'09JAN20PM 2:50

Orleans Zoning Board of Appeals Minutes January 7, 2009

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. Associate 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 #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.

Special Permit granted. See attached Decision.

Case #1876

Justine S. Kirkwood 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 (Note 5) to construct an addition to a pre-existing, non-conforming dwelling resulting in more than 4,000 square feet of lot coverage. The property is located at 53/55 Towhee Lane, Orleans Map #92, Parcel #58.

At the Applicant's agent's request, on motion by Mr. Piersol and seconded by Mr. Tarquini, the Board voted unanimously to continue the case to February 4, 2009.

Case #1877

Carol Hayward has applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Sections 164-4 and 164-13 to operate an embroidery business from the basement of a dwelling. The property is located at 35 Portanimicut Road, Orleans Map #75, Parcel #118.

Special Permit granted. See attached Decision.

In other business, the Board considered revisions to plans of Peter Deeks relating to a Special Permit granted by the Board on September 3, 2008, Case #1865. The Board considered the revisions to be de minimis, and on motion by Mr. Osterberg and seconded by Mr. Dishner, voted unanimously to amend its earlier Decision. Ms. Stewart will draft a letter to the Register of Deeds for the Chairman's and Clerk's signatures.

On motion by Mr. Dishner and seconded by Mr. Tarquini, the meeting was adjourned at $8:05~\mathrm{p.m.}$

Sandy Stewart

Orleans Zoning Board of Appeds FEB 26 PM 2: 04 Minutes February 18, 2009

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, Steve Tarquini, William McCarthy, Jr., and new associate member D. Beth McCartney. Building Commissioner Brian Harrison was absent. Board Secretary Sandy Stewart was also present.

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

Cases #1787 and 1815

Cuffyco is requesting extensions of previously granted permits to allow 1) operation of Cuffy's at the site as is for the 2009 season (thru December 31, 2009), and 2) permission to commence the full site redevelopment prior to December 31, 2010. The property is located at 16 South Orleans Road.

Special Permit #1787 expired. Special Permit #1815 extended. See attached letter of extension.

Case #1876 (Consider Applicant's request to withdraw without prejudice) Justine S. Kirkwood 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 (Note 5) to construct an addition to a pre-existing, non-conforming dwelling resulting in more than 4,000 square feet of lot coverage. The property is located at 53/55 Towhee Lane, Orleans Map #92, Parcel 58.

At the applicant's agent's written request, on motion by Mr. Osterberg and seconded by Mr. Piersol, the Board unanimously granted the Applicant leave to withdraw the application in Case #1876 without prejudice.

In other business, the Board considered comment to a letter received from Mr. Larry Diaz, abutter to Ms. Carol Hayward, who was previously granted Special Permit by the Board to operate her embroidery business from her home. As Mr. Diaz was in attendance at the original hearing in which the Board heard Ms. Hayward's application, the Board deemed no response necessary to Mr. Diaz.

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

Sandy Stewart

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Orleans Zoning Board of Appeals
Minutes
April 1, 2009

09 APR -6 AM 8: 56

TOWN CLERKS OFFICE

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, Steve Tarquini, William McCarthy, Jr., and D. Beth McCartney. Regular 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 #1879

Whitford Boyd, as set forth in MGL Chapter 40A, Section 8, has appealed the Building Commissioner's handicap access determination under Orleans Zoning Bylaw Sections 164-31, 164-3C(2), and has applied for a Special Permit and a Variance. The property is located at 219 Main Street, Orleans Map #36, Parcel #153.

At the applicant's attorney's request, on motion by Mr. Osterberg and seconded by Mr. Dishner, the Board voted unanimously to grant the applicant a continuation to May 20, 2009.

Case #1880

Patricia Crow, as an agent for Donald Thulin, has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21(C) to screen in a portion of an existing deck in violation of coastal bank set backs. The property is located at 47 Sparrow Hawk Road, Orleans Map #44, Parcel #90.

No one appeared to present the application to the Board. On motion by Mr. Osterberg and seconded by Mr. Dishner, the Board voted unanimously to continue the application to April 15, 2009.

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

Stewart Sandy Stewart Board Secretary

Orleans Zoning Board of Appeals Minutes March 4, 2009

09 MAR 10 AM 11: 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, Steve Tarquini, William McCarthy, Jr., and D. Beth McCartney. 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 #1878

Max T. Makowsky 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 an addition to a dwelling resulting in more than 4,000 square feet of building coverage. The property is located at 5 Deep Pond Circle, Orleans Map #87, Parcel #11.

Special Permit granted. See attached Decision.

In other business, Ms. McCartney asked the Board to reconsider comment to the letter received from Mr. Larry Diaz, abutter to Ms. Carol Hayward. (Ms. Hayward was previously granted Special Permit by the Board to operate her embroidery business from her home.) During Board discussion it was stated that as Mr. Diaz was in attendance at the original hearing in which the Board heard Ms. Hayward's application, and as the Board made concessions in its Decision based on Mr. Diaz' concerns, and as Mr. Diaz was aware of the process for legal recourse, no response is necessary to Mr. Diaz' letter.

