This meeting was held on the Zoom virtual meeting software for remote access, due to the Governor's order suspending public assemblies, during the declared novel corona virus (Covid 19) emergency. The meeting was taped by Falmouth Cable TV, in accordance with long-standing practices.

All votes of the Board were taken by roll call.

**Public Comment not related to a case - None**

**Continuation #050-20 Village at Brick Kiln, LLC, 511 Brick Kiln Road, West Falmouth** – requesting a Comprehensive Permit to raze the existing buildings and construct 32 single family dwellings; 8 units to be affordable

Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zylinski

Dugan – We received the stormwater report and the 21E report late today; we will need to continue the hearing.

Paul Glynn, attorney for Applicant – Since we met last we received the peer review report from the consulting group which took a while to respond to the comments. We didn’t address all of them but we did address most of them. We amended the application with an amended plan. Some of the highlights of the revisions: we changed the number of units from 32 to 28, added sidewalks, added landscaping and a lighting plan. We showed plans for a bus stop, a common mailbox, and created an area for an easement from this parcel to the church parcel which is being proposed as a future YMCA. We amended the waivers for zoning because most of the lots changed and got bigger with the elimination of 4 lots and there is a new Pro forma because the numbers changed due to the 4 fewer sales.

Foreman – Which of these units are designated affordable?

Glynn – Every 4th house, they are spread out every 4th unit. We did spread them out but that’s not written in stone. There’s not a problem having the affordable close together because they are generally the ones that have the kids, and it makes it easier for them to play.

Foreman – Unit #21 is that affordable?

Glynn – That is not designated as affordable.

Barry – Every 4th unit is affordable, what about the sales, will it be 3 units at market and then the affordable unit?
Glynn - I would have something a little more generous to get the cash flow going. I suggest that there be some more market rates and then the affordable and then finish up with the market rate units. We are open to suggestions on that. There is no 1 way of doing it.

Barry - You are asking for 8 market then all affordables, and then the rest of the markets.

Glynn - Correct.

Barry - Where on the site is the mailbox and bus shelter and what buses are you expecting?

Glynn - School Buses and it's out by Brick Kiln Road.

Dugan - Will you be phasing this in like the sales plan?

Glynn - That depends on how everything goes; it would be easier for the builder to do 4 or 8 at a time.

Dugan - What is the time for this project from start to finish?

Glynn - At least 1 year probably 2 years to build that.

Hurrie - Are you in receipt of Attorney Kirks comments and can you comment?

Glynn - Yes, I am. Before I answer that I want you to know that I was in touch with the Town and County departments and this parcel is not considered prime agricultural land. Mr. Zylinski had brought this up at the last meeting. Mr. Kirks client is next door and I've been told he has a very beautiful, landscaped yard. This is a housing starts program, every home will be bought at market rate or others that can get a loan on their own. As a concept I object to having a fence around the development. I think that he is concerned that there will be a cut through to his yard that he maintains well. We are planning on a split rail fence for aesthetics. His yard is substantially set back and its extremely wooded, there is a tremendous buffer between this property and his. I think that would be a bad idea to put an 8' fence to block off this development.

Hurrie - You're saying that the existing conditions and split rail will be for buffering?

Glynn - Correct and the wooded area is a substantial buffering.

Hurrie - Would that be an access easement to get to the YMCA that you are proposing?

Glynn - It's 20' wide and would-be easy access for whatever they need, we aren't sure exactly what will be a part of the YMCA.

Michael Borselli, Project engineer - The easement is a 20' wide easement that connects from the new roadway to the open space at the boundary of the church where the Y is proposed. The site plan shows the easement and the water main connection that runs from my client's property, which will be capped. The Y can loop it and extend it to their property. The easement is wide enough to accommodate emergency and pedestrian access. There is another access easement at the end of the development over lot 13 and 14, where you can gain access to the high school if the kids walk to school. The bus stop
is a 12’ x 15’ bus stop with a mail kiosk and we have it tucked into the corner of the development. The kids will walk on the sidewalk to the bus shelter. The proposed name is Josiah Way, after the original Brick Kilner that had the 1st kiln for making bricks.

Foreman – Looking at the bus stop and the position of #28, can those units be pushed further into the development, so unit #28 doesn’t have people standing or stopping outside of their house?

