

2010 MEETING NOTICES

AFFORDABLE HOUSING BOARD OF APPEALS ASSESSORS

VOL. 1

28 9/6/17

**Bourne Affordable Housing Trust Meeting
Friday, January 8, 2010
8:30 AM Bourne Town Hall
Basement Conference Room
24 Perry Ave
Bourne, MA 02532**

Agenda:

1. Review minutes of the December 11, 2009 Meeting
2. Work on Shearwater and Adams St. RFP
3. Review of 1 Tattler P & S for signing
4. Housing Specialist's report
5. Other business to come before the board.

Kerry Horman, Affordable Housing Specialist

2010 JAN 5 AM 10 44
TOWN CLERK'S OFFICE
BOURNE, MASS.

To: Selectmen's Office

From: Kerry Horman

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Affordable Housing Trust Meeting

Friday, January 8, 2010

8:30 AM Bourne Town Hall

Basement Conference Room

24 Perry Ave

Bourne, MA 02532

Agenda:

1. Review minutes of the December 11, 2009 Meeting
2. Work on Shearwater and Adams St. RFP
3. Review of 1 Tattler P & S for signing
4. Housing Specialist's report
5. Other business to come before the board.

Thank you,

Kerry Horman, Affordable Housing Specialist

2010 JUL 15 PM 1 38
TOWN CLERK'S OFFICE
BOURNE, MA 02532

Bourne Affordable Housing Trust

Minutes Meeting of January 8, 2010

Time: 8:40 AM.

Location: Bourne Town Hall, Basement Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh (arriving at 9:00 AM), Judith Riordan, and Lee Berger

Absent: Thomas Guerino

Others present: Kerry Horman, Affordable Housing Specialist

Ms. Riordan asked if there was a motion to approve the minutes of the December 11, 2009 meeting.

Ms. Ross moved the minutes be approved.

Mr. Berger seconded the motion and the motion passed unanimously.

Mr. Horman presented the RFP that he was about to advertise for developers at Adams Street and Shearwater Drive. The Trustees were in agreement that the minimum gross living area of the houses should be approximately 1300 ft.² to 1400 ft.², that in a single-story house that one full bath and one half bath would be adequate and that in a two-story house a full bath with a shower on the first floor and a full bath with tub shower unit on the second floor should be provided, that both houses should be framed for potential use as a handicapped accessible home, that the RFP should note that while the trim and siding of the homes to be built should fit with that in neighborhoods that the Trust was not excluding synthetic materials, and that the RFP time frame should be 60 days.

Mr. Walsh asked Mr. Horman to update the Trustees on the Tattler Circle purchase.

Mr. Horman informed the Trustees that the final purchase and sales agreement was still being worked on. He said that he had been in touch with DHCD and as he noted previously that the Trust could resell the property either by lottery, using Housing Assistance Corporation's ready buy list, or the B-HOPP ready buy list. DHCD would recommend that if the B-HOPP list were used that some advertising identifying the property be done. The general consensus was that the use of the HAC list might be the best alternative unless a family of appropriate size was to be brought in through the B-HOPP program.

A general discussion occurred as to the need for accounts to be set up for the payment of utilities during the Trust's ownership of the property and it was suggested that Chairman Walsh and Mr. Horman discussed with Town Hall how that might be arranged.

A discussion occurred as to the resale pricing that should be used on the Tattler Circle property.

Mr. Berger said that he did not think it was necessarily the Trust's goal to make a profit on these types of transactions.

Ms. Ross pointed out that the more that the Trust could get for the properties the more units they could do in the future and that the US Department of Agriculture's loans opens the door to many people even at the higher end of the DHCD's pricing range.

It was generally agreed that a price that would cover all of the Trust costs for this transaction plus \$5,000 to \$10,000 of additional income might be appropriate. It was thought that the price range of \$160,000 \$170,000 might be appropriate however the amount of repair work necessary needed to be considered as well as any commissions that would be paid for the sale.

Mr. Horman provided a brief summary of his written monthly report. There being no further business the meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

TOWN CLERK'S OFFICE

2010 JUL 15 PM 1 38

To: Selectmen's Office

From: Kerry Horman

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Affordable Housing Trust Meeting
Friday, February 12, 2010
8:30 AM Bourne Town Hall
Basement Conference Room
24 Perry Ave
Bourne, MA 02532

Agenda:

1. Review minutes of the January 8, 2010, Meeting
2. Shearwater and Adams St. RFP-proposed amendments and status report
3. Review of 1 Tattler Circle closing process and review of housing inspector's report.
4. Housing Specialist's report
5. Other business to come before the board.

Thank you,

Kerry Horman, Affordable Housing Specialist

2010 JUL 15 PM 1 38
TOWN CLERK'S OFFICE
Bourne, MA

2010 FEB 9 PM 1 56

TOWN CLERK'S OFFICE

BOURNE, MASS

Bourne Affordable Housing Trust Meeting

**Friday, February 12, 2010
8:30 AM Bourne Town Hall
Basement Conference Room
24 Perry Ave
Buzzards Bay, MA 02532**

Agenda

1. Review minutes of the January 8, 2010, Meeting
2. Shearwater and Adams St. RFP-proposed amendments and status report
3. Review of 1 Tattler Circle closing process and review of housing inspector's report.
4. Housing Specialist's report
5. Other business to come before the board.

Kerry Horman, Affordable Housing Specialist

Bourne Affordable Housing Trust

Minutes

Meeting of February 12, 2010

Time: 8:30 AM.

Location: Bourne Town Hall, Basement Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Judith Riordan, Thomas Guerino, and Lee Berger

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there was a motion to approve the minutes of the January 2010 meeting.

Mr. Berger moved at the minutes be accepted

Ms. Riordan seconded the motion and motion passed unanimously.

Mr. Walsh asked Mr. Horman to update the trustees on the status of the Adams Street and Shearwater Drive RFP.

Mr. Horman stated that the RFP had been advertised, and that the pre-submission conference had been held and that the proposals were due on March 26, 2010. He said that he estimated 13 people had attended the conference in addition to him and Mr. Walsh, representatives of the USDA and the energy consultant.

He added that there were some questions that arose during the conference that he would like to present to the Trustees.

Mr. Horman said the first question was whether local building related fees could be waived by the Town since the project was for the benefit of the Town.

Ms. Ross said that it had been be policy in the past to waive these fees.

Mr. Guerino stated that the building and plumbing fees could be waived administratively. However, where there were separate entities, such as the Board of Health, that each one of those groups would have to approve a waiver.

Mr. Horman said the second question was whether the Trustees would like to see proposals that included four finished bedrooms rather than as requested for three finished bedrooms, but with the ability to add a fourth within the frame of the existing shell.

The consensus of the Trustees was to inform the contractors that the Trust wishes for the proposals not to include four finished bedrooms in the initial design or as an alternative.

Mr. Horman said that he also had a question and that was concerning the ability of someone to subdivide off one of the lots at Shearwater as a separate property.

The consensus of the Trust was that this concern could be addressed in the contract documents.

Mr. Horman moved on to the Tattler Circle project, which Mr. Horman stated was scheduled for closing on February 17. He said that he just received the Title V inspection report the night before the meeting and had not had a chance to review it but he believed that Mr. Walsh had. He said that he had also not received the fire inspectors report.

Mr. Walsh said that his review of the septic report was that it indicated that they were no problems.

Ms. Ross reviewed the report and said it appeared to her as also that there were no problems and that the Fire Department inspection report is usually not provided until the closing.

Mr. Horman informed the Trustees that it had been recommended to him by Elsa Campbell at DHCD that when the property is transferred to the Trust that either no deed rider should come with it or that the existing deed rider should come with it and be changed when the Trust resells the property.

Mr. Berger said that he was surprised that the deed rider can be changed so easily.

Ms. Riordan pointed out that the Cape Cod Consortium was dealing with issues related to Housing and Urban Development not allowing the use of the new DHCD deed rider with Home funds.

Mr. Horman stated that fortunately that none of the programs he was working with used Home funds.

A general discussion occurred road, relative to the history of the current deed rider on Tattler Circle and the problem with DH CD, removing units from the Town of Bourne's Subsidized Housing Inventory list.

Mr. Horman said that he would like the direction from the Trustees as to how they would like to approach the work recommended by Lighthouse Inspections.

Mr. Guerino said that he had a schedule of the State requirements for bid procedures in his office that he would provide Mr. Horman for any work that needed to be done at the property.

Mr. Walsh provided the Trustees with a model of the issues related to the ridge vent, but he pointed out that it was uncertain whether the work suggested by the home inspector actually needs to be completed.

A general discussion occurred relative to the work needed at the property.

Mr. Guerino said that items that were beyond normal wear and tear should be the responsibility of the owner to correct.

Mr. Horman said that he believed that they were too far down the line in the closing process to require the owner to correct some of the minor issues, particularly when the owner had made significant improvements to the property. He said it was too late particularly since the process had been contentious at times.

Ms. Ross agreed with Mr. Guerino that in the future that some items identified should be the responsibility of the owner to correct before closing.

Mr. Walsh pointed out that a number of the items listed in the inspection report needed additional research. He suggested that he work with the local inspectors to identify those things that really needed to be completed and report at the next meeting.

Mr. Guerino said that he had to leave for an appointment, but that he wanted remind the Trustees of the deadline for CPA funding submissions and suggested that in the future funds for legal expenses on closings should be identified rather than being taken out of the general fund.

Mr. Horman provided the Trustees with a verbal summary of his written report.

There was a general consensus that the Town proceed with its efforts to have the five subsidized housing units that were removed by DHCD be returned to the Subsidized Housing Inventory List through bureaucratic channels, and then through elected officials, if necessary.

Mr. Berger moved that the Trust me on record as in support of the article to amend zoning bylaw to allow for the use of nonconforming lots for the construction of the deed restricted affordable homes.

Ms. Riordan seconded the motion and the motion carried unanimously.

Ms. Ross moved that the meeting be adjourned. Ms. Riordan seconded the motion, and the motion passed unanimously.

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

**Bourne Affordable Housing Trust Meeting
Monday, March 22, 2010
5:00 PM Bourne Town Hall
Basement Conference Room
24 Perry Ave
Bourne, MA 02532**

Agenda

1. Review minutes of the February 12, 2010 Meeting
2. Shearwater and Adams St. – Discuss process to review RFP submissions
3. Review repair needs, set sale price and marketing strategy for 1 Tattler Circle.
4. Housing Specialist's report
5. Other business to come before the board.

**Kerry Horman
Affordable Housing Specialist**

2010 MAR 17 PM 3 03
TOWN CLERK'S OFFICE
BOURNE, MA 02532

To: Selectmen's Office

From: Kerry Horman

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Affordable Housing Trust Meeting

Monday, March 22, 2010

5:00 PM Bourne Town Hall

Basement Conference Room

24 Perry Ave

Bourne, MA 02532

Agenda:

1. Review minutes of the February 12, 2010 Meeting
2. Shearwater and Adams St. – Discuss process to review RFP submissions
3. Review repair needs, set sale price and marketing strategy for 1 Tattler Circle.
4. Housing Specialist's report
5. Other business to come before the board.

Thank you,

Kerry Horman, Affordable Housing Specialist

TOWN CLERK'S OFFICE
MAR 22 2010

2010 JUL 15 PM 1 38

**Bourne Affordable Housing Trust
Minutes
Meeting of March 22, 2010**

Time: 8:30 AM.

Location: Bourne Town Hall, Basement Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Judith Riordan, and Thomas Guerino,

Absent: Lee Berger

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there was a motion to approve the minutes of the February 12, 2010 meeting.

Mr. Guerino moved at the minutes be accepted

Ms. Riordan seconded the motion and motion passed unanimously.

Mr. Walsh asked Mr. Horman to present his information on the pricing for 1 Tattler Circle.

Mr. Horman stated that two recent three-bedroom affordable properties with one car garages sold at Pilgrim Pines for \$179,900. He said that the Trust had purchased the property for \$147,780. He said that he felt that the appropriate price range for the Tattler Circle property would be about \$169,000 which would allow the Trust to recoup its expenses with a small contingency and that the price would fit local market conditions and the ability of affordable buyers to purchase the property.

Ms. Ross agreed and moved that the Tattler Circle property be put on the market at \$169,000.

Mr. Guerino seconded the motion, and the motion passed unanimously.

Mr. Horman stated that he had some interest and expected an offer on the Tattler Circle property and that since the State is viewing this as a resale, he believed that the Trust would be within its authority to accept an offer on the property.

Ms. Riordan stated that she felt it was important to give others an opportunity to purchase the property particularly those with the appropriate size family to use three bedrooms.

There was general agreement on this approach and Ms. Riordan moved that the property be marketed for up to 30 days with priority to families that qualified and have the number of persons in the household that would need three bedrooms or at the end of the 30 day period, the family that's needs best fit the 3 bedroom size home and first made a qualified offer be sold the property.

Mr. Guerino seconded the motion and the motion passed unanimously.

Mr. Walsh gave the Trustees a summary of the work items needed to be completed by contractors including gutters and downspouts and minor electrical work.

Mr. Horman stated that he thought that the Trust might need to get three bids on the work.

Mr. Guerino said that his understanding was that it was just for public works projects that very small work items needed three bids and that for the projects Mr. Walsh was proposing that "best business practices" were sufficient.

Mr. Horman explained that the proposal for funds from the CPA Committee prepared by he and Mr. Walsh, had been done at the last minute because he had been informed that it was likely that the request for monies for electrical repairs at one of the elderly housing complexes by the Housing Authority was likely to be found ineligible. He stated that the application was submitted subject to the ineligibility of the Housing Authority project and to approval of the submission by the Trust at the next meeting. He said that it was the intent of he and Mr. Walsh that if the Housing Authority proposal were found to be eligible that the Trust application would be withdrawn. He asked that the Trustees authorized the withdrawal of the application.

Ms. Ross moved that the CPA application be withdrawn. Ms. Riordan seconded the motion and the motion carried unanimously.

The Trustees agreed that the next meeting should be scheduled for April 6 at 9 a.m.

There being no further business Ms. Riordan moved that the meeting be adjourned. Ms. Ross seconded the motion and the motion carried unanimously. The meeting was adjourned at 9:25 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

**Bourne Affordable Housing Trust Meeting
Tuesday April 6, 2010
9:00 AM Bourne Town Hall
Basement Conference Room
24 Perry Ave
Bourne, MA 02532**

Agenda:

- 1. Review minutes of the March, 2010 Meeting**
- 2. Shearwater and Adams St. – Review RFP submissions**
- 3. Review status and marketing for 1 Tattler Circle.**
- 4. Housing Specialist's report**
- 5. Other business to come before the board.**

Kerry Horman, Affordable Housing Specialist

2010 APR 2 AM 10 07
TOWN CLERK'S OFFICE
BOURNE, MA 02532

To: Selectmen's Office

From: Kerry Horman

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Affordable Housing Trust Meeting

Tuesday April 6, 2010

9:00 AM Bourne Town Hall

Basement Conference Room

24 Perry Ave

Bourne, MA 02532

Agenda:

1. Review minutes of the March, 2010 Meeting
2. Shearwater and Adams St. – Review RFP submissions
3. Review status and marketing for 1 Tattler Circle.
4. Housing Specialist's report
5. Other business to come before the board.

Thank you,

Kerry Horman, Affordable Housing Specialist

2010 JUL 15 PM 1 39
TOWN CLERK'S OFFICE
BOURNE, MA 02532

**Bourne Affordable Housing Trust
Minutes
Meeting of April 6, 2010**

Time: 8:30 AM.

Location: Bourne Town Hall, Basement Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Judith Riordan, and Lee Berger

Absent: Thomas Guerino

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there was a motion to approve the minutes of the March 22, 2010 meeting.

Ms Ross moved that minutes be accepted.

Ms. Riordan seconded the motion and motion passed with Mr. Berger abstaining.

Mr. Walsh moved on to the request for proposals.

Mr. Berger stated that it appeared to him that Habitat for Humanity had the lowest cost proposal and that they took on the role of marketing agent as well. He said however that he would've liked to see more on the design including decks and other amenities.

Ms. Riordan said that the plan was likely their standard home.

Ms. Ross said that she believed that Habitat had come a long way but that the last house that the Partnership worked with them on had been behind schedule.

Ms. Riordan noted that their proposal suggested a later starting date than the RFP had requested.

Mr. Horman said that it was his understanding that Habitat wanted to put the project off little to coordinate it with a lot that they had in Sagamore because doing three houses at the same time would make them eligible for certain funding sources. Mr. Horman said that in his report to the Trustees that he tried to compare apples and apples with the various proposals, and that in fact, if the goal were to market all of the houses at \$180,000 then Habitat's proposal would not be the lowest of the group, in fact the Valle Group's proposal would be.

Mr. Horman also noted that Valle Group proposed to go further with the handicapped accessible characteristics on one of the houses than was required in the RFP. He stated that Valle Group and McShane both submitted the proposals with only one of the houses "visitable". He said that he re read the specs and understood why they were confused on this, but his intent was to have both houses visitable.

Mr. Horman said that he was pleased that all three of the proposals could be successful for the Trust. He said, on the first group of criteria the only noted difference he saw was that the McShane proposal was unclear as to the demonstration of having \$350,000 available as a minimum to complete the project.

Mr. Berger said that Mr. McShane's financials looked very strong.

Ms. Riordan pointed out that they all looked like they were financially capable of completing the project.

Mr. Horman said that he had put an asterisk on his report relative to McShane's financials to indicate that it wasn't that he didn't think McShane could carry out the project but that it was just unclear.

Ms. Ross said that the Town has worked with all three developers, and all three have been satisfactory, but she felt that Valle Group had been the best in her opinion, and she noted that they had just won an award from Housing Assistance Corp.

Mr. Homan said that while the goal of Habitat was to aim the price at those around 66% of median income and that part of the way they proposed to do that was from the subsidy from the Town. He said that he had made every effort to coordinate this project for eligibility with the USDA's Rural Development proposal thereby shifting the cost of getting the payments affordable for people at 60% to the borrower and the USDA and not to the very limited local CPA funds.

Mr. Berger stated however that if the properties were to resell and the next affordable applicant were not eligible for USDA or the USDA didn't have any money then it really wouldn't be affordable.

Mr. Horman noted that if the properties were priced at \$180,000, they would be at a price roughly \$20,000 less than what the State estimates a family of four could afford making 70% of median income.

Ms. Ross noted that the Tattler Circle property was receiving a great deal of interest by families at a price of \$169,000, and she said that the Trust could price the property at \$170,000 if it wanted to.

Mr. Berger asked to whether the materials of the various proposals were similar.

Mr. Walsh said that the Valle Group was more detailed in their materials list and that they had planned to use cement board clapboard on a portion of the building and cedar shingles on the rest. He said McShane was using wood clapboards and that the trim was finger jointed with one primer coat and one coat of paint.

Mr. Berger asked if Mr. Walsh felt that the Valle Groups materials were superior and Mr. Walsh indicated that he did think that they were.

Ms. Riordan asked Mr. Walsh what he felt about the energy conservation measures. Mr. Walsh said that the Valle group had indicated that they would be doing a "blow test" and that they would be meeting the requirements of our RFP.

Mr. Horman stated that the RFP requirements were very aggressive and that every one of the respondents were required to meet those and if they did, the properties would be very energy efficient.

Ms. Ross noted that when they had done this in the past that a number of construction items were changed as part of the contract after a meeting or two.

Ms. Riordan moved that the Trust invite the Valle Group in for a meeting with the purpose of clarifying some details with the intent of awarding the contract to the Valle Group if that meeting is successful.

Ms. Ross seconded the motion and the motion passed unanimously.

Mr. Walsh moved on to the Tattler Circle property, and he said that the construction work was for the most part done that the gutters and downspouts had been installed and the electrician was scheduled to put in the combination carbon monoxide and smoke detector in the basement and to adjust some of the wiring.

Ms. Ross praised and thanked Mr. Walsh for the outstanding effort and generosity he had displayed in doing the work on this property. The other Trustees concurred.

Mr. Horman said that the property had been clean and was ready to go. He said that he's finding a good deal of interest from families and he was encouraged by that because Housing Assistance Corp. was having trouble finding families and had only one and two member households on their list.

Mr. Berger asked if there would be a lottery.

Mr. Horman said that there would not be a lottery and that he hoped that the process he was following was the one that the Trust wanted. He explained that the property would be marketed until April 27, unless a qualified family with a loan commitment and ready to close, with a family size and structure that would demand a three-bedroom house as defined by the State LIP guidelines. If such a family were identified, then the Trust could move immediately for a closing. He said that the April 27 deadline was set, because it would allow applicants to benefit from the tax rebate requiring that a purchase and sales agreement be in place prior to April 30.

A date for the next meeting to review the Valle Group proposal was set for April 16, 2010 at 9 a.m.

There being no further business. Mr. Berger moved to adjourn the meeting. The motion was seconded by Ms. Ross and the vote was unanimous. The meeting was adjourned at 9:55 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

**Bourne Affordable Housing Trust Meeting
Friday, April 16, 2010
9:00 AM Bourne Town Hall
Basement Conference Room
24 Perry Ave
Bourne, MA 02532**

Agenda

1. Review minutes of the April 6, 2010 Meeting
2. Shearwater and Adams St. – Review Valle Group RFP submission
3. Review status and marketing for 1 Tattler Circle.
4. Housing Specialist's report
5. Other business to come before the board.

Kerry Horman, Affordable Housing Specialist

TOWN CLERK'S OFFICE

2010 APR 13 AM 10 30

To: Selectmen's Office

From: Kerry Horman

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Affordable Housing Trust Meeting

Friday, April 16, 2010

9:00 AM Bourne Town Hall

Basement Conference Room

24 Perry Ave

Bourne, MA 02532

Agenda:

1. Review minutes of the April 6, 2010 Meeting
2. Shearwater and Adams St. – Review Valle Group RFP submission
3. Review status and marketing for 1 Tattler Circle.
4. Housing Specialist's report
5. Other business to come before the board.

Thank you,

Kerry Horman, Affordable Housing Specialist

2010 JUL 15 PM 1 39
TOWN CLERK'S OFFICE
BOURNE, MA 02532

**Bourne Affordable Housing Trust
Minutes
Meeting of April 16, 2010**

Time: 9:00 AM.

Location: Bourne Town Hall, Basement Meeting Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, and Judith Riordan,

Absent: Thomas Guerino and Lee Berger

Others present: Kerry Horman, Affordable Housing Specialist, Christian Valle, Joseph Valle, and Architect Kurt Raber.

Mr. Walsh noted that the minutes of the April 6, 2010 meeting should be corrected to refer the air flow test for energy efficiency as the blower door test. He asked if there was a motion to approve the minutes of the 6, 2010 meeting.

Ms. Riordan moved that minutes be accepted with Mr. Walsh's correction

Ms Ross seconded the motion and motion passed unanimously.

Mr. Walsh moved on to the Valle Group proposal and he thanked the Valle Group team for coming to meeting. He asked about the reference to a wheelchair lift in the proposal.

Mr. Christian Valle and said that the lift that would be an additional cost to the project and would come out of the \$20,000 reserve fund.

Ms. Riordan said she wanted to make sure that the proposal included both houses to be visitable.

Mr. Valle said yes, that both would be visible, but one in the base price of the RFP proposal would also be fully ADA handicapped accessible, if in fact, the Trust so desired.

Mr. Horman asked whether both units would have a covered canopy at the visitable entrance.

Mr. Valle confirmed that that was the case.

Mr. Walsh asked whether there Trust could pick which one would be fully handicapped accessible

Mr. Christian Valle said yes, that either one could be chosen.

Mr. Walsh asked what the key differences were between the visitable and the fully handicapped accessible unit would be.

Architect, Kurt Raber said the differences would be in the turning circle in the bathrooms, master bedroom and kitchen and that the sinks, vanities, cabinets, showers, and toilets would be different.

Mr. Horman asked when it would be necessary for the builder to know whether the unit had been won at the lottery by a family needing a handicap accessible unit.

Mr. Valle said that during the framing stage it would be very helpful to know whether the unit was going to be fully handicapped accessible or not. He said later on adjustments could be made, but the earlier the better.

Ms. Riordan asked about the wind protection requirements.

Mr. Valle said that there were two ways to approach it. One was to put in windows that meet certain requirements, and the other was to have removable panels that could be easily put on and taken off. He said that they had planned the second approach, which is using removable panels.

Ms. Riordan asked about the exterior trim and whether Mr. Valle recommended going to the plastic white trim boards.

Mr. Valle said that yes, he thought that would be an appropriate upgrade, since it would reduce significantly the maintenance needs for owners in the future.

Mr. Horman asked Mr. Valle what his experience had been relative to shrinkage with the plastic trim.

Mr. Valle said that everything will shrink a little bit, but his experience is that the better quality synthetic trim is an excellent product and that they've overcome many of the early problems with shrinkage.

Mr. Horman asked if both properties would have walkout basements.

Mr. Valle said that definitely Shearwater would and they believe that the Adams Street site would also but they needed to do a little bit more engineering to determine that for sure.

Mr. Horman asked if Adams Street did not have a walkout how would a fourth bedroom be constructed.

Mr. Raber said that with the retaining walls and the proposed elevations they could make an entryway work for a fourth bedroom.

Ms. Ross stated that in her opinion she would rather see a good yard for children to play in then forcing the landscaping to allow for the walkout for a fourth bedroom.

A general discussion occurred relative to the preparation of a land disposition agreement and to the timing of the marketing as it related to the construction of the houses. Mr. Valle indicated that he would hope to have the marketing take place early, while the properties were being constructed.

Ms. Ross said that you really wouldn't want to have buyers looking at the property while construction was going on.

It was generally agreed that an open house on a weekend, once the framing was completed, might be the appropriate timing for the first buyer viewing.

Mr. Valle was asked if they were any items in addition to using synthetic trim on the exterior that he would recommend.

Mr. Valle stated that he would like to think about it and present the Trustees with some recommendations.

Mr. Walsh said that he wanted to be clear as to how to \$20,000 contingency for handicapped accessibility would be used and asked whether he was correct that the Valle proposal included a fully ADA accessible unit in the base price without using the \$20,000. He also asked whether a lift were included in that base price.

Mr. Valle said that he may have confused everyone with the issue of the lift. He said yes, that one of the units would be fully ADA accessible in the base price and that the other unit would be visitable. He said that the \$20,000 would only be used if it was determined to put a lift in the ADA accessible home or if a second home were to be made ADA, fully accessible, at which point some of the \$20,000 would be needed. He said a lift was not an ADA requirement.

A general discussion occurred on the pricing of the units and it was generally agreed that the final pricing to the buyers would be a subject for the land disposition agreement.

Ms. Ross moved that the Valle group proposal be accepted and that the Trust move forward to sign a land disposition agreement after determining which upgrades that Trust would like included.

Ms. Riordan seconded the motion and the motion passed unanimously.

Mr. Horman provided the Trustees with an update as to the Tattler Circle property and a verbal summary of his monthly report.

There being no further business the meeting was adjourned at 10:45 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

To: Selectmen's Office

From: Kerry Horman

Re: Please post meeting. I will email agenda to everyone on our Board.

Bourne Affordable Housing Trust Meeting

Friday, April 30, 2010

9:00 A M Bourne Town Hall

Upstairs Conference Room

24 Perry Ave

Bourne, MA 02532

Agenda:

1. Review minutes of the April 16, 2010 Meeting
2. Shearwater and Adams St. – Review of Valle Group proposal and related documents.
3. Review and if approved signing of the purchase and sale agreement for 1 Tattler Circle.
4. Housing Specialist's report.
5. Other business to come before the board.

