RE: Minutes for Public Hearings and Open Meeting held on May 28, 2020 at 6:30 PM via Zoom platform due to Covid-19

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:

Continuations:
096-19 March, 94 Nantucket Avenue, Falmouth
008-20 Arthur, 40 Loren Road, North Falmouth
090-19 Reppucci, 24 Prospect Street, Falmouth
078-19 Buzzard Bay Development, LLC, Falmouth

New Hearings:
025-20 CMM Ventures, 335 Shore Street, Falmouth
026-20 Hunt, 16 Clinton Avenue, Falmouth
027-20 797 Main Street, LLC, 797 Main Street, Falmouth

Terrence Hurrie, Chairman of Board of Appeals

Date Minutes filed with Town Clerk: __________________________

Respectfully submitted
Ashley DeMello, Office Assistant
Noreen Stockman, Zoning Administrator

RECEIVED
JUN 29, 2020 @10:01
TOWN CLERK

Town Clerk Stamp
Public Comment – none

Dugan made a motion to take item #2 of the Open Meeting out of order followed by continuations and Buzzards Bay LLC to be heard at the end of the new hearings. Zylinksi seconded the motion. Motion carried 5-0.

Roll Call Vote: Hurrie – Aye, Foreman –Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi -Aye, Morse – Aye, Barry - Aye

#020-19 Meawad, 0 & 213 North Falmouth Highway, North Falmouth- Request for insubstantial changes to approved Comprehensive Permit -

Voting Members; Hurrie, Foreman, Dugan, Van Keuren, Barry

David Utti, Attorney for Applicant – With cooperation from this Board and Town Counsel we have agreed on the following insubstantial changes. We would request that the Board approve these insubstantial changes.

Dugan read changes of comprehensive permit into the record.

Foreman – Is this resulting in a change in the number of units?

Utti – Yes.

Foreman- I don’t know

Duffy – It’s a restoration of the 2 units that were deleted in the decision. It was in the original application. It’s appropriate for the Board to vote as insubstantial.

Foreman – Were the units moved because construction was too close to the lot line and a retaining wall was needed?

Utti – We disagreed with that, and through the settlement and appeal process its was made clear there were no issues and did not need a high wall. We agreed to deposit $5,000 into an account for the abutter’s landscaping.

Duffy – We forwarded the plans from the developers to the Engineering Department and they had no comments. The mediator was Mark Bobrowski for this case.

Dugan made a motion to accept the proposed changes as insubstantial. Van Keuren seconded the motion.

Roll Call Vote: Hurrie – Aye, Foreman –opposed, Dugan – Aye, Van Keuren – Aye, Barry – opposed

3-2 Motion did not carry.
Utti – We litigated this issue and was represented to me that the members who attended the mediation had the authority to act on behalf of the Board and you have voted 3-2 on these changes and will be back to litigation.

Following the close of the meeting, it was noted that the Board inadvertently announced that the motion did not carry. However, Comprehensive Permits require only a simple majority for a vote to carry. Therefore, the motion made to approve the insubstantial changes to the Comprehensive Permit, including allowing construction of eight duplex dwellings (or 16 total units), passed.
Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of May 28, 2020 at 6:30 PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi

#090-19 Reppucci, 24 Prospect Street, Falmouth – requesting a special permit to construct an addition to the 2nd floor of the dwelling and allow office space on the 2nd floor of the detached garage with a new deck/stairway

Dugan recused.

Voting Members: Hurrie, Van Keuren, Barry, Morse

Hurrie - The applicant submitted a request for withdrawal at the last meeting.

Stockman – Mr. Reppucci was advised about the meeting this evening and stated an intention to attend the meeting tonight. His request was to withdraw his application without prejudice, and that was why he did not attend the last meeting. The Board voted to continue the hearing to tonight.

Hurrie – We did advise the applicant at the first meeting that going forward, there would be only 4 voting members.

Morse – The Board had issues with the project.

Hurrie – The Board has 2 options: to allow a withdrawal without prejudice, or a withdrawal with prejudice.

Morse – I would not be in favor of a continuance and would not be opposed to allow without prejudice given the unusual circumstances.

Van Keuren – I don’t think he should be penalized for 2 years. He can come back when he gets his act together.

Hurrie – It’s a hard decision, and there are some things that the applicant could fix.

Public Comment –

Margaret Van Amburgh – The applicant is not following procedures.

Morse voted to allow the applicant to withdraw without prejudice. Van Keuren seconded the motion. Motion carried 4-0

Roll Call Vote: Hurrie – Aye, Van Keuren – Aye, Morse – Aye, Barry – Aye

All in favor.
<table>
<thead>
<tr>
<th>Document (s) Submitted</th>
<th>Date Submitted:</th>
<th>Submitted By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application/See</td>
<td>12/31/19</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Narrative</td>
<td>12/31/19</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>(3) Copies plot plan</td>
<td>12/31/19</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>(5) Sets - then apply</td>
<td>12/31/19</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Request&amp;Buffer list</td>
<td>12/31/19</td>
<td></td>
</tr>
<tr>
<td>Request &amp; Rules</td>
<td>1/10/20</td>
<td></td>
</tr>
<tr>
<td>(5) Copies revised site plans</td>
<td>1/7/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Rez submit: Health</td>
<td>1/7/20</td>
<td></td>
</tr>
<tr>
<td>Authorization letter</td>
<td>1/8/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Fire - Rez rule</td>
<td>1/9/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Planning - Rez rule</td>
<td>1/9/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Cert. &amp; Buffer list</td>
<td>1/9/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Rez rule - Water</td>
<td>1/14/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Rez rule - Assessors</td>
<td>1/14/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Eng. Rez rule</td>
<td>2/3/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Contam Rez rule</td>
<td>2/3/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Colored map</td>
<td>2/19/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Letter from Structural Eng.</td>
<td>3/20/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Water Extension</td>
<td>3/30/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>3 Exhibits (photos)</td>
<td>3/06/20</td>
<td>Holmes McGinty</td>
</tr>
<tr>
<td>Approval Notice</td>
<td>5/27/20</td>
<td>Holmes McGinty</td>
</tr>
</tbody>
</table>
Zoning Board of Appeals
Virtual Meeting – Town Hall
Minutes of May 28, 2020 at 6:30 PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi

