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SITE PLAN REVIEW COMMITTEE

July 1, 2009 - Minutes

A meeting of the Site Plan Review Committee was called to order at 10:00 a.m. in Skaket Meeting Room at the Orleans Town Hall. **Departments Present:** George Meservey (Planning); Mark Budnick (Highway); Bob Canning (Health); Chief William Quinn (Fire); Brian Harrison (Building); Todd Bunzick (Water); and Jennifer Wood (Conservation).

FORMAL REVIEW (Continued): Beachside (Nauset Beach LLC), 223 Beach Road

Chief William Quinn made a disclosure that the law firm of LaTanzi, Spaulding and Landreth has done legal work for him and offered to recuse himself from the review of this application, but no one expressed any concern on this disclosure and Chief Quinn remained in the meeting.

Meservey stated for the record that this is a continuation of a Formal Site Plan Review application for Nauset Beach LLC, which was reviewed by the Site Plan Review Committee on June 17, 2009 for property located at 223 Beach Road, and the following items were outstanding and need to be addressed before final Site Plan approval:

1. The Utility Plan must be completed.
2. Note underground electricity.
3. All utility conflicts must be addressed.
4. Work out possible coastal bank issue with Jenny Wood (Conservation Agent)
5. The plan must show that 30% of the land has been "left in its natural state" as per the By-law.
6. A Scenic Road Tree Hearing is required for the removal of trees in a public way, and possibly stone walls.

Using multiple charts and plans, Terry Eldredge (Eldredge Surveying & Engineering, LLC) gave an overview of the proposal to convert a 19-unit motel to nine townhouses with garages and explained how the following issues from the start of the Formal Review at the Site Plan Review Committee meeting June 17, 2009 have been addressed:

- ❖ The location of the sewer and gas to be in the rear of the buildings.
- ❖ There is a separation between the water and sewer lines.
- ❖ The water lines will be sleeved with only one instance where lines cross.
- ❖ All utilities are shown on the plan are connected to the buildings.
- ❖ Gas meters will be provided.

- ❖ Electric meter to be posted in the front.
- ❖ Three guest parking spaces have been provided and are shown on the plan.
- ❖ Belgium block edging is proposed for the parking areas.
- ❖ A turnaround "T" will be created and is shown on the plan as requested by the Architectural Review Committee to prevent people from driving out to Hubler Lane.
- ❖ The impervious surface coverage has been updated.
- ❖ There will be access to the basements via open stairways without the use of bulkheads.
- ❖ The Landscaping Plan has been updated to include Site Plan Review Committee comments.
- ❖ The grading has been changed away from the existing trees.
- ❖ The required 30% natural state will be created on the site.

Using multiple charts and landscape and planting plans, Scott Leonard (Landscape Architect) gave the following overview of the proposal to provide adequate landscaping on the site:

- ❖ More indigenous plants will be used on the property.
- ❖ Tree types (such as red maples) will be used due to their higher branching pattern in order not to impede access (at least 14' high x 14' wide) for emergency vehicles.
- ❖ Screening from Beach Road will be provided.
- ❖ Larger trees will be planted in such a way as to avoid any obstruction with water mains and utility lines.
- ❖ Screening and wind break protection will be provided for residents.

Attorney Duane Landreth noted that the application for Nauset Beach LLC for property located at 223 Beach Road is scheduled for review by the Zoning Board of Appeals this evening and requested a letter from the Site Plan Review Committee regarding the need for zoning relief in the case of a pre-existing non-conforming use (commercial use in a residential district) to another non-conforming use (apartment development in a residential district). Attorney Landreth also noted that in the 1980's kitchens were not longer allowed in motels, although this motel was a pre-existing motel with housekeeping units containing 15 kitchens and 22 bedrooms.

