

Zoning Board of Appeals Decisions Decisions for: 09-17-2014

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Town of Falmouth
Zoning Board of Appeals

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

September 17, 2014

Cappo Realty Development Trust
c/o Laura M. Moynihan, Attorney
200 Main Street
Suite C
Falmouth, MA 02540

RE: Fresh Pond Farms 40B Development – Zoning Board of Appeals Administrative Approval Request Comprehensive Permit #70-01, as amended by #27-01, #45-05, and administrative approvals on file with the Falmouth Town Clerk (collectively the “Comprehensive Permit”)

Dear Attorney Moynihan:

On September 11, 2014, at a duly posted meeting of the Falmouth Zoning Board of Appeals, the Board reviewed and discussed the request for administrative approval relative to the Comprehensive Permit as referenced above and as set forth in your letter dated September 5, 2014 on behalf of Cappo Realty Development Trust (the “Applicant”).

The Board members sitting were Chairman David Haddad, Vice Chairman Ken Foreman, Member Matthew McNamara, Member Kimberly Bielan, and Member Patricia Johnson.

Your above-referenced letter indicated that building permits have been issued for the remaining three homes within the Fresh Pond Farms development, the Applicant is currently in the process of construction of these homes, and all homes are now “weather tight” and interior work is now underway. You also indicated that it is expected that the construction will be completed in late November or into December, 2014. Currently, the Comprehensive Permit requires completion of these homes on or by November 9, 2014 (Condition 3, Administrative Modification dated May 17, 2013). You have requested that the Board modify Condition 3 of the May 17, 2013 modification to the Comprehensive Permit to allow for an extension to the completion date from November 9, 2014 to December 31, 2014.

The decision of the Board of Appeals is as follows:

1. The modification requested in your letter dated September 5, 2014 as noted above is deemed an “insubstantial change” pursuant to 760 CMR 56.05(11) and may be approved administratively by the Falmouth Board of Appeals pursuant to 760 CMR 56.05(11).
2. The modification request to Condition 3 of the Administrative Modification to comprehensive Permit dated May 17, 2013 to extend the completion date of the three remaining homes of the project from November 9, 2014 to December 31, 2014 was approved.
3. There shall be no derogation from any conditions set forth in the Comprehensive Permits noted above (as previously modified) except as set forth herein.
4. This Administrative Approval by the Board shall be filed with the Falmouth Town Clerk and a copy forwarded to you for your records and filing with the Barnstable County Registry of Deeds. If you have any questions regarding the approval, please do not hesitate to contact me.

Sincerely,

Sari D. Budrow
Zoning Administrator

cc: Board Members
Eladio Gore, Building Commissioner

Notes:

Board AA for Cappo Realty Development Trust / posted 9/23/14 mm