

Town of Bourne Zoning Board of Appeals

Meeting Minutes

24 Perry Ave., Buzzards July 15, 2020

Meeting ID: 931 0828 7275

1. 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 15, 2020. 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 some attendees are participating by video conference. He explained the ground rules associated with conducting the remote meeting, he confirmed the members of the board who were present, identified the building inspector and verified a representative was present for each filing listed on the agenda.

Members Present: John O'Brien, Wade Keene, Harold Keene, Kat Brennan and Associate Members, Chris Pine, Pat Nemeth and Jim Beyer. Ms. Brennan was having difficulty joining the hearing and was listening in only.

Members Excused – Amy Kullar

Also Present: Ken Murphy, and Attorney Drew Hoyt.

Agenda Items

Approval of Minutes – There were no minutes to approve. No motion made.

- 2. 230 Sandwich Rd, Special Permit (#18-08- 40B)** Requesting to amend the Comprehensive Permit from 16 units to 20 units. **(Continued from March 4, 2020)**

Materials: Peer Review Proposal from PSC group dated May 15, 2020.

Ms. Nemeth stated that she will not be voting on this item as she has missed more than one hearing on this agenda item.

Attorney Drew Hoyt, representing the applicant Thomas Pappas, is present and reviewed that he and his applicant have read the Peer Review Proposal.

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Mr. O'Brien stated he had not read the Peer Review Proposal, although there was some confusion in regards to the specific document being referenced and the amount of pages included.

Mr. Kalick asked if Mr. Hoyt and the applicant accept the Peer Review Proposal.

Mr. Murphy outlined that perhaps there should be a request for an extension to allow everyone time to review the Peer Review Proposal.

Ms. Nemeth had questions for the Board Members as to why there were no hearings between March and now on this item.

Mr. Murphy explained that public hearings had been postponed for some time due to COVID-19, and the length of time it takes to obtain a Peer Reviewer. Multiple consultants were contacted and presented with the scope of the proposal, and given time frames to respond, along with time to complete a proposal if applicable.

Mr. O'Brien questioned if Mr. Hoyt and applicant accept the proposal.

Attorney Hoyt stated he and his client hope the Board will approve the Peer Review Proposal this evening. He additionally requested two stipulations be taken into consideration; the applicant would like to deposit \$5,000 instead of \$11,000 and the applicant would like to ensure the Peer Review is completed in a timely manner.

Mr. O'Brien asked if this agenda item should be continued.

Attorney Hoyt suggested the Board votes to approve the Peer Review Proposal.

Mr. Beyer made a motion to approve the Peer Review Proposal. Mr. Kalick second the motion.

Mr. Pine asked if the Board should approve the Peer Review Proposal or if it can be administratively approved by Ken Murphy.

Mr. Murphy confirmed this Peer Review Proposal does need to be approved by the Board Members.

Ms. Nemeth questioned how long the project will take.

Mr. Murphy felt this was included within the Peer Review Proposal.

Mr. Beyer explained how he interpreted that the Peer Review will take roughly 2 weeks to complete.

Mr. Beyer then made a motion to accept this Peer Review Proposal. Mr. Kalick second.

Roger Forget, superintendent of the Upper Cape Technical School, an abutting property, questioned the Board's ability to vote on this item as it was not specifically outlined as such on the agenda.

Attorney Hoyt feels it is within the Boards preview to approve and reiterated this Peer Review Proposal had been date stamped 5.5.2020

Mr. Beyer suggested the motion to include Attorney Hoyts request for stipulations to include a down payment amount of \$5,000 and a quick turnaround time for the Peer Review.

Mr. Pine stated he supports voting to approve the Peer Review Proposal, but does not feel comfortable including financial statements.

Mr. Kalick detailed the process of why and how the Board obtained this Peer Review.

Mr. O'Brien entertained a motion to consider the proposal acceptance. Roll call vote: Mr. Pine- Yes, Mr. Beyer- yes, Mr. Kalick- yes, Mr. Keene- yes, Mr. O'Brien- yes. Ms. Nemeth abstained.

Mr. Pine made a motion to approve the Peer Review Proposal as written. Mr. Beyer second.

Mr. Beyer questioned including the two stipulations requested by Attorney Hoyt.

Mr. Murphy stated these stipulations can be handled administratively between himself and Attorney Hoyt.

Mr. O'Brien entertained a motion to accept proposal to do Peer Review Proposal by PSC group dated 5.5.2020.

Ms. Nemeth asked that the Peer Review include design guidelines outlined by the state.

There was a brief discussion between the Board Members, Mr. Murphy and Attorney Hoyt in regards to the expectation of the inclusion of these state guideline expectations.

Mr. O'Brien took a roll call vote for his previous motion made: Mr. Keene- yes, Mr. Beyer- yes, Mr. Kalick- yes, Mr. pine- yes, and Mr. O'Brien- yes. Ms. Nemeth abstained.

There was a discussion between the Board Members, Mr. Murphy and Attorney Hoyt to determine a date to continue this agenda item to.

Mr. O'Brien entertained a motion to continue the hearing to 8.5.2020 only if there is at least 1 other agenda item, if no other item is scheduled for that date, this item will be continued to the next available hearing date. Ms. Nemeth moved. Mr. Beyer second. Roll call vote: Mr. Pine- yes, Mr. Beyer- Yes, Mr. Kalick- no, Mr. Keene- yes, Ms. Nemeth- yes, and Mr. O'Brien- yes.

3. Old Business – None.

4. New Business – None.

5. Public Comment – None.

Adjournment –

Mr. O'Brien entertained a motion to adjourn the meeting. Mr. Beyer moved, Mr. Kalick seconded to adjourn the meeting. The meeting adjourned at 8:08 PM.