



 ORLEANS TOWN CLERK *Asst*

Town of Orleans
 Zoning Board of Appeals
 Meeting Minutes – June 7, 2023

On Wednesday, June 7, 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, Matthew Cole, Bruce Taub, Lynne Eickholt, Martin Szeber and Austin Higgins, as well as Peggy O’Sullivan from MIS. Also, in attendance was Building Commissioner Tom Evers. The meeting was duly noticed. The meeting was called to order at 7:00 pm by Gerald Mulligan who chaired the meeting. Upon motion and vote, the meeting was moved into executive session to review ongoing litigation. The meeting was returned to a public session at 7:30 PM.

Executive Session:

1. Report of Town Counsel Michael Ford on the status of the Feen matter.

A. Old Business:

2. Review of Meeting minutes from March 15, 2023, April 5, 2023, and May 3, 2023. Mr. Taub moved; Ms. Eickholt seconded to approve the minutes. Messrs. Mulligan, Taub, Cole, Higgins, Szeber, and Mses. Eickholt voted aye; unanimously passed 5-0.
3. Review of Decisions for Case #2197/Ballou; Case #2199/ Athanassiou; Case #2200/ Even Keel.

B. New Business:

1. **Case #2201:** Seaside Court Condominiums, LLC has applied for a Special Permit as set forth in MGLA Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-31 and 164-44. The applicant is seeking a special permit for a new nine dwelling unit apartment development on a conforming lot. The property is located at 57 Locust Road, Map #26, Parcel #26.

Attorney Zehnder, along with Martin Reilly, the property owner and developer of the property, presented on behalf of the Applicant, Seaside Court Condominiums, LLC. Mr. Reilly stated that the project will consist of 9 free-standing single detached homes on their own individual lots and right-of-use areas. Over the last 10 months, the project has received approvals from the Site Plan Review Committee, Architectural Review Committee, Water and Sewer Commission and the Board of Health to accommodate three bedrooms in each condominium unit. The individual lots will range from 4,160 sq. ft. to 5,726 sq. ft. The dwelling units, owned in condominium form, will be served and billed individually by public water and public sewer and all other utilities at the site such as gas and electric. The units will be 34 ft. wide in the front and 24 ft. long on the side with an attached 1 car garage that is 12 ft. wide and 26 ft. long. The dwellings consist of 3 bedrooms and 2.5 bathrooms in about 1645 sq ft. Owners will be given the option to build out a study room or home office above the garage. Each house will have an outdoor wash station and a separate area in the rear for trash collection. There is parking for two vehicles on each driveway. Each house will have separate lighting and a small fence on either side of the driveway.

Mr. Zehnder stated that approval was given by the Site Plan Review Committee, after a comprehensive review, due to the grading of the lot. The homes on the left side driving in will have decks off the main living area and the homes on the right side will have patios in

the rear. Heavy screening will be done on both sides. The two designs are the Nauset Design with a Gable on the garage, and the Skaket with a Gable on the side. The Architectural Review Committee did not approve the gable front garage (the Nauset Design). The Architectural Review Committee also has a series of conditions with their approval. The Planning Board will be reviewing the application on June 13th, 2023.

The Board of Health put a condition that the existing water service will need to be capped while the construction is underway.

Mr. Cole requested clarification on the 9 lots instead of 11, which would be allowed following the unit-per-acre provisions of the Bylaw. He also requested that the condominium association implement something stating that they do not allow weekly rentals.

Mr. Doug and Ms. Laurie Lakire year-round residents located at 58 Locust Road spoke in opposition to the proposed development. There is an elevated corner with a blind driveway located at the site. Doug stated that multiple accidents have occurred at the blind driveway site, including cars into their trees/bushes, their fence, and almost their house. They reported concern about the noise and litter.

Mr. Zehnder stated that the developers have worked closely with the Orleans DPW and Fire Department in developing the proposal.

Mr. Steve Shebanian located at 26 Locust Road had concerns regarding the increase in traffic and whether there will be a decrease in the speed limit due to the heavier traffic.

