



TOWN OF FALMOUTH  
ZONING BOARD OF APPEALS  
DECISION

SPECIAL PERMIT NO: 005-19  
APPLICANT/OWNER: Jeffrey A. Meau, Jr. and Melissa K. Cavanaugh Meau  
82 Deepwood Drive, East Falmouth, Massachusetts  
SUBJECT PROPERTY: 82 Deepwood Drive, Hatchville, Massachusetts  
Assessor's Map: Map 27, Section 05, Parcel 009, Lot 028K  
DEED/CERTIFICATE: Book# 25388 Page# 104  
SUMMARY: Special Permit granted with conditions

PROCEDURAL HISTORY

1. An application was filed on January 30, 2019, with the Zoning Board of Appeals, for a Special Permit, pursuant to Section(s) 240-3 C., and 240-68 A. of the Code of Falmouth, to construct an addition at 82 Deepwood Drive, Hatchville, 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 hearing was opened on March 7, 2019. Board members Terrence J. Hurrie, (Chairman), Kenneth H. Foreman (Vice Chairman), Robert Dugan (Member), and Gerald Potamis (Associate) were present. Mr. Dugan was appointed Acting Clerk. Mr. Potamis was appointed voting member for the hearing. The Chairman announced that, due to the Board's composition, a unanimous vote was required for any approval.
4. Appearing before the Board was Patrick Roche, of Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, representing the Applicants.
5. 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)

- January 30, 2018 (sic) letter from Timothy M. Santos, P.E., Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, date stamped Received Jan 30, 2019, Falmouth Zoning Board of Appeals
- March 4, 2019 letter from Timothy M. Santos, P.E., Holmes and McGrath, Inc.

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 2/8/19
- Conservation Commission no comment, dated 2/20/19
- Board of Health comments, dated 2/15/19
- Water comment, dated 1-31-2019
- Assessors comments, dated 2/1/19
- Fire Department, no comment, dated 1/31/19
- Planning, no comments, dated 1/30/19

Plans submitted by Applicant/Applicant's Representative

- Section of plan, colored in, stamped Received March 07, 2019, Falmouth Zoning Board of Appeals
- "Plan of Proposed Sewage Disposal System", prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, sheet 1, rev. dated 2/12/19, and sheet 2, dated Nov. 12, 2018
- "Meau Residence Addition – 8 Deepwood Drive, E. Falmouth", including sheets A0.0, A0.1, A1.0, A1.1, F1.1, S2.1, all dated 12-17-18, and sheet A2.1, dated 11-08-18, all prepared by Longfellow Design Build, 367 Main Street, Falmouth, MA

March 7, 2019

Appearing before the Board was Patrick Roche, Holmes and McGrath, Inc., with Jeffrey A. Meau, Jr., 82 Deepwood Drive, Hatchville Massachusetts, property owner, (the "Applicant"). Mr. Roche consented to continue with the application, stating that the lot was created in the 1940's, and that the dwelling was constructed in 1960. The Premises is located within the Flood Hazard Zone X, and is zoned Single Residence C.

The height of the proposed single-story addition will be 17 feet, which is 8.5 inches lower than the existing ridge height. The addition is proposed to be sited 17.8 feet from the Deepwood Drive. While this encroaches into the required 25-foot setback from the street, it is less of an encroachment than the existing dwelling, at 10.9 feet from the street. Mr. Roche noted that the lot coverage by structures was

changing from 11.1% to 16.1%, and the lot coverage by structures/parking/paving was changing from 15.6% to 20.4%.

Mr. Roche reported that they have proposed hay bales, a silt sack, and drywells for the roof, following the Town's engineering referral. The basement of the addition will be finished, however, the homeowner stated that the space will be for storage. Mr. Roche noted that there is an increase in bedrooms, from three to four. He also reported that the existing cesspool is being eliminated, and that a new septic system is being installed.

There is no garage on the Premises. There are two existing sheds; a 4.2-foot by 8.1-foot shed, sited 6.0 feet from the southerly lot line, and a 10.3-foot by 18.7-foot shed, sited 7.0 feet from the south, and 0.7 feet from the west lot line. In response to a Board inquiry, the Petitioner agreed to move the sheds to a conforming location.

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

Mr. Foreman made a motion to close the hearing. Mr. Dugan seconded the motion. The motion carried 4-0.

