

**Zoning Board of Appeals
Virtual Meeting – Town Hall
Minutes of April 30, 2020 at 6:30 PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinksi**

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TOWN CLERK

Public Comment – none

Dugan made a motion to take #018-20 out of order. Van Keuren seconded the motion. Motion carried 5-0.

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

#018-20 Tamm, 8 Blacksmith Shop Road, West Falmouth – requesting a special permit to construct a screened porch; increasing lot coverage by structures

Morse recused himself as an abutter.

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

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

Planning – no comment

Fire – no comment

Water – not applicable

Assessors – no comment

Historical Commission – Applicant must confirm with Planning staff that that proposed work is outside of the West Falmouth Historic District Boundary (Confirmed by e-mail)

Engineering – standard comments with a recommendation to add drywells of other stormwater infiltration measure for the new roof area

Correspondence – 2 emails in support

Peter Tamm, Owner / Applicant – Peter Tamm, Applicant/Owner presented a PowerPoint presentation - This property is the old school house in West Falmouth. The property needs a lot of work, and we are in the middle of doing renovations. The house lacks any outdoor space which is the purpose of the porch. The property is about 10,000 s/f, and is non-conforming due to the side yard setback and exceeding 20% lot coverage by structures. We are looking to create a screened porch to integrate with the existing schoolhouse. The proposal will be on the northeast side, tucked into the existing structure. The proposed porch will be 9'x 17', and will fit within the void. There would be a set of stairs down that follows the plane of the existing house. The interior room is a small den which would have patio doors that would open into the deck. We are looking for 2 forms of relief; further exceeding the 20% lot coverage and further encroach into the setback. We are allowed up to 25% by special permit. The porch would add 178s/f. The increase in lot coverage would be 23.5%, there will be a landing on the easterly side that will be removed. The second encroachment is into the rear setback at 5.4' from that property line. In order to maintain the plane of the house the porch will encroach an additional 2" into the

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setback, being 5.2' from the lot line. In working with the architect and the design elements of the porch will tie in nicely at the 5.2' setback. The project meets the standards of 240-216. We are happy to add drywells to support the runoff for the new roof.

Board Discussion –

Zylinski – The calculations on the back lot line of 5'2, is the calculation from the trim board of the overhang?

Tamm – I believe it's calculated from the foundation.

Zylinski -So if you have a soffit overhang for the porch you're encroaching more into the setback.

Tamm – If we could have reduced the porch encroachment, we would have. We are going 2" further into the setback.

Dugan – I had the same questions and concerns as Zylinski. Is this on a Historical Register?

Tamm – It's not. When the archives are back open I'm going to do some research. The Historical District runs through the side of the lot but not the house.

Dugan – Did the architect give you any options that would make the porch not be more non-conforming?

Tamm – There was a plan to put it on the front of the house, but it would have the same scenario; we would be encroaching into the front setback.

Dugan – You are becoming more non-conforming. I'm not aware that the Board has allowed a project to become more non-conforming.

Tamm – I think if we are talking a matter of inches, it would not be a big deal.

Dugan – Why not place the porch on the other side where the existing entrance is?

Tamm – That's the side that faces the fire station, and you hear every call. The house was neglected when we purchased it. We've done a lot of interior renovations.

Foreman – I have the same concern as the other Board members. Its not customary to allow a nonconformity to become more nonconforming. There's some confusion because the measurement should include the overhang. We also look at bulk calculations, and that analysis would be nice to have to see how this increase in lot coverage would fit in.

Tamm – The lot coverage is already over the 20%. There is nothing I would be able to do to become conforming to the lot coverage. There really isn't a consistent standard. This is a reasonable proposal. I would hate to go back and spend more money for another plan.

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Public Comment –

James Morse, 545 W.Falmouth Hwy. - What is proposed is not out of the neighborhood character. It's a modest porch. I am in support of this project.

Britt Densmore, 29 Blacksmith Shop Road - I am very familiar with the property at 8 Blacksmith Shop Rd. The addition of the screened porch will not impact neighbors on the street side. I support the Tamm's application as submitted. I would not support the move to the west side of the property.

