

**TOWN OF TRURO
PLANNING BOARD
Meeting Minutes
January 9, 2019, 5:00 pm
Truro Town Hall**

Quorum Present: S. Sollog (Chair), K. Tosh (Vice Chair), J. Riemer (Member), B. Boleyn (Member), M. Roderick (Member), P. Kiernan (Member)

Quorum Absent: P. Herridge (Member)

Other Participants: Atty Ed Patten, Edward Patten Law Office; Maria Kuliopolus, White Sands Beach Club Inc.; Stacy Kanaga, Coastal Engineering; Jessica Bardi, Interim Town Planner; Steven Parker, Town Planner; Jason Kuliopolus, son of Maria Kuliopolus; Donald Poole, President of Outermost Land Survey, Inc.; Atty Lester J. Murphy Jr.

Meeting convened at 5:05 pm by Chair Sollog.

Public Comment Period

Chair Sollog asks if anyone would like to come forward for the public comment period. No one wishes to come forward.

Continuation – 2018-003 SPR Maria Kuliopulos White Sands Beach Club, Inc. seeks approval of a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law to maintain existing uses and structures, reduce the number of motel units to 44 and construct a replacement structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5. Copies of the Application are available for review at the Town Clerk's Office, 24 Town Hall Road, Truro.

Atty Ed Patten representing the applicant, Maria Kuliopulos, and Stacy Kanaga, Civil Engineer with Coastal Engineering come forward. Mr. Patten gives a procedural history of the matter.

Stacy Kanaga goes over details about the parking area at White Sands.

Chair Sollog says that personally he feels perhaps as a volunteer board, they are not fit to judge the plans alone. He would rather see an engineer approve the plans so that they conform to the Town of Truro's bylaws. Mr. Sollog polls the board on how they would feel about finding an engineer to help make a decision on the matter.

Members Kiernan, Boleyn, Riemer, Roderick and Vice Chair Tosh agree that it would help move the case along to have an independent engineer help judge the parking plans. Mr. Riemer adds that after observing the stormwater report on the parking site, he feels that regulations currently

in place regarding the barrier beach and a prior destructive fire on the property prohibit expansion.

Mr. Patten objects to the presentation of environmental regulatory issues by Member Riemer as not pertaining to the matter at hand. Mr. Patten believes the case should be able to move forward on its current path, citing the Board as having laid it out as a way forward for the project.

Ms. Kuliopulos cites several reasons that she believes the property is entitled to the parking plans.

Jason Kuliopulos, Ms. Kuliopulos' son, comes forward upset that the board is delaying the project and claiming larger changes to the property when he takes over.

Member Riemer defends his bringing up of regulations regarding the environmental area as pertinent to the values of Truro as decided by voters at a town meeting and as part of understanding what the owner wishes to do. Ms. Kuliopolus wishes for a simple guideline from the Board without any new information being brought in that she believes doesn't pertain to the matter at hand.

Atty. of the abutters, David Reid speaks on the issue of the scope of the Planning Board's review and whether or not they should seek the advice of an independent consultant. Mr. Reid says that this is a new application and it is the applicant's responsibility to satisfy all of the requirements of that application.

Town Planner Steven Parker says that the Planning Board does have the authority to hire an independent engineer if they wish, at the applicant's expense. Mr. Parker suggests a motion to get outside review.

Member Kiernan makes a motion that the Board vote to hire an outside engineer to review the White Sands project. Member Boleyn seconds. So voted, 6-0-0, motion carries.

Member Kiernan makes a motion to continue the hearing on February 20th, 2019. Member Boleyn seconds. So voted, 6-0-0, motion carries.

Discussion and endorsement of previously approved Subdivision Plan at #6, 8, and 10 Hatch Rd.

Donald Poole, President of Outermost Land Survey, Inc. and Atty Lester J. Murphy Jr. come forward. Mr. Murphy explains the timeline of the plans as they moved through Land Court. He wishes for the Planning Board to approve the plans as they were approved in Land Court.

Mr. Poole explains to the board how an engineer will go forward with creating these sorts of plans and how he accidentally submitted the wrong saved version of the plan to the Land Court.

