

TRURO PLANNING BOARD

Meeting Minutes

November 4, 2015 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Lisa Maria Tobia; Steve Sollog; Bruce Boleyn; John Riemer; Michael Roderick; Peter Herridge; and William Worthington

Members Absent: None

Others Present: John Hopkins; Richard Waldo; Lester J. Murphy; James Rodricks; Emil Kudryk; Robert Weinstein; Carole Ridley, Planning Consultant; Shawn Grunwald

Ms. Tobia opened the meeting at 6:00 p.m.

Public Comment Period: The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

No one came forward to comment.

Interview-Planning Board Applicant: John Hopkins

Mr. Hopkins commented that he has applied to be a Planning Board member because he is interested in the road issue and interested in modernizing the zoning record system. His background is as a builder. Mr. Riemer raised the issue of conflict of interest. Mr. Hopkins stated that he is aware of this and would recuse himself as needed. Mr. Boleyn asked about Mr. Hopkins his availability to meet the obligations of the Planning Board. He stated that he is in the process of working less, thereby making him more available. He is unsure if he will run for the seat at the next election as he wants to "test the waters", although he is more inclined than not to run for the seat.

Ms. Tobia clarified that the next step would be that Mr. Hopkins would need to meet with the Board of Selectmen. Then there would need to be a joint meeting with Board of Selectmen to vote, tentatively scheduled for November 10, 2015.

All Board members thanked Mr. Hopkins for his willingness to serve. Mr. Riemer raised the issue of the two previous applicants, Mr. Kiernan and Mr. Fishman, who were not appointed and that all members of the Board had not been present for their interviews. Mr. Riemer asked that they be contacted to see if they would like to be reconsidered. It was noted that members who had not been present for Mssrs Kiernan's and Fishman's interviews could view the taped meetings online.

Site Plan Review – Public Hearing Continuance

2015-005SPR Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E., seeks approval of an Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the construction of an accessory building to house a manager's unit and a storage garage. The manager's unit would be relocated from the existing building. The property is located at 179 Shore Road, Atlas Map 21 Parcel 2. Continued from August 4, September 8, and October 6, 2015.

Representatives: Richard Waldo, P.E.; Lester J. Murphy, Esq.

Mr. Waldo recounted the scope of the project. He also identified that they are requesting the following waivers, as provided in the Planning Board packet: existing condition plan; parking; lighting degree of illumination; parking and driveway cross-sections; project estimate and soil erosion plan. Mr. Murphy reviewed each waiver request. Most of the waivers relate to filing requirements. In terms of the soil erosion,

the only change will be to the rear structure and the grades will be brought to match the existing grade. The Board noted that soil erosion measures should be reviewed and signed off on by the Health/Conservation Department.

Mr. Murphy referred to the review criteria for a commercial development, as this is a commercial property even though the proposed project is a residential structure.

Mr. Murphy further addressed the question raised at the previous hearing regarding if there was a proper special permit by the Zoning Board of Appeals when the conversion went through. A copy of this was provided in the packet and he stated that the difficulty in locating the special permit was due to the property operating under a different name at the time of the conversion. In addition, Town Counsel rendered an opinion that it is operated in compliance with zoning as a motel. Ms. Tobia read the opinion into the record. Mr. Riemer would like to have Town Counsel advised that they rendered the opinion under the current condominium conversion by-law, which is an abbreviated definition from the 1981 by-laws. Mr. Riemer also questioned if the property being discussed truly has lawful use based on a misidentified permit.

Ms. Tobia would like to see a planting plan around the septic area and to the rear of the property, especially since it relates to the soil erosion waiver request. Mr. Murphy and Mr. Waldo stated that they are looking to use native plantings such as beach grass and agreed that it is important in order to stabilize the disturbed areas.

Ms. Ridley reminded the Board that this project is not within a wetland area but it appears that it may be partially within area mapped by Natural Heritage Endangered Species Program as priority habitat. The applicant agreed to do a MESA filing and emphasized that the septic for the proposed new manager's unit will be a compliant Title V system. The house will have gutters and downspouts leaching into the soil unless the Board would like to see a drywell installed.

The other health concerns raised previously for the septic was clarified as there will actually be a net decrease into the flow into the existing system because the proposed unit will have its own Title V septic system. Ms. Ridley also reviewed the additional concerns raised by the Truro Board of Health in terms of the new water service which requires review by the Truro Board of Health, the Truro Board of Selectmen and the Provincetown Water and Sewer Department. Mr. Murphy stated that all the utilities will be underground.

