

Dan & Sandy Kerpelman
10 Old Powerhouse Road
Falmouth, ME 04105
dan@kerpelman.org
(207) 807-9565

Falmouth Board of Zoning Appeals
c/o Mr. Justin Brown, Code Enforcement Officer
271 Falmouth Road
Falmouth, ME 04105

Via email

August 18, 2026

Subject: Objection to Conditional Use Application:

Applicant	Michael Coyne
Lot address	241A Foreside Road, Falmouth, ME 04105
Map/Lot	U16-080-C1
Owner	CBM Holdings, LLC; principal James M. Hanley
Submitted	June 30, 2026
Agenda Item	Item #2 of Augst 25, 2026 meeting

Dear Chairperson Verville, Members of the Board of Zoning Appeals, and Code Enforcement Officer Brown:

In reference to the above-mentioned Application for Conditional Use, the undersigned, Dan & Sandy Kerpelman, owners of the property at 10 Old Powerhouse Road (Map/Lot U16-80-D2), identified as "Abutter A" in the application, submit this formal objection, in further support of the letter we submitted prior to the July 28, 2026 meeting concerning the same application.

In summary, the basis for our objection is:

1. The application fails to meet Condition 5 requiring elevation overlay drawings
2. The application violates Ordinance 19-26
3. The application violates Ordinances 19-119(c) and 19-123(d)
4. The application violates Ordinances 19-119(d) and 19-123(f)
5. The application violates Ordinance 19-119(e)
6. The application violates Ordinances 19-119(f) and 19-123(c)
7. The application provides no evidence of compliance with Ordinances 19-119(h) and 123(b)

Details follow.

Application Condition 5

"For properties in the Water View Overlay District, if an improvement or modification would obscure, either in whole or in part, any views of the water from adjacent or nearby properties or public rights of way, the elevation drawings shall be submitted in the form of overlay drawings where existing building elevations are overlaid by the proposed building elevations."

No such elevation overlay drawings were provided. At the July 28 meeting, Mr. Lloyd asked the applicant to confirm that the view study was limited to the one picture submitted in Appendix A2.02 of the application. The applicant confirmed this, claiming that it was the "most indicative of the impacts on the two abutting properties that we see we will have an impact for."

This is misleading. The picture is from the upper floor of our home at 10 Old Powerhouse Road. This is not our main living space. The main living space is the ground floor where our living room, dining room, kitchen, office and porch are located. A photo taken from this floor would have shown that our view would be mostly blocked by the proposed construction. In addition, the purported view study does not include any consideration for the view from the abutting home at 12 Old Powerhouse Road.

Town Ordinance Section 19-26 - Water View Overlay District (WVOD)

"To establish within the Town of Falmouth an area as shown on the attached fragmentary map entitled, 'Proposed Waterview Overlay District' and dated February 23, 2012. Non-conforming single-family dwellings and nonconforming lots shall receive a Conditional Use Approval from the Board of Zoning Appeals and comply with Sections 19-119 and 19-123."

As discussed below, the application does not comply with Sections 19-119 and 19-123.

Town Ordinance Section 19-119 – Conditional Use Part (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."

Build times for single-family homes in Falmouth range from 9 to 14 months depending on size and complexity, with custom homes being on the higher end of the range.

Once construction begins, the narrow margins between the building footprint and the edges of the lot would require that construction equipment operate dangerously close to adjacent properties, in one case where young children live. The dust and noise from equipment in such close proximity would cause a significant

detrimental effect on the use and peaceful enjoyment of abutting properties for at least the better part of a year.

The proposed construction would block sunlight from the abutting property at 241 Foreside Road. This impact was detailed in Section III of the opposition letter submitted by Mr. Guida and others on July 28, 2026, showing 2 to 4 hours a day of sunlight blockage depending on the time of year.

Finally, the proposed driveway would be on the property line of the abutting property at 12 Old Powerhouse Road, close to its living room windows, causing noise and potentially dangerous carbon monoxide fumes depending on wind conditions.

While the first issue would be limited to the construction period, the latter two issues would be permanent.

Town Ordinance Section 19-119 – Conditional Use Part (d)

“Will not have a significant adverse effect on adjacent or nearby property values.”

