

**TOWN OF TRURO
Planning Board
MEETING MINUTES
February 19, 2020
TRURO TOWN HALL**

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

Members Absent: Karen Tosh, Peter Herridge

Others Present: Town Planner-Jeffrey Ribeiro, Ethan Poulin

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

Public Comment Period: No public comments.

Public Hearing

2020-001/PB – Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81T and §2.5 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.

Town Planner Ribeiro stated that Mr. Nickerson requested to continue. He was concerned that there was a chance, based upon the election, that the Planning Board would be down to six members and they wanted to make sure they had a full complement of the Board for review of the project. Mr. Nickerson has requested to continue the hearing to the March 4, 2020 meeting. The Board of Health reviewed the project last night, he expects written comments by the end of the week, and he'll make sure to send that to the Board members. Based on discussion had with Health Agent Beebe, the comments are relatively minimal. There are some comments primarily on storm water, but there were no significant concerns from the Board of Health's jurisdiction and perspective. Chair Greenbaum mentioned that a letter was sent to her. She wished to know when it should be read aloud. Town Planner Ribeiro stated that would be for the substantive hearing. Member Kiernan noted that the Nickerson's are looking to speak with the Fire Chief. Sometimes when applicants come in, they wish to talk with the Police Chief. He'd like to know what standing does the opinion of the Police Chief, and the opinion of the Fire Chief, have within their (the Planning Board's) review of a subdivision. Town Planner Ribeiro stated that it's pretty much advisory. He believes the Board of Health is binding, under the Subdivision Control Act, as far as conditions imposed. It's really their input that is some of the most valuable input the Board gets for subdivision review. Based on his conversation, the Fire Chief generally felt that they should be abiding by the roadway standards whenever possible to ensure safe routing for his vehicles and emergency access. Member Kiernan would like to inform the Board that in his 27 years of familiarity with the Planning Board, the Police Chief and the Fire Chief are always asked for their opinion. Only once in 27 years did the Fire Chief, after he'd approved a road, come back to the Board and say, no, you shouldn't drive on it after he got a vehicle stuck in a particular road. Member Kiernan has found that when you ask some of the officials in Town that aren't familiar with subdivision rules and regulations, they sometimes send the Board a form letter. Sometimes it is of questionable help in making the Board formulate whether something is actually safe or not. Chair Greenbaum stated that may be an additional question for both Chiefs. When deriving an opinion from them, perhaps they should ask if they have driven/or been on the road.

Member Riemer, regarding abutters to this proposal, would like to know if they will be given information as to what happens after tonight? In case they would like to appear for the next meeting, will they be contacted somehow? Town Planner Ribeiro stated that abutters do not receive subsequent notice, but there is a very active group in this neighborhood that are getting word around about the proceedings. He's been in touch with them. Member Riemer would like abutters to be reminded that they can also send an email or a letter to be read into the record. Town Planner Ribeiro stated, "yes". Chair Greenbaum asked why abutters do not get notice of the continuance? Town Planner Ribeiro said that the requirement is to notice the hearing (the opening of the hearing). The idea is that people will be aware of that and will follow along. It is publicized at the meeting when the continuance will be. From a practical perspective, the Board would never be able to continue to the next meeting if they had to re-notice, because it takes more than two weeks to get notice published and sent. He also feels it's important to be consistent in how they handle cases. He thinks there are certain circumstances in which they may informally let folks who've been engaged, about whether or not a case is going to be continued. To make it a policy would be very difficult.

Member Kiernan made a motion to continue the Public Hearing for case 2020/001-Nathan A. Nickerson III requesting approval of a Definitive Subdivision Plan of Land, to the regularly scheduled Planning Board meeting of March 4, 2020.

Member Boleyn seconded.

So voted; 5-0-0, motion carries.

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 46, Parcel 8.

