



TOWN OF EASTHAM

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EASTHAM ZONING BOARD OF APPEALS

MEETING MINUTES

Earle Mountain Room

January 5, 2017, 5:00 pm

ZBA members present: Robert Sheldon, Edward Schneiderhan, Joanne Verlinden, Stephen Wasby, Robert Bruns, Ralph Holcomb (Alternate), Brian Ridgeway (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. Mr. Sheldon introduced new board members Robert Bruns and Brian Ridgeway. He noted Mr. Wasby and Mr. Bruns held regular memberships and Mr. Ridgeway held an alternate position along with Mr. Holcomb.

Case No. ZBA2017-1 – 2025 Herring Brook Road, Map 10, Parcel 165. Mary O'Connor and Philip Muisener (Owners) seek a Special Permit pursuant to M.G.L. c. 40A s. 9 and Eastham Zoning By-law Sections IX.A (lot size) and VI.C (non-conforming uses) to demolish an existing single family residence and build a new single family residence on a non-conforming lot.

Seated on this case: Schneiderhan, Verlinden, Wasby, Bruns, Holcomb

Mary O'Connor and Alison Alessi were present. Mr. Sheldon recused himself. Ms. O'Connor described the proposal to tear down and rebuild the dwelling within allowable setbacks. The proposed house would remain at two bedrooms. The board members agreed the application seemed conservative and had no questions for the applicant. Mr. Schneiderhan read a letter from R. Emmett Hayes and Shannon O'Brien, 2045 Herring Brook Road, in favor of the project. There were no comments from the audience.

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

1. The property is located at 2025 Herring Brook Road (Map 10, Parcel 165) and is located in District A (Residential).
2. The applicant has applied for a Special Permit pursuant to M.G.L. c. 40A s. 9 and Eastham Zoning By-law Sections IX.A (lot size) and VI.C (non-conforming uses) to demolish an existing single family residence and build a new single family residence on a non-conforming lot.
3. The lot size is non-conforming at 18,920 sf.
4. The proposed single family dwelling will conform to all dimensional setback requirements.
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 favor of or in opposition to the proposal. One letter was received in favor of the proposal.

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

In favor: Schneiderhan, Verlinden, Wasby, Holcomb, Bruns

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Mr. Wasby read the **conditions**:

1. Any changes to the project plans stamped by the Town Clerk on 11/29/16, 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 obtain approval from the Eastham Board of Health prior to the start of the project.

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

In favor: Schneiderhan, Verlinden, Wasby, Holcomb, Bruns

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

A **MOTION** by Stephen Wasby to **GRANT A SPECIAL PERMIT** for ZBA2017-1 to demolish an existing single family residence and build a new single family residence on a non-conforming lot, **seconded** by Joanne Verlinden.

In favor: Schneiderhan, Verlinden, Wasby, Holcomb, Bruns

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Minutes

A **MOTION** by Stephen Wasby to approve the minutes of December 1, 2016, **seconded** by Ed Schneiderhan.

In favor: Sheldon, Schneiderhan, Verlinden, Wasby, Bruns
Opposed: None
The VOTE: 5-0
Motion passed – Unanimous

Other Business

Mr. Lagg discussed a memo provided regarding Cumberland Farms with the board members.

Adjournment

A **MOTION** by Stephen Wasby to adjourn the hearing until 5:30 pm, **seconded** by Joanne Verlinden.

In favor: Sheldon, Schneiderhan, Verlinden, Wasby, Bruns
Opposed: None
The VOTE: 5-0
Motion passed – Unanimous

The meeting adjourned at 5:20 pm.
Respectfully submitted as prepared by Debbie Cohen

Robert Sheldon, Chairman
Zoning Board of Appeals