

Zoning Board of Appeals
Minutes of July 20, 2023 at 6:30PM
Zoning Administrator: Noreen Stockman
Present: Morse, Potamis, Finneran, Murphy, Duffy, Petrucci
Absent: Peterson

Public Comment – none

Ms. Murphy was Acting Chair, in Mr. Morse's absence.

(Continuation)#042-23 Reppucci / Briones, 24 Prospect Street, Falmouth – requesting a modification of Special Permit #042-96 to utilize the Premises as a single-family dwelling, and to allow additional habitable space on the second floor of the detached garage

Voting Members: Morse, Murphy, Finneran, Potamis, Petrucci

Murphy read a letter submitted to the file from Todd Davis, 55 Counting House Way, immediate abutter.

Kevin Klauer, attorney for Applicants – The Applicants are seeking permission to modify Special Permit #042-96, that allowed a 2-family use of the primary dwelling, and no habitable space above the garage. Since our last meeting, we have revised the plans to reduce the size of the deck, and added a 6' tall privacy fence that will be installed along the back of the deck, facing the abutter's property on Counting House Way. This proposal is a reduction in use, as it's going from a 2-family, down to a single-family. There are no concerns from the Health Department, it's in line with the neighborhood, and is supported by the majority of the neighbors. There are 10 letters of support in the file, and we believe the changes that have been made will satisfy the Board and the abutters. The only change this request really makes is the removal of the existing Special Permit that allowed the 2-family use, and to remove the condition regarding alteration of the garage. No new nonconformities will be created, and it eliminates an existing nonconforming use.

Board Discussion

Petrucci – The plan that has been submitted is not scaled, and the revised deck is not dimensioned; is there a reason for that?

Klauer – I only get what the architect gives me, but we will have to meet the Building Department's requirement for a building permit.

Petrucci – The letter states that the deck will be reduced, but it doesn't show what it will be reduced to on the plan; the site plans still shows the old dimensions.

Klauer – We have not revised the site plan to reflect this yet.

Petrucci – There can be a lot of confusion if these don't match; a scale should be added to the floor plans and site plan, is that agreeable?

Klauer – Yes.

Petrucci – The screening that is being proposed is only along the back of the deck; is there a reason why the screening would not cover each corner of the deck?

Klauer – I think it's from an airflow perspective. The Board didn't specify that at the last hearing. I thought that the proposed screening would be sufficient. If that's the difference in getting the project approved or not, then we could wrap the deck.

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Petrucci – That is my concern. Looking at a photo to the left of the door, what type of lights are on the outside?

Klauer – There is no light currently.

Petrucci – Will there be a light?

Klauer – We would be happy to install dark sky compliant lighting.

Petrucci – What type of material is being proposed for the screening?

Klauer – I don't know; it would be aesthetically appropriate, but I would leave that up to the architect.

Petrucci – With respect to the original permit, you were allowed a sink and a spigot. This plan indicates a 3\4 bath. We define bedrooms by Title 5, and by definition this is a bedroom. Would the Applicant be willing to eliminate the bathroom altogether, and keep a spigot or sink on the first floor?

Klauer – We did anticipate this being counted as a bedroom, which is why we eliminated a bedroom in the house.

Petrucci – Did you apply for an accessory apartment?

Klauer – There are no cooking facilities there, and it's not intended to be used as an accessory apartment. We'll be glad to include a condition that it not be separately rented out.

Murphy – I wish that you stayed with the spigot on the first floor. Do you have a permit for the charging station outside of the garage?

Klauer – If there was work done, it would have been done pursuant to a building permit.

Finneran – I looked in the back yard of the abutter, and I believe that the abutter has an argument. When we discussed this at the last meeting, we proposed screening at the back deck.

I'm not against giving the space, but I don't think it should be at the expense of the abutters.

They have had trouble with it before, and at this point, I wouldn't vote favorably for this. I would be happier if there was just a landing; I don't see why this wasn't put in the front. The deck wasn't reduced enough. I think a door, landing and screening would be sufficient.

