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Town of Orleans
Zoning Board of Appeals
Meeting Minutes – January 18, 2023

On Wednesday, January 18, 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, Emily Van Giezen and Bruce Taub as well as Peggy O’Sullivan from MIS. Also in attendance were Board Secretary Jennifer Higgins and Building Commissioner Thomas Evers. The meeting was duly noticed. The meeting was called to order at 7:06 pm by Gerald Mulligan who chaired the meeting.

Call Meeting to Order

A. Old Business:

1. Review of minutes from January 4, 2023.

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

Messrs. Mulligan, Cole, Taub, Mmes. Eickholt and Van Giezen voted aye; unanimously passed 5-0.

2. Review of decision Case #2191/IFAW.

B. New Business:

1. (Continued from November 16, 2022, December 30, 2022, & January 4, 2023) Case #2189-

Michael K. Carson and Sean J. Smith have applied for a special permit in accordance with MGLA Chapter 40A, Section 6 under Bylaw section 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. Cole was recused from the case.

Mr. Taub reviewed the previous meeting on January 4, 2023, and was prepared to vote.

Ms. Eickholt moved; Ms. Van Giezen seconded to approve the special permit.

Messrs. Mulligan, Taub, Mmes. Eickholt and Van Giezen voted aye; unanimously passed 4-0.

2. Case #2192- Timothy Klink with The Coastal Companies has submitted an application on behalf of Lauren Csongor, who has applied for a special permit in accordance with MGLA Chapter 40A, Section 6; Bylaw section 164-22: total lot coverage exceeding 4,000 sq. ft. The applicant is proposing an addition and renovation. The property is located at 261 Tonset Road Map #12, Parcel #119.

Mr. Klink with The Coastal Companies was present on behalf of the applicant Lauren Csongor. The applicant is proposing an addition and a renovation. Ms. Csongor has applied to Board previously to receive relief from the 4,000 sq ft. coverage. There is a freestanding existing garage that the applicant is looking to make an enclosed space and to add a 14 x 21ft addition on the right side of the attached garage. The existing roof will be unchanged; however, a shed dormer will be added to back on the structure.

Ms. Eickholt raised a concern about the plan for a new septic system. The applicant was looking to upgrade to an IA System. Applicant did apply to the Board of Health for a variance, but that was denied. The current septic system is approved for 6 bedrooms.

Ms. Julie Sieben expressed her concerns regarding the constant noise over the past 4 years. She reports that because of the multitude of construction in her neighborhood, she has an anxiety when receiving her Certified Mail from the Zoning Board of Appeals. She reported not being able to enjoy her summer or her property. The constant noise is taking a toll on her health and wellbeing.

Mr. Klink reported that the project will begin in the Fall of 2023 as the homeowner would like to enjoy the summer. The construction will not take place on weekends and Mr. Klink offered to work with Ms. Sieben to minimize disruption.

Mr. Cole moved; Mr. Taub seconded to approve the special permit. Messrs. Cole, Taub, Mulligan and Mmes. Eickholt and Van Giezen voted to aye; unanimously passed 5-0.

- 3. Case #2193-** Attorney Benjamin Zehnder has applied on behalf of John and Lisa Donegan who have applied for a special permit in accordance with MGLA Chapter 40A, Section 6 under Bylaw section 164-219(A), Note 5 (building coverage exceeding 4,000 sq. ft. in a residential district requires issuance of a special permit). The applicants are proposing to make alteration of an existing dwelling and construction of a two-bedroom guest house resulting in site coverage in excess of 4,000 sq. ft. on a pre-existing, non-conforming lot. The property is located at 43 Gosnold Road Map #45, Parcel # 49.

Mr. Zehnder presented on behalf of John and Lisa Donegan. Presently there is a residence and a shed totaling 3,614 sq ft. The applicant is looking to remove an existing the tennis court from the property as well as the shed from the front yard. They would then like to build a new free - standing 2-bedroom guest studio and add a quarter circular addition into the V of the existing structure. The proposed pool structure consists of a 2-bedroomed structure with a kitchenet. There is a pre-existing single-story home. The Board of Health approved an increase from 5 bedrooms to 6 bedrooms with a new title 5 septic.

Mr. Cole questioned the two structures and a guest house on a lot less than 2 acres. Mr. Paul Muldoon, the plan's architect, explained the renovation of the existing dwelling. Historically there were two separate residential structures that were connected into one structure with access through two bedrooms. The property has been maintained as two dwellings, each with separate kitchens, bedrooms and baths. The plan is to remove one bedroom and a kitchen and add a library to improve passage through the building and maintain it as a single residence. Mr. Evers explains that in the bylaw sleeping and bathing facilities are considered guest houses, it does not say anything regarding cooking facilities.

The Town is presently assessing the property as a single-family dwelling. The ability to add a separate guest house depends on the history of the property as two separate residences.

Mr. Wilfried Mehring stated his concern about the noise and construction taking place during the summer months. Mr. Zehnder responded to Mr. Mehring that the applicant will wait until after the summer to begin the construction.

After further discussion with the Board, Mr. Zehnder moved to continue the hearing until the next meeting date to allow him time to research and present support for the continual use of the property as lawful non-conforming, two residences.

Mr. Cole moved; Ms. Van Giezen seconded to approve the motion for a continuance. Messrs. Mulligan, Cole, Taub, Mmes. Eickholt and Van Giezen voted in favor of the continuation of the case to the next hearing.

4. **Case #2194-** Mr. Greg DeLory has applied on behalf of the Kenelm W. Winslow Jr. Trust for a special permit in accordance with MGLA Chapter 40A, Section 6 & Section 9, Bylaw section 164-21, Side Yard Requirement. The applicant is proposing a second story addition and a deck. The property is located at 6 Ewing Drive Map #93, Parcel #14.

Mr. Greg DeLory presented on behalf of Kenelm W. Winslow. The lot, consisting of 40,582 sq.ft. is improved by a single-family dwelling with building coverage of 4.8% of the lot. The property is a pre-existing, non-conforming under current zoning as to required minimum setback. The applicant is proposing to construct a two-story addition resulting in an increase in the nonconformance from the current 17.6 ft. to 13.3 ft.

A title 5 septic system was installed in 2003. The proposed construction will necessitate moving the septic system. Applicant has not yet applied to the Health Department for septic reconstruction.

Mr. DeLory read the findings of fact and presented 14 letters of support.

Mr. Cole expressed his concern that the proposed construction is a new non-conforming and not an intensification of an existing. He also expressed concern that changes to the septic system have not yet been present to the Health Department.

Mr. DeLory requested a continuance until the Board's next meeting.

Mr. Cole moved to continue; Ms. Eickholt seconded.

Messrs. Mulligan, Cole, Taub, Mmes. Eickholt and Van Giezen voted in favor of the continuance.

C. Administrative Matters:

The Board agreed that a polling of Members as to attendance be taken before each meeting and if a quorum will not be available, the meeting will be canceled on the Monday preceding the scheduled meeting.

Meeting Adjourned

Respectfully submitted by Jennifer Higgins