

**AFFORDABLE  
HOUSING  
TO CAPITAL OUTLAY**

2019

VOL. 1

**Notice**

Bourne Affordable Housing Trust Meeting  
Wednesday, January 16, 2019 at 4:00 PM  
Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

RECEIVED

2019 JAN 11 PM 3 27

**Agenda**

TOWN CLERK BOURNE

All items on this agenda are subject to deliberation and a possible vote.

**1. Enter into Joint Session with Bourne Housing Partnership to consider CPA applications and funding.**

2.) Consider minutes of the October 25, 2018 meeting

3.) Financial Status Report

4.) Housing Administrator's update

5.) Vote to enter Executive Session to review minutes of the October 25, 2018, and consider status of negotiations on the purchase of deed restrictions at Downtown Buzzards Bay locations and not return to open session.

Susan Ross  
Chairperson

**Notice**

Bourne Affordable Housing Trust Meeting  
Monday, March 11, 2019 at 4:00 PM  
Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

**Agenda**

All items on this agenda are subject to deliberation and a possible vote.

- 1.) Financial Status Report
- 2) Consider whether to withdraw CPA application for FY 20 funds to subsidize new Downtown rental units.
- 3) Housing Administrator's update
- 4) Consider hiring a consultant to assist the Trust in negotiations with the developers of Downtown affordable units.

Susan Ross  
Chairperson

RECORDED  
2019 MAR 15 PM 2:32  
TOWN CLERK BOURNE

SPREAD SHEET CPA AND HOUSING TRUST BALANCES		2019
	ACCOUNT	
ASSIST LOW INCOME RO REHAB. HOMES	6236	\$6,115.00
EMERGENCY REPAIR PILOT PROGRAM	25-9000	\$20,050.00
DOWN PAYMENT ASSISTANCE PROGRAM	6293	\$51,491.04
NEW UNITS	6069	\$81,160.26
AFFORDABLE HOUSING SERVICES	6067	\$34,734.24
HOUSING TRUST ASSET ACCOUNT	82-3450	\$557,338.20
TOTAL		\$750,888.74
TOTAL MINUS HOUSING ASSET ACCOUNT		\$193,550.54
TOTAL MINUS EMERG. REPAIR PROGRAM		\$173,500.54

Bourne Housing Partnership and Bourne Affordable Housing Trust  
Housing Administrators Update  
3-11-19

**1) Emergency Repair program. (TRUST).** 22 Settlers. Trust needs to consider actions for spring. Sagamore wheel chair bond applicant- KH is working with her on problem with reverse mortgage that stands in the way of help from Trust.

**2. Downtown:** TRUST – 18 rental units at 228 Main St – KH is “Community Scale Housing Program” for projects of under twenty units. It appears that both of Ryan’s projects might be eligible. Pre- App likely to be due in late Feb/March. Trust going for \$150,000 of CPA. Based on any funds available from CPA, it’s time to negotiate with the developers. Also researching funding from Fed Home Loan Bank of Boston. KH recommends that we get a consultant to help us negotiate. SR says yes but let see where permits are first. CPA group are concerned that no permit app is in.

**3. New home development. TRUST**

The Trust has no sites currently being pursued but there may be some [potential on Waterhouse Rd. with Housing Authority.]

**4 CALAMAR Rental units TRUST & PARTNERSHIP** The Town Planner is working on a draft regulatory agreement that will need Trust involvement

**5) Zoning:**

A) The Partnership is responsible for establishing requirements for affordable housing units in the Zoning By-law. The Partnership is in preparation for public hearings. There is a conflict between a 70% LIP rent and the HUD Fair Market rents which the Bylaw says rents can’t exceed in the Growth Incentive Zone. The goal of rents at 70% LIP rents is OK now for 2 bedroom units but not 1 bedroom or efficiencies. DHCD says maximum LIP rents are 80% of median to be on the SHI list. KH trying to analyze how this effects the out come and implementation of setting rents in the GIZ but this will need to be corrected at the Fall Town Meeting.

**B). 56 Meeting House Lane. PARTNERSHIP**

This project has been sent back to the Zoning Administrator for review

**Accessory Dwelling-** KH met with Falmouth planner Tom Bott who sent KH a copy of their ordinance. They have a 7 month residency requirement for owner and only one unit can be rented, both the ZBA & Plan Board may be involved with review( he recommends only one Board be involved), design requirements, and lot size & coastal zone requirements. KH to compare this with CC Comm model ordinance.

**6) SHI . PARTNERSHIP-**

**Monitoring** The owner of 12 High Ridge has notified DHCD and Town of intent to sell. Sale price \$171,000 with an additional 2% for marketing per DHCD. Partnership has notified the BOS that it wants to find a buyer and is working with a qualified buyer from the “Resale Ready Buyer group.

**7) Other: Trust & Partnership:** New CPA apps are in process.

Bourne Housing Partnership and Bourne Affordable Housing Trust  
Housing Administrators Update  
3-11-19

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Bourne Affordable Housing Trust Meeting  
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Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

RT70270710

2019 AUG 15 AM 8:09

TOWN CLERK DOUBLET

**Agenda**

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- 2) Consider whether to withdraw CPA application for FY 20 funds to subsidize new Downtown rental units.
- 3) Housing Administrator's update
- 4) Consider hiring a consultant to assist the Trust in negotiations with the developers of Downtown affordable units.

Susan Ross  
Chairperson

# Bourne Affordable Housing Trust Meeting

## Minutes-March 11, 2019

**Meeting Location:** Bourne Veterans Community Center  
239 Main Street, Buzzards Bay, Ma. 02532

**Members Present:** Susan Ross, Peter Meier, Jim Donoghue, Stephen Walsh

**Others Present:** Kerry Horman, Affordable Housing Program Administrator  
James Chapman, Administrative Support

**Members Absent:** Judith Riordan (Excused)

**Meeting called to order** at 4:01 p.m. by Chairperson Susan Ross.

**Agenda #1. Financial Status Report:** There was a handout (attached) provided for each Trustee to review. Mr. Horman gave an overview of each account and its purpose along with the current status and expectations. There was a general discussion regarding the funds that may be available in the future towards the downtown Buzzards Bay projects and other areas regarding the Trust as a whole. This included funds returned to CPA. There was a motion made by Peter Meier and seconded by Jim Donoghue to accept the financial report. Unanimous vote of all Trustees.

**Agenda #2. Consider whether to withdraw CPA application for FY 20 funds to subsidize new downtown rental units:** Ms. Ross made the presentation to the CPA small group. Subsequently, she will meet in front of the large group this evening. At present, there is not enough money for housing. The Housing Authority is going for \$200,000. The Trust has two applications. One is for \$59,200 for salaries and miscellaneous expenses. The second application is for \$150,000 to buy down units at 228 Main St. Mr. Meier asked about the Housing Authority application whereas they have \$187,000 allocated that they haven't used. Ms. Ross explained that the \$200,000 would not cover the costs of the two handicap senior units on Waterhouse Road. The two buildings in question are in deplorable condition and it is imperative that these buildings be sustained. Subsequently any allocated money that hasn't been used will be put towards the cost that will well exceed \$200,000. The CPA loves the idea of what the Trust plans for 228 Main Street. However, the town has to get permission from the Cape Cod Commission to add more living units in this zone. This happened last week. The only concern that the CPA has is that the developers haven't put in for any permits and there is nothing concrete at this time. Consequently, it would be in our best interests to



Partnership not the Trust sets up regulations and requirements when it comes to affordable units. The goal that we are trying to achieve is to get the units rental standard at 70% of the Local Initiative Plan program guidelines which is the State program. There is a conflict between the LIP guidelines and the Federal guidelines which are called fair market rents. The 70% rents at the LIP rate are okay for two-bedroom units but not one bedroom or efficiencies. There is potential for the one bedroom units to be lower at the fair market rate instead of the LIP rate. What we need to do in the future is to go in and ask for an amendment to the zoning ordinance to use the best rates possible. While we would like to see the rents at 70% the State actually will allow the units to be included in the SHI list at 80% rents. The 80% rents are higher than the fair market rents. Subsequently, we can get the units on the SHI list. The question is, can we massage those rents down so that they the more affordable.

**56 Meetinghouse Lane:** This is a Partnership issue.

**Accessory dwelling:** Mr. Horman met with the Falmouth Town Planner Tom Bott who gave Mr. Horman a copy of the Falmouth ordinance. They have a seven month residency requirement. The ZBA and the Planning Board may be involved with the reviews but Mr. Bott recommends that only one board should be involved. There is also a standard that the Cape Cod Commission has come up with. Mr. Horman will work on a draft for the future.

**Monitoring:** We have a house going up for sale at 12 high Ridge Drive. It is believed that we have a buyer already. The Board of Selectmen approved the Housing Partnership to find a buyer. It is a small three bedroom home.

**Agenda #4. Consider hiring a consultant to assist the Trust in negotiations with the developers of downtown affordable units:** This issue was discussed in the Housing Administrators Report under the Downtown Area. We would like to obtain the services of Mr. Engler when the time comes to negotiate with Mr. Correia and Mr. Longo. Ms. Ross said that we would like some expertise on how it should be written up etc. in addition to our legal representative finalizing any negotiations and transactions. When we get some kind of idea of when Main Street is going to move forward and what kind of money the consultant would charge, a presentation will be made to the Partnership. We want to get the best deal possible.

**Adjourn:** There was a motion made by Peter Meier and seconded by Stephen Walsh to adjourn the meeting at 4:45 PM. Unanimous vote of all Trustees.

Respectfully Submitted,

James Chapman  
Administrative Assistant

**Bourne Affordable Trust Meeting**  
**March 11, 2019**  
**4:00p.m.**

RECEIVED

MARCH 11 2019

03/11/2019

**Notice**

Bourne Affordable Housing Trust Meeting  
Wednesday, August 14, 2019 at 3:30 PM  
Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

RECEIVED

2019 AUG 12 PM 1:06

TOWN CLERK BOURNE

**Agenda-Amended 8/12/19 11:42a.m.**

All items on this agenda are subject to deliberation and a possible vote.

1) Vote to enter executive session to consider whether to accept ownership of 26 Home Ave., Bourne, and to vote return to open session.  
Return to Open Session

2) Review Minutes of the 3/11/2019 Trust meeting minutes

3.) Financial Status Report

4) Consider hiring survey, perc testing, and site planning firm.

5) Consider actions to assist with correction of foundation issues at 22 Settlers Hill.

6) Housing Administrator's update

Susan Ross  
Chairperson

## Notice

Bourne Affordable Housing Trust Meeting  
Wednesday, August 14, 2019 at 3:30 PM  
Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

## Agenda

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Return to Open Session

2) Review Minutes of the 3/11/2019 Trust meeting minutes

3.) Financial Status Report

4) Consider hiring survey, perc testing, and site planning firm.

5) Consider actions to assist with correction of foundation issues at 22 Settlers Hill.

6) Housing Administrator's update

Susan Ross  
Chairperson

2019 AUG 12 AM 11:22  
100 - VETERAN BOURNE

**Notice**

Bourne Affordable Housing Trust Meeting  
Wednesday, August 14, 2019 at 3:30 PM  
Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

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1) Vote to enter executive session to consider whether to accept ownership of 26 Home Ave., Bourne, and to vote return to open session.  
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2) Review Minutes of the 3/11/2019 Trust meeting minutes

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5) Consider actions to assist with correction of foundation issues at 22 Settlers Hill.

6) Housing Administrator's update

Susan Ross  
Chairperson

RECEIVED  
2021 FEB 25 PM 9:27  
TOWN CLERK BOURNE

# Bourne Affordable Housing Trust Meeting

## Minutes- August 14, 2019

**Meeting Location:** Bourne Veterans Community Center  
239 Main Street, Buzzards Bay, Ma. 02532

**Members Present:** Susan Ross, Peter Meier, Jim Donoghue, Stephen Walsh, Judith Riordan

**Others Present:** Kerry Horman, Affordable Housing Program Administrator  
James Chapman, Administrative Support

**Meeting called to order** at 3:31 p.m. by Chairperson Susan Ross.

**Agenda #1. Vote to enter executive session to consider whether to accept ownership of 26 Horne Avenue, Bourne, and to vote to return to open session:**

There was a motion made by Peter Meier to enter executive session to consider whether to accept ownership of 26 Horne Ave., Bourne, and return to open session upon conclusion of executive session. It was seconded by Judith Riordan. Roll call: Peter Meier, yes; Jim Donoghue, yes; Stephen Walsh, yes; Judith Riordan, yes; Susan Ross, yes.

There was a motion made by Peter Meier to end executive session at 3:54 p.m. and return to open session. It was seconded by Judith Riordan. Roll call: Peter Meier, yes; Jim Donoghue, yes; Stephen Walsh, yes; Judith Riordan, yes; Susan Ross, yes.

**Agenda # 2. Review minutes of March 11, 2019 Trust meeting minutes:** There was a review of the Trust meeting minutes from March 11, 2019. There were no questions, changes, or deletions. There was a motion made by Jim Donoghue and seconded by Stephen Walsh to approve the minutes. Unanimous vote of all trustees. Abstained by Peter Meier due to approved absence of the meeting. There was a motion made by Jim Donoghue and seconded by Peter Meier to agree with Partnership approval of the Joint Bourne Housing Trust/Partnership meeting from January 16, 2019, whereas, there were no changes, additions, or deletions. Unanimous vote of all trustees. Abstained by Judith Riordan due to an approved absence of the meeting.

**Agenda #3. Financial status report:** Mr. Horman handed each trustee (attached) a copy of the current town of Bourne fund article report which outlines the Trust account numbers and financial transactions with balances. The trustees were also given the (attached) financial spreadsheet of the most current housing trust balances. Ms. Ross

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2021 FEB 25 PM 2:27  
TOWN CLERK BOURNE

explained to each trustee that the affordable housing specialist unused funds of \$18,154.93 and \$19,222.66, was turned back into the CPC Housing account as mandated. There was an additional amount of \$21,160.26 that was taken from the program to subsidize affordable housing. There was an error between the town meeting language(attached) which resulted in funds being taken from this account instead of the \$20,631.29 which should of came out of the affordable housing down payment program. The Trust will pursue the proper transfer of this money during the October town meeting with Mr. Meier's help. There was a motion made by Peter Meier to approve the financial report. It was seconded by Stephen Walsh. Unanimous vote of all trustees.

**Agenda #4. Consider hiring survey, perc testing, and site planning firm:** Mr. Donoghue asked for an explanation about an RFP. Mr. Horman explained and stated that we would probably be paying between \$5000 and \$10,000 for the engineering. The RFP is tied to how much it's going to cost. There is a mandate regarding regular business practices. Mr. Donoghue wanted to know if the RFP is just for this project. Mr. Horman stated no, that he would like to do what we did with Warwick and not only have it for this project but also if we asked for other consulting services or survey work, etc. We need to know the hourly rate and/or what they would charge. Ms. Ross stated that the RFP would be just for the Home project. Ms. Ross asked if these issues can be tied together. Mr. Horman stated yes, similar with what we did with Warwick. Mr. Meier said that supplies and services under \$10,000 with sound business practices is the procedure to be followed with no written contract required using favorable pricing. Between \$10,000 to 35,000, we must solicit 3 quotes oral or written with the lowest price and a written contract is required. No published advertising is necessary. Ms. Ross stated that for this project we are looking for the cost of perc testing, how much for a septic design, how much for the survey and adding 2000 Sq. ft to the owner's lot. Mr. Horman has a whole list of guidelines that we used under Warwick. It is basically the same list with the exception that we would be adding the subdividing piece. However, it doesn't make sense to go through this and not have any type of approval for them to do any type of engineering work if necessary. Ms. Ross asked if that would increase the cost so that it could move us over the \$10,000 mark. Mr. Walsh said that if additional work was needed, we would just call them for costs, so we know where we stand. The names that Mr. Horman has is Falmouth Engineering, Bracken Engineering and JC Engineering in Wareham. Mr. Horman believes that we will be under the \$10,000 mark so there will be no need to solicit 3 quotes.

**Agenda #5. Consider actions to assist with correction of foundation issues at 22 Settlers Hill:** This issue has been an ongoing problem and has been discussed on many occasions. The Trust hired Leonardi Architectural to do a survey of the property and come up with appropriate recommendations. As a recap to former minutes, there are cracks and water leakage in the foundation. The Trust has discussed using the emergency pilot program in an effort to help solve the situation based upon Leonardi's recommendations of the work that needs to be done. The owner was required to get 3 separate bids. The owner did not initially follow up on this and did not email Ms. Ross or Mr. Horman. According to the owner there was a confliction with a contractor who disagreed with Leonardi's assessment. This contractor felt that after the work that was

recommended was completed, the owner would still have a water problem. Mr. Horman went by the property and saw that some work was being done which looked like a square being dug out or graded around part of the foundation. Jim Donoghue asked who Mr. Leonardi was. Mr. Horman explained that he is an architect and is our housing rehab specialist. He is a designer and cannot do the work himself. The problem is that the landscapers are saying they can come in and do the work but will not be responsible for the foundation. The owner wants the foundation fixed. There was a general discussion about the 3 bids, previous tax problems, and where the Trust goes forward from here. Ms. Ross feels that the Trust should do something for this owner, and reminded trustees that she almost lost the house. However, the owner does not respond to the Trust which makes it very difficult. The owner recently sent the 3 bids to Mr. Meier. However, only one of them could be opened because it would only let the owners email account, open the documents. The company of the one bid said that they would not do the work. The emergency repair program was briefly talked about and that any changes to the program would have to be put on an agenda for a different meeting. There was a motion made by Peter Meier after final discussion of Mr. Leonardi's inspection report dated June 22, 2018, to defer this issue to a future meeting once further communication and data is received by the owner. It was seconded by Judith Riordan. Unanimous vote of all trustees.

**Agenda #6. Housing administrator's update:** Mr. Horman gave each trustee (attached) a copy of the Bourne Affordable Housing Trust/ Housing Administrators Report (attached), dated August 14, 2019. There was no discussion or questions regarding the report.

**Adjourn:** There was a motion made by Peter Meier and seconded by Judith Riordan to adjourn the meeting at 4:25 p.m. Unanimous vote of all trustees.

Respectfully Submitted,

James Chapman  
Administrative Assistant



SPREAD SHEET CPA AND HOUSING TRUST BALANCES		2020
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EMERGENCY REPAIR PILOT PROGRAM	25-9000	\$20,050.00
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TOTAL		\$749,168.39
TOTAL MINUS HOUSING ASSET ACCOUNT		\$190,200.34
TOTAL MINUS EMERG. REPAIR PROGRAM		\$170,150.34

Bourne Affordable Housing Trust  
Housing Administrators Update  
8-14-19

**1) Repair programs. (TRUST).** Item 1) 22 Settlers Hill- update by S Ross at meeting  
USDA Rehab KH recommends we review all programs and re-advertise.

**2. Downtown:** TRUST – Waiting on Town & developer relative to easement & demolition.

**3. New home development. Owners of 26 Horne Ave. have confirmed they want to donate.** To be covered at 8-14-19 meeting

**4 CALAMAR Rental units TRUST & PARTNERSHIP** The Town Planner is working on a draft regulatory agreement that will need Trust involvement. We expect a ground breaking soon.

**5) Zoning:**

A) The Partnership has established requirements for affordable housing units in the Zoning By-law. THE AFFORDABLE HOUSING UNIT REQUIREMENTS ARE ON THE WEBSITE. KH recommends we notify Town Hall related departments and boards of the requirements

**B). 56 Meeting House Lane. PARTNERSHIP** Sharon says Sandwich tenant didn't work out. Direction from 5/23/meeting = WE'VE DONE ALL WE CAN DO.

**C) Accessory Dwelling NEED TO MEET WITH ZBA.**

**6) SHI . PARTNERSHIP-**

**Item 1)** 12 High Ridge- has been sold to an eligible buyer

**2)** Waterhouse Rd. 40B.From Hearing on May 23. Partnership in favor of project as condo's or rentals

**Item 3)** 45 High Ridge- Owners want to put on 4<sup>th</sup> Bedroom – DHCD hesitant – but Partnership unanimously in favor and want to go up to Governor's office if necessary

**Item4)** Sandwich Rd ( Pappas) – Partnership supported a detached condo design at the 6-12-19 meeting and Pappas will need a letter stating that.

**Item 5) Housing Authority Sagamore Development..** Partnership unanimously in favor of 51 units at the 7-17 meeting. Responses to some questions at the meeting have been received

**7) Other: Trust & Partnership:** KH working with DHCD on Ready Buyer re-advertising plan. Sue, Jim and KH working on account questions.

suspended or revoked for a determined period of time. The salesperson and sales organization being reviewed will be provided with fourteen (14) days written notice prior to any such hearing.

**Severability**

The invalidity of any portion(s) of this bylaw shall not invalidate any other portion, provision or section thereof.

**MOTION: We move that the Town vote to amend the Town of Bourne Bylaws, Article 3.1 by deleting the current Section 3.1.17 entitled "HAWKERS AND PEDDLERS," and substituting in its place, a new Section 3.1.17, entitled "HAWKERS AND PEDDLERS; DOOR-TO-DOOR SALES" as printed in Article 20 of the Voter's Handbook.**

***Finance Committee Recommendation***

*This article sponsored by the By-Law Committee to increase security for residents related to door-to-door sales.*

**The Finance Committee voted to recommend approval of this article with 5 in favor, 3 opposed and 1 abstention.**

***Board of Selectmen Recommendation***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 21:** To see if the Town will vote to close out and transfer available balances in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto.

**Sponsor - Community Preservation Committee**

*MAS*  
*to the*

Community Preservation Articles				
	ARTICLE DESCRIPTION	VOTED	BALANCE	FUND TO RETURN TO
1	Little Bay Boardwalk to Ram Island & Monks Park	Article 7-A of STM May 2014	44,248.00	Open Space Reserves
	<b>Total Open Space</b>		<b>44,248.00</b>	

2	Affordable Housing Services & Support	Article 13-D of ATM May 2016	18,514.93	Community Housing Reserves
3	Affordable Housing Down Payment/Assistance Subsidy Program	Article 13-E of ATM May 2016	21,160.26	Community Housing Reserves
4	Affordable Housing Services & Support	Article 26-B of ATM May 2017	19,222.66	Community Housing Reserves
	<b>Total Community Housing</b>		<b>58,897.85</b>	

**MOTION:** *We move the Town vote to close out the articles as printed in the schedule in Article 21 in the Town Meeting Warrant and to transfer the balances, as follows: \$44,248.00 to Open Space Reserves and \$58,897.85 to Community Housing Reserves.*

***Finance Committee Recommendation***

*This will allow funds previously voted for various projects to be returned to the CPC Fund. The purposes for which these funds were voted have been completed and these funds are no longer needed for those purposes.*

**The Finance Committee voted unanimously 9-0-0 to recommend approval this article.**

***Board of Selectmen Recommendation***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**MAZ**  
**ARTICLE 22:** To see if the Town will vote to amend the Town of Bourne By-laws by adding a new Article 1.6 "Community Engagements Committee," or take any other action in relation thereto.

**Sponsor – Board of Selectmen**

**Section 1.6.1**

**Membership:** There is hereby established in the Town of Bourne, a Community Engagements Committee, consisting of seven (7) members. The composition of the Committee, the appointment authority and the term of office for the committee members shall be as follows:

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Bourne Affordable Housing Trust Meeting  
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Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

**Agenda-Amended 8/12/19 11:42a.m.**

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1) Vote to enter executive session to consider whether to accept ownership of 26 Horne Ave.,  
Bourne, and to vote return to open session. 399  
Return to Open Session

2) Review Minutes of the 3/11/2019 Trust meeting minutes

*check agenda  
3 on 56  
J. Ross*

3.) Financial Status Report

4) Consider hiring survey, perc testing, and site planning firm.

5) Consider actions to assist with correction of foundation issues at 22 Settlers Hill.

6) Housing Administrator's update

Susan Ross  
Chairperson

*525*

4264. Use regulations. The following criteria must be met for a parcel to be eligible for the nonconforming affordable lot exemption:
- a) Must be located within a residential zoning district;
  - b) ~~Must contain at least 10,000 square feet;~~
  - c) Must contain at least 90% upland as defined by this bylaw;
  - d) Must satisfy applicable Board of Health regulations;
  - e) Must satisfy applicable Town of Bourne Conservation Commission Wetlands Protection Regulations;
  - f) Must have a minimum of eighty (80) feet of frontage on a way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic.
  - g) The new structure shall conform to applicable setbacks.
  - h) The new structure must conform to the gross floor area limitations of Section 2456.
  - i) No lot shall be built upon if it was purposely created as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town;
  - j) No part of any access driveway shall be within twenty (20) feet of a principle structure on an adjoining lot, and;
  - k) No part of any affordable structure shall be placed within 80' of an existing principle structure for those lots where the affordable lot is located behind an existing lot.
  - l) Shall not be located within a Zone II Water Recharge Area.
  - m) Shall not be located within a Special Flood Hazard Area.
  - n) ~~When creating the new affordable parcel, the remaining parcel must also meet the minimum requirements listed above.~~
  - o) A Lot granted a special permit for the purposes of a nonconforming affordable lot shall not be afforded the privilege of section 4100-accessory dwelling. The above criterion shall not be waived.

Reply Reply All Forward

Fwd: 26 Horne

SUSAN ROSS [sross31310@aol.com]

To: Affordable Homes

Attachments: Home\_Ave\_26\_BAHT\_07302019.pdf (989 KB) [Open as Web Page]

Tuesday, July 30, 2019 4:52 PM

You replied on 7/31/2019 8:49 AM.

Tim is so great to do this work. I wish he was around when we did Maple st and Thom Ave.!

Sue Ross  
508 274-2920

Begin forwarded message:

**From:** "Lydon, Timothy" <TLydon@townofbourne.com>  
**Date:** July 30, 2019 at 4:38:24 PM EDT  
**To:** Sue Ross <sross31310@aol.com>  
**Cc:** "Moore, Coreen" <CMoore@townofbourne.com>  
**Subject:** RE: 26 Horne

Hey Sue,

Enclosed is a few pictures and a GIS site map I put together. I did my best to show you what I'm talking about.

From what I saw it looks like a good site. Our locus is relatively flat with the stormwater only being generated from our site. The road is old but the cape cod berms that are there are functioning the way they are supposed to and the road runoff flows away and not onto our locus. I've shown the low point on my site map for pre-planning purposes as any flow we have from our site may affect our abutter in that southerly direction.

Concrete bounds were found on our lot corners and the entire lot has a 6 foot high fence that looks like it has been protecting it for quite some time.

I am going to follow up with Health Agent Terri Guarino about soils in that area and if she has seen any historic issues with septic systems in that area that I may be able to pass along. Besides that I'd say I give my blessing to seek out further information as this could be a real gem for the Housing Trust.

I have cc'd Town Planner Coreen Moore for correspondence purposes.

Sincerely,

Bourne Affordable Housing Trust Meeting  
Executive Session Minutes  
August 14, 2019

RECEIVED  
2020 JAN 31 PM 2:00  
TOWN CLERK BOURNE

**Meeting Location:** Bourne Veterans Community Center  
239 Main Street, Buzzards Bay, Ma. 02532

**Members Present:** Sue Ross, Judith Riordan, Peter Meier, Jim Donoghue, Stephen Walsh

**Others Present:** Kerry Horman, Affordable Housing Programs Administrator  
James Chapman, Administrative Support

**1. A Motion was made by Peter Meier and seconded by Judith Riordan to consider whether to accept ownership of 26 Horne Avenue, Bourne, and return to open session upon conclusion of executive session: Roll call:** Peter Meier, yes; Jim Donoghue, yes; Stephen Walsh, yes; Judith Riordan, yes; Susan Ross, yes.

Mr. Horman passed out a street map of Lot 46, map 44.1, which has the street address of 26 Horne Ave., along with a sheet on user regulations that outline the criteria that must be met for a parcel to be eligible for nonconforming affordable lot exemption. The handout also included an email from Timothy Lydon, from the Engineering Office that included pictures and a GIS map that he put together with a brief overview of the survey he took regarding the above property. Mr. Lydon will be following up on historical issues, soil samples, septic systems and any other issue that could present any type of problems. (attached).

Mr. Horman passed out a Google map outlining directions to get to 26 Horne Ave. along with another street map of Lot 46 and of Lot 55 which is entered by Marjorie Avenue and is adjacent to lot 46. The map number is 44.1. (attached).

Mr. Horman open the presentation indicating he was approached about five weeks ago by Mr. Frank McDonald who called Mr. Horman. Mr. McDonald informed Mr. Horman that he was considering donating a parcel of land at the address stated above. Mr. McDonald came to this conclusion after going to the Planning Office to find out what the options are for this nonconforming lot. He was told that the only thing he could really do to get anything built on this lot is to use the nonconformance lot ordinance that allows affordable houses to be built on it. After conversation with Ms. Ross, Ms. Moore, the Town Planner was consulted. The Trust also asked Mr. Lydon from the Engineering Office to view the property. Ms. Moore confirmed that this parcel could only be used as a nonconforming lot. Mr. Horman said that we were very concerned that we were not misleading the owner in any way in case they could do something with lot, so we want to cover all angles. We also asked Mr. McDonald to check it out with his attorney. After review, Mr. McDonald said that he definitely wanted to donate the property. Ms. Ross said that she initially couldn't understand why this was a nonconforming lot. It was undersized. If you look at the lot, there are two lots with a line and it would look like a buildable lot so it would be grandfathered. After review, the owners actually own the home adjacent to the property. Because they have an adjoining lot to the one to be donated, there is actually two lots not one. To sum it up, the lot to



be donated is two lots and the adjoining lot where the owner lives is at 55 Marjorie Ave. Mr. Horman then described the maps in detail and explained the attached criteria for nonconforming affordable home lot exemptions. He further explained that the remaining lot with the home on it must meet the same standards as the nonconforming lot. The minimum size for a nonconformance lot is 10,000 sq. ft. Mr. Meier stated that because the lots are on different streets, one lot meets the requirement and one does not according to the map. The map shows that the lot on Horne Ave., is 80 feet while the lot on Avery Road is 75 feet. However, it is confusing because the black lines cover the figures. The frontage requirements and percentages from Marjorie Avenue, Horne Ave., Avery Road was discussed because the maps show an indifference. Mr. Horman indicated that the 75 feet on Avery Road is after they take the radius out and all indications point towards the lot meeting the requirements. Especially when you look at the depths of the other lots which all show 100 feet. The 75 feet on Avery Road which is shown on the map appears to be the result of the corner. Mr. Meier indicated that Tim Lydon should take a look at it and calculate the corner. The two lots combined are a little more than 16,000 sq. ft. Mr. Horman discussed the remaining lot 55 not having 10,000 sq. ft. but has 8000 sq. ft. Mr. Horman talked with the Town Planner regarding this issue. The way to solve the problem is to give off some of the land from the adjoining lot. The main reason Mr. McDonald wants to give up the land is because of the tax rate which is set as a buildable lot. If the Trust ends up with this property and doesn't get a special permit the taxes would be a concern. After discussion with Bruce Cabral from the Principle Assessors Office, it was determined that it is not a buildable lot and the taxes will be adjusted as such. Subsequently, the taxes would drop to between \$4000 and \$6000. After communication with Ms. Ross, Mr. Horman called Mr. McDonald to let him know of the drop in the taxes based on his conversation with Mr. Cabral. Mr. McDonald told Mr. Horman that regardless, he still wanted to donate the land if we can get the extra 2000 sq. ft. added on to the 8000 sq. ft. to meet the 10,000 sq. ft. requirement. Mr. Meier said that we should get a perc test first. Mr. Horman stated that we will do the necessary testing in all areas. Mr. Meier asked if the roads were gravel or paved. Mr. Horman said which was agreed upon by Ms. Ross that most of Horne Ave., is paved except for a section beyond the lot in question. Mr. Meier stated that he was just concerned that the Planning Board doesn't hold us responsible for paving which would be a huge expense. Most of the trustees looked at the property and agreed that it is a nice location and the lot is beautiful. Mr. Horman said that if we were to put a house on the property would we want the front of the house to be facing Horne Avenue, or Avery Road. Ms. Ross said that the front of the house has to face Horne Avenue because that is the address. Mr. Meier asked about the slope of the property and was it similar to Wing Road. Mr. Horman said just the opposite. Mr. Donoghue said that the house next to the property is almost identical. Ms. Jordan agreed. Mr. Horman asked the trustees if they wanted to take the property and if so, we would have to go through a purchase and sales agreement. Ms. Ross added that the purchase and sales agreement would have a lot of contingencies, i.e., getting a special permit, getting it surveyed, a perc, etc. Mr. Horman will have to check on surveyors. Warwick doesn't want to do these smaller projects anymore. There was a general discussion about surveyors. Ms. Ross stated that she wanted to make sure everything required was completed so that we don't get stuck with property that we can't build on and have large tax bill. Even though the tax bill will be decreasing, we don't want to just hold onto land. The bottom line is we want to make sure we can build on it before we take it. This would require a satisfactory P&S, a building permit which would require us to go before the Planning Board to get a special permit, and we would have to have adjusted the land. Special and building permits was discussed by Mr. Meier and he explained the procedures. Mr. Walsh described building permits and the requirement for designs and contractors. Mr. Donoghue asked if it is the same attorney that we use who is Kathleen O'Donnell. Mr. Horman said yes. Mr. Horman doesn't know who the engineering firm will be at this time, so he has to complete an RFP. Warwick suggested Falmouth Engineering. Bracken

was also suggested. Bracken does a lot of work for the town. Mr. Horman said that a few years ago Bracken did not want to work with us, but he had heard that there are very good. Mr. Meier stated that if we were interested in Bracken he would call the owner. Mr. Horman questioned whether there was a conflict of interest with Bracken. Mr. Meier said that Bracken is doing a lot of work for the town. Ms. Riordan said that she called Warwick the other day to do a survey of her property. Warwick would not accept the work and referred her to Bracken. Ms. Ross indicated that an RFP has to be done before going further. Mr. Donoghue mentioned that we should go back into open session if we are going to discuss item 4 of the agenda. Ms. Ross said that some issues overlap due to the nature of the topic. The trustees completed final discussion on all matters. Mr. Donoghue made a motion which was seconded by Mr. Meier to have the Trust attorney draw up a P&S agreement with all the stipulations discussed. **Rollcall:** Peter Meier, yes; Jim Donoghue, yes; Stephen Walsh, yes; Judith Riordan, yes; Susan Ross, yes.

