

## **TRURO PLANNING BOARD**

**November 2, 2016 – 6:00 p.m.**

### **Meeting Minutes**

#### **Truro Town Hall**

**Planning Board Members present:** Bruce Boleyn, Peter Herridge, Jack Riemer, Mike Roderick, Steve Sollog. **Absent (excused):** John Hopkins.

**Other participants:** Kristen Roberts, Stuart Parsons, Art Hultin, Contractor; Carole Ridley, Planning Consultant.

#### **Public Comment Period**

There was no public comment.

#### **Election of Planning Board Clerk**

Mr. Sollog took from the table a motion made and seconded at the October 18<sup>th</sup> meeting to nominate Mr. Riemer to serve as Clerk. Mr. Sollog noted that Mr. Riemer wanted information on the responsibilities of Clerk. Mr. Riemer agreed to accept the nomination for clerk of the Planning Board, understanding that the main responsibility was to fill-in in the absence of the Chair and Vice Chair. Mr. Riemer was elected unanimously.

#### **Definitive Plan – Public Hearing Continuance-Request for Further Continuance**

**2016-010PB Stephen Walsh, et al**, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created. Continued from September 6<sup>th</sup> and September 20<sup>th</sup> 2016. Applicant requests continuance to December 6, 2016 at 6 pm.

Mr. Boleyn asked whether there was a reason for the requested continuance. Ms. Ridley indicated that Mr. Lay, the applicant's representative, had indicated verbally that the applicant needed to seek relief from the Zoning Board of Appeals prior to returning to the Planning Board. Mr. Herridge made a motion to approve the continuance to December 6, 2016 at 6 pm. Mr. Boleyn seconded. So voted, 5-0.

#### **Commercial Site Plan Review Waiver Request**

**2016-007SPR Roberts Family Property LLC** seeks a Waiver of site Plan Review pursuant to §70.9 of the Truro Zoning bylaw, for renovations to an existing farmhouse to include first floor sales area, basement structural upgrades, new exterior ramp, and first floor entrance on property located at 11 Shore Road, Map 39, Parcel 131,137,158.

Kristen Roberts, owner, and Stuart Parsons, architect, described the project and answered questions from the Board. The proposed changes would enhance access for people with disabilities, and would enhance the structural integrity of the building. The changes would not increase the intensity of use on the property, but would enhance operations.

Ms. Roberts talked about the parking issues. They are working diligently to improve availability of parking. They have been working with the Police Department, and are working under the new Town event's policy that requires submission of a parking plan for events that are expected to generate additional parking needs and on-street parking. The requests are reviewed by the Police Department.

Mr. Herridge asked about whether or not there had been a water analysis for insecticides and pesticides, and Mr. Riemer asked about chemicals stored on the property. Ms. Roberts said there has been an analysis done; as of 2014 they do not use glyphosate herbicides. They follow all regulations regarding the chemicals they do use and report to the Truro Health agent annually as required. Mr. Riemer asked about the other buildings and residents. There is only one apartment occupied where the winemaker lives. There is one bedroom left from when there used to be a Bed and Breakfast on the property. Parking and tour buses were discussed further.

Mr. Riemer said he does not feel comfortable waiving site plan review. He would like more information on parking and the other buildings on the site.

Mr. Sollog spoke about water issues. Ms. Roberts read into the record a statement from the winemakers regarding use of chemicals. Art Hultin spoke on the water issues noting that the issues around ground water protection had been reviewed thoroughly and addressed in the 2007 site plan and 2010 site plan waiver. Nothing has changed on the site since the approvals in 2007. Mr. Riemer spoke about the minutes from that meeting and said that he did not find adequate addressing of water issues.

Ms. Roberts talked about their time constraints. They will not be able to do the project if they have to go through site plan review. It would mean not being ready to open for the summer season. Mr. Hultin explained that they are simply trying to provide handicapped accessibility.

Mr. Herridge said that the renovations are reasonable and should be considered. He noted that the information in the Board's packet and Ms Roberts' statement indicated that they are taking the water issues very seriously and are meeting requirements. (See attached Overview of Agricultural Practice Employed by Truro Vineyard.) Mr. Herridge moved to approve the request of **Roberts Family Properties, LLC** for a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw for renovations to an existing farmhouse to include first floor sales area, basement structural upgrades, new exterior ramp, and first floor entrance on property located at 11 Shore Road, Map 39, Parcel 137. This is based on the fact that the proposed renovations **will not** have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources abutting properties; or community needs. Mr. Boleyn seconded the motion. So voted 4-1. (Mr. Riemer voted against.)

