March 11, 2019

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 Hearing:**

#005-19 Meau, Jr., 82 Deepwood Drive, Hatchville

**Continuation:**

#115-18 Woods Hole Partners, LLC 533 Woods Hole Road, Woods Hole

**New Hearing:**

#006-19 Locustfield, LLC, 0 Locustfield Road, Hatchville

**Open Meeting:**

1. Minutes February 21, 2019
3. Board Updates
4. Discuss Date for Future Workshop
5. Board Discussion RE: Zoning Recodification Committee
6. 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
March 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);
Robert Dugan (Member); Gerald Potamis (Associate);
And Zoning Administrator, Noreen Stockman
ABSENT: Ed Van Keuren, (Member)

Chairman Hurrie called the meeting to order at 6:55 P.M.
Voting members: G. Potamis, T.J. Hurrie, K. Foreman, R. Dugan

New Hearing # 005-19 Jeffrey A. Meau, Jr., 82 Deepwood Drive, Hatchville - Special permit to construct addition

Chairman Hurrie designated R. Dugan as Acting Clerk; the Notice of Public Hearing was read into the record.

Referrals:
- Board of Health - The septic system is adequate. Applicant needs permit to install the system.
- Engineering - A driveway permit will be required. Signoff will not occur until runoff on public ways, drywells and rain water gardens are addressed to mitigate runoff.
- Assessors - Includes Lots 27K and 28K
- Water Dept. - existing one inch service
- No letters submitted in support or opposition.

Chairman Hurrie advised the Applicant that the four-member board would have to vote unanimously in order for the special permit to issue.

Patrick Roche, Holmes & McGrath, for the Applicant.
Mr. Roche agreed to be heard by the four-member board. Roche said the Applicant is requesting a special permit under §240-68A for a proposed addition at the property which has been of record since the 1940s and is a SF dwelling since the 1960s. There is a pre-existing, nonconforming front yard setback that requires 25'. The dwelling currently sits 10.9' from the corner of the house to Deepwood Drive. On the north side, the proposed dwelling will be 17.8' from Deepwood Drive. The building ridge height will be 8.5" lower than the existing ridge height. Lot coverage for dwellings and structures will increase from 15.6% to 20.4% which is less than the maximum allowed. The Applicant proposes an upgraded Title Five septic system for four bedrooms to replace the cesspool, and will install hay bales and silt sacs along the catch basin, and drywells for roof runoff.

Board Questions and Comments:
The Board asked if there will be a finished basement and the Applicant, Mr. Meau, said the basement will be for storage only. The Board asked about the existence of two sheds on the
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property, where the sheds appear on the plans to be an encroachment. The Applicant agreed
to move the encroaching sheds.

Public Comment: None

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

A Motion was made by K. Foreman to approve the application. Second: R. Dugan.
Motion passed 4-0.

Findings:
- no increase in nonconformity
- improved Title Five septic system
- three bedrooms to become four bedrooms
- well below lot coverage and building height requirements
- will install proposed drainage and drywells
- willing to relocate encroaching sheds
- Proposed ridge height is lower than existing.
- Basement is for storage only.
- Complies with §240-216; not substantially more detrimental.

Conditions:
- per revised plans dated March 4, 2019
- sheds to be moved
- comply with Board of Health Comments of 2/15/2019
- comply with Engineering referrals of 2/8/2019
- no habitable space in the basement

Documents in the record include:

Letters/E-mails/Information from Applicant/Representative(s)
• January 30, 2018 (sic) letter from Timothy M. Santos, P.E., Holmes and McGrath, Inc.,
205 Worcester Court, Suite A4, Falmouth, MA, date stamped Received Jan 30, 2019, Falmouth
Zoning Board of Appeals
• March 4, 2019 letter from Timothy M. Santos, P.E., Holmes and McGrath, Inc.
Letters/Referrals/E-mails from Town Departments
March 7, 2019 — 6:30 PM
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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 no comment, dated 2/20/19
  • Board of Health comments, dated 2/15/19
  • Water comment, dated 1-31-2019
  • Assessors comments, dated 2/1/19
  • Fire Department, no comment, dated 1/31/19
  • Planning, no comments, dated 1/30/19

Plans submitted by Applicant/Applicant's Representative
  • Section of plan, colored in, stamped Received March 07, 2019, Falmouth Zoning Board of Appeals
  • “Plan of Proposed Sewage Disposal System”, prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, sheet 1, rev. dated 2/12/19, and sheet 2, dated Nov. 12, 2018
  • “Meau Residence Addition – 82 Deepwood Drive, E. Falmouth”, including sheets A0.0, A0.1, A1.0, A1.1, F1.1, S2.1, all dated 12-17-18, and sheet A2.1, dated 11-08-18, all prepared by Longfellow Design Build, 367 Main Street, Falmouth, MA

Continuation of hearing 6:30 PM - #115-18 Woods Hole Partners LLC – 533 Woods Hole Road, Woods Hole - Special permit construct 43 residential units throughout 7 buildings and restore the ‘Dome’ structure

Attorney Kevin Klauer and Attorney Robert Ament for the Applicant.
Also present for the Applicant, Matt Costa, Woods Hole Engineering
Attorney Klauer said the Applicant did not want to be restricted to a four-member board and suggested that E. Van Keuren could review the record after the hearing, and subsequently vote on the project.

Attorney Klauer said the Planning Dept. has not yet concluded its site plan review. To address concerns about Building E and the Dome view, Building E has been reduced in size, and the setback from the Dome increased to 27’. The Applicant prepared view angles from the Dome,
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and elevation cross sections of Building E. The proposed changes to Building E will increase the
distance from the Dome to the lot lines, and the building will be located no closer to the street
than the present hotel building. There will be no effect on the existing view which is a 135° view
from the Dome, a potential loss of only two° due to Building E which is 20 feet lower than the
Dome. The result will be a 133° panoramic view. The Dome will be the tallest structure on the
site. The Applicant is working with the town engineer, to address his recent report, issued this
afternoon. The Applicant spoke to the Wastewater Superintendent, and the property cannot be
connected to Town sewer. Klauser said letters submitted earlier contain incorrect statements and
inaccuracies, including one that the Applicant is seeking a variance, to bypass the process.
Klauser said the applicant is seeking a special permit, and not a variance. Klauser said in 2007
there was a change to zoning, to allow a landowner to build eight units per acre. There were
comments about density and Klauser said the property is abutted on the east and west by non-
conforming hotels, with more density than the Applicant is seeking. Lot coverages by structures
and pavement will increase to 41%, a 1% increase. Klauser said the Dome deteriorated over
time, and the proposal represents the Dome’s best chance for preservation. Attorney Klauser
spoke to the allegation by a Fern Lane property owner that the Applicant is manipulating ground
levels. Klauser said the building height is measured by mean level of the natural grade and will
be 35’ from the existing natural grade. Klauser said in a business redevelopment district height is
set at 35’, and not a limit of 2.5 stories. Klauser said the Applicant is fully complying with the
bylaw. The previously approved project was to be 160,000 sf. The current project will be
122,000 sf.

