

2011

Affordable Housing Trust

Ambulance Service Study

Board of Appeals

Assessors

Board of Registrars

BFDC

Bourne Affordable Housing Trust Meeting
Thursday, January 13, 2011
2011 JAN 11 AM 9 18 12:00 PM Bourne Town Hall
TOWN CLERK'S OFFICE Basement Conference Room
24 Perry Ave
Bourne, MA 02532

Agenda:

1. Review minutes of the last meeting
2. Financial Status Report
3. Vote whether to sign Land Disposition Agreement with amendments and related documents with Valle Group, and if approved, transfer title of 79 Adams St and 12-14 Shearwater Dr. to the Valle Group.
4. Discussion of implementation strategy for the Trust's Goals and Objectives
5. Review of TAP funding conditions and vote as to whether to accept funding conditions and sign agreement.
6. Review and vote whether to submit an application to the Bourne Community Preservation Committee for \$100,000 to acquire property and develop for affordable housing.
7. Housing Specialist's report
8. Vote to enter executive session to discuss the potential purchase of real estate and to return to open session after executive session
7. Discussion of future agenda items

Kerry Horman,
Affordable Housing Specialist

**Bourne Affordable Housing Trust
Minutes
Meeting of January 13, 2011**

Time: 12:00 PM.

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

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

Absent: Lee Berger,

Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh asked if there were comments on the minutes of the November 18, 2010 meeting.

Ms. Riordan moved that the minutes be accepted

Ms. Ross seconded the motion and motion passed unanimously.

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

Mr. Horman stated that, the Treasurer's Office had not yet started a systematic monthly reporting process for the Trust. He said that the Treasurer's Office would be providing it's financial status report monthly, once the process is underway. He said that no new expenditures had been incurred since the last meeting.

Mr. Walsh suggested that the Trustees move onto agenda item number four a discussion of the implementation strategy for the Trust's goals and objectives. Mr. Guerino arrived and Mr. Walsh suggested that the Trustees go back to the third item on the agenda, which was the review of the land disposition agreement and related documents with Valle Group for the projects at 79 Adams St and 12 and 14 Shearwater Dr..

Mr. Horman reminded the Trustees that the Trust had decided that they did not want to sign the Land Disposition Agreement until the Regulatory Agreement had been approved by all parties. He said that that had been completed and that the Land Disposition Agreement had been reviewed by all the parties and was ready to sign and that the deeds had been prepared by Attorney Troy's office for transferring title to Valle Group for the purpose of building affordable houses as specified. He asked for a motion and vote for their Trustees to approve and sign the appropriate documents.

Ms. Ross moved that the Land Disposition Agreement and transfer of title of 79 Adam St and 12 - 14 Shearwater Drive be approved by the Trust.

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

Ms. Ross moved that the Trust enter into executive session to discuss the potential purchase of real estate and to return to open session after the discussion. The motion was seconded by Mr. Guerino.

Ms. Riordan voted "yes", Ms. Ross voted "yes", Mr. Guerino voted "yes", Mr. Walsh voted "yes"

EXECUTIVE SESSION BOURNE AFFORDABLE HOUSING TRUST JANUARY 13, 2011.

Mr. Guerino moved that the Trust return to open session.

Ms. Riordan seconded the motion.

Mr. Walsh voted yes. Ms. Riordan voted yes. Ms. Ross voted yes. Mr. Guerino voted yes.

OPEN SESSION RE-OPENED

Mr. Guerino informed the Trustees that at the Board of Selectmen Meeting of January 18 that Habitat for Humanity would be going before the Selectmen on the issue of a nonconforming lot being utilized for an affordable house.

Mr. Guerino left to attend another meeting.

Mr. Horman noted that he would be happy to discuss the goals and objectives and potential sources of funding with the Trustees if they would like one but he said that the hard copies that he provided them is an outline of the goals

and objectives that had been discussed in the past and the financial portion of it was simply a list of potential sources of funds and that those sources needed to be reviewed and eventually approved by the various entities that control their use.

Mr. Walsh suggested that the Trustees move on to item 5, review of TAP funding conditions and vote to authorize Chairman Walsh to sign the agreement with the Cape Cod Commission relative to the funding.

Mr. Horman noted that these were the standing conditions that the Commission requires in return for the funding, which in this case is for \$3,500 to be combined with \$6,500 of Trust assets to be utilized to assist persons needing to renovate their homes that are eligible and apply for United States Department of Agriculture housing rehab loans and grants. Monies would be used for the services of a housing rehabilitation specialist and for advertising and marketing relative to the program. He said the grant monies did not need to be repaid to the Commission.

Ms. Riordan moved that the Trust accept the conditions and that Mr. Walsh be authorized to sign on behalf of the Trust.

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

Mr. Walsh moved on to item number six, which was the review and vote as to the submission of the Trust for \$100,000 to the Bourne Community Preservation Committee for acquisition of property, develop affordable housing, and related expenses.

Ms. Ross moved that the application to the Community Preservation Committee for \$100,000 be submitted and that Mr. Horman be authorized to sign the application on behalf of the Trust.

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

Mr. Horman provided a brief verbal summary of his written Monthly Housing Specialist Report. He said that at the request of the Trust he had reviewed the Town of Dennis affordable housing by law and that he had discussed it with the Dennis Town Planner. Mr. Horman said that the great majority of affordable housing projects in Dennis are going through the local ordinance rather than through a 40B process and that the Town was very pleased with its success.

Ms. Ross suggested that since Ms. Coreen Moore was a member of the Housing Partnership and is the person who would be working on this ordinance in detail, that the Housing Partnership should put this project forward.

Mr. Walsh asked for a vote, and Ms. Ross moved that the Trust request that the Housing Partnership work with Ms. Moore on reviewing the Town of Dennis affordable housing by law, to create a similar bylaw for the Town of Bourne.

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

Mr. Walsh raised the issue as to the wisdom of starting the Adams Shearwater projects while the ground was frozen.

Ms. Ross moved that the housing specialist inform the developer that the Trust was more concerned about the quality of the construction than moving ahead quickly during the winter season with frozen ground.

Ms. Riordan seconded the motion and motion passed unanimously.

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 1:25 PM

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

Johnson, Barry

From: kerry horman [bournehousingpartnership@hotmail.com]
Sent: Monday, March 14, 2011 11:24 AM
To: Johnson, Barry
Cc: Guerino, Thomas; sross31310@aol.com; caperstevewalsh@msn.com; leeberger1@verizon.net; riordan-smith@comcast.net
Subject: Amended Notice - Housing Trust
Attachments: Amended NoticeTrustagendamarch18-2011[1].rtf

Barry,

Thanks for catching the error in the notice: Here's the amended notice correcting the date to "Friday, March 18" from the incorrect "Thursday March 18"

Thx again

Kerry

2011 MAR 14 PM 1 11
NEW YORK OFFICE

Bourne Affordable Housing Trust Meeting
Thursday, March 18, 2011
2011 MAR 11 PM 1 31 00 AM Bourne Town Hall
Second Floor Conference Room
TOWN CLERK'S OFFICE 24 Perry Ave
Bourne, MA 02532

Agenda:

1. Review minutes of the last meeting
2. Financial Status Report
3. Updates:
Adams- Shearwater Project
Housing Rehab
4. Review of implementation of Trust's Goals and Objectives
5. Request for approval to seek expert consulting advice in areas of Trust operational, legal, financial activities, as well as direction on compliance with Mass General Law 30B relative land acquisition and disposition with particular consideration in acquiring non conforming lots under Bourne's affordable housing special permit provisions and developing value determination and acquisition procedures.
6. Review of the amended application to the Bourne Community Preservation Committee for \$100,000 to acquire property and develop for affordable housing.
7. Budgeting for future land acquisitions
8. Vote to release executive session minutes of January 13, 2011 discussion on the potential purchase of real estate and to return to open session after executive session.
9. Housing Specialist's report
10. Discussion of future agenda items

Kerry Horman,
Affordable Housing Specialist

Amended Notice

2011 MAR 14 PM 1 11

TOWN CLERK'S OFFICE
Bourne Affordable Housing Trust Meeting
Friday, March 18, 2011
9:00 AM Bourne Town Hall
Second Floor Conference Room
24 Perry Ave
Bourne, MA 02532

Agenda:

1. Review minutes of the last meeting
2. Financial Status Report
3. Updates:
Adams- Shearwater Project
Housing Rehab
4. Review of implementation of Trust's Goals and Objectives
5. Request for approval to seek expert consulting advice in areas of Trust operational, legal, financial activities, as well as direction on compliance with Mass General Law 30B relative land acquisition and disposition with particular consideration in acquiring non conforming lots under Bourne's affordable housing special permit provisions and developing value determination and acquisition procedures.
6. Review of the amended application to the Bourne Community Preservation Committee for \$100,000 to acquire property and develop for affordable housing.
7. Budgeting for future land acquisitions
- 8 Vote to release executive session minutes of January 13, 2011 discussion on the potential purchase of real estate and to return to open session after executive session.
9. Housing Specialist's report
10. Discussion of future agenda items

Thank you

Kerry Horman,

Affordable Housing Specialist

**Bourne Affordable Housing Trust
Minutes
Meeting of March 18, 2011**

Time: 9:03AM.

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 January 13, 2011 meeting.

Ms. Riordan moved that the minutes be accepted.

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

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

Mr. Horman stated that had received a Trial Balance from the Treasurer. He provided the Trustees with a copy of the Treasurers report, a Financial Summary dated March 16 2011, and a Development Budget Proposal dated March 17, 2011.

Ms. Ross noted that approximately \$1,700 of the income received by the Trust came from Attorney Troy's IOTA account and represented the remaining balance due to the Trust after the Tattler Circle closing.

Ms. Riordan noted that there was an error in the addition and that the Financial Status Summary was amended to note that income from the last meeting of \$1722.38 came from \$28.01 in interest and \$1694.37 from the IOTA account.

Mr. Horman presented a verbal summary of his report.

Ms. Ross noted how expensive the cost of the newspaper ads were compared to the interest returned from the non-local advertising.

Mr. Horman agreed but said that much of what has to be included and where and how often the ads must run is dictated by the State. He said he had discussed reducing the size of the ads with DHCD.

Ms. Ross noted that doing multiple units under one marketing program is important for saving money.

Ms. Riordan noted that the "Total Project Income" in the Financial Summary should equal \$11,100 not \$11,500 and that the following additions should be corrected.

Mr. Horman said he would correct the error.

A general discussion occurred as to how to value and approach purchasing the nonconforming lots.

Mr. Walsh returned the discussion to the financial status report and asked if there was a motion on that item.

Ms. Riordan moved that the financial status report be accepted as amended.

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

Mr. Walsh moved on to the third agenda item of updates from the Affordable Housing Specialist.

Mr. Horman said that the foundation at Shearwater had been put in, but due a flagging era by the builder the foundation is about 1 ½ feet too close to the street and that they will be going before the Zoning Board of Appeal for a hardship variance on April 20, 2011. He said that the Adams St. foundation was scheduled to be going in early April, according to Valle Group and Mr. Horman also informed the Trustees that the marketing campaign was under way and that the first information session would be on April 11 at 7 p.m. at the Community Center. Mr. Horman praised Ms Ann Gratis for all of her help on the marketing effort.

Mr. Horman said that he had spoken with Mr. McGarr from the USDA and that Mr. McGarr's suggestion was that we hold off on the advertising of the housing rehab program until Congress sets the budgets so that he will know how much money will be available for that particular program.

Mr. Horman gave an overall summary of how the progress on the part of the Trust and the Partnership was fulfilling the stated joint goals that had been developed over the past year, and consistent with the Town's Comprehensive Plan and affordable housing plans.

Mr. Walsh moved on to item number five of the agenda, the request for approval to seek expert consulting advice.

Mr. Horman stated that because the Trust was new to the Town that its operation was unfamiliar to various town officials and to the Trustees themselves, and that at training sessions that he, Mr. Walsh, and Ms. Riordan had attended it was highly recommended by the speakers that outside legal assistance, that is, other than the Town Solicitor, be utilized by housing trusts. He said the steps that the Trust will be taking to acquire a number of lots under the new nonconforming lot ordinance, needs to be planned in coordination with Chapter 30B regulations and that he felt that the Trust needed guidance in the administrative, and real property acquisition and disposition area. He recommended that it be legal counsel that the Trust seek.

A general discussion occurred as to whether the advice needed would be from lawyers or professional consultants familiar with the operations of Trusts, and it was generally agreed that it was more likely that the services of an attorney would be needed, but that Mr. Horman should seek out some proposals from consultants as well.

In addition to the research done by Mr. Horman it was suggested that Mr. Paraday and Ms. Gay be asked if they would like to submit a response.

Ms. Walsh asked for a motion.

Mr. Berger moved that Mr. Horman be authorized to issue a request for quotes to provide the Trust with operational, legal, financial issues, and to assure compliance to MGL 30B requirements for the purchase and disposition of real estate.

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

Mr. Horman noted that under agenda item number 6 that, because of the availability of funds from the CPC that the CPC committee recommended that the amount requested be reduced from \$100,000 to approximately \$83,000, and that, with Mr. Walsh's concurrence, had sent in an amended request.

Mr. Walsh moved ahead to a vote on whether to release the minutes of the previous meetings executive session.

Ms. Ross moved that since the property in question had not closed that the minutes should not be released.

Ms. Riordan seconded motion and motion-carried unanimously.

Mr. Horman explained the budgeting for future land acquisitions proposal that he had provided under Agenda item 7. He provided a hand out and after a general discussion, the Trustees agreed that Mr. Horman should proceed according to the plan that he had provided.

There being no further business, the meeting was adjourned at 10:30 AM

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

**Bourne Affordable Housing Trust
Minutes
Meeting of April 11, 2011**

Time: 5:00 PM.

Location: Bourne Community Center, 239 Main St. 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

Mr. Walsh asked if there were comments on the minutes of the March 18, 2011 meeting.

Ms. Riordan moved that the minutes be accepted.

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

Mr. Walsh moved on to the next item of the agenda, which was the review of the response to the Request for Quotes for legal and consulting advice.

Mr. Horman provided the Trustees with a copy of the RFQ, the email responses by those contacted, Attorney Kathleen O'Donnell written response, which he noted was the only one he received, and a summary the comments from the references provided by Attorney O'Donnell.

Ms. Ross moved that Attorney O'Donnell be selected to provide legal and consulting advice to the Trust at the payment proposed in her response. Ms. Riordan seconded the motion and the motion passed unanimously.

A general discussion occurred as to the question of how the Trust could move ahead with the purchase of additional affordable building lots and what method could be utilized to establish value.

Ms. Ross noted then on a number of occasions that appraisers had approached her to help with establishing values since typical appraisal analysis would not work for the setting of values of affordable lots because of the affordability restriction on the properties, the economics of affordable housing, and because of the limited potential number of buyers. She said she had hoped that Attorney O'Donnell could give the Trust some guidance in these areas.

Mr. Walsh agreed that it would be important that the Trust establish a method of determining an appropriate purchase price for the lots as the Trust moves ahead with more and more acquisitions.

Mr. Horman asked for guidance from the Trustees on how and they would like to authorize use of the legal services of Attorney O'Donnell.

Ms. Ross moved that Mr. Horman have authority to contract Attorney O'Donnell's time up to \$3000.

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

Mr. Horman provided his monthly status report and gave the Trustees a verbal update on the various projects that he was working on. He stated that a monthly trial balance will now be provided to the Trust by the Town Treasurer's Office at the end of each month as is done for Town departments.

There being no further business, the meeting was adjourned at 6:15 PM.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

TOWN CLERK'S OFFICE
2011 JUN 14 AM 11 13

Notice

2011 MAY 20 PM 12 44

TOWN CLERK'S OFFICE
Bourne Affordable Housing Trust Meeting
Thursday, May 26, 2011
9:30 AM
Upper Conference Room
Bourne Town Hall
24 Perry Ave
Buzzards Bay, MA 02532

Agenda:

1. Review minutes of the last meeting
2. Introduction of Attorney Kathleen O'Donnell, review of her advice on Trust administrative, financial and land acquisition and disposition matters and vote on any actions in those areas.
3. Financial Status Report.
4. Updates and any actions necessary on the following issues:
 - Adams- Shearwater Project,
 - CPA, DRI and other financial resources and budgeting for future land acquisitions
 - Housing Rehab program with USDA and TAP funding
4. Housing Specialist's report
5. Discussion of future agenda items

Kerry Horman,

Affordable Housing Specialist

Bourne Affordable Housing Trust
Minutes
Meeting of May 26, 2011

Time: 9:30 AM.

Location: Upper Conference Room, Bourne Town Hall, 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, Attorney Kathleen O'Donnell

Mr. Walsh asked if there were comments on the minutes of the April 11, 2011 meeting.

Ms. Riordan moved that the minutes be accepted.

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

Mr. Walsh introduced Attorney O'Donnell to the Trustees and asked Mr. Horman to give the Trustees an overview of the issues that he had asked Attorney O'Donnell to review.

Mr. Horman said that he was very pleased that the Trust was able to obtain the services of Attorney O'Donnell. He said she was noted as an expert in affordable housing Trusts, throughout the Commonwealth. He said that he had asked Attorney O'Donnell to review the authority of the Trust to hire outside attorneys, to set up business like accounts to cover the cost of the day to day operations of the Trust, and to guide the Trust in the appropriate procedures to use in its efforts to acquire land to build affordable housing, particularly in light of the new nonconforming lot ordinance that had been established in the Town. He asked Attorney O'Donnell to address these items.

Attorney O'Donnell said that it was clear from Declaration of Trust, which is modeled on the State statute that the Trust had the authority to hire outside legal counsel. She said, not only did the Trust have the authority, but it was highly recommended that they do so since they were times when the Town and Trust would be working from different sides of a transaction, such as in the transfer of property.

Attorney O'Donnell explained that while Trusts have the authority to create outside accounts, generally most Trusts work through the town treasurer's office using their procedures unless they are working with a large funding source outside of the town government.

Mr. Horman asked about the establishment of a petty cash account.

Ms. O'Donnell said that most towns do not like petty cash accounts. She said that the Trust could establish a bank account, which could be used by the Trust, but also utilizing the Town's tax ID number.

Mr. Horman said that he just did not want to be in the position to tie up his credit cards with items for the Trust.

A general discussion occurred and the Trustees generally agreed that a bank account with an amount somewhere between \$500 and \$1,000 should be established rather than creating a petty cash account.

Ms. O'Donnell recommended that the Trust have a budget developed for each of its projects with some percentage, maybe 5%, set aside for administration.

Mr. Horman said that he agreed completely.

Ms. Ross noted that that was part of the advice that the Trust was looking for and that over time budgets should be developed.

Ms. O'Donnell suggested that an account could be set up for about \$500 with whatever number of signatories the Trust decided it wanted and then as the funds were utilized receipts would be returned to the treasurer and more funds could be drawn down to replenish it.

Ms. Ross suggested that since the purpose of the account would be to have Mr. Horman have access for small expenditures that the account should have his signature on it.

Mr. Walsh suggested that the Trustees move onto the next subject, which would be the methods that the Trust should use in acquiring building lots.

Attorney O'Donnell said that regardless of the route that the Trust took, it would have to conform to the State's Procurement law, Chapter 30B. She said there were a couple of different ways that the Trust could approach it.

Ms. Ross questioned whether these Trust could negotiate with property owners that it already has identified as potential sellers.

Attorney O'Donnell said that one of the routes that the Trust could follow would be that if the Trust became aware of a building a lot that the owners wish to sell that the Trust could enter into an agreement and then advertise for 30 days in the Central Register and as required by 30B and make a finding that the lot is unique in its potential for building affordable houses. During that period time, someone who believed that they had a better deal for the Trust could contest the arrangement and offer another lot for the Trust to consider.

Mr. Horman asked if it would be better just to advertise that the Trust was looking for lots ahead of time and then pick those lots it thought best at the end of the 30 day marketing period.

Mr. Berger asked whether the Trust could continue reviewing other alternatives after the initial submission through the rest of the fiscal year.

Attorney O'Donnell was unsure of the answer that question. She laid out a strategy in which the Trust might advertise that it was looking for through the Central Register and advertising process and then after the first round, if any new opportunities came in that the Trust would like to purchase it could enter into a purchase and sales agreement subject to completion all of the Central Register process and then advertise their intent to purchase the property for 30 days allowing for other competing proposals.

Ms. Ross asked why the Trust would want to go through the initial advertising process if it had to go back to the central register afterwards in this case.

Attorney O'Donnell said that it is always good to let the public know what it is that you're about to do, and, in a way this would advertise the functions of the Trust. She said that the Trust could maintain a list of prospective properties and then review them and if it decided to move ahead, then advertise its intention.

Mr. Berger asked when, in the process of buying a nonconforming lot, would be Trust advertise its intent.

Attorney O'Donnell said as soon as the Trust entered into a purchase and sales agreement.

A general discussion occurred as to how the Trust might put a value on properties. Ms. Ross noted that using the assessor's values would not be accurate, and Mr. Bergen noted that after a while the Trust purchases would essentially establish the value.

Mr. Horman asked if the Trust should advertise a maximum purchase price. It was generally agreed upon that proposals to the Trust should be based upon the seller's demands rather than having the Trust provide an initial range.

Attorney O'Donnell suggested that in advertising for the lots that the Trust might inform the potential sellers that the sale price of the finished house would be one that would meet the definition of affordable homes in the price range of X, and then it's up to the seller to estimate the sale price of the lot.

Mr. Horman voiced the opinion that some guidance on the range of sale price might be in order to let potential sellers know where about in price the Trust is expecting to purchase properties.

Ms Riordan said that some statement that the Trust was going to be building modest price houses and looking for modest price lots might be in order.

Mr. Horman suggested that a form of specific criteria has to how the Trust would judge the available choices for lots should be determined.

Attorney O'Donnell said that in her experience, the criteria advertised need not be very specific or detailed.

A general discussion occurred as to whether the types of properties, that is, those that would need to go through the nonconforming lot ordinance approval process and those that would not require going through that process (or contained a house and a lot) should be advertised and reviewed at the same time or in separate efforts. Mr. Walsh suggested that the advertising for the nonconforming lots could be footnoted to allow the sellers to know that other types of building lots would be considered.

Mr. Horman said that he believed that it would create significantly more work to separate all the different types of properties, and that his recommendation was to advertise for all alternatives at one time.

Mr. Berger moved to ask Mr. Horman to put together a sample of each type of ad and then the Trust could discuss that the next meeting.

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

A general discussion occurred relative to the actual process of acquiring the lots. Mr. Horman stated that it was his understanding that an advertisement would be published in conformance with 30B, whether it be 30 days or 60 days as the law required, and that no decisions on which properties to choose would be made prior to the end of the 30 or 60 day process and then the Trust would continue to accept properties until it exhausted its financial ability to acquire them.

There was general agreement that that would be the process that the Trust would follow and that if properties were put under agreement after an extended period of time or 30B required, those later acquired properties would be advertised in the Central Register for 30 days as required.

Mr. Walsh moved on to Item 4 "Updates and any actions necessary on the issue of Adams Shearwater Project" since Attorney O'Donnell had to leave shortly for another commitment.

Mr. Horman advised the Trustees that a buyer had been identified in the lottery process for the property at 12 and 14 Shearwater Dr. and the question had arisen as to whether the \$17,000 subsidy that the Trust would be pay to the developer at closing to reduce the price should be reflected in the purchase and sales agreement or whether the Land Disposition Agreement is adequate to cover the Trust's responsibilities.

It was agreed that Attorney O'Donnell would review the purchase and sales agreement and would be in contact with the developer's attorney.

Mr. Walsh asked Mr. Horman to move ahead with his reports and the financial report.

Mr. Horman summarized the financial reports and updated the Trustees on the ongoing projects and he said that at the next meeting he would like to discuss some expenses that he is carrying that he believes should really be the responsibility of the Trust or Partnership.

There being no further business, Mr. Walsh adjourned the meeting.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

Bourne Affordable Housing Trust Meeting
June 22, 2011
8:30 AM
Upper Conference Room
Bourne Town Hall
24 Perry Ave
Buzzards Bay, MA 02532

Agenda:

1. Review minutes of the last meeting
2. Financial Status Report.
3. Updates and any actions necessary on the following issues:
 - Adams- Shearwater Project,
 - CPA, DRI and other financial resources and budgeting for future land acquisitions
 - Correspondence received
4. Review of Housing Rehab Specialist responses to Request For Quotations (RFQ) and selection of successful candidate
5. Review of land acquisition process alternatives and vote on the alternative procedure the Trustees wish to follow.
6. Request of Housing Specialist for monthly reimbursement of certain operating expenses and authorization to obtain clerical assistance on a per hour basis.
7. Discussion of the need for closing cost and or down payment assistance to buyer's of homes with deed restrictions.
8. Specialist's report
5. Discussion of future agenda items

Kerry Horman,

Affordable Housing Specialist

TOWN CLERK'S OFFICE
2011 JUN 15 PM 10 23

Notice

Bourne Affordable Housing Trust Meeting
June 22, 2011
8:30 AM
Upper Conference Room
Bourne Town Hall
24 Perry Ave
Buzzards Bay, MA 02532

Agenda:

1. Review minutes of the last meeting
2. Financial Status Report.
3. Updates and any actions necessary on the following issues:
 - Adams- Shearwater Project,
 - CPA, DRI and other financial resources and budgeting for future land acquisitions
 - Correspondence received
4. Review of Housing Rehab Specialist responses to Request For Quotations (RFQ) and selection of successful candidate
5. Review of land acquisition process alternatives and vote on the alternative procedure the Trustees wish to follow.
- Request of Housing Specialist for monthly reimbursement of certain operating expenses and authorization to obtain clerical assistance on a per hour basis.
- Discussion of the need for closing cost and or down payment assistance to buyer's of homes with deed restrictions.
- Specialist's report
5. Discussion of future agenda items

Kerry Horman,

Affordable Housing Specialist

2011 JUL 15 PM 3 59
TOWN CLERK'S OFFICE
BOURNE, MASS

**Bourne Affordable Housing Trust
Minutes
Meeting of June 22, 2011**

Time: 8:35 AM.

Location: Upper Conference Room, Bourne Town Hall, 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

TOWN CLERK'S OFFICE
BOURNE, MASS.

2011 JUL 15 PM 3 59

Mr. Walsh asked if there were comments on the minutes of the May 26, 2011 meeting.

Ms. Riordan moved that the minutes be accepted.

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

Mr. Walsh asked Mr. Horman to provide the financial report.

Mr. Horman provided the Trustees the Treasurer's Trial Balance Report ending 5/31/2011 and the Treasurer's Condition of Accounts Report through 6/15/2011.

Ms. Ross moved that the financial reports be accepted. Ms. Riordan seconded the motion and the motion passed unanimously.

Mr. Walsh moved on to the next agenda item, which was the Adams Shearwater Project.

Mr. Horman explained that as Monitoring Agent for the project, and that the Trust has the responsibility to review and approve the purchase and sales agreement between the developer and the buyer. He said that the State had reviewed and approved it and that the Trust's Attorney had reviewed it and offered amendments which were included. He said that one issue had been whether the Trust should be a party to the agreement and was generally agreed that the Trust's position was covered in the Land Disposition Agreement and that the Trust need not be a party to the P and S.

Ms. Ross and Mr. Berger noted that the smoke detector and CO detector paragraphs had been crossed out and wondered why.

Mr. Mr. Berger moved that the purchase and sales agreement between Valle Group and Heather Alden be approved subject to Mr. Horman satisfactorily clearing up the issue of why the smoke detector and carbon monoxide detector paragraphs had been crossed out.

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

Mr. Horman inform the Trustees that the next document that needed to be reviewed by them was the memorandum of agreement with the Cape Cod Commission as to the use of DRI funds for the acquisition of land to build affordable houses. He said this was a standard agreement from the Commission, but he noted that they want the \$25,000 involved to be utilized for two lots at \$12,500 per lot.

Ms. Ross suggested that as this process goes on, that previously approved CPA funds should be used early in the process to avoid concerns relative to not meeting deadlines for commitment of funds.

Ms. Riordan moved that the agreement be approved and that Mr. Walsh be authorized to sign it on behalf of the Trustees. The motion was seconded by Mr. Berger and the motion passed unanimously.

Mr. Horman moved on to the agenda or item of reviewing the response to a request for quotations for housing rehabilitation specialist services. He said that he had received three proposals. However, the proposal of Mr. Kelly was submitted after the deadline. Mr. Horman continued that in his view, the proposal from Mr. Saari combined the best price with the person having exceptional experience in this type of program.

A general discussion occurred, and it was noted that Mr. Saari's proposal did not reference obtaining building permits or handling the bidding process.

Mr. Walsh raised the issue of the Trusts liabilities for errors and omissions on the part of whoever's hired to provide the housing rehabilitation services and it was generally agreed that Mr. Horman should research this concern prior to entering into a contract with the applicants.

Mr. Berger removed that Mr. Horman and Mr. Walsh should interview Mr. Saari and based upon a successful interview and reviewing the issues not covered in his proposal that Mr. Saari be hired by them on behalf of the Trust.

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

Mr. Walsh moved on to the next item on the agenda, which was the review of the land acquisition process alternatives.

Ms. Ross informed the Trustees that it appeared from the recent joint meeting of the Board of Selectmen, Planning Board, and Conservation Commission, that the Trust would be receiving a tax title parcel on Old Plymouth Road in Sagamore, subject to approval at the fall Town Meeting.

Mr. Horman moved on to his outline of alternative methods to purchase land for building affordable homes. The first alternative consisted of advertising generally for building lot opportunities, and after receiving the offerings the Trust would file their decision with the Massachusetts Central Register and after a 30 day waiting period move ahead with closing on the property. These second alternative which was the one that he recommended would be to advertise in the Central Register, initially, and then review proposals as they came in.

A general discussion occurred as to the merits of each method.

Ms. Ross expressed the opinion that the focus should be on advertising and they getting the message out to local landowners, rather than focusing on the Central Register which no one is going to read

Mr. Horman agreed but he said that for the very small cost of legal advertising and putting it the Central Register it would assure that they touch all the bases, and that they would not have to advertise later.

Mr. Berger moved that Mr. Horman be authorized to move ahead with alternative #2, subject to a positive review by Attorney Kathleen O'Donnell.

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

Mr. Walsh moved on the number six item on the agenda, which was request of the housing specialist for monthly reimbursement of certain operating expenses and authorization to obtain clerical assistance on a per hour basis.

Mr. Horman expressed the need that he had for help in the areas of filing both hardcopy materials and electronically. He said that his proposal would allow him enough money, along with CPA funds already committed, to get assistance at about eight hours a month overall. He said he would probably need about 12 hours a month initially to get the system set up. He said if he did get a commitment at this meeting, he would be able to move ahead since the money from the CPA fund would become available on July 1.

Ms. Riordan moved to authorize \$1200 for this purpose.

Ms. Ross noted that she wasn't quite sure how much was in the CPA fund, but it might be between a thousand and \$2000.

After a general discussion on the issue of how much money was available from the CPA fund, Ms. Riordan revised her motion to be that the Trust subsidize the amount necessary to make up the difference for support help from whatever is in the CPA account for FY 2012 to the amount of \$2400.

Ms. Riordan notified the Trustees that she had to leave for a previously scheduled appointment and she left the meeting.

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

A general discussion occurred as to how the person providing the clerical assistance would be identified and in what form would they be paid. It was generally agreed upon the Mr. Horman would contact Mr. Guerino to see if he had

any recommendations on the person since there had been some personnel changes at Town Hall and that the person wouldn't likely to be billed as a "1099" directly to the Partnership and Trust.

Mr. Horman presented the Trustees with estimated expenses that he incurs relative to telephone and other office expenses that I have not been reimbursed historically and that he felt were a burden that he should not have to bare, including a share of his telephone cell phone and Internet expenses.

Mr. Berger removed that Mr. Horman be reimbursed for the telephone, cell phone, and Internet expenses in the amount of \$113 a month from CPA expense funds.

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

A general discussion occurred as to other burdens that Mr. Horman bears and the additional workload and responsibilities that have been created by the institution of the Trust.

Mr. Berger moved that Mr. Horman be given a salary supplement from Trust funds of \$143 a month.

Ms. Ross seconded the motion and motion carried unanimously.

Ms. Ross moved that the meeting be adjourned.

The motion was seconded by Mr. Berger and passed unanimously.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

Notice

Bourne Affordable Housing Trust Meeting

August 2, 2011

9:15 AM

Upper Conference Room

Bourne Town Hall

24 Perry Ave

Buzzards Bay, MA 02532

Agenda:

1. Review minutes of the June 22, 2011 meeting
2. Financial Status Report.
3. Update on Adams- Shearwater Project and request to offer finders fee to realtors for presenting a successful buyer for Adams St. and other expanded marketing proposals.
4. Update of Housing Rehab Program including review of liability issues and review of discussions with the Housing Rehab Specialist and USDA, and recommended changes to scope of work and price. Also, a discussion of proposed marketing.
5. Review of land acquisition process alternatives and vote on the alternative procedure the Trustees wish to follow after considering analysis by Attorney O'Donnell and revised advertising proposal.
6. Discussion of the need for closing cost and/or down payment assistance to buyer's of homes with deed restrictions.
7. Review of authorization for additional payments to Affordable Housing Specialist per June 22, 2011 meeting
8. Housing Specialist's report
9. Review of real estate acquisition opportunities and consideration of whether to research for future action.
10. Discussion of future agenda items

Kerry Horman,

Affordable Housing Specialist

TOWN CLERK'S OFFICE
BOURNE, MASS.

2011 JUL 27 AM 11 45

**Bourne Affordable Housing Trust
Minutes
Meeting of August 2, 2011**

Time: 9:29 AM.

2012 JUL 5 AM 9 36

Location: Upper Conference Room, Bourne Town Hall, 24 Perry Ave., Buzzards Bay, MA
Trustees Present: Susan Ross, Steven Walsh, and Judith Riordan, TOWN CLERK'S OFFICE
Absent: Lee Berger BOURNE, MASS
Others present: Kerry Horman, Affordable Housing Specialist

Mr. Walsh was detained so Mr. Horman gave Ms. Riordan and Ms. Walsh a summary of the status of the projects he was currently working on.

Mr. Walsh arrived at 9:45 and he suggested that the Trustees move to item for which they had been discussing with Mr. Horman.

Ms. Ross moved that the contract for the housing rehabilitation specialist be amended to include the additional items proposed in the scope of services, and that these base price per unit be increased from \$1100 to \$1300.

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

Ms. Ross moved that the method for acquiring properties as recommended by Attorney O'Donnell and by Lee Berger be the method utilized by the Trust.

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

Ms. Riordan moved that the minutes of the June 22, 2011 meeting be approved.

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

The Trustees reviewed the financial reports, and discussed the method of reporting. It was noted that Mr. Horman had already been authorized to commission up to \$3000 of legal time from Ms. O'Donnell and Mr. Horman pointed out that he now had a request for payment, which was within the \$3000 He was advised that he had the authorization to have that paid.

Mr. Walsh asked Mr. Horman to move on to the issue of which methods of advertising should be utilized to continue the marketing of Adams Street and other activities of the Trust which needed to get information out to the public.

A general discussion occurred on the various alternatives methods to advertise Adams Street and to notify people of other programs. Mr. Horman provided the Trustees with an outline all of the various alternatives and their estimated cost. The Trustees, after a discussion of the alternatives, decided to advertise by radio on WCOD for two weeks and to ask the Bourne Housing Partnership to split the expenses since the ads would be for the Adams Street property, B-HOPP, and re-sales. The Trustees decided that if the radio advertising were not successful, then it would consider providing finder's fees or commissions for realtors for the Adam Street property.

The Trustees moved on to item number 6, which was a consideration of closing cost or down payment assistance to buyers of homes with deed restrictions.

Mr. Horman noted that up until the last couple of years Housing Assistance Corp. had a \$7,500 closing costs and down payment program to help eligible buyers but more recently HUD, which ultimately funded the program, ruled that their funds could not be used in cases where resale deed restrictions were placed on a property. Further, he said, that the USDA will not allow closing costs to be rolled into the mortgage if there is a deed restriction on the property. Mr. Horman suggested that the Trust may want to consider utilizing funds to assist in the closing costs, or with down payments.

Ms. Ross noted that in the real estate industry a common tool was to have the transaction include in the sale price that the seller would pay the closing cost.

Mr. Horman said that he would research this with the US Department of Agriculture.

Coreen Moore, the Bourne Town Planner, joined the group to discuss methods of payment to Mr. Horman, based upon the Trusts previous decision considering Mr.Horman's operational expenses.

Ms. Moore noted that the Town had various designations for consultants, contractors, and part-time employees and that after discussing the situation with the Treasurer's office, it appears that the best way to handle the situation would be to have Mr. Horman bill his hours as he does currently, but adding \$2.60 to his hourly rate and that \$2.60 per hour would be drawn from the Trust account. She said that in the future it would be preferable to have a contract laying out these various conditions out.

Ms. Ross moved that Trust subsidy the Housing Specialist contract fee by an additional \$2.60 per hour.

The motion was seconded by Ms. Riordan and passed unanimously.

Mr. Horman asked Ms. Moore to explain her recommendations on marketing to owners of nonconforming lots.

Ms. Moore said that a great deal of research would have to be done in order to determine whether the lots had been joined together administratively by the Town or by action of the owner (or previous owner) which would make a difference as to eligibility under the ordinance. She also said that she's concerned that if someone were not notified that was eligible or someone that was not eligible was notified that they were, that there could be some liability issues for the Town. She suggested that the Trust advertise in a local newspaper, on the website, and announce it at a Board of Selectmen's meeting.

The Trustees thanked Ms. Moore are all for her input.

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

Ms. Ross moved that the meeting be adjourned.

The motion was seconded by Ms. Riordan and it passed unanimously.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

Notice

2011 SEP 15 AM 9 53

TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Affordable Housing Trust Meeting
September 19, 2011

5:00PM

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

Agenda:

1. Review minutes of the August 2, 2011 meeting
2. Financial Status Report.
3. Update on 12- 14 Shearwater Dr sale and request to approve an extra charge for flooring changes because of wheelchair accessibility needs
4. Request to offer finders fee to realtors for presenting a successful buyer for Adams St. and other expanded marketing proposals.
5. Update of Housing Rehab Program including review of, and if approved, signing of a contract with the Housing Rehab Specialist.. Also, a discussion of proposed marketing.
6. Follow up on previous discussion of the need for closing cost and/or down payment assistance to buyers' of homes with deed restrictions.
7. Housing Specialist's report
8. Review of real estate acquisition opportunities and consideration of whether to research for future action.
10. Discussion of future agenda items

Kerry Horman,

Affordable Housing Specialist

**Bourne Affordable Housing Trust
Minutes
Meeting of September 19, 2011**

Time: 5:00PM.

Location: Upper Conference Room, Bourne Town Hall, 24 Perry Ave., Buzzards Bay, MA
Trustees Present: Susan Ross, Steven Walsh, Judith Riordan, Lee Berger, Peter Meier

Absent: None

Others present: Kerry Horman, Affordable Housing Specialist

2012 JUL 5 AM 9 3
TOWN CLERK'S OFFICE
BOURNE, MASS

Mr. Walsh asked for a motion on the minutes of the August 2, 2011 minutes.

Ms. Riordan moved that the minutes of the August 2, 2011 meeting be approved.

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

Mr. Horman provided the Trustees with a most recent trial balance from the Treasurer's office.

Mr. Berger moved that the Treasurer's report be accepted.

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

Mr. Horman informed the Trustees that the 12 Shearwater closing should occur in late October or early November. He noted that he had provided to the Trustees in their package a breakdown of the cost of upgrading the floor in the Shearwater property from wall-to-wall carpeting to a manufactured wood product that was more suitable for the needs of one of the children of the buyer who is wheelchair bound. Mr. Horman asked the Trustees to approve the increase of \$1500 for this improvement. He stated that if approved the monies would come from Trust funds and would be reflected at the closing.

Ms. Ross moved that the additional cost of \$1500 for manufactured flooring be approved by the Trust.

The motion was seconded by Ms. Riordan and passed unanimously.

Mr. Walsh moved on to the next agenda item which was the willingness of the Trust to authorize the payment of a 2% fee for a broker bringing in a successful buyer in the role of buyer's broker.

Mr. Horman provided the Trustees with a verbal report of the many marketing efforts that he had pursued in the effort to find a buyer for the 79 Adams St. property without success. He said that in his correspondence with Valle Group they were in favor of this option. He noted that the Trust was receiving a 2% marketing fee for both of the properties which would be \$7180 and that while significant advertising expenses had been incurred no commission had been paid on the Shearwater property.

Ms. Ross voiced her support for this recommendation.

Mr. Berger moved that a 2% buyer's broker fee be approved for use in the marketing effort for the 79 Adams St. property.

Motion was seconded by Ms. Ross and the motion carried unanimously.

A general discussion occurred relative to alternative methods of marketing the Adams Street property. Mr. Meier recommended that Facebook be considered and that he was willing to help in this area. Mr. Walsh suggested that post offices and the Wounded Warrior Program be considered. Mr. Horman indicated that he would research these areas further.

Mr. Walsh moved on to the subject of acquisition opportunities and it was generally agreed that Mr. Horman should move ahead with a process of advertising for properties.

Mr. Meier noted that property near the Sagamore Beach fire station owned by the Housing Authority might be available and it was suggested that Ms. Thurston be invited to the next Trust meeting.

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

Ms. Ross moved that the meeting be adjourned.

The motion was seconded by Ms. Riordan and it passed unanimously.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist



Town Clerk
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext 505



Barry H. Johnson
Town Clerk

Wendy J. Chapman
Asst. Town Clerk

October 2011

Bourse Affordable Housing

Pursuant to the Town Charter of 2001, the Town By-laws and the Mass. General Laws, minutes or all meetings should be filed with the Town Clerk's Office. We have enclosed except from the various laws for your reference. If your Board or Committee posted a meeting and the meeting was cancelled, please file with our office a notice to that effect stating that the meeting was not held and no minutes will be filed.

The following minutes have not been filed with our office:

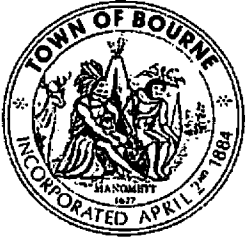
2011 Aug. 2, Sept. 19 April 11 Meeting Notice

2010

If you should have any questions, please contact our office.

Sincerely,

Town Clerk's Office



Bourne Affordable Housing Trust Meeting Notice

2011 OCT 17 AM 1



TOWN CLERK'S OFFICE
BOURNE, MASS.

Date: Wednesday
October 19, 2011

Time: 4:00 P.M.

Location: 12 Shearwater Drive
Cataumet, MA 02534

AGENDA

1. Final inspection of 12 Shearwater Dr., discussion of energy conservation measures, and vote as whether to accept property as complete according to specifications.
2. Review and if approve sign contract with Housing Rehabilitation Specialist
3. Discussion of future agenda items

Kerry Horman *whf*
Kerry Horman
October 17, 2011

cc: Town Clerk

Bourne Affordable Housing Trust
Minutes
Meeting of October 19, 2011

Time: 5:00PM.

Location: 12 Shearwater Dr. Cataumet MA

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

Absent: None; Excused Peter Meier; Others present: Tom Howes, representing Valle Group, Coreen Moore, Town Planner, Kerry Horman, Affordable Housing Specialist, James Snyder, Advisor to the Housing Partnership, Tim Ware (attending on behalf of conducting the USDA's Final Inspection)

2012 JUL 5 AM 9 35

TOWN CLERK'S OFFICE

BOURNE, MASS

Mr. Walsh asked for a motion to waive the minutes of the September 19, 2011 minutes.

Mr. Berger moved that the minutes be waived.

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

Mr. Walsh asked Mr. Horman to present the next agenda item which was the contract between the Trust and Mr. John Saari relative to housing rehabilitation services.

Mr. Horman reminded the Trustees that Mr. Saari had been selected by the Trustees after review of the proposals submitted and that he and Mr. Walsh had met with Mr. Saari and had worked out some details including additional responsibilities on the part of Mr. Saari that he had not included in his proposal. The changes were relative to coordination of the bidding process for the housing rehab projects. Mr. Saari had asked for an additional \$200 per project going from \$1100 to \$1300 per completed project. Mr. Holmes said that the Trustees had approved this and that Attorney O'Donnell had created the original contract and had reviewed and approved the final changes and that he felt that the contract was ready to sign.

Mr. Berger moved that the contract with Mr. Saari be signed.

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

Mr. Walsh asked Mr. Howes of the Valle Group to provide the Trustees of the tour of the property.

Mr. Howes conducted a tour throughout the property noting some of the handicap accessibility functions and energy conservation measures. It was noted that the HERS rating for the property was 56 which was an exceptional accomplishment.

Mr. Walsh noted how pleased he was to see the quality of finish in the property and praised Valle Group for not skimping on the quality of the trim and finish work.

Mr. Horman commented that the HERS rating was exceptional and was accomplished without extraordinary initial expense. He also noted that the policy chosen by the Trustees of allowing the developers to have a free hand in making the proposals had allowed Valle Group the freedom to come up with the outstanding design.

Ms. Ross moved that the Trustees accept the Shearwater property has been completed in accordance with the contract agreement with Valle Group.

The motion was seconded by Mr. Berger and passed unanimously.

