



TOWN OF ORLEANS

ZONING BOARD OF APPEALS

19 SCHOOL ROAD
ORLEANS, MASSACHUSETTS 02653-3699

ORLEANS TOWN CLERK
K. Delory, Asst.
'12 MAY 29 9:35AM

CASE NO. 1941

APPLICATION OF
ARTHUR E AND MEREDITH FANCY
NO. 8 GESNER ROAD
ORLEANS, MA

ZONING BOARD OF APPEALS
BOOK 21344, PAGE 312
MAP #42 PARCEL #60
TOWN OF ORLEANS, MA

DECISION

THE HEARING:

On May 16, 2012, Case No. 1941 came on for hearing before the Orleans Zoning Board of Appeals wherein Arthur E. and Meredith Fancy applied for a Special Permit as set forth in MGL Chapter 40A, Section 6, under Orleans Zoning Bylaw Section 164-22F and 164-3C(1)(b) to construct an addition on a pre-existing, nonconforming dwelling in violation of set back requirements. The property is located at 8 Gesner Road, Orleans Map #42, Parcel #60. The hearing was duly advertised and scheduled.

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

Attorney Duane Landreth presented the details of the application. No person appeared, either in support 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 Zoning Board of Appeals, a quorum of qualified members being present and voting, based upon the application of Arthur E Fancy and Meredith Fancy filed April 2, 2012 with the Town Clerk, for a special permit under the provisions of General Laws, Chapter 40A, Section 6, and Sections 164-22F and 164-3 C(1)(b) of the Zoning Bylaw, based also upon the Site Plan prepared by East Cape Engineering, Timothy J. Brady, RLS, dated March 22, 2012, and the construction drawings entitled "Fancy- Bedroom/Bath Addition" prepared by Richard L. Morongell, dated March 20, 2012, Mr. Marnik moved that the Board adopt the following

FINDINGS OF FACT:

1. The subject property, known as 8 Gesner Road is shown as parcel 60 on Orleans Map 42, and is in a Residential (R) District.
2. The present use of the property is a single family residence.
3. The proposed use of the property is a single family residence, with an addition to the residential structure. The existing accessory structure, a garage, will not be modified or relocated.

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4. The proposed use or change in use 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.
5. The alteration and reconstruction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
6. The site is adequate, in terms of size, and suitable for the proposed use. The total lot area is 27,600 square feet and is adequate for the enlarged residence. The building coverage will be increased from 5.6% to 8.2%. The living area of the enlarged residence will be 1760 square feet.
7. The proposed use will have no negative impact on traffic flow or safety.
8. The proposed use will have no negative impact on the visual character of the neighborhood. The enlargement is no less than 119 feet from any nearby residences, and no views will be affected.
9. The proposed use is isolated from, and will have no impact on, the method of sewage disposal, source of water, drainage or water resources. The existing septic system was installed in 2006 and has a capacity for 5 bedrooms.
10. Utilities and public services will be adequate for the proposed use or change in use.
11. Noise and litter will not be increased after the completion of construction of the proposed use.
12. There will be no adverse impact on groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies.

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

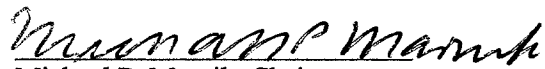
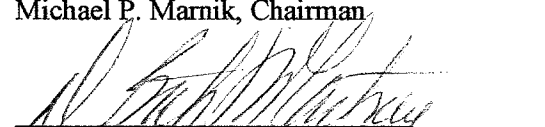
MOTION GRANTING RELIEF:

Based on the Findings of Fact, I move that the Board grant a Special Permit pursuant to sections 164-22F and 164-3 C(1)(b) of the Zoning Bylaw, to run with the land for the construction of an addition to a single family residence in conformity with the Site Plan prepared by East Cape Engineering, Timothy J. Brady, RLS, dated March 22, 2012 and the construction drawings entitled Fancy- Bedroom/Bath Addition prepared by Richard L. Morongell, dated March 20, 2012.

VOTING IN FAVOR:

Mr. Rolf Soderstrom
Ms. D. Beth McCartney
Mr. Matthew Cole
Mr. Michael P. Marnik
Mr. Greg Delory

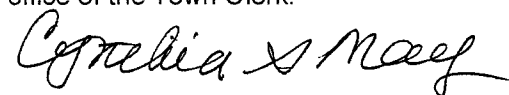
Dated: May 16, 2012


Michael P. Marnik, Chairman

D. Beth McCartney, Clerk

CERTIFICATION

Date: June 19, 2012

I, Cynthia S. May, 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 May 29, 2012 and no appeal has been filed in the office of the Town Clerk.



Cynthia S. May
Town Clerk
Orleans, Massachusetts