Mr. Todd Bunzick located at 63 Locust Road made a statement that he and his family request the lighting be a covered light and not shining into his house.

Ms. Gamsey resides at 64 Locust Road spoke in opposition of the condominium units. Mr. Noah Gamsey, also at 64 Locust Road, wanted clarification whether anyone can build 9 units on their acre lot.

Mr. Cole moved; Mr. Higgins seconded to continue the case to June 21, 2023. Messrs. Mulligan, Taub, Cole, Higgins, Szeber, and Mses. Eickholt voted aye; unanimously passed 5-0.

2. **Case #2202:** Corestates Group C/O Stonefield Engineering & Design has applied for a Special Permit as set forth in MGLA Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-11(e), special permit for drive-through use and 164-13 (footnote #4); special permit for creation of more than 2,500sq ft of GFA. The applicant is seeking to change a restaurant-use building into a bank with a drive-up ATM. The property is located at 9 West Road, Map #40, Parcel #7.

Mr. Cole was recused from Case #2202.

Mr. Mark Borowski, along with Kevin Kelly and Josh Kline represented Corestates Group. Mr. Borowski stated that Corestates is proposing to renovate the current restaurant space to a 3,400 sq ft Chase Bank branch with a drive-up ATM.

Mr. Kelly, architect with Corestates Group, presented the design and plans. The proposed plan is a single-story grey clapboard building with a light wood store front and a black asphalt shingle roof. The bank branch will have one 24-hour ATM in the lobby as well as a

drive-through ATM and nightly drop box. The interior will consist of six private office spaces, one conference room, two semi-private booths, two unisex restrooms, a janitor closet, an employee lounge and a utility room for the drive-up ATM. There will be no lock boxes, only a night box at the back of the building. The highest point of the building will be 24.5 ft and the rest of the building at 22.6 ft. above grade.

Mr. Josh Kline, the civil and traffic engineer for the project, stated that he met with the Site Plan Review Committee who had a comment about how fire apparatus would access the building in case of an emergency. Corestates did meet with the Fire Chief and planned for easier access to the building.

Mr. Mulligan requested clarification regarding the septic that is listed as adequate.

Mr. Kline responded that the current building uses a Septic System but is in Phase 1 of the new sewer project and Chase Bank will not open until it is connected to Town sewer.

Mr. Bobrowski requested a continuation as they still have a meeting pending with the Planning Board.

Mr. Taub asked that the applicant include the meeting minutes from their Architectural Review Committee Meetings.

Ms. Eickholt moved; Mr. Taub seconded to continue the case to June 21, 2023.

Messrs. Mulligan, Taub, Higgins, Szeber, and Mses. Eickholt voted aye; unanimously passed 5-0.

3. **Case #2203:** Chris LaMarco has applied for a Special Permit as set forth in MGLA Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-13 (footnote #4); change of use greater than 2,500sq ft. The applicant is proposing to use a currently vacant warehouse as a fitness facility. The property is located at 13 Commerce Drive, Map #47, Parcel #76.

Mr. LaMarco explained the reasons for his application for a Special Permit for change of use greater than 2,500sq ft. Mr. LaMarco is looking to move his present fitness facility from nearby 4 Rayber Road to the larger space of the vacant warehouse. He is looking to install two showers. There will be unstaffed hours when the public will be able to enter using their cell phones. A new 10-camera security system will be installed to ensure the safety of the public. The exterior color of the building may change, but otherwise, there will be no change to the building.

Mr. Cole moved; Mr. Higgins seconded to approve the Special Permit.

Messrs. Mulligan, Taub, Cole, Higgins and Mses. Eickholt voted aye; unanimously passed 5-0.

C. Administrative Matters:

1. The decision to re-evaluate the process of reviewing applications was made and it is advised that the Board Secretary begin taking on the responsibility of assisting in ensuring the completeness and satisfaction of the application with time.
2. It was requested that the meeting materials be uploaded consistently using the Case #.

Respectfully submitted by Jennifer Higgins .