Klauer – At the last hearing, I said that we would talk with the architect; there is an airflow issue from the back to the front which is why they would like to keep the window; the window is being kept in within the screened area.

Finneran – If this was moved around to the front of the house, you could have a window. I believe their complaints are legitimate, it seems like you can make this deck smaller.

Potamis – I think they came back with the changes as we requested. I think they have complied with our intent, and I would be inclined to vote in favor.

Public Comment –

Todd Davis, 55 Counting House Way – We did review the revised plans, and we find that they do not quell our qualms. We have expressed willingness to work with the Applicants but our suggestions were dismissed. The Board's recommendations were not addressed in the plans. If their intent is just to enter into the space and use it as a gym, why are they so concerned about keeping the length of the deck. If you left the deck as is, and eliminated the window, it would be 3' shorter, if a 2-way door was installed. The door that they have in the pictures is not a utility door. We are opposed to any bedroom designation for that room and the proposed bathroom.

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History can repeat itself. It has nothing to do with Mr. Repucci or his wife, it has to do with the usage; things change, people's attitudes change, times change, and property ownership changes. I'm against the deck in the back; they can move it to the front of the gable end like I suggested, or they can add a dormer. We don't want a bathroom up there, and we feel that their argument holds no weight.

Margaret Davis, 55 Counting House Way – Nothing that was requested at the last hearing were addressed. We were trying to work with them, but I believe there should be no bathroom and no bedroom. I think you should consider why the previous decision was made.

Finneran – I didn't see any stakes for the back lot line. It appears that it doesn't agree with this print.

Repucci – There are stakes on the other side of the fence.

Finneran – There is a fence on the back corners of the property?

Repucci – Yes, it's the abutter's fence, and it's actually on our property. If the Board didn't know about this, we also have a shared driveway, and we share it with the abutters to the right of us.

The big surprise is should be how the previous Board allowed a 2-family use here; we have a tiny lot. We are asking for a reduction in usage, and we are asking for 300 sq ft in the garage for a workout room. The Board of Health had us case an opening in the house, because this counted as a bedroom. It is not a considerable impact. A considerable impact are 3 cars sharing one driveway, backing out onto the Prospect Street. There are no 2 family houses on Prospect Street except ours. I have 10 letters supporting this application, which includes abutters on both sides. This is a reduction of usage and we have made considerable accounts for the abutters. If we don't get this then we have the whole deck. I would think this is better and it's a reasonable proposal.

Klauer – The original permit was done under the conversion Bylaw. We are trying to reduce this to a single family; the Board of Health agreed with casing the opening to one of the bedrooms in the main house. It's a convenience to have the bathroom above the garage, and I think there could be some further modifications made.

Potamis – I think they have made some considerable changes and we can condition that it not be a bedroom or accessory apartment. I don't like to speculate what can be done, and if people abuse it, they can go to the Zoning Enforcement Officer. I think it's an improvement. I don't see what the benefit would be to additional screening along the stairs.

Duffy – It's been represented as a 2-family since 1996. Is it being used as such now?

Klauer – It hasn't been for the last few years.

Finneran – The 2 family was allowed in the front, but the garage was being used as an illegal apartment; then enforcement issues started.

Klauer – That was my understanding.

Finneran – Then it was conditioned to not be used as habitable space. If we are going to allow this extra space, I don't think that it should be a detriment. I think you should go with a landing and door in the back, and remove the deck.

Morse – The bathroom for me will be problematic; it invites a greater use of the space. I appreciate the steps with the privacy screening. My hang up is the bathroom.

Murphy – I agree with Mr. Morse.

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Petrucci – I think the screening should be brought around the corner, and I agree with the comments on the bathroom. The plans that become a part of this should have the site plan corrected to show the deck, and the plans should be dimensioned and scaled.

Murphy – Can the window go anywhere else?

Klauer – You can't put it on the side of the garage; they could move the window, but then it would be overlooking the abutter's yard.

