

May 25, 2021

VIA HAND DELIVERY
Falmouth Board of Zoning Appeals
271 Falmouth Road
Falmouth, ME 04105

RE: Simon and Whitney Wignall
279 Foreside Road: Waterview Overlay District Expansion and Construction

Dear Members of the Board,

We are making two requests for permits:

Master Bedroom Expansion

My clients are seeking to expand their master bedroom above the kitchen of their existing home. Their home is in the Waterview Overlay District and such an expansion requires board approval.

Attached as **Exhibit A** are the plans for the bedroom expansion. This proposed expansion does not impact any sightlines because it does not extend beyond any current rooflines.

New Proposed Garage

My client also see approval for a new proposed garage as shown on the Plans identified as **Exhibit B**. This is an expansion on the lot; however, the district allows a ten foot setback with permission.

The Wignalls appreciate your consideration to this matter and both my clients and I look forward to the opportunity to speak with the Board to address any questions.

Thank you,



Richard P. Olson, Esq.



Conditional Use Application
Town of Falmouth Board of Zoning Appeals
19-119 & 19-123 Conditional Uses - Other

Name of Applicant: Simon Wignall & Whitney Wignall Phone # _____
Address of Property 279 Fox side Rd
Map/Lot 417/053 Tax Sheet 084 Zone RA
Mailing Address (if different) _____
Property Owner (if not applicant) _____
Email Address: _____

This application and all documentation must be filed with the Code Enforcement Office by the 4th Tuesday of the month. Public hearings on applications are held the following 4th Tuesday of the month at 6:30p.m. A one hundred and seventy-five-dollar (\$175) fee and two (2) 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.)
Expanded Bedroom and new garage

To the Applicant:

- The *Conditional Use Criteria* form must be filled out explaining how the request will comply with each of the criteria listed.
- Photos, blueprints, surveys and other documents are often very helpful in explaining the request.
- Failure to provide adequate documentation of the request may delay the hearing until adequate information is provided.

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

Date 5/25/2021 Signed [Signature]
Richard A. Osoj

Please contact the Code office prior to submission of this application
(207)699-5310

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 applying to the Board.

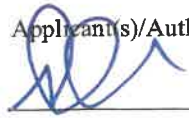
- Unless approved by the CEO or Board, no information may be added to an application after the submission deadline has passed.
- Unless approved by majority vote of the Board, no information is to be submitted to staff or Board members the evening of a hearing.
- If information is submitted late and 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.

Application packages shall include two (2) complete sets of the following:

- 1. A completed request for hearing and application form.
- 2. 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, or lease agreement. If the applicant is someone other than the property owner, owner must submit written permission for applicant to submit on their behalf.
- 3. Payment of the appropriate application fee.
- 4. A scaled plot plan or boundary survey to include the following:
 - 4.1 title, date, revision dates, prepared by;
 - 4.2 property address, tax ID, property owner;
 - 4.3 scale;
 - 4.5 property boundaries;
 - 4.6 structure footprints (existing and proposed);
 - 4.7 setbacks to boundary lines;
 - 4.8 improvements such as parking and driveways (existing and proposed).
- 5. Scaled building elevations with dimensions.
- 6. Plan of general interior layout.
- 7. Structure and lot coverage calculations for existing and proposed structures and uses.
- 8. 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:

05/25/21

Property Owner (Print Name(s) & Signature)

Date:

Received by: Date/Time: _____

ADDRESS _____ MAP/LOT _____ NAME _____

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.]

19-123 Conditions

In hearing appeals under this Div.II-19-1-8, the Board shall determine whether the appellant's proposal will satisfy the following criteria, and in granting any appeal it may impose such conditions as it deems necessary to assure compliance with the applicable requirements set forth in subsection 19-119 and 19120 and with the following criteria:

- a. The proposal must include any special screening, fencing, or other buffer necessary to set off the subject property from abutting uses or to assure the continued enjoyment of abutting uses;
- b. The proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any cut, fill, or paving intended;
- c. The proposal must not create or increase any fire hazard or any hazards to safe, convenient pedestrian or vehicular flow;
- d. The proposal must prevent or avoid the creation of any nuisance affecting adjacent properties;
- e. The proposal must include provision for adequate, lawful sewage disposal and healthful domestic water supplies;
- f. The proposal should not have a significantly adverse effect on adjacent or nearby property values.
- g. The appellant must be found to have adequate financial and technical capacity to satisfy the foregoing criteria and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.

TRUSSES

New Addition

2X6 EXT WALL

8'

REMOVE SLEEPERS, DECK WITH
3/4" ADVANTECH
.060 Rubber over 1/2" Fiberbd.

R49 Dense pack cellulose ins. 2X12 16" o.c.

(3) 1 7/8" X7

Window stud/ jac

R21 Densepack ins.

9'-5 1/4"

R19 Ins

3'

New 2X4
Support wall

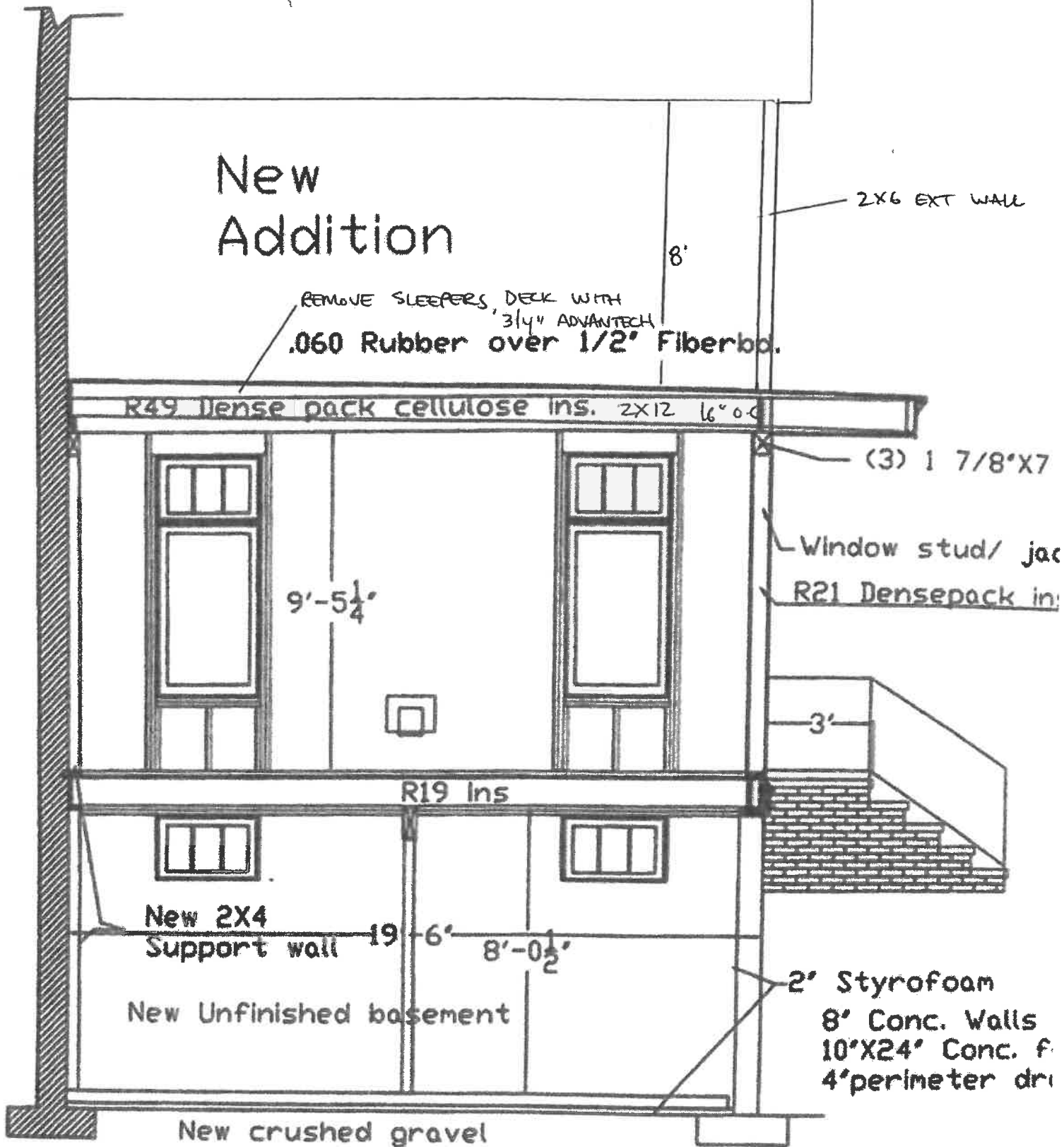
19'-6"

