



# TOWN OF EASTHAM

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## PLANNING BOARD Earle Mountain Hearing Room February 12, 2014- 5:00 p.m. MEETING MINUTES

**Members Present:** Arthur Autorino - Alternate, Dan Coppelman - Chair, Craig Nightingale, Lee Verrone, Dwight Woodson,  
**Members Absent:** Richard Dill, Lisa Panaccione, Robert Smith, Marc Stahl  
**Staff Present:** Sheila Vanderhoef - Town Administrator

Chairman Dan Coppelman explained meeting protocols and stated that the meeting was being taped. He asked the audience if anyone else was taping the meeting, and the answer was no. Mr. Coppelman opened the meeting at 5:00 p.m.

**Case No. PB2013-21** – (continued) **Mark Haley, Owner** of Belmont, MA requests Residential Site Plan Approval to demolish an existing dwelling and construct a new single family dwelling pursuant to *Eastham Zoning By-Laws, Section IX, Intensity Regulations – Paragraph D.1.* for property located at **5 West Shore Drive, Map7A Parcel 4.**

Mr. Coppelman read a memo from Mr. Haley requesting a continuance as the Zoning Board had not made a decision on his case.

A **MOTION** by Craig Nightingale to continue Case No. PB2013-21 until the March 12, 2014 meeting, **seconded by** Lee Verrone.

**In Favor:** Coppelman, Nightingale, Woodson, Verrone

**Opposed:** None

**The VOTE:** 4-0

**Motion Passed - Unanimous**

**Case No. PB2014-01** - (continued) - **George A. Taylor and Kathleen L. Cullinan** of Eastham, MA seek Residential Site Plan Approval - Section XVI - for an addition to an existing dwelling pursuant to Eastham Zoning By-Laws, Section IX - Intensity Regulations - D. 2. for property located at **10 Kriss Lane, Map 15, Parcel 125.**

*Sitting on this case: Coppelman, Nightingale, Woodson, Verrone*

Mr. Taylor and Ms. Cullinan were present at the hearing.

Mr. Coppelman said the Planning Board is a 7 member board, and with 3 members absent, all 4 votes would be required for approval. He stated that the applicants had the option to either move forward with only 4 board members present, or ask for a continuance to the next meeting when

the other members will be present. Mr. Coppelman said that the absent members would be instructed to watch the video of the hearing and could then vote on the case. The applicants chose to move forward with 4 voting members.

Mr. Coppelman gave a brief description of the project and said that he had completed the application submitted by the applicants. The amount of increase is 160 sq. ft. which amounts to 0.004%, which is minimal. The 160 sq. ft. includes a small deck/porch area to the rear of the structure.

Mr. Woodson said that the original application was incomplete and riddled with errors, and he was disappointed that the new application was also incomplete.

Mr. Nightingale was also disappointed with the application.

Mr. Verrone agreed with the other board members.

Mr. Coppelman asked for audience comments and there were none.

Mr. Coppelman read the proposed Findings of Fact:

1. Lot size is 43,613 sq. ft. or 1.00 acres
2. Proposed Site Coverage is 3,123 sq. ft. or 0.072% coverage which represents an increase of 160 sq. ft. or 0.004%.
3. Proposed maximum building height above mean grade is, and will remain 23'
4. Existing mean grade will remain the same.
5. Project will not adversely affect the views of abutters
6. Project preserves the landscape in its natural state in so far as practical
7. Proposed project relates harmoniously to the terrain and to the use, scale and proportion of existing and proposed buildings in the neighborhood
8. Proposed project avoids impacts on steep slopes, flood plains, hill tops, dunes, scenic views and wetlands
9. Proposed project maximizes the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways

A **MOTION** by Craig Nightingale to approve the Findings of Fact as stated, **seconded** by Lee Verrone

**In Favor:** Coppelman, Nightingale, Verrone, Woodson

**Opposed:** None

**The VOTE:** 4-0

**Motion Passed - Unanimous**

Mr. Coppelman read the proposed Conditions:

1. Any changes to the project application and approved plans of record must be reviewed by the Planning Board to determine whether or not they are significant enough to warrant a new hearing.
2. Board of Health approval has been issued.

A **MOTION** by Craig Nightingale to **GRANT** Residential Site Plan Approval for Case No.PB2014-01with Conditions as stated, **seconded by** Dwight Woodson.

