

**TOWN OF TRURO
Planning Board
MEETING MINUTES
July 11, 2018
TRURO TOWN HALL**

Members Present: Chair Steve Sollog, Karen Tosh, Jack Riemer, Bruce Boleyn, Paul Kiernan, Mike Roderick

Members Absent: Peter Herridge

Others Present: Interim Town Planner-Jessica Bardi, Maria Kuliopulos, Atty. Edward Patten, Atty. David Reid, Shawn Harris of Sixteen on Center, Maureen Burgess, Chuck Steinman, Anne Greenbaum, Regan McCarthy

Chair Sollog called the meeting to order at 6:07 pm.

Public Comment Period: None

Continued Public Hearing

2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc. seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law to maintain existing uses, reduce the number of motel units from 51 to 47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5. The hearing was continued from April 18, 2018 and May 23, 2018.

Ms. Kuliopulos and Atty. Patten approached the Board. There is an application for site plan review before the Planning Board. One of the buildings which had existed on this property suffered fire damage in 2014. It was ordered to be demolished. There were delays in the ability to reconstruct the building and the grandfather protection was claimed to have been eliminated because the building wasn't reconstructed by mid-October 2016. Along the way, there had been an application for site plan review filed with the Planning Board which was given a favorable review back in 2016. In early 2017 the matter came back before the Planning Board. Multiple public hearings were held, and some issues were brought up, whereby the whole process shifted to the Zoning Board of Appeals. They then went through a series of hearings which culminated in a decision by the ZBA in November 2017 resulting in a finding that the proposed project (along with whatever other situations existed on the property) would not be substantially more detrimental to the neighborhood. Thereafter, abutters in Provincetown filed an appeal of that decision with the Barnstable Superior Court. That is still in litigation. Atty. Patten is moving forward with the site plan review application. He wished to emphasize that the construction of the new building will result in a totally conforming structure. There are no zoning issues associated with the construction of the building. A site visit was held May 9th at which time the Planning Board asked for additional parking plans to be submitted. Atty. Patten believes they have submitted everything the Board has asked for.

Chair Sollog mentioned the appeal against the Zoning Board. If the outcome of that appeal is against Ms. Kuliopulos, what will that result in? Atty. Patten stated it would result in further appeal. The practical effect would be, assuming the negative decision annulled the decision of the Zoning Board, they would be left with a situation where they wouldn't have a special permit to move forward with the

construction. Under the Zoning statute, when one obtains a special permit from the ZBA one can pursue the activity they are seeking to permit at their own risk, even during that period of time where there is no final decision by the court.

Chair Sollog stated that they had a list of plans submitted for site plan review to the Planning Board and plans that were identified in the index of the ZBA decision. He began going through each and discussed any inconsistencies with Interim Town Planner Bardi.

Next, Chair Sollog wished to review all their design criteria and see, at what points, they have items that might be contested by the Board or found to be in compliance. He stated that if they looked at the criteria, on which they should base all their decisions, there's quite a list of items. When they go through the list if they find that the application is in conformity with it, they can move on. Where it's not in conformity, they can try to find out what would make it conform. He noted there were some items that perhaps were not attended to:

- Lighting
- Revegetation Plan

Member Riemer said that a question was raised as to whether or not the parking was sufficient, in as much as is the property a motel or a condo. Chair Sollog stated the Board just received an opinion by Town Counsel, and he'd like it to be part of the record. He proceeded to read the letter. Town Counsel's opinion is that it should be considered a motel for purposes of the Planning Board review of SPR 2017-11, except that units 46 and 47 should be considered dwelling units under the Zoning Bylaw, section 10.4. Member Kiernan gave some historic background of the property. It was purchased by a Mr. Simpson in 1984, and in 1986 he put the property under Chapter 183A- Condominium Ownership. The Barnstable Registry of Deeds has a master deed (same deed the Kuliopulos family got from the bank) which lists them purchasing each individual condominium unit as part of their Master Deed. It has remained as a condominium through purchase by the Kuliopulos family from Mr. Simpson. Ms. Kuliopulos confirmed that it has not been operated as a condominium. Chair Sollog read the letter further, stating that Town Counsel finds that it has been operated as a rental motel unit. Units 46 and 47 would be required to have two parking spaces, per unit. The motel units are required to have one and a quarter parking spaces per unit. Member Kiernan said that there are 78 parking spaces. If Ms. Kuliopulos wishes to take the 45 units (that are not either the apartment or the single family home units) and put them into a condominium form of ownership, under the condominium conversion bylaw she would be required to have two parking spaces for each one of the units. If she cannot provide two parking spaces for each one of the units then she cannot convert the property into saleable condominiums. The parking spaces have been maxed out. Member Kiernan believes she could only have a 35- or 36-unit condominium out of the 47-unit motel. He wants Ms. Kuliopulos to understand that the property will not be able to be sold as condominium units under this parking plan. Chair Sollog suggested that they could condition with the note that the parking is insufficient for condominium use, however the parking is sufficient for motel units. Member Kiernan stated that condition would be good so that no one would be in the dark. Ms. Kuliopulos does not have a problem with that condition. Chair Sollog continued reading Town Counsel's opinion letter.

