



## TOWN OF EASTHAM

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### EASTHAM ZONING BOARD OF APPEALS MEETING MINUTES

Earle Mountain Room  
February 4, 2016, 5:00 pm

ZBA members present: Robert Sheldon, Edward Schneiderhan, George Reinhart, Joanne Verlinden, Stephen Wasby (Alternate)  
ZBA members absent: John Zazzaro  
Staff present: Paul Lagg, Town Planner, Debbie Cohen, Administrative Assistant

ZBA chairman Robert Sheldon opened the meeting at 5:00 pm, explained meeting protocols and stated the meeting was being recorded.

**Case No. ZBA2016-5** – 325 Turnip Road, Map 7, Parcel 502 (District A). Susan Vose and Ed Considine, Owners, seek a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law Sections IX.B.5 (setback requirements) to rebuild and extend a pre-existing, non-conforming sundeck in violation of setback requirements.

*Seated on this case: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby*

Ed Considine and Susan Vose were present at the hearing. Mr. Considine described the project, explaining that he needed to repair the deck for safety reasons but would also like to expand it. Ms. Verlinden asked for clarification on the location of the proposed deck. Mr. Considine explained the deck would be in exactly the same spot but extended out towards Jeans Way. Mr. Schneiderhan asked if the conservation commission had any comments on the project. Mr. Considine responded the conservation commission had no issues with the proposal. There were no comments from the audience.

Ms. Verlinden read the **findings of fact**:

1. The property is located at 325 Turnip Road (Map 7, Parcel 502) and is located in District A (Residential).
2. The applicant has applied for a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law Sections IX.B.5 (setback requirements) to rebuild and extend a pre-existing, non-conforming sundeck in violation of setback requirements.
3. The lot size is 8,404 sf.
4. The street setback requirement is 30 feet. The side and rear setback requirements are 25 feet. The proposed structure will be 23.5 feet from Turnip Road and 29 feet from Jean's Way.
5. After an evaluation of all the evidence presented, the proposed use will not be substantially more detrimental to the established or future character of the neighborhood or the Town and the structure involved will be in harmony with the general purpose and intent of the Zoning By-law and zoning district.
6. The proposal will not have a negative impact on traffic flow and/or safety.

7. The proposal will not have a negative impact on the visual character of the neighborhood.
8. The proposal does have adequate methods of sewage disposal, sources of potable water and site drainage.
9. The proposal does provide adequate protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies.
10. The proposal does provide adequate provision for utilities and other necessary or desirable public services.
11. The proposal does provide adequate protection from degradation and alteration of the natural environment.
12. Artificial light, noise, litter, odor or other sources of nuisance or inconvenience will be adequately controlled.
13. No abutters appeared in opposition to or in favor of the proposal. No letters were received regarding the proposal.

A **MOTION** by Joanne Verlinden to approve the findings of fact as stated, **seconded** by Stephen Wasby.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

Mr. Wasby read the **conditions**:

1. Any changes to the project stamped by the Town Clerk on 1/5/16, except those that are de minimis must be reviewed by the Zoning Board of Appeals. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.

A **MOTION** by Stephen Wasby to approve the conditions as stated, **seconded** by Ed Schneiderhan.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Stephen Wasby to **GRANT A SPECIAL PERMIT** for ZBA2016-05 to rebuild and extend a pre-existing, non-conforming sundeck in violation of setback requirements, **seconded** by Joanne Verlinden.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

**Case No. ZBA2015-15** (continued from December 3, 2015) – 575 Steele Road, Map 4, Parcel 537. Samuel Mancuso, Owner, seeks a Special Permit pursuant to M.G.L. c. 40A, s. 6 and Eastham Zoning By-Law, Section IX.B (setback requirements) to rebuild a pre-existing non-conforming deck in violation of setback requirements.

*Seated on this case: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby*

Jay Tieuli was present at the hearing. He stated that the plan had been revised as requested to keep the deck from encroaching further into the street setback. There were no comments from the Board or from the audience.

Ms. Verlinden read the **findings of fact**:

1. The property is located at 575 Steele Road (Map 4, Parcel 537) and is located in District A (Residential).
2. The applicant has applied for a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law Section IX.B (setback requirements) to rebuild a pre-existing non-conforming deck in violation of setback requirements.
3. The lot size is 8,656 sf.
4. The street setback requirement is 30 feet. The existing deck is setback 17 feet from Steele Road. The setback after completion of construction will be 17 feet.
5. After an evaluation of all the evidence presented, the proposed use will not be substantially more detrimental to the established or future character of the neighborhood or the Town and the structure involved will be in harmony with the general purpose and intent of the Zoning By-law and zoning district.
6. The proposal will not have a negative impact on traffic flow and/or safety.
7. The proposal will not have a negative impact on the visual character of the neighborhood.
8. The proposal does have adequate methods of sewage disposal, sources of potable water and site drainage.
9. The proposal does provide adequate protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies.
10. The proposal does provide adequate provision for utilities and other necessary or desirable public services.
11. The proposal does provide adequate protection from degradation and alteration of the natural environment.
12. Artificial light, noise, litter, odor or other sources of nuisance or inconvenience will be adequately controlled.
13. No abutters appeared in opposition to or in favor of the proposal. No letters were received regarding the proposal.

A **MOTION** by Joanne Verlinden to approve the findings of fact as stated, **seconded** by Stephen Wasby.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

Mr. Wasby read the **conditions**:

1. Any changes to the project stamped by the Town Clerk on 1/26/16, except those that are de minimis must be reviewed by the Zoning Board of Appeals. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.

A **MOTION** by Stephen Wasby to approve the conditions as stated, **seconded** by Joanne Verlinden.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Stephen Wasby to **GRANT A SPECIAL PERMIT** for ZBA2015-15 to rebuild a pre-existing non-conforming deck in violation of setback requirements, **seconded** by Joanne Verlinden.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

**Case No. ZBA2015-11** 930 Massasoit Road – Request for determination of de minimis change to approved plan

Tim Klink was present at the hearing. He explained that after completing a structural evaluation of the church building, he found architectural adjustments would need to be made to the plan. He reviewed the proposed design changes and noted there would be no changes to the building footprint or use. Mr. Wasby asked if the building height would change. Mr. Klink responded the structure would now be 6” less tall. Mr. Klink also reviewed proposed design changes to the garage. Mr. Schneiderhan asked if the proposed changes had to be reviewed by the planning board. Mr. Klink answered that they would. After discussion, the Board decided the proposed design changes were not relevant to the original ZBA approval.

A **MOTION** by Stephen Wasby that the revised plans dated 2/4/16 required no action by the Zoning Board of Appeals, **seconded** by Ed Schneiderhan.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Stephen Wasby to approve the minutes of January 7, 2016 as amended, **seconded** by Ed Schneiderhan.

In favor: Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

Abstain: Sheldon

**The VOTE:** 4-0-1

Other Business

Mr. Lagg gave the board members copies of the revised affordable housing production plan to review. He noted the plan required planning board and board of selectmen approval before being sent to the state. He also assured the board members he would keep them informed of any proposed zoning by-law changes.

Adjournment

A **MOTION** by Joanne Verlinden to adjourn the meeting, **seconded** by Ed Schneiderhan.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

The meeting adjourned at 5:40 pm.

Respectfully submitted as prepared by Debbie Cohen

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Robert Sheldon, Chairman  
Zoning Board of Appeals