



TOWN OF EASTHAM

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EASTHAM ZONING BOARD OF APPEALS

MEETING MINUTES

Earle Mountain Room
April 3, 2025, 5:00 pm

Members present: Joanne Verlinden, Martin Ridge, Jarod Carey, Doug Byrd, and Justin Kennington

Members Absent: Bob Sheldon

Parties in interest present: Glenn Collins, Gary Vecchione, Anthony Panebianco

Parties in interest present ZOOM: Linda Beusse, Hillary Greenberg-Lemos, Alex Bates, Ruth V. Bradford Vecchione, Amiee Eckmann

Staff Present: Paul Lagg, Director of Community Development, and Jackie O'Rourke, Community Development Planner

Joanne Verlinden opened the meeting at 5:00 pm, and stated the meeting was being recorded and could be found at <https://www.eastham-ma.gov/653/On-Demand-Video-of-Meetings-Special-Prog>

Case No. ZBA-2025-02 150 State Highway Map 20, Parcel 114, 150 Old State Highway Cottages, LLC.

(Owner/Applicant) seeks a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-Law sections 19.2 Special Permits and 4.7 Conversion of an existing cottage colony, motel, hotel or inn to a single-family, two-family, multi-family or seasonal workforce housing use under any type of ownership including, but not limited to, condominium ownership, cooperative ownership, or other forms of ownership where a structure or portion thereof is held in different ownership from the remainder of the structure or the land on which it is to convert seven (7) pre-existing non-conforming seasonal use cottages to seven (7) individual year-round condominiums.

MEMBERS SEATED: Joanne Verlinden (Chair), Douglas Byrd, Martin Ridge, Jarod Carey, Justin Kennington

Discussion: Presentation given by Anthony Panebianco, representing 150 Old State Highway, LLC. And owner/manager Gary Vecchione. During the presentation of the change of use, Panebianco confirmed the applicant's agreement with the draft covenant, with changes dates 4/3/2025, subject to review by the Select Board for their approval. Panebianco informed the Board that the applicant has filed a Notice of Intent to install the new septic system based on the plan approved by the Board of Health on 12/19/2024. The applicant discussed the change of use as a benefit to the town as new year-round housing with no significant lot intensity, traffic or public safety issues.

The Board discussed topics including:

- Further restricting the units via the covenant to prevent rentals of any kind.
- Disallowing multi-family development on the environmentally sensitive property

- Conditional approval status dependent on the completion of the septic upgrade, as established in the list of conditions
- Mitigating traffic flow through the driveway adjacent to Collins Landing with a more substantial arrangement than the current rope.
- The plan for the organization of the condominium development layout and trust
- Limiting exterior alterations for future owners to maintain the historic integrity of the property

Approved Conditions as reflected in the Decision Letter:

1. The Special Permit is granted pursuant to Section 4.7 of the Town's Zoning Bylaws, and the Applicant or their successors-in interest shall comply with this Special Permit and the provisions of Section 4.7 of the Zoning Bylaws.
2. This Special Permit is contingent upon and not to take effect until the Applicant has secured all necessary Town approvals, including but not limited to:
 1. Site Plan Approval from the Planning Board pursuant to Section 3.8 or 10.2 of the Zoning Bylaw, as applicable, or written confirmation that the Planning Board has granted a waiver therefrom; and
 2. A finding and certification from the Eastham Board of Health within two years of this approval that the septic system and water supply system to serve the subject premises complies with the Town of Eastham's health code and Title 5 of the Massachusetts Sanitary Code. Applicant shall provide written proof of such finding and certification to the Building Commissioner prior to recording this Special Permit Decision.
 3. The Special Permit Decision shall be recorded against the Master Deed for the condominium development and shall be recorded against or incorporated into the individual deeds for the condominium units such that all unit owners shall have notice of the applicability of this Special Permit to their units.
 4. Prior to recording this Special Permit Decision, Applicant shall execute a Covenant in a form acceptable to the Town and approved as to form by Town Counsel. The covenant shall be approved and signed by the Eastham Select Board. Said Covenant shall comply with the provisions of Section 4.7 of the Town's Zoning Bylaws, including but not limited to the following:
 5. The Covenant shall acknowledge and ensure that units converted to single-family use pursuant to this Special Permit shall be rented and/or leased for a period of not less than twelve (12) consecutive months or that the units shall be owner - occupied. In other words, the units may not be used as short-term rentals, as defined under G.L. Chapter 64G.
 6. The Covenant shall acknowledge and ensure that units converted to seasonal workforce housing use shall be rented and/or leased for the purpose of housing seasonal employees for not more than six (6) consecutive months.
 7. The Covenant shall run with the land and be in effect in perpetuity.
 8. The Covenant shall be recorded against the title for the condominium Master Deed and recorded against the titles of or incorporated into the deeds for the individual condominium units such that all current or future owners of any units have notice of the applicability of the Covenant to their units.
3. Plans reviewed conducted by town staff as part of this Special Permit and as listed above have been conducted for conformance with applicable sections of the zoning bylaw. Additional plan review for health and safety code compliance may be required and may result in changes to the approved plans.

