

## **TRURO PLANNING BOARD**

### **Meeting Minutes**

**May 23, 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:** Attorney Lester J. Murphy, John Rice, John Poole, Attorney Ben Zehnder, Jason Kuliopulos, Arthur Bosworth; Cally Harper, Town Planner

Steve Sollog opened the meeting at 5:02 pm. Tim McCarthy is recording the meeting.

A brief discussion occurred about whether to deal with the reorganization of the Planning Board in terms of electing new officers. It was decided to place the election of officers on the next agenda.

### **Public Comment Period**

Mr. Riemer read from the Planning Board Handbook and Policies the regulation requiring the election of officers at the meeting following the Annual Town Meeting. Board members agreed to go ahead and elect officers. Mr. Herridge nominated Mr. Sollog to remain as Chair. Mr. Kiernan seconded the motion. So voted, 7-0. Ms. Tosh nominated Mr. Herridge to remain as Vice-Chair, Mr. Riemer seconded the motion. So voted, 7-0. Mr. Herridge nominated Mr. Riemer to remain as Clerk. Mr. Kiernan seconded. So voted, 7-0.

### **Temporary Sign Permit**

**Sustainable Cape: Truro Educational Farmers Market** – seeks approval of 1 application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for four 72” by 36” banners. Three signs will be placed on Route 6 and one sign at Veterans Memorial Park. The signs will be installed on Friday afternoon and removed on Monday afternoon from June 4 – August 27, 2018.

Mr. Boleyn made a motion to approve the Temporary Sign Permit, Mr. Roderick seconded the motion. So voted, 7-0.

### **Temporary Sign Permit**

**Sustainable Cape: Truro Agricultural Fair** – seeks approval of 1 application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for four 72” by 36” banners. Three signs will be placed on Route 6 and one sign at Snows Field from August 17 – September 3, 2018.

Mr. Herridge made a motion to approve the Temporary Sign Permit, Mr. Boleyn seconded the motion. So voted, 7-0.

### **Temporary Sign Permit**

**Sustainable Cape: Truro Historical Society** – seeks approval of 4 applications for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for four 48” by 36” sandwich board signs. The signs will be placed on the corner of Route 6 and South Highland Road from June 1 – June 30, July 1 – July 30, July 31 – August 30, August 31 – September 28, 2018.

Mr. Sollog brought up the fact that Payomet also has signs at this location. Mr. Herridge made a motion to approve the Temporary Sign Permit, Mr. Boleyn seconded the motion. So voted, 7-0.

### **Discussion of Rose Hill Lane**

The Planning Board will discuss next steps for the Becker subdivision. The property is located at 3, 5, 7 Rose Hill Lane, Assessor’s Atlas Map 54, Parcel 33. Applicant requested a continuance, see attached letters.

Mr. Boleyn, Mr. Riemer, and Mr. Kiernan recused themselves and left the room. Attorney Lester Murphy talked about the original subdivision plan of 3 lots. The engineer came up with a revised plan. A road would do a lot of damage to the property. They are scaling back to two lots and re-engineering. They will bring in a new definitive plan. Ms. Harper said that Attorney Reid sent a letter stating that his client has no objection to the Board accommodating the time needed by the owners to complete their plans. Mr. Herridge moved to continue the hearing to June 6, 2018. Mr. Roderick seconded. So voted, 4-0-3. (Mr. Riemer, Mr. Kiernan and Mr. Boleyn abstained.)

