

K. Delany  
TOWN OF ORLEANS  
TOWN CLERKS OFFICE

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## **PLANNING BOARD**

**December 14, 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. **Also Present: Board of Selectmen Liaison:** Jon Fuller.

### **APPROVAL NOT REQUIRED - JOSEPH TENNEY - 1 PRISCILLA ROAD**

George Meservey explained that this Approval Not Required for Joseph Tenney for property located at 1 Priscilla Road appears to be a lot merger of two undersized parcels, one of which has an existing house built in 1918 (according to Assessor's records). Meservey stated that this application meets the filing requirements for an Approval Not Required plan. Meservey stated that endorsement of this Approval Not Required would not create any new building rights on this property. Brad Maylo (Coastal Engineering) represented the applicant and stated he did not have anything to add to Meservey's summary. Planning Board members agreed that no more building would be allowed on this property. Brad Maylo stated that the motive for this Approval Not Required is for tax purposes.

**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 Joseph Tenney, dated November 15, 2010, scale 1" = 20', prepared by Coastal Engineering.

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

### **APPROVAL NOT REQUIRED - WILLIAM C. GARDINER - 35 & 47 PAYSON LANE**

George Meservey explained that this is a 3-lot Approval Not Required plan which was endorsed by the Planning Board in May to create 3 building lots from two lots. Meservey noted that this Approval Not Required application appears to be a reconfiguration of the third building lot situated between the two original lots with existing dwellings. Meservey stated that the lot complies with the dimensional requirements under zoning. Meservey stated that the plan is sufficient to meet all of the Approval Not Required plan filing requirements. Meservey noted that the Planning Board's responsibility is to determine the adequacy of access on the road and Payson is a narrow gravel road which the Planning Board has previously considered suitable for an additional house lot. Fallender noted that due to sight limitations, the driveway should be placed away from the blind corner on the street. Planning Board members noted that the Fire Chief has recommended that a water main and hydrants be installed on that road since none currently exists. Planning Board members noted that it is not within their ability to condition an Approval Not Required plan endorsement.

**MOTION:** On a motion by **John Fallender**, seconded by **Chet Crabtree**, the Board voted to authorize the Planning Board Chairman to endorse the Approval Not Required plan prepared for William C. Gardiner, dated November 29, 2010, scale 1" = 40', prepared by Coastal Engineering.

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

#### **COMPLETE RELEASE OF COVENANT - OLD TIMER'S LANE**

George Meservey explained that this is a request for a single lot (Lot 2) to be released in an eight lot subdivision which was approved in 1989. The property was put under Covenant at that time which stated that no individual lots could be sold separately until certain improvements could be made. Meservey stated that to his knowledge all of the required improvements such as the installation of fire hydrants, and road widening with a suitable surface to 18" wide on Old Timer's Lane and Paradise Lane, have been made. Meservey noted that this is a request for the release of a single lot, but recommended that the Planning Board approve a Complete Release of Covenant covering all of the five remaining lots in the subdivision.

**MOTION:** On a motion by **John Ostman**, seconded by **Chet Crabtree**, the Board voted to release Lots 1, 2, 3, 5 and 6 of the "Subdivision Plan of Land in Orleans, Massachusetts", prepared for Franklin L. & Sara S. Joy, plan dated August 18, 1988, prepared by Nickerson & Berger, Inc.

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

#### **PLANNING BOARD SUBDIVISION FEES**

Jon Fuller requested on behalf of the Board of Selectmen that the Planning Board reconsider the recent update of the Planning Board Subdivision fees with a suggestion that the Planning Board consider increasing the fees in stages over two or three years. Planning Board members were informed that Planning Board fees were significantly increased in 2006 (eighteen years after they were last set in 1988). Meservey noted there was a Planning Board review in 2008 with no increases instituted at that time. Meservey noted that the recent Fallender spreadsheet included facilities costs as well as staff costs in reviewing and preparing subdivision paperwork and the percentage of the fees is split 50/50 between the applicants and the taxpayers. Fuller stated that the Board of Selectmen is in the process of creating a policy on fee reviews throughout town and will recommend annual reviews to avoid unreasonable fee increases in the future.

**CONSENSUS:** There was a consensus of the Planning Board that the Planning Board subdivision fees should remain as they were voted on November 9, 2010.