8'-0 1/2"

New Unfinished basement

2' Styrofoam
8' Conc. Walls
10' X 24' Conc. f.
4' perimeter dri

New crushed gravel

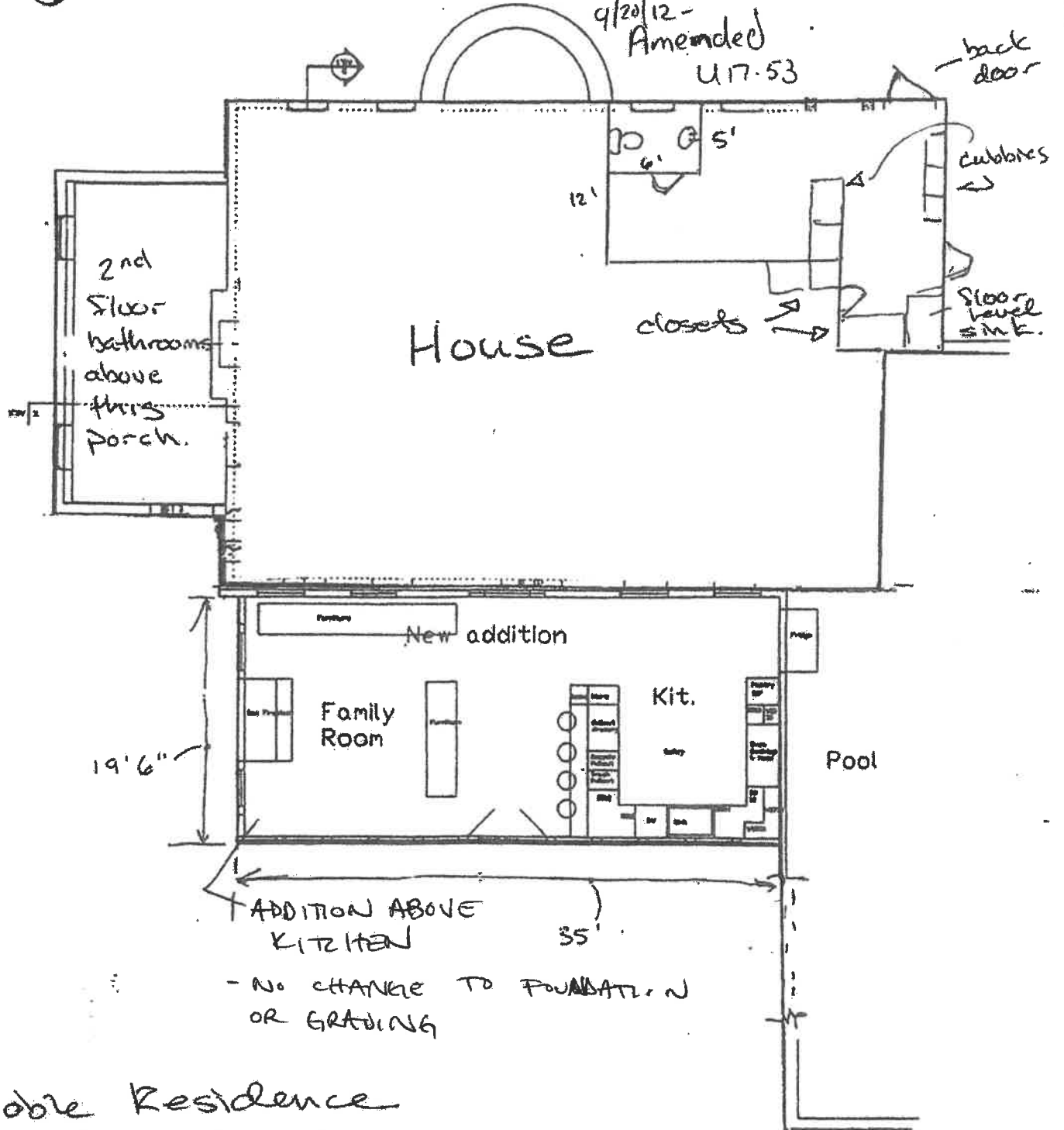


9/19/12

U17-053

Existing (old) kitchen becomes mudroom with a 1/2 bath.

