

Orleans Zoning Board of Appeals
Minutes
September 1, 2010

C. Macey
TOWN OF ORLEANS
TOWN CLERKS OFFICE

10 OCT 12 AM 7:51

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, D. Beth McCartney, Matthew Cole, Greg DeLory, and Michael Marnik. 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 #1914

Brian and Cynthia Trudell applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-21A and 164-21C to increase the size of a pre-existing, nonconforming deck within the required side yard set back and within the required set back from the top of a coastal bank. The property is located at 25 Pride's Path, Orleans Map # 5, Parcel #3.

Special Permit granted. See attached Decision. Documents reviewed include the original application and a Site Plan dated July 30, 2010, prepared by Geiger-Phillips, Inc. Documents are held in the permanent Zoning Board of Appeals case file located at Town Hall.

Case #1915

Richard Dupont applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-21A(Note 5) and 164-21C to rebuild a single-family dwelling with building coverage to exceed 4,000 square feet of lot coverage and within the required set back from the top of a coastal bank. The property is located at 18 Sages Way, Orleans Map # 5, Parcel #16.

Special Permit granted. See attached Decision. Documents reviewed include the original application; a Site Plan dated August 24, 2010 prepared by Ryder & Wilcox, Inc., Job No. 9668.1, pages 1 and 2; the construction drawings dated August 3, 2010 prepared by Brown, Lindquist, Fennucio & Ruben Architects, Inc., pages A1.0-A1.3, A2.1, and A2.2; and the Certificate of Approval dated August 16, 2010 issued by the Orleans Planning Board. Documents are held in the permanent Zoning Board of Appeals case file located at Town Hall.

Case #1916

Charles and Susan Carlson applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-3C(1) and 164-21A to build additions/alterations to a pre-existing, nonconforming single-family dwelling. The property is located at 23 Doane Road, Orleans Map #21, Parcel #69.

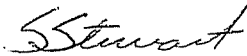
Orleans Zoning Board of Appeals
Minutes of September 1, 2010

No one appeared to present the application. On motion by Mr. Osterberg and seconded by Mr. Soderstrom, the hearing on the application was continued to the next regularly scheduled meeting on October 6, 2010. Board members voting in favor: Mr. Osterberg, Mr. Soderstrom, Ms. McCartney, Mr. Cole, Mr. Marnik, and Mr. DeLory.

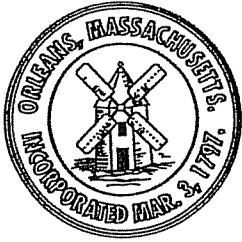
In other business, on motion by Mr. Osterberg and seconded by Mr. Soderstrom, the Board voted unanimously to approve minutes of the July 21, 2010 meeting amended as follows: In the penultimate paragraph, line 4, change to read, "and to continue to require..."

On motion by Mr. Osterberg and seconded by Mr. Cole, the Board voted unanimously to authorize Town Counsel to enter into a Joint Stipulation with parties to the Boyd appeal. Voting in favor were Mr. Marnik, Mr. DeLory, Ms. McCartney, Mr. Soderstrom, Mr. Osterberg, and Mr. Cole.

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



Sandy Stewart
Board Secretary



TOWN OF ORLEANS

ZONING BOARD OF APPEALS

19 SCHOOL ROAD
ORLEANS, MASSACHUSETTS 02653-3699

K. Davis, Ass
TOWN OF ORLEANS
TOWN CLERKS OFFICE

10 SEP 15 AM 8:17

CASE NO. 1914

APPLICATION OF

BRIAN AND CYNTHIA TRUDELL
NO. 25 PRIDE'S PATH
ORLEANS, MA

ZONING BOARD OF APPEALS

BOOK 18657, PAGE 186
MAP 5, PARCEL 3
TOWN OF ORLEANS, MA

DECISION

THE HEARING:

On September 1, 2010, Case No. 1914 came on for hearing before the Orleans Zoning Board of Appeals. Brian and Cynthia Trudell applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-21A and 164-21C to increase the size of a preexisting, nonconforming deck within the required side yard setback and within the required set back from the top of a coastal bank. The property is located at 25 Pride's Path, Orleans Map # 5, Parcel #3. The hearing was duly advertised and scheduled.

Mr. Robert Osterberg, Chairman of the Orleans Zoning Board of Appeals, chaired the hearing. Also in attendance were Mr. Rolf Soderstrom, Ms. D. Beth McCartney, and Mr. Matthew Cole, regular Board members; Mr. Greg DeLory, associate Board member; Mr. Brian Harrison, Building Commissioner; and Ms. Sandy Stewart, Board Secretary. The Chairman announced that all regular members present and Mr. DeLory would vote on the application.

