

Town of Bourne Zoning Board of Appeals

Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

January 3, 2018

I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on January 3, 2018. Ms. Kullar 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.

II. Members Present: Amy Kullar, Wade Keene, Timothy Sawyer, John O'Brien and Associate Member, Kat Brennan.

Members Excused: Harold Kalick and Associate Member, Deb Bryant.

Also Present: Roger Laporte, Carol Mitchell, Randy Collette, Ford O'Connor, Barbara Corin, Karen Paulsen, Brian Paulsen, Lucy Maddock, Larry Maddock and Joshua Bows.

Amy Kullar will be writing the Decisions.

III. Agenda Items

1. Approval of Minutes – Ms. Kullar entertained a motion to defer the approval of the December 6, 2017 meeting minutes. **Mr. O'Brien moved, Ms. Brennan seconded to defer the approval of the December 6, 2017 meeting minutes.** With no discussion, the motion carried. 5-0-0.

Sitting on the hearings; Wade Keene, Timothy Sawyer, Amy Kullar, John O'Brien and Associate member, Kat Brennan.

2. 6A Thompson Road, Hideaway Village, Special Permit 2017-SP25– Requesting Special Permit under M.G.L., Ch. 40A, Sec. 9 and per sections 1331, 2320 and 2450 of the Bourne Zoning Bylaws to construct a second story dormer off existing dwelling to extend pre-existing, non-conformity of the structure not to extend beyond the existing footprint with additional living space of 76 square feet.

(Continued from December 6, 2017)

Materials - Public Hearing Notice, Assessor's Card, Application for Supportive Finding/Special Permit, Google directions, Hideaway Village Construction Application, Abutter Notification List, Site Plan and a Memorandum from Town Counsel.

Joshua Bows addressed the board and summarized the proposed project. He offered a full presentation at the previous hearing on December 6, 2017.

Ms. Kullar briefly discussed the reason why the matter was continued and referred to a memorandum sent by Town Counsel which stated a bathroom is not considered habitable spaces.

Mr. Laporte asked the representative to define the Velocity Zone line on the plan. Mr. Bows referred to the plan to pinpoint the flood line.

Ms. Kullar questioned whether Hideaway Village Association approved the proposed project. Mr. Bows confirmed they had.

Board Comment – Mr. Keene asked the representative to quickly review the proposed project. Mr. Bows referred to the plan stating the property owners would like to add a second bathroom and a closet. He stated there will be no increase in habitable space.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Ms. Brennan moved, Mr. Keene seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. Keene moved, Mr. Sawyer seconded to grant the Special Permit 2017-SP25, under M.G.L., Ch. 40A, Sec. 9 and per sections 1331, 2320 and 2450 of the Bourne Zoning Bylaws to construct a second story dormer off the existing dwelling to extend the pre-existing, non-conformity of the structure, not to extend beyond the existing footprint with additional living space of 76 square feet pursuant to the plans submitted.** With no discussion, the motion carried. 5-0-0.

3. 7 Laura Lane, Variance, 2017-V31, Requesting Variance under M.G.L., Ch. 40A, Sec. 9, from the following sections of the Bourne Zoning Bylaw; Sections 2454; 2456: to exceed maximum lot coverage (required 21%) by constructing a 36.5'x 14' single-story addition for an accessory dwelling on the east side of the property (proposed 26.2%) a 5.2% lot coverage variance. Section 2500: to exceed front setback (30' required) by 18.2 feet. Proposed addition would have a final setback of 11.8 feet.

Materials - Public Hearing Notice, Assessor's Card, Application for Special Permit Accessory Dwelling, Supportive Finding Application, Proposed Floor Plan, Site Photographs, Site Plan Google Map, Lot Coverage Worksheet, letter from Kathryn Fuller, Abutters List and Petition for Variance,

Attorney Ford O'Connor addressed the board. He stated he is also requesting a Special Permit/Supportive Finding for this same property and asked if he could present all of the proposals in one presentation. Ms. Kullar stated he can speak to all; however, the agenda must be followed.

Mr. O'Connor referred to the site plan and briefly discussed the Variance request. He explained the reason why he feels this project meets the criteria necessary for the Variance to be granted.

Ms. Kullar discussed the possibility of converting the basement into an accessory dwelling.

Mr. Laporte asked the representative if the reason for the Variance being requested is because the project exceeds the allowable lot coverage. Mr. O'Brien referred to the Lot Coverage Worksheet and discussed the existing lot coverage. Mr. Laporte referred to the regulations and explained that the Board is not permitted to grant an increase greater than 10% of the calculated area, stating the proposed project exceeds the 10%. A discussion ensued.

Mr. O'Connor requested that the matter be continued to allow him time to review the lot coverage calculations.

After a brief discussion, **Mr. O'Brien moved, Mr. Sawyer seconded to continue the request for a Variance and Special Permit at 7 Laura Lane to February 7, 2018.** The motion carried. 5-0-0.

4. 7 Laura Lane, Special Permit 2017-SP30, Requesting Special Permit under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw: Sections 1331; 4120-4123: to construct a 36.5' x 14' single-story addition to contain an accessory dwelling.

(Continued to February 7, 2018)

5. 7 Laura Lane, Special Permit 2017-SP29, Requesting Special Permits under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw: Sections; 1331; 2320; 2450 Supportive Finding that the proposed alteration to a pre-existing, non-conforming

structure and use shall not be substantially more detrimental than the existing structure and use to the neighborhood.

(Continued to February 7, 2018)

6. Old Business – None.

7. New Business – None.

8. Public Comment – None.

IV. Adjournment –

Ms. Brennan moved, Mr. O'Brien seconded to adjourn the meeting. With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:25 PM.

Minutes Submitted By: Carol Mitchell