



TOWN OF FALMOUTH
ZONING BOARD OF APPEALS
DECISION

SPECIAL PERMIT NO: 118-18
OWNER: Tessier Family Nominee Realty Trust
836 Palmer Avenue, Falmouth, MA
APPLICANT: Blue Flag Development, LLC
108 Newbury Street, Boston, MA
SUBJECT PROPERTY: 836 Palmer Avenue, Falmouth, Massachusetts
Assessor's Map: Map 35, Section 02, Parcel 007, Lot 000
DEED/CERTIFICATE: Book: 23929 Page: 87
SUMMARY: Special Permit granted with conditions

PROCEDURAL HISTORY

1. An application was filed with the Zoning Board of Appeals on December 26, 2018, requesting a Special Permit, pursuant to Section(s) 240-33 H., 240-3 C., 240-109 B., and 240-101 of the Code of Falmouth, to improve existing campground, construct new clubhouse, and provide pervious parking, at 836 Palmer Avenue, 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 hearing was opened on February 7, 2019. Board members Terrence J. Hurrie, (Chairman), Kenneth H. Foreman (Vice Chairman), Robert Dugan (Associate), and Gerald Potamis (Associate) were present. (Board member Edward Van Keuren was absent.) Mr. Potamis and Mr. Dugan were appointed voting members for the hearing. The Chairman announced that, due to the Board's composition, a unanimous vote was required for approval.
4. Eliza Cox, Esq., Nutter McClennen & Fish, P.O. Box 1630, Hyannis, MA, requested that the Board continue the hearing to a future date. No testimony was received.

5. The Board unanimously voted to hold a site walk at the Premises, on Saturday, February 16, 2019, at 10:00 a.m., and to continue the hearing to Thursday, February 21, 2019, at 6:30 p.m. Notice regarding the site walk and continued hearing were posted in the Town Clerk's office, and on the Town's website.

6. The public hearing was opened on February 21, 2019, with testimony. Members present were Terrence J. Hurrie, Kenneth H. Foreman, Edward Van Keuren, Robert B. Dugan, and Gerald Potamis. At the close of the hearing, the Board voted unanimously to continue the hearing to March 21, 2019. Notice regarding the continued hearing was posted in the Town Clerk's office, and on the Town's website.

7. The public hearing was opened on March 21, 2019, with testimony. Members present included Terrence J. Hurrie, Kenneth H. Foreman, Robert B. Dugan, and Gerald Potamis. Mr. Edward Van Keuren was absent.

8. The public hearing was closed on March 21, 2019, wherein the Board made a decision to grant the Special Permit, with conditions. Minutes of the hearing(s) are on file with the Zoning Board of Appeals.

9. 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

- February 22, 2019 email letter from George Smith, 52 Cachalot Lane
- February 21, 2019 letter from Bonnie O'Neill, 29 Penn Court, Falmouth, MA
- February 20, 2019 email from Pamela Rothstein
- February 20, 2019 email from Jane and Justin Wickens
- February 7, 2019 Letter from David Corcoran, 58 Loop Road, Falmouth, MA
- February 8, 2019 Email letter from Marleen Mitchell, 43 Cachalot Lane
- February 6, 2019 letter from Rev. Barbara Miner, 34 Loop Road, Falmouth, MA
- February 6, 2019 letter from Kate Eldred, 5 Cachalot Lane, Falmouth, MA
- February 5, 2019 letter from Israel Lederhendler, 5 Cachalot Lane, Falmouth
- February 4, 2019 letter from Lew Stern, 49 Loop Road
- January 30, 2019 letter from Jane and Justin Wickens, 40 Place Road, Falmouth
- January 30, 2019 email from Jane and Justin Wickens
- January 25, 2019 email from Roy and Benda Yarnell, Lot # 5 & 6, Old Palmer Ave, Falmouth
- January 18, 2019 letter from David N. Lawrence, 174 Queen Street, Unit 8D, Falmouth
- January 16, 2019 letter from George L. Smith, 52 Cachalot Lane

