



ORLEANS TOWN CLERK
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ORLEANS PLANNING BOARD

November 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: Chairman:** Chet Crabtree; **Vice-Chairman:** Steve Bornemeier; John Fallender. **Associates:** Paul McNulty and Andrea Shaw-Reed. **Planning Department Staff:** George Meservey; and **Secretary:** Karen Sharpless. **Also Present: Board of Selectmen Liaison:** Jon Fuller; Daniel Connolly (Tree Warden) and Paul Sellers (NSTAR Arborist). **Absent:** Kenneth McKusick and **Clerk:** Charles Bechtold.

Chairman Crabtree requested that Andrea Shaw-Reed and Paul McNulty vote in the absence of two regular Planning Board members.

7:00 PM - SCENIC ROAD TREE PUBLIC HEARING - NSTAR

Steve Bornemeier read the legal ad into the record.

Paul Sellers (NSTAR Arborist) described tree pruning work proposed by NSTAR on two circuits in town (Circuits # 600 and # 632) which is consistent with work that was done by NSTAR five years ago. Sellers noted that NSTAR's policy is to maintain a minimum clearance standard of 12' above the primary distribution wire. Sellers stated that they will have two tree companies perform the tree pruning work.

Public Comments:

Jon Fuller (184 Main Street) noted his concerns regarding the need for NSTAR to clean up and dispose of all trimmings after any tree work is done; trees should be shaped around the wires (not just topped off); all tree work should be performed under the guidance of the Orleans Tree Warden; cut and remove non-historic or non-scenic saplings which could interfere with power lines in order to avoid the need for more tree work in the future, the need for coordination with the telephone and cable companies to avoid duplication of effort, and the need for a specific contact person in order to report any problems.

Paul Sellers (NSTAR) stated that NSTAR has a good history of working with the Town of Orleans with the coordination and oversight of Daniel Connolly (Tree Warden). Sellers stated that he has the sole responsibility of the crews doing the tree work with in input from the Orleans Tree Warden. Sellers announced that there are no plans to cut any trees in this proposal.

Ray Castillo (60 Barley Neck Rd) noted that with recurring power outages in East Orleans, pruning is not the right thing to do given the height and shallow root system of numerous tall locust trees which are subject to falling due to high winds. Castillo stated his opinion that it would be more prudent to cut down trees (such as locust) that are considered dangerous invasive species which could affect power lines.

Sandy Schaefer-Ung (38 Tar Kiln Road) urged Planning Board members to save trees rather than cut them down, especially where they provide canopies over the roads.

Paul Sellers responded that NSTAR relies on a "reliability based" plan to determine how trees are handled.

Ken Doyle (10 Oyster Trail) stated his support for reasonable pruning of limbs and branches which are hanging over and/or resting on power lines.

Brian Allard (14 Locust Road) agreed that whenever possible canopies over roads should be preserved, but there are 40' - 50' invasive species locust trees which could interfere with power lines. Allard stated his opinion that cutting trees is not adequate, since some trees need to be cut and removed to avoid future damage from trees in high winds.

Steve Edwards (former Fire Chief and Emergency Management Coordinator) urged that his observation recently of serious storm and tree damage in western Massachusetts is a clear indication of the multitude of safety issues which could result from falling trees, particularly around power lines. Edwards urged aggressive cutting in order to avoid future problems.

Dan Connolly stated his agreement with comments made at this meeting and agreed to work with NSTAR on the trimming cycles.

John Fallender stated the need to focus on problem trees such as locust trees which are a dangerous hazard. Fallender commented that Dan Connolly (Tree Warden) provides good supervision which results in a good job on tree cutting and trimming throughout the town.

George Meservey questioned the frequency of trimming.

Dan Connolly stated that he is aware of where the crews are working at any particular day and time.

George Meservey noted that if the Tree Warden determines, in an emergency, that a tree is hazardous, it can be removed without waiting for a public hearing.

Dan Connolly stated that in the past, at his request, NSTAR has cut and removed additional trees in town at their expense.

Steve Bornemeier clarified that trees that are determined to be a threat or danger can be taken down by NSTAR after consultation with the Tree Warden.

Dan Connolly noted the cost and resources needed to remove large trees and it is a town problem, not just NSTAR. Connolly stated that with cooperation from the Highway Department, it would be prudent to do some aggressive cutbacks alongside roads as well as trimming smaller trees as well as mowing before problems arise.