Stockman – You have a circumstance where the lot line is angled and not paralleled with the house.

Dugan – I understand it's a modest change on the setback, but there is a lot coverage increase as well. I think you could relocate or step back the porch to not have that encroachment. I wouldn't be in favor of this the way it is. I would want to see an adjustment.

Zylinski – I think it would set a precedent even though it's 2".

Tamm – If it's the 2", I can eliminate that, and build to the 5'4 setback.

Dugan – If their lot coverage is not increasing and they decided to go up with an addition above this new area, what is stopping them from doing that? You would usually have to deed restrict it, and I would hate to do that.

Stockman – They would have to come back for permission on a further change, even if their lot coverage is not going to change.

Tamm – I can appreciate this concern; it's designed with footing, so there isn't a foundation. Anything that we do, we would have to come back to the Board for approval.

Foreman – I think we would want more specific conditions than normal ones.

Dugan – We do not even have plans that show setbacks to the overhang. I would want to see more specific conditions and a draft decision.

Foreman made a motion to close the hearing, except for revised plans. Van Keuren seconded the motion. Motion carried 5-0.

K Roll Call Vote: Hurrie -Aye, Foreman-Aye, Dugan -Aye, Van Keuren -Aye, Zylinski -Aye, Barry-Aye, Morse -Aye

Dugan made a motion to direct the Zoning Administrator to draft a positive decision and include Engineering comments to be voted at the May 14, 2020 meeting. Zylinski seconded the motion. Motion carried 5-0.

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

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Draft findings / conditions

Back porch addition to not encroach beyond 5.4'

Increasing lot coverage by structures to 23.5%

Meets criteria of 240-216,240-3 C. and 240-69 E.

Located on Route 28A; porch not a great impact

Abutters approve of project

Part of the property is in Historic District, but the structure is not

Not on National Register for historic homes

All construction equipment shall be placed on subject property, and not out on Blacksmith Shop Road

Submit As-built to Zoning Board

All in favor.

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Dugan made a motion to take #090-19 out of order. Van Keuren seconded the motion. Motion carried 5-0.

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

All in favor.

#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 garage, with a new deck/stairway

Dugan recused himself from the application.

Voting members: Hurrie, Van Keuren, Morse, Barry

Hurrie noted that a letter requesting a withdrawal without prejudice was submitted by the Applicant.

Stockman – For the record, the applicant made a note in his email that a Board member lives in the area and that is incorrect.

Hurrie – I don't think the reasons he gave are enough for me to vote a withdrawal based on the fact that he wants to choose Board members

Morse – I would agree with Hurrie.

Van Keuren – We spent a lot of time on this and I would also agree.

Barry – I agree.

Hurrie – I gave them their options at the first meeting and they wanted to proceed, understanding there were 4 members. I would be in favor of denying the motion and continuing the hearing.

Hurrie made a motion to deny the withdrawal and continue application #090-19 to May 28, 2020. Van Keuren seconded the motion. Motion carried 5-0.

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

All in favor.

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#008-20 Arthur, 40 Loren Road, North Falmouth – requesting a special permit to replace existing deck with a covered patio and construct an addition to the 2nd floor

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

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

Water – not applicable

Planning – no comment

Fire – no comment

Assessors – no comment

Conservation – install drywells to contain roof runoff

Engineering – standard comments

Correspondence - none

Kevin Klauer, attorney for applicant, appeared before the Board. He stated that the Applicants are seeking to renovate the existing dwelling; the deck at the back will be removed and replaced by a patio with a master bedroom addition above. The lot is 10,600 s/f of Residential B zoned land, 2 stories with 4 bedrooms, and a detached garage. The combined footprint is 2,689 square feet. The nonconformities are to front yard and side yard setbacks and lot coverage by structures at 25.4%. The existing ridge height is 22'3 ½". The applicants are seeking to make these renovations because it will be more functional for their family. The ridge height of the addition will be 22'2 ½" and will increase the bedroom count to 5. A new 5-bedroom septic will be installed, and has been approved by the Board of Health. The lot coverage by structures will be reduced from 25.4% – 24.8%. Meets criteria of 240-3 C. and 240-216. We have submitted a lot coverage worksheet; this proposal will be the smallest out of all of the houses in the lot coverage analysis.

