

**TOWN OF TRURO
Planning Board
MEETING MINUTES
December 18, 2019
TRURO TOWN HALL**

Members Present: Chair-Steve Sollog, Peter Herridge, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro, Kristina (no last name given) from Smartlink on behalf of AT&T, Mark Donnelly from Smartlink on behalf of AT&T

Chair Sollog called the meeting to order at 5:00 pm.

Public Comment Period: No public comments.

While the Board waits for the first applicant to arrive, they will move to the second public hearing.

Public Hearing-Continued

2019-008/PB Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

Chair Sollog announced that the applicants have requested to continue to the Planning Board's meeting of January 8, 2020.

Town Planner Ribeiro stated that the applicant's attorney had a scheduling conflict. There is plenty of time in the timeframe and he believes it's a very reasonable request.

Member Kiernan made a motion to continue 2019-008/PB to the January 8, 2020 Planning Board meeting.

Member Herridge seconded.

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

Member Riemer would like to know if the abutters will be notified as to the continuance. Town Planner Ribeiro let the Board know that he will notify the abutters he's been in contact with. Member Riemer asked if any of the abutters had a problem with the proposed extension date. Town Planner Ribeiro stated no. Member Herridge stated that he had spoken to an abutter who could not attend on the extension date, but he could send in a letter or an email. Chair Sollog let the Board members know that once the vote to continue the hearing took place, it was not open any more. He'd appreciate this discussion happening before the vote to continue happened. Member Kiernan wanted to know how the abutters would be notified. Town Planner Ribeiro said that most were in touch via phone or email and that's how he'd convey the continuance.

Public Hearing-Continued

2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §2.4 of the Town of Truro Rules

and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity lane, Truro, MA, Map 45, Parcel 8.

Chair Sollog stated there was a request to continue this public hearing to the Planning Board's January 8, 2020 meeting. Town Planner Ribeiro has been in touch with John O'Reilly, the engineer for the project, and he had scheduling conflicts with tonight's meeting. He expects this to move forward on January 8th. Member Kiernan asked, each time the applicants request a continuance, does that push back the due date back? The answer was yes. The Planning Board has 45 days to make a decision on a preliminary and he does not want to see the Board opening the hearing on day 46 and find out that it's too late.

***Note-no vote was made to continue.**

Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.

The Zoning Board of Appeals was provided a list of the Planning Board comments. Member Herridge asked if the Town Planner knew if the abutters to the Cloverleaf project have been notified. Town Planner Ribeiro stated that it's noticed the same as a Special Permit, which means it's sent via regular mail (not certified). Member Herridge says he spoke to a bunch of the abutters and none were notified. The Town Planner will look into it. Member Kiernan looked over the Assessor's list of notifiable abutters. That list had changed from August of 2018. A bunch of condominiums had changed hands, and hence, the new abutters list. Member Herridge said that notifying abutters is a moral and legal requirement of the Town. Member Kiernan read the list of comments which Town Planner Ribeiro did up for the Zoning Board and states it was excellent. He has come up with some other items for discussion.

- He feels it would be worthwhile to make note of the Reynolds/Stowe case and ask the Zoning Board of Appeals if they would speak to their contact at KP Law as to the effect of granting a Special Permit that may be in violation of this court ruling. Chair Sollog wonders if a ruling like that set a precedent. The answer was yes. Town Planner Ribeiro and Town Counsel are very aware of the Stowe decision. Member Greenbaum thinks providing the decision information to the ZBA would be helpful.
- He had a chance to read the Board of Health letter to the ZBA and it was excellent. They clearly explain that, based on the situation where some people have town water and their abutters have well water, they have placed into their regulations that you need 10,000 square feet per bedroom in order to make sure that everybody's well is preserved.

Member Riemer states he would like to support the best outcome for affordable housing at the Cloverleaf project. In reviewing the issues regarding water resources in Truro, he noted there is an integrated water resources plan-phase 1 (available on the Town's website). The firm which prepared the plan is Weston & Sampson and they are well regarded. He'd like to offer another well-regarded firm that has done work in Truro, Horsley Witten. They have extensive experience on the Cape. They are an engineering and environmental firm founded on principles of sustainable water resource protection. He would like the Planning Board to support Horsley Witten as a potential peer review selection. He went on to say that the developer is seeking a waiver of Truro Board of Health's Title V regulations. There are seven market rate units. The question is, why can't the market rate units bear the additional cost to properly treat the sewerage that will be treated at this site. He continued, stating it should be noted that secondary treatment can reduce nitrates by 60% after which, drip irrigation can further diffuse effluent over the whole site. Sewerage from the site is discharged between two public water supplies. The question is; what happens during a drought when the zones of contribution are drawn down and insufficiently treated sewerage is discharged into the aquifer, and then drawn toward the public water supplies. The roadway serving the Cloverleaf intersects with Highland Road where a catch basin

connected to the collection system, which conducts storm water into Pond Village and the pond, lacks features such as vegetative swales, rain gardens, and oil water separators which remove contaminants. Are pollutants from this site contributing to a pond which is already polluted? Why isn't this a Truro Conservation Commission concern? Member Riemer would also like to ask; Is the storm water runoff site going to further aggravate the flooding of Pond Village during storm events? He knows of two residents that lost their vehicles that were in storage at Pond Village during a flooding event. Member Herridge added that the report Member Riemer references is online on the Town website. Anyone can look at it and see where all the nitrogen hotspots are. The hotspots are all over the Cloverleaf site, Pond Village, and North and South.