Glynn – We could look at it.

Barry- What is the abbreviation “AST”? It’s in the most recent revisions that you provided but I don’t see it defined anywhere.

Borselli – I’m not sure what that stands for, what is it in reference to?

Barry - I would like to see where the abutters properties are in comparison with this lot.

Borselli – The abutting properties are noted and we’ve shown the structures on each abutting property, this is a very wooded area. This is a remote area.

Zylinski – There was testimony if the application was 100% completed, is it 100% now?

Glynn – Yes, it is. It’s all filled in.

Dugan – Relating to the affordable units what are the different styles with the affordable units?

Glynn – There are 4 different style homes and they will be mixed between the styles and bedroom count. On the plan there will be lots that aren’t house lots. There will be an HOA with some association dues and will be to maintain those areas. The paved part of the road is conforming to subdivision standards; we are looking for a waiver for the layout part of it because it is less. It’s safe for fire trucks, snow plows and garbage trucks.

Foreman– So the layout conforms?

Glynn – No, the layout does not but the paved part does. The road layout is 2’ less on both sides at 40’ instead of 44’.

Borselli – We treated this road as a subdivision road as far as width alignment and grade. The design and infrastructure of the road are in accordance with by-right subdivision regulations. There’s no need to ask for waivers from those. We went through the initial comments from the Town Engineering and I think we addressed about 90% of his comments. We went through the peer review and there are a couple of loose ends regarding drainage but almost everything was addressed.

Foreman – Steve Rafferty had concerns about the water resource protection district, can you comment on how that is being addressed?

Borselli – I didn’t really agree with Rafferty’s comments. We are about ½ mile from the waters of Long Pond, which is the nearest receding waters. We believe that the drainage is in accordance with the
zoning by law and the septic tanks are designed to meet Title 5 standards. I’m not aware of any other regulations that would require enhanced nitrogen treatment.

Zylinski - There are several “yes” and “no” questions. No one has filled it out: I’m curious why that’s not filled out correctly? It still isn’t complete.

Glynn – I don’t know why; it’s not printing out.

Borselli – We are not in a Coastal Pond Overlay District, Zone II or a Water Resource Protection Overlay District.

Dugan - Can you review that section, fill it out and submit that page again?

Borselli – I know that that page has to be filled out correctly, but you can check these overlays on the GIS map. We aren’t in those overlays. We are in a Resource Protection Overlay and we know that.

Zylinski – If the application is filled out completely then we don’t have to ask the questions.

Hurrie – Please review and resubmit for the next meeting.

Stockman – Do you plan to have the roadway be constructed so the town could accept in the future?

Borselli – Yes. We were curious to why there were comments made that snow removal or trash pickup wouldn’t be available. You won’t know the different between this road and others.

Dugan – Do you have a price structure set regarding the HOA?

Michael Solimando, developer – No, not yet because I don’t know what will be included. Once we have those parameters than we can set up a budget.

Foreman – Can the houses be shifted to the north to give #28 space from the mailboxes and bus stop?

Solimando – It is an idea. I thought we could have that towards Brick Kiln Road.

Borselli – We could look at shifting the shelter but we would have to get permission from the Board of Selectmen to have it in the roadway layout. There also might be a way to centrally locate the bus stop within the development. That may be safer too.

Solimando – I would have to check with the postmaster to see if that would work; sometimes they like mailboxes to be at the beginning of a roadway.

Foreman – That may be a better idea. I don’t like the idea of people queuing up on Brick Kiln Road.

Public Comment –

Mary Donston - I am the Donnellans daughter and wish them to address #3 from Attorney Ed Kink’s letter. Mr. Glynn had mentioned it is a very wooded area but all the trees on the planned development will probably have to be cut down. Another concern is the retaining wall by lot #25. Who will be taking
care of this after being built? We expect our tree roots etc. not to be destroyed if built. Does this being built up cause storm runoff into our property, especially the eastern corner by #23?

Glynn – Their house is over 100’ from the lot line and is very much buffered.

Foreman – I don’t think it’s fair to cut out their property as a buffer; it’s your development, you provide the buffer.

Glynn – They want a fence, and I don’t think that it sends a good message.

Zylinski – What is this message and who is that message being sent to?

Glynn – It sends the wrong message that there is something wrong with the people in this development.

