Zoning Board of Appeals
Attn: Board Members
59 Town Hall Square
Falmouth, MA 02540

February 19, 2019

RE: Minutes for Public Hearings and Open Meeting held on February 7, 2019 at 6:30 PM in the Selectmen’s Meeting Room in Town Hall.

Dear Board Members:

The attached minutes as referenced above are respectfully submitted for the Board’s approval and to be filed with the Town Clerk:

New Hearings 6:30 PM:

#118-18 Blue Flag Development, LLC, 836 Palmer Avenue, Falmouth

#001-19 Buckley, 2 Pamet Road, North Falmouth

#002-19 Graham, 331 Woods Hole Road, Woods Hole

Open Meeting:

1. Minutes January 31, 2019
2. Board Updates
3. Discuss Date for Future Workshop
4. Board Discussion RE: Zoning Recodification Committee
5. Future Agenda Items

Terrence Hurrie, Chairman, Board of Appeals:

Date Minutes filed with Town Clerk: ____________________________

Respectfully submitted
Joanne Robbins, Recording Secretary
Noreen Stockman, Zoning Administrator
February 7, 2019 – 6:30 PM
Draft Minutes
Board of Appeals Public Hearings & Open Meeting
Selectmen’s Meeting Room – Town Hall, Falmouth
PRESENT: Terrence J. Hurrie (Chairman); Kenneth Foreman (Vice Chairman); Gerald Potamis (Associate); Robert Dugan (Associate)
And Zoning Administrator, Noreen Stockman
ABSENT: Edward Van Keuren

6:30 PM
Chairman Hurrie called the meeting to order at 6:30 P.M.
Chairman Hurrie appointed G. Potamis and R. Dugan as alternate voting members and R. Dugan as Acting Clerk.

**New Hearings 6:30 PM:**

#118-18 Blue Flag Development, LLC, 836 Palmer Avenue, Falmouth
Special permit to update existing campground, reduce number of campsites remove nearly all existing structures and replace with clubhouse

**Voting Members:** T.J. Hurrie, K. Foreman, G. Potamis, R. Dugan

**Attorney Eliza Cox for the Applicant.**
Attorney Cox asked the Board for a continuance due to a lack of quorum. Attorney Cox also said that the project has not yet received Planning Department approval and a meeting with Planning is scheduled for February 26, 2019.

Attorney Cox spoke about the difficulties members have had accessing the site, and asked the Board to schedule a site visit. This would take place before the next hearing, where she and the principals would attend, and the property would be staked. The Board agreed to Saturday, February 16th at 10:00A.M. for the site visit.

Since the hearing was continued, members of the public in attendance were invited to meet with Attorney Cox, the Applicant, and the investment partners, in the Water Dept. conference room tonight, with any questions about the project.

**A Motion** was made by K. Foreman to continue the hearing to February 21, 2019, at 6:30 P.M.
**Second:** G. Potamis.
**Motion passed 4-0.**
February 7, 2019 – 6:30 PM
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Board of Appeals Public Hearings & Open Meeting
Selectmen’s Meeting Room – Town Hall, Falmouth
PRESENT: Terrence J. Hurrie (Chairman); Kenneth Foreman, (Vice Chairman);
Gerald Potamis (Associate); Robert Dugan (Associate)
And Zoning Administrator, Noreen Stockman
ABSENT: Edward Van Keuren

#001-19 Buckley, 2 Pamet Road, North Falmouth
Special permit to construct addition to create habitable space

Voting Members: T.J. Hurrie, K. Foreman, G. Potamis, R. Dugan
Acting Clerk, R. Dugan, read the Notice of Public Hearing into the record.

Referrals:
  – Health Board: Existing septic is okay for four bedrooms as long as the addition is on
    sonotubes, or a pier foundation. The tank could be relocated.
  – No letters in support or in opposition

Attorney Laura Moynihan for the Applicant.
Chairman Hurrie asked Attorney Moynihan if she was agreeable to be heard by the four-
member Board. Attorney Moynihan agreed for the record.

Attorney Moynihan said the Applicant proposed an addition at the rear of the house. The
dwelling, built in 1988, has four bedrooms – three bedrooms on the second floor and one on the
first floor. The lot is 9,127 sf and is in Zone Res C. The height is 21.8¼; lot coverage is 21.98%
by structures (over the max of 20%) and 23.76% total lot coverage by structures, pavement and
parking. The basement is finished, however, the plan on file shows it is “proposed”. The
Applicant intends to keep the four bedrooms, but create a master of the existing second floor
bedroom and add a bath. A seasonal room will be added on the first floor where the existing
deck is now. The master will be over that room/deck. The new lot coverage by structures will be
22.05% and the total lot coverage will be 23.84%. There are no existing non-conforming
setbacks. Attorney Moynihan showed a GIS map of the neighborhood, which showed nine
existing homes that are over the maximum lot coverage. There are no adverse traffic impacts on
the neighborhood, no increase in bedrooms and the project is in compliance with §240-3 and
§240-69E. Attorney Moynihan entered her written presentation into the record.

