

*R. DeLong, Asst*  
TOWN OF ORLEANS  
TOWN CLERKS OFFICE

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## PLANNING BOARD

August 24, 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:** Kenneth McKusick; **Vice-Chairman:** Chet Crabtree; **Clerk:** John Ostman; and John Fallender. **Associates:** Chip Bechtold and Paul McNulty. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Also Present:** Board of **Selectmen Liaison:** Jon Fuller. **Absent:** Steve Bornemeier

*Chairman requested that Associate Chip Bechtold vote in the absence of Steve Bornemeier.*

### VILLAGE CENTER ECONOMIC STUDY

Meservey noted that the Orleans Comprehensive Plan which was approved at town meeting by voters of the town has an action item to develop a Village Center Master Plan which has been undertaken by various Planning Boards. Meservey stated that two significant actions items include a Village Center Market Study and a Streetscape Design Plan. Meservey noted that the Village Center Market Study was approved for funding at town meeting. Meservey stated that Finepoint Associates from Cambridge has been the consultant on the Village Center Market Study which is nearing completion. Meservey explained that there were several tasks which were put out to bid, including a business survey, a business district profile. Meservey stated that the business inventory was compiled in-house, including square footage and business type and categories of businesses in the Village Center. Meservey stated that the consultant has performed an analysis of the commercial mix in the Village Center, business linkages and cluster analysis, primary and secondary market analysis, and an analysis of leakage of services and goods that can't be obtained in Orleans and cause people to travel to other towns.

Meservey explained the visitor and resident survey results. Meservey noted that there were approximately 100 responses to the visitor surveys compiled at approximately a dozen businesses in town. Meservey described the second survey was a random sample of 1,400 residents and taxpayers which resulted in approximately 400 responses which demonstrates the interest residents have in the future of Orleans. Meservey stated that there will be an analysis of the results which meshes the opinion polls with the market analysis and recommendations for future actions. Meservey noted that approximately 75% of the contract obligations and Scope of Services with Finepoint Associates have been met.

Crabtree noted that there were two surveys distributed including one for visitors as well as one for full and seasonal residents. Crabtree reported that 65% of the respondents have their primary residence in Orleans with 35% living elsewhere.

## **VILLAGE CENTER ZONING BYLAWS**

Planning Board members discussed the following zoning bylaws relating to the Village Center:

### **Zoning Bylaw § 164-19.1**

*Within the Village Center District, the following use and dimensional limitations shall apply, regardless of the provisions of § 164-13, Schedule of Use Regulations:*

- A. **Auto/pedestrian conflict.** No use shall have a drive-in, drive-through, fuel pumps, or other facility servicing autos.*
- B. **Fast food restaurants:** Fast food restaurants are prohibited in the Village Center District.*
- C. **Building transparency.** For nonresidential buildings, at least one-third (1/3) of the area of the first-floor facade facing the street shall permit visibility of the building interior or window displays, unless exempted on Special Permit from the Board of Appeals, upon the Board's determination that an alternative means of maintaining pedestrian visual interest will be provided.*
- D. **Sidewalks and planting areas.** Sidewalks and planting areas shall be provided on all street frontages upon construction of a new principal building or additions or alterations resulting in an increase of fifty percent (50%) or more in required off-street parking, except as exempted on Special Permit by the Board of Appeals, upon the Board's determination that topography or other specific site conditions would preclude sidewalk usefulness. Such sidewalks shall be constructed of granolithic concrete, bituminous concrete, brick or other material providing all-weather pedestrian service, found to be comparable by the Site Plan Evaluation Board, if having jurisdiction, or by the Building Inspector in other cases. The sidewalk shall be located so as to connect with any adjacent sidewalks, preserve existing trees and provide as close to four (4) feet as feasible of planting space between it and the traveled way. The planting space shall be provided with topsoil and plantings.*
- E. **Third Floor Housing.** The purpose of this subsection is to allow increased building height in the Village Center District for the development of accessory dwelling units within commercial buildings. Up to four (4) dwelling units shall be allowed on lots when a portion of the units are located on the third floor of a commercial building. The following shall apply:*
  - 1. The vertical distance from the average undisturbed natural grade at the foundation on the street side of the building to the mean height between the bottom of the eave and the highest point of each ridge on a pitched roof shall not exceed 30 feet. In no instance shall the height to the top of the ridge exceed 42 feet.*
  - 2. Roof pitch. In accordance with this subsection, the roof must have a pitch greater than or equal to 8/12 (rise of eight for every twelve inch run). Flat roofs are prohibited under this section. No utility equipment may be placed on the roof other than that for solar collection.*
  - 3. Finished space on the third floor of the structure shall be used for residential purposes and in no case shall it be used for commercial purposes other than storage of goods.*
  - 4. Gabled and eyebrow dormers are permitted but the face of the dormer shall be set back at least 2 feet from the eave.*
  - 5. A site plan shall be submitted and reviewed as provided in § 164-33.*
  - 6. Architectural Review Committee approval is required, as provided in § 164-33.1*

