

Orleans Zoning Board of Appeals
Minutes
January 2, 2008

K. Darlene #8557
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 JAN -9 AM 9:32

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. Rolf Soderstrom, and Mr. Jimmy Dishner. Building Commissioner Mr. Brian Harrison and Mrs. Sandy Stewart, Secretary to the Board, were also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.

Case #1843

Alice Ronty has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C and 164-21 to build an addition to a pre-existing, non-conforming residence in violation of side set back requirements. The property is located at 648 South Orleans Road, Orleans Map #96, Parcel #13.

At the Applicant's immediate request, upon motion by Mr. Piersol and seconded by Mr. Waugh, the Board voted unanimously to continue the hearing in Case #1843 until January 16, 2008. The applicant meets with the Conservation Commission again on January 8 and requests continuance until after said meeting.

Case #1844

Academy Place, LLC, has applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Section 164-18 and 164-34B(3) to change use of a property from that of a Bed & Breakfast to use for offices. The property is located at 8 Academy Place, Orleans Map #34, Parcel #21.

Special Permit granted. See attached Decision.

On motion made by Mr. Dishner and seconded by Mr. Osterberg, Chairman Osterberg adjourned the meeting at 8:05 p.m.

S. Stewart

S. Stewart
Secretary

TOWN OF ORLEANS
TOWN CLERK'S OFFICE

08 JAN - 2 AM 2:35

Orleans Zoning Board of Appeals
Minutes
January 16, 2008

K. Darling, Asst.
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 JAN 18 AM 9:18

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. Rolf Soderstrom, Mr. Jimmy Dishner, and Mr. Steven Tarquini. Mrs. Sandy Stewart, Secretary to the Board, was also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.

Case #1837 (Continued)

G. Anthony and Robin K. Davis have applied for a Special Permit as set forth in MGL Chapter 40A, Section 9 under Orleans Zoning Bylaw Section 164-21A (Note 5) to build a single family dwelling on the property and exceed 4,000 square feet of building coverage. The property is located at 44 Arey's Lane, Map #62, Parcel #67.

At the Applicants' attorney's request, on motion by Mr. Dishner and seconded by Mr. Soderstrom, the Board voted unanimously to allow the Applicants to withdraw their request for Special Permit without prejudice.

Case #1843 (Continued)

Alice Ronty has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C and 164-21 to build an addition to a pre-existing, non-conforming residence in violation of side set back requirements. The property is located at 648 South Orleans Road, Orleans Map #96, Parcel #13.

At the Applicant's immediate request, on motion by Mr. Dishner and seconded by Mr. Piersol, the Board voted unanimously to continue the hearing until February 6, 2008. The Applicant will not have final Conservation Commission approval until February 5, 2008.

In other business, Elaine Kistiakowski appeared with procedural questions for the Board, specifically asking how to get a previously granted Decision looked at again. The Board's recommendations for Ms. Kistiakowski included filing a complaint with the Building Commissioner if conditions are not being met or filing an appeal with the court.

The Board also discussed a memorandum from the Department of the Air Force 21st Space Wing with regard to the Pave PAWS radar. 6SWS/CC is interested in data regarding new wind turbines and other towers. Any tower constructed in Orleans is unlikely to impact Pave PAWS, but the information should be provided.

On motion made by Mr. Osterberg and seconded by Mr. Waugh, Chairman Osterberg adjourned the meeting at 7:20 p.m.

S. Stewart

S. Stewart
Secretary

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Orleans Zoning Board of Appeals
Minutes
February 20, 2008

K. D. L. Asst
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 MAR -3 PM 2:11

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. Rolf Soderstrom, and Mr. Jimmy Dishner. Associate member Mr. Steven Tarquini was absent. Mrs. Sandy Stewart, Secretary to the Board, was also present.

Chairman Osterberg declared a quorum and called the meeting to order at 6:00 p.m.

The Board discussed recommended changes, section by section, to Chapter 197 of Orleans Town Code, Zoning Board of Appeals Rules and Practices. The meeting was opened for public comment. No person appeared. On motion by Mr. Soderstrom and seconded by Mr. Osterberg, the Board voted unanimously to accept updates and revisions as discussed. Recommended changes will be submitted to the Board of Selectmen before the warrant closes on February 26th for the May Town Meeting in the event Town Meeting approval is required.

On motion made by Mr. Dishner and seconded by Mr. Soderstrom, Chairman Osterberg adjourned the meeting at 7:15 p.m.