Board Questions, Comments and Responses:
The Board asked the following questions:
1. What is the timeline to obtain a Certificate of Appropriateness from the state and local
   historic commissions? Attorney Klauser said he will be recording a preservation restriction
   on the property, which is primarily procedural.
2. What is the criteria for height regarding 2.5 stories v. 35’? Klauser §240-240 deals
   strictly with the Business Development District (BRD) and pursuant to subsection H,5,
   the maximum is 35’ and there is no mention of stories. Klauser also said he has had
   discussions with the Town Planner, and there is no written determination yet on this
   subject. Attorney Ament said the intent of the BRD Bylaw was to incentivize
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development on Main Street. The intent was also to make a pedestrian friendly
landscape. He said there is no 2.5 story limitation in the BRD.

3. How much smaller will Building E be? Attorney Klauer said the floor plans were reduced,
mostly in the interior, but the height of that building is 35’.

4. What about the elevations of the ornamental towers? Attorney Klauer said they are a
façade, and are above the ridge, but those structures do not house elevators, and the
building height is measured to the ridge.

5. Can the easement be relocated on the plan? Attorney Klauer said the easement will
follow the road layout, but right now it shows on the plan, that it goes through boulders.
Klauer agreed to make a notation on the plans about the easement.

6. Do the back buildings need center supports? Attorney Klauer said structural engineering
has been done.

7. Will there be digging into the back hillside? Engineer, Matt Costa, said the back of
Building A sits at the top of the ridge and cuts three feet from the existing grade. He
said the slope will be cleared, stabilized and replanted with natural vegetation.

8. Why are the affordable rental units pushed so far back? Attorney Bob Ament said the
Applicant agreed to have affordable housing to satisfy the Cape Cod Commission.
Instead of 43 market units on site, there will be 39 market units, and four affordable
units. The affordable units will be owned by the Applicant, and will be rented out with no
age restriction, to families with children. Zoning bylaws have provisions that will apply
specifically to affordable housing, where eligible people are on the State’s housing list.
Accordingly, the Applicant has to comply with many regulations about rentals.

Attorney Ament spoke about the Dome, which will be subject to a preservation
restriction, approved by the Massachusetts Historic Commission. He said there will be
much more detail in this decision than in the 2008 and 2009 filings. The building must be
preserved to the standards of the federal, state and local governments, and as set forth
in the Cape Cod Commission decision, which requires a maintenance plan, to show how
to provide for the Dome in perpetuity. The condo association will have a mechanism that
provides for monthly assessment charges, with liens on the units, so in the event an
owner fails to pay the assessment, that lien is satisfied at the time the building is sold.

9. If the Dome is not under the control of the association, would it need to be on a separate
parcel for assessment purposes? Attorney Ament said the density is based on the whole
parcel including the Dome. Like any common space, is part of the common elements of
the condominiums owned, or at least managed by, the condo association. All of the
owners will hold a percentage interest in all common elements.

10. What about a cease and desist order regarding parking on the property? Attorney Ament
said the former owner allowed parking on the land and charged a fee for parking. He
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said they cannot close off the property because of the easement and that the westerly driveway is shared with the Sands of Time Hotel. It will be hard to control until there is demolition of the hotel buildings, and the owner can take more control of the site.

11. What about signage to restrict the parking? Will the Board get a plan that shows parking? Attorney Ament said we cannot change the site plans, but language suggested by the Board would be appropriate. Attorney Ament said there is a shared easement on the site with the Sands of Time and the Tree House Lodge. Both have issued letters of support. The easterly driveway curb cut will be an easement area, but there are 43 residences on site, and parking should be for them.

12. What about pedestrian-friendly streetscapes and sidewalk development? Attorney Ament said the developer is agreeable to reconstructing the 570’ of sidewalk along the property, turning an overgrown 2.5’-wide walk into a 5’-wide walk, with ADA ramps at each driveway. The sidewalk areas will be open to the public, as part of the covenant, with extensive landscaping, and a wildflower field in front of the Dome. A landscaping plan was submitted to the CCC, as it was concerned about Buildings C and D, and screening from the street. Much of the slope is under control of the State Department of Transportation. Ament said the property is in decrepit condition; the streetscape is a disaster, and there is a collapsed roof. The standard is not the standard of what people think of as the ideal, but this project will vastly improve it.

13. The Board asked about the bylaw regarding parking and Attorney Ament said the required parking is in garages and the larger buildings have underground parking.

Public Comment:

In Support:
Beth Colt, of the Woods Hole Inn.
Holt said she supports the project, and that she is grateful to the Woods Hole Community Association, for spending a year talking to the developer. She said the addition of affordable housing is significant to business development, as the site will be open to pedestrians, and provide an important access to cross through, to get to the village. The redevelopment of the sidewalk is a big deal, as the existing sidewalk is too narrow. She said the preservation of the Dome, and the dollars spent to improve it, is significantly greater than the prior developer offered.
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David Peyton said he worked on special programs for geodesics in Cambridge and was the principal engineer for the Biosphere Dome in Montreal. Peyton said he was very pleased to hear that this Applicant is going to pay attention to the Dome. He said his concern is happily being met now there is money. He said there is a distinction between preservation and restoration. He also asked if there would be access on the site for machinery, material, laborers and vehicles.

Linda Connelly, 91 Gunnypoint Road. Connelly said she is in support of the project as she has watched the deterioration of the site, and the Dome, for years. She said the proposal addresses her concerns to preserve public access, and provide affordable and age-restricted housing, without the expenditure of public funds. The developers have demonstrated a real commitment and willingness to listen, and make changes. This is the only proposal before the Town, to arrest the blight and deterioration.

In Opposition:
Michael Goldring, Woods Hole. Goldring said he was present as a representative of ten residential abutters. A letter with the names and addresses of the abutters will be forthcoming. Goldring asked to speak for fifteen minutes. Chairman Hurrie advised that the Board could not afford the fifteen minutes.
A Motion was made by K. Foreman to afford 10 minutes to Mr. Goldring to speak.
Second: G. Potamis.
Motion passed 4-0. The Chairman urged the speaker to submit his presentation in writing.

Golding said there was little discussion about the substantial impact of the project on the abutters. Impacts on view shed, style and density are inappropriate to the area, and not in harmony with existing surroundings. He said the elevation of the buildings is actually 37', and on the north side, 49' above grade. He talked about casting a shadow on the hillside, that is heavily wooded, and serves as a buffer, between the hotel and the abutters. He said the proposed development plans show a complete deforestation of the hillside. He commented that erosion and exposed soil would create harmful conditions for trees. He spoke about the 1971 and 1980 ZBA decisions, based on adverse effects and impacts on the neighborhood character, including views and vistas. He presented copies of those decisions to Acting Clerk Dugan.