Chair Sollog states that some of the items discussed at the meeting today are duplicates. He asks the Board if they'd like to compile a new list to give to the Zoning Board of Appeals. By consensus, the Board would like to provide additional concerns about the site. Chair Sollog asks Town Planner Ribeiro to summarize the discussion for the ZBA. Town Planner Ribeiro stated that he heard the following points:

- The Weston and Sampson report
- Reynolds v. Stowe decision
- Looking into abutter notification
- Referring the ZBA to Figure 3.2 and Figure 4.3 of the Integrated water resources plan-phase 1 (referencing hotspots)
- Questions as to what happens during a drought when more of the water is drawn
- Request to consider Horsley Witten as a potential peer review selection
- At the highest point of the site (+30 feet) what will the water pressure be (to support fire hydrants)
- Will there be adequate water pressure, period, once the demand of this complex is added to the Provincetown water system, or will there be a need to put in a water tower
- Be sure that the Conservation Commission is aware of the amount of storm water runoff that's possible.
- Ask the Conservation Commission to weigh in on the project.
- Ask the Conservation Commission to provide some questions to the engineering firm ahead of time, rather than just reviewing. Town Planner Ribeiro will pose this to Town Counsel to see how to handle it.

Town Planner Ribeiro stated that a balloon test will be conducted on Saturday. The main point is to view it from Route 6, Highland Road, and various other public vantage-point locations. Member Kiernan asked which building is the highest. Town Planner Ribeiro stated that #21 with 15 units was the highest. Member Greenbaum asked if anyone would be taking photos to which Town Planner Ribeiro stated yes.

Public Hearing

2019-007/PB – Smartlink, LLC o/b/o AT&T seeks approval for a Special Permit under Section 40.5 of the Truro Zoning Bylaw for the replacement of existing antennas with new antennas on the wireless communication structure on property located at 5 Town Dump Road, Truro, MA, Map 55, Parcel 2-A.

Board Action/Review

2019-010/SPR – Smartlink, LLC, o/b/o AT&T seeks approval for a Waiver of Site Plan Review under Section 70.9 of the Truro Zoning Bylaw for modification of an existing telecommunications tower by replacing existing antennas with kind-like antennas, as well as Remote Radio Units. There will be no

increase in the number of antennas as well as no increase of the tower height or expansion of the leased ground space.

Kristina approached the Board. The Special Permit, as well as the Waiver, was read best by the Chair. They are not adding height to the tower or increasing the size of the ground where AT&T has their leased space. They are simply switching out antennas and radio units. There will be no change in appearance. This is for better technology and faster service. The construction crew would like to set up a pre-construction meeting seven days before starting construction.

Member Herridge asked why they would build an antenna in a valley? Member Kiernan stated that they were looking to site the antenna on Town land and that was one place they had available. If the antenna goes up 200 feet, a light would have to be installed at the top. By installing where they did, they eliminated the need for the light at the top. He also noted that there is an osprey nest now on the tower. Mr. Donnelly (from Smartlink) introduced himself. He explained that Smartlink will get everyone on board (SBA/AT&T/RF), and get the Planning Board sign-off, so the construction company can move forward. Member Kiernan asked if the Planning Board made a condition that the osprey nest not be disturbed, would that be a problem? Mr. Donnelly stated that would not be a problem. Town Planner Ribeiro noted that per the Federal Migratory Bird Act if there is an egg or anything in the nest it cannot be touched, regardless, and you can get jail time. If the nest is not occupied, they could move the nest and then place it back in the same spot after construction is done.

Chair Sollog asked what the weight difference would be. Kristina stated the weight would relatively be staying the same.

Member Riemer stated that adjacent to the work site is an area which the Town opens to the public to deposit storm debris, leaves, horse manure, and the like. He would like to know if that area will be closed to the public while the work takes place. Member Kiernan suggested that before construction Smartlink could give notification to the DPW staff so they could close it off and people wouldn't drive down there. Member Riemer wanted to be sure the "caution" signs around the fenced area would remain, which Mr. Donnelly assured they would be. Member Riemer would like to know why they couldn't improve cell phone reception in the Pamet River valley by putting a repeater here in Town Hall. He also asked if that would cause any harm to people. Mr. Donnelly stated the repeaters were of no harm to people. Town Planner Ribeiro said you'd have to see how large the cupola on top of Town Hall was, and sometimes the structural modifications that occasionally must occur can hurt the historic integrity of a structure, however it is something which could be discussed. Mr. Donnelly stated he'd have RF (the design engineers) look into it.

Member Kiernan made a motion to approve the waiver of site plan review.

Member Herridge seconded.