Mr. Emil Kudryk, an abutter, raised the concern of fire and safety access now that the common driveway is blocked by a dumpster and fence. Mr. Murphy stated that there is no easement. Mr. Rodricks came forward to address the fence and stated it was a business decision when the two businesses separated. Ms. Ridley reminded the Board that this is beyond the scope of the site plan review. Ms. Tobia would like the Fire Chief review the plan as this Department has not provided any input.

Another item that needed to be addressed concerned means of egress. Mr. Waldo replied that this will be clarified with the Building Inspector during application for a building permit.

On a motion by Mr. Sollog and seconded by Mr. Worthington, the Board moved to approve the Application for Commercial Development Site Plan Review for Terrace Dunes Realty Trust c/o Richard J. Waldo, P.E. and the waiver requests with the following conditions and exception: waiver §70.3.F.9 Soil Erosion Plan pending meeting all requirements of the Conservation Department; Planting plan for the septic area and rear of the property; Any new water use by the new structure would require appropriate approvals from the Board of Health, Board of Selectmen, and Provincetown Water and Sewer Commission; Letter of Determination from Natural Heritage; compliance with all Board of Health regulations; Fire Department approval regarding safe access to the property and abutting property, so voted 5-1-2. (Mr. Worthington, Mr. Boleyn, Ms. Tobia, Mr.

Sollog in favor; Mr. Riemer opposed; Mr. Roderick and Mr. Herridge abstained).

Mr. Riemer stated for the record that his opposition is because Town Counsel was not advised of the original 1981 by-law regarding the conversion.

Seashore Related Zoning Discussion

Ms. Ridley reported on her conversation with Town Counsel concerning the proposed changes. Town Counsel has suggested that there may be other approaches to attaining the goal of maintaining the rural and natural character of the Seashore District. These may include lot coverage restrictions which could be on a sliding scale to lot size, floor coverage to lot ratio; bulk controls (exterior building dimensions) and dimensional standards for height and setbacks. She feels this type of approach, done in combination, may be more effective and allow for more flexibility for the Board.

Mr. Worthington asked that this be written up and given to a working group and he volunteered to work on this.

Mr. Robert Weinstein reviewed the issues he has with the current proposed zoning changes. He also remarked that Town Counsel identified that certain language within the currently drafted proposal conflicts with Massachusetts law. He would like the Board members to have a copy of the 1989 document which outlines some criteria for development. He believes this would be very helpful in any consideration in making proposed changes. He also suggested the Board refer to the Code of Federal Regulations Title 36, part 27 Appendix A, Cape Cod National Seashore Zoning Standards. He offered to be part of the working group when it is formed.

Possible Meeting with Zoning Board of Appeals

The Planning Board discussed a request to the Zoning Board of Appeals for a joint meeting, and raised the following possible agenda topics:

- Accessory dwelling use and what code requirements are now and what would be needed to make housing more available. Mr. Riemer stated he is a member of the accessory use working group.
- Identification of changes needed to reduce the number of requests made for variances
- Review of accessory use and affordable housing bylaws to identify inconsistencies.

Ms. Ridley will confer with the chair of the Zoning Board of Appeals to come up with some potential dates for a joint meeting.

Review and Approval of Meeting Minutes: October 16, 2015 (site visit), October 23, 2015 (site visit), October 20, 2015

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the minutes of the October 16, 2015 site visit meeting was approved, so voted 4-0-3 (Mr. Roderick; Mr. Worthington; Mr. Herridge abstained).

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the minutes of the October 23, 2015 site visit meeting was approved, so voted 3-0-4 (Mr. Roderick; Ms. Tobia; Mr. Boleyn and Mr. Herridge abstained)

On a motion by Mr. Worthington and seconded by Mr. Sollog, the minutes of the October 20, 2015 were approved as corrected (grammatical changes) so voted 5-0-2 (Mr. Roderick; Mr. Herridge abstained).

Reports from Board Members and Staff

Ms. Tobia confirmed the date of November 10, 2015 for the joint meeting with the Board of Selectmen to discuss the appointment to the Board given the resignation of Mr. Worthington.

Ms. Ridley reported that three (3) members of the Planning Board attended a training session for on-site plan reviews and she will make written information from this training available to other members.

Ms. Tobia requested that the contact list be updated with the addition of new Board members.

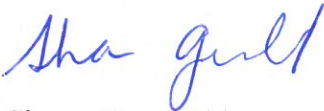
The Board requested that the Fisher Road property be staked out and a site visit scheduled.

It was acknowledged that the abutters were notified of the postponement of the Secret meeting.

Mr. Worthington thanked the Board and staff members past and present for all their help during his tenure on the Planning Board. He especially acknowledged the work of Mrs. Greenhalgh. The Board members thanked Mr. Worthington for his contributions and work over the years.

On a motion by Mr. Worthington and seconded by Mr. Boleyn, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Shawn Grunwald
Recording Secretary