Thomas Henshaw, 58 Lesley Street. Mr. Henshaw said the previous zoning change was made because of a condo application, and was the most permissive zoning in Town. He said a density of 30 units would be viable, but said there is no hardship to justify 43 units.
Nat Trumble, 11 Church St.
Mr. Trumble said there are many parts of the project that are attractive – widening the sidewalk, access, rehabilitation of the building – but the higher density will have an adverse impact on the neighborhood. He said there is a daily backup of traffic in the summer, and the project density will create extra cars, causing a choke point.

Applicant’s response to public comments:
Attorney Ament said the building is dramatically smaller than the previous application. It is not true that the entire hillside is being deforested. There will be limited work on the hillside, as a substantial portion is being preserved. He offered to look at the landscaping, and try to improve the experience that close neighbors will have. He said the project has 40% lot coverage and 60% is allowed. The Applicant submitted a traffic study for senior housing with 40 units, and the traffic engineer said 16 additional vehicle trips during peak hours would be added. It is very low traffic generating.

The Board asked Mr. Ament to address the statement about exceeding height requirements. Ament said the Applicant has been very careful to make sure requirements are satisfied. The height does not exceed 35’, and a statement to that effect will be submitted. The developer met with the neighbors, and can go back and look at landscaping to try to do more, but the Applicant is complying with, and exceeding, regulations. There is a 70’ setback, where 10’ is required. The Board asked if the Applicant would provide the condo docs to review, and asked Mr. Ament to comment on the statement about shadows. Mr. Ament said the Applicant would look at the diagrams and provide comments, but that the condo docs would not be made available, prior to a decision by the Board. The Board talked about the 2% loss of view and the issue of 2.5 v. 3 stories, that could be an issue. The Board also said parking and sewerage capacity cannot be considered until the intended use of the Dome is determined, and hours of operation are established. Mr. Ament said the Applicant wants to limit the activity of parking and sewerage and agreed to submit a statement about the building height, which he said is black and white. The Board asked about getting a letter from the Town Assessor, defining under which circumstances the Dome would be required to be on a separate parcel, instead of part of the condominium project. Mr. Ament said he would get an opinion from the Building Commissioner regarding the height, and try to get something from the Assessor for the Dome.

- Plans submitted by the applicant include: “Site Plan, Cover Sheet G-101 – Falmouth Massachusetts” 533-539 Woods Hole Road, Falmouth, Massachusetts, prepared by Cape and Islands Engineering Summerfield Park, 800 Falmouth Rd.- Suite 310C, Mashpee, MA, including sheets: "Existing Conditions Plan" V-101 dated October 5,2018; revised March 29,2010, "Demolition and Erosion Control" E-101 dated October
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• Woods Hole Partners LLC, 533-539 Woods Hole Road, Falmouth, Massachusetts, prepared by Cape and Islands Engineering, 800 Falmouth Road-Suite 301C, Mashpee, MA, including sheets: “Views from Dome Interior and Pre-Development vs. Post-Development” Figure 1 dated February 11, 2019, “Views from Dome Interior and Pre-Development vs. Post-Development” Figure 1A dated February 11, 2019, “Buildings C,D,E and Dome Flattened South Elevations” Figure 3 dated February 12, 2019 and “Buildings E and Dome-South Elevation” dated February 12, 2019

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Documents in the record include:

Letters/E-mails from Abutters/Interested Parties

- January 4, 2019, email from Laela Sayigh, 64 Nobska Road, Woods Hole
- January 4, 2019, email from Jen Fuchel (no address provided)
- January 4, 2019, email from Bruce A. Beal, 39 Penzance Point Road, Falmouth, MA
- January 4, 2019, email from Pamela Fox (no address provided)
- January 4, 2019, letter/email from Sasha B. Goldman, 725 Commonwealth Avenue, Boston, MA
- January 5, 2019, email from Damien Kuffler, 49 Gosnold Road, Woods Hole, MA
- January 5, 2019, email from Brian Switzer, 6 Quissett Avenue, Woods Hole, MA
- January 6, 2019, letter/email from David Kessler, 1 Bridge Street; Newton, MA
- January 7, 2019, email from Catherine Cramer, 550 West 120th Street, Suite 1401 New York, NY
- January 7, 2019, letter from Mary L. Goldman, 37 Penzance Road, Woods Hole, MA
- January 8, 2019, email from Sarah Lanning Torrisi, North Andover, MA
- January 7, 2019, letter from Scott Howard, 587 Main Street, Falmouth, MA
- Letter not dated, Board date 'received' stamp of January 9, 2019, Kim Hamblin, 61 Hawks Way, North Falmouth, MA
- January 9, 2019, letter from Karen Burton, 136 Clinton Avenue, Falmouth, MA
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- January 8, 2019, letter from Russell R. Ferreira, 38 Old County Road, North Falmouth, MA
- January 7, 2019, letter from Pat Dillion (no address provided)
- January 8, 2019, letter from Jamie Crowley, 41 Millfield Street, Woods Hole, MA
- January 9, 2019, letter from Attorney Klauser referencing letters submitted in support (Crowley, Dillon, Ferreira, Burton, Hamblin and Howard)
- January 9, 2019, email from Robert Jaye, 7 Church Street, Woods Hole, MA
- January 9, 2019, email from William Moore, (no address provided)
- January 9, 2019, email from J. Kevin Leary, 50 Franklin Street, Boston, MA
- Not dated, letter from John and Christine Curran, 7 Oak Ridge Road, Falmouth, MA
- January 11, 2019, letter from Kevin E. Murphy (no address provided)
- January 10, 2019, email from Alli Prestifilippo, Morristown, NJ
- January 10, 2019, email/letter from Lawrence and Penelope Lodge, 10 Waterside Drive, Falmouth, MA
- January 10, 2019, email from Ellen Donaldson, 7 Samoset Lane, Falmouth, MA
- January 10, 2019, email/letter from Henry G. Kara, 78 Waterside Drive, Falmouth, MA
- January 10, 2019, email from Michael and Jennifer McGovern, 54 South Road, Falmouth, MA
- Not dated, letter from Scott Pease (no address provided)
- January 10, 2019, letter from Carmen Primo (no address provided)
- January 10, 2019, letter from Pamela Falcone, North Falmouth, MA
- January 10, 2019, letter from Christopher Barcley (no address provided)
- January 10, 2019, email from Kevin Hennesssey (no address provided - seasonal resident)
- January 9, 2019, email from Robert Cabral, Massasoit Avenue, Falmouth, MA
- January 10, 2019, email from Linda Vokey, Falmouth Landing Road, Falmouth, MA
- January 10, 2019, letter from Gabrielle Milne, 189 Surf Drive, Falmouth, MA
- December 18, 2018 – Board date 'received' stamp of 1/11/19- letter from Karen Rinaldo, 317 Main Street Falmouth, MA
- January 11, 2019, letter from Attorney Klauser referencing letters submitted in support (10 letters)
- Not dated, letter from Matthew Keswick, Falmouth, MA
- January 13, 2019, email from Dawna Hammers (no address provided)
- January 14, 2019, letter/email from Brian Clark Green, 420 South Pine Street, Richmond, VA
- January 10, 2019, letter from Michael Mueller, 91 Central Avenue, Falmouth, MA
- Not dated, letter from Alan R. and Carol A. Dennis, 43 Fairfield Drive, East Falmouth, MA
- January 11, 2019, email from John Gugliotta (no address provided)
- January 11, 2019, email from John E. Edwards, 20 Main Street, Falmouth, MA
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- January 11, 2019, letter from Linda A Morin (no address provided)  
- January 11, 2019, email from Laurel Perry (no address provided)  
- January 11, 2019, email from Herb Foster, 199 Surf Drive, Falmouth, MA  
- January 12, 2019, email from Isabelle McDonald, 83 Queen Street, Falmouth, MA  
- Not dated, letter from Mary Porter (no address provided)  
- Not dated, letter from Jeffrey A. Meau, Jr. (no address provided)  
- January 10, 2019, letter from Richard L. Kinchla, 222 Main Street, Falmouth, MA  
- January 13, 2019, letter from Mark Fernandes, 54 Falmouth Heights Road, Falmouth, MA  
- January 14, 2019, letter from Jack Spang, 19 Loren Road, North Falmouth, MA  
- January 14, 2019, email from Nancie Fernandez, Sippewissett Road, Falmouth, MA  
- January 10, 2019, letter from Diane and Jim Lucivero, Falmouth, MA  
- January 14, 2019, letter from Attorney Klauer referencing letters submitted in support (15 letters)  
- January 12, 2019, letter from Jennifer Gould and Gina Torielli, 11 Alma Road, Falmouth, MA  
- January 14, 2019, email from Sandra Shlapak (no address provided)  
- January 14, 2019, letter from Nicole Goldman (no address provided)  
- January 14, 2019, email/letter from David McConville, 2261 Market Street, #469 San Francisco, CA  
- January 15, 2019, email from Mark Taylor Andrews, 393 Fuller Street, Auburndale, MA  
- January 15, 2019, email from Rhona Carlton-Foss, 80 Church Street, Woods Hole, MA  
- January 15, 2019, email from David Fixler, 40 Loring Road, Weston, MA  
- January 15, 2019, email from Judith and Philip Richardson, 146 Church Street, Woods Hole, MA  
- January 15, 2019, email from Nancy Lassalle, 48 Church Street, Woods Hole, MA  
- January 15, 2019, email from Kerry Walton, 4 Sidney Street, Woods Hole, MA  
- January 16, 2019, email from Karen and Tom Tierney, 167 Nobska Road, Woods Hole, MA  
- January 16, 2019, email from Susan Shup, Woods Hole, MA and Paris, France  
- January 16, 2019, email from Judith Day, 55 Larches Way, Woods Hole, MA  
- January 10, 2019, letter from Jim and Don Estes (no address provided)  
- January 15, 2019, letter from Daniel Figueiredo, 20 Sandwich Road, East Falmouth, MA  
- January 15, 2019, letter from Victoria Bruno, 11 Cedar Meadow Drive, East Falmouth, MA  
- January 15, 2019, letter from Carlos Martinho, 9 Terry Lou Avenue, East Falmouth, MA  
- January 15, 2019, letter from Alex Lowe, 3 Tam Way, East Falmouth, MA  
- January 15, 2019, letter from Allan Fleck, Jr., 725 Old Barnstable Road, East Falmouth, MA
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- January 15, 2019, letter from Jacquelyn Para, 1 Rainbow Circle, Bourne, MA
- January 15, 2019, Ken Buxton, 163 Trotting Park Road, Teaticket, MA
- January 15, 2019, letter from Debra T. Haynes, 10 Bragetti Lane, East Falmouth, MA
- January 15, 2019, letter from Kasey Harding (no address provided)
- January 15, 2019, letter from Jacob Avakian (no address provided)
- January 15, 2019, letter from Scott D. Augusta, 98 Squibnocket Drive, East Falmouth, MA
- January 15, 2019, letter from Michael D. Augusta, East Falmouth, MA
- January 15, 2019, letter from Susan J. Augusta, 366 Hayway Road, East Falmouth, MA
- January 15, 2019, letter from Karen Northam, 241 Seaward Bend, Teaticket, MA
- January 15, 2019, letter from Leanne Avakian (no address provided)
- January 15, 2019, letter from Julene Augusta, 51 Oyster Shell Lane, East Falmouth, MA
- Not dated, letter from Stanley and Gay Kopyt, 54 Falmouth Heights Road, Falmouth, MA
- January 15, 2019, letter from John R. Augusta, III, 522 Old Meetinghouse Road, East Falmouth, MA
- January 15, 2019, email from Don Cavicchi (no address provided)
- January 15, 2019, email from Stephen Augusta, East Falmouth, MA
- January 16, 2019, letter from Attorney Klauser referencing letters submitted in support (21 letters)
- January 16, 2019, email from Annie Hart Cool (no address provided)
- January 16, 2019, letter from Robert M. Reynolds, 54 Wideon Road, Falmouth, MA and 97 Water Street, Woods Hole, MA
- January 17, 2019, letter from Beth Colt, Woods Hole, MA
- January 17, 2019, email from 'The Woods Hole Business Association' (no address provided)
- January 17, 2019, email from Lucilla Fuller (no address provided)
- January 16, 2019, email/letter with minutes from 2017 Town Meeting and articles, from David Spector, 40 Harbor Hill Road, Woods Hole, MA
- January 16, 2019, email from Tyler Barron (no address provided)
- January 16, 2019, email from Sabrina Cennamo, 109 Woods Hole Nobska Road, Woods Hole, MA
- January 16, 2019, email/letter from Judy Laster, Woods Hole, MA
- Not dated, letter with picture from Michael Goldring, 44 Fern Lane Woods Hole, MA
- January 17, 2019, email from Allegro Fuller Snyder (no address provided)
- January 17, 2019, email from Sandy Faiman-Silva, 50 Davis Road, Falmouth, MA
- January 17, 2019, email/letter from George M. Woodwell, 64 Church Street, Woods Hole, MA
- January 17, 2019, email Robert Mohr, South Kingstown, RI
March 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);
Robert Dugan (Member); Gerald Potamis (Associate);
And Zoning Administrator, Nooreen Stockman
ABSENT: Ed Van Keuren, (Member)