On motion by Mr. Dishner and seconded by Mr. Osterberg, the meeting was adjourned at 7:20 p.m.

Sandy Stewart Board Secretary

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Orleans Zoning Board of Appeals 09 APR 21 AM 10: 42 Minutes April 15, 2009

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, Steve Tarquini, Rolf Soderstrom, William McCarthy, Jr., and D. Beth McCartney. Building Commissioner Brian Harrison was absent. Board Secretary Sandy Stewart was also present.

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

Case #1880 (Continued)

Patricia Crow, as an agent for Donald Thulin, has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21(C) to screen in a portion of an existing deck in violation of coastal bank set backs. The property is located at 47 Sparrow Hawk Road, Orleans Map #44, Parcel #90.

Special Permit granted. See attached Decision.

Case #1881

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 shed in violation of front yard set back requirements. The property is located at 184 Tonset Road, Orleans Map #19, Parcel #8.

At the applicant's request, on motion by Mr. Dishner and seconded by Mr. Soderstrom, the applicant was granted leave to withdraw the application in Case #1881 without prejudice by a vote of 4-1-0. Voting to grant leave to withdraw were Mr. Piersol, Mr. Tarquini, Mr. Soderstrom, and Mr. Dishner. Voting to deny was Mr. Osterberg.

On motion by Mr. Soderstrom and seconded by Mr. Dishner, the meeting was adjourned at 8:10 p.m.

Sandy Stewart

09 MAY 12 PM 2: 40

Orleans Zoning Board of Appeals Minutes May 6, 2009

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 D. Beth McCartney. Board members Steve Tarquini 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 7:00 p.m.

Case #1882

Robert and Vaughn Rowley 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 construct an addition to an existing dwelling resulting in building coverage in excess of 4,000 square feet. The property is located at 144 Tonset Road, Orleans Map #24, Parcel #9.

In other business, the Board considered Attorney Jim O'Brien's written request to further continue Case #1879 (Whitford Boyd, 219 Main Street), to June 3, 2009. The case had previously been continued to May 20, 2009. On motion by Mr. Osterberg and seconded by Mr. Piersol, the Board voted unanimously to continue Case #1879 to a date mutually agreeable to both Attorney O'Brien and Attorney Benjamin E. Zehnder who is representing several abutters. The Board Secretary was tasked with coordinating the date with the attorneys and scheduling the meeting.

The Chairman mentioned that the end of the fiscal year is approaching, which means the Board will need to vote next year's officers at a meeting before July 1.

On motion by Mr. Dishner and seconded by Mr. Piersol, the meeting was adjourned at 7:32 p.m.

Sandy Stewart

Orleans Zoning Board of Appeals **Minutes** June 3, 2009

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, Steven Tarquini William McCarthy, Jr., and D. Beth McCartney. Board members Jimmy Dishner and Rolf Soderstrom were 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 #1883

Paul G. Rooker has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21 to alter a pre-existing, nonconforming dwelling in violation of side yard set backs and to exceed 4,000 square feet of building coverage. The property is located at 12 Tar Kiln Road, Orleans Map #91, Parcel #21.

Special Permit granted. See attached Decision.

In other business, the Board considered Attorney Jim O'Brien's written request to further continue Case #1879 (Whitford Boyd, 219 Main Street), to July 1, 2009. The case had previously been continued to May 20, 2009and June 17, 2009. On motion by Mr. Osterberg and seconded by Mr. Piersol, the Board voted unanimously to continue Case #1879 to July 1, 2009 if agreeable to Attorney Benjamin E. Zehnder who is representing several abutters. If Mr. Zehnder is unavailable, the case will be heard June 17, 2009 as scheduled. The Board Secretary was tasked with coordinating the date with the attorneys and scheduling the meeting.

A hearing notice of a Cape Cod Commission meeting on the Orleans Comprehensive Wastewater Management Plan scheduled for 7:30 p.m., June 16, 2009 was read for those interested.

The Chairman mentioned that the end of the fiscal year is approaching, which means the Board will need to vote next year's officers.

On motion by Ms. McCartney and seconded by Mr. Tarquini, the meeting was adjourned at 8:05 p.m.

Sandy Stewart

Orleans Zoning Board of Appeals Minutes September 2, 2009

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, Steven Tarquini, Rolf Soderstrom, and D. Beth McCartney. Board member William McCarthy, Jr. and Building Commissioner Brian Harrison were absent. Board Secretary Sandy Stewart was also present.

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

Case #1887 (Continued)

The Town of Orleans has applied for a Variance as set forth in MGL Chapter 40A, Section 10, under Orleans Zoning Bylaw Section 164-22 to locate a bus shelter nearer to the front lot line in violation of set back requirements. The property is located at 33 Main Street, Orleans Map #33, Parcel #65.

Variance granted. See attached Decision.