S. Stewart

S. Stewart
Secretary

JOHN OF OLEANS
FOUR CLERKS OFFICE

00 MAR -3 PM 3:11

Orleans Zoning Board of Appeals
Minutes
March 5, 2008

K. Darling, Asst.
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 MAR 10 PM 2:13

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. and Mr. Jimmy Dishner. Building Commissioner Mr. Brian Harrison and Mrs. Sandy Stewart, Secretary to the Board, were also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.

Case #1843 (Continued)

Alice Ronty has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C and 164-21 to build an addition to a pre-existing, non-conforming residence in violation of side set back requirements. The property is located at 648 South Orleans Road, Orleans Map #96, Parcel #13.

Applicants Mr. and Mrs. Ronty asked the Board for leave to withdraw the application in Case #1843 without prejudice. At the applicants' request, on motion by Mr. Waugh and seconded by Mr. Osterberg, the Board voted unanimously to grant the applicant leave to withdraw the application without prejudice. Voting members were George Waugh, Robert Osterberg, William Piersol, and Jimmy Dishner.

Case #1845

Rob and Jackie David have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 (Note 5) to construct an addition to a pre-existing, non-conforming dwelling which will result in lot coverage exceeding 4,000 square feet. The property is located at 328 Tonset Road, Orleans Map #5, Parcel #50.

Brendon Parker, agent for the applicant Rob Davis, asked the Board for leave to withdraw the application without prejudice. At the applicant's agent's request, on motion by Mr. Piersol and seconded by Mr. Dishner, the Board unanimously granted the applicant leave to withdraw the application in Case #1845 without prejudice. Voting members were George Waugh, Robert Osterberg, William Piersol, and Jimmy Dishner.


On motion made by Mr. Dishner and seconded by Mr. Osterberg, Chairman Osterberg adjourned the meeting at 7:30 p.m.

S. Stewart
Secretary

TOWN OF ORLEANS
TOWN CLERK'S OFFICE

08 MAR 10 PM 5:13

Orleans Zoning Board of Appeals
Minutes
April 2, 2008


TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 APR -8 AM 11:51

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. Rolf Soderstrom, and Mr. Steven Tarquini. Mrs. Sandy Stewart, Secretary to the Board, was also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.


Case #1846

Thomas Gildehaus has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-3C(1) and 164-21A to build an addition to a pre-existing, non-conforming residence in which lot coverage exceeds 4,000 square feet. The property is located at 114 Lake Drive, Orleans Map #93, Parcel #2.

Special Permit granted. See attached Decision.

In other business, the Board decided to discuss Town Counsel Michael Ford's recommendations with regard to recently adopted changes to Zoning Board of Appeals Rules and Regulations. The Board will discuss these recommendations and make any necessary changes at the meeting scheduled for May 7, 2008.

On motion made by Mr. Soderstrom and seconded by Mr. Piersol, Chairman Osterberg adjourned the meeting at 7:25 p.m.



S. Stewart
Secretary

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Orleans Zoning Board of Appeals
Minutes
April 16, 2008

C. Macf
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 APR 28 PM 2:07

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. Rolf Soderstrom, and Mr. Jimmy Dishner. Building Commissioner Mr. Brian Harrison, and Mrs. Sandy Stewart, Secretary to the Board, were also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.

Case #1847

Roy Steigbigel and Sidonie Morrison have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C1(b) and 164-20 to construct a second story addition to a pre-existing, non-conforming cottage. The property is located at 136 Portanimiticut Road, Orleans Map #76, Parcel #14.

Mr. David Lyttle of Ryder and Wilcox, Inc., of Orleans, represented the applicants. At the applicants' agent's request, on motion by Mr. Piersol and seconded by Mr. Dishner, the Board voted unanimously to continue the application in Case 1847 until May 7, 2008.

Case #1848

Joseph and Donna Hoffman have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C1(b) and 164-21A to expand a dormer on a pre-existing, non-conforming dwelling in violation of side yard set back requirements. The property is located at 87 Nauset Heights Road, Orleans Map #22, Parcel #32.

Special Permit granted. See attached Decision.

Case #1849

G. Anthony and Robin K. Davis have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21A (Note 5) to build a new single family home on the property, the square footage of which, when added to pre-existing, non-conforming auxiliary boat yard storage buildings, will exceed 4,000 square feet. The property is located at 44 Arey's Lane, Orleans Map #62, Parcel #67.

