



K. D. L., Asst

14 MAR 4 8:35AM

## **ORLEANS PLANNING BOARD**

**FEBRUARY 11, 2014 - 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:** Steve Bornemeier; **Vice-Chairman:** Charles Bechtold; **Clerk:** Chet Crabtree 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. **Absent:** Kenneth McKusick.

*Chairman Bornemeier requested that Associate Paul McNulty vote in the absence of Kenneth McKusick.*

### **7:15 P.M. - PUBLIC HEARING - DEFINITIVE SUBDIVISION - SETH & ALISON WILKINSON - 40 & 66 BAKERS POND ROAD**

Bornemeier called the public hearing to order and Chet Crabtree read the legal ad into the record. Chet Crabtree recused himself from discussion and voting on this subdivision due to a conflict and Andrea Reed was requested to vote on the matter.

Phil Scholomiti (Ryder & Wilcox) gave a description of the Definitive Subdivision plan proposal for Seth & Alison Wilkinson for a six lot subdivision from two parcels located in the Residential District off Baker's Pond Road. Scholomiti noted that the plan was reviewed and approved by the Planning Board as a Preliminary subdivision plan with conditions on May 7, 2013. Scholomiti described the square footage on each lot and area with buildable upland and stated that all of the lots meet the minimum frontage area and shape factor requirements. Scholomiti stated the applicant plans to file a separate plan with the Conservation Commission prior to construction on any of the lots.

Scholomiti described five design changes made to the Definitive Subdivision Plan in order to meet all of the Subdivision Rules & Regulations as follows:

- Access will be provided via an 18' wide paved (not gravel) roadway with paved berms on both sides.
- The road grades have been adjusted to meet the required 8% maximum grade and a minimum site distance of 150' via redesigned vertical curves.
- Side slopes will be contained with the use of Sheet Pile Retaining Walls.
- Road Runoff and Drainage will be controlled with the use of catch basins and leach pits.
- Utilities will be underneath the proposed pavement and will maintain the required 5' separation.

Scholomiti stated that the wetland on the property is categorized as a small kettle hole wetland, not a vernal pool. Through the existing driveway, runoff will run into the wetland through a pipe and there are plans to improve areas outside the 50' buffer area with catch basins and leaching pits.

### Waiver Requests:

Scholomiti stated that the applicant has requested the following waivers:

- Street frontage waiver under Section 164-22 A (5) of the Zoning Bylaw for two panhandle lots.
- Town regulations requiring topographical mapping of lots from an actual survey. The applicant is proposing to utilize the Town of Orleans topographical data.
- Town regulations limiting the maximum length of a dead end street to 600 feet. The applicant has proposed a road length of 892 feet.

Scholomiti described a meeting with the Board of Health on January 6, 2014 where septic system issues were discussed and easements A-E were required and are shown on the plan.

### Correspondence:

Planning Board members acknowledged correspondence from the following people:

- ❖ William Redihan, letter dated January 6, 2014
- ❖ Beverly Carney, letters dated December 23 & 30, 2013 and January 6, 2014

As requested by abutter Beverly Carney, the following passage from her letter of January 23, 2014 was read into the minutes:

*"Here or elsewhere in Town there is no lasting public good from a substandard private way 892.5 feet in length & onto a feeder/collector public road to service Industrial, Limited Business, Farming, Conservation & panhandled Residential lots or by waiving minimum performance standards & practices & given a flawed Preliminary Plan of 7 May 2013, Definitive is not entitled to PB endorsement."*

### Comments:

**Erin Holguin** (117 Deer Path Circle, Brewster) expressed concern with removal of wooded areas and displacement of wild animals and the increase in the number of houses, if the subdivision is approved.

**Jon Fuller** (184 Main Street) requested that subdivision approval include drainage mitigating phosphorus and nitrogen to avoid adversely affecting Baker's Pond.

**Margaret Vincent** (34 Longview Drive) expressed concern at the appearance of the circle on Lot 3 encroaching on her property.

**Philip Scholomiti** (Ryder & Wilcox) responded to abutter concerns as follows:

- There are currently three existing houses and only three additional houses will be added through the subdivision plan.
- Construction of the roadway is an allowed use.
- There are safeguards to avoid runoff after construction
- Areas that are disturbed will be fixed after construction.
- Circles within the panhandle lots are contained within Lots 3 and 4 and do not encroach on any abutting properties.

McNulty asked about changes to the catch basins and Scholomiti responded that the original proposal for a gravel roadway would not work well with catch basins and leaching basins.

