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

RE: Minutes for Public Hearings and Open Meeting held on February 21, 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:

Continuation(s) 6:30 PM

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

New Hearings

#003-19 Murphy, 386 Maravista Avenue, Teaticket

#004-19 DiFederico, 11 Plymouth Drive, East Falmouth

Open Meeting:

1. Minutes January February 31, 2019 and February 7, 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

RECEIVED
APR 19, 2019 PM 3:22
TOWN CLERK
February 21, 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);
Ed Van Keuren, Member; Gerald Potamis (Associate); Robert Dugan (Associate)
And Zoning Administrator, Noreen Stockman

6:30 PM
Chairman Hurrie called the meeting to order at 6:30 P.M.
The record reflects K. Foreman arrived at 6:38 P.M.

Voting members: G. Potamis, K. Foreman, T.J. Hurrie, E. Van Keuren, R. Dugan

A Motion was made by G. Potamis to enter into executive session pursuant to G.L. C.30A,
§21(A)(3) to discuss settlement of the pending litigation DiPietro v. Falmouth Zoning Board of
Appeals, 8 Riverway, North Falmouth, and an open meeting may have a detrimental effect on
the board’s litigation position. The board will reconvene in open session.
Second: E. Van Keuren.
Motion passed by 5-0 roll call vote. G. Potamis, K. Foreman, T.J. Hurrie, E. Van Keuren, R.
Dugan all answered in the affirmative.

Following Executive Session, a Motion was made by G. Potamis to close executive session and
go back into open session. Second: E. Van Keuren
Motion passed 5-0 by roll call vote. G. Potamis, K. Foreman, T.J. Hurrie, E. Van Keuren, R.
Dugan all voted in the affirmative.

The Board entered back in to open session at 6:52 P.M.

Open Meeting: 6:52 P.M.

Chairman Hurrie appointed E. Van Keuren as Acting Clerk, and appointed G. Potamis and R.
Dugan as full voting members for tonight’s hearings.

Voting members: G. Potamis, K. Foreman, T.J. Hurrie, E. Van Keuren, R. Dugan

Continuation(s) - #118-18 Blue Flag Development, LLC, 836 Palmer Avenue, Falmouth,
requesting a Special permit to update the existing campground, reduce number of campsites
remove nearly all existing structures, and replace with a clubhouse.

Acting Clerk, E. Van Keuren, read the Notice of Public Hearing into the record.

Referrals:
- Concom - Staff and representatives to review septic location and are awaiting
  comments from Dept. of Public Works Engineering
- Planning - two pages of detail – pursuant to Fire prevention M.G.L. c.148 the
  clubhouse is over 7,500 sf, and will require a sprinkler system and a fire
detection system. Meeting scheduled for February 26, 2019.
Health Bd. - Will meet with the applicant to discuss septic design. The project is not approved. Needs a ground water storage permit to exceed 10,000 gallons.
- Nine letters of concern
- One letter in support
- Two letters in opposition

Attorney Eliza Cox, for the applicant, Blue Flag Development, LLC:
Also present for the Applicant, Blue Flag Dev. LLC: Brad Guidi, Terry Sanford, Jason Brown, Tyler Hardy, and Civil Engineer, Brendan Melaney

Attorney Cox asked the Board to exceed the allowed time for presentation. A Motion was made by K. Foreman to allow the applicant to exceed 20 minutes for its attorney’s presentation. Second: E. Van Keuren.
Motion passed 5-0.

Attorney Cox said the property is owned by a Nominee Trust. Blue Flag has the authority to file the application for the Trust. The property is 12.7 acres, bordered by Palmer Ave to the east, and the bike path to the west. There is a wetland on the property. Attorney Cox said there are significant topographic variations on the property, with a high point of 78 feet and a low point of 8 feet. The property is home to the Sippewissett Campground and Cabins since 1920. There are presently 122 campsites with trailers, cabins and tent sites, along with other structures, including two year-round residences and a shed. The campground predates the first zoning map of 1925 and the property is shown as the “Charlotte E. Dodge 12.6 Acres”, on the first zoning map of record. The Applicant proposes significant improvements, to be more sensitive to the environment and the neighborhood, with 108 total campsites. There will be 98 Air Stream Trailers and some tent sites. The campsites are proposed to remain in roughly the same location, to minimize the amount of disturbance and clearing. Attorney Cox said the architect and engineer tried to minimize grading, and preserve natural and scenic beauty. They propose a main clubhouse, a maintenance building on the southeast corner, and a bike shed, which will also house the wastewater facility infrastructure. A new parking area for 135 spaces is proposed. A revised landscaping plan shows continued fencing along Palmer Ave, and significant landscaping and screening. Campers will drive to the clubhouse, check in and use golf carts to get to their campsite, to keep cars away from campers. Planning Board recommended a change for the parking lot that most parking spaces be pervious, and the main driveway will be pervious material. The site maintains a connection to the bike path. The Air Stream trailers are designed for two adults with futons for children. The proposed club house will be for patrons only, and will have a check-in area, a lounge and bathrooms with showers.
February 21, 2019 – 6:30 PM  
Draft Minutes  
Board of Appeals Public Hearings & Open Meeting  
Selectmen’s Meeting Room – Town Hall, Falmouth