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

- Letter from Anne T. Tessier, Trustee, and Theodore L. Tessier, Trustee, of the Tessier Family Nominee Realty Trust, authorizing Blue Flag Development, LLC to proceed with permits and applications, dated December 16, 2018
- "Applicant's Authorization for the Proposed Project at 836 Palmer Avenue", signed by A. Terry Sanford, Manager, and P. Bradley Guidi, Manager, dated 1/02/ 2019

- Letter from Eliza Cox, dated December 26, 2018
- Letter from Eliza Cox, dated February 20, 2019
- “Blue Flag Development, LLC, 836 Palmer Avenue”, presentation for the Zoning Board of Appeals, dated February 21, 2019
- “Blue Flag Development Special Permit Applications, 836 Palmer Avenue, Falmouth, Zoning Analysis Narrative”, date stamped received December 26, 2018
- Deed for 836 Palmer Avenue, Falmouth, MA
- Letter from Bracken Engineering, Inc., December 18, 2018, with
 - “Nonresidential Nitrogen Loading Calculations”
 - “Stormwater Report for Blue Flag Development, LLC, for 836 Palmer Avenue, Falmouth, MA, dated December 20, 2018
- “Memorandum” from Robert J. Michaud of MDM Transportation Consultants Inc., 28 Lord Road, Marlborough, MA , dated December 14, 2018
- Letter from Eliza Cox, dated March 11, 2019, regarding earth moving regulations
- Email from Eliza Cox on March 20, 2019, with attached “Autocamp, Falmouth, Operations Overview”
- “Blue Flag Development, LLC, 836 Palmer Avenue”, copy of presentation to the Board, date stamped Mar 21, 2019

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 letter dated 1/17/19
 - e-mail dated 2/20/2019, with
 - attached soil survey data,
 - “Existing Conditions”, plan for 836 Palmer Avenue, prepared by Bracken Engineering, Inc., dated December 20, 2018, with red highlights
 - “Grading, Drainage & Utilities, Detail Window #1 and #4, dated December 20, 2018, Bracken Engineering, Inc.
 - “Soil Map, Barnstable County, Massachusetts”, prepared by Natural Resources Conservation Service, Web Soil Survey, 3 pages, dated 2/20/2019
- Conservation Commission comments, dated 1/22/19
- Board of Health comments, dated 1/3/19
- Water, no comment, dated 1-3-2019
- Assessors, no comment, date stamped 1/7/19
- Fire Department, letter, dated 1/7/19
- Planning, comments, dated 1/2/19
- Sign in sheet from Site Walk, 2/16/19
- Special Permit issued by the Planning Board, to construct parking areas within the front yard, dated March 19, 2019
- Site Plan Review, by the Planning Board, for the addition of 1,000 or more square feet of structure, and the addition of 5 or more parking spaced, dated March 19, 2019