#### **PROPOSED ZONING AMENDMENTS**

##### **Floodplain District (§164-6 and §164-19)**

Meservey explained that the State requires towns to adopt specific language regarding floodplain districts in order for citizens to be able to obtain flood insurance. Meservey noted that the FEMA Flood Maps have been updated in a digital format and are much more accurate.

**MOTION:** On a motion by **John Ostman**, seconded by **John Fallender**, the Planning Board voted to approve the Floodplain District article and schedule it to be heard at an upcoming public hearing (with a date to be determined).

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

#### **Groundwater Protection District (§164-17)**

Meservey stated that the Planning Board needs to update the references in zoning to accurate maps that can be found in the town hall archives. Meservey gave a summary of stipulations for the four Groundwater Protection Districts in town.

**CONSENSUS:** There was a Planning Board consensus that draft language for an article be developed for three Groundwater Protection Districts and reviewed by Town Counsel and returned to the Planning Board for review at the January 11, 2011 meeting.

#### **Schedule of Use Regulations (§164-13)**

Planning Board members reviewed wording for proposed alterations and additions to the Schedule of Use Regulations, including roadside stands, health clubs, fitness centers, museums as well as services and office use.

**MOTION:** On a motion by **John Fallender**, seconded by **Chet Crabtree**, the Planning Board voted to approve the Table of Uses article as amended at the meeting using attachment 5C and schedule it to be heard at an upcoming public hearing (with a date to be determined).

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

#### **Non-Conforming Uses and Structures**

Meservey updated the Planning Board regarding a request for an alteration of the applicability section of the zoning bylaws made by a property owner who had to go through the Variance/Special Permit process to deal with a non-conforming structure. The request was forwarded to the Zoning Bylaw Task Force where it was felt that the applicability section of the zoning bylaws is exceptionally well done and serves the interest of non-conforming structures and the ability to alter them.

**CONSENSUS:** There was a consensus of the Planning Board members not to take any further action at this time.

#### **VILLAGE CENTER MARKET STUDY**

Planning Board members discussed strategies for an upcoming Village Center Market Study presentation by Peg Barringer to the Board of Selectmen on December 15, 2010. Crabtree reported that everything is ready for the presentation on December 15 and all of the committees are beginning to meet to plan future strategies. Bornemeier and McKusick reported on an enthusiastic meeting of the Long Range Vision Committee. Planning Board members discussed a progress report to the Board of Selectmen in May 2011

and inclusion of the Village Center information as part of the Orleans Comprehensive Plan report to the Annual Town Meeting.

## **REPORTS**

### **Board of Water and Sewer Commissioners**

McKusick reported on the following items:

- The town is actively searching for a new Water Superintendent.
- There is a subcommittee working on sewer policies for the wastewater system.
- The Water Department is running in the black financially.
- There is no word on wastewater collaboration with Eastham.

## **NEW BUSINESS**

### **Brewster Wind Turbines**

Meservey updated Planning Board members on upcoming public hearings for two wind turbines off Freeman's Lane in Brewster. Meservey stated that an abutter on Tar Kiln Road has expressed his concern with the project and feels that the Town of Orleans should be involved in the public hearing process to protect the interests of Orleans residents. McKusick suggested consulting with the Board of Selectmen regarding whether they feel the need for any committee member to attend the public hearings.

### **2011 Planning Board Meeting Schedule**

Planning Board members agreed to schedule Planning Board meetings on the second Tuesday of each month with additional meetings to be scheduled as needed.

## **APPROVAL OF MINUTES: November 9, 2010**

**MOTION:** On a motion by **John Fallender**, seconded by **John Ostman**, the Board voted to approve the Planning Board minutes of November 9, 2010.

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

## **ADJOURNMENT**

**MOTION:** On a motion by **John Ostman**, seconded by **Chet Crabtree**, the Board voted to adjourn at 8:38 p.m.

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

SIGNED: \_\_\_\_\_

(John Ostman, Clerk)

DATE: \_\_\_\_\_

1/11/2011

**LIST OF HANDOUTS FOR DECEMBER 14, 2010 PLANNING BOARD MEETING:**

1. *Application package for an Approval Not Required for Joseph Tenney, 1 Priscilla Road*
2. *Application package for an Approval Not Required for William C. Gardiner, 35 & 47 Payson Lane*
3. *Application for a Release of Covenant for Old Timer's Lane*
4. *Proposed Zoning Amendments for May Annual Town Meeting 2011*
5. *Planning Board Minutes for November 9, 2010*