Board Comments and Questions:
The Board asked about the number of storage areas, the height of the attic storage and asked if
there are exterior windows in those areas. Attorney Moynihan said there is storage on the
second floor, and storage in the basement, garage, and within a shed. It was noted that there is
no access shown on the plan to the second-floor storage area off of Bedroom No. 3. The
Applicant said the unfinished attic spaces have eight foot ceilings, are plywood with insulation,
are not heated and there are no windows. Chairman Hurrie asked if the Applicant considered
eliminating the shed to decrease lot coverage. Attorney Moynihan said the Applicant wished to
keep the shed. The Chairman asked if the Applicant had addressed the Board of Health
comment about the sonotubes. Attorney Moynihan said there is an email in the file, that states
the plan will be noted to include the sonotubes.

Public Comment: None
A Motion was made by R. Dugan to close the hearing. Second: G. Potamis. Motion passed 4-0.

A Motion was made by R. Dugan to approve the plan. Second: G. Potamis. Motion passed 4-0.

Findings:
- Addition will be on sonotubes.
- There will be no increase in bedrooms – to remain four.
- Lot coverage increase is minimal and is in character with neighborhood homes.
- Lot coverage analysis was submitted into the record.
- Complies with §240-3 and §240-216
- Not substantially more detrimental
- Storage on second floor is currently unheated and there are no windows.
- Applicant to submit change in plans to add access to second floor storage (off BR No.3).
- Basement is already finished and plans will be revised.

Conditions:
- Per revised plans to show access to second floor storage area
- There will be no more than four bedrooms.
- Storage area to remain for storage only.
February 7, 2019 – 6:30 PM
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Gerald Potamis (Associate); Robert Dugan (Associate)
And Zoning Administrator, Noreen Stockman
ABSENT: Edward Van Keuren

#002-19 Graham, 331 Woods Hole Road, Woods Hole
Special permit to construct a detached garage in front yard more than 50’ from front property line

Voting Members: T.J. Hurrie, K. Foreman, G. Potamis, R. Dugan
Acting Clerk, R. Dugan, read the Notice of Public Hearing into the record.

Referrals:
- Assessor: There is an easement over Lot 6
- No letters in support or in opposition

William Roslansky, Architect, for the Applicant:
Chairman Hurrie asked Mr. Roslansky if he was agreeable to be heard by the four-member Board. Mr. Roslansky agreed for the record.

Mr. Roslansky said the Applicant proposed a two-car, detached garage, to be located in the front yard of the property, more than 50’ from Woods Hole Road. He said the house sits back from the road (toward the northwest), and is located on a rise. The garage will be partially buried in the hill, and will be used to store the Applicant’s boat. There will be a U-shaped driveway access. The decision to put the garage in the front yard was made, because it will be minimally visible to the immediate neighbors, and would avoid the substantial slope otherwise, including having to back the boat up the hill. The septic system is located in the rear (northerly side) of the property. Roslansky said the project meets all setback and lot coverage requirements. The height of the accessory building will be just under 22’. The side of the garage, that faces the road, will be a height of 17.5’.

Board Comments and Questions:
In response to a question by the Board about access to the garage, Roslansky said the only access will be by an exterior door.

Public Comment: None

A Motion was made by G. Potamis to close the hearing. Second: K. Foreman.
Motion passed 4-0.

A Motion was made by R. Dugan to approve the plan. Second: K. Foreman
Motion passed 4-0.
Findings:
  - Complies with §240-216
  - Not substantially more detrimental
  - Increase in utilization of the property
  - Garage will be 50' from the street.
  - Meets lot coverage requirements.
  - Site location on the property is appropriate given the topography and location of septic.
  - Less intrusive to immediate neighbors
  - Storage above the garage is accessed by exterior door.
  - The garage is unfinished.
  - Meets accessory building height requirement

Conditions:
  - Per plans
  - No finished space allowed in the storage area
February 7, 2019 – 6:30 PM
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And Zoning Administrator, Noreen Stockman
ABSENT: Edward Van Keuren

Open Meeting:

1. Minutes January 31, 2019 – Tabled until next meeting

2. Board Updates – The Board vacancies will be filled next Monday, February 11, 2019, at
the Select Board meeting. Good luck to R. Dugan and G. Potamis who are candidates.
Chairman Hurrie will attend that meeting.

   The Board sent best wishes to E. Van Keuren who was absent tonight.

3. Discuss Date for Future Workshop – Tabled until vacancies are filled

4. Board Discussion RE: Zoning Recodification Committee – Tabled

5. Future Agenda Items – Town Counsel, Frank Duffy, will provide all boards with a memo
regarding Mullin Rule. The Board will place Mullin Rule on the agenda, after the memo is
received and reviewed.

Chairman Hurrie adjourned the meeting at 7:15 P.M.

The Board reserves the right, by vote, to take items on the above Agenda out of order. Next
Scheduled Public Hearings will be held on February 21, 2019 at 6:30 PM – Selectmen’s
Meeting Room – Town Hall.