Todd Davis – I believe the Board said that the door should be located as close to the edge as possible, and putting the window in only makes the deck larger, so the window in that spot is not compliant with that request from the Board. There are other options that they can look into, such as a dormer in the front.

Murphy made a motion to continue application #042-23 to September 7, 2023. Potamis seconded the motion. Motion carried 5-0.

All in favor.

Application #	Applicant Name:	Address:
04223	Renucci / Brione	24 Prospect St
Document (s) Submitted:	Date Submitted:	Submitted By:
Application/fee	5/18/23	Klauer
Owner authorization	}	}
C/C calculations		
Previous SP #4296		
(9) copies site plan		
(9) sets. arcl. plans		
Request Abutters	5/18/23	(initials)
Request referrals	5/18/23	(initials)
Referral - fire	5/19/23	(initials)
photos Ex. garage	5/19/23	(initials)
Referral - H2O	5/19/23	(initials)
Rec'd Abutters	5/24/23	(initials)
Referral. Eng.	6/8/23	(initials)
letter of support - Wightman	6/15/23	(initials)
letter of support - Mackenzie	}	}
letter of support - O'Keefe		
letter of support - Locascio		
letter of support - Cuhnan		
letter of support - Spector		
Referral - Health	6/27/23	(initials)
Referral letter of support	6/23/23	(initials)
letter of support	6/21/23	(initials)

letter of support
Nathaniel

letter of support
deanna

letter w/ comments (mercurie)

6/26/23

6/29/23

(initials)
(initials)

2019 Decision
W. Stockman
6/29/23

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#045-23 Blakeman, 64 Cypress Street, Teaticket – requesting a Special Permit to remove the existing deck, and construct an addition and a detached garage, exceeding 20% lot coverage by structures

Voting Members: Murphy, Finneran, Duffy, Potamis, Petrucci

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

Wastewater -Property is connected to sewer in Little Pond sewer area. It looks from the plan as though the existing sewer connection will not need to be modified for the addition. Plan does not involve increasing the number of bedrooms (and even if the family room were considered a bedroom, that would only bring the # of bedrooms to 4), so no flow neutral variance is required.

Planning – no comment

Engineering - standard comments; drywells are proposed as recommended, the new roofs should be connected to the drywells; there is no indication of that on the plans; project shall comply with the Town’s “Soil Erosion and Sediment Control Standard Conditions”

ConCom – no comment

Email from S. McGann [Health] dated July 20, 2023

Correspondence – none

Jonathan Polloni, attorney for Applicants – We are asking for a Special Permit under 240-11.3A (4) to exceed lot coverage over 20%, and up to 25%. The lot is located within the Residential C zoning district and is a legally nonconforming lot of 7,200 sf. Presently, the lot is improved with a single-family dwelling built around 1960. There was a rear deck added onto the home at some point. The existing lot coverage by structures is 19%, and currently the home has 3 bedrooms; that is not planning to change. The Applicants are planning to add an addition onto the back, to be used as a living room, and to add a detached garage that will serve off of the driveway. This will add square footage which will put us over the 20%, but we will be under the 25%. The height of the garage is 11’5”, and fits with the existing residence. There will be no change to the ridge height of the existing dwelling. The bulk calculations shows that this proposal fits within the neighborhood; there are other homes along Maravista that are also over 20%. Attorney Polloni opined that this proposal meets the criteria of 240-11.3A(4), 240-10.2A. and 240-12.1E.

Board Discussion

Petrucci – The changes appear to be similar in the neighbor and not more detrimental. Will the official plans be scaled?

Polloni –Yes, we did submit large copies that are to scale. They will be scaled when they are submitted to the Building Department.

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Finneran – It's certainly a reasonable request.

Public Comment – None

Potamis made a motion to close the hearing. Duffy seconded the motion. Motion carried 5-0.

Duffy made a motion to grant application #045-23. Finneran seconded the motion. Motion carried 5-0.

