

Principal  
ORLEANS TOWN CLERK  
June 21 9:23 AM

Town of Orleans  
Zoning Board of Appeals  
Meeting Minutes – May 18, 2022

This was a virtual meeting on Wednesday, May 18, 2022 of the Orleans Zoning Board of Appeals that convened via remote participation using “Zoom” video technology, with real-time public access provided by Orleans Channel 18 on the Town website and cable television.

**Review Remote/Virtual Meeting Protocols:**

Mr. Marnik reviewed protocols for the “virtual” meeting. Any Committee votes must be taken by roll-call vote.

In attendance were the Chairman Michael Marnik, Matthew Cole, Gerald Mulligan and Bruce Taub, as well as Building Commissioner Tom Evers and Mia Baumgarten from MIS. The meeting was duly noticed. The meeting was called to order at 7:00pm.

**(Continued from May 4, 2022) Case# 2174** – Michael & Jill Najnigier have applied for a special permit in accordance with MGLA Chapter 40A, Section 6, 164-21(A) Note 5; 164-43 and 164-44. The applicants propose to construct a dwelling and studio/workshop and the resulting building coverage will exceed 4000sf. The properties are located at 3 & 5 Archer Lane, Map(s) #4 & #52; Parcel(s)# 46 & #8. The application was presented by David Lyttle of Ryder & Wilcox. This application was presented in front of ConsCom in the previous fall. The new building is 59’ from the top of the coastal bank, while the existing building was 20’ from the coastal bank. It was also required that a 15’ buffer strip be planted. This was also presented to the Planning Board to submit an ANR plan, which combined the two lots. The total area of the site is 99,595sq ft, which is approximately 2.3 acres, the buildable upland of the site is 68,801 sq ft, approximately 1.6 acres. Combining the lots allowed more flexibility for the applicant. The resulting building coverage is only 8.6% with the lots both combined. The applicant has been in contact with their closest abutters and they wish to maintain screening between the properties.

**Mr. Marnik makes a motion to grant the special permit application for case 2174 until second by Mr. Mulligan. Messrs. Cole, Marnik, Mulligan and Taub voting aye. Motion carries 4-0.**

Case 2172 will be heard this evening for the taking of evidence and voted upon on at the June 15, 2022 ZBA hearing.

**(Continued from May 4, 2022) Case# 2173** – Pleasant Bay Ranch, LLC has applied for a special permit in accordance with MGLA Chapter 40A, Section 9, 164-21(A) Note 5: Special permit for residential dwellings in excess of 4000sf. The present use is a single family residential dwelling with a boathouse and accessory residential uses. The existing dwelling is non-confirming as to Coastal Bank Setback in section 164-21C, where dwelling height is 29.8’, which would require a 44.7’ setback from the top of the bank. The dwelling is located 39.4’ from the top of the bank. The pre-existing coastal bank setback non-conformity will be eliminated in the proposed project. The

property is located at 71 Towhee Lane, Map#92, Parcel#60. This case was presented by Sarah Turano-Flores, as well as David Lyttle of Ryder and Wilcox as well as the project architect, Christopher Salomon. The proposed house will be a 5 bedroom home, the proposed height will be 28.4' in height, which is less than it currently is now, the house will sit back 55' from the top of the coastal on the west side and 88' from the top of bank along the south, pushing the development further landward away from the coast. This project was approved by ConsCom on March 15, 2022.

Mr. Cole asks about the hardscape. Mr. Lyttle responds about the native planting beds and stairs that go around the building. Mr. Lyttle explains the difficulty with ConsCom, the side of the house to the west. Ms. Turano-Flores states that 592 shrubs will be planted between the house and the water, as well as 25 trees planted.

**Mr. Marnik makes a motion to continue case 2173 to the June 15, 2022 hearing, second by Mr. Cole. Messrs. Messrs. Cole, Marnik and Taub voting aye. Motion carries 3-0. Mr. Mulligan recuses himself from this case.**

**(Continued from May 4, 2022) Case# 2175** – Warren Brewer, Jr. has applied for a special permit in accordance with MGLA Chapter 40A, Section 6, 164-44 on a pre-existing, non-conforming lot to alter a pre-existing, non-conforming dwelling under section 164-21(C), coastal bank set back. The applicant is proposing to construct a new basement, entryway porch and second floor dormer addition, renovate the existing dwelling structure on a pre-existing, non-conforming lot. The property is located at 38 Anchor Drive, Map# 16, Parcel# 35. The case was presented by Benjamin Zehnder. The house will be lifted approximately 1.3' to reach the flood zone requirement and a dormer will be added to the house. The building lot coverage will not be affected by this change. This project was approved on December 8, 2021 for approval by ConsCom, as well as presented to Old Kings Highway on May 5, 2022 for approval.

**Mr. Mulligan makes a motion to grant the special permit application for case 2175, second by Mr. Cole. Messrs. Cole, Marnik, Mulligan and Taub voting aye. Motion carries 4-0. Mr. Marnik will write the opinion.**

**Mr. Mulligan makes a motion to adjourn, second by Mr. Taub. Messrs. Cole, Marnik, Mulligan and Taub voting aye. Motion carries 4-0.**

Meeting adjourned at 8:08pm

Respectfully submitted,

Stacy Faber, Recording Secretary