



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

December 6, 2023 – 5:00 pm

REMOTE PLANNING BOARD MEETING



Members Present (Quorum): Rich Roberts (Chair); Anne Greenbaum (Vice Chair); Jack Riemer (Clerk); Ellery Althaus; Paul Kiernan; Caitlin Townsend; Virginia Frazier

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Ben Zehnder (Attorney for Bruce A. Jacobson – Trustee); William C. Henchy (Attorney for Robert Martin – Applicant); Andrew Aiken (Owner of 100 Route 6); Chris Lucy (Chair of the ZBA and Truro Voter)

Remote meeting convened at 5:00 pm, Wednesday, December 6, 2023, by Chair Roberts who announced that this was a remote public meeting aired live on Truro TV Channel 8 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Roberts and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni announced that an appeal had been filed on the Planning Board's decision regarding Site Plan approval in the matter of Ebb Tide which is still in proceedings with the ZBA. Town Planner Land Use/Counsel Carboni added that there could be further discussion on this topic at a future executive session or in a public session.

Chair Report

Chair Roberts said that his comments will be held until the discussion on priorities for possible 2024 Annual Town Meeting (ATM) zoning bylaw changes.

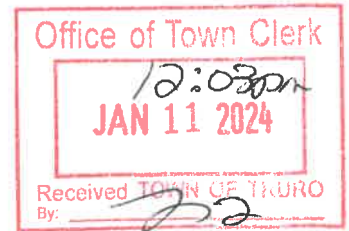
Minutes

Chair Roberts led the review of the minutes from October 18, 2023 and Chair Roberts corrected "Chair Reed" to "Chair Roberts" on page 3, second paragraph.

Vice Chair Greenbaum made a motion to approve the minutes of October 18, 2023, as written.

Member Frazier seconded the motion.

Roll Call Vote:



Vice Chair Greenbaum – Aye
Member Townsend - Aye
Member Althaus - Abstained
Member Frazier - Aye
Member Riemer – Aye
Member Kiernan – Aye
Chair Roberts - Aye
So voted, 6-0-1, motion carries.

Chair Roberts led the review of the minutes from November 1, 2023.

Vice Chair Greenbaum made a motion to approve the minutes of November 1, 2023, as written.

Member Althaus seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye
Member Townsend - Aye
Member Althaus - Aye
Member Frazier - Aye
Member Riemer – Aye
Member Kiernan – Aye
Chair Roberts - Aye
So voted, 7-0-0, motion carries.

Board Action/Review

2023-003/SPR Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks administrative amendment to the Planning Board Decision of July 5, 2023 to conform said approval to plans and specifications later approved by the Truro Board of Appeals **2023-004/ZBA**.

Attorney Zehnder shared a side-by-side comparison of the plan approved by the Planning Board and the one approved by the ZBA. Since the ZBA had concerns about the proximity to a sideline, the Applicant removed the proposed step and deck from the plan, and as a result of that, the south entry door was moved to the southeast. Attorney Zehnder said that new elevations were updated and submitted to the Planning Board and the ZBA. The ZBA also required that the Applicant submit stamped gross floor area documentation which has been submitted. Attorney Zehnder noted that approval of the Applicant's amendment packet would make all the documentation consistent with both the Planning Board and ZBA and therefore conform.

Chair Roberts, Members, and Attorney Zehner commented and discussed the following highlighted topics: corrected minimum zoning requirements in the Seashore District; corrected square footage in the basement area; the location of the engineer stamp on the final site plan; the revised gross floor area calculations; confirmation that there is no kitchen in the studio; confirmation of a stamped lot plan; and a more recent deed that resolved the issue between the Applicant and the National Seashore and gave the Applicant the new access of the driveway to the rear of the property.

Chair Roberts, Members, Attorney Zehnder, and Town Planner/Land Use Counsel Carboni reviewed the draft amended decision that Town Planner/Land Use Counsel Carboni had authored. There were no objections or concerns.