#096-19 March, 94 Nantucket Avenue, Falmouth – requesting a special permit to renovate existing dwelling and construct a 2nd floor addition

Voting members: Hurrie, Dugan, Van Keuren, Barry, Morse

Michael McGrath, project engineer - This is a continued hearing for a request to add a 2nd story. You continued the hearing because you were worried about the cost of construction, and why it shouldn’t be elevated. I submitted an appraisal for the structure. Before the Building Commissioner issues a building permit in a flood plain, there is a requirement that there be comparisons between the construction cost and an appraisal. Every time someone applies for a building permit in a flood zone, the contractor has to fill out a FEMA contract, sheet showing that it is less than the 50% of the appraised value. I also asked the Building Commissioner if he would comment to the Board. He made a verbal comment, and would prefer to do the review at the time when a building permit is being applied for. There was another issue about one of the lot corners which was staked on the encroaching driveway. It was only 0.1% of an encroachment, which I would consider de minimis.

Dugan – As far as the testimony from the Building Commissioner we didn’t receive anything in writing. It seems like the difference between 50% of the appraised value and the construction cost is $25.00.

Stockman – I did have a conversation with the Building Commissioner today and his recommendation was to move forward with the special permit, and condition the decision that if the building did need to be elevated, it would have to come back to you for your approval.

Van Keuren – My concern is that it’s so close being a $25.00 difference. I would agree with what Rod Palmer suggested for conditions.

Morse – Does ConCom have any issues with the proposed?

Dugan – They had a concern with the foundation.

McGrath – We got a request for a determination of applicability and would be happy to review that decision. The property is in an A zone. We are a significant distance away from the resource zones, but still within their jurisdiction. I’d be happy to re-file with Conservation, to me its de minimis, but if it’s in the decision, we will abide by it.

Dugan – I have issues with the percentage being so close to the 50%; 1 concrete block would put you over the difference of $25.00. It’s very close to the abutting property. I would not be in favor of this application.

McGrath – The existing structure is 15.2’ from the nearest lot line, and the minimum required setback is 10’. We can easily do the work to reinforce the foundation and, if necessary, put in temporary shoring at the street line. This construction occurs a lot and it’s not a reason to deny this project.

Van Keuren – The estimate is so close, but if we are going to approve it, we need to make sure that the decision is conditioned right.
McGrath – Since the Board is not going to accept this without the Building Commissioner’s letter, I would ask that this be continued for 1 month or so. I would ask the Board continue to July 9, 2020.

Dugan – We are looking for the final sheet approved by the Building Commissioner.

Dugan made a motion to continue to July 9, 2020. Morse seconded the motion. Motion carried 5-0.

Roll Call Vote: Hurrie – Aye, Dugan – Aye, Van Keuren – Aye, Morse – Aye, Barry – Aye

All in favor.
<table>
<thead>
<tr>
<th>Document(s) Submitted</th>
<th>Date Submitted</th>
<th>Submitted By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application/fee</td>
<td>2/4/20</td>
<td></td>
</tr>
<tr>
<td>Owner authorization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Y/C calculations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pictures of existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Copies - plot plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Sets Arch drawings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request abutter list</td>
<td>2/7/20</td>
<td></td>
</tr>
<tr>
<td>Request references</td>
<td>2/7/20</td>
<td></td>
</tr>
<tr>
<td>Copy of deed</td>
<td>2/7/20</td>
<td></td>
</tr>
<tr>
<td>Email to Klauser</td>
<td>2/7/20</td>
<td></td>
</tr>
<tr>
<td>Prelral - Planning</td>
<td>3/9/20</td>
<td></td>
</tr>
<tr>
<td>Prelral - Water</td>
<td>3/10/20</td>
<td></td>
</tr>
<tr>
<td>SP #25-94</td>
<td>3/12/20</td>
<td></td>
</tr>
<tr>
<td>Prelral - Fire Dept</td>
<td>3/12/20</td>
<td></td>
</tr>
<tr>
<td>Prelral - Assessors</td>
<td>2/19/20</td>
<td></td>
</tr>
<tr>
<td>Cert. abutter list</td>
<td>2/19/20</td>
<td></td>
</tr>
<tr>
<td>Prelral - Eng.</td>
<td>3/9/20</td>
<td></td>
</tr>
<tr>
<td>Prelral - Concem</td>
<td>3/9/20</td>
<td></td>
</tr>
<tr>
<td>Agreement and extension</td>
<td>3/25/20</td>
<td></td>
</tr>
<tr>
<td>Title 5 inspection report</td>
<td>3/11/20</td>
<td></td>
</tr>
<tr>
<td>Email K. Klauser</td>
<td>5/21/20</td>
<td></td>
</tr>
</tbody>
</table>
#008-20 Arthur, 40 Loren Road, North Falmouth — requesting a special permit to renovate existing dwelling and construct a 2nd floor addition

Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zylinski,

Kevin Klauer, Attorney for applicants — This property has a 2-story, 4-bedroom dwelling with a detached garage. They are looking to make some improvements to increase the utilization for their family; the deck will be removed and a covered patio will be replaced with an addition above. A 5th bedroom will be added, and a new title 5 septic will be put in, which has been approved by the Board of Health. There was a question brought up at the last meeting about the septic system. Following that meeting we submitted the most recent Title 5 report. A floor plan was submitted of the garage, with an office and bathroom above. The proposed 5 bedroom septic is sufficient to address the needs. This project meets the criteria of 240-216.

