Once the verification has been received, it should be submitted to the building inspector. Mr. Timo also acknowledged this requirement.

Mr. Keene asked for clarification on the total number of bedrooms the dwelling will have. The main house will have four bedrooms and the addition will have 1 bedroom. A discussion ensued.

Ms. Kullar asked if the addition will be designed for someone to age in place there; she expressed concern that an elder may find the stairs challenging. Mr. Timo stated there's a front entrance without stairs and stair access from the garage.

Public Comment – Abutter, Nancy Daniels, addressed the board. She stated she's been out of town caring for her terminally ill sister and was only able to view the plans on Monday. She stated what's being proposed is a significant structure; it's equivalent in size to a single family home. There's also an easement for the driveway that she has questions about and requested a continuance to allow her time to do some due diligence. A discussion ensued.

Ms. Kullar asked if Mrs. Daniels' property grants the easement. She stated her property does.

A brief discussion transpired concerning the Daniels' property and its proximity to the proposed project.

Nick Bruno, the applicant/property owner, corrected a statement made by Mrs. Daniels. He stated the driveway easement is on two lots, her lot and the vacant lot on the plan. He stated the easement was granted prior to the Daniels owning their lot. Mrs. Daniels reiterated that she'd like more time to research the easement.

Jamie Bruno, abutter, explained the purpose of the size of the project. A discussion ensued.

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

After a brief discussion, **Ms. Brennan moved and Mr. Keene seconded to continue the matter to March 1, 2017.** The motion carried. 5-0-0.

**4. Old Business – None.**

**5. New Business** – Ms. Kullar discussed a training for the board members that will be conducted by Town Counsel Robert Troy at 6:00 PM on March 1, 2017. Those who cannot attend should let Ms. Kullar know as soon as possible so she can reschedule with Attorney Troy if necessary.

Ms. Kullar stated she received several requests from members of the public asking if the location of the ZBA meetings can be changed to the Community Building so the meetings can be televised. Ms. Kullar asked that each member email her their personal position on the request. A brief discussion ensued.

**6. Public Comment** – None

**IV. Adjournment –**

**Mr. O'Brien moved and Ms. Brennan seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:38 PM.

Minutes Submitted By: Carol Mitchell