

FILE COPY

2024-SF04

Town of Bourne Zoning Board of Appeals

APPLICATION FOR SUPPORTIVE FINDING FOR PERMISSION TO EXTEND OR ALTER A PRE-EXISTING NON-CONFORMING STRUCTURE OR USE under Section 1331, Section 2320 and/or

APPLICATION FOR SPECIAL PERMIT under Section 2450 of the Bourne Zoning Bylaw and under Massachusetts General Laws, Chapter 40A, Section 9

TOWN CLERK BOURNE

2024 MAR 12

RECEIVED

Date: _____

1. Applicant Full Name: H. James Dermody, III and Jennifer M. Dermody, Trustees the Ten Gull Lane Realty Trust
2. Mailing Address: c/o Christopher J. Kirrane Esq., PO Box 560
3. City/State/Zip: Mashpee, MA 02649
4. Telephone: 508-477-6500 Email: ckirrane@dunningkirrane.com
5. Property Owner Full Name (if different): Same
6. Mailing Address: _____
7. City/State/Zip: _____
8. Property Affected Address: 10 Gull Lane
9. Village/Section of Town: Cataumet
10. Zoning District: R40 Map: 49 Parcel 17 Book: 35250 Page: 108
11. Dimensions of Lot: 20.23' Area: 63,630
(Frontage) (Minimum Average Width) (Square Feet)

12. Describe specifically the nature of your request:

Applicant seeks to add an +/- 517 sq. ft. addition to a pre-existing, non-conforming garage

The existing garage is non-conforming as to the northerly side yard (14') and easterly side yard (14.4')

The proposed addition will comply with existing dimensional requirements

Application for Special Permit (continued)

13. Generally state or attach information necessary explaining what impact, if any, granting the Special Permit will have upon pedestrian and vehicular flow and safety.

No impact

14. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon the adequacy of utilities and other public services.

No Impact

15. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon the natural environment.

No Impact

16. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon nearby developed premises.

No Impact

17. Is the property affected in a Water Resource district, and if so, generally state or attach information explaining the contribution, if any, granting the Special Permit will have to the cumulative impact upon public water supplies.

No Impact

Application for Special Permit (continued)

18. Generally state or attach information explain what impact, if any, granting the Special Permit will have upon the Town's needs for year-round housing available for persons of all income levels.

No Impact

19. If the application is for an extension or alteration of a non-conforming structure or use, state generally attach information explaining why the extension or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure.

The addition will comply with current zoning requirements. No new non-conformities are created and there is no intensification of any existing non-conformities.

20. If the application is for a Special Permit to exceed the maximum gross floor area or lot coverage permitted by the Table in section 2456 of the bylaws, please state:

- a) The current gross floor area, in square feet and as a percentage of the lot area:
sq. ft. _____ %
- b) The maximum gross floor area allowed by the Table, in square feet and as a percentage of the lot area: _____ sq. ft. _____ %
- c) The gross floor area after the project is complete, in square feet and as a percentage of the lot area: _____ sq. ft. _____ %
- d) The current lot coverage, in square feet and as a percentage of the lot area:
e) sq. ft. _____ %
- f) The maximum lot coverage allowed by the Table, in square feet and as a percentage of the lot area: _____ sq. Ft. _____ %
- g) The lot coverage after the project is complete, in square feet and as a percentage of the lot area: _____ sq. ft. _____ %
- h) What is the "good and sufficient cause" such that the failure to grant the increase/departure from the Table would result in exceptional hardship to the applicant, or what is the conflict with existing laws.
- i) State the minimum increase/departure from the Table that will afford the applicant relief from the hardship, or from a conflict with existing laws:
- j) Gross floor area: _____ sq. ft. _____ %
Lot coverage: _____ sq. ft. _____ %.

Application for Special Permit (continued)

21. Attach the "Nonconforming Lot Coverage Worksheet" with the necessary calculations for maximum floor area, maximum lot coverage and maximum building height as defined by the table detailed in Section 2456, signed by the Town Planner or his/her designee.

22. Supporting Documents: **(Check what documents are included)**

Bourne Assessors Map ☒ Plot/Site Plan ☒

Building Plan ☒ List of Abutters ☒ Other: _____

Directions to the site ☒

Gross Area/Lot Coverage Worksheet: Attached

Applicant Signature: _____

Date: 3/11/24

**Town of Bourne
Zoning Board of Appeals**

**Application Packet Check List
(Please Check Appropriate Box)**

Application: Supportive Finding ☒ Special Permit ☐ Variance ☐

Building Inspector Decision Appeal ☐

Applicant Name: H. James Dermody, III & Jennifer M. Dermody, Trustees
of the Ten Gull Lane Realty Tr. **Telephone:** DKM&G (508) 477-6500
c/o Christopher J. Kirrane, Esq., Box 560, Mashpee, MA 02649
Property Address: 10 Gull Lane

Submission Requirements

- ☒ The original and eleven (12) copies of the completed and signed application.
- ☒ Twelve (12) copies of the Bourne Assessors Map
(from the Town Engineering Department).
- ☒ Twelve (12) copies Certified Plot Plan
(NOTE: This is a required document for new construction, additions or modifications to existing structures).
- ☒ Twelve (12) copies of a Building Plan if needed for clarification.
- ☐ Twelve (12) copies of registered subdivision plans.
(NOTE: pertaining only to cases subdividing land).
- ☒ Two (2) certified list of "Parties of Interest" (Abutters).
Please use the form located after this checklist and submit to the Assessor's office.
- ☒ Twelve (12) copies of driving directions to the property from Town Hall.
- ☒ Twelve (12) copies of the GFA worksheet signed by the Town Planner (located on pg. 29)
- ☐ Copy of Kennel Report from Natural Resources
(prior to submitting application).
- ☒ An electronic copy of entire submission emailed to chammond@townofbourne.com or on a thumb drive.

