

Town of Orleans  
Zoning Board of Appeals  
Meeting Minutes – January 4, 2023

On Wednesday, January 4, 2023, the Orleans Zoning Board of Appeals convened via remote participation using “Zoom” video technology, with real-time public access provided by Orleans Channel 18 on the Town website and cable television.

In attendance were the members Gerald Mulligan, Lynne Eickholt, Matt Cole, and Emily Van Giezen as well as Town Council, Mike Ford. Peggy O’Sullivan from MIS and Board Secretary Jennifer Higgins were also in attendance. The meeting was duly noticed. The meeting was called to order at 7:45pm by Gerald Mulligan who chaired the meeting.

**A. Old Business:**

- 1. Review of decision for Case #2172 Currier/Luke.**
- 2. Review of minutes from December 7, 2022.**

Mr. Cole moved; Ms. Eickholt seconded to approve the minutes.

Messers. Mulligan, Cole, Mses. Eickholt and Van Giezen all voted in favor; the motion passed unanimously 4-0.

- 3. Review of minutes from December 21, 2022.**

Ms. Eickholt moved; Ms. Van Giezen seconded to approve the minutes.

Messers. Mulligan, Mses. Eickholt and Van Giezen all voted in favor; the motion passed unanimously 3-0.

**B. New Business:**

- 1. (Continued from November 16, 2022 & December 30, 2022) Case #2189-** Michael K. Carson and Sean J. Smith have applied for a special permit in accordance with MGLA Chapter 40A, Section 6 under 164-21A, Side Setback Requirement (25’). The applicant is proposing to extend an existing deck. Existing structure within 25’ setback at approximately 21’ and the new setback will be between 18.0’ and 19.8’. The property is located at 5 Harbor View Map #21, Parcel #4.

Mr. Kanaga was present with his applicants Michael Carson and Sean Smith. The applicant is applying for a special permit to make alternations to a preexisting non-conforming structure. The applicants are planning to extend the deck and build a small addition. Mr. Kanaga read the findings of fact.

Mr. Cole had to recuse himself from this case, therefore we lack a voting quorum. This case will be continued to January 18, 2023, for a vote.

- 2. (Continued from December 30, 2022) Case #2191-** International Fund for Animal Welfare have applied for a petition for variance as set forth in MGLA Chapter 40A; Section 10, under 164-13. Applicant is proposing to change a veterinary clinic into a short-term dolphin rehabilitation clinic. The property is located at 115 Route 6A Map #33, Parcel #76.

Mr. Sharp was present on behalf of the International Fund for Animal Welfare, who are applying for a special permit. Mr. Sharp is the director of an international nonprofit organization based out of Yarmouth Port. Federal permit for live and dead marine mammals in Southeastern, MA. This is the location of the highest dolphin strandings in the world. He has been planning the next innovative step to improve the survivability of stranded dolphins through critical care intensive care unit. The dolphins that qualify will have up to 96 hours of care. Federal Law permits care for over 96 hours under this provision. They treat dolphins

from Barnstable Harbor to Wellfleet Harbor, therefore, Orleans is a great location. The space will consist of two 16 gallon above ground pools, a lab space, and an office space.

Mr. Mulligan stated that the Board is allowing the modification of the application to a special permit under 164.16 scientific uses.

Mr. Sharp stated that there will not be any public viewing, due to the safety of the animals. The applicants are planning to construct an interior wall to block public viewing, but they will be able to add a tv screen that faces the exterior of the building.

Mr. Mulligan reads the findings of fact.

Ms. Van Giezen moved; Ms. Eickholt seconded to approve the special permit 164.16 accessory scientific uses.

Messers. Mulligan and Cole, Mses. Eickholt and Van Giezen all voted in favor; the motion passed unanimously 4-0.

Meeting Adjourn.

Respectfully submitted by Jennifer Higgins