Planning Board members requested information regarding the Preliminary Subdivision Plan requirement for the applicant to have the plan reviewed by the Conservation Commission prior to filing the Definitive Subdivision Plan, and were informed that the road has been redesigned and the applicant plans to file a separate plan with the Conservation Commission with details regarding construction within the buffer area.

Fallender questioned information regarding an earlier plan providing turnouts for vehicles passing each other, and Scholomiti responded that turnouts are no longer necessary with the larger roadway in the revised Definitive Subdivision Plan.

#### **Town Department comments:**

Planning Board members reviewed comments from the following Town Departments:

- ◆ Memorandum from Board of Health dated January 14, 2014.
- ◆ Memorandum from Chief William P. Quinn (Fire Department) dated December 5, 2013.
- ◆ Memorandum from Captain Robert E. Felt (Fire Department), dated February 10, 2014.
- ◆ Memorandum from John Jannell (Conservation Administrator), dated February 5, 2014.
- ◆ Memorandum from James Gallagher (Brewster Conservation Administrator), dated January 14, 2014.

Reed questioned maintenance of the catch basins and Meservey responded that on private roads they are maintained by the homeowners.

McNulty questioned the topographical waiver request and Meservey responded that the town's GIS mapping system is pretty accurate and can be useful for topographical mapping projects.

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

**MOTION:** On a motion by **John Fallender**, seconded by **Andrea Reed**, the Board voted to close the Definitive Subdivision public hearing for Seth & Alison Wilkinson for property located at 40 & 66 Baker's Pond Road.

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

#### **WAIVER REQUESTS**

##### **WAIVER FROM FRONTAGE REQUIREMENTS:**

**MOTION TO APPROVE:** On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to waive the street frontage requirements for Lots 3 and 4 and allow panhandle frontage. The lots meet the requirements for panhandle lots in the Zoning Bylaw, Section 164-22 A. (5).

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

**WAIVER FROM TOPOGRAPHICAL DATA:**

**MOTION:** On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to grant a waiver from the requirement for topographic data from an actual survey.

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

**WAIVER FROM ROAD LENGTH:**

**MOTION:** On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to grant a waiver of maximum length of a dead end to allow a length of 892 feet.

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

**MOTION TO APPROVE DEFINITIVE SUBDIVISION:**

**MOTION TO APPROVE:** On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to approve the Definitive Subdivision Plan prepared for Seth and Alison Wilkinson, dated January 27, 2014, scale 1" = 50', for land located at 40 and 66 Bakers Pond Road, and to name the road Beetlebung Way, subject to the following conditions:

1. Road construction shall be consistent with the Plan & Profile for "Beetlebung Way", dated January 27, 2014. Any changes to the Plan & Profile as a result of permitting shall require Planning Board approval.
2. Town water shall be provided to all parcels.
3. Lots 3 and 4 will be limited to one single family dwelling.
4. All conflicts with the proposed water main and other utilities shall be resolved and a 5-foot separation maintained throughout the project.
5. All conditions of the Board of Health memo dated January 14, 2014 must be met.
6. A Restrictive Covenant or other surety shall be placed on the property for the required improvements.
7. Cul-de-sac must meet Fire Department requirements
8. Grade at Baker's Pond Road shall meet requirements of the Traffic Study Committee.

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

*Chet Crabtree returned and voted for the remainder of the Planning Board meeting.*

**7:15 P.M. - PUBLIC HEARING (Cont.) - ZONING BYLAW AMENDMENTS**

**FEMA Flood Plan Maps**

**MOTION:** On a motion by **Chet Crabtree**, seconded by **Paul McNulty**, the Board voted to forward the FEMA Flood Plan maps bylaw amendment to the Board of Selectmen with a recommendation for inclusion on the Annual Town Meeting warrant in May 2014.

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

## Signs

**CONSENSUS:** There was a consensus of Planning Board members that Meservey incorporate comments into the proposed bylaw and bring it back for further review at the February 25, 2014 Planning Board meeting.

## Medical Marijuana Facilities

**MOTION:** On a motion by **John Fallender**, seconded by **Paul McNulty**, the Board voted to forward the Medical Marijuana Facility bylaw amendment to the Board of Selectmen with a recommendation for inclusion on the Annual Town Meeting warrant in May 2014.

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

## Setbacks for Large Homes

**MOTION:** On a motion by **Paul McNulty**, seconded by **Chet Crabtree**, the Board voted to forward the Setbacks for large homes bylaw amendment to the Board of Selectmen with a recommendation for inclusion on the Annual Town Meeting warrant in May 2014.

