



ORLEANS TOWN CLERK

K. Daryl, Asst

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ORLEANS PLANNING BOARD

JULY 22, 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; Kenneth McKusick and John Fallender. **Associate:** Andrea Reed. **Planning Department Staff:** George Mesurvey; and **Secretary:** Karen Sharpless. **Absent:** Paul McNulty and **Board of Selectmen Liaison:** Jon Fuller.

ANNUAL PLANNING BOARD REORGANIZATION

Planning Board Chairman

MOTION: On a motion by **John Fallender**, seconded by **Chip Bechtold**, Steve Bornemeier was nominated for Planning Board Chairman for FY '15. There were no other nominations.

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

Planning Board Vice Chairman

MOTION: On a motion by **Kenneth McKusick**, seconded by **Chet Crabtree**, Charles Bechtold was nominated for Planning Board Vice Chairman for FY '15. There were no other nominations.

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

Planning Board Clerk

MOTION: On a motion by **Chip Bechtold**, seconded by **Kenneth McKusick**, Chet Crabtree was nominated for Planning Board Clerk for FY '15. There were no other nominations.

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

COMMITTEE APPOINTMENTS

➤ Community Preservation Committee

MOTION: On a motion by **John Fallender**, seconded by **Chip Bechtold**, the Board voted to appoint Paul McNulty to continue to serve as the Planning Board representative to the Community Preservation Committee.

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

➤ Zoning Bylaw Task Force

MOTION: On a motion by **John Fallender**, seconded by **Chet Crabtree**, the Board voted to recommend to the Board of Selectmen that Andrea Reed serve as a Planning Board representative on the Zoning Bylaw Task Force.

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

MOTION: On a motion by **John Fallender**, seconded by **Kenneth McKusick**, the Board voted to recommend to the Board of Selectmen that Chip Bechtold continue to serve as a Planning Board representative on the Zoning Bylaw Task Force.

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

MYLAR ENDORSEMENT - GEORGE M. THOMPSON & FAITH B. THIBAUT - 33 & 35 SNOW SHORE ROAD

Meservy noted that the Definitive Subdivision plan for George M. Thompson & Faith B. Thibault for property located at 33 & 35 Snow Shore Road was approved by the Planning Board on June 10, 2014 and no appeals have been filed. There are existing houses on all three lots and there are no outstanding covenants or surety requirements.

MOTION: On a motion by **Chip Bechtold**, seconded by **John Fallender**, the Board voted to authorize the Planning Board Chairman to endorse the Definitive Subdivision Plan mylar for George M. Thompson & Faith B. Thibault for property located at 33 & 35 Snow Shore Road, plan revision date is June 9, 2014.

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

PHOSPHOROUS CONTROL BYLAW

Planning Board members discussed the Nitrogen Control Bylaw approved by town meeting voters in 2012 and noted that the Cape Cod Commission passed a Cape-wide fertilizer District of Critical Planning Concern (DCPC) designation late in 2012. Meservy noted that the Attorney General disapproved the Town of Orleans bylaw because only the Massachusetts Department of Agricultural Resources (MDAR) can regulate fertilizer. Meservy noted that the Orleans Nitrogen bylaw is grandfathered and the Board of Health has indicated they will not take action in the time frame allotted.

Sandy Bayne (Chair, Pond Protection Committee & Vice President, Orleans Pond Coalition) gave a presentation on town-wide fertilizer use concerns and the effect on surrounding areas and water bodies. Bayne indicated the intent to put the issue on the October 27, 2014 Special Town Meeting warrant as a General Bylaw. Due to the impact fertilizers have on freshwater ponds, Sandy Bane urged Planning Board members to obtain input from Town Counsel on wording for a bylaw.

McKusick noted the importance of the regulation as the official position of the town, and not just a “feel good” bylaw. McKusick noted the need to do what is best for the town.

Carolyn Kennedy (Chair, Orleans Marine & Freshwater Task Force and Chair, Water Quality Task Force) stated that the water quality of Boland Pond is deteriorating rapidly as researched by water samplers and phosphorus use affects water quality. Steve Bornemeier stated his opinion that Meservey needs to work with town counsel regarding phosphorus control in town. Crabtree stated his opinion that the Planning Board should make a choice to make a bold positive statement about phosphorous control.

McKusick suggested that the Planning Board direct Meservey to work, with the advice of Town Counsel, to initiate whatever actions are necessary to implement the appropriate bylaw(s). McKusick noted that need to indicate a sense of urgency in public education and regulation regarding phosphorous.

MOTION: On a motion by **Chet Crabtree**, seconded by **John Fallender**, the Board voted to move forward on some form of phosphorous regulation either with the nitrogen bylaw or a separate bylaw in a time frame which would allow the Board of Selectmen to hold a public hearing and put it on the upcoming Special Town Meeting warrant on October 27, 2014.

