

Town of Bourne Zoning Board of Appeals

Meeting Minutes

Remote Access Meeting
Meeting ID: 840 9307 4747

April 29, 2020

I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on April 29, 2020. She explained per the office of the Governor's order suspending certain provisions of the Open Meeting Law due to the Covid-19 outbreak, this hearing will be conducted online as all town buildings are currently closed to the public. Under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

Ms. Kullar announced the meeting was being recorded and some attendees are participating by video conference. She explained the ground rules associated with conducting the remote meeting, she confirmed the members of the board who were present, identified the building inspector and the recording secretary and verified a representative was present for each filing listed on the agenda.

Members Present: Amy Kullar, Wade Keene, Harold Kalick, John O'Brien, and Associate Members Chris Pine, Deb Bryant, and Jim Beyer.

Members Excused – Kat Brennan.

Also Present: Ken Murphy, Carol Mitchell, James Belladue, Donald Uitti, Donald Uitti Jr., Stephen Doran, Janine Giambarresi, and Michael Giambarresi.

Amy Kullar will be writing the Decisions.

II. Agenda Items

1. Approval of Minutes – Ms. Kullar entertained a motion to approve the minutes of the March 4, 2020 meeting. **Mr. Beyer moved, Mr. Kalick seconded to approve the minutes of the March 4, 2020.** The motion carried. 4-0-3. Roll call vote Mr. Kalick – yes, Mr. Keene – yes, Mr. Beyer – yes, Ms. Kullar – yes. Ms. Bryant- abstained, Mr. Pine- abstained, and Mr. O'Brien -abstained,

Sitting on the hearing; Amy Kullar, Harold Kalick, Wade Keene, John O'Brien, and Jim Beyer.

Mr. Pine recused himself from discussion and vote.

2. 785B County Road, Special Permit #2020-SP03 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 4120-4123, for construction of a 2nd story addition for an accessory dwelling.

Materials Reviewed – Application for Special Permit, Certified Plot Plan, Directions to the Property, Gross Floor Area Calculation Worksheet, and Floor Plan.

(Continued from March 4, 2020)

Don Uitti stated he would like to convert an existing space above his garage to an in-law apartment. His son and daughter-in-law intend to purchase and reside in the main house and Mr. Uitti intends to retire and live in the in-law apartment with his wife.

Ms. Kullar explained the accessory dwelling bylaw requires that the names of the occupants of the accessory dwelling be identified and the primary residence be owner occupied. Mr. Uitti said it will be.

Ms. Kullar asked who will be residing in the accessory dwelling. Mr. Uitti stated he and his wife Judy will reside in the accessory dwelling.

Mr. Kalick asked whether there is an existing apartment above the garage. Mr. Uitti stated windows were installed for aesthetics, however, the interior space is incomplete.

Ms. Kullar stated she's confused by the timing of the project since the house is still owned by Mr. Uitti and not his son. Mr. Uitti said his son is in the process of purchasing the property. Ms. Kullar asked whether a Purchase and Sale Agreement has been signed. Mr. Uitti's son, Don Jr., stated they currently do not have a signed Purchase and Sale Agreement.

Ms. Kullar asked whether the board can issue the permit based on the intent of the son to purchase the property. The building inspector, Ken Murphy, stated he visited the property and confirmed the space above the garage has not yet been renovated. He said the board may issue a permit even though there is not a signed Purchase and Sale Agreement yet.

Mr. Keene noted there are two units on the property, A and B. He asked whether there are already two dwellings on the property. Mr. Uitti stated this is a condominium so there are two existing dwellings on the property. Mr. Keene said during his tenure as a member, this type of request has never come before the board. He isn't sure this request conforms to the bylaw since an accessory dwelling will technically create a third dwelling on the property. A discussion ensued.

Mr. O'Brien asked whether each unit has its own septic system. Mr. Uitti stated each condominium has its own septic system that can accommodate four bedrooms.

After a brief discussion, the board requested condo association documents be submitted to ensure the project may be legally approved.

