

**Town of Bourne**  
**Zoning Board of Appeals**  
**Meeting Minutes**  
**May 4, 2022**

**PRESENT;** Chairman James Beyer, Vice Chairman Chris Pine, Wade Keene, John O'Brien

**STAFF;** Ken Murphy

**PUBLIC;** Kevin Kieler, Kevin Klauer, Steven Glassman, Greg Siroonian, Brian Kennedy, Gail Kennedy, David Coye, Frank Destito

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**Chairman Beyer called the meeting to order via Zoom at 7:00pm.**

**Public Hearing for Special Permit #2022-SP04:**

*15A Wales Dr., Pocasset. Diane and Chris Rocanello. To replace deck with sunroom on pre-existing, non-conforming lot.*

Chairman Beyer requests that Mr. O'Brien writes the decision for this hearing.

Kevin Kieler, an engineer at Brady Built Sunrooms, introduces himself as the representative for the project. He states that he was hired to replace the deck with a sunroom, and it is pre-existing non-conforming. He states that they also intend to add on a deck, but that the new deck meets all set back needs.

Vice Chairperson Pine voices his concern of a sunroom that is 2.4 ft from the property, and he also does not have a signed GFA, so he cannot know the accuracy. The rest of the board confirms that they lack a certification of a calculation, and that it looks inaccurate and they need Jennifer Copeland, Town Planner to certify it.

Chairman Beyer suggests that the engineer swaps where the sunroom and new deck would be, because then they could argue that the new deck is not detrimental despite proximity to property line, where as a sunroom would be. Mr. Kieler argues that that would not be possible because then the only place to enter would be the bedroom, and that the bathroom window would be looking into the sunroom. He asked if it would be possible to reduce the deck size and slightly shift the sunroom, to which Chairman Beyer stated that there would be still be a setback issue, especially since it is an enclosed structure.

Chairman Beyer asks for clarification on then GFA calculation, to which Mr. Kieler says he did not do it so he cannot provide details. Chairman Beyer further clarifies that lot coverage and GFA will be higher than prior, and that the only reason that they would grant this is if "failure to grant it would cause an exceptional hardship on the applicant or it would conflict with existing laws." and that he does not see any of that being applicable. Mr. Kieler states that they are only

covering 22.1% of the existing lot. Vice Chairperson Pine said that it is essential that Mr. Kieler has them certified by The Town Planner, and their actions are limited. Mr. O'Brien said that the current GFA is 1792 sq. ft., which includes the basement which is 560 sq. ft and that these figures need review and feedback.

Chairman Beyer suggests that the applicants either withdraw without prejudice, or that they continue to the next meeting when there can be a certified GFA. Mr. Kieler states that he would like to entertain the latter and asks for deeper clarification on what will happen next meeting. Chairperson Beyer reemphasized how they will need to demonstrate hardship or a lack of accordance with the law, and how that it is in relation to an over usage of the GFA.

Mr. O'Brien makes a motion to continue the Public Hearing for Special Permit #2022-SP04 until July 6th, 2022. Vice Chairperson Pine seconds the motion.

*Roll Call Vote as follows; Mr. Keene- YES, Mr. O'Brien- YES, Vice Chairperson Pine- YES, Chairman Beyer- YES. Motion to continue the Public Hearing passes.*

#### **Public Hearing for Special Permit #2022-SF06:**

*8H Hidden Way, Hideaway Village, Buzzards Bay. Steven Glassman. 10'x15' addition to the rear of the property.*

Steven Glassman joined as the representative of 8H Hidden Way in Hideaway Village. He began by stating that he met with the association, and met with his abutters prior to the ZBA process to confirm the social feasibility of his house. He said that he will be adding 150 sq. ft. onto the house, and that the reason for this is to add on storage since the dwellings are small.

Mr. O'Brien stated that he cannot find an approval from the Board of Hideaway Village, but Chairman Beyer confirmed that it was received and distributed among the ZBA. Chairman Beyer emphasized that in the case of Hideaway Village, if their Association's Board approves of it, the ZBA typically sees no issue in it.

Chairman Beyer requests that Mr. Keene writes the decision for this hearing.

Mr. O'Brien makes a motion to close the public hearing for Special Permit #2022-SF06. Mr. Keene seconds the motion.

*Roll Call Vote as follows; Mr. Keene- YES, Vice Chairman Pine- YES, Mr. O'Brien- YES, Chairman Beyer- YES. The motion passes.*

Vice Chairman Pine makes a motion to approve Special Permit #2022-SF06 at 8H Hidden Way in Hideaway Village for a 10'x15' addition to the rear of the property. Mr. O'Brien seconds the motion.

*Roll Call Vote as follows; Mr. O'Brien- YES, Mr. Keene-YES, Vice Chairman Pine- YES, Chairman Beyer- YES. The motion passes.*

**Public Hearing for Special Permit #2022-SP05:**

*70 Gilder Rd. Brian and Gail Kennedy. To construct an addition 6.3' from the property line to a non-conforming structure.*

Kevin Klauer from Amant Klauer Law Firm introduces himself as the representative for the project.

Chairman Beyer announces that he will write this decision.

Mr. Klauer states that he is also joined today by Greg Siroonian, the architect for the project, and the homeowners, the Kennedy's. Mr. Klauer states that this property is 2,208 sq. ft., 2 story, 3 bedroom home with a detached garage that does not conform to the side yard setbacks where there is 6.8 feet rather than 15 feet. They meet the rear and front yard setbacks, as well as GFA and lot coverage.

