



## TOWN OF EASTHAM

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### EASTHAM PLANNING BOARD

#### MEETING MINUTES

Earle Mountain Room

February 17, 2016, 5:00 pm

Members present: Dan Coppelman, Chair, Dwight Woodson, Richard Dill, Marc Stahl, Craig Nightingale, Joseph Manas  
Members absent: Arthur Autorino  
Staff present: Paul Lagg, Town Planner, Debbie Cohen, Administrative Assistant

Chairman Dan Coppelman opened the meeting at 5:00 pm, explained meeting protocols and stated the meeting was being recorded.

**Case No. PB2016-1** – 65 Bangs Road, Map 4, Parcel 156. Robert Bonenfant and Marcia Goffin (Owners) seek Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section IX D.2 (Residential Lot Intensity) and Section XIV (Site Plan Approval – Residential) for proposed additions and garage on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf.

Tim Brady, Peter McDonald, Robert Bonenfant and Marcia Goffin were present at the hearing. Mr. Brady described the project and confirmed that the proposed retaining wall was 4 feet tall. There were no questions from Mr. Dill, Mr. Stahl, Mr. Woodson, Mr. Manas or Mr. Nightingale. Mr. Coppelman read a letter from Kim Ahern, 455 Quason Drive, expressing concerns over the proposal. Ms. Ahern was present at the hearing to reiterate her questions. Mr. Brady addressed the concerns, explaining why the garage was positioned as proposed. He indicated that additional shingling and plantings could be used to screen the garage foundation. There were no other audience comments.

Mr. Coppelman read the proposed **findings of fact**:

1. The property is located at 65 Bangs Road (Map 4, Parcel 156) and is located in District A (Residential).
2. The applicant has requested Site Plan Approval – Residential pursuant to Eastham Zoning By-law Section IX D.2 (Residential Lot Intensity) and Section XIV (Site Plan Approval – Residential) for proposed additions and garage on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf.
3. The lot size is 37,676 sf.
4. The proposed site coverage is 3,334 sf (8.8%) and represents an expansion of 4.0%.
5. The proposed project does not impact existing native vegetation and soil or grade changes.
6. The proposed project does relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.
7. The prevailing characteristics of the neighborhood are preserved by the plan as presented.
8. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
9. The proposed project does not have existing unique or significant environmental resources.

10. The proposed site plan does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
11. One abutter appeared to ask questions regarding the proposal. One letter was received requesting clarification of the proposal.

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

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Craig Nightingale to **GRANT** Site Plan Approval – Residential for Case No. PB2016-01 with the following **conditions**:

1. No building permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-law.
2. Any changes to the project plans stamped by the Town Clerk on 1/15/16, except those that are de minimis must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
3. Any changes to final grade other than those shown on the approved plan must be reviewed by the Planning Board.
4. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
5. A new title 5 septic system has been designed and requires Board of Health approval.
6. The exposed east and north garage foundation walls will receive wood siding to within 1' of finished grade.
7. Approximately six small oak trees and four small pine trees will be used as foundation plantings to be located ~10' from the proposed east and north garage foundation walls.

**Seconded** by Richard Dill

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

**Case No. PB2016-2** – 1155 Samoset Road, Map 13, Parcel 109A. Colleen and David Dubuque (Owners) seek Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section IX D.2 (Residential Lot Intensity) and Section XIV (Site Plan Approval – Residential) for proposed additions and alterations on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf.

Tim Brady, Peter McDonald and David Dubuque were present at the hearing. Mr. Brady described the project, noting that new dormers caused the biggest site coverage change rather than changes to the building footprint. Mr. Coppelman asked for clarification on the chimney placement and outdoor shower drainage. Mr. Dill also inquired about the shower drainage. There were no comments from Mr. Stahl, Mr. Woodson, Mr. Manas or Mr. Nightingale.

Kathleen Malouf, 1150 Samoset Road asked whether the landscaping plan encroached on the road right-of-way. There were no other audience questions.