### **Temporary Sign Permit**

**Payomet Performing Arts Center**, seeks approval for two Applications for Temporary Sign Permits pursuant to §11 of the Truro Sign Code. One application requests permission to place two (2) temporary 48" high by 36" wide signs (November 16 – December 15, 2016) for various events in two locations (Route 6 at Noons Heights Road and Route 6 at South Highland Road). A second application requests permission to place one (1) temporary 9" x 39"

sign located 48” off the ground (November 16 – December 15, 2016) at the intersection of So. Highland and Old Dewline Roads.

Mr. Herridge made a motion to approve both sign permit requests; Mr. Boleyn seconded. So voted, 5-0.

### **Discussion on Possible Zoning Articles**

§40.2 Affordable Accessory Dwelling Units

§30.3 Seashore District

§30.4 Water Resource Protection District

Ms. Ridley spoke the Zoning Articles under consideration. Following the Board’s vote to send the Seashore District draft bylaw to Town Counsel for review, the subcommittee further revised the bylaw and that also was sent to Counsel to review, in lieu of the prior version sent. There is no feedback from Town Counsel. The Board will wait to further discuss the bylaw once feedback is received. Ms. Ridley spoke about the joint meeting with the Board of Health and Water Resources Oversight Committee on November 16<sup>th</sup> at 5:30 pm to discuss groundwater protection measures. The Board was given a packet of information for that meeting.

Ms. Ridley then referred to the proposal that she has been working on for the revision of the AADU By-law. She reviewed the draft provisions that had been provided in the Board packet. The provisions are intended to isolate the policy questions that need to be discussed and decided before a bylaw can be drafted. Once the provisions are agreed to, they can be given to Counsel to draft a bylaw.

One issue is whether the bylaw should require a special permit, whether it should be allowed by right, or under certain conditions, by right. There is an interest in making these permits easier to obtain. Enforcement was discussed, as well as a registration process that could be enacted. There should be a provision for the abuse of the process. Mr. Boleyn asked what Wellfleet does to prevent abuse. Mr. Sollog is concerned that this will change Truro into a two families-per-lot community. Ms Ridley noted that design criteria can be included in the bylaw as requirements. Septic issues were discussed. Title V requirements add cost to the process of creating an ADU. The many issues and concerns involved can be addressed in the bylaw as conditions or requirements.

Ms. Ridley asked if the Board was ready to agree to the provisions and provide them to Town Counsel to develop a draft. It was agreed that the Board is not ready to forward the provisions to Town Counsel. Ms Ridley offered an interim measure to flesh out the draft in more detail. She mentioned that there seems to be agreement on taking out the *affordability* piece. She asked if the Board likes the idea of a new non-discretionary permit, which would be similar to a site plan review. Ms. Ridley offered to bring a new draft in which the major issues of the bylaw will be outlined to a future meeting soon.

### **Vote to Appoint Planning Board Representative to Community Preservation Committee**

Mr. Sollog nominated Mr. Herridge to serve as the Planning Board representative on the Community Preservation Committee, Mr. Boleyn seconded. So voted, 5-0.

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

#### **October 25, 2016 Site Visit**

Mr. Boleyn asked if the minutes could be amended to show that it was a site visit. Mr. Sollog made a motion to approve as amended, Mr. Herridge seconded, so voted, 5-0.

#### **October 18, 2016 Planning Board Meeting**

Mr. Boleyn made a motion to approve the minutes of the October 18 meeting, Mr. Herridge seconded. So voted 5-0.

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

Ms. Ridley reminded the Board about their new Town email accounts. There are two applicants for the Planning Board. Ms. Ridley asked if Board members would be available to meet with the BOS on November 15th or the 16th. Board members said they would be available.

Ms. Ridley explained the Attorney General's Notice regarding Article #30 that appeared recently in the Banner. The Attorney General required the publication to address notice requirements that had not been met at the time of the public hearing. The Attorney General's notice completes the requirements.

Mr. Boleyn made a motion to adjourn, Mr. Herridge seconded. Meeting adjourned at 7:45 pm.

Respectfully submitted,

  
Katherine Black