In his testimony on July 28 on the topic of property values, Mr. Coyne stated, “There's no reasonable thought process as to why that would negatively impact the homes,” and “We don't feel like there has been any specific data as to otherwise dispute that.” Mr. Coyne repeatedly referred to the project being a single-family home, consistent with others in the neighborhood. While this may be true, it obfuscates many other ordinances such as this one, for which he provided no compelling justification.

In our opposition letter dated July 20, 2026, we provided ample quantitative evidence of significant adverse effect on adjacent property values. Based on research of property premiums for water views, we showed that impacted properties could lose significant value if the living area water view is mostly blocked, as would be the case with the proposed construction project.

Source	Water View Premium
Redfin and MLS - Falmouth	43%
Actual purchase price premium vs. Falmouth average	59%
American Home Shield - nationwide	78%

Therefore, for the two abutting properties with the most significant adverse impact to their views would incur unacceptable losses to property value. Also, as demonstrated in the opposition letter from Mr. Guida and others dated July 28, 2026, the abutting property at 241 Foreside Road would also lose value due to sunlight deprivation.

A conservative estimate suggests the three most impacted properties would lose upwards of \$1,250,000 in aggregate property value if this application were to be approved. This loss is far greater than the gain to be realized by the applicant.

We reject Mr. Coyne's statements that our thought process is unreasonable and question whether or not he actually read the opposition material before stating that there was no data disputing his points.

During board deliberations at the July 28 meeting, Chairperson Verville stated, "I do believe that owners of property should be able to get a reasonable rate of return on their investment." We assume this applies to abutting property owners as well as to the applicant.

The current owners of the subject lot purchased it in 2023 along with the condo at 239A Foreside Road for a total of \$1,800,000. \$1,400,000 was attributed to the condo and \$400,000 to the subject plot. The condo was sold two years later for \$1,655,000, resulting in an 18% return. This quick return was enabled in large part by the view easement granted at the owner's discretion just before the sale. The self-imposed restriction from the easement is the prime reason the buildable space of the subject lot is so tight.

There is a contingent purchase and sale agreement attached to the conditional use application at a price of \$450,000. Approving the application would provide the owners additional returns for a total of \$305,000.

While we are sympathetic to the owner's desire to maximize return on his investment, we absolutely reject the notion that this return of \$305,000 should be protected at the expense of over 4 times that amount in estimated loss of aggregate property value for by neighboring owners.

After all, to Ms. Verville's point, we too should be able to get a reasonable rate of return on our investment.

Town Ordinance Section 19-119 – Conditional Use Part (e)

"Will not have a significant adverse impact on water views from adjacent and nearby properties and public right of ways."

Water views of two abutting properties would be significantly impacted, and the applicant provided no data or other evidence showing the contrary.

Although the burden of proof should be on the applicant, we provided undeniable evidence of significant adverse impact to our and neighboring water views in our opposition letter dated July 20, 2026. Most of our ground floor water view would be blocked. The applicant provided a photo simulating our view from the upper floor, showing partial blockage, but this was misleading as he conveniently failed to provide any consideration for the ground floor view where we live most of the day in our living room, dining room, kitchen, office and porch. Those views would be mostly or entirely blocked. Furthermore, the applicant provided no consideration for the

abutting property at 12 Old Powerhouse Road, which would suffer a complete view blockage.

Please refer to Exhibit A of the present letter for further demonstration of the significant adverse impact this project would cause to our water views.

We also remind the board that a site visit to our home was conducted in 2024. At the Board meeting immediately following that visit, the following comments made by board members, two of whom continue to serve on the board today, were extracted from the minutes of the September 24, 2024 meeting:

- Mr. Rickett observed that, based on the site visit, there would be a significant impact to the views of one or more homes, and that he would not support the proposal.
- Mr. Doehne agreed that the views would be significantly obstructed, and that he would not support the proposal either.
- Mr. Pantenburg concurred that the proposal would create a substantive impact to the water views.

Nothing in the current application resolves the observed obstruction. The main difference is that the rearmost part of the planned construction is stepped down to an estimated 15 feet. However, as demonstrated in our prior opposition letter and in Exhibit A, the vantage point from our living space is lower than that, even when considering the the slope between our vantage point and the proposed construction site. Therefore, there's no reason why this application should be considered any more compliant than the one submitted in 2024.

Town Ordinance Section 19-119 – Conditional Use Part (f), Section 19-113 – Conditions Part (c), and Section 19-123 – Conditions Part (d)

“Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion.”