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Ed Van Keuren, Member; Gerald Potamis (Associate); Robert Dugan (Associate)  
And Zoning Administrator, Noreen Stockman

There will be a small accessory retail area for convenience items, and an outdoor deck and hot tub.

Attorney Cox said the applicant is requesting multiple special permits:
- A Use permit under §240-33H;
- A permit to alter pre-existing non-conforming use under §240-3C;
- A permit for the Crystal Pond Protection District (COPD) under §240-101;
and seeks relief from §240-109B for permeable parking spaces.

Attorney Cox cited case law Powers v. Building Inspector of Barnstable, 363 Mass.648 (1973), where it was found that improvements are not a change of use, and a change from seasonal, to year-round, is not a use change. Cox said the applicant is filing for these permits for reasons of transparency, and said it was unclear whether they were all required. Attorney Cox said the proposed changes will result in the following:
- be less dense in coverage;
- provide continued campground use, existing for 100 years;
- an improved wastewater treatment system;
- reduction in nitrogen concentration;
- a significant improvement in stormwater management and treatment;
- reduced traffic impact;
- improved screening with fencing and landscaping;
- ADA accessibility access to parking and trailers;
- improved public safety;
- designated parking areas to reduce conflicts with pedestrians;
- a new water main;
- adequate lot size;
- minimized visual impact;
- significantly improved sewerage disposal and drainage utilities;
- no impact on affordable housing supply;
- no adverse effects;
- reduction in the total amount of accommodations;
- preserve and enhance existing natural beauty, and reduce impact to the wetland;
- create a quiet, peaceful, private, natural and beautiful buffered site.

Attorney Cox said the applicant is seeking relief from §240-109(B), for permeable parking surfaces, and a special permit is being sought pursuant to §240-101 Coastal Pond Overlay District, for a project within 1000 feet of a marsh. A Notice of Intent is required by the Concom to disturb a wetland buffer. A plan will be filed to show improvement to the wetland restoration.
Cox said her clients met with the neighbors, and have made significant changes to parking, in an attempt to be a good neighbor. The presentation concluded at 7:16 P.M.

**Board Questions and Comments:**
The Board discussed, and agreed that it should hold off on voting, until site plan review with Planning Board is completed.

The Board asked about:
- seasonal use;
- capacity for the trailers;
- tying into neighborhood fencing;
- hours of operation;
- construction hours;
- permeable areas and material;
- construction equipment activities;
- how many campgrounds of this type the applicant has done;
- on-site management;
- rate changes during the on and off seasons;
- plowing during the winter months;
- trash disposal;
- housekeeping;
- Compaction of the blue stone by heavy equipment;
- septic standards and a maintenance plan;
- screening by fencing;
- existing topography v. proposed;
- base maximum occupancy for septic system;
- lighting plan;
- construction timeline;
- cars v. golf carts;

In response to the Board’s questions, Attorney Cox said:
- The use will be year-round, not restricted, and the capacity for the trailers is unlimited.
- A revised landscape plan was submitted showing proposed fencing along the northerly property line, that ties into neighborhood fencing. All fencing exists on the campground property, as does some of the neighbors’ fencing, but the applicant is not asking for any easements.

Responses by Blue Flag Dev. LLC as follows:
February 21, 2019 – 6:30 PM
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And Zoning Administrator, Noreen Stockman

Jason Brown:
- The quiet hours were not established but would probably be between 10 P.M.
  and 6:00 A.M.