**Adjourn.** There was a motion made by Peter Meier at 3:54 p.m. and seconded by Judith Riordan to adjourn the **Executive Session;** and return to **Open Session.** **Rollcall:** Peter Meier, yes; Jim Donoghue, yes; Stephen Walsh, yes; Judith Riordan, yes; Susan Ross, yes.

Respectfully submitted,

**James Chapman**  
**Administrative Support**

# Bourne Affordable Housing Trust Meeting Executive Session Minutes August 14, 2019

TOWN CLERK BOURNE

2020 JUN - 5 PM 1: 07

RECEIVED

**Meeting Location:** Bourne Veterans Community Center  
239 Main Street, Buzzards Bay, Ma. 02532

**Members Present:** Sue Ross, Judith Riordan, Peter Meier, Jim Donoghue, Stephen Walsh

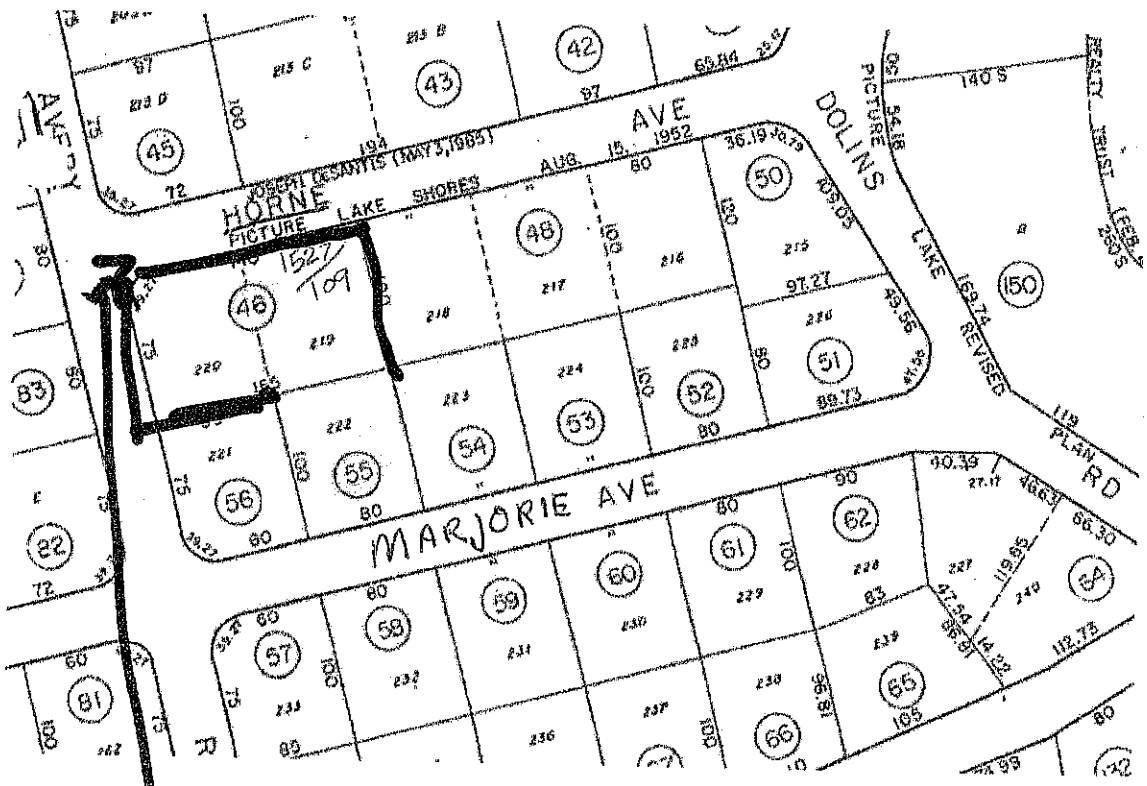
**Others Present:** Kerry Horman, Affordable Housing Programs Administrator  
James Chapman, Administrative Support

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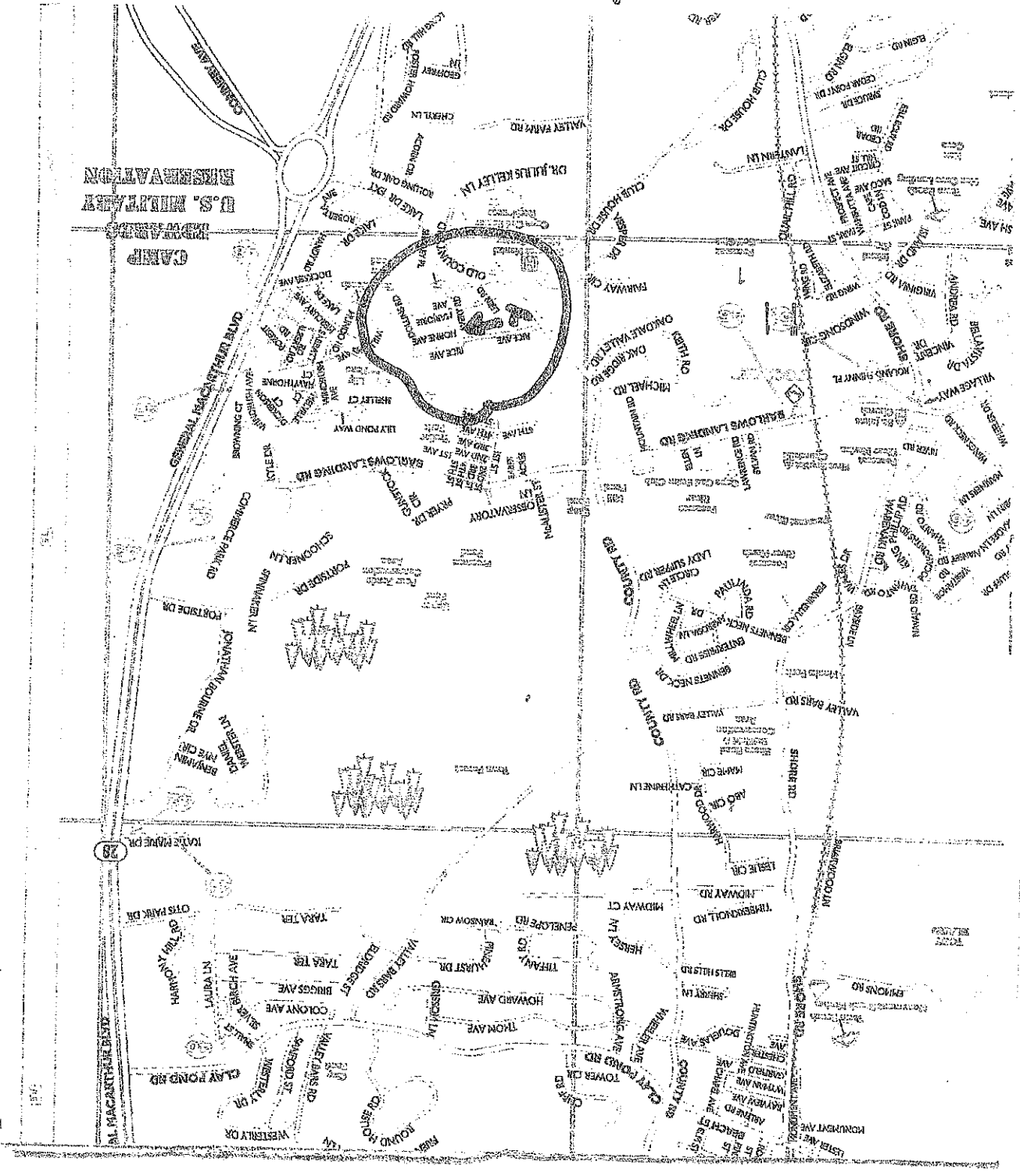
↓ 46 = MAP 44.1 LOT 46  
 THE STREET ADDRESS  
 IS # 26 HORNE AVE

4264  
 (A)

TAKE COUNTY RD TOWARD CAMP  
TAKE RIGHT ON WILKINS AVE  
LEFT ON AVERY - ATTORNEY OF AVERY

26 HORNE AVE

26 HORNE AVE



## Notice

Bourne Affordable Housing Trust Meeting  
Thursday, September 19, 2019 at 3:30 PM  
Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

### Agenda

All items on this agenda are subject to deliberation and a possible vote.

- 1) Review Minutes of the August 14 2019 Trust meeting.
- 2.) Financial Status Report
- 3) Vote to approve and sign the purchase and sales agreement to accept ownership ship of 46 Horne Ave., Bourne.
- 4) Consider proposal from J. C. Engineering to provide survey, perc testing, site planning, and engineering services to the Trust.
- 5) Housing Administrator's Report.
- 6) Vote to enter executive session to review the minutes of August 14, 2019 executive session and vote whether to return to open session.

Susan Ross  
Chairperson

2019 SEP 19 PM 11:22  
Bourne Veterans Community Center  
239 Main St. Buzzards Bay MA 02532

# Bourne Affordable Housing Trust Meeting

## Minutes- September 19, 2019

RECEIVED  
JUN 31 PM 2:00  
TOWN CLERK BOURNE

**Meeting Location:** Bourne Veterans Community Center  
239 Main Street, Buzzards Bay, Ma. 02532

**Members Present:** Susan Ross, Peter Meier, Stephen Walsh, Judith Riordan

**Absent:** Jim Donoghue (excused)

**Others Present:** Kerry Horman, Affordable Housing Program Administrator  
James Chapman, Administrative Support

**Meeting called to order** at 3:33 p.m. by Chairperson Susan Ross.

**Agenda #1. Review Minutes of the August 14, 2019 Trust meeting:** The Trustees reviewed the minutes of the Bourne Affordable Housing Trust meeting of August 14, 2019. Mr. Horman had one correction. On page 2, the line that states, "2000/2000" was changed to say that the lot will be divided by 2000 square feet. Mr. Meier made a motion to accept the minutes as amended. Seconded by Mr. Walsh. Unanimous vote of all Trustees.

**Agenda #2. Financial Status Report:** There was a current financial summary (attached), given to each Trustee for review. The only changes since the last meeting was a deduction for salaries. A motion was made by Mr. Meier to accept the financial report. Seconded by Mr. Walsh. Unanimous vote of all Trustees.

**Agenda #3 Vote to approve and sign the purchase and sales agreement to accept ownership of 26 Horne Ave. Bourne:** Mr. Horman had 3 copies of the purchase and sales agreement for 26 Horne Ave., Bourne, that was created by the Trusts attorney Kathleen O'Donnell (attached). The purchase and sales agreement requires Trustee approval and signatures on all copies. The seller has reviewed and approved the agreement and signed the copies. After discussion, Ms. Riordan made a motion to accept/approve/and sign the purchase and sales agreement for 26 Horne Ave., Bourne. Seconded by Mr. Walsh. Unanimous vote of all Trustees. All Trustees present signed all copies of the purchase and sales agreement. Mr. Horman said that Kathleen O'Donnell informed him that not all Trustees had to sign the purchase and sales agreement (Mr. Donoghue not present).

**Agenda #4. Consider proposal from JC Engineering to provide survey, perc**

**testing, site planning, and engineering services to the Trust:** Mr. Horman opened agenda #4 by stating that during the last Trust meeting he was asked to get proposals from different engineering firms. Warwick is not interested. Bracken engineering, and Falmouth engineering, said that they are too busy. JC engineering was the only firm who responded to the RFP. The Trustees were provided a copy of the proposal in advance by email (attached). Mr. Horman tried to do an analysis based on a Warwick proposal back in 2015. From what Mr. Horman can determine, JC engineering was higher by \$675. Mr. Horman could not compare staking of the foundation because JC engineering gave us a fixed rate of \$650 for staking the foundation and the parameters of the lot. Warwick gave us an hourly rate for the service. JC engineering has the process of going in for the special permit, doing the application and going to the meeting and making a presentation. The proposal is \$1000 for this process. Mr. Horman could not find anything in the Warwick proposal that covered that service. Mr. Horman stated that during the last meeting he calculated that the cost of the proposal would be between \$5000 and \$10,000. JC engineering is at \$5800 for the engineering, but then you add the other fees like the perc test for \$150 and the special permit fee for \$400. Ms. Ross questioned whether the special permit fee would be waived. Mr. Horman stated that it is in the proposal that the \$400 would not be charged if the fee was waived. There was a conversation regarding whether we are helping the town by just paying the fees. Ms. Ross believes that the fee was waived for Wing Road. Mr. Meier described the Planning Board rules regarding the division of land and doing 2 lots or less on an approved way. However, if you are just moving a lot line or making a lot bigger or smaller it could involve an ANR. Mr. Horman then discussed advertising and certification at the Planning Board and recording fees. Mr. Meier stated, that when you go before a board you can ask as part of your proposal if they would be willing to waive the fees as we are a quasi-town agency. Mr. Walsh stated that under the perc test the proposal says it will take a maximum of 2 hours which includes the backhoe and operator which costs \$700 dollars. If it takes 3 hours or more, will JC engineering charge and additional fee. Mr. Horman stated that Mr. Walsh was correct and if more time was needed, we would have to pay the extra. Mr. Walsh also stated that JC engineering has divided the proposal into a lot of individual steps, such as research and survey, and an existing condition plan. Shouldn't this all be one item. The answer to this question is unknown at this time. Mr. Walsh stated that the septic installation survey plan as built, the foundation survey plan as built, and the foundation and property line stakeout, all adds up to \$1550. Mr. Walsh feels that these 3 areas should be all accomplished at the same time. Ms. Ross stated that she cannot believe that the as built, costs so much. It used to be, that they could just draw. Now they have to go and have surveys done. Mr. Walsh stated that if you are going to survey the foundation how much more would it be to survey the septic system. Mr. Horman questioned whether the certifications are separately submitted in some form. As an example, is the foundation as built and the septic as built considered two separate submissions. Ms. Ross reiterated that Mr. Horman was asked for all the fees in the proposal to be spelled out so that the Trust can make a proper determination. Mr. Horman agreed. Mr. Horman also stated that JC engineering did break it down the way he asked them to on the RFP. We do not want to get a lump price, because if we had a lump price and it didn't perc or if it did perc and we went for the special permit and we didn't get it, we would want to tell



the contractor to stop. This way we would not incur the full lump price. Mr. Horman said that previously Warwick broke it down similar to this proposal. Mr. Walsh asked if Warwick's prices were close to the current proposal. Mr. Horman stated the septic as built was \$400 and the foundation as built was \$275. Subsequently, there is a difference of \$175. Ms. Riordan stated that these prices were within a reasonable realm. Ms. Ross asked if we were doing this based on a 3 or a 4 bedroom septic. We have a permit for a 3 bedroom house. Mr. Horman put in the RFP that our preference would be to set it up for a 4 bedroom, site permitting. Mr. Horman stated that a 4 bedroom septic system is better to put in for than a 3 bedroom septic system. Mr. Walsh stated that a 3 bedroom or 4 bedroom septic system is basically the same. It is still a 1000 gallon tank, but the leaching field is a bit bigger. Subsequently, you need a little more footage for the bigger leaching field. There was some discussion regarding the style of the house, the developer's input, the special permit, and what would be presented to the public regarding the house that would be built. The Trustees felt that a ranch-style home would be the most universal. However, this topic will be discussed as in agenda item at a future meeting.

There was a motion made by Mr. Meier to accept the proposal by JC engineering and to enter into the Trust Standard Contract with this as the scope of services. Seconded by Mr. Walsh. Unanimous vote of all Trustees.

Mr. Horman stated that he would get this proposal back to JC engineering to sign and have Kathleen O'Donnell put the contract together as a final copy. It could then be brought around individually for Trustees to sign. It was discussed by Ms. Ross that not all Trustees are mandated to individually sign the contract. There was discussion on this matter. Upon conclusion of the discussion, Mr. Meier made a motion to instruct the Chairman of the Board to sign the contract on behalf of all Trustees. Seconded by Mr. Walsh. Unanimous vote of all Trustees.

**Agenda #5. Housing Administrator's Report:** Mr. Horman emailed each Trustee a copy of the Bourne Affordable Housing Trust Administrator's update, dated September 17, 2019 (attached). The report was open for discussion. Ms. Ross asked Mr. Horman to discuss the conversation he's had with Neighbor Works (former South Shore Housing-which used to be HAC in Plymouth) and are now located in Kingston. Mr. Horman discussed programs that can be of help in Bourne with marketing, lotteries, developments, funding, and information services. Mr. Horman spent about an hour with the executive director in an effort to help somebody with a reverse mortgage issue. Neighbor Works provides counseling for people with issues of this nature. They currently have 3000 mobile section 8 vouchers. They also have the ability to invest up to \$100,000 per affordable unit projects in the area. However, they can only provide certain services in Bourne. They are currently redoing their website and they will send Mr. Horman a copy of their programs. Ms. Ross asked if they could do the lotteries. Mr. Horman said yes, they will do lotteries but mainly do certifications for rentals and buyers. Ms. Ross asked if they could be helpful to us for the Calamar project. Mr. Horman said yes. Mr. Horman stated that the executive director was from Boston and he had a very different view of the Bourne area until he met with Mr. Horman. Mr.

Horman further indicated that when you deal with just the people on the Cape it's an isolated view and is seen differently from the bigger cities that are off Cape. The bigger cities have a lot of experience that could be beneficial to us because of the diverse opportunities. They are more housing rehab and service oriented. Ms. Ross asked Mr. Horman if that is what he meant when we were talking in a previous meeting about certification of people. Specifically, that we had to give a certain amount of money before people in Bourne could go to them if we had accessory dwellings and the person could get certified. They wanted a fee to start the process, i.e., \$2000 and we would be on the list for six months. Subsequently, we held off at that time due to the finances and the time period covered. Mr. Horman said yes, this is what we discussed previously concerning the organization from South Yarmouth. To recap, their system would be to find, advertise and certify people and they wanted 7% commission and \$700. Mr. Horman did not talk money with the executive director from Neighbor Works. We are basically talking about two different issues. On one hand, if someone is looking for section 8 unit's they are more than happy to just bring them in. The program down Cape wants you to buy in to the program if you want to participate. Ms. Ross stated that she is heard good things about Plymouth Housing Authority. Mr. Horman agreed with the new programs and the diversity as a regional group. Mr. Horman finalized the discussion by saying that the Bourne Partnership reviewed the project from Bracken engineering firm for Waterhouse Road and them not being able to make the numbers work financially and the subsequent withdrawal. Mr. Horman left Mr. Bracken a message saying if they potentially needed the Trusts involvement to please contact him. There has been no response. Mr. Meier asked about the property on Waterhouse Road. Ms. Ross explained that it was between the handicapped housing on Waterhouse Road and the vacant lot adjacent to 2 houses owned by the Bourne Housing Authority. Bracken was going to put condos in there with 25% of them affordable. After doing the research they came to the conclusion that they could not afford to move forward with the project.

**Agenda #6. Vote to enter executive session to review the minutes of August 14, 2019 executive session and vote whether to return to open session:** There was a motion made by Mr. Meier to defer the executive session minutes of August 14, 2019, until the next meeting. Seconded by Ms. Riordan. Unanimous vote of all Trustees.

**Adjourn:** There was a motion made by Mr. Meier and seconded by Mr. Walsh to adjourn the meeting at 4:15 PM. Unanimous vote of all Trustees.

Respectfully Submitted,

James Chapman  
Administrative Assistant

Bourne Housing Partnership and Bourne Affordable Housing Trust  
Housing Administrators Update  
9-3-19

1) **Repair programs.** (TRUST). Item 1) 22 Settlers Tabled by Trust until further info comes in. Emergency repair program design may need amending [REDACTED]

2. **Downtown:** TRUST – Waiting on Town & developer relative to easement & demolition. [REDACTED]

3. **New home development :** 26 Horne. Trust in favor subject to Special Permit. KH has sent RFP to 3 engineers due sept 9, info and conditions for P & S were sent to K O'D  
4 **CALAMAR** Rental units **TRUST & PARTNERSHIP** The Town Planner is working on a draft regulatory agreement that will need Trust involvement. We expect a ground breaking soon. [REDACTED]

5) **Zoning:**

A) The Partnership has established requirements for affordable housing units in the Zoning By-law. THE AFFORDABLE HOUSING UNIT REQUIREMENTS ARE ON THE WEBSITE. KH has forwarded the changes to Ann Gutterson to forward to the Planning Board and ZBA as of today

). **56 Meeting House Lane.** PARTNERSHIP Sharon says Sandwich tenant didn't work out. Direction from 5/23/meeting = WE'VE DONE ALL WE CAN DO [REDACTED]

C) **Accessory Dwelling.** KH has talked with Mashpee who had amendments to their accessory dwelling ordinance on the BOS agenda for last week. They had Acc Dwellings by Sp Permit and did not have to be in law. KH is researching but it appears that the issue is still under discussion

6) **SHI . PARTNERSHIP-**

**Item 1** Owner of 15 Honora is planning is planning to sell beginning in about 6 months DHCD has calculated the resale price 2) Waterhouse Rd. 40B. From Hearing on May 23. Partnership in favor of project as condo's or rentals [REDACTED]

**Item 3)** 45 High Ridge- Owners want to put on 4<sup>th</sup> Bedroom – DHCD hesitant – but Partnership unanimously in favor and want to go up to Governor's office if necessary KH to prepare a history for Coreen's contact. KH has contacted owners and said we need to put some numbers together. Nothing back

**Item 4)** Sandwich Rd ( Pappas) – Partnership supported a detached condo design at the 6-12-19 meeting and Pappas will need a letter stating that. [REDACTED]

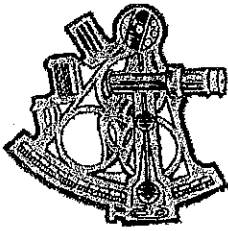
**Item 5) Housing Authority Sagamore Development..** Partnership unanimously in favor at the 7-17 meeting. Responses to some questions at the meeting have been received [REDACTED]

7) **Other: Trust & Partnership:** KH working with DHCD on Ready Buyer re-advertising plan. KH has sent a draft and Rieko wants info on minority contacts (KH has received a list of minority contacts from HAC) - KH working on method with out spending a lot of \$. If we advertise using an insert in the Bourne Enterprise printing 2600 inserts is \$300=/-, and delivery in Bourne papers is about \$300.



Bourne Housing Partnership and Bourne Affordable Housing Trust  
Housing Administrators Update  
10-1-19

- 1) **Repair programs.** (TRUST). Item 1) 22 Settlers Tabled by Trust until further info comes in. Emergency repair program design may need amending [REDACTED]
2. **Downtown:** TRUST – Waiting on Town & developer relative to easement. Demolition is complete. [REDACTED]
3. **New home development :** 46 Horne. Coreen provided KH with new Town standard contract and edited it for the JC/Trust contract. KH has sent everything to K O,D for her review. Looks ready to go. K O'D is doing title this week and as soon as Contract signed KH will get JC to start the work.
- 4 **CALAMAR** Rental units **TRUST & PARTNERSHIP** We expect a ground breaking soon. So far no agreement signed on affordables. [REDACTED]
- 5) **Zoning**
  - A) The Partnership has established requirements for affordable housing units in the Zoning By-law. THE AFFORDABLE HOUSING UNIT REQUIREMENTS are ON THE WEBSITE. KH has forwarded the changes to Ann Gutterson for Plan. Board & [REDACTED]
  - B). **56 Meeting House Lane. PARTNERSHIP** . Sharon wants the Partnership to waive affordable unit requirements. KH informed her that the Partnership has no authority to do that.
  - C) **Accessory Dwelling** KH has received contact from an architect that has a client that wants to build a new house with an accessory dwelling. KH explained that that's by SP Permit from the ZBA but we might like to work with him on it to get a poicy from the ZBA.
- 6) **SHI . PARTNERSHIP-** [REDACTED]
  - Item 1 Owner of 15 Honora is planning to sell beginning in about 6 months DHCD as calculated the resale price
  - 2) **Waterhouse Rd. 40B.** Don Bracken says withdrawing because they cannot make numbers work financially
  - Item 3) 45 High Ridge- Owners want to put on 4<sup>th</sup> Bedroom – DHCD hesitant – but Partnership unanimously in favor and want to go up to Governor's office if necessary KH to prepare a history for Coreen's contact. KH has contacted owners and said we need to put some numbers together. Nothing back. No Change
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**JC ENGINEERING, Inc.**  
2854 Cranberry Highway  
East Wareham, Massachusetts 02538  
Phone 508-273-0377  
Fax 508-273-0367

September 6, 2019

Kerry Horman  
Affordable Housing Programs Administrator  
Town of Bourne  
Town Planner's Office  
24 Perry Ave  
Buzzards Bay, MA 02532

Phone: 508-457-1005

Email: [affordablehomes@townofbourne.com](mailto:affordablehomes@townofbourne.com)

RE: New construction engineering services at 26 Horne Ave, Bourne, Massachusetts

Dear Mrs. Horman:

We appreciate the opportunity to respond to your request for a proposal for Septic Upgrade Design services. We submit herein this Proposal and Agreement for your review and signature.

#### INTRODUCTION

As we perceive the project, you would like us to prepare a special permit application & plan, approval not required application & plan, and a new construction site design plan for the property located at 26 Horne Ave, Bourne, Massachusetts. The following is a list of specific tasks to be performed under this Proposal and Agreement.

#### 1. Services

	<u>Lump Sum Cost</u>
Research and Survey	\$800
Existing Conditions Plan	\$500
Perc Test (max 2 hours, includes backhoe & operator)	\$700
Special Permit Application & Plan (attend 1 meeting)	\$1,000
Approval Not Required Application & Plan (attend 1 meeting)	\$500
Site / Septic Design Plan	\$400
Update Septic Site Plan for Proposed Building Footprint by Selected Contractor	\$400
Septic Installation As-Built Survey & Plan	\$450
Foundation As-Built Survey & Plan	\$450
Foundation & Property Line Stake Out	\$650

Total Estimated Services: \$5,850

\*Estimated Expenses: Town Perc Fee \$150, Special Permit Fee \$400, ANR Fee \$150, Advertising & Certified Mail \$150, Recording Fees \$400 (special permit & ANR)

\*These expenses are based on assumption that these fees are not exempt for this agency.

Total Estimated Expenses: \$1,250

**Grand Total Estimated Services Cost \$7,100**

Retainer: \$3,500 at time of signing proposal.

and abutter notification, and one (1) meeting with the Conservation Commission. Postage costs for certified mailings for abutter notification to be paid by client. The Certificate of Compliance filing, once construction has been completed per the Design Plan, is **NOT** included. Town and DEP fees required by the Conservation Commission are not included and are to be paid by the client.

5. JC Engineering does not assume responsibility for the acts, omissions, or errors of the backhoe or septic system contractor, their subcontractors, suppliers or agents. We also do not assume responsibility for soil or groundwater conditions encountered during septic system installation, which may vary from those observed at the soil examination locations.
6. Additional compensation for out of scope services will be invoiced as an agreed lump sum or at the following hourly rates for JC Engineering, plus expenses.

	<u>Rate</u>
• Expert Witness (Preparation and Court Appearances)	\$225/hr.
• Two Person Survey Crew	\$165/hr.
• Principal / Professional Engineer	\$150/hr.
• Professional Land Surveyor	\$150/hr.
• Certified Wetlands Scientist	\$105/hr.
• Project Engineer	\$105/hr.
• Planner/Engineer	\$85/hr.
• Engineering Intern	\$65/hr.
• Drafts person	\$55/hr.
• Administrative Assistance	\$45/hr.

**Access to Site.** Unless otherwise stated, JC Engineering will have access to the site for activities necessary for the performance of services. JC Engineering will take reasonable precautions to minimize damage due to these activities, but has not included in the fee the cost of restoration of any resulting damage.

**Fee.** The total fee, except stated lump sum, shall be understood to be an estimate, based upon Scope of Services, and shall not be exceeded by more than ten (10) percent, without written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered.

**Billings/Payments.** Invoices for services and reimbursable expenses shall be submitted upon completion of the services. Invoices shall be payable upon receipt. A service charge of 1.5% (or the legal rate) per month will be applied to the unpaid balance after 30 days. Retainers shall be credited on the final invoice. The Client agrees to pay all costs of collection, including reasonable attorney's fees, service charges, court costs, and other expenses that may be incurred. In the event of overdue payments, we reserve the right to take appropriate action, including stoppage of work and deferral of issuing construction as-builts or other plans, in which case any additional costs and expenses incurred including reasonable attorney's fees, shall be payable by the client. Additionally, the Client acknowledges that the work to be undertaken herein is being furnished for the erection, alteration, repair, or removal of a building, structure, or other improvement to the above-referenced premises, as the same is defined in M.G.L. c. 245, and that JC Engineering may record a Notice of Contract with the applicable registry of deeds should JC Engineering determine in its sole and unfettered discretion that Client may default in the making of any payments hereunder.

**Hidden Conditions and Hazardous Materials.** A condition is hidden if concealed by existing finishes or is not capable of investigation by reasonable visual observation. If JC Engineering has reason to believe that such a condition may exist, the Client shall authorize and pay for all costs associated with the investigation of such a condition. If (1) the Client fails to authorize such investigation after due notification, or (2) JC Engineering has no reason to believe that such a condition exists JC Engineering shall not be responsible for the existing condition nor any resulting damages to persons or property and the client hereby agrees to indemnify and hold JC Engineering harmless from all costs, damages and liabilities associates with the same. This indemnification is intended to give JC Engineering the maximum protection under the governing law. JC Engineering shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure to persons to hazardous materials of any form.

**Indemnification.** The client, to the fullest extent permitted by law, agrees to indemnify and hold JC Engineering harmless from any and all damage, expenses, liability or cost (including reasonable attorney's fees and defense costs), as incurred, to the

If required or  
requested:

- \$575 for a pump system design per system.
- \$400 for Sieve Analysis per each perc test.
- \$950 for Board of Health Variance Request (less town fee) per system.
- \$850 for Alternative Septic System Design per system.