Hurrie – We wouldn’t be looking at fencing in the entire property it would just be along the Donnellan’s property.

Borselli – We could preserve as much as we can and then supplement with trees and plantings for more of a buffer.

Glynn – The proposal is to have a solar light package. It won’t create a lot of light pollution but there will be some lights.

Solimando – We used them in the last development, and they were well received and run on solar. These poles are 6’6” and the light is about 17-18”. The lights will be in front of the homes and the homes are at least 10-15’ high. I can cut back but I thought this would work.

Foreman – You are proposing 1 post per lot?

Solimando – Correct.

Foreman – Any lighting at the back of the houses?

Solimando – No.

Stockman – You can condition no spotlights.

Borselli – Its downhill from their property and we can play with the slopes. The wall there is a landscape feature but can be eliminated.

Foreman – Is that the reason that you need to remove a lot of the trees because of the regrading?

Solimando – Yes, that is correct. We will try to save what we can but if you cut a root that tree has to come out. You can’t just leave it there. You don’t know where the roots are. There are a lot of trees that we can save in the open space.

Zylinski – Is it possible that the build out is too dense to afford the project any vegetation?

Solimando – I think we are comfortable with what we have.
Hurrie – Will the peer review be at the next meeting?

Stockman – Yes, I have been in touch with the peer engineer and March 18th would be the next available date.

Foreman made a motion to continue to March 18, 2021. Van Keuren seconded the motion. Motion carried 5-0.

Roll Call Vote - Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye

All in favor.
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Zoning Board of Appeals  
Virtual Meeting – Town Hall  
Minutes of February 4, 2021 at 6:00PM  
Zoning Administrator: Noreen Stockman  
Present: Hurrie, Dugan, Van Keuren, Barry, Foreman, Zylinski, Morse

#072-20 Murphy, 40 Oyster Pond Road, Falmouth — requesting a Special Permit to raze and rebuild the detached garage, adding living space above

Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zylinski

Dugan read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Water – water service should be inspected and have a minimum size of 1"

Health – assessed at 4 bedrooms, 4 bedroom septic, room above garage meets the definition of a bedroom, plan shows proposed cased opening in the TV room eliminating it as a bedroom, no increase in flow – health has no issues with the proposal

Planning – no comments

Engineering – standard comments

Conservation staff - attached comments and approved permit from ConCom

Fire – The Fire Department has no issued with the project as drawn

**Correspondence** – None

Kevin Klauer, attorney for Applicants – The owners are seeking permission to raze and reconstruct the nonconforming detached garage. The lot is 22,480s/f located in the Single Residence B zoning district. It is subject to approval from Conservation as there is a vernal pool at the rear of the property. The existing dwelling is a 4- bedroom single family dwelling, with a detached garage. The lot coverage by structures is 9.3% well below the allowable and nonconforming to the side yard setback at 3.8' but otherwise conforming. They are seeking to improve the usefulness and aesthetics of the property by razing and rebuilding the detached garage. It will be located in the exact location, same size but the space above will add additional space to use as an office to work from home. One of the bedrooms in the main house will have a cased opening eliminating that room as a bedroom; bedroom count will remain at 4. Klauer stated the project meets criteria of 240-216.

**Board Discussion** –

Foreman – Will this have 2 means of egress?

Klauer – There will be 2 forms of egress through the garage on the 1st floor.

Foreman – Can we get something from him in writing confirming that? It would be nice to know that the Building Commissioner approves of the forms of egress.

Klauer – Okay.

Dugan – I would emphasize Ken’s comments about the 2 means of egress. Is there a specific reason that they are putting in a set of slider to access the garage instead of just using the garage doors?
Klauer – I’m not aware of any specifics, I think it’s more for aesthetics.

Dugan – Do they have any future plans of finishing off that lower space since they are putting in those sliders?

Klauer – No.

Dugan – Are there any plans for heat on the lower level, or will it just be the second floor?

Klauer – I don’t know.

Dugan – Can you find out about that? The 3.8’ setback, is that to the foundation or to the overhang? On that 3.8’ side yard setback the roof overhangs farther than the sidewall.

Stockman – When you have an encroachment the survey should be to the overhang not to the foundation wall. You need to confirm where it was measures to.

Dugan – Do you know?

