

# ***Town of Bourne Zoning Board of Appeals***

## ***Meeting Minutes***

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

August 1, 2018

### **I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on August 1, 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.

Ms. Kullar announced the meeting was being recorded and asked if anyone in the audience was recording the meeting to please acknowledge such to the board. She noted Carol Mitchell was recording the meeting.

### **II. Members Present:** Amy Kullar, John O'Brien, Wade Keene, Tim Sawyer and Associate Members, Deb Bryant and Chris Pine.

**Members Excused:** Harold Kalick and Associate Member, Kat Brennan

**Also Present:** Roger Laporte, Carol Mitchell, Michael Rausch, Jim Mulvey, Ron Bukoski, Cindy Bukoski, Paul Blanchard. Bill Rudolph, Mary Burke, Florence Burke, John Widdison and Anna Widdison.

*Amy Kullar will be assisting Wade Keene with writing the Decisions.*

### **III. Agenda Items**

- 1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the July 18, 2018 meeting. **Mr. O'Brien moved, Ms. Bryant seconded to approve the minutes of the July 18, 2018 meeting as written.** With no discussion, the motion carried. 6-0-0.

*Sitting on this hearing; Wade Keene, Tim Sawyer, Amy Kullar, Deb Bryant and Chris Pine.*

- 2. 21 Hilltop Drive, Special Permit 2018-07 - Animal Kennel - Special Permit** sought under the Bourne Zoning Bylaw: Section 2200 and M.G.L. Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-40 district.

*Materials – Public Hearing Notice, Application Checklist, Photograph of dogs, Assessor’s Field Card, Site Plan, Special Permit Application, Illustration of the proposed setbacks, Abutters List, Aerial View, Log of Dog Activity, Email from an Abutter, Memorandum from the Board of Health and Directions to the property.*

Ron Bukoski along with his wife, Cynthia addressed the board. Mr. Bukoski explained they have four small dogs which require them to obtain a Special Permit.

Board Comment – Ms. Kullar asked if this will be a commercial kennel for breeding purposes. Mr. Bukoski stated no. Ms. Kullar asked if the all of the dogs are house pets. Mr. Bukoski stated they are.

Ms. Kullar read aloud a Memorandum issued by the Board of Health administratively approving the kennel.

Ms. Kullar stated she visited the site and noted the lot is considerable in size with numerous plantings around the border; explaining that the matter had been continued because Board of Health approval was needed.

Board Comment – None.

Mr. Bukoski discussed a log he began to keep of the dogs’ outdoor activities after his neighbor complained about barking.

Ms. Kullar discussed an email she received from Russell and Linda Dieter who expressed concern that the Bukoski’s will be running a commercial operation. She explained that the bylaw’s language regarding a kennel could be interpreted to mean a commercial operation permit is being sought, but in reality, they have four house pets requiring a kennel that meets Board of Health requirements.

Public Comment – None.

Board Comment – Mr. Keene asked if the neighbor who complained owns a dog. Mrs. Bukoski stated he does not. Mr. Keene asked if they intend to own more than four dogs. Mrs. Bukoski stated no. He then explained how they acquired the four dogs.

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

Mr. Sawyer suggested limiting the permit to up to four dogs only.

Ms. Kullar entertained a motion. **Mr. Sawyer moved, Mr. Pine seconded to grant Special Permit SP2018-07, for an animal kennel for no more than four pets for Cynthia and Ronald Bukoski, 21 Hilltop Drive, S. Sagamore, MA.** With no discussion, the motion carried. 5-0-0.

*Sitting on this hearing; Wade Keene, Tim Sawyer, Amy Kullar, Deb Bryant and Chris Pine.*

**3. 42 Yearling Run Road, Special Permit 2018-08 – Accessory Dwelling – Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L. Ch. 40A, Sec. 9 to remodel an existing 1,248 square-foot structure into an accessory dwelling in an R-80 zone.**

**(Continued from June 6, 2018)**

*Materials – Request from applicant for a continuance.*

Ms. Kullar announced that the applicant has requested another continuance to August 15, 2018, because they will not be able to appear before the Board of Health until August 8, 2018. Ms. Kullar then read aloud the request for the continuance.

Board Comment – None.

Ms. Kullar entertained a motion to continue the matter to August 15, 2018. **Mr. Keene moved, Mr. Sawyer seconded to continue the matter to August 15, 2018 at 7:05 PM.** With no discussion, the motion carried. 5-0-0.

*Sitting on this hearing; Wade Keene, Tim Sawyer, Amy Kullar, Deb Bryant and Chris Pine.*

**4. 9 Harlow Farm Road, Special Permit 2018-09 - Animal Kennel - Special Permit sought under the Bourne Zoning Bylaw: Section 2200 and M.G.L. Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-40 district.**

*Materials – Public Hearing Notice, Assessor's Field Card, Site Plan, Special Permit Application, Abutters List, and Directions to the property.*

**(Continued from June 6, 2018)**

The applicant, Marc Civilinski, was again not in attendance. Ms. Kullar stated she did not receive correspondence from the applicant on the matter and since the applicant was not in attendance at the first hearing, suggested denying the request.