## 2. Items Not Included

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1. Revisions requested by owner/contractor after Board of Health approval of system design.
2. Well test, if required by town.
3. Hydrogeologic and/or water supply study if required.
4. Massachusetts Endangered Species Act (M.E.S.A.) and/or Massachusetts Historical Commission filing or study.
5. Meetings with any town boards/personnel, if requested by client.
6. Preparation of applications and meeting time with Board of Health if a Title V or town regulation variance or local upgrade approval is required.
7. Stormwater Pollution Prevention Plan, if over 1 acre of disturbance.
8. Landscaping, Lighting or Architectural Plans.
9. Any survey stakeout requested by contractor.
10. Construction observation services or resolution of conflicts between owner and installer and/or Board of Health.
11. Return trips for septic as-built due to incomplete construction will be billed hourly.
12. Plan deliveries by JC Engineering, Inc. will be billed hourly.
13. Any appeals.
14. Conservation Commission Certificate of Compliance request.
15. Property line stakeout.
16. Recording fees.
17. Easement instrument.
18. I/A Operation and Maintenance.
19. Disposal Construction Permit fees.
20. Pre-mark areas for DIGSAFE.
21. Any other items not specifically listed herein.

## 3. Terms and Conditions

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JC Engineering, Inc. shall perform the services outlined in this agreement for the stated fee arrangement.

### Special Terms and Conditions

The following terms and conditions apply to this project:

1. It is the client's responsibility to provide any and all filing and review fees directly to the town or other authority, where applicable.
2. Backhoe or borehole drilling services for subsurface soil testing shall be secured by the Client. Client may request that JC Engineering secure these services, in which case, the Client agrees to reimburse JC Engineering for the cost of the backhoe/drill rig services plus 10%, to be paid upon submittal of the invoice.
3. Client acknowledges that costs for the following shall be the client's responsibility: abutter notifications including postage and newspaper public notices; out of pocket expenses including, but not limited to, mileage, overnight packages, mailings, abutters lists, third party copying charges for deeds and plans; and plan copies produced by JC Engineering, which shall be billed at \$6 per sheet for all plan sets submitted to the appropriate town and state boards and to the client (unless said plan copying charges are included in the Cost Estimate above). Said costs are due and payable by Client upon receipt of the invoice.
4. If any site work is required to be done within 100' of any wetland or 200' of any perennial river, then a Notice of Intent (NOI) or Request for Determination (RDA) filing is required to be filed with the local Conservation Commission and Department of Environmental Protection (DEP). Client acknowledges that JC Engineering's fee to prepare the NOI or RDA is \$2,000.00, which includes wetland delineation, preparation of the NOI or RDA application



Kerry Horman  
September 6, 2019  
Page 4

extent caused by the Client's negligent acts, errors or omissions and those of anyone whom the Client is legally liable, and arising from the project that is the subject of this agreement.

**Termination of Services.** This agreement may be terminated upon ten (10) days advanced written notice by either party should the other fail to perform his/her/its obligations hereunder. In the event of termination, the Client shall pay JC Engineering for all services rendered and costs incurred to the date of termination, all reimbursable expenses, and reasonable termination expenses.

**Ownership of Documents.** All documents produced by JC Engineering under this agreement shall remain the property of JC Engineering and may not be used by Client for any other purpose without the written consent of JC Engineering, Inc.

**Governing Law.** Any claim or dispute between the Client and JC Engineering under this agreement shall be governed by the laws of the Commonwealth of Massachusetts, and any action initiated to enforce the provisions of this agreement shall be filed in either the Small Claims, District or Superior Court in Plymouth County, Massachusetts, and said Court(s) shall have exclusive jurisdiction.

If you have any questions regarding this proposal, please call me during normal business hours at (508) 273-0377. I look forward to hearing from you.

Sincerely,

*John L. Churchill Jr. PE, PLS*

Principal

\_\_\_\_\_  
CLIENT

\_\_\_\_\_  
Date

\_\_\_\_\_  
JC ENGINEERING, Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
PRINTED NAME

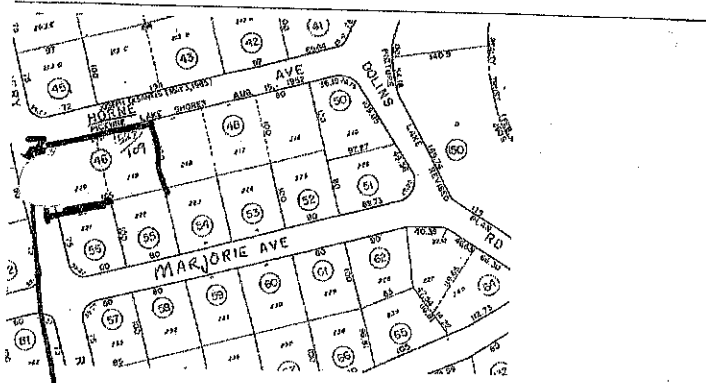
Please approve and return one (1) signed copy with your retainer. Thank you!

**We also accept MasterCard and Visa for payments and retainers. Please call the office with your credit card information. Please be aware there is a 3% convenience fee for all debit & credit card payments.**

**TOWN OF BOURNE**  
Fund Article Report

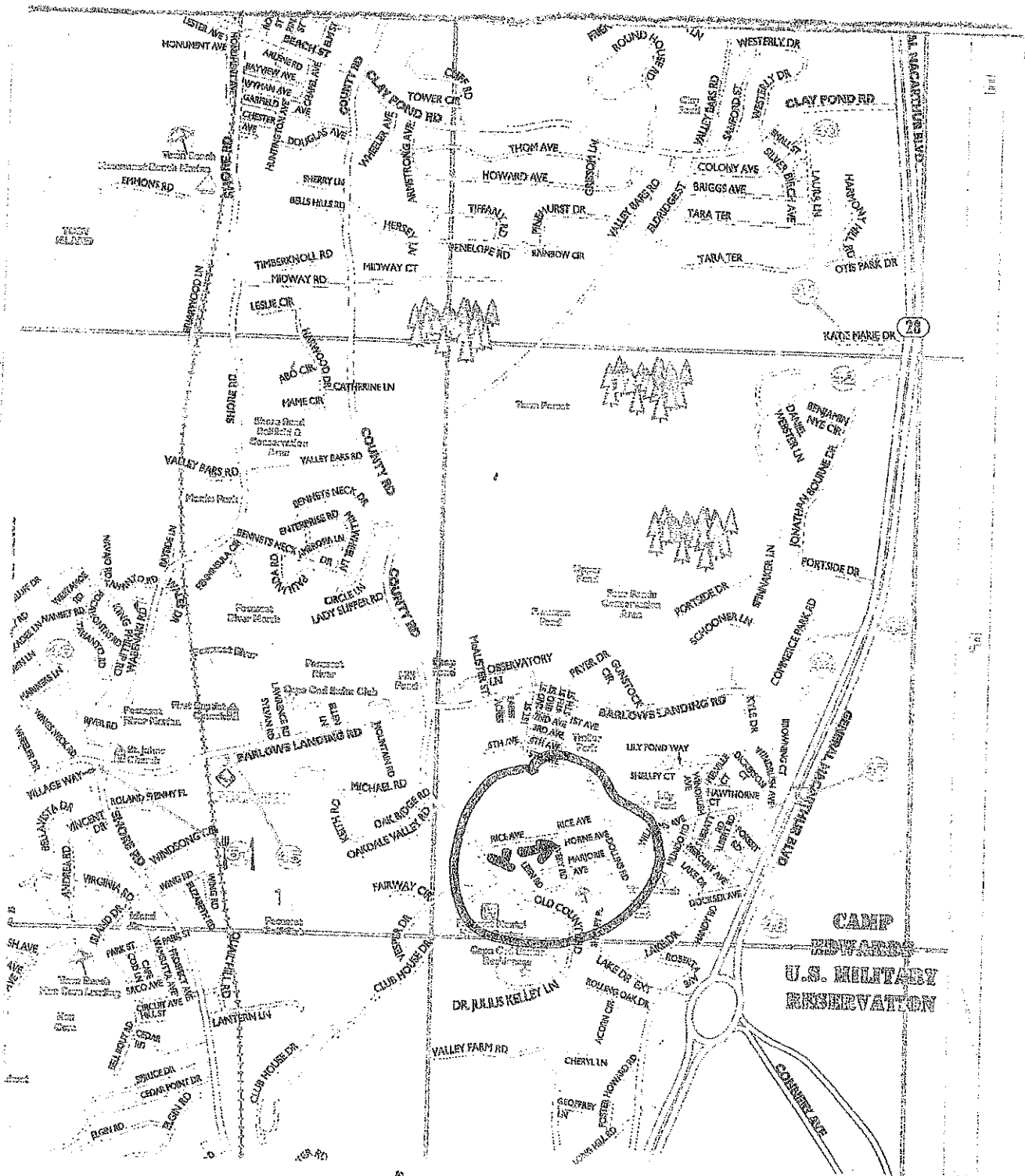
Fiscal Year 2019  
From 07/01/2018 to 06/30/2019

Account Number	Description	07/01/2018	07/01/2019	06/30/2019	06/30/2019
668-5-999	ARTICLE 21 DRV CASE NEW WAY SLEEBLY PRO	87,104.00	87,104.00	87,104.00	87,104.00
910	ATM MAY 2017	87,104.00	87,104.00	87,104.00	87,104.00
668-5-999	ARTICLE 14 DEY CASE NEW WAY SLEEBLY PRO	100,000.00	100,000.00	100,000.00	100,000.00
913	ATM MAY 2018	100,000.00	100,000.00	100,000.00	100,000.00
616-8-999	ASST LOW INC TO RIBBLE & PRES	6,113.00	6,113.00	6,113.00	6,113.00
929	ATM MAY 2011	6,113.00	6,113.00	6,113.00	6,113.00
669-9-999	AFORDABLE HOUSING SPECIALIST	26,671.29	26,671.29	26,671.29	26,671.29
639-9-999	AFORD HOUSING DOWN PAYMENT	193,116.68	193,116.68	193,116.68	193,116.68
629-9-999	CONTINENTAL ARTS SPRINKLER	213,749.97	213,749.97	213,749.97	213,749.97
936	ATM MAY 2015	15,511.93	15,511.93	15,511.93	15,511.93
669-9-999	AFORDABLE HOUSING SPECIALIST	50,859.72	50,859.72	50,859.72	50,859.72
639-9-999	PROGRAM TO SUBSIDIZE AFORDABLE	21,168.28	21,168.28	21,168.28	21,168.28
629-9-999	AFORD HOUSING DOWN PAYMENT	16,374.94	16,374.94	16,374.94	16,374.94
939	ATM MAY 2016	40,000.00	40,000.00	40,000.00	40,000.00
669-9-999	AFORDABLE HOUSING SPECIALIST	19,272.66	19,272.66	19,272.66	19,272.66
639-9-999	PROGRAM TO SUBSIDIZE AFORDABLE	60,000.00	60,000.00	60,000.00	60,000.00
629-9-999	CONTINENTAL ARTS SPRINKLER	52,389.41	52,389.41	52,389.41	52,389.41
982	ATM MAY 2017	17,616.87	17,616.87	17,616.87	17,616.87
669-9-999	AFORDABLE HOUSING SPECIALIST	9,200.00	9,200.00	9,200.00	9,200.00
649-9-999	WATERHOUSE RD IMPROVEMENTS	16,478.80	16,478.80	16,478.80	16,478.80
945	ATM MAY 2018	54,522.00	54,522.00	54,522.00	54,522.00
627-9-999	IMPROVEMENTS TO 19 WATERHOUSE	84,547.00	84,547.00	84,547.00	84,547.00
947	ATM MAY 2019	84,547.00	84,547.00	84,547.00	84,547.00
187	TOTAL COMMUNITY HOUSING	743,662.58	743,662.58	743,662.58	743,662.58



↓ 46 = MAP 44.1 LOT 46  
THE STREET ADDRESS  
IS #26 HORNE AVE

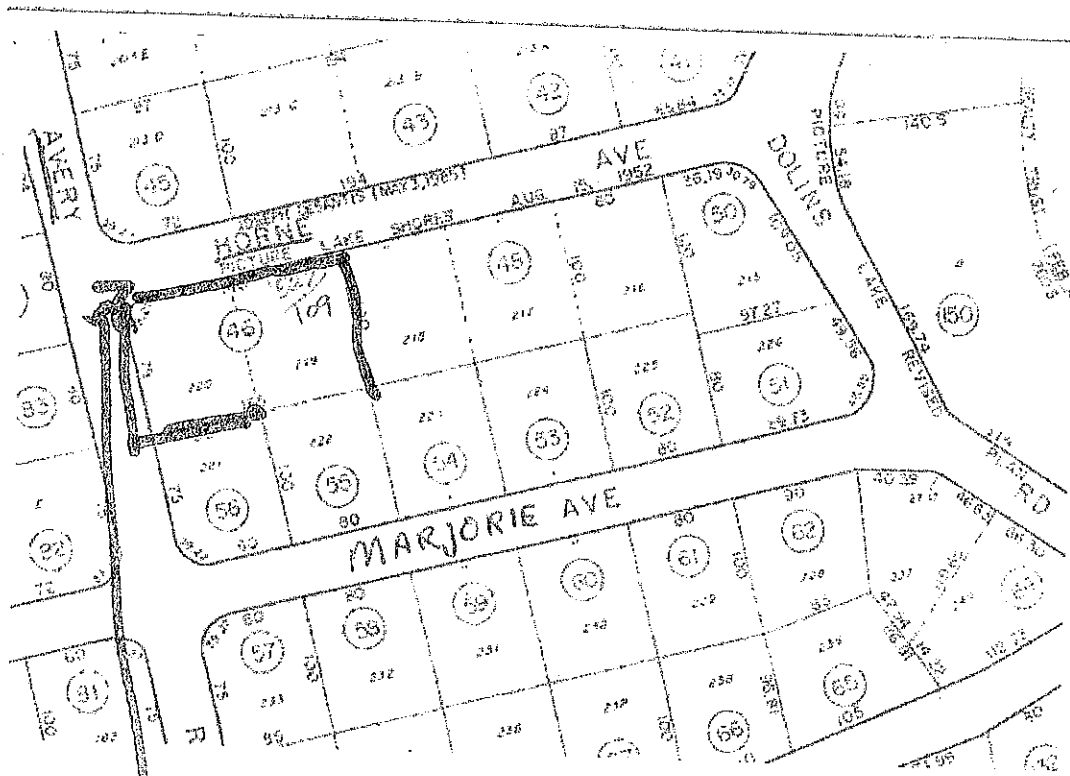
4264  
(N)



26 HORNE AVE

TAKE COUNTY RD TOWARD CANAL  
 TAKE RIGHT ON WILLIAMS AVE  
 LEFT ON AUERY - AT CORNER OF AUERY

↑ AND HORNE



↓ #6 = MAP 44.1 LOT #6  
THE STREET ADDRESS  
IS # 26 HORNE AVE

4264  
(M)

# TOWN OF BOURNE

## Fund Article Report

Fiscal Year 2019

From 07/01/2018 to 06/30/2019

Account Description	87,104.00	87,104.00	87,104.00	87,104.00
6068-33-999 ARTICLE 33-DEV. CAPE VIEW WAY ELDERLY PRO- ATM MAY 2007	87,104.00	87,104.00	87,104.00	87,104.00
6068-14-999 ARTICLE 14-DEV. CAPE VIEW WAY ELDERLY PRO- ATM MAY 2008	100,000.00	100,000.00	100,000.00	100,000.00
6236-99-999 -ASSIST LOW INC TO REHAB & PRES- ATM MAY 2013	6,115.00	6,115.00	6,115.00	6,115.00
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- 6294-99-999 -CONTINENTAL APTS SPRINKLER- ATM MAY 2015	20,631.29	20,631.29	2,786.46	-2,786.46
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2016	193,116.68	193,116.68	968.89	20,631.29
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2017	18,514.93	213,747.97	3,753.35	192,147.79
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2018	21,160.26	-18,514.93		209,992.62
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	30,859.75	-21,160.26		30,859.75
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	70,534.94	-39,675.19		30,859.75
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	19,222.66	-19,222.66		60,000.00
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	60,000.00	-19,222.66		92,389.41
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	92,389.41	59,200.00		152,389.41
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	171,612.07	105,478.00		24,041.19
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	94,522.00	164,678.00		189,279.00
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	94,522.00	84,547.00		213,320.19
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	84,547.00	84,547.00		84,547.00
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	84,547.00	84,547.00		84,547.00
6067-99-999 -AFFORDABLE HOUSING SPECIALIST- 6069-99-999 -PROGRAM TO SUBSIDIZE AFFORDABL- 6293-99-999 -AFFORD HOUSING DOWN PAYMENT- ATM MAY 2019	743,635.98	249,225.00		84,547.00
183 Total COMMUNITY HOUSING		-58,897.85	49,635.16	884,327.97

SPREAD SHEET CPA AND HOUSING TRUST BALANCES		2020
	ACCOUNT	
ASSIST LOW INCOME RO REHAB. HOMES	6236	\$6,115.00
EMERGENCY REPAIR PILOT PROGRAM	25-9000	\$20,050.00
DOWN PAYMENT ASSISTANCE PROGRAM	6293	\$51,491.04
NEW UNITS	6069	\$81,160.26
AFFORDABLE HOUSING SERVICES	6067	\$56,128.95
HOUSING TRUST ASSET ACCOUNT	82-3450	\$558,809.39
TOTAL		\$773,754.64
TOTAL MINUS HOUSING ASSET ACCOUNT		\$214,945.25
TOTAL MINUS EMERG. REPAIR PROGRAM		\$194,895.25
<p>CONFLICT: \$20,631.29 FROM ACCOUNT (6293) SHOULD HAVE BEEN TURNED IN FROM TOWN MEETING INSTEAD, ACCOUNT (6069) HAD \$21,160.26 TAKEN. WE ARE WORKING TO CORRECT THIS PROBLEM. \$18,514.93 AND \$19,222.66 WAS TURNED IN FROM ACCOUNT (6067) HOUSING SPECIALIST ACCOUNT.</p>		





**Chapman, Wendy**

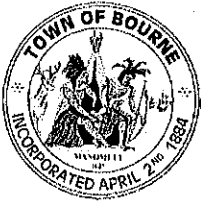
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**From:** Chapman, Wendy  
**Sent:** Thursday, February 25, 2021 2:10 PM  
**To:** Hammond, Cassie  
**Subject:** zba Missing minutes

I am missing the minutes for June 5, 2019

Please file a copy when you can

Thank you



# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



**MEETING NOTICE OF  
Zoning Board of Appeals  
Wednesday, January 16, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

### AGENDA ITEMS

#### I. Approval of meeting minutes

**II. 49 Monument Neck Rd. Variance 2018-21V** Requesting Variance under M.G.L., Ch. 40A, Sec. 9, from the Bourne Zoning Bylaw Section 2500 to exceed front yard setback (30' required) by 6.6 and 6.8 feet. Proposed dwelling would have a final setback of 23.4 feet on northwest corner and 23.2 feet on the southwest corner.

**(Continued from December 19, 2018)**

**III. 3 Mill Pond Circle Variance 2018-V24** Requesting a variance under M.G.L., Ch. 40A, Sec. 9, from the Bourne Zoning Bylaw Section 2500 for an existing undeveloped lot that does not meet the minimum lot area requirements for a residential lot located a Residential 40 (R-40) District.

**(Continued from December 19, 2018)**

2019 JAN 16 PM 07:00  
TOWN OF BOURNE

Old Business  
New Business  
Public Comment

# Town of Bourne Zoning Board of Appeals Meeting Minutes

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

January 16, 2019

RECORDED  
2019 FEB 19 AM 9:41  
TOWN CLERK BOBBIE

## I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on January 16, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, Harold Kalick, Tim Sawyer, Wade Keene, Associate Members, Kat Brennan and Chris Pine.

**Members Excused:** John O'Brien and Associate Member, Deb Bryant.

**Also Present:** Roger Laporte, Carol Mitchell, Carl Forziati, Ford O'Connor, Vic Pozza and Michelle Pozza.

*Sitting on the hearings; Amy Kullar, Harold Kalick, Tim Sawyer and Wade Keene. Kat Brennan and Chris Pine will alternate.*

*Amy Kullar will be writing the Decisions.*

## II. Agenda Items

1. Approval of Minutes – Ms. Kullar entertained a motion to approve the minutes of the December 5, 2018 meeting. Ms. Brennan noted a minor revision. **Mr. Kalick moved, Mr. Sawyer seconded to approve the minutes of the December 5, 2018 meeting as revised.** The motion carried 4-0-2. Wade Keene and Chris Pine abstained.

*Sitting on this hearing; Amy Kullar, Harold Kalick, Tim Sawyer, Chris Pine and Kat Brennan.*

2. **49 Monument Neck Rd. Variance 2018-21V** Requesting Variance under M.G.L., Ch. 40A, Sec. 9 from Bourne Zoning Bylaw Section 2500 to exceed front yard setback (30'

required) by 6.6 and 6.8 feet. Proposed dwelling would have a final setback of 23.4 feet on the northwest corner and 23.2 feet on the southwest corner.

*Materials – Subdivision Plan and Site Plan*

**(Continued from December 19, 2018)**

Victor Pozza was present to discuss the matter. Ms. Kullar announced the matter had been continued from December 19, 2018 and asked Mr. Laporte to elaborate. Mr. Laporte explained at the time the lots in the subdivision were created, zoning was based on 13,000 square feet. Setbacks for 13,000 square foot lots were 30' and 15'. Prior to that, lots under 13,000 had setback requirements of 20' and 12'. Mr. Laporte stated the applicant's lot is 12,871 square feet, and although the lot is not 13,000 square feet, it has to be treated as such because it was approved on a subdivision plan at the time that zoning was 13,000. He stated this lot falls under the 30' and 15' setbacks.

Victor Pozza addressed the members. He provided a brief summary of the proposed project and discussed his reason for requesting the Variance.

Ms. Kullar reminded the members that the applicant already has an approved plan to build a single-family dwelling.

Ms. Kullar mentioned there were abutters in attendance at the previous hearing who were upset that the applicant is building a dwelling on the lot. She questioned whether the applicant will build regardless of a Variance being issued. Mr. Pozza stated he will. He said that he spoke with the abutter who attended the previous hearing, expressing concern that her basement is flooding because Mr. Pozza has cleared his lot. Mr. Pozza stated after speaking with the abutter, he has offered to assist her with installing a sum pump in her basement.

Ms. Kullar noted there weren't any abutters in attendance that evening. A brief discussion transpired regarding the abutter's basement and the sum pump Mr. Pozza offered to install.

Mr. Pozza mentioned that other houses in the area have similar setbacks as what he's proposing.

Board Comment – Mr. Pine asked the applicant how long he's owned the lot. Mr. Pozza stated he inherited the lot from his father in 2014.

Ms. Kullar asked if he plans on living in the home year-round or will he be renting it out. Mr. Pozza stated he planned on living in the home.

Public Comment – None.

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

Mr. Kalick asked the chair to discuss the criteria that must be met in order to grant a Variance. Ms. Kullar discussed the criteria and stated she felt satisfied that the topography of the land met that requirement for a Variance. She also thought the applicant presented sufficient hardship.

Mr. Kalick expressed his opposition with granting the Variance stating he'd prefer the design of the house be changed in order to maintain the existing setbacks.

Ms. Brennan asked if the proposed dwelling is a two-story home. Mr. Pozza stated it is a one and a half story.

Mr. Sawyer feels the topography criteria has been met but agreed with Mr. Kalick.

A brief discussion transpired regarding the location of the septic system and its impact on the location and design of the house.

Mr. Kalick suggested alternatives with the design of the home in order to meet setback requirements that would not require a Variance.

Ms. Kullar discussed the requirements of a Variance. She feels the topography requirement has been met but stated she's hearing from board members that that they aren't quite satisfied that all three Variance requirements have been met in this case.

Mr. Pine stated he does not think the hardship criteria has been met.

Mr. Keene suggested building a Colonial vs. a Cape.

A brief discussion transpired regarding the proposed square footage of the house.

Ms. Brennan asked if it would be an easy process to adjust the proposed location of the house. Mr. Laporte stated it would be because the house hasn't been built yet. Mr. Kalick clarified that the house wouldn't be moved just the walls would be adjusted; while respecting the bylaws of the Town. Ms. Brennan suggested allowing the applicant to withdraw his application without prejudice to allow him to redesign the house. Mr. Kalick reminded the board that the applicant already has an approved plan to build a house on the lot.

Ms. Kullar entertained a motion. A brief discussion transpired regarding how the motion should be worded. **Ms. Brennan moved, Mr. Sawyer seconded to grant the Variance.** The motion failed. 0-5-0.

**3. 3 Mill Pond Circle Variance 2018-V24** – Requesting a Variance under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 for an existing undeveloped lot that does not meet the minimum lot area requirements for a residential lot located in a Residential 40 (R-40) District.

*Materials – Assessors Card.*

Attorney O'Connor addressed the board on behalf of Forziati Trust. Mr. O'Connor explained at the previous hearing, the board requested a building footprint to show what was being proposed on the lot. Using the Town's assessor's card, he computed the Lot Coverage and Area of the two houses immediately abutting this property. Mr. O'Connor stated if the Variance is granted, the proposed project will comply with Zoning, Conservation and Board of Health setbacks.

Ms. Kullar reminded the board that a Variance is being requested to make the lot buildable.

Board Comment - Ms. Brennan opened a brief discussion regarding 2 Mill Pond Circle and 9 Red Brook Road.

Mr. Sawyer expressed concern that the lot in question is a sloping lot. He questioned where on the lot a house is being proposed. Mr. O'Connor explained he sent an email to Mr. Laporte and Ann Gutterson which stated the proposed project will have to comply with Building, Conservation and Board of Health setbacks. He explained that he represents the current property owner who received an offer to buy the lot. The potential buyer discovered the lot is unbuildable and will not purchase the land unless it's a buildable lot.

Ms. Kullar stated the board did not receive the email.

Mr. Keene stated without a Building Permit there is no way to determine what is being proposed.

Mr. Pine asked what information was in the email that Mr. O'Connor sent. Mr. O'Connor reiterated the email stated that the future project will have to comply with Building, Conservation and Board of Health setbacks and that the Lot Coverage will be 10% and the Floor Area will be 15%; which is less than what's required by the Town for undersized lots.

Ms. Kullar stated she does not feel comfortable putting limitations on a project when she doesn't know what the project is.

Ms. Brennan suggested conditioning the Variance rather than requiring the potential buyer to pay for the cost of having plans drawn up.

Ms. Kullar reiterated her concern over granting a Variance without knowing what is proposed for the lot.

Mr. Laporte discussed zoning setback requirements and the allowable square footage of the proposed house; if the lot is deemed buildable.

After a brief discussion, it was decided to continue the matter to February 6, 2019 to allow Mr. O'Connor time to have an engineer draw up plans.

Ms. Kullar entertained a motion. **Mr. Sawyer moved, Ms. Brennan seconded to continue the matter to February 6, 2019.** The motion carried. 5-0-0.

**Old Business** – None.

**New Business** – Ms. Kullar informed the next meeting will be held on February 6, 2019. On the agenda is an emergency release that needs to be made and two dog kennel filings. Mr. Laporte elaborate further on the emergency release. A brief discussion ensued.

Ms. Brennan opened a brief discussion regarding televising the Zoning Board of Appeals meetings.

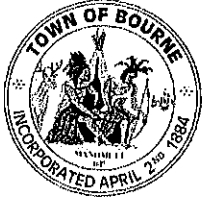
Ms. Kullar mentioned that the applicants of 165 Jefferson Road are appealing the board's decision and they are submitting new plans. Mr. Laporte explained the repetitive petition process. Mr. Kalick suggested the applicants redesign the proposed dwelling to meet zoning regulations.

**Public Comment** – None.

### **III. Adjournment** –

**Mr. Keene moved, Ms. Brennan seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 8:46 PM.

Minutes Submitted by: Carol Mitchell



# TOWN OF BOURNE

## Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



MEETING NOTICE OF  
Zoning Board of Appeals  
Wednesday, February 6, 2019 at 6:15 PM  
Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay

6:15 p.m. Call to order in Open Session

- I. **Executive Session** Motion to enter into Executive Session with Attorney Troy to discuss strategy with respect to 165 Jefferson Road Special Permit SP18-2018. The Chairman declares that such open meeting will have a detrimental effect on the litigating position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated.

*The Zoning Board of Appeals will reconvene in open session following the conclusion of the Executive Session approximately 7:00 pm.*

II Approval of meeting minutes

II. Request for Release from Covenant: LOT 82 Within Pilgrim Pines

III. **3 Mill Pond Circle** Variance 2018-V24 Requesting a variance under M.G.L., Ch. 40A, Sec. 9, from the Bourne Zoning Bylaw Section 2500 for an existing undeveloped lot that does not meet the minimum lot area requirements for a residential lot located a Residential 40 (R-40) District.

(Continued from December 19, 2018)

Old Business  
New Business  
Public Comment

RECEIVED  
2019 JAN 29 PM 12:30  
TOWN OF BOURNE



**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

February 6, 2019

TOWN CLERK BOURNE

2019 FEB 27 PM 12:02

RECEIVED

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on February 6, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, Wade Keene, Harold Kalick, Tim Sawyer, John O'Brien, Associate Member Deb Bryant.

**Members Excused:** Associate Members Kat Brennan and Chris Pine.

**Also Present:** Roger Laporte, Carol Mitchell, Coreen Moore, Tom Guerino, Peter Meier, Carl Forziati, Ford O'Connor, Kenny Andrea, and Mark Hebb.

*Sitting on the hearings; Amy Kullar, Harold Kalick, Tim Sawyer, Deb Bryant and John O'Brien.*

*John O'Brien will be writing the Decisions.*

**II. Agenda Items**

1. Approval of Minutes – Ms. Kullar entertained a motion to approve the meeting minutes of January 16, 2019. Ms. Mitchell noted a typographical error from the agenda that was incorporated into the minutes. **Mr. O'Brien moved, Ms. Bryant seconded to approve the minutes of the January 16, 2019 meeting as revised.** With no discussion, the motion carried. 6-0-0.

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

2. Request for Release from Covenant: Lot 82 Within Pilgrim Pines -

*Materials – Recorded Covenant Agreement and Form G Certificate of Release.*

Mark Hebb addressed the members to request a release from covenant for Lot 82 that was held as a road bond for completion of paving.

Mr. Guerino stated the Town is satisfied with the paving and the aprons that were installed on the roadway. He noted that the director of Public Works has also signed off on the work that was required to be completed.

Ms. Moore clarified that this is a release for Lot 82 only; it is not a closeout of the 40B. The Board must still review the financials, the profit line and any other conditions of the 40B. This request is only to release Lot 82.

Board – Mr. Keene asked if any other lots are to be released. Mr. Guerino indicated, no.

Mr. O'Brien asked if the building inspector has any input. Mr. Laporte stated he is satisfied.

Mr. Kalick asked if all the neighbors are satisfied. Mr. Laporte explained that is not required under this request. He sees no reason not to release it.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. Mr. O'Brien moved, Mr. Keene seconded to close the public hearing. The motion carried. 5-0-0.

Ms. Kullar entertained a motion to release the covenant as requested for Lot 82. Mr. O'Brien moved, Mr. Kalick seconded to release the covenant on Lot 82 in Pilgrim Pines. The motion carried. Roll Call Vote – Mr. Sawyer – Yes, Mr. Keene – Yes, Ms. Kullar – Yes, Mr. O'Brien – Yes, Mr. Kalick – Yes. 5-0-0.

Mr. Hebb asked if there's an appeal period. Mr. Laporte stated there is not.

Attorney O'Connor notarized the document. Ms. Kullar informed Mr. Hebb that the release must be recorded at the Registry of Deeds and a copy must be returned to the Town.

*Sitting on this hearing; Amy Kullar, Harold Kalick, Tim Sawyer, John O'Brien and Deb Bryant.*

**3. 3 Mill Pond Circle Variance 2018-V24** – Requesting a Variance under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 for an existing undeveloped lot that does not meet the minimum lot area requirements for a residential lot located in a Residential 40 (R-40) District.

*Materials – Email from Attorney O'Connor outlining the proposed Building Envelope Plan and Lot Comparison Sheet.*

Attorney O'Connor addressed the board on behalf of Forziati Trust. He provided a description of the building envelope to include the following:

- a. The house shall be setback at least 30 feet from Mill Pond Circle, with a side yard setbacks of 20 feet.
- b. House location shall comply with all Board of Health and Conservation Committee setbacks at the time a building permit application is filed.
- c. The maximum gross floor area as defined by the Zoning By laws to Lot area shall be 15%.
- d. The Maximum Lot Coverage as defined by the Zoning Bylaws will be 10%.
- e. Maximum Building Height as defined by the Zoning Bylaws will be 35 feet.

