

K. DeLong, Asst
TOWN OF ORLEANS
TOWN CLERKS OFFICE
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For Official Use Only

PLANNING BOARD

January 11, 2011 - 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.

APPROVAL OF MINUTES: December 14, 2010

MOTION: On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to approve the minutes of December 14, 2010.

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

REPORTS

Board of Water & Sewer

McKusick gave a report on yearly production using a spreadsheet from the Water Department.

Village Center

Crabtree gave a report that noted a successful presentation on the Village Center Market Study to the Board of Selectmen in December. Planning Board members discussed how to maintain momentum for the various Village Center subcommittees and a need for ongoing meetings.

Orleans Citizens Forum

Planning Board members discussed an upcoming Orleans Citizens Forum meeting to be held on April 12th and agreed that it would advantageous to attend the meeting.

CONSENSUS: There was a consensus of Planning Board members to schedule a special Planning Board meeting on April 5th in order to attend the Orleans Citizens Forum meeting scheduled for April 12th.

ZONING PROPOSALS FOR PUBLIC HEARING

Meservey stated that five zoning amendments have been submitted as a legal advertisement to the Cape Codder for a Planning Board public hearing on February 8, 2011.

Ostman made a disclosure that he is on the Board of Directors of the Orleans Firebirds and the Chamber of Commerce both of which would be affected by the proposed zoning bylaw amendments regarding signs. John Ostman recused himself and Paul McNulty was requested by the Chairman to vote as a regular member.

Meservey noted that the following two zoning amendments have been submitted to the Planning Board by the Board of Selectmen for consideration and a public hearing process.

ARTICLE ##. AMEND ZONING BYLAWS SECTION 164-35, SIGNS.

To see if the Town will vote to add a new Section 164-35. M. to read as follows:

M. Eldredge Park Sponsorship Banner Signs

Notwithstanding anything in this Section 164-35 to the contrary, banner signs may be displayed at the Town-owned property shown as Parcel 1 on the Town Assessor's Map 41 and known as Eldredge Park, by non-profit organizations having a license or use agreement with the Town for the use of Eldredge Park, subject to the following conditions: (a) banner signs shall be limited to signs recognizing sponsors of the non-profit organization, (b) issuance of a sign permit from the Building Commissioner, (c) the approval of the Park Commissioners, (d) banner signs may be displayed for up to 90 days and must be removed promptly after the permitted time period, (e) banners may only be placed on approved locations on the dugouts or fence, (f) placement and removal of the banner shall be done by the licensed non-profit organization, (g) all banners must be kept in good repair, (f) subject to any rules and regulations of the Park Commissioners and the Park Commissioners are authorized to promulgate rules and regulations as they deem necessary to carry out the provisions of this section. The Town is the owner of Eldredge Park located on the corner of Eldredge Parkway and South Orleans Road (Route 28) in Orleans, MA.

Meservey noted that the zoning amendment would change the authorization and criteria for posting sponsor signs for the Cape Cod Baseball team at Eldredge field. Meservey stated that no banner signs are currently allowed under the Orleans Zoning Bylaws. Planning Board members discussed length of time for banners to be displayed as well as installation and removal of banners which would fall under the rules and regulations of the Orleans Parks Commissioners.

ARTICLE ##. AMEND ZONING BYLAWS SECTION 164-35, SIGNS.

To see if the Town will vote to amend 164-35. K. to read as follows:

*K. Notwithstanding anything else contained in Section 164-35 to the contrary, banners advertising **Town sponsored events or any other events which the Board of Selectmen determine after due consideration provide significant public benefit** civic, cultural and/or athletic events conducted by non-profit entity, may be placed at a location across Main Street and or Eldredge Park Way provided that any such banner and its location is approved by the Board of Selectmen or, if designated by the Board of Selectmen, the Town Administrator. In the event multiple requests are made for common time period the Board of Selectmen or the*

Town Administrator, as the case may be, may give preference in scheduling and location to Town sponsored events. Banner(s) shall be no more than twenty feet in length and two feet in height and shall be strung in such a manner so the bottom of the banner is fifteen feet off the road surface. Any such banner shall be temporary in nature and removed as soon as practicable after the event to which it refers has ended. The Board of Selectmen is hereby authorized to promulgate rules and regulations as they deem necessary to carry out the provisions of this paragraph.

Meservey gave an explanation of banners which are allowed over Eldredge Park Way and Main Street to advertise civic, cultural and/or athletic events conducted by non-profit entities. Meservey noted that town streets are controlled by the Board of Selectmen and the proposed zoning bylaw amendment would provide for the advertisement of other events that may be determined to provide significant public benefit. Planning Board members discussed the issue of installing and removing the banners which could be controlled by a Board of Selectmen regulation.

