

**Town of Bourne  
Zoning Board of Appeals  
Meeting Minutes  
June 7th, 2023**

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TOWN CLERK BOURNE

**PRESENT:** Chairman James Beyer, Vice Chairperson Chris Pine, Wade Keene, Harold Kalick, John O'Brien, Elza Bystrom (Associate), Karl Spilhaus (Associate).

**ABSENT:** None

**STAFF:** Ken Murphy.

**PUBLIC:** Christopher Kirrane, Steve Cook, Paul Alfano, Roseanne Bottaro

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Chairman Beyer called the meeting to order via Zoom at 7:00pm.

**Public Hearing for Supportive Finding #2023-SF03:** *165 Jefferson Rd. To make alterations to an existing single-family home including expanding the existing dwelling, adding a deck, and adding a 12'x12' patio to the existing cottage. Continued from 5.3.23.*

Chm. Beyer states that they asked for a very specific list of things to be addressed at the last meeting. They are: (1) An existing conditions plan (2) Inclusion of the proposed new building height (3) Clarification of exactly what special permit was being applied for (4) Evidence of a conforming sewage system (5) A site plan clarifying the scope of the work (6) A completed GPA calculator. Of those six items, two have not been submitted. They do not have anything from the Health Department stating that there is a conforming sewage system, and they do not have a completed GFA sheet with a signature from the Town Planner. Chm. Beyer states that they can hear this item, but they cannot vote on it tonight.

Atty. Christopher Kirrane introduces himself as representative of this project. He states that they will request to continue this hearing to the next available meeting. The reasons for this is that Chm. Beyer suggested that they have some discussions with the attorney of the abutter. Atty. Kirrane states that he was able to have some conversations with this attorney and believes that at the next meeting they will have all the concerns addressed by the abutters. Atty. Kirrane adds that he will follow up with the Town Planner and the Health Department.

Chm. Beyer acknowledges this issue has raised a lot of interest in the Gray Gables community and they received twelve letters of support. He thanks those who have written letters of support and states that they have read each one and they are aware of the feeling in the neighborhood. They will take that into account as appropriate.

Ms. Bystrom inquires about the building height of the cottage and asks if it is being raised from the previous meeting. Atty. Kirrane states that the application that was submitted in the beginning had all of the changes that they are proposing. Atty. Kirrane states that there might have been a lack of detail on his part, but nothing has changed.

Chm. Beyer asks for a summary of what is being done. Atty. Kirrane states that the applicants are proposing five things. On the east side of the main house, an entryway is being closed. On the front of the house, the applicants are proposing a covered entryway. On the west-facing side of the house, they are proposing a deck and raising the current first floor to a second floor. In the cottage, they are proposing an interior bathroom on the second floor. They are also proposing to raise the roof line and the height of the cottage. Currently the cottage is about 16-17ft in height, and they are proposing 24-25ft.

Chm. Beyer asks if any of those five items increase the non-conformity of the property. Atty. Kirrane states that there are two non-conformities on the lot. The cottage is too close to Jefferson Rd, and the main house's side yard setback is too close. However, the footprint of the cottage is not expanding, and the front yard setback is not any worse. They are just proposing to raise the height of the cottage. The non-conformity of the main house is not changing either. Chm. Beyer confirms with Mr. Murphy that two separate building permits will be needed for the renovations of the main house and the cottage. Mr. Murphy confirms.

Mr. Pine suggests that it would be helpful to find out what the layout of the main house is right now with the plans that they are proposing. Chm. Beyer states that an existing conditions plan of both the house and the cottage would be appropriate.

Ms. Bystrom asks if they are planning on adding a second floor, and Atty. Kirrane responds that there is already a second floor. Mr. O'Brien asks if the patio and the new deck are covered. Steve Cook, the architect, responds that they are not covered.

Chm. Beyer responds to Mr. Cook that the deadline for submitting paperwork is June 16<sup>th</sup> at noon.

Chm. Beyer notes that Paul Alfano emailed a question to ask why the hearings are not in person.

Mr. Alfano makes a comment on the septic system. He said that there is a Title V compliant system and they are not adding any bedrooms. He also noticed in a letter from the opposing party's attorney that seasonality was mentioned, and he states that you either have a Title V or you don't.

Mr. Kalick makes a Motion to Continue the Public Hearing for Supportive Finding #2023-SF03. Mr. O'Brien seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. Keene – YES. Mr. Kalick – YES. Mr. O'Brien – YES. Chm. Beyer – YES.

The Motion Passes.

**Public Hearing for Supportive Finding #2023-SF02 and Special Permit #2023-SP02: 16**

*Worcester Ave, Monument Beach. William Gavin III. Request to add two second floor additions.*

There is no one present to speak to this item. The board agrees to continue this item to the first meeting in July since the June 21<sup>st</sup> meeting has four hearings already.

Mr. O'Brien makes a Motion to Continue the Public Hearing for Supportive Finding #2023-SF02 and Special Permit #2023-SP02. Mr. Pine seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. Kalick – YES. Mr. O'Brien – YES. Mr. Keene – YES. Chm. Beyer – YES.

