

K. Darling, Ass.
TOWN OF ORLEANS
TOWN CLERKS OFFICE

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PLANNING BOARD

March 23, 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; **Clerk:** John Ostman; Chet Crabtree. **Associate:** Gary Guzzeau. **Planning Department Staff:** George Meservey. **Also Present:** Board of Selectmen **Liaison:** Jon Fuller. **Absent:** Kenneth McKusick.

Chairman Fallender requested that Gary Guzzeau vote in the absence of Kenneth McKusick.

MOMENT OF SILENCE FOR ATTORNEY E. JOHN WHERRY, JR.

Fallender requested a moment of silence for Attorney E. John Wherry, Jr., a former Planning Board member who passed away on March 21, 2010.

7:00 P.M. – PUBLIC HEARING - DEFINITIVE SUBDIVISION FOR HARRY E. HUNT, III – 232 TONSET ROAD

Chairman Fallender opened the public hearing at 7:02 p.m. for the Definitive Subdivision for Harry E. Hunt, III for property located at 232 Tonset Road. John Ostman read the legal ad into the record. Wilkinson made a disclosure of a previous working relationship with Harry Hunt. John Demerest (Coastal Engineering) acting as representative for Harry E. Hunt, III on a Definitive Subdivision for property located at 232 Tonset Road. Demerest stated the intention of the Definitive Subdivision plan is to subdivide one parcel of land into two building lots. Demerest stated that both lots meet or exceed the requirements for the town's residential zoning district with regard to lot area and shape factor. Demerest stated that Lot 1 exceeds the 150' frontage requirement with 231' of frontage. Demerest noted the request for a waiver of the frontage requirements on Lot 2 as allowed by the zoning regulations §164-22.a.5 to create a panhandle lot. Demerest stated that if the Planning Board grants the waiver, then Lot 2 would meet the requirements for a panhandle lot and would be capable of containing a circle with a diameter of 150' which is the required residential zone frontage. Demerest stated that Lot 2 would be served by its own access driveway off Tonset Road.

Correspondence

The following departmental correspondence was read into the record:

- A Board of Health memorandum dated March 9, 2010 indicating multiple health concerns and stated they are not in favor of granting the subdivision request until all Health Department matters are addressed.
- A Orleans Fire Department memorandum dated February 22, 2010 indicating the need for an additional fire hydrant across from the entrance to the new lot.
- Conservation Commission comments indicating there is a freshwater wetland to the west. The 100' buffers from this wetland are not shown on the plan and have not been accepted by the Conservation Commission.

Planning Board members were informed that under the Subdivision Regulations the application for the Definitive Subdivision cannot be acted on until there is positive correspondence from the Board of Health or 45 days has elapsed.

John Demerest (Coastal Engineering) made the following responses to the departmental comments:

- Demerest said he has been communicating with the Health Agent and the property owner and cleanup on the property will commence.
- Demerest stated it is difficult to require a property owner to install a fire hydrant at the cost of approximately \$2,500 - \$3,000. Demerest suggested that this requirement could be handled at building permit time after the lot is sold, or as a deed restriction.
- Demerest stated that Coastal Engineering sent a wetland buffer specialist and they did not find any wetland that would warrant a 100' buffer zone anywhere on those lots.

Fallender stated that the wetland question must be settled by having the property owner work with the Conservation Commission, and if there is a wetland, it must be delineated on the map. Fallender stated that the property owner will have to settle the issue of an additional fire hydrant with the Fire Department. Fallender stated that the Planning Board cannot approval a subdivision until all the outstanding issues have been worked out with the various town departments. Meservey stated that the Planning Board could put the property under a Covenant so that the improvements are made if there is a property sale and the Covenant could be lifted. Wilkinson stated his agreement that the applicant work with the Fire Department on the installation of a fire hydrant.

Public Comments

Mary Stevens (11 Hidden Valley Road) stated that she has observed the wetland as well as endangered box turtles in the area which she has registered with the Natural Heritage and Endangered Species Program. Stevens stated that there are no markers delineating anything in this area. Stevens stated that markers should be placed to show the wetland and buffer areas as well as any proposed work to be done in the area. Stevens stated that no markers have been placed for the 40' right of way off of the two car garage intended to be used for the panhandle for the new lot.

David Guilderson (on behalf of John Bailey {238 Tonset Road}) expressed concerns with the tree and land clearing that will result from the construction of the panhandle access to the property, and requested a hedge buffer to the proposed driveway. Guilderson expressed concern that stormwater drainage from his higher property may cause a flow toward the lower property under discussion and will be blamed on him.

John Demerest responded to Guilderson by stating that the access driveway is 40' wide which is more than the 30' required by the Town of Orleans and this is a driveway, not a roadway.

George Meservey agreed that the access is 40' wide which is more than required by the Town of Orleans which if used for an 8' or 10' driveway would allow for a 10' buffer on each side. Meservey suggested vegetation such as a hedgerow for screening from abutters. Meservey reminded Planning Board members that a waiver is being granted for the driveway and a buffering requirement may be appropriate for this subdivision.

Seth Wilkinson responded to the wetland and box turtle issues that were raised earlier in the meeting. Wilkinson stated that the presence of a wetland is under discussion, and could be protected under the Wetlands Protection Act. Wilkinson stated that the Eastern Box Turtle is an upland species and if they have been documented in the area, and if the area has been mapped as habitat on the Massachusetts Endangered Species Act maps, there may be a requirement that The Natural Heritage Endangered Species Program review the proposal.