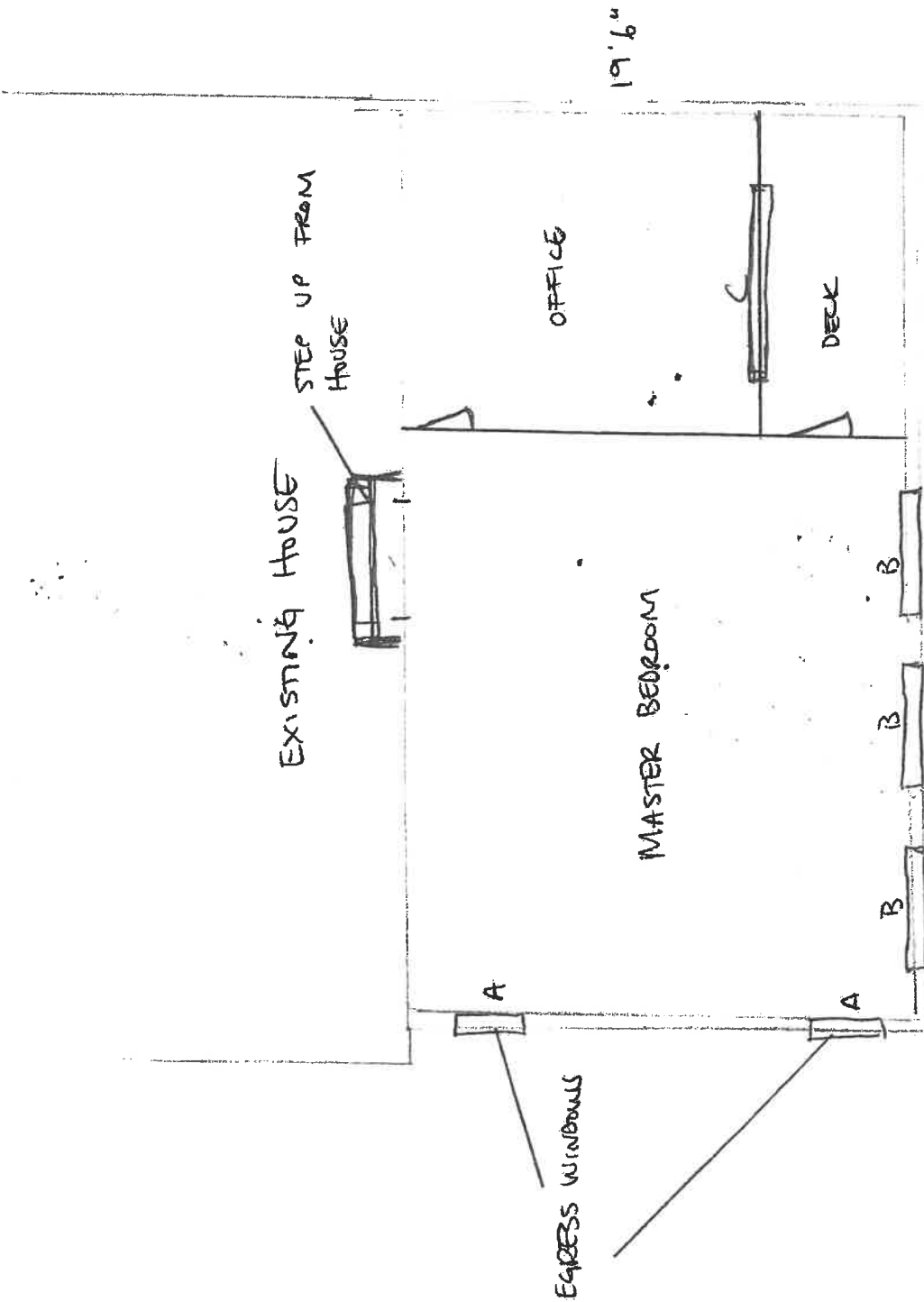
9/20/12 - Amended U17-53



- NO CHANGE TO FOUNDATION OR GRADING

Noble Residence

Work included in project replacing old kitchen with new kitchen. New kitchen is complete r.c.o. provided. Old kitchen now is to be converted to a mudroom & 1/2 bath