Ms. Riordan moved that the meeting be adjourned.

The motion was seconded by Mr. Berger and passed unanimously.

Respectfully submitted,

Kerry Horman, Affordable Housing Specialist

Notice

2011 NOV 29 PM 3 09

Bourne Affordable Housing Trust Meeting

TOWN CLERK'S OFFICE Friday December 2, 2011

BOURNE, MASS

9:00AM

Upper Conference Room

Bourne Town Hall

24 Perry Ave

Buzzards Bay, MA 02532

Agenda:

1. Review minutes of the September 19 and October 19 meetings
2. Financial Status Report.
3. Update on 12 Shearwater Dr sale and update of construction and marketing status of Adams St. including corrections needed on "visitable" access.
4. Update of Housing Rehab Program and discussion of related marketing.
5. Update on Land Acquisition
6. Update on setting up boilerplate for construction projects and LIP approvals.
7. Housing Specialist's report
8. Discussion of future agenda items

Kerry Horman,

Affordable Housing Specialist

Bourne Affordable Housing Trust

Minutes

Meeting of December 2, 2011

2012 JUL 5 AM 9 35

TOWN CLERK'S OFFICE
BOURNE, MASS

Time: 9:00 A.M.

Location: Upper Conference room, Bourne Town Hall, 24 Perry Ave., Buzzards Bay, MA

Trustees present: Steven Walsh, Susan Ross, Lee Berger, Judith Riordan. Peter Meier joined the meeting at approximately 9:30.

Others present: Kerry Horman, Affordable Housing Specialist and Betsy Anderson, Administrative Support

The meeting was called to order and Chairman Walsh asked for a motion on the minutes of September 19, 2011. After review, Lee Berger moved to accept the minutes; Judith Riordan seconded the motion; the vote was unanimous. The minutes of October 19 were reviewed. Lee Berger moved to accept and Susan Ross seconded; the vote was unanimous.

Kerry Horman gave the financial report and stated that because of the end of the year, there had been no report for October. He began by citing the trial balance of \$19,260 due to Valle Group. He stated the difference in the \$17,760 was the approval of the changing of the floors (upgrade because of the wheelchair) was added to the subsidy at the closing of Shearwater Drive. That would bring the price to \$179,900. Mr. Berger said that closing documents were somewhat confusing; Mr. Horman stated that he provided only the first three pages of the closing, saying that both he and Chairman Walsh were at the closing.

Judith Riordan moved to accept the financial report, and Lee Berger seconded the motion; the vote was unanimous. The Trustees discussed the closing on the property at Shearwater Drive.

Mr. Horman explained that there was a problem with the ramp slope at the Adams St. property, and the Trustees discussed the need to follow the plan. The Valle Group forgot to make the entrance handicap accessible with grading and that the asphalt was already in. Valle Group agreed to put in a ramp later, if necessary. Mr. Berger suggested they be required to make it according to plan. Steve Walsh asked about the gas service to the residence. A general discussion ensued and the committee considered viewing 79 Adams St. before amending the plan.

The planned continuation of marketing the properties was described by Kerry Horman. Right now, he said, people like the house, but there are not many buyers out there. He suggested the use of Facebook and Craigslist as well as advertising in the Courier, and stated that approximately 300 fliers had been mailed to Bourne businesses. The trustees discussed the various possibilities of internet advertising.

Mr. Horman commented on the U.S.D.A. rehab program and the Block Grant for downtown Buzzards Bay.

There was a general discussion of the Old Plymouth Rd. property, and Peter Meier stated the Selectmen had signed over the deed.

Mr. Horman talked about the inventory of properties and the Trustees discussed acquisition of land for future homes.

Susan Ross brought up repayment of the TAP agreement. Lee Berger suggested that one half might be paid and asked about the possibility of doing so.

Mr. Horman stated that the new laptop had been set up and included a printer. Ms. Ross suggested a software program for back-up and that the cost would be approximately \$60 per year, and Ms. Riordan agreed. Mr. Horman mentioned monthly or quarterly back-up of e-mails, accounts and contact lists. Lee Berger made a motion to authorize \$60 for the software and Peter Meier seconded; the vote was unanimous.

Mr. Horman brought up the use of Facebook for additional marketing. A general discussion regarding Facebook ensued.

Mr. Horman spoke about land acquisition that an auction group was handling town owned properties for the Town, and Ms. Ross continued the conversation regarding focusing on and future acquisitions. Mr. Horman mentioned that he had spoken to Barbara Thurston and invited her to participate in a meeting. Lee Berger suggested a formula for creating inventory. Mr. Horman, in relation to land acquisition strategy, had spoken to Town Planner Coreen Moore. Peter Meier stated that Decas had been hired for auctions. -----

Lee Berger began a discussion of how some of the monies are spent for improvements on town buildings. Ms. Riordan asked about the percentage formula, and Mr. Berger stated that it is set by Town Meeting. Peter Meier said the current percentage is 70, 10, 10, & 10 (70 % for Open Space, 10% for Affordable Housing, 10% for Historical and Recreation, 10% for "other"). Peter Meier stated that there has been discussion for lowering the percentage for Open Space, effecting 50, 15, 15 & 15. A discussion of CPC followed. There was also discussion of purchasing the Mashnee Island Club with CPA funds.

Mr. Horman stated there is a huge cry for affordable rentals but that the biggest issue is to get the Section Eight subsidies for the tenants.

Steve Walsh asked for a motion to adjourn the meeting and Peter Meier so moved; Susan Ross seconded and the vote was unanimous.

Respectfully submitted,

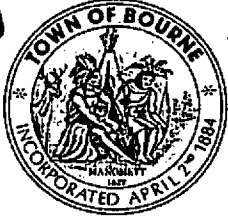
Betsy Anderson, Administrative Support

Chapman, Wendy

From: Rebello, Mary
Sent: Tuesday, May 17, 2011 2:29 PM
To: Chapman, Wendy
Subject: Ad Hoc Committee to Study the Feasibility of Contracting Ambulance Services

10-11 COMMITTEE								
COMM	REP OF COMM	APPT BY	FIRST	LAST	STREET	CITY	ST	ZIP
Ambulance Study Committee	At Large	Board of Selectmen	Richard	Conron	29 Mashnee Road	Bourne	MA	02532
Ambulance Study Committee	Finance Committee Member	Board of Selectmen	William F.	Grant	PO Box 317	Cataumet	MA	02534
Ambulance Study Committee	Fire Chief	Board of Selectmen	Martin	Greene	130 Main Street	Buzzards Bay	MA	02532
Ambulance Study Committee	Town Adm - Ex-officio	Board of Selectmen	Thomas	Guerino				
Ambulance Study Committee	Director of Finance	Board of Selectmen	Linda	Marzelli	Finance Department			
Ambulance Study Committee	At Large	Board of Selectmen	Gary L.	Seidelman	6 Prestwick Road	Bourne	MA	02532

Mary Rebello
mrebello@townofbourne.com
508-759-0600 x305
508-759-0620 Fax



Thomas M. Guerino
tguerino@townofbourne.com

TOWN OF BOURNE

Town Administrator

24 Perry Avenue
Buzzards Bay, MA 02532
Phone 508-759-0600 x 304 - Fax 508-759-0620



Ambulance Service Study Committee AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Thursday May 19, 2011	3:30 p.m.	Bourne Town Hall Upper Level Conference 24 Perry Avenue

Call to order

Review Conflict of interest and Ethics requirements

Discussion related to Committee Charge

Review of preliminary information provided to Finance Committee from
Former Chief Doucette.

Establish protocols for selecting officers (Chair, Vice Chair – who will be
minutes scribe)

Establish next meeting date(s)

Adjourn

TOWN CLERK'S OFFICE
2011 MAY 9 PM 12 32

**Ambulance Service Study Committee
Meeting Minutes
Meeting of May 19, 2011
10:00AM – Bourne Town Hall
2nd Floor Conference Room**

Attendees:

Selectman Don Pickard, Chief Marty Green, William Grant, Gary Seidelman, Tom Guerino

Absent:

Richard Conron

Meeting was called to order at 10AM.

This was the initial meeting of this study committee.

There was a general discussion between participants about conflict of interest/ethics requirements.

Selectman Pickard distributed Executive Order no. 11-10 which was the committee charge.

The financial report prepared by former Chief Doucette was distributed.

The next meeting was scheduled for 6/2/11.

2011 OCT 6 AM 10 04
TOWN CLERK'S OFFICE
BOURNE, MASS

FINANCIAL

*Figures from '09
Add approx. 4% Admin
(future) - accurate now.*

Please identify the following costs:

Each ambulance pays a licensing fee to the state, how much is that annually per unit?

Fire Department ALS license renewal	\$600	\$600
License Renewal for each vehicle	\$200 X 4 vehicles=	\$800
Controlled Substance Registration for each Station	\$300 X 3 stations=	\$900
	Total	\$2,300

DIVIDED BY 4 VEHICLES = \$575 ANNUALLY PER UNIT

What is the annual cost for medical supplies, including oxygen, sheets, pillows and blankets?
\$40,000

What is the annual equipment cost for backboards etc?
 Included in the above \$40,000 figure

What is the annual cost to clean those sheets and blankets?
 There is no cost to clean sheets & blankets, we make an equal swap in the E.R.

What is the annual fuel cost per unit (ambulances only)?

Vehicle	Gallons used	\$2.50/gallon
A-133	2164	\$5,410
A-134	2085	\$5,213
A-135	2477	\$6,192
A-136	1586	\$3,965

How many miles per gallon does each unit get?

Based on the above figures and the miles driven for the year the miles per gallon are listed. You must remember that there is a significant idle time that reduces the actual miles per gallon.

<u>A-133 9.2 m.p.g.</u>	<u>A-134 8.4 m.p.g.</u>	<u>A-135 8.7 m.p.g.</u>	<u>A-136 8.6 m.p.g.</u>
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What is the vehicle insurance cost per unit? Hart Insurance
 The annual vehicle insurance rate per unit is **\$1,147.59**

What is the annual repair cost per unit?

Vehicle	Annual 07-1-07 through 06-30-08	Life of vehicle, 12-05-06 through 03-09-09
A-133	Labor 300.92 Parts 138.33 Total 439.25	Labor 772.82 Parts 1,554.13 Total 2,326.95 \$86.18/month
A-134	Labor 572.64 Parts 1,078.17 Total 1,650.81	Labor 1,367.39 Parts 3,885.16 Total 5,252.55 \$159.16/month
A-135	Labor 247.55 Parts 89.53 Total 337.08	Labor 619.62 Parts 332.65 Total 952.27 \$59.52/month
A-136	Labor 684.66 Parts 892.49 Total 1,577.15	Labor 2,783.44 Parts 5,352.23 Total 8,135.67 \$137.89/month

How often are ambulances purchased? What is the life expectancy of each unit?

Ambulances are purchased when they exceed 100,000 miles. Life expectancy is about 7 years.

Are ambulances financed or paid on a one time basis or both?

Ambulances are financed.

If financed, what is the current debt?

Ambulance	FY09 Prin	Int	FY10 Prin	Int	FY11 Prin	Int	FY12 Prin	Int
134	30,000	900						
133	24,000	2,550	24,000	1,530	24,000	510		
135	36,000	5,185	35,000	3,676	35,000	2,188.75	34,000	722.50

What is the average call in time and minimum callback?

Average callback is 1 hour 10 minutes.

Minimum callback is two hours by contract.

What is the cost of each call back per paramedic by pay grade? For fiscal year 2009: **2-Hour Minimum**

Title	Salary	Medic	Total	Hour Wage	OT Rate	Recall
Provisional	\$39,364	\$4,120	\$43,484	\$19.91	\$29.86	\$59.73
Step-1	\$41,025	\$4,120	\$45,145	\$20.67	\$30.01	\$62.01
Step-2	\$42,605	\$4,120	\$46,725	\$21.39	\$32.01	\$64.17
Step-3	\$44,715	\$4,120	\$48,835	\$22.36	\$33.54	\$67.08
Step-4	\$46,291	\$4,120	\$50,411	\$23.08	\$34.62	\$69.24
Step-5	\$49,065	\$4,120	\$53,185	\$24.35	\$36.58	\$73.05
Lieutenant	\$56,424	\$4,120	\$60,544	\$27.72	\$41.58	\$83.16
Deputy Chief	\$64,888	\$4,120	\$69,008	\$31.60	\$47.40	\$94.80

Over the last five years how many firefighters have retired due to injury, back or otherwise, from an injury on an ambulance call?

None.

Over the last five years how many firefighters have been placed on workers compensation due to injury, back or otherwise, from an injury on an ambulance call for a period of greater than one week?

According to our records there have only been three firefighter/paramedics injured in the past five years while on an ambulance call and have been out greater than one week.

There have been others out on injury, but those injuries were sustained on fire related calls.

FINANCIAL (CONTINUED)

In today's dollars, if a firefighter retires what is the annual cost to the town for health benefits and pension? Please calculate at the highest, retiree and spouse. Over the last five years has this cost increased? If the answer is yes how much is that increase? According to the Town Finance Department This question cannot be answered without hiring a private actuary firm. However all retirees are at the 25% - 75% split for health premiums and surviving spouses pay 100% of premium. Also all retirees are required to enroll in Medicare at age 65. Majority of current retirees are on Medicare.

Retirees	Monthly @ 25%	Monthly @ 100%
Blue Care Elect – PPO		
Independent	167.00	668.00
Family	401.00	1,604.00
Medex II	43.20	172.74
Blue Care Elect	45.35	181.40
Total	88.55	354.14
Subsidized Rate	81.70	326.24

Please confirm the cost associated with the billing of this service for the last three years. Please indicate the percent plus actual costs.

<u>2006</u>	<u>2007</u>	<u>2008</u>
\$34,428.21	\$39,451.04	\$37,635.35

Fee is 4% of remittance posted not including remittance received from the Town's Collection Agency. (Billing fee shown is for all remittance posted in that calendar year. Remittance could be from previous years billing also.)

Of the billed amount annually, how much has been deemed uncollectible annually over the last three years?

<u>2006</u>	<u>2007</u>	<u>2008</u>
\$51,354.90	\$43,439.15	\$12,276.71

Of the amount billed annually, how much has the insurance company reduced the amounts paid over the last three years?

<u>2006</u>	<u>2007</u>	<u>2008</u>
\$519,431.70	\$608,982.85	\$643,608.49

What is the cost to hire, train and equip a new firefighter/paramedic?

Salary	\$41,025	Medic	\$4,120	Holiday	\$2,378	Total wage package	\$47,523
						*Fire Academy	\$29,000
						Gear	\$1,400
						Clothing Allowance	\$700
						Total	\$78,623

*The Fire Academy Line item is the same for one or two recruits, we have always tried to send two at a time.

What is the lowest annual firefighter/paramedic salary and benefit package?

Fiscal Year 2009

Salary: \$41,025 Paramedic Stipend: \$4,120 Holiday Pay: \$2,378.33 Total: \$47,523.33

OPERATIONAL

ase answer the following operational questions:

Where do the ambulances fuel up? Is a code or key assigned for each vehicle to be used at a Town owned pump that tracks the fuel by vehicle?

The ambulances fuel up at the fuel depot located at 175 Main Street Buzzards Bay, the Bourne Police Department. There is a coded key assigned to each ambulance and is used at the Town owned pump that tracks the fuel by vehicle. We have a 330-gallon fuel tank at the Pocasset Fire Station to assist on the south side, there is no code or key needed at Pocasset, it is switched inside the station.

Annually, how many ambulance calls for service have resulted in transport to local hospitals per year over the last three years? According to the Annual Town Reports:

FY '06 2385 FY '07 2368 FY '08 2481

Annually, how many ambulance calls for service have resulted in no transport to local hospitals per year over the last three years? According to the Annual Town Reports:

FY '06 213 FY '07 198 FY '08 223

To answer the following six questions please read the information below.

The data we have regarding multiple calls is for fiscal year 2007, beginning July 2006 and ending June of 2007. Fire Alarm was unable to extrapolate the information requested. Our software, Fire Pro, is unable to provide the following information that you have requested. In addition, there was no way to track when ambulances were out of town at the same time. There is no current way to track this information other than manually going through the records comparing each and every call.

To gain the information that was used, hundreds of voluntary hours were spent reading actual run reports from our logs. This is the same data that was used to track multiple calls when the study of the fire department staffing was conducted.

Calls that were not included during the initial information gathering phase were single calls that required more than one crew, such as Priority-1 calls, Motor Vehicle Crashes or reported fires.

When calculating the call volume we took into consideration that when an ambulance responded we counted that crew. When an engine in a station assisted at a motor vehicle crash with extrication and scene safety, and the ambulance remained in the station we counted that as a second ambulance crew. The Bourne Fire Department frequently sends the two person crew from the station with an engine or ambulance, leaving behind a station with no manpower but an additional piece of equipment.

Additional information, there were:

- 1 times that 5 ambulances or ambulance crews were on calls at the same time in fiscal year 2007
- 7 times that 6 ambulances or ambulance crews were on calls at the same time in fiscal year 2007
- 4 times that 7 ambulances or ambulance crews were on calls at the same time in fiscal year 2007
- 4 times that 8 ambulances or ambulance crews were on calls at the same time in fiscal year 2007

OPERATIONAL (CONTINUED)

Over the last three years, on how many occasions have four ambulances been on calls at the same time? Have they been out of town at the same time?

In fiscal year 2007 there were 48 times when four ambulances or ambulance crews were on calls at the same. Unable to determine if they were out of town at the same time, referenced in above information.

Over the last three years, on how many occasions have three ambulances been on calls at the same time? Have they been out of town at the same time?

In fiscal year 2007 there were 244 times when 3 ambulances or ambulance crews were on calls at the same time. Unable to determine if they were out of town at the same time, referenced in above information.

Over the last three years, on how many occasions have two ambulances been on calls at the same time? Have they been out of town at the same time?

In fiscal year 2007 there were 437 times when 2 ambulances or ambulance crews were on calls at the same. Unable to determine if they were out of town at the same time, referenced in above information.

Over the last three years what is the shortest time an ambulance has been out of service due to a transport to a local hospital?

35 minutes.

How many times per year over the last three years have firefighters been called in to cover for three ambulances being out of service due to being out of town on calls?

2006	2007	2008
83	121	159

Over the last three years what is the longest time an ambulance has been out of service due to a transport to a local hospital?

Approx 4 hours. This call involved transportation to Falmouth Hospital and then to Cape Cod Hospital for more extensive care. We were able to bill for two calls, the initial call and then the transport to Cape Cod Hospital.

Over the last three years what is the average time an ambulance has been out of service due to a transport to a local hospital?

1 hour 10 minutes 42 seconds is the average time an ambulance has been out of service due to a transport to a local hospital. Information from Barnstable County Dispatch

OPERATIONAL (CONTINUED)

How many days have fire department staff lost over the last two years due to injury sustained on a call involving the ambulance? What is the cost per shift to the town to fill that shift with overtime?

From March of 2007 through March of 2009 there have been only been three persons that have sustained an injury on a call involving an ambulance and they totaled 172 shifts.

Firefighter/Paramedic #1 was out 2 shifts

Firefighter/Paramedic #2 was out 4 shifts

Firefighter/Paramedic #3 was out 166 shifts

Firefighter/Paramedic #3 sustained an injury that took a long time to schedule Doctors appointments and to set up a surgery time. This case was an extreme case, I have not seen somebody out for any time near this long in my 29 years of service

The Town of Bourne received from its insurance company a check for over \$33,000.00 for the disability coverage for the long-term injury for Firefighter/Paramedic #3.

The cost for covering a shift depends on if the complement of persons on duty fell below eight which would require hiring overtime. When a shift of overtime is hired it averages a twelve (12) hour shift and it is approximately \$450.00 per shift.

Use provide the distance from Main Street Buzzards Bay to all area hospitals that the fire department transports patients to.

22.59 miles to Cape Cod Hospital

18.46 miles to Jordan Hospital

15.44 miles to Falmouth Hospital

6.02 miles to Tobey Hospital

During the firefighters presentation at the hearing with selectmen the Lieutenant stated that there are times that because the hospitals discharge patients prematurely the ambulance is called back to re-transport. The amount of times was quoted was over 100. Is this considered a "routine" transport and not emergency?

The Bourne Fire Department only does emergency transports. The answer to the above question would be that the transports by the Bourne Fire Department were emergency transports and not routine. The "routine" transports are done by the area private ambulance services. The Union Study group, which analyzed every call for the previous year came up with this conservative estimate of 100 emergency transports.

How many "routine" (non emergency) transports are done from area nursing homes?

All of the transports from the nursing homes are emergency, we do not do non-emergency transports.

What are the present arrangements for mutual aid?

Mutual aid is provided from surrounding towns and is dispatched and watched by our dispatch center on the Massachusetts Military Reservation.

1. Wareham provides back up to the Buzzards Bay area and into Bourne Village.
2. Sandwich backs up South Sagamore and into Sagamore Beach.
3. Falmouth is first due into the Cataumet Pocasset Monument Beach area.

4. AMR provides coverage into Sagamore Beach.

OPERATIONAL (CONTINUED)

Of the clerical support for the department, how much of that person(s) time is devoted to ambulance paperwork?

According to the fire department secretary, 16 hours a week are devoted to ambulance paperwork.

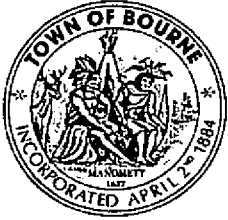
What has been the history of the closing Sagamore Fire Station due to manpower shortage over the last three years?

In nearly three years the Sagamore Fire Station has not been closed due to manpower shortages at the beginning of the shift.

When the Sagamore Station is closed for the above reason what happens to that ambulance? Does it sit idle or does it get transferred to another station?

When the Sagamore Station is closed all the equipment including the ambulance remains in the Sagamore Station and sits idle.

prepared by Dan Doucett



TOWN OF BOURNE

Town Administrator

24 Perry Avenue

Buzzards Bay, MA 02532

Phone 508-759-0600 x 304 - Fax 508-759-0620



Thomas M. Guerino
tguerino@townofbourne.com

Ambulance Committee Agenda

Meeting of June 2, 2011

4:00 P.M. – Bourne Town Hall

Agenda

1. Call meeting to order
2. Organize for Chair, Vice Chair, Clerk
3. Further Discussion of Financial Data needed
4. Chief Green – to provide details on operational question from the Committee that may arise
5. Set-up systems for possible community and private “interviews” regarding ALS services
6. Items for next agenda
7. Adjourn

2011 MAY 26 PM 4 18
TOWN CLERK'S OFFICE

**Ambulance Service Study Committee
Meeting Minutes
Meeting of June 2, 2011
10:00AM – Bourne Town Hall
2nd Floor Conference Room**

Attendees:

Richard Conron, Chief Marty Green, William Grant, Gary Seidelman, Tom Guerino

Absent: Linda Marzelli

Meeting was called to order at 10AM.

The Committee organized as follows:

1. Committee Chairman – Bill Grant
2. Committee Vice-Chair – Gary Seidelman
3. Secretary - Dick Conron

Previous meeting minutes were reviewed and approved.

Chief Greene led a discussion and educated the committee regarding this history of the Bourne Fire Department.

The committee voted to invite Plymouth Fire Chief, Edward Bradley to our next meeting to explain how Plymouth uses a private ambulance service to support community needs.

The next committee meeting was scheduled for July 16, 2011 at 10AM, 2nd floor conference room, Bourne Town Hall

2011 OCT 6 AM 10 04
TOWN CLERK'S OFFICE
BOURNE, MASS

Ambulance Committee Agenda
Meeting of June 16, 2011
10:00AM – Bourne Town Hall
2nd Floor Conference Room

Agenda

1. Call to Order
2. Review and approval of meeting minutes
3. Validation of Revenue and Cost data for ambulance services
– Lynda Marzelli.
4. Discussion with representative from the Town of Plymouth:
 - a. Gather information on Plymouth's reasons, needs and justification to privatize their town ambulance service.
 - b. Discussion and information gathering on how the fire department and private ambulance service interface when responding to emergency 911 calls
5. Set agenda and date/time for next meeting.

TOWN CLERK'S OFFICE

2011 JUN 3 AM 9 08

Ambulance Service Study Committee
Meeting Minutes

Meeting of June 16, 2011

2011 JUL 7 AM 10 00AM – Bourne Town Hall

TOWN CLERK'S OFFICE
2nd Floor Conference Room

BOURNE MASS

Attendees:

Richard Conron, Chief Marty Green, William Grant, Gary Seidelman, Linda Marzelli,
Plymouth Fire Chief Edward Bradley

Absent:

Tom Guerino

Meeting was called to order at 10AM.

Plymouth Fire Chief, Ed Bradley presented an overview of how the Plymouth fire department and the town's ambulance contractor, AMR, work together to support 911 calls and all other response requests within the town of Plymouth. Bill Grant volunteered to draft a summary of the process and contrast it with the current requirements and workload in Bourne. This summary can be incorporated into the committee's final report.

Gary Seidelman presented a draft summary of the financial data and potential dollar savings that was discussed at our previous meeting. The Town Financial Director, Linda Marzelli, reviewed this financial data. After her review, she commented that the numbers were reasonable and that for the most part costs and revenue for Bourne's ambulance service does not vary greatly year-to-year. Gary volunteered to prepare a draft financial summary and analysis that can be used as the basis for the committee's final report.

Dick Conron will draft a "thank you" letter to Chief Bradley for his visit and presentation.

The next committee meeting was scheduled for July 7, 2011 at 10AM, 2nd floor conference room, Bourne Town Hall

APPROVED
7/7/11
RWC

Assisted Living Facilities

Emeritus at Plymouth Beach, Warren Ave
Stafford Hill, Stafford Street
Plymouth Crossings, South Street

Elderly Housing facilities

Ryder Home, Russell, Street
Castle Hill, Castle Street
Cherry Hill 1, 128 Court Street
Cherry Hill 2 130 Court Street
High Cliff Housing, Prince Street
Northfield Housing, Nicks Rock Road
Southfield Housing, South Street

Nursing Homes

Radius Healthcare Geriatrics
Radius Healthcare Pediatrics
Newfield House
Life Care Center of Plymouth
Golden Living Center

Dialysis Centers

Resnik Road
Cordage Park Circle

Group Homes

Sandpiper Inn, Taylor Ave
Chilton House, Chilton Street
Anchor House, Cherry Street
20 plus additional state licensed group homes

Medical Facilities

Plymouth Medical Group, Sandwich St
Camelot medical Group, Camelot Drive
Medical center at the Park, Resnik Road
Medical Center at Long Pond Road
Affiliated Medical Group, Cordage Park
Fresenius Medical Group, Cordage Park
Medical Office, Samoset Street
Sea Coast Advanced Diagnostics, Cedar Hill Park
High Point Drug and alcohol Treatment Center
Jordan Hospital Occupational Health, Resnik Road
Rehabilitation at One Scobee Circle
47 Obery Street Medical Building

Plymouth Urology 51 Obery Street
Braintree Rehab at Cordage Park

Jordan Hospital Satellite Centers

JH Sleep Center Resnick Road
Jordan health Systems, Cordage Park
Jordan Hospital Rehab Center, 3 Village Green
Jordan Hospital Physicians, Armstrong Road
Plymouth Sleep center, Obery Street

Ambulance Services Agreement Between
the Town of Plymouth and American Medical Response of Massachusetts, Inc.

This Agreement ("Agreement") is between American Medical Response of Massachusetts, Inc., d/b/a American Medical Response, a Massachusetts corporation, hereinafter referred to as "AMR" and Town of Plymouth, Plymouth County, Massachusetts, a municipal corporation, hereinafter referred to as the "Town". The effective date of this Agreement ("Effective Date") shall be October 1, 2009 but this Agreement shall not be effective unless signed by both parties.

RECITALS:

WHEREAS, Town desires for AMR to provide emergency medical services and transports within the Town service area; and

WHEREAS, AMR has the experience and resources available to provide such services;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties, intending to be legally bound, incorporate the above Recitals and agree as follows:

AGREEMENT

1. Term and Termination. This Agreement shall be for a term of five (5) years ("Term") from October 1, 2009 through December 31, 2014. This Agreement may be extended for an additional five (5) year term by mutual written consent of the parties. This Agreement may be terminated by either party upon the material breach of this Agreement by the other party if such breach is not cured within (30) thirty days of receipt of written notice ("Breach Notice") thereof to the other Party. The Breach Notice shall specifically identify the material breach and specifically request the required remedy. Either party may terminate this Agreement without cause by one hundred and twenty (120) days written notice to the other party.

2. Emergency Medical Services. AMR will provide emergency medical services including, basic life support (BLS) and advanced life support (ALS) services in response to a call from the Town's Dispatch Center, within the Town service area on a twenty-four (24) hour a day basis during the Term of this Agreement. All trucks provided pursuant to this Agreement will be equipped with radios that are interoperable with those used by the Plymouth Fire and Police Departments. In accordance with Region 5 Advance Life Support service protocols, AMR will staff three (3) dedicated ALS trucks at the Paramedic/Paramedic level, but may also staff the dedicated ALS units at the Paramedic/Intermediate level in the event of sudden need. All 911 system medics will have area awareness of the Town of Plymouth. AMR will provide two (2) ALS units dedicated 24 hours and one (1) ALS unit 12 hours (8a.m. to 8p.m.) for Town coverage. AMR will staff an additional 12 hours (8p.m. to 8 a.m.) for dual role coverage. During these night time hours AMR may use one of the dedicated units referred to in this Agreement that is available and unassigned to call to handle any ALS or BLS call that originates within the Town from sources other than the Town's Dispatch Center, provided that: A) the Town's Dispatch Center is notified in advance of the reassignment of the unit, B) that two of the dedicated units are available for emergent response, and C) the Dispatch Center is notified when the unit in question is available for re-assignment to calls from the Town. At no time should this unit be moved to service other area's outside of the Town; unless by mutual aid agreements. AMR shall respond with the

closest most appropriate dedicated unit(s) to all requests for service within the Town in accordance with applicable dispatch protocols. AMR and Town agree to meet annually to discuss appropriate vehicle staffing levels based on current need and volume.

3. Billing for Emergency Medical Services. AMR will bill and keep all fees for emergency medical services provided from its ambulances. AMR will be responsible for the collection of any and all fees due and owing to it by those persons furnished with emergency medical services. AMR will bill emergency medical services at its usual and customary rate. Town will not seek fees or payment from AMR, patients or any other third-party payors for any emergency medical services. Town shall have no financial obligation to AMR for any emergency medical services performed by AMR. There shall be no charge for transporting town police and firefighters while on duty. In consideration thereof, the Town shall permit AMR to station one vehicle at each of the locations specified in Paragraph 8.
4. Standard of Emergency Medical Services. AMR will provide emergency medical services in accordance with prevailing industry standards of quality and care applicable to the emergency medical services industry in the Commonwealth of Massachusetts. At all times during the term of this Agreement, AMR's staff and vehicles will be licensed, certified and equipped in accordance with applicable federal, state or local laws. AMR will ensure that the age of their 911 assigned units does not exceed five years. AMR will provide a report of the status of the fleet to the Town upon the Town's request. AMR also agrees to provide a one-for-one exchange of all medical supplies for the Fire and Police Departments including gloves for all Fire and Police personnel and AED pads for all Fire Department AEDs.
5. Training and Details. AMR agrees to provide CPR and First Aid training to any town employee wishing to take the course and First Responder training to any public safety employee (including Fire, Police, Harbormaster) at no cost to the town. AMR will offer training classes to all town employees during employees' scheduled working hours, at one or more sites to be designated by the Town Manager. AMR will also provide training for recertification of all Plymouth Fire Department personnel holding EMT or Paramedic certifications on an as needed basis during the term of this Agreement at no cost to the Town. Subject to advance scheduling, AMR will also provide stand-by detail coverage with one or more ambulance(s) assigned to the site of Town-sponsored events occurring in the Town at the request of the Town Manager or his/her designee, as part of the 911 coverage, and at no cost to the Town. The parties hereby agree that detail coverage will also be provided for any additional events at the request of the Town Manager or his/her designee. Such training as described above shall be provided by on-duty AMR personnel in accordance with advance scheduling to be agreed upon by the Town Manager and the authorized representative of AMR.
6. Ambulance Service Advisory Committee. The Town and AMR agree to continue the Ambulance Services Advisory Committee ("Committee") which will meet at the request of the Town to review the operation of the emergency ambulance service and to make recommendations for changes as appropriate. Any changes in the operation of the emergency ambulance service recommended by the Ambulance Services Advisory Committee during the term of this Agreement shall be similarly referred to the Town Manager and AMR for approval and any approved changes shall be executed in writing as an amendment to this Agreement. Additionally, AMR shall provide to the town reports and data pertaining to the performance of this Agreement at the request of the Town.
7. Insurance. AMR will obtain and maintain throughout the term of this Agreement,

comprehensive automotive insurance, comprehensive general liability insurance, professional liability insurance with limits of \$5 million per claimant per incident, and workers' compensation insurance in statutory amounts. The town shall be named as an additional insured on all liability policies, except workers' compensation. Upon execution of this Agreement, AMR will provide Town with a certificate(s) of insurance providing proof of insurance as required above, and shall provide new certificate(s) at least thirty days prior to the expiration of current coverage throughout the term of this Agreement or as soon as is available.

8. Vehicle Stationing. The Town, without cost or expense to AMR, shall permit AMR to station one vehicle at each of the following locations throughout the Term of this Agreement:
- (a) PP2- 240 Samoset Street
Plymouth, MA 02360
 - (b) PP5- 827 State Road
Manomet, MA 02345
 - (c) PP6- 2209 State Road
Plymouth, MA 02360
 - (d) Non-Dedicated unit
12 Pinehill Drive
Plymouth, MA 02360

The Town shall permit AMR crews to have reasonable access to restrooms and break rooms as long as such access shall not interfere with Fire Department personnel or operations.

9. Indemnity. AMR shall indemnify, defend and hold the Town, and its officials, employees and agents harmless against any claims, liability, losses or damages, incurred by the Town which may arise from the breach of this Agreement or any negligent, intentional or other tortious act or failure to act by AMR, its officers, employees and agents related to the performance of this Agreement. To the extent permitted by law, the Town shall indemnify, defend and hold AMR, and its employees and agents harmless against any claims, liability, losses or damages, incurred by AMR which may arise from the breach of this Agreement or any negligent, intentional or other tortious act or failure to act by the Town, its officials, employees and agents related to the performance of this Agreement.
10. Relationship. In the performance of this Agreement, each party hereto shall be, as to the other, an independent contractor and neither party shall have the right or authority, express or implied, to bind or otherwise legally obligate the other.
11. Compliance. The parties will comply in all material respects with all applicable federal and state laws and regulations including, the federal Anti-kickback statute.
12. Compliance Program and Code of Conduct. AMR has made available to each party a copy of its Code of Conduct, Anti-kickback policies and other compliance policies, as may be changed from time-to-time, at AMR's web site, located at: www.amr.net, and each party acknowledges receipt of such documents. AMR warrants that its personnel shall comply with AMR's compliance policies, including training related to the Anti-kickback Statute.
13. Non-Exclusion. Each party represents and certifies that neither it nor any practitioner who

orders or provide Services on its behalf hereunder has been convicted of any conduct that constitutes grounds for mandatory exclusion as identified in 42 U.S.C. § 1320a-7(a). Each party further represents and certifies that it is not ineligible to participate in Federal health care programs or in any other state or federal government payment program. Each party agrees that if DHHS/OIG excludes it, or any of its practitioners or employees who order or provide Services, from participation in Federal health care programs, the party must notify the other party within five (5) days of knowledge of such fact, and the other party may immediately terminate this Agreement, unless the excluded party is a practitioner or employee who immediately discontinues ordering or providing Services hereunder.

14. No Influence Of Referrals. It is not the intent of either party to this Agreement that any remuneration, benefit or privilege provided for under this Agreement shall influence or in any way be based on the referral or recommended referral by either party of patients to the other party or its affiliated providers, if any, nor shall it be based on the purchasing, leasing, or ordering of any services other than specific services described in this Agreement. Any payments specified in this Agreement are consistent with what the parties reasonably believe to be the fair market value for the services provided.
15. Compliance With Laws. Each party shall perform its obligations under this Agreement in full compliance with all applicable federal, state or local laws.
16. Notice. Any notice required or permitted by this Agreement shall be in writing and shall be delivered as follows, with notice deemed given as indicated: (a) by personal delivery, when delivered personally; (b) by overnight courier, upon written verification of receipt; (c) by facsimile transmission, upon acknowledgment of receipt of electronic transmission; or (d) by certified or registered mail, return receipt requested, upon verification of receipt. Notice shall be sent to the following addresses:

If to AMR.:

General Manager
American Medical Response of Massachusetts, Inc.,
d/b/a American Medical Response
4 Tech Circle
Natick, Massachusetts 01760

With Mandatory Copy to:

Legal Department
American Medical Response, Inc.
6200 South Syracuse Way, Suite 200
Greenwood Village, Colorado 80111

If to Town:

Town of Plymouth Administrative Offices
11 Lincoln Street
Plymouth, MA 02360

14. 17. Force Majeure. AMR shall not be responsible for any delay in or failure of performance resulting from acts of God, riot, war, civil unrest, natural disaster, labor dispute or other circumstances not reasonably within its control. AMR shall provide telephonic notice to the Dispatch Center immediately upon learning of a condition or circumstance which constitutes

a force majeure event resulting in the inability of AMR to perform its obligations under this Agreement so that emergency calls issued through the Dispatch Center can be routed to alternate service providers to ensure continuous ambulance coverage for the Town.


15.
18. (19)

Miscellaneous. This Agreement (including the Schedules hereto): (a) constitutes the entire agreement between the parties with respect to the subject matter hereof, superseding all prior oral or written agreements with respect thereto; (b) may be amended only by written instrument executed by both parties; (c) may not be assigned by either party without the written consent of the other party, such consent not to be unreasonably withheld; (d) shall be binding on and inure to the benefit of the parties hereto and their respective successors and permitted assigns; (e) shall be interpreted and enforced in accordance with the laws of the State of Massachusetts; (f) this Agreement may be executed in several counterparts (including by facsimile), each of which shall constitute an original and all of which, when taken together, shall constitute one agreement; and (g) this Agreement shall not be effective until executed by both parties. In the event of a disagreement between this Agreement and any Schedule hereto, the terms of this Agreement shall govern.

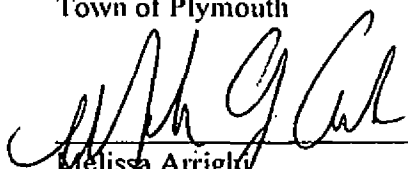
IN WITNESS WHEREOF, both parties hereto have executed this Agreement.

American Medical Response of Massachusetts,
Inc., d/b/a American Medical Response

Town of Plymouth

By: 

Timothy Dorn
DCFO



Melissa Arrighi
Town Manager

Ambulance Service Study Committee
Agenda

2011 JUN 23 PM 2 21

Meeting of July 7, 2011

TOWN CLERK'S OFFICE
TOWN HALL

10:00AM – Bourne Town Hall
2nd Floor Conference Room

Agenda

1. Call to Order
2. Review and approval of meeting minutes.
3. Review, finalize and vote to accept the draft financial summary and analysis prepared by Gary Seidelman.
4. Review, finalize and vote to accept the draft work process/methodology overview prepared by Bill Grant.
5. Public Comment on draft documents
6. Set agenda and date/time for next meeting if necessary.

**Ambulance Service Study Committee
Meeting Minutes
Meeting of July 7, 2011
10:00AM – Bourne Town Hall
2nd Floor Conference Room**

Attendees:

Richard Conron, Chief Marty Green, William Grant, Gary Seidelman,

Absent:

Tom Guerino, Linda Marzelli

Meeting was called to order at 10AM.

Previous meeting minutes were reviewed and approved.

The two sections (financial summary and process/methodology) of the committee draft "Final Report" were presented by Gary Seidelman and Bill Grant. Additions, deletions and changes were noted and will be incorporated as part of the final report.

The committee voted to accept and publish the "draft" report with noted amendments.

No further meetings were scheduled. The Ambulance Service Study Committee has concluded its work

2011 OCT 6 AM 10 03
TOWN CLERK'S OFFICE
BOURNE, MASS

REPORT OF THE AD HOC ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF CONTRACTING AMBULANCE SERVICES (The "Committee")

COMMITTEE'S CHARGE:

The Committee was charged with reviewing the financial implications of the potential use of an outside contractor to provide ambulance services which the Town of Bourne currently provides.

FINANCIAL CONSIDERATIONS:

In order to determine the financial impact of using an outside contractor the Committee obtained estimates of the revenue generated by providing ambulance transport services and the associated costs including operating, vehicle capital costs and personnel. The impact of using an outside provider was then evaluated for each of these categories of revenue and cost.

REVENUE---The Committee assumed that an outside contractor would provide ambulance transport services in exchange for the revenue currently generated by the service. The Town would no longer receive approximately \$900,000 of net revenue annually (Exhibit A).

OPERATING COSTS---The Committee assumed that approximately one half of the estimated \$80,000 of operating costs (Exhibit A) would be eliminated if an outside provider performed the transport services. The Town would still have first responder responsibility but would no longer transport individuals to a medical facility. Operating costs would be reduced by approximately \$40,000.

VEHICLE CAPITAL COST---The Committee assumed the Town would eliminate the capital cost of ambulances if an outside provider performed the transport services. The Town has four ambulances with an estimated cost of \$175,000 each and an average useful life of 7 years. The annual cost per vehicle is estimated to be \$25,000 (\$175,000 over 7 years), \$100,000 annually for all four vehicles. Vehicle capital cost would be reduced by approximately \$100,000 annually.

PERSONNEL---The Committee was informed that the Fire Department's staffing model does not assign personnel exclusively to provide ambulance services. The fire house is generally staffed by two individuals who respond to a fire emergency using a fire truck or alternatively to a medical emergency using an ambulance. Essentially there would be no reduction in staff

if the ambulance transport services were not provided by the Town. The current staffing level would still be required to maintain adequate staffing for a fire emergency. The majority of Fire Department personnel are trained to fight fires and are certified paramedics. In the event ambulance services were not provided by the Town the need for personnel to be certified paramedics would be reduced. The incremental cost for paramedic certification versus non-certification is approximately \$4,200 per individual annually. The Committee assumed that there was some potential reduction in cost if a lower percentage of the staff were certified as paramedics. Assuming a reduction of 25 paramedic certifications, personnel cost would be reduced by \$105,000.

CONCLUSION:

The use of an outside contractor to provide ambulance transport services would result in a reduction of \$900,000 in revenue and a cost reduction of approximately \$245,000 (Operations— \$40,000, Vehicle Capital Cost—\$100,000 and Personnel—\$105,000), or a negative economic impact of \$655,000 to the Town. Accordingly, the Committee has concluded that the use of an outside contractor would NOT benefit the Town economically and the Committee recommends that the Town's Fire Department continue to provide ambulance transport services.

TOWN OF BOURNE

**REPORT OF THE AD HOC ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF
CONTRACTING AMBULANCE SERVICES**

EXHIT A

Revenue

Gross	1,600,000
Billing	-40,000
Uncollectable	-40,000
Insurance Adjustment	-620,000
Net Revenue	900,000

Operating Costs

Supplies	40,000
Fuel	25,000
Insurance	5,000
Repairs	5,000
Other	5,000
Total operating	80,000



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



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, January 5, 2011</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

7:35 p.m. – #26-10 – VARIANCE

J. Ford O'Connor, 528 Scraggy Neck Road, Bourne. Map 50, Parcels 123 in an R40 zoning district. Proposal: The applicant seeks to vary lot frontage to allow construction of single family lot.

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. – #25-10 – VARIANCE

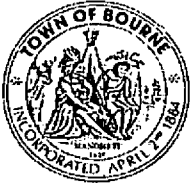
Kirk Vazal, 669 County Road, Pocasset. Map 39, Parcels 2 in an R40 zoning district. Proposal: The applicant seeks to sub-divide my parcel into two (2) parcels. Lot A-2 (39084 sqft) of which the existing dwelling sits on and would remain; and proposed lot (40037 sqft) of which a garage/in-law suite would be erected sometime in the future to accommodate my aging parents.

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____

~~BOURNE TOWN HALL~~

TS 6 WY 9T JJO 0102



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: #25-10- Variance

APPLICANT: Kirk B. Vazal

LOCATION: 669 County Road
Map 39 Parcel 2 R40 Zoning District

PROPOSAL: The applicant seeks to sub-divide my parcel into two (2) parcels. Lot A-2 (39084 sqft) of which the existing dwelling sits on and would remain; and proposed lot (40037 sqft) of which a garage/in-law suite would be erected sometime in the future to accommodate my aging parents.

DATE & TIME: Wednesday, January 5, 2011 at 7:45 p.m.

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

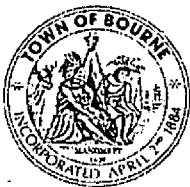
Bourne Courier Publishing Dates:

December 22, 2010

December 29, 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:

#26-10- Variance

APPLICANT:

John E. Sheldon Jr. c/o J. Ford O'Connor

LOCATION:

528 Scraggy Neck Road

Map 50 Parcel 123 R40 Zoning District

PROPOSAL:

The applicant seeks to vary lot frontage to allow construction of single family lot.

DATE & TIME:

Wednesday, January 5, 2011 at 7:35 p.m.