Member Boleyn says that a plan for the septic system does not interfere with a neighboring wall as previously brought to the Board's attention.

Member Riemer states he was not comfortable with signing the plan for a few reasons.

Member Riemer makes a motion to consider the request of a modification, amendment, or rescission of the plan. Member Kiernan seconds. Motion is pending.

Chair Sollog says he did not find any problems with the plan.

Member Kiernan asks Chair Sollog for Mr. Parker's thoughts. Mr. Kiernan shows the plans to Mr. Parker. Simultaneously, Mr. Sollog discusses the original concern of the retaining wall on the property being part of the road layout with Mr. Murphy. Mr. Poole enters the discussion of moving the septic system.

Mr. Parker says that he is of the opinion the Board cannot go back to the issue of the wall since it has already gone through an endorsement.

Member Kiernan asks Ms. Bardi if the Planning Board can revisit this. Ms. Bardi says that the Board can seek a modification but there is uncertainty about how far they can go since the agenda item was specifically for a discussion and endorsement of these plans. When asked by Mr. Kiernan if all the members of the Board that previously signed the plan would have to again, Ms. Bardi and Mr. Murphy believe so.

Member Riemer goes into further detail about his concerns with the property plans. Mr. Parker agrees with the applicant's Atty that the Board could probably not revisit these issues now; the Board could request a covenant. Ms. Bardi adds that the Board likely needs to move through the present agenda issue before taking actions such as rescinding the plan. Mr. Riemer doesn't think that the board should sign plans with zoning violations on them. Mr. Murphy says that the plans include the removal of those zoning violations. Mr. Riemer would like a notation on the plans that states no further changes to the subdivision would be made without Planning Board Approval.

Vice Chair Tosh thinks that the issues raised by Member Riemer are concerning, but it is procedurally appropriate to continue with the discussion as it sits on the agenda.

Member Kiernan asks Ms. Bardi if the plans are certified legal once they have been signed. Ms. Bardi says they are. Mr. Kiernan asks if simultaneously the Board can choose to rescind the plan. It is Ms. Bardi's understanding that it is not appropriate to do so as the plans have not been recorded yet. Once they are filed by the Land Court, that is the point at which the Board could entertain modification or rescission. Mr. Kiernan asks if it is a legal obligation for those who signed the first plan to sign the second. It is Ms. Bardi's opinion that it's in the best interest for

the Board to do that.

Member Kiernan withdraws his second to the pending motion. Motion does not carry.

Mr. Murphy reiterates that he believes tonight's agenda calls for ministerial action.

Vice Chair Tosh suggests pushing a renewed motion to rescind to the next agenda, Chair Sollog agrees.

Mr. Poole brings forward the mylar for signing. Vice Chair Tosh, Chair Sollog, Member Boleyn, and Member Roderick sign. Member Kiernan and Member Riemer do not.

Mr. Murphy says that he will inform Mr. Parker when the filed plans are sent to Barnstable from Boston.

Member Riemer moves that the Board vote to consider rescinding modification or amendment of the plan as approved. Member Kiernan seconds. So voted, 5-1-0, motion carries.

Minutes

September 5, 2018

Member Boleyn notes a correction of a missing word in one section of the minutes.

Chair Sollog moves to approve the minutes as amended. Vice Chair Tosh seconds. So voted, 6-0-0, motion carries.

September 6, 2018

Member Riemer notes a grammatical correction in one section of the minutes.

Member Boleyn moves to approve the minutes as amended. Vice Chair Tosh seconds. So voted, 6-0-0, motion carries.

September 19, 2018

Member Boleyn notes a spelling correction in one section of the minutes and a dictation correction in three sections of the minutes.

Vice Chair Tosh moves to approve the minutes as amended. Member Riemer seconds. So voted, 6-0-0, motion carries.

Town Planner Report

Town Planner Mr. Parker has nothing to report.

Member Boleyn moves to adjourn. Vice Chair Tosh seconds. So voted, 6-0-0, motion carries.

Respectfully submitted,



Paxton Green

