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K. Derby, Asst

ORLEANS TOWN CLERK

SITE PLAN REVIEW COMMITTEE

APRIL 3, 2013 - 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); Bob Canning (Health); Chief William Quinn (Fire); Brian Harrison (Building); John Jannell (Conservation) Todd Bunzick (Water); Mark Budnick (Highway).

INFORMAL REVIEW: Brian & Brianna Seppala - 21 Brewster Cross Road

Brian and Brianna Seppala described a proposal to convert the second floor of an existing building from a residential apartment to general professional office space which would not be open to the public.

Comments:

Fire:	Fire extinguishers will be required.
Building:	Applicant will need to obtain a new building permit or modify the existing one for the change of use. This proposal will require Zoning Board of Appeals review and approval due to the size of the project. Parking spaces must be delineated and marked on the plan and on the ground.
Water:	There are no Water Department comments.
Health:	This proposal is considered a change of use affecting the septic flow. An evaluation letter from a professional engineer must be submitted to the Health Department with a determination of the adequacy and type of tank for this proposal noting compliance with the code.
Conservation:	The Conservation Commission has an open Order of Conditions on the property.
Highway:	There are no Highway Department comments.
Planning:	The proposal is for a conversion of an existing building and sufficient parking has been provided.

MOTION: On a motion by **Bob Canning**, seconded by **Brian Harrison**, the Committee voted to accept the modification of a previous Site & Septic Design Plan for Brian & Brianna Seppala for 21 Brewster Cross Road, dated June 22, 2009, revised August 10, 2009, scale 1" = 20' by J. C. Ellis Design.

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

INFORMAL REVIEW: Protection Plus Auto, LLC (c/o Christopher Taloumis) - 245 Route 6A

David Michniewicz (Coastal Engineering Co.) and Christopher Taloumis presented an amended site plan with revised display areas shown for 12 vehicles with adequate access for on-site traffic flow through revised parking calculations. Existing boulders provide protection for an on-site oil tank. Application will require Zoning Board of Appeals review and approval. Michniewicz stated the application complies with site distance and visual corner clearance requirements.

Comments:

Fire:	There are concerns with the site distance for vehicles turning right off Baker's Pond Road, and request that applicant use smaller vehicles for display in the front.
Building:	There are no Building Department comments.
Water:	There are no Water Department comments.
Health:	The property is served by a cesspool which would have to be upgraded if it is determined there is an increase in flow by a professional engineer and a letter provided to the Health Department. Commercial car washing is not allowed on the property. All waste must be contained on-site and properly disposed of. Dumpster must be shown on the plan.
Conservation:	There are no Conservation Department comments.
Highway:	There are no Highway Department comments.
Planning:	All vehicle display areas and additional parking spaces must be delineated and marked on the ground. The application requires a Special Permit from the Zoning Board of Appeals and a license from the Board of Selectmen.

MOTION: On a motion by **John Jannell**, seconded by **Brian Harrison**, the Committee voted to waive formal site plan review, and accept submittal of an informal site plan showing the following:

1. Underground utilities must be shown on the plan.
2. Dumpster location must be shown on the plan.
3. Septic components.

VOTE: 6-1-0 The motion passed by a majority. (Bob Canning voted against)

REVIEW OF PREVIOUSLY APPROVED MINUTES:

Meservey explained that a complaint has been filed with the Town Administrator by Tedd Klinefelter with an assertion that the minutes of the following Site Plan Review Committee meeting are not an accurate representation of the meetings: November 3, 2010, January 4, 2012 and February 15, 2012. Meservey stated that the three meeting minutes were approved by the Site Plan Review Committee in a timely manner and were filed with the Town Clerk. Meservey noted that all board members received a DVD of the aforementioned meetings for their review prior to this meeting.

Site Plan Review Committee members were given a copy of a document entitled, "From the MA Attorney General's Open Meeting Law Guide: What records of public meetings must be kept?" which states what must be contained in public meeting minutes as shown:

"Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of the members present or absent, and the decisions made and actions taken including a record of all votes. Minutes must also include the name of any members who participated in the meeting remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. While the minutes must include a summary of the discussions on each subject, a transcript is not required..."

Discussion:

Site Plan Review Committee members noted that Tedd Klinefelter was present in the audience and asked if he had any comments - he responded that he did not intend to make any comments.

Bob Canning stated his opinion that the three sets of minutes appear to meet the requirements of the public records law with all of the necessary components. Canning stated his reluctance to reopen old minutes that have previously been approved and filed with the Town Clerk.