Dugan — Does the office space in the garage meet the definition of a bedroom?

Klauer — It would likely meet the definition of a bedroom, but the approved system would address that.

Zylinski — I asked if it was a concrete deck or poured foundation for the house. I ask the same question and keep getting the same answer. In your supplemental letter you referenced the variance on the SAS system which has nothing to do with the septic tank, and you made no mention in your letter about needing a variance for the distance from the tank to the deck. I asked these questions at the last hearing and didn’t see them addressed in your letter.

Matt Costa, project engineer — There is no setback requirement for a patio. This has been approved by the Board of Health, and regardless of the material of the patio, a variance would not be required.

Klauer — We also submitted lot coverage calculations, and the dwelling, as proposed, would still be among one of the smaller houses.

Foreman made a motion to close the hearing. Foreman seconded the motion. Motion carried 5-0.


Dugan — There is an office in the garage, and I understand that the septic has approved, but I think it needs to be in the conditions that we just found out that there is office space in the garage, and wouldn’t want it to become a rented space/apartment.

Dugan made a motion to approve application #008-20. Foreman seconded the motion. Motion carried 5-0.

Findings:

1) Meets 240-3 C., 240-69 E.
2) Septic the has been approved; capacity would cover the main house and garage office
3) Testimony that 2nd floor will be supported by footings
Zoning Board of Appeals
Virtual Meeting – Town Hall
Minutes of May 28, 2020 at 6:30 PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinski

4) Reducing lot coverage below 25%
5) Bulk calculations were submitted
6) Garage contains an office that would meet the definition of a bedroom
7) Not being used a separate livable space

Conditions:

1) Per plans
2) Drywells required - minimum of 10’ from the property line
3) Inspection from Assessors for both garage and house
4) No kitchen in garage; cannot be separately rented
5) Subject to review by the building department, to ensure there are permits for the work that has been done

Roll Call Vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski - Aye

All in favor.
<table>
<thead>
<tr>
<th>Document (s) Submitted</th>
<th>Date Submitted</th>
<th>Submitted By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email re: complaint</td>
<td>1/30/20</td>
<td>KS</td>
</tr>
<tr>
<td>PB Comments</td>
<td>2/4/20</td>
<td>MS</td>
</tr>
<tr>
<td>letter to address comments</td>
<td>3/27/20</td>
<td></td>
</tr>
<tr>
<td>Proposed site/arch plans</td>
<td>5/27/20</td>
<td></td>
</tr>
<tr>
<td>E-mail to K. Knaan</td>
<td>6/4/20</td>
<td>KS</td>
</tr>
<tr>
<td>Opinion - K. Burns</td>
<td>6/11/20</td>
<td></td>
</tr>
<tr>
<td>Signed Envelope</td>
<td>6/14/20</td>
<td></td>
</tr>
<tr>
<td>Document (s) Submitted</td>
<td>Date Submitted</td>
<td>Submitted By</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Complete Application</td>
<td>11/13/19</td>
<td>M. Galasso</td>
</tr>
<tr>
<td>Letter from Mattoving</td>
<td>11/13/19</td>
<td>M. Galasso</td>
</tr>
<tr>
<td>Quitclaim Deed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Copies Site Plan</td>
<td>11/13/19</td>
<td></td>
</tr>
<tr>
<td>(3) Copies Arch.Plan</td>
<td>11/13/19</td>
<td></td>
</tr>
<tr>
<td>(3) General Pending</td>
<td>11/13/19</td>
<td></td>
</tr>
<tr>
<td>(3) Copies Landscape</td>
<td>11/22/19</td>
<td></td>
</tr>
<tr>
<td>Request Cert. Abuttee's List</td>
<td>11/13/19</td>
<td></td>
</tr>
<tr>
<td>Email to M. Galasso</td>
<td>11/14/19</td>
<td></td>
</tr>
<tr>
<td>Request for Abuttee's List</td>
<td>11/18/19</td>
<td></td>
</tr>
<tr>
<td>Letter to M. Galasso</td>
<td>11/18/19</td>
<td></td>
</tr>
<tr>
<td>Email from C. Pacheco</td>
<td>11/18/19</td>
<td></td>
</tr>
<tr>
<td>Prec. Stormwater Ckt</td>
<td>11/20/19</td>
<td></td>
</tr>
<tr>
<td>Reformat - Engine.</td>
<td>11/22/19</td>
<td></td>
</tr>
<tr>
<td>Reformat - Water</td>
<td>12/3/19</td>
<td></td>
</tr>
<tr>
<td>Request Abuttee Notice</td>
<td>12/3/19</td>
<td></td>
</tr>
<tr>
<td>AFC Housing Referred</td>
<td>12/6/19</td>
<td></td>
</tr>
<tr>
<td>Reformat - Historical</td>
<td>12/10/19</td>
<td></td>
</tr>
<tr>
<td>Letter to Eng. Commit</td>
<td>1/4/20</td>
<td></td>
</tr>
<tr>
<td>Authorization Letter</td>
<td>12/12/19</td>
<td></td>
</tr>
<tr>
<td>Reformat Letter Support</td>
<td>12/12/19</td>
<td></td>
</tr>
<tr>
<td>Review #2</td>
<td>1/17/20</td>
<td></td>
</tr>
<tr>
<td>Revised Site Plans</td>
<td>1/23/20</td>
<td></td>
</tr>
<tr>
<td>Letter to Housing</td>
<td>1/28/20</td>
<td></td>
</tr>
<tr>
<td>Letter to Manager</td>
<td>1/30/20</td>
<td></td>
</tr>
</tbody>
</table>
#078-19 Buzzards Bay Development LLC, 40 Shore Street, Falmouth — requesting a Comprehensive Permit to renovate existing single family dwelling and construct seven (7) single-family dwellings; two (2) units will be affordable.