Plans submitted by Applicant/Applicant's Representative

- "Plan of Land in Sippewissett – Falmouth, Mass.," prepared by Doyle Engineering Associates Incorporated, 530 Thomas B. Landers Road, West Falmouth, MA, dated October 17, 1991
- "836 Palmer Avenue, Traverse & Staking Worksheet, 02-13-2019", received at site visit 2/16/19 (orientation for campsites)
- "Proposed Campground Improvements at #836 Palmer Avenue, Falmouth, Massachusetts", revision dated February 21, 2019, including sheets: Title, "Existing Conditions", "Site Development Overview", "Layout & Zoning, Detail Window #1", "Layout & Zoning, Detail Window #2", "Layout & Zoning, Detail Window #3", "Layout & Zoning, Detail Window #4", "Grading, Drainage & Utilities, Detail Window #1", "Grading, Drainage & Utilities, Detail Window #2", "Grading, Drainage & Utilities, Detail Window #3", "Grading, Drainage & Utilities, Detail Window #4", "Construction Notes & Details", and 2 pages entitled "Construction Details", prepared by Bracken Engineering, Inc., 49 Herring Pond Road, Buzzards Bay, MA
- "Autocamp Falmouth", prepared by Ahern LLC, P.O. Box 2213, Nantucket, MA, comprising pages Cover, L.01, Planting Plan, L.02, Planting Plan, Area 1, L.02.1, Planting Plan, Area 2, L.02.2, Planting Plan, Area 3, L.02.3, Planting Plan, Area 4, L.02.4, Lighting Plan, L.03, and Construction Details, L.04, all dated February 14, 2019
- "Autocamp Falmouth", dated December 21, 2018, including "Existing Structures Key Plan", 6 pages of photographs of existing conditions, "Illustrated Site Plan", "Clubhouse East Elevation", "Clubhouse West Elevation", "Clubhouse South Elevation", "Clubhouse North Elevation", "Illustration Camper Trailer", Illustration Camper Trailer (interior)", "Illustration Camper Trailer-ADA", Illustration Camper Trailer (details)", "Illustration Tent", "Illustration Tent-ADA". "ATC Clubhouse, First Floor Plan, 01", "ATC Clubhouse, Second Floor Plan, 02", "ATC Clubhouse, East Elevation, 03", "ATC Clubhouse, West Elevation, 04", "ATC Maintenance Shed, 05", "ATC Maintenance Shed Elevations, 06", and "Bicycle & Control Shed, 07" (plans and elevations), all dated December 19, 2018.

February 7, 2019

Eliza Cox, Esq., Nutter McClennen & Fish, P.O. Box 1630, Hyannis, MA appeared before the Board, representing Blue Flag Development, LLC, 108 Newbury Street, Boston, Massachusetts (the "Applicant"). Ms. Cox noted that there had been reports of some difficulty in viewing the site, therefore she offered a site visit, in order to orient the Board members to the proposal. Due to the composition of the Board this evening, Ms. Cox requested that the Board continue the hearing to a future date. Ms. Cox, and her development team, then offered to meet with any abutters or interested persons present, to discuss concerns or questions.

The Board determined they would hold a site walk on Saturday, February 16, 2019 at 10:00 a.m., at the Premises. The Board also determined that they would continue the hearing to Thursday, February 21, 2019, noting that they would not have a report from the Planning Board, in time for that hearing date. Mr. Foreman made a motion regarding the dates for the site walk and continued hearing, which was seconded by Mr. Potamis, and voted unanimously by the Board members. Notice regarding the site walk, and continued hearing, were posted in the Town Clerk's office, and on the Town's website.

February 21, 2019 Hearing:

Mr. Van Keuren was appointed Acting Clerk, and Messrs. Dugan and Potamis were appointed voting members. The notice was read into the record, along with department referrals.

Appearing before the Board was Eliza Cox, with A. Terry Sanford, Manager, and P. Bradley Guidi, Manager, Tyler Hardy and Jason Brown, all representing Blue Flag Development, LLC, 108 Newbury Street, Boston, Massachusetts (the "Applicant"), and their engineer, Brendan Mullaney.

Ms. Cox requested 20 minutes for her presentation. Mr. Foreman made a motion to grant a 20-minute time period for the presentation, which was seconded by Mr. Van Keuren, and unanimously voted by all Board members.

Ms. Cox noted that the property is owned by Tessier Family Nominee Realty Trust, but that the owners have provided consent to file a petition with the Zoning Board of Appeals. Ms. Cox reported that the Premises comprises 12.72 acres, in the Public Use zoning district. She stated that approximately 1 acre is within a wetland, and that the site topography ranges from a high of 78 feet, to a low of 8 feet. The Sippewisset Campground and Cabins have existed since the 1920's, predating the 1925 institution of zoning in Falmouth. Presently the Premises includes two residential dwellings, an office, bathrooms and accessory structures, and 122 camp sites for camper trailers, cabins, and tents. Ms. Cox noted that By-Law §240-33H provides for a campground, as an allowed use, in the Public Use zoning district. The Board could also issue a special permit under §240-3 C., to alter a pre-existing nonconformity. She reported that the camping will be continued, but be less intense, while preserving and enhancing the site. The proposal complies with all dimensional requirements.

