

Zoning Board of Appeals
Minutes of September 7, 2023 at 6:00PM
Zoning Administrator: Noreen Stockman
Present: Morse, Potamis, Finneran, Duffy, Murphy, Petrucci
Absent: Peterson

09/07/23
09:00 AM
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(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

Kevin Klauer, attorney for Applicants – We have been here on two previous occasions. We are seeking to modify Special Permit 42-96. Since the last meeting we have made some modifications to the plans which we hope will address the concerns of the Board and abutter. The plans have been modified to remove the entire 21' deck at the back of the garage and the slider has been removed; this will improve the nonconforming setback from 4.2' – 9.2'. Given the architecture, there was no way that we could move the door over in a sufficient manner to satisfy what the Board was looking for. So we opted to eliminate the door and slider in that area entirely. They have added a 36" door with a minimal platform on the side of the garage. We did maintain the privacy screening in order to protect the abutter. The bathroom has been eliminated from the space, and 2 small awning windows are proposed up high, to provide air flow and sunlight, and will provide more privacy for the abutter. The revisions not only improve the existing nonconforming setback, but the lot coverage(s) will be reduced slightly. This proposal is a reduction in use; no concerns by the Health Department, in line with the neighborhood, and supported by the majority of the neighbors, with 10 letters in support. We believe that these revisions address the concerns of the Board and the abutter.

Board Discussion

Petrucci – I'm happy with the new plans; you've done what we asked.

Murphy – I'm glad and I appreciate it; you've done all that you can do.

Finneran – I echo Ms. Murphy and I think it's important to respect the rights of the abutter. I found the lot corner on the left side, but didn't find it on the right side. The fence on Mr. Davis's property is about 10.5' from his property line; it was a bit confusing and I'm glad about the modifications. Thanks for listening to us.

Public Comment –

Todd Davis, 55 Counting House Way – Read letter into the record – comments / concerns

Margaret Davis, 55 Counting House Way – Read letter into the record – comments / concerns

Klauer – I understand the concerns of the Davis's, but I think what they are asking for is an overreach; we are not asking for this to be an apartment or home occupation. We don't typically have dimensions on windows; they will be up high. I think that the revisions we have made have addressed most of the concerns.

Finneran – I can understand the light, but you have done a lot. The light on the side of the door, could it shine down, so it wouldn't shine into their property?

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Morse- Do you have an objection to dark sky compliant lighting?

Klauer – No.

Potamis – I think it's approvable with conditions.

Petrucci – These are scaled plans, and I would expect that they are measurable plans. I would expect that the Applicant builds them to where they are, as shown on the plans.

Morse – No existing plumbing service to the garage?

Klauer- Correct.

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

Murphy made a motion to grant application #042-23. Finneran second the motion. Motion carried 5-0.

Findings

- 1) Property is 4,897 s/f, located within a Residential C zoning district, on a public road
- 2) 1996 Special Permit decision
- 3) lot coverage
- 4) 10 letters of support; 1 abutter in opposition
- 5) Opposition at all hearings from immediate abutters regarding light, deck screening, and use
- 6) Revised plans were submitted to address abutters concerns

Conditions

- 1) Per plans
- 2) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 3) Exterior lighting to be dark sky compliant
- 4) No plumbing in the garage
- 5) Not to be used as a bedroom or Air B&B
- 6) Single family use.
- 7) Zoning Administrator will review windows for consistency with plans

All in favor.

Application #	Applicant Name:	Address:
04223	Renucci / Brione	24 Prospect St
Document (s) Submitted:	Date Submitted:	Submitted By:
Application/Lee	5/18/23	Klaler
Owner authorization	}	}
C/C calculations		
Previous SP #4296		
(9) copies site plan		
(9) sets. arL plan		
Request Abutters	5/18/23	(initials)
Request referals	5/18/23	(initials)
Referral - fire	5/19/23	(initials)
photos Ext. 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 - Lucascio		
letter of support - Cuhaw		
letter of support - Specter		
Referral - Health	6/27/23	(initials)
Referral letter of support	6/23/23	(initials)
letter of support	6/26/23	(initials)

letter of support
Dahmer

letter of support
deonina

letter w/ comments (mercurie)

6/26/23

6/29/23

(initials)

(initials)

2019 Decision
W. Stockman
6/29/23

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Continuation #053-23 Stinnett, Trustee, 5 Harbor Hill Road, Woods Hole – requesting a Special Permit to construct an addition, exceeding 20% lot coverage by structures

