

Town of Bourne
Zoning Board of Appeals
Meeting Minutes

Zoom Meeting Platform
Meeting ID: 810 6695 1893
March 2, 2022

I. Call to Order

Chm. James Beyer called to order the meeting of the Zoning Board of Appeals at 7:00PM on Wednesday, March 2, 2022, held via Zoom Platform. Chm. Beyer explained all reviews, unless otherwise stated are joint reviews. Chm. Beyer explained under M.G.L., Section 40A and 40B. All appeals must be filed with the Town Clerk, within 20 days of the filing of the decision.

Note: The meeting was being held via the Zoom platform, and was being recorded, as noted per the “Recording in Progress” icon that was displayed. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed, and other items not listed may be discussed due to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Zoning Board of Appeals.

Members present: James Beyer, Chris Pine, Pat Nemeth, John O’Brien, Associate Member Karl Spilhaus

Excused members: Wade Keene

Others in attendance: Ken Murphy, Michael J. Foska, William McCarthy, Lisa McCarthy

II. Approval of Meeting Minutes:

- January 5, 2022, meeting minutes
 - Chm. Beyer confirms that all members have received the minutes from this hearing date. All members confirm receipt of the minutes. Corrections were requested for January 5, 2022 minutes, but are still pending.
 - Motion made by Mr. O’Brien and seconded by Ms. Nemeth to approve the minutes once requested corrections are made. **Mr. Pine – yes, Ms. Nemeth – yes, Mr. O’Brien – yes, Chm. Beyer – yes. Minutes are approved.**
- January 19, 2022, meeting minutes
 - Motion made by Ms. Nemeth and seconded by Mr. Spilhaus to approve the minutes. **Mr. Pine – yes, Ms. Nemeth – yes, Mr. O’Brien – yes, Chm. Beyer – yes. Minutes are approved.**

III. Agenda Items:

1. Address: 55 Pasture Road

Materials reviewed: Petition for Variance, Property Map, Certified Plot Plan, Abutters List, Driving Directions with Map, Supplemental Property Photos

Request for a variance 2021-V27 for 2 feet, 3 inches from the side yard setback requirement for a carriage house that has been constructed on the property, in reliance of a surveyed plan, which turned out to be incorrect.

The applicants have requested continuance for this matter to March 16, 2022. Discussion ensued. Mr. Murphy clarified the reasoning as to why this matter is before the Commission. He stated that the location of the lot line was miscalculated, and it is up to the discretion of the board if they would like the applicants to move the structure, or grant them a variance. Further discussion ensued, and clarification regarding the specific structure that is in question is provided.

Motion made by Ms. Nemeth and seconded by Mr. Pine to continue the matter to April 6, 2022. **Mr. Pine – yes, Mr. Spilhaus – yes, Ms. Nemeth – yes, Mr. O’Brien – yes, Chm. Meyer – yes. Matter is continued to April 6, 2022, pending an updated continuance form signed by the applicant reflecting the new date, as deemed necessary by Chm. Beyer.**

Chm. Beyer requests that Mr. Pine write that decision when the time comes. Mr. Pine agrees to the request.

2. Address: 62 Siasconset Drive

Materials reviewed: Application for Special Permit, Abutters List, Assessor’s Map, Architectural Plans, Driving Directions with Map, Zoning Bylaw with Maximum Gross Floor Area and Maximum Lot Coverage, North Sagamore Water District Customer Statement, Certified Building Plan

Request for Special Permit 2022-SP03 for an accessory dwelling to add an in-law addition consisting of one (1) bedroom, with deck and bulkhead, on northerly side of dwelling.

Mr. Michael J. Koska addressed the board, and shares the details of the plan. The plan includes a 16ft x 52ft addition to be constructed on the property.

