

**TRURO PLANNING BOARD
MEETING MINUTES
August 8, 2018 – 6:00 p.m.
Truro Town Hall**

PLANNING BOARD MEMBERS PRESENT: Chair-Steve Sollog, Vice Chair-Peter Herridge, Clerk-Jack Riemer, Karen Tosh, Bruce Boleyn, Mike Roderick, Paul Kiernan

OTHER PARTICIPANTS: Amy Rolnick, Attorney Lester J. Murphy Jr., Maria Kuliopulos, Attorney Ed Patten, Interim Planner Jessica Bardi, Ann Greenbaum

Chair Sollog called the meeting to order at 6:03 p.m.

Public Comment Period

Amy Rolnick approached the Board. She asked if the Board was going to allow public comment during their discussion of the Rose Hill Lane item on the agenda. Chair Sollog stated that they had a letter to read into the record; therefore he would allow Ms. Rolnick to comment.

Temporary Sign Permit

Truro Center for the Arts at Castle Hill seeks approval of an application for a Temporary Sign Permit for five signs; one will be on Route 6 at Castle Road, one will be placed at the corner of Truro Center (Castle Road), one will be at 10 Meetinghouse Road, one at Pamet Road and one at 3 Edgewood Way. Signs will be installed on August 9, 2018 and removed on August 13, 2018. Mr. Riemer commented that the Board had requested that signatures be printed legibly on applications going forward. Chair Sollog commented that he believed five signs were well above what was necessary.

Ms. Tosh recused herself as she is on the Board at Castle Hill.

Mr. Kiernan made a motion to approve the signs.

Mr. Herridge seconded the motion.

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

Discussion of Rose Hill Lane

The Planning Board will consider rescission of the existing application for the Becker subdivision, and suggest the applicant file a new application when the appropriate plans/application has been prepared. The property is located at 3, 5, 7 Rose Hill Lane.

Mr. Kiernan recused himself as he is an abutter to an abutter.

Mr. Riemer recused himself.

Mr. Boleyn recused himself.

All three Board members then left the room during the discussion of Rose Hill Lane.

Atty. Lester J. Murphy Jr. approached the Board. He has no objection at this time for the Board to take any action it deems appropriate. If the Board does see fit to proceed forward on the basis of rescission then as opposed to filing a recertification he would have to start over and file a new definitive subdivision plan.

Chair Sollog read a letter dated August 7th, 2018, received from Allee Stewart and Dedee Hwang, into the record.

Ms. Rolnick approached the Board. She is an abutter. She wanted to thank the Board for taking her concerns seriously and stated that they have worked hard to be fair to both sides.

Mr. Herridge made a motion to rescind the previous approval granted on December 12, 1997.

Ms. Tosh seconded the motion.
So voted, 4-0-3, motion carries.

Continued Public Hearing

2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc. seeks approval of a Modification to a Commercial Development Site Plan to maintain existing uses, reduce the number of motel units from 51-47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road. Continued from April 18, May 23, and July 11, 2018.

Atty. Patten and Ms. Kuliopulos approached the Board. Atty. Patten summarized that at the last meeting there was lengthy discussion regarding the coordination of the review criteria and the issue of waivers. There are now two submissions;

- A letter to the Chair from Atty. Patten, setting forth eight different provisions of the by-law within section 30.9 (parking requirements) from which they are requesting waivers.
- A batch of information from Ms. Kuliopulos is correspondence from the project architect and a sound engineer pursuant to the suggestion of the Board in respect to the claimed issue from abutters regarding noise emanating from the air conditioning units.

Chair Sollog appreciates the effort Ms. Kuliopulos has made in getting a letter from the Cape Light Compact regarding decibel levels of the air conditioning units; however he would like her to reserve the information for now.

