



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900

www.eastham-ma.gov

EASTHAM PLANNING BOARD

MEETING MINUTES

June 21, 2023, 5:00 pm

Members present: Dan Coppelman, Brian Earley, Kevin Gatlin, W. Davis Hobbs, Jim Kivlehan, Craig Nightingale, Peter Weston and Rob Young

Members absent:

Parties in interest present ZOOM: Jeffrey McAleney

Staff Present: Paul Lagg, Director of Community Development, and Philip Burt, Community Development Coordinator

1. Opening Statements: Dan Coppelman 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>

2. Case No. PB2022-19 – APPLICANT REQUESTS A CONTINUANCE TO JULY

4715 State Highway and 15 Brittany's Way Map 5, Parcels 129A and 129B. Breakwater Holdings LLC (Owners), Coastal Companies (Applicant) Applicant seeks Planning Board approval under Zoning Bylaw Section 3.8 District I - Eastham Corridor Special District for a Special Permit per Zoning Bylaw Section 3.1: All Districts Special Permits may be granted for any use not specifically permitted but which is consistent with the intent of the zoning district characteristics as expressed in the zoning bylaw, for warehousing and storage use accessory to a permitted principal use. Applicant also seeks a Special Permit per Zoning Bylaw Section 3.8.5 ECSD Use Regulations: for Retail Sales and Service greater than 3,000 sf. of gross floor area for a development consisting of 4 buildings containing a mix of retail, offices, design showroom, meeting and training space, storage space and four residential apartments. Applicant also seeks a Site Plan Special Permit per Zoning Bylaw Section 3.9.6.2 Regulatory Review for New Development: Exterior construction or expansion of structures resulting in an increase greater than 3,000 sf. of the building footprint or exterior of building or site area.

Members Seated: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston, Young

A MOTION by Jim Kivlehan to approve the continuance for **PB2022-19** to July 19, 2023 **SECONDED** by Craig Nightingale

In favor: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston, Young

Opposed: None

The VOTE: 7-0
Motion passed – Unanimous

3. Case No. PB2023-16 – 285 Hatch Road - Map 4, Parcel 183. Michael and Maryclare O’Hara (Owners), Timothy Klink (Applicant) seeks Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4 (Residential Lot Intensity) and Section 10.3 (Site Plan Approval – Residential) to demolish an existing dwelling and construct a new single family dwelling on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf. *Continued from May hearing, Vote may be taken.*

Members Seated: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston, Young

Timothy Klink (Applicant, The Coastal Companies) briefed the Board on changes made to the siting of the proposed dwelling and septic based on feedback from the Board at the May meeting. A discussion ensued regarding the size of the driveway, the driveway siting and the potential need for additional vegetative screening on the north side of the property. The Chair asked Paul Lagg for information regarding the Board’s jurisdiction relative to driveway size. Mr. Lagg indicated that no specific regulation existed but confirmed the Board could consider driveway size as part of the whole project. Discussion continued regarding driveway size, screening and drainage.

FINDINGS OF FACT:

The Eastham Planning Board finds that:

1. The property is located at 285 Hatch Road and is located in the Residential Zoning District.
2. The Applicant has applied for Site Plan Approval Residential pursuant to Eastham Zoning By-Law Section 7.4.2 (Residential Lot Intensity) and Section 10.3 (Site Plan Approval – Residential)
3. The proposed project DOES NOT negatively impact existing native vegetation and soil or grade changes: *No major grade changes are proposed. The existing landscape of the surrounding area is characterized as a Maritime Juniper Woodland/Shrub land, comprised predominantly of evergreen woodland/shrub land with a mix of bayberry, beach heather, American beach grass and sedges, pitch pines and oak trees. The proposed planting plan includes a mixture of native plants appropriate to the surrounding landscape including junipers, eastern red cedar, bayberry, inkberry and viburnum.*
4. The proposed project DOES relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood: *The proposed total site coverage will be 4868 sf. (13.3%) on a 36,590 sf lot with a site coverage increase of 2330 sf (6.7%). The proposed gross floor area of the primary structure is 3,917 or 10.7%. The average site coverage of the primary structures in the neighborhood is 2,001 sf (6.9%) excluding basements. The average lots size of the neighborhood is 30,104 sf. There are 3 homes in the neighborhood that exceed the 10.7% site coverage.*
5. The prevailing characteristics of the neighborhood ARE preserved by the plan as presented: *The proposed structure includes design elements recommended in the Planning Board’s residential design guidelines including: The use of interconnected building elements to help the structure appear smaller than a single mass of the same volume, use of overhangs to create shadows to break up the mass of the building. The use of dormers to break up the roofline of the building.*
6. The proposed project DOES avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands: *The site is not located within any resource areas. Conservation Commission approval is not required. There are no steep slopes or hilltops on the site. The proposed planting*