Mr. Klauer says that they have eliminated a dormer and deck from the plans due to concern from an abutter.

Chairman Beyer asks for clarification on the plans, and Mr. Klauer shares his Zoom screen to properly highlight it.

Mr. Klauer states that the applicants want to add a family room, a bathroom, and a foyer on the first room so that they can have additional living space. He states that due to the existing non-conforming setbacks, he is requesting a supportive finding that these changes are not more detrimental than the prior non conformity.

Mr. Klauer states that the lot coverage and GFA will be at 20.8% where 21% is allowed, and that there will not be any new non conformity added. He said there is no change to pedestrian and vehicular flow, no change to the adequacy of utilities, no change to the impact on the natural environment, and little impact on the nearby properties. He said that since this does not increase non conformity, and that it does not add on any non-conformity, he does not see this as more detrimental.

Chairman Beyer asks for clarification on the side yard setback, to which Mr. Klauer states that it is 15 feet, to which Chairman Beyer asks why they cannot meet that. Mr. Klauer states that the architect would know more, but from his understanding to have the flow work, they would need to make significant interior changes.

Mr. Siroonian introduces himself as an architect from ResCom Architectural. He stated that the basis of the design was developed due to the bylaws in 2015, and that it would have been conforming. He states that by shifting the space, it would cause the home to be awkward.

Vice Chairperson Pine asked for clarification, because the GFA is 10% over, meaning that the applicants would need to display hardship. He also asked for clarification on the change in plans. Mr. Klauer stated that the original plans had a second floor of 743 sq. ft., and that the second floor was then revised to be 609 sq. ft., he stated that this second set of plans has not been signed off by the planner, changing the house to 3,024 sq. ft., which would make it under the GFA.

Mr. O'Brien states that since they are under GFA, the only true issues are the setbacks, which they cannot help because the house is pre-existing non-conforming. He states that he does not see an issue. Chairperson Beyer states that he is familiar with the property, and that he lacks an understanding of what extends into the setback, and Mr. Siroonian states that it is a mudroom that is attached to a family room.

Mr. O'Brien asked if all the non-conformity is changing, and Mr. Siroonian stated no.

Mr. Keene questioned the reaction of the abutters, especially those who are on the side of the house that will be altered. David Coye, the abutter at 76 Gilder states that he has an opposition to the property, and that the new 18foot span will be too close to the property line. He states that the view from the current yard will be obscured by the new structure due to its size. He asks if they can lessen the size so that the size of the structure can be masked. He proposed an addition of trees to make the property look more attractive.

Frank Destito of 66 Gilder introduced himself, he states that the Kennedy family is very respectful and kind, and that they believe it will enhance the imagery of the neighborhood.

Ken Hatch introduced himself 55 Gilder Rd, across the street. He states that he has no issue to the alterations, and that the Kennedy family has always been kind, and that their amendments to the plans are appropriate, and he hopes the project goes through.

Dan Dwyer introduced himself as 65 Gilder Rd, who also lives across the street. He said from his perspective, he lacks concern. He states that adding trees would be a reasonable accommodation, and that he supports the changes.

Mr. Klauer said that he believes the request for trees is reasonable but that he needs to discuss it with the clients prior to making the agreement and making it a condition of approval.

Vice Chairperson Pine said that for consistency, he would like the new numbers for the GFA certified, and that he is in support of the landscaping condition of approval.

Ken Murphy, Bourne Building Commissioner, stated that he agrees that there needs to be consistency in the approval of modifications, and he would like the new GFA.

Chairperson Beyer states that he does not agree with this project, and that he thinks ZBA changes have been too willing in the past and that it will be detrimental to the neighborhood. He states that a continuation of the project should be the correct approach. He states that there should only be a supportive finding for the alteration to the non-conforming structure once there is a corrected GFA worksheet.

Brian Kennedy, the owner of 70 Gilder Rd, introduced himself and stated that he has been a member of the Bourne community for a long time, and that he plans to live his retired life in the area. He stated that he has no problem with a landscaping plan, and that he hopes that people can be respectful of their plans.

Mr. O'Brien makes a motion to continue Public Hearing for Special Permit #2022-SP05 at 70 Gilder Rd to construct an addition 6.3' from the property line to a non-conforming structure for the May 18<sup>th</sup> meeting. Vice Chairperson Pine seconds the motion.

*Roll Call Vote as follows; Mr. Keene- YES, Mr. O'Brien- YES, Vice Chairperson Pine- YES, Chairman Beyer-YES. The motion to continue the Public Hearing for Special Permit #2022-SP05 passes.*

Chairman Beyer states a need for a revised GFA and a landscaping plan for the next meeting. Mr. Murphy requests that this be done by May 13<sup>th</sup>.

### **New Business**

None.

### **Old Business**

Mr. Murphy states that the Peer Reviewer for Chase Estates will be finished by May 11, and that he will send the peer review and updated plans to the board. He discussed the schematics of the plan, and who will be providing changes and reports.

### **Public Comment**

None

### **Adjournment**

Vice Chairperson Pine makes a motion to adjourn the May 4, 2022 meeting. Mr. Keene seconds the motion.

*Roll Call Vote as follows; Mr. O'Brien-YES, Vice Chairperson Pine- YES, Mr. Keene- YES, Chairperson Beyer- YES. The motion to adjourn the May 4<sup>th</sup> meeting passes.*