Town Planner Ribeiro reminded the Board that where they left off at the last meeting was to get the Fire Chief out to the property to meet with the Engineer, and himself. With the holidays, he is still trying to get this scheduled either this week or next week so that the Board can discuss at the March 4th meeting. Member Kiernan wished to know if the Board would be having a site visit before the March 4th meeting, and how/when/where would they know? Chair Greenbaum clarified that this question was in regard to the first Public Hearing, 2020-001/PB – Nathan A. Nickerson III. Town Planner Ribeiro stated they could discuss at the end of the meeting. His expectation was to conduct the site visit on March 3, 2020, at 2:30 pm. He added that the site visit for 2019-006/PB, Schirmer, was already done.

Member Kiernan made a motion to continue the Public Hearing for case 2019-006/PB application by Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary Subdivision Plan for the regularly scheduled Planning Board meeting of March 4, 2020.

Member Sollog seconded.

So voted; 5-0-0, motion carries.

Board Action/Review

2020-001/SPR – Ethan Poulin seeks Waiver of Commercial Site Plan Review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA, Map 36, Parcel 201.

Ethan Poulin approached the Board. He currently has a shed on the property. He would like to remove that one and erect a bigger, newer one in its place. Town Planner Ribeiro stated this is an issue with the bylaw which he's trying to clear up. There are changes in the Zoning Bylaw, proposed for Town Meeting that address the "existing structures" in the Site Plan Review Waiver section. He believes there are no significant impacts from Mr. Poulin's proposal. It's really an issue of that language in the bylaw, and hopefully they'll address that at the Town Meeting.

Member Kiernan told Mr. Poulin that the problem lies within the wording of their bylaw, not with him. The letter Mr. Poulin attached to his application states that Mr. Poulin wishes to replace his old shed with a new one, and that fits within the current wording of the bylaw. Member Kiernan does not see a problem with that. Town Planner Ribeiro apologized and said that what Mr. Poulin wanted to do could be considered the reconstruction of an existing shed. Member Boleyn asked for the size of the shed. Mr. Poulin stated it was 10 x 20. Member Kiernan asked if there would be a bathroom, to which Mr. Poulin stated no. Member Riemer pointed out that some of the confusion came from the application, in which Mr. Poulin wrote that he was installing a garden shed, not replacing one. He also asked what the shed would be used for. Mr. Poulin explained that it would be for bags of concrete, a small compactor, and tools. Member Riemer finds that this proposal does not have a substantial impact on the business district or the adjoining residential district.

Member Kiernan made a motion in the matter of 2020-001/SPR site plan review for Ethan Poulin to approve the request for a waiver of site plan review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA.

Member Boleyn seconded.

So voted; 5-0-0, motion carries.

Chair Greenbaum mentioned that the Board is trying to clean up the confusion of the bylaw at Town Meeting. There will be an article at Town Meeting that adds new buildings to this article to make it very clear.

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.

Chair Greenbaum asked if there were any updates. Town Planner Ribeiro said he was hoping to have the Peer Review this week. The applicant had to make some changes to grading, necessitated by the ongoing discussions with State fire officials. The drive will now be fully compliant with the State fire requirements. The Peer Review is being held off until Horsley Witten can view the modified plans, and he is expecting that by the end of next week. The Zoning Board's hearing, set for February 24th, will be continued. Town Planner Ribeiro is trying to get an exact date but is looking at March 12th. Chair Greenbaum asked if it's possible, given the degree of interest, to announce ahead of time that the hearing will be delayed? Town Planner Ribeiro stated that this was a good opportunity to state it on tv, and he would update the Cloverleaf website.