Police Deputy Chief Scott MacDonald reported that the proposed exit/entrance on Beach Road is an improvement for traffic control and seems to provide a clear line of sight toward the east and west, and does not seem to indicate any traffic issues. Deputy Chief MacDonald stated that there have not been any reported motor vehicle accidents in that area. The committee thanked MacDonald for his input.

Comments:

Fire: In the June 17, 2009 Site Plan Review Committee meeting the application offered to sprinkler all of the buildings. The Fire Department would be willing to approve one alarm valve for all three building with three flow switches. Outstanding issues can be handled at Fire Department permit review process. The pruning of trees is acceptable for emergency Vehicle access. The underground septic tanks must be rated H20 to support emergency fire apparatus.

- Building:** This is a change of use from one non-conforming use to another non-conforming use and will require Zoning Board of Appeals zoning relief.
- Water:** Utilities must remain separated from the water mains. Water services must be sleeved to the buildings and curb stop. Size of water line for fire lines must be determined.
- Health:** A note must be provided on the Site Plan as well as a letter from an engineer stating that driving over the septic system is unavoidable due to zoning requirements. The I/A treatment system is subject to Board of Health approval. Final plans must be submitted to the Board of Health for approval. Test hole information must be submitted to the Board of Health. Water line construction must be coordinated through the Orleans Water Department. The water/sewer line layout shown on the revised plan is an improvement over what was proposed at the previous meeting. The Nutrient Management Regulations are now in effect and construction projects must be adhered to them. Applicant must provide documentation to the Board of Health establishing that this project reduces the current number of 22 bedrooms to 18.
- Highway:** The incorrect spot elevation has been corrected on the plan as requested at the last Site Plan Review Committee meeting. The applicant must obtain curb cut permits for any new curb cuts on the property. A Scenic Road Tree Hearing must be held for the cutting and relocation of the appropriate cedar tree. This application appears to have less of a traffic impact than the existing motel.
- Conservation:** The coastal bank is at bottom of the property and the buffer line does not reach it.
- Planning:** The applicant appears to have addressed the outstanding issues from the previous Site Plan review. In order to avoid confusion with emergency E-911 responses, the applicant needs to create and name the road that leads to the buildings on-site with their own set of separate addresses, other than Beach Road.

MOTION: On a motion by **Chief William Quinn**, seconded by **Brian Harrison**, the Committee voted to approve the Formal Site Plan and Post Development Plan for Beachside (Nauset Beach LLC), for property located at 223 Beach Road, plan prepared by Eldredge Surveying & Engineering, LLC, latest revision dated 6/26/2009, 1" = 20'.

VOTE: 7-0-0 The motion passed unanimously.

INFORMAL REVIEW: The Stop and Shop Supermarket Company, Cranberry Cove Plaza Fuel Facility, 10 Route 6A, Orleans,

The following people acted as representatives for the Stop and Shop Supermarket Company Informal Site Plan application for the Cranberry Cove Plaza Fuel Facility to be located at 10 Route 5A, Orleans:

- Attorney Andrew Singer (Singer & Singer);

- Steven R. Chouinard (Project Manager for Vanasse Hangen Brustlin, Inc.);
- William S. Taber ((Senior Project Manager, Environmental Services for Vanasse Hangen Brustlin, Inc.);
- Walter Steinkrauss (Stop & Shop Supermarket Company).

Attorney Andrew Singer explained that the Stop & Shop Supermarket Company has proposed a self-serve fuel facility with 5 pump islands with gas pumps on each side (for a total of 10 gas pumps) and a 60' square foot kiosk on southeast quadrant of the property at 10 Route 6A in Orleans.