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

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

Planning – no comment

Assessors – no comment as presented

Water - The Water Department has no comment. The plans do not show any work related to the water service

Conservation – no comment

Fire – no comment

Health - Health doesn't have any issues with this project as long as there is no increase in bedroom count

Engineering - comments, proposed drywells for new roof area as recommended, objects in the right of way will require a license from the Select Board

Correspondence –

2 letters – support

1 letter – concerns / comments

Kevin Klauer, attorney for Applicants – I submitted these plans this morning; there was a very minor change of 64\sf. I would appreciate if the Board could go forward; if not, I would ask for a continuation.

Klauer – The Applicant is seeking permission to create an addition which will result in lot coverage in excess of 20%. This property is located at the corner of Harbor Hill and Woods Hole Road, and is just over 11,000 s/f, located within a Residential C zoning district, and not within a flood zone. Presently, there is a 4-bedroom, single-family dwelling, with a footprint of just over 2,000 s/f or 18.3% lot coverage; it is conforming to lot coverage and setback requirements. The owners are seeking to improve the dwelling to add additional habitable space. The plans have been amended to expand the addition by 64 s/f, making the total addition 336 s/f. It's a modest addition, and repurposes some space for a master bedroom. The proposed addition has a ridge height that will be below the existing height of 22' 4". Lot coverage by structures will be increased to 21.3%, total lot coverage will be 27.7%, will comply with all setbacks, and the

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bedroom count will remain the same at 4. Attorney Klauer opined that the project meets the criteria of 240-11.3A(4) and 240-12.1E.

Board Discussion

Duffy – It looks like there is quite a bit of development in the right-of-way; are you going to apply for a license from the Select Board?

Klauer – Yes.

Duffy – I think it's a reasonable project.

Murphy – My only concern are the construction trucks coming in; I think we need to condition that they coordinate with the Police Department.

Klauer – I understand the concerns about Harbor Hill, but they can use Sidney Street, and the normal condition can be added about contacting the police department. It will be something we will have to address.

Petrucci – I would echo Ms. Murphy's concerns about the construction vehicles, but it's a beautiful design.

Public Comment – none

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

Murphy made a motion to grant application #053-23. Finneran seconded the motion. Motion carried 5-0.

Findings

- 1) Property is located in a Residential C zoning district, lot is 11,214s/f, on a public road
- 2) Existing lot coverages 18.3% \ 30%; proposed lot coverages 21.3% \ 27.7%
- 3) Meets criteria of 240-11.3A(4) and 240-12.1E
- 4) No increase in bedroom count, remaining 4
- 5) Not within flood zone
- 6) Lot comparison worksheet submitted

Conditions

- 1) Obtain license from Select Board for any encroachments in the right-of-way before final building construction approval is issued

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- 2) Construction vehicles to access property from Sidney Street; coordinate with Police Department if needed
 - 3) Construction Hours: Monday – Friday 7A-7P, Saturday’s 8A-4P; no Sunday’s or Holidays absent an emergency
 - 4) Comply with Engineering Comments
 - 5) Per plans
- All in favor.

Application #	Applicant Name:	Address:
	Hinnett, Trustee	5 Harrow Hill Rd
Document (s) Submitted:	Date Submitted:	Submitted By:
Application / See owner authorization L/C calculations Front yard designation (9) copies plot plan (9) sets arch. plans	6/8/23	Klaum
Request Abuten	6/8/23	(initials)
Request referls.	6/8/23	(initials)
Email to K. Klaum	6/9/23	(initials)
Referral - Assessors	6/9/23	(initials)
Referral - Planning	6/9/23	(initials)
Rec'd Cert. Abuten list	6/12/23	(initials)
Referral - H2O	6/15/23	(initials)
Referral - ConCom	7/6/23	(initials)
Referral - Fire	7/7/23	(initials)
Referral - Health	7/11/23	(initials)
Referral - Eng.	7/12/23	(initials)
Email - M. Guldiny	8/29/23	(initials)
Email - M. Guldiny	8/30/23	(initials)
Email - Sappat (Smith)	9/5/23	(initials)
Revised plans	9/7/23	(initials)
Revised L/C worksheet	9/7/23	(initials)

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#063-23 Colombo, 25 Clam Lane, East Falmouth – requesting a Special Permit, to install a plunge pool, exceeding 20% lot coverage by structures

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

Fire – no comment

Water – no comment

Engineering - comments; recommendation to include “Construction activities shall not cause erosion to or sedimentation into the abutting properties”.