Board Discussion –

Zylinski – In the attached garage, is there heated space?

Klauer – Yes.

Zylinski – Can you show me where the load calculations are on the 2nd floor where the new bedroom will be?

Klauer – I do not believe the load calculations would be on here. It will be supported with columns.

Zylinski – I need to know what is under the columns. If it's lally columns then I would like to see calculations, but if it's foundation there may be an issue in the design, because your septic tank is closer than 10'.

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Klauer – There is no existing foundation because there is currently a deck. The Title 5 system has been approved by the Board of Health I would expect there would be columns. I think it would be outside of what this Board would look at. I believe it would be a slab under the new patio.

Dugan – Do you have a copy of the approval that you could submit?

Klauer – I don't have a copy of the approval, but the engineer did say they received approval.

Dugan – Is that detached garage being used for habitable space because it's hooked up to the septic?

Klauer – I don't know; presumably a bathroom is in there.

Dugan – If we conditioned no habitable space in the garage would you be amenable to that?

Klauer – I wouldn't want to agree to that until I spoke with my clients.

Foreman – Zylinski raised a good point about the proximity to the septic, and the plans should reflect what it is.

Klauer – It does show the line running from the tank to the foundation wall which would be beyond the patio

Foreman – So the patio is above the line?

Klauer – Yes.

Dugan – I would suggest continuing.

Public Comment - None

Dugan made a motion to continue to May 28, 2020. Van Keuren seconded the motion. Motion carried 5-0.

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

All in favor.

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#005-20 Noonan, 183 Surf Drive, Falmouth – requesting a special permit to raze and reconstruct the existing dwelling; exceeding 20% lot coverage by structures

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

Kevin Klauer, attorney for applicant, appeared before the Board. He stated that the applicant is applying to raze and rebuild the dwelling. The property is located in the Residential B zone district and located within the Velocity flood zone. This triggers flood zone requirement, which is why the house will need to be at elevation 17. This application falls under 240-3 C. and 240-69 E. The setback nonconformity of 21' will be increased to 26' and the distance from the 3' contour line will be left unchanged; there will be 1,500s/f of mitigation planting. This project meets the standards of 240-216. As to views and vistas from a public way, not private views, many of the surrounding properties have been elevated. Of the 26 homes, 8 had a larger gross building area and 6 had larger footprints. There are 6 houses in compliance with the flood zone requirements; 1,763 s/f is within the average of the 26 dwellings in our analysis. Attorney Kirk submitted a memorandums on behalf of an abutter in opposition. A raze and reconstruct is allowable under 240-3 C., Attorney Kirk says this does not fall under 240-3 C. This is a nonconforming dwelling and that's why we are seeking relief. Compliance with flood zone standards is what we are looking for; it preserves our coast for the future.

Dugan – Does this property have any frontage on Seagull Lane?

Klauer- There is 30' of frontage on Seagull Lane.

Dugan – How do you get in and out of the lot?

Klauer – You would back out.

Dugan – I had to back into the driveway next door.

Hurrie – I think we should take a vote to give Attorney Kirk 10 minutes to speak.

Dugan made a motion to allow Attorney Kirk to make a presentation. Van Keuren seconded the motion. Motion carried 5-0.

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

All in favor.