“Must not create or increase any fire hazard or any hazards to safe, convenient pedestrian or vehicular flow.”

“Must prevent or avoid the creation of any nuisance affecting adjacent properties.”

As mentioned above, build times for single-family homes in Falmouth range from 9 to 14 months depending on size and complexity, with custom homes being on the higher end of the range.

Old Powerhouse Road is a narrow, private road, with barely enough width to allow one car and a pedestrian to pass. There are no sidewalks or shoulders. Whenever a truck uses the road, such as for garbage collection or deliveries, pedestrian and vehicular traffic remain blocked. A year-long construction project would hamper the safety and flow of vehicular and pedestrian traffic for residents and users of the Portland Yacht Club, which shares the road. Emergency vehicles would be

hampered by construction vehicle traffic. This is particularly critical for elderly families along the lower portion of the road with health issues that periodically require emergency medical intervention.

Using the private road at the northeast end of the owner's lot is not an option as stated by road owners Mr. and Ms. Sawyer in their opposition letter dated July 20, 2026. This prohibition results from damage caused to their road by a prior construction project for which they were left having to incur the full burden of repair.

Once the foundation is dug, there is insufficient space to maneuver or park construction vehicles on the lot without further blocking Old Powerhouse Road. The other portion of the lot may not be used to park construction vehicles either due to as the view easement (Document: 38354, Book: 41736, Page: 45) states that no commercial vehicles "shall be parked within the View Easement for more than three (3) days per year."

Once construction begins, the narrow margins between the building footprint and the edges of the lot would require that construction equipment operate dangerously close to adjacent properties, in one case where young children live. The dust and noise from equipment in such close proximity would cause a significant detrimental effect on the use and peaceful enjoyment of abutting properties for at least the better part of a year.

The proposed plan calls for a driveway running along the side of the proposed house adjacent to the line of 12 Old Powerhouse Road. That house would create a blind spot to traffic coming down Old Powerhouse Road, creating a hazard to vehicles and pedestrians alike.

Conclusion

Again, we have shown beyond reasonable doubt that the application violates numerous town ordinances and fails to meet the conditions allowing for approval. While we empathize with the applicant's interests and are willing to seek compromise, the applicant disregarded the board's repeated insistence on the importance of collaborating with neighbors. Finally, we demonstrated that the applicant provided incomplete and misleading information, while largely ignoring and disparaging the validity of the detailed opposition information provided.

We are sensitive to the owner's wish to realize a reasonable rate return on his investment, but we demonstrated that doing so with the present proposal would come at the price of an even larger negative return on abutters' investments, in addition to the degradation of their quality of life, views, and safety.

For these reasons, we respectfully implore the board to definitively deny this application. Furthermore, we discourage the board from allowing for further tabling of the application as the applicant has provided no revised or complementary information, nor made any good faith attempt to meet with neighbors who expressed

their willingness in no uncertain terms since the last meeting when the application was tabled. This was also true when the owner submitted a substantially equivalent comparable application was tabled successively in 2024.

Thank you for the service you provide to our community, and for your thoughtful consideration of this objection.

Respectfully submitted,

A handwritten signature in blue ink, reading "Dan & Sandy Kerpelman". The signature is written in a cursive, flowing style.

Dan & Sandy Kerpelman

Exhibit A – Water View impact

Illustration 1 – Current View

The following image is the current ground floor view from 10 Old Powerhouse Road. Note the flagpole as it is used as a lateral reference in the subsequent illustrations.



Illustration 2 – Story Pole Analysis

Image A shows a virtual story pole created by standing on a ladder at the edge of the proposed building site, and at the same elevation. The ladder is 96". The top of the ladder to my extended fingertip is an additional 41". Adding an additional scaled projection of 43" creates a virtual "story pole" of 180", the approximate height of the rear deck of the proposed construction. The picture was taken from our dining room.

