

K. Darling, Asst
'12 SEP 26 11:00AM

ORLEANS PLANNING BOARD

AUGUST 28, 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 Meservey; and **Secretary:** Karen Sharpless. **Also Present: Board of Selectmen Liaison:** Jon Fuller.

ENDORSE MYLAR FOR THE DEFINITIVE SUBDIVISION PLAN FOR THE ESTATE OF LELAND H. WILLIAMS, 93 & 97 SKAKET BEACH ROAD

Phil Scholomiti (Ryder & Wilcox) presented a signed Covenant and the Definitive Subdivision Plan Mylar for The Estate of Leland H. Williams for property at 93 & 97 Skaket Beach Road for Planning Board endorsement as it was approved by the Planning Board on July 24, 2012. Meservey noted the Planning Board required a Covenant to include road construction. Meservey stated that no appeals were filed with the Town Clerk during the appeal period for this subdivision application. Scholomiti stated a request by the applicant to alter the standard Covenant which requires that roadways and utilities be built before any conveyance of the property or any building on Lot 3A. Scholomiti state the applicants would like to be allowed to subdivide and convey property among three siblings with no plans to build on Lot 3A at this time. Scholomiti stated that a westerly abutter has expressed his opinion that the roadway construction be delayed in order for him to put in plantings for privacy. Scholomiti requested that the phrase regarding the conveyance of land be taken out of the Covenant. Meservey noted that a plan and profile of the roadway will need to be submitted and the Covenant prevents anything from happening on Lot 3A until construction of the roadway, which is required to obtain a building permit.

MOTION: On a motion by **Steve Bornemeier**, seconded by **Kenneth McKusick**, the Board voted to accept the Covenant for The Estate of Leland H. Williams for property at 93 & 97 Skaket Beach Road which does not include the phrase "or conveyed" prior to construction.

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

MOTION: On a motion by **Kenneth McKusick**, seconded by **Steve Bornemeier**, the Board voted to authorize the Planning Board Chairman to endorse the Definitive Subdivision Plan mylar for The Estate of Leland H. Williams for property located at 93 & 97 Skaket Beach Road.

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

PLANNING BOARD REORGANIZATION

Planning Board Chairman

John Fallender nominated Chet Crabtree for Planning Board Chairman for FY '13. There were no other nominations.

MOTION TO CLOSE: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to close the nominations for Planning Board Chairman.

VOTE: 4-0-1 The motion passed by a majority. (Chet Crabtree abstained).

MOTION: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to approve the nomination of Chet Crabtree for Planning Board Chairman.

VOTE: 4-0-1 The motion passed by a majority. (Chet Crabtree abstained).

Planning Board Vice Chairman

John Fallender nominated Steve Bornemeier for Planning Board Vice Chairman for FY '13. There were no other nominations.

MOTION TO CLOSE: On a motion by **Kenneth McKusick**, seconded by **John Fallender**, the Board voted to close the nominations for Planning Board Vice Chairman.

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

MOTION: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to approve the nomination of Steve Bornemeier for Planning Board Vice Chairman.

VOTE: 4-0-1 The motion passed by a majority. (Steve Bornemeier abstained).

Planning Board Clerk

Kenneth McKusick nominated Chip Bechtold for Planning Board Clerk for FY '13. There were no other nominations.

MOTION TO CLOSE: On a motion by **Kenneth McKusick**, seconded by **John Fallender**, the Board voted to close the nominations for Planning Board Clerk.

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

MOTION: On a motion by **Kenneth McKusick**, seconded by **John Fallender**, the Board voted to approve the nomination of Chip Bechtold for Planning Board Clerk.

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

MOTION: On a motion by **Kenneth McKusick**, seconded by **Steve Bornemeier**, the Board voted to authorize the Planning Board Chairman to sign Approval Not Required Plans, Definitive Subdivision Plans, Application Approval Forms, all forms related to Surety, and all Full and Partial Release of Covenants on behalf of the Planning Board.

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

RESIDENTIAL FERTILIZER USE

Planning Board members discussed the pros and cons of various options for regulating fertilizer use in town:

1. Seasonal fertilizer restrictions
2. Limits on local sale of fertilizer
3. Soils test required before applying fertilizer
4. Licensing of landscapers and fertilizer applicators
5. Restrict fertilizers to organic only
6. Limit lawn sizes
7. Require minimum depth of topsoil for turf areas
8. Encourage Cape Cod lawn

Public Comments:

Janet Reinhardt (Wellfleet Planning Board Chairman) stated that in her experience, lawn maintenance companies all offer natural alternatives for fertilizing.

