



# ***EAST-SOUTHEAST, LLC***

*J. Thaddeus Eldredge, P.L.S.*

*Surveying, Geomatics Engineering and Mapping*

*1038 Main Street ° Chatham, Massachusetts 02633*

*41°41'14.73425" N 69°58'24.87695" W -10.019 M*

## **LETTER OF TRANSMITTAL**

**To:** Town of Chatham  
Zoning Board of Appeals

**From:** J. Thaddeus Eldredge, PLS

**Date:** June 24, 2021

**Re:** **11 Aire Lane**  
**Richard B. and Brenda L. Viola, owners**

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Enclosed please find eleven (11) copies of the following:

- This **letter**;
- Zoning Board of Appeals **Petition**;
- **Site Plan** prepared by East-SouthEast, LLC, dated June 3, 2021; and
- **Architectural Plans** prepared by Maul McCarthy.

Enclosed please find one (1) of the following:

- Owner Authorization for Board Representation;
- Check in the amount of \$175.00 made payable to the Town of Chatham Zoning Board of Appeals; and
- Check in the amount of \$80.00 made payable to the Cape Cod Chronicle.

The subject property is developed with a 1-3/4-story dwelling, patio, utilities, driveway and lawn.

The proposed project is to construct a second floor addition over the garage.

The existing dwelling is not conforming. It was constructed in 2016 on a vacant lot pursuant to V.D.4.b that allowed construction to 25' and 15' from the street / sideyard setbacks. At the time, the developer did not add living space over the garage. The current owners are applying to add living space here.

11 Aire Lane is a nonconforming lot with the following characteristics:

- Lot area is 11,693 S.F. where 40,000 S.F. is required;
- Frontage is 68.52' where 150' is required;
- Front yard setback is 38.6' where 40' is required; and
- Side yard setback is 15.8' where 25' is required.

As the lot is non-conforming, the property owner is requesting **to change, alter or extend a pre-existing nonconforming structure under Section 6 of Chapter 40A of the M.G.L.** for a substantial alteration on a pre-existing nonconforming lot.

The criteria include:

1. *Adequacy of the size of the site including, but not limited to, maximum lot or building coverage and setbacks.*

The building coverage will not increase. It will still be conforming at 1,663 S.F. (14.2%) where 1,754 S.F. (15%) is allowed.

2. *Compatibility of the size of the proposed structure with neighboring properties.*

The footprints of the houses within vicinity of the subject property range in size from about 1,000 S.F. to about 2,400 S.F. The existing dwelling falls in the middle of the range and is conforming. Almost half of the homes in vicinity are 1/2 to 2 story dwellings and this would be compatible.

3. *Extent of proposed increase in nonconforming nature of the structure or use.*

The proposed dimensional setbacks remain the same as does the footprint. The proposed second floor is within the sideyard setback over the existing footprint.

4. *Suitability of the site, including but not limited to, impact on neighboring properties or on the natural environment, including slopes, vegetation, wetlands, groundwater, water bodies and storm water runoff.*

The proposal will have minimal impact on neighboring properties. The impacts on the natural environment will be the same as the current dwelling.

5. *Impact of scale, siting and mass on neighborhood visual character, including views, vistas and streetscapes.*

The existing house is part of the streetscape and the proposed addition is in kind with the existing.

6. *Compatibility of the proposed use with neighboring uses.*

The proposed uses are residential and compatible with the neighborhood.

7. *Adequacy of method of sewage disposal, source of water and drainage.*

The property has a three bedroom septic design. The proposal is for a bonus room with a cased opening that will not provide the isolation necessary to be counted as a bedroom.

8. *Impact on traffic flow and safety.*

No impact on traffic flow is anticipated.

9. *Noise and litter.*

No impact on noise and litter is anticipated.

10. *Adequacy of utilities and other public services.*

The utilities are adequate.

11. *Impact on neighborhood and Town visual character of any formula business establishment.*

Not Applicable.

12. *For those dwellings located in the flood plain, as defined on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham, dated July 16, 2014, the following additional criteria shall apply:*

*The extent of lateral expansion proposed, and*

*The extent to which lateral expansion impacts the impervious area of the site.*

Not Applicable.

Please contact me if there are any questions.