Chair Sollog stated that the Board has not seen a signed parking plan, and some discussion revolving around parking, and the parking plan, took place. Member Riemer read 70.8-Site Plan Approval-*Site Plan approval for commercial or residential site plan shall expire two years from the date of approval. At the discretion of the Board, a time extension for project completion may be granted.* Member Riemer questions whether the site plan approval that is being requested the Board to accept is valid. Chair Sollog stated that there is a project before the Board which requires site plan approval. They have looked at the entire site. If they are to determine that enough parking is provided, the Board can approve a site plan with the parking plan provided, because that's the Board's function. If it's determined that there is not enough parking, the applicant would have to provide that. The Board is

who ends up providing an approved parking plan to the applicant. There was an approved plan, because they were going to build, and they didn't get it done in time. Member Kiernan stated that under a motel use, there would be a total of fifty-seven parking spaces plus four spaces for the two dwelling units, which totals sixty-one spaces. The Board could approve the plan, however if it's not built two years from now, "It goes out the window". He also noted that the grassy area, which was designated as parking, up against Shore Road, is within ten feet of the property line and is therefore a violation of zoning without asking for relief from the Planning Board. If the Board grants relief and the parking spaces are not built within two years, that goes away. Ms. Kuliopulos was not aware of that and hoped the grassy area could be kept as open space. Member Kiernan would like that noted in the conditions. Chair Sollog told Ms. Kuliopulos that the grassy area did not have to be paved. He preferred that since the grassy area is not an always used place. Parking is required by the bylaw. It's not always used, but it has to be provided. The grassy area along Shore Road has a curb to it. It would be inappropriate for vehicles to drive over the curb. If she could do something innovative and ask the Board to approve that. Chair Sollog is not interested in turning everything to asphalt. Member Kiernan is fine with that as long as the spaces are designated, but he does have some other questions.

Member Kiernan pointed out that between the pool building and the parking spaces that are along Shore Road, he cannot tell from the plan in front of them what the distance is. He would also like to know the width of the spaces going down the south side of the property, and do they meet their bylaw. Discussion was had regarding the distances. Member Riemer asked if the project would benefit from a peer review.

Atty. Patten stated that once the Zoning Board of Appeals issues a special permit they have effectively exercised their power under the Zoning Statute to create an exception for that property from otherwise applicable provisions of the Zoning Bylaw rendering, that which is shown on the approved plan from the Zoning Board, as lawful. He is not asking the Planning Board to re-adopt what was approved in 2015/2016 as they know two years have passed. What he is attempting to show the Board is that the Board reviewed many of these particular items before and approved them. Chair Sollog believes the parking plan is sufficient. He is trying to get the whole Board to agree that it's a sufficient parking plan, and they have some questions.

Member Tosh agrees with both Chair Sollog's, and Atty. Patten's analysis. The ZBA reviewed all the zoning issues and issued a special permit. She does not feel the Planning Board should go back through all the zoning problems that the ZBA considered.

