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For Official Use Only

## **PLANNING BOARD**

March 9, 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; **Clerk:** John Ostman; **Associates:** Gary Guzzeau. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Also Present:** **Board of Selectmen Liaison:** Jon Fuller. **Absent: Vice-Chairman:** Seth Wilkinson; Kenneth McKusick; Chet Crabtree.

### **7:00 P.M. - ZONING BYLAW AMENDMENT PUBLIC HEARING – BUILDING HEIGHT – WIND TURBINES**

Chairman Fallender opened the public hearing at 7:00 p.m. for the proposed zoning bylaw amendment regarding building height & wind turbines. John Ostman read the legal ad into the record. Meservey explained the purpose of this public hearing is to hear a proposed zoning bylaw regarding building height with regard to building mounted wind turbines. Meservey explained that an applicant applied to the Zoning Board of Appeals for a Special Permit for a wind turbine to be mounted on a building and it was granted. Meservey noted that the applicant would also need to apply for a variance from the definition of building height which has a limitation for building appurtenances which cannot be any higher than 5' above the ridge line. The proposed bylaw will insert an amendment referencing the wind energy section of the existing zoning bylaws.

#### **Public Comments**

**Mary Jane Curran (Chairperson of Renewable Energy Committee)** expressed concerns on behalf of the Renewable Energy Committee about problems and equipment failures that have been experienced with the existing technology for building mounted wind turbines.

**Andrew Miao (12 Defiance Lane & Architectural Design Inc.)** indicated that there have been problems with existing wind turbines, but anticipates that the technology will change. Miao showed pictures of various types of wind turbines to Planning Board members.

**Timothy Holmes (Sun Wind LLC)** explained that wind turbines need to be installed to reach greater heights in order to provide less turbulence, but must also meet the fall zone requirement. Holmes indicated that installed correctly wind turbines can offer from 20-30% of a homeowners total energy use.

**George Meservey** explained that the Building Commissioner has requested guidance from the Planning Board on the issue of building mounted non-commercial turbines.

**Jon Fuller (184 Main Street)** indicated his support for an allowance for a variance from the 5' building appurtenance limitation.

**MOTION TO CLOSE PUBLIC HEARING**

**MOTION:** On a motion by **John Ostman**, seconded by **Gary Guzzeau**, the Board voted to close the public hearing regarding a proposed zoning bylaw amendment for building height.

**VOTE: 3-0-0** The motion passed unanimously.

**MOTION TO FORWARD ZONING AMENDMENT**

**MOTION:** On a motion by **John Ostman**, seconded by **Gary Guzzeau**, the Board voted to forward the proposed zoning bylaw amendment for building height to the Board of Selectmen with a request to place it on the Annual Town Meeting warrant in May 2010.

**VOTE: 3-0-0** The motion passed unanimously.

**APPROVAL NOT REQUIRED – ORLEANS CONSERVATION TRUST – 6 & 10 GRASSY KNOLL WAY**

Chris Ramsey (Land Manager for the Orleans Conservation Trust) presented an Approval Not Required request to expunge a lot line on the properties at 6 & 10 Grassy Knoll Way. Ramsey stated that the goal of the Orleans Conservation Trust is to protect land in Orleans. Meservey stated this Approval Not Required application seeks to combine two lots. The property is presently owned by the Orleans Conservation Trust. Meservey stated that this application meets all of the Approval Not Required filing requirements and there is no reason to withhold endorsement of the plan. Ramsey requested that the \$200.00 filing fee be waived due to the non-profit status of the Orleans Conservation Trust in their capacity to preserve open space in Orleans.

**MOTION TO WAIVE FILING FEE**

**MOTION:** On a motion by **John Ostman**, seconded by **Gary Guzzeau**, the Planning Board voted to waive the \$200.00 Approval Not Required filing fee for the Orleans Conservation Trust for the property at 6 & 10 Grassy Knoll Way.

**VOTE: 3-0-0** The motion passed unanimously.

**MOTION TO ENDORSE**

**MOTION:** On a motion by **John Ostman**, seconded by **Gary Guzzeau**, the Board voted to authorize the Planning Board Chairman to endorse the Approval Not Required plan prepared for the Orleans Conservation Trust, dated February 20, 2010, scale 1" = 50', prepared by Slade Associates, Inc.

**VOTE: 3-0-0** The motion passed unanimously.

## **OLD BUSINESS**

### **Complete Release of Covenant for Sparrow Lane**

Meservey presented a request from Arey's Pond, LLC for a Complete Release of Covenant for the remaining lots in the 5-lot subdivision on Sparrow Lane located off South Orleans Road. Meservey noted that all requests by the Orleans Conservation Trust have been met regarding the subdivision, and a new Conservation Restriction has been approved and signed by the Board of Selectmen and the Orleans Conservation Trust trustees. Meservey stated that all conditions have been met for the Sparrow Lane subdivision and the remaining lots can be released.

**MOTION:** On a motion by **John Ostman**, seconded by **Gary Guzzeau**, the Planning Board voted to release the remaining lots 1, 2, 3, 4 & 5 for the Definitive Subdivision Plan for Pete C. Peterson dated March 15, 2004, revised May 19, 2004 and authorized the Planning Board Chairman to sign a Complete Release of Covenant.

**VOTE: 3-0-0** The motion passed unanimously.

## **EXECUTIVE SESSION: LITIGATION**

### **Motion to Open Executive Session**

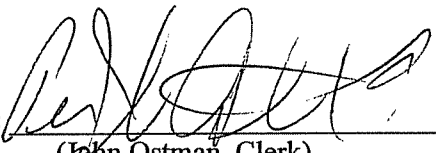
**On a Roll Call motion**, the following Planning Board members voted to commence with the Executive Session portion of the meeting to discuss pending litigation at 7:35 p.m.: John Fallender voted Aye, John Ostman voted Aye, and Gary Guzzeau voted Aye.

The Planning Board returned from Executive Sessions at 7:55 p.m.

## **ADJOURNMENT**

**MOTION:** On a motion by **John Ostman**, seconded by **Gary Guzzeau**, the Board voted to adjourn the Planning Board meeting at 7:55 p.m.

**VOTE: 3-0-0** The motion passed unanimously.

**SIGNED:**  **DATE:** 4/7/2010  
(John Ostman, Clerk)