Any changes to the plans listed in this decision letter except those that are de minimus must be reviewed by the Zoning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.

4. The applicant shall file the Special Permit Decision letter with the Barnstable County Registry of Deeds and provide a copy to the Eastham Building Department before the issuance of a Certificate of Use and Occupancy.
5. Use of the converted residential units as fractional ownership, interval or time share units is prohibited per Section 6.12 of the Eastham Zoning Bylaw.
6. The Board reserves the right to monitor the ongoing project for compliance with the approved plan.
7. The applicant shall seek approval from other Eastham regulatory boards as necessary to mitigate direct access to Collins Landing at the abutting property line by means of a gate or other measure deemed appropriate by town staff and subsequent regulatory decisions.
8. The applicant and subsequent condominium or property owners will maintain the exterior of buildings on the property with historically appropriate paint colors and cedar shingles.

Next Steps:

- Town Staff will file the decision letter with the Town Clerk within 14 days of the decision. The appeal period is 20 days from the date of filing.
- A final draft of the Covenant will be shared with attorney Panebianco. The Covenant must be signed by the Select Board before it can be filed with the Barnstable County Registry of Deeds.

A **MOTION** by Ridge to approve the Findings of Fact as stated, **SECONDED** by Kennington
In favor: Joanne Verlinden (Chair), Douglas Byrd, Martin Ridge, Jarod Carey, Justin Kennington
Opposed: None
The VOTE: 5-0
MOTION PASSED

A **MOTION** by Ridge to approve the Conditions as amended, **SECONDED** by Carey
In favor: Joanne Verlinden (Chair), Douglas Byrd, Martin Ridge, Jarod Carey, Justin Kennington
Opposed: None
The VOTE: 5-0
MOTION PASSED

A **MOTION** by Byrd to **GRANT A SPECIAL PERMIT** for **Case No. ZBA2025-02** pursuant to Section 4.7 -Conversion of an Existing Cottage Colony of the Town’s Zoning Bylaws to allow the cottage colony known as “Collins Cottages” to be converted to owner-occupied single-family condominium units, subject to the approved conditions, was **SECONDED** by Ridge
In favor: Joanne Verlinden (Chair), Douglas Byrd, Martin Ridge, Jarod Carey, Justin Kennington
Opposed: None
The VOTE: 5-0
MOTION PASSED

Minutes:

A **MOTION** by Kennington to **approve** February 6, 2025 minutes with amendments as noted **SECONDED** by Carey

In favor: Joanne Verlinden (Chair), Douglas Byrd, Martin Ridge, Jarod Carey, Justin Kennington

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Other Business:

Paul Lagg updated the board on the zoning amendments for the North Eastham Business District, and the ADU Bylaw, which were approved unanimously by the Cape Cod Commission. A floor amendment will be necessary to address amenity space and multi-family housing uses in the Trade Park.

Adjournment:

A **MOTION** by Kennington to **adjourn** at 6:17pm **SECONDED** by Byrd

In favor: Joanne Verlinden (Chair), Douglas Byrd, Martin Ridge, Jarod Carey, Justin Kennington

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Respectively submitted by Jackie O'Rourke