Klauer – I don’t but it was confirmed that there will be no heat on the first floor.

Dugan – That will need to be confirmed and if need be adjusted on the plans.

Hurrie – On sheet A1.1 there is the entrance way and looks like there is a stairwell going up to the second floor, is that correct?

Klauer – Correct.

Hurrie – Is there access to the garage directly from there?

Klauer – It appears not.

Hurrie – Is that a window next to that door or is it another egress?

Klauer – It’s a window but depending on the size it could be used as another form of egress.

Stockman – The architectural plans indicate 2 stairs on the side of the garage and the plot plan does not show those.

Barry – On the side where the garage is, how close is the abutter’s house?

Klauer – I believe it is a good distance away.

Barry – I’d like to see a map showing that, more specifics.

Dugan – You need to include drywells on the plan too.

Zylinski – With the vernal pool in the back are there any undue issues with drainage?

Klauer – Not that I’m aware of, ConCom did approve this project.
Public Comment

Wendi Buesseler, Executive Director of Oyster Pond Environmental Trust—We are the owners of the properties behind this where the vernal pool is. We are very concerned about the vernal pool and we hope that something can be done to ensure that pool is safeguarded.

Dugan – When ConCom looked at this they aren’t looking at the use or other changes because it’s staying in the footprint, correct?

Stockman – They would not be looking at the issues that BOH is looking at. I think the drywells should be put on the plans that engineering can review.

Dugan – The vernal pool needs to be demarcated on the plan and we need more information regarding drywells and drainage. It is a concern that it is very close to that wetland.

Buesseler – It is a certified vernal pool which gives it an extra layer of protection.

Barry – Can you give us some background as to what that the different distinctions mean, a vernal pool versus a certified vernal pool?

Buesseler – When it gets certified you have to prove that it’s a vernal pool which means animals depend on it for their life cycles. There are certain species of eggs that we have identified there and that was enough to make it a certified vernal pool.

Barry – If something were to happen from this site and it had a negative effect on the vernal pool. Would we be able to remediate that or would it be completely gone?

Buesseler – It’s a substantial sized pool but we do have to be careful of runoff. I think ConCom can answer that better.

Dugan – It says on the ConCom application that this project was for the removal and rebuild of a garage. Would that change if they knew there was habitable space above?

Klauer – Typically no, they usually don’t get involved with the use of a building.

Dugan – When you’re adding the dormers to the right and left it does look like you are going to have to do a significant amount of tree trimming on that sideline.

Klauer – That’s been discussed with the abutters and they have agreed.

Dugan – Can you submit a note from them regarding that and I’d like to know about the slider.

Klauer – I believe the slider is just for aesthetics.

Foreman made a motion to continue to February 25, 2021. Van Keuren seconded the motion. Motion carried 5-0.

All in favor.
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#072-20 DeMello / Feldmann, 15 Hawthorne Court, Falmouth – requesting a special permit to construct an addition, detached garage and remove front covered porch and replace with a raised deck.

Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zylinski

Dugan read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Water – The water service should be inspected and upgraded to 1” diameter if needed. Any detached structures must have a separate 1” water service

Planning – no comment

Assessors – no comment

Conservation - Conservation Staff recommend the applicant files a Request for Determination of Applicability with the Conservation Commissioner to seek permission from the above proposed activities within the flood zone

Health - Property is on Town Sewer – septic system shown has been abandoned per combined LPSSA permit #LPSSA239. However, this permit is open and should be closed by contacting the Wastewater Division and Building Department

Engineering – standard comments, comply with section 99-1, comply with ‘Soil Erosion and Sediment Control Standard Conditions’

Fire – The Fire Department has no issues with the project as drawn

Correspondence – none

Kevin Klauser, attorney for Applicants’ – The owners are seeking a special permit to alter the dwelling which is located in Falmouth Heights on a lot of 7,500 s/f in the Single Residence C zoning district. The current dwelling is 5-bedrooms with a footprint of 1,679 s/f. The property is nonconforming to the front yard setback at 19.3’ and lot coverage by structures at 22.6%. The Applicants have been in this house for a few years now and are seeking approval for changes; an addition to the rear, a detached garage and renovation of the front porch. Lot coverage by structures will be increase to 25% and there will be no impact on nonconforming setback. The bedrooms will be reduced from 5-4. This approval will provide the Applicants with needed additional storage. The property is located within an AE 13 flood zone; we submitted a FEMA cost worksheet and appraisal. There was a question as to whether or not the garage should be calculated in the worksheet and that answer is no, it is not part of the main structure, it is detached with no habitable space. This project meets the criteria of 240-216 and 240-69 E. We did submit a lot coverage worksheet for 45 surrounding properties; 19 homes have larger footprints and 28 have larger gross floor areas. The average lot coverage is approximately 25.2%. This property is also located within the Little Pond Sewer Service Area. This was approved by Conservation last week.