Thank you,

Kerry Horman, Affordable Housing Specialist

2010 JUL 15 PM 1 39
TOWN CLERK'S OFFICE
BOURNE, MA

Bourne Affordable Housing Trust Meeting

Friday, April 30, 2010

9:00 A M Bourne Town Hall

Upstairs Conference Room

24 Perry Ave

Bourne, MA 02532

Agenda

1. Review minutes of the April 16, 2010 Meeting
2. Shearwater and Adams St. – Review of Valle Group proposal and related documents.
3. Review and if approved signing of the purchase and sale agreement for 1 Tattler Circle.
4. Housing Specialist's report.
5. Other business to come before the board.

Kerry Horman, Affordable Housing Specialist

2010 APR 27 PM 11 40
TOWN CLERK'S OFFICE
Bourne, MA

**Bourne Affordable Housing Trust
Minutes
Meeting of April 30, 2010**

Time: 9:00 AM.

Location: Bourne Town Hall, Upstairs Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Judith Riordan, and Thomas Guerino,

Absent: Lee Berger

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there was a motion to waive the review of the minutes of the April 16, 2010 meeting.

Mr. Guerino moved at the minutes be waived.

Ms. Ross seconded the motion and motion passed unanimously.

Mr. Walsh asked Mr. Horman to present the information on the suggested upgrades for Shearwater and Adams St. provided by the Valle Group.

Mr. Horman provided each member with a copy of an email from Christian Valle dated 4/28/2010 with eleven potential upgrades.

The Trustees reviewed each item and Mr. Guerino consulted with the Building Inspector on the energy efficiency upgrades.

The Trustees had a general discussion on the items.

Ms. Riordan moved that the Valle proposal be approved with the upgrade of using PVC exterior trim rather than pine at a cost of \$1,800 per house.

Ms. Ross seconded the motion and the motion was unanimously approved.

Mr. Horman informed the Trustee's that Attorney Troy had reviewed the Purchase and Sales agreement for 1 Tattler Circle and that it was ready for their signature.

The Trustees proceeded to sign four original copies of the P & S.

Mr. Horman gave a brief verbal summary of on going activities.

There being no further business, the meeting was adjourned at 10:00 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

TOWN CLERK'S OFFICE
JUL 15 PM 1 39

**Bourne Affordable Housing Trust Meeting
Friday, June 25, 2010
9:00 AM Bourne Town Hall
Second Floor Conference Room
24 Perry Ave
Bourne, MA 02532**

2010 JUN 21 AM 11 05
TOWN CLERK'S OFFICE
Bourne, MA

Agenda:

1. Review minutes of the April 16 and April 30, 2010 Meetings
2. Review and vote on the Land Disposition Agreement and related documents for the Shearwater and Adams St. project with Valle Group
3. Review status and marketing for 1 Tattler Circle.
4. Housing Specialist's report
5. Other business to come before the board.

Kerry Horman, Affordable Housing Specialist

**Bourne Affordable Housing Trust
Minutes
Meeting of June 25, 2010**

Time: 9:00 AM.

Location: Bourne Town Hall, Second Floor Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Thomas Guerino, Lee Berger, and Judith Riordan

Absent: None

Others present: Kerry Horman, Affordable Housing Specialist

2010 AUG 20 AM 10 59

TOWN CLERK'S OFFICE
BOURNE, MA

Mr. Walsh asked if there were comments on the minutes of the April 16, 2010 meeting

Ms Ross moved that minutes be accepted.

Ms. Riordan seconded the motion and motion passed with Mr. Berger abstaining.

Mr. Walsh asked if there were comments on the minutes of the April 30, 2010 meeting.

Ms. Riordan moved that minutes be accepted.

Ms Ross seconded the motion and motion passed with Mr. Berger abstaining

Mr. Walsh moved on to the Land Disposition Agreement with Valle Group.

Mr. Horman said that he was presenting a draft of the land disposition agreement that was originally created by Troy-Wall's office from a model LDA created for the Town of Orleans. He said that he had made some adjustments that were mostly housekeeping and preliminary suggestions relative to time frames and had sent the document to Chairman Walsh and Trustee Berger because of his legal background. He pointed out that the recommended changes were color-coded and in italics in the document presented to the Trustees at this meeting. He said that, he added the word "Fund" wherever the Housing Trust was referred to, because he believed that was the official name, and he corrected the address to the address for Town Hall at 24 Perry Ave. He said that all of the changes to the first three pages were simply related to the name change and address changes.

Mr. Horman suggested that in sections 1.3 and section 1.4 he had rephrased the sections and would like the Trustees to review that. He said that the sale price of the units would determine the amount of subsidy that the Trust would need to put into the project in order to be able to sell the units at that price.

There was a general discussion about pricing and it was agreed that the price for both units should be the same and that the lottery winner would get the choice of which ever house they wanted.

Mr. Berger asked why a that Trust was restricting, the developer to a 12.5% limit for developers overhead and fee.

Mr. Horman said that that was not his numbers but those proposed by the Valle Group in their response to the RFP, and that this project would be a form of 40b in which the State limits the profits to the developer.

Mr. Berger noted that there was no definition for developers overhead and fee and, that the state usually does not allow the developer greater than a 20% profit. He said, there didn't seem to be a clear definition of what is profit versus overhead and fees.

Mr. Horman agreed that that would be something that would have to be reviewed with DHCD.

The Trustees discussed in the wording of sections 1.3 and 1.4 of the agreement and agreed that section 1.3 as edited should remain as is. And that section 1.4 should read "The developer shall receive from the sale price and subsidy a developers overhead and fee .not to exceed 12.5% of the total development cost (including all overhead costs).

The trustees moved on to page 7. Section 3.2 (b) and agreed to leave this section has proposed to read "The Trust will be responsible for ensuring that all Units are eligible for listing on the Commonwealth of Massachusetts Subsidized Housing Inventory by obtaining approval under the Local Initiative Program's (LIP) Local Action Unit."

The Trustees reviewed section 3.3 (e) and agreed on "no later than 30 days"

The Trustee's agreed that it the sentence in the first paragraph of section 5.1 Sales, referring to Housing Assistance Corps should be deleted since it is not applicable in this case, and that the sale price of each of the three-bedroom units should be \$179,500.

The Trustees agreed that in section 5.1 sales, the paragraph under the phrase, "Three Bedroom Unit" should have the following time frames and amendments: the Developers shall provide the Trust with notice, at the least 30 days prior to the completion of each Unit(the Completion Notice) prior to completion of each unit; *Assuming an eligible buyer has been the identified, the* P & S for each Unit shall be executed within 14 days of the receipt by the Trust of the Completion Notice.; The refundable deposit of not less than 1.5% of the sale price.; and a closing date of no later than 60 days from the date of the issuance of the Certificate of Occupancy.

It was agreed that under Section 5.3: the first sentence should read "within 60 days"

The Trustees agreed that the sentence under section 5.3(c) "the Trust shall replace such a Buyer with a substitute Buyer under an Approved P & S as soon as practical.

It was agreed that Mr. Horman should make the amendments approved at this meeting and forward the amended document to the Valle Group for their attorney to review the document and after their comments and further review by the Trust that it should be sent to Bob Troy's office for final review.

Mr. Walsh asked if anyone had concern, relative to the American Disabilities Act or from a quality point of view, about Valle Group's proposal to use panels to cover the windows under threat of a hurricane rather than using the new wind resistant windows. A general discussion occurred, and it was agreed that from a practical point of view, that there are a number of maintenance items that a person with disabilities would have to get help to perform, and that in addition the cost of the wind resistant windows was likely to be too prohibitive in this case.

Mr. Walsh asked Mr. Horman and move onto the next agenda item, which was the status of the 1 Tattler Circle sale.

Mr. Foreman said that unfortunately, just prior to the proposed closing, the family gift to the buyers of \$20,000 that was expected was no longer available. He said, however, that the lender has informed the buyers and the Trust that a re-establishment of 100% financing by the Mass Housing Finance Agency was about to begin and it was hoped that this applicant would be eligible. Mr Horman also noted that since 1 Tattler was not technically on the Subsidized Housing Inventory list that it might be possible for B-HOPP monies to be used in place of the \$20,000.

Ms. Ross stated that she was opposed to the utilization of B-HOPP money because it was not offered to other applicants at the time of advertising and that DHCD is very critical of these types of changes.

Mr. Guerino moved that the Trust extended the agreement with the current buyers until July 14, 2010 for them to obtain the necessary mortgage commitment to purchase the property.

Mr. Berger seconded the motion and the motion carried unanimously.

Mr. Horman gave a verbal summary of he is monthly report.

The Trustees discussed the successful creation of the nonconforming affordable lot ordinance at Town Meeting, and there being no further business. Ms. Ross moved that the meeting be adjourned

Ms. Riordan seconded the motion and the motion passed unanimously.

The meeting was adjourned at 10:45 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

2010 AUG 17 PM 1 14

TOWN CLERK'S OFFICE
BOURNE, MASS.

Bourne Affordable Housing Trust Meeting
Friday, August 20, 2010
9:00 AM Bourne Town Hall
Second Floor Conference Room
24 Perry Ave
Bourne, MA 02532

Agenda:

1. Review minutes of the June 25, 2010 Meetings
2. Review and vote on the amended Land Disposition Agreement, Regulatory Agreement and related documents for the Shearwater and Adams St. project with Valle Group
3. Review 1 Tattler Circle Closing
4. Financial Status and discussion of future actions
4. Housing Specialist's report
5. Other business to come before the board.

Kerry Horman, Affordable Housing Specialist

**Bourne Affordable Housing Trust
Minutes
Meeting of August 20, 2010**

Time: 9:40 AM:

Location: Bourne Town Hall, Second Floor Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Lee Berger, and Judith Riordan,

Absent: Thomas Guerino

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there were comments on the minutes of the June 25, 2010 meeting

Ms Riordan moved that minutes be accepted.

Ms. Ross seconded the motion and motion passed unanimously.

Mr. Walsh moved on to the Land Disposition Agreement with Valle Group.

Mr. Horman said that he was presenting a version of the land disposition agreement that was originally created by Troy-Wall's office from a model LDA created for the Town of Orleans, then reviewed by Mr. Berger, Mr. Walsh and Mr Horman, and then presented and reviewed by the Trust. He said the document was edited in accordance with the review of the Trust and forwarded to the Valle Group and their attorney. He said that he and Mr. Walsh had reviewed the document after the Valle Group's proposed changes and forwarded it to Troy/Wall's office and now have their recommendations as contained in an e-mail from Attorney Craig Jordan. Mr. Horman provided a copy to each of the Trustees and Mr. Horman suggested that the Trustees may want to pay particular attention to sections 2.3c and 8.4 that were referenced in Mr. Jordan's e-mail of August 19, 2010 11:10 a.m.

The Trustees were in agreement with the recommendation by Troy Wall that the last sentence of section 8.4, which was added by Valle be removed from the agreement since the Trust did not wish to indemnify the developer.

After a discussion of the last paragraph of section 2. 3 the Trustees agreed that it should read " Further, within 14 days from the execution thereof, the Trust shall provide the developer with copies of any and all due diligence material relative to the properties, if any," with the rest of the paragraph remaining as it is.

A general discussion occurred on the first paragraph of section 2.3 (c) and it was agreed that it should be amended to read. "The Trust will provide a written request for a waiver of all local fees. All costs associated with said permits or approvals, not waived by the Town shall be paid for by the developer."

Mr. Berger moved that the land disposition agreement be approved as amended at this meeting after reviewing the comments provided by Attorney Craig Jordan in his e-mail of August 19, 2010, and that Chairman Walsh be authorized to approve unsubstantial changes in the negotiations with the developer and then unless substantial changes need to be approved by the Trust that it be forwarded to DHCD for approval.

Ms. Ross seconded the motion and the motion passed unanimously.

Mr. Horman moved on to the draft Regulatory Agreement and he noted that in Mr. Jordan's e-mail he stated that the content was satisfactory but suggested it was some formatting issues on page 9.. Mr. Horman said he had called and e-mailed Mr. Jordan, asking him to fax or e-mail corrections in the formatting to the Trust before or during the meeting.

Mr. Horman said that he had edited the regulatory agreement, the format of which was provided by DHCD. He said the changes generally consisted of "fill in the blanks" and the elimination of paragraphs that did not apply. In addition, after his discussions with Elsa Campbell at DHCD he had added the Trust in with DHCD and the Town as monitoring agent.

The Trustees were provided with a copy of the regulatory agreement from Craig Jordan and they were unable to identify any formatting differences in the copy he sent.

Mr. Berger moved that the regulatory agreement be approved as is and the motion was seconded by Ms. Riordan.

The motion passed unanimously..

Mr. Horman moved on to the draft of marketing plan, and he explained that he had been in contact with DHCD and that they were willing to support a marketing effort that would be used to develop a list of eligible buyers both for the Adams/Shearwater Project and for the resale of existing affordable units.

Ms. Ross indicated that she believed that the dual marketing process would bring more potential buyers for both efforts.

Ms. Riordan moved that the Housing Specialist be authorized to move ahead in establishing a dual marketing effort for the Adams/Shearwater project and the resale of existing affordable units.

Mr. Berger seconded the motion and the motion passed unanimously.

The Trustees reviewed the marketing plan and determined that the ads should be made in the Bay State Banner in addition to the publications listed, and, as noted by Ms. Ross, that because the Courier newspapers were free to households that that publication should be used rather than the Enterprise newspapers. The Trustees corrected some typographical errors in the plan, and Mr. Berger moved that the marketing plan be adopted subject to the above corrections and revisions.

Ms. Ross seconded the motion and motion carried unanimously.

Mr. Walsh provided, the Trustees with a copy of the settlement statement and gave a verbal review of the successful closing of the sale of 1 Tattler Circle. He said that the net return to the Trust was \$163,945.81.

Mr. Horman noted that for the first time, the Trust was billed directly for legal services by Troy-Wall.

Ms. Ross noted that the Trust's assets should be the net from the sale minus a bill for \$110 for lawn cutting and the assets determined to be \$163,835.81.

Mr. Horman noted that there had been some discussion about a waiver of property taxes for the Trust during the period time that it owned the property. He said that he and Mr. Walsh became aware of the fact that they would be a waiver of those taxes only at the time of the closing. He said that it was his understanding that one of the attorneys requested that so that the new buyer would not be billed for the taxes due under the ownership of the Trust at some later date.

A general discussion occurred as to whether or not, it was appropriate for the Trust has a division of the Town government to receive a tax exemption on the real estate it holds.

Mr. Berger asked if he was correct that the proceeds of the sale were in the hands of the Town Treasurer.

Mr. Horman confirmed that they were and that the Treasurer had set up a separate account for the Trust which the Treasurer will manage.

Mr. Walsh asked Mr. Horman to present the Housing Specialist's report.

Mr. Horman gave a verbal summary of his written report.

Ms. Ross noted that tentatively, a joint meeting of the Trust, Housing Partnership, and Housing Authority was being discussed for September 22, 2010. But that the Chairs and staff of those groups would be meeting prior to discuss the format.

Mr. Walsh noted that in the Housing Specialist's Report the projection that construction would start at the Adams Street/Shearwater Project at the end of the summer would no longer be valid and Mr. Homan agreed.

Mr. Walsh suggested that in the future an update of the new open meeting law issues might be a good topic for discussion.

A discussion occurred relative to the storage of tapes, and how the Trust should handle business that comes before it that is not on the agenda.

Mr. Berger said that the Zoning Board puts an item on the agenda as "Old business, new business, and public comment". He said that a rule of thumb was that the Board could discuss these things but generally would not take a vote without them being a specific item listed on a future agenda.

The issue of how long tapes of meetings should be held was discussed and it was agreed that Mr. Horman would research it.

There being no further business, Ms. Riordan moved that the meeting be adjourned.

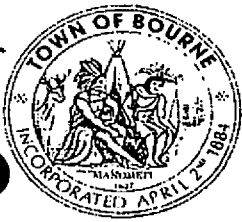
Ms. Ross seconded the motion and the motion carried unanimously.

Ms. Riordan seconded the motion and the motion passed unanimously.

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,


Kerry Horman, Affordable Housing Specialist



2010 SEP 24 PM 12 50

TOWN CLERK'S OFFICE

Bourne Affordable Housing Trust Meeting

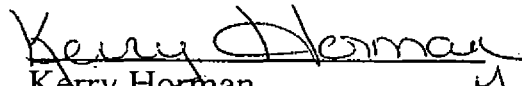


Meeting Notice

<u>Date</u>	<u>Time</u>	<u>Location</u>
Friday October 1, 2010	9:30 A.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay Upper Floor Conference Room

AGENDA

- 1) Review minutes of the August 20, 2010 meeting
- 2) Update of the 70 Adams Street/12-14 Shearwater Drive project with Valle Group and any actions necessary to further the project
- 3) Financial Status
- 4) Discussion of Goals and Objectives and Joint Meeting
- 5) Housing Specialist's Report
- 6) Discussion of future agenda items


Kerry Horman
Affordable Housing Specialist

Date: August 13, 2010

**Bourne Affordable Housing Trust
Minutes
Meeting of October 1, 2010**

Time: 9:30 AM.

Location: Bourne Town Hall, Second Floor Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Lee Berger, and Judith Riordan,

Absent: Thomas Guerino

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there were comments on the minutes of the August 20, 2010 meeting

Ms Riordan moved that minutes be accepted.

Mr. Berger seconded the motion and motion passed unanimously.

Mr. Walsh moved on to the financial report. He noted that there was \$163,835.81 in the account.

Ms. Ross moved that the financial status report be accepted.

Ms.-Riordan-seconded-the-motion-and the motion carried-unanimously.

Mr. Walsh moved on to the next agenda item which was the establishing of goals and objectives.

Mr. Horman explained that the hope was to have cleared group of goals objectives and priorities so that when a joint meeting occurred with the Housing Partnership and Housing Authority or it could be developed.

Mr. Berger stated that that the Trust's goal of creating affordable housing might be significantly impacted by the upcoming election in which the repeal of Mass. General Law 40B was being offered to the voters. He said that the town of Dennis had created a bylaw, which in essence was a local 40B ordinance and that Bourne may wish to create a similar bylaw if 40B was repealed. He provided Mr. Horman with a copy of the bylaw.

Mr. Walsh asked to members to consider the various goals and objectives that that were of major importance to the Trustees. The Trustees agreed on a number of goals and objectives and place them in two categories: A and B.

The items on the A list were: to codify the Local Action Unit Application process so that single-family homes could more easily be built on the non-conforming lots, which now could be utilized for this purpose; to seek an amendment to the nonconforming lot ordinance to allow for lots on streets that were not yet accepted by the Town; to coordinate with the efforts of the Community Development Block Grant program to develop a housing rehabilitation program; to recommend against the repeal of 40B and to ask the participants in the joint housing meeting proposed for October 20, 2010 to create a press release stating a consensus of the Bourne housing organizations were opposed to the repeal of 40B.

The items on the B list were to seek funding from the Federal Home Loan Bank Board of Boston to assist and the cost of building single-family affordable homes; and, if 40B were to be repealed, than to immediately review the Dennis affordable housing ordinance for potential use in the town of Bourne.

Mr. Horman provided a brief verbal summary of his monthly report.

There being no further business, Ms. Riordan moved that the meeting be adjourned.

Ms. Ross seconded the motion and the motion carried unanimously.

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

BOURNE AFFORDABLE HOUSING TRUST

OCT 11 2010 11 00 AM

2010 NOV 15 PM 12 07

TOWN CLERK'S OFFICE
BOURNE, MA 02532

Bourne Affordable Housing Trust Meeting
Thursday, November 18, 2010
4:00 PM Bourne Town Hall
Basement Conference Room
24 Perry Ave
Bourne, MA 02532

Agenda

1. Review minutes of the October 1, 2010 Meetings
2. Update of the 79 Adams St/ 12-14 Shearwater Dr. project and vote whether to sign Land Disposition Agreement with amendments with Valle Group, sign if approved, and take any actions necessary to further the project
3. Financial Status.
4. Discussion on the progress in meeting Goals and Objectives stated at the October 1, 2010 Meeting
5. Review of TAP application and vote whether to approve or withdraw
6. Whether to consider the purchase of additional affordable building site
6. Housing Specialist's report
7. Discussion of future agenda items

Kerry Horman, Affordable Housing Specialist

**Bourne Affordable Housing Trust
Minutes
Meeting of November 18, 2010**

Time: 4:00 PM.

Location: Bourne Town Hall, Basement Conference Room, 24 Perry Ave. Buzzards Bay, MA

Trustees Present: Susan Ross, Steven Walsh, Lee Berger, and Judith Riordan,

Absent: Thomas Guerino

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there were comments on the minutes of the October 1, 2010 meeting.

Mr. Horman said that when he went to prepare the minutes for the October 1 meeting he realized, that for some reason, he had misplaced or lost the tape of the meeting or mislabeled it, and he was unable to find it. He said he did however have pretty good notes, and that he used the notes for the preparation of minutes. He said, however, that the one section of the minutes that he was confused on from his notes was the goals. He asked Trustees to review the goals as he had them in the proposed minutes to see if there were any recommended changes.

Ms. Ross after renewing their notes suggested the following order for goals: 1) identifying and obtaining additional affordable building lots; 2) applying for Federal Home Loan Bank funding (in the fall of 2011); 3) codifying the Local Action Unit (LAU) process to make it easier for future applications; 4) support the effort to amend the nonconforming a lot ordinance to properties on non-accepted streets; 5) support the efforts of the Town to develop a Community Development Block Grant funded housing rehab program; and 6) to review the Town of Dennis affordable housing ordinance in case 40 B. does not pass the referendum vote.

Ms. Riordan moved that minutes be accepted as amended.

Ms. Ross seconded the motion and motion passed unanimously.

Mr. Walsh asked Mr. Horman to update the Trustees on the Adams/Shearwater Project.

Mr. Horman stated that they were two things that were in process currently with the Adams/Shearwater Project. The first, was that the final document needed to be prepared was the Regulatory Agreement which had been preliminarily reviewed by the State and Town Counsel, and had been approved by the Board of Selectmen. The issue of whether that Trust should be a party of the document has been after the fact questioned by staff at the State. Due to a number of staff members and the State's attorney being on vacation in recent weeks, Mr. Horman is still waiting for the legal review by the State on the document for final signing. He said, the second item was the request by Valle Group to have the right to either move ahead as soon as the document is signed or wait until the spring to begin construction because of winter weather conditions.

A general discussion among the Trustees occurred considering the letter from Valle Group and it was generally agreed that the Trustees would like the project to start prior to the winter if possible, but however, they would not want to jeopardize the quality of construction by trying to start under frozen ground conditions.

Mr. Berger moved that Mr. Horman be directed to advise the Valle Group of that the preference of the Trustees was to start prior to the winter if possible, but also, that section 7.7 of the proposed land disposition agreement allows for an extension based upon weather conditions and that the Trustees would not be in opposition to providing an extension if at the time of signing the agreement it is apparent that moving ahead immediately would be inappropriate due winter weather conditions.

Ms. Riordan seconded the motion and the motion carried unanimously.

Mr. Walsh pointed out that he and Mr. Horman and received plans from the Valle Group and had a chance to review them and that he had a couple of questions to discuss. The building plans were presented for the inspection of the Trustees.

The Trustees reviewed the plans. There was general consensus that the door and two windows from the dining area to the back should be replaced with a sliding glass toward and one window and at the same change should be made at the walkout exit from the back of the foundation at the cellar floor grade. Also, it was agreed that the main entry door from the exterior that provides access to the house between the kitchen area and the living room should swing in to the left with the hinges on the left-hand side. They further agreed that the closet at the end of the bedroom

hallway and a closet facing into the dining area should both have two small doors rather than one large door, either in the form of a bi-fold door, or two separately hinged small doors.

Mr. Horman said he would present this to Valle Group.

Mr. Walsh also noted that he felt that there was an error in the grading plans for one of the houses and this should be corrected with Valle Group.

Mr. Horman informed the Trustees that according to DHCD that if a disabled person were to enter the lottery and were qualified they would receive first preference in the lottery. So if two disabled persons were in the lottery and were eligible, they would be in a position to gain preference to both houses.

A general discussion occurred and the view of the Trustees was that they were not concerned that preference would potentially go in both houses to households with a disabled person rather than being accessible to all lottery applicants.

Mr. Walsh moved on to the next item on the agenda, which was the financial report.

Mr. Horman said that in the future, the Treasurer's Department would be providing financial status reports for the Trust at the time it does it for the rest of the Town departments.

Ms. Riordan moved that the financial report be accepted.

Ms. Ross seconded the motion and the motion carried unanimously.

Mr. Horman said that the next item on the agenda referring to progress towards goals and objectives had to do with the goal of supporting the Community Development Block Grant application. He provided the Trustees with an outline of the two programs proposed for the Block Grant which were housing rehabilitation for owner-occupied and investor owned properties in the Buzzards Bay target area and roof renovations to Continental Apartments.

Ms. Berger moved that the Trusts send a letter of support for the Block Grant application.

The motion was seconded by Ms. Ross and the motion passed unanimously.

Mr. Horman next brought up the subject of the TAP application to the Cape Cod Commission. He said that because the Trust was unable to establish a meeting before the application deadline, and after discussions with Mr. Walsh, he moved ahead with the application subject to ratification by the Trust at the next meeting. He said the application was designed to provide technical assistance to homeowners under 50% of median income throughout Bourne who need to fix-up their homes. The funding would be utilized to pay for a housing rehabilitation specialist to write the specs and oversee construction and that source of money for the actual renovations would be from the US Department of Agriculture, which has money but does not provide technical assistance to help people with the spec writing and-bidding process.

Mr. Horman continued that according to the application that the Trust would supply \$6,500 and that the TAP funds would \$4,000

Mr. Berger moved that the Trust ratified the application for TAP funds

Ms. Ross said that she did want to point out that that the Partnership had hoped to go for the funds but because some of the TAP funds were used for Ms. Gay's contract, that it was recommended to Mr. Horman by Paul Ruchinskas of CCC that the Trust as a separate entity from the Town would have to apply. She said she had hoped that an application could be submitted in the spring at the second round.

Mr. Horman said that unfortunately this year there was only going to be one round of TAP funds.

Ms. Riordan seconded the motion and the motion passed unanimously.

Mr. Walsh asked Mr. Horman to move on to the next item on the agenda which was whether the Trust wished to consider the purchase of additional affordable building sites.

Mr. Horman said that Ms. Ross had identified a potential building site on Albert Street and he would like to get the sense of the Trustees as to whether they felt it was time to look at additional opportunities. He said that the Adams/Shearwater project had been incredibly burdensome and that he thought there might be some ways that the Trust could act as a partner and never actually take fee simple title and hopefully make the process work more quickly. He would like to have the opportunity to get legal advice from someone with specific knowledge in this area.

Ms. Ross suggested that no matter which way the process was done, it would still require a lottery and a variety of time-consuming activities. She said however that it was her understanding from various informational programs that Trusts had the legal right to have separate legal counsel from a Town and that it might in fact be beneficial to do so.

Ms. Riordan said that Town Counsel usually has many very important matters in the works for the Town and some of the less critical things can end up waiting.

Mr. Berger said that the Zoning Board has special counsel usually related to 40b issues but that attorney worked under the umbrella of the Town Counsel.

It was agreed that Ms. Ross would talk to Mr. Guerino about the Trust seeking outside legal counsel.

The Trustee's generally agreed that they would like to look into the Albert St. property.

Mr. Walsh asked Mr. Horman to present his report.

Mr. Horman provided a brief verbal summary of his monthly report.

Mr. Walsh asked if there was anything to be discussed under items for future discussion.

Mr. Berger said that even though 40 B was retained, the Dennis ordinance for affordable housing might be better for the Town than the standard 40B approach and would like to consider it at the next meeting.

