

## **TRURO PLANNING BOARD**

### **Meeting Minutes**

**December 22, 2015 - 6:00 pm**

**Truro Town Hall**

**Planning Board Members Present:** Lisa Maria Tobia; Bruce Boleyn; John Riemer; Michael Roderick; Peter Herridge; and John Hopkins

**Members Absent:** Steve Sollog (excused)

**Other Participants:** Chet Lay; Geoffrey Doherty; Susan Ziller Doherty; Jeanne Foulke; Ben Zehnder, Esq.; Carole Ridley, Planning Consultant

Ms. Tobia opened the meeting at 6:00 p.m.

**Public Comment Period:** The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

No one from the public came forward to comment.

### **Review and Approval of Meeting Minutes**

On a motion by Mr. Boleyn and seconded by Mr. Roderick, the minutes of November 18, 2015 were approved, so moved 6-0-0.

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the December 7, 2015 Planning Board Special Meeting were approved, so voted 6-0-0.

On a motion by Mr. Riemer and seconded by Mr. Herridge, the Board moved to reconsider the approval of the minutes of November 18, 2015 as written, so voted 5-1-0 (Mr. Roderick opposed). Upon discussion, Mr. Riemer stated that he wanted the minutes to be amended on page 2 to "he took an oath of office upon elected and would remain on the Board to hear the applicant and would be unbiased and independent. Any decisions he would make would be guided by the Rules and Regulations as stated in the Planning Board Handbook."

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the minutes from the November 18, 2015 minutes were approved as amended, so voted 6-0-0.

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the December 7, 2015 Joint Meeting with the Zoning Board of Appeals were approved as written, so voted 6-0-0.

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the minutes from the November 16, 2015 Onsite visit were approved as amended to include that Mr. Hopkins was in attendance, so voted, 5-0-1 (Mr. Roderick abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the minutes from the December 1, 2015 Onsite visit were approved, so voted 4-0-2 (Mr. Roderick and Mr. Riemer abstained).

### **Reports from Board Members and Staff**

- Follow –up on Joint Meeting with the ZBA
  - Joint Committee on Affordable Accessory Dwelling Unit-Ms. Ridley reported she consulted with Ms. Palmer, Town Administrator who is willing to appoint the committee but is looking for guidance from the Board for the make-up of the committee .Mr. Zehnder suggested that the ZBA should be consulted if they want to be part of the committee because of their judiciary role in interpreting the bylaws. Mr. Hopkins developed a spreadsheet illustrating the developable lots in Truro which he distributed to Board members. Mr. Zehnder asked if there would be a warrant this spring on this issue. Ms. Tobia and Ms. Ridley stated that they are working on this issue but it is unknown if it will be possible to have something ready for the spring Town Meeting.
  - Street definition: clarification of issues and process-Ms. Tobia distributed material for the Board’s consideration. Ms. Tobia reported there was also a meeting with several key parties such as ZBA, the Building Inspector to begin to gather more information. Regulations prohibit this issue to be brought again to Town Meeting this year but because the Planning Board has heard from many citizens, they want to continue to work on it. Mr. Lay expressed his concern that there will be many cases before the ZBA based on the 1989 town requirement for a 20 foot turning radius.
- FY2017 Planning Board Budget-correct budget is in the Board packet
- Schedule Planning Board workshop-Ms. Tobia would like to conduct a workshop for the Board, not a meeting to discuss needs in light of the new members and change in staff support. Also, any educational needs that Board members feel they may need. Ms. Ridley will make some suggested dates and times for this during the first part of January.
- Other-Mr. Herridge will join the CPC later in the spring. Ms. Ridley distributed some informational materials for the Board. Packets will be available on Friday rather than Wednesday to allow for any late submitted paperwork to be included. Ms. Ridley clarified the procedure on how final decisions filed. Mr. Riemer reported on the Seashore subcommittee work and the recommendations will be forward to the Board of Selectmen.

### **6:15 pm Definitive Subdivision Plan-Public Hearing**

**2015-012PB Irving and Carol Ziller** seek approval of a Definitive Plan pursuant to MGL c41, Section §81T and §81U, and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered as 1 and 1A Quail Ridge Way, Truro, and shown on Truro Assessor’s Map 43, Parcels 27 & 28.

**Representatives: Chet Lay, Slade Associates; Ben Zehnder, Esq.**

Mr. Lay reported that preliminary approval was given in July 10, 2012 and the delay has been due to gaining legal access over Quail Ridge. Board of Health approval was given last week. They are seeking approval under the Rural Road Alternative. He reviewed the request and the results of the onsite visit done earlier this day. Mr. Lay reviewed the waivers and Mr. Zehnder reviewed the negotiations with the Quail Ridge homeowners association. Ms. Tobia read the

letter from Deborah McCutcheon, representing the Quail Ridge Homeowners Association in support of the application.

