



TOWN OF EASTHAM

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PLANNING BOARD Earle Mountain Hearing Room April 9, 2014- 5:00 p.m. MEETING MINUTES

Members Present: Dan Coppelman - Chair, Craig Nightingale, Robert Smith, Marc Stahl, Arthur Autorino – Alternate, Richard Dill, Lisa Panaccione (arrived at approximately 5:45PM)

Members Absent: Lee Verrone, Dwight Woodson

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.**

Sitting on this case: Coppelman, Nightingale, Smith, Stahl

It was noted that no additional information had been received from Mr. Haley concerning this case. This case has been pending for awhile now and as this is the third continuance, Mr. Coppelman asked Sheila Vanderhoef to have a letter sent to Mr. Haley asking him to withdraw or show up at the May 14, 2014 meeting.

A **MOTION** by Marc Stahl to continue Case No. PB2013-21 until the May 14, 2014 meeting, **seconded by** Craig Nightingale.

In Favor: Coppelman, Nightingale, Stahl, Smith

Opposed: None

The VOTE: 4-0

Motion Passed - Unanimous

Case No. PB2014-07 – (new) **Town of Eastham Library**, Sheila Vanderhoef, Town Administrator, and Oudens Ello Architecture, Applicant, of Boston, MA seek Site Plan Approval – Special Permit to demolish existing Library building and construct a new Library pursuant to Eastham Zoning By-Laws, Section V – Uses – District A – Residential, and Section VI – Non-conforming Uses – D., for property located at **190 Samoset Road, Map 15, Parcel 35-36.**

Sitting on this case: Coppelman, Nightingale, Stahl, Smith

Sheila Vanderhoef requested to withdraw without prejudice as it has been determined that the project does not require Planning Board review and approval as it is not a commercial property. Review and approval by the Zoning Board of Appeals is required and they will be meeting with them on May 15, 2014.

A **MOTION** by Craig Nightingale to approve the request for Withdrawal without Prejudice Case No. PB2014-08, **seconded by** Marc Stahl

In Favor: Coppelman, Nightingale, Stahl, Smith

Opposed: None

The VOTE: **4-0**

Motion Passed - Unanimous

Before proceeding, Dan Coppelman advised that a majority vote of 4 members is required for Residential Site Reviews and that there are only 4 members in attendance tonight. The 2 alternatives for the Board are present, however, they can only vote on Commercial properties. Based on this, each residential case will have the opportunity to poll the Board prior to the vote to decide to proceed with the vote or ask for a continuance to the May 14, 2014 meeting.

Case No. PB2014-08 - (new) **Sam Rocco, Owner**, of Winchester, MA seeks Site Plan Approval – Residential for proposed screen porch addition encroaching in setback to existing way and which exceeds the allowed 2.5% expansion under 20,000 sq. ft. pursuant to Eastham Zoning By-Laws Section IX – Intensity Regulations – D. Residential – 1., and Section XIV – site Plan Approval – Residential, for property located at **80 Cooks Brook Road, Map 5, Parcel 173.**

Sitting on this case: Coppelman, Nightingale, Stahl, Smith

Keith Fernandes, J.M. O'Reilly and Associates, presented.

The proposed plan is to build 3 season porch. Based on the location of the porch to the house, the owner is seeking relief from the required setback to the paper road.

The Board noted their concerns with the request to increase the current non-conformity on the property and asked if the proposed project could be reduced in size or put on the other side of the house. The project was discussed further and as there is no real detriment to the neighborhood and pending approval by the Zoning Board of Appeals, the Board proceeded.

Keith Fernandes asked that the Board be polled. Coppelman, Nightingale, Smith, Stahl each noted positive positions and Keith Fernandes decided to proceed with the vote.

Dan Coppelman reviewed the **Findings of Fact:**

1. The existing site coverage is 935 sq. ft. which equals 8%
2. The proposed site coverage is 1307 sq. ft. which is 11.2%
3. The lot area is 11,662 sq. ft. or 0.27 acres
4. The lot size is adequate for a 2 bedroom home
5. The existing shed does not contain, nor will it in the future, contain habitable space
6. The septic system has capacity for 3 bedrooms
7. The addition should not intensify the use of the structure or create nuisance, hazard, or congestion in the area

A **MOTION** by Craig Nightingale to **approve** the findings of fact as stated, **seconded by** Robert Smith.