Ms. Cox stated that the proposal involves reducing the campsites from 122 to 108. The Applicant intends to provide 98 airstream trailers, and 10 tents for camping, plus construct a new clubhouse, with 135 pervious parking spaces (replacing the existing structures). Ms. Cox reported that the clubhouse would contain shower facilities, plus a small retail for convenience items. A maintenance building, plus bike shed, is proposed to be sited toward the southerly lot line. The development will provide ADA access, including paved paths, parking and ADA trailers.

Ms. Cox stated that stormwater will be treated. Landscaping and screening will be improved. A new water main will be installed. Ms. Cox stated that they will be installing crushed bluestone, as permeable paving, to reduce drainage and runoff. Some paths would be pea gravel. She reported that the Premises is not within the Coastal Pond Overlay District, but is within 100 feet of a wetland. They have a Notice of Intent with the Conservation Commission, regarding the disturbed buffer area, and planned restoration. They will also be reviewing the proposed septic system with the Board of Health. Existing cesspools and septic facilities will be replaced with Innovative/Alternative wastewater treatment system, to significantly reduce total nitrogen loading on-site.

Wastewater will be pumped to a passive leach field. Mr. Mullaney noted that the pump associated with the septic system would have sound mitigation. There will be some change in the topography at the leaching field, due to regrading for the septic system. There will also be a cut in the hill at the northeast, related to the parking area. Parking has been relocated further from the abutter at the north, and is sited to keep cars away from campers, for increased safety. The driveway, and some paths will be

paved. The remainder will be pervious pavement. Golf carts or wagons will be available, to transport items from cars to campsites.

Ms. Cox reported that during construction they will maintain any construction vehicles on the property, and that they are not anticipating any traffic issues.

In response to an inquiry, the proposed camping would be year round, similar to existing airstream camping at Yosemite and Sonoma. The Airstreams are typically planned for 2 adults, but a futon is available for children. Mr. Brown reported that there are not specific quiet hours, but that it is usually between 10 p.m. and 6 a.m.

It was reported that there will be a manager accessible 24 hours per day, but that the manager may not reside on the Premises. They anticipate plowing in the winter, as needed. It is expected that the tents will be down for the winter.

They also plan for a dumpster, to be located by the maintenance facility, and that they will contract for private trash pickup. Housekeeping will be provided for trailers.

An 8-foot fence is proposed at the northerly side of the Premises. A 6-foot fence, plus evergreens, bushes and grasses are planned to landscape, and screen cars from Palmer Avenue (easterly side). All lighting is proposed to be dark sky compliant. Bollard lighting is planned at the parking area.

The Applicants have proposed a wetland area restoration to the Conservation Commission, including removal of invasives. They plan to use Blue Flax for land management and landscaping, involving native species, and drainage improvements.

The existing "bird house" structure is proposed to remain. If approved, they hope to break ground in the spring of 2019, with an anticipated opening in 2020.

Chairman Hurrie asked for any public comment in support of, or opposition to, the proposed project.

Lewis Stern, President of the Sippewissett Place Homeowners Corporation, (which is comprised of 41 area homes) remarked about the nightly rental rate, and inquired as to whether neighbors could continue access through the Premises to utilize the bike path. He requested a contact person, should issues arise. Mr. Stern also inquired as to whether the Applicant would contribute to phragmite control, and the Shining Sea bikeway.

Kate Eldred, 5 Cachalot Lane, would like access through the Premises, to the bike path, and inquired about tick and mosquito control. Jason Brown stated that they are willing to address further details outside the Zoning Board of Appeals hearing.

Mr. Foreman made a motion to continue the hearing to March 21, 2019. Mr. Van Keuren seconded the motion, and all members voted unanimously, to continue the hearing to March 21, 2019. The Board requested an operational/management plan at that time.

March 21, 2019

The hearing was opened. Appearing before the Board was Eliza Cox with Brad Guidi, representing the Applicant. Brendan Mullaney, project engineer, was also present. Ms. Cox reported that the Board of

Health granted a permit on February 25, 2019, and the Planning Board issued Site Plan Approval, and a Special Permit on March 12, 2019.

