



TOWN OF EASTHAM

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EASTHAM ZONING BOARD OF APPEALS MEETING MINUTES Earle Mountain Meeting Room April 10, 2014- 5:00 P. M.

Members Present: Robert Sheldon, Chair, George Reinhart, Edward Schneiderhan, John Zazzaro, Peter Doolittle - Alternate

Members Absent: Joanne Verlinden

Staff Present: Nan Balmer, Assistant Town Administrator

ZBA Chairman Robert Sheldon opened the meeting at 5:00 p.m., explained meeting protocols and stated that the meeting was being recorded.

Case No. 2014-10 (New) – **Sam Rocco, owner**, of Winchester, MA seeks a Special Permit to add a screen porch addition encroaching in required setback, pursuant to Eastham Zoning By-Laws, Section IX – Intensity Regulations – B. Setback Requirements and Section VI – Non-Conforming Uses – C., for property located at **80 Cooks Brook Road, Map 5, Parcel 173**.

Sitting on this case: Reinhart, Schneiderhan, Zazzaro, Doolittle, (Sheldon recused himself as he helped Mr. Rocco purchase this property)

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

The proposed plan is to build 3 season porch which is 372 sq. ft. in size. Based on the location of the porch to the house, the owner is seeking relief from the required 30 ft. setback to the paper road. The proposed plan provides 25'7" from the paper road. The Planning Board reviewed the plan on April 9, 2014 and approved it.

Keith Fernandes asked that the Board be polled. Reinhart, Schneiderhan, Zazzaro each noted positive positions and Keith Fernandes decided to proceed with the vote.

Bob Sheldon reviewed the **Findings of Fact:**

1. The lot size is adequate for the pre-existing, non-conforming home
2. The shed does not contain habitable space
3. The septic system is for three bedrooms. The house has two bedrooms.
4. The addition should not intensify the use of the structure or create nuisance, hazard, or congestion in the area
5. The additional space is a three season porch, unheated.
6. No abutters commented in favor of the project and no abutters commented in opposition to the project.

A **MOTION** by Ed Schneiderhan to approve the Findings of Fact as stated, **seconded** by Peter Doolittle

In Favor: Doolittle, Reinhart, Schneiderhan, Zazzaro

Opposed: None

The Vote: 4-0

Motion Passed - Unanimous

and further 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 John Zazzaro to **GRANT a SPECIAL PERMIT** for Case No. ZBA2014-10 with the following conditions:

1. According to the plans submitted and listed in this agreement.

Seconded by Ed Schneiderhan

In Favor: Doolittle, Reinhart, Schneiderhan, Zazzaro

Opposed: None

The Vote: 4-0

Motion Passed - Unanimous

Case No. 2014-11 (New) – **Jonathan March, Owner**, of South Glastonbury, CT, seeks an amendment to Case No. ZBA ZBA2000-20 – Special Permit, to create a second year-round unit in a condominium complex, for property located at **21 Old County Road in Oak Grove Condominiums – Unit #7, Map 8, Parcel 162G.**

Sitting on this case: Reinhart, Schneiderhan, Zazzaro, Doolittle, (Sheldon recused himself as he is selling one of the units in the Condominium Complex)

Jonathan March, owner, presented.

Unit #7 contains the potable master water system for the Oak Grove community and it is located in the basement. As this unit is seasonal use, the Oak Grove community has concerns that any electrical, leaks or flooding situations would not be detected by the community as the system is out of sight of the community. The unit is unique in that it has a full-code basement and systems and is fully insulated for winter use.

Based on this, the community and the current owner are recommending that the unit be allowed year round status. In addition, the affordable housing trust was happy to hear about the possibility of adding a hard to find affordable residence.

The Board asked if all of the residences of the Oak Grove Community agreed to this proposal and Mr. March stated that 100% of the residences do support it.

Bob Sheldon reviewed the Findings of Fact:

1. The current property is a cottage colony with eight units
2. All except unit #1 is limited to seasonal use
3. Unit #1 is used year round
4. Special Permit #2000-20 for this property confirmed the seasonal nature of the use
5. The change in use will not intensify the use of the structure or create nuisance, hazard, or congestion in the area
6. The water system for all units is in Unit #7

A **MOTION** by Ed Schneiderhan to approve the Findings of Fact as stated, **seconded** by John Zazzaro

In Favor: Doolittle, Reinhart, Schneiderhan, Zazzaro

Opposed: None

The Vote: 4-0

Motion Passed - Unanimous

and further based on the following plans:

Oak Grove Condominium Plan of Land in Eastham, MA dated May 11, 2000, scale 1"=40', prepared by Steven w. Rumba, Weller & Assoc., Centerville, MA

Oak Grove Condominium Building Plans, Eastham, MA dated May 11, 2000, scale 1"=10', prepared by Steven W. Rumba, Weller & Assoc., Centerville, MA

Sewage Disposal System Plan, scale 1"=40', prepared for Thomas & Kathy McCombs, Oak Grove Cottages, dated 6/22/00, prepared by Bennett & O'Reilly, Inc.

A **MOTION** by George Reinhard to **GRANT a SPECIAL PERMIT** for Case No. ZBA2014-11 with the following conditions:

1. Further conversions would require Zoning Board of Appeals approval
2. Condominium Association to formally approve the plan presented to this hearing

Seconded by John Zazzaro

In Favor: Doolittle, Reinhart, Schneiderhan, Zazzaro

Opposed: None

The Vote: 4-0

Motion Passed - Unanimous

Approval of minutes:

None available for review at this time.

Other Business:

None

Adjournment:

A **MOTION** by John Zazzaro to adjourn the meeting, **seconded by** George Reinhart.

In Favor: Reinhart, Schneiderhan, Sheldon, Doolittle, Zazzaro

Opposed: None

The Vote: **5-0**

Motion Passed - Unanimous

The meeting adjourned at 5:35 PM

Respectfully submitted

as prepared by Laurie Gillespie-Lee

Robert Sheldon, Chairman
Zoning Board of Appeals