

**Town of Bourne
Zoning Board of Appeals
Meeting Minutes
January 17th, 2024**

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

EXCUSED: Wade Keene, Steven Kahain (Associate).

STAFF: Ken Murphy.

PUBLIC: David Reid, Patrick Ross, Fiona Duncan, Padraig Duncan, David Eldredge, Steven Lassman.

Chairman Beyer called the meeting to order via Zoom at approximately 7:14pm.

1. **Minutes:** 1.3.24

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

Roll Call Vote As Follows:

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

The Motion Passes.

2. **Public Hearing for Supportive Finding #2023-SF06:** Continued from 12.6.23. 56 Samoset Rd, Sagamore Beach. Peter Flynn. Request for supportive finding to raze and rebuild pre-existing, non-conforming structure with detached garage and pool on a non-conforming lot under section 2320.

This item is requested to continue. Since this has been continued many times, Mr. Pine suggests that they request the next meeting date to be in 60 days.

Mr. O'Brien Makes a Motion to Continue the Public Hearing until March 20th. Mr. Pine Seconds the Motion.

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

The Motion Passes.

Atty. David Reid asks if they need a further waiver of time constraints. Chm. Beyer states that he will check with the office to see if there are any objections.

3. **Public Hearing for Special Permit #2023-SP17:** Cont'd from 12.6.23. 3 Saltworks Lane, Buzzards Bay. Cynthia Dickens. Request for an in-law suite for sister.

Since there is no one here to speak to this item, the board will continue this again. Mr. O'Brien expresses concern about the lack of information they have on this application, and some inconsistencies in the floor plans submitted. Mr. Murphy states that the owners did not respond to their requests to clear up some of these inconsistencies.

Mr. O'Brien Makes a Motion to Continue the Public Hearing Until February 21st. Ms. Bystrom Seconds the Motion.

Roll Call Vote As Follows:

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

The Motion Passes.

4. **Public Hearing for Special Permit #2023-SP20:** Cont'd from 1.3.24. 6 Benedict Rd, Buzzards Bay. Patrick Ross. For a second story addition within existing footprint.

Patrick Ross identifies himself as the applicant. He states that he submitted the page of the plans he did not have last time, which shows the slope of the roof and height. None of the board members have seen these plans, and Mr. Ross states that he did not send this to the secretaries, but only Mr. Murphy. Mr. Murphy goes over his conversation with Mr. Ross going over the correct pitch. The board agrees that they must see the drawing, and Mr. Ross agrees to email these plans to Chm. Beyer.

The plans are shared on the screen via Zoom after the next agenda item concludes. Mr. Ross's plans show the height and pitch of the roof. Including the copula, the building is 31ft.

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. Chm. Beyer – YES.

The Motion Passes.

Mr. O'Brien Makes a Motion to Approve the Application for Special Permit #2023-SP20 in accordance with the plans submitted tonight. Ms. Bystrom Seconds the Motion.

Roll Call Vote As Follows:

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

The Motion Passes.

5. **Public Hearing for Special Permit #SP23:** 9 Wallace Point Rd, Buzzards Bay. Padraig and Fiona Duncan. To construct a non-conforming deck on a pre-existing non-conforming lot.

Fiona and Padraig Duncan introduce themselves as the applicants. Ms. Duncan states that they are hoping to expand the balcony on the seaward side. The lot is non-conforming due to setbacks. Chm. Beyer clarifies that it is the side yard setbacks which are a concern. He adds that he doesn't necessarily have a problem with the deck, but does not understand why the deck needs to be so big.

Mr. Pine adds that by the way the plans are drawn now, it would include extending the deck past the existing setbacks on the northeasterly side. With a supportive finding, this would not be more detrimental than what is existing, but the way the plans are drawn now would require a variance because it is increasing a non-conformity. He adds that he understands the hardship, which is that the building would not be square to the lot. However, the setbacks are now becoming more non-conforming.

Chm. Beyer clarifies that on the northern corner, the setback has been reduced from 7ft. to 4.4ft. Another existing setback is 2.7ft, and the steps and deck do not encroach into this. Chm. Beyer explains that they do not like to approve variances, but understands the hardship that the building will not be square. However, he would like to see the deck on the northern corner no less than 7ft from the property line. He explains that they would like to see a new drawing conveying these changes in order to approve this application for a supportive finding.

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

Roll Call Vote As Follows:

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

The Motion Passes.

6. **Public Hearing for Special Permit #2023-SP21:** 2R Arlington Drive. Steven and Clara Lassman. Request for an accessory dwelling for father.

There is no one present to speak to this item. David Eldredge introduces himself as an abutter and expresses his support of the project.

Steven Lassman calls into the meeting. He states that the existing dwelling is a one-bedroom apartment. Mr. Lassman and his wife will then be moving into the addition.

Mr. Murphy clarifies that Mr. Lassman has been building an addition on to his dwelling, but they noticed that one of the bedrooms looked like an in-law apartment, and Mr. Lassman states that the in-law is for his father. The name of the father is Joseph Cchinelli.

Chm. Beyer reads a memo from Health Agent Caitlin Shea to Mr. Murphy. Ms. Shea writes that the plans submitted to the Health Department do not match the approved architectural plans submitted with the septic design last year. As submitted, the bedroom count exceeds the septic capacity, citing clear room openings which indicate a bedroom instead of an office or den.

Mr. Pine suggests that they get these issues resolved with the Health Department and continue the public hearing.

Mr. Makes a Motion to Continue the Public Hearing Until February 7th. Mr. Pine Seconds the Motion.

Roll Call Vote As Follows:

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

The Motion Passes.

New Business:

The board and Mr. Murphy agree that if someone does not show up twice in a row to a public hearing without a letter to continue, it should be dropped.

Old Business:

Mr. Murphy discusses meeting with the Planning Board regarding accessory dwelling units. Mr. Murphy explains that the Planning Board is looking for their insight regarding this issue.

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. Chm. Beyer – YES.

The Motion Passes.

With no further business before the board, the meeting adjourns at approximately 8:15pm.

Respectfully Submitted,

Ina Sullivan