Board Discussion –
Dugan – What is the 8’ easement that is shown on the plan?

Klauer – There was an easement granted in 1975 because there was a cesspool that straddled the lot line. That easement allowed the owners of the abutting property to come onto that easement to make repairs to the cesspool which has since been abandoned.

Dugan – Is the easement considered abandoned or is it still active?

Klauer – I think it’s abandoned, it’s not an exclusive easement.

Dugan – You mentioned that the FEMA worksheet doesn’t include the new garage because it’s a detached structure; is that the reason that you’ve made this detached instead of attached? It is 1’.7” from the dwelling which is not a lot of space.

Klauer – No, I don’t think that is the reason. Those were the plans before the FEMA worksheet was done. I don’t think it would be practical to attach it to an elevated deck.

Dugan – Can you tell me how someone would access a 1’.7” space that’s between the garage and the deck?

Klauer – Not sure, that was the plan before it came to me.

Dugan – How do they get the shingles on the exterior? It appears there is no common sense reason that you would make something closer other than not connecting it because it would become part of your FEMA worksheet. There is no way to access that. Sitting it that close seems unreasonable. Is this 5-bedrooms?

Klauer – It is 5 now but it’s going down to 4.

Dugan – Is that because it wasn’t certified under the LPSSA?

Klauer – No, they are combining 2 of the bedrooms to make a master bedroom on the 2nd floor.

Dugan – When they were putting the sewer system in, there was a certification that had to be done if you were above the allowable 4 bedrooms in order to carry the system. If they’re going to 4 bedrooms are they giving up the right of the original 5 bedrooms?

Klauer – Yes they are doing 3 bedrooms and a master suite.

Zylinski – Is this a standard septic system?

Klauer – It’s been abandoned.

Zylinski – The plans show an existing location of a septic system.

Klauer – I believe it has been abandoned. They are on sewer now that is the location of where the existing septic was.

Dugan – It looks like they still have an open sewer permit from their original connection.
Zoning Board of Appeals
Virtual Meeting – Town Hall
Minutes of February 4, 2021 at 6:00PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Foreman, Zylinski, Morse

Klauser – It has been closed.

Dugan – But that is through the building department right?

Klauser – Yes.

Dugan – It has to be closed out at Wastewater too.

Foreman – Can Attorney Klauser walk us through what would happen if the garage was attached?

Klauser – If it was attached it would have to be worked into the worksheet I’ve been told it won’t be a problem and it will be detached.

Dugan – I would love to hear from the contractor on how they can build so close to the deck. If that is attached you aren’t going to meet the FEMA threshold and would have to bring it into flood compliance.

Klauser – If the garage could be shifted to the south that would give you about 3’.

Foreman – I just don’t want to run into a problem where they begin building this and all of a sudden the structure has to be attached.

Dugan – Do you have any examples in the Town where something has been constructed this close?

Klauser – The contractor will have a responsibility to construct it. The upkeep or construction isn’t something within the Board’s purview. If my client is willing we may be able to shift the garage a bit further to the south.

Foreman – That might make me more comfortable - having that extra space.

Zylinski – Is it to maximize deck space having it that close?

Klauser – I’m not sure, I usually am not involved with the design part of it.

Zylinski – If this is something that they are allowed to do but may be problematic it’s a loophole that someone is jumping through to be able to not have to attach the garage. If it’s legal, what is our authority?

Dugan- We should find out what is allowed, give me an example of a structure that is this close to another structure.

Van Keuren – It shows the roof coming over on one of the drawings, it looks like the roof is almost touching the deck.

Stockman – When you have a garage in close proximity to your dwelling but not attached to, there is additional protection like firewall protection, so if something were to ignite in the garage, it would not transfer to the main house.