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

BOLAND POND STORMWATER ASSESSMENT

Carolyn Kennedy (Chair, Orleans Marine & Freshwater Task Force and Chair, Water Quality Task Force) gave a presentation for a study to be done on Boland Pond with testing to be done in early summer and early fall to study expansive underwater woody vegetation and lily pads and the change in the shape of the pond. Kennedy stated the need to study stormwater drainage during three rain events from at least seven drains/outfalls which are piped into the mixed use watershed. Kennedy noted that Boland Pond is uniquely surrounding by many residential and commercial properties. Kennedy indicated the intent to involve middle school children in the study process. Kennedy indicated the need to use the study results to create a management plan, with the intent that prevention is the best way to handle the problem rather than dealing with the consequences later.

In response to a question raised by Crabtree, it was noted that it is town policy to reduce the amount of nitrogen used on school and municipal properties.

Kennedy noted that most kettle ponds don't have any water source, although many have been altered by man-made processes such as the creation of cranberry bogs. Kennedy stated that phosphorous sticks to sand and that sand must be kept out of catch basins which are sediment traps.

Sandy Bayne stated that the Pond Protection Committee has taken up Boland Pond as a project and plans to hold a meeting on August 11, 2014 at 3:00 at Snow Library with input from officials and abutters.

McKusick stated the importance of determining how the regulations would fit with the town's long range plan.

UNDERGROUND UTILITIES

Meservey informed Planning Board members that there has been a longstanding interest in town on the subject of placing utility lines underground. Meservey referred to an Underground Utilities Committee created by the town in 1999, but they were informed that the project would be very complicated and expensive. Meservey noted the committee was created when there were many power outages, a situation which improved over the years. Meservey noted that NSTAR, in cooperation with Dan Connolly (Tree Warden), have been able to target problem trees and resolved problems before they occur. Planning Board members reviewed Massachusetts General Laws, Chapter 166 entitled, "Telephone and Telegraph Companies, and Lines for the Transmission of Electricity" and voiced enthusiasm for the provision empowering municipalities to direct that utilities be placed underground. At the request of Planning Board members, Meservey agreed to research the issue further and bring it before the Planning Board for review.

ORLEANS HOME RULE CHARTER

Planning Board members discussed a request from the Charter Review Committee for input into the charter review process and agreed to do further research and forward ideas to Meservey for Planning Board review.

CORRESPONDENCE

- Massachusetts Dept of Transportation - Public Hearing Notice - July 23, 2014
- Village Center Revitalization Progress Report Memorandum to Board of Selectmen, dated July 1, 2014

COMMITTEE REPORTS

Board of Water & Sewer Commissioners (Kenneth McKusick)

McKusick informed Planning Board members about a recent document entitled, "Asset Management Plan for the Orleans Water Department" by Wright-Pierce dated May 2014. McKusick praised the document and noted that it includes important information about the town and specifically the Water Department.

APPROVAL OF MINUTES: June 10, 2014

MOTION: On a motion by **John Fallender**, seconded by **Chip Bechtold**, the Board voted to approve the Planning Board minutes of June 10, 2014.

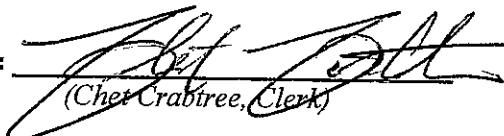
VOTE: 3-0-2 The motion passed by a majority. (Kenneth McKusick and Chet Crabtree abstained).

ADJOURNMENT

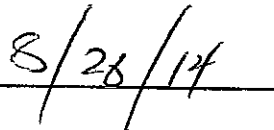
MOTION: On a motion by **Kenneth McKusick**, seconded by **John Fallender**, the Board voted to adjourn the Planning Board meeting at 8:40 p.m.

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

SIGNED:


(Chet Crabtree, Clerk)

DATE:



LIST OF HANDOUTS FOR JULY 22, 2014 PLANNING BOARD MEETING:

1. PHOSPHOROUS CONTROL BYLAW

- A. Rationale for Adoption of Additional Phosphorus Fertilizer Control Bylaw before 12/31/14*
- B. Fertilizer Regs [sic] Comparison as of 6/27/14*
- C. Draft Proposed Phosphorus Amendment to Nitrogen Bylaw, dated 7/18/14*

2. BOLAND POND STORMWATER ASSESSMENT

- A. Orleans Pond Coalition - Boland Pond Project, Draft 5.334*
- B. Map entitled "Inside the Boland Pond Watershed"*

3. UNDERGROUND UTILITIES

- A. 2006 Orleans Comprehensive Plan – "Chapter 12 Historic Preservation and Community Character includes the follow re: Underground Utilities..."*
- B. Massachusetts General Laws Annotated Currentness [sic]. "Chapter 166. Telephone and Telegraph Companies and Lines for the Transmission of Electricity"*

4. ORLEANS HOME RULE CHARTER

- A. Memorandum from Charter Review Committee, dated July 1, 2014*
- B. Orleans Town Charter, Chapter 9 – Planning and the Environment*

5. CORRESPONDENCE

- A. MassDOT Public Hearing Notice for July 23, 2014*
- B. Memorandum to Board of Selectmen entitled, "Village Center Revitalization Progress Report", dated July 1, 2014*

6. APPROVAL OF MINUTES

- A. Planning Board minutes dated June 10, 2014*