In Favor: Coppelman, Nightingale, Smith, Stahl

Opposed: None

The VOTE: 4-0

Motion Passed - Unanimous

This was based on the following plans:

Certified Plot Plan showing Proposed Addition at 810 Cooks Brook Road, Eastham, MA.

Prepared for Sam Rocco, scale 1"=30', and dated February 12, 2014, prepared by J.M. O'Reilly and Associates, Inc., Brewster, MA..

Existing Floor Plan Sketch, 80 Cooks Brook Road, Eastham, MA prepared for Sam Rocco, Approximate Scale 1"=5', dated February 19, 2014 prepared by J.M. O'Reilly & Associates, Inc., Brewster, MA

Rocco Addition, prepared by Bruce Devlin Design, dated October 2013, Sheet 1 and dated November 2013 Sheet 2.

A **MOTION** by Craig Nightingale to **GRANT** Site Plan Approval - Residential for **Case No. PB2014-8** with the following **Conditions:**

1. Applicant must secure Zoning Board of Appeals approval for variance of side lot setbacks as shown on the plan

Seconded by Robert Smith

In Favor: Coppelman, Nightingale, Smith, Stahl

Opposed: None

The VOTE: 4-0

Motion Passed - Unanimous

Case No. PB2014-09 - (new) **Allan & Susan Oxman, Owners**, of Temple, NH and **Reef Realty, Ltd.** of West Dennis, MA, seek Site Plan Approval – Residential to construct a new 4-bedroom, 2-car garage, residential home on a vacant lot pursuant to Eastham Zoning By-Laws Section IX – Intensity Regulations D. Residential – 2., and Section XIV Site Plan Approval – Residential, for property located at 30 Fife Court, Map 14, Parcel 48C.

Sitting on this case: Coppelman, Nightingale, Stahl, Smith

Jim Haggerty, Reef Realty, presented.

The proposed house is 4,000 sq. ft. which exceeds the 3,000 sq. ft. limit. The house will be set back by 125' off of the road which will prevent street parking and much of the existing foliage and trees in the front will remain as a buffer to the road.

The Board noted their concern with the number of beautiful trees that would be taken down to accommodate the building of the house, however the overall plan was good. Based on the comments from the Board, Mr. Haggerty stated that it did not want to poll the Board and would like to proceed to the votes.

Dan Coppelman reviewed the **Findings of Fact:**

1. The lot area is 46,281 sq. ft. which is 1.06 acres
2. The proposed site coverage is 3796 sq. ft. which is 8%
3. The lot size is adequate for a 4 bedroom home
4. The house will not encroach on any required setbacks
5. A new 4 bedroom septic system has been approved by the Health Agent and will be installed as per the plan
6. The building area does not contain any wetlands
7. The lot is a modified pie shape and affords significant buffers to adjacent parcels

A **MOTION** by Mark Stahl to **approve** the findings of fact as stated, **seconded** by Craig Nightingale.

In Favor: Coppelman, Nightingale, Smith, Stahl

Opposed: None

The VOTE: 4-0

Motion Passed - Unanimous

This was based on the following plans:

Site & Sewage Disposal System Design, Lot 30 Fife Court, Eastham, MA. J.M. O'Reilly & Associates, Brewster, MA, dated 1-8-14, scale. Prepared for Reef Cape Cod Home Builder, West Dennis, MA. Sheets 1 and 2.

Oxman Residence, Reef Cape Cod Builder, West Dennis, MA, elevation A1.1 & A1.2, A2.1 & A2.2 and A3.1 & S1.1.

A **MOTION** by Craig Nightingale to **GRANT** Site Plan Approval - Residential for **Case No. PB2014-9** with the following **Conditions:**

1. All surface drainage shall be kept within the subject property

2. Septic System to be installed in accordance with the approved plan
3. According to the plans submitted and listed in this agreement

Seconded by Mark Stahl

In Favor: Coppelman, Nightingale, Smith, Stahl

Opposed: None

The VOTE: 4-0

Motion Passed - Unanimous

Case No. PB2013-10 – (new) **Holmes Road Realty Trust, Nathan A. Nickerson III, Owner, of Eastham, MA and Timothy Brady, East Cape Engineering**, Orleans, MA, seek Site Plan Approval – Special Permit to construct a 40' X 60' steel frame storage building for existing on-site equipment, pursuant to Eastham Zoning By-Laws Section XIII – Site Plan Approval – Special Permit, for property located at 25 Holmes Road, Map 8, Parcel 186

Sitting on this case: Coppelman, Nightingale, Stahl, Smith, Autorino, Dill

Timothy Brady, East Cape Engineering, presented.