Member comment: Chm. Beyer requested clarification regarding who will reside in the proposed addition. Mr. Koska provided requested clarification, stating that the property owner, Ms. Carole Hope, will reside in the proposed addition. He provided further information stating that Ms. Hope’s daughter and son-in-law will be residing in the main home, to be in close proximity to provide care for Ms.

Hope. Mr. Koska also discussed the proposed setbacks: a setback of 26ft on the westerly side of the property, with the minimum requirement being 15ft; a setback of 23ft on the easterly side with the minimum requirement being 15ft; a setback of 46ft in the rear of the property from both the existing bulkhead/doghouse, and the proposed 10ft by 14ft deck; and a setback of 50ft from the northeast corner of the house. He ensured that the proposed structure would not be any closer to the road than the existing house. Additional aspects of the project are discussed: calculations of the maximum gross floor area, lot coverage, as well as architectural designs of the house. Chm. Beyer questioned if the plan has received Health Department approval. Mr. Koska reviewed the updates that need to be made to the septic system, and confirmed they have been working with the Board of Health, but have not yet received approval to his knowledge. Chm. Beyer affirmed that any approval would be contingent of Board of Health approval, as well as Ms. Hope being the resident of the proposed addition. Mr. Koska confirmed understanding of both aforementioned statements by Chm. Beyer. Chm. Beyer also discussed the three year issuance of the Certificate of Occupancy. Mr. Koska verbalized understanding regarding this information as well. Regarding the Certificate of Occupancy, Mr. Koska requested clarification whether the duration of the certificate would start from the date of occupancy, or the date of approval. Chm. Beyer provided this clarification, stating that the timeframe would begin on the date of the issuance of Occupancy Permit. Mr. Koska appreciated the clarification, and stated the applicants were with him as well, and understand the information as well. No additional member comment.

Public comment: None.

Motion made by Mr. O'Brien and seconded by Ms. Nemeth to close the hearing. **Mr. Spilhaus – yes, Mr. Pine – yes, Ms. Nemeth – yes, Mr. O'Brien – yes, Chm. Beyer – yes. Public hearing is closed.**

Motion made by Ms. Nemeth, and seconded by Mr. O'Brien to approve Special Permit 2022-SP03, contingent upon the occupant being Ms. Carole Hope, and contingent upon approval from the Board of Health. **Mr. Spilhaus – yes, Mr. Pine – yes, Ms. Nemeth – yes, Mr. O'Brien – yes, Chm. Beyer – yes. Special Permit 2202- SP03 is granted, pending requested contingencies.**

Chm. Beyer stated he will write this decision.

IV. New business:

- Review and discussion of proposed amendments to the 40A and 40B Application Packets, and the Decision Template for 40 B permits.
- Chm. Beyer opened the discussion to Ms. Nemeth. Ms. Nemeth reviewed the proposed amendments and discussed the recommended changes.
- Chm. Beyer entertained a motion to approve the proposed amendments to the 40A and 40 B Application Packets, and the Decision Template on the 40 B projects.

Motion made by Mr. O'Brien and seconded by Mr. Pine to approve the proposed amendments. **Ms. Nemeth – yes, Mr. Spilhaus – yes, Mr. O'Brien – yes, Mr. Pine – yes, Chm. Beyer – yes. The amendments to the 40A and 40 B Application Packets, and the amended Decision Template for 40 B projects are approved and will be posted on the Town website.**

Ms. Nemeth requested assurance that the updated information would be provided to outstanding applicants (e.g. Chase Estates), subsequently requiring them to adhere to the amended application requirements. Mr. Murphy stated he will do so, once he obtains confirmation that it can be done. No additional new business.

V. Old business: None.

VI. Adjournment:

- Motion made by Mr. O'Brien and seconded by Ms. Nemeth to adjourn the meeting. **Mr. Spilhaus – yes, Ms. Nemeth –yes, Mr. O'Brien – yes, Mr. Pine – yes, Chm. Beyer – yes. Meeting adjourned at 7:33PM.**