

Town of Bourne Zoning Board of Appeals

Meeting Minutes

Remote Access Meeting
Meeting ID: 847 1622 1701

May 13, 2020

I. Call to order

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on May 13, 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, Harold Kalick, John O'Brien, Kat Brennan and Associate Members Chris Pine, and Jim Beyer.

Members Excused – Wade Keene and Deb Bryant.

Also Present: Ken Murphy, Carol Mitchell, Richard Selby, Donald Uitti, Donald Uitti Jr., Tarja McGrail, Randall Patterson, John Raposo, Edmund Beard, Amanda Halloran, and Jim Halloran.

Amy Kullar will be writing the Decisions.

II. Agenda Items

1. Approval of Minutes – None.

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

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, letter of support from abutter, and Floor Plan.

(Continued from April 29, 2020)

The applicant, Mr. Uitti, was present to discuss the proposal to build an accessory dwelling for he and his wife to reside in in the future.

Ms. Kullar reminded the members that the matter was continued because concerns were raised at the previous hearing that an accessory dwelling is being proposed for a condominium. She stated the members have since received a letter of support from the abutter and the condominium association has approved it. The bylaw doesn't specifically prohibit this, therefore, she thinks issuing the permit is permissible. Mr. Murphy said he has not received any information stating it is prohibited.

Ms. Kullar discussed the son's intent to purchase the property to make it his primary residence. Because he isn't ready to purchase the property yet, she suggested the applicant apply at a later date because there isn't a current need for the accessory dwelling. The bylaw requires the primary residence be owner occupied with an accessory dwelling for someone else.

Ms. Brennan suggested the applicant return at a later date.

Mr. O'Brien asked whether a Purchase and Sale Agreement has been submitted. Ms. Kullar stated one has not.

Mr. Kalick explained the language of the bylaw to the applicant.

Ms. Kullar asked the applicant's son when he plans to move into the primary residence. Don Uitti Jr. stated he and his wife cannot relocate until he sells his current home. Ms. Kullar asked whether he is retiring here and if he has children. Mr. Uitti said he and his wife are still employed and his children are grown. Ms. Kullar further explained how the language of the bylaw prevents the issuance of a Special Permit for an accessory dwelling until he owns the property.

After a brief discussion, the applicant decided to withdraw his application without prejudice.

Mr. Kalick moved, Mr. O'Brien seconded to allow the applicant to withdraw application 2020-SP03 without prejudice. The motion carried. 5-0-0. Roll call vote - Mr. O'Brien -yes, Mr. Kalick – yes, Mr. Beyer – yes, Ms. Brennan – yes, Ms. Kullar – yes.

Mr. Pine returned to the meeting.

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

3. 10 Wabash Ave., Requesting a Special Permit #2020-SP07 under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw Sections 1330, 2300, and 2450 to alter a pre-existing deck by demolishing existing deck and rebuilding at an increased size and connecting decks.

Materials Reviewed – Application for Supportive Finding, Assessor's Property Card, Directions to the Property, Gross Floor Area Calculation Worksheet, Hand drawn Floor Plan, and Abutters List.

Randall Patterson described the layout of the property and the proposed project.

Ms. Kullar stated the town planner hasn't signed off on the Gross Floor Area Calculation Worksheet. Mr. Patterson said he was unaware that was a requirement.

Mr. Kalick discussed lot coverage and backyard access.

Mr. Murphy expressed concerns that the project may not meet setback requirements. He requested a certified plot plan be submitted. Ms. Kullar agreed and reiterated that the Gross Floor Area Calculation Worksheet needs to be reviewed by the Planning Department.

Mr. Beyer asked that the certified plot plan include the new deck and the dimensions from the deck to the property lines. The board members agreed.

A brief discussion transpired regarding the hand drawn plan that was submitted. Mr. Beyer clarified the information that should be included on the revised plan.

Ms. Kullar entertained a motion to continue the matter to June 3, 2020. **Mr. Beyer moved, Ms. Brennan seconded to continue the matter to June 3, 2020.** The motion carried. 5-0-0. Roll call vote – Mr. O'Brien -yes, Mr. Kalick – yes, Mr. Beyer – yes, Ms. Brennan – yes, Ms. Kullar – yes.

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

4. 69D Windy Rd., Requesting a Special Permit #2020-SP08 – Supportive Finding per Sections 2320 and 2450 of the Bourne Zoning Bylaw and M.G.L., Ch. 40A, Sec 9 to add 12’ x 16’ deck to the side of the house with front steps.

Materials Reviewed – Application for Supportive Finding, As Built for 69D Windy Road, Hand drawn Floor Plan, Hideaway Village Application/Approval, and Directions to the Property.

John Raposo described the layout of the property. He provided history of a previously approved deck and described the proposed project.

Mr. Beyer asked what is proposed for the area under the elevated second floor deck and whether vehicles will have access to that area. Mr. Raposo stated a door to the basement will be accessible from that area and although there is room for a vehicle, there is sufficient driveway space between the street and the proposed deck.

Ms. Kullar mentioned Hideaway Village has approved the proposed project.

Public Comment – None.

