



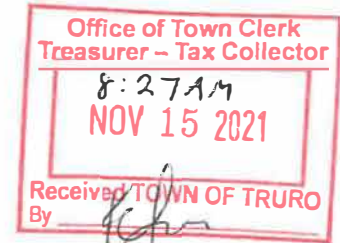
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

October 7, 2020 – 6:00 pm

REMOTE PLANNING BOARD WORK SESSION



Members Present (Quorum): Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan; R. Bruce Boleyn

Members Absent: Peter Herridge

Other Participants: Barbara Carboni - Interim Truro Town Planner & Counsel; Liz Sturdy – Truro Office Assistant; William J. Marsh – Applicant for 2020-003/SPR; Trevor Pontbriand – Associate Architect from Aline Architecture in Orleans, MA representing William J. Marsh (Applicant for 2020-003/SPR)

Remote meeting convened at 6:03 pm, Wednesday, October 7, 2020, by Chair Greenbaum who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner Carboni also provided information as to how the public may call into the meeting or provide written comment.

R. Bruce Boleyn joined the meeting.

Public Comment Period

Public comment, for things not on the agenda, and there were none. Truro Town Assistant Sturdy announced that Jim Zablocki, Lisa Peets, and Elise Stiller were on the call, but none offered comments.

Public Hearing

2020-003/SPR – William J. Marsh

Chair Greenbaum opened the public hearing for property located at 30 Longnook Road (Atlas Map 43, Parcel 121, Registry of Deeds title reference Book 32127, Page 302). Applicant seeks a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for the demolition and reconstruction of a pre-existing single-family residence with a slightly enlarged footprint in the Seashore District. Chair Greenbaum stated that as a matter of Board policy, the Board would have any public hearings would continue across two meetings so all voices may be heard and not denied because of technology. Interim Town Planner Carboni provided a quick summary of the application to include the nonconforming as to area and front setback. The ZBA has reviewed an application for a special permit from the applicant that the ZBA has approved with conditions. Chair Greenbaum asked the applicant or the architect for comment. Mr. Pontbriand commented that there was not much to add but there are two structures on the property including a main house and the garage/apartment. The main house was completely gutted to remediate asbestos in the drywall and there will be no change to the garage/apartment. Mr. Pontbriand stated that the main house will fit in the slightly expanded footprint. Chair Greenbaum asked Mr. Marsh if he wanted to provide additional comments. Mr. Marsh stated that he had nothing to add to Mr. Pontbriand's comments. Chair Greenbaum asked Members if they feel is

missing and she acknowledged that Mr. Pontbriand had submitted a Statement of Work which the Board received last night. Member Kiernan stated a concern around a stairway near the apartment entrance that was too near a tree. Chair Greenbaum asked Mr. Pontbriand to make the correction. Mr. Boleyn noticed that a slightly larger footprint (390') and Site Plan Review will not be waived in the Seashore District. Chair Greenbaum announced that the Board is not waiving Site Plan Review and asked the Members if they needed anymore information. Member Riemer stated that on 3a.11 it states that not available in 3 cases and Member Riemer specifically asked why the Massachusetts Natural Heritage and Endangered Species Act is unavailable. Chair Greenbaum asked the applicant or his representative to answer. Mr. Pontbriand thought this situation didn't fall under this jurisdiction and Interim Town Planner Carboni opined that Mr. Pontbriand may be able to contact the state for clarification. Interim Town Planner Carboni will assist Mr. Pontbriand as the right state agency and point of contact to get clarification either yes or no. Chair Greenbaum instructed Mr. Pontbriand to provide any new information from the state to Interim Town Planner Carboni and Truro Office Assistant Sturdy.

Chair Greenbaum stated that there are two pieces required: one correction and one piece of information that Mr. Pontbriand will provide to the Board.

Member Kiernan offered a suggestion to the applicant that a light source is not seen from the road or a neighboring property and recommended that the lights be low light to flood the front of the house only. Mr. Marsh asked if Member Kiernan was referring to the lights on the porch and the front of the house. Member Kiernan stated in the affirmative.

Member Riemer stated that during the Town meeting on September 26, 2020, the voters approved Article 17 to reduce the Town's net Greenhouse emissions to zero by 2050 and Member Riemer asked if the applicant addressed this initiative and Mr. Pontbriand replied that had not been discussed at this point. Mr. Riemer noted that the applicant proposed to use propane-powered heating and cooling and Mr. Riemer asked if the Energy Committee suggested that perhaps alternate power sources which address this Town initiative. Vice Chair Tosh commented that this is mission creep, and the Planning Board does not have the jurisdiction over climate change and climate initiatives. Vice Chair Tosh further commented that this a tasteful and modest project which should be appreciated by the applicant and architect to have designed such a wonderful project. Chair Greenbaum agreed with Vice Chair Tosh. Mr. Marsh stated that he appreciated the Member Riemer's suggestion and that he would like to learn more about it so he can help the Town achieve its goals as stated in Article 17. Mr. Marsh further stated that he and Mr. Pontbriand will contact the Climate Action Committee for more information. Chair Greenbaum thanked Mr. Marsh for his willingness to do so. As a former owner of this property, Member Kiernan reviewed the deed last night, from 1951, and discovered that the property was owned by an individual named Paul and that the deed specifically stated that the property was limited to one residence on the property. Member Kiernan noted that the work that the ZBA is doing to limit to one residence is backed up by the 1951 deed. Chair Greenbaum thanked Member Kiernan for the historical information keeps the Board on the straight and narrow.