The plan is to put up a steel storage building on this lot that will hold the equipment that is currently being stored outside on the property. The plan also includes landscaping that will buffer the property from view of neighbors and people using Brackett Road and the Bike Path. The building will not have any plumbing so there will not be an impact to the current septic system. There will be no change in topography other than a minor grading for the building, no new signs and the parking area will stay as is. There will be lighting on the front of the building. Nate Nickerson presented the lighting fixed that will be used and the plan is to have 1 fixture on each of the SE and SW corners of the building. The fixture will point down to light the entrance of the building.

The Board noted concern about drainage and how it will be handled. It was agreed that a roof drip line drainage trench would be added to prevent water draining to the neighbor's property.

Dan Coppelman advised that the Board received a letter from the Waterman's at 280 Brackett Road, copy attached, outlining their concerns with the project. In addition to the issues raised therein, Dan noted the following areas of concern:

1. Current noise level is high before and after normal working hours. This noise includes shouting and equipment operating. Will the expansion increase this noise and can anything be done to reduce the current noise?
2. Current lighting in the area is high before and after normal working hours. Will the expansion increase this lighting and can anything be done to reduce the current level.
3. The transformer on Brackett Road results in outages that impact the neighborhood. Will the expansion increase the use of the transformer and result in more outages? Should the transformer be upgraded?
4. Will end use of the project result in increased traffic in the area? Currently during the summer months, traffic is heavy and a concern for the Bike Path.

5. Does the design of the building meet with the Board's vision of Brackett Road and the view that Eastham wants our visitors to have when traveling to the beaches?

Chair Coppelman noted that he parked at this property and walked to the Waterman's house and to the Bike Path. He noted that at this time of year, there is not a lot of sight buffer from these 2 points and wondered if landscaping could be increased facing these points. Tim Brady and Nate Nickerson suggested reducing the 12 Leland Cypress Trees that were planned for the front of the building to 6 and putting the remaining 6 as a buffer to the Bike Path.

The building will be a metal sided building that will be insulated so that should help to address the concern of increased noise. The storage in the building will be private vehicles that are being restored. This is not a public repair garage, but a private garage for the owner's vehicles.

Nate Nickerson stated that he is sensitive to his neighbor's concerns and will do what he can to address them. Prior to this meeting, he asked the Police to check back as far as they could to see what complaints they had received for 25 Holmes Road. The police could not find any.

Chair Coppelman reviewed the **Findings of Fact:**

1. The accessory addition is consistent with the bylaw requirements for setbacks
2. The building will be 18' high, well under the 35' height limit for this district
3. The placement of the equipment inside and the addition of the landscaping will improve the lot
4. The issues of the abutters have been addressed and mitigated as much as possible

A **MOTION** by Mark Stahl to **approve** the findings of fact as stated, **seconded** by Craig Nightingale.

In Favor: Coppelman, Nightingale, Smith, Stahl, Autorino, Dill

Opposed: None

The VOTE: 6-0

Motion Passed - Unanimous

and further based on the following plans:

Site Plan, 25 Holmes Road, Eastham, MA, prepared for Holmes Road Realty Trust, scale 1"=40', dated February 21, 2014, prepared by East Cape Engineering, Timothy Brady, President **Coastal Steel Structures**, sheets 1, 2, & 3.

A **MOTION** by Arthur Autorino to **GRANT** Site Plan Approval - Commercial for **Case No. PB2014-10** with the following **Conditions:**

1. All surface drainage will be confined within the site
2. An infiltration drainage trench will be installed along the north face of the building
3. There will be no lighting on the east gable
4. There shall be no plumbing inside the building
5. Half of the Leland Cypress Trees that were noted to be installed along the west property frontage will be moved and relocated to the rear of the proposed structure, ie. 6 plants for each

Seconded by Richard Dill

In Favor: Coppelman, Nightingale, Smith, Stahl, Autorino, Dill

Opposed: None

The VOTE: 6-0

Motion Passed – Unanimous

Other Business

A letter dated March 19, 2014 from Cape Associates regarding 325 Massasoit Road has been received. The letter requests a change in the lighting fixture to be used for the parking lot on the property.

