



Town of Falmouth BOARD OF ZONING APPEALS  
CONDITIONAL USE APPLICATION  
19-119 & 19-123 Conditional Uses-Other

# 19-119

Name of Applicant: MAINE AUDUBON SOCIETY Phone # 781-2330  
Address of Property 20 GILSLAND FARM ROAD  
Map/Lot RO 2/A Tax Sheet 404 Zone RA  
Mailing Address (if different) \_\_\_\_\_  
Property Owner (if not applicant) \_\_\_\_\_  
Email Address: pbaecher@maineaudubon.org

This application and all documentation must be filed with the Code Enforcement Officer by the 4<sup>th</sup> Tuesday of the month. Public hearings on applications are held the following 4<sup>th</sup> Tuesday of the month at 6:30p.m. A one hundred dollar (\$100) fee and nine (9) complete copies of all information for this application are due at submission deadline.

The undersigned requests that the Board of Appeals consider the following conditional use request:  
(Describe the general nature of the request.)

SEEKING APPROVAL FOR CONSTRUCTION OF A 15'x24' POLY GREENHOUSE

To the Applicant:

- The *Conditional Use Criteria* form must be filled out explaining how your request will comply with each of the criteria listed.
- Provide a plot plan (diagram) of the property in question showing the property boundaries, structures and the distances from all structures to the boundary lines. In addition, include distances to the nearest structures on the abutting properties.
- Photos, surveys, blueprints and other documents are often very helpful in explaining the your request.
- Failure to provide adequate documentation of your request may delay hearing your request until adequate information is provided.

I certify that the information contained in this application and its supplement is true and correct.

Date 1/23/17 Signed Peter Baecher, PROPERTIES MANAGER

PETER BAECHER, MAINE AUDUBON SOCIETY

\*Please contact the Code office prior to submission of this application\*  
(207)781.5253



Town of Falmouth Board Of Zoning Appeals  
CONDITIONAL USE APPLICATION  
MANDATORY SUBMITTAL CHECKLIST

ADDRESS 20 GILSLAND FARM RD. MAP/LOT ROZ/A NAME MAINE AUDUBON SOCIETY

The following checklist is provided to assist applicants in submitting a complete and informative application package for consideration by the Board of Zoning Appeals (the "Board"). Applications deemed incomplete by the Code Enforcement Officer (the "CEO") will not be placed on the agenda. If the applicant believes that a required item is not applicable to a specific proposal, a written statement addressing the reason shall be provided. All applicants are strongly encouraged to schedule a meeting with staff prior to submitting an application to the Board.

- Unless approved by the CEO or Board, no information may be added to an application after the submission deadline has passed.
- Unless approved by majority vote of the Board, no information is to be submitted to staff or Board members the evening of a hearing.
- If information is submitted late and deemed to be material to an application or appeal, and concerned abutters have been deprived of an opportunity to review the information due to late submission, the new information may not be accepted and the application may be tabled until the next scheduled meeting.

Completed application forms and supporting documents, including all required copies, must be submitted to the Code Enforcement Office by 5:00pm on the 4th Tuesday of the month for consideration of placement on the Board's agenda for the following month.

Application packages shall include nine (9) complete sets of the following:

- 1.0 A completed request for hearing and application form.
- 2.0 Proof that the applicant has sufficient right, title or interest in the subject property to submit the application to the Board. This may include a copy of the deed, purchase and sales agreement, lease agreement, or the property owner's written authorization.
- 3.0 Payment of the appropriate application fee.
- 4.0 A scaled plot plan or boundary survey to include the following (see attached sample sketch):
  - 4.1 title, date, revision dates, prepared by;
  - 4.2 property address, tax ID, property owner;
  - 4.3 scale;
  - 4.4 north arrow;
  - 4.5 property boundaries;
  - 4.6 structure footprints (existing and proposed);
  - 4.7 setbacks to boundary lines and distances to structures on abutting properties; and,
  - 4.8 improvements such as parking and driveways (existing and proposed).
- 5.0 Scaled building elevations with dimensions.
- 6.0 Plan of general interior layout (detailed floor plans required for Home Occupations and Accessory Dwelling Units).
- 7.0 Structure and lot coverage calculations for existing and proposed structures and uses.
- 8.0 Photographs of subject and/or nearby properties to illustrate conditions as necessary.


Refer to the specific section(s) of the Code that your application/appeal is filed under for other specified material information that may be required.

Please note that this checklist covers the minimum information required by the Board to review an application, depending on the nature of the proposed project the Board may request additional information not listed here. A signed copy of this document must be included with the application submittal package.