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

## Tents, Trailers and Mobile Camping Units

Planning Board members discussed the problem with existing illegal storage trailers which are prohibited in all zoning districts in town. The Building Commissioner has been requested to enforce the existing bylaw to deal with a proliferation of trailers all over town. Planning Board members have considered whether to allow them in the Industrial District using the follow proposed six criteria:

1. Trailers may not be occupied and the storage use must be for the support of the existing business located on the premises.
2. Site Plan Review Committee approval is required.
3. Trailers must be screened from all street frontages by landscaping, fencing or other means.
4. Trailers must be located on the rear half of the lot and be setback side and rear property lines a distance equipment to its height. They shall not obstruct egress, parking or access to dumpsters on the premise.
5. Trailers may not contain hazardous materials unless approved by the Orleans Fire Chief, and shall be posted on the door if required.
6. Trailers shall not have electricity, heating, or refrigeration.

## Public Comments:

**Peter Coneen** (95 Rayber Road) questioned if shipping trailers are covered. Meservey responded in the affirmative and read the following definition:

***Trailer:*** Any vehicle or object which is, has been or may be portable. For the purpose of this definition trailers shall include, but shall not be limited to: motor freight trailers, dump trailers, utility trailers and the like other than those covered in this section.  
[ATM 5/8/1984, Article 91]

**Joshua Wile** (Agway, 20 Lots Hollow Rd) expressed concern with the one trailer limitation and stated it would be very confining for businesses that need to store different types of materials separately dry and out of the weather. Wile stated there should be leeway in the bylaw for delivery trailers so they don't affect the number of trailers allowed.

**John Fallender** suggested putting a time limit on trailers for permanent storage and noted that transit trailers are part of doing business.

**Kurt Martin** (43 Rayber Road) informed Planning Board members of the following:

- ◆ He agreed with allowing trailers in the Industrial District instead of leaving equipment and materials laying around on lots.
- ◆ Multiple businesses may be occupying a parcel of property.
- ◆ He agreed with review by the Site Plan Review Committee.
- ◆ He disagreed with listing the contents on the outside of the trailers.
- ◆ Screening is unnecessary in the Industrial Area.
- ◆ He disagreed with the requirement to locate the trailer on the rear of the lot since forklifts would be difficult to use.

**Andrea Reed** stated the need for information from business owners regarding the value of trailers vs. fixed storage buildings.

**John Avellar** (49 Giddiah Hill Road) responded that hoop buildings are 20' x 30' x 18' high and cost approximately \$5,000 - \$6,000 vs. storage trailers which can be purchased for approximately \$1,500 and are easy to transport.

**Peter Coneen** (95 Rayber Road) stated storage trailers can be rented and dropped at property for approximately \$1,500 - \$2,000 with nicer ones priced around \$2,500. Coneen questioned why a business owner would pay \$8,000 - \$10,000 when they can spend a fraction of the cost and they are available quickly.

**Chip Bechtold** stated that the Planning Board needs information on how business owners use trailers in order to be able to craft helpful rules that would allow trailers to be legally used by businesses in a way that improves the aesthetics of the Industrial District.

**Seth Wilkinson** (28 Lots Hollow Road) stated he was not aware that trailers are prohibited in town and noted his opinion that trailers should not be illegal and a definition should be clarified. Wilkinson stated that trailers are essential to his business and allows him have storage without the huge investment needed for a building. Wilkinson commented that it seems reasonable to allow trailers in the Industrial District and should have no aesthetic impact if they are not visible from the road.

**Lara Slifka** (43 Rayber Road) distributed photographs to Planning Board members showing fishing gear left outside and stated it can be stored neat and orderly within a trailer and can be unloaded with a forklift driven inside the trailer. Slifka expressed disagreement with the definition of a trailer and stated her opinion that it needs to be updated not to include shipping containers.

**George Meservey** responded that shipping containers meet the definition of trailer in the zoning bylaws.

**Lara Slifka** (43 Rayber Road) stated that the requirement to place trailers on the rear of a lot would make it difficult to work with and questioned the issue of aesthetics. Slifka disagreed with the need for Site Plan Review Committee review for trailers as well as listing the contents of trailers which could result in break-ins. Slifka also questioned what type of hazardous materials would be stored in a trailer that would cause concern.

**John Fallender** stated the intent of questioning hazardous materials is to allow the fire department to know what type of fire they could be dealing with and what would be best to put it out.

**Lara Slifka** (43 Rayber Road) suggested that Department of Transportation specialized decals could be used to show trailers that contain hazardous materials.

