

*K. DeLuca, Ass*  
TOWN OF ORLEANS  
TOWN CLERKS OFFICE

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## **PLANNING BOARD**

February 8, 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: Vice-Chairman as Acting Chairman:** Chet Crabtree; **Clerk:** John Ostman; John Fallender; and Steve Bornemeier. **Associates:** Chip Bechtold. **Planning Department Staff:** George Meservey. **Also Present: Board of Selectmen Liaison:** Jon Fuller. **Absent: Chairman:** Kenneth McKusick; Paul McNulty.

### **7:00 P.M. – PUBLIC HEARING FOR AMENDED ZONING BYLAW PROPOSALS**

Ostman read the legal ad into the record. There were nine people in the audience. Meservey explained that each fall the Zoning Bylaw Task Force and the Planning Board consider proposed bylaw changes.

#### **AMEND ZONING BYLAW §164-35, SIGNS**

*Ostman recused himself from voting on this article due to his position as a member of the Board of Directors and Vice President of the Orleans Athletic Association and a member of the Board of Directors of the Orleans Chamber of Commerce.*

Meservey explained the article would allow sponsors of non-profit organizations that use Eldredge Park to hang banner signs around the park. Meservey noted that currently these signs are considered off-premise signs which are prohibited town-wide. Meservey stated that the proposed bylaw sets some limitations and authorizes the Park Commissioners to adopt appropriate regulations to further the provisions of the section. Meservey pointed out the following basic rules: 1) Signs would only be for sponsors of the non-profit organization; 2) A sign permit is required; 3) The time limit for hanging banners is limited to 90 days and must be promptly removed; 4) Signs can only be hung in approved locations; 5) Placement is by the non-profit organization, not by the sponsoring individuals; and 6) Banners must be kept in good condition.

#### **Comments:**

**Herbert Montgomery** (representing the Orleans Chamber of Commerce and Pops in the Park) explained the past practice of placing banners for major sponsors for Pops in the Park and requested that the practice be allowed to continue.

**Jon Fuller** stated that the Board of Selectmen voted unanimously to approve and forward the articles for a Planning Board public hearing.

**Don Lesieur** (President of Orleans Athletic Association) stated that as a 501(c) 3 organization they are the principal user of Eldredge Field almost daily from June through August. Lesieur stated that signage is a potential revenue source for the Orleans Athletic Association.

Meservey stated that this seems like a reasonable accommodation which is consistent with tradition at ballparks throughout the country. Meservey noted that the Orleans Zoning Bylaws have not previously allowed the signs but the Board of Selectmen can adopt and amend rules and regulations over signs.

**John Ostman** noted concerns with the size of signs and the lengthy bylaw approval process and how it would affect the 2011 season which commences in early June. Meservey responded that a zoning bylaw becomes effective the day it is adopted by town meeting. Meservey stated that anyone can utilize the provisions of the bylaw as of that day at their own risk. Ostman questioned the guidance needed for the non-profits regarding signage size and other stipulations. Meservey responded that the prevailing provisions would be the size and setback requirements of the present signs. Meservey suggested that the Orleans Athletic Association could request a set of guidelines be provided in anticipation of a positive vote.

**Don Lesieur** described the size of the fence around the outfield as approximately 4' tall with 20 sections of approximately 10' in length from the left field foul pole to left center field, and also from the right field foul pole to the right center field. Orleans Athletic Association members have discussed the advisability of putting up signs on the dugout. Lesieur stated that there will be rules regarding placement of signs and no signs will be allowed where it would interfere with fans viewing the game. Lesieur urged Planning Board members to act on this request as quickly as possible in order to be able to talk to merchants and print the 2011 baseball season books.

**Jon Fuller** urged that input from the Orleans Athletic Association be received as soon as possible in order for the Board of Selectmen in their capacity as Parks Commissioners to be able to compile rules and regulations before town meeting vote in order for things to move forward in the event that the article is approved by town meeting voters.

**Sue Horton** (General Manager of the ball club) explained that historically the banners at the ballpark are league sponsors and the Orleans Athletic Association is looking to include local business merchants.

**MOTION:** On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to accept the amended bylaw for §164-35M regarding signs and forward it to the Board of Selectmen for inclusion on the May 2011 Annual Town Meeting Warrant.

