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PLANNING BOARD

January 12, 2010 - Minutes

A meeting of the Orleans Planning Board was called to order at 7:00 p.m. in the Nauset Meeting Room at the Orleans Town Hall. **Present: Chairman:** John Fallender; **Vice-Chairman:** Seth Wilkinson; John Ostman; Kenneth McKusick; **Associates:** Gary Guzzeau; Chet Crabtree. **Planning Department Staff:** George Meserve; **Secretary:** Karen Sharpless. **Also Present: Board of Selectmen Liaison:** Jon Fuller. **Absent: Clerk:** Paul O'Connor;

Board of Health Members Present: Chairman: Robin Davis, **Vice Chairman:** Augusta McKusick, Susan Christie, Job Taylor, III, Jan Schneider, and **Health Agent:** Bob Canning .

Chairman Fallender requested that Associate Gary Guzzeau vote in as a regular member in the absence of Paul O'Connor

APPROVAL NOT REQUIRED – Sara and Franklin Joy – Old Timers / Paradise / Morgan's Way

John Demerest (Coastal Engineering) summarized the reconfiguration of 4 lots and lot lines requested in the Approval Not Required for Sara and Franklin Joy for property located on Old Timer's Lane, Paradise Lane and Morgan's Way. Meserve stated that the application meets all of the Approval Not Required filing requirements. Meserve stated that the northerly lots are still under a Covenant and will have to come before the Planning Board for a Release of the Covenant when all of the required work has been completed and the building on the proposed Lot 1A has been removed.

MOTION: On a motion by **Kenneth McKusick**, seconded by **Seth Wilkinson**, the Board voted to endorse the Approval Not Required plan prepared for Sara S. and Franklin L. Joy, dated December 29, 2009, scale 1" = 40', prepared by Coastal Engineering Company, Inc.

VOTE: 5-0-0 The motion passed unanimously.

RENTAL HOUSING ISSUES DISCUSSION WITH BOARD OF HEALTH

Members of the Planning Board and Board of Health discussed the issue of overcrowding in single family homes in Orleans. Health Agent Bob Canning explained an issue where a 4 bedroom house at 40 Oriole Lane has been advertised for rental on the internet as a 7-bedroom house with sleeping quarters for 18 people. Canning stated that abutters to the property have complained about overcrowding, parking of multiple cars on the road blocking access, sewage, as well as issues with the fact that it abuts an estuary. Board of Health members explained that the home is owned by an absentee owner and they have been unable to talk to the owner at a Board of Health meeting since they do not attend the meetings and are always represented by legal counsel. A discussion ensued regarding the difference between regulations and bylaws and the limitations on the Board of Health to enforce issues out of their purview. Members of both boards discussed articles on how other Cape towns have addressed the issue of rentals and

overcrowding. Board of Health members explained that the Board of Health uses the housing code to determine a minimum criteria for overcrowding and Title 5 only deals with the number of bedrooms in a home, not the number of people. Both boards agreed to further research possible ways to address the issue of overcrowding. Meservey and Canning will follow up and report back to their respective boards.

PUBLIC TREE BYLAW

Planning Board members reviewed a draft of the Chapter 127 Public Tree General Bylaw dated 12/18/2009 and discussed how to coordinate oversight of tree removal issues in town with the Tree Warden.

MOTION: On a motion by **Seth Wilkinson**, seconded by **John Ostman**, the Board voted to forward the proposed "Chapter 127 Public Tree General Bylaw", as amended, to the Board of Selectmen for their consideration to include it on the Town Meeting warrant.

VOTE: 5-0-0 The motion passed unanimously.

CORRESPONDENCE

Development of Regional Impact for Stop & Shop Fuel Facility

Meservey informed Planning Board members that the Cape Cod Commission has agreed to accept the Stop and Shop Fuel Facility as a limited Development of Regional Impact for traffic and environmental concerns.

Ocean Management Planning District of Critical Planning Concern

Planning Board members discussed a memorandum from Paul Niedzwiecki from the Cape Cod Commission dated December 18, 2009 entitled "Ocean Management Planning District of Critical Planning Concern".

APPROVAL OF MINUTES: December 15, 2009

MOTION: On a motion by **Kenneth McKusick**, seconded by **Seth Wilkinson**, the Board voted to approve the minutes of December 15, 2009.

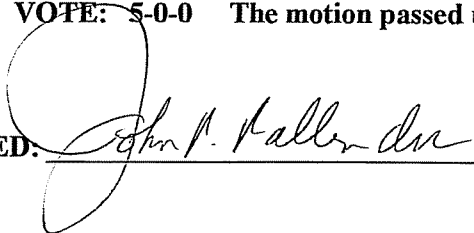
VOTE: 5-0-0 The motion passed unanimously.

ADJOURNMENT

MOTION: On a motion by **Seth Wilkinson**, seconded by **John Ostman**, the Board voted to adjourn at 8:35 p.m.

VOTE: 5-0-0 The motion passed unanimously.

SIGNED:



DATE:

