



# TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900

[www.eastham-ma.gov](http://www.eastham-ma.gov)

## EASTHAM PLANNING BOARD MEETING MINUTES August 16, 2023, 5:00 pm

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

**Members absent:**

**Parties in interest present ZOOM:** Steve Gunzburger

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

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**1. Opening Statements:** Dan Coppelman closed the workshop and opened the official hearing at 5:03 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>

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### 2. Meeting Minutes:

A **MOTION** by Peter Weston to approve the meeting minutes from the July 19, 2023 Planning Board meeting.

**SECONDED** by Kevin Gatlin

In favor: Coppelman, Earley, Gaitlin, Hobbs, Kivlehan, Weston

Opposed: None

Not in Attendance: Nightengale

The VOTE: 6-0

Motion passed – Unanimous

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**3. Case No. PB2023-17 – 145 Oquamoshod Road** Map 4, Parcel 138. Kevin & Patricia Gibney (Owners), John O'Reilly (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 three-bedroom dwelling and construct a new four-bedroom dwelling on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf. Vote may be taken. – *Continued from July hearing*

**Members Seated: Coppelman, Earley, Gatlin, Hobbs, Kivlehan, Weston**

John O'Reilly (applicant) and Peter McDonald (architect) spoke on behalf of owners Kevin & Patricia Gibney. Mr. O'Reilly requested that 8 Gile Road present to the Board first as Mr. Nightengale was not present yet to sit for the hearing. Chair Coppelman allowed the request and called 8 Gile Road.

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**4. Case No. PB2023-19 – 8 Gile Road** Map 7, Parcel 528. Paula Peterson (Owner), Don Connelly (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 construct a proposed first floor addition, with new deck and new covered porch to an existing dwelling on a lot between 10,000 and 19,999 sf where the proposed addition exceeds 2.5 % of the lot area. Vote may be taken.

**Members Seated: Coppelman, Earley, Gatlin, Hobbs, Kivlehan, Nightengale, Weston, Young**

Mr. Bob Freeman, representing the owner (Paula Peterson) and applicant (Don Connelly, J.C. Donald), briefed the Board on the proposed project. Mr. Freeman explained that the homeowner is planning to move to Eastham full-time and is looking for some additional space. Mr. Kivlehan voiced concern regarding the privacy on the north side of the property. A brief discussion ensued regarding the layout of the lot relative to existing vegetation and privacy. Board members were polled for their thoughts on the project and all Board members were supportive.

#### **FINDINGS OF FACT**

The Eastham Planning Board finds that:

1. The property is located at 8 Gile 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 preserve the landscape in its natural state insofar as practical. *No significant changes are planned to the existing vegetation and no grade changes are proposed. No proposed changes to the existing landscaping / plantings / fencing / native vegetation. One cedar tree will be removed and one cedar tree will be planted.*
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. *Dwellings in the neighborhood are a wide mix of architectural styles with a variety of dormer and roof designs as well as mixed building materials. The existing dwelling is a ranch-style house, similar in nature to numerous homes in the neighborhood. The proposed addition maintains the home as a 1-story dwelling.*
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 protect and maintain significant environmental resources, including 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. *No alterations to the existing driveway or roadway configuration are anticipated as part of this project and no impacts are expected with respect to the convenience and safety of pedestrian and vehicular movement.*
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 Dave Hobbs to approve the **FINDINGS OF FACT**

**SECONDED** by Dan Coppelman

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

Opposed: None

Minutes of August 16, 2023

Planning Board

The VOTE: 7-0  
Motion passed – Unanimous

**A MOTION** by Peter Weston to GRANT Site Plan Approval – Residential for **PB2023-19** with the following:

**CONDITIONS FOR APPROVAL**

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 June 20, 2023 or the building plans dated March 17, 2023, 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 Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

**SECONDED** by Dave Hobbs

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

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

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**3. Case No. PB2023-17 – 145 Oquamoshod Road** Map 4, Parcel 138. Kevin & Patricia Gibney (Owners), John O'Reilly (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 three-bedroom dwelling and construct a new four-bedroom dwelling on a lot containing 20,000 sf or more where site coverage exceeds 3,000 sf. Vote may be taken. – *Continued from July hearing*

**Members Seated: Coppelman, Earley, Gatlin, Hobbs, Kivlehan, Weston**

John O'Reilly (applicant) and Peter McDonald (architect) spoke on behalf of owners Kevin & Patricia Gibney. Mr. O'Reilly explained the changes that were made to the dwelling, including changes to the driveway, landscaping, septic and positioning of the home on the lot. Mr. McDonald reviewed changes made to the garage size and the position of the garage on the lot. Discussion ensued regarding site coverage. Mark Kinnane spoke and presented the Board with updated site coverage numbers for neighboring properties. Board members provided feedback on the proposed dwelling including concerns

regarding the lack of changes to the overall size and massing of the house. Board members acknowledged the bylaws are not focused on architecture but on preserving the character of the neighborhood. Board members noted that larger house sizes are inevitable. Mr. Gibney and Mrs. Gibney provided input to the Board regarding their lot size and shape, sizes of neighboring homes, as well as their desire to live in Eastham. Mr. Steve Gunzberger spoke to the Board and voiced his concerns regarding the size and mass of the proposed dwelling. Mr. Lagg read two letters from abutters addressing similar concerns. Mr. Lagg noted that a similar home on Asas Way had come before the Board in 2008 and also needed modifications to receive Planning Board approval. Planning Board member Kivlehan provided the other Board members with potential Findings of Fact. Chairman Coppelman noted that the Board was lacking consensus and that the applicant may want to consider a continuance.

A **MOTION** by Dan Coppelman to continue **Case No. PB2023-17 – 145 Oquamoshod Road** to the **September 20<sup>th</sup>, 2023** Planning Board meeting.

**SECONDED** by Dave Hobbs

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

Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

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**6. Preliminary Conference – 5295 State Highway.** Steven Swain spoke to the Board about potential development of 5295 State Highway. Mr. Swain had questions for the Board regarding accessory dwellings and site coverage. It was determined that the next appropriate step for Mr. Swain would be to speak with the Building Commissioner regarding interpretation of the accessory dwelling bylaw specifically relative to size.

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**7. Other Business:** Paul Lagg provided an update on the zoning and form-based code project for North Eastham. Mr. Lagg explained the reasoning behind the project, the timeline on the project and outlined the role the Zoning Task Force would play in the project.

## **8. Meeting adjournment**

A **MOTION** by Dave Hobbs to adjourn.

**SECONDED** by Peter Weston

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

Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

Respectively submitted by Philip Burt