Attorney Duane Landreth represented the applicants and asked the Board to continue G. Anthony and Robin K. Davis' application to May 21, 2008. At the applicants' attorney's request, on motion by Mr. Dishner and seconded by Mr. Soderstrom, the Board unanimously postponed and continued the hearing until May 21, 2008.

In other business, as legal advertisement was not made in time for May 7 discussion of changes to Town Code Chapter 197 regarding Zoning Board of Appeals Rules and Regulations, the Board voted to discuss any necessary changes at the meeting scheduled for May 21, 2008.

On motion made by Mr. Dishner and seconded by Mr. Soderstrom, Chairman Osterberg adjourned the meeting at 8:15 p.m.

S. Stewart

S. Stewart
Secretary

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Orleans Zoning Board of Appeals
Minutes
May 7, 2008

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TOWN OF ORLEANS
TOWN CLERKS OFFICE

08 JUN -5 PM 12: 34

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. Rolf Soderstrom, Mr. Jimmy Dishner, and Mr. Steven Tarquini. Building Commissioner Mr. Brian Harrison, and Ms. Sandy Stewart, Secretary to the Board, were also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.

As a first order of business, at Town Counsel's recommendation, the Board discussed its interpretation of Section 164-3C(1) of the Zoning Bylaw. On motion by Mr. Osterberg and seconded by Mr. Waugh, the Board voted unanimously (6/0) that "It is the opinion of the Board that, pursuant to Section 164-3C(1) of the Zoning Bylaw, the Building Commissioner is authorized to determine whether a proposed alteration to a nonconforming single or two family residential structure increases the nonconforming nature of the structure, and that, a Special Permit is not required for any such a proposed alteration that does not increase the nonconforming nature of the structure."

The following cases were heard:

Case #1847 (Continued from April 16)

Roy Steigbigel and Sidonie Morrison have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C1(b) and 164-20 to construct a second story addition to a pre-existing, non-conforming cottage. The property is located at 136 Portanimicut Road, Orleans Map #76, Parcel #14.

Agent David Lyttle of Ryder and Wilcox, Inc. of Orleans, representative for applicants Roy Steigbigel and Sidonie Morrison, asked the Board for leave to withdraw the application without prejudice. At the applicants' agent's request, on motion by Mr. Piersol and seconded by Mr. Osterberg, the Board unanimously granted the applicant leave to withdraw the application in Case #1847 without prejudice. Voting members were Robert Osterberg, William Piersol, George Waugh, Rolf Soderstrom, and Jimmy Dishner.

Case #1850

D. Beth McCartney has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C, 164-21A, and 164-21C to replace a pre-existing, non-conforming two-bedroom cottage on the existing foundation in violation of set back requirements. The property is located at 137 Portanimicut Road, Orleans Map #76, Parcel #25-1.

Agent David Lyttle of Ryder and Wilcox, Inc., of Orleans, representative for applicant D. Beth McCartney, asked the Board for leave to withdraw the application without prejudice. At the applicant's agent's request, on motion by Mr. Dishner and seconded by Mr. Osterberg, the Board unanimously granted the applicant leave to withdraw the application in Case #1850 without prejudice. Voting members were Robert Osterberg, William Piersol, George Waugh, Rolf Soderstrom, and Jimmy Dishner.

Orleans Zoning Board of Appeals
Meeting Minutes, May 7, 2008

Case #1851

Gary D. and Traci E. Woodland have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C and 164-21A to expand the existing second floor of a pre-existing, non-conforming dwelling in violation of side yard set back requirements. The property is located at 106 Main Street, Orleans Map #34, Parcel #56.

Special Permit granted. See attached Decision.

Case #1852

Brendan and Melanie O'Keefe have applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Section 164-4, 164-10A(3) and 164-13 to use space in the secondary welling being constructed on the premises for a customary home occupation as a financial planner. The property is located at 25 Pond Road, Orleans Map #41, Parcel #124.

Special Permit granted. See attached Decision.


Case #1853

Roger F. Stacey has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21C to relocate an pre-existing, non-conforming structure from a location 6 feet from a coastal bank to a location 19 feet from a coastal band, in violation of set back requirements. The property is located at 626 South Orleans Road, Orleans Map #96, Parcel #27.

Agent Stephanie Sequin of Ryder and Wilcox, Inc., of Orleans, representative for applicant Roger F. Stacey, asked the Board for leave to withdraw the application without prejudice. At the applicant's agent's request, on motion by Mr. Piersol and seconded by Mr. Osterberg, the Board unanimously granted the applicant leave to withdraw the application in Case #1853 without prejudice. Voting members were Robert Osterberg, William Piersol, George Waugh, Rolf Soderstrom, and Jimmy Dishner.

