



ORLEANS TOWN CLERK

C. May

14 APR 9 8:06AM

ORLEANS PLANNING BOARD

MARCH 25, 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; John Fallender and **Associate:** Andrea Reed. **Planning Department Staff:** George Meservey; and **Secretary:** Karen Sharpless. **Also Present:** **Board of Selectmen Liaison:** Jon Fuller. **Absent: Vice-Chairman:** Charles Bechtold; **Clerk:** Chet Crabtree; Kenneth McKusick and **Associate:** Paul McNulty.

7:00 P.M. - PUBLIC HEARING - NSTAR (Continued)

Dan Connolly (Tree Warden) described work proposed by Paul Seller on behalf of NSTAR to proceed with tree trimming around electric distribution lines on a circuit covering portions of Rock Harbor Road and Bridge Road. Connolly stated no trees are planned for cutting or removal. Connolly described his responsibility to monitor and inspect the work done by NSTAR. Meservey noted that some of the work is located on Route 6A. Fallender complimented Connolly on successfully overseeing tree work done in Orleans.

CLOSE PUBLIC HEARING:

MOTION: On a motion by **Andrea Reed**, seconded by **John Fallender**, the Board voted to close the public hearing for NSTAR.

VOTE: 3-0-0 The motion passed unanimously.

MOTION TO APPROVE: On a motion by **Andrea Reed**, seconded by **John Fallender**, the Board voted to approve the tree trimming application and allow NSTAR to proceed with the requested work.

VOTE: 3-0-0 The motion passed unanimously.

COMPLETE RELEASE OF COVENANT - The Estate Of Leland H. Williams

George Meservey informed Planning Board members of Definitive Subdivision Plan approved by the Planning Board on July 24, 2012 with conditions which required a covenant. The lot is on the market and the Planning Board has received a request from Patricia Daniels for a Complete Release of Covenant.

MOTION: On a motion by **Andrea Reed**, seconded by **John Fallender**, the Board voted to Authorize the Planning Board Chairman to sign a Complete Release of Covenant for The Estate of Leland H. Williams for property located at 93, 97 & 97A Skaket Beach Road.

VOTE: 3-0-0 The motion passed unanimously.

APPROVAL NOT REQUIRED PLAN - Francis & Susan Kelly and Vincent & Martha Geary Grove, 50 Arey's Lane

Bob Freeman (Schofield Brothers) described a land swap between homeowners which includes the rearrangement of a westerly lot line in order to maintain setbacks for additional house construction.

MOTION: On a motion by **John Fallender**, seconded by **Andrea Reed**, the Board voted to authorize the Planning Board Chairman to sign the Approval Not Required for Francis & Susan Kelly and Vincent & Martha Geary Grove for property located at 50 Arey's Lane.

VOTE: 3-0-0 The motion passed unanimously.

PUBLIC LAYOUT REVIEW - Aspinet Road

Meservey informed Planning Board members that the Board of Selectmen is considering taking all or a portion of Aspinet Road as a town way and have requested that the Planning Board make a report on the condition of the road. Meservey noted that an inspection of the road indicates it is in essentially the same shape as noted in a Memorandum to the Board of Selectmen dated March 30, 2012 which fails to meet town standards.

Comments:

Attorney Michael O'Neill (McGregor & Associates) spoke on behalf of Richard Cuda, Linda & Paul Sabel and Charles Kessler, owners and part-time resident of property on Aspinet Road and Cullum Road in opposition of the road taking proposal. Attorney O'Neill stated that if Aspinet Road is taken as a public way, it will result in an increase in traffic from many towns, not just Orleans residents. Attorney O'Neill emphasized that the current condition of the road does not meet the Orleans Subdivision Rules and Regulations for a road taking. Attorney O'Neill noted that part of the land is owned by the National Seashore with many unresolved issues.

Jon Fuller (Selectman Liaison) stated that the concerns of Attorney O'Neill's clients should be presented to the Board of Selectmen, not the Planning Board. Fuller noted that the Board of Selectmen was instructed by a Town Meeting vote to take Aspinet Road which obligates them to move forward with research to understand what would be involved if the road is taken.

Steve Bornemeier asked Meservey for clarification of the issue. Meservey explained that the Planning Board needs to review the Highway Manager's report on the condition of the road, review maps and plans on Aspinet Road, and report back to the Board of Selectmen for input on the public hearing on April 16, 2014. Planning Board members agreed that the condition of the road has not changed since the Highway Managers last report in 2012.