- January 15, 2019, letter from Deacon S. Marvel with attachments, 3 Alveston Street, Jamaica Plain, MA
- January 17, 2019, email from Nancy and Cary Rea, 5 Mast Road, Woods Hole, MA
- January 16, 2019, letter from Catherine Bumpus and Stephan Junker, Co-presidents (Woods Hole Community Association), Woods Hole, MA
- January 17, 2019, letter from Michael B. Galasso, 107 Lakeview Avenue, Falmouth, MA
- January 17, 2019, letter/email from Kurt Przybilla (no address provided)
- January 17, 2019, email from David Bruce, 14 School Street, Woods Hole, MA
- January 17, 2019, letter from Greg McDonald, 90 Davis Straits, Falmouth, MA
- January 17, 2019, letter from Courtney F. Bird, Jr., 43 Sippewissett Road, Falmouth, MA
- January 16, 2019, letter from Lizanne Foley (no address provided)
- January 16, 2019, letter from Susan Veeder, 540 and 549 Woods Hole Road, Woods Hole
- January 14, 2019, letter from Arne Grepstad (no address provided)
- January 17, 2019, letter from Daren McDonald, 584 MacArthur Boulevard, Buzzards Bay, MA
- January 15, 2019, letter from Murielle and Arthur Berke (no address provided)
- January 16, 2019, letter from Donna M. Stearns, 23 Bounty Lane, Falmouth, MA
- January 16, 2019, email from William Andrew Cullen (no address provided)
- January 17, 2019, letter from Attorney Klauer referencing letters submitted in support (9 letters)
- January 17, 2019, email from Beck Conners, 549 Woods Hole Road, Woods Hole, MA (Sands of Time Motel)
- January 17, 2019, email from William Roslansky, 26 Albatross Street, Woods Hole, MA
- January 17, 2019, email from Valeri Walbek, 52 Buzzards Bay Avenue, Woods Hole, MA
- January 17, 2019, email from Ellen Tully, 21 Juniper Point Road, Woods Hole, MA
- January 17, 2019, letter from Nicole Goldman received at 1/17/19 hearing (no address provided)
- Not dated, email from Jessica Lipnack submitted at 1/17/19 hearing (no address provided)
- January 21, 2019, email from Laurence Fuortes (no address provided)
- January 21, 2019, email from Nancy Serventi, 9 Morgan Road, Woods Hole, MA
- January 21, 2019, email from Suzanne Kuffler, 49 Gosnold Road, Woods Hole, MA
- January 21, 2019, Clare Waterman, FR Lillie Road, Woods Hole, MA
- January 21, 2019, Stephen and Carol Wagner 526 Woods Hole, Road, Woods Hole, MA
- January 22, 2019, email from Mary U. Musachia, 12 Wilson Road, Woods Hole, MA
- January 22, 2019, email/letter from Michael Fenlon and Linda J. Sallop, 58 and 66 Gardiner Road, Woods Hole, MA
- January 22, 2019, email from Sue Fuortes (no address provided)
March 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);
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Robert Dugan (Member); Gerald Potamis (Associate);
And Zoning Administrator, Noreen Stockman
ABSENT: Ed Van Keuren, (Member)

- January 22, 2019, email from Elizabeth F. and Samuel C. Armstrong, 57 Nobska Road, Woods Hole, MA and 5118 27th Avenue West, Everett, WA
- January 24, 2018, email/letter from Philip Nehro, Falmouth, MA
- January 28, 2019, email from Allison White (no address provided)
- January 30, 2019, email from Eugenie Kuffler (no address provided)
- January 31, 2019, email from Michael Goldring regarding drainage, 44 Fern Lane, Woods Hole, MA
- February 5, 2019, letter from Wendy and Rob Blombery, 559 Woods Hole Road Woods Hole, MA
- February 14, 2019, email from Bonnie Simon, 144 Gardiner Road, Woods Hole, MA
- February 20, 2019, email from Bruce and Barbara C. Furie, 22 Quissett Cove Lane, Falmouth, MA
- February 22, 2019, email from Frederick C. Copeland, Jr. and Winsor R. Copeland, 50 Gardiner Road, Woods Hole, MA
- February 23, 2019, email from Sam Farrell, 5 Park Road, Woods Hole, MA
- March 7, 2019, letter from David Epstein and Sari Friedman, 15 Fern Lane, Woods Hole, MA
- March 7, 2019, letter from Deacon S. Marvel, 3 Alveston Street, Jamaica Plain, MA
- March 8, 2019, letter with attachments received at 3/7/19 hearing, 44 Fern Lane, Woods Hole, MA
- March 26, 2019, email with attachments from David Spector, 40 Harbor Hill Road, Woods Hole, MA
- March 29, 2019, letter from Daniel and Jean B. Johnston, 9 Fern Lane, Woods Hole, MA
- April 2, 2019, email from Nathaniel Trumbull, 11 Church Street, Woods Hole, MA

Letters/E-mails/Information from Applicant/Representative(s)
- Applicant’s authorization for proposed project at 533 Woods Hole Road signed by Mark Bogosian, manager of Woods Hole Partners LLC; dated December 11, 2018
- Addendum to Special Permit Application for 533 Woods Hole Road; not dated, received on December 12, 2018
- Letter from Kevin Klauer dated November 13, 2018; received on December 11, 2018
- Email from ZBA staff to Kevin Klauer regarding hearing date; dated December 12, 2018
- Letter from Robert Ament to the ’Woods Hole Community Association, Inc.’; dated December 12, 2018; received on January 2, 2019
- Letter from Robert Ament with attachments; (1) 2007 Covenant (2) Modification made by Woods Hole Partners LLC with the Community Association February 2018 (3) Correspondence to Woods Hole Community Association dated December 12, 2018
- Copy of ‘Cease and Desist’ order dated September 23, 2017; received January 14, 2019
- Copy of presentation submitted at hearing; dated January 17, 2019
Letter from Kevin Klauer regarding plans E-A201 and E-A202; dated January 14, 2019
Email from Robert Ament regarding ‘TEPP Traffic Reports’; dated January 16, 2019
‘Traffic Memorandum’ submitted by Robert Ament, with attached Cape Cod Commission
Cape Cod Traffic Count Report; dated January 16, 2019
Letter from Robert Ament regarding the proposed redevelopment; dated January 22, 2019
Copy of decision from the Massachusetts Historical Commission; dated January 24, 2019
Letter from Robert Ament regarding 55+ age restricted housing; dated February 7, 2019
Response letter from Cape and Islands Engineering in response to the Town’s
engineering review of 2/8/19; dated February 11, 2019
Letter from Kevin Klauer regarding revised plans; dated March 6, 2019
Letter from Kevin Klauer with attached picture of the ‘Dome’; dated March 7, 2019
Letter from Robert Ament regarding the Building Height in the BR Zoning District, with
attachments: (1) Copy of Zoning By-law 240-240 (2) emails from Frank Duffy, Town
Counsel and Thomas Bott, Town Planner regarding building height (3) Opinion from Rod
Palmer, Building Commissioner on building height; dated March 20, 2019
Letter from Robert Ament citing case law regarding building height in BR zoning district;
dated April 4, 2018
Letter from Kevin Klauer regarding revised plans in response to comments/concerns
from the Planning Board, Zoning Board and Engineering Department; dated April
9, 2019
Letter from Robert Ament regarding use of the ‘Dome’; dated April 10, 2019
Letter from Cape and Islands Engineering in response to the Town’s engineering review
of 3/7/19 – dated March 25, 2019; received April 12, 2019

A Motion was made by R. Dugan to continue the hearing to April 18, 2019 at 6:30 P.M.
Second: G. Potamis
Motion passed 4-0.

