

## Zoning Board of Appeals Decisions Decisions for: 03-24-2016

[Close Window](#)

FALMOUTH ZONING BOARD OF APPEALS

FINDINGS AND DECISION

Comprehensive Permit #: 38-14; 38-14M (Amended Decision)

Applicants: FALMOUTH HOUSING TRUST, INC. of Falmouth, MA

Property Address: 1 Chancery Lane, Falmouth, MA  
Assessor's Map: Map 47A, Section 08, Parcel 002B, Lot 005

Date of Hearing: March 24, 2016

Summary: Comprehensive Permit Amended

Zoning: Business 1

Groundwater Overlay: Siders Pond Coastal Pond Overlay District

### PROCEDURAL HISTORY

1. On April 18, 2014, Falmouth Housing Trust, Inc., located at 200 Main Street, Suite 12, Falmouth, Massachusetts (hereinafter "Applicant"), applied for a comprehensive permit from the Zoning Board of Appeals of Falmouth (hereinafter "Board"), pursuant to G.L. c. 40B, to create four one-bedroom studio units within existing building known as Odd Fellows Hall located at 1 Chancery Lane in Falmouth, MA (the "project"). Subject property known as 1 Chancery Lane consists of 5,023 square feet of Business 1 zoned land that is located within the Siders Pond Coastal Pond Overlay District.
2. On April 22, 2014, referrals and copies of application and plans were sent to Town Departments. The referral invited all departments to a review process to be held on April 30, 2014 at 10:00 with the Zoning Administrator. Those present at said meeting were: Building Commissioner Gore, Town Planner Currie, Lt. Trott of FFRD, Scott Schluter and Nick Croft with Engineering, Annie Saganic with Falmouth Housing Trust, Inc. and Administrator Budrow.
3. June 19, 2014 the Board granted Comprehensive Permit #38-14 to Falmouth Housing Trust, Inc. for the development of Odd Fellows at 1 Chancery Lane, Falmouth, MA
4. On February 6, 2016 Falmouth Housing Trust submitted a request for modification to Comprehensive Permit #38-14 relevant to Condition 12 of said permit.
5. On February 25, 2016 at a duly posted open meeting of the Board of Appeals, the Board reviewed the request and determined the modification to be substantial. A hearing was then scheduled for March 24, 2016.
6. A duly advertised public hearing was opened on March 24, 2016 and the Board reviewed and discussed the modification requested after testimony and public comment.
7. Members sitting were Chairman Kimberly Bielan, Vice Chairman Kenneth Foreman, Clerk Terrence J. Hurrie, Member Edward Van Keuren and Member Paul Murphy
8. The hearing was terminated on March 24, 2016 wherein the Board voted to Grant the modification to Comprehensive permit #38-14 and re-write Condition #12 as amended herein.
9. Attorney Peter Freeman was present at the hearing on behalf of Falmouth Housing Trust as well as Anne Connolly, Director of Falmouth Housing Trust. Public comment was heard.

10. The Board received plans and letters of support that were submitted to the file. (See file for 20 letters in support submitted.)

#### Referrals/Letters from Town Departments/Boards (with comments)

2/29/2016 Referral submitted to the file from Conservation Commission Agent Kasprzyk that states: Stormwater must be contained on the property.

3/7/2016 Referral was submitted to the file from the Engineering Department (S. Schluter which states: Prior to submission to the ZBA, this project was referred through the Town Manager, Julian Suso, to the Deputy Director of Public Works, Peter McConarty for review and he approved of the plan as shown. As stated in this Division's review of the original Comprehensive Permit, the proposed impervious parking area is small enough that there should be minimal impact to the surrounding stormwater systems.

#### Revised Plans submitted by Applicant

3/22/2016 "Parking Area Surface Options at 1 Chancery Lane Falmouth, Massachusetts" prepared for Falmouth Housing Trust as drawn by BSS Design, Inc. dated March 14, 2016 consisting of two pages - both with a Board date 'received' stamp of March 22, 2016.