Conservation – no comment

Correspondence – none

Lisa Colombo, Applicant / owner – This is a proposal to install a plunge pool in back of the home. The lot is approximately .38 acres. The lot coverage before the pool is 19%, with the addition of the pool, the lot coverage will be 20.77%. The plunge pool is a smaller version of an in-ground pool. This particular model is 9’ x 16’, 52” deep, holds 3,600 gallons, and the pool equipment will be smaller and quieter. The pool will be off the back property line by about 12’, and the pool equipment will be off the left-hand side, where the rest of the equipment will be. These pools are a cast that gets dropped in an excavated hole, and takes about 2-3 weeks from start to finish. The back yard will be fenced in. I did reach out to 4 abutters; two on Clam Lane and two on Davisville Road. One of those is a rental, and the other is not occupied, but the owner did send a letter in support. She did have one concern about drainage, and I shared that with my contractor. He assured me in writing that that would not be a problem, and you have that in your file.

Board Discussion

Murphy – What size is your patio?

Colombo – It’s approximately 500 s/f.

Murphy – Are you planning on enclosing any of the pool equipment?

Colombo – No, the pool equipment is significantly smaller and quieter; it will be next to the generator and the AC unit. I did talk with the neighbors on that side, and they have no concerns; it’s going to be right outside of my window

Petrucci – Will the fencing be code compliant?

Colombo – Yes.

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

Potamis made a motion to grant application #063-23. Duffy seconded the motion. Motion carried 5-0.

Findings

- 1) Property is 16,735 s/f located within a Residential C zoning district, Bournes Pond Coastal Pond Overlay, not within a flood zone
- 2) Existing lot coverage 19.34% \ 19.34%; proposed lot coverage 20.77% \ 30.54%
- 3) 3 letters with no objections
- 4) Meets criteria of 240-11.3A(4) and 240-12.1E
- 5) Proposed plunge pool will be 9' x 16'
- 6) 52" deep
- 7) Patio will be approximately 30' x 40'
- 8) .77% over allowable lot coverage
- 9) No objections at hearing or in file

Conditions

- 1) Per plans
- 2) Code compliant fencing to be installed
- 3) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 4) Comply with the Engineering Departments comments

All in favor.

Application #	Applicant Name:	Address:
0603123	Colombo	25 Clamhew
Document (s) Submitted:	Date Submitted:	Submitted By:
Application/fee	7/7/23	Easton Pools
(9) copies site plan	}	}
(9) copies pool schematics		
Request referrals		
Truques + ADULTERS		(initials)
4c calls	7/7/23	(initials)
Referral - fire	7/7/23	(initials)
Referral - planning	7/7/23	(initials)
Cert. ADULTERS list	7/10/23	(initials)
Referral H2O	7/14/23	(initials)
Email - Eng.	8/9/23	(initials)
Referral - Condem	8/10/23	(initials)
Email w/attachment	8/24/23	(initials)
letter - O'Brien (no objection)	8/24/23	(initials)
letter - Petrillo (objection)	8/24/23	(initials)
letter - Weld	8/24/23	(initials)
letter from G. Clancy	8/29/23	(initials)

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#064-23 Foley, 265 Walker Street, Falmouth – requesting a Special Permit to allow a third garage bay

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

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

Planning – no comment

Water – no comment

Engineering - comments; driveway permit is needed for alterations to both right of ways; comply with Town's "Soil Erosion and Sediment Control Standards"; drywells are proposed as recommended; comply with section 99-1, "Affixing of legible numbers; time limit for compliance"; objects in the right-of-way to either be removed or obtain a license from the Select Board.

