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Paved Parking Deemed 'Substantial' Change To Odd Fellows Plans

By LANNAN M. O'BRIEN Mar 1, 2016

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Odd Fellows Hall, an historic building near Town Hall Square, is in the process of being renovated into affordable apartment

A change in plans for renovations at Odd Fellows Hall will be the subject of a public hearing before the Falmouth Zoning Board of Appeals this month. At a meeting last Thursday, February 25, the board deemed a request for modification of asphalt parking instead of grass pavers, or reinforced turf, a “substantial” change to the project.

Plans developed by the Falmouth Housing Trust to convert Odd Fellows Hall, an historic building on Town Hall Square into affordable apartments were approved by the board in June 2014 under the condition that a four-car driveway would be built with grass pavers instead of asphalt. Matthew McNamara, a board member at the time, suggested use of the material in consideration of the “visual aspects” of the project, and other members agreed.

However, representatives of the Falmouth Housing Trust argued that the condition would impact cost and prevent handicapped access to the apartments. The applicant appealed the decision, and then withdrew the appeal following negotiations with the zoning board.

“Falmouth Housing [Trust] is now requesting that the comprehensive permit be modified to allow asphalt parking,” town zoning administrator Sari D. Budrow told the board at its meeting last Thursday.

Mark Cool, an associate member of the board, advised fellow members that the reasons for the change in places were inconsequential; they must decide only whether it is a substantial or insubstantial.

“My view, given the fact that they’re changing an area of parking with grass pavers to completely asphalt, is [that it is] a significant change to the plan,” he said, and other members agreed.

Kimberly A. Bielan, the chairman of the board, noted that there were several hearings prior to the project being approved and this was the one change recommended.

“There were multiple board members that said they wouldn’t approve this without that condition,” she said, stressing that the condition was a substantial one from the board’s perspective. “It was appealed, so I know that it was an important component from the

applicant's perspective, too... and I just think that they appealed it, they withdrew and now they're back requesting a modification that has been fully vetted and has been talked about."

Laura M. Moynihan, an attorney representing the housing trust, asked from the audience if she could speak to the board. Ms. Bielan said that she could not, as they were not in a public hearing.

"But it is a public meeting," Ms. Moynihan said.

Ms. Bielan said that it was not a public hearing, so she did not have the right to speak.

When Ms. Moynihan began to respond, Ms. Bielan interrupted her and said, "We had another 40B tonight. We had a 40B last week where we determined that there was a substantial modification and we scheduled it for a public hearing, so that has been our practice."

Mr. Cool noted that Ms. Moynihan would have been asked to speak if the board had any questions, but they did not.

If the board were to deem the modification "substantial," Ms. Moynihan said that it should at least base its decision on regulations.

Ms. Bielan again told her that they were not in a public hearing and she could not speak.

"So you're denying the applicant the right to speak to their application," Ms. Moynihan said, and Ms. Bielan replied that she was.

"For the record, I just object to that in the interest of fairness... I think that they should be entitled to make a presentation and speak to the application," Ms. Moynihan said.

Ms. Bielan said that she stood by her decision, but that Ms. Moynihan could address her concerns with the board later if she wished.

The board voted unanimously to find the modification "substantial," and Ms. Moynihan asked again that the record reflect the basis for its decision. Ms. Bielan initially denied her request, but the board ultimately agreed that the decision was based on its original decision, the fact

that it was appealed and then the appeal was withdrawn, and the significance of changing plans for a pervious surface to an impervious one.

A public hearing was scheduled for Thursday, March 24.