



ORLEANS TOWN CLERK

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ORLEANS PLANNING BOARD

DECEMBER 4, 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.

Chet Crabtree gave a disclosure that he is a neighbor of the property owner, but no one on the Planning Board or in the audience felt that it required him to recuse himself from the discussion or vote on the subdivision plan.

PRELIMINARY SUBDIVISION PLAN - CHARLES SILBERT - 30, 34 & 36 VIKING ROAD

John Demarest (Coastal Engineering Co.) represented Charles Silbert for the Preliminary Subdivision Plan for 30, 34 & 36 Viking Road for a 4-lot subdivision (previously 3 existing lots) with one existing dwelling. Demarest pointed out that a small cul-de-sac provides frontage for the lots. Demarest noted that all of the proposed subdivision lots have the required frontage, area and shape factors. Demarest indicated they will be meeting with the Board of Health to address appropriate issues. Meserve pointed out the need to adjust the center radial from the cul-de-sac for Lot 3 on the Definitive Subdivision Plan filing.

Meserve noted that this plan is for an additional building lot in an existing 3-lot subdivision with an undersized 20' wide roadway known as Viking Road, and the applicant needs to provide an adequate right of way. Chet Crabtree questioned the fact that Duck Marsh Lane and Viking Road are situated side by side and asked if they could be combined into one road. Demarest responded that he would have to check with town officials.

John Demarest (Coastal Engineering Co.) stated that they will be requesting a waiver for construction of the road, with 3 existing curb cuts and a common driveway to Lots 2 & 3. Planning Board members expressed concerns with a lack of comments on the subdivision plan from the Highway Department considering the issue of a lack of the required 40' road width. Meserve noted that 15 dwellings currently use Viking Road for access and there is substantial development potential in that area of town. Meserve stated applicant needs to demonstrate rights to right of way or request suitable waivers. Silbert stated he wants to leave the road in its present condition and will request a waiver, if necessary.

Planning Board members reiterated the need to receive comments from the Fire and Highway Departments by the Definitive Subdivision Plan submittal, due to access concerns. Reed stated it is important to balance the character of the area with access and safety, and indicated the need for more departmental information as it could set a precedent for the area.

Meserve stated the dock shown on the Preliminary Plan must be removed from the Definitive Subdivision Plan. John Fallender stated that the sheds need to be moved.

Public Comments:

There were no public comments from the audience.

MOTION TO APPROVE:

MOTION: On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to approve the Preliminary Subdivision Plan prepared for Charles Silbert, dated August 8, 2012, scale 1" = 30', for land located at 30, 34 & 36 Viking Road subject to the following conditions:

1. The dock is not part of the subdivision and should not be shown on the Definitive Plan.
2. Water service issue for the existing home should be addressed to the satisfaction of the Water Department.
3. Lot Shape Factor lines and calculations should be provided with the Definitive Plan filing.
4. Additional frontage for Lot 3 is required to meet the building line requirements of Section 164-22 H.
5. Lots 2 and 3 shall utilize a common driveway unless the cul-de-sac is constructed to Subdivision standards.
6. Applicant must demonstrate rights to use the right of way and request waivers as required.
7. Subject to Fire and Highway Department comments at the Definitive Subdivision Plan stage.
8. The existing sheds must be moved or removed from the properties.

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

PROPOSED RIGHT TO FARM BYLAW

David Light (Chairman, Agricultural Advisory Council) presented Planning Board members with information and a proposed Right to Farm Bylaw. Light stated that the proposed bylaw ties in with chapters of the Orleans Comprehensive Plan (see Chapters 4 & 6). Andrea Reed asked for clarification on the philosophy of fertilizer management. Light responded that organic practices can be done, but there is no specific regulation. Meservey noted there is substantial aquaculture and agriculture activities in town. Crabtree stated the Board of Selectmen want comments from Planning Board members and this seems like a policy statement that the town favors these kinds of pursuits.

MOTION: On a motion by **Steve Bornemeier**, seconded by **John Fallender**, the Board voted to go on record as supporting the Right to Farm Bylaw and pass to Board of Selectmen.

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

ZONING & BYLAW AMENDMENT RECOMMENDATIONS

Large Home Regulations

MOTION: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to forward the proposed Large Home Regulation bylaw for a public hearing to be held by the Planning Board on January 15, 2013.

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

Definition of Buildable Upland

MOTION: On a motion by **Kenneth McKusick**, seconded by **Chip Bechtold**, the Board voted to forward the proposed Buildable Upland definition bylaw for a public hearing to be held by the Planning Board on January 15, 2013.

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

Dog Kennels

MOTION: On a motion by **Kenneth McKusick**, seconded by **Chip Bechtold**, the Board voted to forward the proposed dog kennels bylaw for a public hearing to be held by the Planning Board on January 15, 2013.

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

Non-Conforming Structures

MOTION: On a motion by **Kenneth McKusick**, seconded by **Steve Bornemeier**, the Board voted to forward the proposed Non-conforming structures bylaw for a public hearing to be held by the Planning Board on January 15, 2013.

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

ORLEANS COMPREHENSIVE PLAN – FY '14 RECOMMENDATIONS

Planning Board members discussed Town Department and Committee updates and recommendations on project completion of Orleans Comprehensive Plan action items including the following priorities:

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

COMMITTEE UPDATES

Orleans Community Partnership (John Fallender)

Fallender gave an update on ongoing progress and upcoming events of the Orleans Community Partnership .

CORRESPONDENCE

Orleans Underground Utility Committee – Report to 2001 Annual Town Meeting

Planning Board members discussed the issue of underground utilities and whether it would be advisable to obtain input from staff at the Cape Cod Commission on the issue as a part of downtown improvement in Orleans.

APPROVAL OF MINUTES: November 13, 2012

MOTION: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to approve the minutes of November 13, 2012.

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

NEXT MEETING

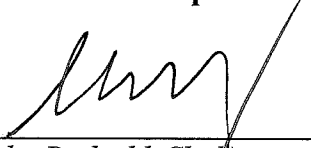
The next Planning Board meeting will be held on January 15, 2013.

ADJOURNMENT

MOTION: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to adjourn at 8:35 p.m.

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

SIGNED:


(Charles Bechtold, Clerk)

DATE:

1/15/2013

LIST OF HANDOUTS FOR DECEMBER 4, 2012 PLANNING BOARD MEETING:

1. Preliminary Subdivision Plan for Charles Silbert, 30, 34 & 36 Viking Road
2. Agricultural Advisory Council Memorandum, dated November 27, 2012
3. Memorandum entitled, "Regulating Large Homes", dated November 14, 2012
4. Appeals Court of Massachusetts, Justin E. Gale vs. Gloucester Zoning Board of Appeals
5. Proposed Zoning Bylaw for Non-conforming Structures
6. Orleans Underground Utility Committee, Report to the 2001 Annual Town Meeting
7. Planning Board minutes for November 13, 2012