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

Fire – no issues with the project as drawn

Correspondence –

1 letter comments / concerns from Attorney Kirk

Kevin Klauer, attorney for Applicants – The Applicants are here requesting a Special Permit for a single residence with a third car garage. The lot is 17,255 s/f located on the southern end of Walker Street, and within the Residential C zoning district. The Applicant is building a new home, and would like to add a third garage bay, which would not affect the footprint of the proposed house. The proposed garage is 722 s/f, and where the lot is under 30,000 s/f, it requires a Special Permit. The proposed house does meet all setback and lot coverage requirements. We did receive a front yard designation from the Building Commissioner, designating Walker Street as the primary front yard. We are aware of the correspondence from Attorney Kirk, and we would be happy to include the conditions from the Engineering Department. I also spoke to the Engineer about the methodology of that construction. The face of the retaining wall is about 1.5' off the line, and the back portion would be about 2-3' off the property line. The wall would first be constructed, and then backfilled, which would all be done from the Applicant's side. It will most likely be a modular block wall, and would be stepped back with each block, and shouldn't present an issue. The runoff will be substantially improved by the proposed grading and drywells. Currently, there is no stormwater mitigation on the property, and the lot slopes down to

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the abutting property; this will do much more to maintain stormwater on site. Attorney Klauer opined that the project meets the criteria of 240-6.6 B and 240-12.1E.

Petrucci – My concern is the retaining wall along the fence line. How will you protect the abutter's property and fence?

Klauer – We would be happy to follow the soil erosion and sediment control standards; there would be enough room to do so between the wall and the fence. We would take efforts to protect the fence.

Finneran – I did have a couple of concerns, but I believe they will be addressed by Engineering.

Duffy – It was noted that the flagpole encroaches into the layout, and should be relocated where this is a raze and reconstruct.

Klauer – I can discuss this with my clients, and if they decide they don't want to move it, they can apply for a license.

Duffy – Where this is a rebuild, it would be a good opportunity for it to be relocated; licenses are extraordinary.

Public Comment - none

Petrucci – Should we require it to be removed, or apply for a license?

Duffy – They can apply for a license, but those requests are really for extreme conditions.

Foley – We were surprised to see where the actual line was, and that the flag pole and fence wasn't on our property. Klauer did explain to us that we could apply for a license, but I didn't know that you would want it moved. It would only take a few feet to move it onto our property; we just want to have it.

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

Murphy made a motion to grant application #064-23. Finneran seconded the motion. Motion carried 5-0.

Findings

- 1) Lot is 17,255 s/f located within the Residential C zoning district, AE 12 flood zone
- 2) on a Public Road
- 3) Existing lot coverage 15.9% / 26.5%; proposed 19.95% / 34.3%
- 4) Negative Determination from Conservation
- 5) Meets criteria of 240-6.6B and 240-12.1E

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- 6) Proposed ridge height 31' 8 3/4"
- 7) Encroachment in road layout of flagpole and fence
- 8) 1 letter with comments / concerns regarding erosion; agreeable for soil erosion and controls

Conditions

- 1) Per plans
- 2) Comply with the Engineering Department's comments
- 3) Move flag pole onto property; other encroachments to be licensed or removed
- 4) Construction Hours: Monday – Friday 7A-7P, Saturday's 8A-4P; no Sunday's or Holidays absent an emergency
- 5) Materials and vehicles to be kept on site; contact Falmouth Police if detail is needed
- 6) Submit elevation certificate per FEMA
- 7) Allow administrative approval for relocation of flag pole
- 8) Pool to meet applicable safety standards

All in favor.

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Absent: Peterson

#066-23 Gugliotta, 219 Great Bay Street, East Falmouth – requesting a Special Permit to raze and reconstruct the existing, non-conforming, single-family dwelling

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 - ‘Current service line is ¾” copper with a meter pit; service must be upgraded to 1” P.E. with the meter located inside the home.’

Engineering - comments; obtain driveway permit and post any required bond with the Engineering Division; remove or obtain a license from the Select Board for the fence in the right of way; comply with section 99-1 Affixing of legible numbers required; time limit for compliance; defer to the Conservation Commission for stormwater management and construction erosion controls

Conservation - The Conservation Commission held a Hearing under a Notice of Intent which was closed on June 28, 2023. An Order of Conditions was voted upon and issued, approving the project. Email dated August 9, 2023 from Alissa Bergeron, Conservation Agent