PLACE:

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

Bourne Courier Publishing Dates:

December 22, 2010

December 29, 2010

TOWN CLERK'S OFFICE

2010 NOV 29 AM 10 27



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: #25-10- Variance

APPLICANT: Kirk B. Vazal

LOCATION: 669 County Road
Map 39 Parcel 2 R40 Zoning District

PROPOSAL: The applicant seeks to sub-divide my parcel into two (2) parcels. Lot A-2 (39084 sqft) of which the existing dwelling sits on and would remain; and proposed lot (40037 sqft) of which a garage/in-law suite would be erected sometime in the future to accommodate my aging parents.

DATE & TIME: Wednesday, January 5, 2011 at 7:45 p.m.

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

Bourne Courier Publishing Dates:

December 15, 2010
December 22, 2010

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TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

TOWN CLERK'S OFFICE 24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0615

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2010 NOV 29 AM 9 10

PUBLIC HEARING NOTICE

APPEAL:

#25-10- Variance

APPLICANT:

Kirk B. Vazal

LOCATION:

669 County Road

Map 39 Parcel 2 R40 Zoning District

PROPOSAL:

The applicant seeks to sub-divide my parcel into two (2) parcels. Lot A-2 (39084 sqft) of which the existing dwelling sits on and would remain; and proposed lot (40037 sqft) of which a garage/in-law suite would be erected sometime in the future to accommodate my aging parents.

DATE & TIME:

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

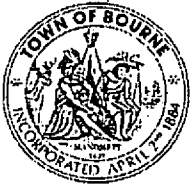
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24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

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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



AMENDED PUBLIC HEARING NOTICE

APPEAL:

#26-10- Variance

APPLICANT:

John E. Sheldon Jr. c/o J. Ford O'Connor

LOCATION:

528 Scraggy Neck Road

Map 50 Parcel 123 R40 Zoning District

PROPOSAL:

The applicant seeks to vary lot frontage to allow construction of single family lot.

DATE & TIME:

Wednesday, January 5, 2011 at 7:35 p.m.

PLACE:

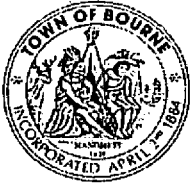
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24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

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TOWN OF BOURNE

Board of Appeals

2010 NOV 29 AM 9 10

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: #26-10- Variance

APPLICANT: John E. Sheldon Jr. c/o J. Ford O'Connor

LOCATION: 528 Scraggy Neck Road
Map 50 Parcel 123 R40 Zoning District

PROPOSAL: The applicant seeks to vary lot frontage to allow construction of single family lot.

DATE & TIME: Wednesday, January 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:

December 22, 2010
December 29, 2010

Zoning Board of Appeals Minutes of January 5, 2011
Bourne Town Hall, Buzzards Bay MA 02352

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

Members absent: John O'Brien

List of Documents

- Chase Estates 40B Site Plan submission dated 1/05/11 – 1 page

Approval of Minutes

Keene MOVED and SECONDED by Sawyer to approve minutes of 12/1/10 as submitted. VOTE 4-0-1 (Priestley abstained).

Riordan MOVED and SECONDED by Sawyer to approve minutes of 12/15/10 as submitted. VOTE 4-0-1 (Priestley abstained).

#26-10 Variance

J. Ford O'Connor, 528 Scraggy Neck Road. Map 50, Parcels 123 in an R40 zoning district. Proposal: Applicant seeks to vary lot frontage to allow construction of single-family lot.

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

Priestly MOVED and SECONDED by Riordan to continue Variance #26-10 to 02/02/11 at 7:35 pm. 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.

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

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2011 FEB 7 5 10 PM

Chm. Berger and Priestley met in a subcommittee meeting with Mr. Papas, Mr. Fabio and Atty. Attea on 1/4/11. They were shown a 16-unit proposal but also discussions of 12 unit and eight (8) unit proposals. The purpose for tonight's meeting is for a presentation of two (2) or three (3) alternative for the Board's impressions on which is their preference.

Chase Estates 40B Site Plan submission dated 1/05/11.

Riordan MOVED and SECONDED by Priestley to postpone #08-18 until after #25-10. VOTE 5-0.

Atty. Attea explained applicant was challenged to produce something of value for himself, the property and the Town of Bourne due to an uncertain market for financial viability.

Primary proposal

Plan submitted yesterday, a 16-unit proposal, not making use of garage structure and incorporating of some alternative ideas. Tonight is same plan, only incorporating garage structure.

From informal conversation yesterday, there is a number of variations of plans, but what is driving project is the cost of construction. There are benefits being an economy scale for townhouse and using existing infrastructure on the site. Intension of the imprints are to have no more than three (3) bedrooms for each unit.

Septic system placed behind units 9-14 (large grass area); in front of units 5 and 6; and in front of units 1, 2 and 4 near Sandwich Road.

Intent is to use foundation at the top of the hill and current garage structure. Prices for three (3) standing single structures were challenging. These structures are able to make project financially viable.

Not much difference in price of having townhouses together vs. separate. Applicant would be willing to separate. This would be a condo ownership.

Riordan stated having difficulty reviewing submitted plan without typography. Sidewalks will be installed.

Atty. Attea stated working on a draft pro forma. When come back with a detailed set of plans, including a draft pro forma.

Discussion

Retaining walls are ten (10) feet or below. Only one has chance to be a little higher, depending of how much back yard would like, are the ones up on top on the left. The square footage area between 1700 – 1900, not including garage.

Application was submitted as two (2) lots to the State.

Paving area is to give maneuverability for emergency vehicles. Provisions for drainage discussed – high points pointed out on site plan [three (3) major drainage areas].

Atty. Attea stated applicant willing to obtain police agent for study of a school bus stopping point.

Developer develops a budget to cover the maintenance of said property (run off) until he passes out the deeds.

Projected sales price estimate is \$339,000 for all the Townhouses and the garages. Applicant will work with the engineer to split garages in two.

Atty. Attea requesting of the Board any additional comments regarding density and the higher concept features; and the opportunity to come back with a full set of plans to flush out the concept essentially have before the Board tonight.

Chm. Berger stated wanting proposal sent to professional until have all information.

Chm. Berger and Riordan would like to see 12 units. Riordan also requesting a floor plan and an estimate on what the condo fees would be with regard to maintenance. Atty. Attea can produce a sample budget.

Chm. Berger inquired about fire sprinklers, as Fire Department makes recommendations. The cost of addition of sprinklers would be about \$5,700 per unit, stated applicant.

Condos would be heated by gas and use and the possibility of difficult maneuverability of delivery trucks not an issue.

Intent of HP units discussed with regard to cost. Also discussed was visit ability.

Applicant inquired of permit to provide energy from the turbine from the UCT. Chm. Berger stated the concern is a potential fall zone with regard to a residential area.

Priestly requesting to meet in another subcommittee setting for tweaking proposal prior to continued hearing.

Atty. Attea requests representative Mr. Houston to address other questions/comments. Applicant inquired about Mr. Houston's contract with regard to billing.

Priestly MOVED and SECONDED by Riordan to continue 40B #08-18 to 03/02/at 7:45 pm. VOTE 5-0.

#25-10 – Variance

Kirk Vazal, 669 County Road, Pocasset. Map 39, Parcels 2 in an R40 zoning district.
Proposal: The applicant seeks to sub-divide my parcel into two (2) parcels. Lot A-2 (39084 sqft) of which the existing dwelling sits on and would remain; and proposed lot (40037 sqft) of which a garage/in-law suite would be erected sometime in the future to accommodate my aging parents.

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

x MOVED and SECONDED by x to #26-10. VOTE 5-0.

Applicant requesting garage further away from the house (150 feet setback from the road; 40-50 feet from nearest neighboring property line) for a garage and in-law suite.

Mr. Laporte stated with applicant having two (2) separate buildable lots, as a right, the lot is buildable. No variance is required.

For applicant to exercise his right of the variance (81P plan to the Planning Board), he has one (1) year, otherwise lots merge into one (1) lot.

Riordan MOVED and SECONDED by Priestley to close public hearing #25-10. VOTE 5-0.

Priestley MOVED and SECONDED by Sawyer to approve variance in accordance with plan prepared by Warwick & Associates Inc. revised 11/16/10 to allow for two (2) lots based on the size variance and based on typography. VOTE 5-0.

New business

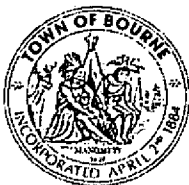
None.

Adjournment

Priestley MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 9:00 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. 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: #01-11-Special Permit – EXTENSION OR ALTERATION OF PRE-EXISTING
NON-CONFORMING STRUCTURE OR USE

APPLICANT: Mark Tuleja d/b/a MTI Home Designs, LLC

LOCATION: 12 Bayview Ave, Monument Beach

Map 30.4 Parcel 197 R-40 zoning district

PROPOSAL: The applicant requests to remove old deck and stairs and replace with new
of which requires relief from the 20 ft. setback.

DATE & TIME: Wednesday, January 19, 2011 at 7:35 p.m.

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

Bourne Courier Publishing Dates:

January 5, 2011
January 12, 2011

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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: #02-11- Special Permit – ACCESSORY DWELLING

APPLICANT: Michael & Tracy Sullivan

LOCATION: 16 Oak Bluff Road, Sagamore Beach

Map 1.4 Parcel 35 R-40 zoning district

PROPOSAL: Applicant seeks approval to build a detached one car garage with an in-law apartment above

DATE & TIME: Wednesday, January 19, 2011 at 7:40 p.m.

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

Bourne Courier Publishing Dates:

January 5, 2011

January 12, 2011

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



2011 JAN 19 AM 9 03
 TOWN CLERK'S OFFICE

AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday, January 19, 2011	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 - CONTINUANCE

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.

7:35 p.m. – #01-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Mark Tuleja d/b/a Home Designs, LLC: 12 Bayview Ave, Monument Beach. Map 30.4, Parcel 197 in a R40 zoning district. Proposal: Applicant requests to remove old deck and stairs and replace with new of which requires relief from the 20 ft. setback.

7:40 p.m. – #02-11 – SPECIAL PERMIT – ACCESSORY DWELLING

Michael & Tracy Sullivan: 16 Oak Bluff Road, Sagamore Beach. Map 1.4, Parcel 35 in a R40 zoning district. Proposal: Applicant seeks approval to build a detached one car garage with an in-law apartment above.

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____

Zoning Board of Appeals Minutes of January 19, 2011
Bourne Town Hall, Buzzards Bay MA 02352

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

Members absent: Wade Keene

Approval of Minutes

Priestley MOVED and SECONDED by Riordan to table minutes of 01/05 until the next meeting since Mr. Priestley had not yet received them. UNANIMOUS VOTE.

#23-10 – Change of Use - Continuance

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, John Priestley, Jr., Timothy Sawyer, Judith Riordan and John O'Brien

Chairman Berger read the applicant's written request to withdraw without prejudice. Applicant is reapplying for a different location, and that hearing is scheduled for February 2, 2011.

Priestley, Jr. MOVED and SECONDED by Riordan to allow applicant to withdraw without prejudice for appeal #23-10. VOTE 5-0.

#01-11 – Special Permit – Extension or Alteration of pre-existing

Mark Tuleja d/b/a home Designs, LLC: 12 Bayview Ave, Monument Beach. Map 30.4, Parcel 197 in a R40 zoning district. Proposal: Applicant requests to remove old deck and stairs and replace with new of which requires relief from the 20 ft. setback.

Sitting on the board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and John O'Brien

House sits 19.2 feet back from the property line and an existing 4-foot landing. Looking to build a 5-foot (additional foot) landing with stairs.

O'Brien MOVED and SECONDED by Riordan to close public hearing for #01-11. VOTE 5-0.

2011 FEB 7 AM 10 06
BOURNE TOWN HALL

Priestley MOVED and SECONDED by Sawyer to approve application for #01-11 Special Permit – 12 Bayview Ave, Monument Beach to allow deck to be reconstructed, to allow it to be 14.22 feet from the front property line, and 15 feet in width. VOTE 5-0.

#02-11 – Special Permit – Accessory Dwelling

Michael & Tracy Sullivan: 16 Oak Bluff Road, Sagamore Beach. Map 1.4, Parcel 35 in a R40 zoning district. Proposal: Applicant seeks approval to build a detached one-car garage with an in-law apartment above.

Sitting on the board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan and John O'Brien

Priestley MOVED and SECONDED by O'Brien to dismiss the application without prejudice because the applicant did not show up for the hearing, nor did he submit anything in writing requesting a continuance. VOTE 5-0.

New business

Chm. Berger will not be in attendance for the month of February.

Chm. Berger will send email to TA Guerino with regard to the new member application.

Adjournment

Priestley MOVED and SECONDED by O'Brien 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**



2011 JAN 20 PM 1:02
Buzzards Bay, MA 02532

TOWN CLERK'S OFFICE :

AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, February 2, 2011</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

7:35 p.m. – #26-10 – VARIANCE - CONTINUANCE

J. Ford O'Connor, 528 Scraggy Neck Road, Bourne. Map 50, Parcels 123 in an R40 zoning district. Proposal: The applicant seeks to vary lot frontage to allow construction of single family lot.

7:40 p.m. – #03-11 – SPECIAL PERMIT – CHANGE OF USE

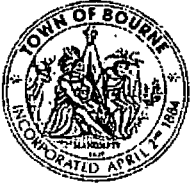
Christine J. Ratches, 5 Otis Park Drive, Unit C, Pocasset. Map 35, Parcels 46 in a B-4 zoning district. Proposal: The applicant seeks approval to open a dog daycare and overnight boarding facility.

7:45 p.m. – #04-11 – SPECIAL PERMIT – ACCESSORY DWELLING

Kenneth G. Dallamora, 4 Olofson Drive, Cataumet. Map 51.4, Parcels 68 in an R40 zoning district. Proposal: The applicant seeks approval for an existing in-law apartment, no additional construction.

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: #03-11– Special Permit – CHANGE OF USE

APPLICANT: Christine J. Ratches

LOCATION: 5 Otis Park Drive, Unit C, Pocasset

Map 35 Parcel 46 B-4 zoning district

PROPOSAL: Applicant seeks approval to open a dog daycare and overnight boarding facility.

DATE & TIME: Wednesday, February 2, 2011 at 7:40 p.m.

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

Bourne Courier Publishing Dates:

January 19, 2011

January 26, 2011

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2011 JUN 9 1102



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: **#04-11– Special Permit – ACCESSORY DWELLING**

APPLICANT: Kenneth G. Dallamora

LOCATION: 4 Olofson Drive, Cataumet

Map 51.4 Parcel 68 R-40 zoning district

PROPOSAL: Applicant seeks approval for an existing in-law apartment, no additional construction.

DATE & TIME: Wednesday, February 2, 2011 at 7:45 p.m.

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

Bourne Courier Publishing Dates:

January 19, 2011

January 26, 2011

TOWN CLERK'S OFFICE

2011 JUN 11 PM 12 20

**Zoning Board of Appeals Minutes of February 2, 2011
Bourne Town Hall, Buzzards Bay MA 02352**

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

Members absent: Lee Berger, Chairman

List of Documents

Approval of Minutes

1/5 and 1/19

O'Brien MOVED and SECONDED by Riordan to approve minutes of 1/05/11.
UNANIMOUS VOTE.

Riordan MOVED and SECONDED by O'Brien to approve minutes of 1/19/11.
UNANIMOUS VOTE.

#26-10 – Variance – Continuance

J. Ford O'Connor, 528 Scraggy Neck Road, Bourne. Map 50, Parcels 123 in an R40 zoning district. Proposal: Applicant seeks to vary lot frontage to allow construction of single-family lot.

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

Email request from Atty. Fitch dated 2/2/11 requesting to continue hearing.

O'Brien MOVED and SECONDED by Riordan to continue public hearing for #26-10 on 3/16/11 at 7:35 pm. VOTE 5-0.

#03-11 – Special Permit – Change of Use

Christine Ratches. Location: 5 Otis Park Drive, Unit C, Pocasset. Map 35, Parcels 46 in a B-4 zoning district. Proposal: Applicant seeks to open a dog daycare and overnight boarding facility.

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

Maximum 13 dogs, including applicant's own dogs. Above would have to hire a second employee. Before boarding, dogs must be evaluated (history, training, personalities; personal meeting). Applicant is pet CPR certified. Facility will bring more revenue to Bourne. Providing security for dogs.

2011 MAR 17 PM 7:48

Employee will stay with dogs if an overnight stay. 24-hr. care facility for emergency. Waste disposal - dumpster and pay partial fee.

Riordan inquired if applicant needs to apply for a kennel license by special permit.

Steven Wei, 6 Otis Park Drive, abutter has an office building and a business and concerned about noises and questioned if it would adversely affect his office building. He believes it will be detrimental to his office building.

Ted Barnacle, abutter, raised issue of noise from the dogs. He inquired about the size of the kennels outside (no kennels outside), total square footage (1,000 sq. ft.) and how big the outside fenced area (25' x 30'). He inquired about how often the dumpster will be emptied (applicant did not have any information). He requested getting certified engineered plot plans.

Mr. Laporte suggested have said Special Permit open for review with this Board and see if there are dog barking complaints. Abutters can call DNR immediately to substantiate complaints and bring back to the ZBA.

Riordan MOVED and SECONDED by Sawyer to close public hearing for #03-11 Special Permit. VOTE 5-0.

Riordan MOVED and SECONDED by O'Brien grant approval to Christ for dog daycare with the following limit no more than 15 dogs on site, outdoor exercises are placed 30 feet back from front of building to extend no more than 25 from the side of building and 30 feet to the rear. Subject to a year from this date and complaints addressed through the DNR. VOTE 4-1 (Sawyer).

#04-11 Special Permit – Accessory Dwelling

Kenneth G. Dallamora, 4 Olofson Drive, Cataumet. Map 51.4, Parcels 46 in a B-4 zoning district. Proposal: Applicant seeks approval for an existing in-law apartment, no additional construction.

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

Atty. Drew Rodgers for applicant.

Property purchased in 2006. When purchased had a 1 bedroom apartment. During he rented out, it was rented as a one rental unit. Summer of 2010 it was put on the market to sell. Property was eEntered into agreement lease with option to purchase. Tenant moved into property and sought tenant for existing unit. Tracey Moorehead agreed to rent that

property through a Section 8 agreement. Inspection services for Section 8 inspected and passed property, but stated it was not properly zoned.

Applicant before the Board to request a Special Permit to allow this apartment in existence to remain legally in existence.

O'Brien MOVED and SECONDED by Riordan to close public hearing #04-11 Special. VOTE 5-0.

Riordan MOVED and SECONDED by Keene to grant Special Permit #04-11 to applicant Kenneth G. Dallamara at 4 Olofson Drive, Cataumet for existing rental apartment with no additional construction and to remain in perpetuity of the Affordable Housing with the income guidelines outlined by Affordable Housing. VOTE 5-0.

Adjournment

O'Brien MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:40 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. Groezinger, Sec.



**TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue**



2011 FEB 3 AM 10 26 **Buzzards Bay, MA 02532**

TOWN CLERK'S OFFICE

AGENDA

DATE

TIME

LOCATION

Wednesday, February 16, 2011

7:30 P.M.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532

• **AGENDA ITEMS**

•

7:30 p.m. – Approval of minutes

7:32 p.m. – #05-11 – VARIANCE

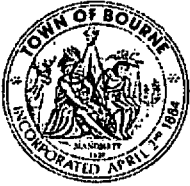
Robert Gregory Lough, 17 Red Brook Pond Drive, Cataumet. Map 47.4, Parcels 9.15 in an R40 zoning district. Proposal: The applicant petitions for a variance from the provisions of Section 2500 of the Bourne Zoning Bylaws, minimum front yard, to accommodate an addition to the applicant's residence.

Other Business:

- **Canal Bluffs 40B Permit Amendment - to address ownership structure at Canal Bluffs**

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:

#05-11- Variance

APPLICANT:

Robert Gregory Lough

LOCATION:

17 Red Brook Pond Drive

Map 47.4 Parcel 9.15 R40 Zoning District

PROPOSAL:

The applicant petitions for a variance from the provisions of Section 2500 of the Bourne Zoning Bylaw, minimum front yard, to accommodate an addition to the applicants residence.

DATE & TIME:

Wednesday, February 16, 2011 at 7:32 p.m.

PLACE:

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

Bourne Courier Publishing Dates:

February 2, 2011

February 16, 2011

TOWN CLERK'S OFFICE

2011 JAN 19 PM 8 56

Zoning Board of Appeals Minutes of February 16, 2011
Bourne Town Hall, Buzzards Bay MA 02352

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

Members absent: Lee Berger, Chairman

List of Documents

- Housing Assistance Corporation draft amendment dated 2/16/11

Approval of Minutes

Minutes of 2/2/11 will be tabled to the next meeting.

#05-11 – Variance

Robert Gregory Lough, 17 Red Brook Pond Drive, Cataumet. Map 47.14, Parcels 9.15 in an R40 zoning district. Proposal: Applicant petitions for a variance from the provisions of Section 2500 of the Bourne Zoning Bylaws, minimum front yard, to accommodate an addition to the applicant's residence.

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

Request of front yard frontage of 8 feet and to build a 32'x22' garage.

Variance hardship described as the shape of property is unusual and typography being clay limits construction and puts a financial burden to applicant to build.

Applicant stated that another reason for request of variance is that the basement is small and access is difficult and it will be used for storage only. The cul-de-sac area was also discussed as being expensive to retain.

Letter of abutters Caroline and Alan O'Connor submitted for the record with regard to no issues of the addition.

Riordan MOVED and SECONDED by O'Brien to close public hearing #05-11.
UNANIMOUS VOTE

Riordan MOVED and SECONDED by Sawyer to grant variance for #05-11 variance at 17 Red Brook Pond Drive with provisions of Section 2500 of the Bourne Zoning Bylaws, minimum front yard frontage of 8 feet and allowing 32'x22 garage according to plans submitted. UNANIMOUS VOTE.

04 3 11 17 PM 3 40

Other business

Canal Bluffs 40B Permit Amendment – to address ownership structure at Canal Bluffs. Gisele Gauthier, Housing Assistance Corporation, asking ZBA to make a determination of whether modification to 40B Permit is a minor or major amendment. Major will need to be advertised.

Draft amendment given to the Board, looking for a shift in the overall ownership structure. The investors funding the second project are requiring a whole different set of financial guarantees compared to the first project. Requirements are to keep much larger operating reserves, reserves in cash or assets, and a Section 8 reserve (reserve available in rent if Section 8 is no longer available).

As Housing Assistance Corporation is a small local non-profit would not be able to move project forward. Shift in ownership structure so _____ (name of company not audible) out of Boston would be primary owner with Housing Assistance Corporation being the secondary owner moving forward. There is no change in the physical, appearance or structure of the said project.

Lottery is a first come, first serve and there is a wait list. Stringent applicant process which includes background and credit checks.

O'Brien MOVED and SECONDED by Sawyer that the ZBA determined request for reallocation of ownership to be a minor amendment. Seconded by Sawyer. UNANIMOUS VOTE.

Riordan MOVED and SECONDED by Sawyer to approve Section 2 Transfer Permit Section Control of Rental Entity as part of the 6th amendment of the Decision of permit #05-43. UNANIMOUS VOTE.

Riordan MOVED and SECONDED by Sawyer that the ZBA determined request for Amendment of Paragraph 3 of Amendment 6 be considered a minor amendment. UNANIMOUS VOTE.

Discussion of vacancy process of how it will be filled.

O'Brien MOVED and SECONDED by Riordan to approve Section 3 of Amendment 6 to the Decision of permit #05-43. UNANIMOUS VOTE.

Adjournment

O'Brien MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:30 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. Groezinger, sec.



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



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, March 2, 2011</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

7:32 p.m. – #06-11 – VARIANCE

Arni N. Mohan, 118 Wings Neck Road, Pocasset. Map 37.4, Parcels 36 in an R40 zoning district. Proposal: The applicant petitions for a variance to convert an exterior deck (front and left) into useable living space.

7:37p.m. – #23-10 – CHANGE OF USE

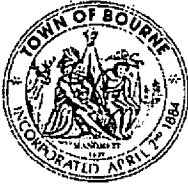
Christine Ratches. Location: 55 Jonathan Bourne Drive, Bourne. Map 39 Parcels 261 in a B4 zoning district. Proposal: Applicant seeks to open a dog daycare and overnight boarding facility.

7:45 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.

Members Present

TOWN CLERK'S OFFICE
2011 FEB 17 PM 9 44



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:

#06-11- Variance

APPLICANT:

Arni N. Mohan

LOCATION:

118 Wings Neck Road

Map 37.4 Parcel 36 R40 Zoning District

PROPOSAL:

The applicant petitions for a variance to convert an exterior decks (front and left) into useable living space

DATE & TIME:

Wednesday, March 2, 2011 at 7:32 p.m.

PLACE:

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

Bourne Courier Publishing Dates:

February 16, 2011

February 23, 2011

2011 JAN 31 AM 10 32
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: **#07-11– Special Permit – CHANGE OF USE**

APPLICANT: Christine J. Ratches

LOCATION: 55 Jonathan Bourne Drive

Map 39 Parcel 261 B-4 zoning district

PROPOSAL: Applicant seeks approval to open a dog daycare and overnight boarding facility.

DATE & TIME: Wednesday, March 2, 2011 at 7:37 p.m.

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

Bourne Courier Publishing Dates:

February 16, 2011

February 23, 2011

TOWN CLERK'S OFFICE

2011 FEB 9 PM 3 49

Zoning Board of Appeals Minutes of March 2, 2011
Bourne Town Hall, Buzzards Bay MA 02352

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

List of Documents

- Fire Department letter dated 2/2/11 from David Pelonzi, Deputy Chief – 1 page (#06-11)
- Priscilla Geraghty, realtor, Comparative Market Analysis for individual condominium units to be built in the residential project located at 230 Sandwich Road, Bourne dated 3/1/11 – 1 page (#08-18)

Approval of Minutes

Minutes of previous meeting of 2/16/11 will be transcribed and ready for vote at the 3/16/11 meeting.

#06-11 – Variance – Continuance

Arni N. Mohan, 118 Wings Neck Road, Pocasset. Map 37.4, Parcels 36 in an R40 zoning district. Proposal: Applicant petitions for a variance to convert an exterior deck (front and left) into useable living space.

Sitting on the board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan, Wade Keene. Also present John O'Brien.

The applicant was represented by his contractor, Mr. Bagg.

Board members took time to read letter of William C. Nolan, abutter living at 120 Wings Neck Road, dated 2/8/11 addressing concerns of said application.

Chm. Berger stated in order to evaluate he need for additional space, the Board needed to see an interior design plan. Applicant wishes to make interior first floor larger to be more user friendly. Chm. Berger stated he did not see the hardship arising from the land, nor did he see the need for more space from the plans submitted, especially since the bedrooms were to remain on the 2nd and 3rd floors.

Title 5 inspection will be next week. The Board of Health submitted a letter requesting that we hold off on making a decision until the Board of Health inspection is complete.

Priestly requests to see interior plan for said proposal. Sketches were shown to the Board for clarification on what applicant is proposing, but these were inadequate.

The Board indicated that it would likely deny the requested variance, but gave Mr. Bagg the opportunity to either continuing hearing in order to check with Mr. Mohan to see if he could live with a 12-foot side setback (which he was entitled to with a Special Permit

rather than a variance), or withdraw without prejudice and the Board would agree to waive the filing fee for a new application. Mr. Bagg preferred the continuance.

Priestley MOVED and SECONDED by Riordan to continue public hearing #06-11 Continuance to 3/16/11 at 7:40 pm. VOTE 5-0.

#07-11 –Change of Use

Christine Ratches. Location: 55 Jonathan Bourne Drive, Bourne. Map 39 Parcels 261 in a B4 zoning district. Proposal: Applicant seeks to open a dog daycare and overnight boarding facility.

Sitting on the board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan, Wade Keene. Also present John O'Brien

Maximum 15 dogs, including applicant's own dogs, unless two employees were present. Before boarding, dogs will be evaluated (history, training, personalities, personal meeting). Applicant is pet CPR certified and received veterinarian technician license.

An employee will stay with dogs if an overnight stay. There is a 24-hr. care facility for emergency in Buzzards Bay.

O'Brien suggested landlord put a pipe or other barrier around ramp that was originally built for delivery trucks; without such a barrier there is a potential safety hazard. Chm. Berger recommends applicant speak to the landlord about this issue.

Priestly MOVED and SECONDED by Riordan to close public hearing for #06-11 Special Permit. VOTE 5-0.

Priestley MOVED and SECONDED by Sawyer grant approval for #07-11 Change of Use to Christine Ratches at 55 Jonathan Bourne Drive for dog daycare and overnight boarding facility in accordance with plans submitted, limited to 15 dogs per employee and an employee present for an overnight stay. The fire department concerns will be incorporated into the decision. VOTE 5-0.

#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 on the board: Lee Berger, John Priestley, Jr., Timothy Sawyer, Judith Riordan, Wade Keene. Also present John O'Brien

Board received two (2) sets of plans and a 4-page letter, but no pro forma. Chm. Berger concerned with the four (4) bedrooms for 13 of the 16 units, which raised nitrogen loading issues. No calculations for nitrogen loading were submitted, as previously requested by the Cape Cod Commission comments. Chm. Berger is also concerned with

fences above retaining walls even where the walls were less than four (4) feet high; the road in front of the 3 unit building is only 20-feet wide, and if it is going to be the main exit road in the future (if and when a traffic light is installed), it needs to be 22 feet wide; he had difficulty locating the lighting on the plans, and it appears there should be more lighting; why was a letter never sent to the Historical Commission; why can't developer locate nearby wells and make certain they are not affected by the development.

Retaining walls. Lock and block wall as they are more cost effective.

Retaining wall. Would not be any higher than 10 feet, not counting the fence. Approximately 30" from front face to back end.

Safety Vehicles. Fire Department concerned with safety vehicles being able to enter/exit cul-de-sac area if it becomes a parking lot. Atty. Attea stated the condominium documents could prohibit parking in that area.

Exclusive Use Areas. Atty. Attea stated having designated exclusive use areas with limited restrictions for peaceful living, in addition to allowing for private back yard space, was a good selling point.

Landscaping. Plan reviewed. Steeper slopes will have wild grass planted on top, a high grass, as well as other areas not considered play area. Around units 5 and 6 there will be a maintained lawn area. All of the lawns will be maintained by the condo association to keep the grounds uniformly nice. Steeper grades 3:1 would be a higher grass with shades of purples and green. Irrigation is not planned to be installed.

Street Lights. Located at front entrance off Sandwich Road entrance, as road curves and at the other end of the development and residential scale at the end of the driveways.

Unclustered Units. Plans are unclustered as realtor made the push that in Bourne young, single-family home would sell.

Pro Forma. Chm. Berger commented on not having a pro forma. Units were stated at the last meeting to be marketed at \$339,000 for three (3) bedrooms. The new numbers from the realtor are much higher. Atty. Attea will fax copies of pro forma to Inspections office once available. Appropriate financing plan will have to be made. Chm. Berger said the ZBA could impose a bond if appropriate.

Nitrogen Calculations. Being worked on at this time. Chairman Berger asked whether the calculations would depend upon the number of bedrooms, and the engineer for the applicant stated yes. Chairman Berger then asked for several calculations, one based on the current plan, and another based on all 3 bedroom units, and another based on with the standard Title 5 design and another with the alternative designs the applicant stated he was considering. These should be available at the next meeting. Chairman Berger stated that the goal was to get the nitrogen loading as close to the 5 ppm standard set by the Cape cod Commission.

Discussion of where Schooner Pass development's water is located. Applicant will find out from Board of Health or from Schooner Pass.

School Bus Stop parking. Issue raised and discussed with regard to parking while waiting for the school bus. The road is 22 feet edge-to-edge wide.

Sidewalk. Height of sidewalk is 3" higher than the road with a burm.

Built As In Accordance to Plans. All aspects have to be inspected during construction – building permit process/timeframe. Chm. Berger expressed his concerns of “cutting corners”. Mr. LaPorte stated the ZBA and applicant will work together to protect the Town during the building process.

Project Contractor. Applicant will be the contractor and would subcontract out other aspects of the process. Conditions can be worked out between the Board and applicant.

Chm. Berger stated the Board needs to see the Pro forma. Mr. Houston, the board's engineer, will have to give his comments to Atty. Attea; and nitrogen calculations are needed. Chm. Berger is concerned that the project, especially with so many bedrooms, is getting too dense. He referenced the Bourne Housing Partnership's letter indicating that it was not a particularly inviting place for children to live, especially without any play areas.

Growth Incentive Zone. Mr. Mulvey stated calculations based on sewage per bedroom and suggested applicant speak to the Planning Board. He also suggested prohibiting any kind of traffic at the top of the hill.

Water Issues. Chairman Berger indicated that the Cape Cod Commission had raised some issues with regard to adequate water pressure, but these will have to wait for the comments from the Fire Department.

Atty Attea agreed to write a draft decision for the Board to consider and edit, which would include all waivers being requested and all of the conditions the applicant anticipates the Board to impose and to which the applicant agrees. If it appears that the board will be voting at the next meeting, Chm. Berger will invite Atty. Jon Witten since he will be assisting the Board in writing the decision, whether it be a denial or an approval with conditions.

Priestley MOVED and SECONDED by Riordan to continue public hearing for #08-18 Comprehensive Permit 40B to 3/16/11 at 7:45 pm. VOTE 5-0.

New Business

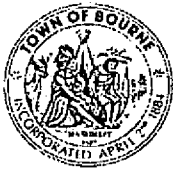
Chm. Berger would like to discuss fees for applications on the next meeting's agenda.

Adjournment

O'Brien MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 9:35 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. Groezinger, sec.



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



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, March 16, 2011</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

7:35 p.m. – #26-10 – VARIANCE - CONTINUANCE

J. Ford O'Connor, 528 Scraggy Neck Road, Bourne. Map 50, Parcels 123 in an R40 zoning district. Proposal: The applicant seeks to vary lot frontage to allow construction of single family lot.

7:40 p.m. – #06-11 – VARIANCE - CONTINUANCE

Ami N. Mohan, 118 Wings Neck Road, Pocasset. Map 37.4, Parcels 36 in an R40 zoning district. Proposal: The applicant petitions for a variance to convert an exterior deck (front and left) into useable living space.

7:45 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: Discussion of fees

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____

TOWN OF BOURNE
2011 MAR 3 PM 5 19

**Zoning Board of Appeals Minutes of March 16, 2011
Bourne Town Hall, Buzzards Bay MA 02352**

Board Members present: Lee Berger, Chairman John Priestley, Jr., Judith Riordan, Wade Keene and John O'Brien, Harold Kalick. Member(s) excused: Tim Sawyer

Approval of Minutes

O'Brien MOVED and SECONDED by Riordan to approve minutes of 2/2/11 as amended. UNANIMOUS VOTE.

Riordan MOVED and SECONDED by O'Brien to approve minutes of 2/16/11 as submitted. UNANIMOUS VOTE.

Riordan MOVED and SECONDED by Keene to approve minutes of 3/2/11 as submitted. UNANIMOUS VOTE.

#26-10 – Variance – Continuance

J. Ford O'Connor, 528 Scraggy Neck Road, Bourne. Map 50, Parcels 123 in an R40 zoning district. Proposal: applicant seeks to vary lot frontage to allow construction of single-family lot.

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

Atty. Fitch took over for Atty. O'Connor for applicant. Thanked the Board for allowing two continuances without anyone having to appear.

Atty. Fitch requested the Board allow the applicant to withdraw the application without prejudice.

O'Brien MOVED and SECONDED by Priestley to allow applicant to withdraw without prejudice. UNANIMOUS VOTE.

2011 MAY 16 AM 10 03

#06-11 – Variance – Continuance

Arni N. Mohan, 118 Wings Neck Road, Pocasset. Map 37.4, Parcels 36 in an R40 zoning district. Proposal: Applicant petitions for a variance to convert an exterior deck (front and left) into useable living space.

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

Plans submitted to the Board dated 3/16/11. A variance is not needed, but a Special Permit will be required.

O'Brien MOVED and SECONDED by Priestley to close public hearing for #06-11. UNANIMOUS VOTE.

Priestley MOVED and SECONDED by Riordan that proposed addition is not substantially more detrimental to the neighborhood than is the present non-conforming structure, and that a special permit be granted to allow the alteration in accordance with the plans dated 3/16/11. VOTE 5-0.

#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 on the board: Lee Berger, John Priestley, Jr., Judith Riordan, Wade Keene and John O'Brien. Also present: Harold Kalick. It is anticipated that Tim Sawyer will review the minutes and documents submitted, listen to the tape of the meeting, and otherwise comply with the "Mullen" rule in order to continue sitting on this matter.

Tom Houston, consultant for Board of Appeals.
Mike Fabbiano for applicant

List of Documents

- Fire Department letter dated 3/12/11 from David Pelonzi, Deputy Chief – 1 page (#08-18)
- DEP fax of 3/7/11 – 4 pages (#08-18)
- DEP fax of 3/4/11 – 3 pages (#08-18)
- Professional Services Corporation, PC dated 3/16/11 – 19 pages (#08-18)
- Applicant First Draft Decision – 6 pages

Issues coming from last meeting – Mike Fabbiano

1. Schooner Pass water well. Well on Schooner Pass site was decommissioned in 2004 and no longer active. Schooner Pass now uses only town water. Copy of original well data sheet and decommissioning from DEP submitted. Also submitted color plan of protection areas with regard to aquifers at 230 Sandwich Road.

2. Nitrogen loading. Lawn services fertilized and also natural areas adds to nitrogen loading. Took Cape Cod Commission's standard calculation formulation and applied to the basic proposed conditions (standard CCC is 3-parts/million and DEP is 10-parts/million) started at 17 part per million. To reduce wastewater discharge, removing 4-bedroom units and making all units 3-bedrooms which brings nitrogen loading down to 12 parts/million.

Discussion: Atty. Attea stated that the ZBA has discretion to accept or not. Applicant is trying to produce affordable housing that is a financial viable project. Costs are critical concern. Doesn't believe needs a technical waiver, but ZBA can decide what is appropriate. Chm. Berger will discuss with Atty. Witten if it is mandated or not. Atty. Attea will look into and will confirm as well. By reducing project to all 3-bedroom units, and using an alternative nitrogen reducing septic system, the applicant can reduce the number to 8-parts/million, but at a cost of \$25,000 - \$50,000 for the alternative septic system.

Chm. Berger inquired whether some of the units could be changed to 2-bedroom units. Attea responded that the difference in market value between a 2 and 3 bedroom unit is substantial, and based on the cost the applicant cannot afford to do so. Proforma provided assumes 4-bedroom units. Going to 3-bedroom may have some adjustment cost (downward), but no price adjustment.

Mr. Houston stated that with respect to what the ZBA can and cannot do, the ZBA has authority to grant waivers, but has no authority to regulate State Agencies. He stated the Board could not approve an aggregate nitrogen concentration of more than 10-parts per million. There is a waiver issue with the Cape Cod Commission requirements of 5 parts per million, since they are a local Board. Monitoring will be needed.

Chm. Berger summarized stating applicant will share the calculations with Mr. Houston, and the Board will revisit the issue.

3. Fencing of all retaining walls. Pedestrian fences protection minimum is 48 inches or higher per Mass. Building Code. Black vinyl fence 6 feet high with steel poles (8 feet on center).

4. Parking restrictions. Fire Deputy Chief Pelonzi letter raised concerns:

- a. Access – all roads must be able to accommodate FD vehicles in regards to road width and turning radius.
- b. Parking – directly related to the first item. Vehicles parked anywhere along the length of the road will hinder FD access. For that reason, a parking restriction, enforceable by law must be included. A fire lane should also be posted in the FD turn around at the end of the property.
- c. Water Supply – proposed dead-end main is still a concern. This Department wants to ensure adequate water supply to the development, possibly through a looped main.

Mr. Houston suggests improving the turning radius.

With respect to water supply, there is a direct relationship between elevation and water pressure. It is unlikely that sufficient pressure exists at the top of the project to maintain 20 psi. There may not be enough pressure for average domestic pressure at the top of the project.

Mr. Fabbiano suggested either booster pumps or looping onto Port O' Call to remedy pressure issue. Impose a condition of a static pressure 40/50 psi and a minimal residual psi under fire conditions of 20 psi.

Sean Skully, abutter, stated his water pressure is fine at Schooner Pass. Proforma does not include booster pumps. Atty. Attea will get information.

- d. Spacing – spacing of units does not meet the minimum setbacks. This is a problem for fire extension. The spacing between units is approximately 20 feet while it should be 30 feet.

Upgrade of building materials (fire retardant), which is a building code issue and is built into proforma. Mr. Houston stated this can be either firewalls or sprinkler structures, and believes the spacing setback is 15 feet. LaPorte will get information.

Sprinkler system is included in the garage units at the bottom of the development.

4-bedroom vs. 3-bedroom units. Atty Attea stated this is an open question, although he is sensing a preference of the Board for 3-bedrooms per units. Applicant can probably accommodate this since it does not affect the gross sales price.

Letter to Historical Commission. Atty. Attea has not sent a letter to the Historical Commission, but will do so and (hopefully) have a response at the next hearing. Chm. Berger will forward it to the Board members if he receives it before the next hearing.

Peer Review of Comprehensive Permit Application for Chase Estates – Mr. Houston

Drainage. 2 out of 3 systems on site. Site is sandy, but calculations are done using very aggressive infiltration rates. Rates developed for prototypical soils. Highest rate allowed for sand is 8.27 inches/hour without testing. Chm. Berger asked about the place for testing. The applicant stated a condition can be made for test pit approval.

Applicant agrees to go to 25 inches/hour. Mr. Houston disagrees. System 1 will need to be increased in size by 25%; System 2 would have to be increased by 240%.

Chm. Berger raised issue of the system being under the road. Being the only road and when the system fails at some point, repairing will prevent access to the units by the residents. Mr. Houston suggests moving system partially away from the road.

Chm. Berger inquired if system can be placed in another area. Mr. Fabbiano stated this placement is optimal for particular project. Riordan suggested two engineers come together and come up with an agreement. She also commented on issues raised here were discussed three (3) years ago.

Slope. Require a signed and sealed calculation of slope stability (1:1 slopes). Mr. Fabbiano stated it can be done as a condition prior to getting a building permit.

Draft Decision – Atty. Attea

Hard copies distributed tonight. Atty. Attea will email so Chm. Berger can distribute to Atty. Witten.

Architectural plans. Plans must be signed by a registered engineer or architect in the Commonwealth of Massachusetts; Peer review of architectural plans? Atty. Attea is opposed to peer review.

The consensus of the Board is to request blue prints and spec. list.

Atty. Attea signed a waiver of all time constraints for the Board to make a decision. 5/11/11 was chosen as a special meeting date.

Priestley MOVED and SECONDED by Riordan to continue public hearing of #8-18 to 5/11/11 at 7:30 pm. UNANIMOUS VOTE.

Keene MOVED and SECONDED by Riordan to table to next meeting.

Adjournment

O'Brien MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 9:38 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. Groezinger, sec.



TOWN OF BOURNE

BOARD OF APPEALS

24 Perry Avenue

Buzzards Bay, MA 02532



2011 MAR 18 AM 11 33

TOWN CLERK'S OFFICE

AGENDA

DATE

TIME

LOCATION

Wednesday, April 6, 2011

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. – #08-11 – SPECIAL PERMIT – ACCESSORY DWELLING

Greg Berman, 50 Thom Ave, Buzzards Bay. Map 35.1, Parcels 30 & 31 in an R40 zoning district. Proposal: Applicant seeks approval to build a two car garage with an in-law apartment above for his parents.

7:35 p.m. – #09-11 – VARIANCE - CONTINUANCE

Chris Corriveau c/o J. Ford O'Connor, 1396 Route 28A, Cataumet. Map 54, Parcels 51 in an B-2 zoning district. Proposal: To vary the required 20,000 sqft to allow structure already constructed on the site to be used as an office despite the fact the lot is only 11250 sqft by deed and 7754 sqft by assessors map.

7:40 p.m. – #10-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Daniel C. Maclone, 74 Depot Road, Cataumet. Map 51.2, Parcel 19 in an R40 zoning district. Proposal: Applicant seeks to rebuild front enclosed area plus an extension to the porch; also building a new second floor.

Old Business:

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____



**TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue**



2011 MAR 31 PM 3:53 **Buzzards Bay, MA 02532**

TOWN CLERK'S OFFICE **AGENDA- AMENDED**

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, April 6, 2011</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

7:32p.m. – #08-11 – SPECIAL PERMIT – ACCESSORY DWELLING

Greg Berman, 50 Thom Ave, Buzzards Bay. Map 35.1, Parcels 30 & 31 in an R40 zoning district. Proposal: Applicant seeks approval to build a two car garage with an in-law apartment above for his parents.

7:35 p.m. – #09-11 – VARIANCE - CONTINUANCE

Chris Corriveau c/o J. Ford O'Connor, 1396 Route 28A, Cataumet. Map 54, Parcels 51 in an B-2 zoning district. Proposal: To vary the required 20,000 sqft to allow structure already constructed on the site to be used as an office despite the fact the lot is only 11250 sqft by deed and 7754 sqft by assessors map.