As a final order of business, the Board discussed a warrant article pending Town Meeting vote on Monday, May 12. The proposed warrant article recommends the Zoning Board of Appeals refer any application for Special Permit under Section 164-21 (Note 5) to the Architectural Review Committee for opinion. On motion by Mr. Osterberg and seconded by Mr. Piersol, the Board voted unanimously (6/0) not to support the article because of the way it is worded, which will impact the legal timelines required to be met by the Zoning Board of Appeals.

On motion made by Mr. Dishner and seconded by Mr. Waugh, Chairman Osterberg adjourned the meeting at 8:50 p.m.


S. Stewart
Secretary

Orleans Zoning Board of Appeals
Minutes
May 21, 2008

TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 JUN -9 AM 10:31

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. Rolf Soderstrom, Mr. Jimmy Dishner, and Mr. Steven Tarquini. Building Commissioner Mr. Brian Harrison, and Ms. Sandy Stewart, Secretary to the Board, were also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.

Case #1849 (Continued from April 16, 2008)

G. Anthony and Robin K. Davis have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21A (Note 5) to build a new single family home on the property, the square footage of which, when added to pre-existing, non-conforming auxiliary boat yard storage buildings, will exceed 4,000 square feet. The property is located at 44 Arey's Lane, Orleans Map #62, Parcel #67.

Special Permit granted. See attached Decision.

Case #1854

Tim and Andrea Reed have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-13 and 164-21 (Note 5) to convert and expand a pre-existing, non-conforming commercial building for use as medical offices in violation of lot coverage and commercial space requirements. The property is located at 204 Main Street, Orleans Map #35, Parcel #67.

Special Permit granted. See attached Decision.

Case #1855

G. Anthony Davis has applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Section 164-13 to construct a boat building/ repair facility and an indoor storage shed for commercial use in the Industrial (I) District. The property is located at 74 Rayber Road, Orleans Map #47, Parcel #36.

Special Permit granted. See attached Decision.

Case #1856

Elizabeth Hinkley has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 to screen in a pre-existing, non-conforming deck in violation of rear yard set back requirements. The property is located at 22 Twiss Road, Orleans Map #50, Parcel #81.

Special Permit granted. See attached Decision.

As a final order of business, the Board discussed input provided by attorney Michael Ford, Town Counsel, with regard to Chapter 197 of Town Code, "Zoning Board of Appeals Rules and Practices." The Board accepted three recommendations as follows:

(1) "We amended Section 197-1C concerning membership terms to read in (B) 'Each member shall remain in office until a successor is appointed, or the member's term expires, whichever occurs first.' Counsel advised against the change and after discussion we agreed to follow his advice."

On motion by Chairman Osterberg and seconded by Mr. Piersol, the Board unanimously voted to amend Section 197-1B in its entirety: "B. Each member shall remain in office until a successor is appointed."

(2) "We amended Section 197-13B to include flexibility with respect to the filing fees of the Barnstable Registry of Deeds concerning the registration of Variances and Special Permits. Counsel recommended revised language to clearly state that the burden of recording is on the applicant and we agreed to accept his recommendation."

On motion by Chairman Osterberg and seconded by Mr. Piersol, the Board voted unanimously to replace the second sentence of Section 197-13B to read in its entirety: "B. The applicant bears all responsibility for recording at the Registry of Deeds any special permit or variance or comprehensive permit granted by the Board."

(3) "We amended Section 197-25 to specify that when only a four member Board is in attendance at a hearing the applicant has the right to require an adjournment. Counsel recommended that we condition the right on written consent to an extension of the Board's obligation to act within a required time."

On motion by Chairman Osterberg and seconded by Mr. Piersol, the Board unanimously voted to amend Section 197-25 to read in its entirety: "If only four members are present at any hearing, the Board shall, if requested by the applicant, move the hearing date forward so that a five-member Board will hear the petition, but only upon the condition that the applicant execute a written extension of the time period in which the Board is required to act."

On motion made by Mr. Osterberg and seconded by Mr. Dishner, Chairman Osterberg adjourned the meeting at 10:35 p.m.



