



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

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

www.eastham-ma.gov

EASTHAM ZONING BOARD OF APPEALS

MEETING MINUTES

Earle Mountain Room

November 3, 2016, 5:00 pm

ZBA members present: Robert Sheldon, Edward Schneiderhan, Joanne Verlinden, George Reinhart, Stephen Wasby (Alternate), Ralph Holcomb (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. ZBA2016-13 – 45 Longstreet Lane, Map 10, Parcel 341A. Bishop Eastham Property Trust (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), IX.B (setback requirements), and V (uses, district A) to demolish a pre-existing, non-conforming cottage and build a new cottage on the existing foundation.

Jeff Klee was present at the hearing. He described the proposal and noted the structures were required to meet more stringent setbacks as the lot was created by ANR in 1993. Mr. Klee confirmed the foundation had been evaluated by an engineer and was in condition to re-use. Ms. Verlinden asked about a seeming lack of insulation at the house. Mr. Klee explained there was none existing, but the new cottage would need to meet all current building codes and an ongoing moisture problem would also be resolved.

Christine Seaman, 43 Longstreet Lane was present as an abutter and noted she had no problems with the project. There were no other questions from the board members or the audience.

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

1. The property is located at 45A Longstreet Lane (Map 10, Parcel 341A) and is located in District A (Residential).
2. The lot size is 36,918 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), IX.B (setback requirements), and V (uses, district A) to demolish a pre-existing, non-conforming cottage and build a new cottage on the existing foundation.
4. The property has received previous approvals from the Planning Board (PB1993-7/ANR) to reconfigure lot lines via Approval Not Required (ANR) and ZBA (ZBA1993-16) to move cottages away from the coastal bank.
5. The proposal will result in a new non-conformity to the side yard setback 28 feet on the south side where 30 feet is required.

6. The proposal received approval from the Eastham Conservation Commission on October 25, 2016.
7. 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.
8. The proposal will not have a negative impact on traffic flow and/or safety.
9. The proposal will not have a negative impact on the visual character of the neighborhood.
10. The proposal does have adequate methods of sewage disposal, sources of potable water and site drainage.
11. 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.
12. The proposal does provide adequate provision for utilities and other necessary or desirable public services.
13. The proposal does provide adequate protection from degradation and alteration of the natural environment.
14. Artificial light, noise, litter, odor or other sources of nuisance or inconvenience will be adequately controlled.
15. One abutter appeared in favor of 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 Ralph Holcomb.

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Mr. Sheldon read the **conditions**:

1. Any changes to the project plans stamped by the Town Clerk on 10/4/16, 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 Board of Health prior to the start of the project.

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

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

A **MOTION** by Joanne Verlinden to **GRANT A SPECIAL PERMIT** for ZBA2016-13 to demolish a pre-existing, non-conforming cottage and build a new cottage on the existing foundation, **seconded** by Ed Schneiderhan.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden
Opposed: Holcomb
The VOTE: 4-1
Motion passed

Review tentative 2017 hearing schedule

Mr. Wasby suggested additional hearings on 1/19/17, 2/16/17, 3/16/17 and 4/20/17 for 40B business.

A **MOTION** by Ed Schneiderhan to accept the schedule as amended, **seconded** by Joanne Verlinden.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby, Holcomb
Opposed: None
The VOTE: 6-0
Motion passed – Unanimous

Minutes

A **MOTION** by Ed Schneiderhan to approve the minutes of October 6, 2016, as amended, **seconded** by Joanne Verlinden.

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby, Holcomb
Opposed: None
The VOTE: 6-0
Motion passed – Unanimous

Adjournment

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

In favor: Sheldon, Schneiderhan, Reinhart, Verlinden, Wasby, Holcomb
Opposed: None
The VOTE: 6-0
Motion passed – Unanimous

The meeting adjourned at 5:30 pm.

Respectfully submitted as prepared by Debbie Cohen

Robert Sheldon, Chairman
Zoning Board of Appeals