### **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. Continued from April 18, 2018 and May 2, 2018.

Attorney Lester J. Murphy, John Rice and surveyor Don Poole came forward. Attorney Murphy asked for feedback from the Board regarding moving forward with a definitive plan. There was discussion about the turn around and the brick wall in the right of way. Mr. Boleyn asked for details about the home owners association. Mr. Riemer said he has a problem certifying that all rules and regulations have been met. He read the submission requirements for definitive plans. Mr. Riemer stated that the plans should be stamped by the engineer before the Planning Board votes on the plan. There could be a condition about the wall that is in the right of way. Discussion continued regarding maintenance of the rock wall. It was agreed that the home owners association could be noted on the plan. Mr. Kiernan said the retaining wall removes some of the width of what is required for a right of way. The septic system was then discussed. Mr. Murphy said if they moved the road, they would have to move the leech field. Ms. Harper reminded the Board that they do not design projects, they regulate projects. Mr. Kiernan said the wall restricts the 40 foot width needed for safety. Mr. Murphy said the layout being proposed

leaves 9-10 feet to widen the road if needed. The roadway will access 2-3 homes. There will not be a lot of use. Mr. Rice said he's lived there 33 years and has not had a problem with the road. The drainage is flawless and two large trucks can pass each other. Mr. Sollog said he would entertain a motion. Ms. Harper said they needed to vote on the waivers first.

Ms. Tosh read the motion to approve the waivers. Mr. Roderick seconded the motion. So voted, 5-2. (Mr. Kiernan and Mr. Riemer voted against.) Mr. Sollog verbalized a condition on the Planning Board's plan, recorded with the Town, that the brick retaining wall is within the 40 foot right of way. The home owners association was accepted as well as the brick wall maintenance. Ms. Tosh read the motion to approve with conditions. Mr. Roderick seconded. So voted, 4-3. (Mr. Riemer, Mr. Kiernan and Mr. Herridge voted against.)

### **Reopened Public Hearing – Residential Site Plan Review**

**2017- 010 SPR Kenneth S. Kuchin – 12 Ocean Bluff Lane** seeks approval of a Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for removal and replacement of an existing cottage dwelling with a new dwelling and construction of a new garage accessory structure. Property is a pre-existing, non-conforming developed residential parcel in the Seashore zoning district. The property is located at 12 Ocean Bluff Lane, Map 37, Parcel 6.

Attorney Ben Zehnder came forward and reviewed the application. He asked for a vote to reopen the public hearing and the hearing was reopened. Mr. Herridge moved to reopen the hearing, Mr. Kiernan seconded the motion. So voted, 7-0. Mr. Zehnder asked the Board to consider supplementing the approved plan to show the driveway to the garage. The Seashore did not approve the original plan for the driveway, therefore access to the garage requires a revised plan. Mr. Zehnder reminded the Board that the applicant is only asking the Board to supplement the plan that was already approved. Mr. Kiernan asked what the difference is between the new plan and the previous plan. There is an additional driveway and the parking area has been redesigned. There may be some changes in the landscaping. Mr. Kiernan wanted to know where the septic system is. He said it should be on the plan. Mr. Kiernan then said he wanted to have another site visit. Mr. Riemer agreed. Mr. Riemer would like drainage features for the driveway to be shown. Ms. Harper asked Mr. Zehnder if they are cutting trees to build the driveway. Ms. Harper did a recap of the events to far for this project. Mr. Kiernan reiterated that they did not consider the driveway when they approved the plan. Mr. Riemer brought up the light lumens and Ms. Harper stated the lighting is already a condition of the decision. Mr. Riemer wanted a new condition that there would be vegetation to obscure the retaining wall and it was stated that this is already a condition of the decision. He also brought up the question of where to stage vehicles and dumpsters during construction. Ms. Harper said the limit of work area is on the plan. The septic system for the habitable studio has been waived, so voted at the December hearing. Ms. Harper stated that she received an email from Ms. Vorndran and a paper copy of this email was distributed to the Board before the meeting. Mr. Herridge moved to accept the new driveway plan and remove the condition of the written approval of access from the Seashore. The Board added a condition related to stormwater and the other conditions remain the same. Mr. Boleyn seconded. So voted, 6-0-1. (Mr. Kiernan abstained.) Mr. Zehnder asked about signing the plan.

Arrangements were made to sign the decision at the next Planning Board meeting . Mr. Sollog closed the public hearing. There was a 5 minute break at 7:00 pm.

