



TOWN OF EASTHAM

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EASTHAM ZONING BOARD OF APPEALS

MEETING MINUTES

Earle Mountain Room

February 2, 2017, 5:00 pm

ZBA members present: Robert Sheldon, Edward Schneiderhan, Joanne Verlinden, Stephen Wasby, Robert Bruns
ZBA members absent: Ralph Holcomb (Alternate), Brian Ridgeway (Alternate)
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. ZBA2017-2 – 4 Penny Lane, Map 10, Parcel 300. Gary Mazzola (Owner) seeks a Special Permit pursuant to M.G.L. c. 40A s. 9 and Eastham Zoning By-law Sections IX.A (lot size) and IX.B (setback requirements) to demolish a pre-existing non-conforming single family residence and build a new single family residence with non-conformity to setback on a non-conforming lot.

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

Ben Zehnder and Dan Croteau were present at the hearing. Mr. Zehnder described the proposal, noting that the overall non-conformity would be decreased by removing the existing deck. He explained that all but one of the houses in the neighborhood were two stories tall. Due to the small size of the lot, the applicant could only feasibly increase living space by adding a second floor. Mr. Croteau commented that the existing I/A septic system would remain in use. All of the board members agreed that removing the deck improved the setbacks. There were no other comments from the Board.

Gary Mazzola, owner, informed the Board that all three of his neighbors had reviewed the plans and submitted letters in support of the project. There were no other comments from the audience.

Mr. Wasby read the proposed **findings of fact**:

1. The property is located at 4 Penny Lane (Map 10, Parcel 300) 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 IX.B (setback requirements) to demolish a pre-existing non-conforming single family residence and build a new single family residence with non-conformity to setback on a non-conforming lot.
3. The lot size is non-conforming at 5,742 sf.
4. The proposal will reduce setback nonconformity.
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 party in interest appeared in favor of the proposal. Three letters were received in favor of the proposal.

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

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Mr. Wasby read the **conditions**:

1. Any changes to the project site plans dated 11/15/16 rev. 1/10/17 or the architectural plans dated 10/19/16 rev. 11/9/16, 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 Planning Board prior to the start of the project.
3. The applicant shall obtain approval from the Eastham Board of Health prior to the start of the project if necessary.

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

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

A **MOTION** by Steve Wasby to **GRANT A SPECIAL PERMIT** for ZBA2017-2 to demolish a pre-existing non-conforming single family residence and build a new single family residence with non-conformity to setback on a non-conforming lot, **seconded** by Joanne Verlinden.

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Minutes

A **MOTION** by Joanne Verlinden to approve the minutes of January 5, 2017 as amended, **seconded** by Stephen Wasby.

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

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

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 5:25 pm.

Respectfully submitted as prepared by Debbie Cohen

Robert Sheldon, Chairman
Zoning Board of Appeals