**Copy:** Richard B. and Brenda L. Viola

Y:\Clients\Viola, Richard and Brenda 5285\ZBA\01 LOT to ZBA with filing 2021-06-24.docx

TOWN OF CHATHAM  
ZONING BOARD OF APPEALS  
APPLICATION

Application No. \_\_\_\_\_

APPLICANTS NAME: Richard B. and Brenda L. Viola

MAILING ADDRESS: 5 Capt Forbush Lane, Acton, MA 01720

TELEPHONE: (978) 266-1129

OWNER OF  
PROPERTY

NAME: Richard B. and Brenda L. Viola

MAILING ADDRESS: 5 Capt Forbush Lane, Acton, MA 01720

LOCATION  
OF PROPERTY:

11 Aire Lane  
Street Name and Number

14H-51-B18A  
Assessors' Map/Block/Lot

Registry of Deeds Title Reference Book 29970 Page 55, or Certificate of Title Number  
\_\_\_\_\_ and Land Court Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

If the Applicant is someone other than the owner of the property, explain the basis for his or her interest in this request.

Nature of request (Check appropriate request (s) listed below. Attach additional sheets as needed.)

A. An appeal from an administrative decision under Section VIII.D.2.a. of the Zoning Bylaw.  
(State nature of this Appeal and list any section (s) of the Bylaw which are applicable).

B. An application for a Special Permit under Section VIII.D.2.b. of the Zoning Bylaw.  
(Describe the intended use and list any section (s) of the Bylaw which are applicable).

C. An application to change, alter or extend a pre-existing nonconforming structure or use under  
Section 6 of Chapter 40A of the M.G.L.  
(Describe existing nonconformity and proposes changes, alterations or extensions).  
2nd floor addition within sideyard setback on nonconforming lot.

D. An application for a Variance under Section VIII.D.2.c. of the Zoning Bylaw.  
(State the nature of the requested Variance and list any section (s) of the Bylaw which are applicable).

Total land area of parcel: 11,693 S.F. Present Zoning Classification: R-40

Was this lot created by an 81L Exemption plan?  Yes  No If yes, please provide documentation.

Signature of Applicant or Representative: 

NAME: J. Thaddeus Eldredge, PLS

ADDRESS: 1038 Main Street, Chatham MA 02633

TELEPHONE: 508-945-3965

Date Received by Chatham Town Clerk: \_\_\_\_\_

**MINIMUM INFORMATION WHICH MUST BE INCLUDED WITH APPLICATION:**

Eleven (11) complete packets containing copies of the following items:

1. Site plan showing the location of existing structures and proposed construction.
2. A permit denial, or copies of any other denial and proposed by Town official or body, whichever applicable.
3. Completed copies of this form.
4. Copies (to scale) of all exterior elevations, both existing and proposed floor plans, and any other information as required on the instruction sheet attached to this form.
5. Separate applications are required for Special Permits and Variances.

**NOTIFICATION OF "PARTIES IN INTEREST" IS REQUIRED.** Parties in interest include: Owners of direct abutting lots; owners of lots abutting direct abutting lots where a property line is within 300 feet of the lot to which the Application applies, and owners of lots directly across any public or private way from the lot to which the Application applies. The ASSESSORS will certify the names and address of parties of interest and will notify the same.

Applications for Special Permits or Variances may be delivered to the Community Development Office. An Application is not complete until it is signed and accompanied by a check made payable to the "Town of Chatham" in the amount of one hundred seventy-five dollars \$175.00 for residential projects or Appeals, \$500.00 for commercial or mixed-use projects, \$250.00 for amendments to existing commercial/business, mixed use Special Permits, and if an Application for a Comprehensive Permit under Chapter 40B, the appropriate amount as listed in Appendix IV of the Zoning Board of Appeals Rules and Regulations, and a second check in the amount of eighty dollars \$80.00, made payable to "The Cape Cod Chronicle" for the required advertising. The authenticity of the information on the Application is the responsibility of the person signing the Application and NOT the Town Clerk. Hearings are scheduled within sixty-five (65) days of acceptance by the Town Clerk. Decisions of the Board of Appeals are filed with the Town Clerk and may be appealed to the Superior or District Court within twenty (20) days of such filing. Decisions do not take effect until they are recorded with the Barnstable County Registry of Deeds after the twenty (20) day Appeal period has expired.