**VOTE:** 4-0-1 The motion passed by a majority. (*John Ostman abstained*).

#### **AMEND ZONING BYLAW §164-35, SIGNS**

Meservey explained that the two places in town where banners are allowed to be hung across the road are Main Street and Eldredge Park Way to advertise certain types of events. Meservey stated that currently the regulations allow only such banners that are "civic or cultural and/or athletic events conducted by a non-profit entity". Meservey noted the limitations within the existing bylaw which does not allow banners for events unless they are by a non-profit. Meservey stated that the proposal, sponsored by the Board of Selectmen and forwarded to the Planning Board, would allow for town-sponsored or other events determined by the Board of Selectmen to provide a public benefit regardless of whether they are a non-profit agency or not.

**MOTION:** On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to approve the bylaw for §164-35K, regarding signs and forward it to the Board of Selectmen for inclusion on the May 2011 Annual Town Meeting Warrant.

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

#### **AMEND ZONING BYLAWS §164-6 and §164-19 - Floodplain District Zoning Map**

Meservey stated that this article updates the Floodplain section of the bylaw and references to the new flood insurance (called the farm maps) which were recently updated by the Federal Emergency Management Agency (FEMA). Meservey noted receipt of a letter stated that these will become the official flood maps of the town on June 16, 2011. Meservey stated that the Town is required to adopt the Floodplain maps into town zoning to reflect the new dates in order to ensure that all property owners can obtain any insurance they need.

**MOTION:** On a motion by **John Fallender**, seconded by **John Ostman**, the Board voted to approve the bylaw for §164-6 and §164-19 regarding Floodplain District zoning maps and forward it to the Board of Selectmen for inclusion on the May 2011 Annual Town Meeting Warrant.

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

#### **AMEND ZONING BYLAWS §164-6, LOCATION OF DISTRICTS, ZONING MAP and §164-17 - GROUNDWATER PROTECTION DISTRICTS**

Meservey noted that the proposed zoning bylaw amendment would update the references to the Groundwater Protection District within the bylaw to replace old obsolete maps. Meservey stated that the town currently has the following four Groundwater Protection Districts as an overlay over regular zoning:

- Groundwater Protection District 1 contains the town-owned watershed parcels.
- Groundwater Protection District 2 contains the theoretical zone of contribution to the public wells (as designated by The Department of Environmental Protection model).
- Groundwater Protection District 3 contains "areas formerly part of a water protection district".
- Groundwater Protection District 4 pertains to all other areas of town.

Meservey noted that the second part of the proposal is to delete Groundwater Protection District 3 (areas formerly in a water protection district). Meservey explained that district was created prior to the town's knowledge of groundwater movement. Meservey noted that the end results would be that the town would end up with three Groundwater Protection Districts instead of four. Meservey stated that Groundwater Protection Districts 1 and 2 are heavily regulated by the State.

**MOTION:** On a motion by **John Fallender**, seconded by **John Ostman**, the Board voted to approve the bylaws for §164-6 and §164-17, regarding Groundwater Protection Districts and forward it to the Board of Selectmen for inclusion on the May 2011 Annual Town Meeting Warrant.

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

## **AMEND THE ZONING BYLAWS §164-13, Schedule of Use Regulations**

Meservey stated that this proposal deals with farm stands or roadside stands, and the addition of health club and museums to the Town's table of allowed uses.

**Roadside stands** – Meservey explained that currently the display and sale from roadside stands of natural products is permitted in the town's following business districts (Rural Business, Limited Business, General Business and the Village Center), but is not allowed in the Residential District. Meservey noted that there are roadside stands that appear during the summer months in the Residential District which may be grandfathered as legally, non-conforming, or are technically not permitted. Meservey noted that these farm stands appear to be a positive asset in the community provided they are not large enough to be considered as a commercial entity with the impacts of a commercial business. Meservey noted that a roadside stand for products raised on the premises be permitted in all zoning districts using less than 100' square feet in area. Meservey stated that larger stands would be regulated by the existing limitations which would not be allowed in a Residential District.

**Health Club or Fitness Center** – Meservey noted that there is no current listing in the use table of the zoning bylaws for this type of business which has been previously listed as "places of amusement". Meservey noted that this type of business should have a separate category in the use table for consistency of interpretation for the Zoning Enforcement Officer.

**Museum** – Meservey noted that museums would only be permitted in the business districts.

Fallender questioned Robert Osterberg (Chairman of the Zoning Board of Appeals) whether this meets their requirements and Osterberg answered affirmatively.

Ostman questioned whether an art gallery would fall under the category of museum and Meservey responded that art gallery has its own category which allows it in all of the following business districts (Rural Business, Limited Business, General Business and the Village Center) "by right", and with a Special Permit in the Industrial District.