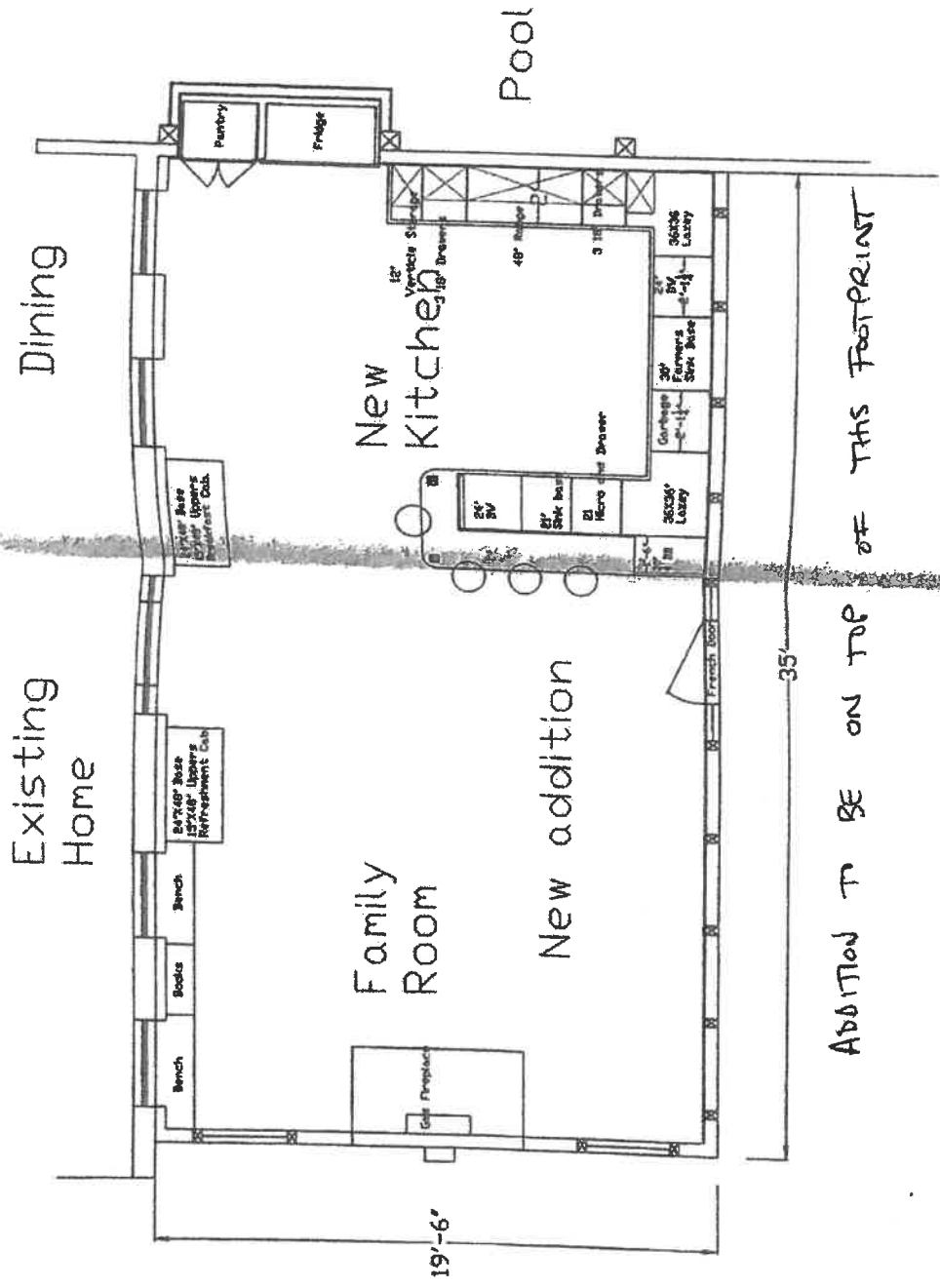


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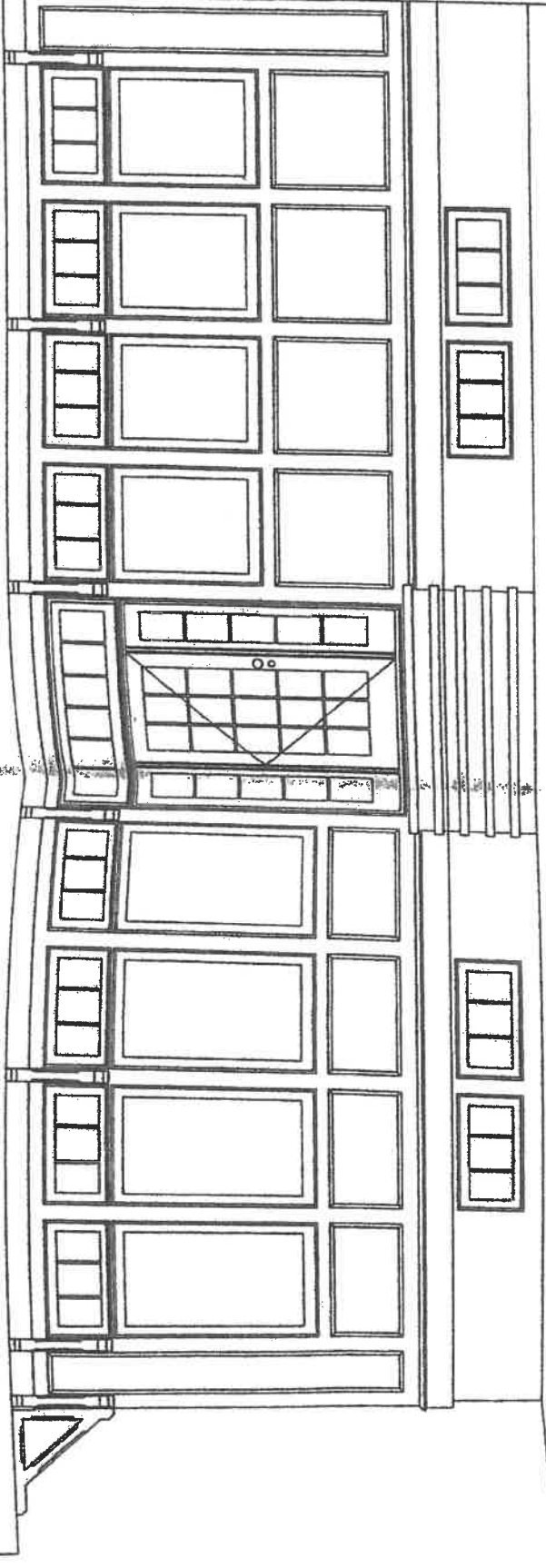
A - 2'11" 5/8 x 5'0 7/8

B - 4'11" 5/8 x 5'0 7/8

C - 5'7 5/16 x 5'0 7/8



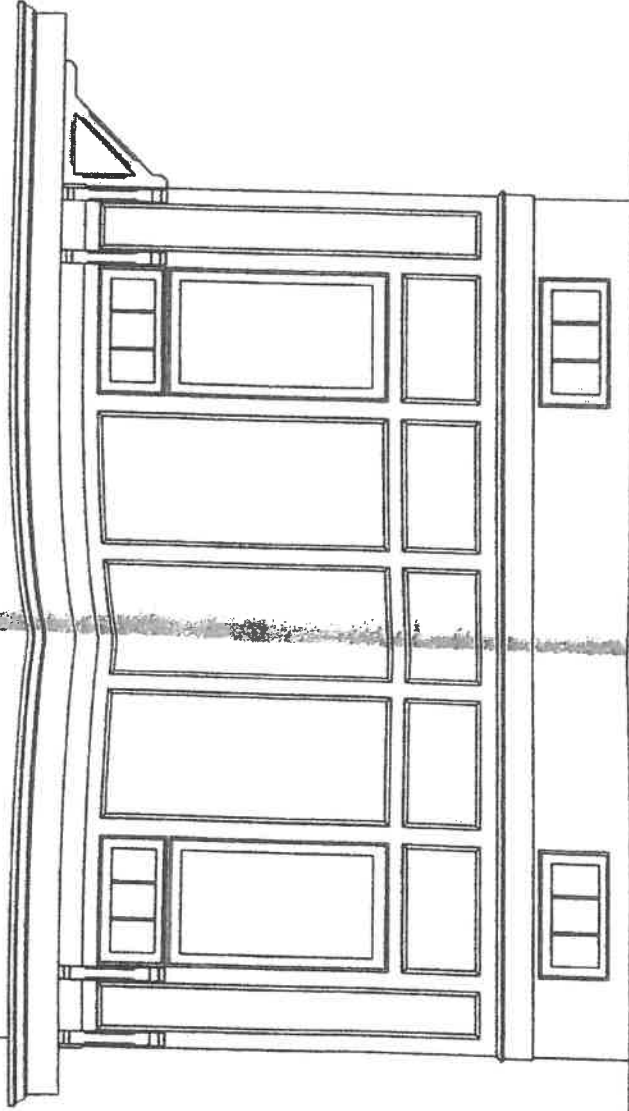
— ADDITION HERE



Noble Addition
Front View
10/12/11

Scale: 3/8" = 1'-0

ADDITION HERE



Noble Addition

Side View

10/12/11

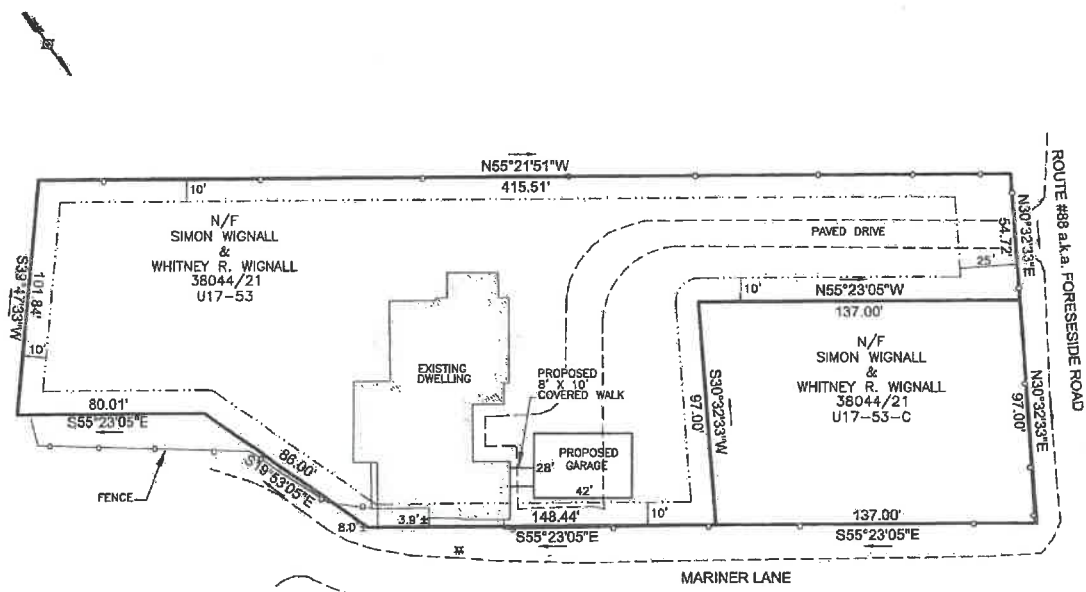
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U17.53



NOTES

1. OWNERSHIP OF THE PROPERTY SHOWN CAN BE FOUND IN THE DEED OF CYRUS & ROBIN NOBLE TO SIMON & WHITNEY WIGNALL, DATED APRIL 6, 2021 AND RECORDED IN DEED BOOK 28044, PAGE 21 AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD).
2. PLAN REFERENCE
a. PLAN ENTITLED PLAN OF BOUNDARY SURVEY 279 FORESIDE ROAD FALMOUTH, MAINE, MADE FOR CYRUS NOBLE, DATED MARCH 18, 2021, PREPARED BY TITCOMB ASSOCIATES.
3. PROPERTY LINES ARE BASED UPON PLAN REFERENCED IN NOTE 2a.
4. STRUCTURES AND PHYSICAL FEATURES AS SHOWN ARE BASED UPON PLAN REFERENCED IN NOTE 2a. WE HAVE ELECTRONICALLY OVERLAID THE SAID PLAN AND HAVE TRACED THE EXISTING FEATURES AS SHOWN.
5. THE PROPERTY IS IDENTIFIED ON THE TOWN OF FALMOUTH'S TAX ASSESSOR'S MAP U17 PARCEL 53 & 53-C.
6. THE SOLE PURPOSE OF THIS SKETCH IS TO DEPICT A PROPOSED GARAGE AND ADDITION, IN WHICH THE OWNERS ARE SEEKING A VARIANCE OF SETBACK REDUCTIONS FROM THE TOWN OF FALMOUTH. NO FIELD SURVEY WORK HAS BEEN PERFORMED BY THIS OFFICE.