2456. Table

Nonconforming Lot Size (square feet)	Maximum Gross Floor Area To Lot Area	Maximum Lot Coverage	Maximum Building Height
Less than 6,000	25%	25%	25 feet
6,000 to 7,000	25%	25%	26 feet
7,001 to 8,000	24%	25%	27 feet
8,001 to 9,000	24%	25%	28 feet
9,001 to 10,000	23%	25%	29 feet
10,001 to 11,000	23%	25%	30 feet
11,001 to 12,000	22%	24%	31 feet
12,001 to 13,000	22%	23%	32 feet
13,001 to 14,000	21%	22%	33 feet
14,001 to 15,000	21%	21%	34 feet
15,001 or more	20%	20%	35 feet

2457. Departure. The Board of Appeals may for “good cause” grant a Special Permit for departure from the requirements of Table 2456 but only in the case of Maximum Gross Floor Area and Maximum Lot Coverage in either case provided that all the following are shown:

Good and sufficient cause; Failure to grant the departure would result in exceptional hardship to the applicant; or conflict with existing laws.

The departure must be the minimum necessary to afford relief and not exceed an increase greater than ten percent (10%) of the calculated area.

Example: Lot Size 10,000 s.f. x 23% = 2300 s.f. (GFA allowed).

Maximum relief allowed upon evidence of exceptional hardship, 2300 s.f. x 10% = 230 s.f.

Total GFA = 2530 s.f.

Lot Size	63,600	Max Gross		Lot Coverage	
% used to determine GFA requirements	20%	First Floor	2,700	Dwelling	4.2% 2,671
Maximum GFA =	12,720	Second Floor	2,445	Garage	1.8% 1,145
		Garage*	2,118	Deck/Porch	2.3% 1,462
% used to determine lot coverage requirements	20%	Porch*	1,455	Shed	
Maximum Lot Coverage =	12,270	Basement		Storage container	
		Other		Gazebo	
				Swimming Pool	
Building Height (also see definition)		Total:	8,718	Total:	8.3% 5,278

Good and sufficient cause; Failure to grant the departure would result in exceptional hardship to the applicant; or conflict with existing laws.

The departure must be the minimum necessary to afford relief and not exceed an increase greater than ten percent (10%) of the calculated area.

Example: Lot Size 10,000s.f. x 23% = 2300 s.f. (GFA allowed). Maximum relief allowed upon evidence of exceptional hardship, 2300 s.f. x 10% = 230 s.f.
Total GFA = 2530 s.f.

Town Planner or Designee

Date

This only a verification that the numbers provided on this worksheet are accurate based upon the certified plans provided by the applicant.

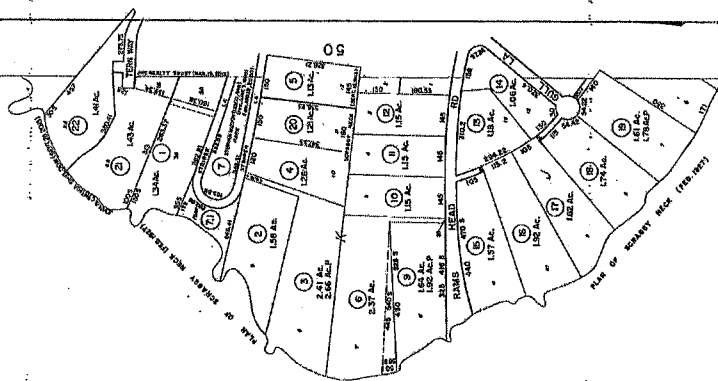
TOWN OF BOURNE
MASSACHUSETTS

TECHNICAL SUPPORT 1-800-877-7624

DATE OF REVISION 2019

DATE OF COMPILATION MAY 21, 1973 DATE OF PHOTOGRAPHY APRIL 18, 1972.
PROPERTY DATA FROM DEED RESEARCH, FIELD RECONNAISSANCE AND RECORDED PLAT
SHEET LAYOUT BASED ON THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM.

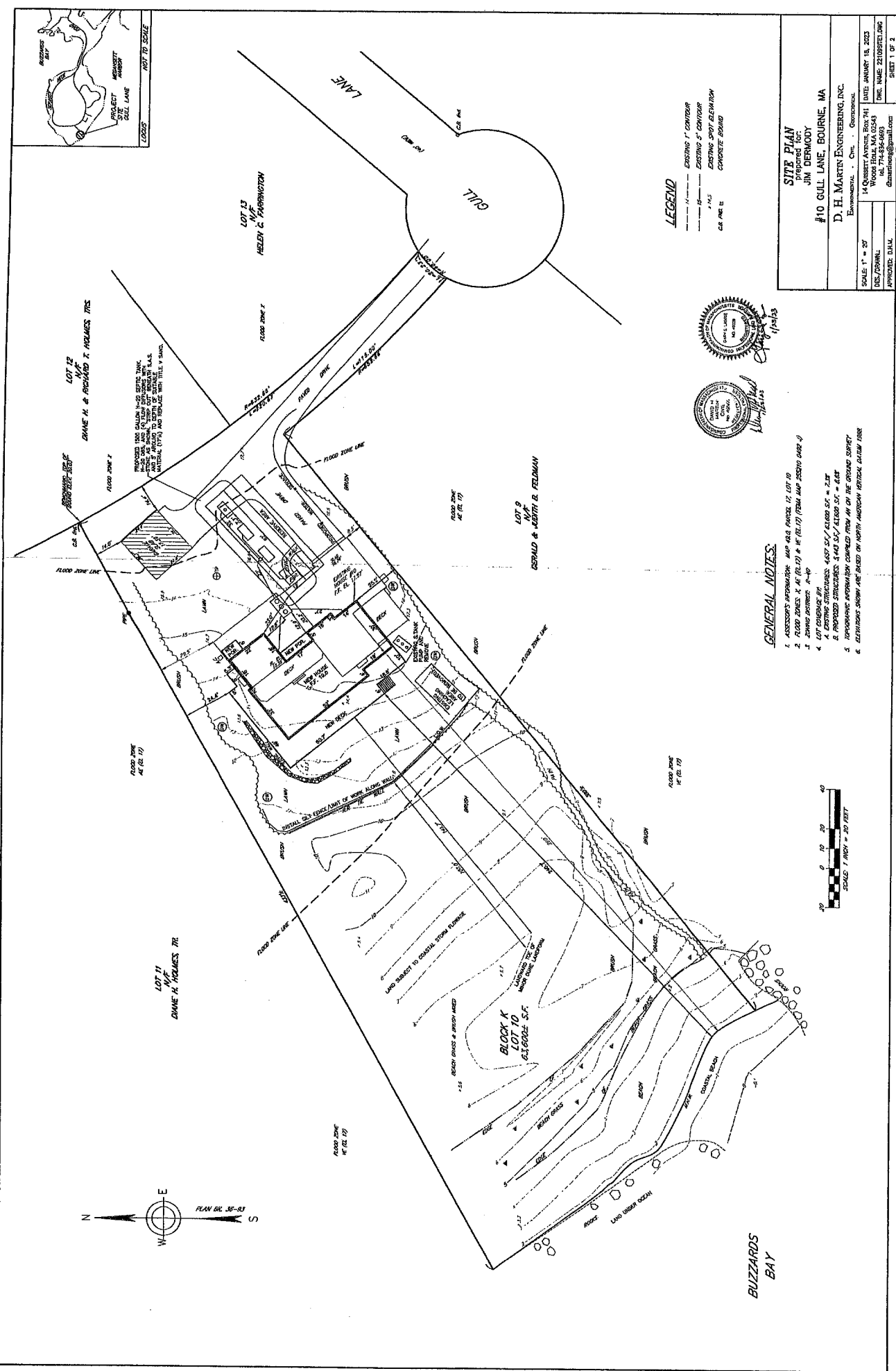
AERO SERVICE
Phacodentia, Pennsylvania 19135