Correspondence

1 letter - support

Kevin Klauer, attorney for Applicants – The Applicants are seeking permission to raze and rebuild the existing, non-conforming dwelling. This property is located at the southern end of Maravista, in a dense residential neighborhood. The lot is 5,480 s/f located within the Residential C zoning district. Presently, there is a 3-bedroom, single-family dwelling and shed; the total footprint is just over 1,700 s/f. The existing dwelling is nonconforming to the front yard setback, being 11.5’, side yard setback to the south is 9.7’, side yard setback to north is 9.8’, and lot coverage by structures is 29.4%. The Applicant’s family has owned the property since 1965, and the current owners have owned it since 2019. The proposed dwelling will be in substantially the same footprint. The shed will be eliminated, and the proposal will include a garage, which will reduce clutter on the lot. Currently, the parking is either on the lawn, or in the street layout. There will be an increase in bedrooms from 3-4, but it is in the Little Pond Sewer area and allows up to 4-bedrooms by right. The nonconforming setback on south will be eliminated, the other setbacks will remain the same and lot coverage by structures will be slightly reduced to 28.6%. Attorney Klauer opined that the project meets the criteria of 240-12.1E and 240-10.2A. and 240-11.3A(4). The non-conformities will either be improved, eliminated or unchanged. We did submit a lot comparison worksheet, and the proposed is by no means an outlier to the neighborhood. There is nothing about the proposal that is more detrimental.

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Board Discussion -

Potamis – The height is 34' ½", is that to the bottom of the cupola?

Klauer – Yes, and a cupola is a design feature, and not considered in the height.

Duffy – The front of the house facing the street, there is an encroachment, how are you addressing that, and how will the vehicles be parked?

Klauer – The cars can pull onto the property, into the garage, or tandem park.

Finneran – There are no dimensions on the cupola, will there be interior access to that, or is it strictly ornamental?

Klauer – It's meant to be ornamental; it can't be integral to the habitable space.

Finneran – I do have a little concern with this, because as soon as there is interior access, it ceases to become an ornamental feature, and becomes an overreach.

Klauer – We still have to go through the Building Permit process, and if the Building Department found there to be a problem, we would have to modify the plans. I did have a meeting today with Gary Street [Building Commissioner] on another project, and he did agree that if it's ornamental, it does not count toward the building height.

Finneran – Dimensions would be nice to have in the future for those.

Morse – What is the existing ridge height of the structure?

Klauer – 18'.

Petrucci – I agree with Mr. Finneran; these should be noted if something is ornamental or not. What are you doing with the cobblestone area in the front of the house?

Klauer – They are planning on keeping that, but they are proposing a parking area on site and a garage, neither of which currently exist. Many properties have the entrance to their driveway in the public right of way. We are intending to get a licenses for that.

Petrucci – Because this is within the 100' buffer, I would assume that the siltation barriers would be maintained.

Klauer – There's been an Order of Conditions issued by Conservation, and the limit of work is shown on the plans.

Public Comment- none

Finneran – When you review projects with the Building Commissioner, do they concern themselves with the licenses as much as we do?

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Klauer – I don't deal much with the building process, so I'm not sure. If it's a condition of a decision, I would expect that they would be complied with.

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

Murphy made a motion to grant application #066-23. Finneran seconded the motion. Motion carried 5-0.

Stockman – We did not receive a referral from Wastewater and there were 2 rooms that the Wastewater Superintendent may have some questions about.

Finneran made a motion to reopen the hearing for additional testimony. Murphy seconded the motion. Motion carried 5-0. All in favor.

Klauer – If there is an issue we would either come back to the Board for a modification, or request an Administrative Approval to comply with wastewater requirements.

Stockman – We have had issues raised about rooms that meet the definition of a bedroom as far as septic or wastewater goes, and while you can be using that room for something other than a bedroom, if it meets the criteria for a bedroom, they may look at the bedroom count differently.

Findings

- 1) Lot is 5,840 s/f, located within a Residential C zoning district, Great Pond Overlay, AE 12 flood zone
- 2) Public Road
- 3) 2 previous decisions
- 4) Existing lot coverage 29.4% / 34.9%; proposed lot coverage 28.6% / 32.4%
- 5) 34'.5" up to cupola
- 6) Property is in the Little Pond Sewer Service area
- 7) Lot comparison worksheet submitted
- 8) Received Order of Conditions
- 9) 1 letter of support; no opposition in file or at hearing
- 10) Meets criteria of 240-10.2A, 240-11.3A(4) and 240-12.1E

Conditions

- 1) Per plans
- 2) Height Certificate at framing

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- 3) Construction Hours: Monday – Friday 7A-7P, Saturday’s 8A-4P; no Sunday’s or Holidays absent an emergency

 - 4) Comply with Conservation approval

 - 5) Comply with the Engineering Department’s comments

 - 6) Comply with the Water Department’s comments

 - 7) Testimony - 4 bedrooms as of right; any comments from Wastewater regarding bedroom count; if a minor modification has to be made, may be made through an administrative approval

 - 8) 4-bedroom limit in sewerred area

 - 9) Materials and vehicles to be kept on site; contact Falmouth Police if detail is needed

 - 10) Submit FEMA Elevation certificate

 - 11) Obtain license from the Select Board for any encroachments in the right of way
- All in favor.

