



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

All departments 508-240-5900 • Fax 508-240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

### EASTHAM ZONING BOARD OF APPEALS

#### MEETING MINUTES

Earle Mountain Room

September 1, 2016, 5:00 pm

ZBA members present: Robert Sheldon, Edward Schneiderhan, Joanne Verlinden, George Reinhart, John Zazzaro, Ralph Holcomb (Alternate)  
ZBA members absent: Stephen Wasby (Alternate)  
Staff present: None

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

**Case No. ZBA2016-9** – 13 West Shore Drive, Map 7A, Parcel 9. Lorraine Laczko, Owner, seeks a Special Permit pursuant to M.G.L. c. 40A s. 9 and Eastham Zoning By-law Sections VI.C (Non-Conforming Uses), IX.A (Lot size) and IX.B (Setback Requirements) to demolish a pre-existing non-conforming single family residence and construct a new single family residence within the side and rear setbacks.

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

Thomas Moore, John Pettica and Lorraine Laczko were present at the hearing. Mr. Moore handed out revised plans which included a wrap-around extension of the deck. He explained the proposal and Mr. Pettica described site work that had already been completed.

Ms. Verlinden asked about encroachments to the rear and west setbacks. Mr. Moore explained the rear setback would be at 25' except where the bulkhead would extend by 6' to 19'. The newly proposed wrap-around porch would remain within the west side setback of 16', where a deck currently existed.

Ms. Verlinden and Mr. Zazzaro inquired about the proposed second floor and the layout of the house. Mr. Pettica responded they hoped to take advantage of a winter water view. Mr. Holcomb asked about the site septic capacity, which Mr. Sheldon reviewed. Mr. Sheldon then asked how the height elevation was measured. Mr. Moore noted the top of foundation had not been determined yet, so the final roof pitch had yet to be determined by the engineer. He stated he was aware of the 30' height restriction and knew the project had about 3' to move around within. Mr. Moore also confirmed the project was to fully demolish the house and that the wrap-around porch would be only one story.

John Norton, 40 Hideaway Lane commented that as a neighbor of 13 West Shore Drive he was in complete support of the project. There were no other audience comments.

Mr. Lagg noted the property had septic variances which would require re-approval from the Board of Health. He also asked how the corner of the porch would interact with the retaining wall, as the two seemed to touch in the plan. Mr. Moore answered the porch corner would be brought in once measured in the field. There were no other questions from the Board.

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

1. The property is located at 13 West Shore Drive (Map 7A, Parcel 9) and is located in District A (Residential).
2. The lot size is 11,140 sf.
3. The applicant has applied for a Special Permit pursuant to M.G.L. c. 40A s. 9 and Eastham Zoning By-law Sections VI.C (Non-Conforming Uses), IX.A (Lot size) and IX.B (Setback Requirements) to demolish a pre-existing non-conforming single family residence and construct a new single family residence within the side and rear setbacks.
4. The street setback requirement is 30 feet. The side and rear setback requirements are 25 feet. The proposed structure will be 46 feet from West Shore Drive. The west side setback will remain 16 feet. The east side setback will be 25 feet. The rear setback will be 19 feet, including bulkhead.
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. One abutter appeared 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 Ed Schneiderhan.

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

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

Mr. Sheldon read the **conditions**:

1. Any changes to the project plans signed by the ZBA Chair on 9/1/16, 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.

2. The applicant shall acquire all necessary approvals from the Eastham Board of Health and Eastham Planning Board prior to the start of the project.

A **MOTION** by Ed Schneiderhan to approve the conditions as stated, **seconded** by Joanne Verlinden.

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

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

A **MOTION** by Joanne Verlinden to **GRANT A SPECIAL PERMIT** for ZBA2016-09 to demolish a pre-existing non-conforming single family residence and construct a new single family residence within the side and rear setbacks., **seconded** by John Zazzaro.

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

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

#### Comprehensive Permit Presentation

Paul Haverty, 40B Consultant introduced himself and explained he would work with the Board through the entire 40B application process to answer any questions the members may have. He gave a brief presentation reviewing the normal 40B progression, requirements, and peer review process.

#### Minutes

A **MOTION** by Joanne Verlinden to approve the minutes of August 4, 2016, **seconded** by Ed Schneiderhan.

In favor: Sheldon, Schneiderhan, Verlinden

Opposed: None

Abstain: Zazzaro, Reinhart

**The VOTE:** 3-0-2

**Motion passed**

A **MOTION** by Joanne Verlinden to approve the minutes of July 7, 2016, **seconded** by Ed Schneiderhan.

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

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

#### Other Business

The board members discussed 40B meeting schedule management ideas.

Mr. Lagg handed out a memo detailing clerical ZBL changes that had been made to bring the current version up to date.

#### Adjournment

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

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

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

The meeting adjourned at 6:35 pm.

Respectfully submitted as prepared by Debbie Cohen

---

Robert Sheldon, Chairman  
Zoning Board of Appeals