John Jannell stated his opinion that comments were recorded and the actions of the meetings were accurately summarized.

Chief William Quinn stated his opinion that the meeting minutes were fair and accurate and **Robert Felt** concurred with that opinion.

Mark Budnick stated his opinion that the minutes highlights the main points of the meetings.

Chief William Quinn requested that Tedd Klinefelter state the exact problem he has with the minutes.

George Meservey stated he has listened to all three meetings and said the taking of minutes was a good job. Meservey also reminded Tedd Klinefelter that the application for a gas station will require review and approval by the Zoning Board of Appeals.

Tedd Klinefelter voiced a concern about various comments he made at meetings (such as the fact that he has retained his storage permit) which he said were not mentioned in the typed minutes, although he acknowledged that audio recordings do exist for the meetings.

Robert Canning acknowledged that Tedd Klinefelter has held a fuel storage permit for a number of years.

Tedd Klinefelter reiterated his opinion about the contents of the minutes and stated he would have them transcribed and stated he would return to the Site Plan Review Committee with legal counsel to go over the minutes point by point.

Brian Harrison reminded Klinefelter that he came to the Site Plan Review Committee and then needs to go before the Zoning Board of Appeals with his application for a gas station.

Chief William Quinn noted he brought up his concerns at the meetings about traffic impacts on Route 6A.

John Jannell noted that the Site Plan Review Committee was trying to determine the trip generation numbers.

Tedd Klinefelter questioned why his project was asked for trip generation numbers, and the Mexican restaurant in the Marketplace was not.

George Meservey responded that the Site Plan Review Committee needs to determine whether an application meets the approval requirements.

Mark Budnick questioned the issue of storage on-site.

Chief William Quinn declared there is a difference between a storage permit for the tank issued by the Fire Department, and a license issued through the Town Hall. Chief Quinn further noted that the gas tanks were legally removed from the property and no permit can be issued if there are no tanks.

Brian Harrison stated that some of the issues brought up by Klinefelter fall under the auspices of the Zoning Board of Appeals, not the Site Plan Review Committee.

RE-APPROVAL OF MINUTES – November 3, 2010:

MOTION: On a motion by **Robert Canning**, seconded by **Chief William Quinn**, the Committee voted to reaffirm the Site Plan Review Committee minutes for November 3, 2010 and stated that the minutes as written meet the requirements of the Massachusetts Attorney General Open Meeting Law Guide and are an accurate representation of the meeting.

VOTE: 6-0-1 The motion passed by a majority. (John Jannell abstained)

RE-APPROVAL OF MINUTES – January 4, 2012:

MOTION: On a motion by **Robert Canning**, seconded by **Chief William Quinn**, the Committee voted to reaffirm the Site Plan Review Committee minutes for January 4, 2012 and stated that the minutes as written meet the requirements of the Massachusetts Attorney General Open Meeting Law Guide and are an accurate representation of the meeting.

VOTE: 7-0-0 The motion passed unanimously

RE-APPROVAL OF MINUTES – February 15, 2012:

MOTION: On a motion by **Todd Bunzick**, seconded by **Brian Harrison**, the Committee voted to reaffirm the Site Plan Review Committee minutes for February 15, 2012 and stated that the minutes as written meet the requirements of the Massachusetts Attorney General Open Meeting Law Guide and are an accurate representation of the meeting including reference to a letter from Chief William Quinn.

VOTE: 5-0-2 The motion passed by a majority. (John Jannell and Robert Canning abstained)

Comment:

George Meservey noted there has been a change in traffic since the application was reviewed. Brewster Cross Road is now a “right turn only” onto Route 6A.

APPROVAL OF MINUTES: March 6, 2013

MOTION: On a motion by **John Jannell**, seconded by **Bob Canning**, the Committee voted to approve the minutes of March 6, 2013.

VOTE: 6-0-1 The motion passed by a majority. (Chief William Quinn abstained)

APPROVAL OF MINUTES: March 20, 2013

MOTION: On a motion by **Bob Canning**, seconded by **Todd Bunzick**, the Committee voted to approve the minutes of March 20, 2013.

VOTE: 6-0-1 The motion passed by a majority. (Chief William Quinn abstained)

The meeting adjourned at **11:20 a.m.**

Respectfully submitted:

A handwritten signature in black ink that reads "Karen C. Sharpless". The signature is written in a cursive, flowing style.

Karen C. Sharpless
Recording Secretary