Findings

- 1) Lot is 7,200 s/f, located within a Residential C zoning district, and the Great Pond Coastal Pond Overlay
- 2) Public Road
- 3) Existing lot coverage is 19% / 23.8%; proposed is 24.38% / 29.2%
- 4) Testimony – proposed garage height 11'.5", existing house is 13'.7"
- 5) Property sewered
- 6) No change in bedroom count
- 7) Lot coverage worksheet submitted

Conditions

- 1) Per plans
- 2) Comply with Engineering Department's comments
- 3) As-built to be submitted prior to final sign off

All in favor.

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Absent: Peterson

#048-23 Pieri, 196 Metoxit Road, Waquoit – requesting a Special Permit to construct a detached garage exceeding 900s/f in size, and located within the front yard more than 50' from the front property line.

Voting Members: Murphy, Finneran, Duffy, Potamis, Petrucci

Murphy read the 'Notice of Public Hearing' into the record and read the following referrals:

Assessors' – no comment as presented

Planning – no comment

Water - No water will be connected to the proposed garage. Confirm the proposed drywells are not located within 10-feet of the existing water service connection to the house

ConCom – no comment

Email dated 7\20

Correspondence - none

Nathan Pieri, owner / Applicant – We are on 3 acres, and the garage will be on the lower third of the property. It will be setback 127.8' from Metoxit Road; it's a heavily wooded lot and it's 89' from our closet neighbor, and it won't be visible from the road. The garage is a 3-car garage with a workshop and a bay for boat storage and is 1,540s/f. It's a 2-floor structure, and the idea is to put some unheated storage space on the second floor. The height will be 22' or below. The reason for this garage is that we have a 1941 Cape Style house with little storage, and we have 3 cars and a boat that we would like to store in the winter. We may change some of the ceiling and roof pitches, but the footprint will be the same. Per the Water Departments comments, I can confirm that the drywells are more than 10' from the water service.

Board Discussion

Finneran – He certainly has enough property to do what he wants.

Petrucci – What is the height from the floor to the collar ties?

Finneran – It looks like its 7'.6".

Petrucci – Would you be amenable to a condition that states the 2nd floor of the garage is not be used as a bedroom?

Pieri – I wouldn't have a problem with that.

Potamis made a motion to close the hearing. Finneran seconded the motion. Motion carried 5-0.

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Present: Morse, Potamis, Finneran, Murphy, Duffy, Petrucci
Absent: Peterson

Finneran made a motion to approve application #048-23. Duffy seconded the motion. Motion carried 5-0.

Findings

- 1) Lot is 3.09 acres located within the Residential A zoning district and Waquoit Bay Coastal Pond Overlay
- 2) Public Road
- 3) Existing lot coverage 1.7% \ 2.0%; proposed lot coverage 2.8% \ 3.1%
- 4) Testimony - no water to garage
- 5) Testimony – not to exceed 22’ in height
- 6) Storage for 3-cars and 1 boat (4 bays)
- 7) Drywells will be more than 10’ from water service
- 8) No correspondence in file
- 9) Property located within Flood Zone(s) X, AE11 and AE13

Conditions

- 1) Per plans
- 2) Second floor of garage not to be used as an apartment without a modification of special permit
- 3) Single-family use

All in favor.

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Present: Morse, Potamis, Finneran, Murphy, Duffy, Petrucci
Absent: Peterson

#049-23 Viola, Trustee, 293 Edgewater Drive, East, East Falmouth – requesting a Special Permit to remove existing carport and construct an addition in its place, exceeding 20% lot coverage by structures

Voting Members: Murphy, Finneran, Duffy, Potamis, Petrucci

Murphy read the 'Notice of Public Hearing' into the record, and read the following referrals:

Planning – no comment

Water - the plan does not show any changes to the existing water service.

Engineering - comments, drywells are proposed as recommended; comply with Town's "Soil Erosion and Sediment Control Standard Conditions"

ConCom - The Conservation Commission approved the above referenced project through a negative determination under a Request for Determination of Applicability. The plan of reference and permit paperwork are attached.