Walter Healey (11 Hidden Valley Road) stated his belief that there is a wetland in this area and expressed his concerns regarding erosion in this area and the need to preserve open space in town.

Sue Christy (Board of Health) stated that it is the opinion of the Board of Health that there is adequate room for a house and a septic system.

MOTION TO CONTINUE PUBLIC HEARING

MOTION: On a motion by **John Ostman**, seconded by **Seth Wilkinson**, the Board voted to continue the public hearing for the Definitive Subdivision for Harry E. Hunt, III for property located at 232 Tonset Road until the Planning Board meeting on April 27, 2010 to allow the applicant to address the comments detailed in the Board of Health memorandum, and to file with the Conservation Commission, including comments from the Fire Department and anticipated comments from the Highway Department.

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

HUBLER LANE

Meservey explained that Hubler Lane is a five-lot subdivision that was approved in 2002 with road improvements and a water main that are required. Meservey stated that the subdivision is currently under a Restrictive Covenant that states that no lot may be sold individually until all of the improvements have been completed. Meservey stated that he has been contacted by an attorney who has requested that the covenant be converted to a passbook savings account. Meservey explained the cost estimate for the installation of the water mains and the road in the amount of \$160,000.

MOTION: On a motion by **Seth Wilkinson**, seconded by **Gary Guzzau**, the Board voted to allow a passbook savings account, in the name of the Town of Orleans and the developer, in the amount of \$200,000 as surety for Hubler Lane, to be completed from two years of this date.

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

APPROVAL OF MINUTES: February 9, 2010

MOTION: On a motion by **Seth Wilkinson**, seconded by **John Ostman**, the Board voted to approve the minutes of February 9, 2010.

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

APPROVAL OF MINUTES: February 23, 2010

MOTION: On a motion by **Chet Crabtree**, seconded by **Gary Guzzeau**, the Board voted to approve the minutes of February 23, 2010.

VOTE: 4-0-1 The motion passed by a majority. (Seth Wilkinson abstained).

APPROVAL OF MINUTES: March 9, 2010

MOTION: On a motion by **John Ostman**, seconded by **John Fallender**, the Board voted to approve the minutes of March 9, 2010.

VOTE: 4-0-1 The motion passed by a majority. (Seth Wilkinson abstained).

PROTECTIVE TREE BYLAW

Meservy reported that the Board of Selectmen voted unanimously to put the Protective Tree Bylaw on the Town Meeting Warrant in May 2010 for consideration regarding the trimming and removal of public trees.

ZONING

Meservy reported that three potential zoning bylaw amendments have been approved by the Board of Selectmen for inclusion on the town meeting warrant for voter consideration in May 2010.

VILLAGE CENTER STUDY – PEG BARRINGER

Peg Barringer (Fine Point Associates) gave a PowerPoint presentation on the progress of the Village Center Study. Barringer explained that the town's commercial area was broken up into nine separate sub areas for study purposes. Barringer explained the positive and negative aspects of the layout and types of stores in Orleans from the outside aesthetics to the inside shopping experience. Barringer noted that several businesses in Orleans supplement their walk-in business with e-commerce sales on the internet. Barringer noted that Orleans holds various cultural events (such as Christmas in Orleans, the Orleans Farmer's Market and the Orleans Block Party,

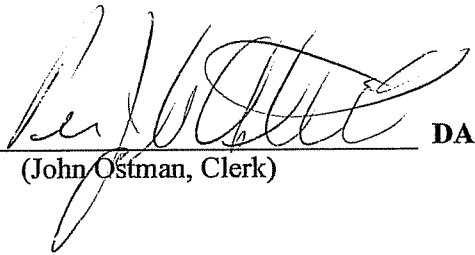
Pops in the Park , as well as craft fairs and baseball games) in Orleans year-round that draw people in to shop in various businesses in town. Barringer noted various public and private groups and agencies that help keep Orleans looking good including the Chamber of Commerce, the Orleans Improvement Association as well as various town boards and departments. Barringer pointed out some of the weakness of the Village Center district and noted that it is very spread out eliminating some foot traffic. Barringer noted that the Village Center is made up of separate shopping plazas, and does not give the impression of a unified walkable village center. Barringer noted the lack of commercial activity in the town center making it look quiet and not alive people walking around. Barringer noted that small windows and blinds tend to eliminate transparency and can make businesses look like they are closed, even when they are really open. Barringer noted concerns with traffic congestion, adequacy of parking and the need for better business signage. Barringer explained area demographics and how surrounding area residents and visitors use Orleans for their shopping needs. Using PowerPoint slides, Barringer used statistics to explain spending patterns for residents and visitors from Orleans and surrounding towns and how they affect businesses in Orleans. Planning Board members thanked Barringer for all her work in creating the presentation and discussed concerns such as a lack of walkability in town, formula businesses vs. local businesses, parking issues, and the lack of a downtown cultural destination spot. Barringer explained various surveys to be distributed throughout town to obtain information from residents, visitors and businesses. Planning Board members discussed various ways to attract residents and visitors to the downtown area.

ADJOURNMENT

MOTION: On a motion by **Seth Wilkinson**, seconded by **Chet Crabtree**, the Board voted to adjourn at **9:05 p.m.**

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

SIGNED:


(John Ostman, Clerk)

DATE:

4/27/2010