Mr. Herridge would like to see as a condition of approval that there will be no future further development. He also requested clarification of the landscaping waiver. Further, he expressed his concern that there is insufficient information provided for how the waivers address the public interest and not inconsistent with the intent and purpose of the subdivision rules and regulations.

Mr. Riemer reviewed his concerns with the lack of a 20 foot radius on both sides of the intersection, lack of an 80 foot turnaround for safety vehicles and upholding the Truro Comprehensive Plan when it comes to approving subdivisions.

Mr. Hopkins asked for clarification about the number of lots and the potential for two more buildable lots.

Mr. Geoffrey Doherty came forward to state that the roads, Quail Ridge Road, Quail Ridge Way, the proposed Ziller Path and Short Lots Lane are all private and the burden for maintaining them and for snowplowing is not with the town.

Ms. Ridley reviewed the Board's option to condition for approval that this road will serve only one lot. In addition, she stated that both the police and fire departments expressed no concerns with this plan.

Ms. Tobia clarified the DPW concern for clearing and that there would be no need for a retaining wall.

Mr. Herridge again expressed his concern over not having the required 25 foot buffer. Mr. Hopkins disagrees, as he sees this road as a driveway serving one lot.

Mr. Hopkins moved and seconded by Mr. Roderick that the following informational requirements be waived:

- 2.5.2a.6 drainage calculations
- 2.5.2a.9 traffic impact study
- 2.5.2a.10 three proposed road names
- 2.5.2b.5 existing and proposed methods of providing road drainage and utilities
- 2.5.2B.10 topographical contours (shown on preliminary plan)
- 2.5.2b.14 base flood elevation
- 2.5.2. b.16 grades, widths, locations, sight distances, physical condition of existing roadways
- 2.5.2.b.22 two onsite USGS benchmarks
- 2.5.2b.24 all information required on preliminary plan
- 2.5.2.b.30 location of all trees 10" in diameter
- 2.5.2.c.1 & 2 scales of profile plan
- 2.5.2.c. 4 & 5 right and left side grades
- 2.5.2.c.11 limits of clearing
- 2.5.2.c.12 water main data
- 2.5.2.c.13 utilities and drainage on profile

- 2.5.2.c.14 cross sections
- 2.5.2.c.15 landscape plan
- 2.5.2.c.16 erosion control plan

and the following Roadway Standards be waived:

- 4.1 construction of circular turnaround
- 4.1.1 4' shoulders

Mr. Riemer reiterated that the supporting rationale should be provided when the waiver requests are filed. He would also like to see 4 foot berms. Mr. Riemer also expressed his desire to see a circular turnaround, as if this road is being used for frontage, then it should meet the requirements.

Ms. Ridley pointed out that there was a revised list to the waivers submitted on December 21, 2015 which excluded 2.5.2.b.16 and 2.5.2.c 1&2. Mr. Hopkins and Mr. Roderick agreed to amend the motion by excluding those two waiver requests. The Board voted to approve the amended waiver request by a vote of 4-2-0 with Mr. Riemer and Mr. Herridge opposed.

Ms. Tobia reviewed potential conditions for approval of the plan decision and the conditions should be included in the covenant.

Mr. Herridge moved and seconded by Mr. Hopkins to approve the Definitive Plan and Method of Road Construction for Irving and Carol Ziller, as submitted Plan pursuant to MGL c41, Section §81T and §81U, and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered as 1 and 1A Quail Ridge Way, Truro, and shown on Truro Assessor's Map 43, Parcels 27 & 28 with the following conditions:

1. Ziller Path is to provide access for only one buildable lot
2. Parcel F is not a lot under the Truro Zoning Bylaws
3. Road bed will be 14 feet wide with a 6 inch hardened base and 3 inch gravel surface. The maximum grade for the road will not exceed 5%
4. Limitation on site clearing to accomplish road grade
5. Lot D will be subject to nitrogen loading limitations
6. Filing with NHESP indicating the project will not result in a take of state listed species
7. Performance guarantee stipulating the terms of road construction and all conditions
8. Limitations and the waivers be included in the covenant

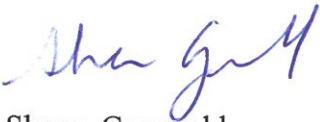
Mr. Riemer expressed his concern that approval of this plan may result in a zoning violation regarding a turning radius requirement. It was suggested that a condition be added that the building inspector must be consulted to determine if turning radius is compliant with zoning and if not, the applicant will amend the plan to be compliant with zoning.

Mr. Herridge and Mr. Hopkins agreed to amend the motion to include the condition of consulting with the building inspector.

The motion to approve the Definitive Plan and Method of Road Construction with the conditions above was approved, so voted 6-0-0.

On a motion by Mr. Roderick and seconded by Mr. Herridge, the meeting was adjourned.

Respectfully submitted,



Shawn Grunwald  
Recording Secretary

