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For Official Use Only

PLANNING BOARD

November 9, 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.

7:00 P.M. – PUBLIC HEARING – PROPOSED SUBDIVISION FEES

Ostman read the legal ad into the record for proposed subdivision fees. There were no public comments since no one was in attendance at the public hearing and no correspondence was received in the Planning Department on this matter. McKusick explained that the proposed Planning Board fee schedule is based on an analysis of the costs of providing regulatory services with a policy that the Planning Board approved at the Planning Board meeting dated October 26, 2010 that 50% of the costs would be paid by the applicants and 50% of the cost will be provided by the town.

The proposed fees are as follows:

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

Selectman Fuller stated his opinion that raising the Planning Board fees is appropriate, even though some of them are 50% increases. Fuller suggested that the Planning Board review the Subdivision fees every year to avoid large fee increases at any one time. Fuller noted that Planning Board fees have not been raised for a long time and it is appropriate to change the current fees to come in line with what is appropriate, based on the actual costs for regulatory applications. McKusick noted that two of the fees were decreased after the Planning Board analysis of the current fee schedule.

MOTION TO CLOSE PUBLIC HEARING:

MOTION: On a motion by **John Ostman**, seconded by **John Fallender**, the Board voted to close the public hearing for the proposed subdivision fees.

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

MOTION TO ADOPT PLANNING BOARD FEE SCHEDULE

MOTION: On a motion by **John Ostman**, seconded by **Steve Bornemeier**, the Board voted to adopt the proposed Schedule of Planning Board Subdivision fees as follows:

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

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

ZONING CONSULTATION REGARDING EDUCATIONAL USES

Planning Board members reviewed the Schedule of Use Regulations (164 Attachment 1) from the Orleans Zoning Bylaws in response to a memorandum from the Building Commissioner requesting an advisory opinion regarding educational uses. Meservey stated that there has been a request to locate a Pilates studio in the East Orleans Rural Business District under the category of educational uses. Meservey noted there is confusion regarding the category this use would fit into since there is no current category in the Schedule of Use Regulations for personal gyms or exercise studios. Planning Board members discussed how this use could be categorized in the current use table since the private club, amusement or educational categories do not seem entirely appropriate for this use. Planning Board members agreed that the use table needs to be

updated to contain current uses not currently listed such as health and fitness clubs. Crabtree noted that the educational component of this use is not primary, but rather it is incidental to this type of business. Planning Board members discussed the retail category in reference to purchasing goods and services. Meservey noted that a retail use could be permitted with a Special Permit from the Zoning Board of Appeals. Planning Board members agreed that the use table need to be reviewed and updated more frequently as unusual uses are requested.

CONSENSUS: There was a consensus of Planning Board members to inform the Building Commissioner that the use does not appear to be educational, and that it could be considered retail. The Board further decided to forward this issue to the Zoning Bylaw Task Force for further review.

VILLAGE CENTER PLANNING - UPDATE

Crabtree gave a report on progress on meetings regarding Village Center issues with the Chamber of Commerce and participation by local business owners. Crabtree noted there are six subcommittees working on the following areas: Aesthetics, Infrastructure, Business Development, Marketing, Long Range Vision, and Public Safety. Crabtree stated that there will be a Planning Board liaison to meet with each subcommittee. Planning Board members noted that business owners stated their appreciation at being asked to provide input and participate in this process. Ostman stated his opinion that limiting the scope for now is a good way to proceed. Fallender stated he was informed that assistance can be obtained from the Cape Cod Commission on areas such as marketing and other services. Crabtree stated that business owners showed interest in the streetscape designs and ideas previously presented to the Planning Board. Planning Board members discussed how the Chamber of Commerce and Planning Board and Village Center Subcommittee would work together with the six subcommittees in moving forward with discussions and ideas.

Selectman Fuller cautioned the Planning Board that (1) No decisions can be made regarding municipal financing; (2) Policy recommendations must be made to the Board of Selectmen; and (3) Planning Department staff must gain Town Administrator approval to attend additional meetings or work on tasks outside normal job responsibilities. Planning Board members agreed that the six subcommittee each need a simple charge in order to set boundaries.

Planning Board members noted that Peg Barringer will make a presentation to the Board of Selectmen on December 15, 2010.

NEW BUSINESS

Cancel November 23, 2010 and December 28, 2010 Planning Board Meetings

MOTION: On a motion by Chet Crabtree, seconded by Steve Bornemeier, the Board voted to cancel the November 23, 2010 and December 28, 2010 Planning Board meetings.

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

Planning Board Meeting Schedule

Planning Board members discussed the meeting schedule and decided to review the issue at a future meeting to determine how frequently the Planning Board needs to meet.

Farm Stands

Planning Board members were informed of a request to discuss the issue of farm stands in Residential Districts and agreed to put the issue on an upcoming Planning Board agenda.

CORRESPONDENCE

Planning Board members were given the following correspondence for their information:

- Informational sheet from Finance Director, David Withrow.
- Memorandum to Zoning Board of Appeals, dated November 2, 2010, requesting comments on use variances.
- Memorandum to Board of Selectmen, dated November 2, 2010 regarding Recommendations for Comprehensive Plan Implementation in FY '12.
- Memorandum to Town Administrator, dated November 4, 2010, regarding Annual Report of Comprehensive Plan Progress.

APPROVAL OF MINUTES: October 12, 2010

MOTION: On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to approve the minutes of October 12, 2010, as amended.

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

APPROVAL OF MINUTES: October 26, 2010

MOTION: On a motion by **Chet Crabtree**, seconded by **John Fallender**, the Board voted to approve the minutes of October 26, 2010.

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

ADJOURNMENT

MOTION: On a motion by **John Ostman**, seconded by **John Fallender**, the Board voted to adjourn the Planning Board meeting at 8:22 p.m.

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

SIGNED: _____

(John Ostman, Clerk)

DATE: _____

1/11/2011

LIST OF HANDOUTS FOR NOVEMBER 9, 2010 PLANNING BOARD MEETING:

1. *Public Hearing Legal Ad for Proposed Subdivision Fees.*
2. *Comparison of Current and Proposed Subdivision Fees.*
3. *Memorandum from Building Commissioner, dated November 2, 2010, requesting and Advisory Opinion regarding Educational Uses.*
4. *Orleans Village Center Planning information sheet*
5. *Informational Sheet from David Withrow with Financial Town Information*
6. *Memorandum to Zoning Board of Appeals, dated November 2, 2010, requesting Input on Zoning Bylaws Use Variance Process.*
7. *Memorandum to Board of Selectmen, dated November 2, 2010, with Planning Board Recommendations for Comprehensive Plan Implementation in FY '12.*
8. *Memorandum to Town Administrator, dated November 4, 2010 regarding Annual Report of Comprehensive Plan Progress.*
9. *Planning Board Minutes for October 12, 2010.*
10. *Planning Board Minutes for October 26, 2010.*

