



## TOWN OF EASTHAM

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### EASTHAM PLANNING BOARD

#### MEETING MINUTES

Earle Mountain Room

May 18, 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. PB2016-12** – 4665 State Highway, Map 8, Parcel 290. Breakwater Holdings LLC (Owner) seeks Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII.B.1.B (Site Plan Approval – Special Permit) to alter an existing office to a one bedroom apartment.

Tim Klink was present at the hearing. He described the proposal and noted it would require a new septic design and Board of Health review. Mr. Coppelman asked for clarification on the septic design.

Mr. Coppelman read a letter from Violeta and Joshua Peters regarding noise from commercial tenants in mixed use properties. Mr. Klink responded that his situation would be different, as he would be renting the unit out rather than selling it as a condominium. Mr. Dill asked if the garage below the apartment was for tenant use. Mr. Klink replied that it was used commercially.

Josh Emond, owner of Nauset Insulation at 25 Brittany's Way, commented that Mr. Klink has been a responsible neighbor. Violeta Peters, 23 Brittany's Way addressed the Board to say she was not opposed to the application but wanted to warn of her situation so nobody else would share the same problem. Mr. Coppelman recommended that she contact the Board of Selectman with her complaint.

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

1. The property is located at 4665 State Highway (Map 8, Parcel 290) and is located in District D (Retail Sales and Service).
2. The applicant has applied for Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII.B.1.B to alter an existing office to a one bedroom apartment.
3. The proposal involves interior alterations only and will result in a total of two second floor apartments located above existing retail space at the property located at 4665 State Highway, Map 8, Parcel 290.
4. The lot size is 14,810 sf.

5. The existing site coverage is 2,646 sf (18%). The proposal will not result in any expansion of site coverage.
6. The proposal requires Board of Health approval of a shared septic system between parcel 08-290 (4665 State Highway) and parcel 08-289 (4675 State Highway), both properties being owned by the applicant.
7. The proposed project does not impact existing native vegetation and soil or grade changes.
8. The proposed project does relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.
9. The prevailing characteristics of the neighborhood are preserved by the plan as presented.
10. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
11. The proposed project does not have existing unique or significant environmental resources.
12. The proposed site plan does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
13. Two abutters appeared regarding the proposal: one in favor of the proposal and one with questions regarding the proposal. One letter was received with information 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, Manas

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

A **MOTION** by Dwight Woodson to **GRANT** Site Plan Approval – Special Permit for Case No. PB2016-12 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. The applicant shall obtain approval from the Eastham Board of Health prior to the start of the project.
3. Site plan approval is limited to the interior renovation of 4665 State Highway as proposed on project plans stamped 4/26/16. Any further changes to the site that prompt site plan approval will require additional filings and approval by the Planning Board.
4. Any changes to the project plans stamped by the Town Clerk on 4/16/16, 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.
5. Any changes to final grade must be reviewed by the Planning Board.
6. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

**Seconded** by Craig Nightingale

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

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

**Case No. PB2016-14** – 255 and 365 Higgins Road, Map 4, Parcels 455 and 456. Josephine Fellers Realty Trust (Owner) seeks endorsement of Approval Not Required plan.

A **MOTION** by Richard Dill to approve signing the plan “Division of Land situated in Eastham, MA” prepared for the Josephine Fellers Realty Trust by Ryder & Wilcox, Inc., dated March 29, 2016, **seconded** by Joseph Manas.

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

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

Other Business

Carolyn Fleming of 555 Hay Road was present at the hearing to ask about the procedure for the town taking of Hay Road. Mr. Coppelman replied that the Planning Board had requested additional information from the Board of Selectmen but had yet to receive any plans. He suggested she talk to the BOS. Mr. Nightingale added she may wish to contact the DPW.

Mr. Woodson presented grammatical changes to the Planning Board Rules and Regulations. A **MOTION** by Marc Stahl to adopt the written Rules and Regulations as modified by Dwight Woodson, **seconded** by Richard Dill.

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

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

Mr. Lagg indicated he would make the corrections and file a final copy with the Town Clerk.

Minutes

A **MOTION** by Marc Stahl to approve the minutes of April 6, 2016, **seconded** by Dwight Woodson.

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

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

A **MOTION** by Marc Stahl to approve the minutes of April 20, 2016, **seconded** by Dwight Woodson.

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

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

Discussion of Potential Zoning By-law Changes

Mr. Lagg presented a memo to the Board detailing possible by-law amendments to work on for annual town meeting in 2017. He pointed out a number of housekeeping items and stated he would draft them and bring them to the Board for review. He asked that the Board look over the other items and pick a few to prioritize for the coming year. After discussion, the board members recommended focusing on the affordable accessory apartment by-law and the open space residential development by-law.

#### Adjournment

A **MOTION** by Marc Stahl to adjourn the meeting, **seconded** by Joseph Manas.

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

Opposed: None

**The VOTE:** 6-0

**Motion passed – Unanimous**

Meeting adjourned at 6:45 pm.

Respectfully submitted as prepared by Debbie Cohen

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Dan Coppelman, Chairman