#### FINDINGS

1. The Board finds that the Applicant submitted application and plans for modification of Comprehensive Permit #38-14 to remove Condition 12 of original approval, which stated as follows: Parking spaces at the front of the property off Chancery Lane shall be constructed with a reinforced turf surface. The "Site Plan" noted in Condition 1 above shall be revised to show the construction of the parking spaces with the reinforced turf surface and said revision shall be submitted to the Board of Appeals for approval prior to issuance of a Building Permit.
2. The Board finds through testimony by the applicant that a paved surface will allow for handicapped parking as shown on the plan submitted with a 'hatched' aisle for van access and that only four parking spaces will be created and wheel stops will be put in place at the head of each of the four parking spaces.
3. The Board finds that when one of the two 'visitable' units is rented to a handicapped individual, the applicant will place proper signage at the head of the designated parking space for said individual (one of two on either side of 'hatched' aisle); or in the event both units are rented to handicapped individuals, signage will be placed in both spaces adjacent to 'hatched' aisle.
4. The Board finds that in the event there are no handicapped tenants within the dwelling units of subject development, the handicapped sign will be removed and four parking spaces will be maintained, with the 'hatched' aisle not available as a parking space. Testimony by the applicant, Ms. Connolly was that Falmouth Housing Trust will ensure compliance with the requirement that there shall be no more than four parking spaces.
5. The Board finds through testimony by the applicant that a sign will be installed designating the four parking spaces for tenants of 1 Chancery Lane only.

Member Foreman made a motion to Grant the modification as presented to Comprehensive Permit 38-14. Member Murphy seconded the motion. Motion carried 4 - 1 with Chairman Bielan in opposition.

#### DECISION

Pursuant G.L. c. 40B, §20 - 23 and 760 CMR 56.05 (11), the Zoning Board of Appeals of Falmouth (herein referred to as Board), after public hearing and findings of fact, hereby voted 4 - 1 to Grant a Modification of Comprehensive Permit #38-14 to the Falmouth Housing Trust, Inc. (herein referred to as Applicant) to strike Condition 12 of said Comprehensive Permit for development known and approved of as Odd Fellows Hall on subject property located at 1 Chancery Lane in Falmouth, MA. The modification shall be subject to the following conditions:

1. Strike Condition 12 in Comprehensive Permit #38-14 – page 7. Said Condition will be replaced with Conditions 2 through 8 set forth below.
2. The Parking spaces at the front of 1 Chancery Lane for Odd Fellows Development shall be constructed with a paved surface material as represented and shown on the plan entitled: "Parking Area Surface Options at 1 Chancery Lane Falmouth, Massachusetts" prepared for Falmouth Housing Trust dated March 14, 2016 and with a Board date 'received' stamp of March 22, 2016.
3. The handicapped parking spaces will be laid out as shown on the plan noted in Condition 1 above.
4. Wheel stops shall be put in place as shown on the plan noted in Condition 1 above.
5. Applicant shall place a sign, approved by the Board of Appeals that designates the four parking spaces allowed for subject development for use by tenants of 1 Chancery Lane only.
6. The applicant shall be responsible to monitor the need for handicapped signage in the event there is a handicapped tenant in dwelling unit 1 or 2 of the Odd Fellow development.
7. The approved parking plan by the Board of Appeals shall be for four parking spaces only as shown on the plan noted in Condition 1 above. The 'hatched' aisle shall not be a parking space and in the event there is no handicap tenant in dwelling unit 1 or 2 on subject property, the applicant shall maintain parking of four spaces only.
8. There shall be no derogation whatsoever from any Condition set forth in Comprehensive Permit 38-14, except as stated herein.

Comprehensive Permit Decision Amended by Falmouth Zoning Board of Appeals continued:

Comprehensive Permit#: 38-14 M – Amended Decision

Page Number: 5 of 5

Applicant: FALMOUTH HOUSING TRUST, INC. of Falmouth, MA

Subject Address: 1 Chancery Lane, Falmouth, Massachusetts  
Map 47A, Section 08, Parcel 002B, Lot 005

Action: The Board of Appeals, by the signature below, represents that the Board voted as follows for the above referenced Comprehensive Permit.

Vote: Board voted 4 - 1 to Grant the Comprehensive Permit requested herein based on the Findings and subject to the Conditions stated above.

---

Terrence J. Hurrie, Clerk, Board of Appeals

---

Date filed with Town Clerk

Notice is hereby given that any appeal from this Decision shall be made pursuant to Section 17 of M.G.L. Chapter 40A or Section 22 of M.G.L. 40B, and shall be filed within twenty (20) days after the decision of the Board of Appeals.

**Notes:**

CP Mod. #38-14M Fal. Housing Trust/Filed w/Town Clerk 4/4/16