MOTION: On a motion by **John Fallender**, seconded by **Chet Crabtree**, the Board voted to approve the two proposed zoning bylaw amendments regarding signs and hold a public hearing.

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

Ostman resumed his position as a regular voting member.

Planning Board members noted that the following five zoning bylaw amendments will be discussed at a public hearing on February 8, 2011:

- Amend Zoning Bylaw §164-35, Signs – Eldredge Park Banner Signs
- Amend Zoning Bylaw §164-35, Signs – Over Town Streets
- Amend Zoning Bylaw § 164-6 and §164-19 – Floodplain District
- Amend Zoning Bylaw § 164-6, Location of Districts Zoning map, and §164-17, Groundwater Protection Districts
- Amend Zoning Bylaw § 164-13, - Schedule of Use Regulations

USE VARIANCES

Planning Board members discussed a zoning bylaw amendment proposal from Attorney Benjamin Zehnder regarding use variances and the Special Permit process. The Chairman of the Zoning Board of Appeals sent an e-mail that indicated more information would be needed to consider this proposal.

CONSENSUS: There was a Planning Board consensus that no action is required on this issue at this time.

COMMUNITY CENTER LEASE OPTION

Planning Board members discussed a request for an opinion as to the desirability of leasing space in the town-owned Community Center building located at 44 Main Street. Currently the building contains offices for the Chamber of Commerce and public restrooms and the rest of the building is vacant space. Meservey noted a fact sheet that contains the following information on the Community Center;

- The building contains 1,400 square feet of available finished space in three rooms.
- The building is handicapped accessible.
- Space could be leased for use as an art gallery for local artist shows
- Non-profit organizations would be sought.
- This could enhance the attraction of the Village Center and increase foot traffic on Main Street.
- The septic system is adequate for art gallery use.
- The parking lot in the rear consists of 27 town-owned spaces.

MOTION: On a motion by **Chet Crabtree**, seconded by **John Fallender**, the Board voted to support the concept of leasing out the Community Center for an art gallery as it is consistent with recommendations from the Village Center Market Study.

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

VILLAGE CENTER PLANNING - WASTEWATER FLOW POLICY

McKusick gave a report on the wastewater flow policy being discussed by the Board of Water and Sewer Commissioners. McKusick noted there is no restriction in the Village Center District and the policy works great in a residential setting. McKusick noted that the Board of Health Nutrient Management Regulation was adopted in 2008 which restricts wastewater flow for new development or expanded use of existing development as noted the Town's Comprehensive Wastewater Management Plan §11.5.6 entitled Land Use Controls.

CORRESPONDENCE

Cape Cod Commission & Environmental Review

Planning Board members were advised of an upcoming Cape Cod Commission & Environmental Review hearing for the Orleans Comprehensive Wastewater Management Plan to be held in the Nauset Room at the Orleans Town Hall on January 18, 2011.

Federal Emergency Management Agency

Planning Board members were informed of a letter from the Federal Emergency Management Agency dated December 16, 2010 as notification to the town of the final flood elevation determination for the Town of Orleans in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations.

Department of Environmental Protection Notice of Chapter 91 License Application – River Road Ramp

Planning Board members were informed of a Waterways License Application to reconstruct and maintain a boat ramp at River Road.

The Department of Environmental Protection Notice of Chapter 91 License Application – Skaket Beach Nourishment Program.

Planning Board members were informed of a Waterways License Application for the annual Skaket Beach Nourishment Program.

MEETING SCHEDULE

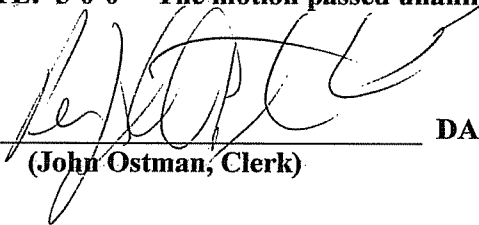
Planning Board members were informed that the next meeting will be held on February 8, 2011 at which time the public hearing on proposed zoning bylaw amendments will be held.

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:

3/8/2011

LIST OF HANDOUTS FOR JANUARY 11, 2010 PLANNING BOARD MEETING:

1. Public Hearing Notice for Proposed Zoning Amendments for February 8, 2011.
2. Robert Osterberg (Chairman Zoning Board of Appeals) e-mail dated December 20, 2010.
3. Proposed zoning bylaw amendment from Attorney Benjamin Zehnder.
4. Orleans Community Center Fact Sheet.
5. Water Department Annual Water Production Spreadsheet.
6. Cape Cod Commission - January 18, 2011 Hearing Notice for Orleans Comprehensive Wastewater Management Plan.
7. Federal Emergency Management Agency letter dated December 16, 2010
8. Department of Environmental Protection Waterways Regulations Program – Chapter 91 License Application for River Road Boat Ramp
9. Planning Board Minutes for December 14, 2010