Mr. Steve Phillips of Wellfleet presented the details of this application to the Board. No person appeared, either in favor of, or in opposition to the application. No letters were received by the Town with regard to the application. The Chairman then closed the hearing for the taking of further testimony.

Following public deliberation by the Board and based upon the application, including the Site Plan dated July 30, 2010, prepared by Geiger-Phillips, Inc., Mr. Osterberg moved that the Board adopt the following

FINDINGS OF FACT:

1. The subject property, known as 25 Pride's Path, shown as Parcel #3 on Orleans Map #5, is in a Residential District.
2. The existing single-family residence is a legally preexisting, nonconforming structure which includes an attached wooden deck.
3. The nonconformities in the structure are the failure to meet the required side yard setback on the northeast side and the failure to meet the required coastal setback on the west side.
4. The proposed addition to the deck, consisting of 375 square feet, will be added on the east side.
5. The proposed addition to the deck will intensify the volume of the nonconformities.
6. The proposed addition to the deck will not create any new nonconformity.
7. The site is suitable and adequate for the proposed addition because it will have a minimal impact on the lot.

Orleans Zoning Board of Appeals
Case #1914, 25 Pride's Path.

8. The proposed addition will have no impact on traffic flow or safety.
9. The proposed addition will have no negative impact on the visual character of the neighborhood.
10. The proposed addition is isolated from, and will have no impact on, the source of water, drainage, or water resources.
11. Utilities and public services will be unaffected by the proposed addition.
12. Noise and litter will not be increased after the proposed addition is completed.
13. The proposed addition will not be detrimental to the established and future character of the neighborhood and will be in harmony with the general intent and purpose of the Zoning Bylaw.

The motion was duly seconded by Mr. Cole and unanimously approved by the Board.

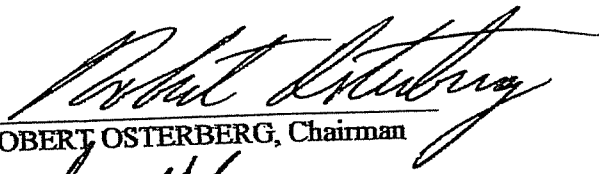

THE DECISION:

Based on the FINDINGS OF FACT, on motion by Mr. Osterberg and seconded by Ms. McCartney, the Board grants a Special Permit pursuant to Sections 164-3C(1)(b) and 164-44 of the Zoning Bylaw, to run with the land, for construction of an addition to the existing deck utilizing spaced deck boards in conformity with the Site Plan dated July 30, 2010.

VOTING IN FAVOR:

Mr. Rolf Soderstrom
Mr. Robert Osterberg
Ms. Beth McCartney
Mr. Matthew Cole
Mr. Greg DeLory

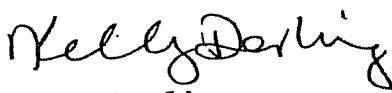
Dated: September 1, 2010


ROBERT OSTERBERG, Chairman

MATTHEW COLE, Clerk

CERTIFICATION

October 6, 2010

I, Kelly Darling, Assistant Town Clerk of the Town of Orleans, Massachusetts, do hereby certify that twenty days have elapsed since the above referenced decision of the Board of Appeals which was filed in the office of the Town Clerk on September 15, 2010 and no appeal has been filed in the office of the Town Clerk.


Kelly Darling
Assistant Town Clerk
Orleans, Massachusetts



TOWN OF ORLEANS

ZONING BOARD OF APPEALS

19 SCHOOL ROAD
ORLEANS, MASSACHUSETTS 02653-3699

R. Donlin, Asst
TOWN OF ORLEANS
TOWN CLERKS OFFICE

10 SEP 15 AM 8:16

CASE NO. 1915

APPLICATION OF

RICHARD DUPONT
NO. 18 SAGES WAY
ORLEANS, MA

ZONING BOARD OF APPEALS

BOOK 347, PAGE 24
MAP 5, PARCEL 16
TOWN OF ORLEANS, MA

DECISION

THE HEARING:

On September 1, 2010, Case No. 1915 came on for hearing before the Orleans Zoning Board of Appeals. Richard Dupont applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Sections 164-21A(Note 5) and 164-21C to rebuild a single-family dwelling with building coverage to exceed 4,000 square feet of lot coverage and within the required setback from the top of a coastal bank. The property is located at 18 Sages Way, Orleans Map # 5, Parcel #16. The hearing was duly advertised and scheduled.