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**FOR BOARD USE ONLY**

DATE OF HEARING: \_\_\_\_\_

LEGAL ADVERTISEMENT: 1<sup>ST</sup> PUBLICATION \_\_\_\_\_ 2<sup>ND</sup> PUBLICATION \_\_\_\_\_

DECISION OF BOARD OF APPEALS: \_\_\_\_\_ Approved \_\_\_\_\_ Denied Vote: \_\_\_\_\_

\_\_\_\_\_  
Board Member

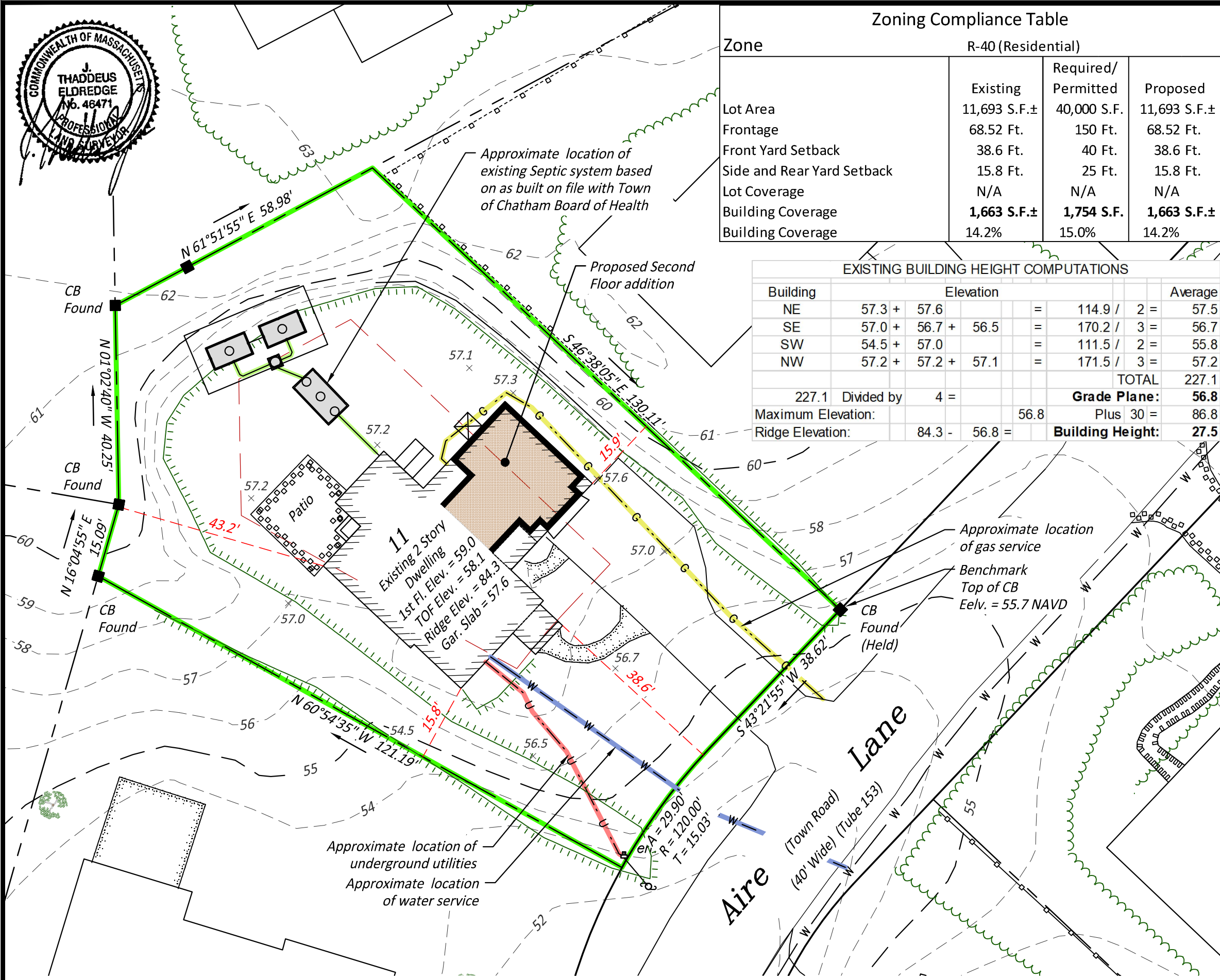
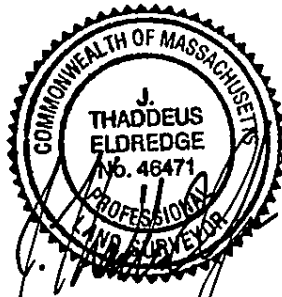
\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

