

Town of Orleans
Zoning Board of Appeals
Meeting Minutes – October 4, 2023

On Wednesday, October 4, 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, Lynn Eickholt, 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, and September 20, 2023.

Mr. Mulligan moved; Ms. Asantugrul seconded to approve the meeting minutes from September 6, 2023, and September 20, 2023.

B. New Business:

1. (Continued from September 20, 2023) 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.

Mr. Sean Donahue was present on behalf of the applicant, JP Construction. Mr. Donahue clarified that the proposed construction consists of two one-bedroom apartments on the first floor and a third unit that will combine space on the first floor and the basement to make a two-bedroom apartment. The current “affordable” one-bedroom apartment will remain as is. Proper fire protection will be installed in the building. The town has already run new sewer lines to Old Tote Road.

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

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

2. Case #2211: Mark and Jennifer Herman have applied for a Special Permit as set forth in the MGLA Chapter 40A, Section 6 under Orleans Zoning Bylaw Section 164-3C(1)(b); 164-21C; and 164-44. The applicant is proposing to alter a pre-existing, nonconforming, single-family dwelling that is in violation of the required setback to the top of a coastal bank. The alteration is a second-floor expansion. The property is located at 9 Windswept Lane Map #38, Parcel #6.

Mr. David Lyttle with Ryder and Wilcox was present on behalf of the applicants Mark and Jennifer Herman. The applicant is no longer looking to expand the horizontal footprint of the dwelling but proposing to expand the roof area on the second floor to essentially create a larger master bathroom and master bedroom. The height will not increase, the applicant is maintaining the highest ridge elevation. There will be no increase in the building coverage. The total building coverage for the site is 3,628sq. ft. which is approximately 6.32% of the buildable upland on the site. The application has received approval from the Conservation Commission. Mr. Lyttle read the findings of fact.

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

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

3. **Case #2212:** John Woodman has applied for a Special Permit as set forth in the MGLA Chapter 40A, Section 6 under Orleans Zoning Bylaw Section Sections 164-3(C)(1)(b), 164-21(C) and 166-44. The applicant is proposing the demolition of an existing dwelling, shed, and cottage. The proposed construction will consist of a new dwelling, a pool house, and pool. The property is located at 27 Gibson Road Map #19, Parcel #41. Ms. Christine Monaghan with Christine Monaghan Architecture and Planning was present on behalf of the applicant as well as Tim Santos from Merrill Engineering. Mr. Santos stated that there is an existing single-family home with a cottage and a shed. The property is pre-existing, non-conforming. The existing dwelling is 39.6ft front set back and the side set back is 9.2ft. The cottage to the rear is 41ft and the shed is 8.3ft to the side setback. Mr. Woodman recently purchased the property and is looking to tear down the existing dwelling, cottage and shed. Mr. Merrill reported that the proposed plan is to build a dwelling, pool, and pool house. The plan is to move the home back from 39.6ft to 57.2ft, the rear pool house and cabana will be 28.2ft, still meeting the 25ft. requirement as well as maintain the 9.2 side set back. There is a current three-bedroom septic that consists of cesspools on the site, but there is a plan for a title 5 septic with town water and utilities. The proposal neither improves nor increases any of the non-conformities. Building coverage on the lot will increase from 1,519 sq. ft. (9.3%) to 2,336 sq. ft. (14.3%). Mr. Mulligan moved; Mr. Higgins seconded to approve the Special Permit. Messrs. Mulligan, Szeber, Higgins and Mses. Asantugrul, Eickholt voted aye; unanimously passed 5-0.

Meeting Adjourn

Respectfully submitted by Jennifer Higgins