



TOWN OF EASTHAM

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EASTHAM ZONING BOARD MEETING MINUTES Earle Mountain Room April 7, 2022, 5:00 pm

Members present: Brian Ridgeway, Bob Sheldon, Joanne Verlinden, Bob Bruns,
Gay Craig, Ed Schneiderhan

Members absent:

Staff present: Paul Lagg, Community Development Director & Kayla Urquhart,
Administrative Assistant, Art Autorino, Select Board Liaison

Joanne Verlinden opened the meeting at 5:00 pm, and stated the meeting was being recorded and could be found at eastham.gov.

Case No. ZBA-2022-4 – 16 Gile Road, Map 7, Parcel 539. John and Maria Stankiewicz (Owners) seek a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law section 4.4 (non-conforming uses, buildings, structures) to construct a 9 x16 two-floor addition to the south side of the dwelling, covered porch and new section of deck. The proposal will increase the existing westerly and easterly side setback non-conformities and constitute a volumetric increase to those setbacks. Vote may be taken.

Attorney Zehnder presented the Stankiewicz's application. His description included the height of the proposed building, new septic system and town water connection. The applicants are scheduled for residential site plan review before the Eastham Planning Board on April 17, 2022. Attorney Zehnder presented one e-mail from an abutter, Jim and Betty Ray, who support the renovations of the applicants. There was discussion among Board Members surrounding the design, septic system and non-conformities of the design.

Finding of Facts

1. The property is located at 16 Gile Road, Map 7 Parcel 539 and is located in District A (Residential).
2. The applicant has applied for a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law section 4.4 (non-conforming uses, buildings, structures) to construct a 9 x16 two-floor addition to the south side of the dwelling, covered porch and new section of deck. The proposal will increase the existing westerly and easterly side setback non-conformities and constitute a volumetric increase to those setbacks.
3. The lot size is pre-existing non-conforming at 7,500 sf.

4. The proposed 9 x 16, 2-story addition will increase the setback non-conformity to the west setback by 2 feet (12.1 feet where 25 feet is required). The 5 x 16 covered porch will maintain the current non-conforming setback of 18.2 feet where 25 feet is required but the porch and 2-story addition will increase the non-conformity due to volumetric increases within the setback areas.
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. *The proposed additions are compatible for the residential uses in the Zone A Residential District.*
6. The proposal will not have a negative impact on traffic flow and/or safety. *No changes are proposed to the existing gravel driveway. Gile Road is a short dirt road used primarily by homeowners and provides no public access to the beach.*
7. The proposal will not have a negative impact on the visual character of the neighborhood. *The surrounding neighborhood is thickly settled with numerous pre-existing non-conforming dwellings in close proximity. The current and proposed structure will remain in similar size and scale to surrounding structures in the neighborhood. Second floor decks and covered porches are common throughout the community particularly in this area of town which is in close proximity to Cape Cod Bay where it is common for property owners to maximize scenic views by creating elevated viewpoints..*
8. The proposal does have adequate methods of sewage disposal, sources of potable water and site drainage. *Town water is available to the property. No negative issues pertaining to the wastewater utilities were identified.*
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. *A new septic system has been proposed to accommodate the 3-bedroom dwelling. Board of Health approval will be required. The site is connected to the municipal water system which provides adequate potable water to the site.*
10. The proposal does provide adequate provision for utilities and other necessary or desirable public services. *No issues related to the current or proposed utilities have been identified.*
11. The proposal does provide adequate protection from degradation and alteration of the natural environment. *The site is not located within any natural resource areas or resource area buffer zones.*
12. Artificial light, noise, litter, odor or other sources of nuisance or inconvenience will be adequately controlled. *Conditions controlling exterior lighting will be added to the special permit. No other relevant issues were identified.*
13. 0 Abutters/Parties in Interest appeared IN FAVOR and 0 appeared IN OPPOSITION of the proposal. 2 letters was/were received IN FAVOR and 0 IN OPPOSITION.

A **MOTION** by Bruns to approve the findings of fact **SECONDED** by Sheldon
In favor: Ridgeway, Sheldon, Verlinden, Bruns, Craig
Opposed: None
The VOTE: 5-0
Motion passed – Unanimous

A **MOTION** by Craig to approve the following conditions

PROPOSED CONDITIONS:

1. No Building Permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-Law.
2. The Applicant shall obtain a Building Permit from the Eastham Building Department prior to the start of the construction.
3. The Applicant shall verify bedroom count and septic design for adequacy with the approved plan with Eastham Health Department and if necessary, shall obtain Board of Health approval prior to issuance of a building permit.
4. All exterior lights shall be down shielded to reduce light spill and nuisances to adjacent properties.
5. The applicant is responsible for providing building plans to the Eastham Building and Fire Departments. Plans shall contain information on construction methods and materials sufficient to conduct a full code compliance review.
6. Plan reviews conducted by town staff as part of this site plan approval have been conducted for conformance with applicable sections of the zoning bylaw and for adequacy of the site for public safety access and environmental impacts. Additional plan review for health and safety code compliance will be required and may result in changes to the approved plans. Any changes to the proposed site plan dated 2/7/22 or building plans dated 2/16/22 except those that are de minimus must be reviewed by the Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
7. The Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

SECONDED by Ridgeway.

In favor: Ridgeway, Sheldon, Verlinden, Bruns, Craig

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

A **MOTION** by Bruns to approve the special permit for ZBA-22-4 **SECONDED** by Ridgeway

In favor: Ridgeway, Sheldon, Verlinden, Bruns, Craig

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Minutes of the ZBA

Verlinden made one correction to the “Joint Regulatory Board Meeting “section, second sentence, second line add the following after strategic plans “FY 20-24 of the town”

A **MOTION** by Bruns to approve minutes as corrected **SECONDED** by Ridgeway

In favor: Ridgeway, Sheldon, Verlinden, Bruns, Craig

Opposed: None

The VOTE: 5-0
Motion passed – Unanimous

Discussion of ZBA roles and responsibilities.

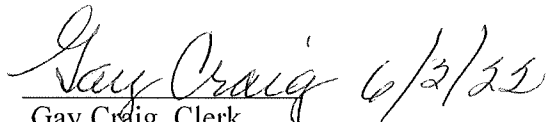
There was discussion among members about the responsibilities of the ZBA and other regulatory boards, and Town Departments. This is in preparation for the upcoming joint regulatory board meeting.

ZBA representatives to joint regulatory boards

Names: Ed Schneiderhan and Bob Bruns

Meeting adjourned at 6pm.

Respectively submitted by Kayla Urquhart


Gay Craig, Clerk