After a brief discussion, the board decided to deny the request. Ms. Kullar entertained a motion. **Mr. Pine moved, Ms. Bryant seconded to deny Special Permit 2018-09, animal kennel for Marc and James Civilinski at 9 Harlow Farm Road, Sagamore Beach.** With no discussion, the motion carried. 5-0-0.

*Sitting on this hearing; Wade Keene, Tim Sawyer, Amy Kullar, John O'Brien and Chris Pine.*

**5) 4 Hawes Road, Variance 2018-09a** – Setbacks – Requesting Variance under M.G.L., Ch. 40A, Sec. 9, from the following sections of the Bourne Zoning Bylaw; Section 2500: to exceed side setback by 6.5 feet and rear setback by 11.5 feet (15' required). Proposed addition would have a final side setback of 8.5 feet and final rear setback of 3.5 feet.

*Materials – Public Hearing Notice, Assessor's Field Card, Site Plan, Architectural drawings, Site Photographs, Special Permit/Variance Application, Abutters List, Letter of support from Colleen Pontbriand, Letter of support from Tina and Bill Belanger. Letter of support from William and Christina Belanger, and Directions to the property.*

Mary Burke along with Paul Blanchard addressed the board. Ms. Burke read from a prepared statement describing the reason for her request. Mr. Blanchard, the architect, discussed the proposed project, the property's setbacks and the rationale for the Variance.

Ms. Kullar stated based on his presentation, she can see that Mr. Blanchard understands what the requirements of a Variance are in Massachusetts. She asked the representative to discuss in further detail how the shape of the land and the structures thereon are affected in such a way that it will cause substantial hardship to the applicant but also that it is unique to that lot. Mr. Blanchard elaborated further on the shape and location of the lot.

Board Comment – Mr. O'Brien informed the applicant that the accessory dwelling could never be rented. If the person living there ever changed, the board would need to be informed of that.

Ms. Burke discussed her long-term plan to age in place in the accessory dwelling when the time comes.

Ms. Kullar asked for the name of the person who will be residing in the accessory dwelling. Ms. Burke stated it will be her mother, Florence Burke.

Mr. Keene opened a brief discussion regarding the neighboring property.

A brief discussion transpired regarding the abutters who submitted letters of support.

Ms. Kullar asked the representative to discuss how desirable relief may be granted without substantial detriment to the public good. Mr. Blanchard discussed how the final criteria of a Variance will be met.

Public Comment – None.

Ms. Burke thanked the board for their time and consideration.

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

Ms. Kullar stated she's satisfied that the requirements of a Variance have been met. The board agreed.

Ms. Kullar entertained a motion. **Mr. O'Brien moved, Mr. Sawyer seconded to approve Variance request 2018-09a under M.G.L., Ch. 40A, Sec. 9, and Section 2500 of the Bourne Zoning Bylaw to approve the proposed setbacks as requested pursuant to the plans submitted.** With no discussion, the motion carried 5-0-0.

**6) 4 Hawes Road, Special Permit 2018-SP10** – Accessory Dwelling – Requesting Special Permit under M.G.L., Ch. 40A, Sec.9 and the Bourne Zoning Bylaw: Sections 1331; 4120-4123, to construct a 700 +/- square-foot, single-story addition to contain an accessory dwelling.

*Materials – Public Hearing Notice, Assessor's Field Card, Site Plan, Architectural drawings, Site Photographs, Special Permit/Variance Application, Abutters List, Letter of support from Colleen Pontbriand, Letter of support from Tina and Bill Belanger. Letter of support from William and Christina Belanger, and Directions to the property.*

Mary Burke and Paul Blanchard were present to answer any additional questions regarding the presentation previously given.

Ms. Kullar reiterated that only Florence Burke may reside in the dwelling and if that changes she must notify the Town. She added that at no time can the unit be rented.

Board Comment – Mr. O'Brien noted that the proposed project meets Lot Coverage and Gross Floor Area requirements.

Public Comment – Mr. Mulvey questioned whether the plans will be mentioned in the motion. Mr. O'Brien stated they were mentioned in the previous hearing's motion.

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

Ms. Kullar entertained a motion. **Mr. Pine moved, Mr. Keene seconded to grant Special Permit 2018- SP10 for Mary Burke at 4 Hawes Road, Sagamore Beach for an accessory dwelling pursuant to the plans submitted and subject to Board of Health approval. Only Florence Burke may reside in the unit.** With no discussion, the motion carried 5-0-0.

**Old Business** – None.

**New Business** – None.

**Public Comment** – None.

#### **IV. Adjournment –**

**Mr. O’Brien moved, Ms. Bryant seconded to adjourn the meeting.** With no discussion, the motion carried 6-0-0. The meeting adjourned at 7:46 PM.

Minutes Submitted By: Carol Mitchell