Ms. Cox stated that they request either a permit for the campground as a use as provided for within the By-Law, or as a pre-existing nonconforming use, but that they do not need both. In addressing the issue of on-site management, Ms. Cox proposed that in circumstances where occupancy was less than 30%, that there would be management on site from 6:00 a.m. to 10:00 p.m. Any time the occupancy exceeds 30%, there would be 24-hour staffing on site. As support for this proposal, Ms. Cox reported that the similar Russian River campground does not provide overnight management, and that there have not been issues to date. This campground is approximately one-third the size of the Falmouth proposal.

Following the Boards determination to grant a special permit under Section(s) 240-33 H., Ms. Cox requested that the Board grant a withdrawal of 240-3 (C), without prejudice.

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 836 Palmer Avenue, Falmouth, Massachusetts (the "Premises"), and comprises 12.72 acres (554,140 square feet), with 835.17 feet of frontage on Palmer Avenue, and a lot width of 570 feet, in the Public Use zoning district. The Public Use zoning requires a minimum lot area of 45,000 square feet, 100 feet of frontage, and 150 feet of lot width. The Premises is bound by Palmer Avenue at the east, and the Shining Sea Bikeway at the southwest. The Premises is east of Little Sippewisset Marsh. The control building is sited 15 feet from the southerly lot line. The fire pit is sited 120 feet from the southerly lot line. The club house is sited 180 feet from the south, 287 feet from the north, and 327 feet from the east lot lines. The club house will be 26 feet in height, and handicapped accessible. The Maintenance Shed and Bicycle & Control shed accessory structures shall be less than 22 feet in height. One hundred thirty-five parking spaces will be provided, with six accessible parking spaces. The required parking is 1.25 spaces per campsite.

The Board found that By-Law §240-33 H. provides for Campgrounds as special permit use within the Public Use district, which coupled with the reduction in campsites, was therefore not substantially more detrimental to the neighborhood than the existing nonconforming use.

In addition to the above findings, the Board finds that the proposed use 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 Premises well exceeds the lot requirements of the By-Law. The lot coverage by structures is currently 3%; the proposed lot coverage by structures is 3.7%. The By-Law maximum is 40%. The existing lot coverage by structures/parking/paving is 14.1% (excluding existing scattered parking); the proposed is 9% (excluding pervious gravel areas). The By-Law maximum is 70%.

B. The site is suitable for the proposed use, as the property is zoned Public Use, and has been utilized as a campground since the 1920's; prior to the institution of zoning in Falmouth. The Applicant is working with the Conservation Commission to improve the wetland area on the Premises. The Premises will be improved with updated utilities, and stormwater management.

C. There will be no impact on traffic flow and safety: the Memorandum from MDM Transportation Consultants, Inc., reports fewer vehicle trips and a reduction in heavy vehicle (impacts), due to the provision of the airstream trailers on site.

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 Applicant is proposing improvements to screening via fencing and landscaping in proximity to lot lines, as well as within the Premises. Lighting will be dark sky compliant. The Applicant worked with the neighbors to resolve concerns.

E. There will be no impact on sewage disposal, source of water, and drainage; the use is allowed by Special Permit, and is less intense, due to the reduction in camping sites. Wastewater management is improved, due to the decrease in intensity, the pumping and removing existing noncompliant cesspools, and the institution of an Innovative/Advanced nitrogen reduction wastewater treatment system. The fire department accepted the hydrant locations, and expressed requirements for the club house, and access to the Premises. Engineering has reviewed water and drainage improvements.

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

H. The Planning Board issued a Special Permit, and Site Plan Review, dated March 19, 2019.

I. The application is in compliance with all applicable sections of the Zoning By-Laws as represented.

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

The Zoning Board of Appeals weighed the effects of the proposed use 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 use to the neighborhood.

