



Town of Falmouth Community Development Department
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Approved: WJA

11/26/2013

**Board of Zoning Appeals
Tuesday June 25, 2013 6:30PM Minutes
Falmouth Town Hall**

MEMBERS PRESENT –Jonathan Berry, Stan Given, Willie Audet and Roland Beaudoin (Associate)

MEMBERS ABSENT – Mr. Meyer and Mr. Keeler

STAFF PRESENT – Justin Brown, Code Enforcement Officer

1. **Call to order:** The meeting was called to order at 6:30 pm by Chairman Audet.
2. The review and action on prior meeting minutes was continued until the end of the meeting.
3. The board determined all items on the agenda to be substantially complete and ready to begin the review process.

4. Applications

- a) **57 Hurricane Rd. Robert Libby representing David & Emily Ghiorse-** Requesting Conditional Use under Section 5.22.1 for an Accessory Dwelling. Parcel R06-083-J, zoned FFm.

This item was withdrawn by the applicants.

- b) **77 Waites Landing Rd. Geoffrey LaFond-** Requesting Conditional Use under Section 6.2 to construct a garage. Parcel U05-019, zoned RC.

Mr. Beaudoin made a motion to table the item. Mr. Given seconded the motion.

Discussion: Mr. Berry noted that the application was originally represented as being time sensitive due to the building materials that were purchased. He asked if the application is still the same because those materials are no longer viable.

Vote: Mr. Audet, Mr. Given, Mr. Beaudoin – Yea. Mr. Berry – No. Passed 3-1.

- c) **12 Fern Ave. Jacob L. Babcock-** Requesting Conditional Use under Section 6.10 to tear down & rebuild a garage in the existing footprint. Parcel U1-176, zoned RA.

Mr. Babcock was present and stated this is a complete rebuild. He submitted photos of the building. The structure is to be rebuilt on the same footprint with a foundation. The new building will have the same height, roofline and footprint as the old

building. The purpose of the project is to add a cement pad as a floor. It is currently dirt and the building is leaning.

Board discussion included:

- Location of the fence.
- Setbacks
- Location of the property line.
- No survey is present. The board recommended the property owner obtain a survey.

Laurie Masey owner of 12 Fern Avenue was present and stated that she is basing the location of the property line off existing markings and discussions with the previous owners.

Motion: Mr. Berry made a motion to approve the application. The motion was seconded by Mr. Beaudoin.

Vote: Yea – Unanimous.

- d) **325 US RT 1. Ocean Community Church-** Requesting Conditional Use under Section 8.3 for a place of worship. Parcel U15-001-A, zoned BP.

The applicant had previously submitted a written request withdrawing this application.

- e) **24 Andrews Ave. Andrew Beahm & Debbie Megna.** Requesting Conditional Use under Section 6.2 enlarge an existing garage. Parcel U01-097, zoned RA.

Mr. Beahm was present. There is an existing garage on the site and he submitted a photo. The house dates back to the 1940's and there is not a full foundation under it. He would like to build a bedroom suite on the existing footprint and would like a foundation under it for stability.

Board discussion included:

- Location of boundary line and the lack of a survey.
- PWD visited the site and made a determination of the location of the right of way.

No one was present to speak to this item.

Mr. Berry made a motion to approve the application. The motion was seconded by Mr. Given.

Vote: Yea – Unanimous.

5. Other Business

The February 26, 2013 minutes were approved with minor changes.

April 2013 and May 2013 minutes continued until the next meeting.

There will be a meeting in July and Mr. Brown stated that there may be up to 5 items on the agenda.

Mr. Brown indicated he will start having the applicant's sign off on the new checklist for application completeness before the July meeting.

Mr. Brown asked the board for feedback on his proposed language amendment to section 6 regarding nonconforming structures, uses and lots. Discussion ensued. Board members raised concern about making changes to the ordinance before the re-write occurs.

6. Adjournment

The meeting adjourned at 7:45PM.

Respectfully submitted,

Dawn Emerson
Recording Secretary

**Please note that this is not a verbatim accounting of the meeting. An inclusive digital video file of the meeting can be accessed on the Town of Falmouth website.*