BUZZARDS BAY

Legend	County line	Water district line	Original lot number
1/2	Military reservation line	Water district line	Mag street dimensions
100 a	Water district line	Original lot line	Plat dimension
100 p	Original lot line	Original lot line	Derivative, same as master
	Property line	Property line	



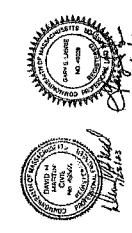


SITE PLAN
JIM DERMODY
#10 GULL LANE, BOURNE, MA
D. H. MARTIN ENGINEERING, INC.
Environmental · Civil · Geotechnical
14 QUARRY AVENUE, SUITE 201
WOOD BRIDGE, MA 02543
TEL: 774-556-6863
DERMODYJ@GMAIL.COM

DATE: JANUARY 18, 2023
Dwg. NAME: 221059701.DWG
SCALE: 1" = 20'
Dwg. JOURNAL
PROVIDED: D.H.M.

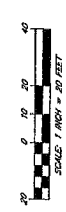
SHEET 1 OF 2

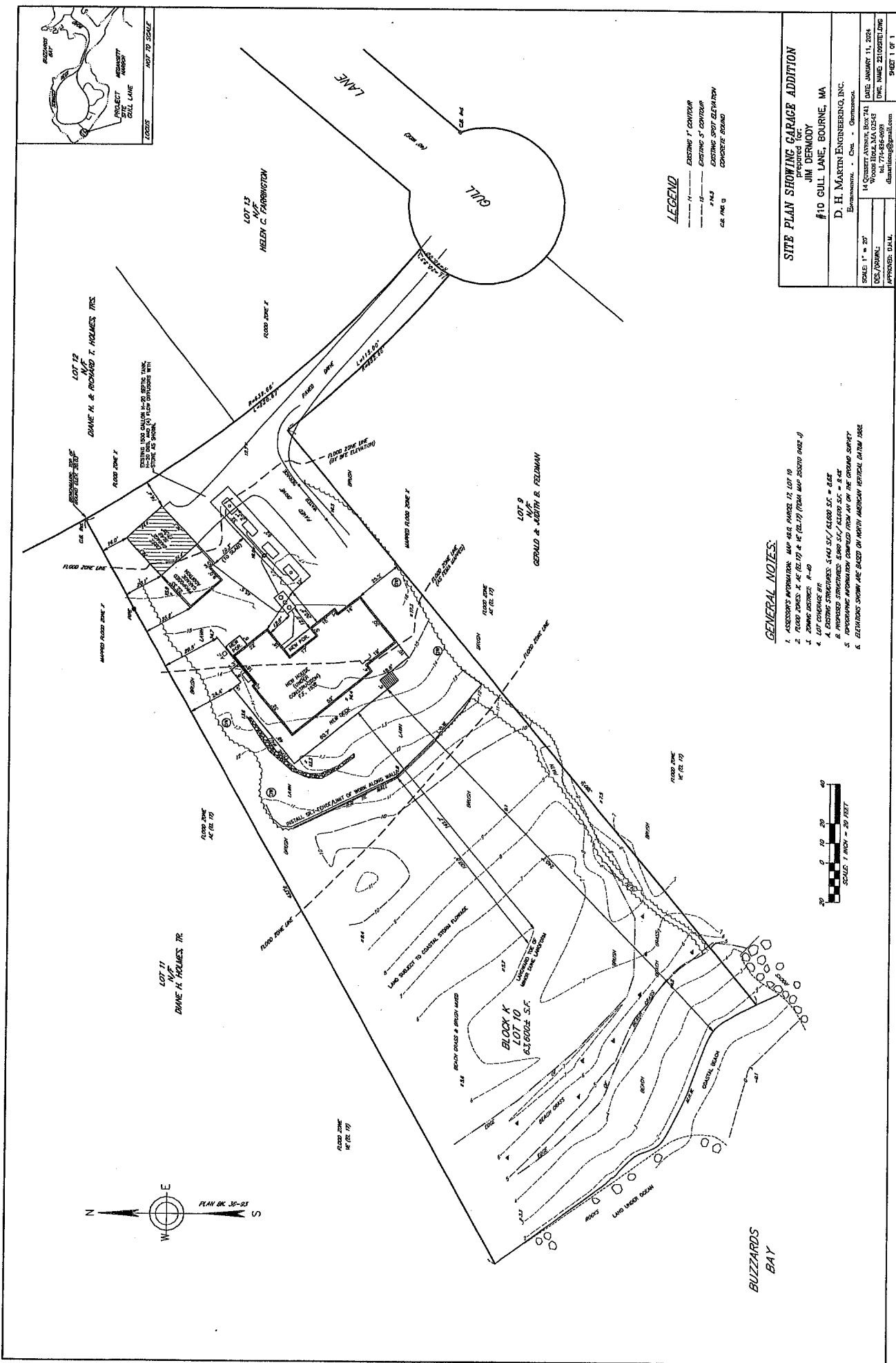
- LEGEND**
- EXISTING 1" CONTOUR
 - EXISTING 5" CONTOUR
 - EXISTING SPOT ELEVATION
 - COMPOSITE ELEVATION



GENERAL NOTES:

1. ASSUMPTION INFORMATION: MAP 400, 4000, 17, LOT 10.
2. FLOOD ZONES: 1, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
3. ZONING: 100-100, 100-200, 100-300, 100-400, 100-500, 100-600, 100-700, 100-800, 100-900, 100-1000.
4. LOT CONTOUR: 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000.
5. EXISTING STRUCTURES: 457' 50" x 41,000' S.F. = 2.1F.
6. PROPOSED STRUCTURES: 543' 50" x 41,000' S.F. = 2.1F.
7. INFORMATION: INFORMATION COMPILED FROM AN ON THE GROUND SURVEY.
8. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.