Chet Crabtree noted the number of comments at this meeting of the need to cut down disruptive problem trees (such as locust trees) rather than try to save money now and have to deal with major problems in the future.

Connolly stated that he sets priorities which target the trees that are in the worst shape (or are hazardous) first.

Paul Sellers stated that NSTAR is coming to the end of its current fiscal year and the two circuits listed are in the budgeted pruning process. Future budgets will reflect any need for further tree pruning or removal.

Joanne Patterson (47 Tar Kiln Rd) questioned what the roads will look like after the work is done.

Paul Sellers responded that the primary wires will be cleared in the pruning zone and trees determined to be hazardous will be cut and removed.

Sandy Schaefer-Ung (38 Tar Kiln Road) stated that there is a willow tree which is a landmark for the road.

Paul Sellers agreed to obtain input from the Tree Warden on local issues.

Andrea Reed questioned how trees will be handled.

Paul Sellers stated that NSTAR will obtain input and help from the Highway Department and Tree Warden in order to proceed with the work.

Kenneth Hoefler (85B Namequoit Rd) stated his opinion that the Tree Warden seems proactive about the trees and questioned whether an informal study could be done to observe and mark dangerous trees.

Ray Castillo stated his opinion that we should let nature take its course because locust trees are big with shallow root systems that will fall down in wind storms which would avoid the cost of cutting them down.

Dan Connolly stated that the town has a full inventory of 6,000 trees in town which can be sorted out and studied to target hazardous trees.

Sandy Schaefer-Ung (38 Tar Kiln Road) disagreed with the idea of preemptively taking down trees in anticipation of them falling down in a storm. Schaefer-Ung stated her opinion that trees add to the beauty and charm of the town.

George Meservey reminded Planning Board members that the current NSTAR application is for trimming trees in two sectors of town which is all the Planning Board needs to consider for approval. Meservey stated that NSTAR working in cooperation with the Tree Warden is beneficial to the town regarding issues with tree trimming or removal.

MOTION: On a motion by **John Fallender**, seconded by **Paul McNulty**, the Board voted to close the public tree hearing for NSTAR for Circuits # 600 and #632.

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

Planning Board Comments:

John Fallender stated the town should be proactive with a long range plan for locust tree control.

Steve Bornemeier stated his agreement with Fallender's comments.

George Meservey reiterated that trees on scenic roads can only be removed after a Planning Board public

tree hearing unless the Tree Warden makes a determination that a tree poses a hazard.

Chet Crabtree stated his support for NSTAR work that is done in cooperation with the Tree Warden who is actively involved in protecting the town trees.

MOTION: On a motion by **Paul McNulty**, seconded by **John Fallender**, the Board voted to approve the request by NSTAR to perform pruning work along roads on Circuits # 600 and # 632.

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

2012 ZONING AMENDMENT PROPOSALS

Report on Zoning Bylaw Task Force Meeting

Meservey described the following list of items discussed at the last Zoning Bylaw Task Force meeting:

1. **Outdoor Lighting Bylaw** - add an enforcement provision.
2. **Demolition by Neglect Bylaw** - minimum maintenance requirement of "significant" historic buildings.
3. **Demolition Delay Bylaw** – applicant must demonstrate an intent to demolish – may be more useful as a general bylaw.
4. **Customary home occupation** - eliminate the need for a home office with no non-occupant employees from needing to obtain a Special Permit from the Zoning Board of Appeals.
5. **Use Table change** – clarify the definition regarding transient housing
6. **Village Center zoning** – recommendations in the Village Center market study are adequately addressed in the existing Orleans Zoning Bylaws.

John Fallender noted the need for a better definition of "neglect" in item 2 listed above.

Village Center Zoning - Compliance with Market Study Recommendations

Meservey noted that the existing Orleans Zoning Bylaws compare favorably to the Village Center market study zoning concepts:

1. **Increase transparency of shops and window displays** – no bylaw change is required.
2. **Encourage residential development in Village Center** – no bylaw change is required.
3. **Design guidelines to address plazas and parking lots** – no bylaw change is required.
4. **Adopt a Formula business bylaw to limit the amount of formula stores** – Planning Board to do further research on this topic.
5. **Revise zoning to encourage a "street wall" of facades** – no bylaw change is required.
6. **Prioritize 1st floors for retail and restaurant use** – no action at this time.
7. **Encourage increased density, mixed use, and multi level buildings** – no action until wastewater issues have been addressed.