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

Member Greenbaum made a motion to approve the special permit with the following conditions:

- **Applicant shall notify the Department of Public Works no later than seven (7) days in advance of any proposed work on the site. All proposed work shall be done in consultation with the Director of Public Works and the Director shall isolate the location where the work is to be conducted.**
- **The osprey nest shall not be disturbed, and if need be, remove and replace the nest to the same location.**
- **Have the construction schedule verified by the Superintendent.**

Member Kiernan seconded.

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

Member Riemer asked if there was something which needed to be voted on regarding a repeater in the Town Hall tower for better cell phone service. Member Tosh stated that would have to be an agenda item. Chair Sollog understands the lack of cell service and believes that 5G is going to address the problem. Town Planner Ribeiro let the Board know that they could place this item on an agenda to discuss.

On a quick note, Town Planner Ribeiro believes that creating an administrative modification process for antenna swaps (and the like) would be helpful. The Board agreed that they should discuss it at an upcoming meeting.

Election of Officers

Chair Sollog wished to make a comment that he's honored to have been the Chair of the Planning Board for as long as he has. Serving with this Board, currently, has been some of the best and they really care about what they are doing. He admires everyone on the Board for devoting the time they put in. He is asking to step down as the Chair and would like to ask, and nominate, Anne Greenbaum to be the Chair.

Member Kiernan seconded.

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

Chair Greenbaum stated that she is following in Member Sollog's footsteps in being, she thinks, a reluctant Chair. A Chair that does not wield power in a negative way. She is very grateful that Member Sollog will continue to be a member of the Board. She values his perspective, and his belief in the importance of hearing from members of the Truro community. She feels that recently there have been more attacks on this Board and therefore, on its Chair. She feels the dignity with which Member Sollog dealt with those, and his consistency in taking the high road, is a model for this town and one which she hopes to follow. She wished to recognize a couple of items accomplished by the Planning Board under his leadership.

- This Board has continued to function, and move forward, despite the revolving door of Town Planners.
- The current work they have undertaken, in terms of revising applications and processes, all with the goal of making things more efficient.
- The passage of the house size bylaw that is seen as a model across the Cape.

Member Herridge would like to thank Member Sollog for years of excellent service as the Chair of the Planning Board, which they all know is not easy. He will always be proud to have served on his Planning Board. He wishes to thank him for his determination and courage in standing up to the local bullies, who are the dark side of this otherwise lovely town.

Member Kiernan stated it's been his pleasure. He would like the viewing audience to know that Member Sollog is an excellent musician and vocalist, works the keyboard like a champ, and although Mr. Kiernan can be thorny at times, they love him (speaking on behalf of the whole Board).

Member Boleyn said that in his experience, he believes Member Sollog has been the most collaborative, successful, person on the Board and that he has set a very good example for them.

Member Riemer stated that on this Board, everyone knows they are all equals. In the Chair position, you're in a leadership role. The most effective means of leadership is by example, and Member Riemer wishes to thank him for setting that example.

Member Tosh added that he's been a great leader. He has so much patience. She has sat through meetings where he has let people say everything they need to say, and she thinks that's very important.

She would like to echo what Member Herridge said, which is that Member Sollog's humility in the face of bullies, and people insulting the entire Board at public hearings was commendable. She is not sure many people could handle it the way he did. He's been a great Chair, it's been fun, and she's glad he's staying on the Board.

Update on past Work Sessions and discussion for setting dates for future Work Sessions.

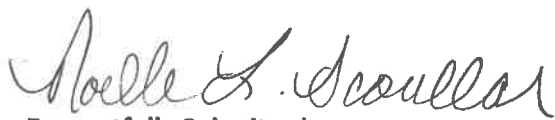
Chair Greenbaum stated that the ADU Sub Committee has been on hold due to the death of Select Board member Maureen Burgess. Select Board member Bob Weinstein will be filling that slot. She and Select Board member Weinstein will be meeting tomorrow morning, informally, to catch him up. After that, the ADU Sub Committee will have their next meeting on January 9th, 2020. At that meeting they will discuss when to bring their suggestions to the two Boards, she's aiming for late January. In terms of setting dates for future work sessions, Chair Greenbaum held up a spreadsheet which was passed out to the Board earlier. It organizes the conversations that they've had, in their work sessions. She's added a column for priorities. Her request is that each Board member take this home and prioritize each of the items. That will guide their conversations in upcoming work sessions. A date of January 15, 2020 at 2:30 p.m. was agreed upon for their next work session. In order for Chair Greenbaum and Town Planner Ribeiro to have enough time to pull together peoples prioritizing, she proposed January 3, 2020 as a due date for the Board members to get their responses back Liz Sturdy.

Town Planner Ribeiro stated that they are adding, to their next agenda, the recommendation on the cell towers. The Cloverleaf discussion will remain. He also reminded the Board to check their town emails around noon tomorrow as he will send the compilation of comments discussed earlier to them. If they would review and send him a reply as to whether they are good to go or not, he can then get those comments to the Zoning Board of Appeals.

Member Herridge made a motion to adjourn at 6:33 pm.

Member Tosh seconded.

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



**Respectfully Submitted,
Noelle L. Scoullar**