SKETCH PLAN OF LAND
AT 279 FORESIDE ROAD
IN
FALMOUTH
CUMBERLAND COUNTY MAINE

PREPARED FOR: SIMON & WHITNEY WIGNALL
10 TERISON DRIVE
FALMOUTH, MAINE 04105

DATE: MAY 21, 2021
SCALE: 1"=40'



BOUNDARY ENGINEERING SURVEY TECHNOLOGY
28 YUBERD LANE
BUXTON, MAINE 04092
TELEPHONE 929-8607
FAX 929-2378

JOB NUMBER: 021-022 FLETCHER DRAWING FILE: SKETCH

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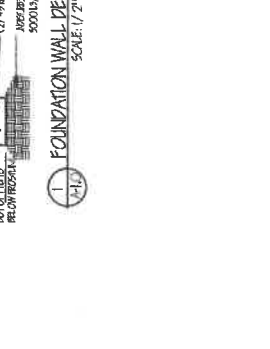
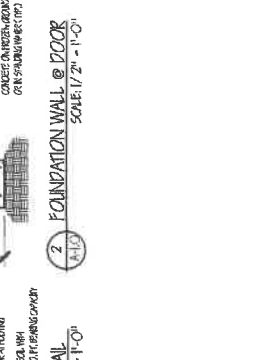
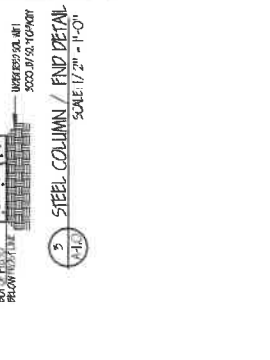
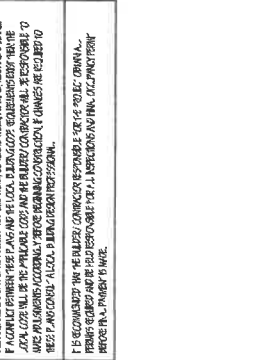
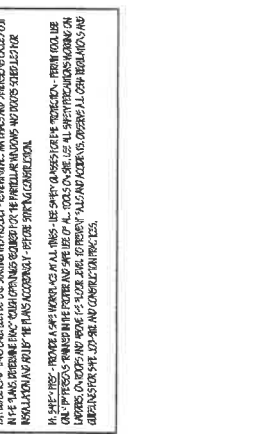
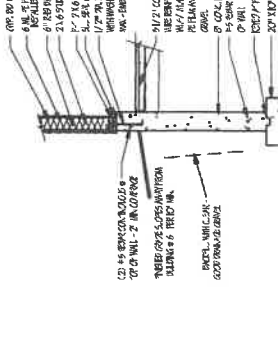
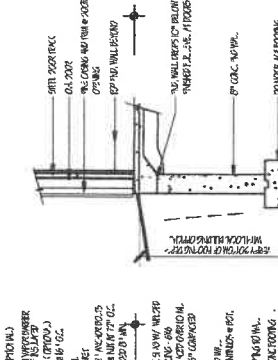
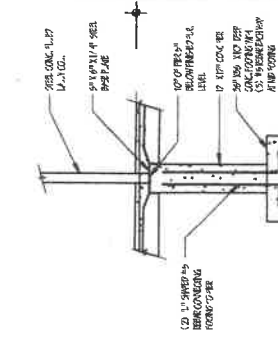
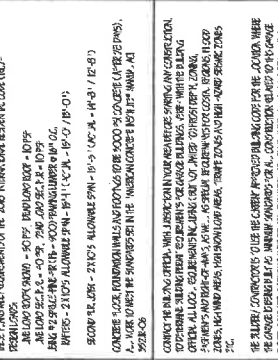
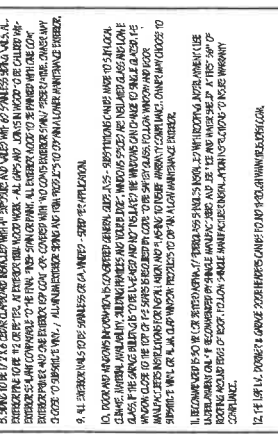
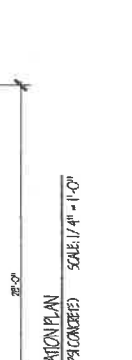
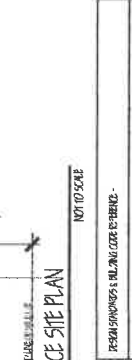
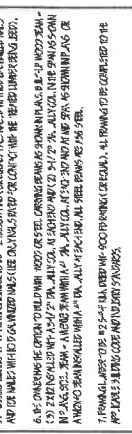
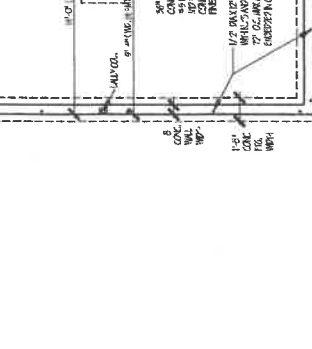
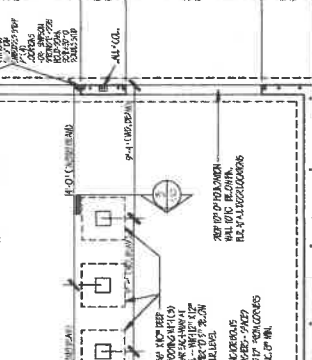
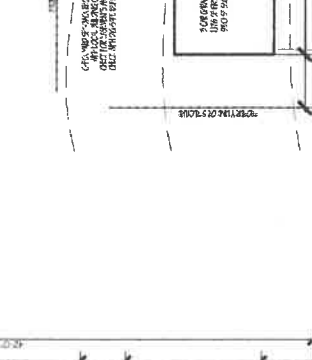
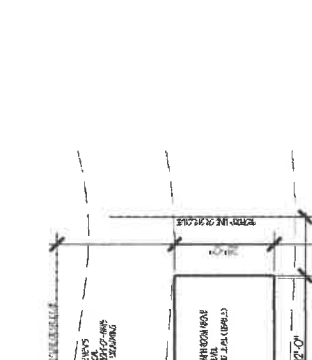
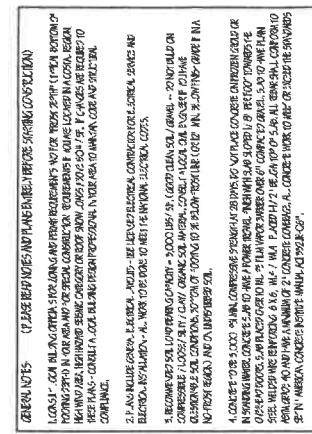
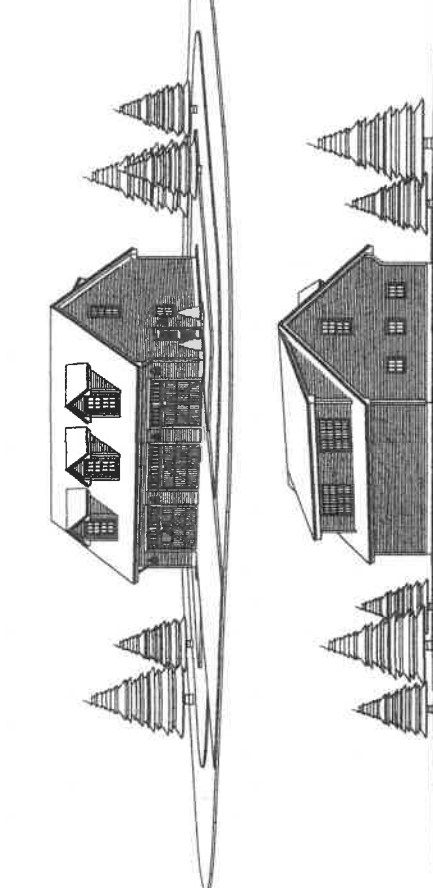
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GENERAL REFERENCE SITE PLAN