Voting members: Hurrie, Dugan, Van Keuren, Barry

Dugan – The applicants are aware that revisions need to be submitted 1 week in advance and there are issues with the plans that are in the file not matching the PDF’s that were sent out.

Kevin Klauer – We submitted plans later than what we had hoped for; we wanted to submit a complete plan set. This is an application for a Comprehensive Permit for the property at 40 Shore Street near Main Street. It’s a large lot on the easterly side, and comprises 1.12 acres in the General Residence zoning district. The applicant is proposing to renovate the existing historic dwelling and eliminate existing garage and greenhouse, adding 7 additional dwellings totaling 8 on the property, of which 2 will be affordable. The design is in keeping with the surrounding area. We did receive approval from Mass Housing. Since the last meeting the plans were revised to add a 4th bedroom to unit #3 (affordable unit), which has increase the square footage by approximately 200s/f. We’ve also added square footage to the 2nd affordable unit. These changes were made to address some of the concerns the Board had. We were unable to add a 2 car garage to the affordable units, and removing garages from the market units would not be financially feasible. The applicant has work diligently with the abutters and received positive feedback from the community. We should be encouraging more affordable units.

Board Discussion –

Dugan – Since our last meeting what changes have been made to this plan?

Klauer – An additional bedroom was added to unit 3, and an increase in square footage added to unit 1.

Dugan – There was a concern at the last meeting about not wanting 4 bedrooms, we were looking for 3 bedrooms. Why did you add a 4th bedroom to the affordable unit?

Klauer – You specifically asked that a 4th bedroom unit be add to match the market rate units.

Dugan – Our issue was that the Zoning Administrator had made a comment that she spoke with someone from Mass Housing, and they said they also didn’t see needs for 4 bedroom units. Am I incorrect?

Klauer – You specifically asked for a fourth bedroom to be added to one of the affordable units.

Stockman – Where the original plan was for 4-3 bedroom units and 4-4 bedroom units, Mass Housing would generally take 1 of the 3 bedroom units and 1 of the 4 bedroom units as an affordable unit. MassHousing does have the right to select which units will be affordable. I had a conversation with a representative from MassHousing, and they are not looking for 4 bedrooms units as affordable units.

Klauer – Mr. Dugan specifically asked that a 4th bedroom be added; we wouldn’t have just done it if it wasn’t requested.
Zoning Board of Appeals
Virtual Meeting – Town Hall
Minutes of May 28, 2020 at 6:30 PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi

Matt Terry, attorney / representative – Read an excerpt from DHCD from 2014.

Dugan - You also added square footage to the market rate units?

Klauer – No, only the 2 affordable units.

Van Keuren – We received several pages of comments from engineering this afternoon with a whole bunch of things that need to be resolved. I didn’t have time to review them with the drawings. There’s a fair amount of things hanging out there. I believe those comments need to be addressed.

Klauer – Most of the items have been resolved. I believe there are 3 or 4 comments that have to do with a landscape plan. The Engineering Department is saying one hasn’t been submitted, when there has been one that was submitted.

Matt Costa – project engineer – There are 5 open comments and most of the comments are asking the Board to condition certain things. The 5th comment is about requesting outside consulting. There are no open engineering comments that I see.

Klauer – The ‘Clerk of the Works’ has been brought up in the past, but the applicant indicated that he could have controlled construction, as opposed to a clerk of the works. We would be resistant to a 3rd party. It can be very costly and problematic, and could affect the affordability and feasibility of the project.

Dugan – According to the PDF’s we received, and the ones we had before, there are discrepancies with the square footage.

Klauer – There have been no changes to the footprint. We will have to reach out to the architect. The only changes to the footprints have been with the affordable rate units.

Dugan – You’ll have to check on that, specifically building 5, where the square footage increased by 200sf. I have a concern with 2-car garages vs a 1-car garage. Having a single car garage vs a 2-car garage I don’t think is a huge issue down here, as long as you have one. It would save on density. The only ones that have 2-car garages are the market rates units. You shouldn’t be able to tell the difference between a market and affordable unit. I think they should all have single car garages.

Klauer – The requirements of the architectural design is that it doesn’t have to be identical, just similar.

Dugan – If there is an issue about it making the project uneconomical, I would like to see it. The units that aren’t affordable have the larger garages; I think it’s a status issue.

Klauer – Coming back tonight and being asked why we asked a 4th bedroom, and then saying they don’t want a 4th bedroom is frustrating. The standard is that it be similar.

Dugan – I would take the 2 car market rate garages and drop them to singles. These engineering comments are the same, address them. Get rid of the 2 car garages and make them singles. It’s not the same. We can’t have submittals 2 days before the meeting, because there is no time to review them.
Zoning Board of Appeals
Virtual Meeting – Town Hall
Minutes of May 28, 2020 at 6:30 PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksy

Klauer – I feel as though we are getting conflicting information and that’s frustrating. I realize we can’t submit something on Tuesday and expect an approval on Thursday.

Terry – With respect to the garages, since we are at 10.74% return, according to regulations, any conditions imposed by a Board that make it impossible to proceed, and reduction of a reasonable return is considered uneconomic. I would argue that there is a value to a 2nd garage.

Dugan – If you’re making the statement that the loss of a single bay will make the project uneconomical, then show us how it makes it uneconomic.

Terry – There is a specific process under the regulations in which the Town may request a pro forma review after certain criteria has been met.

Dugan – You just said that the loss of a garage would render this uneconomic, is that correct?

Terry – That’s correct.

Dugan – If you’re going to make that statement, then we need information to show why; not just a blanket statement. If you want to do a pro forma review I’m happy to do one. I’m not trying to be difficult, but I don’t think what you stated is correct; that the loss of one bay will have that much impact.

Terry – The project is already below the 15% threshold. Something as small as $10,000.00 per unit could make it uneconomic; that’s a material difference.

Dugan – Supply the information.