**In Favor:** Coppelman, Nightingale, Verrone, Woodson

**Opposed:** None

**The VOTE:** 4-0

**Motion Passed - Unanimous**

**Case No. PB2014-03** - (new) **Michelle Lamy, Owner**, of Eastham, MA and **Benjamin Zehnder, Esq., Representative**, of Orleans, MA request Residential Site Plan Approval to construct a 20'x17' wood-framed addition to existing garage accessory structure, including second floor and modified roofline and dormers pursuant to *Eastham Zoning By-Laws Section IX - Residential Lot Intensity, D.* for property located at **385 Ireland Way, Map 17, Parcel 76.**

*Sitting on this case: Coppelman, Nightingale, Woodson, Verrone*

Ben Zehnder and Michelle Lamy were present.

Mr. Coppelman stated that the applicants had the option to either move forward with only 4 board members present, or ask for a continuance to the next meeting when the other members will be present. Mr. Coppelman said that the absent members would be instructed to watch the video of the hearing and could then vote on the case. Mr. Zehnder chose to move forward with 4 voting members.

Mr. Zehnder referred to the plans he had submitted and gave a brief description of the project. He said this is a fairly straight forward request to make an accessory building larger. It does not change in any way the use of the residential structure.

Mr. Coppelman read a letter into the record from Ellen Wilson of 395 Ireland Way, an abutter, in opposition to the project.

Ms. Lamy said that the abutter was very disgruntled because when we first built, we took away her view of a clear meadow.

Mr. Coppelman noted that the structure was close to the lot line and asked if the applicant felt it would be appropriate to buffer this from the neighbors view. Mr. Zehnder said they could bring photos to the next hearing. Ms. Lamy said that she had planted 30 arborvitae's as a buffer.

Mr. Woodson asked what was going to happen in the second story. Ms. Lamy said that she has commercial space that she rents in Chatham and has just taken a 30' boat off the property. She is running a staff of 8 out of there, and is tired of looking at her van parked outside. She has 2 boats and has a need for more storage. The report we got from our planner said that the second story was habitable space. Mr. Zehnder said that it is not habitable space, it is just storage. There is a sink under the stairs for washing up, but there is no other plumbing, and no septic issues. Mr. Zehnder said he would like copy of the Planner's report. This is a non-conforming structure and requires a trip to the ZBA. Ms. Lamy said that the structure is 18 years old and was conforming when it was built in 1997.

Mr. Nightingale asked what would be stored in there. Ms. Lamy said booms, sails, storage. Mr. Nightingale asked if there was something that could be done with the 4 windows which are offending the neighbor. Ms. Lamy said she likes the light. Mr. Nightingale suggested making the windows smaller, or putting in fewer. Ms. Lamy said she would consider that.

Mr. Zehnder said that the neighbor has expressed that she doesn't want people looking down on her property, which doesn't relate. Ms. Lamy said she would look into this and make the windows less of an issue.

Mr. Coppelman said there is an 8 x 10 shed right on the neighbors property line. Ms. Lamy said the neighbor has not complained about the shed and it is used as a privacy screen on that side.

Mr. Coppelman said the plan shows the driveway on top of the septic system and wants to know if it was H2O loading. He asked Mr. Zehnder to get confirmation on this. Mr. Coppelman also asked them to take a look at various ways to mitigate the effect on the neighbor, and as such, what are you willing to do so that it is not this fairly significant blank wall staring at the neighbors house.

Mr. Coppelman asked if the electric easement was on this property. Ms. Lamy said yes, it was, and she maintained the entire lot.

Mr. Coppelman said that they will hopefully have ZBA action tomorrow and should they have to continue, they could ask for a continuance. The absent members will be instructed to view the video of this hearing and will be able to vote at the next meeting. Will you ask for a continuance to March 12<sup>th</sup>.

Mr. Zehnder asked for a continuance to the March 12, 2014 meeting.

A **MOTION** by Craig Nightingale to continuance Case No. PB2014-03 to the March 12, 2014 meeting, seconded by Dwight Woodson.

**In Favor:** Coppelman, Nightingale, Verrone, Woodson

**Opposed:** None

**The VOTE:** 4-0

**Motion Passed - Unanimous**

**Case No. PB2014-04** - (new) **Patricia Mark Nominee Trust, Mark Heafeli, Trustee** of Montclair, NJ, Owner, **Charles Whitcomb** of Whitcomb Remodeling, **Applicant**, and **Kieran J. Healy, PLS, Representative**, request Residential Site Plan Approval to construct a second floor on a non-conforming building on a non-conforming lot pursuant to *Eastham Zoning By-Laws, Section IX - Intensity Regulations, A. and B* for property located at **2 Nycoma Way, Map 10, Parcel 322**.

*Sitting on this case: Coppelman, Nightingale, Woodson, Verrone*

Mr. Kieran Healy and Mr. Charles Whitcomb were present.

