



TOWN OF FALMOUTH
ZONING BOARD OF APPEALS
DECISION

CASE NO: #081-19

APPLICANT/OWNER: Christopher M. Reddy and Bryce Reddy
12 Buzzards Bay Avenue, Woods Hole, Massachusetts

SUBJECT PROPERTY: 12 Buzzards Bay Avenue, Woods Hole, Massachusetts
Assessor's Map: Map 49A Section 04 Parcel 004 Lot 000

DEED/CERTIFICATE: Book 27206 Page 95

SUMMARY: Special Permit granted with conditions

PROCEDURAL HISTORY

1. On November 14, 2019 an application was filed with the Zoning Board of Appeals requesting a Special Permit, pursuant to Section(s) 240-3 C. and 240-68 A. of the General Code of the Town of Falmouth, to construct a second floor addition at 12 Buzzards Bay Avenue, Woods Hole, Massachusetts (the "Premises").
2. Notice was given, as required by M.G.L. Chapter 40 A, Section 9, including notices mailed to all persons deemed to be affected thereby, as they appear on the tax list.
3. There was no previous Zoning Board of Appeals case for the Premises.
4. The advertised public hearing was opened on January 9, 2020. Board members present included Terrence J. Hurrie, Kenneth H. Foreman, Robert B. Dugan, Edward Van Keuren, and Gerald Potamis.

5. Michael McGrath of Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, Massachusetts, appeared before the Board, representing the Applicant.
6. The public hearing was closed on January 9, 2020, following a motion made by Mr. Foreman, seconded by Mr. Van Keuren, and unanimously voted. Minutes of the hearing(s) are on file with the Zoning Board of Appeals.
7. The following documents and information are on file in the office of the Zoning Board of Appeals at Town Hall, as set forth below:

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

- October 16, 2019 letter from Michael McGrath, Holmes and McGrath, Inc.
- December 6, 2019 email from Timothy M. Santos, Holmes and McGrath, Inc.

Letters/Referrals/E-mails from Town Departments

- Referral from Conservation dated November 15, 2019 – no comment
- Referral from Planning dated November 15, 2019 – no comment
- Referral from Fire Department dated November 15, 2019 – no comment
- Referral from Assessor's dated November 19, 2019 – no comment
- Referral from Engineering dated December 3, 2019 by Scott Schluter: stormwater runoff shall not be directed on to abutting property or right of ways; stormwater runoff shall be diverted to drywells, rain gardens, or other storm water infiltration measure; "Upon completion of construction, the Applicant shall post the address for this residence per §99-1 Affixing of legible numbers required; time limit for compliance."
- December 6, 2019 letter from Scott Schluter, noting that two drywells have been added to the plans: condition that all stormwater runoff from the roof will be captured and infiltrated in the two drywells shown on the plan.
- Referral from Board of Health dated November 14, 2019, by Scott McGann, Health Agent: will remain three bedrooms with a three-bedroom septic.

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

Letters/E-mails from Abutters/Interested Parties

None

Plans submitted by Applicant/Applicant's Representative

- "Plan of Land Prepared for Christopher M. Reddy, #12 Buzzards Bay Ave. in Woods Hole, Falmouth, MA", prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, dated October 4, 2019, as revised to 12/04/19
- "Renovations at the Reddy Residence, 12 Buzzards Bay Rd. (sic), Woods Hole, Mass.", including "Preliminary Design", prepared by Chris Warner Architect, 293 Gifford Street, Falmouth, MA, dated 11/08/19, and "Reddy Residence, 12 Buzzards Bay Avenue, Woods Hole, Massachusetts,

Existing Conditions Plan, A1", and "Existing Elevations, A2", prepared by Noah Greenberg Associates Architects, 22 Beebe Acres Road, Falmouth, MA, dated 02/05/13

Hearing:

The Notice of Hearing and referrals were read into the record.

Appearing before the Board was Christopher Reddy, 12 Buzzards Bay Avenue, Woods Hole, Massachusetts, owner (the "Applicant"). Mr. Reddy requested that the Board continue this case to a slightly later time in the meeting, to provide an opportunity for the project engineer to be present. The Board allowed the continuation.

Upon continuing the hearing, Michael McGrath appeared before the Board, and stated that the proposal involves an addition to the second floor, to create habitable space toward the west (rear) of the dwelling. Mr. McGrath reported that the existing dwelling was constructed in 1930, and that it is nonconforming due to the size of the lot, at 5,000 square feet, and the setback of 8.3 feet from the street. He stated that the proposal will have no impact on the traffic or visual impact for the neighbors. Mr. McGrath stated that the existing septic system is adequate for the addition, where the dwelling will remain as a three-bedroom structure, and that the height will remain at 23 feet.