Email dated July 20, 2023 from Scott McGann, Health Agent

Correspondence – none

Kevin Klauer, attorney for Applicants – The Applicants are seeking permission to alter the preexisting, nonconforming dwelling with a modest addition on the northeastern side of the house. This house is located towards the southern end of Sea Coast Shores, in a dense residential neighborhood. This lot is just over 8,000 s/f and is located within the Residential C zoning district. Presently, there is a 3-bedroom, single-family dwelling with an attached carport. The footprint is 1,603s/f, which is 19.9% lot coverage by structures. It's nonconforming to the front yard lot line, being 17'.9", and side yard setback to the south being 6'.6". It conforms to lot coverage requirements. The Applicants are proposing a single-story addition in place of the existing car port, which will allow for the reconfiguration of bedrooms, and the expansion of the living space. This proposal only adds 40s/f of lot coverage, and the existing ridge height will be maintained at 12'11". The proposal will not impact the existing nonconforming setbacks, and the bedroom count will not increase. Klauer opined that the project meets the criteria of 240-10.2A, 240-11.3A(4) and 240 - 12.1E. We did submit a lot coverage comparison worksheet, and out of 42 surrounding homes, we are within 10' of the median footprint, and well below the average gross floor area. This will be an improvement for the owners, and no new nonconformities will be created.

Board Discussion

Duffy – I think it's a reasonable request and will fit in the neighborhood.

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Finneran – It's a modest addition.

Petrucci – It fits well within the neighborhood.

Public Comment – none

Finneran made a motion to close the hearing. Petrucci seconded the motion. Motion carried 5-0.

Finneran made a motion to grant application #049-23. Potamis seconded the motion. Motion carried 5-0.

Findings

- 1) Lot is 8,071s/f, located within the Residential C zoning district, Waquoit Bay Coastal Pond Overlay, and within the AE12 and X flood zones
- 2) Public Road
- 3) Existing lot coverage 19.9% / 20.4%; proposed 23.9% / 24.4%
- 4) Height will be in line with existing ridge at 12'11"
- 5) Approval by the Conservation Commission
- 6) Lot comparison worksheet submitted
- 7) No change in bedroom count
- 8) Existing shed will remain
- 9) No new nonconformities will be created

Conditions

- 1) No change in bedroom count
- 2) No additional structures without prior approval from the ZBA
- 3) Per plans
- 4) Comply with Conservation's Order of Conditions
- 5) Comply with the Engineering Departments referral

All in favor.

Mr. Morse joined the hearing

Application # 549.23	Applicant Name: Viola, Inster	Address: 293 Edgewater Dr. E.
Document (s) Submitted:	Date Submitted:	Submitted By:
Application / Fee	5/20/23	Klauer
Owner authorization	}	}
L/c Calculations		
Existing photos		
(9) Copies site plan		
(9) sets arch. plans		
Request Abutter	5/31/23	AK
Request referrals	5/31/23	AK
Referral planning	5/31/23	AK
Rec'd cert. Abutter	6/2/23	AK
Referral H2O	6/2/23	AK
Referral Eng.	6/9/23	AK
Referral - Concem	6/30/23	AK
Email - S. McGane	7/20/23	AK

**Zoning Board of Appeals
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Absent: Peterson**

#050-23 Falmouth Heights Real Estate LLC., 269 Grand Avenue, Falmouth – requesting a Special Permit to enclose the existing ramp and corner porch area

Voting Members: Morse, Murphy, Finneran, Duffy, Potamis

Murphy read the 'Notice of Public Hearing' into the record, and read the following referrals:

Planning – no comment

Water - no alterations to the existing water service are proposed on the plans provided.