Mr. Coppelman stated that the applicants had the option to either move forward with only 4 board members present, or ask for a continuance to the next meeting when the other members will be present. Mr. Coppelman said that the absent members would be instructed to watch the video of the hearing and could then vote on the case. Mr. Healy chose to move forward with 4 voting members.

Mr. Healy described the project and said that they had obtained Board of Health approval with a 2 bedroom deed restriction. Mr. Healy said they would remove the existing roof and put on a dormer style building. Mr. Healy referred to a site plan which was followed by the plans. The last page of the plans shows a cross section of that the building will look like. These dormers will put the building coverage at 15.05%, which is over by 4 to 6 feet. There will be a full size dormer on the back and a couple of small dormers on the front. The other issue is the setback from the street which is currently 22.4', or 7.5' too close to the roadway setback of 30'. The majority of the structure is within the setback except for the roof line. There is no change to the site, decks, walkways and no grade changes. The only change will be the installation of the new septic system, which was approved by the Board of Health.

Mr. Coppelman said the house is very close to the water and they are using the footprint that is already there.

Mr. Woodson asked what the Zoning Board was hearing and Mr. Coppelman said they were encroaching on the front setback by 7 1/2' and also the rear setback by 3.2'.

Mr. Autorino asked if there had been any discussion with the abutter to the rear in regard to the increase in height. Mr. Healy said that the abutters had been notified of the Board of Health, Planning Board and Zoning Board hearings and had not commented. He had not spoken to the abutters and wasn't sure if the owners had.

Mr. Coppelman said that the Planning Board could not issue an approval until the Zoning Board had heard and approved their application and asked if Mr. Healy wanted to ask for a continuance.

Mr. Healy asked for a continuance to the March 12, 2014 meeting.

A **MOTION** by Craig Nightingale to continue Case No. PB2014-04 to the March 12, 2014 meeting, **seconded** by Lee Verrone.

**In Favor:** Coppelman, Nightingale, Verrone, Woodson

**Opposed:** None

**The VOTE:** 4-0

**Motion Passed - Unanimous**

**Case No. PB2013-14** – (modification) **Anne Maiocco, Trustee, of Swarthmore, PA and Anthony Vicinanza, Applicant**, request for a modification of the plan approved by the Board at the December, 2013 meeting for property located at **625 Kingsbury Beach Road, Map 11 Parcel 220**.

*Sitting on this case: Coppelman, Nightingale, Verrone, Woodson*

Mr. McDonald was present. He distributed photos he had taken in the morning. He said that the dormers would not be seen. Mr. McDonald said that a discrepancy was found on the original plan, where the existing house is 15" lower than we measured it. Because of that, we would like to expand that dormer further, up to the porch. The view would be identical. We are asking that this expanded dormer be called de minimis. With the new measurement, that wall would be 6 ½', and with the expanded dormer, it would be 8' 2".

Mr. Coppelman asked for measurements. Mr. McDonald said that the original dormer was 8' and the new one will be 24' 5".

Mr. Coppelman asked if the roof line would change with the new dormer. Mr. McDonald said the roof is down 12" in that area.

Mr. Coppelman said there wasn't much of a change to be seen.

Mr. Woodson said it was fine and he didn't see a problem, it is a nice house, a fun house, and given it's location, no one will object.

Mr. Nightingale said it is fine, a great project.

Mr. Verrone said it was a great project.

Mr. Coppelman asked for audience comments, there were none.

A **MOTION** by Craig Nightingale that PB2023-14's request for modification is de minimis, **seconded by** Lee Verrone.

**In Favor:** Coppelman, Nightingale, Verrone, Woodson

**Opposed:** None

**The VOTE:** 4-0

**Motion Passed - Unanimous**

**Approval of Minutes** - Minutes of January 8, 2014 were reviewed and corrections were noted. They will be signed at the next meeting.

### **Other Business**

Mr. Coppelman said he had received a memo stating that emails were considered to be public records.

### **Road Acceptance - Sandy Meadow Way**

This item will be heard at the next meeting, but Mr. Coppelman suggested that the entire road be taken at once.

### **Adjournment**

A **MOTION** by Dwight Woodson to **adjourn** the meeting, **seconded by** Craig Nightingale.

**In Favor:** Coppelman, Nightingale, Verrone, Woodson, Autorino

**Opposed:** None

**The VOTE:** 5-0

Motion Passed Unanimous

The meeting adjourned at 6:22 p.m.

Respectfully submitted  
as prepared by Madelynne Magill

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Dan Coppelman, Chairman  
Eastham Planning Board