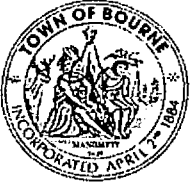
7:40 p.m. – #10-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Daniel C. Maclone, 74 Depot Road, Cataumet. Map 51.2, Parcel 19 in an R40 zoning district. Proposal: Applicant seeks to rebuild front enclosed area plus an extension to the porch; also building a new second floor.

Old Business: #07-09 40B Canalside Commons – extension request

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: **#08-11– Special Permit – ACCESSORY DWELLING**

APPLICANT: Greg Berman

LOCATION: 50 Thom Ave, Buzzards Bay

Map 35.1 Parcels 30 & 31 R-40 zoning district

PROPOSAL: Applicant seeks approval to build a two car garage with an in-law apartment above for his parents.

DATE & TIME: Wednesday, April 6, 2011 at 7:32 p.m.

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

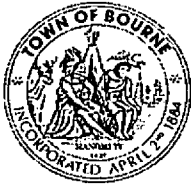
Bourne Courier Publishing Dates:

March 23, 2011

March 30, 2011

TOWN CLERK'S OFFICE

2011 MAR 1 5 10 53



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:

#09-11- Variance

APPLICANT:

Chris Corriveau c/o J. Ford O'Connor

LOCATION:

1396 Route 28A

Map 54 Parcel 51 B-2 Zoning District

PROPOSAL:

To vary the required 20,000 sqft to allow structure already constructed on the site to be used as an office despite the fact the lot is only 11250 sqft by deed and 7754 sqft by assessors map.

DATE & TIME:

Wednesday, April 6, 2011 at 7:35 p.m.

PLACE:

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

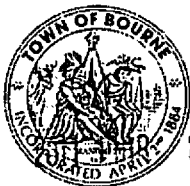
Bourne Courier Publishing Dates:

March 23, 2011

March 30, 2011

TOWN OF BOURNE

2011 MAR 4 PM 2 02



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

APPLICANT: Daniel C. Maclone

LOCATION: 74 Depot Road, Cataumet

Map 51.2 Parcels 19 R-40 zoning district

PROPOSAL: Applicant seeks to rebuild front enclosed area plus an extension to the
porch; also building new second floor.

DATE & TIME: Wednesday, April 6, 2011 at 7:40 p.m.

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

Bourne Courier Publishing Dates:

March 23, 2011

March 30, 2011

**Zoning Board of Appeals Minutes of April 6, 2011
Bourne Town Hall, Buzzards Bay MA 02352**

Board Members present: Tim Sawyer, Judith Riordan, Wade Keene, John O'Brien and Harold Kalick.

Member(s) excused: Lee Berger, Chairman; John Priestley, Jr.

List of Documents

Approval of Minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 3/16/11 as submitted. VOTE 4-0-1 (Sawyer).

#08-11 Special Permit – Accessory Dwelling

Greg Berman, 50 Thom Ave., Monument Beach. Map 35.1, parcels 30 & 31 in an R40 zoning district. Proposal: Applicant seeks approval to build a two-car garage with an in-law apartment above for his parents (24'x28').

Sitting on the board: Timothy Sawyer, Judith Riordan, Wade Keene, John O'Brien and Harold Kalick.

Deputy Fire Chief Pelonzi letter dated 4/2/11 comments of entire existing dwelling be brought up to current edition of the State Building Code in regards to smoke, heat, and carbon monoxide detection and alarms.

Board of Health commented on the septic with addition of a 4th bedroom.

No architectural plans were submitted. Harold Berman and Cathy Berman are applicant's parents.

O'Brien MOVED and SECONDED by Keene to close public hearing #08-11.
UNANIMOUS VOTE.

O'Brien MOVED and SECONDED by Riordan to grant Special Permit #08-11 to Greg Berman for a 2 car garage and in-law apartment be occupied by Harold and Cathy Berman upon BOH approval and according to site plan submitted, meeting all conditions of the Fire Department, and the mobile home now on property be removed while structure being constructed. UNANIMOUS VOTE.

TOWN OF BOURNE

2011 APR 15 PM 10 03

#09-11 – Variance - Continuance

Chris Corriveau c/o J. Ford O'Connor, 1396 Route 28A, Cataumet. Map 54, parcels 51 in a B-2 zoning district. Proposal: To vary the required 20,000 sq ft to allow structure already constructed on the site to be used as an office despite the fact the lot is only 11250 sq ft by deed and 7754 sq ft by assessors map.

Sitting on the board: Timothy Sawyer, Judith Riordan, Wade Keene, John O'Brien and Harold Kalick.

Deputy Fire Chief Pelonzi letter dated 4/2/11 comments of entire existing dwelling be brought up to current edition of the State Building Code in regards to smoke, heat, and carbon monoxide detection and alarms.

Cape & Islands Self Alliance Corporation, a non-profit organization, is interested in purchasing site and using for their office. Lot is unique as it was a residential use, but area is more conducive for commercial use. Hardship is the loss of the sale.

Office will have three (3) employees and four (4) parking spaces.

Peter Rogers, Ms. Abbey, abutters, are in favor of proposed application. Abutters are willing to allow more parking spaces for the proposed office.

O'Brien MOVED and SECONDED by Riordan to close public hearing #09-11.
UNANIMOUS VOTE.

Riordan MOVED and SECONDED O'Brien grant variance to Chris Corriveau, 1396 Route 28A, Cataumet. Map 54, parcels 51 in a B-2 zoning district to vary the required 20,000 sq ft to allow structure already constructed on the site to be used as an office despite the fact the lot is only 11250 sq ft by deed and 7754 sq ft by assessors map with the condition of more than four (4) parking spaces will be off site. VOTE 5-0.

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

Daniel C. Maclone, 74 Depot Road, Cataumet. Map 51.2, parcel 19 in an R40 zoning district. Proposal: Applicant seeks to rebuild front enclosed area plus an extension to the porch; also building a new second floor.

Sitting on the board: Timothy Sawyer, Judith Riordan, Wade Keene, John O'Brien and Harold Kalick

Deputy Fire Chief Pelonzi letter dated 4/2/11 comments of entire existing dwelling be brought up to current edition of the State Building Code in regards to smoke, heat, and carbon monoxide detection and alarms.

Keep style of house and the characteristic of a Cape house and raise roof to utilize the space. Proposing to square off the front porch and extend to the existing front porch line.

Abutters have no objection to proposed applicant by Ian and Angelo MacLeod, 72 Depot Road.

O'Brien MOVED and SECONDED by Riordan to close public hearing #10-11.
UNANIMOUS VOTE.

Riordan MOVED and SECONDED by O'Brien to grant Special Permit #10-11 to Daniel C. Maclone, 74 Depot Road, Cataumet. Map 51.2, parcel 19 in an R40 zoning district to rebuild front enclosed area plus an extension to the porch; also building a new second floor. VOTE 5-0.

Old Business: #07-09 40B Canalside Commons – extension request

O'Brien MOVED and SECONDED by Riordan that #07-09 40B Canalside Commons – extension requested has been determined to be a substantial change and a hearing is to be scheduled at the earliest convenience. UNANIMOUS VOTE.

Adjournment

O'Brien MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 8:15 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa A. Groezinger, sec.



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



2011 MAR 29 PM 2 29

TOWN CLERK'S OFFICE

AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, April 20, 2011</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

7:32p.m. – #11-11 – VARIANCE

The Valle Group, 12 Shearwater Drive, Cataumet. Map 51, Parcels 120 & 121 in an R40 zoning district. Proposal: A single family affordable house is being built for the Bourne Affordable Housing Trust. When the foundation was installed, the engineering stakes were displaced. The result was a foundation installed 28.9' from the front lot line and not the required 30' on the front right.

7:35 p.m. – #12-11 – VARIANCE

Paul Silva, 4 Flintlock Lane, Sagamore Beach. Map 7.2, Parcels 8 in an R40 zoning district. Proposal: Applicant is seeking a variance from Sections 2500 & 3560 of the Zoning Bylaws to erect an 8 ft. fence along the southwestern property boundary.

7:40 p.m. – #13-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

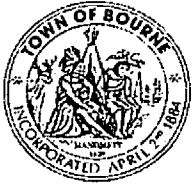
Bruce McKean, 2B Thompson Road, Buzzards Bay. Map 14, Parcel 49.22 in an R80 zoning district. Proposal: Applicant seeks to remove existing cinder block stairs and replace with new wood stairs.

7:45 p.m. – #14-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Sandra M. Bender, c/o Bracken Engineering, Inc., 2 Wabash Ave, Pocasset. Map 43.3, Parcel 59 in an R40 zoning district. Proposal: Applicant seeks to add a second story to their dwelling

7:32p.m. – #15-11 – VARIANCE

Mayo Duca, c/o Bracken Engineering Inc., Meetinghouse Lane, Sagamore Beach. Map 12.1, Parcels 2.2 in an B-2 zoning district. Proposal: Applicant seeks a variance to section 2500 for the lot to be utilized in compliance with the allowed use per section 2220. The Building Inspector has determined that this undersized lot was at one time contiguous ownership with the abutting property, Parcel 3.



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:

#11-11- Variance

APPLICANT:

The Valle Group

LOCATION:

12 Shearwater Drive, Cataumet

Map 51 Parcel 120 & 121 R40 Zoning District

PROPOSAL:

A single family affordable house is being built for the Bourne Affordable Housing Trust. When the foundation was installed, the engineering stakes were displaced. The result was a foundation installed 28.9' from the front lot line and not the required 30' on the front right.

DATE & TIME:

Wednesday, April 20, 2011 at 7:32 p.m.

PLACE:

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

Bourne Courier Publishing Dates:

April 6, 2011
April 13, 2011

TOWN OF BOURNE OFFICE

2011 MAR 17 PM 3 40



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:

#12-11- Variance

APPLICANT:

Paul Silva

LOCATION:

4 Flintlock Lane, Sagamore Beach

Map 7.2 Parcel 8 R40 Zoning District

PROPOSAL:

Applicant is seeking a variance from Sections 2500 & 3560 of the Zoning Bylaws to erect an 8 ft. fence along the southwestern property boundry.

DATE & TIME:

Wednesday, April 20, 2011 at 7:35 p.m.

PLACE:

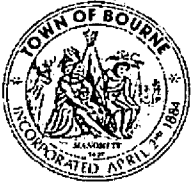
Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier Publishing Dates:

April 6, 2011

April 13, 2011

2011 APR 21 AM 10 29
TOWN OF BOURNE OFFICE



TOWN OF BOURNE

Board of Appeals

2011 MAR 28 PM 1 56

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: #13-11- Special Permit – EXTENSION OR ALTERATION OF A PRE-EXISTING
NON- CONFORMING STRUCTURE OR USE

APPLICANT: Bruce McKean

LOCATION: 2B Thompson Road, Hide Away Village Buzzards Bay

Map 14 Parcels 49.22 R-80 zoning district

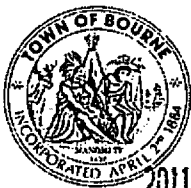
PROPOSAL: Applicant seeks to remove existing cinder block stairs and replace with
new wood stairs.

DATE & TIME: Wednesday, April 20, 2011 at 7:40 p.m.

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

Bourne Courier Publishing Dates:

April 6, 2011
April 13, 2011



TOWN OF BOURNE

Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

2011 MAR 29 PM 1 25

TOWN CLERK'S PHONE: (508) 759-0615

Fax: (508) 759-0611



PUBLIC HEARING NOTICE

APPEAL: #14-11 – Special Permit – EXTENSION OR ALTERATION OF A PRE-EXISTING
NON- CONFORMING STRUCTURE OR USE

APPLICANT: Sandra M. Bender

LOCATION: 2 Wabash Ave, Pocasset

Map 43.3 Parcels 59 R-40 zoning district

PROPOSAL: Applicant seeks to add a second story to their dwelling

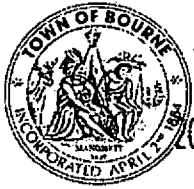
DATE & TIME: Wednesday, April 20, 2011 at 7:45 p.m.

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

Bourne Courier Publishing Dates:

April 6, 2011

April 13, 2011



TOWN OF BOURNE

Board of Appeals

2011 MAR 29 PM 1 25

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:

#15-11- Variance

APPLICANT:

Mayo Duca, DMN Realty Trust, c/o Bracken Engineering, Inc

LOCATION:

Meetinghouse Lane, Sagamore Beach

Map 12.1 Parcel 2.2 B-2 Zoning District

PROPOSAL:

Applicant seeks a variance to section 2500 for the lot to be utilized in compliance with the allowed use per section 2220. The Building Inspector has determined that this undersized lot was at one time contiguous ownership with the abutting property, Parcel 3.

DATE & TIME:

Wednesday, April 20, 2011 at 7:50 p.m.

PLACE:

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

Bourne Courier Publishing Dates:

April 6, 2011

April 13, 2011

Zoning Board of Appeals Minutes of April 20, 2011
Bourne Town Hall, Buzzards Bay MA 02352

*****2011 JUN 16 PM 1:05*****
TOWN CLERK'S OFFICE

Board Members present: John Priestley, Jr., V. Chm.; Tim Sawyer; Judith Riordan;
Wade Keene; John O'Brien; and Harold Kalick.

Member(s) excused: Lee Berger, Chairman

List of Documents

- Chain of title (#15-11) – one page, submitted by Mr. Bracken

Approval of Minutes

Riordan MOVED and SECONDED by Keene to approve minutes of 4/6/11 as submitted.
VOTE 4-0-1 (Priestley).

#11-11 Variance

The Valle Group, 12 Shearwater Drive, Cataumet. Map 51 Parcels 120 & 121 in an R40 zoning district. Proposal: A single-family affordable house is being built for the Bourne Affordable Housing Trust. When the foundation was installed, the engineering stakes were displaced. The result was a foundation installed 28.9' from the front line and not the required 30' feet on the front right.

Board Members present: John Priestley, Jr.; Tim Sawyer; Wade Keene; John O'Brien; and Harold Kalick. *(Riordan recused herself as she is a member of the Affordable Housing Trust).*

Applicant requesting a variance to leave foundation as is and building house on existing foundation rather than tear down.

Anthony Manfredi, immediate abutter, stated that there have been a "comedy of errors" (he's lived at property since 1977) that have affected his quality of life as a property owner. He raised possible issue with drainage with regard to rainstorms. Applicant stated that the drainage from said lot will be on the other side.

Catherine Finnegan, abutter, raised issue of why a fourth Affordable House (there is currently three). She also commented on water table raising over time.

Kerry Horman, Housing Specialist, commented that applicant immediately realized mistake and reported to the Affordable Housing Trust. He is hoping the Board will approve said Variance tonight.

O'Brien MOVED and SECONDED by Sawyer to close public hearing #11-11.
UNANIMOUS VOTE.

O'Brien MOVED and SECONDED by Kalick to approve #11-11 Variance for a single-family affordable house is being built for the Bourne Affordable Housing Trust and waive requirements of foundation installed 28.9' from the front line and not the required 30' feet on the front right. VOTE 5-0.

#12-11 – Variance - Variance

Paul Silva, 4 Flintrock Lane, Sagamore Beach. Map 7.2 Parcel 8 in an R40 zoning district. Proposal: Applicant seeking variance from Sections 2500 and 3560 of the Zoning Bylaws to erect an 8' fence along the southwestern property boundary.

Board Members present: John Priestley, Jr.; Tim Sawyer; Judith Riordan; Wade Keene; John O'Brien. Also present Harold Kalick.

Applicant looking for privacy from a new house being built. The issue is that the fence is over 6'.

Don Dickenson, Habitat for Humanity and abutter, has no objection to the fence and encourage ZBA to grant said Variance.

Riordan MOVED and SECONDED by Sawyer to close public hearing #12-11.
UNANIMOUS VOTE.

Riordan MOVED and SECONDED by Keene to grant Variance #12-11 to Paul Silva, 4 Flintrock Lane, Sagamore Beach. Map 7.2 Parcel 8 in an R40 zoning district a variance from Sections 2500 and 3560 of the Zoning Bylaws to erect an 8' fence along the southwestern property boundary, 8' fence not going closer than 20' back from street line tapering down to 4'. VOTE 5-0.

#13-11 – Special Permit – Extension or Alteration of a pre-existing non-conforming structure or use

Bruce McKean, 2B Thompson Road, Buzzards Bay. Map 14 Parcel 49.22 in an R80 zoning district. Proposal: Applicant seeks to remove existing cinder block stairs and replace with new wood stairs.

Board Members present: John Priestley, Jr.; Tim Sawyer; Judith Riordan; Wade Keene; John O'Brien. Also present Harold Kalick.

Applicant will take top layer of deck. Deck will stay the same size. He also has condominium approval. Building Inspector stated applicant only needs to apply for building Permit.

V. Chm. Priestley, Jr. recommended to applicant to withdraw without prejudice. Building Inspector told applicant fee will be reimbursed to him.

Riordan MOVED and SECONDED by Sawyer to accept applicant to withdraw without prejudice. VOTE 5-0.

Riordan MOVED and SECONDED by O'Brien to grant Special Permit #10-11 to Daniel C. Maclone, 74 Depot Road, Cataumet. Map 51.2, parcel 19 in an R40 zoning district to rebuild front enclosed area plus an extension to the porch; also building a new second floor. VOTE 5-0.

#14-11 – Special Permit - Extension or Alteration of a pre-existing non-conforming structure or use

Sandra M. Bender, c/o Bracken Engineering, Inc., 2 Wabash Ave, Pocasset. Map 43.3 Parcel 59 in an R40 zoning district. Proposal: Applicant seeks to add a second story to their dwelling.

Board Members present: John Priestley, Jr.; Tim Sawyer; Judith Riordan; Wade Keene; John O'Brien. Also present Harold Kalick.

Don Bracken, Bracken Engineering, for applicant. No elevations or earthwork will be changed. More concrete added to support second floor.

Setback requirements are the issue. Courts ruled second addition is part of the non-conforming structure. Square footage was checked by Inspections office.

Carol Coletta, abutter, inquired about abutter who has landscaping who looks to be closer to applicant. Septic is not being relocated and grade will not be changed. Any changes will be made to the tank itself. Only moving vertically. Building Inspector stated abutter inquired about the system will be a mounded system.

Steve Coletta, abutter, stated applicant is going to take 12' existing of septic and move toward street side and asked for clarification. Mr. Bracken stated one of changes is that at the end of the leaching system, applicant will need to be put on the other side. Applicant has not submitted to the Board of Health, but will still be a significant distance from the lot line. V. Chm. Priestly stated the abutter speak to the Board of Health.

Rose McDermott, abutter, inquired about if road is town-owned or private. Building Inspector stated it is town-owned.

O'Brien MOVED and SECONDED by Riordan to close public hearing #14-11.
UNANIMOUS VOTE.

Riordan MOVED and SECONDED by O'Brien to grant Variance #14-11 to Sandra M. Bender, c/o Bracken Engineering, Inc., 2 Wabash Ave, Pocasset. Map 43.3 Parcel 59 in an R40 zoning district to add a second story to their dwelling. VOTE 5-0.

#15-11 – Variance

Mayo Duca, c/o Bracken Engineering, Inc., Meetinghouse Lane, Sagamore Beach. Map 12.1 Parcels 2.2 in a B-2 zoning district. Proposal: Applicant seeks a variance to section 2500 for the lot to be utilized in compliance with the allowed use per section 2220. The Building Inspector has determined that this undersized lot was at one time contiguous ownership with the abutting property, Parcel 3.

Board Members present: John Priestley, Jr.; Tim Sawyer; Judith Riordan; Wade Keene; Harold Kalick. Also present John O'Brien.

Chain of title submitted to the Board and for the record by Mr. Bracken.

93 Hunters Brook Road and 0 Meeting House Lane discussed. Mr. Bracken stated lot is still considered contiguous ownership. Applicant is asking Board to make Variance for potential use subject under the use of B-2 zoning.

Mr. LaPorte stated a Variance is needed for commercial or residential use. Applicant is requesting to make lot buildable under B-2 zoning.

Riordan MOVED and SECONDED by Keene to close public hearing #15-11.
UNANIMOUS VOTE.

Riordan MOVED and SECONDED by Keene to grant Variance #15-11 to Mayo Duca, c/o Bracken Engineering, Inc., Meetinghouse Lane, Sagamore Beach. Map 12.1 Parcels 2.2 in a B-2 zoning district request for a variance to section 2500 for the lot to be utilized in compliance with the allowed use per section 2220 to make lot buildable under B-2 zoning. VOTE 5-0.

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
 BOARD OF APPEALS
 24 Perry Avenue
 Buzzards Bay, MA 02532**



AGENDA AMENDED

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, May 11, 2011</u>	<u>7:30 P.M.</u>	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

AGENDA ITEMS

7:31 p.m. – #08-18 – BOND – VENDOR REQUEST CHANGE FOR TREASURER

7:32 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: Discussion of Zoning Board fees

Members Present

_____	_____	_____
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TOWN OF BOURNE

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



AGENDA AMENDED

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, May 11, 2011</u>	<u>7:30 P.M.</u>	Bourne Community Center 239 Main Street / Room 2 Buzzards Bay, MA 02532

AGENDA ITEMS

7:32 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: Discussion of Zoning Board fees

Members Present

_____	_____	_____
_____	_____	_____
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TOWN OF BOURNE OFFICE
 2011 MAY 9 AM 9 21



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



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, May 11, 2011</u>	<u>7:30 P.M.</u>	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

• **AGENDA ITEMS**

7:32 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: Discussion of fees

Members Present

_____	_____	_____
_____	_____	_____
_____	_____	_____

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TOWN CLERK'S OFFICE

Zoning Board of Appeals
Minutes of May 11, 2011
Bourne Veteran's Building
Buzzards Bay MA 02532

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

Guests:

Atty. Attea, for applicant
Mr. Mike Fabio, for applicant
Mr. Tom Houston, consultant to ZBA
Mr. Joe Agrillo, Mr. Jim Mulvey and other members of the public

List of documents:

Chase Estates proposed garage plans dated 5/11/11 – 2 pages

Meeting called to order

7:30 pm

Meeting recorded tonight, an additional record.

#08-18 Comprehensive Permit, 40B – Continuance

Chase Developers, Inc.

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

Chm. Berger said Mr. John Priestley, Jr. is not in attendance, but he is expected to review the tape and the documents submitted in order that he can sign the "Mullen" affidavit and participate in the final vote.

Chm. Berger stated his hope the public hearing could be closed tonight. The Board would then have 40 days to write a final decision. A draft decision would be written and the Board would meet to review, edit, and approve that decision before it would be filed. Atty. Attea is in agreement.

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TOWN CLERK'S OFFICE

Nitrogen loading will be an issue with said project. Chm. Berger stated that the Board has authority to waive the Cape Cod Commission (CCC) 5ppm standard, but could not waive the State's 10 ppm standard. Mr. Houston calculations show with 3 pounds of fertilizer per thousand square feet, there cannot be more than 30 bedrooms – with 1 pound, it cannot be more than 36 bedrooms and still meet the 10 parts per million standard. The 10 ppm comes from the Federal Clean Water Act which authorized the EPA to issue regulations that apply to the States, and the EPA has applied the 10 ppm regulation to Massachusetts. Atty. Attea said this merits something to focus on moving forward.

Mike Fabiano, High Point Engineering, said nitrogen loading doesn't always come up where DEP has standards for sensitive areas. 10 parts per million standard is a drinking water standard and warrants more conversations with Town Counsel on how to apply it to this proposal. On this site, there are no private or public wells, it is not in a Zone 2 area of contribution, and it is not an environmentally sensitive area. By reducing the number of units to 16 and the number of bedrooms to 48, he says the applicant was able to get to close to the 10 parts per million standard.

Atty. Attea said the applicant doesn't have the ability to reduce the number of bedrooms further and still make the project economically feasible. He suggested working with Atty. Witten for further discussion. Atty. Attea suggested the ZBA use its discretion in determining how to calculate the nitrogen loading, and use 18 mg per liter rather than the 35 mg per liter used by the Cape Cod Commission. He will speak with Atty. Witten about this.

Chm. Berger cited typographic errors - numerators that are incorrect – in the applicant's nitrogen loading calculations. He then asked about the difference between Title V and actual flow and why the applicant averaged the numbers. Mr. Fabiano said that it's the recommended method of calculating nitrogen loading, to average the design flow and the actual flow. The rationale for using the 35 mg/L number was that the CCC policy had standard loading rate of 35 mg/L. That rate was taken from a range of loading of between determined by the EPA, and the Cape Cod Commission determined that 35 mg/L was an appropriate figure to use on Cape Cod because it is a sole source aquifer area. Mr. Fabiano said there are a couple of different ways to look at the equation. He said the overall control is with the Association as a way to manage the type of fertilizer used during operation and maintenance.

Mr. Tom Houston said of the two numbers used by the CCC, the 35 mg/L is their standard in doing the computations. Similarly, with lawn areas, using three (3) pounds of fertilizer per thousand square feet per year is standard methodology. He can see the rationale basis being proposed for operation and maintenance, but not for setting the standard. Since the Board cannot waive the 10 ppm standard, the only way to solve the problem is to limit the number of bedrooms applicant is proposing.

Chm. Berger inquired about changing the layout to have more cluster housing and leave more of the land in a natural condition, which would bring nitrogen loading down a bit, but Mr. Houston said the wastewater is directly proportionate to the number of bedrooms. Putting in a

condition concerning the type of fertilizer to be used is a good idea, but there won't be monitoring by the Town in the years to come so there is no guarantee that such a condition would be met indefinitely.

Mr. Fabio said that instead of reducing the bedroom account, if necessary the applicant would add an alternative septic system to get below the 10 parts per million of nitrogen loading. He doesn't believe, however, this site is applicable for this criteria.

Atty. Attea for clarification, CCC has standards, but not compelled to adhere to them, the ZBA has discretion beyond recommendations or existing regulations or bylaws established by a governing board or the CCC. Chm. Berger asked if the EPA has a different standard. Atty. Attea would like to research the regulations and make a determination with Atty. Witten. If the Board will discuss how to approach this issue, he suggests to begin with applying a condition of requiring the developer not to exceed 10 parts per million.

The pro-forma was analyzed by Paul Ruchinkas, the affordable housing specialist of the Cape Cod Commission, and he determined that the profit percentage was miscalculated by the applicant, that the percentage of profit, based on the applicant's own figures was 16%, rather than 14% as stated by the applicant. Also, the \$600,000 acquisition price is not the actual acquisition price, but rather an appraised value which Mass Housing determined when the application was filed more than 2 years ago. Chm. Berger states the \$600,000 is not the value in today's market. There is room to make an economically viable project and get a reasonable return and reduce the number of units and/or bedrooms. Resolving nitrogen loading may be resolved at the same time.

Atty. Attea said the decrease in market value of the property shows the need for more profit, and not the other way around. Reducing the bedrooms would not allow a reasonable profit. Draft pro-formas based for smaller projects produced a negative or break even situation based on what remains a flat market. The lowest number for a workable project is 16 units with 3 bedrooms per unit.

Chm. Berger asked about the cost of changing the septic system to reduce the nitrogen loading to below 10 parts per million. Mr. Fabio didn't have an exact number, but estimated about \$15,000 to \$20,000 per system, so for the 3 septic systems, the total would be in the range of \$45,000 to \$60,000 dollars.

Mr. Joe Agrillo said that some of the systems discussed tonight need regular upkeep. He said the CCC have admitted to the Bourne Selectmen that the CCC made mistakes in the past. He is in favor of the project.

Mr. Jim Mulvey said it is his understanding that the Town of Bourne Board of Health uses the CCC calculation of 35 mg/L and 5 ppm when determining nitrogen loading. Chm. Berger spoke with Cindy Coffin and the BOH doesn't have a specific written regulation for the Town of Bourne, but does use the CCC standards.

Mr. Fabio stated that many of the issues raised by Mr. Houston's report can be resolved by requiring the filing of more technical plans, peer reviewed by the town's engineer or other specialists, prior to the issuance of a building permit. Mr. Houston clarified that the technical plans to be submitted after the Comp. Permit was issued would not be reviewed by the ZBA. Chm. Berger said that he would discuss with Atty. Witten whether the Board should retain jurisdiction for any purpose.

Mr. Houston said that concerning the architecture for the 3 units that will be located where the present garage structure is located, it appears that no architectural drawings were ever filed. Further, there haven't been any plans stamped by an architect. Mr. Papas handed a garage plan to the Board, but it was not stamped by an architect. Mr. Houston was shown the said garage plan.

Atty. Attea fully expects to submit to the Town stamped, detailed architectural plans on what the garage plans will be. He said that if the Board closes the public hearing, the ZBA can reopen and amend the permit. Chm. Berger doesn't want to close the public hearing if there is likely to be a need to re-open it. He said he can start working on decision, keep the hearing open, and work until completed. Atty. Attea will confer with Mr. Papas. Mr. Houston suggested the public hearing should remain open if the ZBA wanted to have continued control over designing the project. With respect to the garage, if the Board is happy with the applicant's present submittal, it could leave it to Building Inspector to make certain that the final plans complied with the Building Code. But if the ZBA wants continuing control, keep the hearing open.

**Review of Comments made by Mr. Houston in the
Memorandum 5/11/11 by Professional Services Corporation, PC**

Comments 10 and 11 – applicant is seeking waivers of 5 sections of the zoning bylaw, and intends to comply with all other municipal regulations. But while he has not specifically asked for it, he will need a waiver of CCC 5 parts per million nitrogen loading standard.

Comment 16 – not certain if Board can defer stamped architectural plans to prior to issuance of a building permit. Need to confer with Atty Witten.

Comment 19 – make sure final definition of bedroom consistent with BOH definition of bedroom. This may affect the architectural plans. (Indeed, current plans show 4 bedroom units.)

Comment 21 – same as 16.

Comment 24 – recreation space is steeply sloped and not as usable as if the site was flat. Mr. Houston was not proposing a remedy, merely pointing this fact out to the Board.

Comment 25 – the detailed condominium documents should be reviewed by Town Counsel, but the Board may have to keep the hearing open until reviewed so we can approve them. Need to discuss this with Town Counsel. Chm. Berger mentioned condominium fees are part of the shelter costs that need to remain under 30% of an affordable buyer's income, so the developer should keep that in mind when determining the final purchase prices for the affordable units.

Chm. Berger doesn't know if the ZBA can accept additional material once hearing is closed. Atty. Attea suggested as part of the drafting of the final decision to include the adoption of the attached condominium deed and trust. Need to discuss this with Town Counsel.

Comment 26 – recommends a five foot sidewalk, but the Board felt that a 4 foot wide sidewalk was sufficient, provided that it be widened where there are obstructions, such as fire hydrants or no parking signs, to maintain the 4 foot wide clearance in all areas.

Comment 27 – Mr. Houston did not mean to increase the requirements of the building code.

Comment 28 – the applicant agrees to Mr. Houston's comments.

Comment 32 – Turning study has been shown to the Bourne Fire Dept. Unfortunately, there is not sufficient room to prevent 3 point turns with a ladder truck. As far as trash pick up, there will be private contractors.

Comment 33 – The permit should be conditioned upon the applicant notifying and complying with all instructions by public safety officials.

Comment 34 & 35 – OK

Comment 36 – OK

Comment 37 – OK

Comment 40 – OK

Comment 41 – OK

Comment 42 – Chm. Berger will work on some language, probably within the condition requiring an expanded curb cut permit from Mass Highway.

Comment 43 – The Board is OK with Cape Cod Berm, rather than granite curbing, unless near the exit Mass Highway requires granite for the expanded curb cut. Tim Sawyer and Judy Riordan indicated they would prefer the applicant spend money on reducing the nitrogen levels.

Comment 44 – Condition should be that the applicant comply with all architectural access board rules and regulations.

Comment 46 – similar to Comment 28 with regard to deferral until construction documents are submitted prior to Building Permit issuance with engineering peer review at the applicant's expense.

Comment 47 – restatement of turning issue.

Comment 48 – The "stub" from the driveway to the property line should be both graded and paved, and the applicant agrees. The condominium owners should not have to pay for this if and when the traffic light is installed and the exit way in front of the development is closed.

Comment 49 – condition applicant to work with postal service to either deliver mail to each unit, or to locate a mail box station. For marketing purposes, worst scenario is for residents to be required to get mail at a post office box.

Comment 50 – OK

Comment 51 – OK

Comment 52, 53 & 54 – same as Comment 28.

Comment 55 – The applicant is agreeable to a reasonable number of no parking signs. These should be noted on the future drawings, see Comment 28.

Comment 58, 59 & 60 – same as Comment 28.

Comment 64 – Chm. Berger to work on language re number and location of fire hydrants to be approved by the fire department.

Comment 65 – OK

Comment 66 – Atty. Attea will discuss nitrogen loading issue with Atty. Witten

Comment 68 & 69 – same as Comment 28

Comment 80 – Applicant should make enthusiastic efforts to redesign septic systems closer to the edge of the road. Chm. Berger to work on language.

At this time Chm. Berger will not close the public hearing, but continue the hearing to review a draft decision that would approve the proposal with conditions. Chm. Berger will contact Atty Witten and together with Mr. Houston will begin drafting the decision.

Riordan MOVED and SECONDED by Sawyer to continue public hearing to Thursday, 5/26/11 at 7:00 pm at the Bourne Town Hall. VOTE 5-0.

Chm. Berger will contact Atty Witten to make certain he is available that date, and if not the hearing would likely be continued to 6/2/111 at 7 pm.

Mr. Mulvey requested the ZBA to discuss the location of the septic systems under the road with Mr. Tellier.

Adjournment

O'Brien MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 10:40 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>
<u>Wednesday, May 18, 2011</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

7:32p.m. – #16-11 – VARIANCE

Evan Cohen, 27 Armory Road, Buzzards Bay. Map 19.4, Parcels 175 & 306 in an R40 zoning district. Proposal: Applicant is proposing to relocate the property line between the two parcels.

7:35 p.m. – #17-11 – SPECIAL PERMIT – CHANGE OF USE

Debra I. Delongchamps, 6 Dover Lane, Bourne. Map 6, Parcel 241 in an R40 zoning district. Proposal: Applicant seeks a kennel license.

7:40 p.m. – #18-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Patrick Ross, 6 Benedict Road, Gray Gables. Map 26.1, Parcel 151 in an R40 zoning district. Proposal: Applicant seeks approval to build a deck on the rear of the home.

7:45p.m. – #19-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Michael Donovan, 58 Sagamore Road, Sagamore Beach. Map 4.1, Parcel 57 in an R40 zoning district. Proposal: Applicant seeks to replace existing outside deck and extend one side three feet.

7:50 P.M. - #07-09 – COMPREHENSIVE PERMIT, 40B, CANAL SIDE COMMONS REQUEST FOR EXTENSION

Leonard G. Cubellis, Location: Intersection of Route 28 and Sandwich Road off of the Bourne Rotary, map 24, parcel 2, 3, 4, and 13.01. Proposal: To construct 300 For-Sale condominium units, with 75 of these units being affordable under the New England Fund program of the Federal Home Loan Bank of Boston.

TOWN CLERK'S OFFICE

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Old Business: 6 Flintlock Lane - Agreement for Dismissal

Members Present:

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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>
<u>Wednesday, May 18, 2011</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

7:32p.m. – #16-11 – VARIANCE

Evan Cohen, 27 Armory Road, Buzzards Bay. Map 19.4, Parcels 175 & 306 in an R40 zoning district. Proposal: Applicant is proposing to relocate the property line between the two parcels.

7:35 p.m. – #17-11 – SPECIAL PERMIT – CHANGE OF USE

Debra I. Delongchamps, 6 Dover Lane, Bourne. Map 6, Parcel 241 in an R40 zoning district. Proposal: Applicant seeks a kennel license.

7:40 p.m. – #18-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Patrick Ross, 6 Benedict Road, Gray Gables. Map 26.1, Parcel 151 in an R40 zoning district. Proposal: Applicant seeks approval to build a deck on the rear of the home.

7:45p.m. – #19-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Michael Donovan, 58 Sagamore Road, Sagamore Beach. Map 4.1, Parcel 57 in an R40 zoning district. Proposal: Applicant seeks to replace existing outside deck and extend one side three feet.

7:50 P.M. - #07-09 – COMPREHENSIVE PERMIT, 40B, CANAL SIDE COMMONS REQUEST FOR EXTENSION

Leonard G. Cubellis, Location: Intersection of Route 28 and Sandwich Road off of the Bourne Rotary, map 24, parcel 2, 3, 4, and 13.01. Proposal: To construct 300 For-Sale condominium units, with 75 of these units being affordable under the New England Fund program of the Federal Home Loan Bank of Boston.

TOWN OF BOURNE
2011 APR 21 PM 9 08

Old Business:

Members Present:

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APR 19 AM 10 59
TOWN CLERK'S OFFICE

TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

- APPEAL:** #16-11 Variance
- APPLICANT:** Evan Cohen, Trustee of E & E Real Estate Trust
- LOCATION:** 27 Armory Road, Buzzards Bay
MAP: 19.4 Parcels: 175 & 306
- PROPOSAL:** Applicant is proposing to relocate the property line between the two parcels.
- DATE & TIME:** Wednesday May 18, 2011 at 7:32 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier:
May 4, 2011
May 11, 2011



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



2011 APR 19 AM 10 59

TOWN CLERK'S OFFICE

Phone: (508) 759-0615 ext. 3

Fax: (508) 759-0611

Public Hearing Notice

APPEAL: #17-11 SPECIAL PERMIT – Change of Use

APPLICANT: Debra I. Delongchamps

LOCATION: 6 Dover Lane, Bourne

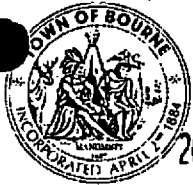
MAP: 6 Parcel: 241

PROPOSAL: Applicant seeks a kennel license.

DATE & TIME: Wednesday May 18, 2011 at 7:35 p.m.

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

Bourne Courier:
May 4, 2011
May 11, 2011



TOWN OF BOURNE
Board of Appeals



2011 APR 19 AM 10 59

TOWN CLERK'S OFFICE

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

Public Hearing Notice

APPEAL: **#18-11 SPECIAL PERMIT - Extension or Alteration of a pre-existing, non-conforming structure or use**

APPLICANT: Patrick Ross

LOCATION: 6 Benedict Road, Gray Gables

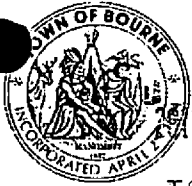
MAP: 26.1 Parcel: 151

PROPOSAL: Applicant seeks approval to build a deck on the rear of the home.

DATE & TIME: Wednesday May 18, 2011 at 7:40 p.m.

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

Bourne Courier:
May 4, 2011
May 11, 2011



11 APR 19 AM 11 00

TOWN CLERK'S OFFICE

TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

- APPEAL:** #19-11 SPECIAL PERMIT – Extension or alteration of a pre-existing, non-conforming structure or use.
- APPLICANT:** Michael Donavan
- LOCATION:** 58 Sagamore Road, Sagamore Beach
MAP: 4.1 Parcel: 57
- PROPOSAL:** Applicant seeks to replace existing outside deck and extend one side three feet.
- DATE & TIME:** Wednesday May 18, 2011 at 7:45 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier:
May 4, 2011
May 11, 2011



**TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue
Buzzards Bay, MA 02532
Tel. 508-759-0615 Ext. 21 Fax: 508-759-0611**

NOTICE OF PUBLIC HEARING UNDER THE ZONING BYLAWS

**#07-09 – COMPREHENSIVE PERMIT
CANALSIDE COMMONS, ROUTE 28 AND SANDWICH ROAD,
BOURNE MA..... REQUEST FOR EXTENSION**

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, Leonard G. Cubellis, 711 Atlantic Ave, Boston, MA, 02111 to construct 300 for-sale condominium units, with 75 of these units being affordable under the New England Fund Program of the Federal Home Loan Bank of Boston. This is to be called "CanalSide Commons" on the site located at the intersection of Route 28 and Sandwich Road at the Bourne Rotary in Bourne, Massachusetts. Premises affected: A 140.2 acre parcel of land, on: Map 24 Parcels 2, 3, 4 and 13.01.

A public hearing will be held in the Lower Level Conference Room at Bourne Town Hall, Wednesday, May 18, 2011 at 7:50 P.M.

2011 APR 21 AM 9 08

Zoning Board of Appeals
Minutes of May 18, 2011
Bourne Veteran's Building
Buzzards Bay MA 02532

2011 JUN 2 AM 10 58

TOWN CLERK'S OFFICE

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

List of documents:

Mark DeCicco letter dated 3/10/11 – #07-09, 1 page

Meeting called to order

7:30 pm

Approval of minutes

O'Brien MOVED and SECONDED by Riordan to approve minutes of 4/11/11 as submitted. VOTE UNANIMOUS.

#16-11 – Variance

Evan Cohen, 27 Armory Road, Buzzards Bay. Map 19.4, Parcels 175 and 306 in an R40 zoning district. Proposal: Relocate property line between the two parcels

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, John O'Brien and Harold Kalick

Kieran Healy for applicant.

Seeking relief for shape factor as the property on the site varies greatly from the front to the back. A difference of 20 feet of elevation. Looking for lot #25 to use more of lower land and lot #27 to use more of upper land.

Mr. LaPorte said there is plenty of frontage for #27 on the paper road, and #27 has the driveway on Armory Road for access. There is no need to have the triangle of land for frontage for #27. Thus, the variance needed for lot shape factor is much less (25.2 vs. 35). The triangle has a raised rock wall which is of use to no one. Applicant said abutter suggested to "swap"

land so each would have more land closer to his home. Mr. Cohen met Town Planner and variance is what she suggested.

O'Brien MOVED and SECONDED by Sawyer to close public hearing. VOTE 5-0.

Riordan MOVED and SECONDED O'Brien by to grant Variance in #16-11 to Evan Cohen, 27 Armory Road, Buzzards Bay. Map 19.4, Parcels 175 and 306 in an R40 zoning district to relocate property line between the two parcels per plans submitted dated 4/11/11, on condition that the plan be amended to change the property line at the southerly end of the property so that there is no triangle of unusable land and the line should follow the radius of the driveway, so the shape factor would be varied to 25.20. VOTE 5-0.

#17-11 – Special Permit, Change of Use

Debra Delongchamps, 6 Dover Lane, Bourne. Map 6, Parcel 241 in an R40 zoning district.
Proposal: Kennel license

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, John O'Brien and Harold Kalick

Applicant looking to keep all of her five dogs. The backyard is fenced in. Mr. LaPorte stated dogs under 6 months are not counted, so that if the dogs have a litter the applicant will have 6 months to sell them or give them away. She has had the dogs for several years and no neighbors have complained. No abutters came to the meeting.

O'Brien MOVED and SECONDED by Riordan to close public hearing. VOTE 5-0.

O'Brien MOVED and SECONDED by Sawyer to grant Special Permit #17-11 Debra Delongchamps, 6 Dover Lane, Bourne. Map 6, Parcel 241 in an R40 zoning district for a kennel license for up to five (5) dogs on the condition that they are to be fenced in and not be left outside at night. The applicant understands that this permit may be revoked if the dogs cause a nuisance for the neighbors. VOTE 5-0.

#18-11 – Special Permit, Extension or alteration of a pre-existing non-conforming structure or use

Patrick Ross, 6 Benedict Road, Gray Gables. Map 26.1, Parcel 151 in an R40 zoning district.
Proposal: To build a deck on the rear of the home.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, John O'Brien and Harold Kalick

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

Sawyer MOVED and SECONDED by O'Brien that the Board find that the proposed deck will not be substantially more detrimental to the neighborhood than the present condition, and to

grant Special Permit #18-11 to Patrick Ross, 6 Benedict Road, Gray Gables. Map 26.1, Parcel 151 in an R40 zoning district to build a deck on the rear of the home, according to plans submitted dated 12/17/10.

#19-11 – Special Permit, Extension or alteration of a pre-existing non-conforming structure or use

Michael Donovan, 58 Sagamore Road, Sagamore Beach. Map 4.1, Parcel 57 in an R40 zoning district. Proposal: Replace existing outside deck and extend one side three (3) feet.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, John O'Brien and Harold Kalick
The applicant already has an order of conditions from the Conservation Commission. Applicant proposes to replace a rotting deck and make it slightly larger. No neighbors will be affected as the deck is next to a public parking area.

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

O'Brien MOVED and SECONDED by Riordan to grant Special Permit #19-11 to Michael Donovan, 58 Sagamore Road, Sagamore Beach. Map 4.1, Parcel 57 in an R40 zoning district to replace existing deck and extend one side three (3) feet and find proposal is not more detrimental than the prior deck. VOTE 5-0.

#07-09 – Comprehensive Permit, 40B, Canal Side Commons, Request for extension

Leonard Cubellis, Location: Intersection of Route 28 and Sandwich Road off the Bourne Rotary, Map 24, Parcels 2, 3, 4, 13.01. Proposal: To construct 300 for-sale condominium units, with 75 of these units being affordable under the NE Fund Program of the Federal Home Loan Bank of Boston.

Sitting on the Board: Lee Berger, Tim Sawyer, Judith Riordan, John O'Brien and Harold Kalick

Atty. Peter Freeman for applicant.

Standing letter from Mr. Mark DeCicco dated 3/10/11 submitted to the Board. Canalside Comprehensive Housing LLC holds the permit which has control of the site, and the parties still intend to go forward with the project when the economy is more favorable.