S. Stewart
Secretary

CPM
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 AUG 13 AM 9:36

Orleans Zoning Board of Appeals
Minutes
July 16, 2008

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Town Hall. Present were Robert Osterberg, Rolf Soderstrom, William Piersol, Jimmy Dishner, and Steve Tarquini. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were also present.

Chairman Osterberg called the meeting to order at 7:00 p.m.

Case #1859

Michael Najnigier has applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Section 164-21A (Note 5) to construct a storage shed resulting in building coverage of more than 4,000 square feet. The property is located at 10 Safe Harbor Road, Orleans Map #20, Parcel #100.

Special Permit granted. See attached Decision.

Case #1860

Christopher Ewen has applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Section 164-21A (Note 5) and 164-44 to construct a single family residence and an auxiliary structure to exceed 4,000 square feet of building coverage. The property is located at 220 Brick Hill Road, Orleans Map #12, Parcel #109.

Special Permit granted. See attached Decision.

Case #1861

Art Haddad has appealed, in accordance with MGL Chapter 40A, Section 8, the decision of the Zoning Administrator to remove the car port like structure erected without a building permit in the rear of the property, in violation of the rear yard set back under Section 164-21 of the Orleans Zoning Bylaw. The property is located at 6 Rock Harbor Road, Orleans Map #25, Parcel #23.

Special Permit granted. See attached Decision.

Case #1862

Joyce A. Cuming has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-22I(2) to allow for the reduction of the side yard set back and has applied for a Variance. The property is located at 100 Route 6A, Orleans Map #25, Parcel #68.

Special Permit denied. Variance granted. See attached Decision.

In other business, the Board approved a proposed response to the Planning Board with regard to Architectural Review Committee comment on applications for Special Permit under Zoning Bylaw Section 164-21A (Note 5).

On motion by Mr. Dishner and seconded by Mr. Osterberg, the meeting was adjourned at 9:15 p.m.

S. Stewart
Sandy Stewart
Board Secretary

68-211-01 CIA 69

Orleans Zoning Board of Appeals
Minutes
June 18, 2008

K. Cuming, Asst.
TOWN OF ORLEANS
TOWN CLERKS OFFICE

06 JUN 23 AM 10:46

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Orleans Town offices. The following Board members were present: Mr. Robert Osterberg, Mr. William Piersol, Mr. George Waugh, Mr. Rolf Soderstrom, Mr. Jimmy Dishner, and Mr. Steven Tarquini. Building Commissioner Mr. Brian Harrison, and Ms. Sandy Stewart, Secretary to the Board, were also present.

Chairman Osterberg declared a quorum and called the meeting to order at 7:00 p.m.

Case #1857

Matthew Cole and Katie Foy have applied for a Variance as set forth in MGL Chapter 40A, Section 10, under Orleans Zoning Bylaw Section 164-17D(2)(b)(2)(k) for installation of a 4-bedroom septic system on a lot containing 32,851 square feet. The property is located at 3 Baywood Drive, Orleans Map #87, Parcel #42.

At the applicants' request, attorney Benjamin E. Zehnder asked the Board for leave to withdrawal the application in Case #1857 without prejudice. On motion by Mr. Osterberg and seconded by Mr. Waugh, the Board voted unanimously to grant the applicants leave to withdraw the application in Case #1857 without prejudice.

Case #1858


Joyce A. Cuming has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-22 to construct an addition in violation of side yard set back and parking requirements. The property is located at 100 Route 6A, Orleans Map #25, Parcel #68.

The applicant Joyce A. Cuming asked the Board for leave to withdrawal the application in Case #1858 without prejudice. On motion by Mr. Piersol and seconded by Mr. Osterberg, the Board voted unanimously to grant the applicant leave to withdraw the application in Case #1858 without prejudice.

The Board discussed Chair, Vice Chair, and Clerk appointments for the new fiscal year. On motion by Mr. Dishner and seconded by Mr. Soderstrom, the Board unanimously voted to appoint Mr. Osterberg as Chairman, Mr. Piersol as Vice Chairman, and Mr. Steven Tarquini as Board Clerk. As Mr. Waugh is resigning, leaving the Board one Regular member short, and as Mr. Tarquini must be a Regular member to serve as Board Clerk, on motion and seconded, the Board unanimously voted to petition the Board of Selectmen to reappointment Mr. Tarquini as a Regular member.

The Board also discussed a memo received from the Planning Board regarding proposed wording for a change to Town Code which would require Architectural Review Committee opinion on any Special Permit sought for relief under Section 164-21A (Note 5) for dwellings of more than 4,000 square feet. After discussion, the Board decided to consider wording and be prepared to discuss at the next meeting on July 16.