Singer informed the Site Plan Review Committee of the following:

- ❖ All lighting and signage will conform to all of the relevant Orleans bylaws;
- ❖ The gas station will be serviced by two double wall fuel tanks (one will hold 30,000 gallons and one will hold 10,000 gallons).
- ❖ No diesel fuel will be sold at this station.
- ❖ There will be new landscaping provided and existing unused parking spots can be eliminated.
- ❖ Traffic controls will be provided, indicating passenger vehicle traffic only.
- ❖ Trucks and trailers will be discouraged.
- ❖ State of the art environmental safeguards will be in place for the fuel facilities.
- ❖ Upgrades were made to the stormwater and septic system during the past site renovations.
- ❖ More upgrades will be put in place for stormwater management for the fuel facility.
- ❖ The application will have to be reviewed by the following town committees:
 - Architectural Review Committee
 - Conservation Commission
 - Board of Health Zoning Board of Appeals
 - Board of Selectmen

Using utility and drainage plans, Steven R. Chouinard (Vanasse Hangen Brustlin, Inc.) explained the following:

- ❖ The last expansion to this site was in 2002-2003 and the drainage issues were studied and some modifications were made.
- ❖ There is one landscaped island and 85 parking spaces in the proposed location which is more than required by zoning and these parking spaces are rarely used.
- ❖ The proposed site for the fuel facility is higher than the rest of the site.
- ❖ The wastewater treatment will be provided by Bioclear.
- ❖ If required by the town, nine parking spaces can be returned to a natural state, eliminating asphalt.
- ❖ The applicant has proposed traffic controls for the site.
- ❖ New trees and shrubs have been proposed as screening on the site.
- ❖ The existing drainage is aimed toward the main parking area.
- ❖ There are several catchbasins.
- ❖ The Utility plans show new catchbasins to capture stormwater drainage.
- ❖ New utilities, including electricity and water, will be installed for the fuel facility kiosk.
- ❖ The kiosk will contain an employee bathroom.
- ❖ Wastewater from the fuel facility and kiosk will tie into the existing Bioclear system.
- ❖ There will be a reduction in the amount of pavement on the site.

Using charts, drawings and plans, William S. Taber (Vanassee Hangen Brustlin, Inc.) explained the following safeguards intended for the fuel facility area of the site:

- ❖ There will be two double wall fiberglass fuel tanks, including a 30,000 gallon tank and a 10,000 gallon tank.
- ❖ Regular, Plus and Premium gas will be sold at this fuel facility.
- ❖ Minor gas and oil spillage will be contained in 5 gallon buckets.
- ❖ There will be a vacuum pressure cap for containment of gasoline fumes.
- ❖ There will be no net emissions loss.
- ❖ There will be Stage 1 safeguards in place for vapor recovery.
- ❖ There will be an alarm in the kiosk which can shut the fuel facility down if there are any problems during fuel delivery and/or pumping.
- ❖ The fuel facility will be monitored 24 hours a day, 7 days a week at a call station.
- ❖ Double wall piping will be used during the construction.
- ❖ A concrete mat will be installed which can hold 11 gallons of gas in the case of a gas spill.
- ❖ The attendant will have multiple camera and large monitor views of all of the gasoline dispensers and will have the ability to shut off individual pumps or the entire station.
- ❖ There will be a fire alarm pull station and a powder dry fire suppression system.
- ❖ The kiosk will only be available for the sale of gasoline, tobacco and small retail items.

Drainage Discussion

Attorney Singer explained the upgrades made to the groundwater quality and wetlands during the 2002 redevelopment of the site, particularly the rear ponds behind the building that houses Stop and Shop Supermarket and TJ Maxx.

Site Plan Review Committee members expressed their many concerns with the remaining drainage problems on this site and the high counts in the ponds behind the building, particularly the lower pond, despite assurances from the applicant's representatives that there are catchbasins, oil grid separators, hoods and functioning sumps around the building and parking areas. Chouinard stated that additional testing was done in 2004 in an effort to determine the high counts between the two ponds. Chouinard proposed that further study be done in this area to determine where the problem is coming from and stated that testing is done three times per year.

Committee Responses

Meservy stated that the pond has the highest coli form point source in town. In a discussion of the result of drainage upgrades to the site in the past, Jenny Wood stated that she does not agree that the area has improved. Budnick explained culvert work and improvements to areas around Town Cove and noted that there is no backflow from Town Cove to the area. Attorney Singer stated that no gas station signage will be placed near Route 6A. Attorney Singer stated that all new utilities will be placed underground.