Mr. O'Brien suggested a Purchase and Sale Agreement be drafted. Ms. Kullar agreed.

Mr. Uitti asked whether a letter from the abutter would be helpful. Ms. Kullar stated it would be and asked that a letter of support from the attorney who assisted with the creation of the condo association also be submitted. Mr. Uitti explained he is purchasing the property to allow his parents to age in place.

With no further discussion, Ms. Kullar entertained a motion to continue the matter to May 13, 2020. **Mr. O'Brien moved Mr. Kalick seconded to continue Special Permit #2020-SP03 to May 13, 2020.** The motion carried. 5-0-0. Roll call vote – Mr. O'Brien - yes, Mr. Kalick – yes, Mr. Keene – yes, Mr. Beyer – yes, Ms. Kullar – yes.

Mr. O'Brien asked whether Ms. Kullar received documentation from the Board of Health. Ms. Kullar said she did not. Mr. Murphy stated he will obtain documentation from the health agent and submit it to the board before the next hearing.

Mr. Pine returned to the meeting.

Sitting on the hearing; Amy Kullar, Harold Kalick, Wade Keene, John O'Brien, and Deb Bryant.

3. 1 Shawmut Road, Requesting a Special Permit **#2020-SP04** under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area and Lot Coverage.

Materials Reviewed – Application for Special Permit/Supportive Finding, Certified Plot Plan, Directions to the Property, Gross Floor Area Calculation Worksheet, and Floor Plan.

(Continued from March 18, 2020)

James Belladue described the nature of his project.

Ms. Kullar asked whether the property owner intends to reside in the home year round. Mr. Belladue said he purchased the home in April 2019 and resides there year round. He described the existing layout of the property explaining the need to expand the second level.

Ms. Kullar feels the proposed project will match the character of the neighborhood. Mr. Belladue mentioned all of his abutters support the proposed project.

Mr. O'Brien asked whether the number of bedrooms will be increased. Mr. Belladue stated no, three bedrooms are existing and no additional bedrooms are proposed. He mentioned that although the existing system meets Title V requirements, he is proposing to upgrade the existing septic system.

Mr. O'Brien informed the applicant that the allowable 10% departure is discretionary. Mr. Belladue said he understands, explaining that the project was redesigned to meet the requirements.

Mr. O'Brien asked Mr. Murphy whether the proposed project meets the requirements of a Special Permit. Mr. Murphy said it does.

Mr. Keene asked whether the original setbacks will be maintained. Ms. Kullar stated the existing footprint will remain.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Kalick moved, Mr. O'Brien seconded to close the public hearing.** The motion carried. 5-0-0. Roll call vote – Mr. O'Brien -yes, Mr. Kalick – yes, Mr. Keene – yes, Ms. Bryant – yes, Ms. Kullar – yes.

After a brief discussion regarding Board of Health approval, Ms. Kullar entertained a motion. **Mr. Kalick moved, Mr. O'Brien seconded to grant Special Permit #2020-SP04 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330 and 2457 for a departure from the requirement of table 2456 to construct a single-family dwelling and such departure will be within the 10% allowable Gross Floor Area and Lot Coverage per the plans and specifications dated 11/7/2019 and contingent upon Board of Health approval.** The motion carried. 5-0-0. Roll call vote – Mr. O'Brien -yes, Mr. Kalick – yes, Mr. Keene – yes, Ms. Bryant – yes, Ms. Kullar – yes.

Sitting on the hearing; Amy Kullar, Harold Kalick, Wade Keene, John O'Brien, and Chris Pine.

4. 920 Scenic Highway, Requesting a Special Permit #2020-SP05 – Extension or alteration of a pre-existing, non-conforming structure or use per Sections 1330, 2300 and 2450 of the Bourne Zoning Bylaw and M.G.L., Ch. 40A, Sec 9 to alter a pre-existing deck from 8'x 25' to 8'x 39'.

