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PLANNING BOARD

September 28, 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. **Regular Members:** Steve Bornemeier and John Fallender. **Associate Members:** Chip Bechtold and Paul McNulty. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Also Present:** Board of Selectmen Liaison: Jon Fuller.

Approval Not Required - Thomas W. Joy and C. Page McMahan - 9 Morgan's Way

Meservey described the Approval Not Required plan presented by Thomas W. Joy and C. Page McMahan which makes a minor amendment to two existing approved lots on Morgan's Way. Meservey explained that one of the lots is a conforming lot and one is an approved panhandle lot. Meservey indicated that there is a lot line that will be moved which does not materially affect the lot in any way. Meservey stated that the Approval Not Required plan meets all of the submittal requirements of the town, does not create any new building lots; therefore there is no reason to withhold endorsement of the plan.

Thomas W. Joy explained that the Approval Not Required plan widens the approved entrance to the panhandle lot from 30' to 40' and aligned the property line differently within the lot. Joy stated that a lot line on a triangular piece of land will be expunged to enlarge Lot 5.

MOTION: On a motion by **John Ostman**, seconded by **John Fallender**, the Board voted to authorize the Planning Board Chairman to endorse the Approval Not Required plan prepared for Thomas W. Joy and C. Page McMahan, dated September 8, 2010, scale 1" = 30', prepared by Coastal Engineering Company, Inc.

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

Village Center Market Study

Planning Board members discussed the Village Center Market Study public presentation by Peg Barringer of Finepoint Associates on September 21, 2010. Planning Board members noted the need to make recommendations at a presentation of the study to the Board of Selectmen this fall. McKusick asked members to convey their impression of the presentation as noted below:

Bechtold stated he was impressed by the presentation which he felt hit the highlights of the survey responses. He felt that there were positive recommendations made by Barringer and there was overwhelming support from business owners in the audience at that meeting. There seem to be plans that can be implemented over the next few years, although he noted the stalled wastewater plan seems to impede some anticipated progress. It was noted that members of the business community as well as Planning Board member volunteered to participate in ongoing work.

Fallender expressed satisfaction with Barringer's presentation and recommendations. It was noted that the business owners in the audience responded very positively to the ideas, and expressed an interest in participating in the ongoing process.

Crabtree noted that business owners in the audience seemed favorably stimulated and added a lot to the conversation with a level of enthusiasm and a self-help spirit. It was noted that it is important not to let the momentum die by moving the process forward as quickly as possible.

Ostman expressed his opinion on the excellent quality of the presentation and stated that the meeting was transformative. It was noted that audience members participated favorably in the conversation and show enthusiasm and a passion to move forward with the process. It is important for the marketing and economic document to be turned into an action plan.

Selectman Fuller stated he was very impressed with the consultant's ability to take a lot of information and boil it down to a relatively easy to understand presentation. It was noted that there was energy in the audience to move forward and he is looking forward to the Planning Board recommendations to the Board of Selectmen, noting that some will be affected by future wastewater decisions in the downtown area.

McKusick stated that it was interesting to note that there are 189 businesses in the Village Center distinct. It was also noteworthy that Snow Library has year-round functions that draw approximately 400 people during the winter months and from 700-800 in the summer months. It was noted that there is a lack of a clearly defined "gateway" to the downtown area. It was clear from the surveys that walking and parking issues need to be addressed. There was a definite enthusiasm from the business owners in the audience and people indicated they are willing to invest time and energy in the Village Center to make it a more attractive place to visit. It was noted that Barringer spent time conversing with business owners, as well as residents and visitors in town during this study and has touched on a number of issues. The Planning Board and Village Center subcommittee will hold multiple meetings in order hold a public presentation to the Board of Selectmen in December and make Planning Board recommendations.

Meservey urged that the entire presentation be given in front of the Board of Selectmen and the Planning Board will use the interim time to assimilate information into concrete short and term actions. It was noted that it is important to make a determination of who would be responsible for implementing growth in the Village Center and decision making for design guidelines which could result in consistency in the downtown.

McKusick noted that the Planning Board will work with any recommendations from the Village Center subcommittee as the process moves forward.

Fallender expressed the need for determining what kind of committee or entity would be able to do the needed fundraising and hold events in town. It could be advisable to have business owners and representatives from the Chamber of Commerce and members of the Planning Board involved in the process. Landscaping and architecture ideas and guidelines could be incorporated from other

towns and areas in town who have initiated ideas such as Aline Architecture. Ideas such as crushed shells walkways and painting buildings could make a difference in the look of the downtown.

Ostman noted there will be ongoing meetings with the Village Center Subcommittee and business owners will be able to have input into the economic analysis of the Village Center and determine how to proceed. Fundraising will be a key issue in the process and it must be determined how it will be handled.

Crabtree noted the necessity of capturing the business owners' enthusiasm, and the need to resolve threshold issues before the presentation to the Board of Selectmen.

McKusick stated that the initial work is good, but issues need to be resolved. An important question is what the role of the Chamber of Commerce would be in this process. There are issues (such as zoning) that can be addressed by the Planning Board and other issues (such as internet access) can be addressed by business owners. The formula business bylaw can be reconsidered by the Planning Board.