Robert Creonte, Cape Associates presented.

Cape Associates would like to change the originally proposed light fixture to match the lights at 345 Massasoit Road. The current proposed lights are low voltage, LED, Dark Sky lights. The poles used will be the same height and the lights will be down lights.

The Board noted that the original plan included shields to prevent light from flowing over this property onto a neighbor's property. This requirement will hold for the requested change.

A **MOTION** by Craig Nightingale to accept the proposal from Cape Associates dated March 19, 2014 for a change in the lighting fixture relative to the approval of their Commercial Site Plan, and additionally that the change is de minimis as long as the lighting is controlled on the site and does not shed on a neighbor's property.

Seconded by Richard Dill

In Favor: Coppelman, Nightingale, Smith, Stahl, Autorino, Dill, Panaccione

Opposed: None

The VOTE: 7-0

Motion Passed – Unanimous

Library Building Project - Informational Review

Dan Pallotta, P-Three Inc, presented.

Dan reviewed the project which includes the demolition of the existing library and the rebuilding of the new one. Based on a review of the plan with the library trustees, neighbors, project team, etc, the architects had been asked to make modifications in the building to bring the height of the building down, remove pavement to pond, install rain guards, include impervious materials in the parking area in place of the current pavement; all of which they have done. In addition, they have asked for a detailed lighting plan for the interior and exterior of the building. The project does not have the funding for Solar Panels, however, the building is prepped to include it at a future date. The revised plan has been presented to Conservation Commission and they approved.

Planning Board offered their input and questions about the project:

- Good design

- What is the loss/gain of parking spaces?
 - The plan provides for 50 spaces plus 2 handicap spaces. Dan is not sure what the current parking capacity is as it is not lined out for spaces.
- Is the soil in the back of the building sufficient to hold it up? Will there be pilings?
 - The structural engineers have planned a spread piling system that will support the building.
- The plans show 5 toilet fixtures, 260 seats and 52 parking spaces. Is this sufficient for the building?
 - All of this is in line with code based on Library use.
- Surprised by the contemporary design based on the location in an historic district.
 - Based on the goals and objectives of the building and the size and shape of the lot, a Cape Cod style building would not support it. The roof had to be flattened to to keep the building as low as possible and proved adequate space.
 - The new library building will be lower than the current historic building that is on the property now. That building was originally on a slab. A full basement was later added. The historic building will be moved, stored during construction and placed back on the property on a slab.
- Where are all the entrances and are there a sufficient number of them in the building?
 - The main entrance is from street level.
 - Based on the flow and control needed to ensure the staff could see everyone coming and going and to see the children's area, the entrances and exits have been placed according to code.
- Is the suppression system dependent on town water?
 - No. But the plan is ready for town water.
- If all goes as planned, what is the start date of the construction project?
 - Mid June to Mid July. The current library will be relocated first.
- The plan does not show provisions for screening to the neighbors on either side of the building.
 - Residents have attended the meetings and they are working on addressing those concerns.
 - Lighting is the major concern and will be focused on. Automatic timed lighting will help and lights will be turned off when the library is closed. Once the full lighting plan is received, we will have more information regarding this.
 - Interior lighting through the large windows is another concern.
- There are many events at the Church next door to the Library. What is the impact to the parking for the Church?
 - There should be no impact based on this project.
- The driveway to the Library is virtually on the property line of one of the resident's in the meeting. What screening can be used to reduce impact to the neighbor?
 - Dan will review this question.

Adjournment

A **MOTION** by Robert Smith to **adjourn** the meeting, **seconded by** Craig Nightingale.

In Favor: Coppelman, Nightingale, Smith, Stahl, Autorino, Dill, Panaccione

Opposed: None

The VOTE: 7-0

Motion Passed Unanimous

The meeting adjourned at 6:41 p.m.

Respectfully submitted
as prepared by Laurie Gillespie-Lee

Dan Coppelman, Chairman
Eastham Planning Board