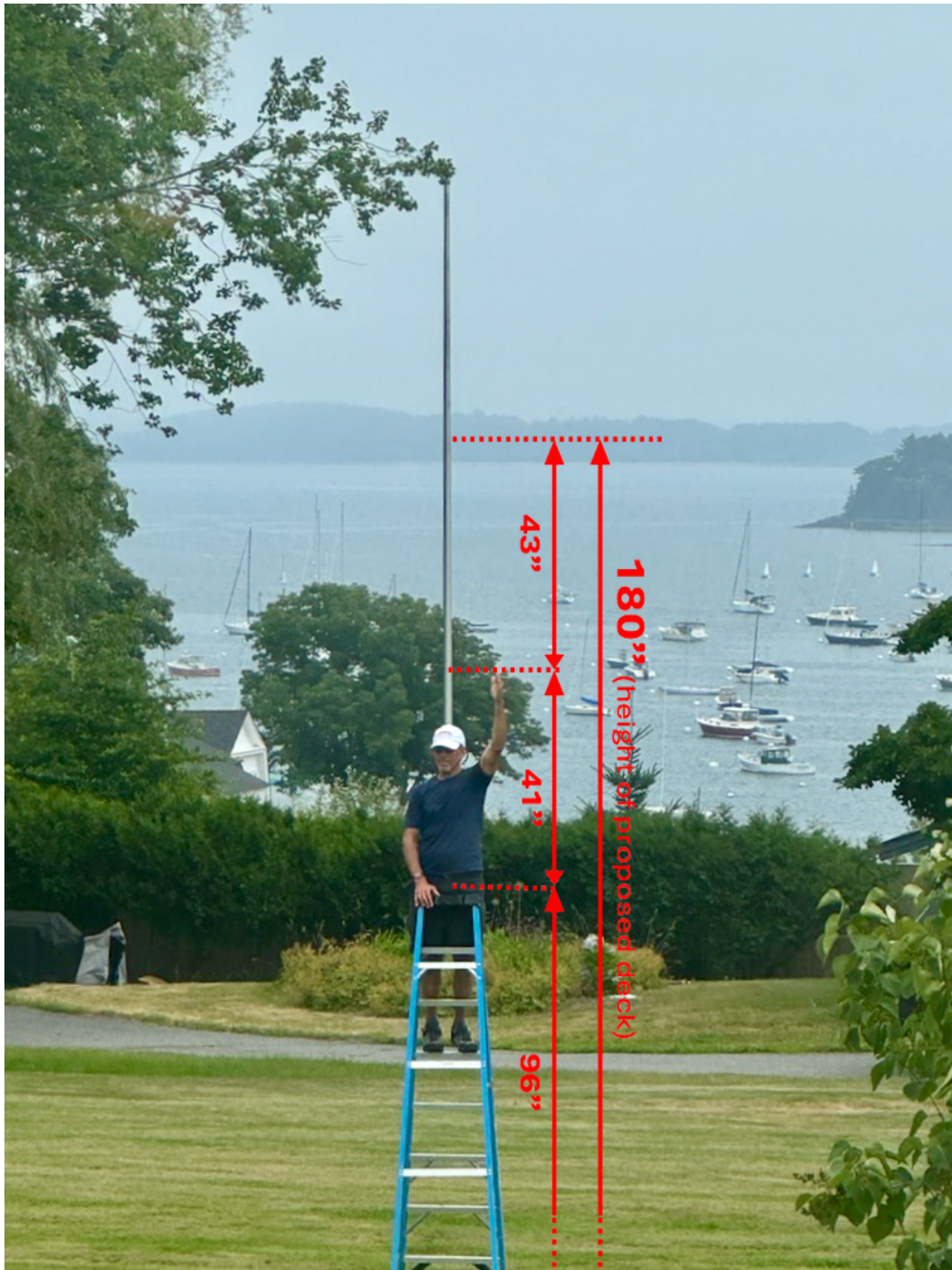


Image B is the same with the applicant's architectural drawing, superimposed to scale with the flagpole used as a lateral reference.

