

**TOWN OF FALMOUTH**  
**Board of Zoning Appeals**  
**March 26, 2019**  
**MINUTES**

**MEMBERS PRESENT:** Jay Meyer - Co-Chair; Jay Trickett; Alex Pratt; Anthony DeRice; Nick Guerrette; Randy Cooper

**MEMBERS ABSENT:** Nathan Smith-Chair

**STAFF PRESENT:** Justin Brown, Code Enforcement Officer

**1. Call to Order.**

Meeting was called to order by Co-Chair Meyer at 6:30 P.M.

**2. Application Completeness Review/Other Board Business.**

Co-Chair Meyer asked the Board if any members felt there were incompleteness issues with any of the applications. Mr. DeRice asked about the volume calculation information regarding 29 Pond Villa and whether Staff had received this information from the applicant. Mr. Trickett questioned the expansion history given the Shoreland Zoning requirement and felt the application was potentially incomplete. The Board discussed the elements of this application as it relates to the completeness requirement. Co-Chair Meyer suggested the Board take a vote to table the application until next month or until they have sufficient data to allow the Board to calculate the expansion percentage. Mr. Trickett moved to table the application due to incompleteness. Mr. DeRice seconded. Motion passed 4-0.

Ms. Pennoyer told the Board that the contractors found mold the day before, so she is now considering replacing the whole roof. She asked if she could add the roof replacement to the current application. Co-Chair Meyer stated he wasn't sure if Staff needed to issue a permit for the roof replacement. Staff stated they could issue a permit to put back exactly what is removed, but could not issue a permit for an expansion until the calculation questions are answered.

**3. New Business.**

**a. 414 Middle Road – Sandrine Moser – Request for Conditional Use Approval under Section 19-54 for a Home Occupation. Map-lot R01-036-A, Zoned RBm, RCZO.**

Ms. Moser presented her application to the Board. She stated she wanted to teach power tool operation to women in her garage workshop, and she needs to have to the zoning changed to be able to get insurance. The Board told her the application was to allow a home business and the zoning change issue was not required to be able to purchase insurance.

Mr. Guerette asked Ms. Moser how her neighbors felt about the business. Ms. Moser stated her neighbors had no issues with this business. Mr. Guerette then asked what types of tools she would be working with. Ms. Moser stated it was basic homeowner tools.

Mr. Trickett asked the applicant to be more specific about the hours of the night and weekend classes. Ms. Moser stated it would be one night during the week and maybe a couple classes on the weekends from 5pm to 8pm, with a maximum of 4 people.

Mr. DeRice stated the home occupation is limited to a certain percentage of the total area of your home. He further added the application stated the garage and above the garage would be used and asked if she would be amenable to using just the garage. Ms. Moser stated she would be fine with that. Ms. Moser's husband, Henry, clarified Ms. Moser's comment regarding the 20% use of the garage. This resulted in clarification of the standard by Co-Chair Meyer to avoid any misunderstanding.

Co-Chair Meyer clarified that they could have up to 6 cars and asked the applicant if they had the space for all these cars to be parked. Ms. Moser stated this would not be a problem as they have a circular driveway that would accommodate 6 cars. Co-Chair Meyer asked if the classes would be held solely inside the garage. Ms. Moser stated yes, but in the summer the garage doors may be open.

**PUBLIC COMMENTS: No comments.**

Co-Chair Meyer informed Mr. Pratt that he would be a voting member with respect to this application.

The Board commenced in a lengthy discussion regarding the 20% dwelling area definition as it pertains to this application. Mr. Trickett stated he was in favor of the application and would be open to a condition that there would not be any home business use after 8 pm.

Mr. Trickett moved to approve the application as presented subject to a condition that the home business occupation use is not permitted after 8pm. Mr. DeRice seconded. Motion passed 5-0.

- b. **29 Pond Villa – Donna Pennoyer** – Request for Conditional Use Approval under Section 19-86 to change the pitch of the roof to avoid issues with snow. Map-lot HL4-021-B, Zoned HL, SZ-LR, RCZO, HLOD. **TABLED**  
**SEE ITEM 2 ABOVE**

#### **4. Approval of Minutes from February 26, 2019.**

Co-Chair Meyer had one minor correction to the minutes to add the following phrase "*if the application is denied*" to the second to last paragraph on Page 2. Mr. Trickett moved to approve the minutes from February 26, 2019 as amended. Co-Chair Meyer seconded. Motion passed 3-0. (Guerette and DeRice not in attendance in February.)

Meeting adjourned at 7:05 pm.

Recording Secretary,  
Lisa Sangillo