Dugan made a motion to extend to 10:30PM. Van Keuren seconded the motion. Motion carried 6-0.

Roll call vote: Roll Call Vote: Hurrie – Aye, Foreman –Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi -Aye, Barry - Aye

Public Comment –

John Callahan -300 Walker Street - Referencing 40 Shore Street, my name is John Callahan, 300 Walker St. This property has been an eye sore for quite some time, and not a good example of what downtown Falmouth should look like. New housing, specifically affordable housing, in a very expensive neighborhood is great for our town. What I like is the owner is a neighbor who lives in the neighborhood, who loves the neighborhood and town, and who is doing great things to make us proud. I am aware of other 40B’s on Main St. that have been approved, and this is a much better project for neighbors and abutters. Thanks for your time.

Denise Callahan - 300 Walker Street, I have worked with Longfellow for many years. I believe his intentions for Shore Street is in the best intentions for the community. The 40B project is a great project for the community, and the people who would benefit from this. I live on Walker Street and am in support of 40B.
Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of May 28, 2020 at 6:30 PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi

Dugan made a motion to continue application #078-19 to June 11, 2020. Van Keuren seconded the motion. Motion carried 4-0.

Roll Call Vote: Hurrie – Aye, Dugan – Aye, Van Keuren – Aye, Barry – Aye

All in favor.
<table>
<thead>
<tr>
<th>Document (s) Submitted</th>
<th>Date Submitted:</th>
<th>Submitted By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee</td>
<td>4-10-20</td>
<td>Klauer</td>
</tr>
<tr>
<td>Owner Auth. Letter</td>
<td>4-10-20</td>
<td>Klauer</td>
</tr>
<tr>
<td>Lot Calculation</td>
<td>4-10-20</td>
<td>Klauer</td>
</tr>
<tr>
<td>Pictures Of Ex. Dwelling</td>
<td>4-10-20</td>
<td>Klauer</td>
</tr>
<tr>
<td>8 Copies - Plot Plan</td>
<td>4-10-20</td>
<td>Klauer</td>
</tr>
<tr>
<td>8 Sets Arch. Plans</td>
<td>4-10-20</td>
<td>Klauer</td>
</tr>
<tr>
<td>Request. Add. list</td>
<td>4-10-20</td>
<td></td>
</tr>
<tr>
<td>Request. Ref.</td>
<td>4-10-20</td>
<td></td>
</tr>
<tr>
<td>Ref. - Assessor</td>
<td>4-13-20</td>
<td></td>
</tr>
<tr>
<td>Ref. Cert. Add. list</td>
<td>4-16-20</td>
<td></td>
</tr>
<tr>
<td>Ref. - Planning</td>
<td>4-14-20</td>
<td></td>
</tr>
<tr>
<td>Ref. - Assessor</td>
<td>4-15-20</td>
<td></td>
</tr>
<tr>
<td>Ref. -</td>
<td>4-21-20</td>
<td></td>
</tr>
<tr>
<td>Copy of OCE</td>
<td>5-13-20</td>
<td></td>
</tr>
<tr>
<td>Email to Planning</td>
<td>5-21-20</td>
<td></td>
</tr>
<tr>
<td>Email to Pl. analyst</td>
<td>5-27-20</td>
<td></td>
</tr>
</tbody>
</table>
Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of May 28, 2020 at 6:30 PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zyllinki

#025-20 CMM Ventures LLC, 335 Shore Street, Falmouth – requesting a special permit to raze and reconstruct the single family dwelling; exceeding 20% lot coverage by structures

Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zyllinki

Dugan read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Health – property on Town Sewer defer to the Wastewater Dept.

Fire – no comment

Planning – no comment

Historic – The applicant filed an application for a Certificate of Appropriateness and is scheduled for the May agenda.

Assessors – no comment

Engineering – Standard comments, applicant must apply for a permit from the DPW Engineering Division, comply with section 99-1, applicant should seek an address change from Engineering (should be Boyer Road)

Con Com- issued Order of Conditions

Correspondence - none

Kevin Klauer, attorney for Applicants – At the time of the application, the deed was under CMM Ventures and has now be changed to Christine M. DeVirgilio. The applicants are seeking permission to raze and reconstruct the dwelling. The property is just over 8,000sf, located within a Residential C zoning district, and within the velocity (VE15) flood zone. They have owned the property for a few years and would like to make alterations. The footprint of the existing dwelling is 1,545sf. The property is nonconforming to the side yard setback being 0.0 as there is an encroachment. Lot coverage is 19.1%. To comply with flood zone regulations, the structure must be elevated 2’ above elevation 15, to elevation 17. The proposed ridge height will be 34’10” and the side yard setback will be improved to 4.7′. Lot coverage by structures will slightly increase to 20.7%. They wouldn’t be able to come closer to the front yard setback because of Con Com issues. It will be a 4 bedroom house. Klauer stated it meets the criteria of 240-216. Of the 23 neighboring structures, 10 have a higher lot coverage percentage, 19 have a larger footprint, and 19 have larger gross building area. This will remain a modest home in the area. The driveway will be relocated onto Boyer Road. We want flood zone compliance from homeowners.

Board Discussion –

Dugan – Have you had the meeting with Historic?

Klauer – We have applied and we have been moved to the July agenda as they didn’t have their June hearing.
Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of May 28, 2020 at 6:30 PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi  

Foreman – What are the existing and proposed heights?
Klauer – Existing 21-22’ and proposed 34′10″.
Foreman – Is there any reason you need the cupola?
Klauer – It’s a decorative feature, and it’s in keeping in the neighborhood.
Foreman – I don’t see a reason for it; it’s good that they are elevating the structure.
Hurrie – Minus the cupola it would be 34′10″?
Klauer – Yes.
Hurrie – Will the berm remain?
Klauer – Yes, what’s on this plan is what was approved by the ConCom.
Zylinksi – I really like this project.
Klauer - The driveway does encroach, but the applicant has an easement over that abutting property.
Dugan – I think the moving of the driveway is fantastic, I like the project. I do share some concern with the additional height from the cupola.
Klauer – Would the Board would consider a smaller cupola?
Foreman – They are at 34′10″, not counting the cupola. It will be an issue as more houses elevate, and it’s not necessary.
Klauer – The owners let me know that they can do without the cupola.