Vice Chair Greenbaum made a motion to approve the amended decision in 2023-003/SPR Truro Atlantic View Realty Trust.

Member Townsend seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Townsend - Aye

Member Althaus - Aye

Member Frazier - Aye

Member Riemer – Nay

Member Kiernan – Abstained

Chair Roberts - Aye

So voted, 5-1-1, motion carries.

Attorney Zehnder thanked the Members and departed the meeting.

Public Hearings – Continued

2023-002/SPR Robert J. Martin for property located at 100 Rt 6 (Atlas Map 55, Parcel 12). Applicant seeks Commercial Site Plan approval (selling firewood and other materials) on property located in the Seashore District.

Attorney Henchy noted the presence of Mr. Aiken at this hearing and then provided background information on this matter. Attorney Henchy noted that the ZBA's recent decision that the use that Mr. Martin was making of the property was not protected as a pre-existing nonconforming use and upheld the Building Commissioner's cease-and-desist order. Attorney Henchy said that the Building Commissioner issued a second cease-and-desist order last week that required the removal of materials placed on the site and that it was Mr. Martin's intention to comply with that order. Attorney Henchy said that the Applicant would like to request a withdrawal of this application and that Attorney Henchy had submitted a request earlier this week to Town Planner/Land Use Counsel Carboni requesting the withdrawal of the application without prejudice.

Town Planner/Land Use Counsel Carboni recommended approval of the request to withdraw the application without prejudice.

Member Kiernan made a motion to accept the Applicant's request to withdraw the application without prejudice.

Vice Chair Greenbaum seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

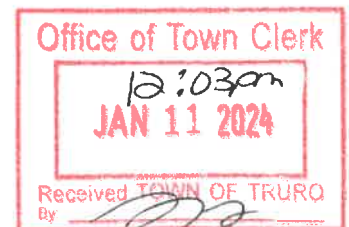
Member Townsend - Aye

Member Althaus - Aye

Member Frazier - Aye

Member Riemer – Aye

Member Kiernan – Aye



Chair Roberts - Aye

So voted, 7-0-0, motion carries.

Attorney Henchy thanked the Members and departed the meeting.

Board Discussion

Chair Roberts led the discussion of Planning Board priorities for possible 2024 Annual Town Meeting (ATM) zoning bylaw changes with the Members.

Chair Roberts, the Members, and Town Planner/Land Use Counsel Carboni discussed and commented on the following highlighted topics: concern about a very long Warrant since the Special Town Meeting was continued until the spring; a short schedule should the Planning Board to develop any zoning bylaw and add to the Warrant; and finalize a list of work items and potential zoning bylaw changes.

Chair Roberts noted that the Planning Board had listed the following topics as its priorities: roof slope, lot coverage, affordable housing on undersized lots; house size, lot clearing, and temporary signs.

Chair Roberts recognized Mr. Lucy who commented on mean grade and the ADU Bylaw does not state that the gross floor area of an ADU is exempt from the total square footage of the living area. Mr. Lucy noted that clarity should be addressed in 50.2 and 40.2. Mr. Lucy also commented on buildings which are being raised (due to FEMA regulations) on pilings on Beach Point resulting in the buildings looming over neighbors' buildings and encroaches upon setbacks. Chair Roberts said that he will add Mr. Lucy's topics to the agenda for the upcoming Planning Board meeting on December 20, 2023.

Chair Roberts reviewed the agenda for the upcoming Planning Board meeting on December 20, 2023, and potential site plan visit dates this month for 9 Benson Road with the Members. Members will email Chair Roberts with their availability for the site plan visit for 9 Benson Road within the next day or two.

Member Riemer made a motion to adjourn at 5:53 pm.

Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Townsend – Aye

Member Frazier - Aye

Member Riemer – Aye

Member Kiernan – Aye

Chair Roberts - Aye

So voted, 7-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

