



TOWN OF FALMOUTH
ZONING BOARD OF APPEALS
DECISION

CASE NO: 094-19

APPLICANT/OWNER: Ronald J. and Lori A. Hanney

4 Redbud Lane, North Falmouth, Massachusetts

SUBJECT PROPERTY: 13 Ironwood Lane, North Falmouth, Massachusetts

Assessor's Map: Map 04 Section 14 Parcel 000 Lot 040

DEED/CERTIFICATE: Book 32202 Page 153

SUMMARY: Special permit granted

PROCEDURAL HISTORY

1. On December 27, 2019 an application was filed with the Zoning Board of Appeals requesting a Special Permit, pursuant to Section(s) 240-69 (E) of the General Code of the Town of Falmouth, to construct a new dwelling, exceeding 20% lot coverage, at 13 Ironwood Lane, North Falmouth, 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 February 20, 2020. Board members present included Terrence J. Hurrie, Robert B. Dugan, Edward Van Keuren, Mary P. Barry, and James Morse.
5. Marybeth Wadman appeared before the Board, representing the Applicant.

6. The public hearing was closed on February 20, 2020, following a motion made by Mr. Dugan, 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)

- Applicant submitted application, fee and appropriate plans; application was filed with the Town on December 27, 2019
- Email dated January 27, 2020., authorizing Marybeth Wadman as agent
- Lot coverage / Bulk calculations, not dated, Board date 'received' stamp December 27, 2019

Letters/Referrals/E-mails from Town Departments

- Referral dated December 30, 2019, signed by Scott McGann, Health Agent : *No issues with the project*
- Referral dated January 3, 2020 from the Fire Department – no comment
- Referral dated January 2, 2020 from the Planning Department – no comment
- Referral dated January 2, 2020 from the Water Department – no comment
- Referral dated January 6, 2020 from the Assessor's – no comment

Letters/E-mails from Abutters/Interested Parties: None

Plans submitted by Applicant/Applicant's Representative

- ' Custom Three Bedroom and Two Car Garage – Elevations', page 1 of 10, 'Elevations' page 2 of 10, 'Proposed Floor Plan', page 3 of 10, ' Framing', page 6 of 10, Hanney Residence, 13 Ironwood Lane; all plans dated December 19, 2019, as drawn by JB Designs, PO Box 285, West Barnstable, Ma 02668 – plans are not stamped or signed; and
- ' Plot Plan – Proposed House', sheet 1 of 2, 'Plot Plan – Proposed House and subsurface sewage disposal system', sheet 2 of 2, prepared by BSS Design, 164 Katharine Lee Bates Road, Falmouth, Massachusetts, rev. dated December 16, 2019

Hearing:

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

Appearing before the Board was Marybeth Wadman, stating that Ronald J. and Lori A. Hanney (the "Applicants") are seeking to construct a new dwelling with a screened porch, which exceeds 20% lot coverage by structures.

No one further appeared on the application. Following a motion made by Mr. Dugan, and seconded by Mr. Van Keuren, the Board voted unanimously to close the hearing, and proceed to deliberate.

Findings:

The subject lot, 13 Ironwood Lane, North Falmouth, Massachusetts (the "Premises") comprises 15,069 square feet of area, within the Single Residence B zoning district. The Premises is also located within the Wild Harbor Coastal Pond Overlay District. A 10-foot by 16.9 foot screened porch is planned at the southwest area of the new 4-bedroom dwelling. The dwelling shall be sited 20.4 feet from the north, 17 feet from the southwest, 20.4 feet from the east, and 29 feet from the street (northeast). The By-Law requires a 10-foot setback from the side and rear lot lines, and a 25-foot setback from the street. The lot coverage by structures is planned to be 20.87%, which is within the 25% lot coverage by Special Permit. Lot coverage comparisons for the neighborhood were submitted, to demonstrate that the proposal is within the range of the neighborhood.

In addition to the above findings, the Board finds that the proposed screened porch addition to the new 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 construction 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) 240-69 (E) of the General Code of Falmouth, following a motion made by Mr. Dugan, and seconded by Mr. Van Keuren, voted unanimously, to grant a special permit, for the screened porch at 13 Ironwood Lane, North Falmouth, Massachusetts (the "Premises"). This special permit shall be subject to the following Conditions:

1. The construction shall be substantially as shown on the plans:
 - ' Custom Three Bedroom and Two Car Garage – Elevations' page 1 of 10, 'Elevations' page 2 of 10, 'Proposed Floor Plan' page 3 of 10, ' Framing' page 6 of 10 Hanney Residence 13 Ironwood Lane; all plans dated December 19, 2019 as drawn by JB Designs PO Box 285, West Barnstable, Ma 02668 – plans are not stamped or signed; and
 - ' Plot Plan – Proposed House' sheet 1 of 2, 'Plot Plan – Proposed House and subsurface sewage disposal system' sheet 2 of 2 prepared by BSS Design, 164 Katharine Lee Bates Road, Falmouth, Massachusetts, rev. dated December 16, 2019.
2. The dwelling shall be sited 20.4 feet from the north, 17 feet from the southwest, 20.4 feet from the east, and 29 feet from the street (northeast). The lot coverage by structures is planned to be 20.87%, which is within the 25% lot coverage by Special Permit.
3. The project shall not direct any stormwater runoff from the Premises, and shall provide drywells as stormwater infiltration mitigation for the roof areas, as approved by Engineering.
4. The address of the Premises shall be properly posted in compliance with §99-1, prior to a final Certificate of Occupancy.

5. 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.

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, 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.)

7. 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.

8. 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
MAR 3. 2020 PM 2:14
TOWN CLERK

Date Filed With Town Clerk