Hank Schumacher (Aspinet Road) gave his opinion on the status of the road and abutters using the road, and stated his opposition to using taxpayer funds to take the road. Schumacher echoed comments made earlier in the meeting that part of the land is owned by the National Seashore.

Attorney Michael O'Neill (McGregor & Associates) stated some abutters use Aspinet Road for access and since all of them have frontage on that road, this proposal would result in a taking of their property.

MOTION: On a motion by **John Fallender**, seconded by **Andrea Reed**, the Planning Board voted to affirm the report by the Highway Manager in March 2012 on the condition of Aspinet Road, and noted the road has remained in the same condition.

VOTE: 3-0-0 The motion passed unanimously.

COMMITTEE REPORTS

Orleans Community Partnership (Andrea Reed)

Andrea Reed gave an extensive report on many current and upcoming events happening throughout the Town of Orleans and the many organizations involved in the project over the next few months. Reed noted that information can be accessed on the internet.

APPROVAL OF MINUTES: March 11, 2014

MOTION: On a motion by **John Fallender**, seconded by **Andrea Reed**, the Board voted to approve the Planning Board minutes for March 11, 2014.

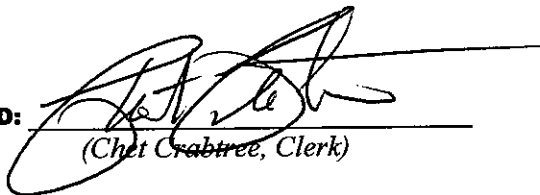
VOTE: 2-0-1 The motion passed by a majority. (Steve Bornemeier abstained).

ADJOURNMENT

MOTION: On a motion by **John Fallender**, seconded by **Andrea Reed**, the Board voted to adjourn the Planning Board meeting at 7:55 p.m.

VOTE: 3-0-0 The motion passed unanimously.

SIGNED:



(Chet Crabtree, Clerk)

DATE:

4/8/2014

LIST OF HANDOUTS FOR MARCH 25, 2014 PLANNING BOARD MEETING:

1. NSTAR PUBLIC TREE HEARING

- A. *Legal Ad for Public Tree Hearing*
- B. *Application for Scenic Road Hearing*
- C. *Letter from Paul Sellers, (Sr. Arborist) entitled, "NSTAR Vegetation Management Plan, Utility Pruning, Circuit 4-119-951", dated December 23, 2013.*
- D. *Map of Orleans*

2. REQUEST FOR RELEASE OF COVENANT – ESTATE OF LELAND H. WILLIAMS

- A. *Letter from Patricia Daniels entitled, "Definitive Subdivision Plan for the Estate of Leland H. Williams", dated March 20, 2014.*
- B. *Planning Board Approval form for The Estate of Leland H. Williams*
- C. *Covenant for The Estate of Leland H. Williams signed by Patricia L. Daniels, dated August 23, 2012.*

3. APPROVAL NOT REQUIRED – FRANCIS & SUSAN KELLY, 50 AREY'S LANE

- A. *Approval Not Required application for Francis D & Susan L. Kelly*
- B. *Approval Not Required application for Vincent T. & Martha Geary Grove*
- C. *Plan entitled, Division of Land in Orleans, Mass, prepared for Francis D. Kelly & Susan L. Kelly and Vincent T. Grove & Martha Geary Grove, by Schofield brothers of Cape Cod, dated March 20, 2014.*
- D. *Memorandum from Planning Department, dated March 20, 2014.*

4. PUBLIC LAYOUT REVIEW: ASPINET ROAD

- A. *Memorandum from Planning Director entitled, "Proposed Public Layout of Aspinet Road", dated March 20, 2014 with maps*
- B. *Memorandum from Planning Board to Board of Selectmen entitled, "Report on Proposed Public Layout of Aspinet Road", dated March 30, 2012.*
- C. *Letter from Mark Budnick (Highway Department), entitled, "Inspection of Aspinet Road", dated March 20, 2012.*
- D. *Report of the Board of Selectmen by John F. Kelly (Town Administrator), entitled, "Proposed Layout of Aspinet Road and that portion of Inlet Road a.k.a Cliff Road, Public Hearing April 18, 2012".*
- E. *Document entitled, "Administrative Procedure for Layout-Out of Public Ways Over Private Properties in the Town of Orleans".*
- F. *Document entitled, "Policy Statement – Road Layout and Betterment Requests, Property Owner Initiatives", date approved: July 9, 1997.*
- G. *Letter from Attorney Michael J. O'Neill from McGregor & Associates entitled, "Proposed layout of Aspinet Road", dated March 25, 2014.*

5. APPROVAL OF MINUTES

- A. *Planning Board minutes dated March 11, 2014*