Comments:

- Fire:** Clear signage will have to be provided and implemented regarding the designation for car traffic only for the fuel facility, no trucks or boats. The remote bathroom falls under 527CMR. The fire extinguishing system will have to be monitored closely for the five sets of pumps. There is a concern regarding how far the top of the tanks will be above sea level. Fuel

deliveries from May through October must be made at night to avoid traffic tie-ups. There is a concern with the way the fuel deliveries are intended to be done and the affect to on-site traffic. Tanks need to be anchored down because they will float with the high water table in this area, which is not allowed. Buoyancy calculations and tie down details will have to be provided to the town. The suppression system has to include sweeping nozzles. Constant monitoring will have to be performed by a call station. Engineering assistance may be needed through the Cape Cod Commission. The granting of this application and any future problems could change the town of Orleans and Town Cove forever.

Building: All zoning issues must be dealt with through the various town departments and committees. All traffic issues must be addressed, particularly in the small access road beside Windmill Liquors, through the review and permitting process. There are properties that have deeded access for the use of the small side road into the Stop & Shop plaza. Traffic calculations must be provided to the town, as agreed to by Attorney Singer.

Water: There are concerns with the crossing of water lines and utilities. The water line will have to be relocated to avoid conflicts. Meters must be provided. The water line will need to be sleeved. There are multiple hydrants for this property. The applicant may have an invert conflict. A property easement may be necessary for the land where Papa Gino's is located.

Health: This applicant would result in a significant increase in sewage flow over the existing conditions which would fall under the Board of Health or Department of Environmental Protection jurisdiction for a large flow. Variances have already been granted for this property in the past. The increase in building area will have to be reviewed and approved. A 50' separation must be maintained around the soil absorption system. Retail sales from the kiosk would require water for hand washing. Retail and tobacco sales are subject to permitting process. It is important to determine when the surface water samples were taken, such as storm conditions. There is no equal comparison between the two systems, so that it is not easy to determine whether the current system is better than the previous system. The dam between the two ponds was supposed to have a leaching component. Water is always flowing over the dam year-round. What volume of water is being treated? There are concerns regarding the groundwater elevations in conjunction with the septic system. Crossing of utilities is a problem that needs to be addressed.

Highway: Traffic problems must be addressed, particularly the small entrance/exit next to Windmill Liquors, since the proposal will result in a significant increase in traffic. A traffic study must be conducted to determine the amount of increase in traffic. All environmental concerns must be addressed. Stormwater maintenance plan must be filed with the town. A backflow survey will have to be completed after construction is completed. A maintenance plan and traffic study must be submitted to the town. There are concerns with the possibility of fuel spills and the affect of suppression chemicals on the environment.

Conservation: The Site Plan submitted does not show any details of the creek or its distance from buildings. Despite the presence of a dam, there are high counts in the

water which need to be resolved. There is no clear indication that the water problems have been resolved for this area. This area is subject to coastal storm flowage which is not allowed to be filled in. This is considered a wetland. There is a stream (not a river) that must be identified on the plans.

Planning: Oil and gas spills are a major concern in this area. The town does not have any engineers on staff and would need advice on how to proceed with this Site Plan request. The Cape Cod Commission may be requested to do a Discretionary Review for a Development of Regional Impact. It is possible that 600 additional trips would be using the multiple entrance/exits to the Stop and Shop Plaza. Applicant already has more than three signs granted under a Zoning Board of Appeals relief.

Attorney Singer stated that the Cape Cod Commission might be availed upon for an engineering peer review, where the applicant could provide the engineering or the Cape Cod Commission could provide an Informal Peer Review, rather than sending it as a Development of Regional Impact.