David Martin, 10 Buzzards Bay Avenue, direct abutter, and Peter Bumpus, 19 Buzzards Bay Avenue, both appeared before the Board, stating they are in support of the proposal. No one appeared in opposition. Following a motion made by Mr. Foreman, and seconded by Mr. Van Keuren, the hearing was closed, and the Board proceeded to deliberate.

Findings:

The subject property, 12 Buzzards Bay Avenue, Woods Hole, Massachusetts (the "Premises"), comprises 5,000 square feet of area in the Single Residence C zoning district, and partially within a wetland buffer area. The Premises is nonconforming where it comprises 5,000 square feet of area in a district requiring 40,000 square feet. The dwelling is sited 8.3 feet from the street, and 7.1 feet from the northerly side lot line, in a district requiring a minimum of 25 feet and 10 feet respectively. The Premises is also improved by a shed sited 7.6 feet from the northeast side lot line, where 10 feet is required. The proposed second floor addition on the westerly side of the dwelling will have no impact on the existing setback dimensions. The lot coverage by structures will remain at 17.4%, in compliance with the maximum 20% lot coverage provision of the By-Law. The lot coverage by structures/parking/paving will remain at 29%, in compliance with the maximum lot coverage of 40%. The building height will remain at 23 feet. Two neighbors appeared in support of the proposal, and there was no opposition expressed. The dwelling exists as a three bedroom structure, and will remain three bedrooms.

Town Engineering has directed that no stormwater be directed off the Premises, that all roof runoff be diverted to proper stormwater infiltration methods, and that the address be properly posted on the dwelling.

In addition to the above findings, the Board finds that the proposed dwelling 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.

The Zoning Board of Appeals weighed the effects of the second floor addition at the Premises, as discussed herein, and found that the beneficial effects of granting this special permit outweigh any negative effects there may be. The Board further found that the granting of this special 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 to the neighborhood, and will not nullify or substantially derogate from the intent or purpose of the By-Law.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, being of the opinion aforesaid, and acting under Section(s) 240-3 C and 240-68 A of the General Code of Falmouth, following a motion made by Mr. Dugan, and seconded by Mr. Foreman, voted unanimously, to grant a special permit, for the second floor addition at 12 Buzzards Bay Avenue, Woods Hole, Massachusetts (the "Premises"). This special permit shall be subject to the following conditions:

Conditions:

1. The construction shall be as shown on the plans:
 - "Plan of Land Prepared for Christopher M. Reddy, #12 Buzzards Bay Ave. in Woods Hole, Falmouth, MA", prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, dated October 4, 2019, as revised to 12/04/19
 - "Renovations at the Reddy Residence, 12 Buzzards Bay Rd. (sic), Woods Hole, Mass.", including "Preliminary Design", prepared by Chris Warner Architect, 293 Gifford Street, Falmouth, MA, dated 11/08/19, and "Reddy Residence, 12 Buzzards Bay Avenue, Woods Hole, Massachusetts, Existing Conditions Plan, A1", and "Existing Elevations, A2", prepared by Noah Greenberg Associates Architects, 22 Beebe Acres Road, Falmouth, MA, dated 02/05/13
2. The second floor addition to the westerly side of the dwelling will not change the height of the dwelling from 23 feet, and the lot coverage by structures will remain at 17.4%; lot coverage by structures/parking/paving will remain at 29%.
3. The Applicant shall comply with Town Engineering requirements that no stormwater is directed off the Premises, and that stormwater from the roof is captured and infiltrated into the two drywells shown on the plans.
4. The Premises is limited to three bedrooms with the current septic system.
5. The address of the Premises shall be properly posted in compliance with §99-1, prior to a final sign off for the building permit.
6. Any deviation, no matter how minor, from plans submitted and approved by this Board, shall be submitted to the Board for approval, prior to implementation of said change. The Zoning Administrator may make a determination as to whether the changes are minor in nature, and can be approved administratively, or whether they will require a hearing for an amendment. Changes made prior to an approval may be subject to a full hearing, and are at risk that the ZBA may deny the request.
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, or an appeal has been filed within such time, is recorded in Barnstable Registry of

Deeds. (Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit, and that any construction performed under the permit may be ordered undone.)

8. This special permit shall lapse three 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.

9. The Zoning Board of Appeals reserves the right to recall the Applicant, with such notice as the Board deems proper, to discuss any unresolved matters of concern.

Action: The Zoning 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.

The Zoning Board of Appeals, by the signature below, certifies the vote of the Board:



Robert B. Dugan, Falmouth Zoning Board of Appeals

RECEIVED
JAN 22, 2020 PM 4:23
TOWN CLERK

Date Filed With Town Clerk