Mr. O'Connor stated they are willing to entertain any other conditions suggested by the Board.

Board Comment – Mr. Keene asked if there's Town water at the site. Attorney O'Connor indicated there is Water District water at the site.

Mr. Keene opened a brief discussion regarding the history of the property.

Mr. O'Brien discussed the sizes of the adjacent lots.

Ms. Kullar asked the representative to discuss how the requirements for a Variance are being met.

Mr. Kalick questioned the size of the proposed house. Attorney O'Connor explained that a Building Plan hasn't been drafted yet. Ms. Kullar stated the building envelope describes the setbacks and zoning requirements the project will adhere to.

Mr. Keene asked the town planner for her opinion on the matter. Ms. Moore stated she doesn't typically like to grant Variances; however, if the representative presents sufficient hardship, the Board is entitled to grant it. A discussion ensued.

Mr. Kalick asked if Conservation will have to approve the plan. Mr. Laporte explained when an applicant applies for a Building Permit, the request is sent to Conservation and

Board of Health for their approval. Attorney O'Connor mentioned Bracken Engineering delineated the wetlands on the plan so that the required setbacks will be adhered to.

Ms. Kullar asked the members to review the Lot Comparison sheet that was submitted by the representative. She stated she would like to see the Lot Coverage at 10% and the GFA at 14%. After a brief discussion, the board members agreed.

Public Comment – None.

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

Ms. Kullar commented that she feels the criteria for a Variance has been met in this case. Mr. Sawyer and Ms. Bryant agreed. Ms. Kullar reiterated that she would like a condition added that the Lot Coverage be limited to 10% and the GFA not exceed 14.3% pursuant to the abutting property that is closest in size. Mr. Kalick doesn't think there should be a restriction placed on the GFA as long as zoning requirements are met. The members agreed.

Mr. Keene suggested limiting the number of bedrooms in the proposed dwelling. Mr. Laporte cited Chapter 40A Section 3 which states the ZBA may not regulate the interior of a single-family house; only the Board of Health may limit the number of bedrooms.

Ms. Kullar entertained a motion to grant Variance 2018-V24 in accordance with the plan submitted dated January 19, 2019, with the proposed conditions as outlined in the Build Envelope Plan, letter a. through e., submitted by the applicant. **Mr. Kalick moved, Mr. Sawyer seconded to grant Variance 2018-V24 in accordance with the plan submitted dated January 19, 2019, with the proposed conditions as outlined in the Building Envelope Plan, letters a. through e., submitted by the applicant.** The motion carried. 5-0-0.

Old Business -- None.

New Business – Ms. Kullar announced the next meeting will be held on February 20, 2019.

Ms. Kullar discussed the Citizen Planner Training Collaborative conference that will be held at Holy Cross on March 16, 2019.

Public Comment – None.

**III. Adjournment --**

**Mr. Kalick moved, Ms. Bryant seconded to adjourn the meeting. With no discussion, the motion carried 6-0-0. The meeting adjourned at 7:35 PM.**

Minutes Submitted by: Carol Mitchell

**Town of Bourne Zoning Board of Appeals  
Executive Session  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

February 6, 2019

2019 FEB 27 PM 12:04  
TOWN OF BOURNE  
2502115019

**Members Present:** Wade Keene, Deb Bryant, John O'Brien, Harold Kalick, Kat Brennan, Amy Kullar and Tim Sawyer.

**Members Excused:** Associate Member Chris Pine.

**Also Present:** Roger Laporte, Attorney Robert Troy, Coreen Moore and Carol Mitchell.

- Chair Kullar entertained a motion to enter into Executive Session to discuss and conduct a strategy session with respect to 165 Jefferson Road, Special Permit SP18-2018. The Chair declares that such open meeting will have a detrimental effect to the litigating position of the public body. The board will reconvene in Open Session at the conclusion of the Executive Session. **Mr. Kalick motioned to enter into Executive Session. Mr. Sawyer seconded. The motion carried. Roll Call Vote:** Mr. Sawyer – Yes, Mr. Kalick – Yes, Ms. Brennan – Yes, Ms. Kullar – Yes, Mr. Keene – Yes, Ms. Bryant - Yes and Mr. O'Brien – Yes.

Attorney Troy explained that the plaintiff, who was denied the Special Permit, has submitted a new proposal that may or may not require a Special Permit. If the building inspector and the town planner decide that the new plan does not require zoning relief, it would make the existing case moot. Attorney Troy wants to be sure the Board is willing to dismiss the pending case since they denied the original request for a Special Permit.

Attorney Troy asked Ms. Moore to provide background on the new proposal. Ms. Moore explained the new plan converts the accessory cottage back into a garage. The applicants have replaced the fixed stairs with pull down stairs, the bathroom will be eliminated and the size of the structure will be reduced to 476 square feet. Additionally, there have been minor alterations proposed for the main house so the proposed project now falls below the Maximum Gross Floor Area.

Ms. Brennan asked if a pool is still being proposed. Ms. Moore indicated yes.

Mr. Laporte discussed a scenario in which he and the town planner will review the new plan and as long as it meets building requirements, he will approve a Building Permit, but not issue it, pending the case being dismissed.

Mr. O'Brien explained why he voted against granting the original Special Permit. He asked whether the applicants are required to wait a certain period of time before submitting a new plan; since the original request was denied. Mr. Laporte stated they would have to wait two years if the new plan requires relief.

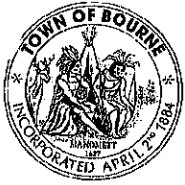
Attorney Troy described a scenario in which the neighbor could appeal the building inspector's approval of the Building Permit if relief of the revised plan isn't needed. A discussion ensued.

Based on the discussion, the building inspector and the town planner will review the new plan to see if relief is required. If relief isn't required, Attorney Troy will contact the plaintiff's attorney to discuss dismissing the case.

Chair Kullar entertained a motion to adjourn the Executive Session and move into Open Session. **Mr. O'Brien moved, Mr. Keene seconded to adjourn to Open Session.** With no discussion, the motion carried. Roll Call Vote: Mr. Sawyer – Yes, Mr. Kalick – Yes, Ms. Brennan – Yes, Ms. Kullar – Yes, Mr. Keene – Yes, Ms. Bryant - Yes and Mr. O'Brien – Yes.

Executive Session adjourned at 6:45 PM.

Minutes Submitted by: Carol Mitchell



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit #2019-02SP under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw under Sections 1330 and 2457 for a departure from the requirement of table 2456 to alter a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and

A Supporting Finding under section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming single-family structure is not substantially more detrimental than the original structure to the neighborhood;

**APPLICANT:** Donald Duberger

**LOCATION:** 430 Barlows Landing Road (Map: 43.1 Parcel: 37.0)

**DATE & TIME:** Wednesday, February 20, 2019 at 7:00 p.m.

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

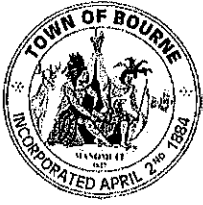
Bourne Courier publishing dates: 2.6.19 & 2.13.19

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECEIVED  
2019 FEB -5 PM 2:22  
TOWN CLERK TOWN

RECEIVED





# TOWN OF BOURNE

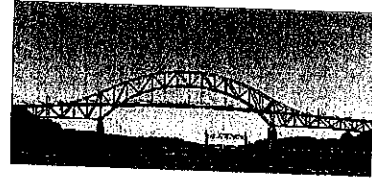
## Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



### MEETING NOTICE OF

### Zoning Board of Appeals

Wednesday, February 20, 2019, 2019 at 7:00 PM

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

#### AGENDA ITEMS

I. Approval of meeting minutes

II. **26 Winston Avenue** Special Permit # **SP01-2019** – Animal Kennel Special Permit sought per section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

III. **430 Barlows Landing Road** Special Permit # **SP02-2019** -sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw under Sections 1330 and 2457 for a departure from the requirement of table 2456 to alter a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and

A Supporting Finding under section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming single-family structure is not substantially more detrimental than the original structure to the neighborhood;

Old Business  
New Business  
Public Comment

TOWN CLERK JOHNNIE

2019 FEB 14 PM 3:50

RECEIVED



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1345

Fax: (508) 759-0611

### *Public Hearing Notice*



A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts.

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**APPEAL:** Special Permit # SP01-2019 - Animal Kennel

**PETITIONER:** Kendra Cudhea

**LOCATION:** 26 Winston Avenue, Bourne, MA 02532  
MAP: 6.0  
PARCEL: 205.0

**PROPOSAL:** Special Permit sought per section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

**DATE & TIME:** Wednesday, February 20, 2019 at 7:00 p.m.

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

Bourne Courier publishing dates: Wednesday, 2.6.19 & 2.13.19

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

2019 FEB -5 PM 2:22  
TOWN OF BOURNE

RECEIVED

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

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

February 20, 2019

TOWN CLERK BOURNE

2019 DEC 20 AM 9:52

RECEIVED

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 9:00 AM on February 20, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

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

**Members Excused:** Harold Kalick.

**Also Present:** Roger Laporte, Carol Mitchell, Arthur Pinckney, Kendra Cudhea, Chris Barry, Don Duberger, Ian Rubinstein, Katherine Dwyer, Gertrude Burke and Robert Dwyer.

*Wade Keene will be writing the Decisions.*

**II. Agenda Items**

1. Approval of Minutes – Ms. Kullar entertained a motion to approve the Open Session meeting minutes of February 6, 2019. **Mr. Keene moved, Ms. Bryant seconded to approve the Open Session minutes of the February 6, 2019 meeting.** With no discussion, the motion carried. 5-0-0.

Ms. Kullar entertained a motion to approve the Executive Session meeting minutes of February 6, 2019. **Mr. O'Brien moved, Ms. Bryant seconded to approve the Executive Session minutes of the February 6, 2019 meeting.** With no discussion, the motion carried. 5-0-0.

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

**2. 26 Winston Avenue, Special Permit SP01-2019- Animal Kennel Special Permit** sought per Section 2200 of the Bourne Zoning Bylaw, Under M.G.L., Ch. 40A, Sec.9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

*Materials – Email from the Health Agent, Abutters List, Application for Special Permit, Assessor's Card, Hand-drawn Site Plan and Directions to the Property.*

Kendra Cudhea addressed the members stating she has seven dogs that are Boxer/Mastiff mix and American Bulldogs.

Ms. Kullar asked how she came to acquire so many dogs. Ms. Cudhea stated her son recently moved back home and he owns four of the seven dogs. She explained two of his four dogs belonged to a friend who recently passed away so they have taken those two dogs in. She stated her son plans to move this summer taking his four dogs with him; leaving her with three dogs.

Ms. Kullar mentioned the email submitted by the Board of Health which states the agent has no opinion on this case.

Board Comment – Ms. Brennan asked if the Town has a limit to the number of dogs an individual may own. Ms. Kullar stated just the limit the board places on the individual; if a Special Permit is granted for an animal kennel. Ms. Kullar then explained the bylaw that pertains to kennels.

Ms. Bryant asked if the dogs are held in a secure area. Ms. Cudhea stated yes and described multiple enclosed areas on her property where the dogs are kept.

Ms. Bryant asked if the dogs are spayed/neutered. Ms. Cudhea responded no, but the dogs are separated.

Mr. Pine asked if there are any objections from any neighbors.

Public Comment – The direct abutter, Chris Barry, spoke. He stated the dogs are very quiet. Ms. Kullar mentioned when she performed a site visit, she did not hear any dogs. Ms. Cudhea commented that her dogs are the quietest dogs in the neighborhood.

Ms. Kullar asked when her son plans to move. Ms. Cudhea stated her son intends to move over the summer.

Mr. Laporte suggested issuing the Special Permit contingent upon any complaints being received; requiring the applicant to return before the board. The board agreed. Ms. Kullar

would also like a condition prohibiting the applicant from acquiring any additional dogs. Ms. Cudhea agreed.

Mr. Sawyer commented on the size of the applicant's lot and asked if there are any abutters behind her property. Ms. Cudhea stated no, she abuts Open Space.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O'Brien moved, Mr. Pine seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. Sawyer moved, Mr. Keene seconded to grant Special Permit SP01-2019, per Section 2200 of the Bourne Zoning Bylaw with the following conditions; the number of dogs shall not exceed seven, and, the applicant must appear for reconsideration should any complaints regarding the dogs be received.** The motion carried. 5-0-0.

*Sitting on this hearing; Amy Kullar, Harold Kalick, Tim Sawyer, John O'Brien and Deb Bryant.*

**3. 430 Barlows Landing Rd Special Permit SP02-2019**— sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw under Sections 1330 and 2457 for a departure from the requirement of table 2456 to alter a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and, seeking a Supportive Finding under Section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming, single-family structure is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Email from the Representative requesting a continuance.*

Donald Duberger addressed the members requesting a continuance. A brief discussion transpired regarding the date of next ZBA meeting.

Mr. Duberger apologized for not withdrawing a previously filed application for a different property/project. He then expressed frustration with the ability to conform to the Gross Floor Area requirements of the bylaw and thinks some of the bylaw language should be amended. A discussion ensued.

Public Comment -- Robert Dwyer questioned whether the board has any flexibility under the bylaw to allow for mitigation as a means of reparation for allowing a departure of the Gross Floor Area. Ms. Kullar explained the board cannot allow more than a 10% departure.

Ms. Kullar entertained a motion to grant the continuance. **Mr. O'Brien moved, Mr. Sawyer seconded to grant the continuance of Special Permit SP02-2019 to March 20, 2019.** The motion carried. 5-0-0.

**Old Business – None.**

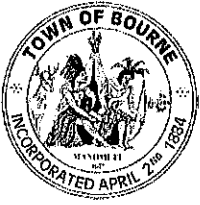
**New Business – None.**

**Public Comment – None.**

**III. Adjournment –**

**Mr. Pine moved, Mr. Sawyer seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:20 PM.

Minutes Submitted by: Carol Mitchell



# TOWN OF BOURNE

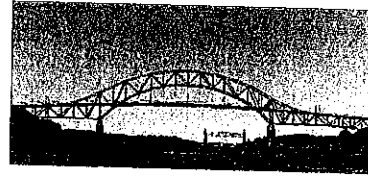
## *Board of Appeals*

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



### MEETING NOTICE

OF

Zoning Board of Appeals

Wednesday, March 20, 2019 at 7:00 PM

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

### AGENDA ITEMS

#### I. Approval of meeting minutes

II. 430 Barlows Landing Road Special Permit # SP02-2019 -sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw under Sections 1330 and 2457 for a departure from the requirement of table 2456 to alter a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and

A Supporting Finding under section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming single-family structure is not substantially more detrimental than the original structure to the neighborhood

**(Continued from February 20, 2019)**

#### III. Discussion and Review of Special Permit Kennel Licenses

Old Business

New Business

Public Comment

TOWN CLERK BOURNE

2019 MAR -8 PM 3: 54

RECEIVED

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

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

March 20, 2019

TOWN CLERK JOURNAL

2019 APR 29 AM 8:59

RECEIVED

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on March 20, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, Wade Keene, Tim Sawyer, Harold Kalick, Associate Members Kat Brennan and Deb Bryant.

**Members Excused:** John O'Brien and Chris Pine.

**Also Present:** Roger Laporte, Carol Mitchell, Don Duberger, Richard Roszkowski, Jacqueline Crocetti and Richard Hawkins.

*Harold Kalick will be writing the Decisions.*

**II. Agenda Items**

1. Approval of Minutes – Ms. Kullar entertained a motion to approve the minutes of the February 20, 2019 meeting. **Mr. Sawyer moved, Ms. Brennan seconded to approve the minutes of the February 20, 2019 meeting.** With no discussion, the motion carried. 4-0-1. Mr. Kalick abstained.

*Sitting on this hearing; Amy Kullar, Tim Sawyer, Harold Kalick, Wade Keene and Kat Brennan.*

2. **430 Barlows Landing Rd Special Permit SP02-2019**– sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw under Sections 1330 and 2457 for a departure from the requirement of table 2456 to alter a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and, seeking a Supportive Finding under Section 2300 that the alteration of an existing single-family structure and construction of



a new non-conforming, single-family structure is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Revised GFA Worksheet, Revised Site Plan.*

**(Continued from February 20, 2019)**

Donald Duberger addressed the members explaining he worked diligently with the Planning Department to revise the plan. He briefly described the revisions on the plan dated March 4, 2019.

Board Comment – Ms. Brennan briefly discussed the existing structure.

Public Comment – Richard Hawkins expressed support of the proposed project.

Ms. Kullar acknowledged the property owners, Richard Roszkowski and Jacqueline Crocetti, who were in attendance.

Ms. Kullar entertained a motion to close the public hearing. **Ms. Brennan moved, Mr. Keene seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. Sawyer moved, Ms. Brennan seconded to grant Special Permit SP02-2019, in accordance with the plans dated March 4, 2019.** With no discussion, the motion carried. 5-0-0. Roll Call Vote – Mr. Keene -Yes, Mr. Sawyer – Yes, Ms. Kullar – Yes, Mr. Kalick – Yes, Ms. Brennan- Yes.

Ms. Kullar entertained a motion. **Mr. Sawyer moved, Mr. Keene seconded to grant a Supportive Finding under Section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming, single-family structure is not substantially more detrimental than the original structure to the neighborhood.** With no discussion, the motion carried. 5-0-0.

**New Business** – Ms. Kullar referred to a Memorandum issued by the town planner which proposes changing the licensing authority for animal kennels from the Zoning Board of Appeals to the Board of Health. Included with the Memorandum was the Mashpee Bylaw; which Ms. Kullar stated is extremely detailed compared to Bourne's. Ms. Kullar expressed support of the proposal and had hoped the matter would be ready for vote at the May Town Meeting; however, Mr. Laporte stated it won't be heard until the October Town Matter. A brief discussion ensued.

**Old Business** – A brief discussion transpired regarding the 165 Jefferson Road filing.

Mr. Sawyer opened a brief discussion regarding railroad right of ways.

Mr. Kalick opened a brief discussion regarding the Wings Neck litigation.

**Public Comment** – None.

**III. Adjournment –**

**Mr. Kalick moved, Mr. Sawyer seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:31 PM.

Minutes Submitted by: Carol Mitchell



## TOWN OF BOURNE

### *Board of Appeals*

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



#### MEETING NOTICE

Wednesday, April 17, 2019 at 7:00 PM

Bourne Town Hall, Lower Conference Room

24 Perry Ave, Buzzards Bay

#### AGENDA ITEMS

##### I. Approval of meeting minutes

II. 17 Buttermilk Way - Variance #V04-2019 Sought under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw from section 2457 for a departure from the requirement of table 2456 to alter a preexisting non-conforming single-family structure and such departure will be over the 10% allowable Gross Floor Area.

III. 11 Bell Buoy Rd. - Special Permit Supportive Finding #SP05-2019 Sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1331 and 2320 that the alteration/demolition and construction of a new non-conforming garage structure is not substantially more detrimental than the original structure to the neighborhood.

IV. 7 Studio Dr. - Variance #V06-2019 Sought under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback. The proposed addition would have a final side setback of 4.4± feet and 3.3± feet.

Old Business

New Business

Public Comment

2019 APR 11 11:10:03  
TOWN OF BOURNE  
CLERK



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit-Supportive Finding #2019-05SP under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1331 and 2320 that the alteration/demolition and construction of a new non-conforming garage structure is not substantially more detrimental than the original structure to the neighborhood.

**APPLICANT:** Paul V. Cusick Jr.

**LOCATION:** 11 Bell Buoy Road, Pocasset, MA (Map: 43.3 Parcel: 244.0)

**DATE & TIME:** Wednesday, April 17, 2019 at 7:00pm

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

Bourne Courier publishing dates: Wednesday April 3, 2019 & April 10, 2019

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

TOWN OF BOURNE

2019 MAR 28 AM 11:51

RECEIVED



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** A variance (#2019-06V) under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback. The proposed addition would have a final side setback of 4.4± feet and 3.3± feet.
- APPLICANT:** Haley S. Gabourel
- LOCATION:** 7 Studio Drive, Buzzards Bay, MA (Map: 19.3 Parcel: 102.0)
- DATE & TIME:** Wednesday, April 17, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

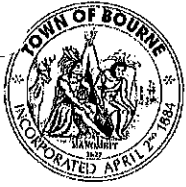
TOWN CLERK BOURNE

2019 MAR 28 AM 11:52

RECEIVED

Bourne Courier publishing dates: 4.3.19 & 4.10.19

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1345

Fax: (508) 759-0611

### *Public Hearing Notice*



A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** A variance (#2019-04V) under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw from section 2457 for a departure from the requirement of table 2456 to alter a preexisting non-conforming single-family structure and such departure will be over the 10% allowable Gross Floor Area.
- APPLICANT:** Shiretown Glass & Home Improvement/Martin Raynor
- LOCATION:** 17 Buttermilk Way, Buzzards Bay, MA (Map: 23.1 Parcel: 118.0)
- DATE & TIME:** Wednesday, April 17, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

TOWN OF BOURNE

2019 MAR 28 AM 11:51

RECEIVED

Bourne Courier publishing dates: Wednesday April 3, 2019 and April 10, 2019

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

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

April 17, 2019

TOWN CLERK BOURNE

2019 DEC 20 AM 9: 52

RECEIVED

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:05 PM on April 17, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, Wade Keene, Harold Kalick, Associate Members Kat Brennan and Chris Pine.

**Members Excused:** John O'Brien, Tim Sawyer and Deb Bryant.

**Also Present:** Roger Laporte, Carol Mitchell, Thomas Donovan, Paul Cusick, Mary Cusick, Janice Schroeter, Walter Brady, Martin Rayner, Brian Curran and Haley Gabourel.

*Amy Kullar will be writing the Decisions.*

**II. Agenda Items**

1. Approval of Minutes – Ms. Kullar entertained a motion to approve the minutes of the March 20, 2019 meeting. **Ms. Brennan moved, Mr. Keene seconded to approve the minutes of the March 20, 2019 meeting.** With no discussion, the motion carried. 4-0-1. Mr. Pine abstained.

*Sitting on the hearings; Amy Kullar, Wade Keene, Harold Kalick, Chris Pine and Kat Brennan.*

2. **17 Buttermilk Way, Variance V04-2019**– sought under M.G.L., Ch. 40A, Sec. 10 and from the Bourne Zoning Bylaw from Section 2457 for a departure from the requirement of table 2456 to alter a preexisting, non-conforming, single-family structure and such departure will be over the 10% allowable Gross Floor Area.

*Materials – Public Hearing Notice, Abutters List, Petition for Variance, Assessor's Map, Revised Gross Floor Area Calculation Worksheet, Revised Assessor's Card, Shiretown Proposal, Site Plan, Google Directions, Sun Room / Open Deck Plan, Frame and Footing Plan, Four Seasons Proposal, DWD Engineering Plan and Forte Report.*

Martin Raynor and Janice Schroeter addressed the members. Mr. Raynor described the proposed project.

Ms. Kullar discussed the Massachusetts standards for a Variance. She discussed criteria that must be met and doesn't think this project meets all of the criteria.

She asked Mr. Laporte why a Variance is needed for the project. Mr. Laporte explained the board is allowed to grant a Special Permit up to 10% over the allowable GFA. This project is asking for 7% beyond that. After a brief discussion, Ms. Kullar stated she doesn't see how this project can be approved. She suggested continuing the matter to allow the applicant to amend their application to show how the soil conditions, shape, or topography of such land is only affected on this parcel and not the rest of the zoning district.

Board Comment – Ms. Brennan questioned whether the applicant would consider reducing the size of the project; preventing the need for a Variance. The representative agreed.

Mr. Raynor asked for further explanation of Variance requirements. Ms. Kullar elaborated further. A brief discussion ensued.

Mr. Keene suggested ways to reduce the GFA.

Public Comment – None.

Ms. Kullar entertained a motion to allow the application to be withdrawn without prejudice. **Mr. Keene moved, Mr. Pine seconded to allow the application to be withdrawn without prejudice.** The motion carried. 5-0-0.

**3. 11 Bell Buoy Rd.,** Special Permit Supportive Finding **SP05-2019** sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1331 and 2320 that the alteration/demolition and construction of a new non-conforming garage structure is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Public Hearing Notice, Abutters List, Application for Supportive Finding, Assessor's Card, Building Plan, Site Plan of Record, MapQuest Directions, Letter of Opposition from Thomas and Anne Smith and Section 2450 Gross Floor Area Worksheet.*



Tom Donovan addressed the members and described the proposed project. He feels only a Supportive Finding is required; not a Special Permit.

Ms. Kullar announced she received a letter of opposition from abutters Thomas and Anne Smith. She read their objection into the record. A discussion ensued.

Ms. Kullar asked whether the applicant would consider changing the design of the proposed roof to make it flat. Mr. Cusick, the property owner, feels changing the pitch of the roof will make the structure more detrimental to the neighborhood. Ms. Kullar agreed.

Ms. Kullar stated she researched Massachusetts Law to see if one pertained to the right to a view and as far as she could determine, there isn't one. She explained therefore it is her belief no common law right to an unobstructed view, over an adjoining property in Massachusetts exists and her understanding that the board follows the common law rule.

Board Comment – Ms. Brennan opened a brief discussion regarding the Smith's opposition letter. Further discussion transpired regarding revising the pitch of the proposed garage roof.

Public Comment – None.

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

Ms. Kullar entertained a motion. Mr. Kalick moved, Ms. Brennan seconded to grant Supportive Finding SP05-2019 sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1331 and 2320, that the alteration/demolition and construction of a new non-conforming garage structure is not substantially more detrimental than the original structure to the neighborhood per plans and specifications as submitted to the Town Clerk on 3/26/2019. With no further discussion, the motion carried. 5-0-0. Ms. Kullar – yes, Mr. Keene – yes, Mr. Kalick –

yes, Ms. Brennan – yes, Mr. Pine – yes.

4. 7 Studio Dr, Variance V06-2019– sought under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback. The proposed addition would have a final side setback of 4.4 ± feet and 3.3 ± feet.

Materials – Public Hearing Notice, Abutters List, Petition for Variance, Assessor's Card, Site Plan, Google Directions, Gross Floor Area Calculation Sheet, Non-Conforming Lot Coverage Worksheet, Letter of Support from Timothy Gibbs and Site Photographs.

Brian Curran and Haley Gabourel addressed the members. They submitted a letter of support from abutter, Timothy Gibbs. They described the proposed project which is to construct a sitting area and an accessible bathroom for their elderly aunt who lives in the household.

Ms. Kullar asked where the existing bathroom is located and questioned why it couldn't be renovated. Ms. Gabourel stated the existing bathroom is on the first floor but because the house is small, they'd like to give their aunt additional space. She noted that the town has the home listed as a four-bedroom dwelling with two bathrooms; however, it is actually a three-bedroom dwelling with only one bathroom.

A brief discussion transpired regarding the proposed location of the addition and its proximity to the adjoining property.

Ms. Kullar discussed the Variance requirements. She stated she is not sure that the topography of the lot, although awkward, is unique to that parcel in the neighborhood. She also stated she is not comfortable with the proposed final setbacks.

Board Comment – Ms. Brennan opened a brief discussion regarding the location of the shed on the adjoining property.

Ms. Kullar asked the building inspector to clarify the reason a Variance is needed for this project. Mr. Laporte explained the need for the Variance is because the applicant is proposing to construct the addition closer to the property line than is allowed under the bylaw.

A brief discussion transpired regarding the topography of the lot. At the end of the discussion, Ms. Kullar stated she now feels the three requirements needed to grant a Variance have been met.

Mr. Keene discussed reducing the size of the proposed addition from 160 square feet to 120 square feet. After the matter was discussed, the applicant revised the existing plan to reflect the reduction in square footage.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Keene moved, Mr. Pine seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion to grant Variance request V06-2019 pursuant to the revised plan submitted that evening. **Mr. Keene moved, Ms. Brennan seconded to grant Variance V06-2019, sought under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed the side setback.** The proposed addition would

**have a final side setback of 6.4 feet and 5.3 feet.** The motion carried. 5-0-0. Ms. Kullar – yes, Mr. Keene – yes, Mr. Kalick – yes, Ms. Brennan – yes, Mr. Pine – yes.

**Old Business – None.**

**New Business –** Ms. Kullar announced she will be amending the Variance application in the next month. She would like the Variance requirements noted at the beginning of the application to eliminate confusion with future filings. A brief discussion ensued.

Ms. Brennan asked about fellow member, John O'Brien. Ms. Kullar informed the board that Mr. O'Brien will not be in attendance for several meetings due to personal reasons.

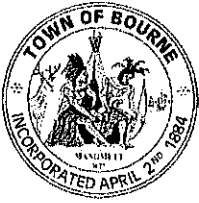
Mr. Kalick asked for an update on the 165 Jefferson filing. Mr. Laporte announced the Planning Board will hear the matter the following week. The applicant must show a substantial change has been made to the original plan and the Planning Board must agree by all but one voting member; before the matter may be heard by the Board of Appeals. The ZBA must then agree with the decision of the Planning Board before they may review the merits of the new application.

**Public Comment – None.**

### **III. Adjournment –**

**Mr. Kalick moved, Ms. Brennan seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:49 PM.

Minutes Submitted by: Carol Mitchell



## TOWN OF BOURNE

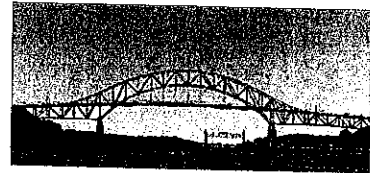
### *Board of Appeals*

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



#### MEETING NOTICE

Wednesday, May 15, 2019 at 7:00 PM

Bourne Town Hall, Lower Conference Room

24 Perry Ave, Buzzards Bay

#### AGENDA ITEMS

##### I. Approval of meeting minutes

II. **78 Scraggy Neck Road** - Special Permit #SP07-2019 Sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 2340 to change one nonconforming use to a different nonconforming use in a Village-Business (V-B) District.

III. **4-6 MacArthur Blvd** - Extension of Variance #V21-2016 Requesting an extension of a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 10 to permit the construction of a convenience store more than thirty-five (35') feet in height for a post-construction height of thirty-eight and one half (38.5') feet.

Old Business

New Business

Public Comment

RECEIVED  
TOWN OF BOURNE  
MAY 15 7 00 PM '19



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** A Special Permit #2019-07SP under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 2340 to change one nonconforming use to a different nonconforming use in a Village-Business (V-B) District.
- APPLICANT:** Robin E. Pierson and Edward C. Keating
- LOCATION:** 78 Scraggy Neck Road, Cataumet (Map: 51.2 Parcel: 11.0)
- DATE & TIME:** Wednesday, May 15, 2019 at 7:00 pm
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates: 5.1.19 and 5.8.19

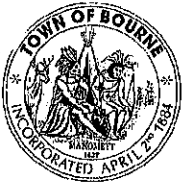
You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

TOWN OF BOURNE

2019 APR 25 PM 3:04

RECEIVED



# TOWN OF BOURNE

## Board of Appeals

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### Public Hearing Notice

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** Extension of Variance 2016-V21: Maximum building height requirements
- APPLICANT:** Cumberland Farms, Inc./Mashnee Village, Inc.
- LOCATION:** 4 & 6 MacArthur Blvd, Bourne, MA  
MAP: 24.0 PARCEL: 19 & 22
- PROPOSAL:** Requesting an extension of a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 10 to permit the construction of a convenience store more than thirty-five (35') feet in height for a post-construction height of thirty-eight and one half (38.5') feet.
- DATE & TIME:** Wednesday, May 15, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

2019 APR 25 PM 3:15  
TOWN OF BOURNE

RECEIVED

Bourne Courier publishing dates: 5.1.19 & 5.8.19

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECEIVED

2019 JUN 10 AM 8:47

**Town of Bourne Zoning Board of Appeals**

**Meeting Minutes**

TOWN CLERK BOURNE

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

May 15, 2019

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on May 15, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Tim Sawyer, Harold Kalick and Associate Member, Chris Pine.

**Members Excused:** Associate Members, Kat Brenan and Deb Bryant.

**Also Present:** Roger Laporte (7:05), Carol Mitchell, Robin E. Pierson, F. Roberta Thomas, Richard P. Thomas, Kenneth R. Blanchard, Donna L. Blanchard and Doug Troyer.