Mr. Robert Osterberg, Chairman of the Orleans Zoning Board of Appeals, chaired the hearing. Also in attendance were Mr. Rolf Soderstrom, Ms. D. Beth McCartney, and Mr. Matthew Cole, regular Board members; Mr. Greg DeLory and Mr. Michael Marnik, associate Board members; Mr. Brian Harrison, Building Commissioner; and Ms. Sandy Stewart, Board Secretary. Mr. Cole recused himself and left the room. The Chairman announced that he, Mr. Soderstrom, Ms. McCartney, Mr. Marnik, and Mr. DeLory would vote on the application.

Attorney Duane Landreth of Orleans presented the details of this application to the Board. No person appeared, either in favor of, or in opposition to the application. No letters were received by the Town with regard to the application. The Chairman then closed the hearing for the taking of further testimony.

Following public deliberation by the Board and based upon the application, including the Site Plan dated August 24, 2010 prepared by Ryder & Wilcox, Inc., Job No. 9668.1, pages 1 and 2; the construction drawings dated August 3, 2010 prepared by Brown, Lindquist, Fennucio & Raber Architects, Inc., pages A1.0-A1.3, A2.1, and A2.2; and the Certificate of Approval dated August 16, 2010 issued by the Orleans Planning Board, Mr. Osterberg moved that the Board adopt the following

FINDINGS OF FACT:

1. The subject property, known as 18 Sages Way, shown as Parcel #16 on Orleans Map #5, is in a Residential District, Ground Water Protection District 4.
2. The existing single-family structure on the lot was built in 1982 and is a legally preexisting, nonconforming structure that does not meet the required coastal setback.
3. The existing structure also is nonconforming in that it also does not meet the lot coverage limit of 4,000 square feet.
4. The replacement single-family structure will reduce the coastal setback nonconformity from 11.7 feet to 6.1 feet.
5. The proposed structure will increase the lot coverage from 4,281 square feet to 5,453 square feet.

Orleans Zoning Board of Appeals
Case #1915, 18 Sages Way

6. The increase in lot coverage resulting from the proposed structure is only 6.1 percent of the buildable upland, well below the absolute maximum of 15 percent.
7. The existence of a residential cottage on the lot has been approved by the Orleans Planning Board, subject to conditions specified in its August 16, 2010 Certificate.
8. The site is suitable and adequate for the proposed structure because it consists of 80,193 square feet of buildable upland.
9. The proposed structure will have no impact on traffic flow or safety because it will be limited to a single-family residence.
10. The proposed structure will have no negative impact on the visual character of the neighborhood.
11. The proposed structure will have no impact on the method of sewage disposal, source of water, drainage, or water resources, and the method of sewage disposal will be improved by installation of a new septic system approved by the Board of Health.
12. Utilities and public services will be unaffected by the proposed structure.
13. Noise and litter will not be increased after the proposed structure is completed.
14. The proposed structure will not be detrimental to the established and future character of the neighborhood and will be in harmony with the general intent and purpose of the Zoning Bylaw.

The motion was seconded by Mr. Soderstrom and unanimously approved by the Board.

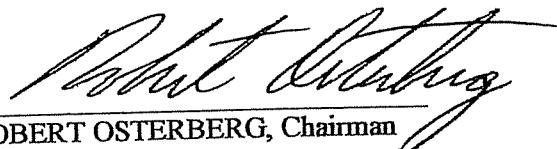
THE DECISION:

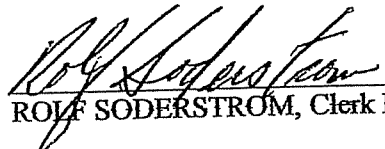
Based on the FINDINGS OF FACT, on motion by Mr. Osterberg and seconded by Mr. Soderstrom, the Board grants a Special Permit pursuant to Sections 164-3C(1)(b) and 164-44 of the Zoning Bylaw, to run with the land, for construction of a replacement single-family structure in conformity with the construction drawings dated August 3, 2010 and the site plan dated August 24, 2010, but in all events conditioned on full compliance with the terms of the Certificate of Approval of August 16, 2010 issued by the Orleans Planning Board.

VOTING IN FAVOR:

Mr. Rolf Soderstrom
Mr. Robert Osterberg
Ms. Beth McCartney
Mr. Michael Marnik
Mr. Greg DeLory

Dated: September 1, 2010

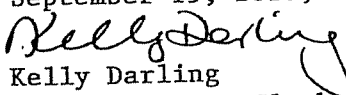

ROBERT OSTERBERG, Chairman


ROLF SODERSTROM, Clerk Pro-Tem

CERTIFICATION

October 6, 2010

I, Kelly Darling, Assistant Town Clerk of the Town of Orleans, Massachusetts, do hereby certify that twenty days have elapsed since the above referenced decision of the Board of Appeals which was filed in the office of the Town Clerk on September 15, 2010, and no appeal has been filed in the office of the Town Clerk.


Kelly Darling
Assistant Town Clerk
Orleans, Massachusetts