Edward Kirk, attorney for an abutter stated that he has submitted a couple memorandums. The applicant has a burden of establishing certain facts. He has to show the results will be in harmony with the intent of the bylaw, and a beneficial impact on the neighborhood or town that would have to outweigh any adverse impacts. My client is the immediate abutter and would be severely impacted. There is an existing 1 story building that is 26' away, and a 3 story building proposed that would be moving 10' closer to her. It looks as if the existing house could fit underneath the proposed first floor. It will result in a loss of privacy; there is a large deck and windows all around. People would also be able to look into her house. Her views will be impacted to the sound and the sunlight in will be diminished. They

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are intensifying certain non-conformities. They are expanding substantially the encroachment into the no build zone, the requirement that they keep 50' away from the waters of Vineyard Sound, where the deck was. Now there will be a 3 story house taking the place of that deck in the no build zone. What's proposed is out of scale with just about every residence in that area. When you are encroaching, you can't do that as a matter of right. If you come down Mill Road to Seagull Lane, there are mostly unobtrusive little houses on basically the same size lots. This house wouldn't be part of this neighborhood, it would look like a hotel. It's about a 79% increase in bulk.

Hurrie – Does your client have any view rights recorded?

Kirk – No they don't. We are saying that the view that will be impacted

Dugan – You mentioned there are homes that have view rights, are they in this neighborhood?

Kirk – I believe they are. We aren't here trying to enforce a private right.

Dugan – Seagull Lane does seem to have the smaller homes. Are they limited to these smaller homes because then it would be out of scale?

Kirk – I don't believe so, but it would be out of scale regardless.

Klauer – Having represented the owner of 199 Surf Drive, there are 4 lots on the corner of Mill and Surf that had deed restrictions that limited the height to which they could build, but those restrictions are no longer presumably in effect.

Michael McGrath, Project engineer – There will be substantial damage if we don't elevate these structures to have them come into compliance. There are stairs off the south side and condensers on a platform that will increase the lot coverage. When you elevate the structure, you can't help but create an increase in the lot coverage. When leaving the property, they back into an abutters driveway, which I believe is a private agreement between the 2 of them.

Klauer – The abutter's loss of a panoramic view should have nothing to do with my client being able to reconstruct their house. It has to come into flood compliance standards and with the many necessary changes to this, there is a benefit.

Dugan – Do you have photos coming in from the Mill Roadside because it seems that there were more that were built up on the Surf Drive side and Seagull Lane. The existing house from the inlet, you are moving the location of the non-conformity?

Klauer – The deck and stairs are setback 9' from the water's edge, the nonconformity remains the same but moved south a bit. Keeping the nonconformity where it is would be more detrimental than where it is proposed.

Dugan – I think there is an effect on the Seagull Lane versus Surf Drive; the structures are lower and they are all on smaller lots. I understand you have to elevate a structure. I have some concerns about a negative impact on the neighborhood. I'd like to see someone that has taken a nonconformity and

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“moved it” as this project has. I would like to revisit the neighborhood. I think the proposal at 2 stories too much for the neighborhood.

Klauer – The houses along the water’s edge are 2 and 3 story structures which is in line with the houses on Seagull Lane and Surf Drive. This is what is being proposed. The houses would have to be higher today than in 2014, when the flood zone heights changed. When you’re building a house on piers, to build a one-story may be cost prohibitive and may not provide usable space for the family; it’s a large investment. If they’re going to be spending a considerable amount of money, they’re going to want to build a house that will work for them. It is in line with surrounding properties.

Dugan – I would suggest we continue and leave the hearing open.

Public Comment –

Frank Stepien, 185 Surf Drive - I am an abutter and have no objection to the proposal at 183 surf drive. I am aware of the height restrictions, and they have expired.

Dugan made a motion to continue to June 11, 2020. Van Keuren seconded the motion. Motion carried 5-0.

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

All in favor.

Foreman made a motion to continue to 10:30 PM. Van Keuren seconded the motion. Motion carried 5-0.

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

All in favor.

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#006-20 Schubert, Trustee, 23 Ormond Drive, East Falmouth – requesting a special permit to expand existing deck and living space and construct a front porch addition; exceeding 20% lot coverage by structures

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

Peter Langan, contractor / representative for Applicant, appeared before the Board. The ridge height will come up a couple of feet. When we first came in, we were at 24.9% lot coverage by structures. Mr. Dugan asked if we could reduce the lot coverage. We reduced the deck size in the rear, and the lot coverage is now have it at 24.1%. The deck is strictly what was bringing us over the 20%.