FOUNDATION PLAN (5000 P/CONCRETE) SCALE 1/4" = 1'-0"

FOUNDATION WALL @ DOOR SCALE 1/2" = 1'-0"

FOUNDATION WALL DETAIL SCALE 1/2" = 1'-0"

FOUNDATION PLAN (5000 P/CONCRETE) SCALE 1/4" = 1'-0"

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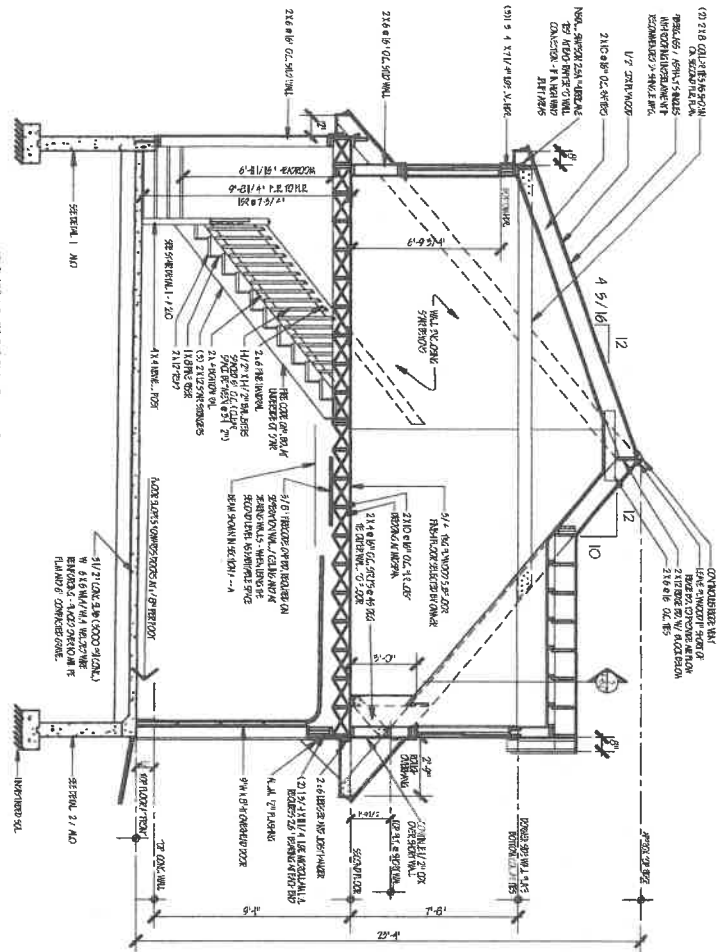
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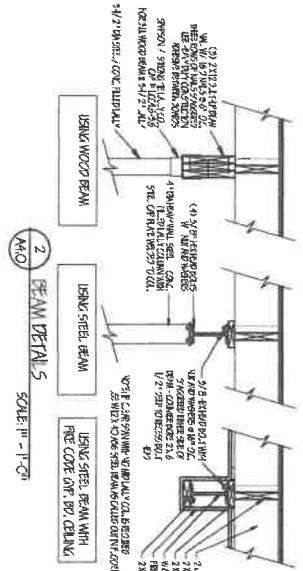
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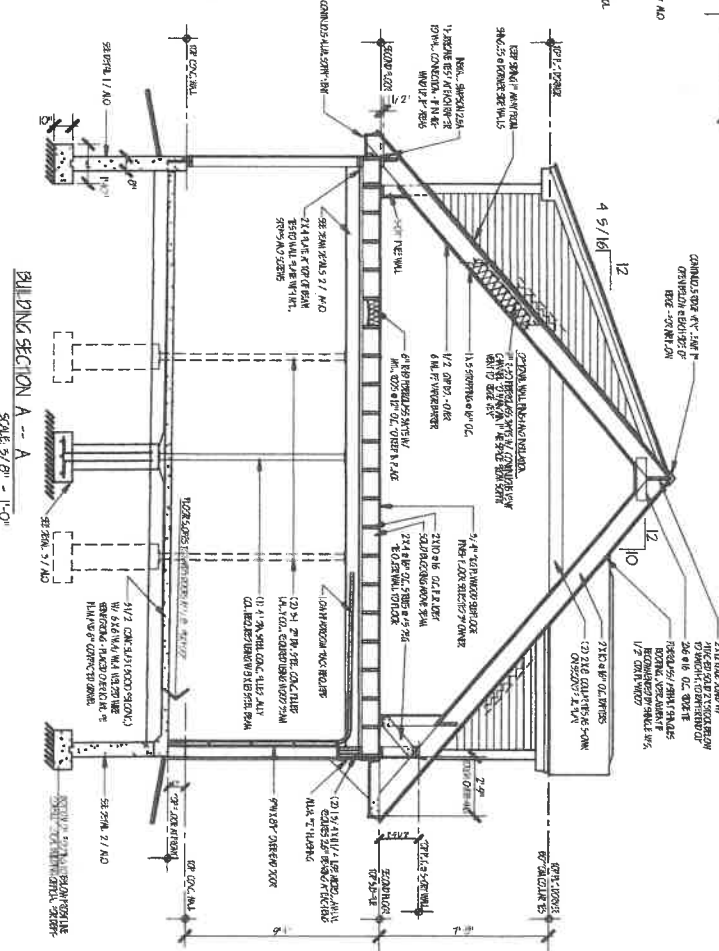
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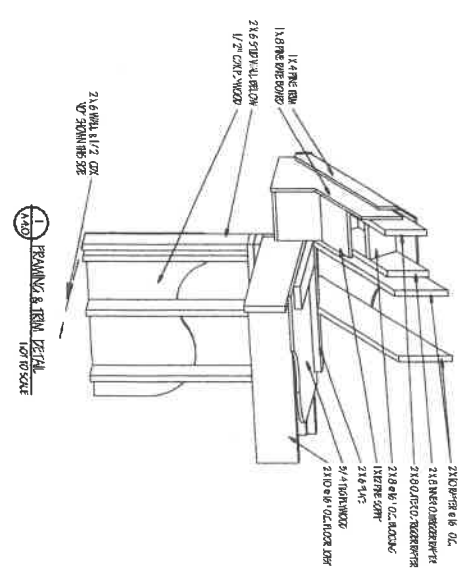
BUILDING SECTION B -- B
SCALE: 3/8" = 1'-0"



