



TOWN OF FALMOUTH  
ZONING BOARD OF APPEALS  
DECISION

SPECIAL PERMIT NO: 112-18

APPLICANT/OWNER: Lauren S. Pettit  
90 Evelyn Street, Southport, CT

SUBJECT PROPERTY: 22 Anchor Lane, East Falmouth, Massachusetts  
Assessor's Map: Map 45, Section 22, Parcel 000, Lot 012

DEED/CERTIFICATE: 217178 LC Plan 12 10608-D

SUMMARY: Special Permit granted with conditions

PROCEDURAL HISTORY

1. An application was filed on November 30, 2018, with the Zoning Board of Appeals for a Special Permit/modification to Special Permit, pursuant to Section(s) 240-3 of the Code of Falmouth, to construct a 16-foot by 30-foot addition to the northerly side of the dwelling, at 22 Anchor Lane, East Falmouth, Massachusetts (the "Premises").
2. Notice was duly given, as required by M.G.L. Ch. 40 A, § 11, including notices mailed to all persons deemed to be affected thereby, as they appear on the most recent tax list.
3. The advertised public hearing was opened on January 17, 201. Present for the Zoning Board of Appeals were Terrence J. Hurrie (Chair), Kenneth H. Foreman (Vice Chair), Edward Van Keuren (Acting Clerk), Gerald Potamis (Associate Member), and Robert B. Dugan (Associate Member). Board member Paul Murphy was absent. Mr. Potamis and Mr. Dugan were appointed voting members for the hearing.

4. Jeff Devlin of Central Construction, project builder, appeared before the Board, and presented the case.

5. The public hearing was closed on January 17, 2019, wherein the Board made a decision to grant the Special Permit with conditions. Minutes of the hearing(s) are on file in the Board of Appeals.

6. The documents and information received by the Zoning Board of Appeals, are on file in the office at Town Hall, as set forth below:

Letters/E-mails from Abutters/Interested Parties

- None

Letters/E-mails/Information from Applicant/Representative(s)

- December 6, 2018 letter of authorization for representation, signed by Lauren S. Pettit

Letters/Referrals/E-mails from Town Departments

Note: ZBA sent Referral requests to: Assessors, Building Department, Conservation Commission, Engineering Department, Board of Health, Fire Department, Planning Department, Board of Selectmen and Water Department

- Engineering comments, dated 1/3/19
- Conservation Commission, no comment, dated 12/3/18
- Board of Health, comments, dated 1-3-19
- Water, comment, dated 12-5-2018
- Assessors, no comments, dated 12/5/18
- Fire Department, no comments, dated 12/6/18
- Planning, no comments, dated 12/3/18

Plans submitted by Applicant/Applicant's Representative

- "Request For Special Permit, 22 Anchor Lane, East Falmouth", photos including "West Elevation", "South Elevation", "East Elevation", and "North Elevation"
- "Proposed Addition, 22 Anchor Lane, East Falmouth, MA, including "North Elevation, sheet A1", dated 8/30/18, "South Elevation, sheet A2", dated 8/30/18, "East Elevation, sheet A3", dated 8/29/18, "West Elevation, sheet A4", dated 8/30/18, "Floor Plan, sheet A5" (addition), dated 8/30/18, and Floor Plan with addition, and stair cases, sheet A6, dated 9/29/18, all prepared by Central Construction Company, Inc., 820 Main Street, Cotuit, MA.
- "22 Anchor Lane, in East Falmouth, Massachusetts", plot plan prepared by Cape & Islands Engineering, 800 Falmouth Road, Suite 301C, Mashpee, MA, dated September 12, 2018

January 17, 2019 Hearing:

Appearing before the Board was Jeff Devlin of Central Construction Company, Inc., project builder. He reported that the existing dwelling was sited 24.7 feet from the street line, with stone steps that are

approximately 21 feet from the street lot line. The Applicant seeks a 16-foot by 30-foot addition to the northerly side of the dwelling, to create a master bedroom and dining area. A new septic system was placed in 2011 for four bedrooms. The number of bedrooms will remain the same. There is an existing shed, sited 8.9 feet from the northerly property side line.

Chairman Hurrie asked for any public comment in support of, or opposition to, the proposed project. No one further appeared on the petition.

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

Chairman Hurrie closed the hearing.

### FINDINGS

The Zoning Board of Appeals carefully considered the facts and evidence submitted for the hearing, and made the following findings:

The Premises is located at 22 Anchor Lane, East Falmouth, Massachusetts, and comprises 10,000 square feet of area, in Residence B zoned land. The applicant applied under Section(s) 240-3 of the Code of Falmouth, to allow construction of an addition to the northerly side of the dwelling. The Premises has 125 feet of frontage on Anchor Lane.