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

Mr. Kalick moved, Mr. Pine seconded to grant #2020-SP08 – Supportive Finding per Sections 2320 and 2450 of the Bourne Zoning Bylaw and M.G.L., Ch. 40A, Sec 9 to add a 12’ x 16’ deck to the side of the house with front steps per the plans and specifications as approved by the Hideaway Village Condominium Association. The motion carried. 5-0-0. Roll call vote – Mr. O’Brien -yes, Mr. Kalick – yes, Ms. Brennan – yes, Mr. Pine – yes, Ms. Kullar – yes.

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

5. 132 Wings Neck Rd., Requesting a Special Permit #2020-SP09 – under M.G.L., Ch. 40A, Sec 9 and Section 1330 of the Bourne Zoning Bylaw and a Supportive Finding under Section 2300 that the replacement of existing foundation structure is not substantially more detrimental than the original structure to the neighborhood.

Materials Reviewed – Application for Supportive Finding, Gross Floor Area Worksheet, Abutters List, Property Map Sheet, Floor Plans and Directions to the Property.

Tarja McGrail described the layout of the property and summarized the proposed project. She mentioned the proposal received Conservation Commission approval.

Mr. Beyer asked how much the house will be raised. Ms. McGrail said the house will be raised 8.2 feet. He asked the representative to clarify the decrease in the amount of impervious surface. Ms. McGrail clarified.

A brief discussion transpired regarding the lower level of the home that will remain open after the structure is elevated and why a garage door is being added to that area. Ms. McGrail stated a garage door is more aesthetically pleasing than lattice and will also provide access to items being stored under the elevated structure.

Ms. McGrail commented that this project will greatly reduce the property owner's flood insurance premium.

Mr. Pine asked if the overall height of the dwelling will also be increased by eight feet. Ms. McGrail explained the ridge height will be increased by 8.2 feet.

Mr. O'Brien asked what the ridge height will be. Ms. McGrail said it will be 38.6 feet. A brief discussion transpired regarding the maximum allowable height under the bylaw.

Ms. Brennan asked for the age of the house. Ms. McGrail said it was built in the 1980s.

Ms. Kullar asked whether the property owner resides here year round. Ms. McGrail stated it is a year round residence.

A brief discussion transpired regarding the benefits of raising the structure.

Mr. Kalick discussed the need to label a four foot opening and to remove the door from the proposed office space. He asked that a revised plan be submitted. Ms. Kullar stated approval of the permit will be contingent on a revised plan being submitted. Ms. McGrail was amenable.

Mr. O'Brien asked whether the raising of the structure will impact the setbacks. Ms. McGrail stated all setbacks will be met and the project will bring the home into compliance.

A brief discussion transpired regarding the height of the proposed structure. A condition will be added that height requirements must be met.

Public Comment – Abutter, Richard Selby, spoke in favor of the proposed project.

Mr. Murphy stated he will confirm height and bedroom requirements with the Planning Department prior to issuing a Building Permit.

Board of Health approval is also required.

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

Ms. Kullar entertained a motion. **Mr. O'Brien moved, Mr. Beyer seconded to grant Special Permit Special Permit #2020-SP09 under M.G.L., Ch. 40A, Sec 9 and Section 1330 of the Bourne Zoning Bylaw and a Supportive Finding under Section 2300 that the replacement of the existing foundation structure is not substantially more detrimental than the original structure to the neighborhood contingent upon height requirements being met, Board of Health approval and a revised plan be submitted should the office space be built depicting a four foot opening and removal of the door.** The motion carried. 5-0-0. Supportive Finding roll call vote – Mr. O'Brien - yes, Mr. Kalick – yes, Ms. Brennan – yes, Mr. Beyer – yes, Ms. Kullar – yes.

Special Permit roll call vote – Mr. O'Brien -yes, Mr. Kalick – yes, Ms. Brennan – yes, Mr. Beyer – yes, Ms. Kullar – yes.

Old Business – None.

New Business – Ms. Kullar discussed the peer review for the Chase Estates filing. An individual has been selected and is moving forward. Mr. Murphy spoke with the reviewer who is the same person who performed the peer review in 2011. He will begin the review once a contract has been signed and a payment has been received.

Ms. Kullar briefly discussed the site visit that occurred at Cape Cod Aggregates. She said the seeding is complete and the vegetation looks great. Mr. Beyer thinks they've done a great job with restoring the site and they've lived up to their commitment. Ms. Kullar mentioned the property is being sold and a solar farm is being proposed for that location.

A brief discussion transpired regarding the next meeting and a possible schedule for in-person meetings to resume.

A brief discussion transpired regarding the reorganization of the board that will occur at the first meeting of the new fiscal year.

Mr. Kalick mentioned he misses seeing Jim Mulvey, a prominent member of the public, at the meetings.

Public Comment – Ms. Mitchell announced this was her last meeting as recording secretary. She thanked the members for their efforts.

III. Adjournment –

Mr. Kalick moved, Mr. Beyer seconded to adjourn the meeting. The motion carried.
6-0-0. Roll call vote – Mr. O’Brien -yes, Mr. Kalick – yes, Ms. Brennan – yes, Mr. Beyer
– yes, Mr. Pine – yes, Ms. Kullar – yes. The meeting adjourned at 8:10 PM.

Minutes Submitted by: Carol Mitchell