



TOWN OF EASTHAM

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EASTHAM PLANNING BOARD

MEETING MINUTES

Earle Mountain Room

November 16, 2016, 5:00 pm

Members present: Dan Coppelman, Chair, Dwight Woodson, Arthur Autorino, Richard Dill, Marc Stahl, Craig Nightingale, Joseph Manas
Members absent: None
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. PB2016-28 – 80 Depot Road, Map 15, Parcel 33. Gibson Cottages, LLC (Owner) seeks endorsement of Approval Not Required plan.

Dave Lyttle was present at the hearing. He described the proposal, which included the creation of a lot without frontage. Mr. Lagg explained the section 81L exemption to the state subdivision control law which allows for the lot. Mr. Coppelman expressed strong opposition to the plan.

A **MOTION** by Richard Dill to endorse the Approval Not Required plan as presented, **seconded** by Marc Stahl.

In favor: Woodson, Dill, Stahl, Autorino, Manas

Opposed: Coppelman, Nightingale

The VOTE: 5-2

Motion passed

Case No. PB2016-24 – 1 Bayberry Lane, Map 13, Parcel 143. Joseph and Helen Morcaldi Family Trusts (Owner) and Richard and Lea Schneider (Applicant) seek Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section IX D.1 (Residential Lot Intensity) and Section XIV (Site Plan Approval – Residential) to demolish the existing cottage and construct a new house on a lot containing less than 20,000 sf resulting in a site coverage ratio greater than 15% and percentage of expansion greater than 2.5%.

Tim Brady was present at the hearing. He described the proposal to demolish and rebuild the existing house in a style similar to others on the street. The only major site change was the moving of an existing driveway. The project had already received Conservation Commission approval and was on the schedule for upcoming Board of Health and Zoning Board hearings as well.

Mr. Coppelman suggested additional landscape clearance to create better lines of sight when backing out of the driveway. Mr. Autorino asked if the neighbors to the north had been contacted regarding view obstruction. Mr. Brady responded they had not. Mr. Autorino also asked about

the planting plan and the foundation level of the proposed house. There were no other questions from the board members or the audience.

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

1. The property is located at 1 Bayberry Lane (Map 13, Parcel 143) and is located in District A (Residential).
2. The applicant has applied for Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section IX D.1 (Residential Lot Intensity) and Section XIV (Site Plan Approval – Residential) to demolish the existing cottage and construct a new house on a lot containing less than 20,000 sf resulting in a site coverage ratio greater than 15% and percentage of expansion greater than 2.5%.
3. The lot size is 13,450 sf.
4. The proposed site coverage is 1,930 sf (14.3%) and represents an increase of 8.3%.
5. The proposed project does 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 have existing unique or significant environmental resources and has obtained approval from the Conservation Commission to properly mitigate the impact to these 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. The existing and proposed septic systems consist of a tight tank with no leaching area.
12. No abutters appeared in favor of or in opposition to 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, Autorino, Manas

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

A **MOTION** by Art Autorino to **GRANT** Site Plan Approval – Residential for Case No. PB2016-24 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. The applicant shall obtain approval from the Eastham Conservation Commission prior to the start of the project.
4. Any changes to the project plans stamped by the Town Clerk on 10/25/16, 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.
7. The applicant shall obtain approval from the Eastham Zoning Board of Appeals for the project as drawn prior to the start of the project.

Seconded by Craig Nightingale

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2016-25 – 4680 State Highway, Map 8, Parcel 202. Belvernion, LLC (Owner) seeks Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII.B to demolish an existing structure and construct a new garage with second floor office space and alter existing parking and site layout on a commercial property where change of an existing use or structure will constitute a more intensive use of land.

Tim Brady, Mac Hay, Alex Hay and Sam Bradford were present. Mr. Brady described the proposal to convert the existing doughnut shop into a retail fish market and catering kitchen. He noted the project would also need ZBA approval. Mr. Autorino asked if the existing Mac's would be moving, or if this proposal would be for a second location. Mac Hay responded that they were undecided at this point. Mr. Autorino then suggested that the parking spaces be reduced to the amount allowed in the zoning by-law. Mr. Coppelman requested that additional information regarding lighting, landscaping and signage be provided to the Board.

Janet Demetri, owner of the Friendly Fisherman stated she was not concerned with the proposed retail market but did not think seating should be allowed. She expressed concern over the intensity of the use of the site and the lack of a clear timeline for town water hook up.

Mr. Brady commented that 'intensity' in this case referred to square footage of lot use. He added that any concern over restaurant seating should be expressed to the Board of Health. Mr. Brady requested to continue the hearing to December 21, 2016.

