

TRURO PLANNING BOARD
Meeting Minutes
Wednesday, February 7, 2018
Truro Town Hall

Planning Board members present: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Karen Tosh. Absent excused: Mike Roderick, Steve Sollog

Other participants: William Rogers, Zachary Ment, Chris Lucy, Ann Greenbaum, Cally Harper, Town Planner.

Peter Herridge opened the meeting at 5:00 pm.

Public Comment Period

There was no public comment.

Definitive Plan Decision

2017-006PB Kevin Shea, Barbara D. Rybeck, and Joan Siniscalco seek approval of a Definitive Plan filed with the Town Clerk on November 27, 2017 pursuant to MGL c. 41 §81U and Section 2.5 of the Town of Truro Regulations Governing the Subdivision of Land. The subject properties are known and numbered as 402 and 408 Shore Road, North Truro and shown as Parcel 22 and 41 on Truro Assessor's Map, Sheet 10. Hearing dates include December 20, 2017 and January 10, 2018. The Planning Board conditionally approved the project on January 10, 2018.

William Rogers came forward, representing the applicants. Ms. Harper talked about the recent meeting with the Board of Health, where approvals were given. She further explained the status of the application, which was previously approved by the Planning Board. The mylar was signed by Planning Board members.

Mr. Riemer asked for a point or order about the Board of Health process, asking for clarification. Ms. Harper explained the process.

Discussion of Amendments to the Zoning Bylaw and Subdivision Regulations

The Planning Board will re-visit administrative changes to the zoning bylaw and subdivision regulations. The Town Planner will propose several changes to the Board.

Mr. Herridge talked about the role of the Planning Board to write bylaws and propose them at Town Meeting. Ms. Harper gave a presentation of the administrative changes in the Zoning Bylaw and Subdivision Regulations which the Planning Board approved at the January 24th meeting. After further review, it turns out "in the public interest" is already in the verbiage. Once voted on by the Planning Board, Ms. Harper will file the amendments with the Board of Selectman.

Mr. Riemer spoke up and, referring to the language in the Zoning Bylaw amendments, asked if the word "reasonable" could be added. He is suggesting that the request for a waiver should be accompanied by a "reasonable" explanation. Mr. Kiernan agreed. Ms. Harper asked Mr. Riemer for his reason. Mr. Riemer said that since the Planning Board is required to act reasonably, the

applicant should be asked for a reasonable explanation. Mr. Kiernan moved and Mr. Boleyn seconded, to include the word reasonable. So voted, 5-0.

Discussion of Size Restrictions for Residential Structures

The Planning Board will discuss the draft zoning bylaw on size restrictions for residential structures in all zoning districts.

Mr. Herridge said we have a new draft of the bylaw created by the Planning Board subcommittee. He suggested going through the draft page by page. Discussion ensued about the use of the term "Total Gross Floor Area" or TGFA. It was agreed that "working studios" should be added to the list of structures that would be excluded. There was further discussion about measuring TGFA by measuring the exterior walls of the buildings.

Mr. Herridge read the document out loud and stopped to discuss any changes. These changes were discussed.

Mr. Kiernan said he doesn't think the Planning Board has voted on the actual numbers. He reported that Chuck Steinman suggested starting with one acre and then make it like the Seashore amendment. The intention is to make it fair.

Public comment: Zachary Ment came forward and asked where these restrictions come from and why they are being proposed. He also asked for the square footage of each of the Planning Board members' homes. Mr. Herridge answered that the purpose of the bylaw is to prevent enormous houses from being built. He talked about the community of Truro and its beauty. We are trying to preserve Truro, he said. Ms. Tosh said her house is 1,700 square feet and is on Cooper Road. Three years ago, a house nearby sold for \$ 2.4 million. The new owners tore down the house and built a 9,600 sq. ft., house. They have a generator vault, three kitchens, an elevator, acoustic guitar music room, 6 bedrooms. It is a monster house and out of character with the surrounding neighborhood.

Mr. Boleyn said he lives in a 1,100 square foot home. Mr. Ment spoke about how he feels the proposal is unfair because if you have two acres of land, you can only add 200 sq. ft. to your house. He feels like this is a land grab. He thinks people will be more likely to subdivide their property. His family is multi-generational. He doesn't think he should have to go to the Zoning Board of Appeals to add on to his house. Mr. Ment asked why they don't use a percentage of lot or building coverage, height restrictions, or set backs, instead of restricting square footage. He thinks it's not fair to those who have a larger lot. It is too restrictive. He suggested that it is more restrictive than any other town on the Cape.