The Trustee's agreed and Mr. Horman said he'd research it for the next meeting.

There being no further business, Ms. Riordan moved that the meeting be adjourned.

Ms. Ross seconded the motion and the motion carried unanimously.

The meeting was adjourned at 5:55 PM

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AMENDED AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday January 6, 2010</u>	<u>7:30 P.M.</u>	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

**7:35p.m. – #09-16 – BUILDING INSPECTOR APPEAL & VARIANCE
UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 8&10
...CONTINUANCE**

Stephen Colonna. Location: 0 Cedar Point Drive. Map 47.1, Parcel 47 in a R-40 zoning district. Proposal: Specifically the applicant is requesting a variance from the frontage and minimum area requirements for the R-40 Zoning District, as more particularly described in the attached narrative. This narrative is on file with the Town Clerk and the Zoning Board of Appeals for review.

7:40 p.m. - #09-34 Variance

James Patrick Colonna. Location 102 Cedar Point Road. Map 47.1 Parcel 48 in a R-40 zoning district. Proposal: Applicant seeks a variance for relief from the side setback requirements of the Zoning Bylaw for the existing single family dwelling located on the property. Please see file for further information.

Old Business

7:45 p.m. - #07-30 Special Permit Court Order Remand

New Business

Members Present:

2009 DEC 21 PM 11 36
TOWN CLERK'S OFFICE
BOURNE, MASS



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AMENDED AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday January 6, 2010</u>	<u>7:30 P.M.</u>	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

**7:35p.m. – #09-16 – BUILDING INSPECTOR APPEAL & VARIANCE
UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 8&10
...CONTINUANCE**

Stephen Colonna. Location: 0 Cedar Point Drive. Map 47.1, Parcel 47 in a R-40 zoning district. Proposal: Specifically the applicant is requesting a variance from the frontage and minimum area requirements for the R-40 Zoning District, as more particularly described in the attached narrative. This narrative is on file with the Town Clerk and the Zoning Board of Appeals for review.

7:40 p.m. - #09-34 Variance

James Patrick Colonna. Location 102 Cedar Point Road. Map 47.1 Parcel 48 in a R-40 zoning district. Proposal: Applicant seeks a variance for relief from the side setback requirements of the Zoning Bylaw for the existing single family dwelling located on the property. Please see file for further information.

Old Business

7:45 p.m. - #07-30 Special Permit Court Order Remand

New Business

Members Present:

2009 DEC 9 AM 9 41
TOWN CLERK'S OFFICE
BOURNE, MA



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AMENDED AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday January 6, 2010</u>	<u>7:30 P.M.</u>	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

**7:35p.m. – #09-16 – BUILDING INSPECTOR APPEAL & VARIANCE
UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 8&10
...CONTINUANCE**

Stephen Colonna. Location: 0 Cedar Point Drive. Map 47.1, Parcel 47 in a R-40 zoning district. Proposal: Specifically the applicant is requesting a variance from the frontage and minimum area requirements for the R-40 Zoning District, as more particularly described in the attached narrative. This narrative is on file with the Town Clerk and the Zoning Board of Appeals for review.

7:40 p.m. - #09-34 Variance

James Patrick Colonna. Location 102 Cedar Point Road. Map 47.1 Parcel 48 in a R-40 zoning district. Proposal: Applicant seeks a variance for relief from the side setback requirements of the Zoning Bylaw for the existing single family dwelling located on the property. Please see file for further information.

Old Business

New Business

Members Present:

BOURNE, MASS
TOWN CLERK'S OFFICE
2009 DEC 3 PM 9 40

Zoning Board of Appeals Minutes – January 6, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

Lee Berger – Chairman, John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, Robert Gaynor, Wade Keene and John O'Brien.

Robert Gaynor writing decisions tonight, where applicable.

Meeting Called to Order

Meeting called to order at 7:30 pm.

Approval of minutes

J. Riordan **moved** and **seconded** by T. Sawyer to approve minutes of December 16, 2009 as submitted. **Vote 5-0-2** with abstentions from J. Priestley, Jr. and John O'Brien.

#09-16 Building Inspector Appeal & Variance – Continuance

Stephen Colonna. Location: 0 Cedar Point Drive. Map 47.1, parcel 47 in a R-40 zoning district. Proposal: Specifically the applicant is requesting a variance from the frontage and minimum area requirements for the R-40 Zoning District, as more particularly described in the attached narrative. This narrative is on file with the Town Clerk and the Zoning Board of Appeals for review.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Robert Gaynor. Also present: Wade Keene and John O'Brien.

Atty. for applicant requested Chm. Berger write one decision for purposes of appeal. Decision will be filed within 2 weeks of vote concerning the variance request.

Atty. Sara Flores stated for applicant:

Her recent research has determined that between 1949 and 1959, the property was not subject to zoning bylaws. In 1958 or 1959, a zoning map was approved by the Town that placed the property in a zoning district. In 1959, a grandfathering provision under Section V 2E of 1958 Zoning bylaw said that lots created before the lot was zoned does not need to comply with either area or frontage requirements.

In light of this new information, Atty. Flores stated the board has two options: leave the vote as is; or give notice to all abutters that the public hearing will be reopened as to the appeal of the Building Inspector's decision, in order that the Board could evaluate and consider the new information, and vote again.

Chm. Berger stated the Board will seek Town Counsel's opinion on whether the hearing can be reopened, even with notice. Tim Sawyer requested that Town Counsel also be asked to give his opinion concerning the legal standard for the doctrine of merger.

Chairman Berger agreed, and also stated he would ask Atty. Troy to attend the next meeting.

J. Priestley **moved** and **seconded** by R. Gaynor to continue hearing #09-16 to January 20, 2010 at 7:35 pm. **Vote 5-0.**

#09-34 Variance

James Patrick Colonna. Location: 102 Cedar Point Road. Map 47.1 Parcel 48 in an R-40 zoning district. Proposal: Applicant seeks a variance for relief from the side setback requirements of the Zoning Bylaw for the existing single-family dwelling located on the property. Please see file for further information.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Robert Gaynor. Also present: Wade Keene and John O'Brien.

R. Gaynor **moved** and **seconded** by J. Riordan to continue hearing #09-34 to January 20, 2010 at 7:36 pm. **Vote 5-0.**

Old business

#07-30 Special Permit Court Order Remand

Atty. Alexander Joyce for applicant.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Robert Gaynor. Also present: Wade Keene and John O'Brien.

Plans were submitted to reconstruct single-family dwelling. After public hearings, Board granted special permit allowing to raze and rebuild house. Abutters filed an appeal at the Barnstable County Court. The parties have come to an agreement, requested the Court to remand the case back to the Board for approval of new plans, and the Court obliged. New package of building plans and site plans were submitted.

Footprint increased because the height of the roof-line was decreased from 33 feet to 28 feet, making it a single story home. Gross floor area is allowed up to 24% of lot area. Lot coverage is allowed up to 25% of lot area.

Applicant needs special permit under section 2457 to allow an increase of 10% of the gross floor area. Applicant does not need special permit as to lot coverage as he is within the 25% limitation.

Good and sufficient cause – lowering height and not having a second story, making more adequate to do layout and improves views of adjacent neighbors to the East. Appellants support new plans.

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to close public hearing. **Vote 5-0.**

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to amend the Board Of Appeals' Special Final Decision in 07-30 to substitute plans of Rescom Architectural, Inc. dated 12/23/09 consisting of two pages, and also Steven Doyle & Associates site plan dated 1/04/10 (lot 11) and to further allow the increase in gross floor area by an amount of 10% in accordance with the plans described. **Vote 5-0.**

Adjourn

J. Priestley, Jr. **moved** and **seconded** by J. O'Brien to adjourn. Meeting adjourned at 8:50 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AMENDED AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday January 20, 2010	7:30 P.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:35p.m. – #09-16 – BUILDING INSPECTOR APPEAL & VARIANCE
UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 8&10
...CONTINUANCE

Stephen Colonna. Location: 0 Cedar Point Drive. Map 47.1, Parcel 47 in a R-40 zoning district. Proposal: Specifically the applicant is requesting a variance from the frontage and minimum area requirements for the R-40 Zoning District, as more particularly described in the attached narrative. This narrative is on file with the Town Clerk and the Zoning Board of Appeals for review.

#09-34 Variance.... Continuance

James Patrick Colonna. Location: 102 Cedar Point Road. Map 47.1 Parcel 48 in a R-40 zoning district. Proposal: Applicant seeks a variance for relief from the side setback requirements of the Zoning Bylaw for the existing single family dwelling located on the property. Please see file for further information.

7:40 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUED

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. Persons affected: Map 25 Parcels 9 & 36.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 JAN 5 AM 11 04
TOWN CLERK'S OFFICE
BOURNE, MASS.

AGENDA

DATE

TIME

LOCATION

Wednesday January 20, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:40 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUED

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.

Old Business

New Business

Members Present

Zoning Board of Appeals Minutes – January 20, 2010

Bourne Town Hall

Buzzards Bay, MA 02532

Attendance

Lee Berger – Chairman, John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, Robert Gaynor. Wade Keene and John O'Brien are excused.

Meeting Called to Order

Meeting called to order at 7:30 pm.

Approval of minutes

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to table approval of the minutes of the 1/6/10 meeting until the next meeting. **Unanimous vote.**

#09-16 – Building Inspector Appeal & Variance under MGL, Chapter 40A, Section 8 and 10 – Continuance

Stephen Colonna. Location: 0 Cedar Point Drive. Map 47.1, Parcel 47 in a R-40 zoning district. Proposal: Specifically the applicant is requesting a variance from the frontage and minimum area requirements for the R-40 Zoning District, as more particularly described in the attached narrative. This narrative is on file with the Town Clerk and the Zoning Board of Appeals for review.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Robert Gaynor.

Atty. Troy's opinion stated that the Board should not re-open the public hearing with respect to its decision to affirm the decision of the Building Inspector unless there is consent by all parties, including abutters.

Atty. Keiffer, on behalf of some of the abutters, refused to consent and objected to re-opening of the public hearing.

J. Priestley, Jr. **moved** and **seconded** by T. Sawyer to suspend hearing #09-16, skip hearing #09-34 and move to hearing #08-18. **Vote 5-0.**

#08-18 – Comprehensive Permit, 40B... Continued

2010 MAR 1 PM 12 15
TOWN CLERK'S OFFICE
09-16-10

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.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Robert Gaynor.

Applicant's Atty. Attea's fax dated January 20, 2010 requested a continuance to the next available hearing date, and waived time constraints. After discussion amongst Board members, the next available hearing date when all of the Board members would be available was April 7, 2010.

J. Priestley, Jr. **moved and seconded** by J. Riordan to continue comprehensive permit #08-18 hearing to April 7, 2010 at 7:40 pm. **Vote 5-0.**

J. Priestley, Jr. **moved and seconded** by R. Gaynor to reopen appeal #09-16. **Vote 5-0.**

The applicant requested permission to withdraw the request for a variance without prejudice, stating that if the court's overturn the Board decision to affirm the decision of the Building Inspector, the request for a variance will not be necessary.

J. Priestley, Jr. **moved and seconded** by R. Gaynor to allow the applicant to withdraw his request for a variance, in hearing #09-16, without prejudice. **Vote 5-0.**

#09-34 Variance.... Continuance

James Patrick Colonna. Location: 102 Cedar Point Road. Map 47.1 Parcel 48 in a R-40 zoning district. Proposal: Applicant seeks a variance for relief from the side setback requirements of the Zoning Bylaw for the existing single-family dwelling located on the property. Please see file for further information.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Robert Gaynor.

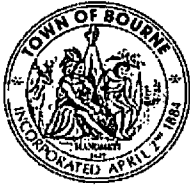
The applicant requested permission to withdraw this appeal without prejudice, since this request may not be necessary if the Court reverses the Board's decision in Appeal #09-16 to affirm the decision of the Building Inspector.

J. Priestley, Jr. **moved and seconded** by J. Riordan to allow the applicant to withdraw his request for a variance in Appeal #09-34 without prejudice. **Vote 5-0.**

Adjournment

J. Priestley, Jr. **moved and seconded** by T. Sawyer to adjourn. Meeting adjourned at 8:00 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: **#09-37– Special Permit ~ ACCESSORY DWELLING**

APPLICANT: Paul J. Carreiro

LOCATION: 100 Puritan Road, Buzzards Bay

Map 19.2 Parcel 60 R-40 zoning district

PROPOSAL: Applicant seeks approval for a use of the finished basement of the house
as an accessory dwelling.

DATE & TIME: Wednesday, February 3, 2010 at 7:45 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

January 13, 2010

January 20, 2010

2009 DEC 30 AM 8 48
TOWN CLERK'S OFFICE
BOURNE, MASS



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #09-35- Special Permit – EXTENTION OR ALTERATION OF A PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Kenneth A. & Betsey K. Cheitlin

LOCATION: 485 Circuit Ave

Map 47.1 Parcel 25 R-40 zoning district

PROPOSAL: Applicant seeks to renovate existing single family dwelling. Renovations are to include: add new foundation, remove 40 sqft from existing covered porch, relocate existing steps, and construct 10.4 sqft and 23.1 sqft additions, and raise floor elevation one foot.

DATE & TIME: Wednesday, February 3, 2010 at 7:35 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

January 13, 2010

January 20, 2010

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TOWN CLERK'S OFFICE
BOURNE, MASS



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #09-36-VARIANCE
UNDER MASS GENERAL LAWS, CHAPTER 40A, SECTION 8& 10

APPLICANT: Donald Luoni

LOCATION: 204 Phillips Road, Sagamore Beach
Map 7.2 Parcel 57 R-40 zoning district

PROPOSAL: Applicant sees a variance to exceed the GFA shown in the table 2456 to exceed by 384 sq.ft.

DATE & TIME: Wednesday, February 4, 2010 at 7:40 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Dates:

January 13, 2010
January 20, 2010

BOURNE, MASS.
TOWN CLERK'S OFFICE
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TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #09-36-VARIANCE
UNDER MASS GENERAL LAWS, CHAPTER 40A, SECTION 8& 10

APPLICANT: Donald Luoni

LOCATION: 204 Phillips Road, Sagamore Beach
Map 7.2 Parcel 57 R-40 zoning district

PROPOSAL: Applicant sees a variance to exceed the GFA shown in the table 2456 to exceed by 384 sq.ft.

DATE & TIME: Wednesday, February 3, 2010 at 7:40 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Dates:

January 13, 2010

January 20, 2010

BOURNE, MASS
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TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday, February 3, 2010	7:30 P.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:35p.m. – #09-35 – SPECIAL PERMIT EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Kenneth A. & Betsey Cheitlin. Location: 485 Circuit Ave. Map 47.1, Parcel 25 in an R-40 zoning district. Proposal: Applicant seeks to renovate existing single family dwelling. Renovations are to include: add new foundation, remove 40 sqft from existing covered porch, relocate existing steps, and construct 10.4 sqft and 23.1 sqft additions, and raise floor elevation.

7: 40 p.m. - #09-36 VARIANCE

Donald Luoni. Location: 204 Phillips Road. Map 7.2 Parcel 57 in an R-40 zoning district. Proposal: Applicant seeks a variance to exceed the GFA shown in table 2456 to exceed by 384 sqft.

7:45 p.m. – #09-37 – SPECIAL PERMIT – ACCESSORY DWELLING

Paul J. Carreiro. Location: 100 Puritan Road. Map 19.2, Parcels 60 in a R40 zoning district. Proposal: Applicant seeks approval for a use of the finished basement of the house as an accessory dwelling.

Old Business

New Business

Members Present

2010 JAN 21 AM 10 16
TOWN CLERK'S OFFICE
BOURNE, MASS

Zoning Board of Appeals Minutes – February 3, 2010

Bourne Town Hall

Buzzards Bay, MA 02532

Attendance

Lee Berger – Chairman, John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan. Robert Gaynor and John O'Brien are excused.

Meeting Called to Order

Meeting called to order at 7:30 pm.

Approval of minutes

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to table minutes of January 6, 2010 and January 20, 2010. **Unanimous vote.**

#09-35 Special Permit Extension or Alteration of Pre-existing Non-conforming Structure or Use

Kenneth A. & Betsey Cheitlin. Location: 485 Circuit Ave. Map 47.1, Parcel 25 in an R-40 zoning district. Proposal: Applicant seeks to renovate existing single-family dwelling. Renovations are to include: add new foundation, remove 40 sq. ft. from existing covered porch, relocate existing steps, and construct 10.4 sq. ft. and 23.1 sq. ft. additions, and raise floor elevation.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene.

Don Bracken, Bracken Engineering, for applicant.

Applicant requesting to frame foundation above flood zone elevation and to also construct two small additions. Reducing front porch area to allow for additional GFA to put into the two new additions.

Front steps will be taken off. Steps from the side of the porch will remain, although will be relocated slightly since the porch area is being reduced.

J. Priestley, Jr. **moved** and **seconded** by T. Sawyer to close the public hearing. **Vote 5-0.**

TOWN CLERK'S OFFICE
2010 FEB 11 PM 12:15

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to grant the Special Permit in Appeal #09-35, in accordance with Bracken Engineering plans dated December 9, 2009 with the exception that the front steps are to be removed. **Vote 5-0.**

#09-36 Variance

Donald Luoni. Location: 204 Phillips Road. Map 7.2 Parcel 57 in an R-40 zoning district. Proposal: Applicant seeks a variance to exceed the GFA shown in table 2456 to exceed by 384 sq. ft.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene.

Board of Health letter dated February 3, 2010 requesting applicant to seek Board of Health's approval if granted by the Board of Appeals.

Applicant's written notice of said hearing was returned from both applicant and owner's addresses.

Chm. Berger requested that the Board secretary call the applicant in addition to giving him written notice of the continuance date. Also the applicant should be instructed to speak with the Town Planner, Coreen Moore, concerning providing the Board with lot coverage and gross floor area worksheets before the next hearing.

J. Riordan **moved** and **seconded** by J. Priestley, Jr. to continue #09-36 Variance to February 17, 2010 at 7:45 pm. **Vote 5-0.**

#09-37 Special Permit – Accessory Dwelling

Paul J. Carreiro. Location: 100 Puritan Road. Map 19.2, Parcels 60 in an R-40 zoning district. Proposal: Applicant seeks approval for a use of the finished basement of the house as an accessory dwelling.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene.

Chm. Berger raised issue that the deed rider to the applicant's property not only requires that the property remain "affordable," but also prohibits the applicant from "encumbering" the property without the permission of the Cape Cod Commission; and leasing the property could be considered such an encumbrance. Permission from the Cape Cod Commission would be included in the decision and requested from the Board of Appeals.

The applicant represented to the Board that his friend, Mr. Joseph Priest, is disabled due to epilepsy; that his sole income is from Supplemental Security Income (SSI); that he expects to charge Mr. Priest a very affordable rent.

Chm. Berger told the applicant that the special permit would name Joseph Priest in the decision. If he moves or no longer lives at said property, a new permit would need to be obtained. And in any event the deed rider requires him to obtain permission from the Cape Cod Commission if he wanted to rent the premises to anyone.

T. Sawyer **moved and seconded** by J. Riordan to close the public hearing. **Vote 5-0.**

J. Priestley, Jr. **moved and seconded** by T. Sawyer to grant a Special Permit for an accessory dwelling in Appeal #09-37 with the following conditions: 1) The unit shall not be rented until the Board of Health has submitted documentation to the Board of Appeals that sewage disposal has been satisfactorily provided per the requirements of the Board of Health;

2) The accessory unit is to be a residence for Mr. Joseph Priest; and

3) The Cape Cod Commission is appointed as the monitoring agent for the leasing of the accessory dwelling to ensure that the premises are rented to an income eligible tenant at an affordable rent, in accordance with HOME guidelines. A letter from the Cape Cod Commission should be submitted to the Board of Appeals authorizing the tenancy of Mr. Priest before he may move into the premises.

Vote 5-0.

Adjourn

J. Priestley, Jr. **moved and seconded** by T. Sawyer to adjourn. Meeting adjourned at 8:15 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, February 17, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:35p.m. – #01-10 – COMPREHENSIVE AMENDMENT

Pilgrim Pines Limited Dividend, LLC, c/o Bourne Housing Partnership

Location: 55 Deseret Drive. Map 15, Parcel 148 in an R-80 zoning district. Proposal:
Request to amend Provisions of the Deed Rider at 55 Deseret Drive, Pilgrim Pines.

7: 40 p.m. - #09-36 VARIANCE... CONTINUANCE

Donald Luoni. Location: 204 Phillips Road. Map 7.2 Parcel 57 in an R-40 zoning
district. Proposal: Applicant seeks a variance to exceed the GFA shown in table 2456 to
exceed by 384 sqft.

Old Business

New Business

Members Present

2010 FEB 4 AM 10 28
TOWN CLERK'S OFFICE
BOURNE, MASS

Zoning Board of Appeals Minutes – February 17, 2010

Bourne Town Hall

Buzzards Bay, MA 02532

Attendance

Lee Berger – Chairman, John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan. Robert Gaynor and John O'Brien are excused.

Meeting Called to Order

Meeting called to order at 7:30 pm.

Approval of minutes

J. Priestley, Jr. moved and seconded by J. Riordan to table minutes of January 6, 2010 and January 20, 2010. **Unanimous vote.**

#01-10 Amendment for a Comprehensive Permit

Pilgrim Pines Limited Dividend, LLC, c/o Bourne Housing Partnership
Location: 55 Deseret Drive. Map 15, Parcel 148 in an R-80 zoning district.
Proposal: Request to amend Provisions of the Deed Rider at 55 Deseret Drive, Pilgrim Pines.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene.

Sue Ross, of the Bourne Housing Partnership and Kerry Horman, an Affordable Housing Specialist, both spoke on the merits of the proposal.

The current deed rider is not acceptable to the U.S. Department of Agriculture and DHCD. As time goes by more lenders will reject the current deed rider, making it very difficult to obtain loans. If the Board does not act, this affordable house will not likely be able to be sold as an affordable home. Allowing the use of the universal deed rider expands the choice of mortgage options to the eligible buyers. It was also pointed out that Clause 8 on page 13 of the current deed rider authorizes the Board of Appeals to approve a waiver or release by the Monitoring Agent of any of the rights, restrictions, covenants or agreements contained in the deed rider with respect to the property.

After hearing and due deliberation, on motion made by John Priestley Jr., and seconded by Judith Riordan, it was voted:

6h. IT 11/11/10
J. Riordan
0102

1. To grant an amendment for a Comprehensive Permit in Case No. 01-10 as follows: The monitoring agent is authorized to waive the provisions in the Deed Rider for 55 Deseret Drive, to the extent that 1) it may allow the use, at the resale of the property, of either the continuance of the current deed rider or the deed rider currently referred to as the Local Initiative Program (LIP) "Universal Deed Rider," or other deed rider which is approved by the Massachusetts Department of Housing and Community Development (DHCD) which in the judgment of the Monitoring Agent will facilitate the continued use of the property for affordable housing purposes in perpetuity; and 2) it may allow that a single person meeting all eligibility requirements other than household size be considered an eligible affordable household for the purpose of purchasing of the property where the monitoring agent finds that such allowance will protect the continued use of the property as a deed restricted affordable housing unit in perpetuity; and 3) as a condition of this authorization, the monitoring agent, when approving sales under either or both of the above clauses 1) and/or 2), will provide the buyer of the property with a Certificate of Compliance to be recorded with the deed.

Vote 5-0: Motion approved.

#09-36 Variance

Donald Luoni. Location: 204 Phillips Road. Map 7.2 Parcel 57 in an R-40 zoning district. Proposal: Applicant seeks a variance to exceed the GFA shown in table 2456 to exceed by 384 sq. ft.

Sitting for the Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene.

The lot coverage by-law allows by Special Permit a 10% increase over gross floor area. For good cause which would be 1650 sqft; the applicant wants 1884 sqft. The applicant was urged to go back to the drawing board and come back to the Board with different plans, and also show these plans to the Town Planner prior to meeting for her comments.

J. Priestley Jr. **moved** and **seconded** by T. Sawyer to continue #09-36 Variance to April 7, 2010 at 7:33 pm. **Vote 5-0.**

Adjourn

J. Priestley, Jr. **moved** and **seconded** by T. Sawyer to adjourn. Meeting adjourned at 8:15 pm. **Unanimous vote.**

Respectfully submitted – Timothy Sawyer/Kimberly Griffin, sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

Wednesday, March 3, 2010

TIME

7:30 P.M.

LOCATION

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:35p.m. – #02-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE.

John Avilla, Location: 25 Washington Ave, Buzzards Bay. Map 23.1, Parcel 22 in an R-40 zoning district. Proposal: The petitioner proposes to construct a new 366 square foot garage on the northwest corner of the site replacing the existing 304 square foot garage. The request is to allow this project to proceed although it falls within the north and west setback lines.

7: 40 p.m. - #03-10 - SPECIAL PERMIT – ACCESSORY DWELLING

Michael K. Bilodeau & Suzanne L. Bilodeau. Location: 71A County Road, Bourne. Map 27 Parcel 70.03 in an R-40 zoning district. Proposal: Applicant seeks approval to change an existing horse barn into an accessory dwelling for family members; in-laws.

Old Business

New Business

Members Present

SSYN, EXHIBIT
TOWN CLERK'S OFFICE

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TOWN OF BOURNE
Board of Appeals
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #02-10- Special Permit – EXTENTION OR ALTERATION OF A PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: John Avilla

LOCATION: 25 Washington Ave, Buzzards Bay

Map 23.1 Parcel 22 R-40 zoning district

PROPOSAL: The petitioner proposes to construct a new 366 square foot garage on the northwest corner of the site replacing the existing 304 square foot garage. The request is to allow this project to proceed although it falls within the north and west setback lines.

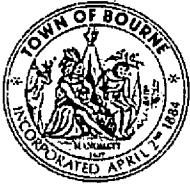
DATE & TIME: Wednesday, March 3, 2010 at 7:35 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

February 17, 2010

February 24, 2010



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #02-10- Special Permit – EXTENTION OR ALTERATION OF A PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: John Avilla

LOCATION: 25 Washington Ave, Buzzards Bay

Map 23.1 Parcel 22 R-40 zoning district

PROPOSAL: The petitioner proposes to construct a new 366 square foot garage on the northwest corner of the site replacing the existing 304 square foot garage. The request is to allow this project to proceed although it falls within the north and west setback lines.

DATE & TIME: Wednesday, March 3, 2010 at 7:35 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

February 24, 2010
February 31, 2010

BOURNE MASS
TOWN CLERK'S OFFICE
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TOWN OF BOURNE

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Board of Appeals
Bourne Town Hall

TOWN CLERK'S OFFICE 24 Perry Avenue
BOURNE, MASS Buzzards Bay, MA 02532
Phone: (508) 759-0615 Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #03-10- Special Permit – ACCESSORY DWELLING

APPLICANT: Michael K. Bilodeau & Suzanne L. Bilodeau

LOCATION: 71A County Road, Bourne

Map 27 Parcel 70.03 R-40 zoning district

PROPOSAL: Applicant seeks approval to change an existing horse barn into an accessory dwelling for family members; inlaws.

DATE & TIME: Wednesday, March 3, 2010 at 7:40 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

February 17, 2010
February 24, 2010

Zoning Board of Appeals Minutes – March 3, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

Members excused: Lee Berger and Robert Gaynor

Meeting Called to Order

Meeting called to order at 7:30 pm.

Approval of minutes

J. Riordan **moved and seconded** by T. Sawyer to approve minutes of February 17, 2010 as submitted. **Vote-4-0-1** with abstention from J. O'Brien.