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 subject site is located at 82 Deepwood Drive, Hatchville, Massachusetts (the "Premises"), and includes Lots 27K and 28K, comprising 14,806 square feet of area, in the Residential C zoning district, as well as the Great Pond Coastal Pond Overlay District, and the Water Resource Protection District. Residential C zoning requires a minimum lot area of 40,000 square feet. The Premises has 120.0+ feet of street frontage on Deepwood Drive, and 70+ feet of street frontage on Lake Shore Drive, in a district requiring a minimum of 100 feet of street frontage and lot width. The existing dwelling is sited 8.1 feet from the east (Deepwood Drive) lot line, approximately 40 feet from the north (Lake Shore Drive), 48 feet from the west, and 53.3 feet from the south. The Residential C minimum setback from the street is 25 feet, and the minimum setback from the side and rear lot lines is 10 feet. The addition to the northerly side of the dwelling, shall be approximately 24 feet from Lake Shore Drive (north), and 17.8 feet from the east (curve of street intersection of Lake Shore Drive, and Deepwood Drive), and 45 feet from the west side yard. The Premises is also improved by two sheds: a 4.2-foot by 8.1-foot shed, sited 6.0 feet from the southerly lot line, and a 10.3-foot by 18.7-foot shed, sited 7.0 feet from the south, and 0.7 feet from the west lot line.

The Premises is nonconforming due to deficient lot area, encroachment into the Deepwood Drive street setback, and the encroachment of the sheds into the south, and west side lot lines.

In addition to the above findings, the Board finds that the proposed construction 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 use. The lot coverage by structures will be increased from 11.1 % to 16.1 %, and the lot coverage by structures/ paving/parking will be increased from 15.6 % to 20.4 %. The lot coverage by structures will be less than the 20% maximum, and lot coverage by structures/ paving/parking will be less than the 40% maximum allowed.

B. The site is suitable for the proposed use, as the property is zoned Residential C, with neighboring single-family residences. No opposition was expressed regarding the proposal.

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, given that the addition will be a single story, and 8.5 inches lower than the existing ridge height.

E. There will be no impact on sewage disposal, source of water, and drainage; a four-bedroom septic is proposed, replacing a cesspool.

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

H. There was no requirement for review by the Planning Board, and they issued no comment on January 30, 2019.

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 By-Law, and that the change, extension or alteration shall not be substantially more detrimental than the existing nonconforming dwelling to the neighborhood.

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 4 to 0, following a motion made by Mr. Foreman, and seconded by Mr. Dugan, to grant a special permit, with conditions, under Section(s) 240-3 C., and 240-68 A. of the Code of Falmouth, to allow an addition to the north side of the dwelling. This special permit shall be subject to the following conditions:

1. The construction shall be substantially as shown on the plans submitted and reviewed by the Board, as follows:
  - "Plan of Proposed Sewage Disposal System", prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, sheet 1, rev. dated 2/12/19, and sheet 2, dated Nov. 12, 2018
  - "Meau Residence Addition – 8 Deepwood Drive, E. Falmouth", including sheets A0.0, A0.1, A1.0, A1.1, F1.1, S2.1, all dated 12-17-18, and sheet A2.1, dated 11-08-18, all prepared by Longfellow Design Build, 367 Main Street, Falmouth, MA

2. The 20-foot by 36-foot single-story addition will be sited 45 feet from the westerly side lot line, approximately 24 feet from Lake Shore Drive (north), and 17.8 feet from the east (curve of street intersection of Lake Shore Drive, and Deepwood Drive).
3. The existing 4.2-foot by 8.1-foot shed, and 10.3-foot by 18.7-foot shed, shall both be relocated to conform with district setback requirements.
4. The maximum height of the addition shall be 17 feet.
5. 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.
6. The Applicant shall comply with the engineering comments regarding management of stormwater, as well as any Town Boards or departments having jurisdiction over the development.
7. 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.)
8. 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: 4 to 0 to grant the Special Permit, as represented to the Board, based on the Findings stated herein, and with the above stated Conditions.



Robert B. Dugan, Acting Clerk, Zoning Board of Appeals

RECEIVED  
MAR 15, 2019 PM 12:33  
TOWN CLERK



Date Filed With Town Clerk