On motion made by Mr. Dishner and seconded by Mr. Waugh, Chairman Osterberg adjourned the meeting at 8:30 p.m.



S. Stewart
Secretary



TOWN OF ORLEANS

ZONING BOARD OF APPEALS

19 SCHOOL ROAD
ORLEANS, MASSACHUSETTS 02653-3699

CP May
TOWN OF ORLEANS
TOWN CLERKS OFFICE

08 AUG 13 AM 9:25

Town of Orleans Zoning Board of Appeals Public Hearing

There will be a meeting of the Zoning Board of Appeals in the first floor Skaket Meeting Room at Orleans Town Hall, on Wednesday, September 3, 2008, starting at 7:00 p.m. The following cases will be heard and other business:

Case #1863

Marueen P. Hickey has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-20, 164-21A (Note 5), and 164-21B to enclose a 10 ft. by 10 ft. deck on a pre-existing, non-conforming three-season condominium unit. The property is located at 319 South Orleans Road, Unit 5, Orleans Map #69, Parcel #16-5E-R.

Case #1864

Theodore J. Krawiec has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21C to expand the second floor of a pre-existing, non-conforming dwelling less than 50 ft. from a coastal bank. The property is located at 39 Towhee Lane, Orleans Map #92, Parcel #54.

Case #1865

Peter and Susan Deeks have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C(1) and 164-21C to enlarge a pre-existing, non-conforming dwelling, remove detached guesthouse and replace with a relocated garage/guesthouse. The property is located at 34 Uncle Mark's Way, Orleans Map #5, Parcel #84.

Case #1866

William B. and Diane C. Richardson have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21A (Note 5) to construct a second dwelling resulting in building coverage exceeding 4,000 square feet. The property is located at 17 Rock Harbor Road, Orleans Map #25, Parcel #115.

Case #1867

David Karam has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 to remove a single story pre-existing, non-conforming dwelling and replace with a two-story dwelling. The property is located at 43 Chestnut Drive, Orleans Map #64, Parcel #10.

08 SEP 22 AM 9:51

Orleans Zoning Board of Appeals
Minutes
September 17, 2008

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Town Hall. Present were Robert Osterberg, William Piersol, Jimmy Dishner, and Steve Tarquini. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were also present.

Chairman Osterberg called the meeting to order at 7:05 p.m.

Case #1868

C and C Realty Trust, in accordance with MGL Chapter 40A, Sections 13 and 14, has appealed the decision of the Zoning Administrator that lots in two districts may extend one use into another district by Special Permit, but that the applicable yard requirements of each district still apply to their respective portions of the lot, and have applied for a Special Permit and a Variance. The property is located at 5 Nell's Way, Orleans Map #46, Parcel #18.

At the request of Benjamin E. Zehnder of Orleans, attorney for the Applicant, on motion by Mr. Dishner and seconded by Mr. Osterberg, the Board voted 4-0-0 to continue the hearing of Case #1868 to October 1, 2008.

Case #1869

Lance and Jennifer Vachon have applied for a Variance as set forth in MGL Chapter 40A, Section 10, under Orleans Zoning Bylaw Section 164-21 to construct a tool shed in violation of lot coverage and set back requirements. The property is located at 184 Tonset Road, Orleans Map #19, Parcel #8.

At the request of Applicant Jennifer Vachon, on motion by Mr. Piersol and seconded by Mr. Osterberg, the Board voted 4-0-0 to grant the Applicant leave to withdraw the application in Case #1869 without prejudice.

In other business, Chairman Osterberg announced the upcoming annual Committee Orientation meeting on September 22 and encouraged Board attendance.

On motion by Mr. Dishner and seconded by Mr. Tarquini, the meeting was adjourned at 7:30 p.m.

Sandy Stewart
Sandy Stewart
Board Secretary

10-10-10

10-10-10

Orleans Zoning Board of Appeals
Minutes
September 3, 2008

C. Darling, Assy.
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 SEP -9 AM 11:00

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Town Hall. Present were Robert Osterberg, Rolf Soderstrom, William Piersol, Jimmy Dishner, Steve Tarquini, and William McCarthy. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were also present.

Chairman Osterberg called the meeting to order at 7:00 p.m.

