

Town of Orleans  
Zoning Board of Appeals  
Meeting Minutes – September 20, 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 7:00 PM by Gerald Mulligan who chaired the meeting.

**A. Old Business:**

1. Review of meeting minutes from September 6, 2023.  
No meeting minutes were presented.
2. Review decision for Case #2209/Cape Associates, Inc.

**B. New Business:**

1. **(Continued from September 6, 2023) 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 Section 164-44 and 164-21 A (Note 5). The applicant is proposing the demolition of an existing dwelling and garage with construction of a new residential dwelling. The property is located at 56 Nauset Road Map #22, Parcel #24.  
This case was continued to allow the Board to consult with Town Counsel regarding the applicability of Bylaw 164-21(A) footnote 5. Mr. Mulligan opened the meeting by reading a response from Town Counsel stating that the application is made under Bylaw 164-3(C) and the provisions of 164-21(A) footnote 5 do not apply.  
With that understanding, the Board returned to questions regarding the size of the proposed new construction with particular attention to the building coverage ratio. Applicant's representatives, Attorney Zehnder and Mr. Polhemus, asserted that the difficulty is the small size of the lot and that the proposal is in keeping with and will not be detrimental to the established or future character of the neighborhood.  
After further discussion, Mr. Mulligan moved, Mr. Cole seconded, to grant the Special Permit as requested. Messrs. Mulligan, Cole, and Higgins voted in the affirmative, Ms. Asantugrul and Mr. Szeber in the negative.  
Upon conclusion of the vote denying the Special Permit, Attorney Zehnder petitioned the Board to withdraw that vote and grant Applicant a continuation to amend its proposal taking into consideration the expressed concerns of the Board.  
Mr. Mulligan moved to withdraw the previous vote and grant Applicant a continuance to October 18, 2023, Mr. Higgins seconded. Messrs. Mulligan, Cole, Higgins, Szeber and Ms. Asantugrul voted in favor, 5-0. The application is continued to October 18, 2023.
2. **Case #2210 – JP Construction** has applied for a Special Permit as set forth in the MGLA Chapter 40A, Section 9 under Orleans Zoning Bylaw Section 164-31 and 164-44. The applicant is proposing to renovate the basement to include a new apartment unit with additional living space on the first floor. The existing apartment in the basement will remain. Proposed renovations will also include three new apartments on the first floor separated by a fire barrier. The property is located at 14 Old Tote Road Map #33, Parcel #39.  
Austin Higgins was recused from the case.

Sean Donahue with the Law Office of Sean Donahue was present on behalf of the applicant. The property is situated in a Business District and located on approximately 16,800 sq ft of land. The dwelling was built in 1983 which consists of a real estate office and one apartment. The applicant is proposing three apartments on the first floor. There will be no exterior changes or setback changes. Wuon Perez was present on behalf of JP Construction reports to the Board that these apartments are going to be Workforce apartments, from what he believes. Mr. Donahue requested a continuance to the next meeting of October 4<sup>th</sup>, 2023, for clarification on Section 164-31, 164-34(b)(3) Parking Requirements, and that the documented affordable housing apartment remains the same.

An abutter to 14 Old Tote Road, would like varication on whether Old Tote Road is public or private. Clarification was wanted on whether the apartments would be occupied prior to the sewer project, but the sewer project will be completed before hand.

Mr. Mulligan moved, Ms. Eickholt seconded, to continue the Case to October 4<sup>th</sup>, 2023, to allow for clarification.

Messrs. Mulligan, Cole, Szeber and Ms. Asantugrul, Eickholt voted for the continuation 5-0.

Meeting Adjourn

Respectfully submitted by Jennifer Higgins