plan includes a mixture of native plants appropriate to the surrounding landscape including junipers, eastern red cedar, bayberry, inkberry and viburnum.

7. The proposed project DOES NOT have existing unique or significant environmental resources: *The site is not located within any resource areas. Conservation Commission approval is not required.*
8. The proposed site plan DOES maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways: *The existing driveway will be used for underground utilities and then abandoned and re-vegetated. The proposed driveway provides ample parking and maneuvering space within the lot.*
9. 2 neighbors did appear at the previous May hearing to express concerns.

A MOTION by Peter Weston to approve the finding of facts

SECONDED by Craig Nightingale

In favor: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston, Young

Opposed: None

The VOTE: 7-0

Motion passed - Unanimous

A MOTION by Jim Kivlehan to GRANT Site Plan Approval – Residential for **PB2023-16** with 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 in effect as of April 11, 2023.
2. All exterior light fixtures shall be down shielded with a fully enclosed fixture (light bulb). to reduce light spill and nuisances to adjacent properties.
3. The applicant shall verify bedroom count and septic design for adequacy with the approved plan with the Eastham Health Department and if necessary obtain Board of Health approval prior to issuance of a building permit.
4. 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.
5. 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 with a last revision date of 5/19/23 or the landscape plan dated 5/25, building plans revised 3/28 except those that are de minimus must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
6. Any changes to final grade must be reviewed by the Planning Board.
7. The applicant shall provide to the planning department drainage calculations for the proposed driveway.
8. The applicant shall provide additional landscaping for a distance of approximately 120 linear feet from Hatch Road to the terminus of the auxiliary parking space.

SECONDED by Peter Weston

In favor: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston and Young

Opposed: None
The VOTE: 7-0
Motion passed - Unanimous

4. Case No. PB2020-08 – 885 DOANE ROAD: Request to extend site plan approval expiration date for two years. Continued from May 17, 2023.

Members Seated: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston and Young.

Attorney Ben Zehnder, representing owners Jeffrey and Mary McAleney, briefed the Board on the request to extend the expiration date due to ongoing health issues of owner Jeffrey McAleney. Mr. McAleney provided an update on his health and explained the associated and resultant delays with the project. The Board Chair explained the pros and cons of extending the expiration date to the other members.

A MOTION by Peter Weston to grant an extension for **PB2020-08** to October 30, 2025.

SECONDED by Dave Hobbs

In favor: Coppelman, Earley, Gatlin, Hobbs, Kivlehan, Nightingale, Weston and Young

Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

5. Case No. PB2023-17 – 145 Oquamoshod Road Map 4, Parcel 139B. Request for continuation to July 19, 2023 meeting.

Members Seated: Coppelman, Earley, Gatlin, Hobbs, Kivlehan, Nightingale, Weston, Young

A MOTION by Dan Coppelman to approve the continuance for **PB2023-17** to July 19, 2023 **SECONDED** by Dave Hobbs

In favor: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, and Weston

Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

6. Case No. PB2023-18 – 170 Widgeon Drive Map 17, Parcel 531. Daniel & Jill Callaghan (Owners/Applicants) seek Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4 (Residential Lot Intensity) and Section 10.3 (Site Plan Approval – Residential) to enlarge an existing garage and construct a second floor living area on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf. Vote may be taken.