In other business, the Board discussed a possible upcoming Comprehensive Permit application. Due to the length of time since the Board last considered a 40B Project, the Chair offered to electronically send each Board member reference materials for review.

The Board also discussed the Hobson application, which will be heard on September 16. Several Board members have questions regarding plans submitted with the application, and it was brought to the Board's attention that the project has not yet received Conservation Commission approval. The Board Secretary was directed to contact the representing attorney to relay the Board's questions and concerns.

As a final point, the Chair ensured the Board is aware that GRS Investments has appealed the Board's decision regarding 223 Beach Road.

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

Sandy Stewart

Orleans Zoning Board of Appeals

Minutes
September 16, 2009

A meeting of the Orleans Zoning Board of Appeals was held in the Skaket Meeting

Record at Town Hell Present were Robert Osterberg William Piersol Steven Tarquini Room at Town Hall. Present were Robert Osterberg, William Piersol, Steven Tarquini, William McCarthy, Jr., and D. Beth McCartney. Board member Rolf Soderstrom was absent. Building Commissioner Brian Harrison and Board Secretary Sandy Stewart were

Chairman Osterberg called the meeting to order at 7:12 p.m.

Case #1888

also present.

David Hobson has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21A and 164-21C to alter a pre-existing, nonconforming dwelling in violation of side yard and coastal bank set backs. The property is located at 58 Pershing Lane, Orleans Map # 56, Parcel #8.

Special Permit granted. See attached Decision.

On motion by Mr. Osterberg and seconded by Mr. Piersol, the meeting was adjourned at 7:35 p.m.

Sandy Stewart **Board Secretary**

Orleans Zoning Board of Appeals **Minutes** October 7, 2009

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, Steven Tarquini, Rolf Soderstrom, and D. Beth McCartney. 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 7:06 p.m.

Case #1889

Richard and Lisa Pell applied for a Special Permit as set forth in MGL Chapter 40A, Section 9, under Orleans Zoning Bylaw Section 164-21 (Note 5) to construct a guest house resulting in lot coverage which exceeds 4,000 square feet. The property is located at 114/116/118 Barley Neck Road, Orleans Map #50, Parcels #51, 52, and 53.

Special Permit granted. See attached Decision.

On motion by Mr. Osterberg and seconded by Mr. Piersol, the meeting was adjourned at 7:40 p.m.

Sandy Stewart

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Orleans Zoning Board of Appeals Minutes October 21, 2009

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, Rolf Soderstrom, William McCarthy, Jr., and D. Beth McCartney. 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 #1890

Michael C. Smith has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-13 to construct a second floor dormer and bathroom addition on a pre-existing, nonconforming dwelling in the Village Center (VC) in violation of lot size, yard set back, and frontage requirements. The property is located at 86B Route 6A, Orleans Map # 26, Parcel #19.

Special Permit granted. See attached Decision.

Case #1891

Richard and Cheryl Nadler 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 construct a dwelling which exceeds 4,000 square feet of building coverage. The property is located at 14 Kenneth Lane, Orleans Map #63, Parcel #23.

Special Permit granted. See attached Decision.

Case #1892

Andrew Murphy, in accordance with MGL Chapter 40A, Section 8, has appealed the decision of the Building Commissioner that an existing free-standing sign is not grandfathered in accordance with Orleans Zoning Bylaw Section 164-35C. The property is located at 63 Route 6A, Orleans Map #26, Parcel #10.

Building Commissioner overturned. See attached Decision.

In other business, Chairman Osterberg made a motion that the Board adopt the Housing Assistance Corporation procedures for 40B applications until the Board can put its own rules in place. The motion was seconded by Mr. Piersol, and unanimously approved.

On motion by Mr. Osterberg and seconded by Mr. Piersol, the meeting was adjourned at 9:21 p.m.

Sandy Stewart

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Orleans Zoning Board of Appeals Minutes November 4, 2009

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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, Steve Tarquini, and D. Beth McCartney. 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 #1893

Virginia Barath has applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-21A to construct an addition to a pre-existing, nonconforming, single family dwelling in violation of side yard set back requirements. The property is located at 11 Jones Road, Orleans Map #18, Parcel #11.

Special Permit granted. See attached Decision.

Case #1894

Southside Realty Trust has applied for a Comprehensive Permit as set forth in MGL Chapter 40B to construct four (4) residential dwelling units in the General Business District. The property is located at 257 Route 6A, Orleans Map #46, Parcel #52.

At Chairman Osterberg's request, with Attorney Christopher Kirrane's concurrence, on motion by Mr. Osterberg and seconded by Mr. Tarquini, the case was continued to November 18, 2009 to allow for the drafting of a motion for Board consideration at that time. The vote was 4-0-0; voting in favor were Mr. Osterberg, Mr. Tarquini, Mr. Piersol, and Ms. McCartney.

On motion by Mr. Piersol and seconded by Mr. Osterberg, the meeting was adjourned at 9:11 p.m.

Sandy Stewart

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