Brad Guidi:
- The project would follow Falmouth regulations regarding construction, and be
  respectful of the laws and the neighbors, but generally 7:00 A.M. to 5:00 P.M.,
  with limited hours on Saturday.
- Crushed blue stone would be used for parking, and compacted pea gravel for
  paths.
- Heavy equipment will stay on site during construction.
- Fencing would be on the northerly side, and along Palmer Ave.
- This is the first campground of its type on the East Coast. The applicant has
  similar projects in Santa Barbara, CA, Yosemite National Park and Russian
  River.
- A manager would be on-site during the day, and someone from management
  would be available 24 hours a day.
- The prices per night will vary with the season and the demand.
- The Applicant will work with local contractors for plowing, and there will be
  dumpsters on site for trash.
- Housekeeping is available upon request.

Civil Engineer, Brendan Melaney:
- In preparing storm water calculations, the applicant was asked to consider all
  areas as impervious, as sometimes compaction creates runoff. The calculations
  will be reviewed by the Town Engineer.
- The applicant met with the Board of Health, to formally review and request
  approval of a biologically active filter system, designed for 9,900 gallons per day.
  The nitrogen removal is incorporated into the design, and all wastewater is
  pumped into a passive type leach field on site. The Health Board provided
  guidance for seasonal flow, and the applicant will contract with a licensed
  inspector, to inspect once or twice a year.

Brown:
- The landscape plans incorporate the use of trees, that will provide screening and
  grow quickly.
- There will be a gate, set back from the road, which will be closed in the evening.
  The applicant walked the site with the neighbors to place strategic screening and
  landscaping.
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Melaney:
- The major change to topography occurs with the septic leach field at the
  northeast corner, to meet slope criteria, where the system has to be at a uniform
  depth below the surface. There is a hill that will be cut down significantly, where
  the major cuts will happen within the parking area. The rest of the site will remain
  mostly unchanged.
- Per Title Five for campgrounds, 90 gallons of wastewater per day is the general
  number.

Guidi:
- All lights in the park are dark-sky compliant. The parking area will incorporate
  ballard lighting, at a low height for the neighbors.
- The applicant is currently finalizing plans, and hopes to break ground at the end
  of this spring, if permits are successful. The campground will open the following
  summer of 2020.
- There are provisions for 15 golf carts, and the campers are also given wagons to
  move their belongings.
- Bicycles are provided, and a bike rack will be located near the conservation area

Melaney:
- The filing deadline for submission to the Concom is next week. The applicant
  proposes a full-scale restoration of the wetland area, with removal of nuisance
  vegetation, and the addition of native species, to enhance habitat value.
  Drainage will be improved by rain gardens to filter stormwater, before it goes
  back into the wetland.

Guidi:
- The structure known as The Bird House will remain.

The Board asked Attorney Cox to submit the written presentation, and she agreed.

Public Comments:
Louis Stern, in his capacity as president of the Sippewissett Homeowners Association,
Stern said he submitted a letter of concern and opposition, but since talking to the applicant's
representatives, his 22 questions are now eight. He spoke about the exorbitant rate per night at
$375; continued access for the neighbors through the campground to the bikeway; the 24-hour
access to management; a suggested contribution by the applicant to the Phragmites Control for
the Marsh and the Shining Sea Bikeway; continued communication with the neighbors twice a
year; concern that the wastewater pumps would be too loud; how taxes are paid to the Town by
the applicant; and the request that construction not begin before 7:30 A.M.
Kate Eldred, of 5 Cachalot Lane, said the neighbors have had permission in the past to access the bikeway, but the employee at the gate has turned them away. The access is not deeded. She asked if the applicant had a plan for tick and mosquito control, and said she is concerned about the impact on the quality of drinking water.

In response to these public comments, Attorney Cox said, with the exception of the comment about pump noise, most of the items raised are outside of the Board purview. Brendan Melaney said all of the wastewater components are subsurface, six feet underground. It is a gravity system, and you can hear the pumps while you are standing next to them. He did not possess decibel calculations but agreed to provide those to the neighbors, and address it with the Board of Health at the Monday meeting. Melaney said the pumps are within a concrete or wood structure, with foam insulation for sound containment. Jason Brown said the applicant representatives would sit down with the neighbors, after the hearing, to address their concerns.

