

R. P. Sullivan
ORLEANS TOWN CLERK

Town of Orleans
Zoning Board of Appeals
Meeting Minutes – September 6, 2023

On Wednesday, September 6, 2023, the Orleans Zoning Board of Appeals convened via hybrid participation, with real-time public access provided by Orleans Channel 18 on the Town website and cable television.

In attendance were the members Gerald Mulligan, Sibel Asantugrul, Matthew Cole, Martin Szeber, and Austin Higgins as well as Peggy O’Sullivan from MIS. Also, attending were Building Commissioner Tom Evers and Board Secretary Jennifer Higgins. The meeting was duly noticed. The meeting was called to order at 7:10 PM by Gerald Mulligan who chaired the meeting.

A. Old Business:

1. Review meeting minutes from August 2, 2023.
Ms. Asantugrul moved; Mr. Mulligan seconded to approve the meeting minutes from July 19, 2023.
Messer. Mulligan, Higgins, Cole, Szeber and Ms. Asantugrul voted aye; the motion passed unanimously 5-0.
2. Transfer of Comprehensive Permit # 2146 to West and Skaket LLC from Comprehensive Permit to Pennrose LLC.
Ms. Asantugrul moved; Mr. Cole seconded to approve the Transfer of Comprehensive Permit.
Messer. Mulligan, Higgins, Cole, Szeber and Ms. Asantugrul voted aye; the motion passed unanimously 5-0.

B. New Business:

1. **Case #2208:** David V. Lawler, Trustee, has applied for a Special Permit as set forth in the MGLA Chapter 40A, Section 6 under Orleans Zoning Bylaw Sections 164-3(C) and 164-44. The property is located at 56 Nauset Road Map #22, Parcel #24. Attorney Benjamin Zehnder and Aaron Polhemus, CEO of Polhemus Savery DaSilva Architects/Builders presented on behalf of the Applicant. Mr. Zehnder stated that this is an application to demolish and replace a dwelling and garage. The property is pre-existing non-conforming regarding minimum lot size, all yard setbacks and maximum building coverage. Applicant proposes demolishing the existing structure and building a new two-story, wood-framed single-family dwelling with attached garage. The proposal will eliminate the existing front yard non-conformity, continue the other yard setback non-conformities and increase the existing building coverage by 809 sq. ft. to 29.1%. Board Members questioned Applicant’s representatives extensively concerning the size of the new construction and the increase in building coverage. No other persons testified either in support or opposition to the proposal. The Board was uncertain whether the provisions Bylaw 164-21(A) footnote 5 precluded its ability to grant a Special Permit. Mr. Szeber moved, Mr. Higgins seconded, to continue the Case to September 20th, 2023, to allow for consultation with Town Counsel. Messrs. Mulligan, Cole, Higgins, Szeber and Ms. Asantugrul voted for the continuation 5-0.
2. **Case #2209:** Cape Associates, Inc has applied for a Special Permit as set forth in the MGLA Chapter 40A, Section 9 under Orleans Zoning Bylaw Sections 164-31 and 164-44. The

applicant is seeking to build an apartment development that will consist of five apartments total. The property is located at 147 Route 6A Map #33, Parcel #100.

Mr. Cole was recused from the Case.

Tim Santos from Merrill Engineer was present on behalf of Cape Associates. The applicant is proposing to replace the existing structure with three new structures. The three new structures will contain 5 total apartments at market value. The applicant is not receiving any subsidized funding and there are no affordable units proposed in this project. Mr. Santos shared his screen for the members and public to view. There will be two duplexes and the building in the center will be a single-family unit with parking below. The plans have gone before the Architectural Review Committee, Conservation Commission, and Site Plan Review Committee and have received approval from them all.

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

Messer. Mulligan, Higgins, Szeber and Ms. Asantugrul voted aye; the motion passed unanimously 4-0.

Meeting Adjourn

Respectfully submitted by Jennifer Higgins