Special Permit Criteria

Planning Board members reviewed the Orleans Zoning Bylaws §164-44 regarding the following Special Permit criteria:

- (1) Adequacy of the site, in terms of size, for the proposed use.
- (2) Suitability of the site for the proposed use.
- (3) Impact on traffic flow and safety.
- (4) Impact on neighborhood visual character, including views and vistas.
- (5) Adequacy of the method of sewage disposal, source of water and drainage.
- (6) Adequacy of utilities and other public services.
- (7) Noise and litter.
- (8) Impact on groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies.

Formula-Based Business Bylaw

Meservey distributed a Formula Based Business Bylaw concept regarding requirements for the regulation of formula-based businesses in town. Planning Board members considered the advantages of the requirement for formula-based businesses to obtain a Special Permit from the Zoning Board of Appeals. In a handout, it was noted that formula-based businesses can complement existing businesses and help promote and foster the local economic base as a whole.

ORLEANS COMPREHENSIVE PLAN - FY '13 BUDGET RECOMMENDATIONS

Recommended Priorities for FY '13

Meservey stated that there are 180 Action Items in the Orleans Comprehensive Plan which are reviewed annually by town boards, committees and departments to determine the completion percentage. Meservey noted that items that are 100% complete have been moved to the rear of the table. Meservey reminded Planning Board members that this is part of the annual budget development process. Meservey stated that under the Town Charter, the Planning Board has the responsibility for prioritizing the following items:

- (1) Wastewater Management
- (2) Transportation
- (3) Facilities Planning
- (4) Village Center
- (5) Open Space
- (6) Affordable Housing

MOTION: On a motion by **John Fallender**, seconded by **Paul McNulty**, the Board voted to forward the Orleans Comprehensive Plan Status Report dated November 2, 2011 to the Board of Selectmen.

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

COMMITTEE UPDATES

Committee Preservation Committee

Steve Bornemeier gave a report on the Community Preservation Committee which will meet on applications they receive with requests for funding.

Orleans Community Partnership

John Fallender and Steve Bornemeier gave a report on the progress of the Orleans Community Partnership.

OLD BUSINESS

Cape Cod Commission - Village Center Report to the Board of Selectmen

Meservy reminded Planning Board members of an upcoming Cape Cod Commission presentation to the Board of Selectmen of the final Village Center Report on Dec 7, 2011.

NEW BUSINESS

November 22, 2011 Planning Board Meeting

Meservy informed Planning Board members that a Preliminary Plan has been received in the Planning Department and Planning Board members agreed to hold their regularly scheduled meeting on November 22, 2011.

CORRESPONDENCE

Cape Cod Commission – Orleans Comprehensive Plan Wastewater Management Plan Development of Regional Impact Decision

Planning Board members reviewed a Cape Cod Commission memorandum entitled, "Orleans Comprehensive Wastewater Management Plan Development of Regional Impact Decision", dated October 25, 2011.

APPROVAL OF MINUTES: October 11, 2011

MOTION: On a motion by **John Fallender** seconded by **Steve Bornemeier**, the Board voted to approve the minutes of October 11, 2011.

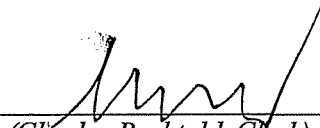
VOTE: 5-0-0 **The motion passed unanimously.**

ADJOURNMENT

MOTION: On a motion by **Paul McNulty**, seconded by **Andrea Shaw-Reed**, the Board voted to adjourn the Planning Board meeting at **8:30 p.m.**

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

SIGNED:


(Charles Bechtold, Clerk)

DATE:

11/22/11

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

1. *Public Tree Hearing notice for NSTAR with backup materials.*
2. *Zoning Bylaw Task Force Memorandum entitled, "Update on Zoning Bylaw Development", dated November 3, 2011.*
3. *Village Center Market Study Zoning Concepts.*
4. *Formula Based Business Bylaw (Concept), dated November 3, 2011*
5. *Orleans Zoning Bylaws §164-44.*
6. *Planning Board memorandum to Board of Selectmen entitled, "Recommendations for Comprehensive Plan Implementation in FY13", dated November 3, 2011*
7. *Orleans Comprehensive Plan Status Report, dated November 2, 2011*
8. *Cape Cod Commission memorandum entitled, "Orleans Comprehensive Wastewater Management Plan Development of Regional Impact Decision JR-DRI09008, dated October 25, 2011.*
9. *Planning Board Minutes for October 11, 2011.*