*Chris Pine will be writing the Decisions.*

**II. Agenda Items**

1. Approval of Minutes – Ms. Kullar entertained a motion to approve the revised minutes of the April 17, 2019 meeting. **Mr. Kalick moved, Mr. Keene seconded to approve the minutes of the April 17, 2019 meeting as revised.** With no discussion, the motion carried. 3-0-2. Mr. Sawyer and Mr. O'Brien abstained.

*Sitting on the hearings; Amy Kullar, Tim Sawyer, Wade Keene, John O'Brien and Harold Kalick.*

2. **78 Scraggy Neck Road, Special Permit SP07-2019**– sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw from Section 2340 to change one non-conforming use to a different non-conforming use in a Village-Business (V-B) District.

*Materials – Public Hearing Notice, Abutters List, Application for Special Permit, Assessor's Data Card, Site Photograph, Existing Floor Plan, Preliminary Floor Plan and Directions to the Property.*

Robin Pierson addressed the members. She stated she and her significant other purchased the property last year in hopes of residing there.

Board Comment – Ms. Kullar stated the entire building is now used as professional office space. She asked whether the applicant intends to use the entire structure as their primary residence dwelling. Ms. Pierson explained she currently has an in-home permit for her business, which she makes her product in; but are sold at a separate location. She said she intends to use one room of the house as a studio to design her products.

Ms. Kullar asked what the name of her business is. Ms. Pierson stated her business name is Reflections by Robin. She reiterated she intends to sell her products at her retail location.

Ms. Pierson mentioned she hired an architect but has only submitted a preliminary Floor Plan in case the the Board denies her request.

Ms. Kullar commented that this project does not require any other boards' approval.

Mr. O'Brien asked whether the Board has the authority to change the zoning designation. Mr. Laporte referred to Section 2340 of the bylaw, stating only the use is being changed; not the zoning. Ms. Kullar summarized the bylaw.

Ms. Kullar asked if both occupants have one vehicle each. Ms. Pierson stated, yes.

Mr. Kalick questioned whether the applicant will have tenants in the building. Ms. Pierson indicated there will not be any tenants other than her own business.

Public Comment – Richard Thomas questioned whether the property will remain residential if the change is granted and the property were to ever change hands. Mr. Laporte explained once a Special Permit is issued, it is recorded at the Registry of Deeds and is attached to the deed, not the property owner. If a new owner wants to make changes to the Special Permit, Board approval is required.

Mr. Thomas asked if the town has any control over short-term rentals. Mr. Laporte stated the Board of Health is currently working on short-term rental regulations.

**Mr. O'Brien moved, Mr. Keene seconded to close the public hearing.** The motion carried. 5-0-0.



Ms. Kullar entertained a motion. **Mr. O'Brien moved, Mr. Sawyer seconded to grant Special Permit SP07-2019, under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 2340, to change the non-conforming business use to a non-conforming residential use in a Village-Business (V-B) District.** The motion carried. 5-0-0. Roll Call Vote: Ms. Kullar – yes, Mr. Keene – yes, Mr. Kalick – yes, Mr. O'Brien – yes, Mr. Sawyer – yes.

**3. 4-6 MacArthur Blvd. - Extension of Variance V21-2016** – Requesting an extension of a Variance per Section 2500 of the Bourne Zoning Bylaw under M.G.L., Ch. 40A, Sec. 10 to permit construction of a convenience store more than thirty-five (35') feet in height for a post-construction height of thirty-eight and one half (38.5') feet.

*Materials – Public Hearing Notice, Letter from Attorney Troyer, Attachments A, B and C.*

Doug Troyer, representing Cumberland Farms, addressed the members. He briefly discussed the height Variance his client received in September 2016 and the Special Permit his client received from the Planning Board that is currently being appealed in the Land Court because of a condition added restricting egress back to the rotary. He explained a significant amount of time has been spent with the Planning Board to reach an alternative. A pending settlement is awaiting town counsel approval. He mentioned that a status report must be submitted to the Land Court by the first week of June and if an agreement can't be reached, the matter will go to trial. A brief discussion transpired regarding the previously granted six-month extension and the reason for the additional extension request.

Board Comment – Mr. O'Brien doesn't think an extension is necessary due to pending litigation. Mr. Laporte agreed; however, because the applicant is appealing a Planning Board's decision and not the Zoning Board's, the applicant is requesting the extension in order to avoid potential future litigation.

Public Comment – Ken Blanchard, along with his wife, Donna, wanted to be sure the applicant isn't requesting any changes to what was originally granted. Ms. Kullar explained no changes are being proposed; the applicant is seeking to preserve the exact same Variance that was previously granted.

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

Ms. Kullar entertained a motion to grant a six-month extension. After a brief discussion, **Mr. Kalick moved, Mr. O'Brien seconded to grant a six-month extension of**

**Variance V21-2016 per Section 2500 of the Bourne Zoning Bylaw under M.G.L., Ch. 40A, Sec. 10.** The motion carried. 5-0-0.

**Old Business** -- A brief discussion transpired regarding the Planning Board's decision pertaining to the 165 Jefferson Road hearing.

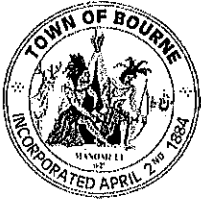
**New Business** -- A brief discussion transpired regarding the status of the proposed Kennel Bylaw.

**Public Comment** -- None.

**III. Adjournment** --

**Mr. Kalick moved, Mr. Sawyer seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:24 PM.

Minutes Submitted by: Carol Mitchell



**TOWN OF BOURNE**  
**Board of Appeals**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



**MEETING NOTICE**  
**Wednesday, June 5, 2019 at 7:00 PM**  
**Bourne Town Hall, Lower Conference Room**  
**24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**I. Approval of meeting minutes**

**II. 1 Long Boat Road - Special Permit Accessory Dwelling #SP08 - 2019** Requesting a Special Permit (#2019-08SP) under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 4120 for a preexisting single-story accessory dwelling.

**III. 10 Samoset Road - Appeal Building Inspector's Decision #A09 - 2019** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8; the Bourne Zoning Bylaws sections 1210 and 2400. The applicant is appealing the Building Inspector's decision on the buildability of a non-conforming lot.

**Old Business**  
**New Business**  
**Public Comment**

2019 MAY 29 PM 12:49  
TOWN OF BOURNE  
CLERK



# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

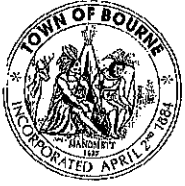
- REQUEST:** Appeal of Building Inspector's Decision (#2019-09A)
- APPLICANT:** Elise M. Drew
- LOCATION:** 10 Samoset Road, Sagamore Beach, Bourne, MA 02562  
Map: 4.1 Parcel: 161.0
- PROPOSAL:** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8; the Bourne Zoning Bylaws sections 1210 and 2400. The applicant is appealing the Building Inspector's decision on the buildability of a non-conforming lot.
- DATE & TIME:** Wednesday, June 5, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates: 5.22.19 & 5.29.19

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

2019 MAY 15 PM 3:29  
TOWN OF BOURNE



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1345

Fax: (508) 759-0611

### *Public Hearing Notice*



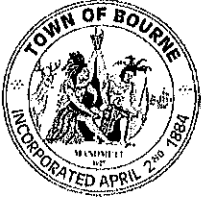
A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** A Special Permit (#2019-08SP) under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 4120 for a preexisting single-story accessory dwelling.
- APPLICANT:** Michelle Reynolds
- LOCATION:** 1 Long Boat Road, Bourne, MA 02532 (Map: 11.0 Parcel: 137.0)
- DATE & TIME:** Wednesday, June 5, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates: 5/22/19 & 5/29/19

You are invited to be present.  
Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECEIVED  
2019 MAY 15 PM 3:29  
TOWN OF BOURNE



**TOWN OF BOURNE**  
**Board of Appeals**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



**MEETING NOTICE**  
**Wednesday, June 19, 2019 at 7:00 PM**  
**Bourne Town Hall, Lower Conference Room**  
**24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**I. Approval of meeting minutes**

**II. 665 Scenic Highway - Second Request for Extension of Time for Completion of Restoration Agreement Decision #04-23** Requesting an extension of time under M.G.L., Ch. 40A, Sec. 9 and per section 1330 of the Bourne Zoning Bylaw on the Board of Appeals Petition No. 04-23 and Agreement for Judgment in Land Court Miscellaneous No. 292080 for an additional six-months to complete restoration work from June 30, 2019 thru December 31, 2019.

**III. 10 Samoset Road - Appeal Building Inspector's Decision #A09 - 2019** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8; the Bourne Zoning Bylaws sections 1210 and 2400. The applicant is appealing the Building Inspector's decision on the buildability of a non-conforming lot.  
**(Continued from June 5, 2019)**

**Old Business**  
**New Business**  
**Public Comment**

2019 JUN 19 PM 11:09  
Bourne Town Hall  
24 Perry Ave  
Buzzards Bay, MA 02532



# TOWN OF BOURNE

## Board of Appeals

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### Public Hearing Notice

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** Second Request for Extension of Time for Completion of Restoration Agreement Decision #04-23
- APPLICANT:** Cape Cod Aggregates Corporation
- LOCATION:** 665 Scenic Highway, Bourne, MA  
MAP: 10.0 PARCEL: 10.0
- PROPOSAL:** Requesting an extension of time under M.G.L., Ch. 40A, Sec. 13B and per section 1330 of the Bourne Zoning Bylaw on the Board of Appeals Petition No. 04-23 and Agreement for Judgment in Land Court Miscellaneous No. 292080 for an additional six-months to complete restoration work from June 30, 2019 thru December 31, 2019.
- DATE & TIME:** June 19, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

2019 MAY 31 PM 3:47  
TOWN OF BOURNE

RECEIVED

Bourne Courier publishing dates: 6.5.19 & 6.12.19

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

Town Hall Lower Conference Room  
24 Perry Ave., Buzzards Bay, MA 02532  
June 19, 2019

RECEIVED  
2019 JUL 19 AM 8:41  
TOWN CLERK BOURNE

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:10 PM on June 19, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Tim Sawyer, Harold Kalick and Associate Members, Kat Brennan, Deb Bryant and Chris Pine.

**Members Excused:** N/A

Also Present: Roger Laporte (7:10), Carol Mitchell, Michael Rausch, Paul Gately, Robert Buckley, Randy Collette, Patricia Duggan, John Duggan, Zachary Basinski, Kristofer Ketch, Megan Ketch, Diane Tillotson, Sam Lorusso, Laura Lorusso Peterson, Sam Lorusso Jr., Paul Lorusso, Michelle Reynolds, Lewis Perry, Debbie Forand, David Ingersoll, Jim Mulvey, Maureen Bradley and Elise Drew.

*Deb Bryant will be writing the Decisions.*

**II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the June 5, 2019 meeting. **Mr. O'Brien moved, Mr. Keene seconded to approve the minutes of the June 5, 2019 meeting.** With no discussion, the motion carried. 5-0-0.

*Sitting on the hearings; Amy Kullar, Tim Sawyer, Wade Keene, John O'Brien and Harold Kalick.*

**2. 665 Scenic Hwy, Second Request for Extension of Time for Completion of Restoration Agreement Decision #04-23** Requesting an extension of time under M.G.L., Ch. 40A, Sec. 9, and per Section 1330 of the Bourne Zoning Bylaw on the Board of Appeals Petition No. 04-23 and Agreement for judgment in Land Court Miscellaneous



No. 292080 for an additional six-months to complete restoration work from June 30, 2019 thru December 31, 2019

*Materials – Abutters List, Public Hearing Notice, Final Decision Petition Number Petition number 04-23 and Aerial Photographs.*

Diane Tillotson, the attorney representing Cape Cod Aggregates, addressed the board and introduced the members of the Lorusso family who were in attendance. She explained that although good progress has been made with restoring the site, an extension is needed because the progress has been hindered for reasons beyond their control. She referred to an aerial photo taken within the last two weeks to describe the progress that's been made to date. Ms. Tillotson mentioned that although there are piles of finished product that needs to be removed from the site; the processing plant will cease operating on June 30, 2019. She stated every effort will be made to complete the restoration by December 31, 2019, but she cannot guarantee additional time won't be needed.

Board Comment – Mr. Keene asked what type of seed is being used to revegetate the site. Ms. Tillotson stated it's hydroseed comprised of native grasses and wildflowers.

Ms. Brennan commented that during her site visit that day, she observed two trucks hauling material from the site. She expressed frustration that product is still being hauled and the restoration won't be complete by the deadline. A discussion ensued.

Ms. Brennan opened a brief discussion regarding impacts on the abutters and the possibility of the town having to cover the cost of the restoration should the property owner fail to abide by the restoration agreement. Ms. Kullar would prefer that the property owner complete the restoration because the current bond amount of \$250,000 will not cover the exorbitant restoration cost. Ms. Tillotson stated her client is committed to restoring the site so that it is reusable in the future for a purpose yet to be determined.

Mr. O'Brien asked what the next step will be if the board denies the extension request. Ms. Tillotson stated her client is willing to restore the site and agreed with Ms. Kullar that the current bond amount will not cover the costs associated with the restoration. Also, if the town assumes responsibility of the restoration, the bidding process and eventual hiring of a contractor will be not only time consuming but costly. Ms. Brennan reiterated her frustration that material continues to be processed for financial gain. She suggested the town sell the finished product as a means of paying for the restoration if the applicant fails to do so. Mr. Ingersoll expressed his opposition to Ms. Brennan's suggestion that the town sell the finished product. A discussion ensued.

Mr. Lorusso briefly discussed the cost associated with the relocation of the road used to transport product.

Mr. Kalick referred to the previous decision which required the restoration be completed by June 30, 2019. Ms. Kullar discussed the board's frustration that the restoration will not be finished by the deadline. She asked that the applicant provide an honest timeline for completion. Ms. Tillotson explained that although there is still finished material to be removed from the site, the restoration process has been ongoing since just after 2006.

Mr. Lorusso discussed the amount of time he thinks will be needed to dismantle the processing plant and to remove the piles of finished product. Mr. Kalick asked how long it will take to remove the remaining finished product from the site. Mr. Lorusso estimated it will take at least a year.

Public Comment – Abutter, David Ingersoll, addressed the members. He discussed the good deeds the Lorusso family has done for the community. He feels the applicant should be given additional time to restore the site. That will prevent the taxpayers of bearing the financial burden to do it.

Lewis Perry expressed his frustration with the amount of dust generated from the site and with the number of continuances the applicant has received.

Ms. Kullar asked Mr. Perry if he has seen the site recently and whether he observed any changes to the landscape. Mr. Perry stated he has seen the site and acknowledged that there have been improvements made to the site's landscape.

Mr. Perry's daughter, Debbie Forand, addressed the members and discussed damage caused to her parent's personal belongings because of the dust generated at the site. She asked that the board monitor the progress more closely and require monthly status reports be given. Mr. O'Brien informed Ms. Forand that the board is made up of volunteers and once a decision has been made, it is not the responsibility of the members to enforce the decision.

A brief discussion transpired regarding the amount of time it will take to move the finished product and complete the restoration. Mr. Ingersoll offered to allow the board to set up a camera on his property to monitor the restoration progress.

Laura Peterson discussed the progress that's been made during the past six months. She then requested a one-year extension vs. a six-month extension that was requested with the filing. Mr. Tillotson agreed and suggested conditioning the decision requiring a representative to appear before the board to provide a status report regularly.

Mr. Kalick opened a brief discussion regarding the estimated cost of the restoration, increasing the bond to one million dollars and issuing a deadline to close the processing

plant. Mr. Pine also suggested issuing a deadline to remove the finished product. A discussion ensued.

At the request of Mr. Kalick, Mr. Lorusso provided a timeline for removing the processing plant and the finished product.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Keene moved, Mr. Kalick seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. Kalick moved, Mr. Sawyer seconded to grant an extension to complete the restoration project by June 30, 2020 with the following stipulations; the bond shall be increased to 1.5 million dollars, a representative from Cape Cod Aggregates is required to appear before the board on the first Wednesday of every month to provide updates on the progress of the restoration, virtually within three months, the processing plant will be dismantled and removed from the site, within approximately six months, the finished product will be removed from the site. Revegetation of the site shall begin on July 1, 2019 and continue until June 30, 2020.** With no discussion, the motion carried. 5-0-0.

**3. 10 Samoset Road – Appeal Building Inspector’s Decision A09-2019 – Request to appeal the Building Inspector’s decision under M.G.L., Ch. 40A, Sec. 8; the Bourne Zoning Bylaw Sections 1210 and 2400. The applicant is appealing the Building Inspector’s decision on the buildability of a non-conforming lot.**

(Continued from June 5, 2019)

*Materials – Notice of Appeal, Letter from Elise Drew, 2019 Assessor’s Data Card, (2) Letters from Building Inspector, (2) Letters from Ethan Schaff, Affidavit of Ownership, Assessor Property Sheet and Google Directions.*

Ms. Kullar announced she emailed town counsel on June 6, 2019, to obtain his opinion as to whether the matter can be heard by the board since the allowable time to appeal the decision has expired. Attorney Troy did not respond. In her opinion, the statute of limitations has tolled on this matter. She asked if anyone would like to present new evidence on the matter.

Elise Drew, the appellant, addressed to members. She reiterated that two out of four abutters did not receive notification regarding the change in the lot’s buildability status. Ms. Kullar reminded the appellant that in this instance, notification wasn’t required; it was courtesy. A brief discussion transpired regarding the Affidavit of Ownership that was submitted. Ms. Drew feels there are discrepancies regarding land ownership. Mr. Collette disagreed. A discussion ensued.

Ms. Kullar reiterated her position that the matter cannot be heard by the board due to the statute of limitations on the Notice. She explained that Ms. Drew should have filed the appeal within thirty days of the decision being made. Ms. Drew interjected stating it was town counsel who encouraged her to pursue the matter. After a brief discussion regarding the beneficial interests of the trust and whether the lots merged, Ms. Kullar explained she does not have enough information to make an informed decision.

Board Comment – Mr. O'Brien questioned whether the matter should even be heard. Ms. Kullar does not feel the matter can be heard.

Public Comment – Maureen Bradley questioned how the lot which was deemed unbuildable but is now considered buildable.

John Duggan, the property owner, discussed his purchase of the lot. He questioned why the board was allowing testimony from Ms. Drew since the thirty day appeal time has passed. He also mentioned that a signed return receipt card from the post office shows someone at Ms. Drew's address signed for the letter that was sent to the abutters even though notification wasn't required. Ms. Kullar explained that the appellant is not being represented by an attorney so she wanted to give her the opportunity to speak.

Mr. Kalick opened a brief discussion regarding the appeal process.

Mr. O'Brien agreed with Ms. Kullar's opinion that the matter should not be heard by the board. Mr. Sawyer agreed.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O'Brien moved, Mr. Sawyer seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. O'Brien moved, Mr. Sawyer seconded to uphold the building inspector's decision on A09-2019.** After a brief discussion, the motion carried. 4-1-0. Mr. Kalick opposed.

Ms. Kullar explained the appeal process to the audience.

**Old Business** – Ms. Kullar announced she received notification from Town Counsel that the board's decision to prohibit weddings at the Wing's Neck Lighthouse has been upheld in the Superior Court and there's an injunction against holding any weddings there in the future.

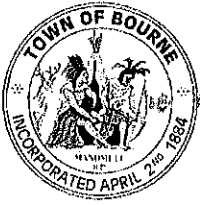
**New Business** – Ms. Kullar announced it was Mr. Sawyer's last meeting. She thanked him for his exemplary service. Ms. Kullar stated the selectmen have opted to elevate an associate member to fill the vacant position and it will most likely be Ms. Brennan.

**Public Comment – None.**

**III. Adjournment –**

**Mr. O'Brien moved, Mr. Kalick seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 7:45 PM.

Minutes Submitted by: Carol Mitchell



# TOWN OF BOURNE

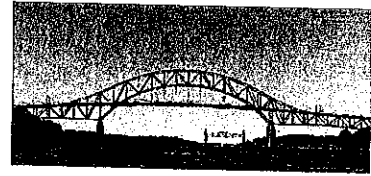
## *Board of Appeals*

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



### MEETING NOTICE

Wednesday, July 17, 2019 at 7:00 PM

Bourne Town Hall, Lower Conference Room

24 Perry Ave, Buzzards Bay

REC'D  
2019 JUL 12 PM 3:32  
TOWN OF BOURNE

### AGENDA ITEMS

#### I. Approval of meeting minutes

II. **7 Pine Ridge Road, Special Permit # 2019-10SP – Animal Kennel Special Permit** sought per section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

III. **230 Sandwich Road, CHASE DEVELOPER, INC Amendment to Comprehensive Permit No. 08-18** Requesting to amend the Comprehensive Permit for Determination of Substantial Change from 16 units to 20 units.

**Old Business - For discussion purposes only:** Update on Cape Cod Aggregates 665 Scenic Highway - Completion of Restoration Agreement Decision #04-23

**New Business**

**Public Comment**



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1345

Fax: (508) 759-0611

### *Public Hearing Notice*



A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts.

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**APPEAL:** Special Permit # 2019-10SP - Animal Kennel

**PETITIONER:** Susan S. Harris

**LOCATION:** 7 Pine Ridge Road, Buzzards Bay, MA 02532  
MAP: 14.0  
PARCEL: 29.0

**PROPOSAL:** Special Permit sought per section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

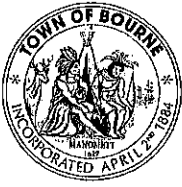
**DATE & TIME:** Wednesday, July 17, 2019 at 7:00 p.m.

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

Bourne Courier publishing dates: Wednesday, 7/3/19 & 7/10/19

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECORDED  
1  
2019 JUL 17 5



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0615 ext. 3  
Fax: (508) 759-0600 x1346



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts.

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**APPEAL:** Amendment to Comprehensive Permit No. 08-18

**APPLICANT:** CHASE DEVELOPER, INC

**LOCATION:** 230 Sandwich Rd, Bourne, MA  
MAP: 25.0 PARCEL: 36

**PROPOSAL:** Requesting to amend the Comprehensive Permit for Determination of Substantial Change from 16 units to 20 units.

**DATE & TIME:** Wednesday, July 17, 2019 at 7:00 p.m.

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

Bourne Courier publishing dates: July 3, 2019 & July 10, 2019

RECORDED  
2019 JUL -1 09:10:15  
TOWN OF BOURNE



**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

July 17, 2019

TOWN CLERK BOURNE

2019 DEC 20 AM 9: 53

RECEIVED

**I. Call to order**

Vice chair John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on July 17, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

Mr. O'Brien announced the meeting was being recorded and asked if anyone in the audience was recording the meeting to please acknowledge such to the board. He noted Carol Mitchell was recording the meeting.

**Members Present:** John O'Brien, Wade Keene, Kat Brennan and Associate Members, Deb Bryant and Chris Pine.

**Members Excused:** Amy Kullar and Harold Kalick

**Also Present:** Roger Laporte, Carol Mitchell, Paul Gately, Andreas Chiros, Elaine Chiros, Beth Thompson, Michael Chiros, Bill Grant, Veronica Tavares, John Tavares, Jim Pavlik, Drew Hoyt and Tom Pappas.

*John O'Brien will be writing the Decisions.*

**II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the June 19, 2019 meeting. **Mr. Keene moved, Mr. Keene seconded to approve the minutes of the June 19, 2019 meeting.** With no discussion, the motion carried. 5-0-0.

*Sitting on the hearings; Wade Keene, John O'Brien, Kat Brennan, Deb Bryant and Chris Pine.*

**2. 7 Pine Ridge Road, Special Permit #2019-10SP-** Animal Kennel Special Permit sought per Section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

*Materials –*

**3. 230 Sandwich Road, Chase Developer, Inc. Amendment to Comprehensive Permit No. 08-18 Requesting to amend the Comprehensive Permit for Determination of Substantial Change from 16 units to 20 units.**

**Old Business** – For discussion purpose only: Update on Cape Cod Aggregates 665 Scenic Hwy. – Completion of Restoration Agreement Decision #04-23

**New Business** –

**Public Comment** –

**III. Adjournment** –

**moved, seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at

Minutes Submitted by: Carol Mitchell

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

July 17, 2019

TOWN CLERK BOURNE

2019 AUG 20 AM 8:39

RECEIVED

**I. Call to order**

Vice chair John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on July 17, 2019. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

Mr. O'Brien announced the meeting was being recorded and asked if anyone in the audience was recording the meeting to please acknowledge such to the board. He noted Carol Mitchell and Beth Treffeisen were recording the meeting.

**Members Present:** John O'Brien, Wade Keene, Kat Brennan and Associate Members, Deb Bryant and Chris Pine.

**Members Excused:** Amy Kullar and Harold Kalick

**Also Present:** Roger Laporte, Carol Mitchell, Paul Gately, Beth Treffeisen, Andreas Chiros, Elaine Chiros, Beth Thompson, Michael Chiros, Bill Grant, Veronica Tavares, John Tavares, Jim Pavlik, Drew Hoyt and Tom Pappas.

*John O'Brien will be writing the Decisions.*

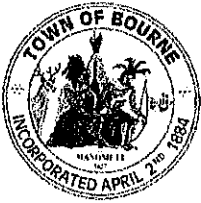
**II. Agenda Items**

**1. Approval of Minutes** – Mr. O'Brien entertained a motion to approve the minutes of the June 19, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the June 19, 2019 meeting.** With no discussion, the motion carried. 5-0-0.

*Sitting on the hearings; Wade Keene, John O'Brien, Kat Brennan, Deb Bryant and Chris Pine.*

**2. 7 Pine Ridge Road, Special Permit #2019-10SP- Animal Kennel Special Permit** sought per Section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

*Materials – Request for continuance by petitioner.*



## TOWN OF BOURNE

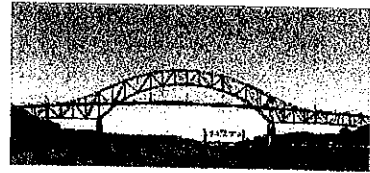
### Board of Appeals

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



#### MEETING NOTICE

Wednesday, August 7, 2019 at 7:00 PM

Bourne Town Hall, Lower Conference Room

24 Perry Ave, Buzzards Bay

#### AGENDA ITEMS

##### I. Approval of meeting minutes

**II. 7 Pine Ridge Road, Special Permit # 2019-10SP – Animal Kennel** Special Permit sought per section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.  
**(Continued from July 17, 2019)**

**III. 19 Old Bridge Road, Special Permit #2019-12-Animal Kennel** Special Permit sought per section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in the Downtown Neighborhood (DTN) district.

**IV. 35 Lafayette Avenue, Special Permit #2019-11-** Requesting Special Permit –Supportive Finding per sections 1330, 2450, and 2500 of the Bourne Zoning Bylaws and M.G.L., Ch 40A, Sec 9 to construct a 13'x20' second floor addition within the existing first floor footprint of a single-family dwelling currently located within the 20' front and 12' side setbacks; and a Supporting Finding under section 2300 that the alteration of an existing single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.

**V. 39 Tide Way Road, Special Permit #2019-13-** A Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and a Supporting Finding under section 2300 that the proposed alteration to a preexisting non-conforming single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.

**Old Business - For discussion purpose only:** Update on Cape Cod Aggregates 665 Scenic Highway - Completion of Restoration Agreement Decision #04-23

**New Business**  
**Public Comment**

TOWN CLERK BOURNE

2019 AUG -1 PM 2:59

RECEIVED



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts:

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**APPEAL:** Special Permit # 2019-12SP – Animal Kennel

**PETITIONER:** Susan E. Sprague Elcoranta & William Elcoranta

**LOCATION:** 19 Old Bridge Road, Bourne, MA 02532  
MAP: 20.3  
PARCEL: 126.0

**PROPOSAL:** Special Permit per section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in the Downtown Neighborhood (DTN) district.

**DATE & TIME:** Wednesday, August 7, 2019 at 7:00 p.m.

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

Bourne Courier publishing dates: July 17<sup>th</sup> & July 24<sup>th</sup>, 2019

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECORDED  
2019 JUL 16 PM 12:05  
TOWN CLERK 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

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

#### APPEAL:

Special Permit 2019-11SP - Extension or Alteration of a Pre-Existing Non-Conforming structure or use.

#### APPLICANT:

Michael J. Elia

#### LOCATION:

35 Lafayette Avenue, Buzzards Bay, MA  
MAP: 23.1 PARCEL: 36.0

#### PROPOSAL:

Requesting Special Permit -Supportive Finding per sections 1330, 2450, and 2500 of the Bourne Zoning Bylaws and M.G.L., Ch 40A, Sec 9 to construct a 13'x20' second floor addition within the existing first floor footprint of a single-family dwelling currently located within the 20' front and 12' side setbacks; and a Supporting Finding under section 2300 that the alteration of an existing single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.

#### DATE & TIME:

Wednesday, August 7, 2019 at 7:00 p.m.

#### PLACE:

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

Bourne Courier publishing dates: July 17<sup>th</sup> & 24<sup>th</sup>, 2019

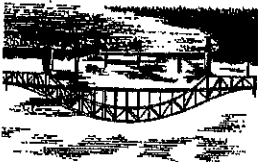
You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECORDED

2019 JUL 16 PM 2:06

TOWN CLERK BOURNE





## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1345  
Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit #2019-13SP under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and a Supporting Finding under section 2300 that the proposed alteration to a preexisting non-conforming single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.

**APPLICANT:** Michael M. Ellerbrook

**LOCATION:** 39 Tide Way Road (Map: 38.3 Parcel: 94.0)

**DATE & TIME:** Wednesday, August 7, 2019 at 7:00pm

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

RECEIVED  
AUG 7 PM 2:11  
TOWN OF BOURNE

Bourne Courier publishing dates: July 24<sup>th</sup> & 31<sup>st</sup>, 2019

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

2019 SEP 19 10:10:33  
TOWN OF BOURNE

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

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

August 7, 2019

## **I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on August 7, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Harold Kalick, Kat Brennan and Associate Member, Jim Beyer.

**Members Excused:** Associate Members, Deb Bryant and Chris Pine.

**Also Present:** Roger Laporte, Carol Mitchell, Paul Gately, Beth Treffeisen, Susan Harris, Jon Callahan, Theresa Callahan, Beth Thompson, Andrea Chiros, Debbie Forand, Lewis Perry, Andrew Campbell, Dana Anderson, Jose Pichardo, Viveanna Eloranta, William Eloranta, David Arnold, Julie Arnold, Mick Elia, Carol Flansburg Jacobs, Jose Pichardo, Phil Jacobs, Dennis Mascetta, Dave Peterson, Laura Lorusso Peterson and Diane Tillotson.

*Amy Kullar will be writing the Decisions.*

## **II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the July 17, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the July 17, 2019 meeting.** With no discussion, the motion carried. 3-0-2. Ms. Kullar and Mr. Kalick abstained.

*Sitting on the hearings; Amy Kullar, Wade Keene, John O'Brien, Harold Kalick and Kat Brennan.*



**2. 7 Pine Ridge Road, Special Permit #2019-10SP- Animal Kennel** Special Permit sought per Section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in an R-80 district.

*Materials – Public Hearing Notice, Abutter’s List, Board of Health Memorandum, Application for Special Permit, Assessor’s Data Card, Picture of Dogs, Directions to the Property.*

Susan Harris addressed the members. Ms. Kullar read a memorandum from the health agent, Terri Guarino, into the record.

Board Comment – None.

Ms. Kullar explained the Board of Appeals does not have kennel regulations and approval of a Special Permit is contingent upon Board of Health Approval.

Ms. Harris provided background regarding the dogs. She explained that she will not be breeding the dogs or offering doggie daycare. She stated she will not want to keep more than four dogs.

Ms. Kullar asked the applicant if she would be opposed to the members imposing a four dog limit. Ms. Harris stated she is not opposed to that.

Public Comment – Jon Callahan discussed the 4 dog limit.

Beth Thompson and Andrea Chiros introduced themselves. Ms. Thompson asked whether any dogs will be replaced. Ms. Kullar explained a condition disallowing more than four dogs will be placed on the Special Permit.

Ms. Kullar asked whether there are any noise concerns. Ms. Thompson stated she does not hear the dogs.

Ms. Chiros asked for clarification on waste disposal and the leash law when the dogs are on the beach that is located on her property. Ms. Kullar stated dogs are required to be leashed. Ms. Kullar asked whether there has been a problem with waste disposal. Ms. Chiros stated no; however, the dogs are not leashed while being walked on the beach. Ms. Kullar stated the Department of Natural Resources (DNR) enforces the leash law and then explained the board’s purview.