Case #1863

Marueen P. Hickey has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-20, 164-21A (Note 5), and 164-21B to enclose a 10 ft. by 10 ft. deck on a pre-existing, non-conforming three-season condominium unit. The property is located at 319 South Orleans Road, Unit 5, Orleans Map #69, Parcel #16-5E-R.

Special Permit granted. See attached Decision.

Case #1864

Theodore J. Krawiec has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21C to expand the second floor of a pre-existing, non-conforming dwelling less than 50 ft. from a coastal bank. The property is located at 39 Towhee Lane, Orleans Map #92, Parcel #54.

Special Permit granted. See attached Decision.

Case #1865

Peter and Susan Deeks appealed the Decision of the Building Commissioner, and have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C(1) and 164-21C to enlarge a pre-existing, non-conforming dwelling, remove detached guesthouse and replace with a relocated garage/guesthouse. The property is located at 34 Uncle Mark's Way, Orleans Map #5, Parcel #84.

Special Permit granted. The applicant's attorney, Duane P. Landreth, requested leave to withdraw the appeal without prejudice. On motion by Mr. Piersol, seconded by Mr. Osterberg, the Board voted unanimously to allow the applicant to withdraw the appeal without prejudice.

Case #1866

William B. and Diane C. Richardson have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21A (Note 5) to construct a second dwelling resulting in building coverage exceeding 4,000 square feet. The property is located at 17 Rock Harbor Road, Orleans Map #25, Parcel #115.

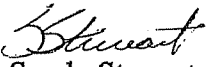
Orleans Zoning Board of Appeals
Minutes of September 3, 2008

Case #1867

David Karam has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 to remove a single story pre-existing, non-conforming dwelling and replace with a two-story dwelling. The property is located at 43 Chestnut Drive, Orleans Map #64, Parcel #10.

Special Permit granted. See attached Decision.

On motion by Mr. Dishner and seconded by Mr. Piersol, the meeting was adjourned at 9:35 p.m.


Sandy Stewart
Board Secretary



Orleans Zoning Board of Appeals
Minutes
October 15, 2008

TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 OCT 20 AM 7:56

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Town Hall. Present were Robert Osterberg, William Piersol, Jimmy Dishner, William McCarthy, and Steve Tarquini. Board member Rolf Soderstrom was absent. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were also present.

Chairman Osterberg called the meeting to order at 7:00 p.m.

Case #1870 (Continued from October 1)

James and Karen Sinclair have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 to construct an addition and relocate a basement bulkhead on a pre-existing, non-conforming dwelling in violation of the required side yard set back. The property is located at 16 Blueberry Lane, Orleans Map #28, Parcel #65.

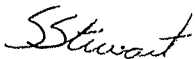
Special Permit granted. See attached Decision.

Case #1871

Martin and Elaine Benante have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21C to construct an addition beneath the footprint of the existing roof and relocate exterior stairs from existing deck to grade on a pre-existing, non-conforming dwelling less than 50 feet from a coastal bank with no change in building height. The property is located at 121 Lake Drive, Map #93, Parcel #6.

Special Permit granted. See attached Decision.

On motion by Mr. Dishner and seconded by Mr. Osterberg, the meeting was adjourned at 8:03 p.m.



Sandy Stewart
Board Secretary

10/11/2000 00:00:00
10/11/2000 00:00:00

00 OCT 20 00 00 00

Orleans Zoning Board of Appeals
Minutes
October 1, 2008

K. Delaney, Asst
TOWN OF ORLEANS
TOWN CLERKS OFFICE
08 OCT -6 AM 10:41

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Town Hall. Present were Robert Osterberg, William Piersol, Jimmy Dishner, Rolf Soderstrom, William McCarthy, and Steve Tarquini. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were also present.

Chairman Osterberg called the meeting to order at 7:00 p.m.

Case #1868 (Continued from September 17, 2008)

C and C Realty Trust, in accordance with MGL Chapter 40A, Sections 13 and 14, has appealed the decision of the Zoning Administrator that lots in two districts may extend one use into another district by Special Permit, but that the applicable yard requirements of each district still apply to their respective portions of the lot, and have applied for a Special Permit and a Variance. The property is located at 5 Nell's Way, Orleans Map #46, Parcel #18.

Special Permit granted. See attached Decision. At the request of Benjamin E. Zehnder of Orleans, attorney for the Applicant, on motion by Mr. Osterberg and seconded by Mr. Piersol, the Board voted 5-0-0 to grant the applicant leave to withdraw the Special Permit request. At the request of the Applicant's attorney, on motion by Mr. Piersol and seconded by Mr. Osterberg, the Board voted 5-0-0 to grant the Applicant leave to withdraw the appeal of the Building Commissioner's decision.