**MOTION:** On a motion by **John Fallender**, seconded by **John Ostman**, the Board voted to approve the bylaws for §164-13, regarding Schedule of Use Regulations and forward it to the Board of Selectmen for inclusion on the May 2011 Annual Town Meeting Warrant.

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

## **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 proposed zoning bylaw amendments.

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

## **VILLAGE CENTER PLANNING - GROWTH CONSTRAINTS ANALYSIS**

Planning Board members discussed multiple memorandums regarding the impacts on the Village Center from issues such as parking, septic system constraints, Massachusetts State Building Code constraints, town-wide growth potential, zoning envelope analysis, and floor area ratio calculations.

## **REPORTS**

### **Community Preservation Committee**

Bornemeier reported that the Community Preservation Committee has completed its report of preliminary recommendations for 2011 projects.

### **Village Center Initiative**

Planning Board members discussed the progress of each of the Village Center subcommittees including Business Development, Infrastructure, Aesthetics, Marketing and Long-Range Vision. Meservey reported that the Town was awarded a grant for a streetscape plan by the Cape Cod Commission. Meservey stated that it will be an in-house effort by Cape Cod Commission landscape architects using a Scope of Services for approximately 600 hours of work through the grant with no financial cost to the Town as it will be paid for through the grant.

## **OLD BUSINESS**

### **Notice of Public Hearing – Mass DOT, Route 6A/Route 28/Canal Road, Proposed Roundabout**

Planning Board members reviewed Massachusetts Department of Transportation plans for the proposed roundabout at the intersection of Route 6A, Route 28 and Canal Road as a response to numerous vehicle accidents with injuries in this area. Meservey noted that the Board of Selectmen has unanimously approved looking at the concept of constructing a two-lane roundabout entirely funded by the State. Meservey pointed out that the State has discovered that roundabouts seem to function better than signalized intersections, with fewer accidents. Meservey stated that one of the requests will be for electricity and water for maintenance of the landscaping. Meservey invited Planning Board members to attend the public hearing on February 10, 2011 at 7:00 p.m. Meservey stated that the project would include sidewalks and crosswalks. Fallender questioned the ease of bicycles maneuverability through the roundabout.

## **NEW BUSINESS**

### **Orleans Historical Commission**

Meservey informed Planning Board members that the Orleans Historical Commission has requested a meeting with the Planning Board on March 8, 2011 regarding review of subdivisions that contain historic structures.

## CORRESPONDENCE

### *Comprehensive Land Use Reform and Partnership Act (CLURPA)*

Meservey informed Planning Board members of the Comprehensive Land Use Reform and Partnership Act (Senate Docket #574) which is under review.

### *Chapter 91 License Application, 16 Hayward Lane*

Meservey informed Planning Board members of a Chapter 91 License application for a pier reconfiguration for Rosemary King Nelson and Robert O. King located at 16 Hayward Lane. Meservey noted that the Harbormaster has submitted his opinion that he does not consider this project to result in any obstacle to navigation.

## APPROVAL OF MINUTES: January 11, 2011

**MOTION:** On a motion by **John Fallender**, seconded by **Chip Bechtold**, the Board voted to approve the minutes of January 11, 2011, as amended.

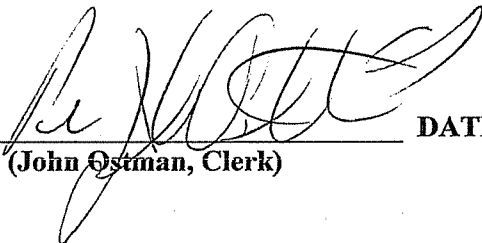
**VOTE:** 5-0-0 The motion passed unanimously.

## ADJOURNMENT

**MOTION:** On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to adjourn at 8:30 p.m.

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

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



(John Ostman, Clerk)

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

3/8/2011

## LIST OF HANDOUTS FOR FEBRUARY 8, 2011 PLANNING BOARD MEETING:

1. Public Hearing Notice for proposed zoning amendments.
2. Memorandum from George Meservey re Village Center Growth Constraints Analysis
  - A. Memorandum re: Village Center Objectives from Planning Board Members
  - B. Memorandum re: Village Center On-Site Parking Constraints
  - C. Memorandum re: Village Center Septic Systems and Existing Constraints
  - D. Memorandum re: Village Center MA State Building Code Constraints
  - E. Memorandum re: Village Center Zoning Envelope Analysis
3. Massachusetts Department of Transportation Public Hearing Notice for Roundabout
4. The Comprehensive Land Use Reform and Partnership Act
5. Chapter 91 Waterways License Application for 16 Hayward Lane
6. Planning Board Minutes for January 11, 2011.