Materials Reviewed – Application for Supportive Finding, Gross Floor Area Calculation Worksheet, Floor Plan, Assessor’s Data Card, Site Photograph, Directions to the Property

(Continued from March 18, 2020)

Stephen Doran discussed the proposed project and questioned why a Special Permit is necessary. A brief discussion transpired regarding the existing setbacks. Mr. Murphy explained that because the existing deck is being replaced, approval by the Board of Appeals is required.

Mr. Keene opened a brief discussion regarding the plot plan.

Public Comment – None.

Mr. Kalick moved, Mr. Keene seconded to close the public hearing. The motion carried. 5-0-0. Roll call vote – Mr. O’Brien -yes, Mr. Kalick – yes, Mr. Keene – yes, Mr. Pine – yes, Ms. Kullar – yes.

Mr. O’Brien moved, Mr. Kalick seconded to grant Special Permit #2020-SP05 – to allow the alteration of a pre-existing, non-conforming deck from 8’x 25’ to 8’x 39’ per Sections 1330, 2300 and 2450 of the Bourne Zoning Bylaw and M.G.L., Ch. 40A, Sec 9. The motion carried. 5-0-0. Roll call vote – Mr. O’Brien -yes, Mr. Kalick – yes, Mr. Keene – yes, Mr. Pine – yes, Ms. Kullar – yes.

Sitting on the hearing; Amy Kullar, Harold Kalick, Wade Keene, John O’Brien, and Jim Beyer.

5. 21F Nautical Way, Requesting a Special Permit #2020-SP06 – Supportive Finding per Sections 2320 and 2450 of the Bourne Zoning Bylaw and M.G.L., Ch. 40A, Sec 9 to raise existing ridge line 9” on existing roof and add 1’8” x 5’ closet on existing deck front right corner.

Materials Reviewed – Application for Special Permit/Supportive Finding, Gross Floor Area Worksheet, Property Map Sheet, Certified Plot Plan, Floor Plan, Map of Hideaway Village, Directions to the Property, Hideaway Village Construction Application, and Approval Letter from Hideaway Village.

Michael Giambarresi described the proposed project.

Ms. Kullar performed a site visit and met two of the abutters who expressed support of the proposed project.

Mr. Keene asked whether Hideaway Village Association has approved this project. Ms. Kullar stated an approval from Hideaway Village was included with the submitted documentation.

Mr. O'Brien opened a brief discussion regarding abutter approval. Mr. Giambarresi stated they revised the plan to appease some of the abutters.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Keene moved, Mr. Beyer seconded to close the public hearing.** The motion carried. 5-0-0. Roll call vote – Mr. O'Brien -yes, Mr. Kalick – yes, Mr. Keene – yes, Mr. Beyer – yes, Ms. Kullar – yes.

Mr. Keene moved, Mr. O'Brien seconded to grant Special Permit #2020-SP06 – Supportive Finding per Sections 2320 and 2450 of the Bourne Zoning Bylaw and M.G.L., Ch. 40A, Sec 9 to raise existing ridge line 9" on existing roof and add 1'8" x 5' closet on existing deck front right corner. The motion carried. 5-0-0. Roll call vote – Mr. O'Brien -yes, Mr. Kalick – yes, Mr. Keene – yes, Mr. Beyer – yes, Ms. Kullar – yes.

Mrs. Giambarresi asked what the next step. Mr. Murphy explained the process.

Old Business – Mr. Kalick opened a brief discussion regarding the May 13, 2020 agenda.

New Business – Mr. O'Brien discussed the Chase Estates filing.

Ms. Kullar briefly discussed the site visit that occurred at Cape Cod Aggregates.

Public Comment – Mr. Belladue thanked the members.

III. Adjournment –

Mr. O'Brien moved, Mr. Kalick seconded to adjourn the meeting. The motion carried. 7-0-0. Roll call vote – Mr. O'Brien -yes, Mr. Kalick – yes, Mr. Keene – yes, Mr. Beyer – yes, Mr. Pine – yes, Ms. Bryant – yes, Ms. Kullar – yes. The meeting adjourned at 8:08 PM.

Minutes Submitted by: Carol Mitchell