MOTION: On a motion by **Chief William Quinn**, seconded by **Todd Bunzick**, the Site Plan Review Committee voted to require a Formal Site Plan Review for The Stop and Shop Supermarket Company, Cranberry Cove Plaza Fuel Facility, 10 Route 6A, Orleans,

VOTE: 7-0-0 The motion passed unanimously

INFORMAL REVIEW: Welstar (c/o Mahara & Shera Ashlie), 42 Route 28

Paul Ells represented the Informal Site Plan review for Welstar as a change of use to allow a residential component on the second floor. The first floor would remain as a commercial use with the kitchen to be used by the second floor residents.

Comments:

Fire: Outstanding issues can be handled at the permitting phase. Smoke detectors are required due to the residential component.

Building: A building permit will be required for residential construction. Two means of egress from the residential area must be provided. Residential windows must allow for escape in case of a fire.

Water: There are no Water Department issues.

Health: All commercial and residential components must stay within the capacity of the current septic system or the system will have to be upgraded. All required inspections must be done. The septic system is adequate for the intended use. This is considered a change of use for Health Department issues.

Highway: There are no Highway Department issues.

Conservation: There are no Conservation Department issues.

Planning: There are no Planning Department issues.

MOTION: On a motion by **Brian Harrison**, seconded by **Chief William Quinn**, the committee voted to waive the Formal Site Review for Welstar located at 42 Route 28.

VOTE: 7-0-0 The motion passed unanimously.

INFORMAL REVIEW: Beachside Properties, 21 Brewster Cross Road

Brian Seppala distributed a Site & Septic System Design Plan for 21 Brewster Cross Road prepared for Brian & Brianna Seppala for property located at 21 Brewster Cross Road, dated June 22, 2009, scale 1" = 20' to include commercial and residential space. A front porch/deck has been included on the Site Plan and the proposal includes commercial office space in the basement. The second floor would remain residential. The footprint of the building has changed to include a vestibule in the front. Additional parking spaces have been added in the front of the building which totals 8 parking spaces. The septic tank is intended to be relocated on the property. There is an expanded septic system and leaching area.

Comments:

- Fire:** Required fire protection equipment can be determined at the permitting process.
- Building:** All public bathroom facilities must be handicapped accessible and must be shown on the site plan submitted to the town. Areas used for storage must be constructed with fire separation. Any uses for the public must be handicapped accessible with proper locks.
- Water:** Applicant must maintain a 10' separation from the water line for all utilities. Any new sprinklers would require town review.
- Health:** The Board of Health would require a deed restriction for any variances that have been granted. The applicant can not have more than 1,120 square feet of office space. A variance from the Board of Health would be required for protection of the environment. This is considered to be new construction. The creation of a hardship would have to reach the level of eliminating all beneficial uses of property. The septic has already been approved for a smaller flow and now the applicant wants an approval for a larger flow.
- Highway:** There are no Highway Department issues if the curb cuts have already been approved.
- Conservation:** The applicant must file with Conservation Commission for this applicant and may need a variance.
- Planning:** All departmental issues must be addressed.

MOTION: On a motion by **Brian Harrison**, seconded by **Chief William Quinn**, the Committee voted to accept the Site & Septic System Design Plan for 21 Brewster Cross Road prepared for Brian & Brianna Seppala for property located at 21 Brewster Cross Road, dated June 22, 2009, scale 1" = 20' as the Formal Site Plan of records with the Town of Orleans.

VOTE: 7-0-0 The motion passed unanimously

APPROVAL OF MINUTES: June 17, 2009

MOTION: On a motion by **Chief William Quinn**, seconded by **Brian Harrison**, the Committee voted to approve the minutes of June 17, 2009.

VOTE: 7-0-0 The motion passed unanimously.

ADJOURNMENT

The meeting adjourned at **11: 55 a.m.**

Respectfully submitted:

A handwritten signature in black ink that reads "Karen C. Sharpless". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Karen C. Sharpless
Recording Secretary