Dugan – He did reduce the deck, and it's better overall. The only comment I would make is there is a lot of debris all over the place; it has to be organized for safety sake, possibly with a fence put up.

Langan – Where we can keep things contained, we will.

Public Comment – none

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

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

Dugan made a motion to approve application #006-20. Morse seconded the motion. Motion carried 5-0.

Findings:

- 1) Increasing lot coverage to 24.1 due to increase in deck
- 2) Plans were revised to bring lot coverage down
- 3) ConCom issued an Order of Conditions
- 4) Meets criteria of 240-69 E. and 240-216
- 5) Comply with stormwater management / erosion and sediment control

Conditions:

- 1) Comply with Erosion and sediment control and stormwater management
- 2) Per revised plans dated April 2020
- 3) Site cleaned up and secured

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

All in favor.

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#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

Patrick Roche, project Engineer, appeared before the Board as representative for Applicant – This is a continuation from a February hearing. This property is nonconforming due to the lot coverage by structures at 26.3%; the proposed lot coverage is 25.9%, maintaining the 7' setback to front property line. The scope of the work is a 1st floor renovation and 2nd floor addition, with no expansion to the footprint. At the last hearing there was a request for additional information. There was a letter submitted by a structural engineer. The Board's concern was that the existing house could not support the 2nd floor addition. We have revised architectural plans and plot plan that shows the continuous perimeter footing. The last concern was the views from the abutting properties; the house will be below the maximum height limit of 35', and the abutters behind have a balcony. This addition will not obstruct their views. They will have a clear view corridor. It won't obscure the public views for bicyclists, pedestrians, etc. One of the Board members had a question about the staking, which gave the appearance that the house was expanding, which it is not. The existing house is a single-story 3-bedroom house with a tight layout. The proposed will be an open floor plan on the 1st floor with the existing 3 bedrooms relocated to the new 2nd floor addition.

Board Discussion –

Dugan – When I walked the property I notice a lot boundary nail head on the abutting property. How much is the encroachment?

Roche – I don't have that answer.

Dugan – Was that additional pavement figured into the lot coverage?

Roche – I don't know; I would have to check. I don't think there would be enough pavement there to affect.

Dugan – Why wouldn't they just raze and reconstruct?

Roche – They revised the scope of the work and to do it that way worked better for them.

Dugan – To support that 2nd floor, won't you have to open the foundation anyway for the footings and rebar?

Roche – It would be underpinning so they would have to dig a bit deeper, but they will only open it up 4' at a time, and not open up large sections underneath the foundation.

Dugan – Is this in a flood zone?

Roche – AE zone, not a velocity.

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Dugan – Do they have to bring the entire house into compliance because they are going over the 50%?

Roche – I spoke with the builder and she said they would not have to bring it into compliance because they aren't going over the 50% of the assessed value.

Dugan – I have some concerns, I didn't realize the neighbor's driveway went into this property, I think that should be on the plan. I am concerned about this foundation. I don't know why you would not do a raze and reconstruct. It is in a flood zone. As it stands now, I'm not in favor.

Morse – I will agree everything with what Dugan just said. I want more information.

Barry – I'm not in favor. I agree.

Van Keuren – When you get into something like this, you are better razing and reconstructing. I wouldn't vote for it right now.

Dugan – I'd like to see a plot plan that shows exactly what is on this property. I am uncomfortable with the letter from the Engineer, and I think Conservation has an issue and concerns. Unless this was a raze and reconstruct, I wouldn't be in favor. They would also have to figure out somewhat of a schedule with construction vehicles because that road is so tight.

Roche – I would request a continuance.

Stockman - My understanding from the Building Commissioner is when you are increasing 50% or more of the assessed value of the dwelling, you have to bring it into flood zone compliance. They may want to talk to the Building Commissioner to see if he can issue a letter.

Hurrie – The Board would be looking for revised plans taking into account the neighbor's driveway and a letter from the Building Commissioner regarding the 50% rule.