Attorney Cox said the applicant is anxious to move forward, and saw nothing in the By-law to prevent the Board from acting tonight, subject to Planning and Concom review. Chairman Hurrie said his Board would wait until Planning issues a site plan review, and, the Board needed time to review the landscaping plans submitted yesterday. The Board also said it would like to see an operational plan for on-site and off-site management, including addressing concerns about response during winter months.

A Motion was made by K. Foreman to continue the hearing to March 21, 2019. 
Second: E. Van Keuren
Motion passed 5-0.

Documents in the record include:
Letters/E-mails from Abutters/Interested Parties
• February 22, 2019 email letter from George Smith, 52 Cachalot Lane
• February 21, 2019 letter from Bonnie O’Neill, 29 Penn Court, Falmouth, MA
• February 20, 2019 email from Pamela Rothstein
• February 20, 2019 email from Jane and Justin Wickens
• February 7, 2019 Letter from David Corcoran, 58 Loop Road, Falmouth, MA
• February 8, 2019 Email letter from Marleen Mitchell, 43 Cachalot Lane
• February 6, 2019 letter from Rev. Barbara Miner, 34 Loop Road, Falmouth, MA
• February 6, 2019 letter from Kate Eldred, 5 Cachalot Lane, Falmouth, MA
• February 5, 2019 letter from Israel Lederhendler, 5 Cachalot Lane, Falmouth
• February 4, 2019 letter from Lew Stern, 49 Loop Road
• January 30, 2019 letter from Jane and Justin Wickens, 40 Place Road, Falmouth
• January 30, 2019 email from Jane and Justin Wickens
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• January 25, 2019 email from Roy and Benda Yarnell, Lot # 5 & 6, Old Palmer Ave,
Falmouth
• January 18, 2019 letter from David N. Lawrence, 174 Queen Street, Unit 8D, Falmouth
• January 16, 2019 letter from George L. Smith, 52 Cachalot Lane

Letters/E-mails/Information from Applicant/Representative(s)
• Letter from Anne T. Tessier, Trustee, and Theodore L. Tessier, Trustee, of the Tessier
Family Nominee Realty Trust, authorizing Blue Flag Development, LLC to proceed with permits
and applications, dated December 16, 2018
  • “Applicant’s Authorization for the Proposed Project at 836 Palmer Avenue”, signed by A.
Terry Sanford, Manager, and P. Bradley Guidi, Manager, dated 1/02/2019
  • Letter from Eliza Cox, dated December 26, 2018
  • Letter from Eliza Cox, dated February 20, 2019
  • “Blue Flag Development, LLC, 836 Palmer Avenue”, presentation for the Zoning Board
of Appeals, dated February 21, 2019
  • “Blue Flag Development Special Permit Applications, 836 Palmer Avenue, Falmouth,
Zoning Analysis Narrative”, date stamped received December 26, 2018
  • Deed for 836 Palmer Avenue, Falmouth, MA
  • Letter from Bracken Engineering, Inc., December 18, 2018, with
    • “Nonresidential Nitrogen Loading Calculations”
    • “Stormwater Report for Blue Flag Development, LLC, for 836 Palmer Avenue, Falmouth,
MA, dated December 20, 2018
  • “Memorandum” from Robert J. Michaud of MDM Transportation Consultants Inc., 28
Lord Road, Marlborough, MA, dated December 14, 2018
  • Letter from Eliza Cox, dated March 11, 2019, regarding earth moving regulations
  • Email from Eliza Cox on March 20, 2019, with attached “Autocamp, Falmouth,
Operations Overview”
  • “Blue Flag Development, LLC, 836 Palmer Avenue”, copy of presentation to the Board,
date stamped Mar 21, 2019

Letters/Referrals/E-mails from Town Departments

Note: ZBA sent Referral requests to: Assessors, Building Department, Conservation
Commission, Engineering Department, Board of Health, Fire Department, Planning Department,
Board of Selectmen and Water Department