2 BEAM DETAILS
SCALE: 3/8" = 1'-0"

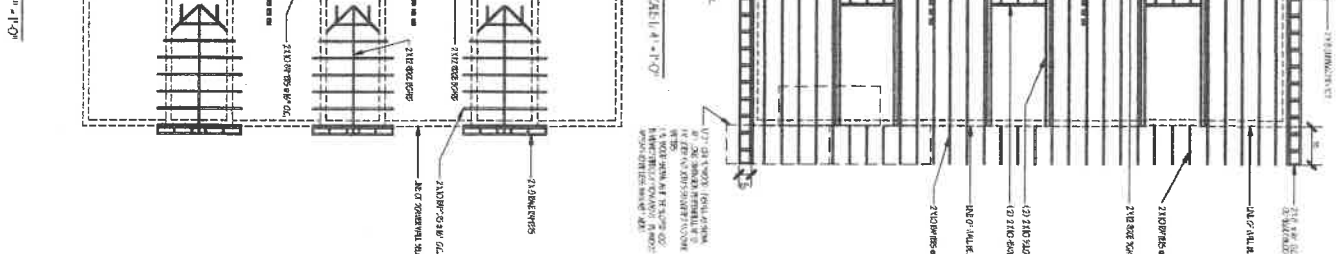
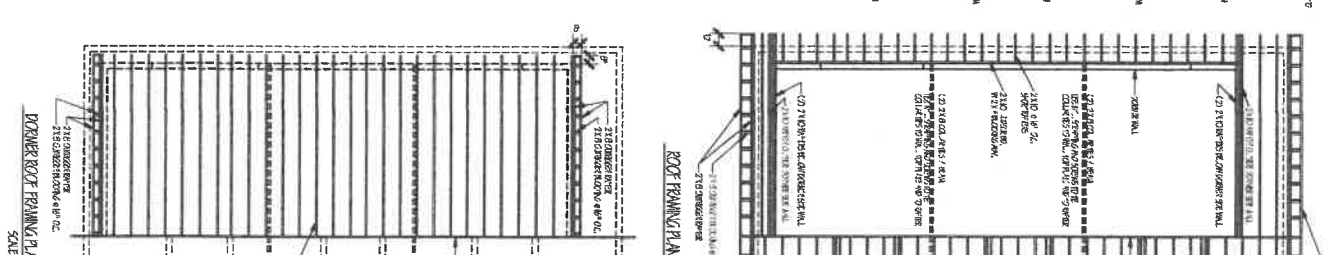
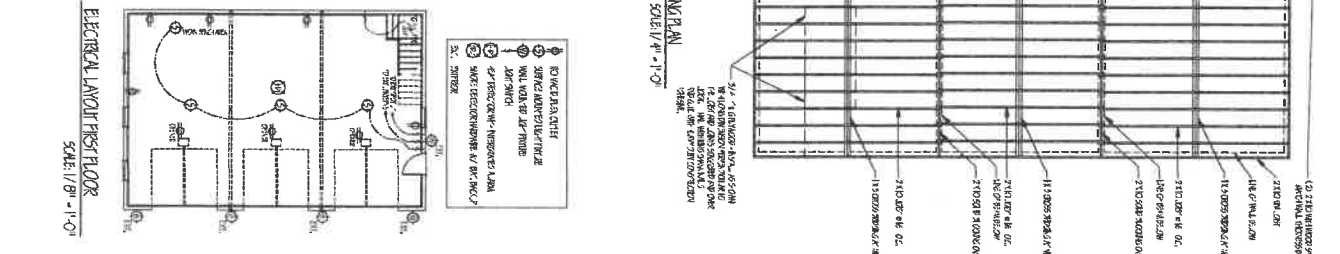
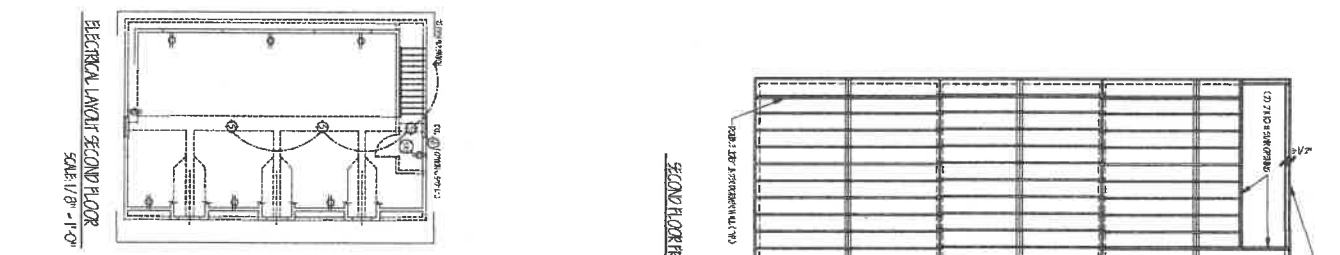
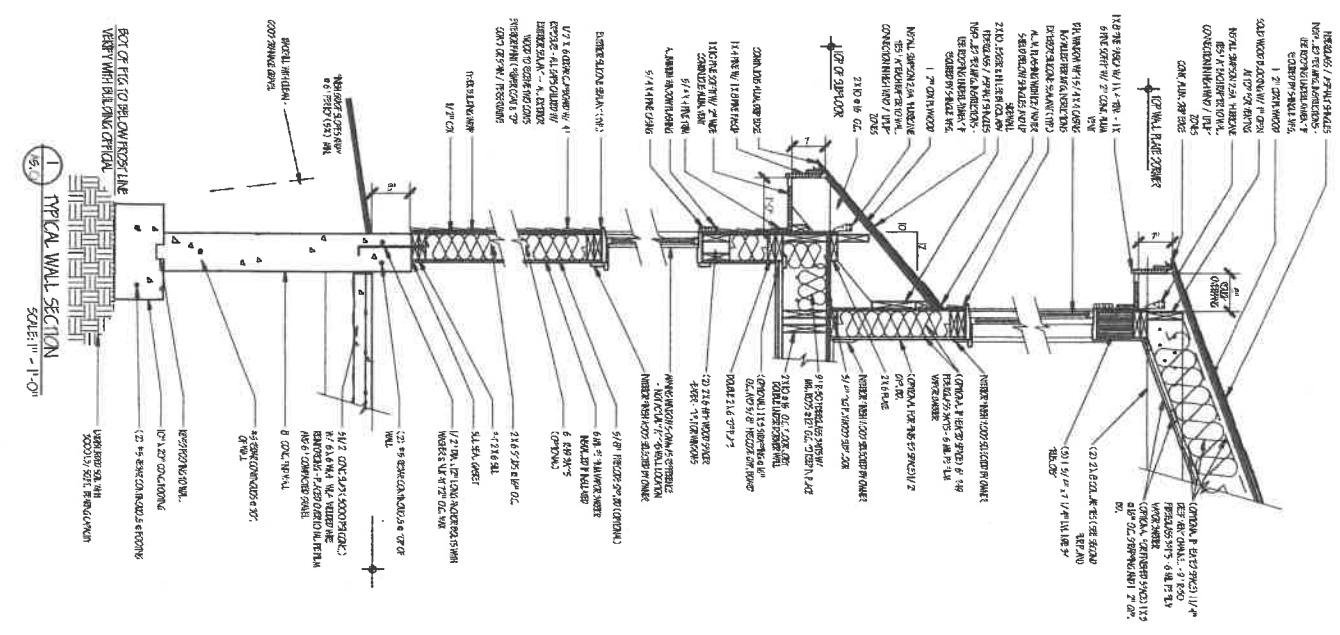