Terry Callahan commented that many dogs are walked on the beach without a leash not just Ms. Harris. Ms. Kullar suggested the abutters file a complaint with the DNR if they continue to experience problems.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O'Brien moved, Mr. Kalick seconded to close the public hearing.** The motion carried. 5-0-0.

After a brief discussion, **Mr. O'Brien moved, Ms. Brennan seconded to approve the request for Special Permit #2019-10SP per Section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for not more than four dogs in an R-80 district. The kennel will be restricted to the existing four dogs as described; (1) Irish Setter, (1) West Highland Terrier and (2) Yorkshire Terriers and will not automatically be replaced in the future.** The motion carried. 5-0-0.

**3. 19 Old Bridge Road, Special Permit #2019-12 Animal Kennel** Special Permit sought per Section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in the Downtown Neighborhood (DTN) district.

*Materials – Public Hearing Notice, Abutter's List, Board of Health Memorandum, Application for Special Permit, Assessor's Data Card, Picture of Dogs, Directions to the Property.*

William and Viveanna Eloranta addressed the members. Mr. Eloranta explained his four dogs are family dogs and they've all been spayed/neutered.

Ms. Kullar read the memo from the health agent explaining that approval of a Special Permit is contingent upon Board of Health Approval.

Board Comment – None.

Public Comment – None.

Ms. Kullar discussed conditioning the permit to allow only the four existing dogs.

Ms. Kullar asked the ages of the dogs. Miss Eloranta stated the dogs are two, three, four and six.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Keene moved, Ms. Brennan seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. Keene moved, Mr. O'Brien seconded to grant Special Permit 2019-12 Animal Kennel per Section 2200 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 9 for the maintenance of an animal kennel for more than three dogs in the Downtown Neighborhood (DTN) district. The kennel will be restricted to the existing four dogs.** The motion carried. 5-0-0.

**4. 35 Lafayette Ave, Special Permit #2019-11** Requesting Special Permit – Supportive Finding per Sections 1330, 2450 and 2500 of the Bourne Zoning Bylaws and M.G.L., Ch. 40A, Sec. 9 to construct a 13'x 20' second floor addition within the existing first floor footprint of a single-family dwelling currently located within the 20' front and 12' side setbacks; and a Supportive Finding under Section 2300 that the alteration of an existing single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Public Hearing Notice, Abutter's List, Gross Floor Area Worksheet, Application for Supportive Finding, Plot Plan of Record, Directions to the Property and Site Plan of Record.*

Dennis Mascetta addressed the members and described the proposed project.

Board Comment – Ms. Brennan asked whether there is an existing second floor. Mr. Mascetta stated on part of the house there is. They are seeking to remove the existing shed roof, install a floor system, build the walls and construct a peak roof.

Mr. O'Brien asked why the Supportive Finding is necessary. Mr. Laporte stated the proposed project doesn't meet setback requirements. Mr. O'Brien asked if that is the only issue. Mr. Laporte replied that is the only issue.

Public Comment – Abutter, Carol Jacobs expressed support for the project.

Mick Elia thanked the members.

Mr. Keene asked if there is an existing septic system. Mr. Mascetta explained there is an existing three-bedroom septic system which will be inspected prior to construction to ensure it meets Title V regulations.

**Mr. O'Brien moved, Mr. Keene seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar feels the project, per the plans and specifications submitted, will not be substantially more detrimental to the neighborhood than the original structure.

**Ms. Kullar entertained a motion. Ms. Brennan moved, Mr. Keene seconded to grant the Supportive Finding per Sections 1330, 2450 and 2500 of the Bourne Zoning Bylaws and M.G.L., Ch. 40A, Sec. 9 to construct a 13'x 20' second floor addition within the existing first floor footprint of a single-family dwelling currently located within the 20' front and 12' side setbacks; and a Supportive Finding under Section 2300 that the alteration of an existing single-family dwelling is not substantially**

**more detrimental than the original structure to the neighborhood.** The motion carried. 5-0-0.

**5. 39 Tide Way Road, Special Permit #2019-13** Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within 10% allowable Gross Floor area; and a Supportive Finding under Section 2300 that the proposed alteration to a preexisting, non-conforming, single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Public Hearing Notice, Abutter’s List, Gross Floor Area Worksheet, Application for Supportive Finding, Plot Plan of Record, Directions to the Property and Site Plan of Record.*

Jose Pichardo of Green Seal Environmental addressed the members and described the proposed project.

Board Comment – Ms. Kullar discussed the proposed Gross Floor Area.

Ms. Brennan questioned why the proposed house will be built on the same footprint, stating the front stoop is extremely close to the road. Mr. Pichardo explained the lot is very small and because of the location of the new septic system, they will use the existing footprint.

Ms. Kullar asked whether the proposed project will require the Conservation Commission’s approval. Mr. Pichardo stated it does and they will present the project to the Conservation Commission next Thursday because the entire lot is located within the AE Flood Zone.

Ms. Brennan asked why the proposed structure can’t be placed further back toward the left corner of the lot. A lengthy discussion transpired regarding the possibility of adjusting the location of the proposed house on the property.

Ms. Kullar asked whether the lower level of the home will have breakaway walls. Mr. Laporte stated because the property is located within an AE Flood Zone so breakaway walls are not required.

A brief discussion transpired regarding the site’s elevation.

Mr. Keene opened a brief discussion regarding the proposed septic system.

Public Comment – None.

Mr. Kalick and Mr. Beyer discussed the depiction of the bulkhead and back staircase on the plan.

After further discussion regarding front and side backs and the possibility of turning the home on the plan, it was decided that the representative will return on August 21<sup>st</sup> with a revised plan. Mr. Beyer discussed the importance of holding the rear 9' setback to prevent abutter opposition.

Dana Anderson, the potential builder, stated all of the existing homes in the neighborhood run parallel to the street and thinks turning the home will look awkward.

A brief discussion transpired regarding whether the home will be a seasonal home.

Ms. Kullar entertained a motion to continue the matter. Mr. Kalick moved, Ms. Brennan seconded to continue the matter to August 21, 2019. The motion carried 5-0-0.

**Old Business – For discussion purpose only:** Update on Cape Cod Aggregates 665 Scenic Hwy. – Completion of Restoration Agreement Decision #04-23 –

*Materials – Site Photographs, Letter regarding bond amount and Proposal to dismantle and relocate equipment and an email from Dave Peterson with a cost breakdown for remaining restoration work.*

Diane Tillotson, Dave Peterson and Laura Lorusso Peterson discussed the progress of the restoration.

Board Comment – Ms. Brennan asked if the processing plant has been dismantled. Ms. Tillotson said the plant has ceased operations but hasn't been removed. Mr. Peterson added, the connect conveyor which brings crushed material to the wash tower has been removed as has two sand conveyors and one stone conveyor; so even though the actual plant hasn't been removed, it's not operable. The wash tower is slated to be removed next and then the crushing plants.

Ms. Brennan asked if the equipment will be brought somewhere else. Mr. Peterson stated yes, but they aren't sure where some of the equipment will be relocated to. He said the two crushers will be dismantled and brought to their Falmouth operation; however, an outside company must be hired to relocate some of the larger equipment. Mr. Peterson mentioned there are limited companies who perform such work. The company they've received a proposal from isn't available until September so he discussed the need to store larger equipment on the property until the outside company is available. Ms. Kullar stated she does not have any issues with larger equipment being stored on the property as long as it doesn't interfere with the restoration work.

Public Comment – Lewis Perry commented on the amount of dust the site creates. Mr. Perry attempted to question Mr. Peterson about mail he received from the company but Ms. Kullar reminded the public that it was not a public hearing and such discussion would not be allowed.

Mr. Perry attempted to again discuss mail he said he received from Lorusso Corp. Ms. Kullar advised him the matter would not be discussed that evening.

Additional Board Comment – Ms. Brennan opened a lengthy discussion regarding the bond amount that was required to be increased at a previous hearing and the cost estimate to complete the remaining restoration work. Mr. Peterson reassured the members that the restoration work will be completed because their goal is to redevelop the property.

Ms. Kullar stated the board's previous decision to increase the bond amount will have to be amended. Ms. Kullar asked the representative to have information available at the next hearing regarding the maximum bond amount the surety company will allow.

Additional Public Comment – Debbie Forand feels cost estimates for the shut down and restoration work should have been factored into a long-term business plan. A discussion ensued.

Ms. Tillotson requested a public hearing be scheduled to revisit the bond amount. Ms. Kullar suggested the members perform a site visit prior to the public hearing.

Additional Board Comment - Mr. Kalick expressed concern that the town will be responsible for the cost of the remaining restoration. Mr. Peterson reassured the members that the company will complete the restoration work. Mrs. Lorusso Peterson discussed the challenges the company has faced.

Mr. Keene discussed the cost to purchase a \$250,000 bond. He asked whether the company would be willing to post a cash bond. Mrs. Lorusso Peterson stated the company is not willing to do that. Mr. Peterson agreed. A discussion ensued.

Mr. Peterson discussed the original settlement agreement that was reached.

The matter to reconsider the bond amount was continued to September 18, 2019.

**New Business** – Ms. Brennan submitted a New York Times article regarding affordable housing for the members to review.

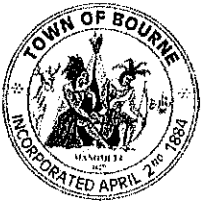
Ms. Brennan discussed televising the meetings. Several members voiced their opposition to televising the meetings.

**Public Comment** – None.

**III. Adjournment –**

**Mr. O'Brien moved, Mr. Keene seconded to adjourn the meeting.** With no discussion, the motion carried 5-0-0. The meeting adjourned at 8:37 PM.

Minutes Submitted by: Carol Mitchell



# TOWN OF BOURNE

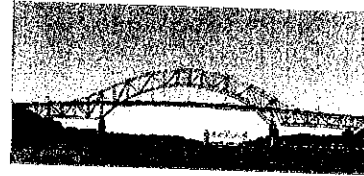
## *Board of Appeals*

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



### MEETING NOTICE

Wednesday, August 21, 2019 at 7:00 PM

Bourne Town Hall, Lower Conference Room

24 Perry Ave, Buzzards Bay

### AGENDA ITEMS

#### I. Approval of meeting minutes

II. **39 Tide Way Road**, Special Permit #2019-13- A Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area; and a Supporting Finding under section 2300 that the proposed alteration to a preexisting non-conforming single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.  
(Continued from August 7, 2019)

III. **230 Sandwich Rd**, Special Permit # 18-08- 40B Requesting to amend the Comprehensive Permit from 16 units to 20 units.

IV.

V.

Old Business

New Business

Public Comment

TOWN CLERK BOURNE

2019 AUG 16 AM 10:46

RECEIVED





## 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*

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**APPEAL:** Amendment to Comprehensive Permit No. 08-18

**APPLICANT:** Chase Developers, Inc. and Thomas C. Pappas, Trustee of 230 Sandwich Road Realty Trust

**LOCATION:** 230 Sandwich Rd, Bourne, MA; Map: 25.0 Parcel: 36.0

**PROPOSAL:** Requesting to amend the Comprehensive Permit from 16 units to 20 units.

**DATE & TIME:** Wednesday, August 21, 2019 at 7:00 p.m.

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

Bourne Courier publishing dates: 7.31.19 & 8.7.19

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECORDED  
2019 JUL 23 PM 12:54  
TOWN CLERK BOURNE

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

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

August 21, 2019

RECEIVED  
SEP 19 10:10:33 AM  
TOWN OF BOURNE

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on August 21, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, Wade Keene, Harold Kalick, Kat Brennan and Associate Members, Deb Bryant, Chris Pine and Jim Beyer.

**Members Excused** – John O'Brien.

**Also Present:** Roger Laporte, Carol Mitchell, Dana Anderson, Mike Ellerbrook, Jose Pichardo, Robert Dutch, Ann Anslem, David Anslem, Sean Scully, James Berry, Kathy Boudreau, Robert Boudreau, Maryann Dill, Drew Hoyt, Tom Pappas and Roger Forget.

*Harold Kalick will be writing the Decisions.*

**II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to defer the approval of the minutes of the August 7, 2019 meeting. **Ms. Brennan moved, Mr. Keene seconded to defer the approval of the minutes of the August 7, 2019 meeting.** With no discussion, the motion carried. 4-0-0.

*Sitting on the hearings; Amy Kullar, Wade Keene, Kat Brennan, Harold Kalick and Jim Beyer.*

**2. 39 Tide Way Road, Special Permit #2019-13** Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within 10% allowable Gross Floor Area; and a Supportive Finding

under Section 2300 that the proposed alteration to a preexisting, non-conforming, single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Public Hearing Notice, Abutter’s List, Gross Floor Area Worksheet, Application for Supportive Finding, Plot Plan of Record, Directions to the Property and Site Plan of Record.*

**(Continued from August 7, 2019)**

Jose Pichardo of Green Seal Environmental addressed the members and discussed the revisions the board had requested at the previous hearing. He explained that he attempted to revise the plan; however, the end result would have further adverse impacts to the neighborhood than what was originally proposed. Mr. Pichardo noted that there weren’t any abutters in opposition to the project and respectfully requested the board approve the original plan that was submitted.

Board Comment – Ms. Brennan opened a brief discussion regarding parking in the neighborhood.

Ms. Kullar acknowledged the representative’s efforts with attempting to revise the plan as previously requested by the board.

Mr. Beyer discussed the existing footprint.

Ms. Brennan questioned whether the property owner was opposed to the revisions requested by the board. The property owner, Mike Ellerbrook, stated it was always his intention to rebuild in the same footprint. He said every existing house on the street sits parallel to the street so he is opposed to turning it because it will look out of place. Also, he would like to have some backyard and will lose it if the house gets pushed back nine feet on the property line as previously requested by the board.

Mr. Pichardo mentioned that the Conservation Commission has issued an Order of Conditions.

Additional Board Comment – Mr. Pine asked if the existing shed will remain. Mr. Pichardo stated it will be removed.

Mr. Beyer questioned the purpose of the red line that’s depicted on the plan. Mr. Pichardo explained the red line outlines the limits of work, which is required by the Conservation Commission.

Mr. Beyer reviewed the revised and original plans side-by-side. A discussion ensued.

Mr. Pine opened a brief discussion regarding the existing and proposed house elevations.

Ms. Kullar feels what's being proposed meets the character of the neighborhood.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Keene moved, Ms. Brennan seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar commented that the proposed project will not conform to the setbacks; however, none of the houses in the neighborhood do. She thinks the proposed construction will be less detrimental to the neighborhood and noted the Conservation Commission and the Board of Health have approved the proposed project.

Ms. Kullar entertained a motion. **Mr. Beyer moved, Ms. Brennan seconded to grant Special Permit #2019-13 per the original plans and specifications submitted under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within 10% allowable Gross Floor Area; and a Supportive Finding under Section 2300 that the proposed alteration to a preexisting, non-conforming, single-family dwelling is not substantially more detrimental than the original structure to the neighborhood.** The motion carried. 5-0-0.

**3. 230 Sandwich Road, Special Permit #18-08-40B** – Requesting to amend the Comprehensive Permit from 16 units to 20 units.

*Materials – Revised Plan of Record and revised Narrative.*

Attorney Drew Hoyt was present representing the applicant.

Ms. Kullar stated the board received a late submission from the representative the previous evening and due to the size of its content, it was impossible to review for this meeting. She asked that the matter be continued because the revised material will need to be reviewed by a third party on behalf of the board. Attorney Hoyt agreed to continue the matter to September 18, 2019. He also agreed to waive the time requirements under 40B. Ms. Kullar asked that any future submissions, particularly any as large as this size, be submitted at least a week in advance. Mr. Hoyt agreed.

Public Comment – Robert Dutch spoke on behalf of Upper Cape Cod Regional and as a concerned resident. He stated he is seeking clarity of the proposed changes.

Abutter, Sean Scully, discussed the numerous changes to the project the property owner has proposed over the years. He too is seeking additional information on the proposed

changes. Mr. Laporte explained the request is to change the number of proposed units from 16 to 20 units. He stated the members have asked the applicant to identify all of the amendments he'd like to make to any of the conditions that were required under the previously granted Special Permit.

Mr. Dutch asked whether the public will be able to obtain a copy of the proposed changes the applicant is requesting. Mr. Laporte indicated they will be available to the public.

A brief discussion transpired regarding the process for amending the conditions required under the existing Special Permit.

Mr. Scully expressed concern that a connection road which runs from Chase Estates into the Port of Call subdivision is being used even though a cease desist was issued to prevent cars and trucks from using it. Ms. Kullar stated she was not aware that the road was being used and thanked Mr. Scully for notifying the board.

With no further discussion, Ms. Kullar thanked those who provided testimony and suggested all concerned parties return on September 18, 2019.

Ms. Kullar entertained a motion. **Mr. Keene moved, Ms. Brennan seconded to continue the matter to September 18, 2019.** The motion carried. 5-0-0.

**Old Business** – Ms. Kullar discussed the need to hire an outside consultant to interpret the documents that were submitted the previous evening by Attorney Hoyt, the representative for Chase Estates.

Ms. Kullar mentioned the Harbor Way matter will be back before the board sometime in November. A discussion ensued.

**New Business** – None.

**Public Comment** – None.

### **III. Adjournment –**

**Mr. Keene moved, Ms. Brennan seconded to adjourn the meeting.** The motion carried 5-0-0. The meeting adjourned at 7:37 PM.

Minutes Submitted by: Carol Mitchell



# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall  
24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



**CANCELED MEETING NOTICE**  
Wednesday, September 4, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

TOWN OF BOURNE

2019 AUG 30 AM 10:50

RECEIVED

### AGENDA ITEMS

#### I. Approval of meeting minutes

**II. 2 Alpine Circle**, Special Permit # 2019-SP14- A Special Permit (#2019-SP14) under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 4120 to construct a single-story addition to contain an accessory dwelling.

III.

IV.

V.

Old Business  
New Business  
Public Comment

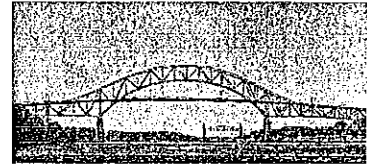
**CANCELED**



## TOWN OF BOURNE

### *Board of Appeals*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



MEETING NOTICE  
Wednesday, September 18, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

TOWN CLERK BOURNE

2019 SEP 12 PM 3:18

RECEIVED

#### AGENDA ITEMS

##### I. Approval of meeting minutes

II. **2 Alpine Circle**, Special Permit # **2019-14SP**- Under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 4120 to construct a single-story addition to contain an accessory dwelling.

III. **665 Scenic Highway**, Revision of Bond, #**04-23**, Adjust bound amount required for site closure.

IV. **230 Sandwich Rd**, Special Permit # **18-08- 40B** Vote to continue this request to amend the Comprehensive Permit from 16 units to 20 units. **(Continued from August 21, 2019)**

Old Business  
New Business  
Public Comment



## TOWN OF BOURNE

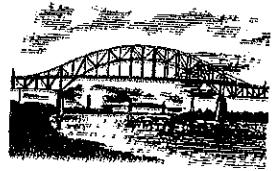
### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1345

Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit (#2019-SP14) under M.G.L., Ch. 40A, Sec. 2 and the Bourne Zoning Bylaw Sections 1330 and 4120 to construct a single story addition to contain an accessory dwelling.

**APPLICANT:** Kristen Budge-Tatalias

**LOCATION:** 2 Alpine Circle, Bourne, MA 02532 (Map: 6.0 Parcel: 108.0)

**DATE & TIME:** Wednesday, September 18, 2019 at 7:00 p.m.

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

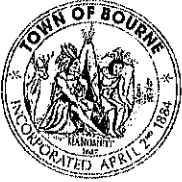
Bourne Enterprise publishing dates: 9/6/19 & 9/13/19

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECEIVED  
2019 SEP 18 AM 9:50  
TOWN OF BOURNE





# TOWN OF BOURNE

## *Appeals Board*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



### CANCELED MEETING AGENDA

*\*This site visit has been canceled. Please check the town website for future dates\**

**DATE:** Wednesday, September 18, 2019  
**PLACE:** 665 Scenic Highway, Bourne, MA 02532  
**TIME:** 9:00am

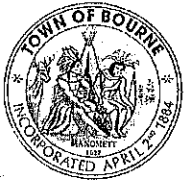
Please be aware this on-site inspection with interested parties at Cape Cod Aggregates; 665 Scenic Highway has been canceled.

**Further Directions:** Please make right hand turns into the pit. If coming from the Bourne Bridge, go by the entrance and turn around to safely enter the property making a right hand turn from the westbound lane. Cape Cod Aggregates strictly prohibit entering the pit from the eastbound lane.

TOWN CLERK BOURNE

2019 SEP 17 PM 2:50

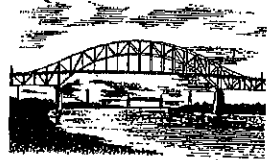
RECEIVED



# TOWN OF BOURNE

## *Appeals Board*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



### MEETING AGENDA

**DATE:** Wednesday, September 18, 2019  
**PLACE:** 665 Scenic Highway, Bourne, MA 02532  
**TIME:** 9:00am

On-site inspection with interested parties at Cape Cod Aggregates; 665 Scenic Highway.

**Further Directions:** Please make right hand turns into the pit. If coming from the Bourne Bridge, go by the entrance and turn around to safely enter the property making a right hand turn from the westbound lane. Cape Cod Aggregates strictly prohibit entering the pit from the eastbound lane.

2019 SEP 16 AM 9:24  
TOWN OF BOURNE

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

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

September 18, 2019

TOWN CLERK BOURNE

2019 DEC 17 AM 8:50

RECEIVED

**I. Call to order**

Vicechair John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on September 18, 2019. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

Mr. O'Brien announced the meeting was being recorded and asked if anyone in the audience was recording the meeting to please acknowledge such to the board. He noted Carol Mitchell was recording the meeting.

**Members Present:** John O'Brien, Wade Keene, Kat Brennan and Associate Members, Chris Pine and Jim Beyer.

**Members Excused** – Amy Kullar, Harold Kalick and Associate Member Deb Bryant.

**Also Present:** Roger Laporte, Carol Mitchell, Chester Fahey, Lynne Budge, Kristen Budge-Tatalias, Arthur Budge Jr., Art Akeley, Mrs. Akeley, Jim Mulvey, Robert Dutch and Roger Forget.

*John O'Brien will be writing the Decisions.*

**II. Agenda Items**

**1. Approval of Minutes** – Mr. O'Brien entertained a motion to approve the minutes of the August 7, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the August 7, 2019 meeting.** The motion carried. 4-0-1. Mr. Pine abstained.

Mr. O'Brien entertained a motion to approve the minutes of the August 21, 2019 meeting. **Ms. Brennan moved, Mr. Pine seconded to approve the minutes of the August 21, 2019 meeting.** The motion carried. 4-0-1. Mr. O'Brien abstained.

Mr. O'Brien announced that the matters pertaining to Cape Cod Aggregates and Chase Estates have been continued at the request of the applicants.

*Sitting on the hearings; John O'Brien, Wade Keene, Kat Brennan, Chris Pine and Jim Beyer.*

**2. 2 Alpine Circle, Special Permit #2019-14SP** Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 4120 to construct a single-story addition to contain an accessory dwelling.

*Materials – Public Hearing Notice, Abutter's List, Gross Floor Area Worksheet, Application for Special Permit, Plot Plan of Record, Directions to the Property and Site Plan of Record.*

Chester Fahey, the general contractor, described the proposed project, mentioning that the proposed septic system was approved by the Board of Health (BOH). Mr. O'Brien indicated that written BOH approval of the proposed septic system will be required to be submitted should the Special Permit be granted.

Mr. Fahey then discussed the proposed Gross Floor Area. He made note that the proposed accessory dwelling will be handicapped accessible. He also discussed the proposed elevation changes.

Board Comment – Ms. Brennan questioned why the proposed addition is larger than the existing dwelling. Mr. Fahey stated the proposed addition is slightly smaller than the existing dwelling.

Ms. Brennan asked why two bathrooms are being proposed. Mr. Fahey explained one bathroom will be a half bath and used by guests. The other will be a full bath that will be handicapped accessible.

Ms. Brennan asked who will reside in the proposed accessory dwelling. Mr. Fahey stated the property owner's parents will reside in the accessory dwelling. Mr. Laporte explained that a Special Permit for an accessory dwelling is name specific and is valid for three years. A change in occupancy requires board approval.

Mr. O'Brien asked for the names of the occupants. The property owner, Kristen Budge-Tatalias stated her parents, Lynne and Arthur Budge Jr., will reside in the accessory dwelling. Mr. O'Brien explained that, in the future, the property cannot become a rental property.

A brief discussion transpired regarding the proposed parking at the site and the Water District.

Mr. Pine questioned whether feedback has been received from the neighbors. The property owner stated the neighbors she contacted were not opposed to the project.

Mr. O'Brien asked whether the property owner will be occupying the main house. Ms. Budge-Tatalias stated she will be. She provided details regarding her medical needs which require her parent's assistance.

Mr. Beyer opened a brief discussion regarding the proposed second driveway, noting it isn't depicted on the plan. Mr. Beyer asked that the representative notate the approximate location of the proposed second driveway. After a brief discussion, Mr. Fahey drew in the proposed second driveway on the plan.

Public Comment – Art Akeley asked for additional information on the proposed roof line and questioned whether a second floor is being proposed. Mr. Fahey described the proposed roof line, stating the second floor of the addition will be used for storage or mechanicals, not for occupancy. Mr. Akeley asked if there will be any access points. Mr. Fahey stated most likely a pull down stairway will be used for access. However, if mechanicals are installed there, then a door off one of the existing bedrooms may be installed for access.

Mrs. Akeley asked for the duration of the construction. Mr. Fahey stated the plan is to begin the project mid-October. He's hoping to have the project completed by spring.

Mr. O'Brien entertained a motion to close the public hearing. **Mr. Keene moved, Ms. Brennan seconded to close the public hearing.** The motion carried. 5-0-0.

Mr. O'Brien entertained a motion. **Mr. Beyer moved, Ms. Brennan seconded to approve Special Permit #2019-14SP to construct a single-story addition to contain an accessory dwelling, for the occupancy of Lynne and Arthur Budge Jr., pending Board of Health approval of the septic system.** The motion carried. 5-0-0. Roll Call Vote – Jim Beyer – yes, Chris Pine – yes, John O'Brien – yes, Kat Brennan – yes, and Wade Keene – yes.

**3. 665 Scenic Highway, Revision of Bond, #04-23, Adjust bond amount required for site closure.**

Mr. O'Brien read a request from Cape Cod Aggregates requesting a continuance of the site visit and the public hearing to October 16, 2019.

Board Comment – Mr. Keene asked how many continuances may be granted by the board. Mr. O'Brien stated as many as the board would like to grant.

Mr. O'Brien entertained a motion. **Ms. Brennan moved, Mr. Keene seconded to continue the matter to October 16, 2019 at 7:05 PM.** The motion carried. 5-0-0.

**4. 230 Sandwich Road, Special Permit #18-08-40B –** Vote to continue this request to amend the Comprehensive Permit from 16 units to 20 units.

*Materials – Letter of Continuance Request.*

Mr. O'Brien read the continuance request.

After a brief discussion, Mr. O'Brien entertained a motion. **Mr. Pine moved, Ms. Brennan seconded to continue the matter to October 2, 2019 at 7:30 PM.** The motion carried. 5-0-0.

A brief discussion transpired regarding some of the abutters concerns that were voiced at a previous hearing.

**Old Business –** None.

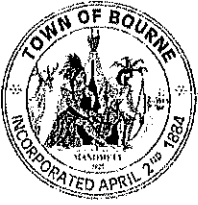
**New Business –** None.

**Public Comment –** None.

**III. Adjournment –**

**Mr. Keene moved, Ms. Brennan seconded to adjourn the meeting.** The motion carried 5-0-0. The meeting adjourned at 7:40 PM.

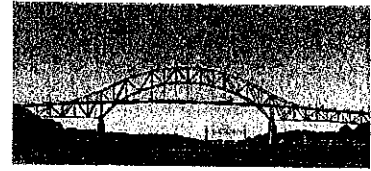
Minutes Submitted by: Carol Mitchell



## TOWN OF BOURNE

### *Board of Appeals*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



#### MEETING NOTICE

Wednesday, October 2, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

#### AGENDA ITEMS

##### I. Approval of meeting minutes

II. **18D Windy Hill Rd**, A Special Permit #2019-SP16 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming single-family structure is not substantially more detrimental than the original structure to the neighborhood.

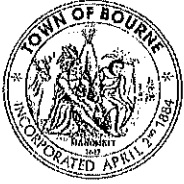
III. **243 Scraggy Neck Rd**, Special Permit #2019-SP16 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2300 that the alteration/addition of an existing single-family structure is not substantially more detrimental than the original structure to the neighborhood.

IV. **3 Rainbow Circle**, A variance #2019-V07 under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback (15 feet required) by 4 feet. Proposed garage addition would have a final setback of 11 feet. **(Renewal of previous variance #2017-V17 granted on 6.21.17)**

V. **230 Sandwich Rd**, Special Permit # 18-08- 40B Requesting to amend the Comprehensive Permit from 16 units to 20 units. **(Continued from September 18, 2019)**

Old Business  
New Business  
Public Comment

2019 SEP 27 AM 9:05  
TOWN OF BOURNE  
CLERK



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1342



### *Amended Public Hearing Notice*

*\*amended due to absent details on original notice\**

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** 18D Windy Hill Rd, Special Permit #2019-SP15 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming single-family structure is not substantially more detrimental than the original structure to the neighborhood.

**APPLICANT:** Rescom Architectural, Inc., Gregory B. Siroonian

**LOCATION:** 18D Windy Hill Rd (Map: 14 Parcel: 50-17)

**DATE & TIME:** Wednesday, October 2, 2019 at 7:00pm

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

Bourne Courier publishing dates: 09.18.19, 09.25.19

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

TOWN CLERK BOURNE

2019 SEP 11 PM 3:20

RECEIVED





## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342



### *Amended Public Hearing Notice*

\*amended due to absent details on original notice\*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** 243 Scraggy Neck Rd, Special Permit #2019-SP16 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2300 that the alteration/addition of an existing single-family structure is not substantially more detrimental than the original structure to the neighborhood.

**APPLICANT:** Architect/Agent David R. MacLean

**LOCATION:** 243 Scraggy Neck Rd (Map:51.3 Parcel: 8)

**DATE & TIME:** Wednesday, October 2, 2019 at 7:00pm

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

Bourne Courier publishing dates: 09.18.19 and 09.25.19

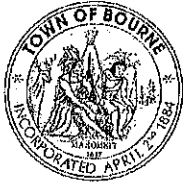
You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

TOWN CLERK BOURNE

2019 SEP 11 PM 3:20

RECEIVED



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342

### *Public Hearing Notice*



A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A variance (#2019-V07) under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback (15 feet required) by 4 feet. Proposed garage addition would have a final setback of 11 feet. (Previous variance #2017-V10 granted on 06.21.17) Also to be allowed a storage container (pod) until completion of garage (Bourne Zoning Bylaw Section 3390).

**APPLICANT:** Brenton B & Taasha L Taylor

**LOCATION:** 3 Rainbow Circle, Pocasset, MA (Map: 35.1 Parcel: 164)

**DATE & TIME:** Wednesday, October 2, 2019 at 7:00 p.m.

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

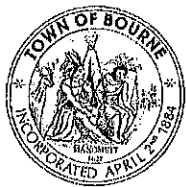
Bourne Courier publishing dates: 09.18.19 & 09.25.19

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

TOWN CLERK BOURNE

2019 SEP 11 PM 3:04

RECEIVED



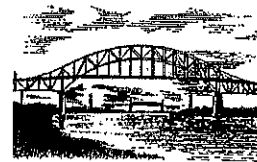
## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** 18D Windy Hill Rd, Special Permit #2019-SP15 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming single-family structure is not substantially more detrimental than the original structure to the neighborhood.

**APPLICANT:** Rescom Architectural, Inc., Gregory B. Siroonian

**LOCATION:** (Map: 14 Parcel: 50-17)

**DATE & TIME:** Wednesday, October 2, 2019 at 7:00pm

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

Bourne Courier publishing dates: 09.18.19, 09.25.19

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

TOWN CLERK BOURNE

2019 SEP 11 PM 3:05

RECEIVED



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1342



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** 243 Scraggy Neck Rd, Special Permit #2019-SP16 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2300 that the alteration/addition of an existing single-family structure is not substantially more detrimental than the original structure to the neighborhood.