• Engineering letter dated 1/17/19
  • e-mail dated 2/20/2019, with
    • attached soil survey data,
    • “Existing Conditions”, plan for 836 Palmer Avenue, prepared by Bracken Engineering,
Inc., dated December 20, 2018, with red highlights
    • “Grading, Drainage & Utilities, Detail Window #1 and #4, dated December 20, 2018,
Bracken Engineering, Inc.
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"Soil Map, Barnstable County, Massachusetts", prepared by Natural Resources
Conservation Service, Web Soil Survey, 3 pages, dated 2/20/2019
• Conservation Commission comments, dated 1/22/19
• Board of Health comments, dated 1/3/19
• Water, no comment, dated 1-3-2019
• Assessors, no comment, date stamped 1/7/19
• Fire Department, letter, dated 1/7/19
• Planning, comments, dated 1/2/19
• Sign in sheet from Site Walk, 2/16/19
• Special Permit issued by the Planning Board, to construct parking areas within the front
yard, dated March 19, 2019
• Site Plan Review, by the Planning Board, for the addition of 1,000 or more square feet of
structure, and the addition of 5 or more parking spaced, dated March 19, 2019
Plans submitted by Applicant/Applicant’s Representative
• "Plan of Land in Sippewissett – Falmouth, Mass.", prepared by Doyle Engineering
Associates Incorporated, 530 Thomas B. Landers Road, West Falmouth, MA, dated October 17,
1991
• "836 Palmer Avenue, Traverse & Staking Worksheet, 02-13-2019", received at site visit
2/16/19 (orientation for campsites)
• "Proposed Campground Improvements at #836 Palmer Avenue, Falmouth,
Massachusetts", revision dated February 21, 2019, including sheets: Title, “Existing Conditions”,
"Site Development Overview", "Layout & Zoning, Detail Window #1", "Layout & Zoning, Detail
Window #2", "Layout & Zoning, Detail Window #3", "Layout & Zoning, Detail Window #4",
"Grading, Drainage & Utilities, Detail Window #1", "Grading, Drainage & Utilities, Detail Window
#2", "Grading, Drainage & Utilities, Detail Window #3", "Grading, Drainage & Utilities, Detail
Window #4", "Construction Notes & Details", and 2 pages entitled "Construction Details",
prepared by Bracken Engineering, Inc., 49 Herring Pond Road, Buzzards Bay, MA
• "Autocamp Falmouth", prepared by Ahern LLC, P.O. Box 2213, Nantucket, MA,
comprising pages Cover, L.01, Planting Plan, L.02, Planting Plan, Area 1, L.02.1, Planting Plan,
Area 2, L.02.2, Planting Plan, Area 3, L.02.3, Planting Plan, Area 4, L.02.4, Lighting Plan, L.03,
and Construction Details, L.04, all dated February 14, 2019
• "Autocamp Falmouth", dated December 21, 2018, including “Existing Structures Key
Plan", 6 pages of photographs of existing conditions, “Illustrated Site Plan”, “Clubhouse East
Elevation”, “Clubhouse West Elevation”, “Clubhouse South Elevation”, “Clubhouse North
Elevation”, “Illustration Camper Trailer”, Illustration Camper Trailer (interior), “Illustration
Camper Trailer- ADA", Illustration Camper Trailer (details)”, "Illustration Tent", “Illustration Tent-
ADA", “ATC Clubhouse, First Floor Plan, 01", “ATC Clubhouse, Second Floor Plan, 02", “ATC
Clubhouse, East Elevation, 03", “ATC Clubhouse, West Elevation, 04", “ATC Maintenance
Shed, 05", “ATC Maintenance Shed Elevations, 06", and “Bicycle & Control Shed, 07"
(plans and elevations), all dated December 19, 2018.
The Board took a break from 8:00 P.M. to 8:05 P.M.
8:05 P.M.
New Hearings:
#003-19 Murphy, 386 Maravista Avenue, Teaticket Special permit to remove portion of existing deck; construct three season room w/roof deck

Voting members: G. Potamis, K. Foreman, T.J. Hurrie, E. Van Keuren, R. Dugan

Acting Clerk, E. Van Keuren, read the Notice of Public Hearing into the record.

Referrals:
- Board of Health – regarding sewer
- Dept. Public Works – standard comments
- Concom - All work to be done in Flood Zone A12. Project has been given approval.
- Water Dept.- Existing one inch service line

Terrance Quinn for the Applicant:
Quinn said the applicant is reducing lot coverage from 26.29% to 23.41%. The applicant intends to put in drywells to catch rainwater.

Board Questions and Comments:
The Board asked if there was access from the rooftop deck and Quinn answered, no. Chairman Hurrie asked the applicant if he was amenable to include the drywell recommended by of the Town engineer. Mr. Quinn agreed.

Public Comments: None

A Motion was made by G. Potamis to close the hearing. Second: K. Foreman
Motion passed 5-0

A Motion was made to approve the plans as submitted. Second: K. Foreman
Motion passed 5-0.

