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PLANNING BOARD

October 26, 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; John Fallender; and Steve Bornemeier. **Associates:** Chip Bechtold and Paul McNulty. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Also Present:** **Board of Selectmen Liaison:** Jon Fuller.

POTENTIAL ZONING AMENDMENTS

Rural Business, Retail Space Limitation - Jeff Karlson

Meservey gave an explanation of the allowed size of retail in the Rural Business Districts located in East Orleans and South Orleans. Meservey noted that there was a change from six units to three units per acre in the Rural Business District which was approved by town meeting. Meservey indicated the need to review the commercial viability of the Rural Business District with the current regulations and restrictions such as 1,500 square feet of retail space.

Jeff Karlson (East Orleans) described the need for sustainability and viability for businesses in the Rural Business Districts in East Orleans and South Orleans. Karlson noted there have been many changes in the Village Center District and noted the need to review the East Orleans and South Orleans business areas. Karlson stated that with more density, there can be more cooperative rents and leases which could increase the sustainability and accessibility of the Rural Business District areas. Karlson noted the walkability in the smaller Rural Business Districts which is not found in the Village Center since is spread out.

Planning Board members discussed ideas for increasing the business options such as increasing the retail size from 1,500 square feet. Karlson stated his opinion that it could fall under Limited Business regulations. Karlson noted that traffic issues could be dealt with, with the cooperation of area residents. Karlson expressed the need for compromise with traffic issues and dealing with other issues such as septic, setback and parking restrictions which inhibit property development and expansion. Planning Board members expressed an interest in reviewing an inventory of current business space in the Rural Business Districts. Meservey noted the bylaw intent of having multiple smaller businesses rather than one larger business to help maintain the character of the community.

Ostman expressed the need for a plan similar to the Village Center Plan for the Rural Business Districts in East Orleans and South Orleans to assist with growth and development. Bornemeier

noted the need in the context of Village Center planning to reach out to nodes in East Orleans and South Orleans which could include bikeways to create a more vibrant community.

Planning Board members agreed to research this issue for future action.

Use Variances – Attorney Benjamin Zehnder

Meservey explained that dimensional variances can be obtained from the Zoning Board of Appeals through the Special Permit process, but use variances are much harder to obtain due to the difficult need to prove a hardship such as soil conditions, shape or topography. Using excerpts from the Orleans Zoning Bylaw §164.38, §164.43 and §164.44, Attorney Benjamin Zehnder explained the recurrent difficulties in making the case to obtain use variances from the Zoning Board of Appeals. Zehnder stated that the Town of Truro has a zoning bylaw that allows use variances to be granted under a Special Permit from the Zoning Board of Appeals in cases of pre-existing, non-conforming uses. Planning Board members discussed options to deal with this issue in the future. Planning Board members agreed to check with the Zoning Board of Appeals for input into ideas of how to deal with this issue.

Paul McNulty left the meeting.

ORLEANS COMPREHENSIVE PLAN – FY '12

Recommended Priorities

Planning Board members discussed recommendations to the Board of Selectmen for FY '12 Orleans Comprehensive Plan priorities.

Wastewater Management

CF-27 - Develop a wastewater management plan for the entire town - 90% completed.

CF-28 - Implement recommendations of the wastewater management plan. Financing package issue is important.

Transportation

T-10 – Traffic circulation problems identified in the analysis section need to be analyzed and solutions determined.

Facilities planning

CF-11 – Construct office, storage and maintenance facility (ies) for Highway Departments, Parks & Beaches, and Water Department.

Village Center

T-2 – Incorporate adequate maintenance of roadways, sidewalks and bicycle paths into the Highway Department budget.

ED-6 – Develop a cohesive Village Center plan to address such issues as traffic, parking, signs, streetscape, pedestrian linkages, and building facades.

Open Space

OS-22 – Determine optimal routes and construct bike and walking pathways to connect the Village Center with the EO, SO, Rock Harbor and Skaket areas.