10 GULL LANE - GARAGE
CATAUMET, MASSACHUSETTS 02534

Architect:
LOCAL STUDIO
4 Vernon Street
Malden, MA, 02168
Contact: Steve
T: 504-482-5534

Contractor:
DEVANEY BUILDINGS
1248 Forest Hills
Cataumet, MA 02534
Contact: Don Devaney
T: 508-953-2700

Structural Engineer:
XX
Contact: XX

INDEX

1. TITLE PAGE	•
2. CIVIL	•
3. ARCHITECTURAL	•
4. ELECTRICAL	•
5. MECHANICAL	•
6. PLUMBING	•
7. ROOFING	•
8. FLOORING	•
9. PAINT	•
10. FINISHES	•
11. EXTERIOR LIGHTING	•
12. EXTERIOR LANDSCAPE	•

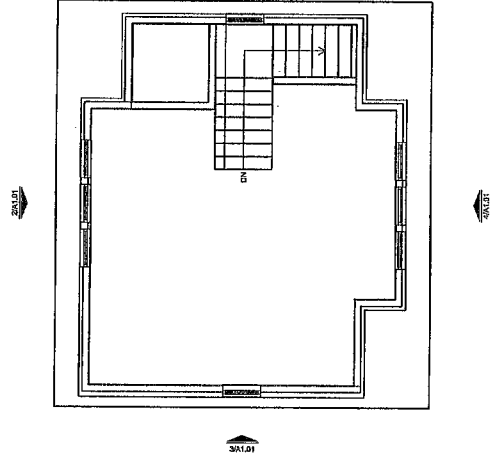
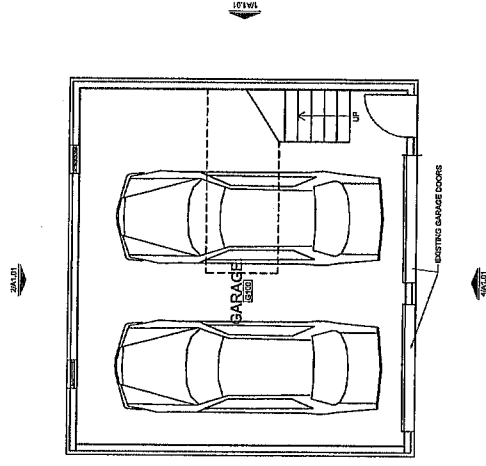
• 11-15-2022 02:00 PM

PROJECT DATA:

10 Gull Lane
Cataumet, Massachusetts 02534
Project: New Construction Residential
Plan: 10-1, 10-2, 10-3, 10-4, 10-5
Land Use Description: Single Family
Lot Size: 1.620 ACRES
Project No: 10-1
Block: 1744
PAGE: 233

NOTE:

The contractor shall secure the most current drawings, specifications, project manual, agenda, and other project information is distributed and used as the basis for completion of the project. The contractor shall verify all conditions shown in the drawings and notify architect of any discrepancies.



NOTE: ALL DIMENSIONS TO FRAMING,
UNLESS NOTED OTHERWISE. VERIFY
ALL DIMENSIONS IN FIELD

10 GULL LANE - GARAGE

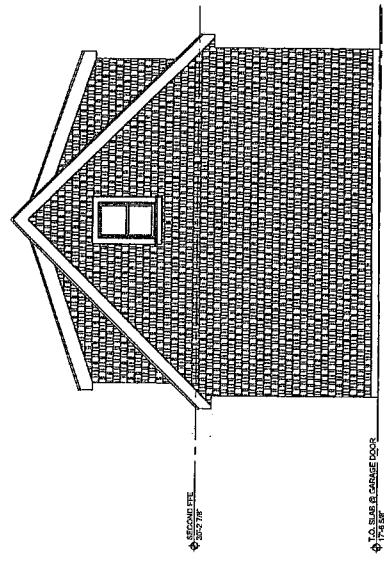
CATAUMMET, MASSACHUSETTS 02634

ZONING

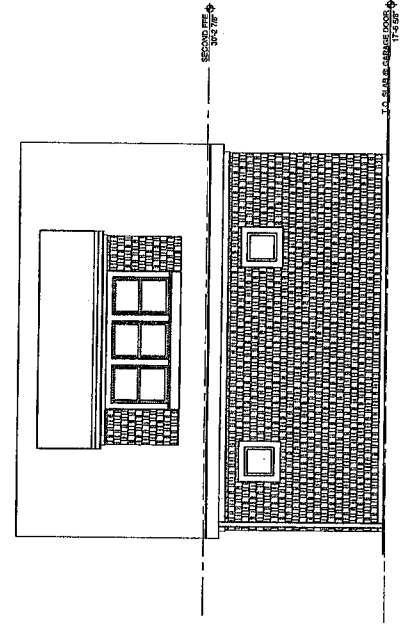
DATE: 11/05/2023
PROJECT NO: 009
REVISION:

EXISTING
ELEVATIONS

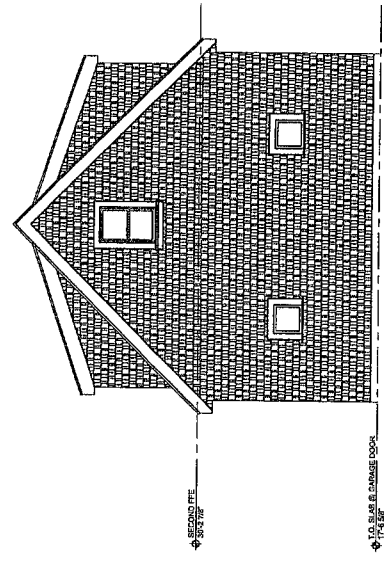
A1.01



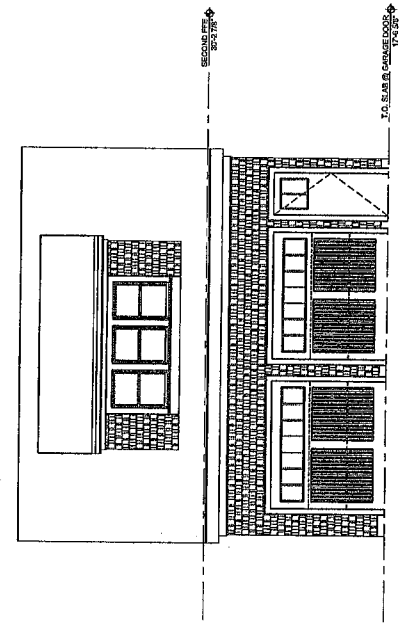
**NORTH
EXISTING EXTERIOR ELEVATION**
SCALE 1/4\"/>



**WEST
EXISTING EXTERIOR ELEVATION**
SCALE 1/4\"/>



**SOUTH
EXISTING EXTERIOR ELEVATION**
SCALE 1/4\"/>



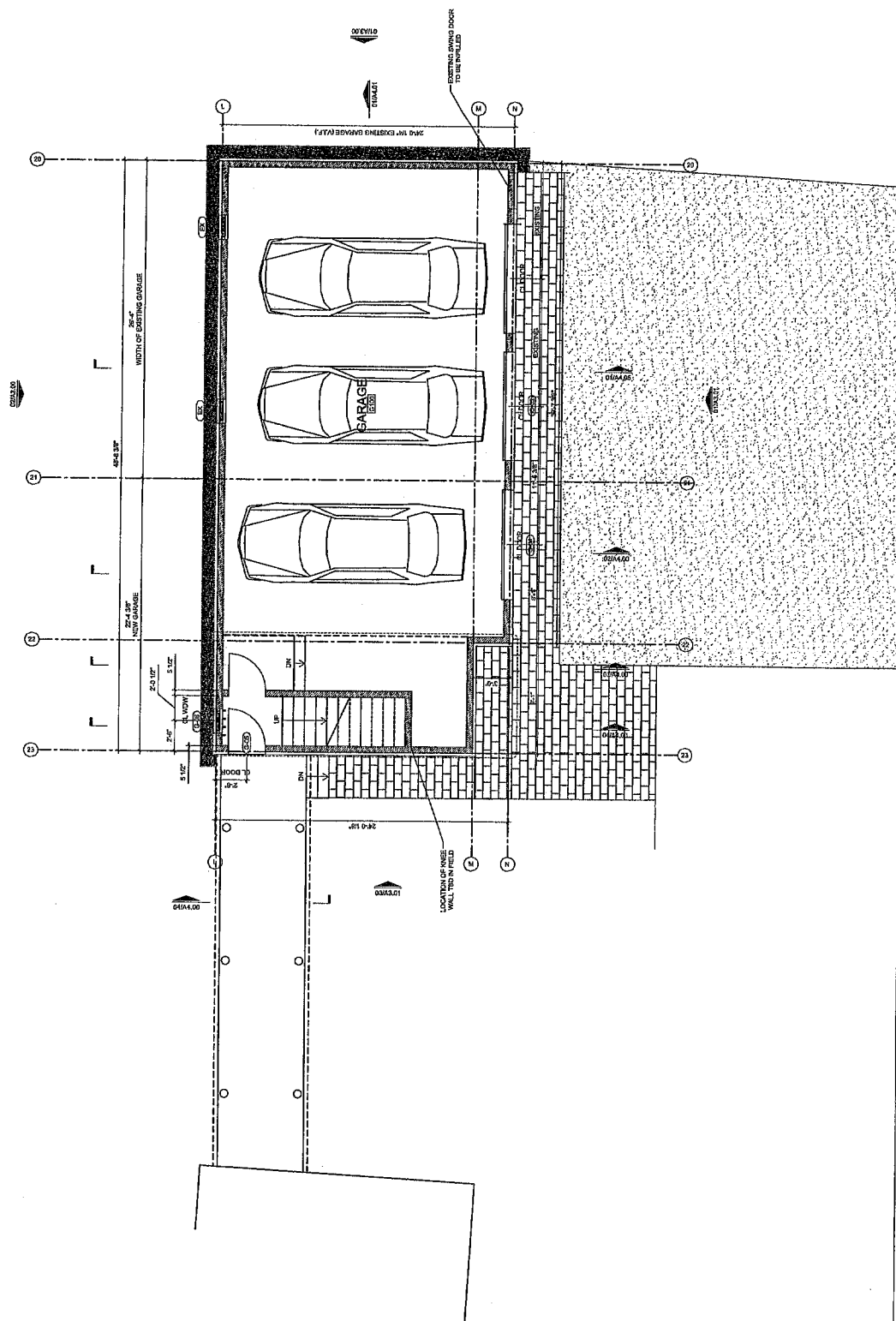
**WEST
EXISTING EXTERIOR ELEVATION**
SCALE 1/4\"/>