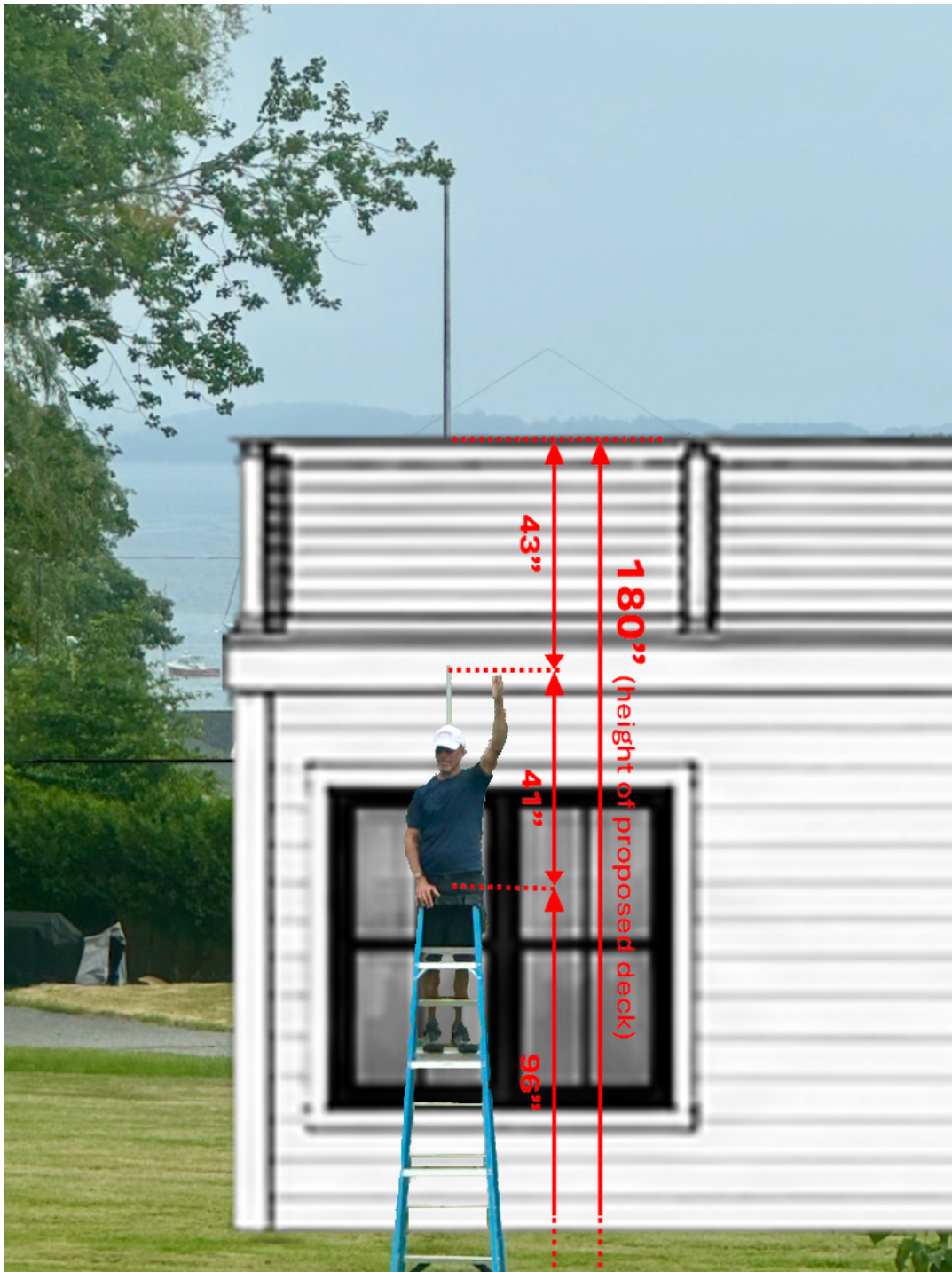
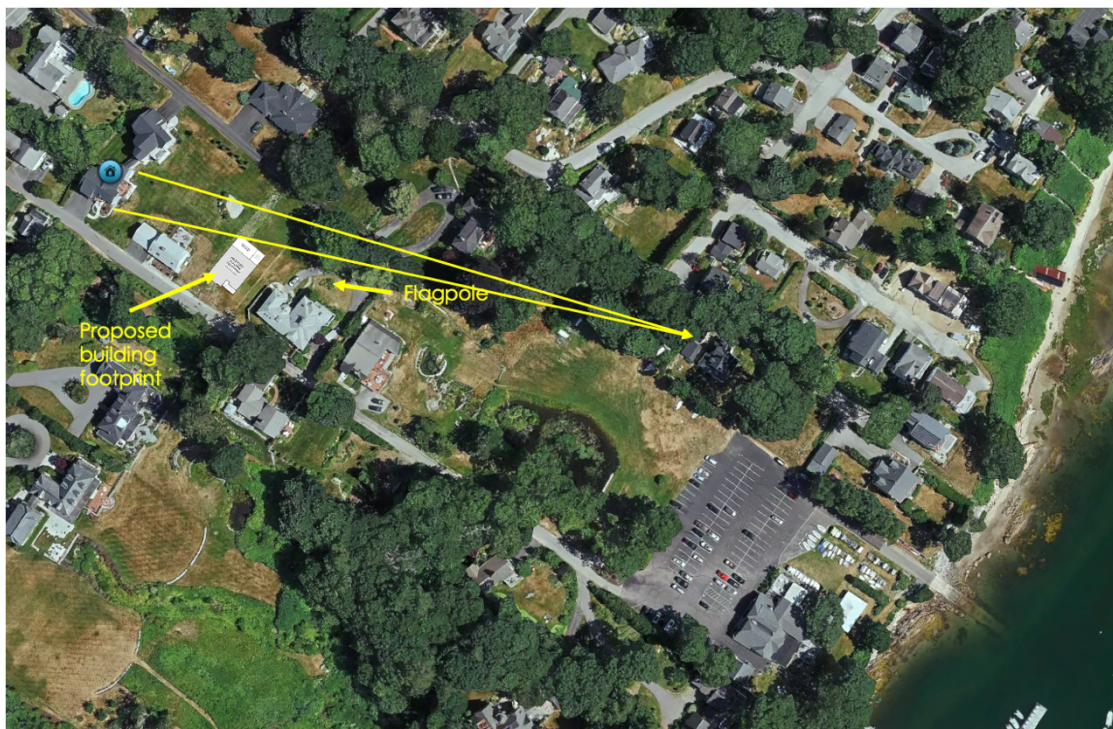