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Board Member

\_\_\_\_\_  
Chairman





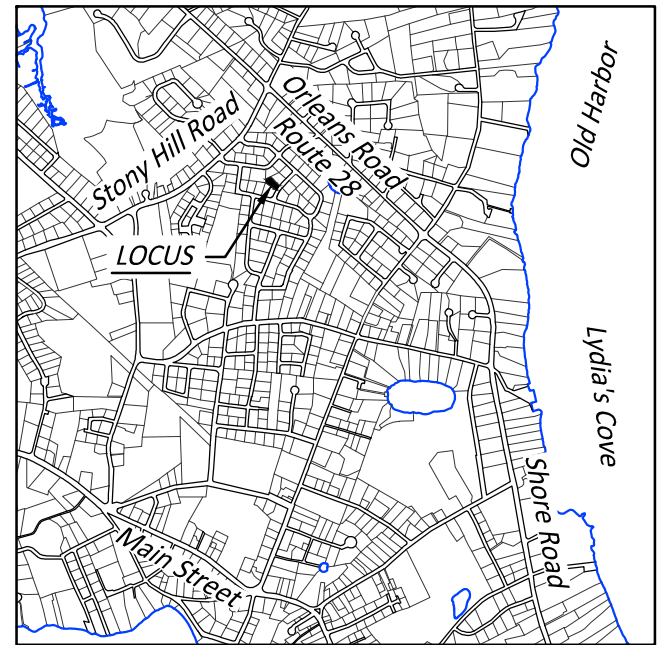
**Zoning Compliance Table**

| Zone                       | R-40 (Residential)       |                                       |                          |
|----------------------------|--------------------------|---------------------------------------|--------------------------|
| Lot Area                   | Existing<br>11,693 S.F.± | Required/<br>Permitted<br>40,000 S.F. | Proposed<br>11,693 S.F.± |
| Frontage                   | 68.52 Ft.                | 150 Ft.                               | 68.52 Ft.                |
| Front Yard Setback         | 38.6 Ft.                 | 40 Ft.                                | 38.6 Ft.                 |
| Side and Rear Yard Setback | 15.8 Ft.                 | 25 Ft.                                | 15.8 Ft.                 |
| Lot Coverage               | N/A                      | N/A                                   | N/A                      |
| Building Coverage          | <b>1,663 S.F.±</b>       | <b>1,754 S.F.</b>                     | <b>1,663 S.F.±</b>       |
| Building Coverage          | 14.2%                    | 15.0%                                 | 14.2%                    |

**EXISTING BUILDING HEIGHT COMPUTATIONS**

| Building                       | Elevation |        |      | Average                      |
|--------------------------------|-----------|--------|------|------------------------------|
| NE                             | 57.3 +    | 57.6   | =    | 114.9 / 2 = 57.5             |
| SE                             | 57.0 +    | 56.7 + | 56.5 | = 170.2 / 3 = 56.7           |
| SW                             | 54.5 +    | 57.0   | =    | 111.5 / 2 = 55.8             |
| NW                             | 57.2 +    | 57.2 + | 57.1 | = 171.5 / 3 = 57.2           |
|                                |           |        |      | TOTAL 227.1                  |
| 227.1 Divided by 4 =           |           |        |      | <b>Grade Plane: 56.8</b>     |
| Maximum Elevation: 56.8        |           |        |      | Plus 30 = 86.8               |
| Ridge Elevation: 84.3 - 56.8 = |           |        |      | <b>Building Height: 27.5</b> |

Locus Map 1" = 2,000'



Chatham, Massachusetts Assessors' ID: 14H-51-B18A

**SITE PLAN**

11 Aire Lane, Chatham, Massachusetts  
June 3, 2021

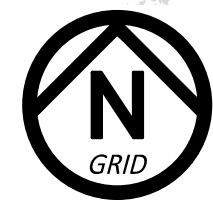
**OWNER OF RECORD:**  
Richard B. Viola and Brenda L. Viola  
Deed Book 29970, Page 55  
Plan Book 163, Page 145, Lot 18A

| Description of Revision | Date |
|-------------------------|------|
|                         |      |
|                         |      |
|                         |      |

**RICHARD & BRENDA VIOLA**

**EAST-SOUTHEAST, LLC**

www.es-e-llc.com ° office@ese-llc.com  
1038 Main Street, Chatham, MA 02633  
(508) 945-3965 ° Fax.: (508) 945-5885

