

TRURO PLANNING BOARD

Meeting Minutes

April 18, 2018 – 5:00 p.m.

Truro Town Hall

Planning Board Members present: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog, Karen Tosh

Other participants: John Hopkins, Drake Cook, Betty Hopkins, Dan Klasnick, Attorney Edward Patton; Stacy Kanaga, Coastal Engineering Company; Maria and Jason Kuliopulos; Cally Harper, Town Planner

Steve Sollog opened the meeting at 5:04.

Tim McCarthy is recording the meeting.

Public Comment Period

John Hopkins from High Dune Craft Cooperative came forward and talked about his charge that the Planning Board had violated State Open Meeting Laws by placing a discussion of the Marijuana Moratorium on the agenda without adequate notification. He also said the Farmland Advisory Board should have been notified. Drake Cook read a letter to the Board stating the reason she is against the Moratorium.

Public Hearing

2018-001 PB Sprint Spectrum, L.P. by its representative CCATT LLC seek approval and authorization of uses under Section 40.5 of the Truro Zoning Bylaw to replace 2 antennas and install 2 additional antennas for a total of 4 antennas with remote radio heads at the same height as existing antennas on the telecommunications tower and add 2 hybrid cables. The telecommunications tower is located at 344 Route 6, Truro, Atlas Map 39, Parcel 172A.

Dan Klasnick came forward to describe the application. Sprint has been on the tower since 2000 when the tower was rebuilt. This proposed modification doesn't require changes to ground equipment. They are simply addressing capacity. They need to take down and add new antennas. Two additional hybrid cables are needed. It will be a small change in order to provide improved service to the Town. Mr. Sollog brought up the waivers requested and commented that this tower has been problematic in the past. Mr. Sollog read through the waivers outlined in Staff Report 1 including §40.5.B.2, §40.5.B.19a, §40.5.B.19b, §40.5.B.19c, §40.5.B.19d, §40.5.B.19d, §40.5.B.19g, §40.5.B.19i, §40.5.B.20c, §40.5.B.20d. Mr. Klasnick responded to questions from the Planning Board about the requested waivers. He stated that his client is not changing the height of antennas. Most of the waiver requests are due to the fact that they are just modifying the current equipment.

Mr. Riemer asked about waiver request #19. The attorney said that he thinks that rule applies to new installations. Mr. Riemer said that when a land line goes down in a power outage, it would be helpful if there was improved cell phone service to parts of the town that aren't currently served. He is concerned about dead zones. He wants to urge the applicant to seek further coverage, specifically for the Pamet River Valley. Mr. Klasnick said he will pass on that request to his client.

Mr. Kiernan also talked about dead zones. He suggested adding a "repeater." When the tower was first put up, there was concern from the neighbors about the wind; it was called the singing tower. Some of that was taken care of by a taller tower that was the replacement tower. Mr. Klasnick said they would bundle the new cables with the old ones. Mr. Kiernan also said that there have been problems with lightning strikes. One year the computers at the Police Station were destroyed. He asked the attorney if he would have his client take a look at the grounding of the equipment. Mr. Klasnick said he would. Mr. Kiernan suggested two conditions: taking into account the noise factor and the grounding.

Mr. Herridge moved to approve the waivers as requested based on the fact that such waivers would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this bylaw. Mr. Boleyn seconded. So voted, 7-0. Mr. Herridge moved to approve the Special Permit, with conditions, for PB Sprint Spectrum, L.P. by its representative CCATT LLC (docket # 2018-001) pursuant to §40.5 (Communication Structures, Buildings and Appurtenances) of the Truro Zoning By-law to replace 2 antennas and install 2 additional antennas for a total of 4 antennas with remote radio heads at the same height as existing antennas on the telecommunications tower and add 2 hybrid cables. The property is located at 344 Route 6, Atlas Map 39, Parcel 172.A. The following conditions are imposed: that the cable be installed to eliminate noise and vibration and to ensure that the cables are grounded. This approval is based on the fact that the application, with the approved waivers and imposed conditions, complies with all the requirements of this bylaw. Mr. Boleyn seconded. So voted, 7-0.

Public Hearing

2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc. seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law to maintain existing uses, reduce the number of motel units from 51 to 47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5.

Attorney Edward Patton came forward representing the applicant. He gave a brief overview of the past history of the project. The site is the location of a motel. There are three existing buildings, the front building is the manager's apartment and office with some habitable space; there is another building perpendicular to the beach, and a third building by the beach. There was another building that was destroyed by fire in October 2014. Reconstruction was supposed to be done by October 30, 2016, but it was not. In December 2016, the owners filed an

application for the relief they are requesting now. Since that time, the applicants have been before the Zoning Board of Appeals and received approval for a special permit. The abutters have appealed the ZBA decision. Under 70.3, Site Plan Review, the applicants are now asking again for approval from the Planning Board.