**Andrea Reed** noted that comments by Seth Wilkinson regarding the use of trailers to preserve the environmental impact on the land over a long period of time have some merit in avoiding leakage of materials.

**Steve Bornemeier** reiterated that the Planning Board is trying to help businesses in this matter.

**George Meservey** suggested the proposal could be put forth at a town meeting in the future and a Break-in period has worked with other bylaws in town.

**Jon Fuller** (184 Main Street) stated the bylaw has merit, but is useless if it can't be enforced due to limited staff.

**Peter Coneen** (95 Rayber Road) expressed concern about trailers dropped in all parts of town relatively inexpensively which create space without regulations. Coneen agreed that a transition period would be helpful for businesses with existing trailers.

**Seth Wilkinson** (95 Rayber Road) agreed that a phasing-in period would be a good idea for businesses with existing trailers and suggested obtaining permit through the Building Department for the Industrial District. Wilkinson noted that storage of hazardous materials is a problem and stated his opinion that trailer storage is safer than in sheds.

Planning Board members agreed that based on comments received at this meeting, more review would be helpful before forwarding the proposed bylaw amendment to town meeting.

**Lara Slifka** (43 Rayber Road) questioned if trailers could be located on property with no building.

**John Martin** (32 Rayber Road) questioned how other businesses in town who use trailers would be handled such as Snow's and Stop & Shop.

**Andrea Reed** stated that making accommodations for hazardous storage is good for the environment.

**John Avellar** (49 Giddiah Hill Road) questioned the use of trailers for people renovating homes.

**George Meservey** responded that if there is a building permit, it is allowed for six months.

**CONSENSUS:** There was a consensus of Planning Board members that Meservey incorporate comments into the proposed bylaw amendment and bring it back for further review at the February 25, 2014 Planning Board meeting.

## **CORRESPONDENCE**

- *Citizen Planner Training Collaborative Conference - March 15, 2014 in Worcester, MA*

## **APPROVAL OF MINUTES: January 28, 2014**

**MOTION:** On a motion by **John Fallender**, seconded by **Chip Bechtold**, the Board voted to approve the Planning Board minutes for January 28, 2014.

**VOTE:** 4-0-1 The motion passed by a majority. (Paul McNulty abstained).

## **ADJOURNMENT**

**MOTION:** On a motion by **John Fallender**, seconded by **Paul McNulty**, the Board voted to adjourn the Planning Board meeting at **9:10 p.m.**

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

**SIGNED:**



(Chet Crabtree, Clerk)

**DATE:**

2/25/14



**LIST OF HANDOUTS FOR FEBRUARY 11, 2014 PLANNING BOARD MEETING:**

**1. PUBLIC HEARING - SETH & ALISON WILKINSON - 44 & 60 BAKERS POND ROAD**

- A. Memorandum from Planning Director, dated February 11, 2014.*
- B. Philip Scholomiti (Ryder & Wilcox) letter regarding changes to subdivision plan, undated.*
- C. Philip Scholomiti (Ryder & Wilcox) letter waiver request regarding 90 day action, dated January 8, 2014.*
- D. Road Section at Sheetpile wall plan by McKenzie Engineering Consultants, dated 1-24-14.*
- E. Memorandum from John Jannell (Conservation Commissioner), dated February 5, 2014.*
- F. Memorandum from Board of Health, dated January 14, 2014.*
- G. Memorandum from Chief Quinn (Fire Department) dated December 5, 2013.*
- H. Memorandum from Robert E. Felt, Fire Inspector, dated February 10, 2014.*
- I. Memorandum from James Gallagher, Brewster Conservation Administrator, dated January 14, 2014.*
- J. Letter from William Redihan, dated 1/6/14.*
- K. Letter from (Mrs.) Beverly Carney, dated January 6, 2014.*
- L. Letter from (Mrs.) Beverly Carney, dated January 23, 2014.*
- M. Card from (Mrs.) Beverly Carney, dated December 30, 2013.*

**2. PROPOSED ZONING BYLAW AMENDMENTS**

- A. FEMA Flood Plan Maps*
- B. Signs*
  - 1) E-Mail from Don Krohn, dated February 1, 2014*
- C. Medical Marijuana Facilities*
- D. Setbacks for Large Homes*
- E. Tents, Trailers and Mobile Camping Units*

**3. CORRESPONDENCE**

- A. Citizen Planner Training Collaborative Conference - March 15, 2014*

**4. APPROVAL OF MINUTES**

- A. January 28, 2014*