**APPLICANT:** Architect/Agent David R. MacLean

**LOCATION:** (Map: 51.3 Parcel: 8)

**DATE & TIME:** Wednesday, October 2, 2019 at 7:00pm

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

Bourne Courier publishing dates: 09.18.19 and 09.25.19

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

TOWN CLERK BOURNE

2019 SEP 11 PM 3:04

RECEIVED



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1342



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**APPEAL:** Amendment to Comprehensive Permit No. 08-18

**APPLICANT:** Chase Developers, Inc. and Thomas C. Pappas, Trustee of 230 Sandwich Road Realty Trust

**LOCATION:** 230 Sandwich Rd, Bourne, MA; Map: 25.0 Parcel: 36.0

**PROPOSAL:** Requesting to amend the Comprehensive Permit from 16 units to 20 units.

**DATE & TIME:** Wednesday, October 2, 2019 at 7:00 p.m.

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

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

2019 SEP 13 AM 10:33  
TOWN CLERK'S OFFICE

RECEIVED

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

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

October 2, 2019

TOWN CLERK BOURNE

2019 OCT 21 AM 9:22

RECEIVED

**I. Call to order**

Chair Amy Keller called to order the meeting of the Zoning Board of Appeals at 7:00 PM on October 2, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Harold Kalick, Kat Brennan and Associate Members, Deb Bryant, Chris Pine and Jim Beyer.

**Members Excused** – N/A

**Also Present:** Roger Laporte, Carol Mitchell, Greg Siroonian, David Maclean, Brenton Taylor, Taasha Taylor, Chad Rossi, Pat Murphy, Annie Para, Steven J. Para, Kathleen Haynes, Cheryl Archer, Robert Dutch, Sean Scully, David Anslem, Ann Anslem, Steven Downey, James Pavlik, Thomas Pappas, and Drew Hoyt.

*Kat Brennan will be writing the Decisions.*

**II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the September 18, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the September 18, 2019 meeting.** The motion carried. 3-0-2. Mr. Kalick and Ms. Kullar abstained.

*Sitting on the hearings; Amy Kullar, John O'Brien, Wade Keene, Harold Kalick and Kat Brennan.*

**2. 18D Windy Hill Rd, Special Permit #2019-SP16** Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supportive Finding under Section 2300 that the alteration of an existing single-family structure and

construction of a new non-conforming, single-family structure and construction is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Public Hearing Notice, Approval from Hideaway Village, Assessor's Data Card, Application for Special Permit, Directions to the Property and Site Plan of Record.*

Greg Siroonian addressed the members stating the property is located in Hideaway Village and is a straightforward replacement of a single-family structure. He stated he was informed the day before that a surveying error had occurred; so, he was submitting a revised plan adjusting the size of the proposed deck.

Board Comment - Ms. Kullar asked whether the property is located in a Velocity Zone. Mr. Siroonian stated it is not.

Public Comment – Chad Rossi, the operations manager of Hideaway Village, addressed the board. He and the general manager, Patrick Murphy, were present on behalf of the board of directors to inform the members that the Hideaway Village Board has not approved the revised plan.

Ms. Kullar asked when the Hideaway Village Board will meet again. Mr. Rossi stated they recently held their monthly board meeting and will not meet again for another thirty days. Additionally, the abutters will have to be renotified.

Mr. Siroonian asked the board to consider approving the amended filing pending Hideaway Village's approval. Mr. Rossi voiced opposition to that request. He suggested the applicant move forward with what was originally submitted since that was already approved by the Hideaway board.

After a brief discussion, Mr. Rossi again encouraged the representative to move forward with the original plan because he felt certain the board of directors would not approve the larger deck that's being proposed on the amended plan. The representative agreed.

Board – Mr. O'Brien and Ms. Kullar suggested the representative follow Mr. Rossi's advice.

**Mr. O'Brien moved, Ms. Brennan seconded a motion to close the public hearing.**  
The motion carried 5-0-0.

Mr. Siroonian informed the members that the site plan being submitted has an erroneous property line; however, the deck design is accurate. Mr. Laporte suggested conditioning the permit requiring a corrected site plan be submitted.

Ms. Kullar entertained a motion. **Mr. O'Brien moved, Ms. Brennan seconded to approve Special Permit request 2019-SP16, 18D Windy Hill Rd., and grant a Supportive Finding under Section 2300 that the alteration of an existing single-family structure and construction of a new non-conforming, single-family structure and construction of a new non-conforming, single-family structure is not substantially more detrimental than the original structure to the neighborhood with the condition that a revised plan be submitted to the building inspector prior to a Building Permit being issued.** The motion carried. 5-0-0. Roll Call Vote – Harold Kalick – yes, Amy Kullar – yes, John O'Brien – yes, Kat Brennan – yes, and Wade Keene – yes.

**3. 243 Scraggy Neck Rd, Special Permit #2019-SP17** Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supportive Finding under Section 2300 that the alteration / addition of an existing single-family structure is not substantially more detrimental than the original structure to the neighborhood.

*Materials – Public Hearing Notice, Application for Special Permit, Plot Plan, Directions to the Property, Site Photographs and Site Plan of Record.*

The architect, David Maclean, addressed the members and discussed the proposed project to add a bathroom to an existing log cabin on the landward side of the property.

Board Comment – Ms. Kullar asked whether Board of Health approval is required. Mr. Maclean stated it is not.

Mr. Laporte asked the representative to pinpoint the location of the proposed addition on the plot plan. Mr. Maclean stated the red dot on the plan accurately depicts the proposed location of the addition.

Public Comment – None.

Ms. Kullar entertained a motion. **Mr. O'Brien moved, Mr. Keene seconded to close the public hearing.** The motion carried. 5-0-0.

**Mr. Keene moved, Ms. Brennan seconded to grant Special Permit #2019-SP17 Special Permit sought under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supportive Finding under Section 2300 that the alteration / addition of an existing single-family structure is not substantially more detrimental than the original structure to the neighborhood. Per the plans submitted August 30, 2019.** The motion carried. 5-0-0. Roll Call Vote – Harold Kalick – yes, Amy Kullar – yes, John O'Brien – yes, Kat Brennan – yes, and Wade Keene – yes.



**4. 3 Rainbow Circle**, A Variance #2019-V07 under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback (15 feet required) by 4 feet. Proposed garage addition would have a final setback of 11 feet. (Renewal of previous Variance # 2017-V17 granted on 6/21/2017)

*Materials – Petition for a Variance, Decision from June 21, 2017, Site Plan of Record, Architectural Plans, Narrative from Steven and Annie Para, and Letter of Support from Cheryl Archer.*

Brent and Taasha Taylor were present to discuss the request.

Ms. Kullar stated she is surprised to see the applicants before the board and questioned why the proposed project wasn't completed before the Variance that was previously granted expired. Mr. Taylor explained the cause for the delay surrounded the hiring of an architect.

Board Comment – Ms. Kullar asked if anything about the proposed project has changed. Mr. Taylor stated nothing has changed.

Ms. Kullar read the previous board's decision.

Public Comment – Abutters, Steven and Annie Para, expressed their support of the proposed structure; however, they urged the board to deny the applicants' request to keep the temporary storage unit on their property; which has been on the property for nearly a year. Ms. Kullar stated she was unaware of this request. Mr. Para explained that the abutter's notification states the applicant is also requesting to keep his temporary storage unit on the property until the proposed construction is complete.

Mr. Laporte explained, under the Town's bylaw, only temporary storage units are allowed on a residential property. He sent the property owners an enforcement letter asking them to remove their storage unit because the bylaw only allows 60 days for the unit to be stored on their property. The property owners requested they be allowed to keep the storage unit until the construction of the garage has been completed. Mr. Laporte explained only the Board of Appeals has the authority to grant that request. Ms. Kullar asked whether discussion concerning the storage unit is even allowed since the board hasn't seen the request. Mr. Laporte stated the request was received by the Building Department, it just wasn't included in their packages.

Abutter, Cheryl Archer, informed the board she has no objection to either the construction of the garage or allowing the storage unit to remain in place until the construction is completed.

A brief discussion transpired regarding how the project meets the criteria of a Variance.

After much debate over whether to allow the applicants to keep the storage unit on their property, it was decided to allow them until December 2, 2019 to remove it from their property.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Keene moved, Ms. Brennan seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion regarding the storage container. **Ms. Brennan moved, Mr. Keene seconded that the storage container must be removed by December 2, 2019.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion concerning the Variance. **Mr. O'Brien moved, Ms. Brennan seconded to grant the Variance #2019-V07 under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback (15 feet required) by 4 feet. The proposed garage addition will have a final setback of 11 feet per the Architectural Plans as submitted with the application.** The motion carried. 5-0-0.

**5. 230 Sandwich Road, Special Permit #18-08-40B** – Request to amend the Comprehensive Permit from 16 units to 20 units.

(Continued from September 18, 2019)

*Materials – Preliminary Subdivision Plans and Preliminary Drainage Reports.*

Jim Pavlik of Outback Engineering provided background on his personal experience and his firm's experience with designing residential subdivisions and 40B projects. He presented the proposed project and the changes being proposed. Mr. Pavlik described the proposed drainage and the proposed entrance into the subdivision; which he believes meets Mass DOT requirements.

Board Comment – Ms. Kullar stated she'd like to hear more about the site's access as this has been an area of concern in the past.

Ms. Brennan discussed the steepness of the site and expressed concern over flooding on the street below. Mr. Pavlik explained they are proposing to install catch basins to collect runoff. Also being proposed is a crown in the road which will direct stormwater runoff to the catch basins. A discussion regarding the proposed catch basins ensued.

Mr. Beyer opened a brief discussion regarding the individual septic systems being proposed.

Next, Mr. Pavlik discussed the proposed layout of the site and their intentions to provide a buffer and screening around the abutting school property. Ms. Kullar stated she would like to see dense screening be installed to separate all abutters. Mr. Laporte asked whether the proposed buffer will require deed restrictions be placed.

Mr. Pavlik discussed previous concerns over an existing access road to Bosun's Lane at the end of the development. Those concerns will be alleviated by the proposed hammerhead turnaround and the two homes being proposed in that location. A split-rail fence is also being proposed. Mr. Laporte suggested continuing the landscaped, no access buffer around the entire property.

Mr. Pine opened a brief discussion concerning a previously proposed stub road which would have allowed another access point. The property owner, Thomas Pappas, stated the proposed stub road was not permitted by Mass Highway.

Sean Scully, a resident of Port of Call, elaborated on the previously proposed stub road.

Mr. Pavlik discussed the proposed lot sizes and the number of affordable units that will be offered.

Ms. Kullar asked how long the representative will need to present all of the material. Attorney Hoyt stated they are hoping to return one additional time to address concerns and answer any additional questions.

Ms. Kullar made note that the previously proposed Community Building and pool have been eliminated under the revised plan.

Mr. Hoyt discussed the individual septic systems being proposed on each lot. Each will require its own Title V permit from the Board of Health.

Mr. Keene questioned the proposed size of each lot. Mr. Pavlik stated the average size of each lot will be approximately 7,000 – 8,000 square feet.

Ms. Kullar asked that an architectural plan be submitted. Mr. Kalick stated he would like to see Board of Health and Fire Department approval before any decision is rendered. He also questioned whether the Water Department has been contacted yet.

Mr. Kalick asked what the market rate will be per house. Mr. Pappas stated he is hoping to sell each unit at \$499,000 and under. Mr. Kalick asked who will be constructing the homes. Mr. Pappas stated he will be constructing the houses.

A brief discussion transpired regarding the construction timeline.

Mr. Hoyt acknowledged the board's concerns with designing a safe intersection at the entrance to the subdivision. Although he appreciates the board's input, he reminded the members that the design of the intersection falls under Mass DOT's purview and not the Zoning Board's.

Mr. Kallick feels that the applicant is presenting the proposed project to the Board of Appeals prematurely. A discussion ensued.

Ms. Kullar asked the applicant to provide the board with additional information as to why there is an increase in the number of units being proposed. Mr. Hoyt stated they are happy to return with additional details.

Public Comment - Sean Scully asked whether Town Counsel is reviewing the submissions. Ms. Kullar said they have special counsel assisting with the review. Mr. Scully suggested the board contact Jon Witten. Ms. Kullar stated that is who is assisting. Bob Dutch, Bourne resident and superintendent of the Upper Cape Technical Regional School, asked if the conditions that were required under the previous permit are still in effect. Ms. Kullar stated they are; however, the applicant is seeking to amend some of them. Mr. Dutch stated as of now, the school's primary concern is safety and traffic.

Mr. Dutch discussed the school's requirement to install a wastewater treatment facility to alleviate concerns that in the event of a system failure, the school's septic waste would run down the hill into the canal. He asked whether a similar requirement will be imposed on this project. Mr. Laporte explained that would be based on total gallonage produced. This proposed project will produce an estimate 6,600 gallons. Anything over 10,000 gallons requires a sewer treatment plant.

Mr. O'Brien stated some facilities with wastewater treatment plants that don't maximize their total gallonage often times allow other properties to tie into theirs and asked whether that might be an option for this project. Mr. Dutch indicated that would not be an option.

A brief discussion transpired regarding the existing access road to the Port of Call neighborhood.

Jim Mulvey opened a discussion regarding traffic and parking concerns, the need to involve Police, Fire and the DPW and the possibility of septic leaching into the proposed catch basins.

Mr. Laporte suggested the applicant meet with other town departments, i.e., Water, Fire, Board of Health, to obtain their approval of the proposed project prior to the next hearing.

Ms. Kullar discussed dates for a continuance. She also asked the applicant to clarify a trustee appointment and file it because there was a trustee resignation and no appointment was made.

With no further discussion, Ms. Kullar entertained a motion to continue the matter to November 6, 2019. **Mr. Keene moved, Ms. Brennan seconded to continue the matter to November 6, 2019.** The motion carried. 5-0-0.

**Old Business** – Ms. Kullar explained she is in communication with their legal counsel and Town Counsel regarding the Chase Estates submission. She will keep the members informed of any developments.

Mr. Beyer asked whether the board will render a decision prior to other town department's approval. Ms. Kullar stated any decision rendered will be subject to other department's approval. Mr. Kalick feels the Town should not spend additional money on legal fees until the other departments have reviewed and approved the plan as proposed. Mr. Laporte reiterated that he suggested the applicant obtain approval of the proposed project from other town departments prior to their next Board of Appeals hearing. Ms. Kullar stated she will be asking for opinions from all town departments that are impacted.

Mr. Kalick feels this project, if approved, will be an asset to the community.

Ms. Kullar provided the members with a 40B handbook and asked that they familiarize themselves with it.

Mr. Pine opened a brief discussion regarding Mass DOT's role in the project.

**New Business** – Ms. Brennan discussed the possibility of holding an Executive Session regarding the Chase Estates matter.

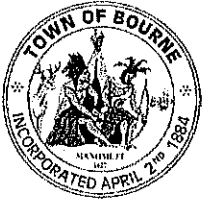
Ms. Brennan discussed the Housing Assistance Corporation's one day training which will address the shortage of affordable housing on Cape Cod. The event will be held at the Cape Codder Resort on November 15, 2019 from 8:30 AM-6 PM.

**Public Comment** – Mr. Mulvey asked how many units at the Chase Estates development will be affordable. Ms. Kullar stated five units will be classified as affordable.

### **III. Adjournment –**

**Mr. Kalick moved, Ms. Bryant seconded to adjourn the meeting.** The motion carried 5-0-0. The meeting adjourned at 9:03 PM.

Minutes Submitted by: Carol Mitchell



## TOWN OF BOURNE

### *Board of Appeals*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



#### MEETING NOTICE

Wednesday, October 16, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

#### AGENDA ITEMS

**I. Approval of meeting minutes**

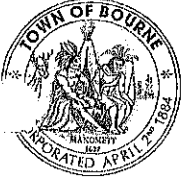
**II. 665 Scenic Highway, Revision of Bond, #04-23, Adjust bond amount required for site closure. (Continued from September 18, 2019)**

**Old Business**

**New Business**

**Public Comment**

RECEIVED  
OCT 16 2019  
TOWN OF BOURNE



# TOWN OF BOURNE

## *Appeals Board*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



### MEETING AGENDA

**DATE:** Wednesday, October 16, 2019  
**PLACE:** 665 Scenic Highway, Bourne, MA 02532  
**TIME:** 9:00am

On-site inspection with interested parties at Cape Cod Aggregates; 665 Scenic Highway.

**Further Directions:** Please make right hand turns into the pit. If coming from the Bourne Bridge, go by the entrance and turn around to safely enter the property making a right hand turn from the westbound lane. Cape Cod Aggregates strictly prohibit entering the pit from the eastbound lane.

RECEIVED  
TOWN OF BOURNE  
OCT 16 2019

# Town of Bourne Zoning Board of Appeals Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

October 16, 2019

RECORDED  
2019 DEC -9 AM 8:45  
TOWN OF BOURNE

## I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on October 16, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Associate Members, Deb Bryant and Jim Beyer.

**Members Excused** – Harold Kalick and Associate Member Chris Pine.

**Also Present:** Roger Laporte, Carol Mitchell, Paul Lorusso, Dave Peterson, Paul Gately and Ken Murphy.

*Amy Kullar will be writing the Decisions.*

## II. Agenda Items

**1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the October 2, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the October 2, 2019 meeting.** The motion carried. 5-0-0.

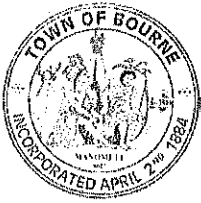
*Sitting on the hearing; Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Jim Beyer.*

**2. 665 Scenic Highway**, Revision of Bond, #04-23, Adjust bond amount required for site closure.

Materials: *Aerial Photographs.*

(Continued from September 18, 2019)

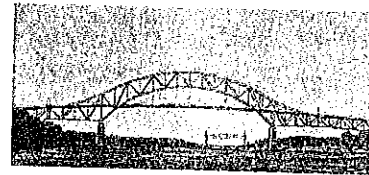




## TOWN OF BOURNE

### *Board of Appeals*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



#### MEETING NOTICE

Wednesday, November 6, 2019 at 6:30 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

#### AGENDA ITEMS

##### 6:30 p.m. Call to order in Open Session

- I. **Executive Session** Motion to enter into Executive Session with Attorney Troy to discuss strategy with respect to 10 Harbor Way Appeal 2017-A20. The Chairperson declares that such open meeting will have a detrimental effect on the litigating position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated.

*The Zoning Board of Appeals will reconvene in open session following the conclusion of the Executive Session approximately 7:00 pm.*

##### II. Approval of meeting minutes

- III. **10 Harbor Way Appeal 2017-A20** Remand to the Zoning Board of Appeals under M.G.L. Chapter 40A Section 8 and Section 17, and the Bourne Zoning Bylaws sections 1210, 2420, 2450, and 3100 for further action from the Barnstable County Land Court decision on Case No. 18MISC000113.

- IV. **230 Sandwich Rd, Special Permit # 18-08- 40B** Requesting to amend the Comprehensive Permit from 16 units to 20 units. **(Continued from October 2, 2019)**

##### V. Vote on Revised Kennel Application.

Old Business  
New Business  
Public Comment

2019 OCT 30 PM 06:30  
RECORDED  
TOWN OF BOURNE

RECEIVED



**TOWN OF BOURNE**

2019 OCT 17 AM 8:49 **Board of Appeals**

24 Perry Avenue

~~TOWN CLERK BOURNE~~ Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342



***Public Hearing Notice***

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**APPEAL:** Amendment to Comprehensive Permit No. 08-18

**APPLICANT:** Chase Developers, Inc. and Thomas C. Pappas, Trustee of 230 Sandwich Road Realty Trust

**LOCATION:** 230 Sandwich Rd, Bourne, MA; Map: 25.0 Parcel: 36.0

**PROPOSAL:** Requesting to amend the Comprehensive Permit from 16 units to 20 units.

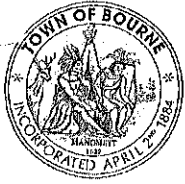
**DATE & TIME:** Wednesday November 6, 2019 at 7:00 p.m.

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

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECEIVED



**TOWN OF BOURNE**

2019 OCT 17 AM 8:49

**Board of Appeals**

24 Perry Avenue

~~TOWN CLERK BOURNE~~ Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342



***Public Hearing Notice***

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- APPEAL:** Remand of Building Inspector's Decision for #2017-A20
- APPLICANT:** Elizabeth Gillis Warden
- LOCATION:** 10 Harbor Way, Pocasset, MA  
MAP: 45 PARCEL: 19
- PROPOSAL:** Remand to the Zoning Board of Appeals under M.G.L. Chapter 40A Section 8 and Section 17, and the Bourne Zoning Bylaws sections 1210, 2420, 2450, and 3100 for further action from the Barnstable County Land Court decision on Case No. 18MISC000113.
- DATE & TIME:** Wednesday, November 6, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:

October 23, 2019

October 30, 2019

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

November 6, 2019

RECEIVED  
2019 DEC -9 AM 8:45  
TOWN CLERK BOURNE

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on November 6, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Associate Members, Deb Bryant and Jim Beyer.

**Members Excused**— Harold Kalick and Associate Member Chris Pine.

**Also Present:** Roger Laporte, Ken Murphy, Carol Mitchell, Zachary Basinski, Tina Malloy, Stan Budrick, Newman Flanagan, Jonathan Fitch, Colin Gillis, Christina Stevens, Jacques Lapointe, Jonathan Bowden, Roger Forget, Sean Scully, Mathew Grosschedl, Drew Hoyt, Robert Dutch and Thomas Pappas.

*Amy Kullar will be writing the Decisions.*

**II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to defer approving the minutes of the October 16, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to defer approving the minutes of the October 16, 2019 meeting.** The motion carried. 5-0-0.

*Sitting on the hearing; Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Deb Bryant.*

**2. 10 Harbor Way**, Appeal 2017-A20, Remand to the Zoning Board of Appeals under M.G.L., Chapter 40A, Section 8 and Section 17, and the Bourne Zoning Bylaws, Sections

1210, 2420, 2450 and 3100 for further action from the Barnstable County Land Court decision on Case No. 18MISC000113.

*Materials: Email from Elizabeth Gillis, Public Hearing Notice and Formal Letter Request from Elizabeth Gillis.*

Zach Basinski of Bracken Engineering addressed the members and briefly explained why he is back before the board.

Ms. Kullar explained that the only matter before the board that evening is whether to accept the decision of the Land Court. All other matters regarding the issuance of a permit for building will be referred to the building inspector.

Ms. Kullar stated the members will not be litigating any matters heard in prior hearings but will allow public input.

Public Comment – Attorney Fitch stated the Land Court’s decision regarding the merger of the two lots has been answered. However, the question of the building inspector’s denial of issuing a building permit for other reasons remains unanswered. He feels it is appropriate for the Board to consider this matter because the denial may still be correct but not for the reason of merger.

Mr. Laporte explained his position on the matter and the reasons why the issuance of the permit was denied and that the Board may only appeal a decision that pertains to zoning. The zoning part of the decision pertained to the road. The court disagreed with that decision, so the previous argument regarding the road has been settled. The other building code issues are outside of the Zoning Board’s purview.

Ms. Kullar reiterated the Board’s decision that all other matters will be referred to the building inspector. Attorney Fitch also accepted the decision of the court but disagreed with the chair’s decision as he feels the other issues involved are covered in the Zoning Bylaw and are appropriate to be heard by the Board. He asked that his opinion be incorporated in the Decision. Ms. Kullar agreed.

Board Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O’Brien moved, Ms. Brennan seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion that the Board accept the decision of the court and refer any further matters on this issue and the issuance of a permit to the building inspector. **Mr. O’Brien moved to accept the ruling of the court in the matter pertaining to 10 Harbor Way, Appeal 2017-A20, and that the Board refer any further matters on**

**this issue and the issuance of a building permit to the building inspector. Ms. Bryant seconded.** The motion carried. 5-0-0. Roll Call Vote: Mr. Keene – Yes, Ms. Brennan – Yes, Ms. Kullar – Yes, Ms. Bryant – Yes and Mr. O'Brien – Yes.

**3. 230 Sandwich Road, Special Permit #18-08-40B** – Request to amend the Comprehensive Permit from 16 units to 20 units.

*Materials: Public Hearing notice, Revised Plan, Layout of Fire Department turning motions, Water District Correspondence and Comments from the Bourne town planner.*

**(Continued from October 2, 2019)**

Attorney Hoyt and Mathew Grosschedl of Outback Engineering was present to discuss the proposal. Ms. Kullar asked whether the representative has received input from other town departments. Attorney Hoyt stated they've received comments from several entities. He discussed some of their feedback and the changes that have been made in response to them.

Ms. Kullar explained she met with the town planner earlier that day and has current comments that she'll share with the representative. Ms. Kullar also stated within the next two weeks, the Board will be entering into Executive Session with Town Counsel to hear the opinion of the special counsel.

Mr. Laporte asked whether any changes have been made to the plan since they were last before the Board. Mr. Grosschedl stated changes have been made based on the Board's feedback. Mr. Hoyt added some of the changes relate to relocating the infiltration structures. Mr. Laporte asked the representative to point out the revisions during his presentation.

Mr. Grosschedl discussed the revisions made to the plan; i.e., the addition of a stockade fence along the bottom property line, changes made to the drainage layout, relocation of infiltration basins and addition of an access lane, based on MassDOT feedback.

Mr. Laporte asked whether the representatives have been before the Fire Department with regard to the hammerhead driveway. Mr. Grosschedl stated they have received feedback from the fire chief and have revised the plan accordingly.

Mr. Laporte asked that the feedback received from MassDOT be submitted for the Board to review. Mr. Grosschedl agreed.

Board Comment – Mr. Beyer asked for clarification of the revisions made to the plan based on fire department feedback. Mr. Grosschedl elaborated.

Ms. Kullar discussed the comments she received from the town planner, Ms. Moore. She said Ms. Moore isn't happy with the umbrella waivers that are stated on the plans. She feels they are too broad. Ms. Moore would also like to see a proforma, she would like to see a design of the proposed homes. Ms. Moore would like the applicant to consider how the affordable homeowners will afford HOA fees if a Homeowner's Association is established and how they'll afford maintaining the septic systems at the affordable units. She is also expressed concern over the lack of space in the development for children to play outside. She also asked which units will be deemed affordable, the height of the proposed retaining walls and would like a written response from the DPW regarding trash removal.

Ms. Kullar stated the board would like to receive a response to Ms. Moore's comments within thirty days. Ms. Moore asked that she be given at least ten business days to review the submission prior to making any comments.

Board Comment – Mr. Beyer feels the plan provides many of the details the town planner is asking for. He suggested the representative submit an architectural rendering, which will illustrate the way the structures will look after they've been completed.

Ms. Kullar asked the representative whether he had received correspondence from the Water District. She stated there is an outstanding balance owed to the Water District on this property. A discussion ensued.

Attorney Hoyt discussed the informal comment received from MassDOT. He will submit the preliminary plan for the curb cut with an invitation for comment from town departments directly to MassDOT regarding the intersection to be considered in their permitting process.

Mr. Laporte asked at what point the state road construction will occur. He asked that the applicant submit a time frame for that construction to the Board in writing in case they have input.

Attorney Hoyt would like to receive input from the Planning Board before they incur additional expense revising the plan again. Ms. Kullar said she understands and anticipates the Board will meet with Town Counsel within the next few weeks and will share pertinent information with the representative.

Mr. Keene asked whether the applicant went forward with the permitting process of the state road construction with MassDOT since they were previously approved for a 40B project. Attorney Hoyt stated no, because the original project was not economically feasible. Ms. Kullar said she is confused as to why the curb cut hasn't been done yet since they've had a Building Permit for years.

Ms. Kullar questioned whether construction will begin in the spring if the project is approved in December. Attorney Hoyt stated he will be prepared to answer the board's questions at the next meeting.

Ms. Brennan asked whether the Board can condition the start of construction. Ms. Kullar said she doesn't think that is permissible under a 40B project.

Mr. O'Brien commented on the amount of time it is taking DOT to finalize their report for the new police station being constructed and thinks this project could face a similar challenge. Mr. Hoyt remains optimistic that DOT's final report for this project will be quick since their preliminary report had minimal comments and the initial application was approved; this is simply an amendment to what was previously approved.

Mr. O'Brien asked whether the timetable is realistic since input from many of the town departments and special counsel is still needed. Ms. Kullar is hoping feedback from special counsel will be heard within the next several weeks.

Mr. O'Brien asked why the town planner is communicating with the chair rather than the applicant directly. Mr. Laporte explained under 40B, the town planner is required to communicate with the board of appeals directly. Ms. Kullar stated she will forward the town planner's full comments on the revised plan to everyone once she receives them.

Attorney Hoyt expressed skepticism over the pending feedback from the town's special counsel. He briefly discussed a prior appeal that was made to the Housing Appeals Committee when the applicant's amended plan to increase the number of previously approved units from sixteen to thirty-two was deemed a substantial change by the building inspector and upheld by the board of appeals.

Mr. Beyer thinks the most direct thing the board can do is provide the applicant with a unified set of comments from all town departments. He suggested the applicant wait for the comments, review them with the board and then revise the plan accordingly.

Public Comment – Sean Scully asked what the next steps will be. Mr. Laporte explained they will try to obtain comments from all departments and will meet with town counsel in Executive Session prior to the next presentation.

Mr. Scully asked where the proposed stockade fencing will be located. Mr. Grosschedl pinpointed the proposed location on the plan.

Mr. Keene asked what material the proposed fence will be. Mr. Pappas stated it will be wood.



Mr. Scully expressed concern that the road located at the rear of the property will continue to be used at a cut through to Port of Call. He asked that similar conditions be placed on this proposal as were placed on the previously approved project.

Ms. Brennan voiced concern over the amount of money the town has spent on legal costs associated with this project.

Robert Dutch asked whether the water will require a loop. Mr. Laporte stated he is unsure because that is a question for the Water Department. A discussion ensued.

Mr. Dutch opened a brief discussion regarding the proposed septic systems, erosion control methods and Ms. Moore's feedback regarding the proposed road's steep slope and grade of the property.

With no further discussion, Ms. Kullar entertained a motion to continue the matter. **Mr. O'Brien moved, Ms. Brennan seconded to continue the matter to December 4, 2019.** The motion carried. 5-0-0.

**4. Vote on Revised Kennel Application** – Prior to this meeting, Ms. Kullar sent an email to all members with suggested modifications to the existing Kennel Application. It was brought to the town clerk's attention by the Department of Natural Resources that the town currently does not have a requirement of an Animal Control Officer Report as submitted material; which is required in the bylaw. Therefore, it must be added to the application.

Board Comment – Mr. Keene asked whether future applications will contain this report. Ms. Kullar stated yes, an Animal Control Officer Report will be required to be submitted with a Kennel Application and the revised application will call for it.

Ms. Kullar entertained a motion to adopt the revised Kennel Application. **Ms. Bryant moved, Mr. Keene seconded to adopt the revised Kennel Application.** The motion carried. 5-0-0.

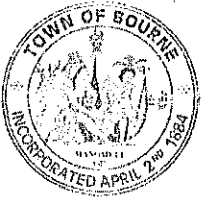
**Old Business** – Mr. Laporte stated he and Ken Murphy performed a site visit at Cape Cod Aggregates. He discussed the restoration progress being made.

**New Business** – None.

**Public Comment** – None.

### III. Adjournment –

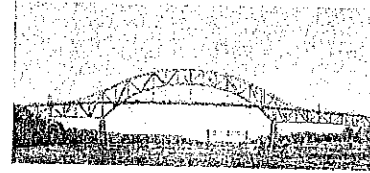
**Ms. Brennan moved, Mr. O'Brien seconded to adjourn the meeting.** The motion carried 5-0-0. The meeting adjourned at 8:03 PM.



