



ORLEANS TOWN CLERK  
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## **ORLEANS PLANNING BOARD**

**February 14, 2012 - 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; **Clerk:** Charles Bechtold; and 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. **Absent:** Kenneth McKusick

### **7:00 P.M. - PUBLIC HEARING - DEFINITIVE SUBDIVISION - SAND HEAP TRUST 1 NOMINEE TRUST - 79 & 89 PORTANIMICUT ROAD**

*Chip Bechtold read the legal ad into the record.*

Phil Scholomiti (Ryder & Wilcox) and John Gilmore (Trustee) presented the Definitive Subdivision plan to Planning Board members. Scholomiti noted that the Preliminary Subdivision plan was reviewed by Planning Board members on November 22, 2011. Scholomiti stated that the two lots are situated on the south side of Portanimicut Road east of Heritage Drive in the Residential District in Groundwater Protection District #3. Scholomiti indicated the northerly lot has two existing dwellings and a garage and Lot 2 is presently unbuildable with no frontage. Scholomiti stated that the applicant wants to provide a panhandle access onto Portanimicut Road. Scholomiti declared that there is a Conservation Restriction on the northerly lot with a provision to make the southerly lot buildable with access using a panhandle consisting of a 12' gravel driveway situated in the center of the panhandle, to be maintained 14' wide by 14' high for emergency vehicle access. Scholomiti stated that the road runoff will be collected at a low point in the road with a gravel drainage trench. Scholomiti stated both lots meet the zoning shape factor. Scholomiti informed Planning Board members that the applicant is seeking two waivers, including a waiver of the minimum frontage requirement for the panhandle lot and a waiver of the topographical survey. Scholomiti stated the remainder of the panhandle is 30' wide to allow for utilities. Scholomiti stated that topographical information for the Preliminary and Definitive Subdivision plans was gained from the town topographical maps as well as information from ground observations. Scholomiti stated that the applicant has complied with all Board of Health requirements, including inspection of the existing septic system (which contains cesspools) and bedroom counts. Scholomiti stated that the property owner has imposed rigid restrictions on the property.

### **Public Comments:**

**David Bressard** questioned, as a point of order, whether all abutters were notified. Meservey responded that the Planning Department notified all abutters (by certified mail) on the list provided from the Assessing Department at the request of the applicant.

**John Gilmore** stated a Conservation Restriction held by the Orleans Conservation Trust in perpetuity was placed on the meadow and orchard, but does not include the structure.

**Bob Perry** questioned whether Mr. Gullquist, who owns abutting property, could purchase either of the properties in this application to further expand his own property and subdivision capability with the addition of the panhandle requested in this application. Perry requested that the applicant place a restriction on the property.

**John Gilmore** stated there are restrictions on the property stating that property sales are only to be conveyed to a family member and could be included with a Conservation Restriction.

### **DEPARTMENT COMMENTS**

George Meservey read comments into the record from the following town departments:

**Board of Health** – In a memorandum dated January 23, 2012 it was noted that the Board of Health voted to approve the plan with the following conditions:

- *The septic systems serving the dwellings on Lot 1 consist of cesspools. Per the requirements of the Orleans Board of Health Regulations these are deemed to have failed and must be repaired per the requirements of Title 5 and the Orleans Board of Health Subsurface Sewage Disposal Regulations.*
- *If Lot #2 is to be developed, all of the requirements of Title 5 and the Orleans Board of Health Regulations for Subsurface Sewage Disposal must be met for the development of the lot. No variances will be granted for the design and construction of a sewage disposal system to serve this lot.*
- *If Lot #1 is to be further developed no variances will be granted to Title 5 and/or the Orleans Board of Health Regulations for the design and construction of a sewage disposal system to serve the lot.*
- *Town water must be provided to each lot in the subdivision*

**Fire Department** - In a memorandum dated January 17, 2012, it was noted that the Fire Chief requested a condition that no structures be placed at the rear corner of the lot so that fire equipment can respond to Indian Fort Hill Road.

**Conservation Department and Orleans Conservation Trust** - Comments were received noting the existence of a Conservation Restriction which contains an allowance for access to property on Lot 2.