Chair Sollog continued, discussing criteria regarding protection for abutting properties and the surrounding area from detrimental site characteristics, and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses. That is in the court system already, due to abutters having an issue. Member Riemer read from a report created by Carole Ridley (former interim Town Planner) in 2017 where they went over these same conditions. Ms. Ridley commented that the location of the HVAC units was to be constructed on the front of the units, on the interior of the lot, to minimize disturbance to the abutters. He stated that this condition had not been incorporated and he believes it should be. Chair Sollog stated that the ZBA saw the plan with the air conditioning units and approved those plans, superseding the Planning Board's ability to tell the applicant to move the a/c units because they are now permitted. Member Riemer asked Interim Town Planner Bardi as to whether or not when the ZBA makes a decision and the Planning Board sees an element in that decision that they need to consider, should they not dwell on it? Interim Town Planner Bardi stated that she would need to refer that to her superiors before answering. Member Tosh agrees with Member Riemer. The design criteria (after getting past #1) directly speaks to site plan factors. The abutters have attended hearings, but has the Board heard from them? She also has concerns about if the Board approves the site plan, and this is on appeal for a zoning issue, then will the Board be in a situation where everything is built, and the special permit is revoked by a judicial ruling? Chair Sollog

stated that the noise issue is not new, and he encouraged abutters to bring their concerns to the Planning Board. He believes the plans submitted show the HVAC units to have a baffle.

Atty. David Reid, representing an abutter (name was not announced) came up to speak specifically about the HVAC units. He stated that when the site plan was approved in January 2016, the HVAC units were to be located in the interior, not the rear, of the building. Now the units are located in the rear of the building, in clusters of three and four units. When the Planning Board went for their site visit, they did hear a fan unit of one operating for a period of time. The compressor was not on. These units were not present in the approval from two years ago and was not demonstrated to the Planning Board during the site visit. Attorney Reid believes it is a significant problem to his client and he does not believe it's in any way removed from their purview to consider that as part of this process. If they look at the ZBA's decision, they did not take away from the Planning Board any of their authority under site plan review. There was some discussion away from the microphone with Ms. Kuliopulos regarding the placement of the HVAC units. Member Riemer said that a peer review by an engineer could come up with a plan for the placement. Ms. Kuliopulos stated she objected. Chair Sollog stated the air conditioning units were still a problem, but he wished to move along.

The next item to review was regarding intrusive lighting. Ms. Kuliopulos stated all lighting was downward facing, and she would be willing to remove all lighting from the back of the building. Member Riemer noted that the Board had originally agreed to review the site lighting in an administrative, non-hearing proceeding, one year after completion of the project. If they felt that a condition was not met, they could ask the Building Commissioner, acting as the Zoning Enforcement Officer, to review.

On the next item, pertaining to the protection of significant and important natural historic scenic features, Member Riemer asked if they had a current Order of Conditions from the Conservation Commission that may be required. Chair Sollog polled the Board, asking if there was an Order of Conditions from three years ago, did they feel that needed to be updated? Ms. Kuliopulos stated that the Order of Conditions was good for three years, and she was going to have to ask for an extension. Chair Sollog said that if she could provide the Board with email communication requesting that of the Conservation Commission, that would be satisfactory to the Board. Interim Town Planner Bardi stated the Order of Conditions was issued November 17, 2015. Based upon that date, the Order of Conditions is still valid.

Refuse disposal was discussed next. Member Riemer stated screening was required, and it could not be located within the setbacks. He would like a picture of what the Board will be approving. Chair Sollog would be satisfied with fencing and some sort of vegetation.

Proposed sewage disposal and water supply system was discussed next. Ms. Kuliopulos stated they upgraded the system. Member Riemer noted dedicated lines for water use and fire suppression system will be needed. The water service will need to be provided by the Town of Provincetown. He asked if these items had been addressed. Ms. Kuliopulos stated the Provincetown Water and Sewer Department has approved the lines. Member Riemer asked, since so much time has lapsed, would she need to revisit this with the Provincetown Water and Sewer Department? Ms. Kuliopulos stated she'd been in touch with the Chair of the Board and she was okay.

Chair Sollog continued with discussion of the proposed drainage system. Ms. Kuliopulos said there was an adequate drainage system. Member Riemer asked for the date on the proposal. The date was November 10, 2015.

A soil erosion plan was gone over briefly.

Whether the proposal provided structural and landscape screening as buffers for storage areas, loading docks, dumpsters, etc. was discussed. Chair Sollog stated that was part of the vegetation plan. Member Riemer stated there were conditions set forth at one time that could help mitigate impacts to abutters,

specifically additional plantings, repair of the unfinished roof, and relocation of HVAC units to the front. Mechanical plans were provided, showing HVAC units in the rear.

Next was buildings and structures within the subject's sight shall be harmonious in architectural style, building scale, detailing, etc. to the surrounding area. No issues were discussed.