# TOWN OF BOURNE

## Board of Appeals

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



MEETING NOTICE  
Wednesday, November 20, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

RECEIVED  
2019 NOV 15 AM 10:02  
TOWN OF BOURNE

### AGENDA ITEMS

- I. Approval of meeting minutes
- II. 4-6 MacArthur Blvd - Extension of Variance #V21-2016 Requesting an extension of a variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 10 to permit the construction of a convenience store more than thirty-five (35') feet in height for a post-construction height of thirty-eight and one half (38.5') feet.
- III. 39C Quahog Alley, Hideaway Village, Special Permit # 2019-SP20 Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the replacement of an existing deck and construction of an addition to the existing deck with new slider is not more detrimental than the pre-existing nonconforming structure.
- IV. 24S Bog View Drive, Special Permit #2019-SP21, Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the removal of existing deck and stairs and the construction of an deck with landing and stairs is not more detrimental than the pre-existing nonconforming structure
- V. 8 Cliff Rd, Variance #2019-V18 under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback. Proposed 2 car carport 20'x30' would have a final setback of 16.2 feet from Tower Rd.
- VI. 55 Rip Van Winkle Appeal #2019-A19 the applicant is appealing the decision of the Building Inspector on the definition of "structure", on a variance form.

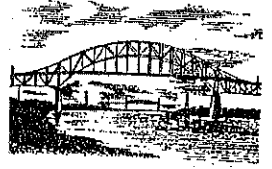
Old Business  
New Business  
Public Comment



RECEIVED

2019 NOV -6 PM 3:47  
**TOWN OF BOURNE**  
*Board of Appeals*

**TOWN CLERK BOURNE** 24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0615 1342



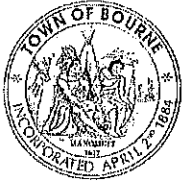
### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- APPEAL:** Special Permit 2019-SP20: Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit.
- APPLICANT:** Kevin E. Gould
- LOCATION:** 39C Quahog Alley, Hideaway Village, Buzzards Bay, MA 02532  
MAP: 14 PARCEL: 49,72
- PROPOSAL:** Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the replacement of an existing deck and construction of an addition to the existing deck with new slider is not more detrimental than the pre-existing nonconforming structure.
- DATE & TIME:** Wednesday, November 20, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

The Enterprise Publishing dates:  
November 8, 2019  
November 15, 2019

You are invited to be present.  
Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



RECEIVED

**TOWN OF BOURNE**

2019 NOV -6 PM 3:46

**Board of Appeals**

TOWN CLERK BOURNE

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342

**Public Hearing Notice**



A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** A variance (#2019-V17) under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw Section 2500 to exceed side setback. Proposed 2 car carport 20'x30' would have a final setback of 16.2 feet from Tower Rd.
- APPLICANT:** Richard Gulio Nardini
- LOCATION:** 8 Cliff Rd, Bourne, MA 02532 (Map: 31.3 Parcel: 33)
- DATE & TIME:** Wednesday, November 20, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

The Enterprise publishing dates:  
November 8, 2019  
November 15, 2019

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RECEIVED

## TOWN OF BOURNE

2019 NOV -6 PM 3:46

**Board of Appeals**

TOWN CLERK BOURNE

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0615 1342



### *Public Hearing Notice*

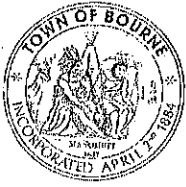
A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- APPEAL:** Special Permit 2019-SP21: Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit.
- APPLICANT:** Russell Fantoni
- LOCATION:** 24S Bog View Drive, Hideaway Village, Buzzards Bay, MA 02532  
MAP14 PARCEL: 48.94
- PROPOSAL:** Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the removal of existing deck and stairs and the construction of an deck with landing and stairs is not more detrimental than the pre-existing nonconforming structure.
- DATE & TIME:** Wednesday, November 20, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

The Enterprise publishing dates:  
November 8, 2019  
November 15, 2019

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



RECEIVED

2019 NOV -6 PM 3:47

# TOWN OF BOURNE

## Board of Appeals

TOWN CLERK BOURNE

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1512

Fax: (508) 759-0611



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** Extension of Variance 2016-V21: Maximum building height requirements
- APPLICANT:** Cumberland Farms, Inc./Mashnee Village, Inc.
- LOCATION:** 4 & 6 MacArthur Blvd, Bourne, MA  
MAP: 24.0 PARCEL: 19 & 22
- PROPOSAL:** Requesting an extension of a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec. 10 to permit the construction of a convenience store more than thirty-five (35') feet in height for a post-construction height of thirty-eight and one half (38.5') feet.
- DATE & TIME:** Wednesday, November 20, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

The Enterprise publishing dates:  
November 8, 2019  
November 15, 2019

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



RECEIVED

**TOWN OF BOURNE**

2019 NOV -6 PM 3:47 *Board of Appeals*

TOWN CLERK BOURNE

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342



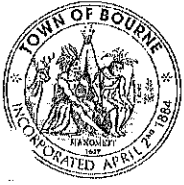
***Public Hearing Notice***

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** Appeal of Building Inspector's Decision 2019-A18.
- APPLICANT:** Kenneth Andrea
- LOCATION:** 55 Rip Van Winkle Way  
MAP: 19.3 PARCEL: 48
- PROPOSAL:** The applicant is appealing the decision of the Building Inspector on the definition of "structure", on a variance form.
- DATE & TIME:** Wednesday, November 20, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

The Enterprise publishing dates:  
November 8, 2019  
November 15, 2019

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



### MEETING AGENDA

**DATE:** Tuesday November 26, 2019

**PLACE:** Lower Conference Room, Bourne Town Hall, 24 Perry Ave., Buzzards Bay

**TIME:** 5:00PM

5:00PM – Call public session to order in open session.

Motion to go into executive Session to discuss strategy with respect to 230 Sandwich Road (Chase Estates), Special Permit # 18-08- 40B Requesting to amend the Comprehensive Permit from 16 units to 20 units. The Chairperson has declared that an open meeting may have a detrimental effect on the litigation position of the Town.

The Board will reconvene in open session.

RECEIVED  
2019 NOV 21 AM 10:41  
TOWN OF BOURNE



**Town of Bourne Zoning Board of Appeals  
Executive Session  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

November 26, 2019

2019 FEB -3 AM 8:48  
TOWN OF BOURNE  
RECORDED

**I. Call to order**

Vice Chair John O'Brien called to order the meeting of the Zoning Board of Appeals at 5:30 PM on November 26, 2019.

**Members Present:** John O'Brien and Associate Members Deb Bryant, Jim Beyer and Chris Pine.

**Members Excused:** Amy Kullar, Harold Kalick, Wade Keene and Kat Brennan.

**Also Present:** Attorney Robert Troy, Roger Laporte (5:40 PM) and Carol Mitchell.

Vice Chair O'Brien entertained a motion to enter into Executive Session to discuss strategy with respect to 230 Sandwich Road (Chase Estates) Special Permit #18-08-40B. Requesting to amend the Comprehensive Permit from 16 units to 20 units. The Chairperson declares that such open meeting will have a detrimental effect on the litigating position of the Town.

**Ms. Bryant moved to enter into Executive Session. Mr. Pine seconded.** The motion carried. 4-0-0. Roll Call Vote: Ms. Bryant – Yes, Mr. O'Brien – Yes, Mr. Beyer – Yes, Mr. Pine – Yes.

The board will reconvene in Open Session following the conclusion of the Executive Session.

Attorney Troy provided background on John Witten, a 40B expert who was hired as a consultant to conduct a peer review of the proposed project. Attorney Troy was upfront with the fact that Mr. Witten is not a proponent of 40B projects.

Attorney Troy said it is Mr. Witten's opinion that this particular parcel is not suitable for a subdivision because of the layout of the proposal. Mr. Witten had an engineering analysis performed and because of the length and grade of the proposed roadway, there isn't sufficient room for an internal turnaround. Also, inclement weather will cause

Vice Chair O'Brien entertained a motion to adjourn. **Ms. Bryant moved, Mr. Beyer seconded to adjourn to Open Session.** The motion carried. 4-0-0.

The meeting adjourned at 5:56 PM.

Minutes submitted by: Carol Mitchell



RECEIVED

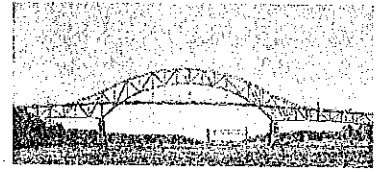
**TOWN OF BOURNE**

2019 NOV 27 AM 11:12

*Board of Appeals*

TOWN CLERK BOURNE

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1512



**MEETING NOTICE**

Wednesday, December 4, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

**AGENDA ITEMS**

**I. Approval of meeting minutes**

**II. 54 Valley Farm Road, A Special Permit (#2019-SP22)** under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2320 to raze and rebuild a pre-existing, non-conforming structure.

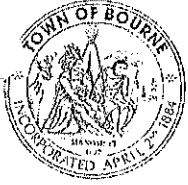
**III. 206 Phillips Road, A variance (#2019-V23)** under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw from section 2453/2456 to demo the existing structure and replace with new single-family structure requesting a variance of 4.6% in gross floor area.

**IV. 230 Sandwich Rd, Special Permit (#18-08-40B)** Requesting to amend the Comprehensive Permit from 16 units to 20 units. **(Continued from November 6, 2019)**

**Old Business**

**New Business**

**Public Comment**



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342

### *Public Hearing Notice*



A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** A variance (#2019-V23) under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw from section 2453/2456 to demo the existing structure and replace with new single-family structure requesting a variance of 4.6% in gross floor area.
- APPLICANT:** Michael Hilsinger, ConservGroup, Inc.
- LOCATION:** 206 Phillips Rd, MA (Map: 7.2 Parcel: 58)
- DATE & TIME:** Wednesday, December 4, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

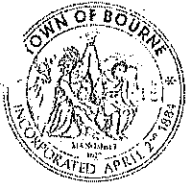
RECORDED  
2019 NOV 13 PM 4:18  
TOWN OF BOURNE

Bourne Courier publishing dates:

November 13, 2019

November 20, 2019

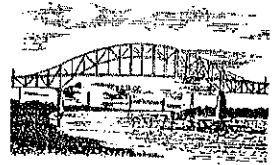
You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1342



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit #2019-SP22 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2320 to raze and rebuild a pre-existing, non-conforming structure.

**APPLICANT:** Jeffrey B. Shelkey

**LOCATION:** 54 Valley Bars Road (Map:44.0 Parcel:32)

**DATE & TIME:** Wednesday, December 4, 2019 at 7:00pm

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

Bourne Courier publishing dates:

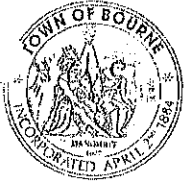
November 13, 2019

November 20, 2019

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

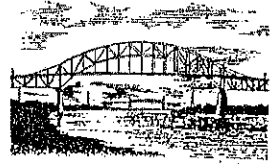
2019 NOV 13 PM 4:17  
TOWN OF BOURNE  
RECEIVED



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1342



### *Revised Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit #2019-SP22 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2320 to raze and rebuild a pre-existing, non-conforming structure.

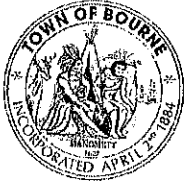
**APPLICANT:** Jeffrey B. Shelkey  
**LOCATION:** 54 Valley Farm Road (Map:44.0 Parcel:32)  
**DATE & TIME:** Wednesday, December 4, 2019 at 7:00pm  
**PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

RECEIVED  
2019 NOV 19 PM 4:28  
TOWN OF BOURNE

Bourne Courier publishing dates:  
November 13, 2019  
November 20, 2019

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



**TOWN OF BOURNE**  
**Board of Appeals**  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1342



***Revised Public Hearing Notice***

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit #2019-SP22 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2320 to raze and rebuild a pre-existing, non-conforming structure.

**APPLICANT:** Jeffrey B. Shelkey

**LOCATION:** 54 Valley Farm Road (Map:44.0 Parcel:32)

**DATE & TIME:** Wednesday, December 4, 2019 at 7:00pm

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

Bourne Courier publishing dates:

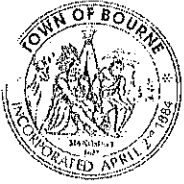
November 20, 2019

November 27, 2019

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

2019 NOV 14 AM 8:51  
TOWN OF BOURNE  
RECEIVED



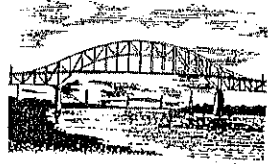
## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342



### *Revised Public Hearing Notice*

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**REQUEST:** A variance (#2019-V23) under M.G.L., Ch. 40A, Sec. 10, from the Bourne Zoning Bylaw from section 2453/2456 to demo the existing structure and replace with new single-family structure requesting a variance of 4.6% in gross floor area.

**APPLICANT:** Michael Hilsinger, ConservGroup, Inc.

**LOCATION:** 206 Phillips Rd, MA (Map: 7.2 Parcel: 58)

**DATE & TIME:** Wednesday, December 4, 2019 at 7:00 p.m.

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

2019 NOV 14 AM 8:53  
TOWN OF BOURNE  
CLERK

Bourne Courier publishing dates:

November 20, 2019

November 27, 2019

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.



RECEIVED

2020 MAR -3 AM 6:28

TOWN CLERK BOURNE

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

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

December 4, 2019

## **I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on December 4, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Associate Members, Deb Bryant and Jim Beyer.

**Members Excused** – Harold Kalick and Associate Member Chris Pine.

**Also Present:** Roger Laporte, Ken Murphy, Carol Mitchell, Zachary Basinski, Robert Dewar, Michael Hilsinger, Debbie Craig, Jim Craig, John Alden, Jeffrey Shelkey, Nolan LeRoy, Sean Scully, Drew Hoyt, Robert Dutch and Thomas Pappas.

*Amy Kullar will be writing the Decisions.*

## **II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to approve the minutes of the November 6, 2019 meeting. **Mr. Keene moved, Ms. Brennan seconded to approve the minutes of the November 6, 2019 meeting.** The motion carried. 6-0-0.

*Sitting on the hearing: Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Jim Beyer.*

**2. 54 Valley Farm Rd,** A Special Permit (#2019-SP22) under M.G.L., Chapter 40A, Section 9 and Section 1330 of the Bourne Zoning Bylaw and a Supportive Finding under Section 2320 to raze and rebuild a pre-existing, non-conforming structure.

*Materials: Application for Special Permit, Site Plan, Site Photographs, Project Narrative, Blank GFA Calculation Worksheet and Directions to the Property.*

Zach Basinski of Bracken Engineering described the existing conditions and discussed the proposed project.

Board Comment – Ms. Kullar asked why the existing structure can't be modified. Mr. Basinski explained the existing structure was built in the 1920s.

Ms. Brennan asked what the structure is used for. Mr. Basinski stated it's used as a guest cottage. She asked if anyone stays in the cottage. Mr. Basinski said the cottage is used by the property owner's family.

Ms. Kullar asked whether the property is used year round. Mr. Basinski stated not currently.

Ms. Brennan asked whether the road is public or private. Mr. Basinski replied the road is private. Ms. Brennan asked who maintains the road. The property owner informed the representative that they maintain the road themselves.

Ms. Kullar asked whether the proposed project has been before the Board of Health. Mr. Basinski informed the members the project has been before the Board of Health and no Variances are required for this project.

Ms. Kullar asked what the size of the septic will be. Mr. Basinski stated it will be a 4-bedroom septic system.

Mr. Keene asked whether the proposed system will be a denitrification system. Mr. Basinski said it will be a conventional septic system. A brief discussion ensued.

A discussion transpired regarding the abandonment of use regulations under the Zoning bylaw.

Ms. Kullar asked why the Gross Floor Area calculation sheet is incomplete because the town planner is required to sign off on it. Mr. Basinski and Mr. Laporte explained that the lot is a conforming lot, not a non-conforming lot so this project only has to meet the table requirements. He referred to Section 2500 of the bylaw stating this project falls well below the requirements of the Intensity of Use Schedule.

Mr. Keene asked for a set of building plans. Mr. Basinski supplied the members with plans.

Mr. Beyer opened a discussion regarding the occupants of the property.

Mr. O'Brien questioned whether the loft could be categorized as a bedroom. Mr. Basinski explained the loft doesn't meet the requirements of a bedroom under Title 5 because there isn't privacy. A discussion ensued.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O'Brien moved, Mr. Keene seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion **Mr. O'Brien moved, Mr. Beyer seconded to grant Special Permit 2019-SP22 under M.G.L., Chapter 40A, Section 9 and Section 1330 of the Bourne Zoning Bylaw and a Supportive Finding under Section 2320 at 54 Valley Farm Road, to raze and rebuild a pre-existing, non-conforming structure per the plans and specifications submitted on 10/21/19.** The motion carried. 5-0-0. Roll Call Vote: Mr. Keene – Yes, Ms. Brennan – Yes, Ms. Kullar – Yes, Mr. Beyer – Yes and Mr. O'Brien – Yes.

*Sitting on the hearing; Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Deb Bryant.*

**3. 206 Phillips Rd, A Variance (#2019-V23) under M.G.L., Chapter 40A, Section 10 and Sections 2453 / 2456 of the Bourne Zoning Bylaw to demo the existing structure and replace with a new single-family structure requesting a Variance of 4.6% in Gross Floor Area.**

*Materials: Petition of Variance, Zoning Map, Site Photographs, Site Plan of Record, Abutters Letters of Approval, Directions to the Property and Gross Floor Area Calculation Worksheet.*

Mike Hilsinger of ConServ Group discussed the uniqueness of the lot, the lot size and the design of the proposed structure. He stated the project has already been approved by the Conservation Commission and the Board of Health.

Board Comment – Mr. Keene asked if the property is located within the Flood Zone. Mr. Hilsinger stated it is located within the AE Flood Zone and will have to be elevated.

Mr. O'Brien asked whether a Variance from the Town of Sandwich is also requires since the property straddles both towns. Mr. Hilsinger said no because the entire structure will be located within the Town of Bourne. However, he did present the project to the Sandwich Conservation Commission and was approved.

Ms. Kullar acknowledged the lot is unique and asked the representative to discuss what substantial hardship the property owners will face if the Variance request is denied. Mr. Hilsinger discussed the costs associated with having to redesign the entire project; i.e.

Ms. Kullar reminded the representative that a financial hardship does not meet the criteria of a Variance. Mr. Hilsinger explained that the property owners have to downsize considerably and if the house has to be redesigned, they will have even less square footage of living space.

Ms. Kullar asked how the board could grant the desired relief without substantial detriment to the public good. Mr. Hilsinger stated the new design falls in line with the other homes in the neighborhood. It will also allow the property owners to live year round in the town.

Mr. Keene opened a brief discussion regarding the existing structure's square footage. It was decided that a Variance isn't needed for this project; only a Special Permit is needed.

Public – None.

Ms. Kullar entertained a motion to close the public hearing. **Ms. Brennan moved, Mr. Keene seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. Keene moved, Ms. Brennan seconded to grant Special Permit SP-23 under M.G.L., Chapter 40A, Section 10 and Sections 2453 / 2456 of the Bourne Zoning Bylaw to demo the existing structure and replace it with a new single-family structure requesting a departure of 4.6% in Gross Floor Area per the plans and specifications submitted.** The motion carried. 5-0-0. Roll Call Vote: Mr. Keene – Yes, Ms. Brennan – Yes, Ms. Kullar – Yes, Ms. Bryant – Yes and Mr. O'Brien – Yes.

*Sitting on the hearing; Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Deb Bryant.*

**4. 230 Sandwich Road, Special Permit #18-08-40B** – Request to amend the Comprehensive Permit from 16 units to 20 units.

**(Continued from November 6, 2019)**

Ms. Kullar explained the board received feedback from their special counsel. The advice that he gave and they follow is to request a peer review of the project pursuant to M.G.L. Section 44, Ch. 33 (g).

Mr. Hoyt asked what topics should be covered under the review. Ms. Kullar said the slope, the grade, traffic issues and the concerns raised by the Board of Health should all be resolved before the Comprehensive Permit can be modified. Attorney Hoyt asked the chair to submit the details in writing to him.

Ms. Kullar provided the representative with the name of a consultant who the special counsel recommended.

Attorney Hoyt stated he did not receive the concerns raised by the Board of Health. Ms. Kullar informed him a Memorandum was sent to him on October 18, 2019. Attorney Hoyt said he will check with his consultant to see if it was received.

Mr. Pappas voiced his opposition of the peer review request. Ms. Kullar said she would not ask the applicant commit to the peer review that evening. Attorney Hoyt repeated his request that the details surrounding the peer review be put in writing. A discussion ensued.

*Mr. Pappas exited the meeting.*

Mr. Laporte suggested the representative appear before the Board of Health and the Water District to address their concerns.

Ms. Kullar stated she will contact Town Counsel to ask that the details surrounding the peer review be submitted in writing to the representative.

A brief discussion transpired regarding available dates to continue the matter to.

Mr. Laporte suggested the representative submit all information he's received from the various town departments about the project.

Public Comment – None.

Attorney Hoyt wrote a request of continuance and submitted it to the chair.

Ms. Kullar entertained a motion to continue the matter to February 5, 2019. **Mr. O'Brien moved, Ms. Brennan seconded to continue the matter to February 5, 2020.** The motion carried. 5-0-0.

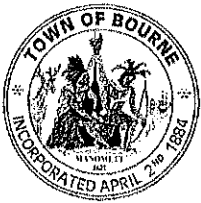
**Old Business** – None.

**New Business** – None.

**Public Comment** – None.

### **III. Adjournment –**

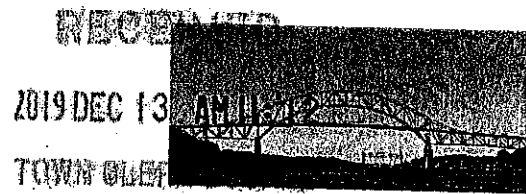
**Mr. O'Brien moved, Ms. Bryant seconded to adjourn the meeting.** The motion carried 6-0-0. The meeting adjourned at 7:50 PM.



## TOWN OF BOURNE

### *Board of Appeals*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1342



#### MEETING NOTICE

Wednesday, December 18, 2019 at 7:00 PM  
Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay

#### AGENDA ITEMS

##### **I. Approval of meeting minutes**

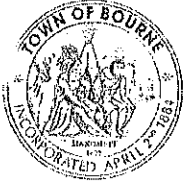
**II. 26 Shore Rd, A Special Permit (#2019-SP24)** under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 4120-4123 to construct an accessory dwelling consisting of a 2 car garage with 2 bedroom in-law apartment above.

**III. 9 Captains Row, A Special Permit (#2019-SP25)** under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2320 to raze and rebuild a pre-existing, non-conforming structure.

**Old Business**

**New Business**

**Public Comment**



## TOWN OF BOURNE

### *Board of Appeals*

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ext. 1342



### *Public Hearing Notice*

A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

**REQUEST:** A Special Permit #2019-SP25 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Section 1330 and a Supporting Finding under section 2320 to raze and rebuild a pre-existing, non-conforming structure.

**APPLICANT:** David R. McLean, Architect/Agent for Marjory Baruch & Wu-Teh Hsiang

**LOCATION:** 9 Captains Row, Mashnee Village (Map: 29.4 Parcel: 18)

**DATE & TIME:** Wednesday December 18, 2019 at 7:00pm

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

Bourne Courier publishing dates:  
December 4, 2019  
December 11, 2019

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

RECEIVED  
2019 NOV 27 AM 9:59  
TOWN CLERK BOURNE



## TOWN OF BOURNE

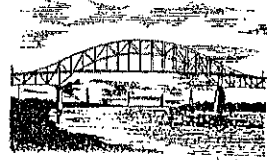
### *Board of Appeals*

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600 ext. 1342

### *Public Hearing Notice*



A list of abutters is on file in the office of the Board of Appeals, Bourne Town Hall, Buzzards Bay, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

- REQUEST:** A Special Permit (#2019-SP24) under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 4120-4123 to construct an accessory dwelling consisting of a 2 car garage with 2 bedroom in-law apartment above.
- APPLICANT:** Heather and Christopher Smith
- LOCATION:** 26 Shore Road, Bourne, MA 02532 (Map: 24.3 Parcel: 95)
- DATE & TIME:** Wednesday, December 18, 2019 at 7:00 p.m.
- PLACE:** Bourne Town Hall, Lower Conference Room  
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:  
December 4, 2019  
December 11, 2019

RECEIVED  
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RECEIVED

2020 MAR -3 AM 6:30

TOWN CLERK BOURNE

**Town of Bourne Zoning Board of Appeals  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

December 18, 2019

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on December 18, 2019. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

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

**Members Present:** Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Associate Members, Deb Bryant and Jim Beyer.

**Members Excused** -- Harold Kalick and Associate Member Chris Pine.

**Also Present:** Ken Murphy, Carol Mitchell, Karin Callis, Heather Smith, Frank Westgate, David McLean and Dharshini Joseph.

*Amy Kullar will be writing the Decisions.*

**II. Agenda Items**

**1. Approval of Minutes** – Ms. Kullar entertained a motion to defer approving the minutes of the November 20, 2019 meeting until January 15, 2020. **Mr. Keene moved, Ms. Bryant seconded to defer approving the minutes of the November 20, 2019 meeting until January 15, 2020.** The motion carried. 6-0-0.

*Sitting on the hearing; Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Deb Bryant.*

**2. 26 Shore Rd, A Special Permit (#2019-SP24) under M.G.L., Chapter 40A, Section 9 and Sections 4120-4123 of the Bourne Zoning Bylaw to construct an accessory dwelling consisting of a 2 car garage with a 2 bedroom in-law apartment above.**

*Materials: Special Permit Application, Revised Site Plan, Original Site Plan, Correspondence from Bourne Conservation Commission, Directions to the Property.*

Frank Westgate discussed the proposed project and the revisions that were made to the original plan.

Ms. Kullar asked the representative to describe the breezeway and the type of living space it will encompass. Mr. Westgate described the proposed two-bedroom addition.

Ms. Kullar asked why two bedrooms are being proposed when only one person will be residing in the accessory dwelling. Karin Callis explained she will reside in the accessory dwelling. One bedroom will be hers, the other will be a spare bedroom used by guests visiting her.

Board Comment – Ms. Brennan asked if the accessory dwelling will consist of only bedrooms. The property owner, Heather Smith, said a kitchen and bath are also being proposed in the space.

Mr. Westgate discussed the proposed septic system. He explained he is awaiting feedback from the health agent; however, the conservation agent feels the proposed septic system will be an improvement over what's existing.

Ms. Brennan commented on the length of the proposed breezeway. She questioned why the proposed accessory dwelling isn't connected to home. She feels as proposed, the accessory dwelling will make this a two-family home. Ms. Kullar agreed, stating she'd like to see the length of the breezeway shortened.

Mr. Keene asked if the proposed breezeway will have a roof over it. Mr. Westgate stated it will have a roof over it. A brief discussion transpired regarding the design of the proposed breezeway.

Ms. Kullar asked whether this property had been listed for sale recently. Ms. Smith said no, that was her neighbor's property.

Mr. Beyer asked that updated plans be submitted because the current plan doesn't provide detailed information regarding the breezeway. Mr. Murphy agreed. A discussion ensued.

Ms. Brennan reminded the applicant that only Ms. Callis will be permitted to reside in the accessory dwelling if the project is approved. Ms. Kullar added that the occupant's name is required to be reported to the building inspector every three years and any changes in occupancy must be approved by the board.

Mr. Keene asked whether the existing septic system will be replaced with an entirely new system. Mr. Westgate explained his proposal is to rebuild and relocate the existing system. Mr. Keene offered suggestions on the placement of the tank to allow the breezeway to be shortened.

Mr. Beyer requested new plans be submitted. After a brief discussion, Mr. Westgate said he will submit architectural drawings as well as a conceptual plan.

Ms. Kullar said she will contact the health agent via email to obtain comments on the proposed septic system.

Public Comment – None.

At the request of the applicant, the matter will be continued to January 15, 2020.

**Mr. O'Brien moved, Ms. Brennan seconded to continue Special Permit, 2019-SP24, to January 15, 2020.** The motion carried. 5-0-0.

*Sitting on the hearing: Amy Kullar, John O'Brien, Wade Keene, Kat Brennan and Jim Beyer.*

**3. 9 Captains Row, A Special Permit (#2019-SP25) under M.G.L., Chapter 40A, Section 9 and Section 1330 of the Bourne Zoning Bylaw and a Supportive Finding under Section 2320 to raze and rebuild a pre-existing, non-conforming structure.**

*Materials: Special Permit Application, Site Plan, Project Narrative, Letters from abutters, Septic System Photographs, Landscape Plan, Directions to the Property.*

The representative, David McLean, provided historical background on the subject property, its owners and the neighboring properties. He discussed his goal to build all of the habitable space within the new structure outside of the Velocity Zone. Additionally, he discussed the proposed setbacks and the improvements associated with the proposed project vs. the existing conditions. Mr. McLean then described the alternative drip disposal septic system being proposed; which will be pumped across the street to a vacant, unbuildable lot that was purchased by the applicant and their neighbor to hold the leaching field for the new system.

Board Comment – Ms. Brennan asked if the drainage pipes for the proposed system will be run under the roadway. Mr. McLean stated they will. He explained that the road is a private road and permission has been sought from the Mashnee Island Association to run the drainage tubing; similar to irrigation tubing, six inches below grade. He showed the members examples of the tubing.

Mr. Keene asked whether this will be a pump up system. Mr. McLean said it will be.

Mr. O'Brien asked whether freezing is a factor because the tubing is only buried six inches below grade. Mr. McLean stated freezing is not a concern because it's a low-dose system that disperses small amounts of liquid over time.

Ms. Brennan expressed concern over water quality and thinks a sewage treatment plant may be a better solution. Mr. McLean informed her this is the only house on Captains Row whose septic system will be one hundred fifty feet from the top of the Coastal Bank. The proposed system is also non-invasive so there will be little site disruption when installing it.

A brief discussion transpired regarding the operation of the proposed septic system.

Mr. Murphy discussed the front setback. He noted a storage/coat room depicted on the plan which extends the structure closer to the road and asked whether they could be eliminated from the design. Mr. McLean said all of the other homes in that area have similar pop outs and this design makes the home no closer to the road than any of the other homes.

Mr. Murphy asked whether the representative discussed this design with the former building inspector, Mr. Laporte. Mr. McLean stated both he and Bracken Engineering discussed the design with Mr. Laporte. Mr. Murphy asked whether Mr. Laporte expressed concern over the proximity of the home to the road. Mr. McLean said Mr. Laporte was not concerned because the other homes are equally as close.

Mr. Murphy asked what material will be used in the handicapped ramp design. Mr. McLean said the ramp will be constructed down the road and may be constructed of wood. Adding that handicapped accessible ramps are exempt from setbacks under the Massachusetts State Building Code. Ms. Kullar asked the representative to submit that exemption from the Building Code to the Board.

Further discussion transpired regarding the existing footprint/setbacks vs. the proposed.

Ms. Brennan commented on the number of bathrooms being proposed. A discussion ensued.

Dharshini Joseph, the landscape architect, presented the proposed Landscape Plan.

Ms. Kullar opened a brief discussion regarding the beach access stairs.

Public Comment – None.

Mr. McLean mentioned all abutters are in favor of the proposed project.

Mr. O'Brien made note that the Planning Department did not sign off on the GFA Calculation Worksheet. Ms. Kullar suggested requiring the Planning Department approve the calculations as a condition of approval.

Mr. O'Brien noted Board of Health approval has not yet been received. Ms. Kullar stated any decision rendered is also contingent upon Board of Health approval.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O'Brien moved, Mr. Keene seconded to close the public hearing.** The motion carried. 5-0-0.

Ms. Kullar entertained a motion. **Mr. O'Brien moved, Mr. Beyer seconded to grant Special Permit 2019-SP25 under M.G.L., Chapter 40A, Section 9 and Section 1330 of the Bourne Zoning Bylaw and a Supportive Finding under Section 2320 to raze and rebuild a pre-existing, non-conforming structure per the plans and specifications dated November 1, 2019, contingent upon Board of Health approval and approval of the GFA Calculation Worksheet by the Planning Department.** The motion carried. 5-0-0.

Roll Call Vote: Mr. Keene – Yes, Ms. Brennan – Yes, Ms. Kullar – Yes, Mr. Beyer – Yes and Mr. O'Brien – Yes.

**Old Business** – None.

**New Business** – Ms. Kullar will be meeting with Town Counsel to discuss the Peer Review for Chase Estates.

**Public Comment** – None.

### **III. Adjournment –**

**Ms. Bryant moved, Ms. Brennan seconded to adjourn the meeting.** The motion carried 6-0-0. The meeting adjourned at 7:54 PM.

Minutes submitted by: Carol Mitchell