Dugan – Maybe more detail on how the underpinning will be done, and some type of a schedule for the construction trucks.

Roche – Your concern is more of the weight of the 2nd floor on the existing structure?

Dugan – You are pretty much looking at a new house and that is why I questioned why they didn't do a raze and reconstruct. That's why I was wondering if there was another reason. I would think that the contractors would have some type of a schedule for deliveries and trucks ect. I think they should look at the foundation issue.

Roche – What more specific information do you need? I would also like to clarify that the shed that is on the property will be remaining, we are not removing it.

Dugan – The 50% rule from the Building Department stating that this would this comply and if this went forward and there was a failure what would happen. It would help to see the adjacent properties on the plan too.

Public Comment - None

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Dugan made a motion to continue application #096-19 to May 28, 2020. Van Keuren seconded the motion. Motion carried 5-0.

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

All in favor.

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#007-20 Messer / Bennett, 190 Goeletta Drive, Hatchville – requesting a modification of existing special permit 004-18 to allow changes from previously approved plans, which include a retaining wall and addition of a landing and steps

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

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

Water – OK if it doesn’t cover service box

Fire – no comment

Assessors – no comment

Conservation – out of jurisdiction

Engineering – no comment

Correspondence –

Email from Health Department, Scott McGann, Health Agent stating that 1 of the bedrooms had been relocated from the main house into the accessory apartment.

Received Site Plan Review decisions from 2018 and 2019 from the Planning Board.

Kevin Klauer, Attorney for Applicant’s –The Applicants received a special permit from this Board in 2017 to allow a detached accessory apartment. During the construction process they met with their builder who reported changes that had to do with the septic system and additional material. Due to the grade change, additional material and a retaining wall needed to be put in. We were approved by the Planning Board, as well as the Board of Selectmen for the slight encroachment of the utility pole.

Board Discussion –

Zylinki – I was out Sunday and reviewed the letter and I didn’t see any calculations on how much material was taken out, or at what point during the excavation did they decide to just keep going?

Klauer – I don’t think they realized the ramifications of the change to that installation. As they kept going, they realized it would then need further review by the Planning Board and Zoning Board. I don’t think it’s significantly more detrimental.

Zylinksi – My question is at what point did they decide to continue to go forward?

Marysia Messer, Applicant – We went by what our excavator told us to do, and contacted the Town when we were told we needed a retaining wall, and put it in as quickly as we could.

Public Comment –

Eric Gallmore, 172 Goeletta Drive, Hatchville -We have reviewed the plans for the property, seen what has been built, and discussed the revised plans with the owners. We believe that these changes are in

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Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Morse, Foreman, Zylinski**

response to unforeseeable circumstances, and the changes are trivial. Furthermore, we believe that this project is entirely in line with the intent and spirit of Falmouth's accessory apartment bylaw, and it is a benefit to the neighborhood. It allows a multi-generational family to continue to live in Falmouth when housing costs might otherwise be prohibitive, and the property is still clearly a single-family residence. We urge the board to approve this project.

Lynn Cedrone, 181 Goeletta Drive, Hatchville - I am an abutter to the property at 190 Goeletta drive. I have reviewed the plans for the property, seen it built, and have discussed it with the owners. I believe that this project as built is a benefit to the neighborhood and in line with the spirit and intent of the Accessory Apartment bylaw. This project will allow for a younger generation to remain in Falmouth despite housing costs, and for the longtime residents to retain their own space and autonomy. Even with the changes to the plans, this property retains the design of a single family resident. I am in support of this project, both as originally planned, and as actually constructed. I would urge the Town Boards to approve the changes as well.

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

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

Zylinski made a motion to approve. Van Keuren seconded the motion. Motion carried 5-0.

Findings:

- 1) Strong support from abutters
- 2) Received approval and appropriate licenses from the Board of Selectmen
- 3) Modification was due to septic installation
- 4) Received approval from Planning Board
- 5) Applicant will need to obtain property license for landscaping in the roadway.
- 6) 1 bedroom was removed from main house to accommodate it in apartment

Conditions:

- 1) Per plans of December 11, 2019
- 2) Applicant needs to obtain license for landscaping in ROW
- 3) Conditions to remain of original special permit

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

All in favor.

