

K. Dwyer, Asst.
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ORLEANS PLANNING BOARD

OCTOBER 23, 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 and **Tree Warden:** Dan Connolly.

7:00 P.M. - PUBLIC SHADE TREE HEARING (Cont.) - BRUCE CAREY - 1 RUGGLES ROAD

Chairman Crabtree opened the continued Public Shade Tree Hearing (after the fact) for Bruce Carey - 1 Ruggles Road.

Bruce Carey and Dan Connolly (Tree Warden) stated they have come to an agreement regarding the tree removal fine and replacement cost of \$2,400.00 for Bruce Carey at 1 Ruggles Road. Connolly told the Planning Board he is satisfied with the end result of this matter. Planning Board members asked questions about the replacement trees, and Connolly noted that the money can be used to plant trees in any part of town. Planning Board members were informed that this issue is now in the hands of the Tree Warden. Jon Fuller stated it is important to find a way to notify tree cutters (who should know better than to cut public trees), as well as property owners, regarding the penalties of trimming or cutting Town-owned trees in order to prevent this issue from continuing to be a problem in town.

Connolly stated that in a meeting with Town Counsel, it was reiterated that both tree cutters and property owners are responsible when town trees are trimmed or cut and the payment of fines should be worked out between them.

MOTION TO CLOSE: On a motion by **John Fallender**, seconded by **Steve Bornemeier**, the Planning Board voted to close the public shade tree hearing for Bruce Carey, 1 Ruggles Road.

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

MOTION TO APPROVE: On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to approve and accept the financial commitment and plan for a total replacement cost and penalty agreed to by Bruce Carey and Dan Connolly (Tree Warden) in the amount of \$2,400.00.

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

REQUEST FOR ZONING AMENDMENT

David Currier described how the 2003 zoning change from General Business to Limited Business has limited his business growth due to water use restrictions. Planning Board members discussed the issue and noted that in the Orleans Comprehensive Plan updated in 2006 urged concentrations of businesses in certain nodes in town and limit growth along Route 6A. Planning Board members indicated that this issue would fall under the auspices of the Board of Health Nutrient Management Regulations (adopted in 2009) rather than the need for a change in zoning along Route 6A. Currier stated he would like to eventually be able to use glasses and silverware in the tavern portion of the Bowling Alley which impacts the water use. Planning Board members urged Currier to look into water saving technology and work with the Board of Health toward a possible resolution to the problem.

Consensus: There was a consensus of the Planning Board not to proceed with a zoning change to Route 6A at this time, and urged Currier to work with the Board of Health.

POTENTIAL ZONING AMENDMENTS

Planning Board members discussed the following Zoning Bylaw Task Force recommendations of potential zoning amendments for a public hearing in January 2013 for the Annual Town Meeting:

1. **Floodplain District** - Meservy stated that according to the State, this has not been finalized yet and will have to be put off until action can be taken at the May 2014 Annual Town Meeting.
2. **Restaurants** - The Zoning Bylaw Task Force has recommended that no attention be taken on this issue at this time.
3. **Large Home Bylaw** - The Zoning Bylaw Task Force will review this issue further with the possibility they will forward it to the Planning Board for a public hearing.
4. **Fertilizer Bylaw** - This issue will need further review.
5. **Kenel** - The Zoning Bylaw Task Force will review this issue further and draft a bylaw to forward to the Planning Board for a public hearing.
6. **Nonconforming Uses** - This issue is waiting for a response from town counsel for review and will be forwarded to Planning Board for a public hearing.

FERTILIZER MANAGEMENT

Planning Board members discussed and amended proposed fertilizer management goals and recommendations to be forwarded to the Board of Selectmen for consideration as a General Bylaw.

MOTION: On a motion by **Kenneth McKusick**, seconded by **Steve Bornemeier**, the Board voted to accept the following turf management goals and recommendations, as amended at the meeting, and forward them to the Board of Selectmen for review as a suggested General Bylaw:

Goal: All public and private properties in Orleans should be managed in a manner consistent with the Orleans Municipal Turf Management Policy.

1. Recommend that the Town adopt a bylaw that fertilizer application by all property owners shall use best management practices consistent with the Orleans Municipal Turf Management Policy in order to reduce the impact of nitrogen on groundwater and surface waters.
2. Recommend that the Board of Selectmen direct the Board of Water & Sewer Commissioners to establish a public outreach program to educate residents on proper fertilizer management.
3. Recommend that the Board of Selectmen establish an annual fertilizer management certification program for all businesses that apply fertilizer in Orleans.

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

COMMITTEE UPDATES

Orleans Community Partnership (John Fallender)

Fallender gave a report of the ongoing activities and upcoming events of the Orleans Community Partnership, and noted there are many activities now being held in the Old Firehouse and surrounding Parish Park.

APPROVAL OF MINUTES: September 25, 2012

MOTION: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to approve the minutes of September 25, 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 **8:44 p.m.**

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

SIGNED:


(Charles Bechtold, Clerk)

DATE:

11/13/12

LIST OF HANDOUTS FOR OCTOBER 23, 2012 PLANNING BOARD MEETING:

1. *Notice of Violation to Bruce Carey entitled, "Unauthorized Removal of Town Trees", dated October 12, 2012 with backup materials*
2. *E-mails between Bruce Carey, George Meservey and John Jannell regarding Tree Removals at 1 Ruggles Road.*
3. *Letter to Bruce Carey from John Jannell (Conservation Commissioner), dated October 23, 2012.*
4. *David Currier (Orleans Bowling Center) request for zoning amendment from Limited Business District to General Business District.*
5. *Memorandum entitled, "Potential Zoning Amendments", dated October 17, 2012*
6. *Memorandum entitled, "Fertilizer Management Recommendations", dated October 17, 2012*
7. *Planning Board Minutes for September 25, 2012*