The Chairman declared a five minute recess at 8:35 P.M.
March 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);
   Robert Dugan (Member); Gerald Potamis (Associate);
   And Zoning Administrator, Noreen Stockman
ABSENT: Ed Van Keuren, (Member)

The open meeting resumed at 8:40 P.M.

New Hearing: #006-19 Locustfield, LLC, 0 Locustfield Road (Lot 2), Hatchville –
Comprehensive permit to construct twelve (12) single family detached units, three of which will
be affordable.

Acting Clerk R. Dugan read the Notice of Public Hearing into the record.

Referrals:
- Engineering - multiple pages – some addressed
- Water Dept. - comments in file
- Fire Dept. - no concern with layout or access to hydrants. Is in support of extension of
  water main to Gifford Street to improve pressure and flow.
- 20 letters in support – not by direct abutters
- No letters in opposition
March 7, 2019 – 6:30 PM
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And Zoning Administrator, Noreen Stockman
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Attorney Laura Moynihan, with Daniel Maclone (the “Applicant”). Also present, Michael Borselli, Falmouth Engineering.

Ms. Moynihan said this is a 12-unit 40B project on four acres. The Applicant has site control, (owns the property), and an eligibility letter has been issued. There is an agreement between the Town and the Applicant, for the Local Initiative Petition (LIP) project which, Moynihan said, is unusual for a 40B. She said the new Affordable Housing Action Plan encourages entering into partnership with private developments to create 75 affordable units per year. This project has been before the Select Board, and was approved and endorsed last October. Moynihan said currently in Falmouth, one third of the residents earn less than 80% of the area medium income (AMI). She said 33% earn less than 50% of the AMI. She said according to the Massachusetts Department of Community Development, Falmouth has a deficit of affordable housing units to meet the state mandate.

The total project area is 4.09 acres. There is 1.27 acres of open space. The plans note the project is in a Coastal Overlay District, but that is an error, and will be corrected on a new map, to be filed. The Applicant is proposing to construct in three phases – one affordable unit will be built, for every three market units. The affordable units will have 1948 sf, 330 sf of garage space, two floors, and sell at $195,000. The market units will be $495,000. All homes will have three bedrooms, 2.5 bathrooms, kitchen, outside space with deck, private septic systems, gas, water and lighting, Energy Star appliances, windows, and environmentally friendly plantings. The lots range from 15.1% to 21.5% for lot coverage by structures – slightly more than allowed. The lot coverage for structures/parking/paving is well under 40% for all homes. There is a rear yard setback waiver request for Lot 2, as it does not meet the 10’ setback. There is support for the project, and a letter of endorsement from the Affordable Housing Committee, dated July 27, 2018, saying it is impressed by the home design. There is no distinction between the affordable and market units. A letter by the Falmouth Housing Authority, dated October 26, 2018, stressed a need for affordable housing, and the Select Board issued an approval in October.

Ms. Moynihan said one of the issues raised at the site meeting was fencing. Property lines are very long, and fencing between the project, and the two abutters to the north and south, would be more than $40,000. She suggested the possibility of installing a 6-foot tall fence, running 140 feet along the north, and 220 feet along the south lot lines. There was also an option to impose a five-foot vegetative buffer.

The Town of Falmouth has subdivision regulations, but it is not usual to file waivers from subdivision projects which, by their own terms, are discretionary. The Applicant has filed for the rear setback waiver, and Michael Borselli has written a letter on Zone 2, and will present a Zone 2 map to the Board. The grade at the intersection entrance is more than 2% for the first 100’. The Town Engineer is okay with 3%. There are proposed street lights at the entrance and end of the street, proposed pole lighting, and trees planted. She said the density is low for affordable
March 7, 2019 – 6:30 PM
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housing, the project meets the Affordable Housing Action Plan, and that Falmouth Housing
Trust will monitor the project’s affordable units. All of the costs associated with the project,
including the fencing and water main, will be passed on to the market units, and divided equally.

Board Questions, Comments and Responses:
1. Is the waiver for Lot 2 because of the deck? Could the house be flipped similar to Lot
10? Do the stakes on the site include the decks? Attorney Moynihan said the waiver is
for the deck on Lot 2, and that it is possible to consider changing that configuration. The
stakes do not include the decks. She said there is a sidewalk on the plan, and a bus
stop. Units 2, 3 and 5 will be affordable.
2. Will there be trash pick-up by the Town? Has there been any consideration to a cul-de-
sac, and any consideration for community space? Attorney Moynihan said there would
be trash pick-up. A cul-de-sac was considered, but the turnaround takes up less area,
and the Fire Dept. was fine with it. Moynihan said the open space will remain wooded,
rather than create a common area, but the Applicant will consider comments.
3. What about the electrical easement that is a narrow strip of open space, and backs up
against Parcel 3? Attorney Moynihan said you cannot build or plant on the utility
easement, without permission from Eversource. She said you can clear, but the
Applicant will not be clearing that area. Michael Borselli said the utility could decide to
clear the easement, but the easement is 200’ wide, and the utility is using only a limited
area for poles. Moynihan said the utility company would trump a comprehensive permit.

Public Comment:
In Support: None

Attorney Albert Schulz for immediate abutters Marstons and Bento (toward the north and south
respectively).
Mr. Schulz said the project is shown as Lot 2 on a 1989 recorded plan, where there is more than
an acre that is under the Cape and Vineyard Easement. He said that means the development is
actually on three acres of land, not 4 acres, with 12 three-bedroom residences. The property is
in a zoned agriculture district (AGA), and is in a water resource protection district, in proximity to
the Mares Pond well, that provides more than 6% of the drinking water for the Town of
Falmouth. Schulz said the principal concern is fencing in an agricultural district. His clients
would like fencing all along both borders, up to the easement area. He said labeling the
easement area as open space is misleading. He said the seven units along the Marstons’ side,
along with a four-foot setback, makes it very close to their property. The Marstons have horses
and are clearing land, intending to add additional livestock. The Bentos are ten feet from the
property line. The landscape plan presented is sparse. His clients request installation of an eight-foot tall chain-link fence, with slats and posts, along the boundary lines, prior to construction. Maintenance of the fence should be required by the residence association. His clients are also concerned with the Board of Health comment about clustering 12 residences on less than three acres, which may not be appropriate in this area. Attorney Schultz asked the Board to consider requiring an alternative septic system. Mr. Schulz would like the opportunity to comment further, if the hearing is continued.

Board questions and comments:
The Board asked why a chain link fence was requested instead of stockade fencing. The Board also inquired if there was any concern during construction for the livestock, and suggested temporary fencing during construction.

In Opposition:
Edwin Zylinski, past Zoning Board member.
Zylinski said he is opposed to the project, as a lifelong farmer, due to a lack of consideration to the protection of AGA property. The project will cut one of the last bigger pieces of contiguous AGA property in half. He said the plans show the project is over populated and the project needs to be downsized. With 12 units, and no turnaround, how do you handle delivery vehicles and snow removal? If there is not enough room for a cul-de-sac, then it is over zoned.