Engineering – comments: Applicant to obtain a street opening permit from the Engineering Department; no stormwater mitigation is required for the roof over the existing ramp; obtain license from the Select Board for work objects in the right of way; construction activated shall not cause erosion to or sedimentation into the abutting property of Town right-of-way

Email dated July 5, 2023 from ConCom

Email dated July 7, 2023 from the Fire Department

Correspondence – none

Steve Devlin, contractor –We have done a lot of improvements on the restaurant, as well as the 2 hotels on the property. Our plan over the next 5 years is to bring this property up to a better situation that it is right now. This step is to install in 5' x 53' air lock enclosure, to protect the main entry to the restaurant; it's not safe when the door opens on a windy day. The main reason for this is for public safety. It won't add any seats and the ramp already exists. There have been some incidents from the ball field, where people waiting outside have been hit.

Board discussion

Finneran – It's certainly needed and a very good idea.

Murphy – Have you applied to Conservation yet?

Devlin – Yes, I have to review this with them, because they only allow 40' within the VE zone, and this is 53'. If we have to cut it back by 13', it's not going to be a problem.

Petrucci – Do you have a license to use that 1.3' that goes into the roadway?

Finneran – They would have to go to the Select Board for a license after our approval.

Morse – Will this just be standing room?

Devlin – Yes, it will be heated, but not a "holding tank", just a place for people to stand while they wait to be seated.

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Stockman – Anything that is in the road’s layout the Select Board would license. The ramp already exists but where you’re enclosing it, a portion extends into the roadway, and you will need a license.

Petrucci – They won’t need a license if the enclosure doesn’t extend past the existing ramp, correct.

Stockman – There should still be a license granted, because the ramp already exists in the right of way. If you are shortening your enclosed entry, the enclosed entry may not exceed into the street. Are you installing doors on the entry area, or will it be open with a door inside?

Develin – The door will stay and there are doors on the end that will open out in the winter, but be left open in the summer.

Murphy – Will they effect ADA?

Devlin – We have drawings for ADA and fire.

Stockman – Can you describe what you are doing with the bump out?

Devlin – It will be within the existing footprint; right now it’s unusable, and we want to make it part of the inside, so people could wait there. We would be using the same glass; it would be a holdover waiting space, and it wouldn’t affect the footprint.

Public Comment – None

Finneran made a motion to close the hearing. Murphy seconded the motion. Motion carried 5-0.

Board Discussion –

Potamis – I’m confused, would they have to apply to the Select Board or no?

Morse –Yes, I’m conformable with conditioning that.

Potamis – Will they get Conservation approval?

Duffy – We can condition that; I would approve the 53’, and if they have to shorten it, it’s not going to be an issue.

Stockman– If they have to shorten it, we can do it administratively.

Finneran made a motion to grant application #050-23. Murphy seconded the motion. Motion carried 5-0.

Findings

- 1) Lot is 28,266s/f located within the B3 zoning district, VE15 and AE14 flood zones
- 2) Public Road

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- 3) Existing lot coverage 38.01% \ 83.67%; proposed lot coverage 39.05% \ 83.67%
- 4) No correspondence in file
- 5) Proposed height to be 11'
- 6) Existing restaurant
- 7) Encroachment into the right-of-way
- 8) Testimony - enclose main entrance due to wind and safety concerns

Conditions:

- 1) Per plans
- 2) Comply with the Conservation Commission
- 3) Obtain license from Select Board for encroachment into right-of-way
- 4) Maintain 100 seats
- 5) Construction Hours – Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 6) Work with Police Department for a detail if work is within roadway
- 7) Comply with the Engineering Department's referral

All in favor.

