

**Zoning Board of Appeals
Minutes of October 5, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

Lee Berger, Chairman
John Priestley, Jr., Vice Chairman
Judith Riordan, Clerk
Timothy Sawyer
Wade Keene
John O'Brien
Harold Kalick

Meeting called to order

7:30 pm

Approval of minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 9/21/11 as submitted. VOTE 5-0.

7:35 p.m. - #32-11 – SPECIAL PERMIT

Paula Lindquist Withey. Location: 749 Head of the Bay Road – Unit 20H, Baker's Lane, Hideaway Village. Map 14, Parcel 48.67 in a R40 zoning district. Proposal: Applicant seeks to build a 7'x10'x8' shed on the rear of property.

Sitting on the Board: Lee Berger, John Priestley, Tim Sawyer, Judith Riordan and Wade Keene. Also present: John O'Brien and Harold Kalick.

Chm. Berger's concern was that we did not have any comment from the Fire Department on file, and questioned whether the shed would block their access. Priestley said that was not an issue in this case. After reviewing the plans submitted, all agreed.

Applicant said her land is steep. Sauna tubes and tiers would be used. There is a 3-foot path to the doorway.

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

Priestley MOVED and SECONDED by Keene to approve Special Permit #32-11 to build a 7'x10'x8' shed on the rear of property as submitted in plans. VOTE 5-0.

7:40 p.m. - #05-43 – Canal Bluffs – Comprehensive Permit No. 05-43

Proposal: Housing Assistance Corporation, Residences at Canal Bluffs, “insubstantial changes” request for ZBA’s consideration of the 7th Amendment to the Comprehensive Permit No. 05-43.

Sitting on the Board: Lee Berger, John Priestley, Tim Sawyer, Judith Riordan and Wade Keene. Also present is John O’Brien and Harold Kalick.

Julie Creamer, Development Partner explained the ZBA had approved the second amendment to the Comprehensive Permit, that was never recorded, which concerned the access drive through the old Grand Union site (2nd and 3rd phase). This 7th amendment changes some wording to the 2nd amendment, and replaces it. The essence of the amendment is that Canal Bluffs agrees to put a use/conservation restriction on two areas of their parcel close to Route 28, as an exchange to fulfill the Grand Union site’s open space requirement imposed by the Cape Cod Commission. The Cape Cod Commission permit allows such an exchange. The reason the 2nd amendment was never recorded was because the access road was not built during phase one, but will be built as part of phase two.

The 7th amendment is essentially the same as the 2nd amendment except some definitions have changed. The same space and similar descriptions are in 7th amendment.

Chm. Berger questioned Page 2 of the amendment as the date of the revised plans was left blank. After reviewing the plans it was agreed that the date should be 07/27/11. Chm. Berger wrote 07/27/11 on page two by hand.

O’Brien questioned the change resulting from the recommendation from CCC as to why the restriction on agriculture was omitted. Ms. Creamer wasn’t clear as to the reason, but didn’t think the area was likely to be used for agricultural purposes in any event. Chm. Berger said under State law, he didn’t think there could be a zoning restriction concerning agricultural use of the area.

Ms. Creamer explained all easements are in place and the POAH has put in collateral.

Priestley MOVED and SECONDED by Riordan that the 7th amendment to the Comprehensive Permit #05-43 was to be considered unsubstantial change. VOTE 5-0.

Priestley MOVED and SECONDED by Riordan to approve 7th amendment as presented. VOTE 5-0. Each Board member signed the decision as presented by the applicant, with the handwritten date of 07/27/11 as the date of the revised plans, and the decision was dated 10/5/11.

New Business

Chm. Berger raised an issue concerning appeal #33-11, which was scheduled for 10/19/11. The wrong address was typed (engineer's address instead of the address of the affected property). It will be pulled from the 10/19/11 meeting, re-advertised, and put on the next available meeting date.

Abutters list for Hideaway Village (HAV) was raised. The list is sent to the HAV Condo Association. Chm. Berger asked if the ZBA should be doing more for abutters.

Priestley suggested the ZBA can request the Condo Association notify the immediate abutters and confirm their notification in their letter to the ZBA.

Priestley MOVED and SECONDED by Riordan to table discussion to the next meeting of 10/19/11 for discussion with HAV Condo Association representative. Also, new associate member Tom Armstrong was appointed by the Selectmen last night and he lives in Hideaway Village and may also have helpful ideas concerning this issue.

Old Business

Chm. Berger reported that he sent ZBA recommended increase in appeals fees to TA Guerino, but that to date he had not heard whether the Selectmen had acted on the ZBA's recommendation.

Adjournment

Priestly MOVED and SECONDED by O'Brien to adjourn. Meeting adjourned at 8:20 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.