Discussion:

McKusick stated his approval of a proposed general bylaw for fertilizer and stated his opinion that this issue should be passed on to the Zoning Bylaw Task Force and then be forwarded to Board of Selectmen to be reviewed as a General Bylaw.

Jon Fuller (as a private citizen) stated his agreement with McKusick's comments and noted that regionalization is tough to tackle as each town is at a different level with wastewater issues. Fuller agreed that this would best be handled as a General Bylaw administered by Board of Selectmen and noted that fertilizer maintenance and control is important to the wastewater discussion. Fuller noted that the Pleasant Bay Alliance has done an extensive study on this issue and their information would be a good tool for Orleans to use.

LARGE HOMES DISCUSSION

Planning Board members discussed the issue of large homes and their impact on neighborhoods. Using charts and maps, Planning Board members compared statistics regarding parcel size, building coverage and net living area in five "neighborhoods" in town. Planning Board members discussed existing regulations and bylaws impacting home sizes regarding building coverage, building height, setbacks as well as impervious coverage in Groundwater Protection Districts. Meservy noted that the Wetlands Protection Act, Orleans Wetland Protection Bylaw and Nitrogen Regulations all impact home sizes. Planning Board members reviewed potential amendment to the Special Permit criteria for large homes under the Orleans Zoning Bylaw. Planning Board members also reviewed the Provincetown Building Scale Bylaw. Meservy told Planning Board members that views are not protected by law in Massachusetts.

Public Comments:

Janet Reinhardt (Wellfleet Planning Board Chairman) stated that in Wellfleet buildings over 3,000 square feet are referred for a Special Permit.

COMMITTEE UPDATES

Board of Water & Sewer Commissioners (Kenneth McKusick)

McKusick gave a report on recent activities of the Board and Water Department and stated that the board is working on developing policies for wastewater management.

Orleans Community Partnership (John Fallender)

Fallender gave a report on summer concert activities and how the Firehouse Community Center and Parish Park will be used for community meetings and activities. Fallender noted that many professionals and townspeople have donated time and effort in order for the various projects to succeed. A report was made that the town is moving toward an approval as a Massachusetts Cultural Center Designation.

CORRESPONDENCE

Attorney General regarding Annual Town Meeting Zoning Articles

Planning Board members noted a letter with comments received from the Attorney General accepting the Zoning Bylaws proposed at the Annual Town Meeting on May 7, 2012.

Town of Orleans Stormwater Remediation Systems Inventory

Planning Board members reviewed an inventory list from Mark Budnick (Highway Manager) of storm water remediation systems in town.

The Permit Extension Act

Planning Board members reviewed a document on The Permit Extension Act which was created to promote job growth and long term economic recovery by establishing an automatic four-year extension to certain permits and licenses concerning the use or development of real property.

APPROVAL OF MINUTES: July 24, 2012

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

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

ADJOURNMENT

MOTION: On a motion by **Kenneth McKusick**, seconded by **Steve Bornemeier**, the Board voted to adjourn at **8:50 p.m.**

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

NEXT MEETING

Planning Board members agreed to hold the next Planning Board meeting on September 25, 2012.

SIGNED: _____


(Charles Bechtold, Clerk)

DATE: _____



LIST OF HANDOUTS FOR AUGUST 28, 2012 PLANNING BOARD MEETING:

1. Memorandum entitled, "Potential Regulations on Residential Fertilizer Use", dated August 2, 2012
2. Memorandum entitled, "Home Sized by Neighborhood", dated August 24, 2012
3. Memorandum entitled, "Existing Regulations that Limit Home Size", dated August 20, 2012
4. Memorandum entitled, "Regulating Large Homes", dated August 23, 2012
5. Letter from Attorney General re: Town Meeting Articles, dated August 14, 2012
6. Inventory of Town of Orleans Stormwater Remediation Systems
7. Permit Extension Act, Frequently Asked Questions, Updated August 8, 2012
8. Planning Board Minutes for July 24, 2012