

**Zoning Board of Appeals
Minutes of August 1, 2012
Bourne Town Hall
Buzzards Bay, MA 02532**

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Lee Berger, Chairman
John Priestley, Jr., Vice Chairman (excused)
Tim Sawyer
Judith Riordan
Wade Keene
John O'Brien (excused)
Harold Kalick
Tom Armstrong

Roger LaPorte, Inspector of Buildings (excused)

Member(s) of the Press: Diana Barth, Bourne Enterprise

List of Documents

- None

Meeting called to order

7:30 pm by Chairman Berger.

Sitting on the Board tonight: Lee Berger, Judith Riordan, Tim Sawyer, Wade Keene and Harold Kalick. Also present is Tom Armstrong.

Tom Armstrong is writing decision(s) tonight.

Approval of Minutes

Sawyer MOVED and SECONDED by Kalick to approve minutes of 6/6/12 as amended.
VOTE 5-0-1 (Riordan)

Riordan MOVED and SECONDED by Sawyer to table minutes of 7/18/12 to the next meeting.
VOTE 5-0.

#15-12 – Special Permit – Extension or alteration of a pre-existing non-conforming structure or use

Norman and Katherine Wagner. Location: 135 Circuit Avenue, Pocasset. Map 43.3, Section 266 in an R-40 zoning district. Proposal: Applicant requests to raze existing dwelling, construct new dwelling. Request a supportive finding by the ZBA per Section 2320 for alteration of a pre-existing, non-conforming structure.

Sitting on the Board: Lee Berger, Judith Riordan, Tim Sawyer, Wade Keene, Harold Kalick and Tom Armstrong.

Don Bracken of Bracken Engineering for applicant.

Chm. Berger asked about the area size of the lot above high mean water mark. Mr. Bracken stated area of lot above high mean water mark to the pavement was 17,613 sq. ft.

Mr. Bracken explained there are several resource areas; elevation 16 coastal bank and in a coastal flood zone. Applicant received ConCom and BOH approval for the plans submitted. Existing construction in setbacks and roughly mimicked square footage.

Chm. Berger raised the BOH letter approving the alternative septic on 6/13/12 with the condition of a 2-bedroom de-restriction. Mr. Bracken said septic is under 2 bedrooms (cased opening and connected to an open area). Game room upstairs is open to the stairway coming up so could be used as a bedroom. Bedrooms moved to the upstairs and kitchen on the first floor.

Primary residents for owners who purchased property in 2006.

Mr. Bracken briefly reviewed the plans to the board of the lot and property lines; detailed lot coverage calculation and summary of existing and proposed; zoomed in on existing conditions – front of house is 3/10th off the actual street line from the actual pavement – existing parking is within the layout and existing cesspool is in the layout. Resource area would be to put back in layout if given easement with septic, wouldn't interfere with utilities. Went to TM for approval (agreement is written by Troy Wall office; existing structure and what is proposed – same footprint (existing has full basement and proposed not), foundation facing ocean will be on piers and piles.

Floor elevation is above flood elevation – proposed. Difference between 1st floor on existing and proposed is that it is razed 3.4 feet.

Remove concrete vertical wall and allows a slope faced sea stone working back toward the structure. Landscaping plan – ConCom requested as concerned.

Septic is the most advanced for residential de-nitrogen tank into chamber which goes into drip irrigation. Spreads affluent into area and wets soil doesn't allow concentrated flow to get through. One of the reasons BOH granted variance to setback of resources. ConCom conditions aren't out of the ordinary. Chm. Berger asked Mr. Bracken to look at the ConCom approval.

Mr. Bracken said the irrigation does require a maintenance contract for the life of the system. Regular shingles will be used for siding. The footprint is essentially the same; the grade is up a

foot in the front and over the septic system. Proposed irrigation system will be required to be fenced in as you cannot park on it.

Chm. Berger – the ZBA is asked to approve to build on the same footprint and an extra story up. The septic is under, and the walls are under the ConCom. He hopes that with ZBA's own component parts are approved, other agencies are not influenced.

Francis Spears, Circuit Avenue, Pocasset – concerned with the septic being put in as the water table is high. Even though it is sophisticated, she asked how solid waste was handled. Mr. Bracken said the solid waste will remain in septic tank and have to be pumped out so it doesn't solidify.

Chm. Berger – second story is set back a little due to the roof line. He feels satisfied as far as ZBA's concern, but would like to know what the final project will look like. Mr. Bracken said the work is scaled down from what it was originally.

Mr. Bracken said there is no front door, but rather one on the side of the house.

No further board comment. No public comment.

Riordan MOVED and SECONDED by Keene to close public hearing. VOTE 5-0.

Riordan MOVED and SECONDED by Kalick to grant Special Permit #15-12 to Norman and Katherine Wagner at 135 Circuit Avenue, Pocasset, Map 43.3, Section 266 in an R-40 zoning district to raze existing dwelling, construct new dwelling. In addition, the board finds proposal not more detrimental to the neighborhood per Section 2320 for alteration of a pre-existing, non-conforming structure in accordance to the architectural plans dated 4/17/12 and in accordance to 5/30/12 site and landscaping plans submitted by Bracken Engineering. The Board of Appeals approves zoning issues only and other duties by other parties cannot be influenced by the ZBA's decision. VOTE 5-0.

#08-18 - Comprehensive Permit, 40B

Chase Developers, Inc. Location: 230 Sandwich Road, Bourne. Map 25, Parcels 9 & 36 in a R40 zoning district. Proposal: Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B Massachusetts General Law, Section 20 through 23, as amended, you are hereby notified of a petition for a Comprehensive Permit authorizing the applicant, Chase Developers, Inc., 10 Foretop Road, Buzzards Bay, MA, 02532 to construct 32 residential units, 8 being affordable under the New England Fund Program of the Federal Home Loan Bank of Boston. This is to be called "Chase Estates" on the site located at 230 Sandwich Road, Bourne, Massachusetts. Premises affected: Map 25 Parcels 9 & 36.

Take Atty. Witten's decision to any engineering and are all pieces to decision necessary and what to agree on what can stay and not stay would vote. Since that didn't happen, he didn't see moving forward tonight. At this point, look at the Mullen Rule and suggested to be put on

for 8/29/12. However, it is not a regularly scheduled meeting and Chm. Berger suggested continuing to 9/5/12. No opposition from the board.

Riordan MOVED and SECONDED by Sawyer to continue 40B, #08-18 to Wednesday, 9/5/12 at 7:40 pm. VOTE 5-0.

Old Business

None.

New Business

None.

Public Comment

None.

Adjournment

Kalick MOVED and SECONDED by Sawyer to adjourn meeting. Meeting adjourned at 8:20 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.