Public Comment - None

Foreman made a motion to close the hearing. Zylinksi seconded the motion. Motion carried 5-0.

Roll Call Vote: Hurrie – Aye, Foreman –Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi -Aye, Barry - Aye

Foreman made a motion to grant application #025-20. Dugan seconded the motion. Motion carried 5-0.


Findings:
1) Improving septic system
2) Improving access to property
3) Meeting FEMA regulations
4) Safety on site
5) Small increase in lot coverage over 20%; lot coverage proposed at 20.7%
6) Meets 240-3 C,240-69 E and 240-216
Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of May 28, 2020 at 6:30 PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi

7) Raze and rebuild
8) Will be elevated to elevation 17
9) Testimony given that new driveway exceeds the lot but the owners have an easement over the abutting property
10) New driveway on Boyer Road
11) New address to be posted per section 99-1
12) Erosion and sediment control
13) Proposed ridge height is 34’10
14) Lot coverage calculations submitted—modest structure in the neighborhood
15) Applicant applied to Historical Commission; scheduled for July’s agenda
16) Amenable to remove cupola, to keep under 35’
17) Flow neutral bylaw is not triggered

Conditions:

1) Remove cupola
2) Height certificate at framing; copy provided to Zoning Board
3) Construction vehicles/material to be kept on site
4) Comply with Order of Conditions from ConCom
5) Comply with engineering comments
6) Post required bond with DPW
7) Cert of Appropriateness from the Historical Commission
8) Comply with section 99-1
9) Modification of permit for septic to town sewer
10) Construction hours 7A-7P Mon-Sat no Sundays no Holidays unless emergency
11) Dust control

Roll Call Vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi - Aye,

All in favor.
<table>
<thead>
<tr>
<th>Document (s) Submitted</th>
<th>Date Submitted</th>
<th>Submitted By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application fee</td>
<td>4.10.20</td>
<td>Klein</td>
</tr>
<tr>
<td>Owner authorization</td>
<td>4.10.20</td>
<td>Klein</td>
</tr>
<tr>
<td>(2) copies site plan</td>
<td>4.10.20</td>
<td>Klein</td>
</tr>
<tr>
<td>(2) sets arch plans</td>
<td>4.10.20</td>
<td>Klein</td>
</tr>
<tr>
<td>Request abutter</td>
<td>4.10.20</td>
<td></td>
</tr>
<tr>
<td>Request referencs</td>
<td>4.10.20</td>
<td></td>
</tr>
<tr>
<td>Prelim - Fire</td>
<td>4.13.20</td>
<td></td>
</tr>
<tr>
<td>Prelim - State</td>
<td>4.13.20</td>
<td></td>
</tr>
<tr>
<td>Cert. adutterslist</td>
<td>4.16.20</td>
<td></td>
</tr>
<tr>
<td>Prelim - Assessors</td>
<td>4.15.20</td>
<td></td>
</tr>
<tr>
<td>Copy of Det. of applicability</td>
<td>4.27.20</td>
<td></td>
</tr>
<tr>
<td>Prelim - Eng.</td>
<td>4.29.20</td>
<td></td>
</tr>
<tr>
<td>(2) sets - revised site plan</td>
<td>5.7.20</td>
<td></td>
</tr>
</tbody>
</table>
#026-20 Hunt, 16 Clinton Avenue, Falmouth – requesting a special permit to enclose existing porch and construct an addition at the rear of the dwelling.

Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zylinkski

Dugan read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Health – Four bedroom proposed septic system appears to meet Title 5. Applicant will need a septic system installation permit prior to obtaining a building permit.

Fire – no comment

Assessors – no comment

Engineering – standard comments; site plans and architectural plans do not match, bulkhead in different locations

Received RDA from Conservation

Correspondence – none

Kevin Klauer, attorney for Applicants – The property consists of 11,839s/f, located within the Single Residence C zoning district. The existing dwelling is a 4-bedroom with a footprint of 1,689 s/f, with an existing ridge height of 18’ 7’. The property is nonconforming to the side yard setback being 9.7’. The existing lot coverage is 14%, and will be increase to 20%, which still conforms. The applicants are looking to create an addition and deck at the rear of the dwelling. There is no new bedroom being created, and the ridge height remains the same. Klauer stated it meets the criteria of By-Law 240-216.

Board Discussion –

Dugan – When I went there, all the bounds in back had been moved. It only showed an 8’ addition, not sure what happened.

Van Keuren – What is the construction activity going on?

Klauer – They had some leaks in the house and are in the process of fixing the front of the house, while they wait for this approval.

Public Comment - none

Foreman made a motion to close the hearing. Dugan seconded the motion. Motion carried 5-0.

Roll Call Vote: Hurrie – Aye, Foreman –Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi -Aye, Barry - Aye

Dugan made a motion to grant application #026-20. Foreman seconded the motion. Motion carried 5-0.
Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of May 28, 2020 at 6:30 PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi

Roll Call Vote: Hurrie – Aye, Foreman –Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi -Aye, Morse – Aye, Barry – Aye

Findings:

1) Addition to rear of dwelling and will enhance utilization of property  
2) Side yard setback is 9.7' to the west, with no change  
3) Meets 240-3 C. and 240-216  
4) Significant upgrade  
5) Height to peak is 18'1 ¾'  
6) Remove patio and relocate bulkhead  
7) 17’ x 20’ addition  
8) Lot coverage by structures to increase from 14- 20%; total lot coverage will increase from 23- 26%

Conditions:

1) Per revised plans  
2) Drywells for new roof area  
3) Applicant will need septic system installation permit before building permit is issued  
4) Construction vehicles / materials to be kept on site

Roll Call Vote: Hurrie – Aye, Foreman –Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi -Aye, Barry - Aye

All in favor.