Mr. Herridge has suggested denying the application. Atty. Patten pointed out that Mr. Herridge was not present at the last continuation of the public hearing and he objects to his participation at this meeting and any meetings going forward. Chair Sollog stated that there is a provision that allows members to participate as long as they sign and submit an affidavit stating they reviewed all of the information. Interim Planner Bardi will obtain his signed certification tonight. Mr. Herridge states that he watched the past meeting video this afternoon and reviewed the minutes.

Chair Sollog finds that the proof of the deed puts White Sands Beach Club, Inc. into a condominium, therefore the parking is inadequate. Also, there are several issues with the parking;

- Use of parking adjacent to Shore Road.
- Use of a meeting room (as described by the applicant) and not providing additional parking spaces for that.

Ms. Kuliopulos read a section (40.6-exemptions to a new development) from the bylaws. She states that she complied with all provisions. Ms. Tosh wished to clarify a couple of items;

- If the application had been filled out properly (with the proper name of the legal owner) the Board could have perhaps circumvented a lot of the delays. The legal owner is White Sands Beach Club, Inc. dba Buccaneer Condominium. Mr. Kiernan had alerted the Board to the fact that it is a condominium.
- The Special Permit from the Zoning Board of Appeals stated it was contingent upon the Planning Board approving a parking plan and if there were too many units that number would have to be reduced.
- Ms. Kuliopulos can either reduce the amount of units or take it out of condominium ownership. Ms. Tosh cannot personally recommend waiving the parking requirement. The Zoning Board of Appeals gave a mandate that they wanted to see the appropriate parking.

Mr. Kiernan stated that in 1981 the Town of Truro passed a condominium conversion bylaw which stipulates that you need to provide two parking spaces for every unit. In 1986 the previous owner, Mr. Simpson, did exactly that. Ms. Kuliopulos did not rebuild the exact building which burned down. She added a second floor and increased the footprint. When she went to the Zoning Board of Appeals, she did not tell them that it was in condominium ownership, which may have led the ZBA to look at the permit differently, as the Planning Board does now. She is asking them to approve a parking plan which is in violation of zoning, and they cannot do that. 47 units, along with the manager's unit and the other

apartment, she needs 98 parking spaces to make the property legal. Mr. Kiernan has a couple suggestions:

- Come out of condominium ownership, which then she'd only have to meet motel parking requirements.
- She could withdraw this plan, without prejudice, and start from square one to see what can be done with the property.

Atty. Patten thought there could be a third option, though he does not recommend it. They could look at the total area of the property to determine whether the 98 parking spaces could be located on the property.

Mr. Herridge made a motion to deny the site plan application.

Ms. Tosh seconded the motion.

So voted, 5-2 (Herridge, Tosh, Riemer, Boleyn and Kiernan in favor, Sollog and Roderick opposed), motion carries.

Discussion of Upcoming Draft Marijuana Bylaw Public Hearing

Mr. Herridge is requesting a mailing for each bylaw to every registered voter which will include the Planning Board's draft bylaw and a short explanation of their reasons for what they are doing. He also wishes to warn voters that if they do not pass this bylaw the town will be open to outside predators. He also believes they need assistance (money) to make reasonable presentations to show people what the Planning Board is doing and why they are doing it. Mr. Riemer is in agreement.

Chair Sollog stated that the Planning Board will ask if the Town will support disseminating information through the website, or any other means by which the Board needs to get the information out to voters. Mr. Herridge strongly suggests mailings. Ms. Tosh is suggesting that Chair Sollog open the Public Hearing by going over the "place-holder" bylaw and then have other Planning Board members, one by one, offer their input into their draft. Comments may then be taken by the public to gain insight on what they would like to see in the draft. At the end of the hearing, hopefully, the Board can agree on a draft which could be mailed to everyone. Interim Town Planner Bardi informed the Board that the Town Manager has stated that they need a bylaw to present to the Town Manager for the Board of Selectmen by August 24, 2018. Procedurally, she has spoken with the IT Director about projecting the red-line draft on a screen and then print-outs of the original bylaw which was filed with the Town Clerk.

