

K. Derling, Ass

ORLEANS TOWN CLERK

PLANNING BOARD

June 14, 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:** Steve Bornemeier; John Fallender and Chip Bechtold. **Associates:** and Paul McNulty. **Planning Department Staff:** George Meservey; **Secretary:** Karen Sharpless. **Also Present:** Board of Selectmen **Liaison:** Jon Fuller.

SHELLFISH / LOBSTERS

Planning Board members discussed a memorandum from the Building Commissioner requesting an advisory opinion of the classification of lobsters under the Orleans Zoning Bylaws. Meservey noted in the Schedule of Use Regulations in the Orleans Zoning Bylaws there is a category under the section listed as **Wholesale and Storage** which lists "*Sale of fishing bait, fish and shellfish*" which is prohibited in most districts in town but is allowed in the Industrial District with a Special Permit from the Zoning Board of Appeals. Meservey noted that the owner of South Cape Seafood has come in for an Informal Site Plan Review for a wholesale lobster sizing and shipping business on Industry Way to commence this summer. Meservey noted that the Building Commissioner has requested an advisory opinion from the Planning Board of whether this would be considered as a wholesale business or whether under the Orleans Zoning Bylaws it is considered shellfish, but the final decision will come from the Building Commissioner. Mark Bulman (South Cape Seafood) stated his opinion that lobsters are not considered shellfish, but rather are considered crustaceans.

Planning Board members noted in the memorandum from the Building Commissioner the following definitions from "**The American Heritage Dictionary**" copyright 1982, 1985:

"Shell-fish: an aquatic animal, as a mollusk or crustacean, having a shell or shell-like exoskeleton."

"Lobster: 1. Any of several relatively large marine crustaceans of the genus Homarus, having five pairs of legs, the first pair modified into large claws".

Planning Board members discussed whether the Orleans Zoning Bylaws provides a zoning definition specifically for lobsters and Meservey responded that it does not. Meservey noted that state definitions do not necessarily conform to the Orleans Zoning Bylaws which have been adopted by town meeting voters over many years. Fallender questioned the permitting of lobster fishermen and Meservey responded that the town does issue mooring permit, but does not oversee fishing activities. Planning Board members discussed opinions of lobsters considered to be shellfish and whether the zoning was considered to be inclusive of creatures that live in the sea. Meservey acknowledged that with a Special Permit from the Zoning Board of Appeals and abutter notification, the issue could be reviewed as to its suitability of conditions for the neighborhood. Meservey noted the business owner's concern for timeliness, but stated that a Special Permit from the Zoning Board of Appeals would be required before business can commence.

CONSENSUS: There was a unanimous Planning Board consensus that lobsters would fall under the definition of Fish/Shellfish for zoning purposes. Meservey agreed to forward the opinion on to the Building Commissioner.

DEMOLITION BY NEGLECT BYLAW

Members of the Orleans Historical Commission met with Planning Board members to discuss the Village Center planning process with regard to preservation of historic buildings as they affect the character of Orleans. It was noted that a notebook including a complete list and description of all remaining historic buildings in town with various types of architecture (built prior to 1923) compiled by Bonne Snow and Sarah Bartholomew has been submitted to the Planning Department library.

Alan McClennen (157 Namequoit Rd) described the process used by the Town of Arlington to document all historic buildings in town and along Massachusetts Avenue after a Demolition bylaw was adopted. McClennen explained how special zoning district designations were used to allow existing historic buildings to be more valuable in their original state than to have them torn down for the construction of newer buildings. McClennen noted that by leaving the historic buildings intact, it helped to preserve the character of the town.

Historic Commission members urged Planning Board members to maintain the Village Center momentum, but include consideration of the preservation of historic buildings in the ongoing discussions. Planning Board members agreed to consider a model bylaw for discussion. There was discussion of how to encourage building owners to display the historic significance of a building such as a plaque with a description of the history of each building. Members from both boards agreed to work together on moving forward with historic building preservation in town.

VILLAGE CENTER SUBCOMMITTEE REPORT

Crabtree gave an update on the Village Center progress and how it relates to the Orleans Comprehensive Plan and the surveys recently conducted by Peg Barringer including input from residents, businesses and visitors. Crabtree noted that with the help from the Chamber of Commerce and business owners, the following six subcommittees were formed: Aesthetics, Business Development, Infrastructure, Long Range Vision, Marketing and Public Safety. Fallender described an excel spreadsheet he developed from the committee final reports in order to rate the various action items in order to consolidate and create an executive summary. Planning Board members discussed strategies for the upcoming presentation to the Board of Selectmen. Planning Board members noted the need for a mission statement. Bechtold urged Planning Board members to include business owners in the presentation to the Board of Selectmen due to their enthusiastic support and participation in the ongoing Village Center planning process.

CORRESPONDENCE

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Meservey informed Planning Board members of Senate Bill #1019 known as the Comprehensive Land Use Reform and Partnership Act (CLURPA) regarding zoning and regulation of land use. Meservey noted that the current zoning rules are considered to be obsolete.

APPROVAL OF MINUTES: April 26, 2011

MOTION: On a motion by John Fallender, seconded by Steve Bornemeier, the Board voted to approve the minutes of April 26, 2011.

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

APPROVAL OF MINUTES: May 3, 2011

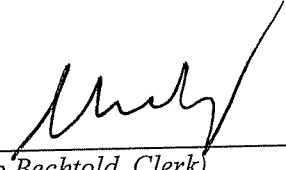
MOTION: On a motion by John Fallender, seconded by Steve Bornemeier, the Board voted to approve the minutes of May 3, 2011.

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

ADJOURNMENT

MOTION: On a motion by Chet Crabtree, seconded by John Fallender, the Board voted to adjourn at 8:27 p.m.

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

SIGNED:  **DATE:** 5 July 11
(Chip Bechtold, Clerk)

HANDOUTS FOR JUNE 14, 2011 PLANNING BOARD MEETING:

1. *Demolition of Historical Structure Chapter 106*
2. *Village Center Memorandum dated June 20, 2011*
3. *Village Center Study Group Committee Breakdown*
4. *Memorandum from Building Commissioner for advisory opinion re: Lobsters*
5. *Comprehensive Land Use Reform and Partnership Act (CLURPA) – Senate Bill #1019*
6. *Planning Board Minutes for April 26, 2011*
7. *Planning Board Minutes for May 3, 2011*