NOTE: ALL DIMENSIONS TO FRAMING.
UNLESS NOTED OTHERWISE, VERIFY
ALL DIMENSIONS IN FIELD

CATAUMET, MASSACHUSETTS 02534

ZONING

A2.11



10 GULL LANE - GARAGE

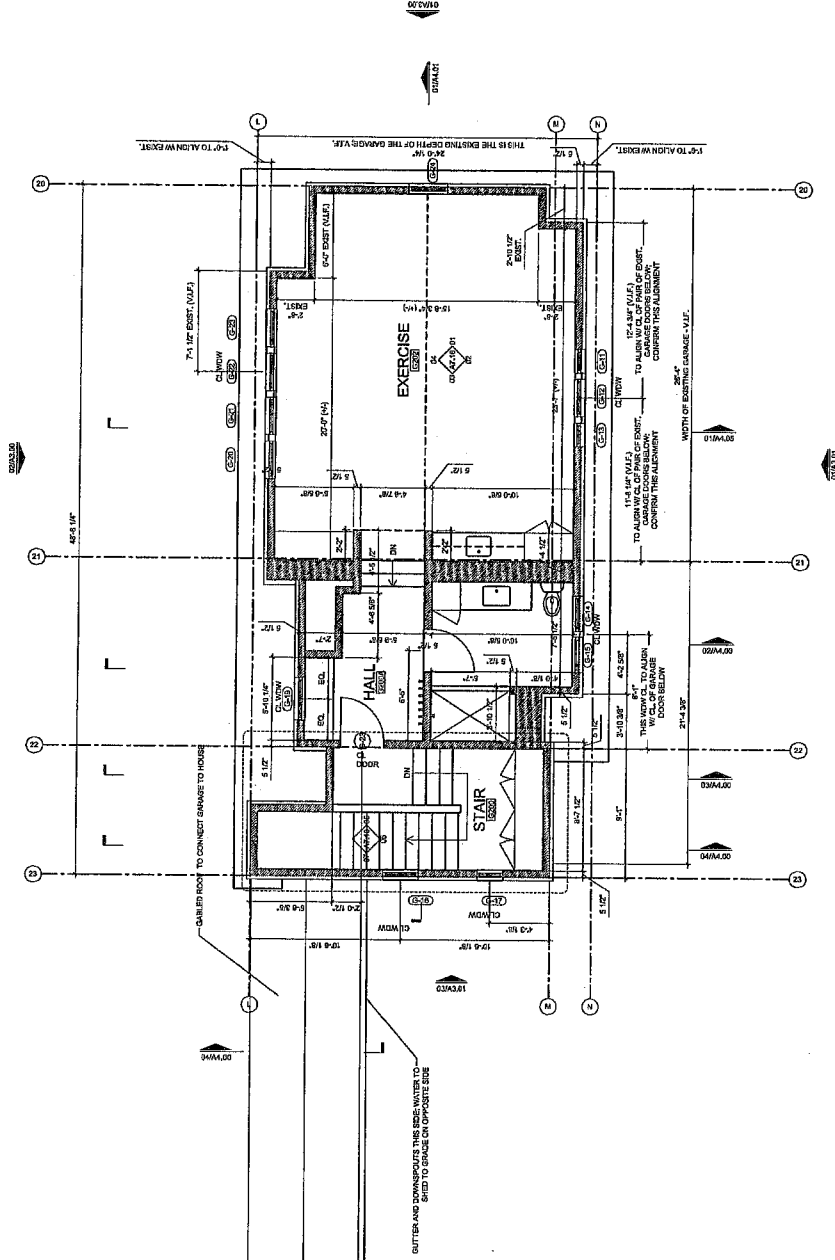
ZONING

DATE: 1/10/2024
PROJECT NO: 689
REVISION:

SECOND
FLOOR
PLAN

A2.20

NOTE: ALL DIMENSIONS TO FRAMING
UNLESS NOTED OTHERWISE. VERIFY
ALL DIMENSIONS IN FIELD



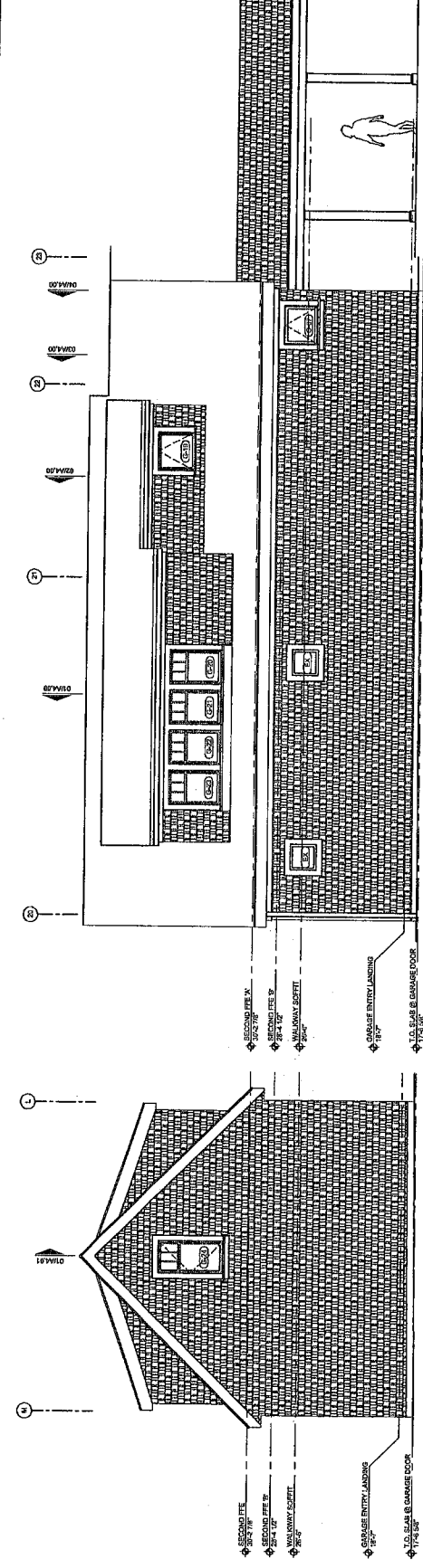
10 GULL LANE - GARAGE
CATAUMET, MASSACHUSETTS 02534

10 GULL LANE - GARAGE
CATAUMET, MASSACHUSETTS 02534

ZONING
DATE: 11/08/2023
PROJECT NO: 238
REVISION:

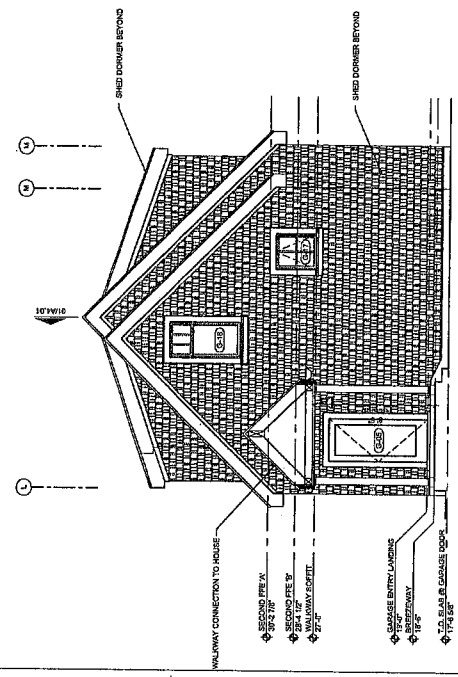
EXTERIOR
ELEVATIONS

A3.00



01 NORTH EXTERIOR ELEVATION
SCALE 1/8"=1'-0"

02 EAST EXTERIOR ELEVATION
SCALE 1/8"=1'-0"



03 SOUTH EXTERIOR ELEVATION
SCALE 1/8"=1'-0"

EXTERIOR FINISH SCHEDULE			
TYPE	MATERIAL	FINISH	NOTES
WOOD SIDING 24	ALUMINUM YELLOW CEDAR SHINGLE	NONE - WEATHER TO GRAY	ALUMINUM YELLOW CEDAR SHINGLES INDEPENDENTLY VARIOUS OF THE STRUCTURE
ROOF 01	ASPH/FLT SHINGLES PLYWOOD AS SHEATHING FIVE EIGHTH INCHES	PROVIDE SUBMITTAL ON COLOR OPTIONAL	UNDERLAYMENT AND FLASHING AS PER DRAWINGS
ROOF 02 (B. HALL ROOM)	FLY-WATERPROOFED PVC ROOF MEMBRANE	GREY COLOR. CONTRACTOR TO PROVIDE SUBMITTAL ON COLOR OPTIONAL FOR ARCHITECT'S APPROVAL	OVER TYPICAL INSULATION. SLOPE 1/4 INCH PER FOOT. INSTALLED PER MANUFACTURER'S INSTRUCTIONS. PROVIDE SHOP DRAWINGS.
PASADA	ALUMINUM YELLOW CEDAR SHINGLE, PROFILE AS PER SPEC.	NONE - WEATHER TO GRAY	
VISIBLE FLASHING	L.C.C. AS PER SPEC.	PREPARED GREY	
LOWER ROOF	1/2" BOARD		
UPPER SHUTT	ALUM. EXTERIOR SIDING PANEL 1/4" THICKNESS AS PER SPEC.	PAINTED	ALIGN AROUND HOUSE AND GARAGE AS INDICATED
WOOD TRIMMING	2" X 4" PRE-DRILLED, 8" X 8" 1/4" DIA. HIGHER LEVEL OF CEMENT	NONE - WEATHER TO GRAY	
EXPOSED FOUNDATION	SMOOTH FINISH CONCRETE WITH FORMWORK		
EXTERIOR TRIM	ALUM. EXTERIOR SIDING PANEL 1/4" THICKNESS AS PER SPEC.	PAINTED	
EXTERIOR FINISH	CONTRACTOR TO PROVIDE GRANITE WITH BOUNDED EDGES, 1/2" THICK, 12" SQUARE, 1/2" DIA. HOLE. 1/2" DIA. HOLE. 1/2" DIA. HOLE. ARCHITECT'S APPROVAL BEFORE INSTALLATION TO BE FACTORY-PAINTED BLACK GRANITE PROVIDE BEING SUBMITTAL FOR ARCHITECT'S APPROVAL BEFORE INSTALL.		

EAST
01 EXTERIOR ELEVATION
SCALE 1/4"=1'-0"

**24 Perry Ave
to 10 Gull Ln**

23 min
10.8 miles

IRS reimbursement: **\$7.22**



Head toward Main St on Perry Ave. Go for 0.1 mi.

Then 0.1 miles



Turn right onto Main St. Go for 0.3 mi.

Then 0.3 miles



Continue on Bourne Rotary Cir N. Go for 341 ft.

Then 0.06 miles



Turn left onto Bourne Rotary Cir N. Go for 394 ft.

Then 0.07 miles



Take ramp onto RT-25 E/RT-28 S toward Falmouth/The Islands. Go for 1.2 mi.

Then 1.2 miles

Take the 2nd exit from Bourne Rotary roundabout onto Gen MacArthur Blvd (RT-28 S). Go for 4.0 mi.

Then 4.0 miles

Take the 1st exit from roundabout onto RT-28A S. Go for 0.1 mi.

Then 0.1 miles



Turn left toward RT-28A. Go for 89 ft.

Then 0.02 miles



Continue on Route 28A (RT-28A). Go for 0.4 mi.

Then 0.4 miles



Continue on RT-28A. Go for 0.5 mi.

Then 0.5 miles



Continue on RT-28A. Go for 0.4 mi.

Then 0.4 miles



Continue on RT-28A. Go for 0.6 mi.

Then 0.6 miles



Turn right onto County Rd. Go for 0.3 mi.

Then 0.3 miles



Turn left onto Scraggy Neck Rd. Go for 0.8 mi.

Then 0.8 miles



Turn slightly left onto Scraggy Neck Rd. Go for 0.8 mi.

Then 0.8 miles



Turn left onto Scraggy Neck Rd. Go for 0.8 mi.

Then 0.8 miles



Turn left onto Rams Head Rd. Go for 72 ft.