#02-10 Special Permit – Extension or Alteration of a pre-existing nonconforming structure or use

John Avilla, Location: 25 Washington Ave., Buzzards Bay. Map 23.1, Parcel 22 in an R-40 zoning district. Proposal: The petitioner proposes to construct a new 366 sq. ft. garage on the northwest corner of the site replacing the existing 304 sq. ft. garage. The request is to allow this project to proceed although it falls within the north and west setback lines.

Sitting for the Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

Letter dated February 8, 2010 of abutter Priscilla Dunlavy in support of said proposal as property backs up to her property at 26 Lincoln Ave., not impacting fence on her property line.

No impact on vehicular or pedestrian, but rather a positive impact on the neighborhood.

Garage will have storage on second floor.

North side abutter at 27 Washington Ave. has had water run off due to grade level change. Inquired about gutter or water filtrater to minimize any water coming onto property. He is in support of said proposal.

South side abutter at 23 Washington is in support of said proposal.

J. Riordan **moved and seconded** by J. O'Brien to close #02-10 Special Permit. **Vote 5-0:**

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J. Riordan **moved and seconded** by T. Sawyer to approve #02-10 Special Permit granted allowing construction of 366 sq. ft. garage on site replacing existing garage with the understanding to include gutters and drywell on new garage structure. **Vote 5-0.**

#03-10 – Special Permit – Accessory dwelling

Michael K. Bilodeau & Suzanne L. Bilodeau. Location: 71A County Road, Bourne. Map 27 Parcel 70.03 in an R-40 zoning district. Proposal: Applicant seeks approval to change an existing horse barn into an accessory dwelling for family members; in-laws.

Sitting for the Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

Board of Health Letter dated January 26, 2010 in favor of said proposal as long as the Board receives a Title 5 septic design in compliance with existing State and local regulations.

Special Permit is not required for the garage.

Immediate abutter, Mr. Beane, is in favor of said proposal.

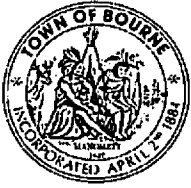
J. O'Brien **moved and seconded** by J. Riordan to close ##03-10 Special Permit. **Vote 5-0.**

J. O'Brien **moved and seconded** by T. Sawyer to grant #03-10 Special Permit to change existing horse barn for accessory dwelling family members Emily and Reale Lemieux according to plans submitted dated March, 3, 2010, and future additions are in conformance with any legally zoned issues hereto. **Vote 5-0.**

Adjourn

J. Riordan **moved and seconded** by T. Sawyer to adjourn. Meeting adjourned at 8:15 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #04-10- Special Permit – ACCESSORY DWELLING

APPLICANT: Gretchen Sally Dietrich

LOCATION: 387 County Road, Monument Beach

Map 30.4 Parcel 248 R-40 zoning district

PROPOSAL: Applicant seeks approval for an accessory dwelling for parents.

DATE & TIME: Wednesday, March 17, 2010 at 7:35 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

March 3, 2010

March 10, 2010

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TOWN CLERK'S OFFICE
BOURNE, MASS



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday, March 17, 2010	7:30 P.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:35p.m. – #04-10 – SPECIAL PERMIT – ACCESSORY DWELLING

Gretchen Sally Dietrich, Location: 387 County Road, Monument Beach. Map 30.4, Parcel 248 in an R-40 zoning district. Proposal: Applicant seeks approval for an accessory dwelling for parents.

Old Business

New Business

Members Present

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TOWN CLERK'S OFFICE

Zoning Board of Appeals Minutes – March 17, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

Members excused: Lee Berger and Robert Gaynor

Meeting Called to Order

Meeting called to order at 7:30 pm.

Approval of minutes

J. Riordan **moved** and **seconded** by T. Sawyer to approve minutes of March 3, 2010 as submitted. **Unanimous vote.**

#04-10 – Special Permit – Accessory Dwelling

Gretchen Sally Dietrich, Location: 387 County Road, Monument Beach. Map 30.4, Parcel 248 in an R-40 zoning district. Proposal: Applicant seeks approval for an accessory dwelling for parents.

Sitting for the Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

J. Riordan **moved** and **seconded** by J. O'Brien to close #04-10 Special Permit. **Vote 5-0.**

J. Riordan **moved** and **seconded** by T. Sawyer to approve #04-10 Special Permit allowing parcel 248, Map 30.4 as an accessory dwelling. **Vote 5-0.**

Adjourn

J. Riordan **moved** and **seconded** by T. Sawyer to adjourn. Meeting adjourned at 8:15 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.

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TOWN CLERK'S OFFICE



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, April 7, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7: 33 p.m. - #09-36 VARIANCE... CONTINUANCE

Donald Luoni. Location: 204 Phillips Road. Map 7.2 Parcel 57 in an R-40 zoning district. Proposal: Applicant seeks a variance to exceed the GFA shown in table 2456 to exceed by 384 sqft.

7:40 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

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.

7:45 p.m. – #05-10– AMENDMENT FOR A COMPREHENSIVE PERMIT

Pilgrim Pines Limited Dividend, LLC Proposal: Pine Tree Realty Trust and Pilgrim Pines Dividend LLC holders of the above referenced Comprehensive Permit request that it be amended by adding the following additional conditions to Article V:

18. In addition to the Deed Rider initially approved, the Monitoring Agent may allow on either the initial sale or any resale of an affordable unit, either the current deed rider, the deed rider currently referred to as the Local Initiative Program (LIP) "Universal Deed Rider" or any other deed rider which is then approved by the Massachusetts Department of Housing and Community Development (DHCD) which is in the judgment of the Monitoring Agent will facilitate the continued use of the property of affordable housing purposes in perpetuity.

TOWN CLERK'S OFFICE

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19. The Monitoring Agent may allow that a single person or other family unit meeting all the eligibility requirements other than household size may be considered an eligible affordable household for the purpose of purchasing the property where the Monitoring Agent finds that such an allowance will promote the continued use of the property as a deed restricted affordable housing unit in perpetuity.

Further the permit holder requests that the designation of lots 103 and 106 be changed from affordable to market and that lot 76 and lot 82, or any another lot outside the Zone III of Contribution to be determined by the Board of Appeals, be designated affordable. The basis for the change is that expenses incurred in developing lot 103 due to its topography and the financial issues of developing and then selling two affordable lots on a short cul de sac with only five lots. Locating the newly designated lots out of the Zone of contribution provides greater flexibility during these difficult times and will help insure the future viability of the project.

Old Business

New Business

Members Present

Zoning Board of Appeals Minutes – April 7, 2010

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**Bourne Town Hall
Buzzards Bay, MA 02532**

TOWN CLERK'S OFFICE

Attendance

John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

Member(s) excused: Wade Keene

Approval of Minutes

J. Riordan **moved** to table minutes of March 17, 2010 and **seconded** by J. Priestley, Jr.
Unanimous vote.

09-36 Variance

Donald Luoni. Location: 204 Phillips Road. Map 7.2 Parcel 57 in an R-40 zoning district. Proposal: Applicant seeks a variance to exceed the GFA shown in table 2456 to exceed by 384 sqft.

Sitting for the Board: Lee Berger, John Priestley, Judith Riordan, Tim Sawyer and Robert Gaynor.

Also present: John O'Brien

C. Moore letter dated February 17, 2010 stating she reviewed plans. Applicant does not meet the 1650 with Special Permit.

Chm. Berger stated one member is not present tonight, who has here for the last meeting of February 17, 2010. Applicant wishes to move ahead.

Board members reviewed plans dated December 24, 2007.
Applicant needs to change the 6'8" to 7'.

Applicant seeks a variance to exceed the GFA shown in table 2456 to exceed 384 sqft.

JR, JP to close public hearing. **Vote 5-0.**

J. Priestley, Jr. **moved** and **seconded** by T. Sawyer grant Special Permit #09-36 with understanding plans will be altered width of 2nd story open porch increased from 6'8" to 7' with excess of being less than 10%. Revised plans dated March 10, 2010

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.

Vaness Associates engineers study (same as Cubellis study) concludes it would be safe to have 16 units at the property.

Sitting for the Board: Lee Berger, John Priestley, Judith Riordan, Tim Sawyer and Robert Gaynor.

Also present: John O'Brien

Atty. Attea for applicant stated that the 8-unit discussion was outflow from evening's prior discussion trying to address Zoning, Board and public concerns while trying to keep project feasible from a financial standpoint.

Impossible to build out with 8 units and get positive return. Applicant looked at different layouts and reached conclusion to build 16 units seemed appropriate.

Recent past Highland Associates to take another look and to incorporate comments from Town Planner and Fire Department. Traffic safety is one of the overlying issues Board is looking at.

Mike Trebiano, Highpoint Engineering, stated there is a need for retaining walls in the development. Due to the buildings being close together, landscaping plans will supplement engineering plans.

Conceptual Site Plans dated April 6, 2010 submitted to the Board showing 16-unit plan. All units are single-family and detached.

Width of main roadway is now 22-feet, emergency vehicle access and turnaround (3-point turn) ability is addressed.

Unit footprint prior had garage taking living space from the unit. Papas added an attached garage.

Biggest changes are on pool moved to the rear of the property.

Retaining walls are between 8-10 feet currently.

Current garages will be removed for easy access at the bottom of the bypass road.

Chm. Berger questioned the safety concern with regarding for parking at the pool. There is room to accommodate parking and engineer feels it is unlikely that there will be 20 cars parked at one time. Chm. Berger asked engineer to raise issue with the Fire Department for emergency access in the pool parking area.

Units are not all leveled, but there might be a slight step of no more than 2 feet. Chm. Berger raised issue of having as many units visible vs. HP. This can be addressed by the architect. No decks are attached to the garages.

Resident Sean Scully stated concerns of other residents are that there is no connection road into the Port O'Call from project.

Vanasse & Associates, Inc. traffic report conducted as a safety assessment. Measured speeds, site differences, estimated how much traffic. Observed vehicle speeds – 42 mph average.

Sight distance summary

- 650 feet sight distance is more than enough to make a proper and safe turn.
- Mass Highway asked to take out striping of the median as transition to turn into school so cars can sit there to access development.

Trip-generated summary

- Weekday daily – 92
- Saturday daily – 90

Traffic at its peak calculates to 1 car every 7-8 minutes.

In summary, project meets the State and Federal guidelines. State will issue a permit at 16-units, as there is no issue precluding applicant getting a permit in terms of safety.

Residents at other developments shared concerns of traffic safety.

No discussions with Cubellis regarding any future cut through roads. Atty. Attea stated that it didn't appear to him that any cut through will be made.

Chm. Berger stated seeing two basic pro formas one for 8 units; one for 16; maybe one for 12. Atty. Attea will forward in advance to the next meeting. He also wanted a condition that if any traffic light is required, that a sufficient bond put up to cover cost of any connection road.

Erosion study discussed as well as erosion run off. There is a crown of 2% from Sandwich Road into the development, where erosion is discharged to underground pits to the adjacent landscaping areas.

J. Priestley, Jr. raised concerns with the 11% grade. He said at least one unit should be affordable if remains in this condition. He does not see success with current plans and proposal. He also commented on wanting to see and doesn't see any charm of the project.

Atty. Attea stated at the next hearing there will be more information for the Board to make a decision (architectural plans, engineering plans, landscaping plans, pro formas,

Discussion on pool as being a marketable item.

J. Riordan would like to see energy star ratings, landscaping plans.

J. Riordan moved and seconded by R. Gaynor to continue hearing to Wednesday, May 26, 2010 at 7:35 pm. **Vote 5-0.** Meeting place TBD.

05-10 Amendment for a Comprehensive Permit

Pilgrim Pines Limited Dividend, LLC Proposal: Pine Tree Realty Trust and Pilgrim Pines Dividend LLC holders of the above referenced Comprehensive Permit request that it be amended by adding the following additional conditions to Article V:

18. In addition to the Deed Rider initially approved, the Monitoring Agent may allow on either the initial sale or any resale of an affordable unit, either the current deed rider, the deed rider currently referred to as the Local Initiative Program (LIP) "Universal Deed Rider" or any other deed rider which is then approved by the Massachusetts Department of Housing and Community Development (DHCD) which is in the judgment of the Monitoring Agent will facilitate the continued use of the property of affordable housing purposes in perpetuity.

19. The Monitoring Agent may allow that a single person or other family unit meeting all the eligibility requirements other than household size may be considered an eligible affordable household for the purpose of purchasing the property where the Monitoring Agent finds that such an allowance will promote the continued use of the property as a deed restricted affordable housing unit in perpetuity.

Further the permit holder requests that the designation of lots 103 and 106 be changed from affordable to market and that lot 76 and lot 82, or any another lot outside the Zone III of Contribution to be determined by the Board of Appeals, be designated affordable. The basis for the change is that expenses incurred in developing lot 103 due to its topography and the financial issues of developing and then selling two affordable lots on a short cul de sac with only five lots. Locating the newly designated lots out of the Zone of contribution provides greater flexibility during these difficult times and will help insure the future viability of the project.

Sitting for the Board: Lee Berger, John Priestley, Judith Riordan, Tim Sawyer and Robert Gaynor.

Also present: John O'Brien

Atty. O'Connor for applicant.

Residents asking for a condition of moving lots upon completion of sidewalk on Marisol Drive as a safety concern. Questions raised about the Deed Rider.

Chm. Berger suggested having sidewalk put in on Marisol within 18-months.

J. Riordan **moved** and **seconded** by T. Sawyer Adopt language in 18 and 19 on the agenda and change the market rate lots of lots 103 and 106 be changed to lots 77, 79 and 81; and that we require that the sidewalk on Marisol Drive be completed within 18 months; and that also require that prior to the last market rate home on Settler's Way being sold, that the sidewalk be completed. **Vote 5-0.**

Adjourn

J. Riordan **moved** and **seconded** by T. Sawyer to adjourn. Meeting adjourned at 9:45 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.

Zoning Board of Appeals Minutes – April 7, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

Member(s) excused: Wade Keene

Approval of Minutes

J. Riordan **moved** to table minutes of March 17, 2010 and **seconded** by J. Priestley, Jr.
Unanimous vote.

09-36 Variance

Donald Luoni. Location: 204 Phillips Road. Map 7.2 Parcel 57 in an R-40 zoning district. Proposal: Applicant seeks a variance to exceed the GFA shown in table 2456 to exceed by 384 sqft.

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2010 MAR 11 23

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Vaness Associates engineers study (same as Cubellis study) concludes it would be safe to have 16 units at the property.

Sitting for the Board: Lee Berger, John Priestley, Judith Riordan, Tim Sawyer and Robert Gaynor.

Also present: John O'Brien

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Biggest changes are on pool moved to the rear of the property.

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Residents at other developments shared concerns of traffic safety.

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Chm. Berger stated seeing two basic pro formas one for 8 units; one for 16; maybe one for 12. Atty. Attea will forward in advance to the next meeting. He also wanted a condition that if any traffic light is required, that a sufficient bond put up to cover cost of any connection road.

Erosion study discussed as well as erosion run off. There is a crown of 2% from Sandwich Road into the development, where erosion is discharged to underground pits to the adjacent landscaping areas.

J. Priestley, Jr. raised concerns with the 11% grade. He said at least one unit should be affordable if remains in this condition. He does not see success with current plans and proposal. He also commented on wanting to see and doesn't see any charm of the project.

Atty. Attea stated at the next hearing there will be more information for the Board to make a decision (architectural plans, engineering plans, landscaping plans, pro formas,

Discussion on pool as being a marketable item.

J. Riordan would like to see energy star ratings, landscaping plans.

J. Riordan moved and seconded by R. Gaynor to continue hearing to Wednesday, May 26, 2010 at 7:35 pm. Vote 5-0. Meeting place TBD.

05-10 Amendment for a Comprehensive Permit

Pilgrim Pines Limited Dividend, LLC Proposal: Pine Tree Realty Trust and Pilgrim Pines Dividend LLC holders of the above referenced Comprehensive Permit request that it be amended by adding the following additional conditions to Article V:

18. In addition to the Deed Rider initially approved, the Monitoring Agent may allow on either the initial sale or any resale of an affordable unit, either the current deed rider, the deed rider currently referred to as the Local Initiative Program (LIP) "Universal Deed Rider" or any other deed rider which is then approved by the Massachusetts Department of Housing and Community Development (DHCD) which is in the judgment of the Monitoring Agent will facilitate the continued use of the property of affordable housing purposes in perpetuity.

19. The Monitoring Agent may allow that a single person or other family unit meeting all the eligibility requirements other than household size may be considered an eligible affordable household for the purpose of purchasing the property where the Monitoring Agent finds that such an allowance will promote the continued use of the property as a deed restricted affordable housing unit in perpetuity.

Further the permit holder requests that the designation of lots 103 and 106 be changed from affordable to market and that lot 76 and lot 82, or any another lot outside the Zone III of Contribution to be determined by the Board of Appeals, be designated affordable. The basis for the change is that expenses incurred in developing lot 103 due to its topography and the financial issues of developing and then selling two affordable lots on a short cul de sac with only five lots. Locating the newly designated lots out of the Zone of contribution provides greater flexibility during these difficult times and will help insure the future viability of the project.

Sitting for the Board: Lee Berger, John Priestley, Judith Riordan, Tim Sawyer and Robert Gaynor.

Also present: John O'Brien

Atty. O'Connor for applicant.

Residents asking for a condition of moving lots upon completion of sidewalk on Marisol Drive as a safety concern. Questions raised about the Deed Rider.

Chm. Berger suggested having sidewalk put in on Marisol within 18-months.

J. Riordan **moved** and **seconded** by T. Sawyer Adopt language in 18 and 19 on the agenda and change the market rate lots of lots 103 and 106 be changed to lots 77, 79 and 81; and that we require that the sidewalk on Marisol Drive be completed within 18 months; and that also require that prior to the last market rate home on Settler's Way being sold, that the sidewalk be completed. **Vote 5-0.**

Adjourn

J. Riordan **moved** and **seconded** by T. Sawyer to adjourn. Meeting adjourned at 9:45 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 MAR 29 PM 1:58

TOWN CLERK'S OFFICE: **AGENDA**

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday, April 21, 2010	7:30 P.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:31 p.m. - #06-10 VARIANCE

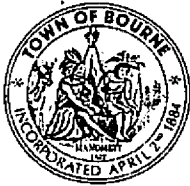
Deborah K. Larsen. Location: 440 Shore Road. Map 30.4 Parcel 290 in an VB zoning district. Proposal: Requests to establish a year around vegetable market, requesting relief from Zoning Bylaw 4250 (d)

7:35 p.m. – #07-10 – SPECIAL PERMIT, ACCESSORY DWELLING

Estelle Grygent. Location: 29 Sanderling Drive, Cataumet. Map 55, Parcels 14 in a R40 zoning district. Proposal: Applicant seeks approval for an in-law apartment. Kitchen and living room will be in existing house, the bedroom and bathroom would be in the proposed addition.

New Business

Members Present



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #07-10- Special Permit – ACCESSORY DWELLING

APPLICANT: Estelle Grygent

LOCATION: 29 Sanderling Drive, Cataumet

Map 55 Parcel 14 R-40 zoning district

PROPOSAL: Applicant seeks approval for an in-law apartment. Kitchen and living room to be in existing house, the bedroom and bath would be in the proposed addition.

DATE & TIME: Wednesday, April 21, 2010 at 7:35 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

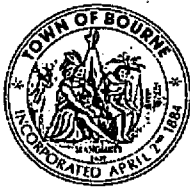
Bourne Courier Publishing Dates:

April 7, 2010

April 14, 2010

TOWN CLERK'S OFFICE

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TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL:

#06-10- Variance

APPLICANT:

Deborah K. Larsen

LOCATION:

440 Shore Road, Bourne

Map 30.4 Parcel 290 VB zoning district

PROPOSAL:

Requests to establish a year around vegetable market, requesting relief from Zoning Bylaw 4250 (d)

DATE & TIME:

Wednesday, April 21, 2010 at 7:30 p.m.

PLACE:

Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

March 31, 2010

April 7, 2010

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TOWN CLERK'S OFFICE

Zoning Board of Appeals Minutes – April 21, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

John Priestley, Jr. – Vice-Chairman, Judith Riordan, Robert Gaynor, John O'Brien and Wade Keene

Member(s) excused: Lee Berger, Chairman; Timothy Sawyer

Approval of Minutes

R. Gaynor **moved** and **seconded** by J. Riordan to approve minutes of March 17, 2010 as submitted. **Unanimous vote.**

J. Riordan **moved** and **seconded** by J. O'Brien to table minutes of April 7, 2010 as submitted. **Unanimous vote.**

#06-10 Variance

Deborah K. Larsen. Location: 440 Shore Road. Map 30.4 Parcel 290 in an VB zoning district. Proposal: Requests to establish a year around vegetable market, requesting relief from Zoning Bylaw 4250 (d)

Sitting for the board: John Priestley, Jr., Judith Riordan, Robert Gaynor, Wade Keene and John O'Brien

Fire Department letter re: commercial cooking requiring to be protected by a hood and fire suppression system. Applicant will contact FD.

J. Agrillo, abutter, requesting a limit on parking time with business if variance is granted.

J. Riordan **moved** and **seconded** by R. Gaynor to close public hearing for #06-10 variance. **Vote 5-0.**

J. Riordan **moved** and **seconded** by W. Keene to grant #06-10 variance to Deborah K. Larsen to establish year round vegetable market and relief from Zoning bylaw 4250(d). **Vote 5-0.**

#07-10 – Special Permit, Accessory Dwelling

Estelle Grygent. Location: 29 Sanderling Drive, Cataumet. Map 55, Parcels 14 in a R40 zoning district. Proposal: Applicant seeks approval for an in-law apartment. Kitchen and living room will be in existing house, the bedroom and bathroom would be in the proposed addition.

2010 MAY 7 PM 11 23

Sitting for the board: John Priestley, Jr., Judith Riordan, Robert Gaynor, Wade Keene and John O'Brien

Applicant's son and daughter-in-law are purchasing house from her. All three names will be on the deed.

Fire Department letter requesting the upgrading of carbon monoxide detectors. Applicant states will be completed.

R. Gaynor **moved** and **seconded** by J. Riordan to close public hearing for #07-10 variance. **Vote 5-0.**

R. Gaynor **moved** and **seconded** by J. Riordan to grant #07-10 special permit for accessory dwelling for use as in-law apartment for Ed and Christian Grygent; in-law apartment to be occupied by Estelle Grygent. **Vote 5-0.**

Adjourn

J. O'Brien **moved** and **seconded** by J. Riordan to adjourn. Meeting adjourned at 7:55 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL:

#10-10- Variance

APPLICANT:

Linnea Patrick

LOCATION:

78 Lewis Point Road, Buzzards Bay

Map 14.4 Parcel 11 R40 Zoning District

PROPOSAL:

The applicant seeks a variance from the provisions of Section 2500 and Section 2420 on the Bourne Zoning Bylaws so that Parcel 11 on Map Number 14.4 is a buildable lot.

DATE & TIME:

Wednesday, May 5, 2010 at 7:45 p.m.

PLACE:

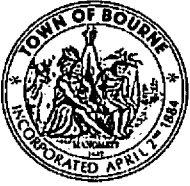
Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

April 21, 2010

April 28, 2010

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TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #09-10- Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Gretchen Sally Dietrich

LOCATION: 387 County Road

Map 30.4 Parcel 248 R-40 zoning district

PROPOSAL: Applicant seeks extend the existing house by adding a garage and accessory dwelling. Seeking relief from Section 2453: maximum gross floor area (GFA), to allow a GFA of 23.8%, being 286 sqft. In excess of the required 23%, which is a departure of less than the 10% allowed in Section 2457.

DATE & TIME: Wednesday, May 5, 2010 at 7:40 p.m.

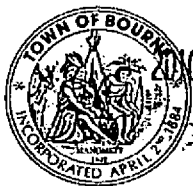
PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

April 21, 2010

April 28, 2010

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BOURNE, MA 02532



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TOWN OF BOURNE

Board of Appeals

TOWN CLERK'S OFFICE

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #08-10- Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Kenneth & Noreen Jefferies

LOCATION: 45 Hope Ave

Map 43.3 Parcel 140 R-40 zoning district

PROPOSAL: Applicant seeks to raze existing single family dwelling with detached garage, construct new single family dwelling with detached garage. Special Permit in accordance with Section 2320 and 2457 required.

DATE & TIME: Wednesday, May 5, 2010 at 7:35 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

April 21, 2010

April 28, 2010



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



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TOWN CLERK'S OFFICE

AGENDA

DATE

Wednesday, May 5, 2010.

TIME

7:30 P.M.

LOCATION

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7: 35 p.m. - #08-10 SPECIAL PERMIT – EXTENSION OR ALTERATION OF PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Kenneth & Noreen Jefferies. Location: 45 Hope Ave. Map 43.3 Parcel 140 in an R-40 zoning district. Proposal: Applicant seeks to raze existing single family dwelling with detached garage, construct new single family dwelling with detached garage. Special Permit in accordance with Section 2320 and 2457 required.

7:40 p.m. – #09-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF PRE-EXISTING NON-CONFORMING STRUCTURE OF USE.

Gretchen Sally Dietrich. Location: 387 County Road. Map 30.4, Parcel 248 in a R40 zoning district. Proposal: Applicant seeks to extend the existing house by adding a garage and accessory dwelling. Seeking relief from Section 2453: maximum gross floor area (GFA), to allow a GFA of 23.8%, being 286 sqft., in excess of the required 23%, which is departure of less than the 10% allowed in Section 2457.

7:45 p.m. – #10-10 – VARIANCE

Linnea Patrick. Location: 78 Lewis Point Road. Map 14.4, Parcel 11 in a R40 zoning district. Proposal: The applicant seeks a Variance from the provisions of Section 2500 and Section 2420 on the Bourne Zoning Bylaws so that Parcel 11 on Map number 14.4 is a buildable lot.

New Business

Members Present

Zoning Board of Appeals Minutes – May 5, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

Members present: John Priestley, Jr., Tim Sawyer, Judith Riordan, Robert Gaynor, Wade Keene and John O'Brien

Member(s) excused: Lee Berger, Chairman

Approval of Minutes

J. Riordan **moved** and **seconded** by J. O'Brien to approve minutes of April 7, 2010 as submitted. **Unanimous vote.**

J. O'Brien **moved** and **seconded** by R. Gaynor to approve minutes of April 27, 2010 as amended. **Unanimous vote.**

#08-10 –Special Permit

Sitting for Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, Robert Gaynor, John O'Brien. Also present is Wade Keene.

Kenneth & Noreen Jefferies. Location: 45 Hope Ave. Map 43.3 Parcel 140 in an R-40 zoning district. Proposal: Applicant seeks to raze existing single family dwelling with detached garage, construct new single family dwelling with detached garage. Special Permit in accordance with Section 2320 and 2457 required.

Don Bracken, Bracken Engineering, for applicant.

Garage will meet setback requirements. Bracken revised plans dated May 5, 2010 submitted to the Board and file.

J. O'Brien **moved** and **seconded** by J. Riordan to close public hearing. **Vote 5-0.**

R. Gaynor **moved** and **seconded** by T. Sawyer to grant application for Special Permit in #08-10 according to revised Bracken plans dated May 5, 2010. **Vote 5-0.**

#09-10 – Special Permit – Extension or alteration of pre-existing non-conforming structure of use

Gretchen Sally Dietrich. Location: 387 County Road. Map 30.4, Parcel 248 in a R40 zoning district. Proposal: Applicant seeks to extend the existing house by adding a garage and accessory dwelling. Seeking relief from Section 2453; maximum gross floor area (GFA), to allow a GFA of 23.8%, being 286 sqft., in excess of the required 23%, which is departure of less than the 10% allowed in Section 2457.