Chm. Berger asked about a projected timeframe. Due to the economy, reality of doing a condominium is difficult at this time. It is an unknown. As far as significant amendments, direct answer is no. As a logical observation, the possibility of the some amendments are still a possibility. No specific plans.

Sawyer asked what the time limit was. Three (3) years from the date of permit per Mr. LaPorte. Atty. Freeman asked for the maximum three (3) years for extension. Concerning how many extensions are possible, the Housing Appeals Committee has said that at some point the Town

is entitled to finality. Local needs could result in a negative factor that ZBA didn't see at the time it was originally granted.

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

O'Brien MOVED and SECONDED by Halick to grant #07-09 Comprehensive Permit, 40B, Canalside Comprehensive Housing LLC as requested for a period of three (3) years. VOTE 5-0.

Atty. Freeman will submit extension request in writing to Inspections Office.

Old business

Chm. Berger said ZBA needs to discuss the increase of fees in the near future.

New business

Town Planner invited ZBA to attend meeting to discuss Vision Map of southern side of the Bourne Bridge on Thursday, 6/9/11 at the Community Building.

Adjournment

Kalick MOVED and SECONDED by 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

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Thursday</u> May 26, 2011	<u>7:30 P.M.</u>	Bourne Town Hall 24 Perry Ave Buzzards Bay, MA 02532

AGENDA ITEMS

7:31 p.m. – #08-18 – BOND – VENDOR REQUEST CHANGE FOR TREASURER

7:32 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:

Members Present

2011 MAY 13 PM 12 30

**Zoning Board of Appeals
Minutes of May 26, 2011
Bourne Veteran's Building
Buzzards Bay MA 02532**

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

Guests:

Atty. Attea, Attorney for applicant
Mr. Houston, consultant to ZBA
Atty Witten, Attorney for ZBA
List of documents:
None

2011 JUN 16 AM 9 30
TOWN CLERK'S OFFICE

**Meeting called to order
7:30 pm**

#08-18 Comprehensive Permit, 40B – Continuance

Chase Developers, Inc. Proposal to originally build 32 condominium units on Sandwich Road.
Now down to 16 units.

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

Atty. Attea received draft written decision this afternoon. To bring the Board up to date with the challenge applicant faced, he looked through said draft decision completely later this afternoon and highlighted some items. Mr. Papas had a chance to look at it, but has not had an opportunity to fully analyze it. Applicant's engineer has not yet had an opportunity to look at the decision.

Atty Attea states the draft decision is a cumbersome set of conditions. It is clear that there is a cost implication to almost all conditions. The totality of the cost needs to be reviewed by applicant and his team before they can go through item by item and work out any differences on any one item. The overall cost of the entire package, including some of the engineering, inspection, follow up review. Atty. Attea is requesting an opportunity to look at the cost implications so they can budget the package before deciding what is absorbable on their side and what isn't. Subject matter on some of the conditions for additional layers of inspection and construction requirements is substantial in their view.

In fairness to Mr. Papas, Atty. Attea is requesting to continue to another date so his team can analyze the draft decision comprehensively and have a more thoughtful item by item review by the Board.

Chm. Berger said his concern is with his conversation over the phone with Mr. Papas, First, Mr. Berger believes it was inappropriate for Mr. Pappas to call him at all. Second, Mr. Papas told him essentially that under no circumstances is he paying the Board's engineer another dime. Engineering is required under peer review regulations for any 40B. The applicant's failure to pay the engineer, or any of the Board's peer review consultants, is a violation of the 40B regulations. The professionals that the Board hires are required to be involved in the decision process. Chm. Berger further stated that the Board has not yet voted on any of the conditions that have been raised by their engineer.

Atty. Attea is requesting a continuance to review the entire matter.

Chm. Berger stressed that the Board invited Mr. Houston and Atty. Witten to come tonight anticipating significant discussion both from a legal and technical standpoint. They need to be paid for their time.

Atty. Attea hasn't heard from applicant's engineer on some of the technical aspects on the conditions raised. Subject matter isn't a surprise, but specifics need to be analyzed. Chm. Berger is leary about continuing the hearing when he is not sure that Mr. Pappas intends, in good faith, to pursue the project, based on his conversation with him.

Atty. Witten, the Board's attorney, said that the first issue is that the Attorney General has issued many statements regarding the Board's encumbering expenses. Applicant is on the hook for the Board's professionals, unless the professional has a conflict of interest or is not qualified. Applicant cannot legally walk away at this point. The second issue is that if Atty. Attea is not ready to review the draft decision tonight, the Board may be ready in terms of going through the substantive issues themselves. It is a public hearing for both applicant and the Board.

Chm. Berger said there are some issues they can decide if they are even necessary.

Atty. Attea spoke with Mr. Papas within the last hour and he is not unwilling to participate. For clarity, however, Atty Attea stated that Mr. Pappas is not protesting.

Draft Decision Discussion

Item on Page 29 #1 – has to do with the proposed bypass through Canal Side.

Canal Side received a three-year extension and it is anticipated that at some point something will be built there. ZBA reviewed Canal Side decision which essentially said that Canal Side has a responsibility to attain the easement for not only their own bypass road but also for a connection to that bypass road to the Chase property. For this reason, the Board, asked Chase to pave road all the way to the property. Question raised on who was going to build the road from the Chase property line to the Canal Side bypass road. At the time of the Canal Side decision, the ZBA decided that it should not be Canal Side because Chase development has not been filed at the time and were not sure if it would be needed. It made no sense to tell Canal Side that they have to build this road. ZBA decided that Canal Side had to get the easement rights and cannot charge Mr. Papas for easement rights. If they are to be connected, they would be free of charge. But someone other than Canalside has to pay for the connection.

Chm. Berger asked if this should be part of the condominium fees the Association would have to build up to have the money when the connection needs to be made. What is available in terms of money from the applicant to put aside at this time for a period of five (5) years, or should the Board include a condition to add to the condo fees and let it build up for a period of time. Atty. Witten would like to see what Mr. Papas says and this is an issue that should be included in the Decision.

Atty. Attea's client indicated a willingness to cover that cost at the last hearing, but the structure of it becomes important. Chm. Berger believes Mr. Papas agreed to pave up to the property line, but we are now talking about the road from the property line to the Canalside bypass road. The applicant needs to figure out the cost of building that road.

Riordan stated that the Board can wait for applicant to look at the cost analysis and then make some compromises.

Sawyer believes this piece is the most critical to him with regard to safety and he would like to see a traffic light installed. He would prefer to insist on payment for the road and less insistent on other issues.

Atty. Witten said that 90% of the conditions are standard conditions and most are from the Canal Side decision. No new burden on the applicant than in the past. Mr. Houston's comments are from an engineering perspective. There are three (3) calculator effects; two of them include the fees to be set aside for peer review and the legal fees. The other item for the calculator effect is on the nitrogen loading requirements, which are imposed by the EPA and the Cape Cod Commission (CCC). He states that the Board does not have the authority to permit the applicant to go below the 10 ppm amount. This standard has been found by the CCC for years not to be sufficient because if you plan for 10 mL, you end up with more. This is the reason on the Cape, 5 mL has been adopted. In summary, there are only three (3) effects on cash – peer review, legal fees and nitrogen loading that he sees in the decision.

Atty. Witten said that if Mr. Papas is not going to pay any more for peer review and legal fees, he would have to pay up until tonight for services to date, but his office would not continue to work for the Board. Atty. Attea responded by saying he would have to talk to his client and would need to get an accounting of where his money has been spent up to date. Mr. Houston stated he only gave one bill of \$2,900 which is the bulk he has done. The only other work beyond the \$2,900 is assisting Atty. Witten with the draft decision. Mr. Houston said he included two (2) meetings in that calculation. Atty. Attea will need to have client come up with an additional \$5,000 for peer review and legal assistance in order to go forward with the decision.

Atty. Attea requested a moment to consult with his client and the Board took a recess.

Chm. Berger reopened the hearing at 7:55 pm, after a brief recess. Atty. Attea said that his client agrees that he is committed to pay the fees discussed. Mr. Papas will make the necessary deposit to replenish anticipated funds based on what was discussed tonight.

Atty. Attea said that at this point, it would not be in the best interest for everyone involved to close the public hearing tonight.

Chm. Berger asked again if the applicant had a copy of the appraisal, and Atty Attea supplied a copy of the appraisal. The appraisal figure, at the time the application was filed, was \$480,000. Figure

represented in the pro forma was \$600,000. Atty. Attea went back and revised the pro forma and gave a copy to the Board. Chm. Berger pointed out that the figures were still wrong because they reflected too much in the way of broker commissions for the affordable units and the wrong numerator and denominator were used. Atty Attea indicated this would be corrected and a revised pro forma would be presented at the next hearing.

In trying to explain the \$600,000 figure in the original pro forma, Mr. Papas said one of the most obvious issues was that the garage was going to be part of the plan, so the cost of the building wasn't included in the original appraisal and was based on the plans originally submitted to Mass Housing. There may have been an increase in property values at the time and perhaps the \$600,000 may have taken that into consideration. He has been having a difficult time contacting the appraiser directly about the \$600,000 figure. However, the appraisal was done after the garage was built and does reference both lots (top and bottom).

Atty. Attea will submit revised pro forma copy by fax. Chm. Berger asked about the 14% vs. 16%. Mr. Papas said that mistake duplicated itself, and the figures were changed for the appraisal.

Atty. Attea responded to the ZBA's request concerning historical issues and he specifically recalled a very short letter indicating there were no historical issues and they were not interested in the site. He could not locate said letter for tonight, but will make sure the ZBA receives it.

No further comments or public comments.

Priestley MOVED and SECONDED by Riordan to continue hearing #08-18 to June 15, 2011 at 7:45 pm.
VOTE 5-0.

Adjournment

Priestley MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 9:00 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



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



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, June 1, 2011</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

7:32p.m. – #20-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Anne Garefino, c/o Hutker Architects 9 Canal Drive, Pocasset. Map 45, Parcels 17 in an R40 zoning district. Proposal: Applicant seeks to amend a special permit decision dated 1/6/10, resulting in a reduction in massing and lot coverage.

7:35p.m. – #21-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Richard Wertz, 28D The Hollow, Hide Away Village, Buzzards Bay. Map 14, Parcel 50.26 in an R80 zoning district. Proposal: Applicant seeks to build a 7' x 24' deck on the east side of the home.

7:40 p.m. – #22-11 – SPECIAL PERMIT – ACCESSORY DWELLING

Paul Sexton, 8 Sir Lancelot Drive, Bourne. Map 6, Parcel 229 in an R40 zoning district. Proposal: Applicant seeks to convert an existing unfinished space over garage into an in-law apartment.

7:45p.m. – #23-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Richard & Barbara Whitcomb, 573 Circuit Ave, Pocasset. Map 43.3, Parcel 155 in an R40 zoning district. Proposal: Applicant seeks to extend their porch 4 feet.

7:50 p.m. – #24-11 – VARIANCE

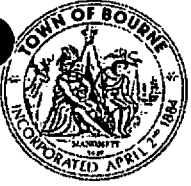
Mary E. Keenan, 597 Circuit Ave, Pocasset. Map 43.3, Parcel 155 in an R40 zoning district. Proposal: Applicant seeks to construct a shed within the sideline setbacks.

Old Business:

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____

TOWN OF BOURNE
2011 MAY 11 PM 10 46



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: #24-11 Variance

APPLICANT: Mary E. Keenan

LOCATION: 597 Circuit Ave

MAP: 43.3 Parcels: 152

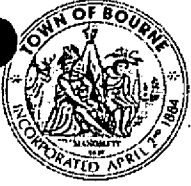
PROPOSAL: Applicant is seeking to construct a shed within the side yard setbacks

DATE & TIME: Wednesday June 1, 2011 at 7:50 p.m.

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

Bourne Courier:
May 18, 2011
May 25, 2011

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TOWN OF BOURNE



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: #23-11 SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON CONFORMING STRUCTURE OR USE

APPLICANT: Richard & Barbara Whitcomb

LOCATION: 573 Circuit Ave, Pocasset

MAP: 43.3 Parcel: 155

PROPOSAL: Applicant seeks to add four feet to the front porch.

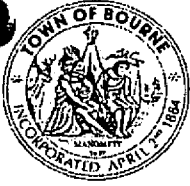
DATE & TIME: Wednesday June 1, 2011 at 7:45 p.m.

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

Bourne Courier:
May 18 2011
May 25, 2011

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TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: #22-11 SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON CONFORMING STRUCTURE OR USE

APPLICANT: Richard & Barbara Whitcomb

LOCATION: 573 Circuit Ave, Pocasset
MAP: 43.3 Parcel: 155

PROPOSAL: Applicant seeks to add four feet to the front porch.

DATE & TIME: Wednesday June 1, 2011 at 7:45 p.m.

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

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May 18 2011
May 25, 2011

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



2011 MAY 20 AM 10 09

TOWN CLERK'S OFFICE

AMENDED AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, June 1, 2011</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

7:32p.m. – #20-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Anne Garefino, c/o Hutker Architects 9 Canal Drive, Pocasset. Map 45, Parcels 17 in an R40 zoning district. Proposal: Applicant seeks to amend a special permit decision dated 1/6/10, resulting in a reduction in massing and lot coverage.

7:35p.m. – #21-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Richard Wertz, 28D The Hollow, Hide Away Village, Buzzards Bay. Map 14, Parcel 50.26 in an R80 zoning district. Proposal: Applicant seeks to build a 7' x 24' deck on the east side of the home.

7:40 p.m. – #22-11 – SPECIAL PERMIT – ACCESSORY DWELLING

Paul Sexton, 8 Sir Lancelot Drive, Bourne. Map 6, Parcel 229 in an R40 zoning district. Proposal: Applicant seeks to convert an existing unfinished space over garage into an in-law apartment.

7:45p.m. – #23-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Richard & Barbara Whitcomb, 573 Circuit Ave, Pocasset. Map 43.3, Parcel 155 in an R40 zoning district. Proposal: Applicant seeks to extend their porch 4 feet.

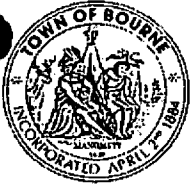
7:50 p.m. – #24-11 – VARIANCE

Mary E. Keenan, 597 Circuit Ave, Pocasset. Map 43.3, Parcel 155 in an R40 zoning district. Proposal: Applicant seeks to construct a shed within the sideline setbacks.

Old Business: 6 Flintlock Lane - Agreement for Dismissal

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE
Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: **#20-11 SPECIAL PERMIT** - Extension or alteration of a pre-existing, non-conforming structure or use.

APPLICANT: Anne Garefino, c/o Hutker Architects

LOCATION: 9 Canal Drive, Pocasset

MAP: 45 Parcel: 17

PROPOSAL: Applicant seeks to amend a special permit decision dated 1/6/10, resulting in a reduction in massing and lot coverage.

DATE & TIME: Wednesday June 1, 2011 at 7:32 p.m.

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

Bourne Courier:
May 11, 2011
May 18, 2011

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TOWN OF BOURNE OFFICE



TOWN OF BOURNE
Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: **#21-11 SPECIAL PERMIT** - Extension or alteration of a pre-existing, non-conforming structure or use.

APPLICANT: Richard Wertz

LOCATION: 28D The Hollow, Hide Away Village Buzzards Bay

MAP: 14 Parcel: 50.26

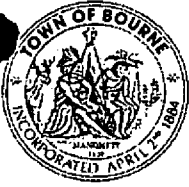
PROPOSAL: Applicant seeks to build a 7' x 24' deck on the east side of the home.

DATE & TIME: Wednesday, June 1, 2011 at 7:35 p.m.

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

Bourne Courier:
May 11, 2011
May 18, 2011

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TOWN CLERK'S OFFICE



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: #22-11 SPECIAL PERMIT - Accessory Dwelling

APPLICANT: Paul F. Sexton

LOCATION: 8 Sir Lancelot Drive, Bourne

MAP: 6 Parcel: 229

PROPOSAL: Applicant seeks to convert an existing unfinished space over garage into an in-law apartment.

DATE & TIME: Wednesday June 1, 2011 at 7:40 p.m.

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

Bourne Courier:
May 18 2011
May 25, 2011

TOWN CLERK'S OFFICE
2011 MAY 5 AM 10 07

**Zoning Board of Appeals
Minutes of June 1, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

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

Guests: Jim Mulvey

Meeting called to order
7:30 pm

Approval of minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 5/18/11 as submitted. VOTE 5-0.

Minutes of To change minutes reflecting Board approved minutes of 5/11/11 and not 4/11/11.

#20-11 - Special Permit – extension or alteration of a pre-existing non-conforming structure or use

Anne Garefino, c/o Hutker Architects, 9 Canal Drive, Pocasset. Map 45, parcel 17 in an R40 zoning district. Proposal: Amend a special permit decision dated 1/13/10 resulting in a reduction in massing and lot coverage.

Sitting on the Board: Tim Sawyer, Judith Riordan, Wade Keene, John O'Brien and John Priestley.

Jim Cappacino and Tom McNeal from Hutker Architects for applicant.

Modifications to plans referenced in application. Received ConCom approval a couple of weeks ago. Approved elevations from 1/13/10 decision indicated a ridge height of 28'. Proposed elevations would maintain that. Bottom of structure is set at elevation of 20'. Design change is the reason for alteration (new design and new architects). Reduction is exactly one square foot. Staying within the footprint, but the plan is changing. Massing reduction is considerable and indicated in green (flat roofs have dropped their ridge height).

Stan Buddard, abutter, representing himself, family, neighbors approve proposed plans.

O'Brien MOVED and SECONDED by Riordan to close public hearing. VOTE 5-0.

Riordan MOVED and SECONDED by Sawyer to approve Special Permit #20-11 to Anne Garefino, c/o Hutker Architects, 9 Canal Drive, Pocasset. Map 45, parcel 17 in an R40 zoning district to amend a special permit decision dated 1/13/10 according to building plan dated 3/3/11, and zoning plan dated 4/15/11 which results in a reduction in massing and lot coverage. VOTE 5-0.

#21-11 – Special Permit – extension or alteration of a pre-existing non-conforming structure or use

Richard Wertz, 28D The Hollow, Hide Away Village, Buzzards Bay. Map 14, parcel 50.26 in an R80 zoning district. Proposal: To build a 7' x 24' deck on the east side of the home.

Sitting on the Board: Tim Sawyer, Judith Riordan, Wade Keene, John O'Brien and John Priestley.

Applicant received FD letter dated 5/15/11 re: proper clearance and not allow decreases in minimum setbacks tonight. The Board suggests he discuss with FD. He also received Condominium Association letter of approval. Priestley said there is no indication of proposed deck and suggests continuing to another hearing to address FD issue and a plan showing where the deck will be.

O'Brien MOVED and SECONDED by Keene to continue public hearing #21-11 to 7/6/11 at 7:35 pm. VOTE 5-0.

#22-11 – Special Permit – accessory dwelling

Paul Sexton, 8 Sir Lancelot Drive, Bourne. Map 6, parcel 229 in an R40 zoning district. Proposal: Seeks to convert an existing unfinished space over garage into an in-law apartment.

Sitting on the Board: Tim Sawyer, Judith Riordan, Wade Keene, John O'Brien and John Priestley.

Elderly and legally blind Mother-in-law will occupy said in-law apartment. Applicant will need a second means of egress, which could be an exterior egress.

O'Brien MOVED and SECONDED by Riordan to close public hearing #22-11. VOTE 5-0.

Riordan MOVED and SECONDED by Sawyer to approve Special Permit #22-11 to Paul Sexton, 8 Sir Lancelot Drive, Bourne. Map 6, parcel 229 in an R40 zoning district to convert an existing unfinished space over garage into an in-law apartment for Marie E. Shaw and according to amended plans submitted dated 6/1/11. VOTE 5-0.

#23-11 – Special Permit – extension or alteration of a pre-existing non-conforming structure or use

Richard & Barbara Whitcomb, 573 Circuit Ave., Pocasset. Map 43.3, parcel 155 in an R40 zoning district. Proposal: To extend porch four (4) feet.

Sitting on the Board: Tim Sawyer, Judith Riordan, Wade Keene, John O'Brien and John Priestley.

Based on physical disabilities applicant and wife are experiencing, they need more room on their deck. Deck is currently six and a half feet. Proposed addition will not be covered and have railings.

Abutters Mr. Brian DeVillis email of 5/19/11 and Dr. Michael Keefe handwritten letter dated 6/1/11 both in support of said proposal.

O'Brien MOVED and SECONDED by Riordan to close public hearing #23-11. VOTE 5-0.

O'Brien MOVED and SECONDED by Riordan to approve Special Permit #23-11 for Richard & Barbara Whitcomb, 573 Circuit Ave., Pocasset. Map 43.3, parcel 155 in an R40 zoning district to extend porch four (4) feet according to plans. VOTE 5-0.

#24-11 – Variance

Mary E. Keenan, 597 Circuit Ave., Pocasset. Map 43.3, parcel 155 in an R40 zoning district. Proposal: To construct a shed within the sideline setbacks.

Sitting on the Board: Tim Sawyer, Judith Riordan, Wade Keene, John O'Brien and John Priestley.

Applicant is in the future looking to change the look of the house to more of a Cape Cod style. The size of proposed shed is a 14' x 16.' Proposed shed will be a minimum of six (6) feet from the property line on the south side and six (6') feet from the fence on the west side. Property was surveyed last year. Neighbor on the south side already has a shed which is a foot off the property line.

Riordan MOVED and SECONDED by O'Brien to close public hearing #24-11. VOTE 5-0.

O'Brien MOVED and SECONDED by Sawyer to approve Variance #24-11 to Mary E. Keenan, 597 Circuit Ave., Pocasset. Map 43.3, parcel 155 in an R40 zoning district to construct a 14' x 16' shed and to be a minimum of six (6) feet from the south property line and six (6) feet from the fence on the west which is about 12 feet from the west property line. VOTE 5-0.

Old Business

6 Flintlock Lane – Agreement for Dismissal

Tabled to next meeting as proper documentation is needed.

Adjournment

Riordan MOVED and SECONDED by O'Brien to adjourn. Meeting adjourned at 8:25 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa Groezinger, sec.



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



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, June 15, 2011</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

7:32p.m. – #25-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcels 301 in an R40 zoning district. Proposal: Applicant seeks to construct a 10 x 10 greenhouse/sunroom on the rear existing deck.

7:35p.m. – #26-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Louis R. Gallo, 886 Sandwich Road, Sagamore. Map 11.4, Parcel 81 in an R40 zoning district. Proposal: Applicant seeks to add 467 sqft. / 10% of existing structure (gross floor area) in a rebuild within the existing structure.

7:45p.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:
Members Present:

_____	_____
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TOWN CLERK

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



2011 JUN 2 AM 10 58

TOWN CLERK'S OFFICE **AMENDED AGENDA**

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, June 15, 2011</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

7:32p.m. – #25-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcels 301 in an R40 zoning district. Proposal: Applicant seeks to construct a 10 x 10 greenhouse/sunroom on the rear existing deck.

7:35p.m. – #26-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Louis R. Gallo, 886 Sandwich Road, Sagamore. Map 11.4, Parcel 81 in an R40 zoning district. Proposal: Applicant seeks to add 467 sqft. / 10% of existing structure (gross floor area) in a rebuild within the existing structure.

7:45p.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: 6 Flintlock Lane - Agreement for Dismissal

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____



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



AGENDA AMENDED

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, June 15, 2011</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

W.M.

7:32p.m. – #25-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE
James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcels 301 in an R40 zoning district. Proposal: Applicant seeks to construct a 10 x 10 greenhouse/sunroom on the rear existing deck:

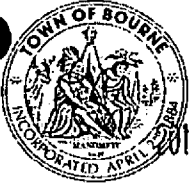
7:35p.m. – #26-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE
Louis R. Gallo, 886 Sandwich Road, Sagamore. Map 11.4, Parcel 81 in an R40 zoning district. Proposal: Applicant seeks to add 467 sqft. / 10% of existing structure (gross floor area) in a rebuild within the existing structure.

7:45p.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: 6 Flintlock Lane - Agreement for Dismissal
Members Present:

TOWN CLERK

2011 JUN 14 PM 8 51



2011 MAY 25 PM 1 40

TOWN CLERK'S OFFICE

TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532

Phone: (508) 759-0615 ext. 3

Fax: (508) 759-0611



Public Hearing Notice

APPEAL:

#26-11 SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON CONFORMING STRUCTURE OR USE

APPLICANT:

Louis R. Gallo

LOCATION:

886 Sandwich Road, Sagamore

MAP: 11.4 Parcel: 81

PROPOSAL:

Applicant seeks to add 467 sqft. / 10% of existing structure (gross floor area) in a rebuild within the existing structure.

DATE & TIME:

Wednesday June 15, 2011 at 7:35 p.m.

PLACE:

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

Bourne Courier:

June 1, 2011

June 8, 2011



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: #25-11 SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON CONFORMING STRUCTURE OR USE

APPLICANT: James M. & Francis A. Bogden

LOCATION: 58 Tahanto Road, Pocasset

MAP: 38.3 Parcel: 301

PROPOSAL: Applicant seeks to construct a 10 x 10 greenhouse/sunroom on the rear existing deck.

DATE & TIME: Wednesday June 15, 2011 at 7:32 p.m.

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

Bourne Courier:
June 1, 2011
June 8, 2011

TOWN OF BOURNE
2011 MAY 13 AM 10 38

**Zoning Board of Appeals
Minutes of June 15, 2011
Bourne Town Hall, 24 Perry Ave. Bourne, MA 02532**

Members present: Lee Berger, Chairman; John Priestley, Jr.; Timothy Sawyer; Judith Riordan; Wade Keene; John O'Brien; Harold Kalick

Approval of Minutes

Priestley MOVED and SECONDED by Kalick to approve minutes of 5/26/11 as submitted. VOTE 4-0-1 (O'Brien).

O'Brien MOVED and SECONDED by Riordan to approve minutes of 6/1/11 as submitted. VOTE 4-0-1 (Berger).

#25-11 - Special Permit – Extension or Alteration of a pre-existing non-conforming structure or use
James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcels 301 in an R40 zoning district. Proposal: Applicant seeks to construct a 10 x 10 greenhouse/sunroom on the rear existing deck.

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

Due to lot coverage issue, Chm. Berger asked Town Planner to review calculations. Memo from Ms. Moore read into record by Chm. Berger stating applications for 58 Tahanto Road and 886 Sandwich Road exceed non-confirming structure.

Applicant is looking for a greenhouse to house tomato plants in the cool months.

Chm. Berger suggested that the applicant ask the Town Planner to get her on the agenda of the Planning Board to discuss the issue because it appears from the Town Planner's memo that the Board does not have the authority to grant the special permit, despite the fact that the board thinks it is a good and appropriate use of the unused space portion of the deck.

Riordan MOVED and SECONDED by Sawyer to continue #25-11 to 7/20/11 at 7:35 pm. VOTE 5-0.

#26-11 – Special Permit – Extension or Alteration of a pre-existing non-conforming structure or use
Louis R. Gallo, 886 Sandwich Road, Sagamore. Map 11.4, Parcel 81 in an R40 zoning district. Proposal: applicant seeks to add 467 sqft/10% of existing structure (gross floor area) in a rebuild within the existing structure.

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

Chm. Berger stated current floor space coverage is already over 10%. There is also a Board of Health letter stating no information on septic on this property, BOH will need to sign off for a Title V (this would be a condition).

Atty. Ed Pesce, P.E. for applicant. Also present Mr. George Gakidis, architect.

Applicant wants to add 10% to existing coverage, and move the building so the front and side setbacks will be more conforming, as well as lot coverage by reducing footprint of building.

Chm. Berger states the same concerns as in the previous hearing, sec. 2450 of the bylaw does not permit the board to grant an increase in the floor space.

Lot size 17,639 sq. ft., bylaw allows 3,527 sq ft of floor space.

Currently the floor space is 4,684 sq. ft. and that amount is grandfathered.

Applicant will revise his plans so that the floor space does not exceed 4,684 sq. ft., and come back before the Board for a finding under sec. 2360, and not seek a special permit under sec. 2450.

Priestley MOVED and SECONDED by Riordan to continue hearing to July 6, 2011 at 7:40 pm. VOTE 5-0.

#08-18 Comprehensive Permit, 40B Continuance

Atty. Attea letter requesting a continuance to July 20 was read into the record by Chm. Berger.

Priestley MOVED and SECONDED by Riordan to continue #08-18 to July 20, 2011 at 7:40 pm. VOTE 5-0.

Old Business – 6 Flintlock Lane – Agreement for Dismissal

Aside from legal issue, concern was the wetness of this particular lot. New plan submitted, Exhibit A, dated 3/30/10 by J.E. Landers – Cauley, P.E.

Chm. Berger recommended to Board that we add language to the agreement to require the applicant's engineer to certify during and after construction that the sdrainage system is being built in accordance with the new plans. The roof rain from the house is going into the leaching pit. The back yard is being regarded to force the water into the leaching pits. There are 2-1000 gallon leaching pits to handle the drainage. One concern was the flow onto Flintlock Lane. Excess would have to be dealt with by the Town.

Atty. Warren Grody for applicant.

Jack Landers, P.E.

Board approval of Agreement with one additional condition under Paragraph 12. Chm. Berger submitted new language to Atty. Grody tonight, who will send it to Atty. Troy. Chm Berger will also email atty Troy with the added language.

Priestley MOVED and SECONDED by Riordan to approve execution of Agreement and Stipulation for Entry of Judgment with additional language as stipulated. VOTE 5-0.

Priestley MOVED and SECONDED by Riordan to authorize counsel to execute Agreement as amended.
VOTE 5-0.

O'Brien MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:45 pm. VOTE 5-0.

GO BRUINS!



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



2011 JUN 20 PM 1 35

TOWN CLERK'S OFFICE

AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, July 6, 2011</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

7:32p.m. – #27-11 – VARIANCE

Stephen P. Mahoney, 11 Central Place, Buzzards Bay. Map 23.1, Parcels 113 in an R40 zoning district. Proposal: Applicant seeks to build a farmers porch across the front of the house, requesting relief from the front yard setback

7:35p.m. – #21-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE... CONTINUANCE

Richard Wertz, 28D The Hollow, Hide Away Village, Buzzards Bay. Map 14, Parcel 50.26 in an R80 zoning district. Proposal: Applicant seeks to build a 7' x 24' deck on the east side of the home.

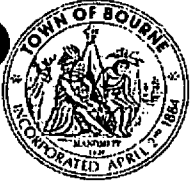
7:40p.m. – #26-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE... CONTINUANCE

Louis R. Gallo, 886 Sandwich Road, Sagamore. Map 11.4, Parcel 81 in an R40 zoning district. Proposal: Applicant seeks to add 467 sqft. / 10% of existing structure (gross floor area) in a rebuild within the existing structure.

Old Business:

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611



Public Hearing Notice

APPEAL: #27-11 Variance

APPLICANT: Stephen P. Mahoney

LOCATION: 11 Central Place

MAP: 23.1 Parcels: 113

PROPOSAL: Applicant seeks to build a farmers porch across the front of the house, requests relief from the front yard setback

DATE & TIME: Wednesday July 6, 2011 at 7:32 p.m.

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

Bourne Courier:
June 22, 2011
June 29, 2011

TOWN OF BOURNE
2011 MAY 31 PM 12 20

**Zoning Board of Appeals
Minutes of July 6, 2011
Bourne Town Hall, 24 Perry Ave. Bourne, MA 02532**

Members present: Lee Berger, Chairman; John Priestley, Jr., Vice Chairman; Timothy Sawyer; Judith Riordan; Wade Keene; John O'Brien; and Harold Kalick

Moment of Silence

A moment of silence was held for Roland Dupont, former Selectman, who passed away on July 5, 2011.

Selectman Presentation

Selectman Peter Meier presented John Priestley with a document congratulating and thanking him for his 25 years of service to the Board of Appeals and the Town of Bourne.

Approval of Minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 6/15/11 as submitted. VOTE 5-0.

#27-11 - Variance

Stephen P. Mahoney, 11 Central Place, Buzzards Bay. Map 23.1, Parcels 113 in an R40 zoning district. Proposal: Applicant seeks to build a farmers porch across the front of the house, requesting relief from the front yard setback.

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

Short frontage lot (approx. 44 ft – back over 100 ft). Setback is 14 inches short on the left side facing the front of the house. 14" parcel x 48" (2.33 sqft) per surveyor.

Riordan MOVED and SECONDED by Sawyer close public hearing for Variance #27-11. VOTE 5-0.

Priestley MOVED and SECONDED by Riordan to approve #27-11 Variance due to shape of lot. VOTE 5-0.

#21-11 – Special Permit – Extension or Alteration of a pre-existing non-conforming structure or use
Richard Wertz, 28D The Hollow, Hide Away Village, Buzzards Bay. Map 14, Parcel 50.26 in an R80 zoning district. Proposal: Applicant seeks to build a 7'x24' deck on the east side of the home.

This is a continued hearing from June 1.

Sitting for the Board: John Priestley, Tim Sawyer, Judith Riordan, Wade Keene, and John O'Brien. Also present is Lee Berger (who was not present for the June 1 hearing) and Harold Kalick.

O'Brien MOVED and SECONDED by Riordan to close public hearing of #21-11. VOTE 5-0.

Riordan MOVED and SECONDED by Keene to grant Special Permit #21-11 to Richard Wertz, 28D The Hollow, Hide Away Village, Buzzards Bay, Map 14, Parcel 50.26 in an R80 zoning district to build a 7'x24' deck on the east side of the home contingent upon the Fire Department's letter.

BOURNE, MASS
TOWN CLERK
2011 AUG 8 PM 5:28

**#26-11 Special Permit – Extension or alteration of a pre-existing non-conforming structure or use.
Continuance**

Louis R. Gallo, 886 Sandwich Road, Sagamore. Map 11.4, Parcel 81 in an R40 zoning district. Proposal: Applicant seeks to add 467 sqft/10% of existing structure (gross floor area) in a rebuild within the existing structure.

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

Ed Pesci for applicant, who is back before the Board with revised plans. The revised plans actually reduce both the floor area and the lot coverage. Thus, applicant is not asking for any relief from Section 2350, but does need a "FINDING" under section 2320.

Priestley MOVED and SECONDED by Keene to close public hearing for Special Permit #26-11. VOTE 5-0.

Priestley MOVED and SECONDED by Riordan to approve Special Permit #26-11 for Louis Gallo, 886 Sandwich Road, Sagamore, Map 11.4, Parcel 81 by finding, under Section 2320, that the rebuild per the revised plans dated 7/1/11 is not substantially more detrimental to the neighborhood than the current conditions. VOTE 5-0.

Old Business

None.

Adjournment

Priestley MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:05 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



TOWN OF BOURNE
BOARD OF APPEALS
24 Perry Avenue



2011 JUL 6 AM 11 11 Buzzards Bay, MA 02532

TOWN CLERK'S OFFICE
BOURNE, MASSACHUSETTS

AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, July 20, 2011</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

7:35 p.m. - #25-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE... CONTINUANCE

James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcel 30.

Proposal: Applicant seeks to construct a 10x10 greenhouse/sunroom on the rear existing deck.

7:37 p.m. - #26-11 - SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE... CONTINUANCE

Louis R. Gallo, 886 Sandwich Road, Sagamore, Map 11.4, Parcel 81. Proposal:

Applicant seeks to add 467 sqft/10% of existing structure (gross floor area) in a rebuild within the existing structure.

7:40p.m. – #08-18 – Comprehensive Permit – Chase Estates, 230 Sandwich Road, Bourne - Continuance

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, 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.

7:45p.m. – #27-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE... CONTINUANCE

John F. Sylvia, 4 Arrowhead Lane, Map 38.3, Parcel 119. Proposal: Applicant seeks to replace front entrance landing and staircase with an open, air, uncovered deck. The footprint of the deck will measure approximately 27'x19'. The height of the deck will be approximately 41".

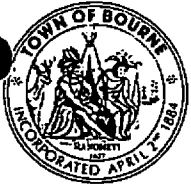
7:50 p.m. - #28-11 – SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

Joseph M. Comick, 39 Savary Avenue, Sagamore Beach, Map 12.1, Parcel 93.12. Applicant seeks dog kennel license to comply with Bourne's bylaws.

Old Business:

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532

Phone: (508) 759-0615 ext. 3

Fax: (508) 759-0611



2011 JUL 6 AM 11 11

TOWN CLERK'S OFFICE
BOURNE, MASS

Public Hearing Notice

APPEAL: #28-11 SPECIAL PERMIT – EXTENSION OR ALTERATION OF A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE

APPLICANT: Joseph M. Comick

LOCATION: 39 Savary Avenue, Sagamore Beach

MAP: 12.1 Parcel: 93.12

PROPOSAL: Applicant seeks dog kennel license (maximum of six dogs). Dogs are pets and are kept in the house. Applying to comply with Bourne's bylaws.

DATE & TIME: Wednesday July 20, 2011 at 7:50 p.m.

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

Bourne Courier:

July 6, 2011

June 13, 2011

REVISED MEETING NOTICE

Zoning Board of Appeals

Wednesday, July 20, 2011

7:30 pm

Bourne Town Hall, Buzzards Bay MA

Agenda Items:

7:35 pm - #25-11 – Special Permit – Extension or alteration of a pre-existing non-conforming structure or use – Continuance

James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcel 30. Proposal: Applicant seeks to construct a 10x10 greenhouse/sunroom on the rear existing deck.

7:40 pm - #08-18 – Comprehensive Permit – Chase Estates, 230 Sandwich Road, Bourne – Continuance

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 and Plymouth.

Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B Mass. General Law, Section 20 through 23, as amended, you are hereby notified of a petition for a Comprehensive Permit authorizing 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.

7:45 pm - #027-11 – Special Permit – Extension or alteration of a pre-existing non-conforming structure or use

John F. Sylvia, 4 Arrowhead Lane, Map 38.3, Parcel 119. Proposal: Applicant seeks to replace front entrance landing and staircase with an open, air, uncovered deck. The footprint of the deck will measure approximately 27'x19'. The height of the deck will be approximately 41".

7:50 pm - #28-11 – Special Permit – Extension or alteration of a pre-existing or non-conforming structure or use

Joseph M. Comick, 39 Savery Avenue, Sagamore Beach, Map 12.1, Parcel 93.12. Applicant seeks dog kennel license to comply with Bourne's bylaws.

Old Business

TOWN CLERK, STAFF
BOURNE, MASS.

2011 JUL 7 AM 9 58

REVISED MEETING NOTICE

Zoning Board of Appeals

Wednesday, July 20, 2011

7:30 pm

Bourne Town Hall, Buzzards Bay MA

Agenda Items:

7:35 pm - #25-11 – Special Permit – Extension or alteration of a pre-existing non-conforming structure or use – Continuance

James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcel 30. Proposal: Applicant seeks to construct a 10x10 greenhouse/sunroom on the rear existing deck.

7:40 pm - #08-18 – Comprehensive Permit – Chase Estates, 230 Sandwich Road, Bourne – Continuance

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 and Plymouth.

Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B Mass. General Law, Section 20 through 23, as amended, you are hereby notified of a petition for a Comprehensive Permit authorizing 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.

7:45 pm - #027-11 – Special Permit – Extension or alteration of a pre-existing non-conforming structure or use

John F. Sylvia, 4 Arrowhead Lane, Map 38.3, Parcel 119. Proposal: Applicant seeks to replace front entrance landing and staircase with an open, air, uncovered deck. The footprint of the deck will measure approximately 27'x19'. The height of the deck will be approximately 41".

7:50 pm - #28-11 – Special Permit – Extension or alteration of a pre-existing or non-conforming structure or use

Joseph M. Comick, 39 Savery Avenue, Sagamore Beach, Map 12.1, Parcel 93.32. Applicant seeks dog kennel license to comply with Bourne's bylaws.

BOURNE TOWN CLERK'S OFFICE
2011 JUL 20 PM 10 10

Old Business

Town Hall, Lower Conference Room
Event Title: Board of Appeals
Where: Town Hall, Lower Conference Room
Wednesday, July 20, 2011
Time: 7:30 PM EST

Agenda Items:

7:35 pm - #25-11 - Special Permit - Extension or alteration of a pre-existing non-conforming structure or use - Continuance James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcel 30. Proposal: Applicant seeks to construct a 10x10 greenhouse/sunroom on the rear existing deck.

7:40 pm - #08-18 - Comprehensive Permit - Chase Estates, 230 Sandwich Road, Bourne - Continuance 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 and Plymouth. Being all persons deemed interested or affected by the Board of Appeals, under Chapter 40B Mass. General Law, Section 20 through 23, as amended, you are hereby notified of a petition for a Comprehensive Permit authorizing 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.

7:45 pm - #027-11 - Special Permit - Extension or alteration of a pre-existing non-conforming structure or use John F. Sylvia, 4 Arrowhead Lane, Map 38.3, Parcel 119. Proposal: Applicant seeks to replace front entrance landing and staircase with an open, air, uncovered deck. The footprint of the deck will measure approximately 27'x19'. The height of the deck will be approximately 41".

7:50 pm - #28-11 - Special Permit - Extension or alteration of a pre-existing or non-conforming structure or use Joseph M. Comick, 39 Savery Avenue, Sagamore Beach, Map 12.1, Parcel 93.12. Applicant seeks dog kennel license to comply with Bourne's bylaws.

Old Business

#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.

TOWN OF BOURNE
BOARD OF APPEALS
101330 S. MA 02673
101101
2011 Jul 18 PM 11:01

**Zoning Board of Appeals
Minutes of July 20, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

2011 AUG 30 PM 8 24

TOWN CLERK'S OFFICE
BOURNE, MASS

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

Guests: Jim Mulvey
Press: Diane Barth, Bourne Enterprise

Meeting called to order
7:30 pm

Approval of Minutes

Riordan MOVED and SECONDED by Sawyer to approve minutes of 7/6/11 as submitted.
UNANIMOUS VOTE.

#25-11 - Special Permit – extension or alteration of a pre-existing non-conforming structure or use - Continuance

James M. & Francis A. Bogden, 58 Tahanto Road, Pocasset. Map 38.3, Parcel 30. Proposal: applicant seeks to construct a 10x10 greenhouse/sunroom on the rear of existing deck.

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

Chm. Berger read into record applicant's letter of 6/21/11 request to withdraw without prejudice.

Priestley MOVED and SECONDED by Riordan to permit the applicant to withdraw her application without prejudice for #25-11 Special Permit. VOTE 5-0.

#08-18 – Comprehensive Permit – Chase Estates, 230 Sandwich Road, Bourne - Continuance
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 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, Chase Developers, Inc., 10 Foretop Road, Buzzards Bay, MA 02532 to construct 32 residential units, 8 being affordable units 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 26.

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

Chm. Berger stated the second \$5,000 for the Board's consultant fees was not received and the hearing cannot move forward without said payment. Atty. Attea informed the applicant of this fact, and, as of today, the applicant has not paid the money.

Atty. Attea, for applicant, sent a letter requesting a continuance until sometime after 9/1/11.

Priestley MOVED and SECONDED by Riordan to continue #08-18 Comprehensive Permit to 9/21/11 at 7:40 pm. VOTE 5-0.

#27-11 – Special Permit – Extension or alteration of a pre-existing non-conforming structure or use

John F. Sylvia, 4 Arrowhead Lane, Map 38.3, Parcel 119. Proposal: Applicant seeks to replace front entrance landing and staircase with an open, air, uncovered deck. The footprint of the deck will measure approximately 27'x19'. The height of the deck will be approximately 41".

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

Riordan MOVED and SECONDED by Sawyer to approve #27-11 Special Permit for John F. Sylvia, 4 Arrowhead Lane, Map 38.3, Parcel 119 to replace front entrance landing and staircase with an open, air, uncovered deck, by finding, under Section 2320 of the Bourne zoning 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.

#28-11 – Special Permit – extension or alteration of a pre-existing non-conforming structure or use

Joseph M. Comick, 39 Savery Avenue, Sagamore Beach, Map 12.1, Parcel 93.12. Applicant seeks dog kennel license to comply with Bourne's bylaws.

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

Applicant has 6 beagles and travels with them over the country. All but one are working beagles as champions. The dogs' ages are: 13 years, two are 9 years and two puppies over a year old. He will not replace the dogs once they pass.

Abutter has no objection to proposed kennel license. Applicant's sister/landlord is in support of proposed license. No one voiced any opposition to the proposed kennel license.

All of the dogs are licensed by the Town Clerk. Town Clerk informed applicant the need for a kennel license.

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

Priestley MOVED and SECONDED by Riordan to approve #28-11 Special Permit for Joseph M. Comick, 39 Savery Avenue, Sagamore Beach, Map 12.1, Parcel 93.12 to seek dog kennel license to comply with Bourne's bylaws with the stipulations of a maximum of six (6) dogs; when one dog dies, it shall not be replaced; only the six (6) current dogs are permitted; the permit is subject to review and possible revocation if any complaints are received; and once applicant is down to three (3) dogs, the kennel license will expire since a kennel license is only required for more than three (3) dogs. VOTE 5-0.

Old Business

#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 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 10,000 sq. ft. in an R40 district and having 80' of frontage. This site is located at 6 Flintlock Lane, Bourne. Premises affected, Map 7.2, Parcel 9.