Public Comment –
Tom DeMello, property owner – This is the first time any issues have come up with the FEMA worksheet and the setbacks. We put it slightly off the deck because we didn’t want to bump into the overhang. If there is space to move toward the property line, that would seem like an easy solution. It was always going to be a detached garage.

Dugan – Setbacks needs to be shown to the overhang and not to side of building.

Hurrie – We would be looking for the garage to be moved closer to the south side of the property.

Dugan – I’d like to get some information on how close you can have a detached structure. Drywells shown on plan. Confirmation from Amy Lowell that house will be 4 bedroom and not 5.

Stockman – I believe that if you are less than 5’ from a structure there are extra measures that are required for fire protection.

Dugan made a motion to continue to February 25, 2021. Van Keuren seconded the motion. Motion carried 5-0.


All in favor.
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Zoning Board of Appeals
Virtual Meeting – Town Hall
-Minutes of February 4, 2021 at 6:00PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Foreman, Zylinski, Morse

#074-20 McGourty, 10 Cypress Street, Teaticket – requesting a modification of special permit #066-19 to allow modifications to previously approved plans

Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zylinski

Dugan read the ‘Notice of Public Hearing’ into the record and read the following referrals:

Planning – no comment

Fire Department – The Fire Department has no comments with the project as drawn

Engineering – standard comments, condition #3 of original permit should remain

Correspondence – None

Michael McGourty, Owner / Applicant – I was approved for a plan in 2019, and I had to request a FEMA change for a flood map which we were able to get corrected. In the process, we came up with a new plan; it’s not as boxy as our first design, which was more of a gambrel style. We have covered all of the issues. The road was put in as well as extensive draining. The house design is different, the bedroom count and footprint will stay the same.

Board Discussion –

Dugan – Thank you for adjusting the boxiness.

Hurrie – You have family members on the road?

McGourty – Correct.

Public Comment – None

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

Roll call vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye

Dugan made a motion to approve application #074-20. Van Keuren seconded the motion. Motion carried 5-0

Findings:

1) Meets 240-3 C., 240-69 E. and 240 -216
2) Applicant had to modify the placement of the house due the flood zone requirements so that he would not lose basement area
3) Changes to architectural design
4) Condition #3 in original special permit to remain
5) Front yard setback – 20’, lot coverage by structures will slightly increase to 23.75%
6) No new configuration in the house
7) Roadway is installed

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Zoning Board of Appeals
Virtual Meeting – Town Hall
-Minutes of February 4, 2021 at 6:00PM
Zoning Administrator: Noreen Stockman
Present: Hurrie, Dugan, Van Keuren, Barry, Foreman, Zylinski, Morse

Conditions:

1) Per revised plans
2) Comply with engineering comments - #3 in original special permit
3) Engineering to inspect drywells while open

All in favor.
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Open Meeting

1. Vote minutes: January 7, 2021 and January 21, 2021
   Minutes January 7, 2021 – Dugan made a motion to approve the minutes from 1/7/21.
   Van Keuren seconded the motion. Motion carried 7-0.
   Roll Call Vote: Roll call vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye,
   Zylinski – Aye, Barry – Aye, Morse - Aye
   Minutes January 21, 2021 - tabled

2. Review Draft Decision with possible vote #059-20, Kelly, 165 Acapesket Road, East Falmouth
   Voting Members: Hurrie, Foreman, Dugan, Van Keuren, Zylinski
   Dugan made a motion to reopen application #059-20. Zylinski seconded the motion.
   Motion carried 5-0.
   Roll Call: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye
   The Board discussed their concerns with the Applicant.
   Zylinski made a motion to extend to 10:00 PM. Dugan seconded the motion. Motion carried 7-0.
   Foreman made a motion to continue the hearing to March 11, 2021. Van Keuren seconded the motion. Motion carried 5-0.
   Roll Call Vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye
   All in favor.

