

## Zoning Board of Appeals Decisions Decisions for: 01-09-2014

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DECISION OF FALMOUTH ZONING BOARD OF APPEALS

SPECIAL PERMIT NO: 110-13

APPLICANT/ OWNER: WOODS HOLE GOLF CLUB, INC. of Falmouth, MA

DEED/CERTIFICATE: Certificate #49878 – L.C. Plan 7037-E

SUBJECT PROPERTY: 161 Quissett Avenue, Falmouth, MA  
Map 50, Section 02, Parcel 002, Lot 003

Under a date of November 21, 2013, the Applicant applied to the Zoning Board of Appeals for a Modification of Special Permit #77-06, pursuant to Section(s) 240-3, 240-23 D., 240-107 B., 240-109 B. and 240-109 E. of the Code of Falmouth to construct a second building for golf course maintenance and administration on subject property located at 161 Quissett Avenue, Falmouth, Massachusetts.

A public hearing was held on January 9, 2014. Notice was duly given as required by Section 11 of Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing, at the Board's discretion, relevant and appropriate testimony was heard.

Board Members sitting: Chairman Matthew J. McNamara, Vice Chairman Kenneth Foreman, Acting Clerk Scott Zylinski, Member Patricia Johnson and Member David Haddad

Clerk Zylinski read the Notice of Public Hearing into the record.

Attorney Robert H. Ament with Ament Law Firm was present on behalf of the Applicant and introduced Michael Lawrence, General Manager of Woods Hole Golf course, Tom Flaherty, Superintendent of Grounds and Thomas J. Bunker, PLS of BSS Design, Inc.

Attorney Ament stated that this is a 4.94 acre parcel owned by Woods Hole Golf Club that is a non-profit corporation. He briefly reviewed the previous special permit, #77-06 that the Board granted to construct a 7,000 square foot building with no heat or water and used to store equipment for the maintenance of the golf course. He pointed out to the Board the existing site that shows the 7,000 square foot building [approved in 77-06] and the outside storage area for materials. Attorney Ament then reviewed the proposed one-story, 5,000 square foot building that will have heat and water and explained that the golf course has increased irrigation on the course which requires more employees and maintenance due to expectation of guests; the budget was increased as well to accommodate the proposed. He said there will be approximately 25 employees that will maintain the grounds during the summer and existing facilities are limited and the need for suitable space for lockers, bathrooms, lunch area is one of the reasons for this proposed building. Attorney Ament noted the proposed 44 parking spaces on site for the employees, which include those from the pro-shop, club house, etc.; and the wash pad at the northeast corner of the site for lawn mowers. He then pointed out on the plan where 18 additional evergreen trees will be planted to further buffer the site.

Clerk Zylinski read the Town Department referrals into the record.

A referral from the Design Review Committee stated their approval of the plan.

A referral from the Engineering Department had the department's standard remarks and further stated: The project cannot direct any stormwater runoff to public property or right of ways; and that it is not clear what material the parking areas will be, but there does not appear to be any stormwater management proposed if it is impervious.

A referral from the Board of Health Agent David Carignan stated: The proposed septic system to serve the proposed maintenance and administration building is not described in great detail, but appears to be feasible. On the strength of information provided in the architect's floor plan and the site plan, I am comfortable indicating that a suitable subsurface sewage disposal system for this building could be

designed and permitted. The Health Department would be looking for such a plan at the time a building permit application is submitted.

A referral from the Planning Department notes that the Planning Board will be conducting a Site Plan Review for the project on December 10, 2013.

Referrals submitted by the Building Department and Conservation Commission had no comment.

Board Questions:

Member Foreman asked if the plan was to abandon existing building on site.

Attorney Ament stated no, both facilities will be used by ground maintenance with the existing building primarily for storage of materials and equipment.

Member Foreman asked if additional vehicles will be stored on the site.

Attorney Ament said the course vehicles going to this site will be limited in distance traveled due to location of access from this site to the course across the street; and that the use of public ways is regulated by statute.

Tom Flaherty, Superintendent, reviewed path to site that course vehicles will use and said this path will reduce travel on Quissett Avenue.

Member Foreman asked if the pathways will be used for foot traffic as well.

Tom Flaherty stated that more of the golf course utility vehicles will use the cart pathway, lessening traffic on Quissett Avenue as the connecting asphalt path is almost directly across the street – not down the road as existing.

Member Foreman asked them to address stormwater.

Attorney Ament noted the 1/7/14 plan shows grade change to improve water to run to northerly portion of lot (Board rec'd 1/8/14).

Member Foreman asked what the parking surface will be.

Attorney Ament stated it will be crushed stone which is included in the application request [alternate surface].

Member Foreman asked if the wash down area is being relocated and what gets washed at pad.

Attorney Ament said yes it will be located at the northeasterly corner of subject property as shown on the plan revised 1/7/2014. Equipment will be washed down such as lawn mowers. Attorney Ament read from a letter submitted by Steven Boyd that explains the Hydros Turf Clipping System [see e-mail dated 11/27/13 to Attorney Ament with a Board date 'received' stamp of 1/8/14].

Member Foreman asked how many vehicles on site.

Mr. Flaherty stated it varies season to season – in general 20 employees; utility vehicles now stored at 127 Quissett include small trailers and lawn mowers that require regrinding/sharpening, etc. that will be done on subject property.

Member Zylinski asked if chemicals will be stored on site.

Attorney Ament stated that materials are stored in existing building on site, allowed in Special Permit #77-06.

Member Haddad asked if the existing materials will still be stored on site.

Attorney Ament stated yes.

Member Haddad asked about clearing for site distance at roadway.