Illustration 3 – View Corridor Analysis

Image A shows our current view corridor without the proposed construction.



Image B shows how our view corridor would be eliminated should the construction be approved.



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(207) 807-9565

Falmouth Board of Zoning Appeals
c/o Mr. Justin Brown, Code Enforcement Officer
271 Falmouth Road
Falmouth, ME 04105

Via email

August 18, 2026

Subject: Chronology of Interaction Concerning Conditional Use Application:

Applicant	Michael Coyne
Lot address	241A Foreside Road, Falmouth, ME 04105
Map/Lot	U16-080-C1
Owner	CBM Holdings, LLC; principal James M. Hanley
Submitted	June 30, 2026
Agenda Item	Item #2 of August 25, 2026 meeting

Dear Chairperson Verville, Members of the Board of Zoning Appeals, and Code Enforcement Officer Brown:

At the July 28 meeting, various board members encouraged the applicant to interact with neighbors in the interest of seeking a compromise that would address the interests of all concerned parties. Ms. Verville reminded the applicant that he was already "on notice" about this from the 2024 application, when no such interaction took place either.

There was no such interaction prior to the July 28 meeting. After the meeting, the abutting neighbors offered to meet with the applicant several times. The applicant was non-responsive. Below is the chronology of interaction since the application was last tabled:

Date	Communication	Applicant's Response
July 28, 2026	Immediately after the board meeting, Mr. Coyne approached me, asking to meet immediately the same evening. It was late and I wanted time to digest the proceedings, so I told Mr. Coyne that it wasn't a good time but welcomed him to reach out to me in the following days and gave him a card with my contact information.	No follow up.
July 29, 2026	Abutting neighbors sent a letter via certified mail to Messrs. Coyne and Moll, with copies to CBM	No reply.

	Holdings, LLC and to Code Enforcement Officer Brown, acknowledging our understanding of the owner's right to seek reasonable use of the property, and offering to meet to consider alternative proposals that would meet the requirements of the relevant town ordinances. That letter and return receipts are attached.	
August 10, 2026	Mr. Moll sent individual emails to several abutters stating that he would like to discuss the project. Again, the neighbors replied immediately reiterating our willingness to meet, but requesting that such a meeting focus on revisions to the proposal that would address the non-compliances and other concerns raised in the various objections. That email exchange is attached.	No reply.

It is clear that, again, there has been no good faith effort by the applicant to interact with the abutting neighbors, despite repeated encouragement and warnings from the board.