Member Riemer had a general question about affordable housing for the Town Planner. He's come across a term called local initiative unit and local initiative program and asked if the Town Planner was familiar with it. Town Planner Ribeiro explained that the LIP program is a process primarily to get units created in certain partnerships with local communities onto the subsidized housing inventory. Here, those are going to be federally subsidized units created through, at least in part, the low-income tax credit program. They will qualify for the subsidized housing inventory. With rental projects, as an incentive to towns to allow rental projects and not home ownership, all units within the development will qualify as SHI eligible units even those that are at higher income levels. He does not think the Cloverleaf project is technically a LIP project. Chair Greenbaum added that as they move forward and

look at more housing (and housing in general) she thinks there are a lot of things that the Board should explore. Town Planner Ribeiro said that the LIP guidelines can be onerous. They require that if you are creating an affordable housing unit it has to be 700 square feet. Member Riemer thought this might be something that would work in Truro.

Member Kiernan stated that one of the big problems in Truro is that people have to upgrade their septic system, to the tune of tens of thousands of dollars in some cases, in order to put in an affordable or accessory apartment. He asked if there are State programs that will help people with their septic? Town Planner Ribeiro explained that he'd been discussing this with the Health Agent. He would like to get it in writing, however it's his understanding that the County Septic Loan Program will be available for people who want to do accessory dwelling units. He will confirm that. Member Kiernan wished to clarify for people listening and asked if this was a grant, or a low-interest or no-interest loan? The Town Planner believes it is a low-interest loan.

Discussion and potential vote on article amending General Bylaws addressing Clean Fill.

Chair Greenbaum asked the Town Planner if the article would need to go to the Select Board, and then be sent back to the Planning Board and if so, do they have time because it does not require a public hearing? Town Planner Ribeiro said that there is time. The Board will be holding a workshop next Wednesday where hopefully they can wrap up going over it. The Select Board does have a policy of not taking votes at work sessions, so the Planning Board should post their meeting as a public meeting. He will double-check to be sure they can wait until the 4th to provide the final language. The Select Board will formally close the warrant on the 10th. If the Planning Board can pin down a proposal, they should get it over to Town Counsel for them to look at it, along with the Health/Conservation Agent, Emily Beebe. Member Kiernan would like to be sure that Health/Conservation Agent Beebe gets a copy of the article as soon as possible so that they will have her comments for the meeting on the 4th.

Chair Greenbaum confirmed the date for the workshop for next Wednesday, the 4th, and on the agenda would be the article amending General Bylaws addressing Clean Fill. She also informed the Board that she met with Kevin Grunwald, the Chair of the Truro Housing Authority. The day after they met, the Housing Authority had their meeting. They thought the concept of the Housing Authority having a joint work session with the Planning Board to talk about pro-actively getting the community engaged in thinking broadly about housing and providing, at the end of the process, some good guidance to the Planning Board for zoning, was a great idea. The Housing Authority would love to do a work session to get things started, even before Town Meeting.

Approval of Minutes

July 24, 2019

Member Kiernan made a motion to approve the minutes as amended.

Member Sollog seconded.

So voted; 5-0-0, motion carries.

Member Riemer asked if minutes approved are then posted on the website the next day? Town Planner Ribeiro was not sure but would find out. He believes amendments are done on Thursday, after which they go to the Clerk and then are posted. Member Riemer wished to make the point that the minutes were from July 24th, and asked when they are posted will a member of the public get an alert, or will they just go into the archives? Town Planner Ribeiro believes that if a citizen was looking for these minutes, they would have been bumped to the top of the pile. He is sure that if there was an inquiry,

the staff downstairs is aware and would be on it. Member Riemer stated that up to date minutes are important and if they are just archived, there should be a way to alert citizens that they are uploaded. Town Planner Ribeiro was not sure and will ask.

Chair Greenbaum stated that the next meeting would be held on Wednesday, March 4, 2020 at 5:00 pm. Town Planner Ribeiro added that their work session would be held next Wednesday at 2:30 pm, and a site visit was scheduled for the Nickerson subdivision on Tuesday, March 3, 2020 at 2:30 pm.

Member Sollog made a motion to adjourn at 5:53 pm.

Member Riemer seconded.

So voted; 5-0-0, motion carries.



**Respectfully Submitted,
Noelle L. Scoullar**

