

**Town of Bourne
Zoning Board of Appeals
Meeting Minutes
March 6th, 2024**

PRESENT: Chairman James Beyer, Vice-Chair Chris Pine, John O'Brien, Elza Bystrom, Steven Kahain (Associate).

EXCUSED: Wade Keene.

STAFF: Ken Murphy.

ALSO PRESENT: Cynthia Dickens, John Canty, Fiona Duncan, Padraig Duncan, Stephen Kelleher, Chuck Frigier, Joe Narty.

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

1. **Minutes:** 2.7.24

Mr. Pine Makes a Motion to Approve the Minutes. Mr. O'Brien Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O'Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES.
Chm. Beyer – ABSTAIN.

The Motion Passes.

2. **Public Hearing for Special Permit #2023-SP17:** Cont'd from 1.17.24. 3 Saltworks Lane, Buzzards Bay. Cynthia Dickens. Request for an in-law suite for sister.

Chm. Beyer decides to table this item, because the applicant is not present.

Fifteen minutes into the hearing, the item is reintroduced because the applicant has showed up.

Ms. Dickens states that her sister's name is Janice Price. The in-law suite would have a small bathroom, kitchen, and bedroom. Mr. Pine states that the office must

have a six-foot opening, and the septic must be tested for approval. Ms. Bystrom confirms that the first floor is where the in-law suite will be.

Ms. Bystrom Makes a Motion to Close the Public Hearing. Mr. Pine Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O’Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES. Chm. Beyer – YES.

The Motion Passes.

Ms. Bystrom Makes a Motion to Approve the Application for Special Permit #2023-SP17, conditional upon approval of the septic system by the Board of Health, a six-foot opening for the office, and the occupant of this in-law suite is Janice Price. Mr. Kahain Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O’Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES. Chm. Beyer – YES.

The Motion Passes.

3. **Public Hearing for Supportive Finding #2023-SF13:** Cont’d from 2.7.24. John Canty. 20 Buttermilk Way, Buzzards Bay. Request to raze and rebuild on pre-existing, non-conforming lot and relief from existing setbacks.

John Canty introduces himself as representative of this project. Mr. Canty states that they are now under on GFA, and the roof elevation is under 26ft. In the back of the property, the setback is 9.8ft and 12.8ft where 15ft is required. However, these setbacks are better than what they were before.

Mr. Pine Makes a Motion to Close the Public Hearing. Ms. Bystrom Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O’Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES. Chm. Beyer – YES.

The Motion Passes.

Mr. O'Brien Makes a Motion to Approve the Application for Supportive Finding #2023-SF13. Mr. Kahain Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O'Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES. Chm. Beyer – YES.

The Motion Passes.

4. **Public Hearing for Supportive Finding #2024-SF01:** 9 Wallace Point Rd, Buzzards Bay. Padraig and Fiona Duncan. To add a deck to a pre-existing, non-conforming structure on a non-conforming lot and relief from existing setbacks.

Ms. Duncan explains that they withdrew the original special permit application and reapplied as a supportive finding. They have changed the design of the deck so it is not any more non-conforming than what is existing.

Mr. O'Brien Makes a Motion to Close the Public Hearing. Ms. Bystrom Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O'Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES. Chm. Beyer – YES.

Mr. O'Brien Makes a Motion to Approve the Application for Supportive Finding #2024-SF01. Ms. Bystrom Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O'Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES. Chm. Beyer – YES.

The Motion Passes.

5. **Public Hearing for Special Permit #2024-SP01:** 4 Bay Drive, Buzzards Bay. Stephen Kelleher. To demo and rebuild the existing, non-conforming cottage in a flood zone into a FEMA compliant home.

Mr. Kelleher introduces himself as representative of this project. He states that his client would like to raze and rebuild to make this dwelling a FEMA compliant home. They would like an extra 50 feet to the 10% allowed over 25% of lot coverage. The carport underneath will have open lattice. This home is located in the AE-16 Zone. The first floor is located at 17.3ft, and the home is less than 26ft. The existing front yard setback is 21.2ft, and they are proposing 24ft. The back setback is 12.3ft, and they are proposing 12.6ft, and 15ft at the front. The lot is trapezoidal, which creates a hardship.

Chm. Beyer goes over the current and proposed setbacks. The basis of this is that it would not be more detrimental to the neighborhood than what is already there.

Mr. Murphy confirms that the building height starts from the flood elevation.

Joe Narty, an abutter, makes a public comment. He wonders why this allowance is being made when allowances were not made for his property. The board explains that the 25% is what is already there, and the applicant is just asking for 50sqft in excess of this 25%.

Mr. O'Brien Makes a Motion to Close the Public Hearing. Ms. Bystrom Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O'Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES.
Chm. Beyer – YES.

The Motion Passes.

Mr. Pine Makes a Motion to Approve Special Permit #2024-SP01. Ms. Bystrom Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O'Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES.
Chm. Beyer – YES.

The Motion Passes.

New Business:

None.

Old Business:

Town Counsel has informed Chm. Beyer regarding an appealed decision on Tecumseh Rd. The appellant was granted the right to build by the land court because they believed that the variance was exercised. However, the land court decided that only a family member could live there. The land court then remanded back to the ZBA for a re-vote, but Town Counsel expects another appeal.

Public Comment:

None.

Adjourn:

Mr. O'Brien Makes a Motion to Adjourn. Mr. Pine Seconds the Motion.

Roll Call Vote as Follows:

Mr. Pine – YES. Mr. O'Brien – YES. Ms. Bystrom – YES. Mr. Kahain – YES.
Chm. Beyer – YES.

The Motion Passes.

With no further business before the board, the meeting is adjourned at approximately 7:53PM.

Respectfully Submitted,
Ina Sullivan – Recording Secretary