OS-2 – Using Land Bank and budget appropriated funding, plus private funding, preserve 400 or more acres of high priority parcels for ground and surface water protection, conservation, recreation and other environmental.

Affordable Housing

AH-1 – Develop 35 new units of affordable housing for families over the next twenty years, and support this activity by scheduling it in the Capital Improvement Plan.

Planning Board members agreed on the following:

- The advantage of creating and maintaining a Facilities Master Plan.
- The Village Center issue is a high priority for the Town.
- Land Bank issues are still in discussion amongst the Community Preservation Committee members.
- The highest priority remains wastewater management.

CORRESPONDENCE

Subdivision Fees

Meservey informed Planning Board members of an upcoming public hearing on November 9th regarding the following proposed Planning Board subdivision fees:

Approval Not Required Plan:	\$300.00
Additional Lot Fee:	\$100.00
Preliminary Plan:	\$300.00
Additional Lot Fee:	\$100.00
Definitive Plan:	\$600.00
Additional Lot Fee:	\$150.00
Definitive Modification:	\$150.00
Release of Covenant:	\$150.00
Additional Lot Fee:	\$ 50.00

Zoning Board of Appeals on Zoning Issues

Planning Board members discussed an e-mail response from Robert Osterberg (Chairman of the Zoning Board of Appeals) regarding questions on possible zoning bylaw amendments with the following comments:

"Non-Commercial Wind Facilities – The Board's only difficulty with the Bylaw was corrected by the recent amendment to the definition of "Building Height", which now excludes such facilities. The members are divided on the need for enacting a change to the authority of the Board to "waive any of the requirements of Section D" in issuing a Special Permit by enacting limits on the discretion to waive. All agreed, however, that there is no pressing need for any change because there has been only one recent application brought to the Board."

"Customary Home Occupations – All agreed that there is a problem, but it is in the enforcement. All believe that a considerable number of home occupations are being conducted throughout the town without the authority of a Special Permit. The current definition has not created any problems for the Board, but it is construed to authorize virtually all home occupations. The Board has seen a half dozen applications in the past several years and all have been granted. With respect to Section 164-35, providing for certain signage, the Board almost uniformly imposes greater restrictions in a Special Permit, or precludes the use of any sign at all. The Board believes the right to condition or deny a Special Permit trumps the "shall be permitted" in that Section."

VILLAGE CENTER PLANNING

Village Center Subcommittee Report

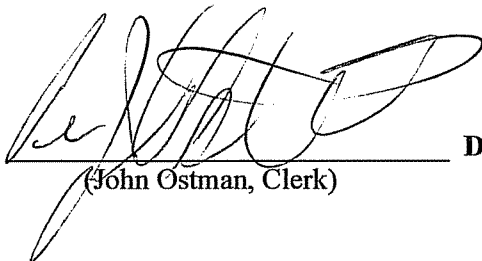
Crabtree gave an informative report from the Village Center subcommittee which summarized recent activities in coordinating with members of the business community as well as the Chamber of Commerce members and staff to gain input into the Village Center planning process. Crabtree noted the need for Planning Board members to be involved in the six subcommittees being formed through the Chamber of Commerce. Planning Board members discussed upcoming meetings on November 9th and December 15th for presentations to the Board of Selectmen, business owners and residents.

ADJOURNMENT

MOTION: On a motion by **John Fallender**, seconded by **Chet Crabtree**, the Board voted to adjourn at **8:50 p.m.**

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

SIGNED:



(John Ostman, Clerk)

DATE:

11/9/2010

LIST OF HANDOUTS FOR OCTOBER 26, 2010 PLANNING BOARD MEETING:

1. *Orleans Code – Use Table – 164 Attachment 1:2.*
2. *Note from Attorney Benjamin Zehnder regarding Use Variances.*
3. *Orleans Comprehensive Plan – 2010 Status Report.*
4. *Memorandum to Board of Selectmen regarding Recommendations for Comprehensive Plan Implementation in FY12.*
5. *E-mail from Robert Osterberg, Chairman of the Zoning Board of Appeals, dated October 25, 2010.*