Board took a 5 minute break.

Hurrie made a motion to take item #2 from the Open Meeting out of order. Dugan seconded the motion. Motion carried 6-0.

Roll call vote: Roll Call Vote: Hurrie – Aye, Foreman –Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi -Aye, Barry - Aye

All in favor.

Board Administrative Approval, Roggiolani, 179 Jones Road, Falmouth – request to allow windows to be installed on 2nd floor of detached garage

Stockman – We have a request to add windows to a previous special permit that was recently approved.

Gabriele Roggiolani – I was told that the 2nd floor space could be considered habitable if it had windows, so windows were removed. As we were constructing the garage, the design of the 2nd
floor space is only 6’11” in height and Scott McGann, BOH, said it wouldn’t be habitable. The windows are small 32” x 36” and a smaller one planned in the corner. It will never become habitable space; I would like to be able to put windows back in.

Dugan – This was a new construction correct?

Roggilolani – Yes.

Dugan – What was the original height on the 2nd floor?

Roggiliani – 6’11”, but no one noticed it.

Dugan – So you won’t be using it as an office?

Roggiliani – It’s not going to be a place of business, but I would like to put my desk up there, and be able to use the space.

Dugan – What else will you be using it for?

Roggiliani – It will be just desk space for me; it won’t be a place where I have clients.

Dugan – I thought at the hearing it was just going to be storage space and now it’s going to be desk space.

Roggiliani – Not having windows came from the Health Dept., because it would have been considered a bedroom. It’s not living space; it’s a very low ceiling.

Zylinksi – What is the definition of habitable space?

Roggiliani – Habitable space is a certain amount of space, ceiling with at least 7’4” height and heated, or a certain amount of space with glass. I would like to use the space. The desk from my living room will be moved up there.

Foreman made a motion to grant Administrative Approval to allow windows on the 2nd floor of the detached garage. Van Keuren seconded the motion. Motion carried 5-0.

Roll Call Vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinksi – Aye

All in favor.
<table>
<thead>
<tr>
<th>Document(s) Submitted</th>
<th>Date Submitted:</th>
<th>Submitted By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee</td>
<td>4/10/20</td>
<td>Chapak</td>
</tr>
<tr>
<td>(8) Sets Site Plans</td>
<td>4/10/20</td>
<td>Chapak</td>
</tr>
<tr>
<td>Letter Requesting SP.</td>
<td>4/10/20</td>
<td>Chapak</td>
</tr>
<tr>
<td>Request Authors list</td>
<td>4/10/20</td>
<td></td>
</tr>
<tr>
<td>Request Reumes</td>
<td>4/10/20</td>
<td></td>
</tr>
<tr>
<td>Rehrench-Assessors</td>
<td>4/10/20</td>
<td></td>
</tr>
<tr>
<td>Cert. Authors list</td>
<td>4/21/20</td>
<td></td>
</tr>
<tr>
<td>Referee-Fire</td>
<td>5/4/20</td>
<td></td>
</tr>
<tr>
<td>Referee-Planning</td>
<td>5/6/20</td>
<td></td>
</tr>
<tr>
<td>Referee-Eng</td>
<td>5/14/20</td>
<td></td>
</tr>
<tr>
<td>Revised Site Plan</td>
<td>6/23/20</td>
<td></td>
</tr>
<tr>
<td>Ewirn Study</td>
<td>6/23/20</td>
<td></td>
</tr>
<tr>
<td>Gis Map w/Attachment</td>
<td>6/23/20</td>
<td></td>
</tr>
</tbody>
</table>
#027-20 797 Main Street LLC, 797 Main Street – requesting a special permit to construct an addition to existing building, convert to restaurant, with 3 apartments above

Voting members: Hurrie, Foreman, Dugan, Van Keuren, Zylinski

Dugan read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Assessors – no comment

ConCom – no comment

Planning – there have been 2 applications before the Planning Board in recent months; Planning Board voted to approve a 44-seat restaurant in June 2019 and 3 x 2-bedroom units above, applicant shared parking agreement with Cycle Ave. On Sept. 10, 2019 Planning Board voted to approve the construction of a mixed use structure for either (44) indoor seat restaurant or a (32) indoor seat (12) outdoor seat restaurant with 3 x 2 bedroom units above. December 20, 2019 Planning Board voted to approve a revised site plan. February 11, 2020 Planning Board voted to allow the Planning staff to administratively approve a modification to the site plan. January 28, 2020 Planning Board vote to approve a separate special permit for the construction of parking spaces within (5) feet from the property line.

Fire – the building will be required to have a fire sprinkler system installed, and we request that the developer coordinate the installation of a fire hydrant with the Water Department’s Main Street water main project. Where the building will have a sprinkler system and a fire alarm system unblocked access to the Fire Departments Connection for the sprinkler system should be considered

Engineering – 4 pages of comments, with attached ‘Soil Erosion and Sediment Control Standard Conditions’

