



TOWN OF EASTHAM

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EASTHAM PLANNING BOARD

MEETING MINUTES

Earle Mountain Room

December 21, 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. PB2016-25 – (continued from 11/16/16) 4680 State Highway, Map 8, Parcel 202. Belvernon, 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 and Mac Hay were present at the hearing. Mr. Brady presented the revised site plan. Changes to the plan included rearranged parking with fewer spaces, a shift in the garage placement, and loss of the driveway connection to Willy's Gym. Mr. Hay explained the underground lobster water tank and also agreed to post a sign prohibiting public parking at the back of the lot. He confirmed the Mac's on Holmes road was a completely separate wholesale operation.

Mr. Coppelman read a letter from Barbara Niggel, owner of Willy's Gym, revoking driveway access to the site. Ms. Niggel was present at the hearing and stated she would be open to a possible connection in the future. There were no other comments from the board members or the audience.

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

1. The property is located at 4680 State Highway (Map 8, Parcel 202) and is located in District D (Retail Sales/Service).
2. The applicant has applied for 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.
3. The lot size is 38,477 sf.
4. The proposal received Zoning Board approval on December 1, 2016.
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 regarding the proposal and one letter was received regarding the proposal (neither was in favor of or in opposition to the proposal).

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

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

A **MOTION** by Art Autorino to **GRANT** Site Plan Approval – Special Permit for Case No. PB2016-25 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. A final Use and Occupancy Permit shall not be issued until all conditions of the approval have been completed. A temporary Use and Occupancy Permit may be requested from and issued by the Building Commissioner in certain situations where circumstances beyond the applicant's control prevent the conditions from being completed in a timely manner. In such circumstances, the Applicant shall notify the Planning Board and provide a proposed date for final completion of the conditions.
3. Any changes to the project plans stamped on 11/30/16, 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.
4. Applicant shall obtain approval(s) from the Eastham Board of Health for septic flow and change of use.
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, Autorino, Nightingale, Manas, Stahl

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2016-26 – (continued from 11/16/16) 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.

Tim Brady and Tim Klink were present at the hearing. Mr. Brady explained changes to the site plan, including added light fixtures and access to the barn door, and noted that Board of Health approval had been granted for the proposed I/A system. He confirmed that no Zoning Board approval was required. Mr. Coppelman reminded the applicant that Planning Board approval would be contingent on the filing of an ANR plan. There were no questions from the audience or the board members.

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

1. The properties are located at 4665 and 4675 State Highway (Map 8, Parcel 289 and 290) and are located in District D (Retail Sales/Service).
2. The applicant has applied for 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.
3. The proposal will require that parcels 289 and 290 be merged as noted on the site plan dated 11/30/16 for compliance with zoning requirements.
4. The applicant has requested the endorsement of an Approval Not Required (ANR) plan to facilitate the merger of lots 289 and 290.
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 regarding the proposal. One letter signed by Jason Ellis (17, 19 and 27 Brittany's Way), Josh Emond (29 and 31 Brittany's Way), Andrew Azinger (25 Brittany's Way) and Charles Miller (35 Brittany's Way) was received in support of the project.

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

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

A **MOTION** by Dwight Woodson to **GRANT** Site Plan Approval – Special Permit for Case No. PB2016-26 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. A final Use and Occupancy Permit shall not be issued until all conditions of the approval have been completed. A temporary Use and Occupancy Permit may be requested from and issued by the Building Commissioner in certain situations where circumstances beyond the applicant's control prevent the conditions from being completed in a timely manner. In such circumstances, the Applicant shall notify the Planning Board and provide a proposed date for final completion of the conditions.

3. The applicant shall obtain approval from the Eastham Board of Health prior to the start of the project.
4. Site Plan Special Permit Approval is contingent on the merger of Parcels 289 and 290 per the filing of an ANR plan with the Barnstable County Registry of Deeds.
5. No building permit shall be issued until an ANR plan merging lots 289 and 290 is filed with the Barnstable County Registry of Deeds.
6. Any changes to the project plans stamped by the Town Clerk on 12/8/16, 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.
7. Any changes to final grade must be reviewed by the Planning Board.
8. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

Seconded by Art Autorino

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2016-29 – (continued from 11/16/16) 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.