3. Request(s) for Insufficient Change, Locustfield, LLC (the “Applicant”), for Beach Plum Path (formerly known as 430 Locustfield Road, #006-19) Modifications to previously approved plans
   Voting Members
   Zylinski recused.
   Stockman – The request was remanded back to you from the Housing Appeals Committee to reconsider the changes that you have considered to be substantial. The Applicant had originally proposed the bonus room above the garage to be a little over 700s/f, and that square footage was reported as a typographic error, where it is actually just over 200s/f. The bonus rooms will be 3 market units and 1 affordable which would be the correct distribution.
   The Applicant is also requesting to finish the basement space, in part or in full, and some leeway for minor interior changes. The remand request was forwarded to the Board members. The Applicant also opted to forgo the porch at the rear.
Dugan – We asked for this information at our last meeting, did they submit anything?
Stockman – They are not seeking to make specific interior changes. I had an owner of one of the units reach out to me inquiring whether if the bathroom was too small, could it be enlarged. That would be a minor change.
Foreman – As long as they aren’t changing the bedroom counts, let them make interior changes.
Stockman – As a negotiation, the rear deck will not be improved as a screened porch or sunroom.
Dugan – That will have to be put in the approval that they have deleted that request for the rear room.
Stockman – Yes and the Comprehensive Permit is actually your deed restriction; it limits the number of bedrooms.
Dugan – I would like to see something that the basement not be used as a bedroom.
Dugan made a motion to move past 10:30 PM. Van Keuren seconded the motion. Motion carried 5-0.
Roll Call Vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye
Foreman made a motion to accept the proposed changes as insubstantial, with a bonus room, limited to 3 market and 1 affordable buildings, not to exceed the corrected square footage of approximately 270s/f, option to finish basement space, minor changes to layout, no increase to bedrooms, no enclosing of the deck space and basement area not to be used as a bedroom.

4. Request(s) for Insubstantial Change,

Request for Insubstantial Change, #035-07 Forest Cove Condominium Trust / Celeste Evans 637 Gifford Street, Falmouth – request to allow a 24”x 34” sign
Foreman made a motion to accept as an insubstantial change to allow the proposed sign.
Van Keuren seconded the motion. Motion carried 5-0.
Roll Call vote: Hurrie – Aye, Foreman – Aye, Dugan – Aye, Van Keuren – Aye, Zylinski – Aye
All in favor.

5. Board Discussion

Foreman – There are some proposed changes to the solar overlay district that clears buffer areas which I don’t think is a good idea. There is a meeting in March regarding this. Does the Board want to send letter to the Planning Board in opposition to this bylaw?
Stockman – I know there is a proposal in front of the Town for the existing golf course that is proposing to be used as a solar array.
Foreman – I feel it’s a bad idea to change bylaws for a particular project. We could send a letter, that I wouldn’t mind drafting, and send it to the Planning Board for the record.
Barry made a motion to draft a letter and provide to the Planning Board in opposition in changing the existing bylaw for solar arrays. Van Keuren seconded the motion. Motion carried 7-0.

6. Board Updates
Zylinski – Is the Board going to be able to speak in a group so we can discuss the Boards procedures privately; can we do that in Executive Session? How is it going with setting up a meeting with the Building Commissioner?
Stockman – We are looking at a meeting in March but it has been suggested that there should be a small meeting with 2 people first.
Zylinski – Who has made that request, was it Town Counsel?
Stockman – Yes.
Zylinski – Who is our representation if Town Counsel is requesting that?
Dugan – They will need to let us know in advance who they are representing and if they are not representing us we will need representation.
Zylinski – Will our liaison be there?
Stockman – I’m not sure; I have made the request. I would think that Town Counsel would help iron out issues.
Barry – What is the purpose of a pre meeting? We were talking about people having coffee with other people, and if you have 4 or more now, you have a quorum issue. We should be able to do that if we are a Board.
Stockman – I think Town Counsel was trying to avoid a quorum issue.
Dugan – If we have a meeting, we are going to have to discuss a multitude of specific cases.
Stockman – You can’t discuss specific properties. I think there should be some initial discussions.
Barry – We discussed at our last meeting all sorts of things on our Saturday workshop. Thomas Bott and Julian Suso were there. There was discussions about concerns. If we are going to talk about personnel issues that is an executive session. We should have it outlined on what we plan on talking about.
Dugan – Can’t we respond to them, and tell them that we don’t feel comfortable having a meeting with only 2 people.

7. Future Agenda Items – Next meeting February 11, 2020 at 6:30 PM

Meeting adjourned 10:40PM.

Respectfully submitted,