

**TRURO PLANNING BOARD
MEETING MINUTES
December 5, 2018
Truro Town Hall**

PLANNING BOARD MEMBERS PRESENT: Chair, Steve Sollog, Karen Tosh, Jack Riemer, Bruce Boleyn, Peter Herridge, Paul Kiernan

PLANNING BOARD MEMBERS ABSENT: Mike Roderick

OTHER PARTICIPANTS: Interim Planner Jessica Bardi, Elisabeth Verde, Carlos Verde

Chair Sollog called the meeting to order at 5:00pm. When asked if anyone in the audience was also recording the meeting no one came forward.

Public Comment Period

There was no public comment.

Temporary Sign Permit-Truro Center for the Arts at Castle Hill seeks to install two (2) temporary signs one, 33" x 22" to be located at 10 Meetinghouse Road and the other, 48" x 36" to be located at 3 Edgewood Way. The signs will be installed on December 10, 2018 and removed on December 17, 2018 for an event on December 14, 2018.

Mr. Herridge made a motion to approve the two temporary signs for Truro Center for the Arts at Castle Hill.

Mr. Boleyn seconded the motion.

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

Mr. Riemer has asked that applicants type their name onto the signature line of the applications in order to better see who is signing. Interim Planner Bardi states she can amend the form to include a line for printed/typed applicant name.

Public Hearing (continuation)2018-005 PB-Elisabeth and Carlos Verde seek approval, pursuant to §40.2 of the Truro Zoning Bylaw, for the construction of an accessory dwelling unit on the same lot as their primary dwelling unit. The property is located at 6 Sage Ridge Road, Atlas Map 39, Parcel 229.

Chair Sollog stated for the record that he viewed the prior Planning Board meeting via video and signed the affidavit in order for him to participate in this continuance. He did miss the site visit and asked Interim Planner Bardi if that disqualified him from participating, to which Interim Planner Bardi stated no.

Elisabeth and Carlos Verde approached the Board. Chair Sollog noted that the Verde's provided a septic plan. The Planning Board stated that this septic plan satisfied them. Chair Sollog went over the checklist for ADU requirements. He mentioned that there was a question on requirement number 4 regarding setbacks. The provided plan shows a deck, which is very close to the setback. Mr. Verde explained that the deck was palletized (no foundation attached to it). The base is timbers with the decking material on top of that. He had spoken with Building Inspector, Russell Braun, and consulted with Slade Engineering before constructing it. The deck has no attachments to the structure and does not have a foundation.

Chair Sollog stated that in laymen's terms, Mr. Verde's explanation means that you do not have to abide by the setback regulations. The Planning Board was satisfied with that explanation. Mr. Kiernan brought up that at the site visit he'd asked for a measurement to be done on the plan which showed the distance between the dwelling and the eastern (rear) property line. Mr. Kiernan suggested that they could condition the approval upon receipt of a signed plan with that measurement on it. Interim Planner Bardi brought forth a plan which the Planning Board decided to incorporate into the application which shows the measurement. Chair Sollog asked if there would now be designated parking spaces. Mr. Verde stated that parking would be in front of the garage or along side it. Mr. Kiernan stated that if the Verde's draw in two parking spaces on the plan that would be satisfactory.

Mr. Riemer made a motion in the matter of 2018-005 PB, Elisabeth and Carlos Verde, to grant a permit for an accessory dwelling unit, pursuant to §40.2 of the Truro Zoning Bylaw with respect to property at 6 Sage Ridge Road in accordance with the plans submitted with this application subject to the following conditions:

- 1. Once an ADU has been added to a dwelling, structure, or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to §40.2 of the Truro Zoning Bylaw without first obtaining a subsequent permit from the Planning Board, and in no case shall an ADU be permitted to exceed the square footage allowed by §40.2 of the Truro Zoning Bylaw.**
- 2. The principal dwelling and the ADU, and lot on which they are located, shall remain in common ownership and shall not be severed in ownership, including that lot, buildings or units they're on, shall not be placed in a condominium form of ownership.**
- 3. Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve months. Rental of said unit for a period of less than twelve months including, but not limited to, seasonal rental, and rental through vacation rental services and websites, is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.**
- 4. ADUs permitted under this section shall be inspected annually, or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.**
- 5. Prior to the issuance of a building permit the owner of the property shall upgrade the septic system onsite in accordance with Title V of the State Sanitary Code.**

Interim Planner Bardi stated that the Planning Board may want to modify condition number 5 as it had been drafted before the first Public Hearing. The Planning Board now has a revised site plan. Condition number five was modified to read: **5. *An approved septic plan.***

Mr. Kiernan asked that as a condition, would the Verde's identify two parking spaces for the ADU. Mr. Verde said that he would draw in two parking spaces alongside the garage on the plan which Interim Planner Bardi brought up to the table for amendment.

Ms. Tosh seconded the motion.

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

Review and Approval of Meeting Minutes

August 15, 2018

August 22, 2018

August 28, 2018

Mr. Boleyn made a motion to accept the August 15, 2018 minutes as written.
Mr. Riemer seconded the motion.
So voted; 6-0-0, motion carries.

Upon review of the August 22, 2018 minutes, Mr. Riemer noted two small word omissions which could be fixed.