Mr. Herridge made a motion that the Planning Board urgently requests the resources to allow them to send one envelope mailing for each one of their bylaws to every registered voter in Truro, and to have some help with producing a presentation for the people of Truro at these meetings.

Mr. Boleyn seconded the motion.

So voted, 7-0, motion carries.

Mr. Riemer asked if the Board could use the Provincetown Banner to publish the items they were going to be discussing. He also wanted to know if a location for the Public Hearing had been determined. Mr. Riemer recalls the co-op group asking for August 22nd date so that they would have time to put together another community forum. Ms. Tosh thought a sub-committee (of not more than three Planning Board members) could be formed to discuss ideas. A sub-committee consisting of Mr. Kiernan, Ms. Tosh and Mr. Sollog will be formed, with assistance from legal counsel. Interim Town Planner Bardi will ask Town Manager Palmer for assistance with an envelope mailing.

Discussion moved on to inviting Truro Police and Fire Chiefs, and Senator Cyr to attend the public hearing so as to address questions and concerns raised by the public. A suggestion to invite the Board of Selectmen was posed as well. Mr. Herridge thinks the Board should get some information on the issues Colorado has faced as they have had six years' experience.

The Board, through consensus, agreed to invite both Chiefs to the next public hearing. In regard to inviting Senator Cyr, the Board does not wish to hear a political speech. An invite would need to be clarified as to what they were inviting the Senator for.

As to Mr. Rierner's idea to publish something in the Banner, Chair Sollog asked what the Board would want published. Mr. Kiernan would like the bylaw published. Ms. Tosh thinks a bullet point display would be better. Mr. Rierner would like to include Representative Peake on the invitation list.

Discussion of Upcoming House Size Bylaw Public Hearing and Review of Informal Forums

Chair Sollog believes their house size bylaw is fairly solid. Mr. Kiernan has asked the Interim Town Planner to email the Board a copy of the most recent house size and marijuana bylaws. Chair Sollog stated that there will be a public hearing, at the Community Center, on August 15, 2018 for the house size bylaw. He has also requested that the most recent draft of the house size bylaw be reviewed by Town Counsel.

Ann Greenbaum approached the Board. She did receive input from the Truro Housing Authority on the affordable housing language. She distributed a hard copy to each Board member and will also email a copy to Interim Town Planner Bardi. Mr. Kiernan pointed out an issue with the language presented. Mr. Rierner would also like any "affordable housing" wording be changed to "affordable housing in perpetuity". Ms. Greenbaum has suggested sending the current draft bylaw (without the Housing Authority proposed language) to town counsel.

Review and Approval of Meeting Minutes

Mr. Boleyn noticed a spelling error on a participant's name on the July 11, 2018 minutes. A follow-up on White Sands Beach Club questions is unnecessary, and other than that he thinks the minutes are good to go.

Ms. Tosh stated that on page two, the paragraph which begins with "Mr. Kiernan asked" the word "Buccaneer" is spelled incorrectly, also the word "mute" should be "moot".

Ms. Tosh made a motion to approve the minutes as amended.

Mr. Roderick seconded the motion.

So voted, 6-0-1 (Mr. Herridge abstained), motion carries.

Mr. Boleyn asked if a response had been received by Mr. Winkler. Interim Town Planner Bardi has not received any information from Mr. Winkler after the Planning Board requested him to submit a letter of compliance. She will follow up with him.

Reports from Board Members and Staff

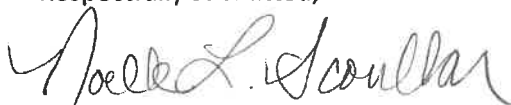
Interim Town Planner Bardi stated that they have an appointment slip for Mr. Herridge who will be serving as the Planning Board's liaison to the Water Resources Oversight Committee. The Board needs to sign the appointment slip.

Mr. Herridge made a motion to adjourn the meeting at 8:13pm.

Ms. Tosh seconded the motion.

So voted, 7-0, motion carries.

Respectfully submitted,



Noelle L. Scoullar