Meservey reminded Planning Board members that they are responsible for making recommendations to town meeting regarding matters of physical, economic and environmental growth and development of the town. Meservey stated that the Planning Board is responsible for the development and maintenance of the Orleans Comprehensive Plan and status presentation to town meeting. Meservey noted that the Planning Board has oversight of work and completion of 180 current action items in the plan. Meservey stated that the Orleans Comprehensive Plan was last updated in 2006 and will require re-writing over the next few months for presentation in 2011. Meservey reminded Planning Board members of other responsibilities such as oversight of cutting or removal of trees within the public layout of a scenic road. Meservey pointed out that the Planning Board must hold a public hearing on any proposed zoning bylaw amendment in consultation with the Zoning Bylaw Task Force with a resulting report to the Board of Selectmen (this includes amendments proposed by the Planning Board as well as petitions from residents). Meservey stated that the Planning Board is the special permit granting authority for so-called cluster subdivisions, where a significant portion of land is set aside for open space and the lot sizes are smaller. Meservey noted that the Planning Board has the responsibility of naming and changing the names of private roads (public roads are within the authority of the Board of Selectmen). Meservey stated that the Planning Board must be consulted in matters of waivers from sign setback requirements granted by the Building Commissioner. Meservey noted that the Planning Board acts in an advisory capacity to the Building Commissioner in his role as the Zoning Enforcement Officer in interpreting the Zoning Bylaws.

### **Subdivisions**

Meservey explained the two types of land divisions as follows:

- **Approval Not Required** - Generally used for a tract of land that already has frontage on an existing street or a street that the Planning Board has previously approved, or a street that existed back into antiquity that has always been used. If you can provide sufficient frontage on that street, you can divide it up into as many lots as you want on that street. The Planning Board is not the zoning enforcement on this issue, and the plans are stamped with a stamp to the effect that Planning Board endorsement of an Approval Not Required plan does not infer zoning compliance. Approval Not Required plans are usually used for issues such as moving a lot line (i.e. swapping land) in order for neighbors to put additions onto their houses without violating setbacks.
- **Preliminary and Definitive Plans** - This is a public hearing process for the creation of street frontage for the creation of lots off the new street.

Meservey explained the sections on zoning bylaw amendments and the public hearing process.

### **NEW BUSINESS**

#### **Planning Board Meeting Cancellation**

Planning Board members were reminded that the Planning Board meeting on September 14, 2010 has been cancelled due to a conflict with State Primary Elections. The next meeting of the Planning Board is set for September 21, 2010.

**LIST OF HANDOUTS FOR AUGUST 24, 2010 PLANNING BOARD MEETING:**

**Village Center Economic Study – Review Of Survey Results**

1. *Visitor and Resident Surveys, Finepoint Associates*
2. *Zoning Bylaw §164-19.1*
3. *Zoning Bylaw §164-22.I*
4. *Village Center Economic Assessment – Revised Schedule*

**Planning Board Handbook**

1. *Handbook of Responsibilities and Procedures.*

**Planning Board Minutes**

1. *Planning Board Minutes from August 10, 2010*