

**TOWN OF TRURO  
PLANNING BOARD  
Meeting Minutes  
May 22, 2019 6:00 pm  
Truro Town Hall**

**Board Members Present**

**Chair S. Sollog  
Vice Chair K. Tosh  
Clerk J. Riemer  
Member B. Boleyn  
Member P. Herridge  
Member P. Kiernan**

**Other Participants**

**Jessica Bardi, acting Town Planner  
Robin Reid, attorney  
Clinton Kershaw, applicant  
Ben Zehnder, attorney  
Mr. Murphy, attorney  
John B. Rice, Truro resident**

**Meeting convened at 6:05 pm by Chair Sollog.**

**Public Comment Period**

No one from the audience wishes to come forward.

**1. Election of Officers**

**Vice Chair Tosh nominates Steve Sollog as Chair of the Truro Planning Board. Member Herridge seconds. So voted, 5-0-1. Motion carries. Chair Sollog abstains.**

**Member Herridge nominates Karen Tosh as Vice Chair of the Truro Planning Board. Member Kiernan seconds. So voted, 5-0-1. Motion carries. Vice Chair Tosh abstains.**

**Member Kiernan nominates Bruce Boleyn as Clerk of the Truro Planning Board. Member Clerk respectfully declines the nomination.**

**Vice Chair Tosh nominates Jack Riemer as Clerk of the Truro Planning Board. Chair Sollog seconds. So voted, 5-0-1. Motion carries. Member Riemer abstains.**

**2. Continued Public Hearing**

**2019-001/PB Accessory Dwelling Unit, Clinton Kershaw, 9 Highland Ave.**

***Applicant is seeking approval of an application for an Accessory Dwelling Unit (ADU) permit pursuant to Section 40.2 of the Truro Zoning Bylaws. The property is located at 9 Highland Avenue, Map 22, Parcel 35, and includes 2 existing structures.***

Attorney Robin Reid and the applicant Clinton Kershaw come forward. Atty Reid addresses the late delivery of plans, explaining them and offering that they are open to a continuance if the Board needs more time. She says the Board of Health directed them here to find out if the proposal is an ADU.

Chair Sollog suggests that a studio inside a structure designated as a garage no longer be used as a dwelling space and Atty Reid agrees.

Member Kiernan reads from a special permit granted by the Truro Zoning Board of appeals that allowed the construction in question while designating it as a non-living space, which Atty Reid acknowledges. Mr. Kiernan also reads from a second special permit where the deed was to be conditioned to restrict the total number of bedrooms on the property to two, and that the new building cannot be lived in.

Chair Sollog believes that the applicants won't be able to rectify the situation without the Board granting an approval.

Member Kiernan reads from Truro's parking standards and says that the parking on site is non-conforming. He also voices concerns about the water.

Vice Chair Tosh would like to see a way for the applicant to move forward by requesting a variance from the Zoning Board of Appeals and acknowledging the deed restrictions in place.

Atty Reid hopes the Board will consider conditional approval.

Vice Chair Tosh says a conditioned permit will allow the ZBA and Board of Health to look at the plans.

Atty Zehnder comes forward and says that the Planning Board should not concern themselves with Zoning regulations so that applicants have a way forward.

Atty Reid requests to withdraw the application.

**Member Herridge makes a motion that the applicant be allowed to withdraw without prejudice. Vice Chair Tosh seconds. So voted, 6-0-0. Motion carries.**

### **3. Continued Public Hearing**

#### **2019-004 SPR Daniel Carbonneau and Melinda Tuffy, Tr.**

***Applicant seeks approval of a Residential Development Site Plan pursuant to Section 70.4, Seashore District, of the Truro Zoning Bylaws. The property is located at 157 Slough Pond Road, Map 62, Parcel 5.***

Attorney Ben Zehnder comes forward and gives a brief history of coming before the Board and working with them.

Vice Chair Tosh asks if a historical review is required and Atty Zehnder says that it is likely not, but the matter is not before the Board and it is an entirely different process.

Chair Sollog reads a letter from Truro resident Laura McKeen asking for Historical Commission review

as the author believes the plans represent a significant change to the character of the property.

Atty Zehnder states that he provided all the information the Planning Board has to the Historical Commission in an email, making them aware of the project.

Clerk Riemer, familiar with the residence, speaks about how the studio was inhabited by an artist before being moved onto the property.

Atty Zehnder reminds the Board that they do not need to concern themselves with any historical matters as they aren't the issues before the Board.

Interim Town Planner Jessica Bardi agrees that the Board should not focus on elements of historical review.

Chair Sollog and Atty Zehnder discuss the process of approval of plans involving square footage beyond what was approved at Truro town meeting.

Member Kiernan encourages the idea of all lighting being downward facing. He would also like a condition that review by the historical commission is required before a building permit is obtained.

Atty Zehnder also discusses a condition with the Board that the property must be used strictly in conformance with zoning requirements.

Member Kiernan asks Atty Zehnder about an ANR on the property in 2005 or 2006. Mr. Zehnder doesn't have those records. He doesn't believe it would have an effect on the non-conforming issue of the lot.

Square footage of the property is discussed.

**Clerk Riemer makes a motion to approve the site plan. Motion is pending.**

Conditions are discussed.

**Member Kiernan makes a motion to approve conditions. Member Herridge seconds. So voted, 5-1-0. Motion carries.**

**Member Kiernan makes a motion to waive the existing vegetation plan. Member Boleyn seconds. So voted, 6-0-0. Motion carries.**

**Member Kiernan makes a motion to approve the site plan review with waiver and conditions. Member Herridge seconds. 6-0-0. Motion carries.**

#### **4. Discussion of Inquiry of Attorney Benjamin Zehnder Regarding the Scheduling of Site Visits Prior to Public Hearing**

Atty Zehnder suggests a policy of site visits with everyone together on certain days and asking applicants to stake a property by a certain time so that everyone can easily conduct site visits and gain the needed

6/1/11

information before a public hearing.

Chair Sollog suggests 2PM on Tuesday afternoons and the Board will give it a try.

**5. Release of One Lot from Covenant of John B. Rice Definitive Subdivision – 6,8, and 10 Hatch Road**

Atty Murphy and John B. Rice come forward and give an overview of the subdivision and lot 11, the lot in question to be removed.

Jessica Bardi clarifies that the Board is within its bounds for what it can do.

**Vice Chair Tosh makes a motion that Lot 11 be released from the covenant as requested by the applicant. Member Herridge seconds. So voted, 4-2-0. Motion carries.**

**6. Possible Meeting Date Change for August Meeting**

The August meeting is set for August 14<sup>th</sup>.

**Vice Chair Tosh makes a motion to adjourn. Member Herridge seconds. So voted, 6-0-0. Motion carries.**

Respectfully submitted,

Paxton Green

