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PLANNING BOARD

March 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: Chet Crabtree; Clerk: John Ostman; John Fallender; and Steve Bornemeier. **Associates:** Chip Bechtold and Paul McNulty. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Absent:** Chairman: Kenneth McKusick and Board of Selectmen Liaison: Jon Fuller.

SUBDIVISIONS WITH HISTORICAL STRUCTURES

The following people were present from the Orleans Historical Commission: James Hadley (Chairman); Sarah Bartholomew and Bonnie Snow.

Meservey gave an explanation of an Approval Not Required subdivision plan which was approved by the Planning Board in July 2010 for property at 10 Nichols Road. Meservey stated that each of the lots in the 2-lot subdivision have frontage on an existing road as well as adequate area. Meservey stated that the Planning Board must endorse an Approval Not Required plan if it shows that all lots have adequate access. Meservey pointed out that the new lot line dividing the two lots is drawn through the footprint of a 1790's historical home. Meservey noted that the two lots have been marketed individually, but have not been sold.

James Hadley explained that the charge to the Orleans Historical Commission is to preserve historical areas (such as Main Street) and as well as historical buildings in Orleans. Hadley stated that the Building Department has a list of historic structures built before 1920. Hadley noted that in order to be able to tear down historic structures, applicants must gain approval from the Orleans Historical Commission or apply under the Demolition Delay Bylaw. Hadley noted that approval of this Approval Not Required subdivision plan implies that the historic preservation process has been by-passed by the applicant. Hadley expressed concern that the Planning Board has not been informed of the implications of historic structure demolition. Bonnie Snow questioned why this situation as allowed to proceed with a lot line through the middle of a historic structure.

Meservey noted that under the Demolition Delay Bylaw the applicant would need to obtain a permit and would have to wait for 12 months before any demolition would be allowed and then it would proceed to the Historic Commission for approval. Meservey stressed that if the applicant's Approval Not Required plan meets all of the requirements, they are entitled to a Planning Board endorsement under Massachusetts Law. Concerns were expressed by Historical Commission members about whether permission from the property owner was properly obtained before this plan proceeded. Hadley stressed that the Town needs to present a united front on the issue of historic structures and put better operating procedures in place between town boards.

Fallender questioned the Demolition Delay Bylaw process with regard to the age of historic structures and suggested that there be a way to inform the Historical Commission of future instances where this may present a problem. Fallender referred to the Planning Board endorsement of Approval Not Required plan restrictions and the need to improve communications with other town boards and committees. Planning Board members agreed

to gain input from Town Counsel on how to proceed with Approval Not Required subdivisions containing historic structures. Chip Bechtold suggested that it is the applicant's responsibility to do the research and report to the Planning Board on the age and value of property and historic structures. Planning Board members discussed Approval Not Required legal requirements and were informed by Meservey that Approval Not Required plan endorsement cannot be delayed more than 20 days, by law. Meservey agreed to discuss the Subdivision Control Law with Town Counsel.

Planning Board members agreed to find a process to inform the Historic Commission of similar issues in the future. Crabtree informed members of the Historic Commission of a Village Center Design Charette to be held on May 24, 2011, and invited them to attend. Members of the Historical Commission and Planning Board agreed that the downtown development plan must have a preservation component in order to avoid any future loss of historic buildings.

Bonnie Snow brought up the issue of demolition by neglect where historic buildings are purchased and allowed to deteriorate from neglect with the intention to demolish them. James Hadley urged the idea that the town vote to accept a Demolition by Neglect Bylaw, particularly for commercial buildings. Both groups agreed to move forward and improve communications on future issues.

ZONING BYLAWS

Planning Board members reviewed the town meeting warrant justifications for the following proposed zoning bylaw amendments:

- *Zoning Bylaws §164-35, Signs – Eldredge Park Sponsorship Banner Signs*
- *Zoning Bylaws §164-35, Signs – Banners over Main Street & Eldredge Park Way*
- *Zoning Bylaws §164-6 and §164-19 – Floodplain Districts*
- *Zoning Bylaws §164-6, Location of Districts, Zoning Map and §164-17, Groundwater Protection Districts*
- *Zoning Bylaws §164-13 – Schedule of Use Regulations*
 - *Roadside stands*
 - *Health club, fitness center*
 - *Museum*

CONSENSUS: There was a consensus of Planning Board members to forward the proposed zoning bylaw amendments to the Board of Selectmen for inclusion on the May 2011 Annual Town Meeting warrant.