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Sitting for Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, Robert Gaynor, and Wade Keene. Also present is John O'Brien.

Timothy Bennet, Bennett Engineering for applicant.

W. Keene **moved and seconded** by T. Sawyer to close public hearing. **Vote 5-0.**

J. Riordan **moved and seconded** by W. Keene to grant application for Special Permit - Extension or alteration of pre-existing non-conforming structure of use in #09-10 at Location: 387 County Road. Map 30.4, Parcel 248 in a R40 zoning district. Proposal: Applicant seeks to extend the existing house by adding a garage and accessory dwelling. Seeking relief from Section 2453: maximum gross floor area (GFA), to allow a GFA of 23.8%, being 286 sqft., in excess of the required 23%, which is departure of less than the 10% allowed in Section 2457. **Vote 5-0.**

#10-10 – Variance

Linnea Patrick. Location: 78 Lewis Point Road. Map 14.4, Parcel 11 in a R40 zoning district. Proposal: The applicant seeks a Variance from the provisions of Section 2500 and Section 2420 on the Bourne Zoning Bylaws so that Parcel 11 on Map number 14.4 is a buildable lot.

Sitting for Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, Robert Gaynor, John O'Brien. Also present is Wade Keene.

Atty. Parady for applicant requesting to withdraw without prejudice.

J. O'Brien **moved and seconded** by J. Riordan to close public hearing. **Vote 5-0.**

J. O'Brien **moved and seconded** by T. Sawyer to allow applicant to withdraw without prejudice for Variance #10-10. **Vote 5-0.**

Adjournment

J. O'Brien **moved and seconded** by R. Gaynor to adjourn. Meeting adjourned at 7:55 pm.

Respectfully submitted,
Lisa Groezinger



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, May 19, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:32p.m. – #09-22 – SPECIAL PERMIT, EXTENTION OR ALTERATION OF A PRE-EXISTING
NON CONFORMING STUCTURE

Mary K. Noll. Location: 15 B Wild Rose Drive. Map 14, Parcels 49.35 in a R80 zoning
district. Proposal: Applicant seeks to enlarge existing deck by 6 feet, and wishes to
relocate the stairs to the center of the deck.

Old Business

New Business

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____

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TOWN CLERKS OFFICE

Zoning Board of Appeals Minutes – May 19, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

Members present: Lee Berger, Chairman, John Priestley, Jr., Tim Sawyer, Wade Keene and John O'Brien

Member(s) excused: Judith Riordan

Meeting called to order

7:34 pm

Approval of Minutes

J. Priestley, Jr. **moved** and **seconded** by J. O'Brien to approve minutes of May 5, 2010 as amended. **Vote 4-0-1.**

Moment of Silence for former Board of Appeals member Robert Gaynor

#09-22 – SPECIAL PERMIT, EXTENSION OR ALTERATION OF A PRE-EXISTING NON CONFORMING STRUCTURE.... CONTINUANCE

Mary K. Noll. Location: 15 B Wild Rose Drive. Map 14, Parcels 49.35 in a R80 zoning district. Proposal: Applicant seeks to enlarge existing deck by 6 feet, and wishes to relocate the stairs to the center of the deck.

Sitting for Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, John O'Brien and Wade Keene.

Fire Department letter dated September 1, 2009 regarding increase in size of proposed deck.

Chm Berger called Fred Nordal representing applicant at 7:39 pm. Mr. Nordal stated that the applicant was in Virginia, and requested a continuance. Chm. Berger told Mr. Nordal to come to the Town Hall tomorrow to speak with Kim and sign a waiver of the Board's time constraints with respect to a constructive grant. Mr. Nordal stated that he would.

J. O'Brien **moved** and **seconded** by J. Priestley, Jr. to continue #09-22 to June 2, 2010 at 7:40 pm provided that the Board is in receipt of a waiver of a Constructive Grant on or before June 2, 2010. In the event said Grant is not received by such date, it shall be dismissed without prejudice, effective May 19, 2010. **Vote 5-0.**

Other business

Discussion on Town Counsel's ruling of adding more comments to the minutes. Chm. Berger suggested secretary to look into a software system.

TS 8 WY 1 700 0102

J. Priestley, Jr. **moved and seconded** by T. Sawyer to authorize Lee Berger to draft a letter to the Board of Selectman requesting Wade Keene be appointed as a full member of the Zoning Board of Appeals. **Vote 5-0.**

Chm. Berger will draft a letter of condolence to Robert Gaynor's wife, Paula.

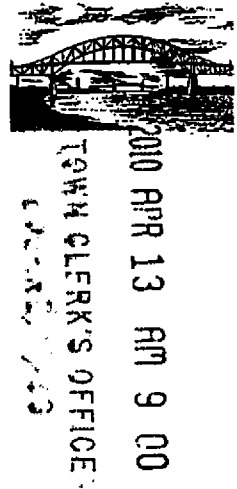
Adjournment

J. Priestley, Jr. **moved and seconded** by T. Sawyer to adjourn. Meeting adjourned at 8:00 pm.

Respectfully submitted,
Lisa Groezinger



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday, May 26, 2010	7:30 P.M.	Bourne Veterans Memorial Community Center 239 Main Street Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

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.

Old Business

New Business

Members Present

Zoning Board of Appeals Minutes – May 26, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

Chairman Lee Berger, John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene.

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.

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

Attending Hearing:

Paul Attea, Attorney
Michael Fabiano, High Point Engineering
Kimberly McCurrio, Landscaping Designer
Dennis Mahoney, Financial Proforma
Ron Baretta, Project Architect
Jiles Hamm, Traffic Engineer

Applicant seeks to construct 16 units down from 32 units, on 230 Sandwich Road, of which 4 would be affordable. Lee addresses a loss of a Board Member, and has announced that alternate member; Wade Keene will now be sitting on the Board for these hearings, provided that he complies with the "Mullen Rule" since he missed one meeting. Attorney Paul Attea and his client Tom Pappas are in agreement that if Mr. Keene does not comply with the Mullen Rule, the applicant will proceed with only four Board members.

2010 JUL 1 8 48 PM

This is a brand new proposal with new plans submitted to the Board by the applicant. Paul Attea presented the 16 unit residential development on the site of which is the same

density in terms of what was formerly presented in concept. These show some revisions to the plans previously reviewed by the Board, but these are the final engineered plans. Presenting the 16 units for final consideration; Atty. Attea stated that these final plans incorporate many designs, aesthetic and safety features while still maintaining the financial viability of developing an affordable development. As a result this will give the town four affordable units. Consistent with the concept reviewed at the last meeting, however, they have removed the swimming pool and repositioned the last three units to allow for easier fire vehicle access and emergency vehicle access. Also the unit groupings are slightly different, and wood framed constructed units. The features will make these units highly desirable in the right market conditions. These 16 condominiums will have an established condominium association of unit owners that will manage the property and infrastructure for the common areas. In terms of safety features they have highlighted the traffic provisions that have addressed the prior concerns, but are prepared for further questions. Access to the property is from Sandwich Road, there will be NO access from Port O'Call development.

Michael Fabiano speaking: final site plan, also addressing prior plans to show the before and after changes made since the last meeting. General configuration of roadway and the 16 units, showing a dead end turn-around from units one and two. These engineered plans show utilities, landscape plans, grading, erosion control, drainage plan and septic design. The site layout gives you the overall development of this site. Developer plans on using the existing utility pole at the front of the entrance as well as the brick gated entrance. Main access road is 22 ft in width, falls in line with subdivision rules and regulations as requested by the Town Planner. The access for units 1, 2 and 3 has been set at 20 ft. and this extends for about 50 ft. up to the fanned out turnaround for emergency vehicles. All units have been provided single car parking outside the garage as well as a single car garage. All units are provided rear access from the back with a deck area. Concerning the retaining walls, 4 around the project, one is in between the condo association to the north of the site. This also creates a buffer between the road way and the site property line. Also another retaining wall between the technical school from units two and three, all walls on site are no more than 10 ft high. The walls are covered with black vinyl and chain link fence for pedestrian safety, with guard rails. Regarding the unit locations, the site layout shows unit 3, unit 5, unit 10 and unit 15 are deemed affordable. Another highlighted point is the existing garage and existing foundation are to be removed from the development site. The utility plan shows the grading and all the utilities and drainage. On this plan there was more drainage added to the site for surface run off. There is an underground filtration system added as well, and will be easily maintained. Utility wise; all utilities will navigate through the 10 ft easement from Port O'Call, back of site. Septic system has no substantial changes; 3 systems. One system will satisfy 3 units, another towards back of site will satisfy 8 units and the last will satisfy 5 units. Board of Health is concerned with the use of units and amount of bedrooms, the intent is 3 bedroom maximum capacities. Lee, questions septic design, these designs are solely for permitting processes with Board of Appeals not for construction purposes or Board of Health purposes. Michael, these plans are meant to show the intent of the development for a 40 B project. Regarding the BOH you need to submit a separate permit more detailed for Board of Health for approval. Lee, speaking

of Board of Health and their concerns on erosion control; that it should be stricter for control and drainage. Requesting clarification from the Board of Health to what more they are looking for. Roger explains the concerns are during the construction process, if prolonged we could end up with problems. The C2 plan shows the temporary controlled plan and the permanent plans for the storm water prevention. The contractor has temporary control, it will be his responsibility. One good thing is the existing brick wall on site that will assist in this erosion prevention. Slope is still the major concern to this project, needing a permanently controlled condition. Roger, during construction what is the volume of fill that will be removed? Michael, cut and fill stand point, no, the grades are being what they are. There is some cut, but most are at grade and some massaging will be done. Top soil will be brought to the site, some cut into the hill but mostly this site is substantially balanced.

Last plan Michael is addressing is the fire department exhibits. By getting the details of the largest vehicle used by the department, they incorporated the information into this plan. This vehicle can make the entrance into the development, make the "S" turn and reach the turn-around at the top. Plan shows sufficient room for these vehicles to make a three point turn, also sufficient room for more than one vehicle. Lee, states that applicant needs to address this to the Fire Department not the Board of Appeals. Suggesting they sit down with the Fire Department to get their satisfaction of the plans presented. There are many issues the Fire Department address, not just the vehicle accessibility. There is a conflict between the Cape Cod Commission and the Fire Department. CCC wants roads narrower, and Fire Department wants them wider, CCC wants building closer together, Fire Department wants them further apart. Lee, are they providing sidewalks, what about school busses? Michael stated no sidewalks at this time. Also suggesting a school bus safety officer that should do an assessment as to what is safe for the school children. Lee suggests that they make the entrance wider, also contact the school department for information on the safety of school children pick up. Lee, doesn't see any dumpsters on the plans. Michael will look into the garbage disposal, and have this addressed by the final plan.

Town Planner commented on unit 1 has a 10 ft driveway, and requests to widen it to 20ft. This cannot be done, due to topography and also trying to maintain setbacks. Michael sees no problem with emergency vehicles and access roads for emergency conditions. John Priestly questions the strength of the walls to hold the emergency vehicles. Michael sees no problems.

Ron Barretti, Architect speaking. Going back to prior plan, new plan shows the break up the buildings to show more space between units. Units have the same foot print, all facing the same way. Each unit reflects different types of households. Some units have bedrooms on the 2nd floor, some have bedrooms on first floor with larger bedrooms on the second floor. The purpose was to keep the similarity of the units on the outside of the building, and shows flexibility on the inside of the building. Also, he noted the Board of Health's request to eliminate the possibility of creating more bedrooms, and will make the effort to do so. Lee, how many of the units are handicapped accessible? Ron, at this time there is nothing in the plans that propose any handicap accessibility. Lee feels that

this should be considered in the plans. Ron, laying out the units for this accessibility would require changing the bathroom configurations, it would require further work on the plans. But this is feasible request for one of the units.

Roger questions the utilities and where they will be located. Ron, the attic. Judith questions the storage space in the units. Ron, units have large closets and large spaces in the unit for storage. There is nothing designated in the garage for extra storage.

Judith questions energy efficiency. Ron, will take into consideration maximizing energy efficiency for the buyer. Ron will get back to the Board in regards to the energy efficiency.

Preliminary proforma's for 8, 12, and 16 units show only 16 units make a profit. Lee requested the cost of the land, and if the cost factor is included? Tom Pappas, they factored in the appraisal of \$ 600,000.00. Ron, costs are in draft form for review, the 16 units are needed to cover all the costs for this project. More detailed proforma will be submitted and Lee will forward this to Paul Ruchinskaskas at Cape Cod Commission for review. Units are to be sold from \$279,000 to \$299,000. Lee suggests for the applicant to pay for some reviews of this project. (out- side experts) A more definitive proforma document will be drawn up in regards to the costs so that the Board can have the Cape Cod Commission review the numbers. Roger suggests plans to be reviewed by Mr. Tellier, Highway Dept. and Mike Leitzel, Town Engineer. Erosion to be reviewed as well as roadway concerns.

Kimberly McCurrio, Landscape Architect speaking: She is in charge of the plantings and landscape designs of this site. All plant material is low maintenance and designed for the aesthetics of a single family residential site. Plantings are native to the Cape Cod area. Kim was not a part of the erosion control plantings, large meadow, but can answer questions in regards to the plantings. The slope of the hill will not be done in phases in the building process; it will be done all at once. This would alleviate any downward run off and seeds being located. Lee is requesting further review of erosion plans.

Lee, questions common areas and there being no place for kids to play. Michael Fabianno, states there is not a designated area for a playground. This site provides a natural buffer from the risks kids face, there is a lot of open space. This sets limits for marketing to families but feels this site will not impact the sales due to the fact this will not just attract families. This is condo living of which retirees and new couples without kids may like this style of living.

Judith suggests sidewalks for the residents. Michael states it does make sense for them to be placed back into the design; this will be addressed at the next meeting. Street lighting is proposed on the plan, as well as individual light poles at each driveway. From a safety stand point, at intersections and midway points there is adequate lighting.

One of the issues of the Fire Department is the narrow bricked wall entrance, they would like it broken down and enlarged. Lee suggests speaking to the Fire Department to better formulate an agreeable plan. Utility concerns need to be addressed as well. Natural gas

will be the fuel for heat and cooking, NStar, Verizon and Comcast have full service accessibility.

Lee requested a list of waivers that applicant is seeking (e.g., intensity of use waiver etc.)

Judith Riordan motioned to continue hearing to June 30, 2010, at 7:30 pm at Bourne Town Hall, seconded by Timothy Sawyer, unanimous vote.

Adjourn

J. Riordan **moved** and **seconded** by T. Sawyer to adjourn. Meeting adjourned at 9:30 pm.
Unanimous vote.

Respectfully submitted – Kimberly Perkins-Griffin, sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, June 2, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

**7:32p.m. – #11-10 – SPECIAL PERMIT, EXTENTION OR ALTERATION OF A PRE-EXISTING
NON CONFORMING STUCTURE.... CONTINUANCE**

Kevin Goulding. Location: 7 Lantern Lane. Map 43.4, Parcels 95 in a R40 zoning
district. Proposal: Applicant seeks to build a 12' x 20' deck.

**7:40p.m. – #09-22 – SPECIAL PERMIT, EXTENTION OR ALTERATION OF A PRE-EXISTING
NON CONFORMING STUCTURE.... CONTINUANCE**

Mary K. Noll. Location: 15 B Wild Rose Drive. Map 14, Parcels 49.35 in a R80 zoning
district. Proposal: Applicant seeks to enlarge existing deck by 6 feet, and wishes to
relocate the stairs to the center of the deck.

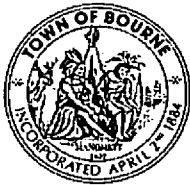
Old Business

New Business

Members Present

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TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: **#11-10– Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE**

APPLICANT: Kevin Goulding

LOCATION: 7 Lantern Lane

Map 43.4 Parcel 95 R-40 zoning district

PROPOSAL: Applicant seeks to build a 12x20 wood deck

DATE & TIME: Wednesday, June 2, 2010 at 7:33 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

May 19, 2010

May 26, 2010

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TOWN CLERK'S OFFICE
JUN 1 2010

Zoning Board of Appeals Minutes – June 2, 2010

Bourne Town Hall

Buzzards Bay, MA 02532

Attendance

Members present: Lee Berger, Chairman, John Priestley, Jr., Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien

Meeting called to order

7:30 pm

Approval of Minutes

J. Priestley, Jr. moved and seconded by J. Riordan to table minutes of May 19, 2010 to the next meeting. **Unanimous vote.**

#11-10 – Special Permit, Extension or alteration of a pre-existing non conforming structure

Kevin Goulding. Location: 7 Lantern Lane. Map 43.4, Parcels 95 in a R40 zoning district. Proposal: Applicant seeks to build a 12' x 20' deck.

Sitting for Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene. Also present is John O'Brien.

Fire Department letter dated May 31, 2010 re: deck still falling within the minimum required setbacks and would not impact fire spread to adjacent properties.

J. Priestley, Jr. moved and seconded by J. Riordan to close public hearing for #11-10. **Vote 5-0.**

J. Priestley, Jr. moved and seconded by J. Riordan to make the required finding, in accordance with section 2320 of the bylaws, that the requested extension or alteration will not be substantially more detrimental to the neighborhood than is the existing nonconforming use.

Vote 5-0.

#09-22 – Special Permit, Extension or alteration of a pre-existing non conforming structure ... continuance

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TOWN CLERK'S OFFICE

Mary K. Noll. Location: 15 B Wild Rose Drive. Map 14, Parcels 49.35 in a R80 zoning district. Proposal: Applicant seeks to enlarge existing deck by 6 feet, and wishes to relocate the stairs to the center of the deck.

Sitting for Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene. Also present is John O'Brien.

Fire Department letter dated May 31, 2010 re: objecting to the addition to the deck as currently designed.

Chm. Berger called applicant after handwritten note stated she did not wish to proceed with the project at this time.

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to allow applicant to withdraw her application without prejudice Special Permit #09-22. **Vote 5-0.**

Adjournment

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to adjourn. Meeting adjourned at 7:45 pm.

Respectfully submitted,

Lisa Groezinger



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, June 16, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

NO MEETING

Old Business

New Business

Members Present

2010 JUN 2 PM 2 33
TOWN CLERK'S OFFICE
BELLAMY, C.



TOWN OF BOURNE

BOARD OF APPEALS

24 Perry Avenue

2010 JUN 16 PM Buzzards Bay, MA 02532

TOWN CLERK'S OFFICE

6/16/2010

AGENDA



DATE

Wednesday, June 30, 2010

TIME

7:30 P.M.

LOCATION

Bourne Town Hall
24 Perry Ave
Buzzards Bay, MA 02532

• AGENDA ITEMS

7:30 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

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.

Old Business

New Business

Members Present

Zoning Board of Appeals Minutes – June 30, 2010

Bourne Town Hall

Buzzards Bay, MA 02532

Attendance

Members present: Lee Berger, Chairman, John Priestley, Jr., Tim Sawyer, Judith Riordan, Wade Keene.

Member excused: John O'Brien

Meeting called to order

7:30 pm

#08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

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.

Sitting for Board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and Wade Keene.

Applicant seeks to build 16 units per Chapter 40B.

Sue Ross, Bourne Housing Partnership

Chm. Berger summarized that when the ZBA last met, it was hoped to have some decision tonight. But the ZBA never received the detailed pro forma to make a decision.

ZBA received Town Engineer letter recommending an engineer to evaluate erosion control; have proposals made to ZBA on what more need to do. ZBA Chm. Berger received proposals from Haley & Ward and Professional Services Corporation, PC. [Tom Sexton and John Houston - one TA Guerino recommended and one recommended by Atty. Witten].

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ZBA has two (2) proposals to consider tonight and to decide which of the two (2) to hire. In connection with this, ZBA needs to obtain funds (escrow agreement) from applicant to work out details with Atty. Attea, and decide whether if it is necessary to have a written agreement. Chm. Berger anticipated that Atty. Witten would like to see some form of written agreement.

Discussion was mentioned about funds for Atty. Witten to attend some ZBA meetings. In the meantime, Chm. Berger had a meeting with Fire Dept. Pelonzi and Ralph Marks, Bourne Water District to discuss water pressure and water availability. Since that time, there was a meeting between applicant's people and Fire Dept. ZBA did receive subsequent letter from Mr. Pelonzi. Chm. Berger was not able to discuss with Mr. Pelonzi to change plans to satisfy questions with regard to water pressure.

Chm. Berger asked Atty. Attea to look at Cape Cod Commission comments where they asked for nitrogen load calculations. They are recommending not to go over the 2009 Guide Lines of five (5) parts per million standard.

Atty. Attea discussed delivering a pro forma. In the process of developing, simultaneously meeting with other input indirectly and directly from all who had a stake with the property. Factoring costs, creating with pro forma to be realized by the developer. The cost build up over time both in terms of cost to get through process and costs for infrastructure and property demands, turning project upside down for the 16 units.

A more common result is to produce something uneconomic and to appeal to another authority with another decision. For quite some time applicant has been working with ZBA to satisfy everyone, which seems to be a moving target. When looking at changing and increasing issues related to safety – most based on individuals' good faith. This created a result which is not palatable. Mr. Pappas stated to stop work and focus on something being able to be achieved financial and project standpoint.

Many issues raised by ZBA and others, and collectively, Atty. Attea had the feeling of dealing directly with Departments and indirectly with this Board. That is not consistent with the Chapter 40B. It is a unique predicament, but if don't feel result is appropriate, financially at 16 units based on the items that have been identified as things need to be addressed (conditioned upon) will need to be reassessed.

Chm. Berger disagrees, and explained that when you file a new plan, it goes to all Depts. ZBA receives comments and when receive comments about safety, the ZBA responds quickly. No detail of a pro forma has been seen, so which safety concerns Atty. Attea is talking about, Chm. Berger is not sure. Some are a yes or no issue with regard to the water pressure and is there enough water.

Chm. Berger stated the Fire Dept. said there could be a compromise. He would rather Atty. Attea be more specific, rather than say "too costly."

Atty. Attea stated new requirements that have been presented (ZBA would not question Fire Dept. issues). Atty. Attea met with Pelonzi and reached consensus of usual give and take. He seemed comfortable with what agreed, subject to ZBA review. Two days later, Atty. Attea received a letter indicating the Chief's concerns. Chm. Berger stated not receiving said letter.

Atty. Attea stated that Mr. Pappas has been responsive and produced a challenge on the financial front. Mr. Pappas is left bringing forward a project on the density of the borderline, possible additional remediation, responding what the Bourne Housing Partnership comments. Conditions imposed on any approval are going to tip the scales against Mr. Pappas with this 40B project. It is a source of concern, and had no choice but to sit back and said if build project at this density, it will not work. Atty. Attea suggested to experiment and begin to examine and go backwards with approach with a higher density. Applicant started to look at options with a higher density.

Two comments that came out of the applicant's Bourne Housing Partnership meeting: 1) negative project; and 2) project did not provide affordable housing purchaser with a Cape Cod experience. This reflected to Atty. Attea a pretty negative tone.

Atty. Attea stated not having a right to appeal. Mr. Pappas is considering whether if he needs to come back with another project. He doesn't know if there is any room to accommodate what needs to be accommodating.

Mr. Pappas has been responsive to most comments from the ZBA, and has created circumstances now in with a demand to build a project that would require selling units without a profitable market. He is shifting into neutral and figure out how to proceed.

ZBA is in no position to make a decision tonight. Atty. Attea stated that the decision tonight is Mr. Pappas, which has been made today. His decision will protect options with said property.

Atty. Attea stated applicant may wish to withdraw without prejudice.

John Priestley, Jr. asked what happened to come to this. Atty. Attea said the accumulation of additional conditions on when project will be approved. They cannot be listed now, but conditions are in cement. In this circumstance, applicant has no appeal. Make an advance decision on what the ZBA will do. Mr. Priestley, Jr. stated applicant is assuming ZBA is going to respond to suggestion favorably. All these comments may conflict. The very best may not be appropriate, but something less may be appropriate. Atty. Attea stated this is not to blame. The real problem lies with the Safe Harbor provisions of this law. Puts Mr. Pappas on gambling on what the conditions will be.

Atty. Attea stated a problem with continuing with more statements and more escrow of funds. The ongoing input with experts to continue to debate these issues.

Chm. Berger stated Atty. Attea is assuming the ZBA will accept every condition raised. Atty. Attea responded by stating his applicant as being the first case through.

Chm. Berger stated that if applicant withdraws, he feels this Board's time has been wasted. Applicant pushing and ZBA trying to get a resolution and to turn around before ZBA imposed any conditions. He stated he is not in favor to allow applicant to withdraw without prejudice. He suggested withdrawing with prejudice.

Atty. Attea feels applicant can withdraw without prejudice due to the Safe Harbor provisions. He asked to pause for five (5) minutes and get a final decision on how to proceed (withdraw, continue and produce what asked for and make a decision.). Chm. Berger, on behalf of the ZBA will allow meeting to suspend.

Chm. Berger called meeting to order.

Atty. Attea stated Mr. Pappas will continue process and necessitate a further hearing and may have to come back with a revised plan to increase number of units, or may not. What the engineer and architect work out going forward. In view of a collective desire to produce something, applicant is asking to continue.

Chm. Berger stated looking for a deposit in an escrow account in the amount of \$6,000. Atty. Attea stated \$10,000 to start.

Discussion

Question from applicant's team on erosion control. Chm. Berger stated Mike Leitzel, Town Engineer specifically requests a specific engineer on erosion control.

John Priestley, Jr. stated to applicant that an outside opinion may validate applicant's point of view. This is something beyond the ZBA's expertise.

Judith Riordan pointed out that the site is unique, but not the process. The process has been pretty much the same with other 40B projects.

Atty. Attea stated an issue is the cost to build project and the price to get to build project.

Sue Ross stated the June 16, 2010 vote does not support said project, as they feel BHP feels this project does not meet these goals and we are therefore unable to support it. All units are three (3) bedrooms units and may have up to four (4) children and plan as presented, no room for children to play.

Atty. Attea stated there are nearby recreation fields easily accessible to the property. Mr. Pappas asked if the ZBA be willing to have applicant come with the same layout of buildings, infrastructure and redesign up to 30 units to a 2-bedroom and 1-bedroom unit – if safety has been taken out of the picture. Chm. Berger stated he and the ZBA are

always concerned about safety issues. He doesn't feel Mr. Pappas has to decrease 3-bedroom to 2-bedroom.

Applicant stated he wishes to withdraw without prejudice at this time.

John Priestley, Jr. asked Atty. Attea if possible to itemize applicant's costs to date. Atty. Attea stated it can be done and show what is tipping the scales one way or another.

Chm. Berger stated the ZBA can put in a condition with a decision that applicant obtains approval from Mass. Highway of full access. Mr. Pappas stated he was told he could sell units \$369 and \$435 and applicant does not believe that will be feasible in this economy.

Atty. Attea stated option is to agree to continue.

J. Riordan **moved** and **seconded** by J. Priestley, Jr. to continue hearing #08-18 to July 21, 2010 at 7:40 pm. **Vote 5-0.**

Old business

Settlement agreement Cumberland Farms signed by the Planning Board and by the members of the Selectmen. ZBA members need to sign. Sign stipulation of case that will be held in escrow. File new application for special permit with Planning Board. If PB approves, and ultimately a building permit not issued as a result, the case would go forward. Assuming all goes forward to make a contribution to Bourne of \$20,000 for a traffic light St. Margaret's Street and Main Street.