Electric telephone cable and other utility lines should be placed underground.

Project should not place excessive demands on Town services.

Location and number of curb cuts shall be minimized. Chair Sollog stated that they already had curb cuts and Ms. Kuliopulos will maintain the curb cuts she already has.

Member Riemer recalled a discussion earlier regarding a parking management plan that would guard against parking outside of designated parking spaces as needed and should be enforced. This is to make sure the circulation within the site is adequate and he is not convinced. What happens if there is a medical emergency at the back of the property and there's no access because people are parked everywhere? Ms. Kuliopulos stated the Fire Chief had no concerns about entering, exiting, or turning around.

Member Kiernan asked a question to Interim Town Planner Bardi. In her letter to the Planning Board, she mentioned she could not find a Master Deed. If there is a Master Deed would the rest of her letter be the same? She would have to go and review the Registry of Deeds more, as she was not aware of the prior name of the property.

Atty. Reid came back up to speak. Ms. Kuliopulos stated she has not received any information from the abutters so far. Atty. Reid stated that was the purpose of the public hearing. He wished to discuss different items.

- There is a Master Deed recorded under the name Buccaneer Condominiums. He provided a copy to the Board.
- Despite what was read at the beginning, and the advertisement, this is not a modification of previous approval. The right to build after the fire expired in October 2016, and they are now before the Board with an entirely different context of the application. This is a brand-new request for site plan approval.
- There have been several references made to the fact that the Zoning Board of Appeals approved this site plan, that is not true. If they look at the decision which was filed with the application the ZBA listed the plans that they were basing their decision on. The very first condition of the ZBA decision said that they have not approved the site plan, or the parking plan. The ZBA specifically deferred to the Planning Board to review the site plan and to approve a conforming site plan. Neither the site plan, nor the parking plan, are conforming.
- He objects to the applicants taking the position before the Planning Board that this is somehow a quest to reduce the size of the motel from 51 to 47 units. They do not have 51 units on this site, and they are not entitled to 51 units on the site. The agreement for judgement (back in 2016 with the Superior Court) said that they were grandfathered for 51 units, but only if they rebuilt before October 2016. They did not. That same agreement says that under the current bylaw they are entitled, based on the size of the property, a maximum of 47 units. That includes the two units for the manager and apartments. They have 35 units right now, and that's all they are entitled to. They are asking to increase the number to 47. That is a 36% increase, it is not a reduction.
- Regarding the Felco plan from 2010, if they look at their 2016 Site Plan approval it does reference the Felco 2010 plan. However, if they look at that 2010 plan, it is not signed by a land surveyor or engineer, nor the Planning Board. While they have the authority to approve the current plan, they have repeatedly referenced that the 2010 Felco plan was previously approved, but he believes it never was. They should not approach the current plan with the

assumption they have previously approved it, and therefore are bound to do it again. Even if it was once approved, it has long since expired.

- The front twelve parking spaces are within ten feet of the front line of the street. You are not allowed to have parking spaces within ten feet of front line of the street. The Planning Board can approve parking in that area if they are asked to do so. As Atty. Reid sees the application before them it does not ask for any waivers of Section 30.9-Parking Lot Requirements. If they haven't asked for any waivers of Section 30.9, the Board cannot grant them. They would be required to submit a parking plan which shows conforming parking, which the applicants must feel does conform, because no relief has been requested. Atty. Reid does not believe this plan conforms with Section 30.9 and proceeded to list the items which point towards non-compliance.
- The Board has discussed the difference between a condominium and motel use for this property. Atty. Reid states this property has been subjected to the condominium statute, Chapter 183 by virtue of a Master Deed and Plan that are on record. However, if it's not a condominium, and is a motel, then it's required to comply with the definition of a motel. Part of that is that a motel unit may not contain more than one room. The Board has plans before them in which units are depicted as having a bath area, a kitchen/dining area, a bedroom area, and a deck. He asked the Board, in their assessment, if that's more than one room. All seventeen of the new units have a similar configuration. He contends that there is more than one room and therefore does not fall under the motel definition.
- The petitioner is also asking to take ten of the existing motel rooms in the other building and convert them into five suites, by putting openings between rooms. By his calculation, that is twenty-one units that are multiple-room suites, not one room motel units.

In terms of criteria, Atty. Reid had a different view on some items, which he wished to talk about.