Chm. Berger read into record the Housing Appeals Committee Decision On Stipulation dated 6/30/11. If the Board takes no action before July 31, the Decision would constitute the Comprehensive Permit. However, Habitat has requested the ZBA to act and issue the Comprehensive Permit. If the Board votes tonight in accordance with stipulation, Chairman

Berger would write a decision stating, essentially, that the Board adopts and declares document to be Comprehensive Permit.

Priestly MOVED and SECONDED by Riordan to Issue a Comprehensive permit to #10-18 for 6 Flintlock Lane in accordance with Appeals Committee stipulation.

Clay Pond Road Comprehensive Permit

A Regulatory Agreement necessary for second phase to go forward was approved by Town Counsel. Berger asked Town Counsel to comment on the conflict provision (if there is a conflict between the Comprehensive Permit and the Regulatory Agreement, the Regulatory Agreement controls), and was informed by Town Counsel that it is a standard provision and that he was not aware of any conflict between the Regulatory Agreement and the Comprehensive Permit. Chairman Berger will sign the Regulatory Agreement on behalf of the Board.

Adjournment

Priestley MOVED and SECONDED by Riordan to adjourn. Meeting adjourned at 8:10 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



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



AGENDA

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>Wednesday, August 17, 2011</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

7:35 p.m. - #29-11 – VARIANCE

McDonald's USA, LLC. Location: 15/19 Meetinghouse Lane, Sagamore. Map 6, Parcels 52 & 53 in a B2 zoning district. Proposal: Applicant proposes to construct the appropriate building and site directional signage to provide customer with safe and consistent notification and instruction.

Old Business:

1. ZBA fee scheduling
2. Decision form review

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____

TOWN CLERK'S OFFICE
 BOURNE, MASS
 2011 AUG 5 AM 8 44

**Zoning Board of Appeals
Minutes of August 17, 2011
Bourne Town Hall, Lower Conference Room 8 AM 8 28
Buzzards Bay MA 02532**

2011 SEP 8 AM 8 28
*****TOWN CLERK'S OFFICE*****
BOURNE, MASS

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

List of documents:
None

Meeting called to order
7:30 pm

Approval of minutes
Priestley MOVED and SECONDED by Sawyer to approve minutes of 8/3/11 as submitted. VOTE 5-0.

7:35 p.m. - #29-11 - Variance
McDonald's USA, LLC. Location: 15/19 Meetinghouse Lane, Sagamore. Map 6, Parcels 52 & 53 in a B2 zoning district. Proposal: Applicant proposes to construct the appropriate building and site directional signage to provide customer with safe and consistent notification and instruction.

Sitting on the Board: Lee Berger, John Priestley, Tim Sawyer, John O'Brien and Harold Kalick.

The site is bounded on three (3) sides by public ways and on the fourth side by a State commuter parking lot and a substantial berm which partially conceals the subject building. These circumstances make it desirable for traffic safety to identify the business on all four sides. The Bourne sign bylaw allows only two (2) signs totaling 558 square feet. The subject building is to have five (5) signs totaling only 163 square feet. It should be noted that three (3) of the "signs" are actually logos consisting of the "golden archs" forming the letter "M" and read more as sculptural elements as part of the building architecture. These "M's" serve well to help in identifying the premises as a "McDonald's", but do not appear to be signs as such.

Due to the conditions stated above, the building urgently needs some form of identification on all four facades.

Sign regulations allow for two (2) signs, but a McDonald's representative told Board members that the unique site, which can be accessed by more than one road, and a berm that blocks sight of the building from one direction, called for a sign in more than two directions. What was proposed, by square footage, was far less than what would be allowed under the Town's bylaws.

The use of the familiar "M" logos are three (3) of the needed identifying measures. The building will actually have only two (2) actual signs and three (3) logo signs. Additionally, while the bylaw would allow 558 square feet of sign, only 163 square feet is being proposed, including the two (2) true signs and the wall area utilized by the logos.

Building Inspector Roger Laporte said the proposed signs, which also mark the building's entrances, are less obtrusive and cover less square feet than the bylaw allows.

Priestley MOVED and SECONDED by Sawyer to grant Variance #29-11 to McDonald's USA, LLC at 15/19 Meetinghouse Way, Sagamore Beach, allowing the premises to have two (2) signs and three (3) "M" logos. VOTE 5-0.

New Business

ZBA fee scheduling – the members agreed to bring proposals to the next meeting.

Decision form review: Chairman Berger presented some revised forms for the Board's consideration. The board reviewed and approved same.

Old Business

None

Adjournment

Priestley MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:30 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

Dastous, Anne

From: lgroezinger@gmail.com
Sent: Friday, September 02, 2011 6:52 AM
To: Chapman, Wendy
Cc: Dastous, Anne
Subject: ZBA meeting agenda (disregard previous "to post) - TO POST

MEETING NOTICE

Board of Appeals
Wednesday, September 7, 2011
Bourne Town Hall
7:30 pm

Meeting Agenda

Approval of minutes of previous meeting

7:35 pm - #30-11 Special Permit
Livio Freitas, 897 Shore Road, Pocasset
R-40 zone, Map 43.1, Lot E3. Proposal: Change non-conforming commercial/contractor yard to conforming single-family residence with auxiliary apartment.

7:40 pm - #31-11 Variance
Joseph and Kathy Povoas, 77 Lewis Point Road, Buzzards Bay. R-40 zone, Map 14.4, Lot 17.
Proposal: To construct an 8'x12' shed.

New Business

Old Business

Members present

Adjourn

Sent from my BlackBerry® by Boost Mobile

BOURNE, MASS.
TOWN CLERK'S OFFICE
2011 SEP 2 AM 8 48

**Zoning Board of Appeals
Minutes of September 7, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532 2011 DEC 8 PM 1 16**

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

TOWN CLERK'S OFFICE
BOURNE, MASS

List of documents:
None

Meeting called to order
7:30 pm

Approval of minutes
O'Brien MOVED and SECONDED by Priestley to approve minutes of 8/17/11 as submitted.
VOTE 5-0.

#30-11 – Special Permit – Change of Use
Livio A. Freitas. Location: 897 Shore Road, Pocasset. Map 43.1, Parcel 149 in a R-40 zoning district. Proposal: Applicant seeks to change from non-conforming commercial/contractor yard to conforming single-family residence with auxiliary apartment.

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

Applicant said apartment is for applicant's elderly mother Heloisa Freitas. She will have a separate entrance and pay her own utilities.

Applicant currently runs contractor's yard. Chm. Berger requested a condition as a solely residential area.

Board of Health memo stating dwelling is designed for 5 bedrooms. Chm. Berger asked for clarification of amount of bedrooms. There are 2 in the auxiliary apartment and 3 in the main residence.

Dr. Philip Dingmann, abutter, had concerns about cars parked on the grass near his driveway, by renters of another building owned by the applicant on a separate lot.

Chm. Berger directed abutter to discuss with Building Inspector at another time. Proposed special permit will actually decrease traffic since there will be no more commercial vehicles.

Dr. Dingmann asked about how the special permit would be affected if the current owners move away. It was explained that the accessory dwelling bylaw required one of the units to be occupied by the owner. If the owner moved away, only one of the units could be rented.

Dan Daley, has a lot abutting applicant's property (back lot), prime concern is that what will prevent the 5-bedroom facility from turning into two rental properties if the applicant moves. Mr. Laporte said it was against the law, but explained if Heloisa did not live in apartment, applicant will have to come back before the Board of Appeals.

Dr. Dingmann and Mr. Daley were shown the proposed plans. Existing building remains the same, but the interior of the auxiliary apartment requires the permit.

Roger Laporte asked applicant what work was done to the outside of the building. Applicant says it was painting only. Applicant added that they replaced old windows and replaced pieces of wood to repair existing garage doors.

Priestley explained if someone wants to bring elderly to live with them, it has to be reviewed every 3 years, come before the Building Inspector. Otherwise the permit lapses.

Louis Devere, abutter, discussed upgrades to the outside of the property and is concerned about all vehicles during early hours. He is worried this will become another duplex. He brought an abutter letter from Daniel and Nancy Kinneally at 899 Shore Road that strongly opposed any and all changes that would further increase number of occupants at this address. The letter was submitted to the file.

For the record, Mr. Daley said that he and Mr. Devere believe significant work has been done to the outside of the property.

Priestley MOVED and SECONDED by O'Brien to close public hearing. VOTE 5-0.

Priestley MOVED and SECONDED by Keene to approve Special Permit #30-11 Change of Use from commercial/contractor to single-family use and allow accessory dwelling pursuant to Bylaw Section 4120. The apartment will be for Ms. Heloisa Freitas, mother of applicant, according to the plans submitted and the contractor's yard will be permanently discontinued. VOTE 5-0.

#31-11 – Variance

Joseph & Kathy Povoas. Location: 77 Lewis Point Road, Buzzards Bay. Map 14.4, Parcel 17 in a R40 zoning district. Proposal: To construct an 8'x12' shed.

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

Chm. Berger asked applicant why putting shed so close to the property line. Applicant responded by saying aesthetically the location is the best place to locate a shed, and the topography of the land makes it difficult to put it anywhere else. Mr. Povoas also said that his neighbor, Mr. Gosslen, is in favor of said shed.

Chm. Berger said the current bylaw should focus on length and not square footage, in other words the length of the building that is closer to the lot line is much more important to the abutter than the square footage of the building. Currently, the bylaws allow a 70 square foot shed to be on the lot line regardless of the length of the shed.

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

Kalick MOVED and SECONDED by Priestley to grant #31-11 Variance to construct an 8'x12' shed. Shed is to be no closer than seven (7) feet to the property line, per plans submitted. VOTE 5-0.

New Business

None.

Old Business

Filing Fees. Chm. Berger handed out proposal to the Board. One of the papers, regulations had low numbers that were approved in 2002. New numbers are arbitrary. Kalick suggested raising the 40B application fees. 40B minimum fee will be \$250, plus \$100 per market rate unit and \$50 per affordable unit for limited dividend corporations, and the same minimum for non-profit and public entities, plus \$50 per market rate units and \$25 for affordable units.

Priestley MOVED and SECONDED by O'Brien that Chm. Berger bring proposed filing fees as amended to the Selectmen. VOTE 5-0.

Mr. Mulvey inquired about a motion to excused absent members. Chairman Berger stated that members generally call him in advance to let him know if and why they can't attend a meeting, and until he has reason to question the issue of excuses, or unless the Board votes to change the practice, he will continue the practice of leaving this to be a matter of administration by the Chairman.

Adjournment

Priestly MOVED and SECONDED by O'Brien to adjourn. Meeting adjourned at 8:30 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

**Town of Bourne
Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532**

2011 SEP 12 AM 11 07

TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

**Board of Appeals
Wednesday, 9/21/11
Bourne Town Hall
7:30 pm**

Agenda Items:

7:30 pm - Approval of minutes

**Other business
40B filing fees**

Members Present

**Note: #08-18 - Comprehensive Permit, 40B... Continuance
Chase Developers, Inc. Location: 230 Sandwich Road, Bourne. Map 25, Parcels 9 & 36 in a R40
zoning district will be continued to a future hearing date.**

2011 OCT 6 PM 3 07

ZONING BOARD OF APPEALS

TOWN CLERK'S OFFICE : Minutes of September 21, 2011

BOURNE, MASS.

Bourne Town Hall, Lower Conference Room

Buzzards Bay, MA 02532

TC
file

Lee Berger, Chairman

John Priestley, Jr., Vice Chairman

Judith Riordan, Clerk

Timothy Sawyer (excused)

Wade Keene (arrived late)

John O'Brien

Harold Kalick (excused)

Meeting called to order at 7:30 pm.

Approval of minutes: O'Brien moved and seconded by Priestley to approve minutes of 9/7/11 as submitted. Vote to approve, 4-0.

Chapter 40B filing fee discussion ensued. Priestley moved and Riordan seconded to make amend the vote of 9/7/11 to change the minimum application fee from \$250 to \$100, and to charge \$150 for "substantial" amendments, and extra fees per unit if additional units are requested within the "substantial" amendment. Vote to approve, 4-0.

Appeal #08-18 – Comprehensive Permit, Chase Developers, Inc. Location: 230 Sandwich Road, Bourne, Map 25, Parcels 9 and 36 in a R40 zoning district. At the request of Attorney Paul Attea, Judy Riordan moved and John Priestley seconded a motion to continue the hearing to Wednesday, December 7, 2011, at 7:40 pm. Vote to approve, 4-0.

There was no other new or old business.

Adjournment: Priestley moved and seconded by O'Brien to adjourn. Vote to approve, 4-0. Meeting adjourned at 7:45 pm (at which time member Wade Keene arrived).

Respectfully submitted, Lee Berger, Chairman.

**Town of Bourne
Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532**

2011 SEP 30 AM 9 20

TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

**Board of Appeals
Wednesday, 10/5/11
Bourne Town Hall
7:30 pm**

Agenda Items:

7:30 p.m. – Approval of minutes

7:35 p.m. - #32-11 – SPECIAL PERMIT

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

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

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

Old Business:

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____

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

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

2011 NOV 3 AM 8 45
TOWN CLERK'S OFFICE
BOURNE, MASS

Meeting called to order
7:30 pm

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

7:35 p.m. - #32-11 – SPECIAL PERMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Business

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

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

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

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

Old Business

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

Adjournment

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

Respectfully submitted,
Lisa Groezinger, sec.

**Town of Bourne Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532**

MEETING NOTICE

**Board of Appeals
Wednesday, 10/19/11
Bourne Town Hall
7:30 pm**

**2011 OCT 14 PM 4 13
TOWN CLERK'S OFFICE
BOURNE, MASS**

Agenda Items:

7:30 pm - Approval of minutes

7:35 pm - #34-11 Special Permit - Change of Use

Margaret Every/Andrew Soule. Location: 32 Bournedale Road, Buzzards Bay.
32 Bournedale Road, Buzzards Bay 02532. Map: 10, Parcel: 23 in an R-40 zoning district.
Applicant seeks permission to obtain kennel permit to own four (4) dogs on property.

New business

Hideaway Village Condo Association

Discussion with representative from Hideaway Village Condo Association on protocol of notification of abutters in Hideaway Village.

Approved minutes on town website

Discussion on Town Meeting approving that all minutes put on the Town website for five years.

Other business

Public Comment

Members Present

**Town of Bourne Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532**

2011 OCT 12 PM 12 27

TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

**Board of Appeals
Wednesday, 10/19/11
Bourne Town Hall
7:30 pm**

Agenda Items:

7:30 pm - Approval of minutes

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Discussion with representative from Hideaway Village Condo Association on protocol of notification of abutters in Hideaway Village.

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Discussion on Town Meeting approving that all minutes put on the Town website for five years.

Other business

Public Comment

Members Present

**Zoning Board of Appeals
Minutes of October 19, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

Lee Berger, Chairman
John Priestley, Jr., Vice Chairman
Judith Riordan, Clerk (excused)
Timothy Sawyer
Wade Keene
John O'Brien (excused)
Harold Kalick
Thomas Armstrong – new member

2011 NOV 3 AM 8 46
TOWN CLERK'S OFFICE
BOURNE, MASS

Meeting called to order
7:30 pm

Approval of minutes

Wade **MOVED** and **SECONDED** by Sawyer to table of minutes of 10/5/11 to the next meeting.
UNANIMOUS VOTE.

7:35 pm - #34-11 Special Permit – Change of Use

Margaret Every/Andrew Soucie. Location: 32 Bournedale Road, Buzzards Bay.
32 Bournedale Road, Buzzards Bay 02532. Map: 10, Parcel: 23 in an R-40 zoning district.
Applicant seeks a Special Permit for a kennel to own and keep four (4) dogs on the property, and to build a kennel structure in accordance with the plans submitted.

Sitting on the Board: Lee Berger, John Priestley, Tim Sawyer, Wade Keene, Harold Kalick.
Also present: new member Tom Armstrong.

Correct spelling of applicant's last name is "Soucie" not "Soulle" as printed in the legal ads.

The cages currently on the property will remain where they currently are. In addition, new cages will be built attached to the back of the garage to enable the dogs to stay in the garage in inclement weather. At night the dogs are brought inside the home. Applicants are not planning on breeding or boarding any dogs. Rather, they train the dogs to compete in obedience and other competitions. However, three of the dogs are "retired." Two dogs are spade and neutered; one is scheduled to be fixed. The dogs are all German Shepards, including the fourth dog they plan to purchase.

Chairman Berger asked if the one neighbor had any objections. The applicant stated the neighbor is his uncle and he likes the dogs. No one appeared in opposition to the petition.

Priestley MOVED and SECONDED by Sawyer to close public hearing for Special Permit #34-11. VOTE 5-0.

Priestley MOVED and SECONDED by Sawyer to approve Special Permit for #34-11 kennel license, limited to four (4) dogs, kennel and structure built according to plans, with the following conditions: no boarding or breeding of dogs, and subject to review at any time if there are any complaints of noise or other disturbance. VOTE 5-0.

New business

Freitas - #30-11 Special Permit

Signing of Corrected Decision for #30-11 at meeting. He first decision signed and filed with the Town Clerk had two different address of the property within the decision. A corrected decision needs to be signed and filed with the Town Clerk. While this is a clerical matter, since the decision was already filed with the Town Clerk, and it would be very unusual to have two decisions in the Town Clerk's office, Chm. Berger thought it was best to obtain a vote of the Board to authorize him to sign a "Corrected" decision, and to have that vote reflected in the minutes of the meeting.

Priestley MOVED and SECONDED by Sawyer to authorize Chm. Berger to sign the Corrected Final Decision, dated 10/19/11 for Special Permit #30-11. VOTE 6-0.

Hideaway Village Condo Association - Ron Horne, General Manager

Discussion with representative from Hideaway Village Condo Association on protocol of notification of abutters in Hideaway Village.

At the last meeting a question had been raised as to whether the immediate neighbors of a Hideaway Village resident had been notified of our hearing, and the applicant didn't know. The only notice sent by the Town was to the Hideaway Village Association. Chairman Berger was concerned that while technically, the law only required the Town to notify abutters and abutters who owned lots, and all of Hideaway Village was considered "one lot" so only the Association and abutters and abutters to abutters outside of the "one lot" known as Hideaway Village were required by law to be notified, the immediate neighbors affected should receive notice. Chm. Berger argued that due process requires notice to those most affected of the time and place of the board's hearing, not only so they could have a voice at the Board's hearing, but also so that they would know that the board took some action from which they may have the right of appeal to the Courts.

Mr. Horne briefly described process. A unit owner applies to the Board of Directors of the condominium association (created under Chapter 183) for approval of a proposed improvement to his property (which is really an area of exclusive use). If it is something Mr. Horne, as General Manager, cannot approve by himself (such as new windows or doors), Mr.

Horn sends the application to the Board of Directors with a plot plan and drawings. The Board notifies by registered mail everyone who may be affected by the proposal, holds a hearing at which the applicant may, if he wishes, be represented by an attorney, and renders a decision whether the application poses a positive or negative impact to abutters. If they determine that the proposal poses a negative impact, they deny permission to the applicant. Otherwise, they grant permission but notify the applicant that he has to obtain a building permit, which many times requires a special permit from the Board of Appeals because Hideaway Village is a non-conforming lot.

Hideaway Village has worked well with the Building Inspector. All proposed decks and sheds need to go to the Board of Directors. Mr. Laporte explained Mr. Horne's approval process is similar to his at Town Hall.

Chairman Berger asked whether the applicant or the immediate neighbors could appeal the decision of the Board of Directors. Mr. Horne said he would get Chairman Berger a copy of the condo documents. Mr. Mulvey suggested that any appeal rights a resident would have would be limited, since the resident signed condo documents which probably limited the scope of appeal to the courts.

Mr. Horne said everyone has the opportunity to be heard. He has been General Manager for almost a year and has not had one abutter appeal the Board's decision.

Chm. Berger said neighbors should have a right to notification of the hearing before the Board of Appeals, either from the Board of Appeals or from the Condominium Association, and have a right to come and voice their opinion.

Mr. Horne stated that the neighbors were notified by the legal ad in the newspaper for two consecutive weeks prior to the Board's hearing.

Mr. Laporte clarified by saying Hideaway Village operates as being one unit. Officers have been elected, etc. He explained how years ago the Building Inspector sat down with Hideaway Village Condominium Association and came to this system which has been working out.

Chm. Berger asked that if there is anything in the Condo documents stating that the neighbors can appeal the decisions of the Board of Directors to the Courts. Mr. Horne will send copy of the condo association documents for clarification. Chm. Berger is just concerned that the immediate neighbors most affected by the proposal not be deprived of due process – the right to be heard by the Board of Appeals and by the Courts – by the failure of adequate notice.

Board member Tom Armstrong serves on the Hideaway Village Association Board of Directors. The Board of directors is very sympathetic to the neighbors' concerns, and don't run into many cases where the Directors approve a project if an abutter is negatively impacted.

Mr. Horne said the HAVCA and Board of Directors look at all perspectives of an application. Applicants have the opportunity to bring in their attorney to present the applicant's case. Ultimately the Board of Directors is trying to enhance the community as a whole. The Board of Directors is voted in by the unit owners.

Chm. Berger asked, how can we be sure that a person affected by a proposal knows about a hearing before the ZBA meeting?

Mr. Armstrong suggested the hearing notice can be put on the Condo Association's website.

Mr. Mulvey asked what is the HAVCA definition of an abutter. Mr. Horne said an abutter is anyone surrounding the unit that may be affected by the proposal.

Mr. Horne said notification on the website calendar would be something the HAVCA was willing to do. Chm. Berger said not all people have a computer. Mr. Horne said the condo association hired a company who tracks how many of the 268 units go on the website, although they do not yet know. Mr. Horne agreed that not all members use the website. Chm. Berger stated his concern that the fact that most of the residents are summer residents only, notification by mail may to winter addresses may be more important. Mr. Horne stated that out of the 268 units, all but 75-80 are summer residents. Summer residents are notified by certified mail at their permanent addresses of the date and place of the board of directors' meetings.

Chm. Berger said the Board's issues under the zoning bylaws for the issuance of special permits were not necessarily the same as the condominium association's concerns. The Board of Appeals should not be delegating its responsibility to a private organization. The Board of Directors may approve something that the fire department and the ZBA believe to be a safety concern.

Mr. Laporte said he believes Chm. Berger is concerned with an issue that has never been a problem. Legally, all that is required is being done – giving notices only to the Association and to the abutters outside of Hideaway Village.

Mr. Armstrong said he will propose that the Board of Directors write a policy to notify abutters of the Board of Appeals hearing dates. He will bring it to the next meeting. Chairman Berger thought that was a very good idea, but noted that the Board of Appeals may tinker with the policy before approving it.

John Priestley said that the HAVCA should warrant to the ZBA that any interested parties have been notified in writing that the Board of Directors approved the proposal and that they have the right to attend a hearing before the Board of Appeals on the relevant date.

Mr. Mulvey said that HAVCA should develop a form for the ZBA saying it has approved the proposal and notified the abutters. Mr. Horne said the HAVCA already has such a document,

which is part of the construction application. Mr. Horne will provide a copy of the construction application.

Board of Directors meeting is next Friday. Mr. Armstrong will put this issue on their agenda.

Priestley MOVED and SECONDED by Sawyer continue discussion under New Business on 11/2/11. VOTE 5-0.

Approved minutes on town website

Discussion on Town Meeting approving that all minutes put on the Town website for five years. Chm. Berger said it was brought to his attention that at last May's Town Meeting, the Town approved a warrant article requiring that minutes be put on the website. He called the Town Clerk's office and was told by Wendy that while this Article was approved by Town meeting, it had not yet been approved by the Attorney General's office.

Chm. Berger thought it was a good idea to put our minutes on the Town's website, he wanted the Board's input before doing so, since it was not yet required. The consensus of the Board is to put on the website.

It was agreed that tonight's meeting minutes would be the first to go up on the website.

Other business

Secretary to email Mr. Armstrong the Decision forms.

Public Comment

None.

Adjournment

Priestly MOVED and SECONDED by Kalick 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
MEETING NOTICE**

2011 OCT 31 AM 10 35
TOWN CLERK'S OFFICE
BOURNE, MASS

**Board of Appeals
Wednesday, 11/2/11
Bourne Town Hall
7:30 pm**

Agenda Items:

7:30 p.m. – Approval of minutes

7:35 p.m. - #33-11 – SPECIAL PERMIT

Kevin and Nicole Lord c/o Bracken Engineering, Inc. Location: 7 Indian Trail, Sagamore Beach. Map 2.3, Parcel 26 in an R40 zoning district. Proposal: Applicant seeks special permit per Section 2457 for increasing gross floor area to a pre-existing non-conforming lot.

7:40 p.m. - #35-11 – Special Permit

Carolyn Parker (agent)/VSH Realty – Cumberland Farms. Location: 435 Shore Road, Monument Beach. Map 30.4, Parcel 167. Proposal: Applicant seeks to remove existing 6'x4' price sign from lightpole. Replace the 6'x8' with new 3'x8' CF panel and a new 3'x8' LED price sign.

7:45 p.m. - #36-11 – Variance

Franco Raponi c/o J. Ford O'Connor. Location: 11 Trowbridge Road. Map 24.3, Parcel 23. Proposal: Applicant seeks to obtain variance to apply to legalize second apartment for low income rental under Section 4120 which requires owner occupancy.

7:50 p.m. - #37-11 – Special Permit

Franco Raponi c/o J. Ford O'Connor. Location: 11 Trowbridge Road. Map 24.3, Parcel 23. Proposal: Applicant seeks to allow low income accessory dwelling in a non-owner occupied home.

New Business:

Hideaway Village Condominium Association – Continued discussion with Mr. Horne, General Manager of HAVCA.

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____

2011 OCT 31 AM 10 35
TOWN CLERK'S OFFICE
BOURNE, MASS

**Town of Bourne
Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532**

MEETING NOTICE

2011 OCT 31 AM 8 30
TOWN CLERK'S OFFICE
BOURNE, MASS

**Board of Appeals
Wednesday, 11/2/11
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Agenda Items:

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New Business:

Hideaway Village Condominium Association – Continued discussion with Mr. Horne, General Manager of HAVCA.

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____

2011 OCT 31 AM 8 30
TOWN CLERK'S OFFICE
BOURNE, MASS

Zoning Board of Appeals
Minutes of November 2, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532

2011 DEC 22 AM 9 03

TOWN CLERK'S OFFICE
BOURNE, MASS

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

List of documents:

- #33-11 stamped plot plan submitted by abutter – 1 page dated 2006
- #35-11 plot plan, Cumberland Farms – 1 page dated 2006

Meeting called to order
7:30 pm

Approval of minutes

O'Brien MOVED and SECONDED by Sawyer to approve minutes of 10/5/11 as submitted.
UNANIMOUS VOTE.

Sawyer MOVED and SECONDED by Keene to approve minutes of 10/19/11 as submitted. VOTE
3-0-2 (Riordan, O'Brien - abstentions).

7:35 p.m. - #33-11 – SPECIAL PERMIT

Kevin and Nicole Lord c/o Bracken Engineering, Inc. Location: 7 Indian Trail, Sagamore Beach.
Map 2.3, Parcel 26 in an R40 zoning district. Proposal: Applicant seeks special permit per
Section 2457 for increasing gross floor area to a pre-existing non-conforming lot.

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

Don Bracken, engineer for applicant Kevin Lord. Property located in Sagamore Hills. Lot sizes
are varied. Locus lot is the combination of two original lots to make one 12,000 sq. ft. lot.

Photographs shown to the Board with renovations and upgrades of homes across the street and to the North of applicant. Proposal is to construct an attached garage and family room above the garage which goes with the feel of the neighborhood.

Plot plan reviewed briefly dated 9/19/11. Applicant doesn't need a special permit for lot coverage, but is asking for a 9.3% increase over what is allowed by the bylaw table. Applicant states his application is unique since he is not counting garage area as part of the gross floor calculations. In the table for calculations, applicant states one of the footnotes says you should count the gross floor area of the garage if there is living space above. However, if a garage is constructed with a living room attached, instead of above, it would not be counted. The family addition with attached garage would conform to the table. Applicant states the proposal is better for the neighborhood aesthetically vs. relocating a portion of the driveway.

Chm. Berger would like some clarification from the Town Planner as to whether the gross floor area of a garage should be counted under the bylaw if there is living space above the garage.

Abutter Jon Obakowski has a stamped plot line done in 2006 by Bracken showing his lot line 20' past the chain link fence. Bracken said he was the engineer on the project who did the septic at the time, not the survey. The current surveyor of Mr. Lord's property disagrees with the surveyor of Mr. Obakowski's property. Mr. Obakowski contends that if his surveyor is correct, the proposed addition would encroach on the setback in that it would only be 9 feet from the lot line (as opposed to 12' required). Such an encroachment would require a variance, and not just the gross floor area special permit being requested.

Chm. Berger suggested the matter be continued to allow the two surveyor's to get together to try to agree on the boundary line. The applicant agreed.

Riordan MOVED and SECONDED by Priestley to continue the hearing for Special Permit #33-11 to 11/16/11 at 7:35 pm. VOTE 5-0.

7:40 p.m. - #35-11 – Special Permit

Carolyn Parker (agent)/VSH Realty – Cumberland Farms. Location: 435 Shore Road, Monument Beach. Map 30.4, Parcel 167. Proposal: Applicant seeks to remove existing 6'x4' price sign from light pole. Replace the 6'x8' with new 3'x8' CF panel and a new 3'x8' LED price sign.

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

Manny Paiva, Planning Department Manager for Cumberland Farms, represented the applicant.

Current signs include a single 8x6 internally illuminated sign, and a 4x6 price sign affixed to the light pole. Cumberland Farms purchased the property in 1975 and the signs were installed in 1975. The entire chain is switching to electronic signage so attendant can change prices on the computer.

Certified design plan by P&P Engineers dated 5/25/2006 were submitted to the Board and copy provided for the file (#35-11).

Building Inspector Roger Laporte said Section 3240 allows one free standing sign total of 16 sq. ft. in the village district. There is no issue with lighting as LED signage is allowed in a V-B zoning district. Applicant is making lighting more signage more conforming in that the total square footage is being reduced.

However, Section 3210 is confusing since it appears not to permit any deviations from the bylaw for new signs replacing old signs. Section 3210 a) states "No sign shall be erected and no existing sign shall be enlarged, reworded, redesigned, or altered in any way unless it conforms with the provisions of this Bylaw." Section 3210 b) states that "no sign other than [very small or temporary signs] shall be erected, enlarged, or structurally altered without a sign permit issued by the Inspector of Buildings, which shall only be issued for signs in conformance with this bylaw." However, seemingly contradicting section 3210 a), section 3210 b) goes on to say: "A copy of any sign Special Permit issued by the Board of Appeals shall also accompany the application [to the building inspector]." Finally, section 3210 h) limits the height of signs to 15' "unless authorized to [increase the height by] special permit by the Board of appeals."

Chm. Berger said that if a sign is grandfathered, and the applicant wants to make the signage more conforming, the Board would generally agree, assuming it has the authority. However, there is nothing in the bylaws that specifically authorizes the Board of Appeals to be the special permit granting authority for signs, although the bylaw certainly implies the Board of Appeals' authority. Chairman Berger will speak with the Town Planner concerning this issue.

Chris Farrell, Chairman of the Planning Board, stated he thought there was something in the bylaws prohibiting internally lit signs. Laporte stated he had checked with the Town Planner and LED signs were not prohibited in a village business district. Farrell mentioned the Cumberland Farms sign on Main Street. Laporte said when Cumberland Farms applied for that permit more than 10 years ago, this bylaw was not in effect.

Chm. Berger asked if there is a need for the name Cumberland Farms on the price sign, because without the name the sign could be smaller. Mr. Paiva said it is the standard size for a Cumberland Farms sign, that Cumberland Farms now has its name on all its price signs, and he does not have the authority to agree to take the name off the sign.

Kalick compared the colonial style sign on Main Street to the proposed signage. Mr. Paiva can simulate a colonial looking sign, wrapping detail around the sign and post, keeping within the same footprint of the sign. There is a setting mechanism within the sign. When application is approved, the setting can be dimmed at night, but if it is too dim it may flicker. Cumberland Farms would be okay with a condition limiting the brightness of the sign. Mr. Paiva added that the Hyannis Barse's Way sign was approved with a similar condition.

Chm. Berger said as a condition, language should be included to limit the signage lighting to the lowest intensity without flickering.

Mr. Paiva proposed to make the Cumberland Farms symbol opaque (during the day it would be blue; at night you would only see the Cumberland Farms words). Mr. Paiva will bring an architecture design for the sign and post to the next hearing.

Chm. Berger would like to see final plan before voting whether to issue a special permit.

Priestley MOVED and SECONDED by Riordan to continue the hearing for Special Permit #35-11 to 11/16/11 at 7:40 pm. Applicant to bring architecture plans and lighting setting of the LED.

7:45 p.m. - #36-11 – Variance

Franco Raponi c/o J. Ford O'Connor. Location: 11 Trowbridge Road. Map 24.3, Parcel 23. Proposal: Applicant seeks to obtain variance to apply to legalize second apartment for low income rental under Section 4120 which requires owner occupancy.

7:50 p.m. - #37-11 – Special Permit

Franco Raponi c/o J. Ford O'Connor. Location: 11 Trowbridge Road. Map 24.3, Parcel 23. Proposal: Applicant seeks to allow low income accessory dwelling in a non-owner occupied home.

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

Attorney Ford O'Connor, for the applicant, stated that the apartment was put in at the time it was purchased. They cannot find records, but in 2006 the Board of Health records show the apartment. Mr. Raponi has since moved out. They would like to have two apartments, one to be "affordable." No new construction is proposed.

Chm. Berger stated the plans indicated there was an office upstairs. Atty. O'Connor said it had once been used as an office, but it is a dwelling limited by the Board of Health to four (4) bedrooms.

Laporte said some of the area near the dwelling is zoned business, but this area is an R-40 and believes Mr. Raponi's mother lived in the apartment. No permits are available to show how the apartment came about. When Laporte went in to inspect, there was one person living there. It appeared another apartment was being constructed. Laporte put a total of two (2) cease and desist orders on the property.

Laporte said, at some time the office turned into a dwelling unit. There were two kitchens when Mr. Raponi purchased the lot. Laporte said there are no permits for any of this work that has been done.

Chris Farrell, Planning Board, asked at what point does the town allow a single-family home to become a two-family home. He feels this will open the gateway for other similar projects. Laporte stated that one of the concerns of the Planning Board when considering the accessory dwelling bylaw was the property should be owner occupied (less problems with owner occupied vs. absent landlord), which is why the applicant is asking for a variance.

Chm. Berger asked when the second kitchen was put in. Atty. O'Connor said no information was found, but felt that while the zoning is R-40, the locus does not have a residential feel, but more of a business district or a village business district.

Vincent Mackenzie, abutter (owns medical building), said Mr. Raponi in the past used the property as an office. Mr. Mackenzie allowed Raponi to put in a curb cut which Mr. Mackenzie says was abused by tenants; and the tenants raised other problems as well. Since Mr. Raponi moved, the property has not been maintained. Police have been at the area as well. Mr. Mackenzie said the property had three (3) tenants at one time.

Chm. Berger talked about the need for a hardship based on soil conditions, topography, or shape in order to be entitled to a variance, and stated this was not the case here. Nor was this a grandfathered two family home.

Chm. Berger suggested applicant withdraw without prejudice. The applicant agreed.

Riordan MOVED and SECONDED by Sawyer to allow applicant to withdraw without prejudice. VOTE 5-0.

New Business:

Hideaway Village Condominium Association – Continued discussion with Mr. Horne, General Manager of HAVCA

Chm. Berger received email requesting to continue the matter for discussion at the next meeting.

Priestly MOVED and SECONDED by O'Brien to continue Hideaway Village Condominium Association discussion to 11/16/11 under New Business.

Other business

Chm. Berger emailed Open Meeting Law documents and stated mail he receives (CCC hearing notice of NStar transmission line 11/9/11 & CCC hearing notice of New Wind Project 11/10/11) should not be discussed unless on the agenda.

Public Comment

Chris Farrell requested that when issues of bylaws being poorly worded arise during Board meetings, the Board should bring the matters to the attention of the Planning Board.

Jim Mulvey said that while the exit to Cumberland Farms on Main Street is well lit, he has trouble finding the entrance. Mr. Paivia, the Cumberland Farms representative, stated he would look into the matter.

Adjournment

Priestly MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 9:00 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

**Town of Bourne
Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532**

2011 NOV 14 AM 8 48

TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

**Board of Appeals
Wednesday, 11/16/11, 7:30 pm
Bourne Town Hall**

Agenda Items:

7:30 p.m. – Approval of minutes

7:35 p.m. - #33-11 – Special Permit - Continued

Kevin and Nicole Lord c/o Bracken Engineering, Inc. Location: 7 Indian Trail, Sagamore Beach. Map 2.3, Parcel 26 in an R40 zoning district. Proposal: Applicant seeks special permit per Section 2457 for increasing gross floor area to a pre-existing non-conforming lot.

7:40 p.m. - #35-11 – Special Permit - Continued

Carolyn Parker (agent)/VSH Realty – Cumberland Farms. Location: 435 Shore Road, Monument Beach. Map 30.4, Parcel 167. Proposal: Applicant seeks to remove existing 6'x4' price sign from light pole. Replace the 6'x8' with new 3'x8' CF panel and a new 3'x8' LED price sign.

New Business

Hideaway Village Condominium Association – Continued discussion with Mr. Horne, General Manager of HAVCA.

Old Business

Members Present:

**Zoning Board of Appeals
Minutes of November 16, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

2011 DEC 22 AM 9 03

Lee Berger, Chairman
John Priestley, Jr., Vice Chairman
Judith Riordan, Clerk
Timothy Sawyer
Wade Keene (arrived at 7:35 pm)
John O'Brien
Harold Kalick
Thomas Armstrong

TOWN CLERK'S OFFICE
BOURNE, MASS

List of documents:

- #33-11 - Letter dated 11/15/11 from Bracken Engineering requesting continuance – 1 page
- #35-11 – Double sided internally illuminated sign plans dated 11/16/11 – 2 pages
- #35-11 – Light Meter Test dated 11/10/11 – 1 page

Meeting called to order

7:30 pm

Approval of minutes

Priestley MOVED and SECONDED by Riordan to table the approval of the 11/2/11 minutes until 12/7/11. UNANIMOUS VOTE.

7:35 p.m. - #33-11 – SPECIAL PERMIT - CONTINUED

Kevin and Nicole Lord c/o Bracken Engineering, Inc. Location: 7 Indian Trail, Sagamore Beach. Map 2.3, Parcel 26 in an R40 zoning district. Proposal: Applicant seeks special permit per Section 2457 for increasing gross floor area to a pre-existing non-conforming lot.

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

Don Bracken, engineer for applicant Kevin Lord, submitted a letter requesting a continuance until the next available meeting so they could have more time to resolve the property line issues.

Chm. Berger met with Coreen Moore. Not using the gross floor area for a one story garage is not a footnote, but is part of the definition of maximum gross floor area. He read into the

record the definition from the zoning bylaws. Ms. Moore told him that all garages are one story and if you have something over the garage, you count the first floor. She also said the Board doesn't have the authority to grant the special permit requested since you have to include the garage floor area, and by doing so the area would exceed the tables by more than 10%. John Priestley disagreed, but agreed to continue the discussion at the continued hearing.

Priestley MOVED and SECONDED by Riordan to continue the hearing for #33-11 Special Permit to 12/7/11 at 7:35 pm. VOTE 5-0.

7:40 p.m. - #35-11 – Special Permit - Continued

Carolyn Parker (agent)/VSH Realty – Cumberland Farms (CF). Location: 435 Shore Road, Monument Beach. Map 30.4, Parcel 167. Proposal: Applicant seeks to remove existing 6'x4' price sign from light pole. Replace the 6'x8' with new 3'x8' CF panel and a new 3'x8' LED price sign.

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

Manny Paiva, Planning Department Manager for Cumberland Farms, represented the applicant.

Issues from the last hearing:

- 1) Confirmation if the Board has authority to issue a special permit for a sign.

Chm. Berger spoke with Coreen Moore with regard to authority in the bylaws. There is no specific place in the bylaws that makes the Board of Appeals the Special Permit Granting Authority, although the bylaws seem to imply that it does have the authority. She agreed the bylaw needs to be written better. Chm. Berger stated he was inclined to grant the permit as it would reduce the signage on the premises and make it more conforming.

- 2) Request for Cumberland Farms to make the sign appear more colonial.

Revised plans dated November 9, 2011, show the sign looking more colonial, with architectural molding on top and bottom of the sign, and the pole encased. Portions of the sign would be opaque so that they are not seen at night.

- 3) Lower the brightness of the sign.

Sawyer asked if sign was two-sided as there is an apartment right next door. The applicant responded that the sign is close to the street and the building is further back. The revised proposal is to add an opaque film on the sign so it is not as bright.

Day and night copies of revised proposed Cumberland Farms sign submitted to the Board dated 11/9/11.

Able Applied Technologies Light Meter Test dated 11/10/11 submitted. The minimum brightness default setting from the manufacturer is 6, using light meter located directly in front of the display 9 ft away in complete darkness.

4) Dim lights at nighttime

LED light mechanism comes out of factory set at 6. CF had another case in which they dimmed the setting a notch which satisfied the request. Mr. Paiva cautioned that if the sign is set too low (lower than 4), it would flicker. Cumberland Farms is okay with setting the mechanism at 4.

Jim Mulvey asked that if the Board feels there should be an adjustment, who from Cumberland Farms would adjust. Mr. Paiva said he would personally change by remote, upon receiving a call from the Building Inspector.

Question raised about the hours of operation of the Cumberland Farms store. Mr. Paiva believed it is 24 hours, but Sawyer said he thought it closed at 11 pm. Mr. Paiva said if the store does close, the Cumberland Farms sign would be turned off while the store was closed.

Chm. Berger asked the 5 regular Board members their thoughts: Sawyer – start at 5; Keene – start at 6; Berger – start at 4; Priestly – start at lowest setting it doesn't flicker; Riordan – start at 5.

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

Priestley MOVED and SECONDED by Riordan to find that the proposed sign will not be substantially more detrimental to the neighborhood than is the existing nonconforming use, and approve Special Permit #35-11 to delete current price sign and in its place erect a sign in accordance with plans submitted dated 11/9/11 by Graphic Impact (2 pages: daylight/nighttime) and require setting to be at a maximum brightness setting of 5 at night, in accordance with the light meter test set forth in the letter from "able Applied Technologies" dated November 10, 2011, and further conditions that the brightness of the sign be subject to review and amendment by the Board of Appeals, and that the lights in the sign be turned off when the store is closed. VOTE 5-0.

New Business:

Hideaway Village Condominium Association – Continued discussion with Mr. Horne, General Manager of HAVCA

Continued discussion with Mr. Ronnie Horne, General Manager. Mr. Sean Silva, President of Association, was also present at tonight's meeting.

Chm. Berger said the basic concern of the Board is notification of all affected abutters. When there is an application from anyone in Hideaway Village (HAV), the abutter list includes residents who surround HAV, but does not include the residents who live right next to the applicant, inside of HAV. Chm. Berger asked how the Association Board of Directors gets abutters involved and make them aware of potential rights to go to Court and appeal the ZBA decision (maybe they signed away their rights in the condo documents – the Board had requested a copy of those documents. Mr. Silva said the only thing that would address the issue would be their construction application policy. Mr. Silva said the Association notifies all abutters who they feel would be affected by construction. If after 30 days, no one answers they lose their right of appeal.

If there is potential for a negative impact, notification comes from the Association.

Chm. Berger said the ZBA looks at different issues from the Association, including public safety, and the neighbors have rights of appeal to the Courts from a Board of Appeals decision, but perhaps not from an Association decision. If the neighbors do not know about a Board of Appeals meeting, how will they know they can voice objections at such a meeting?

Chm. Berger suggested a notification procedure done by the Association. Since the Association notifies "all affected persons" for its construction procedure, that same letter could include a statement that if the Association approves the proposal, the applicant will still be required to obtain a special permit from the Board of Appeals; and the "affected persons" have the right to attend the hearing of the Board of Appeals, and should contact the Board of Appeals at the Town Clerk's office to learn the date and time and place of the hearing.

Jim Mulvey inquired about the process for legal notification of abutters, which was explained by Roger LaPorte.

Chm. Berger requested HAVCA present him with a draft of the Association's proposed notice to the affected persons for his review. He will edit and send to the Association for final review. Mr. Silva said the Association Board of Directors may not agree to the exact wording, but understands the ZBA's concerns and will work with the Board.

Old Business

None.

Public Comment

None.

Adjournment

Priestly MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:35 pm.
UNANIMOUS VOTE.

Respectfully submitted - Lisa Groezinger, sec.

**Town of Bourne
Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532**

MEETING NOTICE

**Board of Appeals
Wednesday, 12/7/11, 7:30 pm
Bourne Town Hall**

2011 DEC 2 AM 8 42
TOWN CLERK'S OFFICE
BOURNE, MASS

Agenda Items:

7:30 p.m. – Approval of minutes

7:35 p.m. - #33-11 – Special Permit - Continued

Kevin and Nicole Lord c/o Bracken Engineering, Inc. Location: 7 Indian Trail, Sagamore Beach. Map 2.3, Parcel 26 in an R40 zoning district. Proposal: Applicant seeks special permit per Section 2457 for increasing gross floor area to a pre-existing non-conforming lot.