Mr. Sollog asked if what they have presented is a complete application. Mr. Kiernan asked if the special permit has been registered with the County. Mr. Patton said that you can't file it until the abutters appeal is finished. Mr. Kiernan said that then the application is not complete. Mr. Patton said it is complete, and the holder of a special permit is allowed to move forward at their own risk.

Mr. Riemer asked to hear from the abutters. Judith Edsell wrote a letter (Provincetown) asking the Planning Board to monitor the project. Response from the Town staff include: the Building Commissioner has said that the main concern is the building height. Since the building will be modular, there could be issues of height. The DPW director is concerned about trenches and curb cuts. The health/conervation agent also reviewed the project. Mr. Kiernan wants another plan with all the parking on it. He also asked about site drainage. Stacy Kanaga, the engineer from Coastal Engineering, came forward and went over the plans.

Mr. Riemer said he was confused about where the traffic would circulate. Mr. Kiernan wants to be able to see that the applicant is in compliance with the ZBA's list of requirements.

Mr. Riemer said if you compare the plans that were included in the ZBA decision with the ones in front of the Planning Board, they are not the same. Mr. Patton disagreed. Mr. Riemer said that he found places where the dates were not the same as what was submitted to the Planning Board. Some of the plans have not been stamped by an engineer. Ms. Kanaga said that she thought that on the Felco plan of the 2nd floor plan, sheet 3 of 5, there could be a typo. She will see if there is another plan. They will also correct the dates on the cover sheet.

Mr. Kiernan talked about the special permit condition #4, 5 HVAC units on new construction, balconies, dumpster locations, and parking spaces numbered, sizes and setbacks. Mr. Riemer referred to condition #19 on a previously approved plan in 2016. The Board shall consider the abutters. He doesn't think that this plan considers the abutters. Mr. Sollog talked about the screens around the HVAC. Ms. Kuliopulos came up and said that the new HVAC systems are noiseless. They are doing everything they can to prevent noise. Mr. Kiernan asked if they already have the units. The answer was yes. Mr. Kiernan said he would like a site visit.

Mr. Sollog asked for further explanation of the plans in terms of bedrooms and the office area. Ms. Harper said that the three bedroom unit as shown is not allowed according to the condition of the ZBA decision. Mr. Kuliopulos explained the office area, the house and the two bedroom apartment, which he said was rentable space.

Ms. Harper expressed her concern that there is not a plan that can be viewed by the public, in order to get an idea of the whole project. Mr. Sollog said that the plan does not match up with the ZBA approved plan. He asked for help in understanding the plans. Ms. Kuliopulos explained the two phases of the project. The house and the apartment were designed separately. Issues have occurred due to the various architects involved.

Mr. Sollog asked for a site visit. Mr. Kiernan would like the parking plan before the site visit—one big plan just showing parking. Mr. Sollog asked for a signed plan. Mr. Riemer said he is concerned about drainage. Ms. Kanaga said there is a report for that. Mr. Riemer also asked if there is a landscape plan. At some point a landscape plan has to be submitted to the Conservation Commission. Ms. Kuliopulos said she has several plans but they have not been approved by the Conservation Commission. There is landscaping information on the plans, but there is not a landscaping plan. Dumpsters are on the parking plan. Mr. Riemer asked for the parking plan to include the bicycle racks. The applicant will bring in one new plan with numbered parking spaces, the location of dumpsters, the location of bicycle racks and it will show the area that cars will use to back in and out.

Mr. Sollog asked if the abutters would like to speak. The abutter's attorney said they will wait until the next hearing date when new plans are submitted

A site visit was scheduled for May 9, at 1 pm.

Mr. Herridge made a motion to continue the hearing to May 23. Mr. Kiernan seconded, so voted, 7-0.

Public Hearing

2017-010 PB John and Eileen Rice have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c. 41, §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to properties known and numbered as 6, 8, 10 Hatch Road, Truro and shown on the Truro Assessor's Maps 50, 51, Parcels 284, 031, 085. Applicant has submitted a request for a continuance.

Ms. Harper stated that she received a letter from Attorney Lester Murphy asking for a continuation. Mr. Herridge made a motion to continue the hearing to May 2. Mr. Kiernan seconded the motion, so moved, 7-0.

8:00 pm

Application for Determination that Plan Does Not Require Approval

2018-002PB Edward Salvador seeks a determination that a plan does not require approval under the Subdivision Control Law. The property is located at 456 Route 6, Assessor's Atlas Map 36, Parcel 7.

John Demarest spoke about the project briefly. Mr. Riemer asked about whether there would be an obstacle to getting a curb cut. They will file with the State to create two curb cuts. Mr. Kiernan asked Ms. Harper about the existing dwelling and existing garage. He said he visited the property and thinks its fine. Mr. Herridge made the following motion "With respect to application 2018-002 PB, the Board determines that the plan entitled "Plan of Land in Truro, MA Prepared for Edward Salvador" dated April 2, 2018, scale 1" = 60' for property located at 456 Route 6 prepared by Demarest Land Surveying does not require approval under the Subdivision Control Law." Mr. Boleyn seconded. So voted, 7-0.