Mr. Flaherty said that paths are routinely cut back for site lines.

Member Haddad asked about safety coming down hill at blind area on roadway.

Mr. Flaherty stated that flashers will be placed at the rise (towards village on west side); they are motion activated – daytime only [they are awaiting a favorable response from the Traffic Advisory Committee].

Member Haddad asked if the proposed building will be the same height as existing building on site.

Attorney Ament stated yes.

Member Haddad commented on the lack of referral from the Fire Department as they stated they would review it during building permit application process.

Attorney Ament stated the building will be sprinklered.

Member Haddad asked what the 18 trees proposed at front of property along roadway.

Mr. Flaherty stated most likely Leland Cypress or holly.

Chairman McNamara asked if there will be any additional paths added.

Mr. Flaherty stated there will be no additional paths - only the existing path.

Chairman McNamara asked if anyone present would like to speak in favor or opposition. There was no public comment.

Member Zylinski made a motion to close the hearing. Member Haddad seconded the motion. Motion carried 5 - 0.

Chairman McNamara closed the Hearing.

#### Findings:

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

The subject property contains 4.94 acres of Residential A zoned land not located within any overlay districts. The applicant applied under Sections 240-3, 240-23 D., 240-107 B., 240-109 B. and 240-109 E. of the Code of Falmouth to allow an additional 5,000 square foot building to be constructed on subject property to be used for maintenance and administration for golf course operations. The property is owned by Woods Hole Golf Club, Inc. as well as 40+ acres abutting this piece. Woods Hole Golf Club, Inc. has operated a golf course for many years on the 40+ acres which is a nonconforming use in a residential zone that has existed prior to zoning, thus the Applicant filed under Section 240-3 of the Code of Falmouth. The Applicant, Woods Hole Golf Club, Inc. is a non-profit club and therefore also filed under Section 240-23 D. of the Code of Falmouth. The Applicant is requesting to construct a second building on subject property, keeping the existing building that was granted through Special Permit #77-06 and its purpose. The proposed 5,000 square foot building will be used by employees of the golf course operations and for maintenance of lawnmowers, utility trailers, etc. used in daily operation of maintenance of golf course.

The Board finds that the building will have lockers, bathrooms and lunch area for approximately 25 employees. 44 parking spaces are shown on the plans reviewed by the Board include a crushed stone surface which requires approval by the Board of Appeals under Section 240-109 B. of the Code of Falmouth. The plan also shows parking in the front of the property more than 25 feet from the front property line, which the Applicant has also filed for relief pursuant to Section 240-109 E. of the Code of Falmouth as the use of subject property requires. The Applicant applied under Section 240-107 B., which depending on the number of parking spaces required, the Board may allow a reduction of parking.

Attorney Ament explained that the revised plan with 44 parking spaces does not require a parking reduction.

The Board finds that a wash pad at the northeast corner of the property is a Hydros Turf Clipping System and uses an aerobic/anaerobic cycling that facilitates the break down process of clippings that will result in a grass clipping free liquid reducing nitrogen and other active components and therefore has an environmental safe component.

Section 240-3 allows the Board of Appeals to approve a special permit to extend, alter or change a pre-existing non-conforming structure or use if the Board deems said change is not substantially more detrimental than what exists.

The Board finds that the subject property is pre-existing nonconforming due to the use as a golf course that is not an allowed use in a residential zone but has existed prior to zoning and that the proposed addition of a 5,000 square foot building to be used as maintenance and administrative use for the golf course is not substantially more detrimental than what currently exists on site.

Section 240-23 D. allows the Board to approve special permits for private clubs not for profit if they feel the requested relief is warranted and in the best interest of the Town.

The Board finds that the golf course has existed for many years and is a non-profit private club and operated within a residential zoned area. The Board further finds that the Applicant is proposing to build a second building (50' x 100') on subject property to be used for maintenance and administration for golf course due to the increase demand of employees and their needs that include lockers, bathroom facilities, lunch area and parking.

The Board finds that the applicant is proposing forty-four (44) parking spaces on site for use by employees of the golf course operation.

Section 240-109 B. states that all required parking areas not servicing residential dwellings shall be paved unless otherwise approved by this Board through a special permit.

The Board finds that the applicant is requesting a crushed stone surface for the parking area for forty-four employee vehicles. The Board further finds that the crushed stone surface proposed is appropriate.

Section 240-109 E. has requirements for parking areas and states that no parking shall be located within five (5) feet of any property line; fifteen feet (15') from the property line and no part of any private parking area serving a nonresidential use shall be located in or interfere with any area utilized for off-street loading or unloading of materials or merchandise, including but not limited to gasoline dispensing or storage facilities, loading docks or stacking areas for drive-thru windows.

The Board finds that the proposed parking on subject property serving a non-residential use does not interfere with any area utilized for off-street loading or unloading of materials or merchandise and that its proposed location is not detrimental to the neighborhood.

In addition to the above findings, the Board finds that the proposed will be in harmony with the general purpose and intent of this chapter and does include consideration set forth in Section 240-216 of the Code of Falmouth as follows:

- A. The site is adequate in terms of size for the proposed construction of an additional building for use by the golf course.
- B. The site is suitable for the proposed use as the building will be utilized by the golf course as an accessory structure and enhancement for the employees who maintain the golf course.
- C. There will be minimal impact on traffic flow and safety as there is the possibility of a slight increase in the number of vehicles going to and from the site. As the existing pathways on the course will be utilized by maintenance vehicles, there will be less traffic on the roadway from maintenance vehicles.
- D. The visual character of the subject property will be slightly changed and there does not appear to be any impact on the neighborhood's visual charac