Members Seated: Coppelman, Earley, Gatlin, Hobbs, Kivlehan, Nightingale, Weston, Young

Tim Brady, representing owners Daniel & Jill Callaghan, briefed the Board on the proposed project. Board Chair Coppelman advised that his primary concern with the project was related to site lines along

the driveway. Jim Kivlehan asked for clarification on the application relative to square footage and the existing garage. Tim Brady provided clarification on the square footage.

FINDINGS OF FACT

The Eastham Planning Board finds that:

1. The property is located at 170 Widgeon Drive and is located in the Residential Zoning District.
2. The Applicant has applied for Site Plan Approval Residential pursuant to Eastham Zoning By-Law Section 7.4.2 (Residential Lot Intensity) and Section 10.3 (Site Plan Approval – Residential)
3. The proposed project DOES preserve the landscape in its natural state insofar as practical. *No changes are planned to the existing vegetation and no grade changes are proposed. No proposed changes to the existing landscaping/plantings/fencing/native vegetation. No new plantings are proposed. The construction may require some clearing in order to provide the k-turn in the conditions of approval.*
4. The proposed project IS compatible with the prevailing character of other buildings and uses on the site and in the neighborhood and the Town. *The majority of the dwellings in the neighborhood are Cape Cod style structures with a variety of dormer designs. There are also several dwellings of varying architectural styles featuring various modified rooflines, garages, porches and sunrooms. 10 Drake Circle, #90, #190 and #210 Widgeon Drive are examples of dwellings containing similar architectural design elements as the proposed project. The proposed project is compatible with scale and massing of neighborhood dwellings.*
5. The proposed project DOES avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views, and wetlands. *The project does not impact steep slopes, the flood plain, hilltops, dunes, scenic views or wetlands. There are no unique physical features or sensitive habitats on the property to be incorporated into the project.*
6. The proposed project DOES NOT contain any significant environmental resources such as groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies. *No impacts are anticipated to natural habitats, environmental resources or water quality.*
7. The proposed project DOES maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways. *There will be an alteration to the existing driveway to provide a K-turn for the site.*
8. [0] Abutters/Parties in Interest appeared IN FAVOR and [0] appeared IN OPPOSITION of the proposal. [0] letters was/were received IN FAVOR and [0] IN OPPOSITION.

A MOTION by Jim Kivlehan to approve the finding of facts

SECONDED by Peter Weston

In favor: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston, Young

Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

A MOTION by Dave Hobbs to GRANT Site Plan Approval – Residential for **PB2023-18** with the following 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. All exterior light fixtures shall be down shielded with a fully enclosed fixture to reduce light spill and nuisances to adjacent properties.
3. The Applicant shall verify final 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. 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.
5. 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 May 5, 2023 or the building plans dated March 24, 2023, except those that are deemed de minimus must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
6. Any changes to final grade must be reviewed by the Planning Board.
7. The applicant will provide a driveway K-turnout so vehicles can leave the site without backing out onto Widgeon Drive.
8. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

SECONDED by Peter Weston

In favor: Coppelman, Earley, Hobbs, Kivlehan, Nightingale, Weston, Young

Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

7. Other Business: Board Chair Dan Coppelman led a brief discussion about upcoming election of officers to the Board. Members were advised that elections would occur at the July 19, 2023 meeting. Paul Lagg thanked the membership for their attendance at the June 20, 2023 bylaw workshop. A brief discussion ensued regarding a follow-up meeting to discuss the new bylaws and the staff reports. A decision was made to meet at 4PM prior to the next full Planning Board Meeting schedule for 5PM on July 19, 2023.

Meeting adjourned at 6:38pm.

A **MOTION** by Dan Coppelman to adjourn at 6:38

SECONDED by Dave Hobbs

In favor: Coppelman, Earley, Gaitlin, Hobbs, Kivlehan, Nightingale, Weston and Young

Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

Respectively submitted by Philip Burt