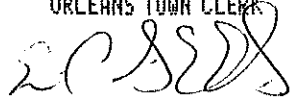


Asst.
ORLEANS TOWN CLERK

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Town of Orleans
Zoning Board of Appeals
Meeting Minutes – February 1, 2023

On Wednesday, February 1, 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, 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 minutes from January 18, 2023.**
No minutes attached for this meeting.
2. **Review of decision Case #2192/ Csongor.**

B. New Business:

1. **(Continued from January 18, 2023) Case #2193-** John and Lisa Donegan have applied for a special permit in accordance with MGLA Chapter 40A, Section 6, under Bylaw section 164-21(A), Note 5 (building coverage exceeding 4,00 sq. ft. in a residential district) and 164-44. 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 (coastal setback distance). The property is located at 43 Gosnold Road, Map #45, Parcel # 49.

Attorney Zehnder presented on behalf of Applicants. Mr. Zehnder submitted further documentation regarding whether the property consisted of a lawful pre-existing non-conforming two dwelling use. In the Zoning Board of Appeals Bylaw there was a provision that in 2008, that if you had a lot of 40,000 sq ft and a minimum of frontage of 150ft, then you could have two dwellings on the lot. In addition to these documents, there is a portion of the 1984 assessors atlas showing a dwelling structure, a shed structure, and a DWGGL or dwelling with a garage built into it.

Mr. Taub moved; Mr. Mulligan seconded to approve the special permit.
Messrs. Mulligan, Taub, Cole, and Ms. Van Giezen voted aye; unanimously passed 4-0.

2. **(Continued from January 18, 2023) Case #2194-** Kenelm W. Winslow Jr. Trust has applied for a special permit in accordance with MGLA Chapter 40A, Section 6, under Bylaw sections 164-3(1)(b), 164-21, Side Yard Requirement and 164-44. Applicant is proposing a two-story addition and a deck. The property is located at 6 Ewing Drive, Map #93, Parcel #14.

Mr. DeLory represented the applicant and reviewed the required findings of Section 164-44. He also presented 14 letters of support from neighbors.

Mr. Taub requested clarification whether the proposed extension would have any significant effects on environmental factors. Mr. DeLory responded that the land that they are encroaching on is developed and landscaped land. It is not in a conservancy and the Conservation Commission review was not required.

Mr. Cole asked if the Board of Health had been contacted about the Title 5 Septic being moved. The Board did not receive an updated copy of the Plot Plan.
Mr. Cole and Mr. Mulligan agree that there needs to be a certified plot plan with the proposed addition as well as a Health Department approved engineered septic design.

Mr. Cole moved; Mr. Mulligan seconded to continue the hearing until March 1, 2023.
Messrs. Mulligan, Taub, Cole, and Ms. Van Giezen voted aye; unanimously passed 4-0.

Case #2195– Ember Gardens Cape Cod, LLC (“Applicant”) applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-18 (Shoreline Overlay District), 164-40.4 (Adult Use Marijuana Establishment (“Establishment”)) and 166-44.

3. The applicant is proposing to demolish the existing residential structure and replace it with a new commercial building for the purpose of operating as a Marijuana Retailer. The property is located at 41 Route 6A, Map #26, Parcel #42.

Attorney Victoria Dalmas represented the Applicant provided testimony and introduced Mr. Shane Hyde, Applicant’s CEO and Mr. Christopher Drinan, the project’s architect. Both Messrs. Hyde and Dunn presented testimony and answered questions from the Board.

Mr. Hyde reported that they are leasing about 1/3 of the lot and it will not be subdivided. The property owner has been part of the proposed plans since the beginning of the planning in 2021. A request was to have vegetation around the parking lot. The parking lot has a total of 16 parking spots, including handicap and employee parking. The public will have no access to the water from Ember Garden’s.

Ms. Dalmas stated that the existing residential dwelling residence is dilapidated; Applicant has received a sign off from the Historical Commission for the demolition. The current footprint is 1,165sq ft, the proposed building 2,277sq ft.

Mr. Drinan pointed out that the project will provide three quarters of site visibility to the shoreline.

Mr. Mulligan asked about storm drainage on the property. Ms. Dalmas stated that the drainage calculations had been calculated by the engineer. Mr. Mulligan requested that the storm drainage calculations be submitted to the Board.

Mr. Hyde does not expect any police details, parking lot attendees, or long lines. Although Summer seasons can be a busier time, they are not the only Marijuana location on the Cape which will decrease the amount of traffic.

Ms. Dalmas and her client request a continuation to the next meeting on February 15, 2023.
Mr. Cole moved; Mr. Mulligan seconded to allow a continuance to February 15, 2023.
Messrs. Mulligan, Taub, Cole, and Mmes. Van Giezen voted aye; unanimously passed 4-0.

Meeting Adjourned
Respectfully submitted by Jennifer Higgins