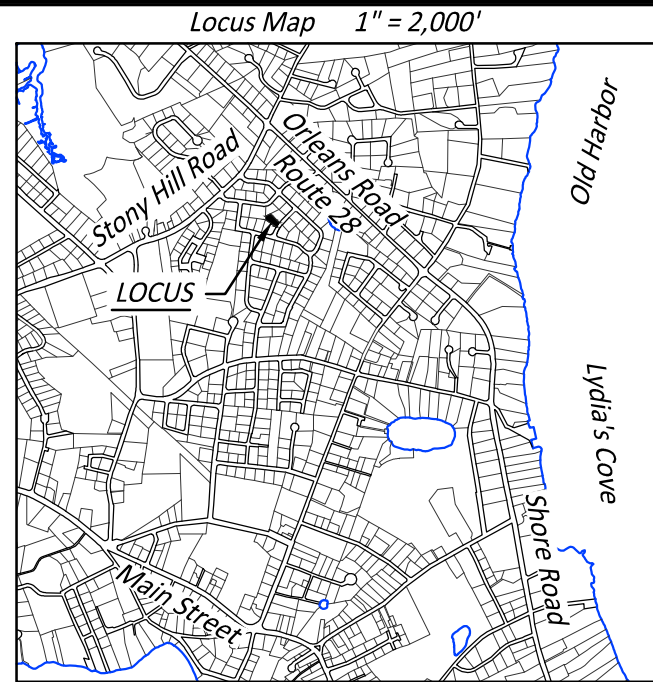
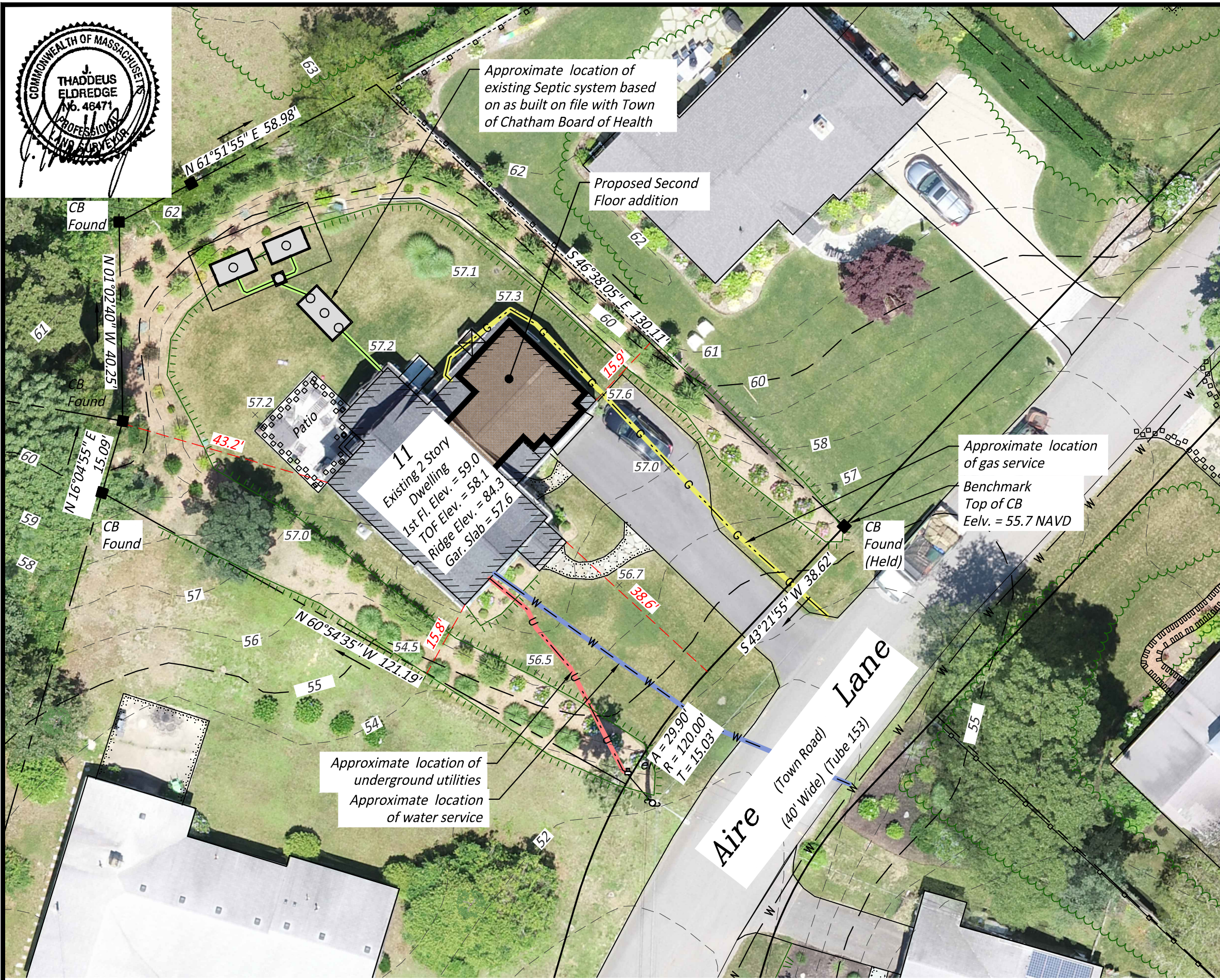
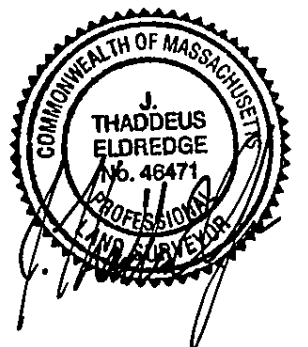


