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TOWN OF ORLEANS  
TOWN CLERKS OFFICE

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## **PLANNING BOARD**

**April 27, 2010 - Minutes**

An Executive Session meeting of the Orleans Planning Board was called to order at 6:30 p.m. in the Nauset Meeting Room at the Orleans Town Hall. **Present: Chairman:** John Fallender; **Vice-Chairman:** Seth Wilkinson; **Clerk:** John Ostman; Kenneth McKusick; Chet Crabtree. **Associates:** Gary Guzzeau. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Also Present: Board of Selectmen Liaison:** Jon Fuller. **Also Present:** Attorney Michael Ford (Town Counsel)

### **MOTION TO ENTER INTO EXECUTIVE SESSION:**

**MOTION:** On a roll call motion, the following Planning Board members voted to go into Executive Session to discuss pending litigation at 6:30 p.m.: **AYE:** John Fallender, Kenneth McKusick, John Ostman, Chet Crabtree and Gary Guzzeau. *Seth Wilkinson was absent for this portion of the meeting.*

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

*The Planning Board returned from Executive Session portion of the meeting at 7:00 p.m.*

### **APPROVAL OF MINUTES: March 23, 2010**

**MOTION:** On a motion by Seth Wilkinson, seconded by Gary Guzzeau, the Board voted to approve the minutes of March 23, 2010.

**VOTE: 4-0-1** The motion passed by a majority. (Kenneth McKusick abstained).

### **APPROVAL OF MINUTES: April 13, 2010**

**MOTION:** On a motion by Seth Wilkinson, seconded by Kenneth McKusick, the Board voted to approve the minutes of April 13, 2010.

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

**7:00 P.M. – PUBLIC HEARING (Continued) - Definitive Subdivision for Harry E. Hunt, III  
– 232 Tonset Road**

*Disclosure: Chet Crabtree made a disclosure that he works from a real estate company that represents abutting property and recused himself from the meeting. Chairman Fallender requested that Gary Guzneau vote in the absence of Chet Crabtree*

**Correspondence:**

John Ostman read the following pieces of correspondence on this issue into the record:

- Letter from Board of Health dated April 27, 2010.
- Letter from Walter J. Healey dated March 30, 2010.

**Discussion:**

Brad Maylo (Coastal Engineering) stated he is the representative of the property owner on this application. Maylo stated he has discussed the site concerns with the Health Agent and there have been numerous site visits as cleanup of the site continues. Maylo showed Planning Board members a revised site plan and photographs and explained the changes that have been made as a result of the previous Planning Board meeting on this application. Meservey addressed issues such as unregistered vehicles and stated that no more than one unregistered vehicles are allowed on a lot. Meservey suggested that a Restrictive Covenant could be used as a means to control how the land is maintained. Meservey noted that there are restrictions on panhandle lots which limit them to one single family home. Meservey stated that dwelling on Lot 1 is restricted to five bedrooms with the nitrogen regulations. Seth Wilkinson stated his support of the actions by the Health Department including more test holes in order to protect the proper use of the property.

**Public Comments**

Mary Stevens (11 Hidden Valley) expressed concerns with animals that have been uprooted by construction on the property in this application.

Dave Gillison (for John Bailey - 238 Tonset Road) expressed concerns with homeowner responsibility for drainage runoff from existing houses on higher ground that could impact any future dwelling built on the property due to its low topography.

Meservey responded to the question of runoff with a statement that the Town has an Erosion Sediment Control bylaw which usually applies to commercial properties that maintains that runoff must be kept on-site.

Brad Maylo stated that the homeowner would design the dwelling to avoid impacts from existing water runoff and land irregularities.

*Chairman Fallender closed the public comments section of the public hearing at 7:40 p.m.*

**MOTION TO CLOSE PUBLIC HEARING:**

**MOTION:** On a motion by **Seth Wilkinson**, seconded by **Gary Guzzeau**, the Board voted to close the public hearing for the Definitive Subdivision Plan for Harry E. Hunt, III for property at 232 Tonset Road.

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

**Findings of Fact:**

1. The granting of a frontage wavier for Lot 2 is found to be in the public interest.
2. Lot 2 is limited to one single-family dwelling under Zoning §164-22.A (5)

**MOTION TO APPROVE FRONTAGE WAIVER:**

**MOTION:** On a motion by **Seth Wilkinson**, seconded by **Kenneth McKusick**, the Board voted to grant a waiver from the street frontage requirements of the zoning bylaw to allow a panhandle lot.

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

**MOTION TO APPROVE:**

**MOTION:** On a motion by **Seth Wilkinson**, seconded by **Kenneth McKusick**, the Board voted to approve the Definitive Subdivision plan of Harry E. Hunt, III prepared by Coastal Engineering, dated September 23, 2010, revised April 23, 2010 and showing two lots, subject to the following conditions:

1. A fire hydrant must be provided in the vicinity of 229 Tonset Road, per Fire Department Memorandum
2. All conditions of the Board of Health approval must be met.
3. The panhandle for Lot 2 must maintain a 10-foot undisturbed vegetated buffer between the driveway and the adjacent parcel.
4. A Restrictive Covenant or other form of surety is required to ensure improvements are completed.
5. Both lots must be brought into compliance with the zoning bylaws to the satisfaction of the Building Commissioner.

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

**APPROVAL NOT REQUIRED – Eastward Homes Business Trust – 12 & 16 Lindsay Lane**

**Planning Board Member Recusals**

*The following Planning Board members recused themselves from review and voting on the Approval Not Required for Eastward Homes Business trust located at 12 & 16 Lindsay Lane: Kenneth McKusick, Chet Crabtree and Seth Wilkinson.*

**Discussion:**

Susan Ladue (Eastward Homes) explained that the Approval Not Required plan is to moved a shared lot line between Lots 1A and 2A. Ladue stated that there is adequate area, frontage and shape factor for each lot. Meservey stated that the Approval Not Required plan for Eastward Homes Business Trust for land located at 12 & 16 Lindsay Lane meets all of the filing requirements for an Approval Not Required plan and there is no reason to withhold Planning Board endorsement.

**MOTION:** On a motion by **John Ostman**, seconded by **Gary Guzzeau**, the Board voted to authorize the Chairman to endorse the Approval Not Required plan prepared for the Eastward Homes Business Trust, dated April 14, 2010, scale 1" = 50', prepared by Ryder & Wilcox, Inc.

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

**OLD BUSINESS**

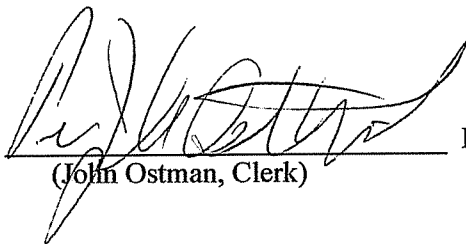
Meservey gave an update on the Village Center market study and business inventory and noted that due to complications the study is behind schedule and some of the work will be done in-house in order to maintain a high confidence level in the value of the data for the approximately 120 businesses in town.

**ADJOURNMENT**

**MOTION:** On a motion by **Kenneth McKusick**, seconded by **Seth Wilkinson**, the Planning Board voted to adjourn at **8:00 p.m.**

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

**SIGNED:**

  
(John Ostman, Clerk)

**DATE:**

7/7/2010