Respectfully submitted,



Dan Kerpelman

Attachment A – July 29, 2026 Letter to B. Moll and M. Coyne with Receipts

Docusign Envelope ID: FD46610A-C97F-811E-821C-8D03D409EEB9

July 29, 2026

Brad Moll
Prospective Purchaser and Developer
c/o Archetype Architects
48 Union Wharf
Portland, Maine 04101

Michael Coyne
Archetype Architects
48 Union Wharf
Portland, Maine 04101

Re: 241A Foreside Road, Falmouth

Dear Mr. Moll and Mr. Coyne:

We are writing on behalf of neighboring property owners regarding the proposed development of a single-family home on 241A Foreside Road.

We recognize the owner's right to seek reasonable use of the property and would welcome the opportunity to review a materially different proposal that satisfies the requirements established by the Town's ordinances for conditional-use approval.

At the same time, as expressed in detail in our opposition letters and public comments, we agree with the concerns expressed by the Board of Zoning Appeals that the proposal presented on July 28 does not adequately demonstrate compliance with those requirements. Our position is not based upon opposition to development or upon any single personal objection. It is based upon the applicant's obligation to demonstrate that the proposed design, scale, bulk, siting, buffering, drainage provisions, and effects on neighboring properties and water views satisfy each of the applicable conditional-use standards.

We therefore encourage you to reconsider the project comprehensively rather than attempting minor revisions to the present design. We hope that a meaningful review of materially different alternatives may produce a design that better balances the applicant's development rights with the obligation to protect neighborhood interests, as called for by the Town's ordinances.

The neighbors are prepared to participate constructively in that process and to consider alternative designs in good faith. Any future proposal, however, should begin with the ordinance requirements and demonstrate clearly how each applicable standard would be met, and how deficiencies related to those standards, as detailed in our various opposition letters, would be mitigated.

Sincerely,

Signed by:



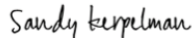
Elizabeth Oakleaf – 12 Old Powerhouse Rd

Signed by:



Dan Kerpelman – 10 Old Powerhouse Rd

Signed by:



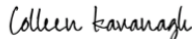
Sandy Kerpelman – 10 Old Powerhouse Rd

Signed by:



Matt Guida – 241 Foreside Rd

DocuSigned by:



Colleen Kavanagh-241 Foreside Rd

DocuSigned by:



Andrew Sawyer – 243 Foreside Rd

DocuSigned by:



Tisha Sawyer – 243 Foreside Rd

CC – CBM Holdings, LLC
One Canal Plaza
Portland, ME 04101

CC- Town of Falmouth
Code Enforcement Office
271 Falmouth Rd.
Falmouth, ME 04105
Attn: Justin Brown,

Attachment B – August 10-11, 2026 Email Exchange with B. Moll

Subject: Re: 241A Foreside Road
Date: Tuesday, 11 August 2026 at 11:48:50 Eastern Daylight Time
From: Dan Kerpelman
To: yarmouthco@gmail.com
CC: Betsy Oakleaf, Paul.Richards@wirelessensors.com, Matt Guida, Colleen Kavanagh, Charlotte Ryan, Oscar Pena, Andrew Sawyer, Tisha Sawyer, Sandy Kerpelman

Dear Mr. Moll,

Thank you for reaching out to several of the abutting neighbors about meeting to discuss the 241A Foreside Road project.

As noted in our letter to you following the July BZA meeting, we're glad to review a materially different proposal – one that meets the town's conditional-use ordinances and addresses the specific concerns raised in the four letters submitted to the BZA and during public comment. We prefer to meet as a group to ensure all concerns are given appropriate consideration.

Please send the revised proposal you'd like us to review, after which we'd be happy to schedule a meeting.

Best regards,

Dan Kerpelman
Sandy Kerpelman
Betsy Oakleaf
Paul Richards
Matt Guida
Colleen Kavanagh
Oscar Pena
Charlotte Ryan

From: Brad Moll <yarmouthco@gmail.com>
Sent: Monday, 10 August 2026 16:22:38
To: dkerp@mac.com <dkerp@mac.com>; sandy.kerpelman@gmail.com <sandy.kerpelman@gmail.com>
Subject: 241A Foreside Road

Hello Mr. and Mrs. Kerpelman,

My name is Brad Moll. I am the builder working on the ZBA permitting for the 241A Foreside Road property. If possible, I would like to find a time this week to discuss the project with you.

I am flexible so please let me know what works best for you.

Sincerely,

Brad Moll