Vertical Datum: NAVD '88  
Horizontal Datum: NAD '83 (2011)



Scale: 1" = 20' (U.S. Survey Feet)





Chatham, Massachusetts Assessors' ID: 14H-51-B18A

**SITE PLAN**

11 Aire Lane, Chatham, Massachusetts  
 June 3, 2021

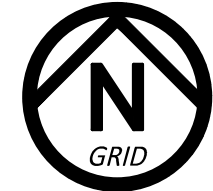
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**RICHARD & BRENDA VIOLA**

**EAST-SOUTHEAST, LLC**

www.ese-llc.com ° office@ese-llc.com  
 1038 Main Street, Chatham, MA 02633  
 (508) 945-3965 ° Fax.: (508) 945-5885



Vertical Datum: NAVD '88  
 Horizontal Datum: NAD '83 (2011)  
 Image from Drone Survey acquired  
 June 2020

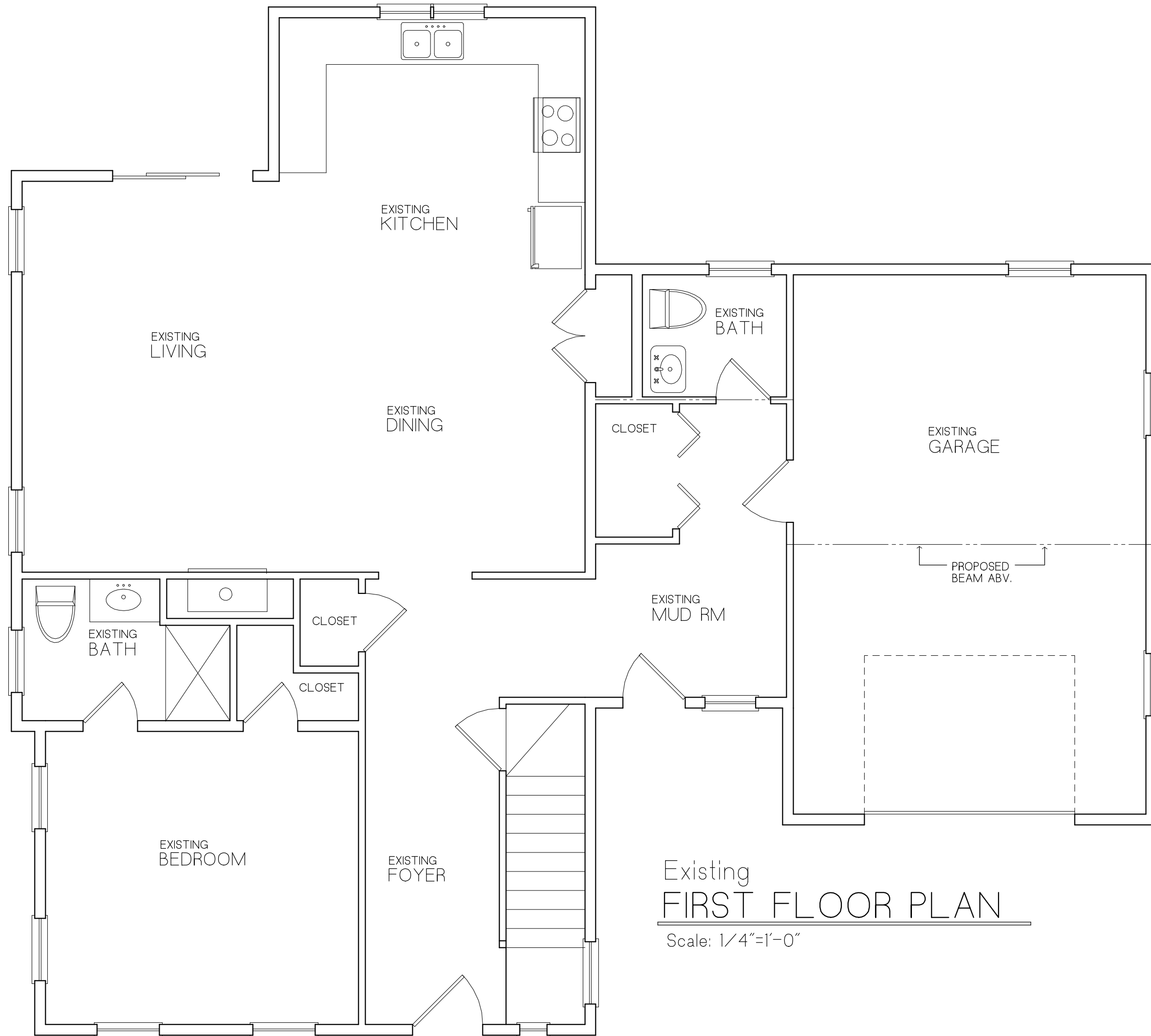


Scale: 1" = 20' (U.S. Survey Feet)

C-5285-01.0

Sheet 1 of 1



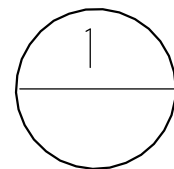


Existing  
FIRST FLOOR PLAN

Scale: 1/4"=1'-0"







Existing/Proposed  
FRONT ELEVATION

Scale: 1/4"=1'-0"





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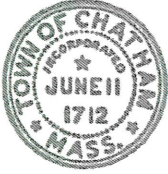
Existing/Proposed  
REAR ELEVATION

Scale: 1/4"=1'-0"



Existing/Proposed  
**RIGHT ELEVATION**  
Scale: 1/4"=1'-0"





Town Of Chatham  
 Department of  
 Community Development



Town Annex 261 George Ryder Road  
 Chatham, MA 02633

TELEPHONE (508) 945-5168 FAX (508) 945-5163

Rev. 10/2013

**OWNER AUTHORIZATION FOR BOARD REPRESENTATION**

**PROJECT INFORMATION**

Project Address: 11 Aire Lane

