

**Town of Bourne
Zoning Board of Appeals
Meeting Minutes
November 15th, 2023**

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

ABSENT: None.

STAFF: Ken Murphy.

PUBLIC: Michael Rausch, George Carvalho, Doug Troyer.

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

Minutes: 11.1.23

Mr. Keene received the minutes later than expected and suggests continuing till the next hearing so he has time to review. The board agrees to table the minutes until the next meeting.

Public Hearing for Supportive Finding #2023-SF08 and Special Permit #2023-SP09: *Cont'd from 10.18.2023. 435 Circuit Ave, Pocasset. Request to continue. Seven Stens Trust, Paul and Medeline Stenberg. Request to raze and rebuild a pre-existing, non-conforming single family dwelling on a pre-existing, non-conforming lot under section 2320.*

Chm. Beyer states that there has been a request to continue this hearing. Mr. O'Brien asks why there is a special permit and supportive finding, and Chm. Beyer believes this is the nature of the continuance. He adds that there is some objection from the community regarding the scale of the building. He believes that they are trying to figure out what they really are asking for. Mr. Pine suggests moving the hearing to no earlier than January 3rd. The board agrees.

Mr. O'Brien Makes a Motion to Continue the Public Hearing for Supportive Finding #2023-SF08 and Special Permit #2023-SP09. Mr. Keene Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

Public Hearing for Special Permit #2023-SP14: *George Carvalho. 2 Williams Ave, Pocasset.*
Request for a commercial kennel.

George Carvalho of 90 Raspberry Lane in Marstons Mills introduces himself as the applicant. He would like to open a pet shop with the intention of selling golden doodles at the address of 2 Williams Ave Unit B in Pocasset. Chm. Beyer asks if the building is vacant, and Mr. Carvalho confirms and states that unit B is about 1000sqft.

Ms. Bystrom lives in this neighborhood and will be recusing herself from this hearing. Chm. Beyer informs Mr. Carvalho that he will need four out of four votes for this to pass.

Mr. O'Brien states that he does not recall doing a commercial kennel license and wonders if this is usually handled by the Planning Board. Chm. Beyer responds that they have done one before for a doggie daycare center, which was approved. He is not sure if they jurisdiction here, and asks for Mr. Pines input. Mr. Pine states that the definition of a commercial kennel is different than what has been described so far, which is a pet shop. A pet shop is a regular retail business that is regulated by the state. He asks what this operation will entail. Mr. Carvalho confirms that they will be selling puppies, and believes that the special permit is necessary because if the puppy is over 12 weeks old, they will fall under the kennel licensure. This means that if a puppy does not find a home before they are 12 weeks, they will need a kennel license. Chm. Beyer asks how many dogs he believes would be on the property, and Mr. Carvalho responds 8-10 at most. Chm. Beyer believes it is up to them to approve the use of a kennel in a B4 district.

Mr. Pine asks if they are boarding and if there be someone there 24/7. He also states that he believes that they would have to limit the amount of dogs to a certain number, and asks if that would be a problem. Mr. Carvalho responds that this would not be a problem because they do not plan to have a lot of dogs. He states that a typical litter is 8-10 puppies, and they do not plan on having more than one litter at a time. He states that they will have someone there 7 days a week taking care of the puppies, and the state has let them know what needs to go on in terms of care. The puppies must have adequate food, water, ventilation, and air conditioning/heating.

Chm. Beyer addresses Mr. Murphy. He states that this a commercial operation, but since there are four or more dogs on the property at one time, this might be construed as a kennel. However, a retail sales establishment under 1600sqft gross area with under 200 vehicle trips a day, this would be a site plan review by the Planning Board. Mr. Murphy responds that it should be, but he had a conversation with the Town Planner and she wasn't quite sure at the time, so he will revisit that question with her. Chm. Beyer states that he is not sure they have jurisdiction here. Mr. Murphy asks if Mr. Carvalho has a license, and he responds that they are working on the state license for the pet shop. He states that the reason they were going after the special permit for a kennel license is if they happened to have more than four dogs on the property at a time above the age of 12 weeks.

The board agrees that the kennel license is not necessary for Mr. Carvalho because it is not his intention to keep older dogs on his property.

Mr. Carvalho makes the request for the board to dismiss this application without prejudice.

Mr. Keene Makes a Motion to Close the Public Hearing for Special Permit #2023-SP14.
Mr. Pine Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

Mr. O'Brien Makes a Motion to Withdraw the Application #2023-SP14 Without Prejudice. Mr. Pine Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

Public Hearing for Extension of Variance #2016-V21-B: *Cumberland Farms. 4 & 6 MacArthur Blvd, Bourne. Extension for sign height.*

Doug Troyer introduces himself as representative of the project. He explains that when he came before the board about six months ago, there was a demo delay on the project concerning the old Visitors' Booth. The movers of the building needed to go to Town Meeting to get the funds necessary to move the building to the VFW, and they were successful. There was another delay because of contractor issues. There has been communication with the power company to get the power line disconnected between now and November 24th. At that time, the VFW's contractor should be able to come in and relocate the building. They are still addressing some MBTA issues and will be addressing those with them shortly. Therefore, they are requesting a six-month extension of the height variance to work with the town and work with other departments.

Mr. Keene states that the agenda says "sign height." Atty. Troyer confirms that they are looking for an extension of the variance for building height. He recaps that the grade of the slope behind the old shopping center is very steep, and pursuant to the building height definition from the town, building height is measured from pre-construction levels.

Ms. Bystrom Makes a Motion to Close the Public Hearing for Extension of Variance #2016-V21-B. Mr. O'Brien Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

Mr. O'Brien Makes a Motion to Approve Extension of Variance #2016-V21-B for a Period of Six Months. Mr. Pine Seconds the Motion.

Roll Call Vote as Follows:

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

The Motion Passes.

New Business:

The board brings up the issue of the length of the next meeting. They have 56 Samoset Rd, 72 Megansett Rd, and several other items. He suggested to Mr. Pine that they might want to consider rescheduling some of those items. They have already put 435 Circuit Ave to January 3rd, and they believe that Samoset and Megansett will take some time. He asks if they would like to ask the secretaries to put off some of those items to another meeting. Because the second meeting in December is so close to the holidays, they would need to ask the applicants if they could put off the meetings till January. Mr. Pine states that he has looked at what is on the agenda for December 6th, and he recommends trying to get them all done during that meeting. Ms. Bystrom asks if there is a time limit on the meetings, and Chm. Beyer responds that there is no limit. However, in the past he has issued a 10pm cut-off, in which the meeting would reconvene on December 20th or January 3rd.

The board decides to keep the agenda as is.

Old Business:

Chm. Beyer states that at the November 21st Select Board Meeting, they should have all the information needed to confirm Ms. Bystrom as a full member of the ZBA. They also have another applicant, Steven Kahian, who would like to be confirmed as a full member. Chm. Beyer expects that they will approve him as an Associate Member with a probationary period before becoming a full member.

Public Comment:

None.

Adjournment

Mr. Pine makes a Motion to Adjourn. Mr. Keene seconds the Motion.

Roll Call Vote As Follows:

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

With no further business before the Board, the meeting was adjourned at approximately
8:48 PM.

Respectfully Submitted,
Ina Sullivan