Then 0.01 miles



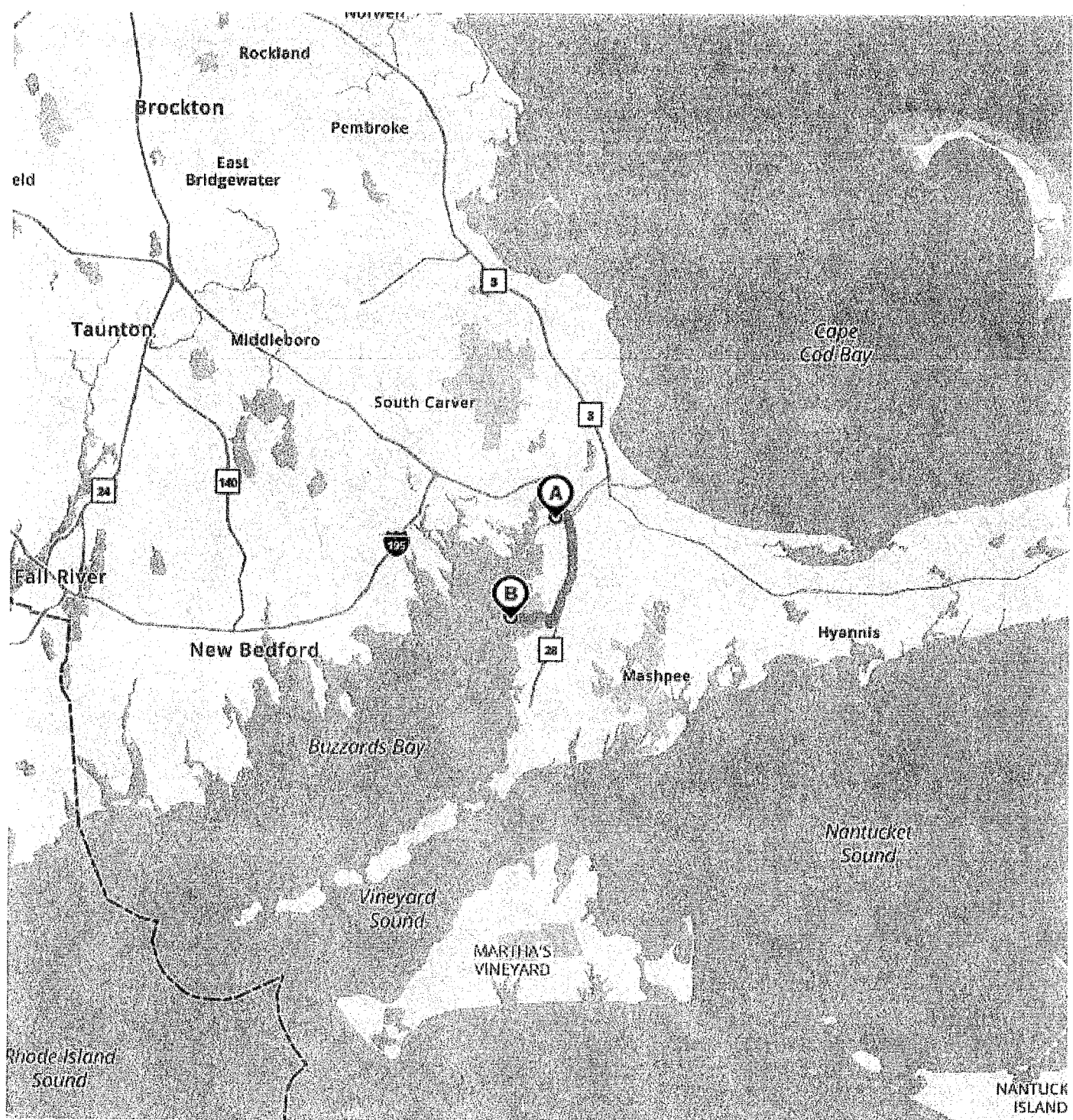
Turn slightly left onto Gull Ln. Go for 469 ft.

Then 0.09 miles



10 Gull Ln

Cataumet, MA 02534-1025

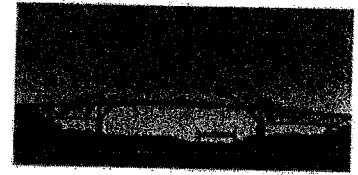




TOWN OF BOURNE

Board of Assessors
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext. 1510

Michael Leitzel, Chairperson
Ellen Doyle Sullivan, Clerk
Donna Barakauskas, Member



Rui Pereira, MAA
Director of Assessing

February 29, 2024

Dunning, Kirrane, McNichols & Garner
Christopher J. Kirrane, Esq.
133 Falmouth Rd. PO Box 560
Mashpee, MA 02649

RECEIVED
2024 MAR 12 AM 11:03
TOWN CLERK BOURNE

Reference: Abutters List for Map 49 Parcel 17
Subject Property: 10 Gull Lane

Pursuant to the provisions of Massachusetts General Laws Chapter 40A, Section 11, as amended, this is to certify that the attached list of names and addresses constitutes all of the abutters to abutters within 300 feet of the property on the most recent tax list of the Town of Bourne. The purpose of the abutters list is for an application of a Special Permit from the Zoning Board of Appeals.

Abutting properties are Map 49 Parcels 13, 14, 15, 16, 18 & 19.

Your filing fee of \$25.00 has been received by the Assessor's Office.

Please be advised that this abutters list is only good for 30 days from the date on this letter. Expired abutters list can be recertified for an additional filing fee.

See enclosed Data Base Inquiry Forms for abutters mailing addresses.

Board of Assessors

List Enclosed

Ellen Doyle Sullivan
Donna Barakauskas
Michael Leitzel

Extract:
Database:
Filter:
Sort:

ABUTTERS LIST

Report #24: Owner Listing Report

Fiscal Year 2026

Key IN 10534,10535,10536,10537,10539,10540

Bourne MA

Key	Parcel ID	Owner	Location	LC/CI	Bk-Pat(Cert)/DT	Mailing Street	Mailing City	ST	Zip Ctl/County
10534	49.0-13-0	HOLMES DIANE H & RICHARD T TRS OF RAMS HEAD RD RLTY TRUST	15 RAMS HEAD RD	N	6244291	12 MYRTLE ST	NORFOLK	MA	02056-1316
10535	49.0-14-0	FARRINGTON HELEN C	7 RAMS HEAD RD	N	20816200	PO BOX 281	CATAUMET	MA	02534
10536	49.0-15-0	KEA MARTHA A	19 RAMS HEAD RD	N	3610252	PO BOX 788	CATAUMET	MA	02534
10537	49.0-16-0	HOLMES DIANE H TR RICHARD T & DIANE H HOLMES TR	17 RAMS HEAD RD	N	1228365	12 MYRTLE ST	NORFOLK	MA	02056-1316
10539	49.0-18-0	FELDMAN GERALD & JUDITH B	12 GULL LN	N	5211999	41 NOHAWK RD	CANTON	MA	02021-1205
10540	49.0-19-0	FELDMAN TRS OF 12 GULL LN RLTY FLATLEY DANIEL T ETUX MAUREEN C FLATLEY	9 GULL LN	N	10202003	50 FATHER CARNEY DRIVE	MILTON	MA	02186

Total Records 6