Adam Enos, 448 Locustfield Road
Enos said twelve houses is way too much. He said he flew a drone over the property and walked the property. He said his road is a mile long and has 16 houses. The project will double the traffic. There are high school kids, a day care, kids on bikes, dog walkers and riders on horseback. He said the neighborhood is at capacity right now and twelve houses are too many for the neighborhood.

Joseph Bento, 440 Locustfield Road
Mr. Bento said the abutters are requesting a chain link fence, because otherwise the owner will put in an inexpensive fence that won't last. Bento asserted he should not have to pay for the fence. He does not want a trespass or liability issue with dogs or people. He said he thought the developers would use his land as a selling point, at the time of sale.

Applicant’s response to public comments:
March 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);
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Attorney Moynihan said even if the easement is excluded, the project is still four acres. The Affordable Action Plan mandates no fewer homes than proposed; density is at the lowest scale of the guideline. The Applicant filed a letter that shows the project is outside the Mares Pond Well state protected zone, is not in a Coastal Pond Overlay, and is not in the Long Pond watershed.

The cost for a six-foot high stockade fence is $40,000. A chain link fence is more expensive. The obligation to maintain the fence can be a permit condition, but shouldn’t be a factor. There is no requirement in the bylaw, or Board of Health, or subdivision regulations to suggest a mandate for advanced septic treatment. To suggest that the Board look at advanced septic treatment, which would add $15,000 – $20,000 per lot, would kill the project. The Applicant could switch the house on Lot 2, but it would be up to the Board to suggest the condition. Additional recommendations could add $7,000 or $8,000 to the cost of each market unit.

Chairman Hurrie suggested the hearing was out of time, and asked the Applicant to look at a continuance. Attorney Moynihan asked the Board to leave the record open for written comments only, and said she didn’t feel a need for a continuance, stating a statutory requirement to adjudicate a comprehensive permit be heard within 30 days. Ms. Stockman reported that the 30-day time period was incorrect, and only applied to the opening of the hearing. The Board has 180 days within which to hold the hearing.

A Motion was made by K. Foreman, to continue the hearing to April 18, 2019, at 6:30 P.M.
Second: R. Dugan.
Motion passed 4-0.

Documents in the record include:
Letters/E-mails from Abutters/Interested Parties

- Letter from Cape Cod Commission, dated March 6, 2018 (sic), signed by Patty Daley, Deputy Director

- Letter from Judith S. Jacobson, Deputy Director & General Counsel, Massachusetts Housing Partnership, dated August 21, 2018, regarding 587 Gifford Street, provided as an example
  - March 7, 2019 letter from Michael F. Schulz, Schulz Law Offices, LLC, 1340 Main Street, Osterville, MA, with:
    - Exhibit 1: Quitclaim Deed for 456 Locustfield Road, dated April 25, 1996
    - Exhibit 2: Quitclaim Deed for 440 Locustfield Street (sic), dated October 28, 2005
March 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);
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Robert Dugan (Member); Gerald Potamis (Associate);
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ABSENT: Ed Van Keuren, (Member)

o Exhibit 3: copy “Plan of Land in Falmouth “Teaticket”, Mass., by Wm M. Warwick &
Assoc. Inc., Box 801, No. Falmouth, Mass, dated September 8, 1987, ANR subdivision control
dated September 15, 1987

o Exhibit 4: “This map shows the location of the Water System's wells and tanks” (GIS
map, undated)

o Exhibit 5: “Falmouth Zoning Board of Appeals to take up affordable housing project”,
Article from Cape Cod Times, by Christine Legere, dated March 5, 2019

Letters/E-mails/Information from Applicant/Representative(s)
• Application form date stamped Feb 06, 2019
• “Agent Authorization”, signed by Daniel Macone, Manager of Locustfield, LLC, dated
1/29/10
• April 16, 2019 letter from Laura M. Moynihan, with attached By-Law sections
• “O Locustfield Road-Locustfield LLC Comprehensive Permit Introduction”, copy of Laura
M. Moynihan’s presentation to the Board on March 7, 2019, date stamped received Mar 11,
2019
• March 7, 2019 letter from Laura M. Moynihan, re: waiver from subdivision regulations
• March 7, 2019 letter from Michael J. Borselli, President, Falmouth Engineering, Inc., 17
Academy Lane, Suite 200, Falmouth, MA
• March 7, 2019 letter from Laura M. Moynihan, re: waiver from rear setback for proposed
lot 2
• March 7, 2019 letter from Laura M. Moynihan, with
• October 31, 2018 email letter from Patty Connolly, 102 Falmouthport Drive, Teaticket,
MA
• October 30, 2018 email letter from Joe Deoliveira, 800 Falmouth Rd, Unit 101-A,
Mashpee, MA
• October 31, 2018 email letter from Mark Lane, 419 Palmer Ave, Falmouth, MA
• November 3, 2018 email letter from Rob Pacheco, 78 Chase Rd, Falmouth, MA
• October 30, 2018 email letter from David and Jessica Durfey
• November 1, 2018 email letter from Richard Augusta
• October 30, 2018 form letter signed by Kevin Cerce, 917 E. Falmouth Hwy, E. Falmouth,
MA
• October 30, 2018 form letter signed by Garrett Callahan, 917 E. Falmouth Hwy, E.
Falmouth, MA
• October 30, 2018 form letter signed by Melissa Melanson, 917 E. Falmouth Hwy, E.
Falmouth, MA
• October 30, 2018 form letter signed by Christopher M. Roberts, 16 Figuerido Way,
Teaticket, MA
March 7, 2019 – 6:30 PM  
Draft Minutes  
Board of Appeals Public Hearings & Open Meeting  
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ABSENT: Ed Van Keuren, (Member)  