BUILDING SECTION A -- A
SCALE: 3/8" = 1'-0"



FRAMING & TRIM DETAIL
1/8" = 3/4" SCALE

<p>PROJECT: 3 CAR TRADITIONAL GARAGE FRONT & REAR DORMER</p>	<p>PLANS BY: PLANSBUILD TEL. 978 874 6489 KEEP@PLANSBUILD.COM</p>	<p>PLAN NORTH PREFERENCE</p>	<p>PURCHASER OF THIS PLAN SET:</p> <p>USNA FLETCHER</p>	<p>THESE PLANS AND RELATED ITEMS ARE THE PROPERTY OF 'PLANSBUILD'. THESE PLANS ARE PROVIDED BY FEDERAL CONTRACTORS - USE OF THESE PLANS IS LIMITED TO THE PERSON WHOSE PROJECT THEY ARE FOR AND THEY CANNOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF 'PLANSBUILD'. ANY VIOLATION OF THESE TERMS WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.</p>
			<p>DESIGN #: 5003-004</p> <p>SCALE AS NOTED</p> <p>DATE: 9/14/21</p>	
<p>TITLE: BUILDING SECTIONS DETAILS AND NOTES</p>		<p>FILE: A.4.0</p>		



A5.0 5/14/21 SCALE AS NOTED DATE:	TITLE: ROOF & SEC. FLR. FRAMING PL ELECTRICAL LAYOUT TYPICAL WALL SECTION	PROJECT: 3 CAR TRADITIONAL GARAGE FRONT & REAR DORMER	PURCHASER OF THIS PLAN SET: JSD - FLETCHER	DESIGNER: JSD - FLETCHER
	DESIGN #: 5008-004	PLANS BY: PLANSBUILD TEL. 978.874.6489 K2@PLANSBUILD.COM		

MAINE REAL ESTATE TAX-Paid

DLN: 1002140138955
WARRANTY DEED
Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS That **Cyrus B. Noble and Robin B. Noble** of 279 Foreside Road, Falmouth, ME 04105, for consideration paid grant to **Simon Wignall and Whitney R. Wignall**, of 10 Terison Drive, Falmouth, ME 04105, with **warranty covenants, as joint tenants**, the land in Falmouth, County of Cumberland and State of Maine described on the attached **EXHIBIT A**:

WITNESS our hand and seals this **6** th day of April, 2021.

Signed, Sealed and Delivered in presence of:

Cyrus Noble

Cyrus B. Noble
[Signature]

Robin B. Noble

STATE OF MAINE

April 6 , 2021

COUNTY OF CUMBERLAND

Then personally appeared the above-named **Cyrus B. Noble and Robin B. Noble** and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Signature]

Notary Public
Printed Name: *Katherine Pratt*
My Commission Expires: *8/19/23*

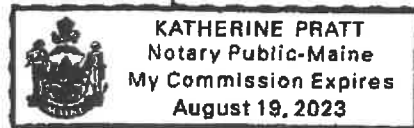


EXHIBIT A

A certain lot or parcel of land with improvements thereon, situated on the southwesterly side of Ocean View Lane in the Town of Falmouth, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at an iron pipe on the westerly side of Ocean View Lane at the easterly corner of Lot No. 1 as shown on Plan of Ocean View Lane made by G. Bates, Surveyor, dated April 20, 1968 and recorded in Cumberland County Registry of Deeds in Plan Book 77, Page 21; thence South 2° 30' East by the westerly side line of Ocean View Lane, Forty-one and Five tenths (41.5) feet to a monument; thence South 38° East by the southwesterly side line of Ocean View Lane, Eighty and Five Tenths (80.5) feet to an iron pipe; thence South 57° 06' West by land now or formerly of the Grantors (as named in deed from Earle W. Noyes, Jr. and Shirley E. Noyes to Robert P. and Martha A. Timothy, dated September 4, 1970 and recorded in Book 3142, Page 683), One Hundred One and Six Tenths (101.6) feet to an iron pipe on the northeasterly side line of land now or formerly of Hiram Dexter, Jr.; thence North 38° West by said Dexter land, Ninety-six and Three Tenths (96.3) feet to an iron pipe at the southerly corner of said Lot No. 1; thence North 47° 52' 30" East by said Lot No. 1, One Hundred Twenty-five (125) feet, more or less, to the point of beginning. Being a portion of Lot No. 2 as shown on said plan.

Subject to and together with the benefit of all conditions, restrictions and easements of record.

Also conveying another certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Foreside Road, in the Town of Falmouth, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the southeasterly side line of said Foreside Road at the northwesterly corner of land now or formerly of Hiram Dexter, Jr.; thence North 56° 07' 30" East (erroneously recited as North 56° 07' 30" West in prior instruments) by said Foreside Road one hundred fifty-one (151) feet, more or less, to a monument at the intersection of said southeasterly side line of Foreside Road and the southwesterly side line of a proposed road to be known as Ocean View Lane; thence South 38° East by the southwesterly side line of said Ocean View Lane two hundred eighty-seven (287) feet to a monument at an angle in said lane; thence South 2° 27' East by said land forty-four and five tenths (44.5) feet to a point; thence South 56° 07' 30" West one hundred twenty five (125) feet, more or less, to a point in the northwesterly side of said Dexter land; thence North 38° West by said Dexter land three hundred twenty (320) feet to the point of beginning.

ALSO including all that portion of the parcel above that was conveyed by Cyrus B. Noble and Robin B. Noble to Robin B. Noble in the deed dated December 10, 2018 and recorded in Book 35343, Page 116, bounded and described as follows:

A certain lot or parcel of land situated on the southeasterly side of the Foreside Road in the Town of Falmouth, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

Beginning at a stone monument at the intersection of the southeasterly side line of Foreside Road and the southwesterly side line of Mariner Lane, formerly known as Ocean View Lane;

Thence S 56° 07' 30" W (erroneously recited as "N 56° 07' 30" W" in prior instruments); by the southeasterly side line of Foreside Road 97 feet to a point;

Thence S 38° E parallel with the southwesterly side line of Mariner Lane 137 feet to a point;

Thence N 56° 07' 30" E and parallel with the westerly side line of Foreside Road 97 feet, more or less, to the southwesterly side line of Mariner Lane;

Thence N 38° W by the southwesterly side line of Mariner Lane 137 feet, more or less, to the point of beginning.

Reference is made to Warranty deed from Cyrus B. Noble dated July 2, 2015 and recorded in the Cumberland Registry of Deeds in Book 32412, Page 121.