Waiver of Commercial Site Plan Review

2018-001 SPR Katherine Reed seeks a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw for seasonal location of a food truck at Chequessett Chocolate. The property is located at 8 Highland Road, North Truro, Atlas Map 36, Parcel 89.

Mr. Roderick recused himself and left the room. Katherine Reed and Josiah Mayo came forward. Ms. Reed explained the application. They have now operated the food truck for four years without incident. They are seeking re-approval. Mr. Riemer asked about the parking space formula. He asked about repairs after the building was flooded and if anything would be changed. There will be no changes to the building and no increase in employees. Ms. Harper drafted the motion to allow the truck for three years. Mr. Herridge read the following motion: "Approve the request of Katherine Reed, for a Waiver of Site Plan Review pursuant to Section 70.9 of the Truro Zoning By-law for the property located at 8 Highland Road, Truro to locate a food truck on the property alongside the existing building for the 2018, 2019, and 2020 season (through December 31, 2020). This is based on the fact that the proposal does not substantially change the relationship of the structure to the site or to abutting properties and/or structures." Mr. Boleyn seconded, so voted, 6-0-1 (Mike Roderick abstained.)

Discussion of Warrant Article on the Marijuana Moratorium

The Planning Board will review the amended moratorium article discussed at the recent Board of Selectmen meeting and possibly revote their recommendation for the Amended Article.

Mr. Sollog said that there is nothing in the Town bylaws about overseeing the growing and sale of Marijuana. He explained that the Board disagreed with the June 2019 date for a moratorium, but they do need a few months to set up bylaws.

Mr. Kiernan asked Ms. Harper if this agenda was legally advertised. Ms. Harper said this is not a public hearing, so yes, it was legally noticed. Mr. Hopkins came forward and said he disagreed.

Mr. Sollog asked if we have a committee working on the bylaws that includes town staff, elected officials and local farmers. The answer was no. The Town attorney is working on it. Drake Cook said that the host community agreement is the protection you already have. Tim McCarthy

spoke said that the issue is leadership. Fear is not the way to move forward. He asked the Board not to revote on the moratorium.

Ms. Harper explained that the Planning Board requested the moratorium. The Town Manager attended a recent Planning Board meeting to ask if Board members would like her to work with Town Counsel to draft a moratorium article. The Planning Board voted in favor of drafting a moratorium article.. Then the Planning Board decided not to recommend the moratorium.

Mr. Sollog asked if November 2018 would work in terms of calling a special Town Meeting to approve new bylaws. Ms. Harper explained that a special Town Meeting can be called at any time.

The question was asked why a moratorium is needed at all. Mr. Sollog said that they want a window to get the bylaws written. Mr. Herridge said it won't be the Planning Board that will be the entity that creates the bylaws.

Betty Hopkins came forward and said she wants to grow medical cannabis. She is a nurse. She asked who on the Planning Board has read the State regulations and nearly all members stated that they read the State Cannabis regulations multiple times. She then stated that all the concerns of the Board are described in the regulations.

Mr. Kiernan asked how this discussion got on the agenda. The chair of the Planning Board sets the agenda, Ms. Harper explained. Mr. Kiernan said he believes the moratorium will delay the growers from getting in on this new opportunity. The local farmers need all the help they can get. Mr. Herridge says he thinks the regulations are very vague.

Mr. Herridge made the following motion "Move to recommend Article 21 to add Section 40.8 establishing a moratorium on recreational and medical marijuana establishments", Ms. Tosh seconded and explained to the farmers why she is seconding the motion. She said she would like to be on the committee to work on the bylaws. So voted, 5-2, Mr. Kiernan and Mr. Roderick voted against.

Review and Approval of Meeting Minutes

April 4, 2018

A correction on page 3 - it is 3,5,7 Rose Hill Lane, not 357 Rose Hill Lane.

Mr. Herridge made a motion to accept the minutes as amended, Mr. Kiernan seconded. So voted 7-0.

Reports from Board Members and Staff

Town Planner Report

There was a reminder about the Annual Town Meeting April 24 Truro Central School 6 pm.

The May 8 election is 7 am to 8 pm, at the Truro Community Center. The May 2 meeting will be at the Public Safety Building.

Mr. Kiernan brought up a concern he has about the Warrant Article 17 but Mr. Sollog said this concern cannot be discussed because it was not properly noticed. Mr. Kiernan asked Ms. Harper to summarize his question for him and Ms. Harper asked him to write up his and email it to her and the Town Manager.

Mr. Herridge moved to adjourn, Mr. Kiernan seconded. So voted, 7-0. Meeting adjourned at 9:05 pm.

Respectfully submitted,



Katherine Black