Applicant(s)/Authorized Representative (Print Name(s) & Signature) Date:

MAINE AUDUBON / PETER BAECHER  1/23/17

Property Owner (Print Name(s) & Signature) Date :

MAINE AUDUBON / ANDREW BEAHM  1 23 17  
ACTING EXECUTIVE DIRECTOR

Received by: Date/Time: \_\_\_\_\_

ADDRESS 20 GILSLAND FARM RD MAP/LOT RO2/A NAME MAINE AUDUBON

**CONDITIONAL USE CRITERIA – as required under 19-119**

Please fully explain in the space provided or on a separate sheet how your request will meet the Ordinance criteria below.

a. will meet the definition and specific requirements set forth in this Ordinance for such particular use:

b. will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures;

c. will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.

d. will not have a significant adverse effect on adjacent or nearby property values;

e. will not have a significant adverse impact on water views from adjacent and nearby properties and public right of ways; [Adopted 7/24/06]

f. will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;

g. will not result in significant fire danger;

h. will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;

i. will be served adequately by, but will not overburden, existing public services and facilities, including fire protection services, sanitary sewers, roads, water and storm drainage systems.

j. upon a showing that a proposed use is a conditional use in the district where it is to be located, a conditional use permit shall be granted unless the Board determines that the proposed use will not meet one of the standards set forth in paragraphs a. through i. of this subsection, or paragraphs a. through g. of subsection 19-123, due to unique or distinctive characteristics or effects associated with the proposed use or its location which differ substantially from the characteristics or effects which would normally occur from such a use in that district. [Adopted, 4/27/87.]



20 Gilsland Farm Road  
Falmouth, Maine 04105  
(207) 781-2330  
[www.maineaudubon.org](http://www.maineaudubon.org)

January 23, 2017

Mr. Justin Brown, CEO  
Town of Falmouth Board of Zoning Appeals  
271 Falmouth Road  
Falmouth, Maine 04105

Dear Mr. Brown,

Attached is our ZBA Conditional Use Application, along with various plans and photos pertaining to our application.

Our application is in reference to our Minor Site Plan Review Application submitted December 6, 2016, for the erection of a 15'x24' poly greenhouse.

Regarding the Conditional Use Criteria elements:

(a) Maine Audubon's Gilsland Farm property is zoned for Museum use; therefore our erection of a greenhouse is a conditional use. As you know, Museum is defined as 'a non-profit institution operated principally for the purpose of preserving and establishing objects of historical, cultural, scientific, or artistic interest and which may also engage in incidental retail sales of items related to its principal purpose.'

Maine Audubon's mission is to work to conserve Maine's wildlife and wildlife habitat by engaging people of all ages in education, conservation, and action. Our proposed greenhouse will be used for educational purposes as well as for production of native plants. Maine Audubon currently conducts educational programs in the propagation of native plant seeds, for which this greenhouse will be a significant aid, and a greenhouse will also provide other educational program use opportunities related to native plants. We also look forward to utilizing the greenhouse for the production of a number of native plant seedlings and transplants. These plants will be sold at an annual native plant sale and planted in various locations at Gilsland Farm. Native plants are an important basis for the wildlife foodweb, providing habitat for numerous insects and caterpillars which are an essential food source to birds and other animals.

(b) The small poly greenhouse measures 15'x24', with a height of less than 9'. (A photo of the model greenhouse we propose is included in the packet.) To be located between our farmhouse and barn, this

structure is in keeping with the farm character of the site, is of traditional construction for small production greenhouses, and is a small scale site element.

(c) A poly greenhouse will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties due to noise, vibrations, fumes, odor, dust, light, or glare, as its use is quiet and non-motorized.

(d) I see no reason why this small greenhouse would have any adverse effect on nearby property values.

(e) Water views are not impacted.

(f) The greenhouse is sited well back from any pedestrian or vehicular traffic ways and will pose no hazard to pedestrians or vehicles, nor result in any traffic congestion.

(g) This free-standing structure and its uses do not have an associated fire danger.

(h) This poly greenhouse will not cause any flood hazards or site drainage problems. Materials utilized within the greenhouse will be organic in nature, with minimal potential for ground water contamination.

(i) This small greenhouse will not overburden existing public services and facilities and will not be connected to sanitary sewers or storm drain systems.

It should also be noted that the Town of Falmouth holds a conservation easement on the parcel where the proposed greenhouse is to be sited. We feel that a greenhouse is addressed by item 4 of the limitations: "Agricultural or open space uses consistent with the tax exempt purposes of Maine Audubon Society." Nevertheless, the easement also notes that "No dwellings or other structures shall be permitted upon said property without the prior written consent of the Town." We are in process of seeking this approval from the Town Council in order to meet this requirement and we understand that ZBA approval of our application will be contingent on our receiving this permission from the Town.

Site photos and plans are included, including Google Maps aerial views of the proposed location. We hope these are sufficient, but please let me know if there are other items that you require for our application.

Thank you,



Peter Baecher, Properties Manager