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K. Darby, ASSE
ORLEANS TOWN CLERK

ORLEANS PLANNING BOARD

July 24, 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; Kenneth McKusick and John Fallender. **Associates:** Paul McNulty and Andrea Reed. **Planning Department Staff:** George Meserve; and **Secretary:** Karen Sharpless. **Also Present:** Board of Selectmen Liaison: Jon Fuller.

7:00 P.M. - PUBLIC HEARING - DEFINITIVE SUBDIVISION PLAN - The Estate of Leland Williams, 93, 97 & 97A Skaket Beach Road

Chip Bechtold read the legal ad into the record.

Phil Scholomiti (Ryder & Wilcox) acted on behalf of the applicant and noted that the Planning Board reviewed and approved a Preliminary Subdivision Plan for The Estate of Leland H. Williams on May 22, 2012. Scholomiti noted that the Definitive Subdivision plan results in the creation of four lots (3 are buildable lots, and one is an unbuildable lot to be conveyed to an abutter). Scholomiti stated that the subdivision plan meets all of the current zoning requirements as well as the Zoning Rules and Regulations. Scholomiti indicated that the applicant has requested a waiver of the 150' frontage requirement in favor of a 30' panhandle frontage. Scholomiti noted that there is a common curb cut off Skaket Beach Road and all lots are served by town water. Scholomiti stated that shape factor calculations and a note regarding panhandle access remaining in compliance with the Emergency Access Bylaw have been added to the Definitive Subdivision Plan as requested by the Planning Board at the Preliminary Subdivision Plan meeting in May. Scholomiti noted that the applicant will adhere to the requirement that the panhandle remain open and accessible 40' wide x 40' high as requested by the Fire Department, as well as future provision for an emergency vehicle turnaround when the lot has been developed which will be noted in the Statement of Conditions and the Covenant.

Crabtree noted that correspondence was received from Kris Ramsay (Orleans Conservation Trust) with the following concerns regarding the properties:

- Entirely within the State's Natural Heritage and Endangered Species Program (NHESP) Priority Habitat for Rare or Endangered Species map;
- 50% within the State designed Scenic Landscape map;
- Within a portion of the state designed Areas of Critical Environmental Concern (ACEC);
- Abutting the State BioMap2 Critical Natural Landscapes Map.

These State designations were designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. These layers were also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.

Meservey acknowledged the concerns noted in the Orleans Conservation Trust letter, but stated there are exemptions from review for projects or activities in Priority Habitat (321 CMR 10.14) such as *"the construction of a new residential dwelling...no greater than two acres in size"*.

Planning Board members noted a letter from the Fire Department requesting a street numbering clarification for the properties.

MOTION TO CLOSE PUBLIC HEARING:

MOTION: On a motion by **Kenneth McKusick**, seconded by **Steve Bornemeier**, the Board voted to close the evidentiary portion of the public hearing for the Definitive Subdivision Plan public hearing for The Estate of Leland H. Williams for property located at 93 & 97 Skaket Beach Road.

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

WAIVER OF FRONTAGE:

MOTION: On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Board voted to approve the waiver of required 150' minimum lot frontage.

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

MOTION TO APPROVE:

MOTION: On a motion by **Steve Bornemeier**, seconded by **Kenneth McKusick**, the Board voted to approve the Definitive Subdivision Plan prepared for The Estate of Leland H. Williams, dated June 1, 2012, scale 1" = 40', for land located at 93 and 97 Skaket Beach Road subject to the following conditions:

1. Access to Lots 2A and 3A shall be via the existing driveway for Lot 2A.
2. Lot 3A is limited to one dwelling.
3. A Restrictive Covenant shall be executed for the construction of the improvements to the panhandle access prior to release of Lot 3A.

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

REGULATING LARGE HOMES

Potential Bylaw Regulating Large Homes

Planning Board members discussed a memorandum from George Meservey which listed the following eight options for dealing with the issue of large new home construction and their impact on neighborhood character.

1. Special Permit Criteria for homes larger than 4,000 square feet footprint
2. Set overall limitation on maximum square footage of a residential home.
3. Include coastal bank, ACEC, and other resource areas in the definitional exclusion of what is buildable upland.

4. Allow graduated home size based on parcel size.
5. Increase building setback requirements for large homes.
6. Limit expansions of homes to no more than 25% larger than the average size home in a neighborhood.
7. Adopt a new review committee for large residential homes.
8. Require Architectural Review Committee approval of large homes. Include framing requirement as part of application.

Planning Board members noted that more research and public input needs to be gathered in order to come to a solution in how to deal with a sensitive issue including objective review criteria and compatibility with the surrounding neighborhood.

Public Comments:

Rigney Cunningham congratulated George Meservey and the Planning Board for being willing to take on difficult subject and for background research. Cunningham noted the need for public input regarding the compatibility of large structures with their neighborhoods and the permanent impact they will have on those neighborhoods.

Planning Board members noted the need to fully clarify the problem and determine the full impact on the town and various neighborhoods and considered holding a workshop in the future to gain public input.

FERTILIZER REGULATIONS

Fran McClennan (Orleans Pond Coalition) talked about Fertilizer Awareness Day which was held on April 14, 2012, and through a series of brochures she discussed the impact of fertilizer on local water sources. McClennan noted that awareness rather than regulation seems to be most effective. Jon Fuller stated that if the issue moves forward, it should be dealt with as a general bylaw discussion, not zoning.

COMMITTEE UPDATES

Board of Water & Sewer Commissioners - McKusick

McKusick reported that water tank #2 will be taken off-line around August 26th for cleaning and painting which could result in brown water. It is anticipated that the tank will be back on-line by the end of September.

Orleans Community Partnership - Fallender

John Fallender gave a report on activities of the Orleans Community Partnership including musical events at Parish Park on Wednesdays during the summer.

OLD BUSINESS

Main Street Intersections

Meservey stated that Mass DOT has agreed to have a workshop on three alternatives for the Main Street intersections prior to making final design decisions.

APPROVAL OF MINUTES: June 26, 2012

MOTION: On a motion by John Fallender, seconded by Steve Bornemeier, the Board voted to approve the minutes of June 26, 2012, as amended.

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

ADJOURNMENT

MOTION: On a motion by Kenneth McKusick, seconded by John Fallender, the Board voted to adjourn at 8:49 p.m.

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

SIGNED: _____


(Charles Bechtold, Clerk)

DATE: _____



LIST OF HANDOUTS FOR JULY 24, 2012 PLANNING BOARD MEETING:

1. *Definitive Subdivision application and supporting materials for The Estate of Leland H. Williams.*
2. *Memorandum from George Meservey entitled, "Potential Bylaws Regulating Large Homes", dated July 19, 2012.*
3. *Town Fertilizer Policy.*
4. *Planning Board Minutes for June 26, 2012.*

