



TOWN OF EASTHAM

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EASTHAM ZONING BOARD OF APPEALS

MEETING MINUTES

Earle Mountain Room

October 6, 2016, 5:00 pm

ZBA members present: Robert Sheldon, Edward Schneiderhan, Joanne Verlinden, George Reinhart, John Zazzaro, Stephen Wasby (Alternate), Ralph Holcomb (Alternate)

ZBA members absent: None

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. ZBA2016-8 – (continued from 8/4/16) 455 Steele Road, Map 4, Parcels 518, 519, 542. Karen Kollar (Owner), Julie Csenger (Applicant) seek a Special Permit pursuant to M.G.L. c. 40A s. 9 and Eastham Zoning By-law Section V District A (Uses) for the housing of two horses in an existing accessory structure.

Mr. Lagg indicated the applicant had requested a continuance of the hearing.

A **MOTION** by Joanne Verlinden to continue Case No. ZBA2016-08 to December 1, 2016, with no further requests for continuance allowed, **seconded** by John Zazzaro.

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Mr. Wasby commented that without any existing animal regulations, cases such as No. ZBA2016-08 were challenging to deal with. He read a suggested motion regarding animal regulations for discussion among the Board members.

A **MOTION** by Bob Sheldon to recommend that the BOS create a committee to develop animal regulations, **seconded** by Ed Schneiderhan.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. ZBA2016-11 – 4460 State Highway, Map 8, Parcel 192. Ginger Dill (Owner) and Cumberland Farms, Inc. (Applicant) seek a six month extension to a Variance Modification (ZBA2015-09) pursuant to M.G.L. c. 40A, s. 10 for replacement of a pre-existing non-conforming ground sign and two pre-existing non-conforming canopy signs.

Mr. Lagg stated that all applicable building permits related to the variance had been issued in the period of time since the application had been filed. As such, an extension was no longer needed and the applicant requested to withdraw their application.

A **MOTION** by Ed Schneiderhan accept the request to withdraw Case No. ZBA2016-11 without prejudice, **seconded** by John Zazzaro.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. ZBA2016-6 – 10 Bayberry Lane, Map 13, Parcel 172. Request for determination of de minimis change.

Attorney Andrew Singer was present at the hearing. He explained that upon further evaluation of the structure, re-using the foundation was not a feasible option. The applicant now wished to replace the foundation and remove an existing deck with no other changes to the site.

A **MOTION** by Joanne Verlinden to grant the determination of a de minimis change, **seconded** by John Zazzaro.

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Case No. ZBA2016-12 – 190 Cooks Brook Road, Map 4, Parcel 372. Shawn Clark (Owner) seeks to amend a Special Permit (ZBA1997-27) 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) for an addition and alteration of a pre-existing non-conforming single family dwelling.

Shawn Clark was present at the hearing. He described the proposal to expand a bedroom over the existing dining room and noted the footprint of the house would remain the same. He agreed to move a non-conforming shed to fit within setbacks on his property. Mr. Sheldon asked if the house was for sale. Mr. Clark said it was, but as he had not received an acceptable offer he planned to take it off the market and renovate instead. There were no other questions from the Board or from the audience.

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

1. The property is located at 190 Cooks Brook Road (Map 4, Parcel 372) and is located in District A (Residential).
2. The lot size is 11,288 sf.
3. The property received a Special Permit in 1997 that granted approval for a new foundation and second floor addition. The 1997 decision also contained the following two conditions:
 1. The addition is to be limited to a total of three bedrooms for entire structure.

2. No further square footage will be added to the structure beyond those approved for living space.
4. The applicant has applied to amend a Special Permit (ZBA1997-27) 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) for an addition and alteration of a pre-existing non-conforming single family dwelling.
5. The proposal will not result in any increase to dimensional non-conformities.
6. 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.
7. The proposal will not have a negative impact on traffic flow and/or safety.
8. The proposal will not have a negative impact on the visual character of the neighborhood.
9. The proposal does have adequate methods of sewage disposal, sources of potable water and site drainage.
10. 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.
11. The proposal does provide adequate provision for utilities and other necessary or desirable public services.
12. The proposal does provide adequate protection from degradation and alteration of the natural environment.
13. Artificial light, noise, litter, odor or other sources of nuisance or inconvenience will be adequately controlled.
14. No abutters or parties in interest appeared in favor of or in opposition to the proposal. No letters were received regarding the proposal.

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

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Mr. Sheldon read the **conditions**:

1. The applicant will submit a plan adding setbacks to the plan stamped by the Town Clerk on 9/2/16. Any changes to the revised project plans, 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 Board of Health prior to the start of the project.
3. The applicant shall obtain Planning Board approval prior to the start of the project.
4. The applicant shall re-locate the existing shed to meet current setback requirements.

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

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 ZBA2016-12 for an addition and alteration of a pre-existing non-conforming single family dwelling, **seconded** by Ed Schneiderhan.

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Minutes

A **MOTION** by Ed Schneiderhan to approve the minutes of September 1, 2016, as amended, **seconded** by John Zazzaro.

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

Opposed: None

Abstain: Wasby

The VOTE: 6-0-1

Motion passed

Adjournment

A **MOTION** by Steve Wasby to recess until 6:00 pm, **seconded** by John Zazzaro.

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

The meeting recessed at 5:40 pm.

Respectfully submitted as prepared by Debbie Cohen

Robert Sheldon, Chairman
Zoning Board of Appeals