7:40 p.m. – #08-18 Comprehensive Permit, 40B – Continuance

Chase Developers, Inc.'s request for continuance.

Old Business

Continuing the discussion of Hideaway Village Association notification to abutters/neighbors concerning applications for special permits.

New Business

Public Comment

Members Present:

_____	_____	_____
_____	_____	_____
_____	_____	_____

**Zoning Board of Appeals
Minutes of December 7, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

2011 DEC 22 AM 9 '03

TOWN CLERK'S OFFICE
BOURNE, MASS

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

List of documents:

- #33-11 email from Atty. Attea with regard to acceptance of lot line dated 12/7/11 – 1 page
- HAV – draft abutter notification – 1 page

Meeting called to order
7:30 pm

Approval of minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 11/2/11 as submitted. VOTE 5-0.

O'Brien MOVED and SECONDED by Riordan to approve minutes of 11/16/11 as submitted. VOTE 5-0.

7:35 p.m. - #33-11 – SPECIAL PERMIT - CONTINUED

Kevin and Nicole Lord c/o Bracken Engineering, Inc. Location: 7 Indian Trail, Sagamore Beach. Map 2.3, Parcel 26 in an R40 zoning district. Proposal: Applicant seeks special permit per Section 2457 for increasing gross floor area to a pre-existing non-conforming lot.

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

Don Bracken, engineer for applicant. Atty. Attea representing applicant.

Mr. Bracken submitted a letter from Mr. Tim Bennett, Engineer for abutter Mr. Novakowski. According to the letter, Mr. Bennet, after reviewing worksheet provided by Mr. Bracken, agrees that placement of the boundary line by Bracken between Novakowski and client is correct. Mr.

Novakowski had a site plan at the last meeting but he did not leave a copy with the ZBA. Atty. Attea said the lot line on abutter's site plan was not correct and is now in agreement with Mr. Bracken's findings.

Chm. Berger discussed the meaning of a footnote on the lot coverage/gross floor area worksheet with Coreen Moore with regard to gross floor area and the meaning of a one story garage. If the garage floor is counted as part of gross floor area, the ZBA doesn't have the authority to grant what is being asked. Chm. Berger pointed out that the footnote is also in the definition section of the bylaws under "maximum gross floor area."

Atty. Attea requested to see the version of the definition from Chm. Berger. Mr. Bracken said his office received the bylaw 4 or 5 days ago. After reviewing the definition, Atty. Attea said the ZBA has authority under chapter 40A and the case law to exercise discretion. Chm. Berger said, "except under Section 2450," unless we interpret a one story garage to mean a garage that only houses cars on one floor. Atty. Attea says the application meets decision criteria and is the better plan as far as impact on neighborhood and abutters. The ZBA is allowed to use its discretion. Since there is no definition of a one-story garage, this is the best outcome. He also doesn't feel the Board is setting a precedent and bylaws need to be clarified.

Chm. Berger said the Town has tied the Board's hands and cannot give more than 10%. The only way to get around this is by stretching with the definition. Priestly said to look at intent - only one story is a garage and the rest is included in the calculations.

Atty. Attea said the Board in its decision can define a one-story garage.

Mr. Laporte said there are some two story garages in Sagamore that house cars on two floors. Chairman Berger noted that he is aware of garages in which cars are raised by hydraulics so that a second car can be parked under the first, and wondered whether that would be considered a two story garage under the bylaws.

Mr. Bracken said he submitted an alternative site plan which demonstrated what the applicant could do by right, without living space above the garage, but which would move the structure much closer to the boundary line. It was also noted that most of the neighbors have living spaces above their garages.

Mr. Laporte said he has no problem with the applicant's position as it is well within what the bylaw intended. He was part of the bylaw writing process. Part of the intent was to make the structures more in keeping with the neighborhood.

Chm. Berger said that to approve the special permit, the Board would have to find that failure to grant the departure from the chart in the bylaws would result in a hardship to the applicant.

Atty. Attea said it would be a hardship for applicant's growing family that needs more room to live, that the economy is such that it would be a financial hardship if they had to sell their home to buy a bigger one. Mr. Lord said he came up with plans to give additional space with the garage in the least imposing way possible.

Mr. Laporte said the Town doesn't defend grants, so if the Board voted to grant the Special Permit, Atty Attea should draft the decision, since he would have to defend it if anyone appealed (which was unlikely since no one was objecting at this hearing). Atty. Attea agreed to submit a draft decision for the Chairman's review.

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

Priestley MOVED and SECONDED by Riordan to grant Special Permit #33-11 for the extension or alteration in accordance with the site plan per Bracken for Kevin Lord dated 9/19/11. VOTE 5-0.

7:40 p.m. - #08-18 Chase Estates

Request for continuance due to economics per Atty. Attea. Mr. Pappas needs to revisit the finances involved with his project, considering that the market is sliding in the wrong direction. Atty. Attea wants to come before the Board with a final package and wants to review that final package with the Town's consultants in advance of the next meeting so we are all working from the same page.

Chm. Berger said Mr. Pappas paid what he owed to Atty. Witten and Mr. Houston. He anticipates meeting with consultants moving forward prior to the next meeting, but pointed out that Mr. Pappas would need to come up with more money for the consultants if he expected them to work on his proposal.

Atty. Attea said he heard from the engineer who was working on the details but needed an updated pro forma. Materials will be sent to the Board in advance of the next hearing.

Mr. Mulvey mentioned the possibility that the property may be sold to the Upper Cape Tech School. Atty. Attea said there is no deal now, but up to this point there have been so many starts and stops that they are not hanging their hat on that process.

Riordan MOVED and SECONDED by Riordan to continue the hearing to Wednesday, 2/1/12 at 7:40 pm. VOTE 5-0.

Old Business

Continued discussion with Hideaway Village. Chm. Berger has not heard from the HAV, but handed out his draft to the Board and said this document could be put into the Hideaway Village Condominium Association (HAVCA) routing slip. Armstrong to take said draft copy and

give to the HAVCA for their review and comment. Chm. Berger said another method would have names listed by HAV and given to applicant, and applicant would have to pay the additional \$5 per abutter. The Notice is the first paragraph. Certifications would be separate (or use the one page sheet). Armstrong to report at the next meeting on 12/21, where this matter will be discussed again under old business. The Board will likely vote on this matter at that meeting.

Chm. Berger notified the Board of the Cape Cod Commission (CCC) mail with regard to upcoming hearings on New Generation Wind and a Transmission line in December, 2011.

Chm. Berger received Planning Board fee schedule from Ann Gratis. He said the schedule was significantly higher than the Board of Appeals. He said if adopted (applicant pays an extra fee of \$5 per abutter) this may be a way to handle notifying the "abutters" within Hideaway Village. Mr. Laporte explained Planning Board has consultant fees and salaries for the Town Planner and others, which the Board of Appeals does not, and those fees and salaries account for the higher fees.

Public Comment

None.

Adjournment

Priestly MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:13 pm.
UNANIMOUS VOTE.

Respectfully submitted - Lisa Groezinger, sec.

**Zoning Board of Appeals
Minutes of December 7, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

2011 DEC 19 AM 8 41

TOWN CLERK'S OFFICE
BOURNE, MASS

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

List of documents:

- #33-11 email from Atty. Attea with regard to acceptance of lot line dated 12/7/11 – 1 page
- HAV – draft abutter notification – 1 page

Meeting called to order
7:30 pm

Approval of minutes

Riordan MOVED and SECONDED by O'Brien to approve minutes of 11/2/11 as submitted. VOTE 5-0.

O'Brien MOVED and SECONDED by Riordan to approve minutes of 11/16/11 as submitted. VOTE 5-0.

7:35 p.m. - #33-11 – SPECIAL PERMIT - CONTINUED

Kevin and Nicole Lord c/o Bracken Engineering, Inc. Location: 7 Indian Trail, Sagamore Beach. Map 2.3, Parcel 26 in an R40 zoning district. Proposal: Applicant seeks special permit per Section 2457 for increasing gross floor area to a pre-existing non-conforming lot.

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

Don Bracken, engineer for applicant. Atty. Attea representing applicant.

Mr. Bracken submitted a letter from Mr. Tim Bennett, Engineer for abutter Mr. Novakowski. According to the letter, Mr. Bennet, after reviewing worksheet provided by Mr. Bracken, agrees that placement of the boundary line by Bracken between Novakowski and client is correct. Mr.

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

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Old Business

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Public Comment

None.

Adjournment

Priestly MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:13 pm.
UNANIMOUS VOTE.

Respectfully submitted - Lisa Groezinger, sec.

Town of Bourne
Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532

DEC 16 AM 8 56
TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

Board of Appeals
Wednesday, 12/21/11, 7:30 pm
Bourne Town Hall

Agenda Items:

7:30 p.m. – Approval of minutes

7:35 p.m. - #38-11 – Special Permit – Accessory Dwelling

Samuel Swift for Virginia Taylor. Location: 321 Wings Neck Road, Pocasset. Map 42, Parcel 62 in an R80 zoning district. Proposal: Applicant seeks to convert existing storage barn to a bunkhouse as per plan.

7:40 p.m. – #39-11 – Special Permit – Alteration of Pre-existing non-conforming structure or use

Peter Cmaylo for Elizabeth Gillard. Location: 6-G Hideaway Road, Bourne. Map 14, Parcel 14-48-29R in an R40 zoning district. Proposal: Applicant seeks to raze the existing house and re-construct new house with same general footprint, more centered on the lot.

7:45 p.m. - #40-11 Special Permit

Bracken Engineering, Inc. for Matthew Cusick. Location: 29 Bell Buoy Road, Pocasset. Map 43.3, Section 248 in an R40 zoning district. Proposal: Applicant seeks to raze existing cottage, construct new cottage more in compliance with current zoning bylaws.

New Business

Old Business

Continued discussion with Hideaway Village Condominium Association.

Public Comment

Members Present:

Sullivan, Tracy

From: lgroezinger@gmail.com
Sent: Wednesday, February 15, 2012 7:40 PM
To: Sullivan, Tracy
Cc: Chapman, Wendy; Campbell, Cheryl
Subject: Zba Dec 21 minutes - TO FILE
Attachments: Minutes 12-21-11.docx

2012 FEB 16 AM 8 58

TOWN CLERK'S OFFICE
BOURNE, MASS

Sent from my BlackBerry® by Boost Mobile

From: leeberger1@verizon.net
Date: Thu, 02 Feb 2012 12:46:13 -0600 (CST)
To: <lgroezinger@gmail.com>
Subject: Dec 21 minutes

Hi Lisa,
Attached are the minutes of 12/21/11 with my edits. Please forward to all Board members for the review. Thanks.
Lee

**Zoning Board of Appeals
Minutes of December 21, 2011
Bourne Town Hall, Lower Conference Room
Buzzards Bay MA 02532**

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

List of documents:

- Hideaway Village Condominium Association draft letter – 1 page
- Hideaway Village Condominium Association construction application – 1 page

Meeting called to order
7:30 pm

Approval of minutes

Riordan MOVED and SECONDED by Armstrong to approve minutes of 12/7/11 as amended.
VOTE 5-0.

7:35 p.m. - #38-11 – Special Permit – Accessory Dwelling

Samuel Swift for Virginia Taylor. Location: 321 Wings Neck Road, Pocasset. Map 42, Parcel 62 in an R80 zoning district. Proposal: Applicant seeks to convert existing storage barn to a bunk-house as per plan.

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

Samuel Swift represented the applicant. Applicant seeks to convert existing storage barn to a bunk house to allow grandparents a "quiet place" when the family visits. There is a bar sink in the proposed plans.

Chm. Berger questioned why application isn't for a variance as applicant is increasing the length of the structure which is only 5 feet off the lot line. Roger Laporte said it would be a special permit as it relates to any addition to a pre-existing non-conforming structure. The structure itself is pre-existing and non-conforming. Chm. Berger sees it as a big shed (24'x13') and asked whether a second home can be built on a two acre lot in an R-80 zoning district without a variance. Roger Laporte referred to the town by-law (section 2320) which says any addition or

alteration of a pre-existing non-conforming structure only requires a finding by the ZBA that the addition or alteration is not substantially more detrimental to the neighborhood than the existing use.

On the submitted plans, one dimension is being moved further away from the lot line (5' to 7'). The new structure will be slightly larger than the present structure. The main house has 4 bedrooms. Septic system was designed originally for five bedrooms.

Harold Kalick asked if the structure could be moved further from the lot line, but applicant stated there was a tree between the house and the proposed bunkhouse that applicant would like to leave in place. Also, the property slopes down in the back of the house, and the septic system needs to be below the proposed bunkhouse. Applicants are good friends with the abutters, the Northrops, who had asked that no windows face their property.

No further Board questions.

Scott Northrop, direct abutter, was present and stated that the representations made were accurate, and he had no desire to hold up the project. He was concerned about proximity to his lot line, but after looking at the plans he stated he was satisfied the proposal would not affect his property.

Chm. Berger raised issue that the proposal did not fit within the accessory dwelling bylaw, since we were not being asked to permit anyone to rent either of the dwellings. He was concerned that both dwellings could be rented if the Special Permit was granted without restrictions, and since the applicant wasn't asking the Board to approve two rentals, we should place a rental restriction on the property. On the other hand, since the applicant presently had the right to rent his property, the Board does not have the authority (nor does it want to) restrict the applicant's right to rent his property. Roger Laporte suggested the Board can approve the proposal with a stipulation restricting rentals by more than one person or family, and the applicant can come back if she wants to have an accessory dwelling. Right now all they are asking for is a bunkhouse to be used within the family as a get-away. Chm. Berger said he doesn't want the new building to be considered an accessory dwelling and leased out without the Board's approval for the reasons set out in the bylaw (community purpose such as care for the elderly or low income).

Sawyer asked what the actual height of the building was. Mr. Swift responded less than 20', which Mr. Swift said is not a lot more than the existing building.

Chm. Berger asked about the kitchen. Mr. Swift said the kitchen isn't a "deal breaker" but it would be nice to have.

No further board comments. No public comment other than from the abutter, Mr. Northrop.
Priestly MOVED and SECONDED by Riordan to close public hearing. VOTE 5-0.

Priestley MOVED and SECONDED by Sawyer to grant Special Permit #38-11 to replace the existing barn with a guest house (bunkhouse) as shown on site plans by Warwick & Associates dated 10/22/10 and drawing dated 8/21/11 by unidentified author; subject to the condition that the guest house not be rented separately from the principal structure, and that the principal structure not be rented separately from the guest house; there shall be no windows on the easterly side of the guest house; the guesthouse shall consist on only one story, and one bedroom; and the guest house shall be subject to all of the conditions set forth in the letter from the Fire Department dated December 15, 2011; and with said restrictions the Board finds that the proposed extension or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming use. VOTE 5-0.

7:40 p.m. – #39-11 – Special Permit – Alteration of Pre-existing non-conforming structure or use

Peter Cmaylo for Elizabeth Gillard. Location: 6-G Hideaway Road, Bourne. Map 14, Parcel 14-48-29R in an R40 zoning district. Proposal: Applicant seeks to raze the existing house and reconstruct a new house with two stories and a basement with the same general footprint, more centered on the lot.

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

Peter Cmaylo represented the applicant. The existing house is unsafe to enter. The applicant wants to raze the existing house and reconstruct a new house unit on the same parcel in the same general location (22'x24'). Plans move the building 1 ½' further back away from unit 7G.

Floor plans show new unit includes living room, kitchen and bathroom on the 1st floor. The 2nd floor has a loft bedroom. Hideaway Village Condominium Association (HAVCA) approval was received.

Chm. Berger was interested on what the Fire Department had to say about proposed project because the area was so dense. The Fire Department's letter dated 12/20/11 states they have no concerns about the proposed new building.

Tom Armstrong said the Association felt the proposed structure was better than the one already there, since that one was unsafe and falling apart.

Chm. Berger asked if some trees will be removed. Yes, and most of the demolition will be done by hand due to the difficulty of getting machines into the locus. The locus is not in the flood plain zone, and will have a full basement.

Tom Armstrong said the HAVCA was once concerned about blocking a view, but after viewing the proposal with the direct abutter they decided his view would not be blocked in any significant way.

Elizabeth Gillard, name on application, is deceased. The existing house is still in her name. Her husband is still alive.

No further Board comments. No public comments.

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

Riordan MOVED and SECONDED by Priestley to grant Special Permit #39-11 to Peter Cymaylo for applicant Elizabeth Gillard to raze existing house in accordance with site plans submitted dated 11/3/11 and Mr. Cymaylo drawings submitted to the Board; site plan "Structure 2 of 2" finding that the proposed extension or alteration will not be substantially more detrimental to the neighborhood than the existing use. VOTE 5-0.

7:45 p.m. - #40-11 Special Permit

Bracken Engineering, Inc. for Matthew Cusick. Location: 29 Bell Buoy Road, Pocasset. Map 43.3, Section 248 in an R40 zoning district. Proposal: Applicant seeks to raze the existing cottage and construct a new cottage more in compliance with current zoning bylaws.

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

Don Bracken represented the applicant. The property is located on a corner lot, at the corner of Circuit Avenue and Bell Buoy. The applicant wants to raze the existing cottage and build a new one with a loft, approximately 4' higher. The proposed project is close to a wetland resource area (coastal bank under State's definition). Existing house and cottage in questions is not within the flood zone. Applicant received Conservation Commission approval on 12/15/11.

Board of Health (BOH) submitted a letter with regard to the cottage being tied into the septic system; existing leaching field would require a waiver from a 150' setback for wetlands, and asks that any action by the Board of Appeals should reference the need for a BOH waiver before work can begin. Mr. Bracken said they are aware of issue and walked the property with Ms. Cindy Coffin. The septic system passed a recent Title 5 inspection and the applicant anticipates asking for the BOH waiver.

Both the present and proposed cottage is one story. Proposed height is 19' from the front and the existing height is about 15' (increasing by 4'). The present dormer off the back will disappear. Plans show 2' knee-walls to give loft a little more space. Applicant not including loft as a second floor in his calculation of maximum gross floor area since it is less than 6'6" high and will be used mostly for storage. Proposed new cottage includes a full basement with a bulkhead for storage. No changes are proposed for the main house.

Mr. Paul Cusick, father to applicant Matthew Cusick, explained the main house was built in the 1920s. The intent is to improve upon and use the new cottage more as a clubhouse, not a bunkhouse. Applicant has no intentions of renting. Cottage is designed to not have full cooking facilities, but to include a wet bar, with a place for overflow guests to sleep in lieu of calling it a bedroom. In the old building, the main room has a kitchen facility and a bed in it. The second bedroom is on the north side of the house.

Chm. Berger wondered whether both the main house and the new cottage could be rented separately, since both buildings had pre-existed zoning. Roger Laporte stated that since the cottage had not been rented for more than two years, that use had been abandoned, as defined by the bylaw, and the Board could restrict the rental of the cottage in any way it saw fit. The applicant was not asking for an accessory dwelling special permit. Mr. Laporte also stated that since the new building code does not permit unheated guesthouses, and the cottage needed to be built to code, there was no need to grant a special permit to change from seasonal to year round use, as that would be automatic.

Structure is more conforming and is 18' from the street line. The grade comes in at the 1st floor. Priestley asked how to get up to the loft, and was told a straight ladder would have to be used. The main house was built in 1965 has a full basement and houses a boiler which heats both the 1920 section as well as the 1965 section of the main house.

Chm. Berger asked about blocking the view of the abutter who lived behind the cottage. Mr. Bracken responded that the abutter was notified, and that he had discussed and emailed the plans to the abutter, and he had not objected. He also stated that the height is only being raised about 4 feet and would not significantly affect the abutter's view. The dormer currently facing the abutter will no longer be present.

Priestley asked if there is a code with regard to a loft. Mr. Laporte said no.

Mr. Laporte said the Board can restrict cottage from becoming a rental at this point. Mr. Cusick was concerned about his son's property value with regard to restricting the rental of the cottage. Mr. Laporte re-stated that if the dwelling has been unused or abandoned for 2 years, and is not conforming, the cottage loses its grandfathered status.

Chm. Berger suggested that since the applicant was not seeking an accessory dwelling permit, the Board should restrict any rentals of the property to one family, as the Board did in the Taylor proposal on Wings Neck. Neither Mr. Bracken nor Mr. Cusick objected, and Mr. Bracken

agreed that they could always come back to the Board if they wanted to rent the cottage separately.

No further questions from the Board. No public comment.

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

Priestley MOVED and SECONDED by Riordan to grant Special Permit #40-11 to raze and replace existing cottage as shown on plans prepared by Bracken Engineering for Matt Cusick dated 11/28/11, and in accordance with the elevations shown on drawings submitted by Donovan Construction Co, Inc. dated 9/12/11; with the conditions that the new cottage shall not be rented separately from the main dwelling, and the main dwelling shall not be rented separately from the new cottage; that the only livable space shall be on the 1st floor; and that the conditions set forth in the BOH letter dated 12/19/11 be incorporated into the decision. VOTE 5-0.

New Business

Chm. Berger had reviewed the Annual Report of the Town Offices of the Town of Bourne, and directed members of the Board to make sure their appointments are still in effect.

Old Business

Continued discussion with Hideaway Village Condominium Association (HAVCA). Mr. Ronnie Horne took Board suggestions from the Board and Chm. Berger and incorporated them into the HAVCA packet. Mr. Horne also included a construction application. Chm. Berger requested the words "of Appeals" be added after the words "Town Board." Chm. Berger requested a typographical error in the draft letter be corrected, so the word "possible" is changed to "possibly". Once letter comes to the Board, the HAVCA should include the certification listing the names and units numbers who are affected and were notified. Mr. Horne will correct typos mentioned by Chm. Berger.

Riordan MOVED and SECONDED by Priestley that for all future applications from Hideaway Village for additions or extensions or razing or reconstructions that will require a Special Permit from the Board of Appeals, HAVCA must mail to all affected unit owners the "Notification To Affected Unit Owners of Board of Appeals Hearing," and the Certification that such notice was mailed to all affected unit numbers, with the name and unit number affected listed on the Certification, must be filed with the application for a Special Permit. VOTE 5-0.

Chm. Berger mentioned a letter received by the Board of Appeals from the Cape Cod Commission to the effect that the Commission was holding a hearing with regard to the New Generation Wind project on 1/5/12.

Chm. Berger also mentioned that he had received a draft decision from Atty. Attea with regard to last meeting's Special Permit #33-11 (Lord as applicant). He had edited that draft substantially and discussed the edited version with John Priestley before filing the final

decision. He will have Attorney Attea's draft filed with the board's file (but not with the Town Clerk).

Public Comment

None.

Adjournment

Priestly MOVED and SECONDED by Sawyer to adjourn. Meeting adjourned at 8:38 pm.
UNANIMOUS VOTE.

Respectfully submitted - Lisa Groezinger, sec.

TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS

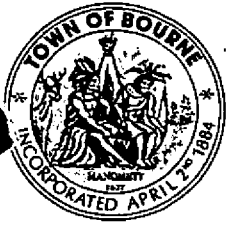
DATE AND TIME: Thursday, January 27, 2011 AT 4:00 P.M.

PLACE: Town Hall

AGENDA: Abatements

TOWN CLERK'S OFFICE

2011 JUN 19 PM 3 04



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 27, 2011 in the Town Hall. Present were Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

The Board reviewed the minutes of the November 5, 2010 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the November 5th meeting.

The Board reviewed and signed forty (40) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

TOWN OF BOURNE

2011 MAR 4 PM 2 43

TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS

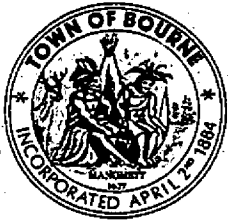
DATE AND TIME: Thursday, March 3, 2011 AT 4:00 P.M.

PLACE: Town Hall

AGENDA: Abatements

TOWN CLERK'S OFFICE

2011 FEB 9 PM 2 21



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 3, 2011 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 27, 2011 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the March 3, 2011 meeting.

The Board reviewed and signed one hardship exemption, one deferral and Eighty-Two (82) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

TOWN OF BOURNE

2011 APR 1 PM 10 59

Town of Bourne Meeting Notice

Board: Board of Assessors

Date & Time: Thursday, March 31, 2011 at 4:00 p.m.

Place: Town Hall-Upstairs Conference Room

Agenda: 3ABC Filing from Taylor's Point Improvement Association
Overlay

Abatements:

Sean Higgins	260	MacArthur Blvd
NYNEX	55	Depot Road
Carol Lowe	5	Grissom Ln
Drago Clifton	7	Bittersweet Ln
Priscilla Leveaque	88	Depot Rd
John Zahlway	122	Saltmarsh Ln
Kara Silva	19	County Rd
Bishop-Megansett	80	Megansett Rd
Noreen Michienzi	15	Cranberry Highway
Stephen Hamilton	193	Shore Rd
John McGuinness	6	Morning Mist Ln
Stephen Bisson	176	Scraggy Neck Rd
	178	Scraggy neck Rd
Patricia Thoma	13A	River Rd
Susan Hollins	22	Crump Rd
Mark Bowie	26	Benedict Rd
Gert Wijntjes	27	Beverly Rd
Michael O'Leary	16	Clubhouse Dr
John Sands	6	Scotch House Cove
Paul Gammell	100	Cedar Point Dr
Joseph Agrillo	60	County Rd
Judith Honan	40	Catskill Rd
William Garrity	15	Cataumet Rd
William Duane	51	Gilder Rd
Rodney Weston	0	Head of the Bay Rd
Janet Shaughnessy	8	Crump Rd
David Ricci	4	Quiet Cove Ln
William Traphagen	1	Juniper Ln

TOWN CLERK'S OFFICE
2011 MAR 30 AM 8 58

Town of Bourne Meeting Notice

Board: Board of Assessors

Date & Time: Thursday, March 31, 2011 at 4:00 p.m.

Place: Town Hall-Upstairs Conference Room

Agenda: 3ABC Filing from Taylor's Point Improvement Association
Overlay

Abatements:

Sean Higgins	260	MacArthur Blvd
NYNEX	55	Depot Road
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Drago Clifton	7	Bittersweet Ln
Priscilla Leveaque	88	Depot Rd
John Zahlway	122	Saltmarsh Ln
Kara Silva	19	County Rd
Bishop-Megansett	80	Megansett Rd
Noreen Michienzi	15	Cranberry Highway
Stephen Hamilton	193	Shore Rd
John McGuinness	6	Morning Mist Ln
Stephen Bisson	176	Scraggy Neck Rd
	178	Scraggy neck Rd
Patricia Thoma	13A	River Rd
Susan Hollins	22	Crump Rd
Mark Bowie	26	Benedict Rd
Gert Wijntjes	27	Beverly Rd
Michael O'Leary	16	Clubhouse Dr
John Sands	6	Scotch House Cove
Paul Gammell	100	Cedar Point Dr
Joseph Agrillo	60	County Rd
Judith Honan	40	Catskill Rd
William Garrity	15	Cataumet Rd
William Duane	51	Gilder Rd
Rodney Weston	0	Head of the Bay Rd
Janet Shaughnessy	8	Crump Rd
David Ricci	4	Quiet Cove Ln
William Traphagen	1	Juniper Ln
Joseph Federico	1	Captains Row

TOWN CLERK'S OFFICE
2011 MAR 31 AM 8 51

Town of Bourne Meeting Notice

Board: Board of Assessors

Date & Time: Tuesday, March 31, 2010 at 4:00 p.m.

Place: Town Hall-Upstairs Conference Room

Agenda: Abatements:

Sean Higgins	260	MacArthur Blvd
NYNEX	55	Depot Road
Carol Lowe	5	Grissom Ln
Drago Clifton	7	Bittersweet Ln
Priscilla Leveaque	88	Depot Rd
John Zahlway	122	Saltmarsh Ln
Kara Silva	19	County Rd
Bishop-Megansett	80	Megansett Rd
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Stephen Hamilton	193	Shore Rd
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Stephen Bisson	176	Scraggy Neck Rd
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Patricia Thoma	13A	River Rd
Susan Hollins	22	Crump Rd
Mark Bowie	26	Benedict Rd
Gert Wijntjes	27	Beverly Rd
Michael O'Leary	16	Clubhouse Dr
John Sands	6	Scotch House Cove
Paul Gammell	100	Cedar Point Dr
Joseph Agrillo	60	County Rd
Judith Honan	40	Catskill Rd
William Garrity	15	Cataumet Rd
William Duane	51	Gilder Rd
Rodney Weston	0	Head of the Bay Rd
Janet Shaughnessy	8	Crump Rd
David Ricci	4	Quiet Cove Ln

2011 MAR 16 AM 11 05
TOWN OF BOURNE OFFICE

Town of Bourne Meeting Notice

Board: Board of Assessors

Date & Time: Tuesday, March 31, 2010 at 4:00 p.m.

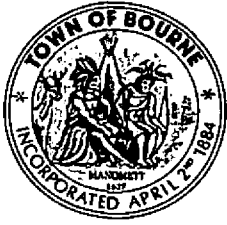
Place: Town Hall-Upstairs Conference Room

Agenda: 3ABC Filing from Taylor's Point Improvement Association

Abatements:

Sean Higgins	260	MacArthur Blvd
NYNEX	55	Depot Road
Carol Lowe	5	Grissom Ln
Drago Clifton	7	Bittersweet Ln
Priscilla Leveaque	88	Depot Rd
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William Garrity	15	Cataumet Rd
William Duane	51	Gilder Rd
Rodney Weston	0	Head of the Bay Rd
Janet Shaughnessy	8	Crump Rd
David Ricci	4	Quiet Cove Ln

2010 MAR 31 PM 3 08



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 31, 2011 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 March 3rd meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the March 3rd meeting.

The Board received a letter from the Town Administrator dated March 29, 2011 requesting a transfer from Overlay Reserve Account to the Overlay Surplus Account. The Board voted to transfer the sum of \$200,000 from Overlay Reserve to Overlay Surplus from various fiscal years.

The Board reviewed and signed twenty-eight (28) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

TOWN CLERK'S OFFICE

2011 JUN 16 PM 12 20

Town of Bourne Meeting Notice

Board: Board of Assessors

Date & Time: Friday, April 29, 2011 at 2:00 p.m.

Place: Town Hall-Upstairs Conference Room

Agenda: Abatements:

List will follow

TOWN OF BOURNE OFFICE

2011 APR 22 PM 2 54

Assessors

Steven Solari	134 Mashnee Rd
Martin Tyler	42 Buzzards Bay Ave
Tahin Khan	41 Meetinghouse Ln
Linear Retail LLC	2 Bourne Bridge Approach
Portside 55 Rlty TR	55 Portside Dr
Brian Healy TR	530 MacArthur Blvd
David Balch	2F Hideaway Rd
Michael Miele	51 Chickadee Lane
Floyd Oakley	1 Lathrop Rd
Edith Aucoin	138 Jefferson Rd
Claybourne Tr	170 Clay Rd
Virginia Werden	460 Wings Neck Rd
One Trowbridge	76 Mashnee Rd
Lynne Smith	270 Scraggy Neck Rd
William Duane	51 Gilder Rd
Thomas Donovan	1, 3, 7, 10, 11, 15, 18 & 19 Quaker Lane
	10 lot Subdivision Heritage Commercial Park
	11 Cranberry Highway
	3, 5 Colonel Drive
	31, 32 & 9-11 Jonathan Bourne Dr

1
TOWN CLERK'S OFFICE

2011 APR 28 AM 11 11

Assessors

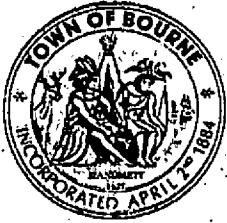
Inmed Diagnostic	2 Technology Park
Steven Solari	134 Mashnee Rd
Martin Tyler	42 Buzzards Bay Ave
Tahin Khan	41 Meetinghouse Ln
Gerald Silvestri	84 Sachem Dr
Linear Retail LLC	2 Bourne Bridge Approach
Portside 55 Rlty TR	55 Portside Dr
Brian Healy TR	530 MacArthur Blvd
David Balch	2F Hideaway Rd
Michael Miele	51 Chickadee Lane
Floyd Oakley	1 Lathrop Rd
Edith Aucoin	138 Jefferson Rd
Claybourne Tr	170 Clay Rd
Virginia Werden	460 Wings Neck Rd
One Trowbridge	76 Mashnee Rd
Lynne Smith	270 Scraggy Neck Rd
William Duane	51 Gilder Rd
Thomas Donovan	1, 3, 7, 10, 11, 15, 18 & 19 Quaker Lane
	10 lot Subdivision Heritage Commercial Park
	11 Cranberry Highway
	3, 5 Colonel Drive
	31, 32 & 9-11 Jonathan Bourne Dr

2011 APR 29 AM 9 39
TOWN CLERK'S OFFICE

Napili LLC	580 MacArthur Blvd
Inmed Diagnostic	2 Technology Park
Steven Solari	134 Mashnee Rd
Martin Tyler	42 Buzzards Bay Ave
Tahin Khan	41 Meetinghouse Ln
Gerald Silvestri	84 Sachem Dr
Linear Retail LLC	2 Bourne Bridge Approach
Portside 55 Rlty TR	55 Portside Dr
Brian Healy TR	530 MacArthur Blvd
David Balch	2F Hideaway Rd
Michael Miele	51 Chickadee Lane
Floyd Oakley	1 Lathrop Rd
Edith Aucoin	138 Jefferson Rd
Claybourne Tr	170 Clay Rd
Virginia Werden	460 Wings Neck Rd
One Trowbridge	76 Mashnee Rd
Lynne Smith	270 Scraggy Neck Rd
William Duane	51 Gilder Rd
Thomas Donovan	1, 3, 7, 10, 11, 15, 18 & 19 Quaker Lane
	10 lot Subdivision Heritage Commercial Park
	11 Cranberry Highway
	3, 5 Colonel Drive
	31, 32 & 9-11 Jonathan Bourne Dr
Old Business:	Good Builders (20)

TOWN CLERK'S OFFICE

2011 APR 29 AM 11 58



TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026

APR 29 2011 PM 12:08
TOWN CLERK'S OFFICE
BOURNE, MASS



Donna L. Barakauskas, MAA,
Principal Assessor

J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member

The Board of Assessors held their regularly scheduled meeting on April 29, 2011 in the Town Hall. Present were Chairman J. Malcolm Whitney, Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

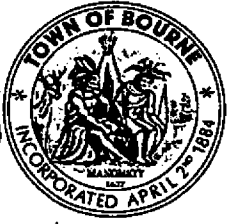
The Board reviewed the minutes of the March 31st meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the March 31st meeting.

The Board received a letter from the Town Administrator dated March 29, 2011 requesting a transfer from Overlay Reserve Account to the Overlay Surplus Account. The Board voted to transfer the sum of \$200,000 from Overlay Reserve to Overlay Surplus from various fiscal years.

The Board reviewed and signed forty (67) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor



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
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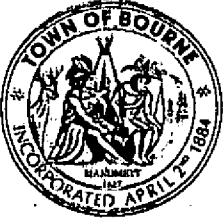
The Board reviewed and signed forty (28) abatement applications.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor

TOWN OF BOURNE

2011 MAY 3 AM 10 07



TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 510 ♦ Fax (508) 759-8026



Donna L. Barakauskas, MAA,
Principal Assessor

J. Malcolm Whitney, MAA, Chairman
Priscilla A. Koleshis, Clerk
Anne Ekstrom, Member

September 23, 2011

Cumberland Farms
c/o Carolyn A. Parker
3 Lorion Ave
Worcester, MA 01606

2011 SEP 29 PM 1 36
TOWN CLERK'S OFFICE
BOURNE, MASS

Reference: Abutters List for Map 30.4 Parcel 167
435 Shore Rd

Pursuant to the provisions of Massachusetts General Laws Chapter 40A, Section 11, as amended, this is to certify that the attached list of names and addresses constitutes all of the abutters to abutters within 300 feet of the property on the most recent tax list of the Town of Bourne. The purpose of the abutters list is for an application of a Special Permit from the Zoning Board of Appeals.

Abutting properties are Map 30.4 Parcels 98, 104, 105, 168, 169, 170, 193, 194 & 290.

Your payment of \$10.00 has been received by the Assessors Office.

See enclosed Data Base Inquiry Forms for abutters mailing addresses.

Board of Assessors

List Enclosed

J. Malcolm Whitney
Priscilla Koleshis
Anne Ekstrom

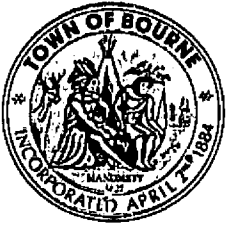
Extract: 1 Abutters List
 Database: LIVE
 Filter: Key IN 6593,6421,6426,6425,6489,6490,6491,6509,6510
 Sort:

Report #24: Owner Listing Report
 Fiscal Year 2012

Bourne MA

Key	Parcel ID	Owner	Location	LC	Book/Page(Cert)	Deed	Mailing Street	Mailing City	ST	Zip Cd/County
6421	30.4-98-0-R	NOONAN JOHN E III & J FORD OCONNOR CO TRS	430 SHORE RD	Y	DOC 946705	10/29/2003	PO BOX 699	CATAUMET	MA	02534
6425	30.4-104-0-R	SHEARER DOUGLAS H & KRISTIN T	429 SHORE RD	N	18984/253	8/30/2004	P O BOX 538	WEST FALMOUTH	MA	02574
6426	30.4-105-0-R	MATTERA MARIE J	5 BEACH ST	N	08947/00301	12/15/1993	93 SWAN ROAD	SMITHFIELD	RI	02917-1612
6489	30.4-168-0-R	PALAZESI LENI J TRS OF BEACH STREET REALTY TRUST	8 BEACH ST	N	24468/202	4/6/2010	PO BOX 2144	E SANDWICH	MA	02563-2144
6490	30.4-169-0-R	RIVERBEND HOLDINGS LLC	10 BEACH ST	N	23340/269	10/29/2008	32 FORTHILL RD	E SANDWICH	MA	02537
6491	30.4-170-0-R	RIVERBEND HOLDINGS LLC	18 BEACH ST	Y	187632	12/29/2008	PO BOX 2144	SANDWICH	MA	02537
6509	30.4-193-0-R	GULLY MICHAEL A	441 SHORE RD	N	24893/126	10/7/2010	226 BARLOWS LANDING ROAD	POCASSET	MA	02559
6510	30.4-194-0-R	RIVERBEND HOLDINGS LLC	437 SHORE RD	N	23347/115	12/31/2008	PO BOX 2144	SANDWICH	MA	02563-2144
6593	30.4-290-0-R	CORNU THOMAS W & TIMOTHY TRS THE SHORE ROAD TRUST	440 SHORE RD	N	20600/246	12/20/2005	30 THREE PONDS RD	WAYLAND	MA	01778-1719

Total Records 9



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

October 21, 2011

To Whom It May Concern;

The estimated assessed value for Fiscal Year 2012 for property located at 222 Scraggy Neck Road owned by William Ware is \$2,110,600.

Enclosed is the Fiscal Year 2012 preliminary property record card.

If you have any questions, please call me at 508-759-0600 Extension 328.

Sincerely,

Donna L. Barakauskas, MAA
Principal Assessor

2011 OCT 25 PM 1 15
TOWN CLERK'S OFFICE
BOURNE, MASS

db/Enclosure

Key: 10893

Town of Bourne - Fiscal Year 2012 Preliminary

10/21/2011

SEQ # 1

LEGALLAND

CURRENT OWNER				PARCEL ID				LOCATION					
WARE WILLIAM TR OF 222 SCRAGGY NECK ROAD TRUST PO BOX 122 CATAUMET, MA 02534-0122				51.3-4-0-R				222 SCRAGGY NECK RD					
TRANSFER HISTORY				DOS	T	SALE PRICE	BK-PG (Cert)						
WARE WILLIAM TR OF 222 SC WARE ELIZABETH BANKER ET				11/27/2006	F XX	100	21552-153 4156+-0235+						
CD	T	ACRES/SF	Nbhd	Infl1	N Index	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE	
100	S	40,000	14	1.00	DCK 1.00	100	1.00	1,604,900	1.00	A	1.00	BSP 11.00	1,473,430
300	A	0.962	14	1.00	100	1.00	100	1.00	1.00	A	1.00	BSP 11.00	105,820

CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD
1010	100	SINGLE FAMILY				1	1 of 1
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st %
06795	12/21/2006	2	ADDITIONS	545,000	10/05/2007	JB	100 100
03620	09/08/2003	4	OUT BUILDING		10/27/2003	TL	100 100
920215	05/07/1992	6	FENCE	900	08/16/1994	DMB	100 100

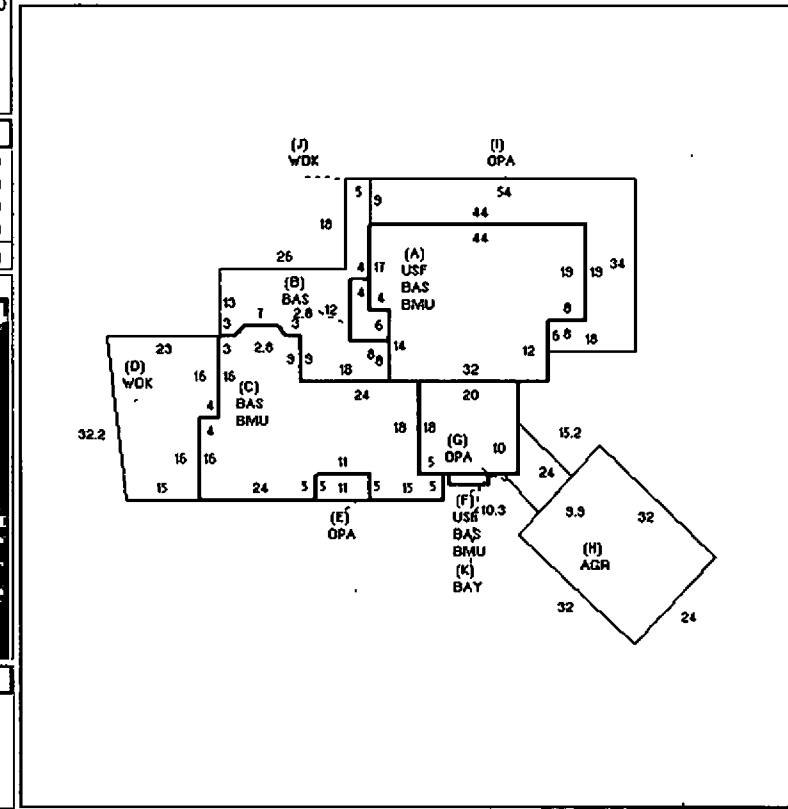
TOTAL	1.880 Acres	ZONING	1	FRNT	157	ASSESSED	CURRENT	PREVIOUS
Nbhd	CATAUMET	NOTE	FY12 - RMVD 200 LAND CODE			LAND	1,579,300	2,231,300
Infl1	DOCK				BUILDING	395,900	429,700	
N Index	AVG				DETACHED	135,400	0	
					OTHER	0	0	
					TOTAL	2,110,600	2,661,000	

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	A	1.00	10 0.90	8 X 10		0.00	
PPD	S	3.00	20 0.80	FLO 16X16 +	376	450.00	135,400



BUILDING	CD	ADJ	DESC	MEASURE	10/5/2007	JB
MODEL	1		RESIDENTIAL	LIST	7/9/2008	TL
STYLE	7	1.15	CONVENTIONAL (100%)	REVIEW	7/9/2008	TL
QUALITY	+	1.05	AVERAGE + (100%)			
FRAME	1	1.00	WOOD FRAME (100%)			

BLDG COMMENTS
 bmf = office, exercise area & full; original hse - mostly untouched (new windows & some insul.); 1st flr mstr bdrm w/ 4 fix bath; updated kitch (granite,hw); 2% for unheated area; changed crt to bmu



DETACHED

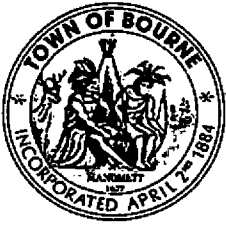
BUILDING

YEAR BLT	1884	SIZE ADJ	1.000	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	557,659
NET AREA	4,380	DETAIL ADJ	1.000	FOUNDATION	4	FLR/WALL(FULL)	1.00	+	BMU	N	BSMT UNFINISHED	2,720		16.64	45,273	CONDITION ELEM	CO
\$NLA(RCN)	\$127	OVERALL	1.190	EXT COVER	1	WOOD SHINGLE	1.02	+	USF	L	UPPER STORY FIN	1,572	1884	62.97	98,997	EXTERIOR	
CAPACITY				UNITS	ADJ	ROOF SHAPE	1.00	+	BAS	L	BASE AREA	2,792	1884	99.50	277,803	INTERIOR	
STORIES	2	1.00	ROOF COVER	1	ASPH/COMP SHIN	1.00	+	WDK	N	WOOD DECK	1,193		12.84	15,324	KITCHEN		
ROOMS	13	1.00	FLOOR COVER	1	HARDWOOD	1.02	+	OPA	N	OPEN PORCH	946		35.60	33,677	BATHS		
BEDROOMS	8	1.00	INT. FINISH	1	PLASTER	1.00	H	AGR	N	ATT GARAGE	768		35.09	26,951	HEAT		
BATHROOMS	4	1.00	HEATING/COOLING	1	FORCED AIR	1.00	K	BAY	L	BAYWINDOW	16	1884	109.56	1,753	ELECT		
FIXTURES	21	1.00	FUEL SOURCE	2	GAS	1.00		BMF	N	BSMT FINISH	1,394		18.32	25,536			
GARAGE CAPACITY	2	1.00						F21	O	FPL 2S 1OP	1		5,321.60	5,322			
% BSMT FINISH	0	1.00						FIX	O	XTRA FIXTURES	18		1,286.64	23,160			
# OF HALF BATHS	1	1.00						GFP	O	GAS FIREPLACE	1		3,866.00	3,866			
# OF UNITS	1	1.00															
EFF.YR/AGE																1980 / 30	
COND																27 0	
FUNC																2	
ECON																0	
DEPR																29 % GD 71	
RCNLD																\$395,900	

TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS
DATE AND TIME: Thursday, November 10, 2011 AT 4:00 P.M.
PLACE: Town Hall
AGENDA: Classification
Conservation Restriction-27 Beverly Rd

2011 OCT 20 PM 12 13
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

2011 MAR 2 AM 7 38
TOWN CLERK'S OFFICE
BOURNE, MASS

The Board of Assessors held their regularly scheduled meeting on November 10, 2011 in the Town Hall. Present were Clerk Priscilla Koleshis, member Anne Ekstrom and Principal Assessor, Donna Barakauskas.