Mr. Boleyn made a motion to accept the August 22, 2018 minutes as amended.
Mr. Riemer seconded the motion.
So voted; 6-0-0, motion carries.

Upon review of the August 28, 2018 minutes, Mr. Riemer wished to bring attention to what Town Counsel mentioned on page four, bottom paragraph. Ms. Laughman has stated that zoning needs to be ownership neutral. In advance of stating that, Ms. Laughman notes that the Town runs into a uniformity problem with respect to whether the Town is zoning based on business ownership vs. impact. Mr. Riemer thinks this might come up in the future if the Planning Board tries to develop a formula business bylaw, whereby if they did not want to allow a formula business (say a hamburger business, yet a "mom and pop" hamburger business is in Town) in the Town. Chair Sollog states that the Planning Board should discuss these issues, going forward, toward their next Town Meeting. Mr. Tosh noted that Ms. Laughman's name was spelled two different ways throughout the minutes. The correct spelling should be "Laughman" and should be corrected.

Mr. Riemer made a motion to accept the August 28, 2018 minutes as amended.
Mr. Boleyn seconded the motion.
So voted; 6-0-0, motion carries.

Mr. Riemer noted that many meeting minutes are still missing. Interim Planner Bardi stated that Noelle Scoullar, Nicole Tudor, and Elizabeth Sturdy, are all working on catching up with the minutes.

Next Meeting Agenda

Town Planner Report – Planning Board endorsement of previously approved Subdivision Plan at #6, #8, and #10 Hatch Rd.

Interim Planner Bardi received an email, phone call, and cover letter from Outermost Land Surveyor, and subsequently a follow-up letter from Mr. Poole, which she read to the Planning Board. The letter stated that Mr. Poole would be unable to attend this evening's meeting and then proceeded to explain why the plan was again before the Planning Board. In closing, Mr. Poole asked that the Planning Board re-endorse the Rice subdivision plan as approved. Interim Planner Bardi has the mylar plans for the Planning Board to sign and she had a paper copy of the plans to show them some very minor changes which had been made.

Mr. Riemer asked if a covenant was attached to this plan, as he believes all subdivision plans require a covenant signed by the Planning Board. Interim Planner Bardi stated she was not sure and would have to check. Mr. Kiernan stated that there needed to be a homeowner's association. After checking her files, Interim Planner Bardi came back with a Declaration of Trust for the Homeowner's Association. While she continued searching, Mr. Riemer recalled that a pool was to be removed, and asked if that would be included in a covenant. Ms. Tosh stated that a shed was to be removed as well. Interim Planner Bardi was unable to locate a copy of a covenant in her files. Chair Sollog asked Mr. Riemer if he desired that a covenant must be attached to the plan. Mr. Riemer responded that what is before them right now is incomplete. He feels the issues of a stone wall and a right-of-way remain. He stated that

"if" the Planning Board chooses to sign the plan that they should be provided with some of the items which should be included in a covenant. Chair Sollog is recommending continuing this to a time when Mr. Poole can attend the meeting. Ms. Tosh agrees.

Interim Planner Bardi briefly went over some packet materials which the Planning Board would be receiving for their next meeting, scheduled for December 19, 2018. Ms. Tosh let everyone know that she was unable to attend that next meeting, and perhaps Interim Planner Bardi would like to let Maria Kuliopulos know, so Ms. Kuliopulos could decide whether she'd like to proceed with six instead of seven members of the Board.

Mr. Riemer wished to commend the Planning Board members on the two bylaws that were passed at the Special Town Meeting and asked that they think about other items they should pursue for the Annual Town Meeting in the Spring.

Mr. Herridge was pleased with the super majority vote received for the House Size Bylaw amendment and he was also impressed by the number of people who have come up to him personally to express concern regarding the house sizes being too large. He would like to take advantage of the fact that they (the Planning Board) has done a good job preparing people in understanding what the issues are and proposed an amendment to reduce the maximum house sizes for their next town meeting. Chair Sollog said it was certainly something the Planning Board could discuss. Chair Sollog thinks the Planning Board should discuss some of their own problems which they are confronted with. Some of which members of the Town have brought forward. One of which being a commercial site plan that was able to convert to a residential site plan which allowed the owner to make massive changes to the property. He also suggested making changes to the ADU bylaw to make things neater.

Mr. Kiernan suggests that at some point the Planning Board schedule a workshop where they can bring all the possibilities up and review whether to work on them or forgo them. There is a new marijuana bylaw, yet they do not have a marijuana site plan review. He thinks the Planning Board needs a new section in the bylaw to address that. He also pointed out that the Barnstable County Registry of Deeds holds an old copy of bylaws from 1986, those should be updated. The last certified bylaw was from 2010. Mr. Kiernan feels the Planning Board needs to help move the process along to keep records up to date. Interim Planner Bardi interjected to let the Planning Board know that she's been working with the Town Manager to get the bylaws signed/updated. Chair Sollog would like to wait until January to set up a workshop.

Mr. Riemer noted that in reading minutes from previous years, sometimes the Planning Board has invited the Building Commissioner to present to them things that he sees which they might consider to be amended or changed. This may be something the Planning Board might want to do going forward.

Chair Sollog made a motion to adjourn at 6:04pm.

Mr. Boleyn seconded the motion.

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

Respectfully submitted, Noelle L. Scoullar