Mr. Coppelman read the proposed **findings of fact**:

1. The property is located at 1155 Samoset Road (Map 13, Parcel 109A) and is located in District A (Residential).
2. The applicant has requested Site Plan Approval – Residential pursuant to Eastham Zoning By-law Section IX D.2 (Residential Lot Intensity) and Section XIV (Site Plan Approval – Residential) for proposed additions and alterations on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf.
3. The lot size is 39,164 sf.
4. The proposed site coverage is 6,114 sf (15.6%) and represents an expansion of 2.5%.
5. The proposed project does not impact existing native vegetation and soil or grade changes.
6. The proposed project does relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.
7. The prevailing characteristics of the neighborhood are preserved by the plan as presented.
8. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
9. The proposed project does not have existing unique or significant environmental resources.
10. The proposed site plan does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
11. One abutter appeared to ask questions regarding the proposal. No letters were received regarding the proposal.

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

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Dwight Woodson to **GRANT** Site Plan Approval – Residential for Case No. PB2016-02 with the following **conditions**:

1. No building permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-law.
2. Any changes to the project plans stamped by the Town Clerk on 1/15/16, except those that are de minimis must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
3. Any changes to final grade must be reviewed by the Planning Board.
4. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
5. No planting shall occur within the town road right-of-way.
6. The note in the proposed landscape plan to “raise bed 24-30” before planting trees” shall be eliminated. In the case that the applicant wishes to change the grade in the planting bed area, re-application is necessary for revised site plan approval.

**Seconded** by Craig Nightingale

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

Case No. PB2010-25 – 16 Keene Way. Request for determination of de minimis alteration

Tim Brady was present to ask if the expansion of a screen porch at the site would require re-notice. After polling the Board, Mr. Brady indicated he would apply for modification of site plan approval at the next available hearing date.

**Case No. PB2016-3** – 2355 State Highway, Map 15, Parcel 87. 2355 State Highway LLC (Owner) seeks Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII.B.1.A (Site Plan Approval – Special Permit) for an addition to a commercial structure.

Peter Doolittle was present at the hearing. He described the proposal, explaining that lighting, signage and parking would remain as existing except for one additional wall mounted light. The Board discussed whether a landscaping plan would be required for site plan approval but decided it was not necessary in this case. Mr. Dill asked if there were any proposed changes to the former pumps. Mr. Doolittle replied that there were no changes as this time, although he hoped to install solar panels on them in the future. There were no other questions from the Board or from the audience.

Mr. Coppelman read the proposed **findings of fact**:

1. The property is located at 2355 State Highway (Map 15, Parcel 87) and is located in District E (Residential/Limited Commercial).
2. The applicant has applied for Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII.B.1.A (Site Plan Approval – Special Permit) for an addition to a commercial structure.
3. The lot size is 43,739 sf.
4. The proposed site coverage is 2,965 sf (6.78%) and represents an expansion of 1.92%.
5. The proposed project does not impact existing native vegetation and soil or grade changes.
6. The proposed project does relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.
7. The prevailing characteristics of the neighborhood are preserved by the plan as presented.
8. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
9. The proposed project does not have existing unique or significant environmental resources.
10. The proposed site plan does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
11. No abutters appeared in favor of or in opposition to the proposal. No letters were received regarding the proposal.

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

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale, Manas

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

A **MOTION** by Craig Nightingale to **GRANT** Site Plan Approval – Residential for Case No. PB2016-03 with the following **conditions**:

1. No building permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-law.
2. Any changes to the project plans stamped by the Town Clerk on 1/15/16, except those that are de minimis must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
3. Any changes to final grade must be reviewed by the Planning Board.
4. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
5. The applicant will submit a cut sheet for all proposed outside lighting fixtures associated with the proposed site plan.

**Seconded** by Marc Stahl

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale, Manas

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

**Case No. PB2016-4** – 230 Higgins Road, Map 4, Parcel 431. Town of Eastham (Owner) seeks endorsement for Approval Not Required plan.