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to approve Settlement Agreement. **Vote 5-0.**

Approval of minutes

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to approve ZBA minutes of May 19, 2010 as submitted. **Vote 5-0.**

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to approve ZBA minutes of May 26, 2010 as submitted. **Vote 5-0.**

J. Priestley, Jr. **moved** and **seconded** by J. Riordan to approve ZBA minutes of June 2, 2010 as submitted. **Vote 5-0.**

New business

Table discussion of Proposal for Engineering Review of the Drainage, Runoff, Erosion and Related Impacts for Chase Estates Comprehensive Permit (Ch. 40B) Project by Professional Services Corporation, PC dated June 23, 2010.

Adjournment

J. Priestley, Jr. **moved** and **seconded** by T. Sawyer to adjourn. Meeting adjourned at 9:15 pm.

Respectfully submitted,

Lisa Groezinger



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, July 7, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:32p.m. – #12-10 – SPECIAL PERMIT, CHANGE OF USE

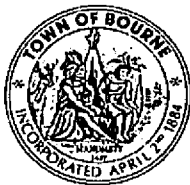
Andrea Robbins. Location: 9 Agawam Point Road, Gray Gables. Map 26 Parcels 3 in a R40 zoning district. Proposal: Owner applying for a kennel license; currently has 5 (five) dogs

Old Business

New Business

Members Present

2010 JUN 22 PM 2 20
TOWN CLERK'S OFFICE



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #12-10- Special Permit – CHANGE OF USE

APPLICANT: Andrea L. Robbins

LOCATION: 9 Agawam Point Road, Gray Gables

Map 26 Parcel 3 R-40 zoning district

PROPOSAL: Owner applying for a kennel license; currently has 5 (five) dogs.

DATE & TIME: Wednesday, July 7, 2010 at 7:33 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

June 23, 2010

June 30, 2010

2010 JUN 2 PM 1 45
TOWN CLERK'S OFFICE
BOURNE, MA

Zoning Board of Appeals Minutes – July 7, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

Members present: John Priestley, Jr., Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien.

Members absent: Lee Berger, Chairman

Meeting called to order
7:30 pm

Approval of Minutes

Minutes of June 30, 2010 tabled to the July 21, 2010 meeting.

#12-10 –Special Permit – Change in Use

Andrea L. Robbins. Location: 9 Agawam Point Road, Gray Gables Map 26 Parcel 3 in an R-40 zoning district. Proposal: Kennel license is requested due to number of family pets and not for commercial use.

Sitting for Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, Wade Keene and John O'Brien

Paul Bushueff, husband in attendance.

Daughter moved back with applicant.

Animals consist of five (5) house dogs. Three (3) belong to the co-owner of the property Andrea L. Robbins (2 neutered male; 1 spayed female). Two dogs visiting and belong to daughter Katherine Bushueff (2 spayed female). All dogs are obedience trained, 4 are agility trained.

The property is located in the residential neighborhood with many homes owning one or more dogs.

The property is located on a private dirt drive with woods and water separating the house from the neighboring properties. In addition, a chain link fence has been installed between the house and the closest neighbor. The house is situated on three plus acres (Lot 39). There is an adjacent one plus acre lot (Lot 40), which is empty.

There is no outside pen or kennel. Dogs have free roam of property as long as someone is home. All dogs are placed inside home if no one is at home.

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TOWN CLERK'S OFFICE
BOURNE, MA 02532

There are no external structures. The area is remote to neighbors and separated by water and/or woods. There is no commercial activity and no increase in traffic. This kennel license will not result in a nuisance or hazard as the animals are obedience trained family pets owned by experienced pet owners. Animals are spayed and neutered.

Current co-owner and family members have had at least 3 dogs on the property since the property was purchased in 2002. In addition, the current co-owner holds a stable permit. In the eight years of ownership, applicant is not aware of any complaints of noise, nuisance or hazard. For all the above reasons, the use is no more objectionable to the neighborhood than the current issue.

Kim and Mike Wedge, abutters, raised concerns of a commercial license and wanted to know the conditions of said permit. Coastal bank issues were discussed. Kim also raised issue of noise.

J. Priestly, Jr. stated that the issue of possible pollution of wetlands was never been raised and it is more of an issue for the Conservation Commission, which is beyond the expertise of the ZBA.

Tracy Farley (and mother Lois), abutter, were concerned about a separate structure being built. She also raised issue of additional garbage due to the dogs. Lois is concerned about the waste.

J. Riordan **moved** and **seconded** by J. O'Brien to close public hearing. **Vote 5-0.**

J. Riordan **moved** and **seconded** by T. Sawyer to grant application for Special Permit – Change in Use #12-10 to Andrea Robbins with following limitations:

a) Limited to the five (5) names and five license numbers presently owned:

- Apple/dach mini - lic. #0539
- Martini/mini pin - lic. #0540
- Tagg/Pomeranian - lic. #0537
- Usso/German shep – lic. #0538
- Winnie/border collie - lic. #0535;

b) No commercial activity; c) No increase in number of dogs; d) No kennel or outback to be built on property. **Vote 5-0.**

Adjournment

J. O'Brien **moved** and **seconded** by J. Riordan to adjourn. Meeting adjourned at 7:55 pm.

Respectfully submitted,

Lisa A. Groezinger, Sec.



TOWN OF BOURNE

BOARD OF APPEALS



2010 JUL 8 AM 8 35 24 Perry Avenue
Buzzards Bay, MA 02532

TOWN CLERK'S OFFICE

LESLIE J. BROWN

AGENDA

DATE

TIME

LOCATION

Wednesday, July 21, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• AGENDA ITEMS

7:30 p.m. – Approval of minutes

7:33p.m. – #13-10 – VARIANCE

Michael & Linda McKenna. Location: 260 Herring Pond Road, Buzzards Bay. Map 5
Parcels 8 in a R80 zoning district. Proposal: applicant seeks a variance from the
provisions of Section 2440 in order to convert an existing barn into a single family
residence.

7:40 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

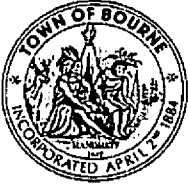
Chase Developers, Inc. Location: 230 Sandwich Road, Bourne. Map 25, Parcels 9 & 36
in a R40 zoning district. Proposal: Being all persons deemed interested or affected by the
Board of Appeals, under Chapter 40B Massachusetts General Law, Section 20 through
23, as amended, you are hereby notified of a 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.

Old Business

New Business

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL:

#13-10- Variance

APPLICANT:

Michael L. McKenna & Linda M. McKenna

LOCATION:

260 Herring Pond Road

Map 5 Parcel 8 R80 Zoning District

PROPOSAL:

The applicant seeks a variance from the provisions of Section 2440 in order to convert an existing barn into a single family residence.

DATE & TIME:

Wednesday, July 21, 2010 at 7:33 p.m.

PLACE:

Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

July 7, 2010
July 14, 2010

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TOWN CLERK'S OFFICE

2010 JUN 28 PM 10 09

Zoning Board of Appeals Minutes.— July 21, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

Members present: Lee Berger, Chairman, Tim Sawyer, Judith Riordan and John O'Brien

Member(s) excused: Wade Keene, John Priestley, Jr.

Approval of Minutes

Riordan moved and seconded by Sawyer to approve minutes of June 30, 2010. Vote 5-0 in favor of the motion.

#13-10 –Variance

Michael & Linda McKenna. Location: 260 Herring Pond Road, Buzzards Bay. Map 5
Parcels 8 in a R80 zoning district. Proposal: applicant seeks a variance from the
provisions of Section 2440 in order to convert an existing barn into a single family
residence.

Prior to any evidence being taken, Atty. Robert Parody, representing the applicant,
submitted request for a continuance to September 15, 2010.

Riordan **moved** and **seconded** by Sawyer to continue Variance #13-10 to September 15,
2010 at 7:35 pm. **Vote 4-0** in favor of the motion.

#08-18 – 40B Chase Development

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.

Since both John John Priestley, Jr. and Wade Keene were unable to attend the meeting,
the board did not take any evidence, and the board and the applicant agreed that the
matter should be continued to enable the applicant to provide the board with information
missing or not fully developed.

It was also agreed that Chm. Berger and Tim Sawyer would meet informally as a
subcommittee with applicant's Atty. Attea to discuss said 40B project upon adjournment
of the regular Board meeting tonight.

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The applicant stated he would submit a \$5,000 check payable to the Town of Bourne tomorrow for the Board's consulting expenses, and Chm. Berger stated that he would decide which of the two civil engineers to hire to assist the Board in its review.

Riordan **moved** and **seconded** by Sawyer to continue 40B #08-18 to August 18, 2010 at 7:35 pm. **Vote 5-0.**

Adjournment

O'Brien **moved** and **seconded** by Sawyer to adjourn. Meeting adjourned at 8:00 pm. Unanimous vote.

Respectfully submitted,

Lisa A. Groezinger, Sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Monday August 2, 2010

10:00 AM.

Law Office of Lee Berger
1 Cohasset Ave
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

10:00 a.m. – #08-18 – SUB-COMMITTEE MEETING BOARD OF APPEALS

Discussion regarding scope of services to be provided by Professional Services Corporation to Board of Appeals regarding Chase Estates
Location: 230 Sandwich Road, Bourne. Map 25, Parcels 9 & 36 in a R40 zoning district.

2010 JUL 26 PM 12 38
TOWN CLERK'S OFFICE
BOURNE, MASSACHUSETTS



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AMENDED AGENDA

DATE

TIME

LOCATION

Monday August 2, 2010

10:00 AM.

Town of Bourne
24 Perry Ave
Buzzards Bay, MA 02532
Conference Rm 204 2nd Flr

• **AGENDA ITEMS**

10:00 a.m. – #08-18 – SUB-COMMITTEE MEETING BOARD OF APPEALS

Discussion regarding scope of services to be provided by Professional Services Corporation to Board of Appeals regarding Chase Estates
Location: 230 Sandwich Road, Bourne. Map 25, Parcels 9 & 36 in a R40 zoning district.

2010 JUL 27 AM 9 48
TOWN CLERK'S OFFICE



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, August 4, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

NO Meeting

Old Business

New Business

Members Present

2010 JUL 22 PM 9 39
TOWN CLERK'S OFFICE



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



AGENDA

DATE

TIME

LOCATION

Wednesday, August 18, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:33p.m. – #14-10 – SPECIAL PERMIT

Alexander Partridge. Location: 57 Depot Road, Buzzards Bay. Map 51.2 Parcel 44.1 in a R40 zoning district. Proposal: Applicant is seeking to increase the maximum gross floor area of the lot by 10%. The proposed addition would include a two story connector attaching a garage with a bedroom and bathroom on second floor.

7:35 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

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.

7:40p.m. – #15-10 – VARIANCE

Lawrence E. Palmer. Location: 33 Sachem Drive, Sagamore Beach. Map 7.4 Parcel 74 in a R40 zoning district. Proposal: The applicant seeks a variance from setback statute to allow placement of an 8 x 10 Shed, five feet from both west and north property lines.

Members Present

TOWN CLERK
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TOWN CLERK'S OFFICE

TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #14-10- Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Alexander Partridge

LOCATION: 67 Depot Road, Cataumet

Map 51.2 Parcel 44.1 R-40 zoning district

PROPOSAL: Applicant is seeking to increase the maximum gross floor area of the lot by 10%. The proposed addition would include a two story connector attaching a garage with a bedroom and bathroom on the second floor.

DATE & TIME: Wednesday, August 18, 2010 at 7:33 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

August 4, 2010

August 11, 2010



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



AMENDED PUBLIC HEARING NOTICE

APPEAL: **#14-10- Special Permit** -- EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Alexander Partridge

LOCATION: 57 Depot Road, Cataumet

Map 51.2 Parcel 44.1 R-40 zoning district

PROPOSAL: Applicant is seeking to increase the maximum gross floor area of the lot by 10%. The proposed addition would include a two story connector attaching a garage with a bedroom and bathroom on the second floor.

DATE & TIME: Wednesday, August 18, 2010 at 7:33 p.m.

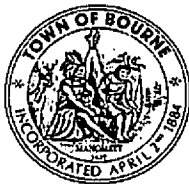
PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

August 4, 2010

August 11, 2010

2010 JUL 21 AM 10 39
TOWN CLERK: C. J. O'NEILL
137



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL:

#15-10- Variance

APPLICANT:

Lawrence E. Palmer

LOCATION:

33 Sachem Drive, Sagamore Beach

Map 7.4 Parcel 74 R40 Zoning District

PROPOSAL:

The applicant seeks a variance from setback statute to allow placement of an 8x10 shed 5 feet from both west and north property lines.

DATE & TIME:

Wednesday, August 18, 2010 at 7:40 p.m.

PLACE:

Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

August 4, 2010

August 11, 2010

2010 JUL 26 PM 10 55
TOWN CLERK'S OFFICE

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Zoning Board of Appeals Minutes – August 18, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

Members present: Lee Berger, Chairman, John Priestley, Jr., Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien.

List of documents

- Fire Department, David Pelonizi letter dated July 26, 2010 for #14-10 Special Permit
- Board of Health, Cynthia Coffin letter dated August 18, 2010 for #14-10 Special Permit
- Lawrence E. Palmer letter dated August 13, 2010 requesting to withdraw application for #15-10 Variance
- Site Plan August 18, 2010 for #08-18 for 40B Chase Developers (2 pages)

Meeting called to order

7:30 pm

Approval of minutes

JP JR to table the approval of minutes. Unanimous vote.

#14-10 Special Permit

Alexander Partridge. Location: 57 Depot Road, Buzzards Bay. Map 51.2 Parcel 44.1 in a R40 zoning district. Proposal: Applicant is seeking to increase the maximum gross floor area of the lot by 10%. The proposed addition would include a two story connector attaching a garage with a bedroom and bathroom on second floor.

Sitting on this hearing: Lee Berger, John Priestley, Jr., Tim Sawyer, Judith Riordan and Wade Keene. Also present John O'Brien

Fire Department, David Pelonizi letter dated July 26, 2010 regarding the proposed addition would require that the fire alarm system for entire dwelling must meet the requirements on the current edition of the State Building Code, 780 CMR.

Revisions done to plan to get numbers under the 10%. Priestley, Jr. confirmed calculations.

Board of Health has inspected and approved septic system in late winter – newly installed in 2005.

TOWN CLERK'S OFFICE
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Building Inspector LaPorte stated said Variance was granted to establish. Anything needs to be amended would be an amendment to the original Variance.

Atty. Parody for applicant. Applicant requesting an amendment to the existing Variance.

Secretary of the Board of Trustees, Don Pickard and residents of the Aptucxet Village are all in support of said application.

Currently gravel at the parking lot. This seeks to put reclaim material on said gravel and subject matter for the Planning Board (special permit for alternative surfacing) if the ZBA grants amendment to the existing Variance.

The Condo Association voted to move forward with the parking. Atty. Parody will provide such documents to the ZBA for records.

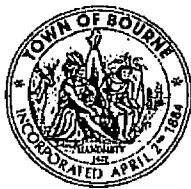
Riordan **moved** and **seconded** by O'Brien to close public hearing for #17-10 amendment to variance. **Vote 5-0.**

Riordan **moved** and **seconded** by Sawyer to grant #17-10 amendment to variance to Aptucxet Village Trust permission for alternate surfacing to the overflow parking according to the Association. **Vote 5-0.**

Adjourn

Sawyer **moved** and **seconded** by O'Brien to adjourn. Meeting adjourned at 8:05 pm. **Unanimous vote.**

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615 Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL:

#17-10- Variance

APPLICANT:

New Aptuxet Village Trust

LOCATION:

Aptuxet Road, Bourne MA

Map 24.3 Parcel 7.3 R40 Zoning District

PROPOSAL:

The applicant seeks permission to install a gravel drive and parking area to accommodate parking of trucks, trailers, motorcycles and commercial vehicles owned by condominium unit owners.

DATE & TIME:

Wednesday, September 1, 2010 at 7:35 p.m.

PLACE:

Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

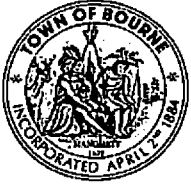
Bourne Courier Publishing Dates:

August 18, 2010

August 25, 2010

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TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL:

#17-10- Variance

APPLICANT:

New Aptuxet Village Trust

LOCATION:

Aptuxet Road, Bourne MA

Map 24.3 Parcel 7.3 R40 Zoning District

PROPOSAL:

The applicant seeks permission to install a gravel drive and parking area to accommodate parking of trucks, trailers, motorcycles and commercial vehicles owned by condominium unit owners.

DATE & TIME:

Wednesday, September 1, 2010 at 7:35 p.m.

PLACE:

Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

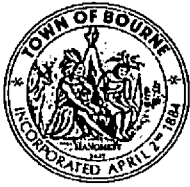
Bourne Courier Publishing Dates:

August 18, 2010

August 25, 2010

TOWN CLERK'S OFFICE

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TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #16-10- Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Brett Bussiere

LOCATION: 22 Elm Ave

Map-30.4 Parcel 137 R-40 zoning district

PROPOSAL: Applicant is requesting relief from Section 2450 of the Town of Bourne's zoning bylaw, maximum gross floor area. Applicant seeks to construct an addition of master bedroom and one car garage under.

DATE & TIME: Wednesday, September 1, 2010 at 7:33 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

August 18, 2010

August 25, 2010

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TOWN CLERK'S OFFICE

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TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 AUG 27 PM 4 10

TOWN CLERK'S OFFICE

AGENDA

DATE

TIME

LOCATION

Wednesday, September 1, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:33p.m. – #16-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE

Brett Bussiere. Location: 22 Elm Ave, Monument Beach. Map 30.4 Parcels 137 in a R40 zoning district. Proposal: Applicant is requesting relief from Section 2450 of the Town of Bourne's zoning bylaw, maximum gross floor area. Applicant seeks to construct an addition of a master bedroom and one car garage

7:35p.m. – #17-10 – VARIANCE

New Aptuxet Village Trust. Location: Aptuxet Road, Bourne. Map 24.3 Parcels 7.3 in a R40 zoning district. Proposal: The applicant seeks permission to install a gravel drive and parking area to accommodate parking of trucks, trailers, motorcycles and commercial vehicles owned by the condominium unit owners.

Old Business

New Business

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____

Zoning Board of Appeals Minutes – September 1, 2010
Bourne Town Hall
Buzzards Bay, MA 02532

Attendance

John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene

Member(s) excused: Lee Berger, Chairman

Approval of Minutes

Minutes will be approved at the next meeting.

#16-10 Special Permit – Extension or Alteration of a pre-existing non-conforming structure

Brett Bussiere. Location: 22 Elm Ave, Monument Beach. Map 30.4 Parcels 137 in a R40 zoning district. Proposal: Applicant requests relief from Section 2450 of the Town of Bourne's zoning bylaw, maximum gross floor area. Applicant seeks to construct an addition of a master bedroom and one car garage.

Sitting for the board: John Priestley, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene

Applicant used the assessor's papers for the measurements of his 1st floor.

Building Inspector LaPorte recommended applicant request a continuance and get the actual measurements of the house, making floor plan of the house. Also need the dimensions of the 2nd floor as well.

Make a separate sheet for each level. Take to Town Planner for verification before coming back to the Board.

Riordan moved and seconded by Sawyer to continue public hearing for #06-10 variance to September 15, 2010 at 7:37 pm. **Vote 5-0.**

#17-10 Variance

New Aptuxet Village Trust. Location: Aptuxet Road, Bourne. Map 24.3 Parcels 7.3 in a R40 zoning district. Proposal: Applicant seeks permission to install a gravel drive and parking area to accommodate parking of trucks, trailers, motorcycles and commercial vehicles owned by the condominium unit owners.

Sitting for the board: John Priestley, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene

2010 SEP 17 PM 9 04
TOWN CLERK & NOTARY PUBLIC

Board of Health letter dated August 18, 2010 with regard to proper permits will be required to be pulled for existing plumbing of new bathroom to the existing plumbing/and or septic system. Applicant will need to go before the Board of Health at that time.

Priestley, Jr. moved and seconded by Riordan to close public hearing. Unanimous vote.

Priestley, Jr. moved and seconded by Sawyer to approve Special Permit #14-10, in accordance with plans submitted, subject to the removal of existing shed. Vote 5-0.

#08-18 - Comprehensive Permit, 40B... Continuance

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.

Thomas C. Houston, President of Professional Services Corporation, PC as Board's consultant.

Atty. Attea for applicant

Mike Fabiano, engineer for applicant

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

New proposed site plan for 20 units, turning the existing 4 car garage into 4 dwelling units, and also using the existing foundation for 4 units. No grages or other storage space (other than attics) is shown on the plans. Members of the Board recommended tearing down the garage and taking out the existing foundation on the hill, suggesting they were not worth saving and an obstacle for the exitway to a future traffic light and for fire department concerns. The applicant claimed that his prior 12 unit proposal was not economically feasible, but he did not present any pro forma to back up his contentions.

Feedback is that the site is a difficult site to work. Plans show the big plan of infrastructure, retaining walls and grading, visitor parking (although there are only 2 parking spaces for each unit, i.e., a total of 40 spaces.

The two story structures are visitable, but not handicapped accessible. Chm. Berger stated that not having garages has increased the number of units and asked how the site plan presented tonight is better than the previous site plan. Atty. Attea stated the 20 units

is economically viable. When the 16 units are spread out, the costs expand and revenue generated is not sufficient to make a reasonable profit.

Pappas stated that the change to the units is due to the added costs when the bypass road is added and for the stamped architectural plans. He added that the plans submitted tonight are for discussion only.

Priestley commented on seeing gradual continuity of the slope by grading and as few retaining walls as possible and try to build on slope. Engineer said that the issue was with phasing and utilities for a septic system design.

Priestley stated that site is a burdened site. Sawyer suggested storage for the third floor. Pappas stated attic would add attic and basements. Riordan commented about sidewalks and usable areas.

Mr. Houston commented that the concept plan discussed at the workshop (subcommittee meeting) was better, but he understands applicants concerns. He said we need a look at interim development sketches and get a second opinion. With regard to the number of units, the Board needs to see a pro forma. There are a number of challenges with the site. Access and safety issues - angling driveway provides some relief. Engineering concern is the steepness of the side slopes (Most of grades have a maximum 2-to-1 incline). Steeper than 2-to-1 will need further analysis.

Mr. Houston also commented that there is no way to maintain underground storm water. A rigorous structure is needed to remove 80% of the total suspended solids (DEP standard). Generally, the septic system is reasonably sited with respect to grading. He looks forward to seeing the pro forma and moving forward.

Fire Department's comments on grade for emergency vehicles. Safety of vehicles coming down (sliding into Sandwich Road) is another issue. (11% grade starts just past the garage unit per newest site plan).

Mr. Houston commented on the safety issue of the road's grade, which may be alleviated by vertical curbing. He also inquired about emergency access area that might be problematic (Building 2).

Fire Department questioned if any changes on plan with regard to a turnaround for Building 2. In addition, all buildings will require sprinklers and need engineering plans to show adequate water supply at the top of the hill.

Discussion on parking spaces and units. Chm. Berger suggested more spaces are needed.

Discussion on marketability. Applicant's marketing consultant has informed him that as long as the units are three (3) bedroom units and cost under \$300,000, they will sell. Patio and lawn areas were discussed.

Three (3) fire hydrants are proposed for development, all within 400 feet of each other. Fire Department raised question on residual pressure (most of the units are 70 feet above Sandwich Road). Mr. Houston stated that is part of the Engineering computation that is needed.

Landscaping/architecture plan need to be submitted with pro forma along with site plans for final review by Mr. Houston.

Pro forma will be submitted to Board of appeals, and a copy will be sent to Chairman Berger on August 19, 2010.

Chm. Berger wants the numbers. Atty. Attea suggested the Board to review pro forma in context with this plan, then schedule a subcommittee meeting, and allow eight weeks for review of financials, review by Mr. Houston and subcommittee review.

Mr. Houston would like to see issues inherent in plan configured in this plan. Absent of pro forma he doesn't know how to get an adequate return, but can move forward once he sees the pro forma. This is a concept that involves reusing building foundations, but would question if helpful to try to reuse foundation for Building 2 where it doesn't fit on the existing foundation. The one thing that sticks out in terms of feasibility is to move the parking spaces closer to Building 2. In summary it is a choice between 12 units vs. 20 units.

Priestley stated that although is not opposed to the 20 units, he is opposed to 20 units that would not sell. He suggested to give up concept of Building 2. He requested a Survey of Existing Conditions (part of the base plan).

Ms. Barth inquired whether applicant ever considered making the area where Building 2 is located into a recreational area. Applicant said building cost vs. return on investment per unit brought the total number of units to 20.

Chm. Berger requested again that the applicant address the comments of the Cape Cod Commission and the Town departments in written form.

Applicant requested to meet with Mr. Houston. Subcommittee meeting will be scheduled at a later date.

Priestley moved and seconded by Riordan to continue Comprehensive Permit 40B to November 3, 2010 at 7:40 pm. Vote 5-0.

#15-10 - Variance

Lawrence E. Palmer. Location: 33 Sachem Drive, Sagamore Beach. Map 7.4 Parcel 74 in a R40 zoning district. Proposal: The applicant seeks a variance from setback statute to allow placement of an 8 x 10 Shed, five feet from both west and north property lines.

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

Letter dated August 13, 2010 from Lawrence E. Palmer to withdraw application.

Riordan moved and seconded by Priestley to allow applicant Lawrence E. Palmer to withdraw without prejudice. Vote 5-0.

Old business

Mortgage holder for Ocean Pines is suing due to never being notified by Planning Board of hearing to rescind Special Permit.

Adjournment

O'Brien **moved** and **seconded** by Priestley to adjourn. Meeting adjourned at 9:20 pm.

Respectfully submitted,

Lisa A. Groezinger, Sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 SEP 2 AM 11:57
AMENDED AGENDA

<u>DATE</u>	<u>TOWN CLERK'S OFFICE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, September 15, 2010</u>		<u>7:30 P.M.</u>	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:33p.m. – #13-10 – VARIANCE - CONTINUANCE

Michael & Linda McKenna. Location: 260 Herring Pond Road, Buzzards Bay. Map 5
Parcels 8 in a R80 zoning district. Proposal: applicant seeks a variance from the
provisions of Section 2440 in order to convert an existing barn into a single family
residence.

**7:37p.m. – #16-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-
EXISTING NON-CONFORMING STRUCTURE**

Brett Bussiere. Location: 22 Elm Ave, Monument Beach. Map 30.4 Parcels 137 in a
R40 zoning district. Proposal: Applicant is requesting relief from Section 2450 of the
Town of Bourne's zoning bylaw, maximum gross floor area. Applicant seeks to
construct an addition of a master bedroom and one car garage

**7:40 P.M. - #10-18 – COMPREHENSIVE PERMIT – HABITAT FOR HUMANITY OF CAPE
COD, INC. 6 FLINTLOCK LANE, BOURNE**

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board
of Health, Engineering, Planning Board, Town Planner, Conservation Commission,
Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham,
Sandwich, & Plymouth

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, Habitat for
Humanity of Cape Cod, Inc., 657 Route 28, West Yarmouth, MA 02673, to construct an
affordable single family home on a lot containing 10000 square feet in an R-40 district
and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises
affected: Map 7.2 Parcel 9.

Old Business
New Business
Members Present



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue



2010 AUG 27 PM 4 10 Buzzards Bay, MA 02532

TOWN CLERK'S OFFICE

AGENDA

DATE

TIME

LOCATION

Wednesday, September 15, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:33p.m. – #13-10 – VARIANCE - CONTINUANCE

Michael & Linda McKenna. Location: 260 Herring Pond Road, Buzzards Bay. Map 5
Parcels 8 in a R80 zoning district. Proposal: applicant seeks a variance from the
provisions of Section 2440 in order to convert an existing barn into a single family
residence.

