

**Town of Bourne
Zoning Board of Appeals
Meeting Minutes
January 3rd, 2024**

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

EXCUSED: Wade Keene.

STAFF: Ken Murphy.

PUBLIC: Nina Cormack, Patrick Ross, Robert Dewar, Andrew Zickell.

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

1. **Minutes:** *12.6.23*

Mr. Pine Makes a Motion to Approve the Minutes as Drafted. Mr. Kahain Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

2. **Public Hearing for Supportive Finding #2023-SFo8 and Special Permit #2023-SP09:** Cont'd from 11.15.23. 435 Circuit Ave, Pocasset. Request to continue. Steven Stens Trust, Paul and Madeline Stenberg, Request to raze and rebuild a pre-existing, non-conforming single family dwelling on a pre-existing non-conforming lot under section 2320.

Mr. O'Brien Makes a Motion to Continue the Public Hearing until February 7th, 2024. Ms. Bystrom Seconds the Motion.

Roll Call Vote As Follows:

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

3. **Public Hearing for Special Permit #2023-SP19:** 16 Mizzen Lane, Bourne. Neil and Nina Cormack. To finish basement for accessory dwelling.

Nina Cormack introduces herself as the applicant. She explains that she wishes to finish her basement and have two bedrooms there. She has a disabled husband and built the house about 3.5 years ago, and is looking for a nurse's help.

Chm. Beyer asks if the accessory dwelling is for the husband, and Mrs. Cormack responds that he is in the main house, but the accessory dwelling would be for the nurse's help. She would like to rent.

Mr. Murphy states that Mrs. Cormack is in front of them to make this compliant, and the work has been done already.

Mr. Pine asks if this is an allowed accessory use. Mr. Murphy responds that the rental's purpose is for care of her husband.

Ms. Bystrom asks if they will be renting for income or for her husband's care. Mrs. Cormack responds that it will be for both, since she will be hiring travelling nurses, which cost money, and she gives them a special price so they can care for her husband. She adds that she is also dealing with cancer, and had to build this house in her 70s. Her husband lost both his legs and had a stroke due to diabetes. Since he is a big man, she must always have someone there to take care of him.

Chm. Beyer adds that this accessory unit would need a septic upgrade for approval. He adds that under 4123, they would be able to approve a special permit for an accessory dwelling, citing community purposes such as facilitating care for the elderly or handicapped, or providing housing at an unusually low rate. Chm. Beyer adds that they might have to add the proviso that only a caregiver could live in the accessory dwelling. Mrs. Cormack adds that she might consider moving downstairs if her husband passes away, and Chm. Beyer responds that this does not mean that she could then rent out the upstairs.

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 Special Permit #2023-SP19 with the condition that the accessory dwelling is occupied only by caregivers of

the primary occupant's husband, and subject to approval by the Board of Health. 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.

4. **Public Hearing for Special Permit #2023-SP20:** 6 Benedict Rd, Gray Gables. Patrick Ross. For a second story addition within existing footprint.

Patrick Ross introduces himself as the applicant. They have plans to add a second story to a ranch. The plans would put the GFA at 26%. He is asking for a 1% hardship exemption for GFA. Ms. Bystrom adds that she did not see the slope of the roof on the site plans, which would be necessary under the bylaw if the height of the building is 31ft. Then the slope would need to be 4 inches or more per foot.

Mr. Pine asks what the hardship would be. Mr. Ross responds that since covid, his wife's job has gone completely remote, so they need the space so she is not working in their bedroom.

Chm. Beyer states that for a special permit, they would need to conform to the slope. If they cannot do this, they would need a variance. He suggests that Mr. Ross gets a drawing of what is proposed including the slope of the roof and the total height.

Ms. Bystrom Makes a Motion to Continue the Public Hearing for Special Permit #2023-SP20 until January 17th. 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.

5. **Public Hearing for Supportive Finding #2023-SF11:** 7 Holland Rd, Sagamore Beach. St. John Donnie McGrath. Second story addition maintaining the pre-existing, non-conforming gross floor area.

Chm. Beyer says that they can hear both this item and the next as one hearing, but will vote separately. Robert Dewar of Bracken Engineering

introduces himself as representative of this project. Mr. Dewar shares his screen via zoom. He says that this is a pre-existing, non-conforming lot. The applicants are looking to make this property more accessible for a family member that is wheelchair bound. Under the supportive finding, they would like to eliminate the shed which is in the back of the property, and make a small one-for-one trade for a small second-floor addition. They would like to make a handicap accessible room for the father. They would like to add a front porch with an access ramp to the handicap bedroom. The front porch does bring them over the required front yard setback. They would be going from a 17ft setback to a 15ft setback. An abutter also has a non-conforming setback, but the required setback is 30ft. Mr. Dewar confirms that the house is non-conforming in front yard setback and GFA, but are compliant in lot coverage.

In this project the lot coverage reduces because they are eliminating the back deck, and they are maintaining the GFA. Although it is not required, they are doing a voluntary upgrade to the septic. The applicants also hope to add a plunge style pool.

Mr. Murphy asks if this is a covered porch, and Mr. Dewar responds that they hope to keep this covered for better traversing for the wheelchair. Chm. Beyer adds that they would have to make any approval conditional upon Health Department approval.

Andrew Zickell, an abutter, states that his family is in full support of this project.

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

Chm. Beyer states that he does not have any problem with this for the Supportive Finding, but often is wary regarding approving variances. However, this seems to meet the hardship clause.

Ms. Bystrom Makes a Motion to Approve Supportive Finding #2023-SF11 conditional upon Health Department approval of the septic system. 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 – YES.

The Motion Passes.

6. **Public Hearing for Variance #2023-V3:** 7 Holland Rd, Sagamore Beach. St. John Donnie McGrath. Request for a front yard setback of 15.6+/- to accommodate an ADA ramp and porch.

Mr. O'Brien Makes a Motion to Approve Variance #2023-V3. 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.

Chm. Beyer does not believe that the public hearing was closed, so the board moves to close the Public Hearing.

Mr. Kahain Makes a Motion to Close the Public Hearing for Supportive Finding #2023-SF11 and Variance #2023-V3. 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:

Mr. Murphy states that the basement of Town Hall will be available when in person meetings resume.

Old Business:

None.

Public Comment:

None.

Adjourn:

Mr. Pine Makes a Motion to Adjourn. 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.

With no further business before the board, the meeting adjourns at approximately 8:01PM.

Respectfully Submitted,

Ina Sullivan