- Zoning compliance-Atty. Reid contends that the plan before the Board is not compliant. The parking lot does not comply with current requirements, the number of parking spaces probably does not comply (if they agree that the hospitality room is an area for meetings or gatherings).
- The proposal, he feels, does not provide protection to abutting properties from any level of noise or detriment higher than has customarily been present. What's currently there is nothing. What was historically there was a modest one-story building which was hidden by a privet hedge.
- Atty. Reid presented the Board with a photograph which was taken of his client's back yard with a pole erected and a flag on top. The height of the flag depicted the height of the second story balcony floor as it related to his property. It is clearly above the elevation of the hedge there now. Those balconies will be looking down onto all of the back yards, all of the decks, windows, and outdoor showers belonging to houses along this stretch of common boundary between the two properties. This is not an insignificant increase in height. That is an increased, adverse effect on the adjoining property.
- Building Scale is not compatible with the dwellings to the West.
- He (and his client) do not believe the Planning Board has the authority under their own criteria to approve this site plan. It does not conform to parking requirements, it does not conform to the zoning requirements, and it does not conform to site plan review requirements. It is a major change in this neighborhood which will forever change the impact on the neighbors. They are asking the Board to deny the application.

Chair Sollog had a question for Atty. Reid. He asked if he happened to know how far away the Sandcastle Resort was from the property. Atty. Reid did not. The client indicated approximately 1,000

feet. Chair Sollog wished to point out that it ran perpendicular with the beach and Shore Road and is a condominium/time share property.

Ms. Kuliopulos wished to dispute some of the issues brought up by Atty. Reid.

- In regard to people being able to look into outdoor showers from her property's second floor balconies, when those neighbors purchased their properties, there were no decks and no outdoor showers.
- The privet fence is sixteen feet high. The photograph Atty. Reid presented was taken in May, when there were no leaves on the privet fence. When fully leaved you cannot see anything on the other side.
- The hospitality suite will be an office space and an area for people to sit and drink coffee. There is no space for anything else.
- She contends that there are no new parking spaces.

Chair Sollog stated that the public hearing would need to be continued. Ms. Kuliopulos needs to provide the requests that the Board needs. The parking which is ten feet from the road needs a waiver from the Board. She needs to request that waiver. The Chair then asked for Interim Town Planner Bardi to refresh everyone's memory of what was needed. She then listed the following:

- Address the a/c units and the noise which they will create.
- Screening for refuse disposal area.
- Waiver request of strict compliance of the parking plan, which would include:
 - Waiver request of additional required parking for hospitality suite.
 - Waiver request of the sixteen trees required in the parking area.
 - Waiver request of having no less than 10% vegetated items in the parking lot.
 - Waiver request of having the parking spaces which are ten feet from the road.
 - Waiver request for places on the parking plan which show 22.9 feet where 24 feet is required.
 - Waiver request for areas showing 16 feet where 24 feet is required.

Member Kiernan suggested that if the a/c units were moved away from the neighbors and placed toward the parking area he believes that will solve a lot of the problem. Another solution may be to get an engineer to look at the issue from the Planning Board's point of view. A consensus of the Board showed they were all in favor of an engineer.

Member Tosh made a motion to continue 2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc. to August 8, 2018 specifically so the applicant can update the site plan to request waivers that have been discussed, and that the Board retain a consultant at the applicant's expense to analyze the noise factor by the HVAC units including advising about mitigating the noise by moving the units or some other mitigation could be employed to reduce noise.

Member Kiernan seconded.

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

Continued Public Hearing

2018-002 SPR Christopher Bellonci and Edouard Fontenot seek approval under Section 70.4 of the Truro Zoning Bylaw to construct a two-bedroom 1700 square foot single family home located at 186 Old County Road, Truro, Atlas Map 64, Parcel 17. The hearing was continued from June 20, 2018. A site visit was conducted on June 25, 2018.

Member Kiernan stated that he came into this hearing late but, following the Mullin Rule, he reviewed the recording. He left his signed affidavit home, which would allow him to participate, and he will return the signed form tomorrow.