The addition is proposed to be sited 28.6 feet from the northerly side lot line, with a landing and steps approximately 26 feet from the northerly lot side line. The addition is proposed to be 12.6 feet from the easterly lot side line. The addition is proposed to be sited 36.9 feet from the street lot line. The existing dwelling is 18 feet, 8 inches in height. The addition is proposed to be 16 feet, 6 inches in height. The lot coverage by structures is 1,002 square feet, or 10%, and will increase to 14.9%, with the addition. The proposed lot coverage by structures, paving and parking will be 2,099 square feet, or 21%. The Premises is nonconforming due to insufficient lot area, the existing encroachments of the dwelling and stone steps into the street lot line, plus the shed, encroaching into the northerly lot side line.

The Board found that the proposed change to the pre-existing nonconforming dwelling was not substantially more detrimental to the neighborhood than the existing dwelling.

In addition to the above findings, the Board finds that the proposed addition will be in harmony with the general purpose and intent of the By-Law, and does include consideration, as 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 addition, with the lot coverage by structures being increased from 10 % to 14.9 %.
- B. The site is suitable for the proposed use, as the property is zoned residential, and has been used as such since its inception.
- C. There will be no impact on traffic flow and safety.
- D. There does not appear to be any impact on the visual character of the neighborhood, or view or vista from the roadway or abutting properties, with the addition being added to the northerly side of the dwelling, and set back further from the street than the dwelling.

E. The Board of Health noted a four bedroom septic limitation related to the proposal.

G. The addition discussed and represented herein will have no effect on the supply of affordable housing in Falmouth.

H. There was no Site Plan Review required by the Planning Board and the referral submitted to the file from the Planning Department had no comment.

I. The application is in compliance with all applicable sections of the Zoning By-Laws as represented, except for the nonconformities stated herein.

J. The approval of this special permit does not include any affordable housing.

The Zoning Board of Appeals weighed the effects of the proposed addition at the Premises, as discussed herein, and found that the beneficial effects of granting this permit outweigh any negative effects there may be. The Board further found that the granting of this permit will be in harmony with the purpose and intent of the Zoning Bylaw, and that the change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

Mr. Foreman made a motion to grant the Special Permit with conditions. Mr. Potamis seconded the motion; with a unanimous 5-0 vote.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals (herein referred to as the "Board") being of the opinion aforesaid, and acting under the provisions of the Code of Falmouth, voted 5 to 0, to grant a special permit under Section(s) 240-3 of the Code of Falmouth, to allow construction of the 16-foot by 30-foot addition. This special permit shall be subject to the following conditions:

1. The addition shall be substantially as shown on the plans submitted and reviewed by the Board, specifically as revised on January 9, 2019, as follows:
  - "Proposed Addition, 22 Anchor Lane, East Falmouth, MA, including "North Elevation, sheet A1", dated 8/30/18, "South Elevation, sheet A2", dated 8/30/18, "East Elevation, sheet A3", dated 8/29/18, "West Elevation, sheet A4", dated 8/30/18, "Floor Plan, sheet A5" (addition), dated 8/30/18, and Floor Plan with addition, and stair cases, sheet A6, dated 9/29/18, all prepared by Central Construction Company, Inc., 820 Main Street, Cotuit, MA.
  - "22 Anchor Lane, in East Falmouth, Massachusetts", plot plan prepared by Cape & Islands Engineering, 800 Falmouth Road, Suite 301C, Mashpee, MA, dated September 12, 2018
2. The addition shall comprise a dining area and master bedroom. The dwelling is limited to a maximum of four bedrooms.
3. The maximum height of the addition shall be 16 feet, 6 inches.
4. Any deviation, no matter how minor, from plans submitted and approved, shall be submitted to the Board for approval, prior to implementation of said change. Minor changes may be administratively approved by the Zoning Administrator.
5. The Applicant shall comply with the Engineering referral recommendations of 1/3/19.

6. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed after the decision had been filed in the office of the Town Clerk with no appeal being filed, is recorded in Barnstable Registry of Deeds, or that an appeal has been filed within such time. (Any person exercising rights under a duly appealed special permit does so at risk that a court may reverse the permit, and that any construction performed under the permit may be ordered undone.)
7. This permit shall lapse three (3) years from the date on which this decision is filed in the Town Clerk's office, if a substantial use of the Special Permit has not sooner commenced, except for good cause, as determined by the Zoning Board of Appeals.

Action: The Board of Appeals, by the signature below, certifies the vote of the Board, as follows, for the above referenced hearing:

Vote: 5 to 0 to grant the Special Permit, as represented to the Board, based on the Findings stated herein, and with the above stated Conditions.



Edward Van Keuren, Acting Clerk, Zoning Board of Appeals

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JAN 29, 2019 PM 4:01  
TOWN CLERK  
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Date Filed With Town Clerk