

Town of Orleans  
Zoning Board of Appeals  
Meeting Minutes – May 3, 2023

On Wednesday, May 3, 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, Lynne Eickholt, Sibel Asantugrul, Martin Szeber and Austin Higgins, as well as Peggy O’Sullivan from MIS. Also, in attendance was Building Commissioner Tom Evers and Board Secretary Jennifer Higgins. The meeting was duly noticed. The meeting was called to order at 7:00 pm by Gerald Mulligan who chaired the meeting.

**A. Old Business:**

**B. New Business:**

1. **(Continued from April 5, 2023) Case #2197** – William Ballou has applied for a Special Permit as set forth in MGLA Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3(1)(b). The applicant is proposing to replace and extend a pre-existing deck on the back of the house. The property is located at 36 Alden Road, Map #13, Parcel #61. The Board had previously granted a Special Permit in 2017 for this same purpose but the work was not done within the two year required time period.

Mr. Ballou had submitted all pending documents prior to tonight’s meeting.

Mr. Mulligan reviewed the proposed project from the previous meeting on March 15, 2023. Mr. Mulligan asked if there have been any changes to Mr. Ballou’s property since his original filing in 2017. Mr. Ballou reported no changes besides minor erosion from Mother Nature.

Mr. Cole clarifies that a small portion of the dwelling is over the lot line, but that the deck expansion will not exceed the lot line, which Mr. Ballou confirms.

Mr. Mulligan moved; Mr. Higgins seconded to approve the Special Permit. Messrs. Mulligan, Cole, Higgins, and Mses. Eickholt and Asantugrul voted aye; unanimously passed 5-0.

2. **Case #2199** – Nicholas Athanassiou and Jeanne McNett have applied for a Special Permit as set forth in MGLA Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3(1)(b); 164-21.C; 164-43, and 164-44. The applicant is proposing an alteration to a pre-existing, nonconforming, single-family dwelling that is in violation of the required setback to a salt marsh. The property is located at 31 Loomis Lane, Map #42, Parcel #14.

Mr. David Lyttle with Ryder and Wilcox presented for the applicants, Mr. Nicholas Athanassiou and Jeanne McNett of 31 Loomis Lane. Mr. Lyttle provided the Board members with a copy of the approved order of conditions, provided by the Conservation Commission. The Applicants came before the Board previously in 2003 when they raised the ridge of their house approximately 3 feet. Mr. Lyttle stated that the applicants would now like to construct a screen porch over the existing deck. A portion of the deck will be removed and replaced with native vegetation. The height of the dwelling and the marsh set back will remain the same, but the screened porch will be on the current non-conforming structure.

Mr. Lyttle read the findings of fact.

Mr. Mulligan asked for verification of whether the house is inside the coastal bank.

Mr. Lyttle explains that there is no coastal bank, but the application is submitted because of the proximity of salt marsh.

The homeowners have lived in their home for 38 years.

Ms. Eickholt moved; Ms. Asantugrul seconded to approve the special permit.  
Messrs. Mulligan, Cole, Szeber, and Ms. Eickholt and Asantugrul voted aye; unanimously passed 5-0.

3. **Case #2200** – Even Keel Properties LLC has applied for a Special Permit as set forth in MGLA Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 (VC District – Relief for side & rear setbacks) and 164-22 (12-Yard REQ for VC District.) The applicant is proposing adding small retail/office space. The property is located at 12 Cove Road, Map #34, Parcel #3.

Attorney John Kanaga presented along with the applicants of Even Keel Properties located at 12 Cove Road. The applicants are proposing to expand the back of the structure with a small two story addition. They will also be adding a parking spot. The lot size is smaller than required and has existed since 1840. The applicants will be adding a ramp to the back of the building making the structure more ADA compliance.

Mr. Kanaga read the findings or facts.

On February 23, 2023, the Architectural Review Board approved the application.

Mr. Rizzio reports that he went to an informal review with the Water and Sewer Department about a year ago.

Ms. Eickholt moved; Mr. Mulligan seconded to approve the special permit.  
Messrs. Mulligan, Cole, Szeber, and Ms. Eickholt and Asantugrul voted aye; unanimously passed 5-0.

**Meeting Adjourned**

**Respectfully submitted by Jennifer Higgins**