Shawn Harris, of Sixteen on Center, came before the Board for discussion. Chair Sollog asked if anyone on the Board had any comments. He proceeded to read through the review criteria. Member Riemer asked if the Board had a letter from the Massachusetts Endangered Species Act. Mr. Harris stated they had not reached out to MESA. Member Riemer thinks that should be a condition of their approval. Chair Sollog asked if a limit of work was stated on the plan, and it was confirmed that it was. Member Riemer would like to have noted on the decision, that the existing cottage, which will not be demolished, will be noted as a habitable studio as defined in the Truro Zoning Bylaws, and that the kitchen will be removed, as it's described in the same Truro Zoning Bylaw. Member Kiernan noted that the new dwelling will be close to the conservation restriction, and there's the possibility some trees could become unstable after the construction. He'd like to add a condition that if any of the trees need to be removed, approval from the Conservation Trust be asked for.

Member Riemer made a motion to approve 2018-002 SPR Christopher Bellonci and Edouard Fontenot with the following conditions:

- 1. The applicant must reach out to MESA and receive a letter whether they can mitigate any effects from cutting into the hill which may affect any wildlife.**
- 2. If any trees need to be removed, approval must be received by the Truro Conservation Trust.**

Member Boleyn seconded.

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

Non-Regulatory, Administrative Meeting for 2017-001 SPR Winkler Route 6 Trust

The Planning Board will hold a non-regulatory, administrative meeting with Michael Winkler, Trustee, to review noise conditions on the property and to review compliance with conditions of the decision granted on March 7, 2017. The property is located at 1 Noons Heights Road, Atlas Map 39, Parcel 166.

Chair Sollog noted that Mr. Winkler did not attend the meeting. He stated that the Planning Board is a regulatory Board, not an enforcement Board, however they can ask the Enforcement Officer to find the condition of the approved site plan before the Planning Board acts in an enforcement way. The Planning Board needs the support of the Enforcement Officer. Chair Sollog proceeded to read into the record an opinion letter from Town Counsel, Jonathan Silverstein. Member Tosh would like to try to speak with Mr. Winkler one more time to see why he's been unable to attend. Interim Town Planner Bardi advised that if they decide to bring up the potential for enforcement matter, they should reach out to Mr. Winkler's counsel, Atty. Zehnder.

Member Roderick is in favor of giving Mr. Winkler another chance to speak with the Board.

Member Riemer wished to review the minutes from their June 6, 2017 meeting. The minutes stated Atty. Zehnder was contacted on May 22nd about conditions not being met. At that time, no response had been received. Member Riemer also noted that on June 27th the same issue was discussed. He agrees that Mr. Winkler should be contacted but believes it should be done in a manner which explains that if he does not meet with the Planning Board, the consequences will be laid out.

Member Boleyn shares Member Tosh's opinion to reach out to Mr. Winkler one more time but feels it should be the final time.

Member Kiernan agrees with the Board contacting Mr. Winkler again, but stated that Mr. Winkler should know that this will be the last time. He has been on the abutting property for the past year and

has seen that nothing has been done. A discussion was held on the contents of what the letter should contain.

Maureen Burgess came before the Board with some comments. She is there as a citizen who has been impacted by activities on Mr. Winkler's property for about four years. She reminded the Board that there is an open legal case still in the court because a permanent injunction has not been signed to stop the ABC grinding, which was the original problem that began the process several years ago. She asked the following: The Planning Board has imposed conditions. Mr. Winkler has neglected to respond. She understands that the Board is not an enforcer, and they would have to use the Enforcement Officer. Surely there must be other avenues, such as fines, that could be used/considered. She hopes the letter they send will not only be strong but will explain that if Mr. Winkler chooses not to appear before the Board, they will seek enforcement.

Approve the Draft and Schedule a Public Hearing for Proposed Amendments to the Zoning Bylaw: The Planning Board will review and vote on the draft bylaw, vote to refer the proposed bylaw to the Board of Selectmen and vote on a date to hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in Section 10.4, Definitions and add a new Section 50.2, Area and Height Regulations in all Districts except the Seashore District to Determine Maximum Building Size in Truro. These amendments would change the maximum size of residential buildings on lots within the Town of Truro by establishing a relationship between building volume, bulk and size that is consistent with Truro's historical development and character.

As Chair Sollog read the item, he wished to correct the section stating, "in all Districts except the Seashore District" to read "in the Residential District except the Seashore District".

Member Riemer made a motion to approve the draft bylaw as presented at tonight's July 11, 2018 Planning Board meeting and refer it to the Board of Selectmen.

Member Boleyn seconded.