Ms. Harper explained the process of amending zoning bylaws and explained that this draft will be voted on tonight, filed with the Board of Selectmen and then it will be returned to the Planning Board for public hearing.

Chris Lucy came forward and voiced his concern that this draft was not backed up by research. He reminded the Planning Board that, at the last Town Meeting, a town-wide house size restriction, similar to the Seashore amendment, was voted down.

Mr. Riemer said that Town Counsel addressed the concerns of Mr. Lucy last year on the Seashore. The Planning Board voted last year to proceed with the same format as the Seashore. Mr. Herridge said we need to get legal advice. Mr. Lucy talked about the fact that we have by-laws on the books that are illegal. He suggested that the Planning Board is simply proposing the same bylaw that was voted down last year. Mr. Herridge said that last year the bylaw didn't have an upper limit.

Mr. Lucy asked about TGFA. Mr. Herridge said that the regulation of the TGFA is questionable and we need to stay away from regulating the interior of structures.

Mr. Lucy said that he thought more research was needed. Mr. Kiernan said he spent the last three months pouring over the tax assessor's records. He found that median house size is slightly larger than 1,700 sq. ft. He also was able to learn what the average house size in Truro is. He mentioned that the courts have come down on using square footage to restrict house size. However, they have not come down on using "bulk."

Mr. Kiernan asked Mr. Lucy what he thought would be reasonable. Mr. Lucy asked how Accessory Dwelling Units would be affected by the bylaw. Mr. Kiernan said he was in favor of exempting ADUs. Mr. Lucy also asked what the bylaw would do to affordable housing projects. He said he thinks this new bylaw is being rushed through. He asked how many homes in Truro would be pre-existing non-conforming if this bylaw were passed.

Mr. Lucy then brought up the issue of year round condos, an issue that the Selectmen are known to be working on for Town Meeting. He warned that if this bylaw fails, the Town would have to wait three years to try again.

Mr. Ment again asked how the Planning Board came up with a limit of 3,500 square feet. He claimed that the new Seashore amendment hurt Seashore property owners' land value. He suggested that Seashore property owners would vote for this in order to hurt Town property owners.

Mr. Riemer talked about current regulations for numbers of building permits limitations for each year. He thinks we should look more broadly at the benefits of limiting house size. He talked about the importance of open space.

Mr. Herridge said that the Board needs to vote to send the draft to Selectmen. Mr. Kiernan said he would vote to send the draft to Board of Selectman and make note that the numbers are place holder numbers and could change. Mr. Kiernan made a motion to send the draft to Town Counsel and then Board of Selectmen. Mr. Boleyn seconded. So voted, 5-0.

Review and Approval of Meeting Minutes

January 24, 2018

There are typos on both Mr. Kiernan's and Mr. Riemer's name. On the 2nd page there is a typo on "square feet." Mr. Kiernan made a motion to approve the minutes as amended, Mr. Boleyn seconded. So voted 5-0.

Reports from Board Members and Staff

Town Planner Report

The second public hearing on the bylaw was cancelled due to a snow storm. Ms. Harper received calls asking her to reschedule with enough time for citizens to be able plan to attend. Tuesday, February 20 is the next suggested date, 6 -8 pm, at the Truro Library.

There will be a Q and A March 5, 2 -4 pm with Town Counsel. It is very important to know if Planning Board members are unable to attend, in order to cancel well in advance.

We received an informal concern about open meeting law— it's about the red-lining of the by-law. Open meeting law training will be scheduled in the near future.

Next meeting agenda, the Housing Authority will present the Housing Production Plan seeking the Board's approval.

Ms. Greenbaum asked if the Board is going to schedule a public hearing on the Town-wide house size bylaw. The answer was not until it is filed with the Board of Selectman.

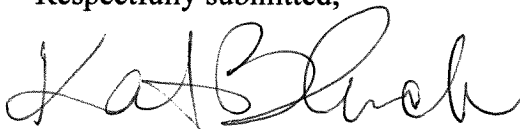
Mr. Riemer said he was grateful to those who shared their concerns tonight. And he asked for more input from the public.

Mr. Kiernan made a motion to adjourn, Mr. Boleyn seconded. So voted, 5-0. Meeting adjourned at 6:45 pm.

Next Meeting Agenda

Wednesday February 21 at 5 PM – Please note the new date and time!

Respectfully submitted,



Katherine Black

