



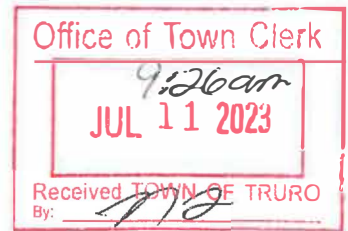
## TOWN OF TRURO

### PLANNING BOARD

#### Meeting Minutes

April 26, 2023 – 4:00 pm

#### REMOTE PLANNING BOARD MEETING



**Members Present (Quorum):** Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Christopher Snow (Attorney and Applicant); Sally M. McSween (Representative of the Condominium Association); Ben Zehnder (Attorney Representing Abutters: Marie Belding and Pat Callinan); Marie Belding (Abutter); William Rogers (Engineer/Surveyor for Christopher Snow-Applicant); Marshall Puffer (Structural Engineering Manager from Coastal Engineering for Christopher Snow-Applicant); Andrew Aiken (Owner of 100 Rt 6); Ben Zehnder (Attorney Representing Bruce Jacobson-Trustee); Bruce Jacobson (Applicant/Trustee); William Rogers (Engineer/Surveyor for Bruce Jacobson-Trustee)

Remote meeting convened at 4:02 pm, Wednesday, April 26, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

**Public Comment Period**

Public comment, for items not on the agenda, was opened by Chair Greenbaum.

As there were no members of the public who wanted to make a public comment, Chair Greenbaum recognized Member Riemer. Member Riemer commented on last night's Town Meeting where funds were approved for a comprehensive Wastewater Management Plan and Member Riemer expressed his support for the Planning Board to be included during the development of the Wastewater Management Plan. Member Riemer requested that this topic be added to a future Planning Board meeting agenda. There were no objections.

**Planner Report**

Town Planner/Land Use Counsel Carboni commended the Members for their hard work in developing a proposed Bylaw amendment utilizing transparency and inclusivity ahead of last night's Town Meeting. Although the proposed Bylaw amendment was not approved at Town Meeting, Town Planner/Land Use Counsel Carboni noted that the Members did a great job and recognized the work of Vice Chair Roberts.

Chair Greenbaum agreed with Town Planner/Land Use Counsel Carboni's comments and noted that hopefully the Planning Board will propose three Bylaw amendments at the fall Town Meeting.



### **Chair Report**

Chair Greenbaum announced that the full-time Housing Coordinator position was approved at last night's Town Meeting. Apart from Member Frazier who is up for election this year, anyone who is elected to the Planning Board will serve a 3-year term and not a 5-year term as the new term appointments will be effective in 2024.

### **Minutes**

Chair Greenbaum led the review of the minutes of January 11, 2023. There were no corrections or edits.

**Vice Chair Roberts made a motion to approve minutes of January 11, 2023, as submitted.**

**Member Riemer seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts – Aye**

**So voted, 7-0-0, motion carries.**

Chair Greenbaum led the review of the minutes of January 25, 2023. There were no corrections or edits.

**Vice Chair Roberts made a motion to approve minutes of January 25, 2023, as submitted.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts – Aye**

**So voted, 7-0-0, motion carries.**

Chair Greenbaum led the review of the minutes of February 8, 2023. Vice Chair Roberts made three corrections to the minutes.

**Member Riemer made a motion to approve minutes of February 8, 2023, as amended.**

**Member Frazier seconded the motion.**

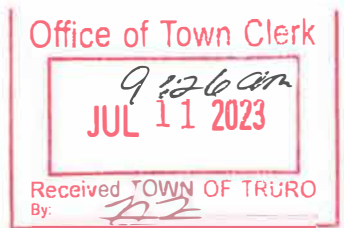
**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**



**Member Riemer – Aye**  
**Member Kiernan – Aye**  
**Vice Chair Roberts – Aye**  
**So voted, 7-0-0, motion carries.**

Chair Greenbaum led the review of the minutes of February 22, 2023. Vice Chair Roberts made two corrections to the minutes.

**Vice Chair Roberts made a motion to approve minutes of February 22, 2023, as amended.**  
**Member Althaus seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**  
**Member Townsend – Aye**  
**Member Althaus – Aye**  
**Member Frazier – Aye**  
**Member Riemer – Aye**  
**Member Kiernan – Aye**  
**Vice Chair Roberts – Aye**  
**So voted, 7-0-0, motion carries.**

#### **Public Hearings (Continued)**

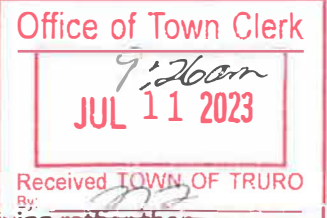
**2023-001/SPR - Ebb Tide on the Bay Condominiums**, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for a project involving reconstruction of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

Chair Greenbaum who recognized Attorney Snow. Attorney Snow introduced the Applicant's representatives and provided an update regarding this matter.

Mr. Puffer provided a summary of findings and recommendations from the engineer report regarding the pile driving vibration analysis to the Members and the public. Mr. Puffer reviewed the calculations used for the vibration analysis regarding structural damage. Mr. Puffer noted that the possibility of structural damage from vibrations was less than 5% and recommended vibration monitoring equipment be placed onsite from the start of the project.

The Applicant's representatives and Members discussed the focus on the vibratory hammer and other considerations with the vibration impact on construction materials.