Findings:
- complies with §240-3C
- complies with §240-216 - not substantially more detrimental
- adequate site
- no adverse impact to neighborhood
- will tie into town sewer
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- enhances utilization of site  
- reduces lot coverage  
- Will comply with engineering recommendations regarding drywells.

Conditions:  
- per plans  
- Applicant’s engineer will find suitable area for drywells.

Documents in the record include:

Letters/Referrals/E-mails from Town Departments  
Note: ZBA sent Referral requests to: Assessors, Building Department, Conservation Commission, Engineering Department, Board of Health, Fire Department, Planning Department, Board of Selectmen and Water Department  
• Engineering comments dated 2/8/19  
• Conservation Commission comments, dated 1/8/19  
• Board of Health comments, dated 2/12/19  
• Water comment, dated 1-15-2019  
• Assessors comments, dated 1/22/19  
• Fire Department, no comments, dated 1/14/19  
• Planning, no comments, dated 1/14/19  
• Decision by the Zoning Board of Appeals, filed with the Town Clerk on December 20, 2001

Plans submitted by Applicant/Applicant’s Representative  
• “Plot Plan of Land, Prepared for Caitlin and Patricia Murphy, 386 Maravista Avenue, Falmouth, MA, prepared by John Doyle, PLS, 170 Cloverfield Way, E. Falmouth, MA, dated 11-17-17  
  • “Existing 1st Floor Plan, 386 Maravista Ave, E. Falmouth, MA, date stamped received Jan 11, 2019  
  • “Murphy Residence, 2nd Floor Existing Plan, 386 Maravista Ave, E. Falmouth, MA, date stamped received Jan 28, 2019  
• “Murphy Residence, 3 Season Room Addition, Sheet A1, A2, and S1”, prepared by Designs by SPB, Pocasset, MA, dated 5-24-2018  
  o “Murphy Residence, 3 Season Room Addition, Sheet A1, prepared by Designs by SPB, Pocasset, MA, dated 5-24-2018, showing building height, date stamped received, Jan 28, 2019  

Page 11 of 15
#004-19 DiFederico, 11 Plymouth Drive, East Falmouth Special permit to raze and reconstruct a single family dwelling, exceeding 20% lot coverage

Voting members: G. Potamis, K. Foreman, T.J. Hurrie, E. Van Keuren, R. Dugan

Acting Clerk, E. Van Keuren, read the Notice of Public Hearing into the record.

Referrals:

Board of Health – Currently two bedrooms – proposed four bedrooms.
Title Five sewer perc test done January 30, 2019.
Plan was not provided at time of referral

Engineering - standard comments regarding storm water runoff

Attorney Kevin Klauer for the Applicant:
Attorney Klauer said the property is on a 7,986 sf lot in Res Zone C. It is a one-story dwelling with two bedrooms and the height is 16’. The Applicant proposes to raze and rebuild a new 2,625 sf dwelling with four bedrooms, and a new Title Five septic system to replace a failed cesspool. The height will be 29’ and lot coverage 23.2%. The project requires a special permit under §240-69E. Attorney Klauer looked at 49 properties, eight with a larger footprint and 13 with a larger building area. The nearest dwelling to the west is 40’ away, and was built and designed by the same team. There are no real impacts on views and vistas. Regarding Engineering comments, a new plan was submitted with very minor changes including downspouts and a recharge area for rainwater. A yard drain was added off the driveway to prevent runoff. The proposed driveway is pervious, not paved. Attorney Klauer presented revised plans to the Acting Clerk. He said the size and height is in character with other structures; there is no shadow effect; no impacts on views; no negative nitrogen; the project meets §240-216; and no detriments to substantially outweigh the benefits.

Board Questions and Comments:
The Board asked why the property exceeds lot coverage. Attorney Klauer said it is due largely to the one-car garage which is slightly under 400 sf. Chairman Hurrie asked about the bonus room proposed. Attorney Klauer said there are three designated bedrooms, and a bonus room, that is considered a bed room by Board of Health septic standards.