REPORTS

Village Center

Planning Board members reported on the progress of each of the Village Center subcommittees and noted two upcoming meetings: 1) Orleans Citizens Forum meeting on April 12, 2011 and 2) Cape Cod Commission Design Charette on May 24, 2011.

MOTION: On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to cancel the Planning Board meetings regularly scheduled for May 10, 2011 due to the Annual Town Meeting and May 24, 2011 due to the Cape Cod Commission Design Charette and reschedule the Planning Board meeting for May 17, 2011. *{Note: Subsequent information from the Town Clerk indicates that this meeting must be cancelled due to the annual Orleans Town Elections on that date}.*

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

Community Preservation Committee

Bornemeier gave an updated report on the following Community Preservation Act Program Budget proposed project requests for funding:

Project 1	Sea Call Farm Pasture Rehabilitation (Sea Call Farm Supporters)	\$16,775.00
Project 2	Preservation of Photographs & Documents (Orleans Historical Society)	\$29,000.00
Project 3	Land and Septic Survey (Orleans Historical Society)	\$20,000.00
Project 4	Digitization of the Cape Codder (Snow Library)	\$17,000.00
Project 5	Open Space Pre-Acquisition Funds (Open Space Committee)	\$24,000.00

NEW BUSINESS

Resignation of John Ostman

Crabtree read a letter of resignation from Planning Board member, John Ostman, effective March 31, 2011 due to a job relocation. Planning Board members thanked Ostman for his service to the Planning Board and wished him the best in his new endeavor.

Public Tree Bylaw

Meservey informed Planning Board members of an incident where six large town trees have been cut down within the town layout at the corner of Lewis Road and Main Street without authorization from the Tree Warden. Meservey noted that Chapter 127 (Public Tree Bylaw) in the Orleans General Bylaws has a mechanism to deal with the issue of town trees cut down within the town right-of-way on a public road. Meservey questioned whether the Planning Board would be willing to support the Tree Warden by holding a public tree hearing in order for him to be able to enforce the bylaw on this issue. Planning Board members agreed that holding a Public Shade Tree Hearing would be the appropriate way to allow the Tree Warden to deal with enforcement with this problem.

MOTION: On a motion by **Steve Bornemeier**, seconded by **John Fallender**, the Planning Board voted to proceed with legal advertisement for a Public Shade Tree Hearing to be held at the April 26, 2011 Planning Board meeting for six public trees cut down at the corner of Lewis Road and Main Street.

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

CORRESPONDENCE

Citizen Planner Training Collaborative Conference

Planning Board members were informed of the Citizen Planner Training Collaborative Annual Conference on Advanced Tools and Techniques for Planning and Zoning to be held on March 19, 2011 at Holy Cross College in Worcester, Massachusetts.

Cape Cod Commission Public Hearing on Orleans Comprehensive Wastewater Management Plan

Planning Board members were updated on the Cape Cod Commission public hearing to review the Orleans Comprehensive Wastewater Management Plan held on March 1, 2011 which has been continued to March 15, 2011.

APPROVAL OF MINUTES: February 8, 2011


MOTION: On a motion by **John Fallender**, seconded by **John Ostman**, the Board voted to approve the minutes of February 8, 2011.

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

ADJOURNMENT

MOTION: On a motion by **John Ostman**, seconded by **Paul McNulty**, the Board voted to adjourn the Planning Board meeting at 8:00 p.m.

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

SIGNED:  DATE: 4-26-11

LIST OF HANDOUTS FOR MARCH 8, 2011 PLANNING BOARD MEETING:

1. Letter from Sarah Bartholomew (Orleans Historical Commission) dated February 2, 2011
2. Zoning Bylaw Amendments for Annual Town Meeting May 9, 2011
3. Citizen Planner Training Collaborative – Annual Conference
4. Public Hearing Notice from Cape Cod Commission re: Orleans Comprehensive Wastewater Management Plan
5. Community Preservation Act Program Budget (handed out by Steve Bornemeier)
6. Planning Board Minutes for February 8, 2011.