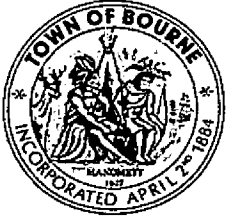
The Board reviewed the minutes of the April 29th meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the April 29th meeting.

The Board reviewed and voted on the Conservation Restriction for 27 Beverly Road.

The Board voted to retain one tax rate for all classes of property to be presented to the Board of Selectman on November 29th at 7:15.

Respectfully submitted,

Donna L. Barakauskas
Principal Assessor



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

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Donna L. Barakauskas
Principal Assessor

BOURNE, MASS
TOWN CLERK'S OFFICE
2012 JAN 27 AM 10 34

2011 APR 25 PM 12 19

TOWN CLERK'S OFFICE

NOTICE MEETING

Board of Registrars

Meeting Date: April 27, 2011

Where: Town Clerk's Office

Time: 4:30pm to 8:00pm.

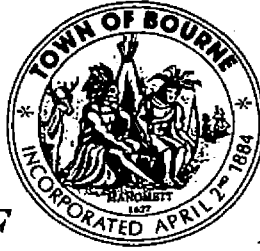
Agenda

PURPOSE: to hold a VOTER REGISTRATION SESSION for anyone who wishes to Register to Vote in order that they might be able to participate in the May 17, 2011 Annual Town Election.

Barry H. Johnson, Member, Board of Registrars

BARRY H. JOHNSON
Town Clerk

WENDY CHAPMAN
Assistant Town Clerk



2011 APR 22 PM 7:15 **TOWN OF BOURNE**

TOWN CLERK'S OFFICE Office of the Town Clerk

MEETING NOTICE

BOARD OF REGISTRARS

DATE: APRIL 27, 2011

WHERE: CLERK'S OFFICE - TOWN HALL

TIME: 4:30pm to 8:00pm.

AGENDA

PURPOSE: to hold a VOTER REGISTRATION Session for anyone who wants to register to vote in order that they might be able to participate in the May 9, 2011 Special Town Meeting.

Barry H. Johnson, Member, Board of Registrars

2011 APR 25 PM 12 19

TOWN CLERK'S OFFICE

NOTICE MEETING

Board of Registrars

Meeting Date: April 29, 2011

Where: Town Clerk's Office

Time: 4:30pm to 8:00pm.

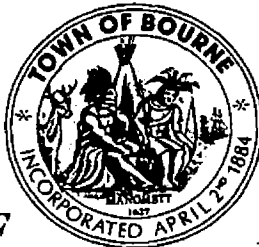
Agenda

PURPOSE: to hold a VOTER REGISTRATION SESSION for anyone who wishes to Register to Vote in order that they might be able to participate in the May 9, 2011 Special Town Meeting.

Barry H. Johnson, Member, Board of Registrars

BARRY H. JOHNSON
Town Clerk

WENDY CHAPMAN
Assistant Town Clerk



2011 JUL 8 AM 11:06

TOWN OF

BOURNE

TOWN CLERK'S OFFICE Office of the Town Clerk
BOURNE, MASS.

MEETING NOTICE

Agency: Board of Registrars

When: July 15, 2011

Where: Clerks Office – Town Hall

Time: 4:30 to 8:00pm.

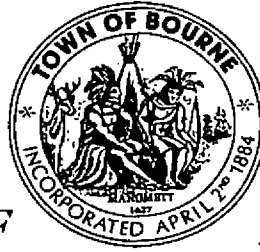
PURPOSE

- 1). To conduct a Voter Registration Session for anyone who wishes to be able to vote in the July 25, 2011 Special Town Meeting.
- 2). Working on updating Census and Voter information.

For the Board, Barry H. Johnson, Member

BARRY H. JOHNSON
Town Clerk

WENDY CHAPMAN
Assistant Town Clerk



2011 SEP 6 PM 4 TOWN OF BOURNE

TOWN CLERK'S OFFICE Office of the Town Clerk
BOURNE, MASS

MEETING NOTICE

Agency: Board of Registrars

When: October 7, 2011

Time: 4:30pm to 8:00pm

Where: Town Clerks Office



AGENDA

1. Voter Registration Session: for persons who wish to participate in the October 17, 2011 Special Town Meeting to come into the Clerk's office and become a registered voter.

2. To review and update past Voter Registrations, Census Data and the filing of related documents.

For the Board of Registrars:


Barry H. Johnson, Member of the Board

24 Perry Avenue
Buzzards Bay, Massachusetts 02532
Phone 508-759-0600 x12



508 457-5305 www.bfdconline.org
 P.O. Box 289, Buzzards Bay, MA 02532-0289

2011 FEB 4 AM 10 23

TOWN CLERK'S OFFICE

Proposed Agenda - Board of Directors

Date: February 9, 2011
Time: 7:45 am
Location: Bourne Community Center

Call to order B. Motta

Review and VOTE on Minutes of the November 2010 meeting

Treasurer's Report E. Dean, Treasurer
Authorization of expenditures

Discussion and acceptance by vote of Merlin Foundation grant
Review for action of criteria and procedures

Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
 a) *Wastewater Advisory Committee*
 b) *New Main Street developments*
 c) *Growth Incentive Zone application*
 d) *Traffic and transportation*
Report from Bourne Development Campus Working Group

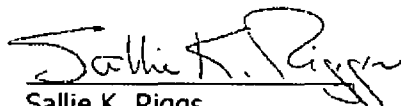
President's updates
Report of meetings

Topics for Future Discussion (for information only)

Public Comments (for information only)

Executive Session – if needed

Adjourn


 Sallie K. Riggs
 Executive Director

**Minutes: Meeting of the Board of Directors
February 9, 2011**

Attending: Elizabeth Dean, Christopher Farrell, Michele Ford, Michael Giancola, Joseph Lingo, Noreen Michienzi, Barry Motta, Marie Oliva. Sallie Riggs, Executive Director.

President Barry J. Motta called the meeting to order at 7:50 am.

Minutes: Barry asked for a vote to accept the Minutes of the November 10, 2010 meeting which had been circulated in advance. It was MOVED, SECONDED and VOTED to accept the Minutes of the November 10, 2010 meeting as distributed with four abstentions.

Treasurer's Report: Treasurer Liz Dean reviewed the Treasurer's Report which had been circulated in advance of the meeting. The Balance Sheet shows \$3,371.99 in the checking account and \$31,078.36 in the money market account as of January 31, 2011. All bills have been paid. Sallie interjected that the amount in the savings account includes the recent donation from the Merlin Foundation of \$25,000. It was then MOVED, SECONDED and VOTED unanimously to accept the report as presented.

Liz noted a bill for \$750 as partial payment to Sallie Riggs for administrative activities surrounding the housing subsidy program. She also indicated that Tighe & Bond had been requested to make an adjustment in the Bourne Development Campus' site map which carries a fee of \$400. Liz asked for authorization to pay the Riggs invoice and to pay the Tighe & Bond invoice when it arrives. It was MOVED, SECONDED and VOTED with one abstention to authorize the payments.

Donation: Sallie requested that the Directors formally accept the Merlin Foundation grant and restrict \$24,000 of the total for the housing subsidy program, as the donors requested. It was so MOVED, SECONDED and VOTED unanimously to do so.

A brief discussion followed resulting in a unanimous VOTE to authorize the Executive Committee to work with Sallie on setting up more specific criteria for eligibility and procedures for selecting renters for the housing subsidy program.

Executive Director's Report: Sallie noted that there have been two public hearings on the Growth Incentive Zone application. A third will be scheduled soon. Then the application will be submitted.

The Wastewater Advisory Committee met once in December focusing on procedural matters. Another meeting is scheduled for the evening of February 9. There is still an opportunity for a commercial user of the current sewer system to be appointed to the Committee.

The Assembly of Delegates adopted Bourne's Land Use Vision Map at its February 2 meeting.

Marie Oliva noted her concern about when the Cohasset Narrows Bridge restoration project will begin. She had heard that bids would be going out in April or May. She was assured that with that timing, no work would begin until fall.

President's Report: Barry reported that he and Sallie had met with Congressman Keating to brief him on the Bourne Development Campus. He noted that he was supportive of the project. Barry also noted that he and Sallie had attended a meeting of the upper Cape economic development groups with the county's Economic Development Council. The meeting was aborted due to a bomb threat and will be rescheduled.

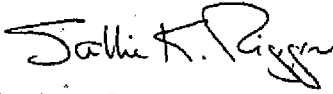
Topics for Future Discussion: the relationship between the Town of Bourne and the Cape Cod Commission.

2011 JUL 13 AM 9 30
TOWN CLERK'S OFFICE
BOURNE MASS

Public Comment: It was noted that a celebration of 100 years of the Cape Cod Canal is being planned by the 2014 Committee which meets the first Tuesday of every month.

Adjourn: Barry asked for a motion to adjourn. It was so MOVED, SECONDED and VOTED. The meeting adjourned at 8:54 am.

Respectfully submitted,



Sallie K. Riggs
Executive Director



508 457-5305 www.bfdconline.org
 P.O. Box 289, Buzzards Bay, MA 02532-0289

Proposed Agenda - Board of Directors

Date: March 9, 2011
Time: 7:45 am
Location: Bourne Community Center

2011 MAR 4 AM 9 20
 TOWN CLERK'S OFFICE

- Call to order B. Motta
- Review and VOTE on Minutes of the February 2011 meeting
- Treasurer's Report E. Dean, Treasurer
Authorization of expenditures
- Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
 - a) *Wastewater Advisory Committee*
 - b) *New Main Street developments*
 - c) *Growth Incentive Zone application*
 - d) *Traffic and transportation**Report from Bourne Development Campus Working Group*
- President's updates
Report of meetings
- Reports/Updates from Directors
- Topics for Future Discussion (for information only)
- Public Comments (for information only)
- Executive Session -- if needed
- Adjourn


 Sallie K. Riggs
 Executive Director

**Minutes: Meeting of the Board of Directors
March 9, 2011**

Attending: Elizabeth Dean, Dan Doucette, Michele Ford, William W. Locke, Joseph Longo, Noreen Michienzi, Barry Motta, Marie Oliva. Sallie Riggs, Executive Director.

President Barry J. Motta called the meeting to order at 7:50 am.

Minutes: Barry asked for a vote to accept the Minutes of the February 9, 2011 meeting which had been circulated in advance. It was **MOVED, SECONDED** and **VOTED** to accept the Minutes of the February meeting as distributed with one abstention.

Treasurer's Report: Treasurer Liz Dean reviewed the Treasurer's Report which had been circulated in advance of the meeting. The Balance Sheet shows \$2,621.99 in the checking account and \$31,085.56 in the money market account as of February 28, 2011. All bills have been paid. She noted that of those amounts, just over \$27,000 are restricted funds. It was then **MOVED, SECONDED** and **VOTED** unanimously to accept the report as presented.

Executive Director's Report: Sallie noted that the Wastewater Advisory Committee has a meeting scheduled for tonight. It has decided to meet the first and third Wednesdays of every month.

After a third public hearing, the Planning Board voted to forward the Growth Incentive Zone application to the Commission. There are still some minor editing tweaks needed, but not substantive changes.

Sallie also reported that the Town Administrator and Town Planner, along with the Town's legislative delegation and several people from the BDC working group had met with representatives of seven or eight state agencies on February 17. The discussion focused on whether the state feels that it is appropriate to support the BDC given its mission of protecting environmental resources. The organizer of the meeting asked for some follow-up documents to summarize the need and to respond to the question posed at the meeting.

President's Report: Barry reported that he and Sallie participated in a meeting of the upper Cape economic development groups with the county's Economic Development Council yesterday. The outstanding issue for each group is funding. There was some discussion of creating a regional finance authority. A second meeting of the group is likely in three-to-four months. In the discussion that followed, "redevelopment" was the theme.

Topics for Future Discussion: how the BFDC can be a change agent in the relationship between the Town of Bourne and the MA Maritime Academy.

Adjourn: Barry asked for a motion to adjourn. It was so **MOVED, SECONDED** and **VOTED**. The meeting adjourned at 8:50 am.

Respectfully submitted,


Sallie K. Riggs
Executive Director

2011 JUL 3 AM 9 35
TOWN OF BOURNE MASS
SALLIE RIGGS, EXECUTIVE DIRECTOR



508 457-5305 www.bfdonline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

2011 APR 8 AM 10 20

Proposed Agenda - Board of Directors

Date: April 13, 2011
Time: 7:45 am
Location: Bourne Community Center

Call to order M. Ford

Review and VOTE on Minutes of the March 2011 meeting

Treasurer's Report E. Dean, Treasurer
Authorization of expenditures

Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
a) *Wastewater Advisory Committee*
b) *New Main Street developments*
c) *Growth Incentive Zone application*
d) *Traffic and transportation*
Report from Bourne Development Campus Working Group

President's updates

Transportation discussion Glenn Cannon, Cape Cod Commission

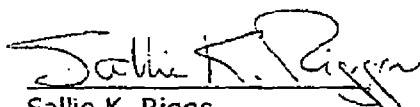
Reports/Updates from Directors

Topics for Future Discussion (for information only)

Public Comments (for information only)

Executive Session – if needed

Adjourn


Sallie K. Riggs
Executive Director



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P.O. Box 289, Buzzards Bay, MA 02532-0289

Proposed Agenda - Board of Directors

Date: May 11, 2011
Time: 7:45 am
Location: Bourne Community Center

2011 MAY 5 PM 2 06
TOWN CLERK'S OFFICE

- Call to order B. Motta
- Review and VOTE on Minutes of the March 2011 meeting
- Treasurer's Report E. Dean, Treasurer
Ratification of Executive Committee authorization of expenditures
- Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
 - a) *Wastewater Advisory Committee*
 - b) *New Main Street developments*
 - c) *Growth Incentive Zone application*
 - d) *Traffic and transportation**Report from Bourne Development Campus Working Group*
- President's updates B. Motta
- Reports/Updates from Directors
- Topics for Future Discussion (for information only)
- Public Comments (for information only)
- Executive Session – if needed
- Adjourn


Sallie K. Riggs
Executive Director

2011
MAY 13 AM 9:05
TOWN CLERK'S OFFICE
BOURNE, MASS

**Minutes from the meeting of the Board of Directors
May 11, 2011**

Attending: Rick Carlson, Elizabeth Dean, William Locke, Joe Longo, Noreen Michienzi, Barry Motta, Marie Oliva. Sallie Riggs, Executive Director.

President Barry Motta called the meeting to order at 7:52 am.

Minutes: Barry asked for a vote to accept the Minutes of the March 9, 2011 meeting which had been circulated in advance. It was MOVED, SECONDED and VOTED to accept the Minutes of the March meeting as distributed.

Treasurer's Report: Treasurer Liz Dean reviewed the Treasurer's Report which had been circulated in advance of the meeting. The Balance Sheet shows \$674.99 in the checking account and \$28,105.64 in the money market account as of April 30, 2011. All bills have been paid. She noted that of those amounts, \$22,543 are restricted funds. It was MOVED, SECONDED and VOTED unanimously to accept the report as circulated.

Liz then asked for ratification of an action taken by the Executive Committee: On April 29, Executive Committee members voted to authorize payment of the invoice for insurance on the BDC property. The amount was \$1,547 and the bill was due on May 7, before the May 11 meeting. It was MOVED, SECONDED and VOTED unanimously to ratify the action of the Executive Committee.

Liz also noted an invoice from Harding Realty for \$2,000 for the work Kathy Harding did to get a tenant into the Canal Crossing unit. Sallie added that Merlin Foundation Trustee Jay McLaughlin had volunteered that the property partner, Vincent Promuto, would pay \$1,000 and that the BFDC could take the other \$1,000 from the unpaid rental subsidy while the unit was empty. During the discussion that followed, Barry Motta and Noreen Michienzi offered to serve as broker in the future and to waive any commission. After the discussion it was MOVED, SECONDED and VOTED unanimously to authorize a payment of \$1,000 to Harding Realty.

Sallie asked if the Board needed to approve the establishment of an escrow account at Sovereign bank for the unit's security deposit. There was Board consensus to do so.

Executive Director's Report: Main Street Steering Committee

a) Sallie reported that the Wastewater Advisory Committee has been meeting on the first and third Wednesday's of the month. It is currently working with the Cape Cod Commission on a scope of work for Commission staff to assist in several technical aspects of the Committee's work.

b) Three developments on Main Street:

- 1) On May 5 Town Planner Coreen Moore and Sallie ran a meeting of people interested in participating in the façade improvement phase 1 program. There was a lot of interest in improving Main Street among the dozen or so property owners who attended.
- 2) Cape Cod Commission Executive Director Paul Niedzwiecki is arranging a meeting with the Byron property developer to explore a Development Agreement between the developer and the Commission as a way to get the project going even before the Growth Incentive Zone application is approved.
- 3) Coreen has suggested that the Main Street Steering Committee serve as a review committee for signs. She is also talking with the Planning Board about changing the existing architectural guidelines to regulations.

- c) Coreen has pledged to have the GIZ application in within the week.
- d) Sallie is continuing to monitor the Joint Transportation Committee and Metropolitan Planning Organization's meetings. After the MPO meeting on May 2, she asked the Commission staff member why the traffic changes that had been endorsed by the Selectmen did not appear in the Regional Transportation Plan draft. The staff member had not heard about them and asked Sallie to send them to him.

Bourne Development Campus

By way of a report from the BDC working group, Sallie read Michele Ford's e-mail (a copy is on file with the original of these Minutes). She also reported that the Cape Cod Commission will conduct a public hearing on the New Generation Wind project on May 17 at 5:30 pm at the Bourne High School Auditorium.

President's Updates: Barry reported that he had participated in a meeting with the other upper Cape economic development agencies. There is some discussion about creating a financing authority that the four agencies could apply to for assistance in funding. Paul Niedzwiecki also suggested that the Commission might be able to provide some technical services, such as legal assistance. This is a developing topic.

Adjourn: There being no suggestions for topics for future discussion and no public to comment, Barry asked for a motion to adjourn. It was so MOVED, SECONDED and VOTED. The meeting adjourned at 8:38 am.

Respectfully submitted,


Sallie K. Riggs
Executive Director



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 P.O. Box 289, Buzzards Bay, MA 02532-0289

TOWN CLERK'S OFFICE

Proposed Agenda - Board of Directors

Date: June 8, 2011
Time: 7:45 am
Location: Bourne Community Center

- Call to order B. Motta
- Review and VOTE on Minutes of the May 2011 meeting
- Treasurer's Report E. Dean, Treasurer
Authorization of expenditures
- Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
 - a) *Wastewater Advisory Committee*
 - b) *New Main Street developments*
 - c) *Growth Incentive Zone application*
 - d) *Traffic and transportation**Report from Bourne Development Campus Working Group*
- President's updates B. Motta
- Reports/Updates from Directors
- Topics for Future Discussion (for information only)
- Public Comments (for information only)
- Executive Session – if needed
- Adjourn


 Sallie K. Riggs
 Executive Director

**Minutes from the meeting of the Board of Directors
June 8, 2011**

DRAFT - DRAFT - DRAFT

Attending: Rick Carlson, Elizabeth Dean, Daniel Doucette, Kevin Farr, Michele Ford, Michael Giancola, William Locke, Noreen Michienzi, Barry Motta, Marie Oliva, David Peterson. Sallie Riggs, Executive Director.

President Barry Motta called the meeting to order at 7:45 am.

Minutes: Barry asked for a vote to accept the Minutes of the May 11, 2011 meeting which had been circulated in advance. It was MOVED, SECONDED and VOTED with two abstentions to accept the Minutes of the May meeting as distributed.

Treasurer's Report: Treasurer Liz Dean reviewed the Treasurer's Report which had been circulated in advance of the meeting. The Balance Sheet shows \$1000 in the Sovereign escrow account, \$674.99 in the checking account and \$25,105.64 in the money market account as of May 31, 2011. She noted that of those amounts, \$20,303 are restricted funds. It was MOVED, SECONDED and VOTED unanimously to accept the report as circulated.

Liz then asked for authorization to pay two bills: Penguin Digital Design and the credit card. It was MOVED, SECONDED and VOTED unanimously to authorize payment of the bills.

Executive Director's Report: Main Street Steering Committee

- a) Sallie reported that the Wastewater Advisory Committee made its first report to the Board of Sewer Commissioners the previous evening. The Board voted unanimously to endorse the plan of work proposed by the Cape Cod Commission's RESET staff.
- b) The developer of the Byron property and Sallie met with Commission staff to begin preparing a Development Agreement.
- c) The GIZ application has been submitted. Coreen has invited Sallie to join her in a meeting with Commission staff on Friday.
- d) Sallie reported that she continues to monitor the Joint Transportation Committee (JTC) and Metropolitan Planning Organization's (MPO) meetings. After a recent MPO meeting commission transportation staff met with the Town Administrator, the Town Planner and Sallie to discuss Bourne's transportation priorities. The JTC will meet Friday and Board members were encouraged to attend to support Bourne's projects, including the reconfiguration of Belmont Circle and Memorial Circle and the conversion of the By-pass to a boulevard.

Bourne Development Campus

Sallie introduced a discussion of the records request made to the Town by the opponents of the New Generation Wind project. She reminded Board members who had not yet responded that responses are required from all Board members. After an active discussion, there was consensus that Sallie would submit the materials she had identified to date, along with the Board members' responses and include a brief letter withdrawing her request for reimbursement at this time. The consensus included the point that if the group comes back asking for more materials, then the subject of reimbursement for time will again be on the table.

Sallie also reported that the New Generation Wind's second hearing before the Cape Cod Commission will be on Thursday, June 16 at 5:30 pm at the Bourne High School library. Dave Peterson noted that the plan is very similar to the one under review previously, but that none of the previous documents of support will be included in the testimony for this round of project review. The Board agreed that it will put on the agenda for the next meeting a re-submission of the previous letter of support. In the meantime, Dave will send a copy of the new plan to Sallie for distribution to Board members. He indicated that some changes have been made in response to meetings with neighbors and others. He added that the regulations being discussed by the Bourne Board of Health are of great concern.


President's Updates: Barry had to leave the meeting and turned the meeting over to Vice President Michele Ford. She noted that the Board needs to set a date for the Annual Meeting and to establish two committees in preparation for that meeting. There was consensus to ask Commission Executive Director Paul Niedzwiecki to be the speaker and that he be asked to discuss "what the Commission is delivering for the Town of Bourne." Members of the two committees were appointed:

- 1- John Harding Award: Chris Farrell, Dan Doucette, Kevin Farr
- 2- Nominating Committee: William Locke, Rick Carlson, Noreen Michienzi

Items for future agendas: water supply and demand, and designation of potential well sites; Board support for wind turbine project as it becomes a business opportunity.

Adjourn: There being no public to comment, Michele asked for a motion to adjourn. It was so MOVED, SECONDED and VOTED. The meeting adjourned at 9:02 am.

Respectfully submitted,


Sallie K. Riggs
Executive Director




508 457-5305 www.bfdonline.org
 P.O. Box 289, Buzzards Bay, MA 02532-0289

Proposed Agenda - Board of Directors

Date: July 13, 2011
Time: 7:45 am
Location: Bourne Community Center

2011 JUL 8 AM 11 33
 TOWN CLERK'S OFFICE
 BOURNE, MASSACHUSETTS

- Call to order B. Motta
- Review and VOTE on Minutes of the June 2011 meeting
- Treasurer's Report E. Dean, Treasurer
Authorization of expenditures
Vote on FY12 proposed budget and restriction of funds
- Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
 - a) *Wastewater Advisory Committee*
 - b) *Façade Improvement program*
 - c) *Main Street developments*
 - d) *Growth Incentive Zone application*
 - e) *Traffic and transportation*
 - f) *Annual Meeting plans**Report from Bourne Development Campus Working Group*
- President's updates B. Motta
- Reports/Updates from Directors
- Topics for Future Discussion (for information only)
- Public Comments (for information only)
- Executive Session – if needed
- Adjourn


 Sallie K. Riggs
 Executive Director

**Notes from the meeting of the Board of Directors
July 13, 2011**

2011 OCT 31 AM 10 51
TOWN CLERK'S OFFICE
BOURNE, MASS

Attending: Elizabeth Dean, William Locke, Joe Longo, Noreen Michienzi, Barry Motta, Dave Peterson. Sallie Riggs, Executive Director.

President Barry Motta called the meeting to order at 7:52 am and ~~noted the lack of a quorum.~~ Review of the Minutes of the June meeting and the Treasurer's report were deferred to the next meeting. He deferred the authorization to pay bills to the Executive Committee.

Executive Director's Report: Main Street Steering Committee


- a) Façade Improvement: Sallie reported that the public workshop for the Façade Improvement program would be held next Wednesday, July 20 at the Community Center.
- b) Main Street: The Town has been encouraged to submit an application for a PWED grant to complete the streetscape work. The original bond allocation has not been released by the Highway department, so the PWED would provide an alternative and could include the streetlights and street furniture not included in the previous streetscape work.
- c) Growth Incentive Zone application: The GIZ application is under review at the Commission. Staff members have told Town Planner Coreen Moore that it looks good and that it is obvious that a great deal of work has gone into the application. The remaining work focuses on finding enough parcels to meet the offset requirements. Coreen is providing a list of potential parcels and the Commission staff is assisting her in assessing whether they will meet the requirements.
- d) Traffic and Transportation: It appears that the Belmont Circle proposed reconfiguration is getting some support from the Commission and the Joint Transportation Committee.

Bourne Development Campus

Barry asked Dave Peterson to update the group on the New Generation Wind project. He noted that the project owners have eliminated two turbines of the original seven - and may have to eliminate a third - as a way to minimize resistance to the project. Public hearings before the Commission's sub-committee are continuing and Dave encouraged Board members to appear and make a statement or to submit statements in writing for the subcommittee members.

Adjourn: Noting the absence of a quorum, Sallie opened a discussion of whether the BFDC FY11 financial statements should be reviewed or not. There was a consensus for review because it would provide the organization with documents that are usually requested by grant agencies. The meeting concluded at 8:52 am.

Respectfully submitted,


Sallie K. Riggs
Executive Director



2011 AUG 5 PM 2 39

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TOWN CLERK'S OFFICE
BOURNE, MASS
Box 289 Buzzards Bay, MA 02532-0289

CORRECTED VERSION

Proposed Agenda - Board of Directors

Date: August 10, 2011
Time: 7:45 am
Location: Bourne Community Center

Call to order B. Motta

Review and VOTE on Minutes of the June 2011 meeting (postponed from July meeting for lack of quorum)

Treasurer's Report E. Dean, Treasurer
Authorization of expenditures
Ratification of Executive Committee action on invoices
Vote on FY12 proposed budget and restriction of funds

Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
a) Wastewater Advisory Committee
b) Façade Improvement program
c) Main Street developments
d) Growth Incentive Zone application
e) Traffic and transportation - possible vote on public statement
f) Annual Meeting plans
Report from Bourne Development Campus Working Group

President's updates B. Motta

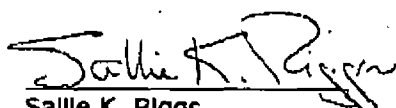
Reports/Updates from Directors

Topics for Future Discussion (for information only)

Public Comments (for information only)

Executive Session - if needed

Adjourn


Sallie K. Riggs
Executive Director



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2011 AUG 5 P. 9 Bldg 49, Buzzards Bay, MA 02532-0289

TOWN CLERK'S OFFICE
BOURNE, MASS

Proposed Agenda - Board of Directors

Date: August 10, 2011
Time: 7:45 am
Location: Bourne Community Center

Call to order B. Motta

Review and VOTE on Minutes of the June 2011 meeting (postponed from July meeting for lack of quorum)

Treasurer's Report E. Dean, Treasurer
Authorization of expenditures
Vote on FY12 proposed budget and restriction of funds

Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
a) Wastewater Advisory Committee
b) Façade Improvement program
c) Main Street developments
d) Growth Incentive Zone application
e) Traffic and transportation - possible vote on public statement
f) Annual Meeting plans
Report from Bourne Development Campus Working Group

President's updates B. Motta

Reports/Updates from Directors

Topics for Future Discussion (for information only)

Public Comments (for information only)

Executive Session - if needed

Adjourn


Sallie K. Riggs
Executive Director

**Minutes of the meeting of the Board of Directors
August 10, 2011**

2011 OCT 31 AM 10 51

Attending: Richard Carlson, Elizabeth Dean, Christopher Farrell, Michele Ford, William Locke, Joe Longo, Noreen Michienzi, Barry Motta, Marie Oliva. Sallie Riggs, Executive Director.

TOWN CLERK'S OFFICE
BOURNE, MASS

President Barry Motta called the meeting to order at 7:48 am.

Minutes: Barry asked for a motion to accept the Minutes of the June 8, 2011 meeting. It was **MOVED, SECONDED and VOTED** unanimously to accept the Minutes of the June 8, 2011 meeting as circulated.

Treasurer's Report: Treasurer Liz Dean referred to the report distributed in advance of the meeting and noted that the BFDC has cash in three accounts totaling \$22,120.29 - \$485.99 in the checking account, \$20,633.75 in the money market account, and \$1,000.55 in the renter's escrow account. It was **MOVED, SECONDED and VOTED** unanimously to accept the report as presented.

Liz then asked for a motion to authorize payment of the Visa card bill. It was **MOVED, SECONDED and VOTED** unanimously to authorize payment of the Visa card bill. She also asked for a motion to ratify the actions of the Executive Committee in July whereby it had authorized the payment of two invoices totaling \$450. It was **MOVED, SECONDED and VOTED** unanimously to ratify the Executive Committee's action.

Liz then asked Sallie to open a discussion of the proposed budget for FY12 and a possible vote to Board restrict certain funds. Sallie referred to a proposed budget distributed in advance of the meeting of \$2,865 for operations in FY12 and a board restriction on \$20,651.08 of the funds on hand as of June 30, 2011. After a brief discussion it was so **MOVED, SECONDED and VOTED** unanimously to adopt an FY12 budget of \$2,865 for operations and to board restrict \$20,651.08 of the June 30, 2011 balance for designated purposes.

Executive Director's Report:

Main Street Steering Committee: Sallie reported that John Ford has been selected by the Selectmen to join the Main Street Steering Committee.

a) Traffic and Transportation: Sallie introduced a discussion of a proposed public statement as a response to the Cape Cod Metropolitan Planning Organization's (MPO) public comment period on three documents: the Regional Transportation Plan for 2011 to 2035, the Transportation Improvement Program for 2012-2015, and the Unified Planning Work Program for the next 12 month period. After a lengthy discussion two actions emerged:

1- It was **MOVED, SECONDED and VOTED** unanimously to endorse the statement as distributed.

2- There was consensus to encourage the Town Administrator to reactivate the Transportation Advisory Committee and to include in the membership someone from the BFDC.

Barry had to leave at this point and he asked Vice President Michele Ford to assume the chair.

b) *Wastewater Advisory Committee*: Sallie noted that the Committee will meet on Wednesday, August 17. A Director suggested that a letter be sent to our Congressional delegation supporting federal funding for wastewater management, in response to an article in today's *Cape Cod Times*. A brief discussion surrounded the issue of Town funding for creating a Comprehensive Wastewater Management Plan which would position the Town as eligible for federal and state low-interest or no interest loans.

Sallie asked Directors to assess the appropriateness of October 12 for the BFDC Annual Meeting. There was consensus that the holiday on Monday would not interfere. Paul Niedzwiecki has agreed to be the featured speaker.

Michele called for any reports/updates from Directors or suggestions of topics for future meetings. There were none. She also noted the absence of anyone from the public, so there were no public comments.

Adjourn: The meeting adjourned at 8:55 am.

Respectfully submitted,


Sallie K. Riggs
Executive Director

These Minutes were approved as circulated at the Director's meeting on September 14, 2011.



508 457-5305 www.bfdconline.org
 P.O. Box 289, Buzzards Bay, MA 02532-0289

Proposed Agenda – Nominating Committee

Date: August 24, 2011
Time: 7:30 am
Location: Flip Flops

- Call to order S. Riggs
- Report and review conversations with potential candidates for Director
- Vote to determine Director candidates for election in October
- Adjourn


 Sallie K. Riggs
 Executive Director

2011 AUG 19 AM 2 16
 TOWN CLERK'S OFFICE
 BOURNE, MASS.

**Minutes of the meeting
Nominating Committee
August 24, 2011**

2012 MAR 5 AM 11 57

TOWN CLERK'S OFFICE
BOURNE, MASS

DRAFT - DRAFT - DRAFT

Attending: Richard Carlson, Noreen Michienzi, Sallie Riggs, Executive Director.

Sallie called the meeting to order at 7:32 am. A quorum was noted.

Noreen and Rick reported on their conversations with various potential candidates and reviewed the open positions.

After the discussion it was MOVED, SECONDED and VOTED unanimously to recommend Chris Farrell and Michele Ford as nominees for additional three-year terms, and representatives designated by the MA Maritime Academy and Upper Cape Cod Regional Technical School for three-year terms.

Subsequent conversations identified Michael Joyce, VP of Finance for the MMA, and Robert A. Dutch, UCT Principal, as these representatives.

It was also MOVED, SECONDED and VOTED unanimously to nominate the current officers for an additional term.

It was also MOVED, SECONDED and VOTED unanimously to nominate Joe Longo for an additional term on the Executive Committee.

The meeting adjourned at 8:10 am.

Respectfully submitted,


Sallie K. Riggs
Executive Director



508 457-5305 www.bfdconline.org
2011 SEP 8 PM 12:47
P.O. Box 289, Buzzards Bay, MA 02532-0289

TOWN CLERK'S OFFICE
BOURNE, MASS

Proposed Agenda - Board of Directors

Date: September 14, 2011
Time: 7:45 am
Location: Bourne Community Center

Call to order B. Motta

Review and VOTE on Minutes of the August 2011 meeting

Treasurer's Report E. Dean, Treasurer
Authorization of expenditures VOTE required

Nominating Committee
Recommendations for nominations to Director VOTE required

Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
a) *Wastewater Advisory Committee*
b) *Main Street developments*
c) *Growth Incentive Zone application*
d) *Traffic and transportation*
Report from Bourne Development Campus Working Group
Annual Meeting plans

President's updates B. Motta

Reports/Updates from Directors

Topics for Future Discussion (for information only)

Executive Session - if needed

Adjourn .


Sallie K. Riggs
Executive Director

2011 NOV 21 AM 9 53

TOWN CLERK'S OFFICE
BOURNE, MASS

**Minutes of the meeting of the Board of Directors
September 14, 2011**

Attending: Richard Carlson, Elizabeth Dean, Dan Doucette, Kevin Farr, William Locke, Noreen Michienzi, Barry Motta. Sallie Riggs, Executive Director.

President Barry Motta called the meeting to order at 7:47 am.

Minutes: Barry asked for a motion to accept the Minutes of the August 10, 2011 meeting. It was MOVED, SECONDED and VOTED with one abstention to accept the Minutes of the August 10, 2011 meeting as circulated.

Treasurer's Report: Treasurer Liz Dean referred to the report distributed in advance of the meeting and noted that the BFDC has cash in three accounts totaling \$19,959.89 - \$321.99 in the checking account, \$18,637.14 in the money market account, and \$1,000.76 in the renter's escrow account. Of this amount, \$16,201.63 is restricted funds. It was MOVED, SECONDED and VOTED unanimously to accept the report as presented.

Nominating Committee Report: Rick Carlson reviewed the report circulated in advance to Directors and then MOVED the following slate for recommendation to the Members at the Annual Meeting:

Chris Farrell and Michele Ford each for an additional three-year term.

Robert A. Dutch from the Upper Cape Tech School and Michael A. Joyce from the MA Maritime Academy for new three-year terms.

The MOTION was SECONDED and VOTED unanimously.

Executive Director's Report:

Main Street Steering Committee: Sallie reported on the activities of the Main Street Steering Committee:

a) Wastewater Advisory Committee: The Committee will meet next with the Commission's RESET staff on September 21. At that time they will report on the importance of collaboration with the Buzzards Bay Water District concerning water needs and potential well site locations. There will also be an introduction to calculating build-out for Buzzards Bay.

b) Main Street developments: Town Planner is completing a grant application to the state's Mass Infrastructure Works program for \$1.4 million to complete the streetscape project. After a brief discussion there was consensus that Sallie should prepare a letter endorsing the grant application.

The Cecil Group has forwarded a draft of its report on a façade improvement program. The final draft should be available in a couple weeks.

Annual Meeting plans: Sallie reported that the John Harding Why Not! Award committee had met and nominated Scott Zeien as the 2011 recipient. After a very brief discussion it was MOVED, SECONDED and VOTED unanimously to present the award to Scott.

Sallie then asked the Board to consider two certificates of appreciation for Main Street improvements: E. J. Cubellis/Mezza Luna and the Buzzards Bay Beautification Group. There was Board consensus to make the two presentations.

Topics for Future Discussion: Two topics were suggested: wastewater management and the Cape Cod Commission.

Adjourn: There being no public comments, it was MOVED, SECONDED and VOTED unanimously to adjourn the meeting at 8:56 am. Before the adjournment Sallie reminded that the October meeting would be the Annual Meeting on October 12 and the next regular meeting of the Board would be in November.

Respectfully submitted,


Sallie K. Riggs
Executive Director

These Minutes were approved as circulated at the Director's meeting on November 9, 2011.



508 457-5305 www.bfdonline.org
 P.O. Box 289, Buzzards Bay, MA 02532-0289

Proposed Agenda - Board of Directors

Date: November 9, 2011
Time: 7:45 am
Location: Bourne Community Center

Call to order B. Motta

Nominating Committee
Nominations for Officers – VOTE required

Review and VOTE on Minutes of the September 2011 meeting

Treasurer's Report E. Dean, Treasurer
Authorization of expenditures – VOTE required

Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
 a) *Wastewater Advisory Committee*
 b) *Main Street developments*
 c) *Growth Incentive Zone application*
 d) *Traffic and transportation – Transportation Advisory Committee*
Report from Bourne Development Campus Working Group

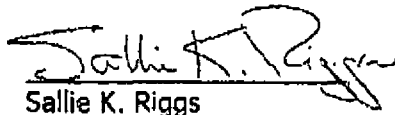
President's updates B. Motta
By-laws Review Committee

Reports/Updates from Directors

Topics for Future Discussion (for information only)

Executive Session – if needed

Adjourn


 Sallie K. Riggs
 Executive Director

2011 NOV 3 PM 4 15
 TOWN CLERK'S OFFICE
 BOURNE, MASS



508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

Proposed Agenda - Board of Directors

Date: November 9, 2011
Time: 7:45 am
Location: Bourne Community Center

Call to order B. Motta

Nominating Committee
Nominations for Officers – VOTE required

Review and VOTE on Minutes of the September 2011 meeting

Treasurer's Report E. Dean, Treasurer
Authorization of expenditures – VOTE required

Executive Director's updates S. Riggs
Report from the Main Street Steering Committee
a) *Wastewater Advisory Committee*
b) *Main Street developments*
c) *Growth Incentive Zone application*
d) *Traffic and transportation – Transportation Advisory Committee*
Report from Bourne Development Campus Working Group

President's updates B. Motta
By-laws Review Committee

Reports/Updates from Directors

Topics for Future Discussion (for information only)

Executive Session – if needed

Adjourn


Sallie K. Riggs
Executive Director

2011 NOV 4 AM 8 40
 TOWN CLERK'S OFFICE
 BOURNE, MASS

**Minutes of the meeting of the Board of Directors
November 9, 2011**

2012 MAR 5 AM 11 57

TOWN CLERK'S OFFICE
BOURNE, MASS

Attending: Richard Carlson, Elizabeth Dean, Dan Doucette, Robert Dutch, Christopher Farrell, Michele Ford, Michael Giancola, Michael Joyce, Joseph Longo, Noreen Michienzi. Sallie Riggs, Executive Director.

Vice President Michele Ford called the meeting to order at 7:47 am.

Nominating Committee: Michele reported that the Nominating Committee has put forth the following slate of officers for election:

President: Barry J. Motta

Vice President: Michele Ford

Treasurer: Elizabeth Dean

At-large member of the Executive Committee: Joseph Longo

There being no other nominations, it was MOVED, SECONDED and VOTED unanimously to elect the officers as nominated.

Minutes: Michele asked for a motion to accept the Minutes of the Directors' meeting on September 14, 2011. It was MOVED, SECONDED and VOTED with four abstentions to accept the Minutes of the September 14, 2011 meeting as circulated.

Treasurer's Report: Treasurer Liz Dean referred to the report distributed in advance of the meeting and noted that the BFDC has cash in three accounts totaling \$15,960.10 - \$321.99 in the checking account, \$14,637.14 in the money market account, and \$1,001.18 in the renter's escrow account. Of this amount, \$12,017.58 is restricted funds. It was MOVED, SECONDED and VOTED unanimously to accept the report as presented.

Liz submitted three bills for authorization to pay: \$96.47 to Awards of Cape Cod, \$162.58 for expenses charged to the credit card, and \$35 to the Commonwealth of Massachusetts for the Form PC filing fee. It was MOVED, SECONDED and VOTED unanimously to authorize the payment of the three bills.

Executive Director's Report:

Main Street Steering Committee: Sallie reported on the activities of the Main Street Steering Committee:

- a) Wastewater Advisory Committee: The Committee will make its next quarterly report to the Board of Sewer Commissions on November 22 (later postponed to December 6). The Committee has been focusing on a build-out analysis and potential wastewater flows.
- b) Main Street developments: The MSSC has established a sub-committee to review the current guidelines for architectural and sign design to determine which should be converted to standards, by a vote of Town Meeting on a new By-law. The group meets every Monday at 10 am at Town Hall. It is targeting the spring Town Meeting for a set of standards.
- c) Growth Incentive Zone application: The GIZ application has been re-written to remove the phasing. Town Planner Coreen Moore is still working to identify the required offsets.

d) *Traffic and transportation*: The Board of Selectmen is reestablishing the Transportation Advisory Committee. Noreen Michienzi has agreed to request to be a member of the committee. Sallie also reported that the Army Corps of Engineers will be working on the bridges over the next several months.

Bourne Development Campus Sallie reported that the BDC working group has not been meeting – everything is on hold until the turbine project is resolved. The Commission's sub-committee has made a negative recommendation to the full Commission which will meet on November 10 (since postponed until January).

Other

1- Sallie noted that she was contacted by the Granite State Development company and requested a letter of support for their financing of the Lobster Trap company. There was consensus to send a letter of support.

2- Sallie reported that a person has indicated an interest in joining the BFDC. She reviewed his resume. There was consensus to invite him to a couple meetings before taking any action.

Reports/Updates from Directors: Chris Farrell reported that the Planning Board is putting together a McArthur Blvd. steering committee to meet with the MA Highway Department.

Adjourn: There being no suggested topics for future discussion or public comments, it was MOVED, SECONDED and VOTED unanimously to adjourn the meeting at 8:40 am.

Respectfully submitted,


Sallie K. Riggs
Executive Director

These Minutes were accepted by the Directors at their January 11, 2012 meeting.

2012 JAN 13 AM 11 10

**Minutes of the meeting of the Board of Directors
November 9, 2011**

TOWN CLERK'S OFFICE
BOURNE, MASS

Attending: Richard Carlson, Elizabeth Dean, Dan Doucette, Robert Dutch, Christopher Farrell, Michele Ford, Michael Giancola, Michael Joyce, Joseph Longo, Noreen Michienzi. Sallie Riggs, Executive Director.

Vice President Michele Ford called the meeting to order at 7:47 am.

Nominating Committee: Michele reported that the Nominating Committee has put forth the following slate of officers for election:

President: Barry J. Motta

Vice President: Michele Ford

Treasurer: Elizabeth Dean

At-large member of the Executive Committee: Joseph Longo

There being no other nominations, it was MOVED, SECONDED and VOTED unanimously to elect the officers as nominated.

Minutes: Michele asked for a motion to accept the Minutes of the Directors' meeting on September 14, 2011. It was MOVED, SECONDED and VOTED with four abstentions to accept the Minutes of the September 14, 2011 meeting as circulated.

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Sallie K. Riggs
Executive Director

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