Mr. Dugan made a motion to grant the Special Permit with conditions. Mr. Foreman seconded the motion; with a unanimous 4-0 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 4 to 0, to grant a special permit under Section(s) 240-33 H., 240-109 B., and 240-101 of the Code of Falmouth, to allow the improvements to the campground, including construction of a new clubhouse, and provision of pervious parking. This special permit shall be subject to the following conditions:

1. The improvements shall be substantially as shown on the plans submitted to, and reviewed by, the Board, as follows:
 - “Plan of Land in Sippewissett – Falmouth, Mass.”, prepared by Doyle Engineering Associates Incorporated, 530 Thomas B. Landers Road, West Falmouth, MA, dated October 17, 1991
 - “Proposed Campground Improvements at #836 Palmer Avenue, Falmouth, Massachusetts”, revision dated February 21, 2019, including sheets: Title, “Existing Conditions”, “Site Development Overview”, “Layout & Zoning, Detail Window #1”, “Layout & Zoning, Detail Window #2”, “Layout & Zoning, Detail Window #3”, “Layout & Zoning, Detail Window #4”, “Grading, Drainage & Utilities, Detail Window #1”, “Grading, Drainage & Utilities, Detail Window #2”, “Grading, Drainage & Utilities, Detail Window #3”, “Grading, Drainage & Utilities, Detail Window #4”, “Construction Notes & Details”, and 2 pages entitled “Construction Details”, prepared by Bracken Engineering, Inc., 49 Herring Pond Road, Buzzards Bay, MA
 - “Autocamp Falmouth”, prepared by Ahern LLC, P.O. Box 2213, Nantucket, MA, comprising pages Cover, L.01, Planting Plan, L.02, Planting Plan, Area 1, L.02.1, Planting Plan, Area 2, L.02.2, Planting Plan, Area 3, L.02.3, Planting Plan, Area 4, L.02.4, Lighting Plan, L.03, and Construction Details, L.04, all dated February 14, 2019
 - “Autocamp Falmouth”, dated December 21, 2018, including “Existing Structures Key Plan”, 6 pages of photographs of existing conditions, “Illustrated Site Plan”, “Clubhouse East Elevation”, “Clubhouse West Elevation”, “Clubhouse South Elevation”, “Clubhouse North Elevation”, “Illustration Camper Trailer”, Illustration Camper Trailer (interior)”, “Illustration Camper Trailer-ADA”, Illustration Camper Trailer (details)”, “Illustration Tent”, “Illustration Tent-ADA”. “ATC Clubhouse, First Floor Plan, 01”, “ATC Clubhouse, Second Floor Plan, 02”, “ATC Clubhouse, East Elevation, 03”, “ATC Clubhouse, West Elevation, 04”, “ATC Maintenance Shed, 05”, “ATC Maintenance Shed Elevations, 06”, and “Bicycle & Control Shed, 07” (plans and elevations), all dated December 19, 2018.
2. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday. Saturday hours shall be limited to 8:00 a.m. to 7:00 p.m. No Sunday or holiday hours, absent an emergency.
3. In circumstances where occupancy is less than 30%, on site management shall be present between 6:00 a.m. and 10:00 p.m. If occupancy is 30% or greater, on site management shall be present 24 hours per day. All campers shall be provided with the Autocamp overview, and explicit information regarding emergency contact procedure, should staff be absent.
4. The operation plan “Autocamp, Falmouth, Operations Overview”, attached hereto, as “Attachment A”, shall expire on June 30, 2021. The Applicant shall appear before the Zoning Board of Appeals, prior to this date, for the express purpose of reviewing the occupancy data, in conjunction with the sufficiency of the operations plan, regarding site management.
5. Landscaping and fencing shall be installed as represented on plans by Ahern LLC, referenced above.

6. 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.
7. The Applicant shall comply with any Town Boards or departments having jurisdiction over the development (Engineering, Fire, Conservation, Board of Health, Planning Board).
8. 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.)
9. 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.

Vote: 4 to 0 to grant the withdrawal, without prejudice, for the special permit under By-Law § 240-3 C.



Robert B. Dugan, Member, Zoning Board of Appeals

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APR 4, 2019 AM 10:13
TOWN CLERK


Date Filed With Town Clerk