Member Kiernan would like to make an amendment to the bylaw. Member Tosh stated that they should not amend it tonight because it's been noticed for a hearing on July 25, 2018. They can amend after that. Member Kiernan withdrew his request.

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

Next item was to set a Public Hearing date. Chair Sollog suggested August 8th, before White Sands, at 6:00pm. He noted that there would be two public forums on that date as well. Chuck Steinman and Anne Greenbaum came before the Board. Mr. Steinman thought they'd had several dates in mind as options for the Public Hearing. He also thought the Board should vote on the public forum dates. Chair Sollog stated there are two public forums to discuss the proposed bylaw. Those public forums will occur at the Public Library. One will be held on August 1st at 6:00pm, and the second public forum will be held on August 4th at 10:00am.

Member Boleyn made a motion to approve the two dates and times of the public forums as August 1, 2018 at 6:00pm and August 4, 2018 at 10:00am, to be held at the Truro Public Library to discuss proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in Section 10.4, Definitions and add a new Section 50.2, Area and Height Regulations in the Residential District except the Seashore District to Determine Maximum Building Size in Truro.

Member Riemer seconded.
So voted; 6-0-0, motion carries.

Interim Town Planner suggested the Board choose a date for the Public Hearing on the house size bylaw next. It was determined to hold the Public Hearing on August 15, 2018 at 6:00pm.

Vote to Refer the Marijuana Bylaws to the Board of Selectmen

Member Tosh noted that it would be one bylaw. Member Kiernan had asked for a copy of the response of the Craft Cooperative and never received it from the Chair. He managed to get a copy but has not had a chance to read it. He does have a problem with their referral. It is not a referral from the Planning Board, this is a referral from an Ad Hoc Committee created by the Town Administrator. This Planning Board has never had this zoning bylaw as an agenda item, nor a discussion. He also pointed out that they could not discuss it tonight because the agenda stated *The Planning Board will vote to refer the draft marijuana bylaws to the Board of Selectmen.* He wants this in the record, and in the minutes that this is not a product of the Planning Board per se, although some of the members may have been involved, it's not a Planning Board article. Member Kiernan had also asked that the hearing be noticed at 6:00pm instead of 5:00pm and he stated that change was never made. Chair Sollog stated that there was a scheduling conflict and he believed the hearing would need to stay at 5:00pm. Chair Sollog asked Regan McCarthy to come up and discuss opening a Public Hearing in one location and then continuing it to a second location if too many people were in attendance.

Ms. McCarthy came before the Board. She stated that having experienced this in the past, if it's necessary to change the venue, her understanding is that the meeting as scheduled (in it's original location) has to open, public comments have to be held at the posted site and then the business of the meeting begins and a motion can be made to move the venue. At that time the meeting adjourns, and the group moves to the new site and reopens the meeting at the new site. She added that they may want to check with the Town Administrator.

Mr. Steinman came back up to speak. He asked if a copy of the existing bylaw, red-lined by the Craft Cooperative, could be posted online before the Public Hearing. Interim town Planner Bardi will look into it. Ms. Burgess came back up to speak. She does not believe a red-lined version can be posted online. Chair Sollog stated that they are going to check with Town Manager Palmer and/or Town Counsel to see if appropriate.

Member Tosh made a motion to refer the proposed Marijuana Bylaw to the Board of Selectmen.
Member Boleyn seconded.
So voted; 5-0-1 (Member Kiernan abstained) motion carries.

Review and Approval of Meeting Minutes (June 20, 2018)

Member Boleyn made a motion to approve the minutes as written.
Member Tosh seconded.
So voted; 6-0-0, motion carries.

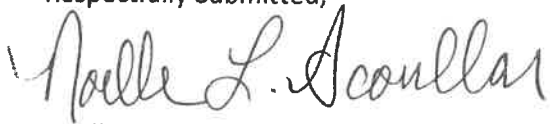
No reports from Board Members and Staff.

Next Meeting Agenda-Wednesday, July 25, 2018 at 6:00pm.

Interim Town Planner Bardi noted the new time for 6:00pm. Items for the agenda should be the Winkler issue (if he attends), 2 temporary sign permits and the Public Hearing of the draft Marijuana Bylaw.

Chair Sollog made a motion to adjourn at 9:40pm.
Member Riemer seconded.
So voted; 6-0-0, motion carries.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Noelle L. Scoullar".

Noelle L. Scoullar