### **LOT FRONTAGE WAIVER:**

**MOTION TO APPROVE:** On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to approve the requested lot frontage waiver for Lot 2 as a panhandle lot.

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

## **DEFINITIVE SUBDIVISION APPROVAL**

**MOTION TO APPROVE AS AMENDED:** On a motion by **John Fallender**, seconded by **Chip Bechtold**, the Board voted to approve the Definitive Subdivision Plan prepared for Sand Heap Trust 1 Nominee Trust, dated December 14, 2011, scale 1" = 40', for land located at 79 & 89 Portanimitcut Road subject to the following conditions:

1. The septic systems serving the dwellings on Lot 1 consist of cesspools. Per the requirements of the Orleans Board of Health regulations, these are deemed to have failed and must be repaired per the requirements of Title 5 and the Orleans Board of Health Subsurface Sewage Disposal Regulations.
2. If Lot #2 is to be developed, all of the requirements of Title 5 and the Orleans Board of Health Regulations for Subsurface Sewage Disposal must be met for the development of the lot. No variances will be granted for the design and construction of a sewage disposal system to serve this lot.
3. If Lot #1 is to be further developed, no variances will be granted to Title 5 and/or the Orleans Board of Health Regulations for the design and construction of a sewage disposal system to serve the lot.
4. Town water must be provided to each lot in the subdivision.
5. A Restrictive Covenant or other form of surety is required to ensure improvements are completed before either lot is separately conveyed.
6. No structures may be placed at the rear corner of Lot 2 where it abuts Indian Fort Hill Lane within a triangular area the points of which are 10 feet from the lot corner in each direction.

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

## **MOTION TO CLOSE PUBLIC HEARING:**

**MOTION:** On a motion by **John Fallender**, seconded by **Steve Bournemeier**, the Board voted to close the evidentiary portion of the public hearing for Sand Heap Trust 1 Nominee Trust.

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

## **REQUEST TO RENAME STREET FROM DAWN DRIVE TO SKUNKS BLUFF**

Mesurvey informed Planning Board members that residents of Dawn Drive have agreed to formally request that Dawn Drive be renamed Skunks Bluff.

**MOTION:** On a motion by **John Fallender**, seconded by **Chip Bechtold**, the Board voted to authorize the road name change from Dawn Drive to Skunks Bluff.

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

## **COMMITTEE UPDATES**

**Community Preservation Committee** - Steve Bornemeier gave an update from the Community Preservation Committee and thanked George Meservey for his efforts on behalf of affordable housing.

**Orleans Community Partnership** - John Fallender gave an update on recent meetings and noted there are upcoming events such as the pathway between Cove Road and Main Street.

## **NEW BUSINESS**

### **Banner Signs**

George Meservey reported that the Planning Board will be requested to make a zoning interpretation regarding banner signs.

## **CORRESPONDENCE**

- Memorandum of Proposed Zoning Bylaw Articles sent to Board of Selectmen
- Letter from FEMA regarding Flood Map Final Determination date.

## **APPROVAL OF MINUTES: January 24, 2012**

**MOTION:** On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to approve the minutes of January 24, 2012, as amended.

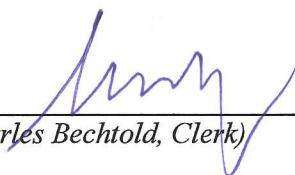
**VOTE: 5-0-0** The motion passed unanimously.

## **ADJOURNMENT**

**MOTION:** On a motion by **Paul McNulty**, seconded by **Chip Bechtold**, the Board voted to adjourn at 7:45 p.m.

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

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

  
(Charles Bechtold, Clerk)

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

3-27-12

**LIST OF HANDOUTS FOR FEBRUARY 14, 2012 PLANNING BOARD MEETING:**

1. *Application for approval of a Definitive Plan for Sand Heap Trust 1 Nominee Trust.*
2. *Memorandum to Board of Selectmen entitled, "Zoning amendment for 2012 Annual Town Meeting".*
3. *Letter from FEMA to Board of Selectmen regarding Flood Map Modernization Program, dated January 31, 2012.*
4. *Planning Board Minutes for January 24, 2012.*