Public Comment: None
A Motion was made by G. Potamis to close the hearing. Second: E. Van Keuren
Motion passed 5-0.
A Motion was made by R. Dugan to approve the plan. Second: E. Van Keuren.
Motion passed 5-0

Findings:
- proposed three bedrooms, with a bonus room (considered a bedroom by Board of Health)
- Change to lot coverage is due to garage.
- improvement to the neighborhood
- not substantially more detrimental per §240-216
- four other homes larger than 22% lot coverage
- Applicant is amenable to Engineering comments.
- Proposed height is 29’ and below the maximum allowed.
- permeable surface for driveway

Conditions:
- per revised plans as submitted tonight
- Engineering comments to be considered.
- House number to be posted.

Documents in the record:

Letters/E-mails/Information from Applicant/Representative(s)
- “Lot Comparison, 11 Plymouth Drive, East Falmouth, MA”; date stamped Jan 15, 2019, update date stamped Feb 21, 2019
- November 20, 2018 letter of authorization for representation, signed by Jason Difederico (sic), and Christine Difederico (sic)
- Email from Kevin P. Klauer II, dated February 20, 2019, 3:52 p.m. and 4:53 p.m.
- Email from Kevin P. Klauer II, dated February 8, 2019
- Four photographs of existing dwelling, date stamped Jan 30, 2019

Letters/Referrals/E-mails from Town Departments
Note: ZBA sent Referral requests to: Assessors, Building Department, Conservation Commission, Engineering Department, Board of Health, Fire Department, Planning Department, Board of Selectmen and Water Department
- Engineering comments dated 2/8/19
- Conservation Commission comments, dated 1/8/19
- Board of Health comments, dated 2/15/19
- Water comment, dated 1-15-2019
- Assessors comments, dated 1/22/19
- Fire Department, no comment, dated 1/18/19
February 21, 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);
Ed Van Keuren, Member; Gerald Potamis (Associate ); Robert Dugan (Associate)
And Zoning Administrator, Noreen Stockman

• Planning, no comments, dated 1/16/19
Plans submitted by Applicant/Applicant’s Representative
• “Site Plan, 11 Plymouth Drive, East Falmouth, Massachusetts”, prepared by United
Consultants Inc., 850 Franklin Street, Suite 11D, Wrentham, MA, rev. dated 2/19/19
• “Site Plan, 11 Plymouth Drive, East Falmouth, Massachusetts”, prepared by United
Consultants Inc., 850 Franklin Street, Suite 11D, Wrentham, MA, dated December 27, 2018
(superseded)
• “Existing Floor Plan, 11 Plymouth Drive”, date stamped received Jan 30, 2019
• “Proposed Cape, 11 Plymouth Drive, E. Falmouth, MA”, including Sheets A1, A2, and
A5, rev. dated 01-10-19, and Sheets A3, and A4, dated December 2018; all prepared by
Packert Design, 266 Park Street, North Attleboro, MA

Open Meeting:

1. Minutes January 31, 2019 and February 7, 2019

A motion was made by G. Potamis to approve the minutes of January 31, 2019.
Second: E. Van Keuren
Abstained: K. Foreman
Motion passed 4-1

A motion was made by G. Potamis to approve the minutes of February 7, 2019.
Second: R. Dugan
Abstained: E. Van Keuren
Motion passed 4-1

2. Board Updates:
   a. The Selectmen met this week regarding vacancy appointments. It is unclear whether the
      vacancies they are correctly filled. Town Counsel will review comments sent by
      Chairman Hurrie regarding the same. G. Potamis and R. Dugan are still alternate voting
      members, until appointments are announced, and members are sworn in. R. Dugan said
      the Charter is specific about the process for posting and filling vacant positions.
   b. It appears the Building Department is not reviewing zoning decisions and is not referring
      to Engineering comments. It was suggested that future conditions include language to
      cover the Board in this regard.

3. Discuss Date for Future Workshop – Tabled until appointments are made.
4. Board Discussion RE: Zoning Recodification Committee -
February 21, 2019 – 6:30 PM
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N. Stockman said the Board needs to appoint two people to serve on this committee, when it meets on March 6th. Time to be determined (5:00 or 5:30 P.M.) Chairman Hurrie appointed G. Potamis and R. Dugan in this capacity.

5. Future Agenda Items- Does the Select Board understand that it is advertising for two full voting members and two alternate positions? Chairman Hurrie will relay information to the Select Board and the Town Manager about the open positions and requisite posting requirements.

The Meeting adjourned at 8:37 P.M.

Next Scheduled Public Hearings will be held on March 7, 2019 at 6:30 PM – Hermann Meeting Room – Falmouth Public Library, 300 Main Street, Falmouth, MA