Assessors' Map No. 14H Lot: B18A

Applicable Board or Commission:  CHC  HBDC  Planning  ZBA

Type of Application: An application to change, alter or extend a pre-existing nonconforming structure  
 (eg. Site Plan, Subdivision, ANR, Certificate of Appropriateness, Demolition – (Partial/Full))

**APPOINTMENT OF AN AGENT**

If someone other than the owner will represent the owner, the owner must designate such representative below.

Name(s) of owner: Richard B. and Brenda L. Viola

Address of owner: 5 Capt Forbush Lane, Acton, MA 01720

Tel. #: (978) 266-1129 Fax #: \_\_\_\_\_ Email: bviola3@comcast.net

Name(s) of representative: J. Thaddeus Eldredge, PLS

Address of representative: 1038 Main Street, Chatham, MA 02633

Tel. #: 508-945-3965 Fax #: 508-945-5885 Email: office@ese-llc.com

In executing this agreement, I hereby authorize the person or persons named above to represent my interests before the Planning Board, Historic Business District Commission (HBDC), Chatham Historical Commission (CHC) &/or Zoning Board of Appeals (ZBA).

Brenda L. Viola 6-21-21  
 Signature of owner Date

[Signature] 6-25-21  
 Signature of representative Date

Richard B. Viola 6/21/21  
 Signature of owner Date

[Signature] 6-25-21  
 Signature of representative Date