Application # 050-23	Applicant Name: Fal. Real Estate	Address: 269 Grand Ave
Document (s) Submitted:	Date Submitted:	Submitted By:
Application Fee	5/31/23	S. Devlin
(9) copies site plan	}	}
(9) sets arch plans		
Request Abutters		
Request referels	6/1/23	S
Email from agent	6/1/23	S
Previous SP's	6/1/23	S
Referel - Planning	6/1/23	S
Referel - H2O	6/2/23	S
Referel - Eng.	6/9/23	S
Email - Con Com	7/5/23	S
Referel - Fire	7/7/23	S
Email BOH	7/20/23	WS
Email S. McGraw	7/20/23	S

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Open Meeting:

- 1) Vote Minutes: June 22, 2023 and June 29, 2023 - tabled
- 2) Board Discussion –

The Zoning Administrator received the below email:

From: Richard Johnson <rtj04@verizon.net>
Sent: Thursday, June 22, 2023 9:47 PM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>
Subject: ZBA Hearing June 22, 2023, as follows:

“Noreen:

I just want to note that the language and statements used tonight by Marc and Suzanne was inappropriate in my opinion. They disagreed with the Parking Report presented for the Blue Moon Sea Grill, which is fair and their right, but it was not proper to cast aspersions on the author's skills and integrity; "bogus", "you can buy anything".

Sincerely,
Richard Johnson”

Ms. Murphy read a response letter into the record:

“I would like to clarify the record: One June 22, after our hearings, the ZBA received an email from an observer. The email contained misinformation, and I would like to set the record straight, as I was called out by my name; spelled wrong. The observer stated that I said the word “bogus”, and that “you can buy anything”. Neither of these statements came out of my mouth, and I challenge anyone to review the video, as this is inaccurate. I appreciate this time to clear the air, and my name.”

Finneran – I was taken aback by the statement that Ms. Murphy read, and that some of these Board Members were aware of that letter from Richard. That should have been provided to all, so we are equally informed. I don't care what is said about me, but I think that you owe Ms. Murphy an apology.

- 3) Board Updates –
Stockman - I met with Town Counsel / Administration regarding a request for Special Town Counsel. Our Town Counsel felt that they could handle a large project anticipated to be filed. Town Administration will make a recommendation to the Select Board regarding funding the ZBA request. Town Counsel has reiterated that they plan to go forward and represent ZBA needs.
Peterson – Has the Select Board voted that yet?

Zoning Board of Appeals
Minutes of July 20, 2023 at 6:30PM
Zoning Administrator: Noreen Stockman
Present: Morse, Potamis, Finneran, Murphy, Duffy, Petrucci
Absent: Peterson

Stockman – I have not heard, and have not seen it on their upcoming agenda, but I don't know if the request falls under something else.

Potamis – I wish we had special counsel for something like this.

Finneran – I think previously we have little or no help, but they came through. If they feel they can handle it, I'm fine with it, and if not, we can revisit it.

Potamis – I disagree that we have not gotten the support of Town Counsel.

Morse – Have things improved after our workshop?

Finneran – Yes.

Morse – I would agree that the receptiveness has been better.

Murphy – It's very important to have an attorney from the start.

Morse – That specific question was specifically asked, and Tobin would not be physically present, but he would watch it on TV.

Murphy – I think we will need someone strong in here, and I'm worried about it.

Petrucci – I agree with Ms. Murphy.

Stockman – MA Housing did schedule a site visit. ConCom has actually walked the property. It is heavily wooded and not ideal for people to roam. The Town has issued a letter to MA Housing with comments from the different Boards.

Morse – Is the position to accept the representation of Town Counsel and withdraw our request, and if needed, we can reach out again?

All Board Members were in agreement.

Duffy – If Town Counsel feels as though they can take it on, I would agree.

Stockman – MA Housing offers technical assistance, and there are a number of 40B specialists. The cost would be borne through fees that have been paid from communities, and we would be eligible to get some assistance. This would supplement Town Counsel but not override their role.

Duffy – The role of Town Counsel during the hearing process would not be as important as the technical assistance you could have.

Stockman – I will proceed to have discussions with MA Housing. I would recommend that we accept that offer.

Finneran – There was a mention that the Cape Cod Commission may be of help.

Stockman – I can reach out.

Duffy – They can give assistance in other areas but they don't have 40B specialist.

4) Future Agenda Items - none

Meeting adjourned 8:30PM

Respectfully submitted,

Ashley E. DeMello, Office Assistant

Board of Appeals