Correspondence – none

Halim Choubah, representative/project engineer – This is a special permit under 240-3 C. We had submitted several site layouts. The existing building at 797 Main Street is on a lot comprising 0.43 acres and located within the Business Redevelopment District. This was the former Cumberland Farms business and has been vacant for over 2 years. Currently the underground fuel storage tanks, fuel tanks and canopy structures have been removed from the site. Access to the site is by 2 existing driveways off Main Street. Approximately 94% of the lot is covered by asphalt. The owner is proposing to add 836sf to the existing 1st floor and construct a 1 ½ story building on top of the first floor. The first floor will be used as a 44 seat restaurant. The 44 is aggregate, it includes the 12 seats outdoors that would be used in the summer. The total footprint of the 1st floor would be 2,560sf. Three residential apartments are proposed above the restaurant. All runoff generated from the side drains to Cycle Avenue. There are no stormwater structures or collection system on site. All runoff would be collected to an onsite leaching drain system. This has been revised for the Town’s Engineering Department. All the comments from Engineering have nothing to do with zoning, they are all very technical comments. We will be removing 2,000sf of impervious surface and replacing with landscaping. The easterly driveway will be eliminated and replaced with greenspace. Parking will be eliminated in the front; there will be shared parking on
the side and the rear. Allowing a parking reduction will also increase the greenspace. We eliminated the imperious surface from the front and turned it into greenspace with outdoor seating. This site plan was approved and granted a special permit from the Planning Board. The issues were with the parking on Cycle Ave. My client appeared before your board with his attorney. Site plan review was under the Planning Board. The new building with apartments is within this Board’s jurisdiction. We have an agreement with the adjacent property owner. It’s a tremendous improvement over what is there. It meets all of the requirements of the zoning bylaws. I would ask that you approve this project tonight.

Board Discussion –

Foreman – There is a ton of details in the Engineering referrals that need to be addressed. I agree that this is an improvement to the site. I don’t think we can approve this until the engineering has been resolved.

Van Keuren – Do we have a list of things that are not done, and do they affect us?

Dugan – We have the list from the Engineering division, and most of the comments should be considered before approval. I was told that when we are looking at this project, we can look at safety and parking, it is under our purview. What is the required parking for the seating you have, how many businesses will be sharing the parking, and what would the hours of operation be? I would want Town Counsel to review the easement agreement, so that it does conform to the court case listed in that agreement. I want to make sure someone reviews it.

Choubah – I understood Town Counsel reviewed it and approved it.

Dugan – When I asked Counsel, I was given a different answer. There is a court decision stated in the agreement; I want to make sure this is allowed.

Choubah – We have 7 spaces at the side and 9 at the rear. The requirements are 1 space per 2 seats of the restaurant. The total number of seats in the restaurant including the outdoor seating is 44, we would need a total of 22 spaces for the restaurant and 2 spaces per apartment for a total of 28 spaces. We have 23 parking spaces on our site. There are 9 spaces exclusive to 797 Main Street on Cycle Avenue; 28 spaces are required, and we have provided 32 spaces. The dumpster has been relocated and a 30’ x 15’ loading spot has been put in and the parking spaces for the apartments have also been designated, both of which you had asked us to do when we applied last year.

Dugan – There is an in and out on one side, and it looks like Cycle Avenue is one way, correct?

Choubah – Correct.

Dugan – Is there signage there for entrance/exit only or one way?

Choubah – I’ll have to check, if not we can easily put it in.
Zoning Board of Appeals
Virtual Meeting – Town Hall
Minutes of May 28, 2020 at 6:30 PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinks

Dugan – At the existing driveway there is a cement opening 12’ wide before you get to the first planting. My concern is the adjacent property, because they’re limited to their front parking a lot of times. I think something should be there, so a vehicle couldn’t pass through it.

Choubah – We are showing this that way because this was the plan that was recorded on the agreement between 797 Main Street and 815 Main Street.

Dugan – If this was the recorded plan can this be changed at all?

Choubah – That was the agreement, to provide 4 parking spaces on a first come, first served basis. That small area that you are questioning has to remain open. I am not sure if it can be changed.

Dugan – The 4 parking spaces were first come, first served?

Choubah – Correct.

Foreman – Is that open space so people can cut through?

Choubah – It’s open so we left it that way.

Foreman – It should be defined so cars know where they can and can’t go.

Dugan – I still would like to know hours of operation, and what business plans to go in.

Zylinks – Has there been a soil abatement documentation on the tank removal?

Choubah – Yes, I can forward it to you. The site was clean and no contamination was found. They dug down about 14-15’ and it was all sand. Groundwater is way down; it’s not even at 14’.

Zylinks – On page #2 you have a groundwater at 15+’; how did you arrive at that number without a test hole?

Choubah – That was from when they did the soil test.

Zylinks – Is that in the application?

Choubah – No.

Zylinks – I don’t see an origination elevation at ground water. There is a note on the plans that say groundwater will be clarified by PE in the field at time of excavation. Is that when you’re going to set your grades?

Choubah – No, that’s to confirm that there’s enough friction between the bottom of the infiltration system and the groundwater. The grades there are at benchmark on the property.

Zylinks – I would be interested in that information prior to a recommendation.

Van Keuren – Can someone make a short list of things that are still open?

Hurrie – At a minimum we should get the issues from Engineering resolved.
Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of May 28, 2020 at 6:30 PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinski

Dugan – The groundwater report would need to be submitted.

Foreman – There are a lot of little things. When we approve a plan, and reference the plans in the decision, it would be hard with this, because there are defects in the plan.

Public Comment - None

Dugan – On the Engineering comments, these aren’t new. We need current documents, copy of the easement that Town Counsel needs to review, how many businesses will be sharing parking, and what the hours of operation will be. If you have a project in this Town, and it’s on another property, like Cycle Avenue, I think that should be on the notices. There is nothing regarding Cycle Ave’s property rights; I asked last time. I still have an issue that Cycle Avenue is being used for parking. That Planner was asked if that was allowed, and his opinion was you can park on any road in Falmouth, as long as it doesn’t say ‘no parking’. That isn’t a realistic position. You are either allowed to park somewhere, or you’re not. I think the Planning Board should have gone over this.

Foreman made a motion to extend to 10:15PM. Dugan seconded the motion. Motion carried 6-0.

Roll Call Vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye, Barry – Aye

Foreman made a motion to continue to July 9, 2020. Zylinski seconded the motion. Motion carried 5-0.

Roll Call Vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye

All in favor.