Jacqui Beebe, Assistant Town Administrator was present at the hearing. She explained that the proposed sale of land was approved at Town Meeting in 2013. The board members signed the plan for recording at the Registry of Deeds.

Discussion on Hay Road - Acceptance of road layout by Board of Selectmen

Mr. Coppelman read a memo from Jacqui Beebe, Assistant Town Administrator referring the proposed Hay Road layout to the Planning Board. Ms. Beebe remained at the hearing to present. She explained that per M.G.L. c. 41 s. 81 G and I, the Board of Selection was required to get comments from the Planning Board before taking a road. The BOS proposed to improve the road enough for emergency vehicle access and planned on waiving the standards for road acceptance in order to take the road.

The board members discussed their questions and concerns regarding the Hay Road layout. Mr. Lagg indicated he would compile the concerns into a letter to be submitted to the BOS.

Tom Johnson, 2955 Herring Brook Road presented an alternative plan to provide access to the subdivision via Hoffman Lane. Carolyn Fleming, 555 Hay Road expressed concerns about drainage, as her property contains a cranberry bog. She encouraged the Planning Board to work with the Conservation Commission on the layout. She also stated her belief that the Town should be communicating directly with the effected residents. Gerry Boucher, 30 Lucinda Court expressed his concern that many residents in the subdivision have no legal right-of-way to their properties. Paul Boucher, 20 Lucinda Court agreed with Gerry Boucher and believed the Town has a responsibility to help the effected residents fix the problem. There were no other audience comments.

**Case No. PB2015-11** – 930 Massasoit Road. Request for determination of de minimis alteration

Tim Klink was present at the hearing. The board members discussed the proposed changes and concluded they were not de minimis. Mr. Coppelman suggested Mr. Klink return to the next workshop with plans that were less different from the approved set and they may be determined de minimis at that point. Mr. Klink agreed to return with revised plans.

Mr. Nightingale suggested that the Board develop a standard definition of de minimis.

Case No. PB2013-14 – 625 Kingsbury Beach Road. Request for determination of de minimis alteration

Bob Freeman of Schofield Brothers and Peter McDonald were present to ask about removing one accessory structure and adding another accessory structure in a different location. Mr. Freeman indicated the proposal was on the agenda for the Conservation Commission. After discussion, the board members determined the proposed change not to be de minimis.

Mr. Coppelman closed the first public hearing at 7:40 pm. He then opened a new public hearing at 7:40 pm and introduced a proposed amendment to the Eastham Zoning By-law to create a new Groundwater Protection Overlay District pursuant to M.G.L. c 40A s 5.

Mr. Lagg presented on the regulations and on the adoption process. Mr. Dill asked about the enforcement section of the regulation.

Tom Johnson, 2955 Herring Brook Road asked for clarification on one bullet point. He also commented that the regulation changes would have the greatest effect in the commercial zone but should not necessarily cause any problems.

A **MOTION** by Richard Dill to close the public hearing, **seconded** by Marc Stahl.

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Dan Coppelman to approve the proposed amendment to the Eastham Zoning By-law as written, **seconded** by Marc Stahl.

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Richard Dill to send the proposed amendment to the Eastham Zoning By-law to the Board of Selectmen, **seconded** by Marc Stahl.

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

Minutes

A **MOTION** by Dwight Woodson to approve the minutes of December 16, 2015, **seconded** by Richard Dill.

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

Other Business

Mr. Lagg noted that a joint meeting of the Planning Board and Board of Selectmen was scheduled for March 7, 2016 regarding the Affordable Housing Production Plan.

Mr. Coppelman asked Mr. Lagg to find a previously completed study of Hoffman Lane for the April meeting.

Adjournment

A **MOTION** by Dwight Woodson to adjourn the meeting, **seconded** by Marc Stahl.

In favor: Coppelman, Woodson, Dill, Stahl, Nightingale

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

Meeting adjourned at 8:05 pm.

Respectfully submitted as prepared by Debbie Cohen

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Dan Coppelman, Chairman