Bechtold noted the need to determine the needs of summer vs. year-round residents and visitors. It might be possible to use high school students for developing technology solutions.

McNulty stated that there are options that do not come with a high cost. Architecture and landscaping would be beneficial to maintaining the attractiveness of the downtown.

Bornemeier noted that it might be possible to gain knowledge from what other towns have done to address similar Village Center issues.

Meservey stated that there is some uniqueness and some commonality between various towns and it is advantageous when businesses work together to come up with solutions.

Meservey gave out an informational handout on Business Improvement Districts (BID) under M.G.L. Chapter 40O for Planning Board members to review.

Request for an Advisory Opinion

Planning Board members discussed a Memorandum from the Building Commissioner requesting an advisory opinion from the Planning Board under the Zoning Bylaw §164-41A on the clarification in the Schedule of Use Regulations Table on whether the term "filling station or garage" is referring to one use or two separate uses. The Building Commissioner states the following in his letter:

In my opinion a filling station is a place where gas is dispensed into vehicles and a garage is a place where vehicles are repaired.

Although filling stations and garages are sometimes found together, filling stations are just as often found operating by themselves or in conjunction with a food or convenience store such as Christy's, Cumberland Farms, Mobile on the Run, and the Getty Station to name a few.

If we look up "garages" in the yellow pages it refers us to "automobile repairing" which in turn sends us to "automobile body repairing & painting", "mufflers & exhaust systems-engine", "parking facilities", "radiators automotive", "transmission-automobile". If we look under these sub headings in the yellow pages very few of them list a major oil company or otherwise advertise that they are also a filling station.

I further note that §164-11D of the Orleans Zoning Bylaw under Prohibited uses, treats filling stations as a separate use where it prohibits filling stations, but does not specifically prohibit garages".

Ostman stated his opinion that the term “filling station or garage” refers to the way businesses were originally run where there were two functions in the same place, (1) a garage for repairs and (2) pumping gas. Now that there is more specialization, it is more likely that a gas station is connected with a convenience store than a garage. It was noted that “garage” and “filling station” are more likely to be separate functions.

CONSENSUS: There was a unanimous consensus of the Planning Board that “garage” and “filling station” could be considered as two separate uses.

Solar Trash Compactors

Planning Board members discussed recently purchased solar trash compactors in town and agreed that they are attractive and purchasing two more compactors would be consistent with Village Center planning concepts.

OLD BUSINESS

Zoning Amendments

Meservey reminded Planning Board members that the Zoning Bylaw Task Force will be reviewing proposed zoning amendments to be forwarded to the Planning Board for review and public hearing.

CORRESPONDENCE

Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) Report

Meservey referred Planning Board members to a letter from Michael J. Goetz from FEMA through the U.S. Department of Homeland Security dated August 30, 2010 in reference to the floodmap revision process. Meservey noted that FEMA feels that outstanding issues have been resolved. Meservey explained that the Town must adopt the flood maps by July 1, 2011 in order to avoid flood map insurance issues for residents.

Citizen Planner Training Collaborative Courses

Planning Board members were advised of the schedule of Citizen Planner Training Collaborative Fall 2010 Workshops.

APPROVAL OF MINUTES: August 24, 2010

MOTION: On a motion by **John Fallender**, seconded by **John Ostman**, the Board voted to approve the minutes of August 24, 2010.

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

APPROVAL OF MINUTES: September 21, 2010

MOTION: On a motion by **Chet Crabtree**, seconded by **John Ostman**, the Board voted to approve the minutes of September 21, 2010, as amended

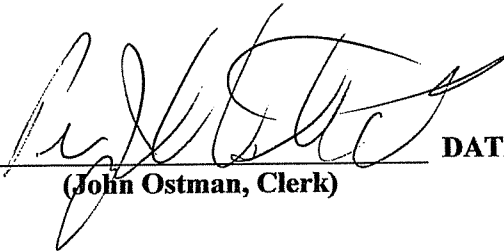
VOTE: 4-0-1 The motion passed by a majority. (Steve Bornemeier abstained).

ADJOURNMENT

MOTION: On a motion by **John Fallender**, seconded by **John Ostman**, the Board voted to adjourn at **8:10 p.m.**

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

SIGNED:



(John Ostman, Clerk)

DATE:

10/26/2010

LIST OF HANDOUTS FOR SEPTEMBER 28, 2010 PLANNING BOARD MEETING:

1. *Approval Not Required application for Thomas W. Joy and C. Page McMahan, 9 Morgan's Way*
2. *Orleans Village Center Master Plan – Action Plan (9-24-10)*
3. *Business Improvements Districts – M.G.L. Chapter 40O*
4. *Building Commissioner Memorandum for Advisory Opinion, dated September 14, 2010*
5. *Letter from Assistant Planner to Orleans Improvement Association regarding Solar Trash Can/Compactors, dated September 20, 2010.*
6. *FEMA letter Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) Report for Barnstable County, Massachusetts (All Jurisdictions)*
7. *Citizen Planner Training Collaborative – List of Fall 2010 Workshops*
8. *Planning Board Minutes for August 24, 2010*
9. *Planning Board Minutes for September 21, 2010*