The Motion Passes.

**New Business:**

Mr. Paul Alfano wrote a letter of support for 165 Jefferson Ave, but in that e-mail he chided the board for not holding public hearings. Chm. Beyer wishes to address this issue in a public forum. Chm. Beyer states that the Governor extended the use of Zoom for public meetings until March 2025. Chm. Beyer shares that at previous meetings they had gone so far as to discuss possible venues for future meetings, but due to bridge maintenance and health concerns for some members of the board, they decided to keep the meetings remote. The essence of Mr. Alfano's complaint was that if the true nature of the public's support could be expressed through letters or a Zoom meeting.

Mr. Alfano states that he also uses Zoom for work on occasion, and at times some people don't speak up or things don't come across. He wonders why the other committees meet in-person but the ZBA does not. He apologizes to the chairman if he came across as chiding, which was not his intent.

Chm. Beyer responds that Mr. Alfano is within his rights to make this comment and have it heard in public. Chm. Beyer states that they serve at the behest of the Selectmen, and they have not asked them to resume public hearings, and if they did they would do so immediately. However, this is a much more specialized forum than the town selectmen, whose decision effect the whole town. The ZBA's decisions mostly effect the applicants and the abutters, therefore the Chairman does not believe that having Zoom meetings presents a hardship. Furthermore, the Chairman believes that the Zoom meeting makes it much easier for some people to attend the meetings if distance is a factor. Therefore,

Chm. Beyer believes that it is more convenient for the board and the public to hold the meetings via Zoom.

Mr. Pine states that many people are more used to Zoom meetings now, and that he believes that virtual meetings can encourage participation and that they see a wider range of people from around town participate. Mr. Pine also adds that since he travels for work, it makes it easier for him to participate in meetings. For the professionals that partake in the meetings, it makes it much easier to participate because they come from all over.

Mr. Kalick admits that it is a little inconvenient to have an in-person meeting, but he believes that the benefits outweigh the cons. For example, sometimes they would need to see a set of drawings, meet with a project engineer, or speak with applicants. Mr. Kalick believes that there is something lost in the presentation of Zoom meetings. Also, when an applicant is going before the board in person, they are more likely to be prepared with all the necessary information. Mr. Kalick states that he is in favor of going back to in-person meetings.

Ms. Bystrom states that she agrees with Mr. Kalick that there is a limitation to virtual meetings. For example, when they are looking at site plans together as a group and there is a presentation in front of them, you can feel the temperature of the room so to speak. Ms. Bystrom says that she would be in favor of having in-person meetings if they were only once a month.

Mr. O'Brien states that right now his own personal matters would not allow him to attend the meetings. However, if they did go to in-person meetings, he would rather do it at the Community Building or Town Hall.

Mr. Keene states that either way would be fine with him.

Mr. Spilhaus believes that the Zoom meetings are very practical. Going to a meeting at seven at night is a different kind of commitment, and he believes that the Zoom meetings are going very well.

Roseanne Bottaro of 40 Lamont Rd gives a public comment. In watching the hearings on Zoom, she wondered why the presentations weren't being shared on the screen.

Chm. Beyer states that he will talk to the Selectmen about this issue and he will reconvene discussion about this matter then.

Mr. Alfano agrees that having the plans as a presentation on Zoom would be helpful. Mr. Pine clarifies that the applicants do provide a hard set of plans and many architects will do a presentation on Zoom as well. Chm. Beyer adds that architects are usually very

comfortable doing a presentation of the plans on screen, but that sometimes is not the case with attorneys because they are not as conversant with the plans.

Mr. Keene asks if the plans can be viewable to the public before the meetings. Chm. Beyer confirms that it is available and Mr. Keene suggests that the public should be more aware of this. Mr. Murphy states that everything that comes through their office goes on the website.

Ms. Bystrom adds that in the state agency she works for, the applicants have the option to request an in-person meeting or remote. She also adds that doing the meetings remotely is very convenient for her as well.

Mr. Kalick requests that they receive the hard copies of the plans before the meetings again.

The next order of new business is whether they should have their associate members write decisions. Chm. Beyer states that he knows that decision writing is time consuming. Ms. Bystrom replies that she does not mind doing it. Mr. Spilhaus responds that he does not have interest in doing that and probably would not stay on the board. Chm. Beyer says that he will train Elsa on the process.

Mr. Alfano asks if the associate members can vote and if they attend all meetings. Chm. Beyer responds that they vote if a member is not present and that they attend all meetings. Chm. Beyer adds that he would have Elsa be a voting member when she writes the decision.

### **Old Business:**

None.

### **Public Comment:**

None.

### **Adjournment**

Mr. Kalick makes a Motion to Adjourn, seconded by Mr. Pine.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. Keene – YES. Mr. Kalick – YES. Mr. O'Brien – YES. Chm. Beyer – YES.

The Motion Passes.

With no further business before the Board, the meeting was adjourned at 7:52PM.

Respectfully Submitted,  
Ina Sullivan