Chair Greenbaum recognized Attorney Zehnder, representing the Abutters, who reviewed the questions previously asked by the Abutter and noted that some information had not yet been received. Attorney Zehnder asked whether the Applicant had considered helical screws instead of pile driving for the project to minimize vibration impact to the Abutters' property. Attorney Zehnder requested that the Planning Board carefully consider conditioning the project such as coordinating time for activity that would reduce the impact on the Abutters (November 30 through April 1 was acceptable to the Abutters), a condition that protects the Abutters such as an indemnification that the Applicant would pay for any damages to the Abutters' property and a condition that the Applicant provide certificates of insurance from all the contractors on the project.



When asked by Chair Greenbaum, Attorney Snow noted that the decision to use pile driving rather than helical screws was a design decision and any other questions on this subject should be directed to Mr. Rogers. Mr. Rogers and Mr. Puffer provided additional comments on this topic to include that the possibility of structural damage from vibrations was less than 5% so it didn't rise to the threshold to consider other alternatives. Attorney Zehnder noted that no demonstration or analysis of the helical screws had been conducted to verify that helical screws pose less of a threat of damage or environmental impact than pile drivers.

Chair Greenbaum discussed with the Members issues (to include vehicles backing up to the roadway) which the ZBA will have to consider moving the project forward, the objective of a Site Plan Review and its applicability to this site, the increased gross floor area of the project and height of the project, vehicular turning movement analysis (not a traffic study), the reduction of parking spaces, the absence of wheel stops in the parking plan (Applicant will add wheel stops and submit a revised plan).

Chair Greenbaum announced that at the next meeting, the Members would like to establish the conditions for this project, and it would be an opportunity for the Applicant to provide a revised engineer report. Members briefly discussed potential conditions with input from Town Planner/Land Use Counsel Carboni. Attorney Snow stated that the Applicant would have no issue with the Planning Board establishing the same conditions as the Conservation Commission.

Chair Greenbaum recognized Ms. Belding who asked several questions and commented on the proposed project.

**Member Frazier made a motion to continue 2023-001/SPR until May 10, 2023.**

**Member Kiernan seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts – Aye**

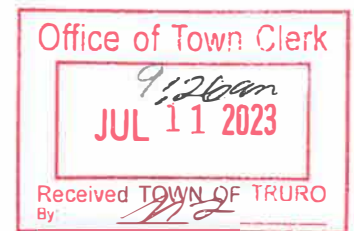
**So voted, 7-0-0, motion carries.**

**2023-002/SPR Robert J. Martin** for property located at 100 Rt 6 (Atlas Map 55, Parcel 12). Applicant seeks Commercial Site Plan approval (selling firewood and other materials); on property located in the Seashore District.

Chair Greenbaum announced that the Applicant had requested a continuance until May 24, 2023. Town Planner/Land Use Counsel Carboni noted that the Applicant needed additional time to put a plan together and stated that Building Commissioner Rich Stevens was conducting additional research regarding this matter.

**Member Frazier made a motion to continue 2023-002/SPR until May 24, 2023.**

**Member Townsend seconded the motion.**



**Roll Call Vote:**

**Chair Greenbaum – Aye**  
**Member Townsend – Aye**  
**Member Althaus – Aye**  
**Member Frazier – Aye**  
**Member Riemer – Aye**  
**Member Kiernan – Aye**  
**Vice Chair Roberts – Aye**  
**So voted, 7-0-0, motion carries.**

**Public Hearing**

**2023-003/SPR Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee** for property located at 12 Ocean Bluff Lane (Atlas Map 3 7, Parcel 6). Applicant seeks Residential Site Plan approval of construction unauthorized by building permit and for further expansion of dwelling in Seashore District.

**Vice Chair Roberts made a motion to open the public hearing in the matter of 2023-003/SPR.**  
**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**  
**Member Townsend – Aye**  
**Member Althaus – Aye**  
**Member Frazier – Aye**  
**Member Riemer – Aye**  
**Member Kiernan – Aye**  
**Vice Chair Roberts – Aye**  
**So voted, 7-0-0, motion carries.**

Chair Greenbaum recognized Attorney Zehnder who provided a brief overview of this matter that included the previous owner's deviation of the previous building permit to include a bedroom in the basement area and a screened in porch that was enclosed.

Attorney Zehnder confirmed that Town Planner/Land Use Counsel Carboni had forwarded to him last night a letter from Lauren McKean, Chief of Land Planning of the National Park Service, regarding this matter.

Members and Attorney Zehnder discussed whether new construction has occurred onsite and if revised plans should be submitted. Town Planner/Land Use Counsel Carboni stated that she will contact Building Commissioner Rich Stevens to see if the proposed hot tub is part of the Site Plan Review prior to the next meeting.

Chair Greenbaum led the review of the Planning Board checklist to determine if information contained in the Site Plan Review was complete or incomplete. Town Planner/Land Use Counsel Carboni will check with Town Clerk Kaci Fullerton to determine the date of when the Applicant's Site Plan was stamped by the Town Clerk's office as parts of the Site Plan provided in the Members' packets did not include this information.

Attorney Zehnder read the letter from Ms. McKean aloud and Members briefly discussed what the letter stated. Attorney Zehnder stated that the letter from Ms. McKean was not an issue for the Site Plan

Review. Town Planner/Land Use Counsel Carboni commented that she had spoken with Ms. McKean and wanted to preserve Ms. McKean's right to speak on this matter at the next meeting as Ms. McKean was not in attendance this evening.

**Member Frazier made a motion to continue to the matter of 2023-003/SPR until May 10, 2023.**

**Member Townsend seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts – Aye**

**So voted, 7-0-0, motion carries.**

#### **Discussion of Warrant Articles**

Chair Greenbaum proposed a Work Session with the Members on June 28, 2023, at 5 pm. There were no objections.

**Vice Chair Roberts made a motion to adjourn the meeting at 7:41 pm.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts – Aye**

**So voted, 7-0, motion carries.**

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