A **MOTION** by Craig Nightingale to continue Case No. PB2016-25 to December 21, 2016 at 5:00 pm, **seconded** by Dwight Woodson.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2016-26 – 4665 and 4675 State Highway, Map 8, Parcels 289 and 290. Breakwater Holdings, LLC (Owner) seeks Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII.B for an addition and alteration to an existing mixed use structure, demolition of an existing residential structure and the construction of a new mixed use structure on a commercial lot where change of an existing use or structure will constitute a more intensive use of land. **Case No. PB2016-29** – 4665 and 4675 State Highway, Map 9, Parcels 289 and 290. Breakwater Holdings, LLC (Owner) seeks endorsement of Approval Not Required plan.

Tim Brady and Tim Klink were present at the hearing. Mr. Coppelman stated he wished to start with the ANR, but Mr. Brady declined as he wished to keep the lots separate if PB2016-26 was denied. Mr. Brady described the proposed site plan and noted a new septic system would be required. He agreed to provide a revised plan which clarified curbing and plantings in front of the garage. Mr. Klink explained that the proposed garage was for storage only and the storage containers currently on the site would be removed. Mr. Klink also confirmed that both existing curb cuts would remain with traffic entering and exiting each of them. The board members discussed possible problems with mixed residential and commercial uses. Mr. Coppelman requested additional information regarding exterior lighting and signage.

Maureen Dooley Lawrence, 80 Meadow Drive expressed concern over the increase in septic flow from the additional bedrooms. Mr. Brady explained that an I/A system would be used with no variances to wells. Mr. Coppelman informed her that any complaint regarding the proposed septic system should be communicated to the Board of Health. There were no other comments from the audience.

Mr. Brady requested to continue Case No. PB2016-26 to December 21, 2016.

A **MOTION** by Craig Nightingale to continue Case No. PB2016-26 to December 21, 2016 at 5:00 pm, **seconded** by Marc Stahl.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Mr. Brady requested to continue Case No. PB2016-29 to December 21, 2016.

A **MOTION** by Art Autorino to continue Case No. PB2016-29 to December 21, 2016 at 5:00 pm, **seconded** by Craig Nightingale.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2016-27 – 625 Kingsbury Beach Road, Map 11, Parcel 220. Ann Maiocco (Owner) and Anthony Vicinanza (Applicant) 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) to construct a 375 sf accessory structure on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf.

Bob Freeman and Tony Vicinanza were present. Mr. Freeman described the proposal and noted it had already received Conservation Commission and health department approval. Mr. Coppelman and Mr. Woodson asked for clarification on the grade changes around the proposed boathouse. There were no other questions from the board members or from the audience.

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

1. The property is located at 625 Kingsbury Beach Road (Map 11, Parcel 220) and is located in District A (Residential).
2. The applicant has applied for Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section IX D.2 (Residential Lot Intensity) and Section XIV (Site Plan Approval – Residential) to construct a 375 sf accessory structure on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf.
3. The lot size is 152,460 sf.
4. The proposed site coverage is 4,604 sf (3.0%) and represents an increase of 0.2%.
5. The proposal received approval from the Eastham Conservation Commission in August 2016.
6. The proposed project does impact existing native vegetation and soil or grade changes.
7. The proposed project does relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.
8. The prevailing characteristics of the neighborhood are preserved by the plan as presented.
9. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
10. The proposed project does have existing unique or significant environmental resources and has received approval from the Conservation Commission to properly mitigate the impact to these resources.
11. The proposed site plan does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
12. No abutters appeared in favor of or in opposition to 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, Autorino, Manas

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

A **MOTION** by Richard Dill to **GRANT** Site Plan Approval – Residential for Case No. PB2016-27 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. The applicant shall comply with the approved landscaping plan dated 5/24/16.
4. Any changes to the project plans stamped by the Town Clerk on 10/25/16, 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, Autorino, Manas

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Minutes

A **MOTION** by Dwight Woodson to approve the minutes of October 19, 2016 at 3:00 pm, **seconded** by Richard Dill.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

A **MOTION** by Richard Dill to approve the minutes of October 19, 2016 at 5:00 pm, **seconded** by Dwight Woodson.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Review tentative 2017 hearing schedule

A **MOTION** by Richard Dill to adopt the 2017 calendar as written, **seconded** by Craig Nightingale.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Other business

The board members scheduled a workshop for December 14, 2016 at 3:00 pm.

Adjournment

A **MOTION** by Marc Stahl to adjourn the meeting, **seconded** by Art Autorino.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Meeting adjourned at 7:00 pm.

Respectfully submitted as prepared by Debbie Cohen

Dan Coppelman, Chairman