A **MOTION** by Art Autorino to sign the ANR plan as presented, **seconded** by Richard Dill.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2016-30 – 4620 State Highway, Map 8, Parcel 201C. 4620 State Highway LLC (Owner) seeks Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII to construct a 3000 sf commercial building with parking for use as a retail bicycle shop.

Tim Brady and Tim Klink were present. Mr. Brady explained that the same project had been previously approved, but the approval had since expired. The current proposal included a smaller structure than originally proposed. Mr. Klink added that a fence had already been installed along the rear property line. He confirmed that the current Idle Times location would be closed when the proposed new location opened. Bikes for sale would be displayed under a covered porch and on the sidewalk, with rental bikes displayed at the back of the building. All bikes would be brought in at night. The board members discussed their concerns with landscaping, as the site had previously been cleared and left vacant. Mr. Klink explained his plan to allow the wooded area along the eastern boundary to grow back up.

Megan Sullivan, 56 Dory Lane requested that at least a 30' vegetated space be left between the fence on the eastern boundary and the proposed parking lot. The board members discussed language for the decision to ensure that vegetation would remain on the eastern half of the lot.

Mr. Lagg confirmed with Mr. Brady that the shared driveway with Landmark Fence had legal access to the site. There were no other questions from the audience or the Board.

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

1. The property is located at 4620 State Highway (Map 8, Parcel 201C) and is located in District D (Retail Sales/Service).
2. The applicant has applied for Site Plan Approval – Special Permit pursuant to Eastham Zoning By-Law Section XIII.B to construct a 3000 sf commercial building with parking for use as a retail bicycle shop.
3. The lot size is 40,003 sf.
4. A retail bicycle shop is an allowed use in District D (Retail Sales/Service).
5. In the event that the applicant wishes to create an outdoor display of goods an application to the Planning Board may be required per Zoning By-law Section XIII.B.e.
6. A similar proposal received Planning Board approval on September 12, 2012. That approval expired prior to the project being implemented.
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, pedestrian and bicycle movement within the site and in relationship to adjacent ways.
13. One abutter appeared for additional information 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, Autorino, Nightingale, Manas, Stahl

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

A **MOTION** by Art Autorino to **GRANT** Site Plan Approval – Special Permit for Case No. PB2016-30 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. A final Use and Occupancy Permit shall not be issued until all conditions of the approval have been completed. A temporary Use and Occupancy Permit may be requested from and issued by the Building Commissioner in certain situations where circumstances beyond the applicant's control prevent the conditions from being completed in a timely manner. In such circumstances, the Applicant shall notify the Planning Board and provide a proposed date for final completion of the conditions.
3. Any changes to the project plans stamped by the Town Clerk on 12/9/16, 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.

4. Applicant shall obtain approval(s) from the Eastham Board of Health prior to the start of the project.
5. New signage shall conform to the Eastham Sign Code.
6. Any changes to final grade must be reviewed by the Planning Board.
7. The vacant approximately 100' area between the eastern property line and the proposed parking area shall remain in an undeveloped natural state.
8. The applicant shall retain the existing vegetative buffer in the rear of the property as shown on the site plan stamped by the Town Clerk on 12/9/16. Any changes to this area will require Planning Board approval prior to any clearing of the land.
9. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

Seconded by Joseph Manas

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Minutes

A **MOTION** by Art Autorino to approve the minutes of November 16, 2016, **seconded** by Dwight Woodson.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Other business

Tim Klink remained at the meeting to discuss the issue of apartments on Holmes Road. The board members recapped their position as wanting to attract industry without compromise to either industrial or residential uses of the area. Mr. Lagg explained the petition article review process and noted the Board would have a chance to comment on any articles before town meeting without needing to endorse them.

Mr. Stahl and Mr. Dill left the meeting at 6:30 pm.

Mr. Klink also brought up problems with the overlay district splitting lots. The board members agreed they would be willing to review the overlay boundary, particularly to include all of District D (Retail), and possibly take a new map to a future town meeting. Mr. Lagg indicated he would look into the intended language of the district regarding split lots.

Adjournment

A **MOTION** by Art Autorino to adjourn the meeting, **seconded** by Dwight Woodson.

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Meeting adjourned at 6:40 pm.

Respectfully submitted as prepared by Debbie Cohen

Dan Coppelman, Chairman