### **Continued 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. The hearing was continued from April 18, 2018.

Jason Kuliopulos came forward and said his engineers didn't talk to each other and so they are not ready to proceed. He asked for a continuance for two weeks. Ms. Harper asked for more information explaining why they are asking for a continuance. She reviewed the communications she has had with the applicant. Mr. Sollog said they don't have the parking plan. Ms. Harper stated that there are discrepancies between the materials submitted to the ZBA and the materials to the Planning Board. She suggested continuing the hearing until the 2010 approved parking plan and the accompanying decision is provided to the Board and the discrepancies are addressed. The hearing should be continued to a date certain, but June 6th is too soon.

Attorney Reid spoke about the 2010 approved parking plan. Mr. Kiernan said that that when the Kuliopulos family bought the property in 1994, it was placed into condominium status. Every unit is separate in the deed. It should be cleared up whether it is a condominium or a motel. Parking requirements are different for condos and motels. Mr. Kiernan said that nowhere in the ZBA decision does it state that the property was purchased as a condominium. Mr. Herridge moved and Mr. Kiernan seconded the motion to continue the hearing to July 11, 2018. So voted, 7-0.

### **Scheduling a Public Hearing for Marijuana Bylaws**

The Planning Board will vote on a date to hold a public hearing on draft marijuana bylaws.

Mr. Sollog asked about when the public hearing can be scheduled at an upcoming Planning Board meeting. The proposed date is July 25, 2018. Arthur Bosworth asked if the bylaw will be discussed at Planning Board meetings in between now and the hearing. The answer was no. Mr. Herridge moved to schedule a public hearing on the draft marijuana bylaws July 25, 2018, 5:00 pm. Ms. Tosh seconded. So voted, 7-0.

### **Discussion of Next Steps for Size Restrictions for Residential Structures**

The Planning Board will discuss how to move forward with the Zoning Bylaw Amendment on Area and Height Regulations in All Districts except the Seashore District to Determine Maximum Building Size in Truro.

Ms. Tosh has spent time at the Transfer Station in order to encourage input from residents regarding house size restrictions. She was joined by Ann Greenbaum and a member of the Select Board. Half a dozen people talked to them. It was a cold day. Mr. Herridge and Mr. Riemer volunteered to spend time at the Transfer Station, asking for input. They suggested including cannabis in the discussion.

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

May 2, 2018

Mr. Boleyn made a motion to approve the minutes as written, Mr. Kiernan seconded. So voted, 6-0-1. (Mr. Herridge abstained.)

Minutes from two Site Visits on May 9

Mr. Sollog made a motion to approve the minutes from the first site visit as written, Mr. Kiernan seconded. So voted, 6-0-1. (Mr. Herridge abstained.) Mr. Sollog moved to approve the second site visit minutes, Mr. Kiernan seconded. So voted, 6-0-1. (Mr. Herridge abstained.)

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

#### **Town Planner Report**

Mr. Kiernan said that when the Board changed the meetings to 5:00 pm he didn't think ahead about the summer. From now until October, he will not be able to arrive at meetings until 6:00 pm. Discussion followed regarding possible solutions.

Ms. Harper gave her report. She contacted Mr. Winkler; he will be available June 20 for a non-regulatory administrative meeting. It will be at Town Hall.

Ms. Harper said she has received questions about the by-law regarding adding legal parking spaces. She asked if there should be a waiver of site plan review. Mr. Kiernan said if people wish to add more parking, they should be allowed to. They can add through site plan review. He doesn't think adding legal parking has to involve the Planning Board. Ms. Harper is being asked how to increase parking on commercial property. Mr. Sollog suggested that the Board should do more research on this matter.

Mr. Boleyn made a motion to adjourn, Mr. Herridge seconded. So voted, 7-0.

Meeting adjourned at 8:05 pm.

Respectfully submitted,



Katherine Black