Foreman made a motion to extend time to 10:30 PM. Van Keuren seconded the motion. Motion carried 5-0.

All in favor.

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#012-20, 83 Queen Street, Falmouth – requesting a special permit to remove existing deck and rinse station and construct an addition

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

Appearing before the Board was Kevin Klauer, attorney for Applicants – The applicants are seeking to construct an addition at the rear of the property. We staked out the property, submitted the Title 5 report, and the building permit that shows 2 bedrooms becoming one. Now they are looking to split that same room again. One of the rooms will be used as an office, and doesn't meet the criteria of a bedroom.

Board Discussion – No questions

Public Comment - None

Dugan made a motion to close. Van Keuren seconded the motion. Motion carried 5-0.

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

Dugan made a motion to grant application #012-20. Van Keuren seconded the motion. Motion carried 5-0.

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

Findings

- 1) Front yard setback is 22'
- 2) Lot coverage by structures will decrease from 24.9%³ – 24.7%
- 3) Title 5 report showing a 5-bedroom system
- 4) Agreeable to post signs for ROW at Queen Street
- 5) Meets the criteria of 240-3 C., 240-69 E. and 240-216
- 6) Increase utilization of property

Conditions:

- 1) Per plans
 - 2) Submit As-built to show lot coverage
 - 3) Comply with stormwater management
 - 4) Sign to be placed at beginning of driveway and Queen Street showing house numbers
 - 5) All materials to be kept on property; access road not to be blocked
 - 6) No construction work on Sundays

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All in favor.

Open Meeting:

- 1) Vote Minutes of April 2, 2020 and April 9, 2020
Van Keuren made a motion to approve the Minutes from April 2, 2020. Morse 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, Morse –Aye
Dugan made a motion to approve Minutes from April 9, 2020. Van Keuren seconded the motion. Motion carried 6-0.
Roll Call Vote: Roll Call Vote: Hurrie -Aye, Foreman-Aye, Dugan -Aye, Van Keuren -Aye, Barry-Aye, Morse –Aye
All in favor
- 2) Board vote to authorize the Zoning Administrator in consultation with Town Counsel to approve a new deed rider for Unit 313, 110 Dillingham Avenue, Falmouth, in keeping with the terms of the Comprehensive permit
Morse recused
Stockman – This was an older affordable housing unit with an older form of a deed rider. The deed riders have since been updated to a universal deed rider. It is necessary to update this rider, otherwise it can't be sold and kept as affordable.
Dugan made a motion to authorize the Zoning Administrator to approve new deed ride with Town Council. Foreman 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
- 3) Board Discussion – Management of abutter participation for Zoom hearings
Stockman – We have challenges with the Zoom meetings, and it seems difficult for abutters to use the chat function. My concern is the 40Bs anticipated to be filed. Town Counsel has said they don't want 40B's to be treated differently than a special permit application. The abutter participation would be something for you to think about.
Hurrie – I know there is a concern about "Zoom bombing", and I guess we could postpone the 40B's, but I don't know if that would be beneficial.
Dugan – Do the notices include Zoom instructions?
Stockman – Yes, and we will be letting them know on the notices that they can view plans on the website now.
Zylinksi – You could possibly have a secured room here at Town Hall, with a secured computer, to let abutters speak.
Stockman – Town Hall is closed to all of the public, so that is not currently an option.
Dugan – The nights we have 40b's I want to limit the applications.
Hurrie – Can we put this on next week's agenda in case anyone has any other thoughts?
Dugan – I think at the beginning of the meeting we may want to read the notice regarding appeal periods.

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- 4) Board Updates - None
- 5) Future Agenda Items – Next meeting May 14, 2020 at 6:30 PM

Meeting adjourned 10:50 PM

Respectfully submitted,

Ashley DeMello

Office Assistant

Board of Appeals