**7:40 P.M. - #10-18 – COMPREHENSIVE PERMIT – HABITAT FOR HUMANITY OF CAPE
COD, INC. 6 FLINTLOCK LANE, BOURNE**

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board
of Health, Engineering, Planning Board, Town Planner, Conservation Commission,
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and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises
affected: Map 7.2 Parcel 9.

Old Business

New Business

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____



**TOWN OF BOURNE
BOARD OF APPEALS**

2010 AUG 19 AM 9 35 24 Perry Avenue

TOWN CLERK'S OFFICE **Buzzards Bay, MA 02532**

Tel: 508-759-0615 Ext. 21 Fax: 508-759-0611

NOTICE OF PUBLIC HEARING UNDER THE ZONING BYLAWS

**#10-18 – COMPREHENSIVE PERMIT – HABITAT FOR HUMANITY
OF CAPE COD, INC. 6 FLINTLOCK LANE, BOURNE**

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board of Health, Engineering, Planning Board, Town Planner, Conservation Commission, Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham, Sandwich, & Plymouth

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, Habitat for Humanity of Cape Cod, Inc., 657 Route 28, West Yarmouth, MA 02673, to construct an affordable single family home on a lot containing 10000 square feet in an R-40 district and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected: Map 7.2 Parcel 9.

A public hearing will be held in the **Bourne Town Hall**,
24 Perry Ave, Bourne. 508-759-0600

Wednesday, September 15, 2010 at 7:40 P.M.

Zoning Board of Appeals Minutes – September 15, 2010

**Bourne Town Hall
Buzzards Bay, MA 02532**

2010 OCT 21 PM 1 18

*****TOWN CLERK'S OFFICE*****
BOURNE, MASS.

Attendance

Lee Berger, Chairman, John Priestley, Jr. – Vice-Chairman, Timothy Sawyer, Judith Riordan, John O'Brien and Wade Keene

Approval of Minutes

Riordan MOVED and SECONDED by Priestley to approve minutes of September 1, 2010 as submitted. Unanimous vote.

#13-10 Variance - continuance

Michael and Linda McKenna. Location: 260 Herring Pond Road, Buzzards Bay, map 5
Parcels 8 in a R80 zoning district. Proposal: applicant seeks a variance from the
provisions of Section 2440 in order to convert an existing barn into a single-family
residence.

Sitting for the board: Lee Berger, John Priestley, Timothy Sawyer, Judith Riordan, and
Wade Keene. Also present: John O'Brien

List of documents submitted:

- 1 #13-10 Plan showing existing condition and a proposed driveway dated
August 15, 2010 (1 page)
- 2 #13-10 Variance final decision – #07-20 Canal Land Surveying &
Permitting, Inc. dated July 23, 2007 (3 pages)
- 3 #16-10 Lot coverage received by Town Planner dated September 10, 2010 (1
page)
- 4 #10-18 – Project feasibility – ownership projects (2 pages)
- 5 #10-18 – Vineyard Engineering & Environmental Services, Inc. Plot Plan of
Land (1 page)
- 6 #10-18 – Site plan dated June 27, 2009 (1 page) – including 2 pages of
photos

Atty. Robert Parody representing applicants. Plan signed and recorded at the Registry of
Deeds. Plan was approved by Planning Board. Severe typography issue on the property
as well as shape of property issue.

Proposing to convert barn to a residence for applicant's family. Existing residence could
be rented out. Copy of prior variance (lot shape variance) was placed in the file for this
appeal.

Frontage is not an issue.

Priestley **moved** and **seconded** by Riordan to close the public hearing for #13-10 variance. **Vote 5-0.**

Priestley **MOVED** and **SECONDED** by Keene to grant variance #13-10 due to the peculiar shape and topography of the lot, and the fact that the density of total site will be two homes on 4 acres. No one will be permitted to live in the garage. **Vote 5-0** in favor of the motion.

#16-10 Special Permit – extension or alteration of a pre-existing non-conforming structure

Brett Bussiere. Location: 22 Elm Avenue, Monument Beach, map 30.4 parcels 137 in a R40 zoning district. Proposal: applicant is requesting relief from Section 2450 of the Town of Bourne's zoning by-law, maximum gross floor area. Applicant seeks to construct an addition of a master bedroom and one car garage.

Sitting for the board: Lee Berger, John Priestley, Timothy Sawyer, Judith Riordan and Wade Keene. Also present: John O'Brien

Applicant supplied copy of calculations signed by the Town Planner dated September 10, 2010. Applicant provided plans dated July 28, 2010.

Riordan **MOVED** and **SECONDED** by Priestley to close public hearing for #16-10 special permit. **Vote 5-0.**

Priestley **MOVED** and **SECONDED** by Riordan to grant special permit #16-10 in accordance with plans filed dated July 28, 2010 with the ZBA. **Vote 5-0** in favor of the motion.

#10-18 Comprehensive permit – Habitat for Humanity of Cape Cod, Inc. 6 Flintlock Lane, Bourne

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board of Health, Engineering, Planning Board, Town Planner, Conservation Commission, Bourne Water District, Appeal Board File, Planning Board's of Falmouth, Wareham, Sandwich and Plymouth

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, Habitat for Humanity of Cape Cod, Inc., 657 Route 28, West Yarmouth, MA 02673, to construct an affordable single family home on a lot containing 10,000 square feet in an R-40 district and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises

Sitting for the board: Lee Berger, John Priestley, Timothy Sawyer, Judith Riordan and Wade Keene. Also present John O'Brien.

Atty. Warren Brody for applicant.

Seeking a comprehensive permit to construct a single-family affordable home on a 10,000 sq. ft. lot in Sagamore Beach.

Requesting relief with respect to dimensional regulation and the intensity of use schedule.

Mortgage interest rate of 0% gives flexibility. This is a sweat equity project for the chosen applicant which assures that the family selected lives close to the project.

Energy saving expectations are very aggressive, NStar rated appliances, 2x6 studs, insulation and conscience of energy savings to help the families with their energy bills.

Exterior siding is shingles on sides and back and clapboard (cement fiber board) on the front.

Roger LaPorte inquired that if lot was in common ownership with adjoining lot and merged for zoning purposes, how can two building lots be created merely by deeding the one with a building on it to one owner and the vacant lot to Habitat? Chm. Berger stated the DHCD made a determination that the site was eligible for affordable housing under Chapter 40B, but queried what that does to the other lot.

History of lots – Jim Cundy had two (2) lots. Originally Mr. Cundy wanted to put a two (2) garage home on adjacent lot. The other lot was wooded and became a flooded lot (Board of Health/Cindy Coffin will need to address – 6/11/08 perc test performed) and did nothing with said lot.

Sold lots to Tom Roberts. Mr. Roberts sold lot 4 to Paul Silva and Jaime Moska (both parties present tonight); lots 4 and 6 were originally together, and wanted to keep other lot and put a house on it. Mr. Roberts apparently checked with some board (not Planning or Appeals) and donated lot 6 to Habitat for Humanity and took a sizable tax credit. Was the lot split legally?

Chm. Berger suggested getting Town Counsel opinion.

Storm water (on drawing 2) – depicts a catch basin with a leaching chamber below it. Chm. Berger stated that if comprehensive permit is granted and storm water still a problem, Board may require someone to put up a bond for a period of time to see if there is still a problem.

Jack Landers-Cawlin is applicant's engineer.

Plot plan of land and Site plan, including 2 pictures of lot after a rain reviewed by the Board. Atty. for applicant stated that they are not creating a problem, it already exists.

Chm. Berger stated the board is concerned about allowing an affordable home, or any home for that matter, to be built with a water problem.

Clem Delfarvo stated that the lot is an illegal lot, unbuildable lot not meeting the bylaws with regard to area. If pre-approved now, it opens the door for future small lots requesting a 40B.

Chm. Berger stated some issues are out of the ZBA's authority.

Ms. Julian Cardoza's property was sold to her by Jimmie Anderson. When Tom Roberts called her to offer a lot, she was told by the Town (Ginnie) that the lot has never been separated.

Chm. Berger to draft letter with Roger LaPorte requesting Town Counsel's opinion on both issues - whether the board has authority to grant a Comprehensive Permit on an undersized lot, and if so what effect it would have on the other lot. Chm. Berger stated it may also be necessary to have the applicant's civil engineer come in to explain how the waer issue on the lot is to be resolved.

Priestley MOVED and SECONDED by Riordan to continue hearing to November 3, 2010 at 7:42 pm. Vote 5-0.

Old business

Chase Estates - still waiting for proforma and other documentation.

Adjourn

Priestley moved and seconded by Sawyer to adjourn. Meeting adjourned at 8:48 pm.

Unanimous vote.

Respectfully submitted - Lisa Groezinger, sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532
AMENDED AGENDA



DATE

TIME

LOCATION

Wednesday, October 6, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

No Meeting Tonight

Old Business
New Business
Members Present

2010 SEP 17 AM 11 55
TOWN CLERK'S OFFICE



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 OCT 6 PM 2 11

TOWN CLERK'S OFFICE
DATE

AGENDA

TIME

LOCATION

Wednesday, October 20, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:35p.m. – #18-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE

Deborah & Matthew Caddell. Location: 6 E Bogview Drive, Buzzards Bay. Map 14
Parcels 50.72 in a R80 zoning district. Proposal: Applicant seeks approval to build a 16'
x 16' deck on the back of their home.

7:40p.m. – #19-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3
Parcels 57 in a R400 zoning district. Proposal: install a wooden deck and stairs on
existing boathouse to provide a second point of egress. The boathouse does not meet the
minimum property sideline setbacks.

Old Business
New Business
Members Present



TOWN OF BOURNE

Board of Appeals

2010 SEP 22 AM 9 27

Bourne Town Hall

TOWN CLERK'S OFFICE:

24 Perry Avenue

Buzzards Bay, MA 02532

Phone:

(508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #19-10- Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Harold & Kelly Kalick

LOCATION: 62 Squeteague Harbor Road, Cataumet

Map 51.3 Parcel 57 R-40 zoning district

PROPOSAL: Install a wooden deck and stairs on the existing boathouse to provide a second point of egress. The boathouse does not meet the minimum property sideline setbacks.

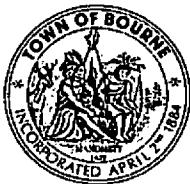
DATE & TIME: Wednesday, October 20, 2010 at 7:40 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

October 6, 2010

October 13, 2010



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #18-10– Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Deborah & Matthew Caddell

LOCATION: 6 E Bogview Drive, Buzzards Bay

Map 14 Parcel 50.72 R-80 zoning district

PROPOSAL: Applicant seeks approval to build a 16' x 16' deck on the back of their home.

DATE & TIME: Wednesday, October 20, 2010 at 7:35 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

October 6, 2010
October 13, 2010

2010 SEP 17 AM 11 55
TOWN-CLERK'S OFFICE
BOURNE, MASS.

**Zoning Board of Appeals Minutes of October 20, 2010
Bourne Town Hall, Buzzards Bay MA 02352**

Members present: John Priestley, Jr., Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien.

Members absent: Lee Berger, Chairman

Approval of Minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 9/15/10 as submitted. UNANIMOUS VOTE.

#18-10 Special Permit – extension or alteration of a pre-existing non-conforming structure

Deborah & Matthew Caddell. Location 6 E. Bogview Drive, Buzzards Bay. Map 14 Parcels 50.72 in a R80 zoning district. Proposal: Applicant seeks approval to build a 16' x 16' (drawing shows deck is 16' x 14') deck on the back of their home.

Sitting for Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, Wade Keene and John O'Brien

Lt. David S. Pelonzi, Fire Department letter dated October 20, 2010 with regard to the deck falling too close to the property line at the rear of the residence. Because of the close proximity of the structure throughout the development, strict setbacks must be maintained in order to contain the spread of fire from one structure to the next.

Applicant will need to get clarification on what size deck is acceptable to the Fire Department.

Applicant is proposing deck to be 16' x 14'. Priestley suggested adding a set of stairs to the deck.

Pictures presented tonight showed a gazebo which applicant will have to file a permit and come before the Board for the structure. Applicant will remove the gazebo.

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

Riordan MOVED and SECONDED by O'Brien to grant application for #18-10 Special Permit – approval granted to Deborah & Matthew Caddell to build 16 x 14 deck on the back of their home, provided a 3 foot high concrete block wall on the side of the deck abutting property labeled as 5 E. VOTE 5-0.

TOWN OF BOURNE

2011 JAN 4 PM 12 20

#19-10 – Special Permit – extension or alteration of a pre-existing non-conforming structure

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3
Parcels 57 in a R400 zoning district. Proposal: to install a wooden deck and stairs on
existing boathouse to provide a second point of egress. The boathouse does not meet the
minimum property sideline setbacks.

Sitting for Board: John Priestley, Jr., Timothy Sawyer, Judith Riordan, Wade Keene and
John O'Brien

Barbara Frappier, Warwick & Associates, Inc. letter dated October 11, 2010 with regard
to applicants request for a continuance to the next meeting.

O'Brien MOVED and SECONDED by Sawyer to continue public hearing to 11/17/10 at
7:35 pm. VOTE 5-0.

O'Brien will not be attending 11/17/10 meeting.

Adjournment

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

Respectfully submitted,

Lisa A. Groezinger, Sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010-OCT 21 AM 11 44

TOWN CLERK'S OFFICE **AMENDED AGENDA**

BOURNE, MASS

DATE

TIME

LOCATION

Wednesday, November 3, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:35 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

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.

7:42 P.M. - #10-18 – COMPREHENSIVE PERMIT – HABITAT FOR HUMANITY OF CAPE COD, INC. 6 FLINTLOCK LANE, BOURNE

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board of Health, Engineering, Planning Board, Town Planner, Conservation Commission, Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham, Sandwich, & Plymouth

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, Habitat for Humanity of Cape Cod, Inc., 657 Route 28, West Yarmouth, MA 02673, to construct an affordable single family home on a lot containing 10000 square feet in an R-40 district and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected: Map 7.2 Parcel 9.

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 OCT 20 AM 9 11

TOWN CLERK'S OFFICE

AGENDA

DATE BOURNE, MASS

TIME

LOCATION

Wednesday, November 3, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:32p.m. – #19-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3
Parcels 57 in a R400 zoning district. Proposal: install a wooden deck and stairs on
existing boathouse to provide a second point of egress. The boathouse does not meet the
minimum property sideline setbacks.

7:40 p.m. – #08-18 – COMPREHENSIVE PERMIT, 40B... CONTINUANCE

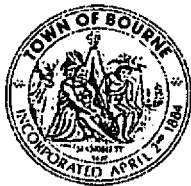
Chase Developers, Inc. Location: 230 Sandwich Road, Bourne. Map 25, Parcels 9 & 36
in a R40 zoning district. Proposal: Being all persons deemed interested or affected by the
Board of Appeals, under Chapter 40B Massachusetts General Law, Section 20 through
23, as amended, you are hereby notified of a 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.

**7:42 P.M. - #10-18 – COMPREHENSIVE PERMIT – HABITAT FOR HUMANITY OF CAPE
COD, INC. 6 FLINTLOCK LANE, BOURNE**

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board
of Health, Engineering, Planning Board, Town Planner, Conservation Commission,
Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham,
Sandwich, & Plymouth

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and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises
affected: Map 7.2 Parcel 9.

Members Present



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL:

#22-10- Variance

APPLICANT:

Muriel R. Bishop

LOCATION:

15 Cliff Road, Monument Beach

Map 31.3 Parcel 18 R40 Zoning District

PROPOSAL:

The applicant seeks relief from a side yard setback of 15 ft. An existing shed was expanded for storage and other purposes but said shed was located within 2 ft. of the Southerly property.

DATE & TIME:

Wednesday, November 3, 2010 at 7:50 p.m.

PLACE:

Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

November 3, 2010

November 10, 2010

2010 OCT 27 PM 2 26
TOWN CLERK'S OFFICE
BOURNE, MASS.

**Zoning Board of Appeals Minutes of November 3, 2010
Bourne Town Hall, Buzzards Bay MA 02352**

Members present: Lee Berger, Chairman, Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien

Members absent: John Priestley, Jr.

Members of the Press: Diana Barth, Bourne Enterprise

List of Documents

- 5/4/10 TA Guerino letter of Selectmen's endorsement
- 5/5/10 Bourne Housing Partnership letter of endorsement

Approval of Minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 10/20/10 as submitted. VOTE 4-0-1 (abstention from Berger).

#08-18 Comprehensive Permit, 40B ... continuance

Chase Developers, Inc. Location: 230 Sandwich Road, Bourne. Map 25, Parcels 9 and 36 in a R40 zoning district. Proposal: Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B MGL, 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, MA. Premises affected: Map 25 Parcels 9 and 36.

Sitting for Board: Lee Berger, Timothy Sawyer, Judith Riordan, Wade Keene and John O'Brien

Chm. Berger notified the Board of letter from Atty. Attea dated 11/3/10 requesting formal request to continue hearing after January 1, 2011.

O'Brien MOVED and SECONDED by Riordan to continue public hearing to 1/05/11 at 7:40 pm. VOTE 5-0.

#10-18 Comprehensive Permit – Habitat for Humanity of Cape Cod, Inc. 6 Flintlock Lane, Bourne

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board of Health, Engineering, Planning Board, Planning Board, Town Planner, Conservation Commission, Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham, Sandwich and Plymouth.

2010 NOV 19 AM 10 05
TOWN CLERK'S OFFICE

Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B MGL, Section 20 through 23 as amended, you are hereby notified of a petition for a Comprehensive Permit authorizing the applicant, Habitat for Humanity of Cape Cod, Inc. 657 Route 28, West Yarmouth, MA 02673 to construct an affordable single family home on a lot containing 1000 square feet in an R40 District and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected: Map 7.2 Parcel 9.

Sitting for Board: Lee Berger, Timothy Sawyer, Judith Riordan, Wade Keene and John O'Brien

Two lots (32 and 33) have merged by operation of law. Then "illegally" deeded out; 32 was deeded out to Habitat.

The Board reviewed the 9/20/10 draft opinion from Special Town Counsel Jon Witten. Witten had additional questions, and after speaking with Chm. Berger had no problem with his draft opinion being made public. Atty. Witten would like the opportunity to finalize his opinion after his questions are answered.

In his draft opinion, Atty. Witten ruled the ZBA has the authority to grant the Comprehensive Permit, but he had some concerns. The Middleboro case, which gives support to the Board's authority, was an administrative decision by the Housing appeals Committee (HAC), and although the case was appealed and affirmed, the issue of merger was not appealed and therefore was not ruled on by the Courts. The HAC was not concerned with the validity or the effect upon the other lot, but Atty Witten and the Board of Appeals are concerned with the validity of and the effect upon the other lot.

Chm. Berger stated that if the Board issues a Comp. Permit, the ZBA is not the one who negatively affected Lot 33, since Lot 33 is already an illegal lot. Concerning the water issues, assurances are requested with perhaps a bond from Habitat.

Paul Silva, who owns Lot 33, stated he did not have an attorney when he bought Lot 33, and he was not certain whether or not there was a Title Insurance policy on the property. Chm. Berger suggested to Mr. Silva that he should look into it whether there was title insurance and whether he had a claim under such a policy.

Warren Brody for Habitat. Also present: Dickenson and Mitchell, and Civil Engineer Landy for Lot 32.

Habitat stated this is a Local Initiative Comprehensive Permit request that has the support of both the Bourne Selectmen and the Bourne Housing Partnership. Issues concerning the site and how to deal with those site issues were discussed. With respect to trees, as many trees as possible will be preserved. Another concern was drainage which will be addressed and how it should be expected to affect abutting lots.

Civil Engineer stated he had never presented a plan to the Town of Bourne. He briefly reviewed his experience.

A survey completed two (2) years ago located the closest portion of the houses on each side, as well as driveways. Lots are accurate as shown in the plan. In addition, a percolate test In June of 2008 with regard to Title V found silt, sand and miscellaneous soils.

In the course of doing work, the grades of the houses to the Southeast side were troublesome – ground higher than the house, which sends out a red flag. The plan provides drainage to contain surface water to run off their site. When a lot is developed, drainage should not be any worse. Engineering is designed to that standard by incorporating a driveway to pitch onto Flintlock and bypass the neighbor. All conductive pipes will go to a dry well. In addition, a swail will be put in to direct the water towards the dry well. Pre and post constructive drainage will be at least the same, if not better than it currently is.

He stated that plans show going down 15 feet replacing silt with clean course drainage soil. Drainage system could be course soil and/or sand. Silt percolates water very slowly and could cause standing water on the lot. If neighbors' drainage around the house is improper, developer has to have proper drainage around house lot. Civil Engineer stated he can prove the drainage characteristics.

In his opinion, he didn't believe there were any wetlands on the property based on the fact that water surface for 60 days is typical for wetland species. He said there is not standing water very often. Another issue is due to the walk out basement, lowering the grade to make sure he traps all the water. Water will still come and pass, but all disturbed areas will be planted.

Keene inquired about the water table. Ground water in this area should be at elevation 4 to 6. Water was found at 173 inches, about 14.5 feet down from elevation 26 - bottom of the system is at elevation 22. This would vary during the year. Percolate test was performed on June 11, 2008 (Mr. Silva stated that weather that year was very dry).

Jack Howarth, abutter to abutter and Planning Board member, stated there is a marsh across the street on Marsh Pond Road, and that road floods often.

Keene requested to see and was shown soil logs.

LaPorte inquired why the septic system is mounded. Civil Engineer stated there is fill over it, but it is not mounded. Mounded means above natural elevation of the ground. He chose to fill over to blend the grading into the front yard, but it is not a function of ground water. Septic could have been lowered. Whole site is at elevation of 11 or higher. It is safe to say that the road is at elevation 12, and most of the time it is dry.

Chm. Berger summarized and stated he would feel more comfortable with another opinion, and another percolate test at Habitat's expense at future date and different time of the year, in light of the civil engineer's testimony that the water table could vary by as

much as 3 feet. The Civil Engineer offered to provide information with regard to the road to the Town Engineer.

O'Brien stated that having read Atty Witten's draft opinion, the lot in question does not appear to be lawfully in existence. Chm. Berger stated Atty. Witten would need to have two (2) questions answered: have the lots merged by operation of law – and the answer to that is definitely yes; and do the two lots exist as separate lots of record – the applicant says yes, under a Land Court Subdivision (which Atty. Witten did not know when he drafted his "draft" opinion), before he gave his final opinion. O'Brien wants clarification before applicant moves forward with percolate test.

Ms. Mitchell stated that lots were part of a Land Court subdivision and the same owners owned both lots and sold them at separate times, thereby retaining separate identities. O'Brien stated he wants to make sure nothing was done illegally.

Atty Mitchell asserted that based on the the Housing Appeals Committee's decisions, the ZBA has authority to grant the Comprehensive Permit for Lot 33. Atty Witten appears to agree.

Chm. Berger commented that Witten's draft opinion also states that Habitat is required to control the site; Habitat has to prove control to move forward. He questioned how one could control an illegally created lot. Ms. Mitchell stated the lot is a non-conforming lot, and Habitat has a deed to that lot and therefore ownership and control.

Chm. Berger commented that it is highly unusual for the ZBA to void the Doctrine of Merger. The ZBA generally looks to solve issues and get Affordable Housing that does not negatively affect abutters.

Mr. Brody submitted copies of the Selectmen's letter of support and the Bourne Housing Partnership letter of support. Chm. Berger read the letters into the record (5/4/10 letter from TA Guerino of Selectmen's vote, 5/5/10 letter from Bourne Housing Partnership).

Atty Mitchell will scan and forward entire application to Atty Witten, along with title rundowns on both lots to show separate identity of each lot. Chm. Berger will contact Atty. Witten for final opinion with regard to whether the ZBA has the authority to grant a Comprehensive Permit.

Riordan MOVED and SECONDED by Sawyer to continue public hearing to 11/17/10 at 7:51 pm. VOTE 5-0. (John O'Brien will not be at the 11/17/10 ZBA meeting.)

Adjournment

O'Brien MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:45 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa A. Groezinger, sec.



TOWN OF BOURNE

BOARD OF APPEALS

24 Perry Avenue

Buzzards Bay, MA 02532

2010 NOV 5 AM 1 40

AMENDED AGENDA

TOWN CLERK'S OFFICE

DATE BOURNE, MASS

TIME

LOCATION

Wednesday, November 17, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• AGENDA ITEMS

7:30 p.m. – Approval of minutes

7:32p.m. – #19-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3
Parcels 57 in a R40 zoning district. Proposal: install a wooden deck and stairs on existing
boathouse to provide a second point of egress. The boathouse does not meet the
minimum property sideline setbacks.

7:40p.m. – #20-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Joel P. Thomas. Location: 56 Clay Pond Road, Monument Beach. Map 31.3
Parcels 168 in a R40 zoning district. Proposal: The applicant requests to build a two car garage
with an In-law apartment above.

7:45p.m. – #21-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Kenneth Murphy. Location: 3C Horseshoe Lane, Hide Away Village, Buzzards Bay.
Map 14
Parcels 49.44 in a R80 zoning district. Proposal: The applicant seeks to relocate
the existing structure from the side of the house to the front of the house.

7:50p.m. – #22-10 – VARIANCE

Muriel R. Bishop. Location: 15 Cliff Road, Monument Beach. Map 31.3
Parcels 18 in a
R40 zoning district. Proposal: The applicant seeks relief from a side yard setback of 15
ft. An existing shed was expanded for storage and other purposes but said shed was
located within 2 ft. of the Southerly property.

**7:51 P.M. - #10-18 – COMPREHENSIVE PERMIT – HABITAT FOR HUMANITY OF CAPE
COD, INC. 6 FLINTLOCK LANE, BOURNE**

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board
of Health, Engineering, Planning Board, Town Planner, Conservation Commission,
Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham,
Sandwich, & Plymouth

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, Habitat for Humanity of Cape Cod, Inc., 657 Route 28, West Yarmouth, MA 02673, to construct an affordable single family home on a lot containing 10000 square feet in an R-40 destriect and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected: Map 7.2 Parcel 9.

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 OCT 27 PM 2 26

TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

DATE

TIME

LOCATION

Wednesday, November 17, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:32p.m. – #19-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3
Parcels 57 in a R40 zoning district. Proposal: install a wooden deck and stairs on existing
boathouse to provide a second point of egress. The boathouse does not meet the
minimum property sideline setbacks.

7:40p.m. – #20-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Joel P. Thomas. Location: 56 Clay Pond Road, Monument Beach. Map 31.3
Parcels 168 in a R40 zoning district. Proposal: The applicant requests to build a two car garage
with an In-law apartment above.

7:45p.m. – #21-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Kenneth Murphy. Location: 3C Horseshoe Lane, Hide Away Village, Buzzards Bay.
Map 14
Parcels 49.44 in a R80 zoning district. Proposal: The applicant seeks to relocate
the existing structure from the side of the house to the front of the house.

7:50p.m. – #22-10 – VARIANCE

Muriel R. Bishop. Location: 15 Cliff Road, Monument Beach. Map 31.3
Parcels 18 in a
R40 zoning district. Proposal: The applicant seeks relief from a side yard setback of 15
ft. An existing shed was expanded for storage and other purposes but said shed was
located within 2 ft. of the Southerly property.

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



OCT 21 AM 11 44
TOWN CLERK'S OFFICE
BOURNE MA 02532

PUBLIC HEARING NOTICE

APPEAL: #20-10– Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Joel P. Thomas

LOCATION: 56 Clay Pond Road, Monument Beach

Map 31.3 Parcel 168 R-40 zoning district

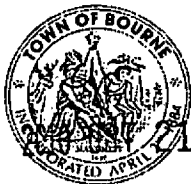
PROPOSAL: The applicant requests to build a two car garage with an In-law apartment above.