Member Sollog asked if there any historical value to the existing structure such as age. Mr. Marsh stated that the structure was built in 1950. Vice Chair Tosh stated that she has worked on several projects with the Truro Historical Commission and the analyses of the Truro Historical Commission is if the building is 75 years or older and is it of historical significance. Vice Chair Tosh opined, with all due respect, that this residence didn't meet the criteria. Member Sollog thanked Vice Chair Tosh for the information, and he appreciated that this was discussed.

Chair Greenbaum then opened the hearing to the public and Truro Town Assistant Sturdy call upon Mr. Zablocki (no comment), Ms. Peets (no comments) and Ms. Stiller (no comments).

Chair Greenbaum asked if there were any other comments from the applicant, architect, the Board, or the public and there were none. Interim Town Planner Carboni advised Chair Greenbaum to consider a motion with a date certain to continue this hearing.

Member Kiernan made a motion to continue the hearing to October 21, 2020.

Vice Chair Tosh seconded the motion.

So voted, 6-0-1, motion carries.

Chair Greenbaum thanked Mr. Marsh and Mr. Pontbriand and reminded them what follow-up activity was required before the hearing continuance on October 21, 2020.

Mr. Marsh and Mr. Pontbriand thanked the Board and left the meeting.

Board Action/Review – (Continued)

Chair Greenbaum opened the discussion the Certified Abutters List Request Form with the Board. Interim Town Planner Carboni shared the G.L. c. 40A, s. 11, governing notice for special permits with the Members with a focus on the clause *"...shall mean the petitioner, abutters, owners of land directly opposite of any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner..."* Interim Town Planner Carboni stated that there was case law on this topic in *Murrow v. Esh Circus Arts, LLC*, 93 Mass. App. Ct. 233 where the decision was made that both criteria had to be met and not just one in order to receive notice.

Member Riemer cited for comparison Subdivision Control Law G.L. c. 41, s. 81T. Interim Town Planner Carboni had also identified this and shared the information with a focus on the clause of *"...notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the planning board..."* Member Riemer stated that there may be confusion as the people of interest may not be notified. Chair Greenbaum stated that who is to notify people is an issue that the Board needs to explore as it is critical. Chair Greenbaum also stated that she wanted to know who had been mailing out notices. Furthermore, Chair Greenbaum noted that Interim Town Planner Carboni has been working on a case-by-case basis clarifying the notification process with those within the Seashore District. Member Kiernan stated that Interim Town Planner Carboni referenced the above stated stipulations which must apply within 300' and Member Kiernan noted that there are a number of substandard lots within the Town, and this would affect abutters and abutters to abutters. Member Kiernan asked Interim Town Planner Carboni for guidance, and she opined that Section 11 established a minimum requirement only for a Special Permit.

Vice Chair Tosh commented that the Town should do the minimum that is aligned with the statute. Member Sollog said that the reason this came up is the abutter to abutter is an issue within the Seashore District and he can't figure out the language as it is confusing. Interim Town Planner Carboni said that the Board can exceed the 300' minimum if it wants. Member Sollog stated that he would be satisfied if we can limit the abutters list to a reasonable number that is legally unchallengeable.

Chair Greenbaum and Vice Chair Tosh were no longer on the call due to technical difficulties because of the storm. Chair Greenbaum rejoined the meeting via telephone as the thunderstorm knocked out the

internet. Chair Greenbaum resumed the meeting. Interim Town Planner Carboni stated that the language is sufficient, but she yielded to Members as she is new to Town. Chair Greenbaum stated that abutters to abutters to a specific distance to the property line makes sense. Interim Town Planner Carboni commented that this would take care of abutters within 300' of the Seashore District but not abutters to abutters. Interim Town Planner Carboni opined that it may be a good idea to include everyone within 500'.

Chair Greenbaum asked Interim Town Planner Carboni and Truro Town Assistant Sturdy to review the abutters criteria for everything or does the Board do some differentiation as is currently done. Chair Greenbaum also asked Truro Town Assistant Sturdy to see if the public still on the line would like to comment. Truro Town Assistant checked with Mr. Zablocki, Ms. Peets, and Ms. Stiller. None wanted to provide comment on this topic.

Truro Town Assistant Sturdy notified Chair Greenbaum that Member Riemer was no longer on the call.

As there was no longer a quorum and due to the storm, Chair Greenbaum asked for a motion to adjourn.

Member Kiernan made a motion to adjourn at 7:02 pm due to storm and Town technical issues.
Member Sollog seconded the motion.
So voted, 4-0-3, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