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#067-23 Palomba, 19 Santuit Road, North Falmouth – requesting a Special Permit to raze and rebuild the existing, non-conforming dwelling exceeding 20% lot coverage by structures

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

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

Water – no comment

Planning – no comment

Engineering - comments; comply with section 99-1 ‘Affixing of legible numbers required; time limit for compliance’; defer to the Conservation Commission for stormwater management and construction erosion controls

Conservation - The Conservation Commission held a Hearing under a Notice of Intent which was closed on July 19, 2023. An Order of Conditions was voted and issued, approving the project.

Email dated September 6, 2023 from Scott McGann, Health Agent

Correspondence –

None

Kevin Klauer, attorney for Applicants – they are seeking permission to raze and rebuild the dwelling located north of Old Silver and Seacrest, on a 10,538 sq ft lot, in the Single Residence B zone, and AE15 flood zone. There is an existing 3 bedroom dwelling built in 1962, with a front yard setback of 24.3’, setback to the east of 6.4’, and nonconforming to flood zone requirements. Due to needs and maintenance, they are seeking to raze and rebuild to comply. The proposed habitable space has to be 1’ above flood elevation, and 4’ above grade. The nonconforming setback from the street is eliminated, and the side yard encroachment is eliminated. The septic system will be increased to allow four bedrooms. The ridge height will be 29’ 9 5/8”, and will comply with flood zone regulations. Attorney Klauer opined that the project meets the criteria of 240-10.2A and 240-11.3A(4).; no new nonconformities will be created, and will not be more detrimental than what exists.

Board Discussion

Finneran – All the lot lines are marked approximate.

Klauer – I don’t know why the engineer chose that verbage. We have an engineer who staked the property.

Zoning Board of Appeals
Minutes of September 7, 2023 at 6:00PM
Zoning Administrator: Noreen Stockman
Present: Morse, Potamis, Finneran, Duffy, Murphy, Petrucci
Absent: Peterson

Finneran– I’ve never seen that before; what are the parameters for approximate?

Klauer–We have the certified plot plan, I don’t have the answer; I will ask.

Finneran – It’s very confusing.

Stockman – You could require a foundation certification for setbacks, so you can ensure that the building is being built in the proper location.

Petrucci – It will look wonderful; it’s in keeping with the neighborhood, and I think a foundation certificate will solve Finneran’s issue.

Public Comment – none

Stockman – We were looking at the height, and were trying to figure out how the architect measured; I did talk with the Building Commissioner.

Klauer – I think he took the existing grade, and his notation noted the elevation.

Motion to close made by Murphy, seconded by Petrucci; with a unanimous vote to close.

Motion to approve with conditions made by Murphy, seconded by Finneran, with a unanimous vote.

Findings:

- 1) In the Single Residence B zone, Wild Harbor Coastal Pond Overlay District, AE15 flood zone, on a lot of 10,538 square feet, and on a private road
- 2) Existing lot coverage 18.5 \ 23.6; proposed lot coverage 24.0 \ 34.6
- 3) Lot Comparison worksheet
- 4) New approved septic
- 5) Order of Conditions from Conservation
- 6) Bylaws
- 7) Testimony the proposal will meet FEMA requirements
- 8) Dimensional nonconformities being eliminated

Conditions:

- 1) Per plans
- 2) FEMA Foundation certification, and lot coverage certification at completion
- 3) Construction Hours limited to Monday through Friday, 7 a.m. to 7 p.m., and Saturdays 8 a.m. to 4 p.m. No Sunday or holiday construction absent and emergency.
- 4) Limit to 4 bedrooms
- 5) Comply with the Order of Conditions
- 6) Comply with section 99-1 ‘Affixing of legible numbers required, with the time limit for compliance being prior to the issuance of the Certificate of Occupancy

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- 7) Construction vehicles and materials to be maintained on the Premises
- 8) No additional structures (including a shed) absent prior approval, due to lot coverage
- 9) Comply with section 99-1 'Affixing of legible numbers required; with the time limit for compliance being prior to the Certificate of Occupancy

All in favor.