DATE & TIME: Wednesday, November 17, 2010 at 7:40 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

November 3, 2010
November 10, 2010



PM 1 18

TOWN CLERK'S OFFICE
BOURNE, MASS.

TOWN OF BOURNE

Board of Appeals

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

Phone: (508) 759-0615 Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #21-10- Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Kenneth Murphy

LOCATION: 3C Horseshoe Lane, Hide Away Village, Buzzards Bay
Map 14 Parcel 49.44 R-80 zoning district

PROPOSAL: the applicant seeks to relocate the existing structure from the side of the house to the front of the house.

DATE & TIME: Wednesday, November 17, 2010 at 7:45 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

November 3, 2010
November 10, 2010



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



AMENDED PUBLIC HEARING NOTICE

APPEAL:

#22-10- Variance

APPLICANT:

Muriel R. Bishop

LOCATION:

15 Cliff Road, Monument Beach

Map 31.3 Parcel 18 R40 Zoning District

PROPOSAL:

The applicant seeks relief from a side yard setback of 15 ft. An existing shed was expanded for storage and other purposes but said shed was located within 2 ft. of the Southerly property.

DATE & TIME:

Wednesday, November 17, 2010 at 7:50 p.m.

PLACE:

Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

November 3, 2010
November 10, 2010

BOURNE TOWN
TOWN CLERK'S OFFICE
2010 NOV 2 PM 10 50

**Zoning Board of Appeals Minutes of November 17, 2010
Bourne Town Hall, Buzzards Bay MA 02352**

2010 DEC 6 PM 1 46

Members present: Lee Berger, Chairman, Tim Sawyer and Judith Riordan,

Members absent: John Priestley, Jr., John O'Brien and Wade Keene

Due to a no quorum, tonight hearings will be voted to be continued to December 1, 2010.

Approval of Minutes

Riordan MOVED and SECONDED by Sawyer to approve minutes of 11/3/10 as submitted. UNANIMOUS VOTE.

#19-10 Special Permit - extension or alteration of a pre-existing non-conforming structure - Continuance

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3 Parcels 57 in a R40 zoning district. Proposal: install a wooden deck and stairs on existing boathouse to provide a second point of egress. The boathouse does not meet the minimum property sideline setbacks.

Riordan MOVED and SECONDED by Sawyer to continue hearing to December 1, 2010 at 7:35 pm. UNANIMOUS VOTE.

#20-10 Special Permit - extension or alteration of a pre-existing non-conforming structure - Continuance

Joel P. Thomas. Location: 56 Clay Pond Road, Monument Beach. Map 31.3 Parcels 168 in a R40 zoning district. Proposal: applicant requests to build two-car garage with an in-law apartment above.

Riordan MOVED and SECONDED by Sawyer to continue hearing to December 1, 2010 at 7:40 pm. UNANIMOUS VOTE.

#21-10 Special Permit - extension or alteration of a pre-existing non-conforming structure Continuance

Kenneth Murphy. Location: 3C Horseshoe Lane, Hide Away Village, Buzzards Bay, Map 14 Parcels 49.44 in a R8- zoning district. Proposal: applicant seeks to relocate the existing structure from the side of the house to the front of the house.

Riordan MOVED and SECONDED by Sawyer to continue hearing to December 1, 2010 at 7:45 pm. UNANIMOUS VOTE.

#22-10 Variance

Muriel R. Bishop. Location: 15 Cliff Road, Monument Beach. Map 31.3 Parcels 18 in a R40 zoning district. Proposal: applicant seeks relief from a side yard setback of 15 ft. An existing shed was expanded for storage and other purposes but said shed was located within 2 ft. of the southerly property.

Riordan MOVED and SECONDED by Sawyer to continue hearing to December 1, 2010 at 7:50 pm. UNANIMOUS VOTE.

#10-18 Comprehensive Permit – Habitat for Humanity of Cape Cod, Inc. 6 Flintlock Lane, Bourne

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board of Health, Engineering, Planning Board, Planning Board, Town Planner, Conservation Commission, Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham, Sandwich and Plymouth.

Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B MGL, Section 20 through 23 as amended, you are hereby notified of a petition for a Comprehensive Permit authorizing the applicant, Habitat for Humanity of Cape Cod, Inc. 657 Route 28, West Yarmouth, MA 02673 to construct an affordable single family home on a lot containing 1000 square feet in an R40 District and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected: Map 7.2 Parcel 9.

Riordan MOVED and SECONDED by Sawyer to continue hearing to December 1, 2010 at 7:51 pm. UNANIMOUS VOTE.

Old business

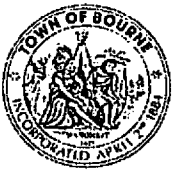
R. Laporte will call Atty. Witten with regard to #10-18 comprehensive permit and new information received.

Adjournment

Sawyer MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 8:00 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. Groezinger, Sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532



2010 NOV 17 PM 1 46

AMENDED AGENDA

TOWN CLERK'S OFFICE
DATE
2010.11.17.1.46

TIME

LOCATION

Wednesday, December 1, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:32p.m. – #19-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3
Parcels 57 in a R40 zoning district. Proposal: install a wooden deck and stairs on existing
boathouse to provide a second point of egress. The boathouse does not meet the
minimum property sideline setbacks.

7:40p.m. – #20-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Joel P. Thomas. Location: 56 Clay Pond Road, Monument Beach. Map 31.3 Parcels
168 in a R40 zoning district. Proposal: The applicant requests to build a two car garage
with an In-law apartment above.

7:45p.m. – #21-10 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE...CONTINUANCE

Kenneth Murphy. Location: 3C Horseshoe Lane, Hide Away Village, Buzzards Bay.
Map 14 Parcels 49.44 in a R80 zoning district. Proposal: The applicant seeks to relocate
the existing structure from the side of the house to the front of the house.

7:50p.m. – #22-10 – VARIANCE

Muriel R. Bishop. Location: 15 Cliff Road, Monument Beach. Map 31.3 Parcels 18 in a
R40 zoning district. Proposal: The applicant seeks relief from a side yard setback of 15
ft. An existing shed was expanded for storage and other purposes but said shed was
located within 2 ft. of the Southerly property.

**7:51 P.M. - #10-18 – COMPREHENSIVE PERMIT – HABITAT FOR HUMANITY OF CAPE
COD, INC. 6 FLINTLOCK LANE, BOURNE**

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board
of Health, Engineering, Planning Board, Town Planner, Conservation Commission,
Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham,
Sandwich, & Plymouth

Zoning Board of Appeals Minutes of December 1, 2010
Bourne Town Hall, Buzzards Bay MA 02352

Members present: Lee Berger, Chairman, Tim Sawyer, Judith Riordan, John O'Brien
and Wade Keene

2011 JAN 6 AM 9 03
TOWN CLERK'S OFFICE
100

Members absent: John Priestley, Jr.

Approval of Minutes

Riordan MOVED and SECONDED by Sawyer to approve minutes of 11/17/10 as submitted. VOTE 3-0-2 (abstentions from J. O'Brien and W. Keene).

#19-10 Special Permit - extension or alteration of a pre-existing non-conforming structure - Continuance

Harold & Kelly Kalick. Location: 62 Squeteague Harbor Road, Cataumet. Map 51.3 Parcels 57 in a R40 zoning district. Proposal: install a wooden deck and stairs on existing boathouse to provide a second point of egress. The boathouse does not meet the minimum property sideline setbacks.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien

Barbara Frappia from Warwick & Associates for applicant.

Chm. Berger questioned how property is a yearly rental, since there is another house on the same lot. Property was grand fathered as property always had tenants. Roger Laporte stated his office contacted Warwick & Associates and the property was investigated.

Riordan MOVED and SECONDED by O'Brien to close public hearing #19-10 Special Permit. VOTE 5-0.

Riordan MOVED and SECONDED by Keene to approve #19-10 Special Permit at 62 Squeteague Harbor Road of install a wooden deck and stairs on existing boathouse to provide a second point of egress finding not be any more detrimental to the neighborhood. VOTE 5-0.

#20-10 Special Permit - extension or alteration of a pre-existing non-conforming structure - Continuance

Joel P. Thomas. Location: 56 Clay Pond Road, Monument Beach. Map 31.3 Parcels 168 in a R40 zoning district. Proposal: applicant requests to build two-car garage with an in-law apartment above.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien

Chm. Berger questioned the applicant with regard to the Town Bylaws and briefly reviewed protocol.

Applicant stated Board of Health would need to do septic inspection.

O'Brien MOVED and SECONDED by Riordan to close public hearing for #20-10. VOTE 5-0.

Riordan MOVED and SECONDED by O'Brien to grant #20-10 Special Permit at 56 Clay Pond Road, Monument Beach to build two-car garage with an in-law apartment above with apartment for Ms. Jennifer Thomas in accordance with the accessory law and per Board of Health septic inspection. VOTE 5-0.

#21-10 Special Permit - extension or alteration of a pre-existing non-conforming structure Continuance

Kenneth Murphy. Location: 3C Horseshoe Lane, Hide Away Village, Buzzards Bay, Map 14 Parcels 49.44 in a R8- zoning district. Proposal: applicant seeks to relocate the existing structure from the side of the house of the front of the house.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien

Fire Department letter dated 11/11/10 approving project is on file. Condominium Association approval of said project is also in the file.

O'Brien MOVED and SECONDED by Riordan to close hearing #21-10 Special Permit. VOTE 5-0.

Riordan MOVED and SECONDED by Keene to grant Special Permit #21-10 at 3C Horseshoe Lane, Hide Away Village, Buzzards Bay to relocate the existing structure from the side of the house of the front of the house as shown on building plan 8/13/10 finding no more detrimental to the neighborhood. VOTE 5-0.

#22-10 Variance

Muriel R. Bishop. Location: 15 Cliff Road, Monument Beach. Map 31.3 Parcels 18 in a R40 zoning district. Proposal: applicant seeks relief from a side yard setback of 15 ft. An existing shed was expanded for storage and other purposes but said shed was located within 2 ft. of the southerly property.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien

Atty. Kevin Kirrane for applicant.

Shed was expanded without knowledge of applicant at the time. Shed is estimated to be 12' x 14'. Removing would be a substantial hardship for applicant. Applicant seeks set back relief based on the fact that the purpose of the set back requirement, privacy, will not be derogated because the surrounding area has substantial topography, and the shed cannot be seen from the house on the abutting lot which is set high above the shed. There would be no benefit to abutting property owner or the Town if applicant was required to remove the shed.

Less than 75 sq. ft. shed can be put up to the lot line.

O'Brien MOVED and SECONDED by Sawyer to close public hearing #22-10 Variance. VOTE 5-0.

Riordan MOVED and SECONDED by x to grant #22-10 Variance at 15 Cliff Road, Monument Beach to permit relief from the side yard setback of 15 ft as an existing shed was expanded for storage and other purposes but said shed was located within 2 ft. of the southerly property on basis of financial hardship to applicant, topography and shape. VOTE 5-0.

#10-18 Comprehensive Permit – Habitat for Humanity of Cape Cod, Inc. 6 Flintlock Lane, Bourne

Town Clerk, Selectmen, Town Administrator, Building Inspector, Town Counsel, Board of Health, Engineering, Planning Board, Planning Board, Town Planner, Conservation Commission, Bourne Water District, Appeal Board File, Planning Boards of Falmouth, Wareham, Sandwich and Plymouth.

Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B MGL, Section 20 through 23 as amended, you are hereby notified of a petition for a Comprehensive Permit authorizing the applicant, Habitat for Humanity of Cape Cod, Inc. 657 Route 28, West Yarmouth, MA 02673 to construct an affordable single family home on a lot containing 1000 square feet in an R40 District and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected: Map 7.2 Parcel 9.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, Wade Keene and John O'Brien

Kate Mitchell for applicant. Also present was Jack Landers, Engineer.

Applicant responded to draft Memorandum of Town Counsel, and now further argues that it is the Housing Appeals Committee to whom the applicant appeals a negative decision from ZBA, and the HAC has already ruled on this issue against the position of Town Counsel.

Draft opinion from Atty. Witten stating there is case law on said issue. Ms. Mitchell strongly disagrees with said opinion stating there is no case law in terms of what impact the Comprehensive Permit has with regard to a merger.

Roger Laporte presented original building permit for the abutting lot. When permit was taken out, owners used both lots to obtain permit for said house. They met the 20,000 sq. ft. requirement by combining the two lots and were granted a building permit to build the house by combining the two lots. Thus, no relief from the board of appeals was needed.

Chm. Berger stated the both lots are illegal as they sit right now and is not sure of the remedy. He would not go against Town Counsel.

The consensus of the Board is to follow the advice of Town Counsel, which is that the board does not have authority to grant the comprehensive permit requested.

O'Brien MOVED and SECONDED by Riordan to close hearing #10-18 Comprehensive Permit. VOTE 5-0.

Riordan MOVED and SECONDED by Sawyer deny application for #10-18 Comprehensive Permit for 657 Route 28, West Yarmouth, MA 02673 on the basis of Town Counsel's Memorandum of 11/30/10 that the ZBA does not have authority to grant the Comprehensive Permit. VOTE 5-0.

New business

Chm. Berger read a letter from the Bourne Charter Commission looking for ZBA comments on how the Charter is working and what changes are needed, if any, from the perspective of the ZBA. Email thoughts or concerns to Chm. Berger and he will forward to the Charter Commission.

Chm. Berger will not be available for the following ZBA meetings: 1/19/11; 3/16/11 and 4/6/11 and 4/20/11. We definitely need the Board of Selectmen to appoint two more Associate Members. Current members are urged to think of people who might be interested and suggest they send a letter of interest to the board of selectmen.

Adjournment

O'Brien MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:30 pm. UNANIMOUS VOTE.

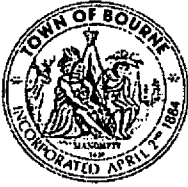
Respectfully submitted,

Lisa A. Groezinger, Sec.

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, Habitat for Humanity of Cape Cod, Inc., 657 Route 28, West Yarmouth, MA 02673, to construct an affordable single family home on a lot containing 10000 square feet in an R-40 district and having 80 feet of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected: Map 7.2 Parcel 9.

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #23-10– Special Permit – CHANGE OF USE

APPLICANT: Christine J. Ratches

LOCATION: 1 Jonathan Bourne Drive, Bourne

Map 35 Parcel 101.1 B4 zoning district

PROPOSAL: Applicant seeks to open a dog daycare and overnight boarding facility.

DATE & TIME: Wednesday, December 15, 2010 at 7:32 p.m.

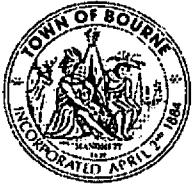
PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

December 1, 2010

December 8, 2010

2010 NOV 22 AM 9 28
TOWN CLERK'S OFFICE



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #24-10– Special Permit – ACCESSORY DWELLING

APPLICANT: Christopher & Patricia Wilder

LOCATION: 5 Andrea Road, Pocasset

Map 43.1 Parcel 218 R-40 zoning district

PROPOSAL: Applicant seeks approval add an in-law apartment above the two car garage.

DATE & TIME: Wednesday, December 15, 2010 at 7:37 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

December 1, 2010

December 8, 2010

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TOWN CLERK'S OFFICE
BOURNE, MA



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue



2010 DEC 8 AM 11 40 Buzzards Bay, MA 02532

TOWN CLERK'S OFFICE

AGENDA

DATE

TIME

LOCATION

Wednesday, December 15, 2010

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:30 p.m. – Approval of minutes

7:32p.m. – #23-10 – CHANGE OF USE

Christine Ratches. Location: 1 Jonathan Bourne Drive, Bourne. Map 35 Parcels 101.1 in a B4 zoning district. Proposal: Applicant seeks to open a dog daycare and overnight boarding facility.

7:37p.m. – #24-10 – SPECIAL PERMIT – ACCESSORY DWELLING

Christopher & Patricia Wilder. Location: 5 Andrea Road, Pocasset. Map 43.1 Parcel 218 in a R40 zoning district. Proposal: Applicant seeks approval to add an in-law apartment above the existing two car garage.

Members Present

Zoning Board of Appeals Minutes of December 15, 2010
Bourne Town Hall, Buzzards Bay MA 02352

Members present: Lee Berger, Chairman, Tim Sawyer, Judith Riordan, John O'Brien and Wade Keene

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TOWN CLERK'S OFFICE

Members absent: John Priestley, Jr.

List of Documents

- Mr. Mann letter opposing proposed dog daycare for #23-10 – 2 pages

Approval of Minutes

Riordan MOVED and SECONDED by O'Brien to table minutes of 12/1/10.
UNANIMOUS VOTE.

#23-10 – Change of Use

Christine Ratches. Location: 1 Jonathan Bourne Drive, Bourne. Map 35 Parcels 101.1 in a B4 zoning district. Proposal: Applicant seeks to open a dog daycare and overnight boarding facility.

Sitting on the Board: Lee Berger, Timothy Sawyer, Judith Riordan, Wade Keene and John O'Brien

Applicant stated she intended to have a maximum of 15 dogs, including 2 of her own, until such time as she might hire another employee, and then the maximum number of dogs would be 20. Before boarding, dogs would be evaluated (history, training, personalities, personal meeting). Applicant is pet certified. If dogs are to be boarded overnight, someone would stay with them overnight.

Applicant explained her business plan. Stated outdoor area will be covered with pea stone. Other businesses are part of the same building, including an insurance adjuster above the proposed location for the kennel. Other businesses include a photographer and a garage door facility, and other office space.

Chm. Berger expressed his concern about noise issues with the likelihood that other businesses in the building would be affected. Also, the proposed fenced in area may block safety vehicles, and delivery trucks going by is another concern.

Dimensions of fence not specified.

Since an employee would stay with dogs overnight, the building would be considered a dwelling and will require smoke detectors.

Exercise area will be monitored through two (2) large windows, and someone would be with the dogs outside.

Waste disposal protocol would be a daily clean up of site. Vet grade sanitizing for urine.

No kitchen facilities, only a microwave and a refrigerator. A bathroom is already in the building. A letter from the Fire Dept requests a gate on the fenced in area. Fenced in area must not impede emergency vehicles, emergency lighting and smoke detectors are required. Board of Health is concerned with fecal waste disposal and potential noise issues for surrounding businesses.

Robert Mann, owns Unit #6 (Jonathan Bourne Condo Association). To his knowledge there are three (3) other owners. He stated there is a condominium association and there was no discussion concerning this facility, or building a fence in the parking lot, which to his knowledge is common area, by the condo association. Darren McDonald is owner of the applicant's Unit.

Chm. Berger stated proposal needs to get Condo Association approval, in addition to others concerns.

Mr. Mann read his letter into the record describing his field as being a photographer. He works in his studio and has customers who visit it. He is concerned that the proposed dog daycare will disturb his business and his own concentration. He stated there is regular delivery truck traffic in addition to regular business traffic that is not conducive to having dogs in the parking lot, and he opposes the proposed dog daycare. He also states he does not know how one unit could put a fenced in area in a common area.

Condo issue seems to be between Mr. McDonald, owner, and the Jonathan Bourne Condo Association.

Andrew Campbell – Superintendent of Water District, stated that the property is within zone 2 of the water district, and therefore it is near well stations in the forest. With the upstream of flow from the wells, it is essential to be careful of what is coming out.

Chm. Berger asked Mr. Campbell if the BOH's four (4) restrictions were sufficient? Mr. Campbell stated that he would want to monitor what is being used as a disinfectant since he is concerned about what chemicals might get into the water. The board could add this as a condition.

Brian Healy had concerns with the 24-7 operation.

Mr. Mann questioned the kind of waste that would be put into the common dumpster.

Applicant stated she was not aware of a Condo Association. John Brennan attested to the credibility of the applicant. Applicant agreed to continue the hearing in order that she could resolve the condominium issues and explore other options.

Tim Sawyer MOVED and SECONDED by Judy Riordan to continue Appeal #23-10 to January 19, 2011 at 7:32 pm. VOTE 5-0.

#24-10 Special Permit – Accessory Dwelling

Christopher & Patricia Wilder. Location: 5 Andrea Road, Pocasset. Map 43.1 Parcel 218 in a R40 zoning district. Proposal: Applicant seeks approval to add an in-law apartment above the existing two car garage.

Sitting on the board: Lee Berger, Timothy Sawyer, Judith Riordan, Wade Keene and John O'Brien

William Thompson email raising concerns with regard to special permit and zoning bylaw 4122 and 4123.

BOH letter requesting any approval be with the condition that there will be no more than three (3) bedrooms total for the dwelling and in-law apartment.

Property will never be rented as it is strictly for guests and family members.

Chm. Berger inquired why the need for two residential properties. Property is a summer home and is vacant, but once a month Patricia Wilder comes down. Applicant is upgrading without changing the exterior of the structure.

Legally, without a Special Permit, applicant can finish the second floor with anything but a kitchen. The kitchen makes it an accessory dwelling. Septic system is adequate for 3 bedrooms.

Rough plumbing exists.

David Denmark, abutter, is in support of said application, including kitchen area. Next door neighbor is in support of application as well.

Mr. Laporte talked with Mrs. Thompson and discussed safeguards if want to sell at a later date.

Applicant purchased another property in Cataumet, but applicant doesn't feel it has any relevance to this application.

O'Brien MOVED and SECONDED by Riordan to close hearing #24-10 Special Permit – Accessory Dwelling. VOTE 5-0.

Riordan MOVED and SECONDED by Sawyer approve application for #24-10 Special Permit – Accessory Dwelling for 5 Andrea Road, Pocasset to Christopher and Patricia Wilder in that it is not significantly detrimental to neighborhood and will not depart from character of neighborhood, and the significant community purpose is the enhancement of the applicant's family life (his mother can comfortably spend time with the grandchildren). Occupant is to be Patricia Wilder, all in accordance with 4120 -4123. VOTE 5-0.

New business

None.

Adjournment

O'Brien MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 8:40 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. Groezinger, Sec.

Town of Bourne Meeting Notice

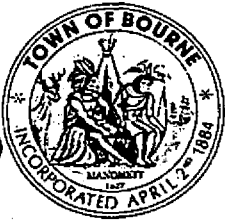
Board: Board of Assessors

Date & Time: Tuesday, January 19, 2010 at 4:00 p.m.

Place: Town Hall-Downstairs Conference Room

Agenda: Abatements & Deferrals

2010 JAN 13 PM 11 31
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TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026



J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member

Donna L. Barakauskas, MAA,
Principal Assessor

The Board of Assessors held their regularly scheduled meeting on January 19, 2010 in the Town Hall. Present were Chairman J. Malcolm Whitney, Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

The Board reviewed the minutes of the November 17, 2009 meeting. Upon motion, individually, by Mr. Whitney and seconded by Ms. Koleshis, the vote being unanimous to accept the minutes of the November 17th meeting.

The Board reviewed and signed thirty-five (35) abatement applications and two (2) deferral applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

2010 FEB 25 PM 1 16
TOWN CLERK'S OFFICE
BOURNE, MASS

Town of Bourne Meeting Notice

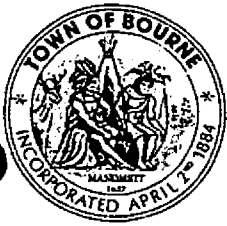
Board: Board of Assessors

Date & Time: Tuesday, February 23, 2010 at 4:00 p.m.

Place: Town Hall-Upstairs Conference Room

Agenda: Abatements

2010 FEB 18 PM 4 02
TOWN CLERK'S OFFICE
BOURNE, MASS



TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026



J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member

Donna L. Barakauskas, MAA,
Principal Assessor

The Board of Assessors held their regularly scheduled meeting on February 23, 2010 in the Town Hall. Present were Chairman J. Malcolm Whitney, Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

The Board reviewed the minutes of the February 23, 2010 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the February 23rd meeting.

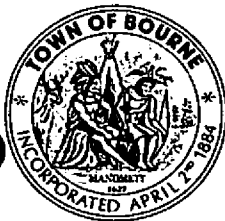
The Board reviewed and signed fifty-nine (59) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

TOWN CLERK'S OFFICE

2010 APR 29 AM 9 39



TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026



J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member

Donna L. Barakauskas, MAA,
Principal Assessor

The Board of Assessors held their regularly scheduled meeting on February 23, 2010 in the Town Hall. Present were Chairman J. Malcolm Whitney, Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

The Board reviewed the minutes of the January 19, 2010 meeting. Upon motion, individually, by Mr. Whitney and seconded by Ms. Koleshis, the vote being unanimous to accept the minutes of the January 19th meeting.

The Board reviewed and signed fifty-five (55) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

2010 MAR 17 AM 10 07
TOWN CLERK'S OFFICE
BOURNE, MASS

Town of Bourne Meeting Notice

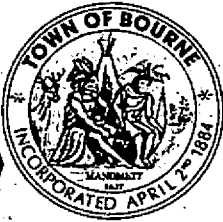
Board: Board of Assessors

Date & Time: Tuesday, March 16, 2010 at 4:00 p.m.

Place: Town Hall-Upstairs Conference Room

Agenda: Abatements

2010 MAR 10 AM 11 29
TOWN CLERK'S OFFICE
BOURNE, MA 01939



TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026



J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member

Donna L. Barakauskas, MAA,
Principal Assessor

The Board of Assessors held their regularly scheduled meeting on March 16, 2010 in the Town Hall. Present were Chairman J. Malcolm Whitney, Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

The Board reviewed the minutes of the February 23, 2010 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the February 23rd meeting.

The Board reviewed and signed fifty-nine (59) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

TOWN CLERK'S OFFICE

2010 JUL 12 PM 11 19

TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS

DATE AND TIME: Tuesday, April 27, 2010 AT 4:00 P.M.

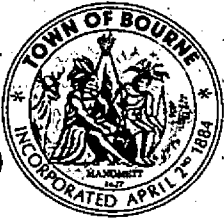
PLACE: Town Hall

AGENDA: Abatements

2010 APR 21 AM 10 32

TOWN CLERK'S OFFICE

100 STATE STREET
BOSTON, MASS 02109



TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026



J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member

Donna L. Barakauskas, MAA,
Principal Assessor

The Board of Assessors held their regularly scheduled meeting on April 27, 2010 in the Town Hall. Present were J. Malcolm Whitney, Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

The Board reviewed the minutes of the March 16, 2010 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the March 16th meeting.

The Board reviewed and signed thirty three (33) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

2010 NOV 4 PM 9 40
TOWN CLERK'S OFFICE

TOWN OF BOURNE MEETING NOTICE

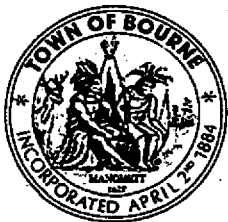
BOARD: BOARD OF ASSESSORS

DATE AND TIME: Friday, November 5, 2010 AT 9:00 A.M.

PLACE: Town Hall

AGENDA: Tax Classification Vote

2010 OCT 27 AM 10 32
TOWN CLERK'S OFFICE
BOURNE MA 01939



TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026

J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member



Donna L. Barakauskas, MAA,
Principal Assessor

The Board of Assessors held their regularly scheduled meeting on November 5, 2010 in the Town Hall. Present were J. Malcolm Whitney, Clerk Priscilla Koleshis, and Principal Assessor, Donna Barakauskas.

The Board reviewed the minutes of the April 27, 2010 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Mr. Whitney, the vote being unanimous to accept the minutes of the April 27th meeting.

The Board voted to retain one tax rate for all classes of property to be presented to the Board of Selectman on November 9, 2010.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

TOWN OF BOURNE
2011 JUN 28 AM 10 22