- October 30, 2018 form letter signed by Richard Maclone III, 670 East Falmouth Hwy, E. Falmouth, MA  
- October 30, 2018 form letter signed by Susan J. Augusta, 366 Hayway Road, E. Falmouth, MA  
- October 30, 2018 form letter signed by John D Augusta, 55 Alexander Booker Road, E. Falmouth, MA  
- October 30, 2018 form letter signed by Daniel Figueiredo, 20 Sandwich Road, Teaticket, MA  
- October 30, 2018 form letter signed by Julene Augusta, 51 Oyster Shell Lane, E. Falmouth, MA  
- October 30, 2018 form letter signed by Nancy Maclone, 688 E. Falmouth Highway, E. Falmouth, MA  
- October 30, 2018 form letter signed by Melissa M. Keefe, 66 Vidal Avenue, E. Falmouth, MA  
- October 30, 2018 form letter signed by John Rogers Augusta, III, 522 Old Meetinghouse Road, E. Falmouth, MA  
- October 30, 2018 form letter signed by Richard Maclone, 668 E. Falmouth Highway, E. Falmouth, MA  
- October 26, 2018 letter from Joanne O’Sullivan, president of Falmouth Housing Trust, P.O. Box 465, Falmouth, MA  
- July 27, 2018 letter from Edward Curley, on behalf of the Affordable Housing Committee  
  - March 4, 2019 letter from Michael J. Borselli, “Re: Site Distance Observations – Locustfield LLC”  
  - March 4, 2019 letter from Laura M. Moynihan, response to Town of Falmouth Water Department Memo, dated February 26, 2019  
  - March 4, 2019 letter from Laura M. Moynihan, response to Falmouth Department of Public Works Engineering Division, dated February 27, 2019  
  - Copy of M.G.L. Ch 40B, Section 21, with 760 CMR 56.02 (continued) definition “Local Board”, date stamped received Mar 4, 2019  
  - “Falmouth Engineering, Inc., Runoff Calculations: Locustfield LLC-August 3, 2018, 25-Year 1-Hour Storm Event, Rational Method, for Drainage Area #1 and #2, stamped by Michael J. Borselli, stamped received Feb 06, 2019  
  - “Locustfield Estates, Project Description”, stamped Received Feb 06, 2019  
  - January 25, 2019 letter from Catherine Racer, Department of Housing & Community Development, to Susan L. Moran, Chair  
  - “Lottery Process, Locustfield Estates, East Falmouth, Massachusetts, “DRAFT”, stamped received Feb 06, 2019
March 7, 2019 – 6:30 PM  
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Board of Appeals Public Hearings & Open Meeting  
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PRESENT: Terrence J. Hurst (Chairman); Kenneth Foreman, (Vice Chairman); Robert Dungan (Member); Gerald Potamis (Associate); And Zoning Administrator, Noreen Stockman  
ABSENT: Ed Van Keuren, (Member)

- “Eligibility Requirements Locustfield Estates-Affordable Housing Unit, “DRAFT”, stamped received Feb 06, 2019  
- “General Information Locustfield Estates Three (3) Affordable Housing For Sale Units, “DRAFT”, stamped received Feb 06, 2019  
- “Quitclaim Deed” for 0 Locustfield Road, East Falmouth, MA, dated October 31, 2017  
- “Quitclaim Deed” for 0 Locustfield Road, East Falmouth, MA, dated January 29, 2019  
- Copy of Falmouth GIS, with locus highlighted, print date February 20, 2018, stamped received Feb 06, 2019  
- January 29, 2019 certificate of organization of a Limited Liability Company, signed by William Francis Galvin, Secretary of the Commonwealth of Massachusetts  
- “Water Main Extension Agreement and Easement to Serve Beach Plum Path, East Falmouth, Barnstable County, Massachusetts” (draft) date stamped Received Mar 4, 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 February 27, 2019 and March 6, 2019  
- Conservation Commission no comment, dated 2/8/19  
- Water division letter dated February 26, 2019, with attached “Water Main Extension Agreement and Easement” with Trustees of the Nye’s Park Professional Offices Trust, (as an example), and “Town of Falmouth, Department of Public Works, Utilities Division, Standard Plans and Specifications For the Construction and Installation of Water Distribution and Waste Water Collection Systems”, revision dated August 23, 1999  
- Fire Department. letter dated February 14, 2019  
- Email from Noreen Stockman, ZA, dated February 20 and 21, 2019  
- “February 12, 2019 Old Water Room – Department Meeting 0 Locustfield, Hatchville – Proposed 40B”: notes from staff meeting, prepared by Ashley DeMello  
- November 19, 2019 letter from Susan Moran, Chair, Board of Selectmen, to Alana Murphy, Department of Housing and Community Development

Plans submitted by Applicant/Applicant’s Representative  
- Section Town of Falmouth GIS map, showing that the locus is not within the Coastal Pond Overlay Districts, stamped received Mar 07, 2019
March 7, 2019 – 6:30 PM
Draft Minutes
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• Elevations, Floor Plans, Deck, for 3 Bedroom Dwelling, with garage”, pages 1-5, by
David McLean, Architectural Design Service, dated 11/9/18
• “Typical Landscape Plan”, L1.0, prepared by ML Curadossi Landscape Design, Boston,
MA, dated 2/7/18
• “Site Plan, Lot 2 Locustfield Road- Unit 2”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Septic System Details”, Lot 2 Locustfield Road- Unit 2”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 1”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• “Septic System Details”, Lot 2 Locustfield Road- Unit 1”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 3”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• “Septic System Details”, Lot 2 Locustfield Road- Unit 3”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 4”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• “Septic System Details”, Lot 2 Locustfield Road- Unit 4”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 5”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• “Septic System Details”, Lot 2 Locustfield Road- Unit 5”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 6”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• “Septic System Details”, Lot 2 Locustfield Road- Unit 6”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 7”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• “Septic System Details”, Lot 2 Locustfield Road- Unit 7”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 8”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• “Septic System Details”, Lot 2 Locustfield Road- Unit 8”, prepared by Falmouth
Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• “Site Plan, Lot 2 Locustfield Road- Unit 9”, prepared by Falmouth Engineering, 17
Academy Lane, Suite 200, Falmouth, MA, 7/27/18
March 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);
Robert Dugan (Member); Gerald Potamis (Associate );
And Zoning Administrator, Noreen Stockman
ABSENT: Ed Van Keuren, (Member)

• "Septic System Details", Lot 2 Locustfield Road- Unit 9", prepared by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• "Site Plan, Lot 2 Locustfield Road- Unit 10", prepared by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• "Septic System Details", Lot 2 Locustfield Road- Unit 10", prepared by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• "Site Plan, Lot 2 Locustfield Road- Unit 11", prepared by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• "Septic System Details", Lot 2 Locustfield Road- Unit 11", prepared by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• "Site Plan, Lot 2 Locustfield Road- Unit 12", prepared by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18
• "Septic System Details", Lot 2 Locustfield Road- Unit 12", prepared by Falmouth Engineering, 17 Academy Lane, Suite 200, Falmouth, MA, 7/27/18,
• "Plan & Profile", by Falmouth Engineering, dated 7/23/18, 2/28/19,
• "Definitive Plan of Land", by Falmouth Engineering, dated 8/6/18
• "Drainage Area Worksheet", by Falmouth Engineering, dated 8/1/18

Open Meeting:

1. Minutes February 21, 2019 – Tabled until next meeting.


3. Board Updates – R. Dugan was appointed as a full voting member. G. Potamis remains an alternate member. The Select Board will be advertising for Board openings; there are openings for two positions: one full member and one alternate.

4. Discuss Date for Future Workshop – Tabled until appointments finalized.

5. Board Discussion RE: Zoning Recodification Committee - R. Dugan and G. Potamis attended with N. Stockman, and there was nothing significant to report.

6. Future Agenda Items - None
March 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);
Robert Dugan (Member); Gerald Potamis (Associate);
And Zoning Administrator, Noreen Stockman
ABSENT: Ed Van Keuren, (Member)

Meeting adjourned at 9:38 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 March 21, 2019 at 6:30 PM – Selectmen’s Meeting Room