Case #1870

James and Karen Sinclair have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 to construct an addition and relocate a basement bulkhead on a pre-existing, non-conforming dwelling in violation of the required side yard set back. The property is located at 16 Blueberry Lane, Orleans Map #28, Parcel #65.

At the request of Bill Marcotte, agent for the Applicant, on motion by Mr. Piersol and seconded by Mr. Osterberg, the Board voted unanimously to continue the hearing of Case #1870 to October 15, 2008.

On motion by Mr. Dishner and seconded by Mr. Osterberg, the meeting was adjourned at 7:50 p.m.

S. Stewart

Sandy Stewart
Board Secretary

10-10-60
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

08 OCT -6 WHIO:41

Orleans Zoning Board of Appeals
Minutes
November 5, 2008

08 NOV 10 PM 2:12

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Town Hall. Present were Robert Osterberg, William Piersol, Jimmy Dishner, Rolf Soderstrom, and Steve Tarquini. Board member William McCarthy, Jr. was absent. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were also present.

Chairman Osterberg called the meeting to order at 7:00 p.m.

Case #1872

Harry L. & Dona L. Pike have applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Section 164-18B(2) to remove a two-bedroom dwelling and two-bedroom cottage and replace with a new three-bedroom dwelling in a Shoreline District. The property is located at 33 Cove Road, Orleans Map #34, Parcel #10.

Special Permit granted. See attached Decision.

Case #1873

William E. and Ann Nickerson have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-3C(1)(b), 164-21A, and 164-21B to raze, replace, and expand a pre-existing, nonconforming cottage in violation of the side yard set back and in violation of building separation. The property is located at 101 Skaket Beach Road, Orleans Map #24, Parcel #3.

At the applicants' agent's request, on motion by Mr. Osterberg and seconded by Mr. Piersol, the Board voted 5-0-0 to continue Case #1873 to November 19, 2008.

Case #1874

C and C Realty Trust has applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Sections 164-13 and 164-38 to construct a 3,240 square foot commercial building for retail and office use. The property is located at 5 Nell's Way, Orleans Map #46, Parcel #18.

At the applicant's attorney's request, on motion by Mr. Osterberg and seconded by Mr. Dishner, the Board voted 5-0-0 to continue Case #1874 to November 19, 2008.


Orleans Zoning Board of Appeals
Minutes of November 5, 2008

Case #1875

Trevor Kurz, in accordance with MGL Chapter 40A, Section 8, has appealed the decision of an administrative official a dwelling is in violation of Orleans Zoning Bylaw Section 164-21, and has applied for a Special Permit and a Variance. The property is located at 187 Main Street, Orleans Map #35, Parcels #98 and #99.

Building Commissioner upheld. Special Permit denied. Variance granted. See attached Decision.

On motion by Mr. Tarquini and seconded by Mr. Dishner, the meeting was adjourned at 8:25 p.m.



Sandy Stewart
Board Secretary

May

TOWN OF ORLEANS
TOWN CLERKS OFFICE

Orleans Zoning Board of Appeals
Minutes
November 19, 2008

08 NOV 24 AM 8:55

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting Room at Town Hall. Present were Robert Osterberg, William Piersol, Jimmy Dishner, and Steve Tarquini. Board members Rolf Soderstrom and William McCarthy, Jr. were absent. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were also present.

Chairman Osterberg called the meeting to order at 7:05 p.m.

Case #1873

William E. and Ann Nickerson have applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-3C(1)(b), 164-21A, and 164-21B to raze, replace, and expand a pre-existing, nonconforming cottage in violation of the side yard set back and in violation of building separation. The property is located at 101 Skaket Beach Road, Orleans Map #24, Parcel #3.

At the applicants' agent's request, on motion by Mr. Osterberg and seconded by Mr. Piersol, the Board voted 4-0-0 to continue Case #1873 to December 3, 2008.

Case #1874

C and C Realty Trust has applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Sections 164-13 and 164-38 to construct a 3,240 square foot commercial building for retail and office use. The property is located at 5 Nell's Way, Orleans Map #46, Parcel #18.

Special Permit granted. See attached Decision.

On motion by Mr. Osterberg and seconded by Mr. Piersol, the meeting was adjourned at 8:15 p.m.

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Sandy Stewart
Board Secretary

