

TOWN OF TRURO
PLANNING BOARD
Public Meeting Minutes
March 11, 2020 – 2:30 pm
Truro Town Hall

Members Present: Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan

Members Absent: Peter Herridge and Steve Sollog

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner

Chair Greenbaum acknowledged the presence of two former Planning Board Chairs, Paul Kiernan and Steve Sollog, on the present Board and thanked them for their participation, experience, and contributions. Stated that it was an interesting position to have two former Chairs still on a Board.

Chair Greenbaum stated that the Select Board went through the Warrant last night. The Zoning Articles had not come back from Town Counsel as yet, so they were not voted on. Planner Ribeiro stated that Town Counsel has reviewed them.

Chair Greenbaum addressed the next Agenda item: the Petitioned Article to have Planning Board members appointed rather than elected, and stated it was voted on. The vote last night, as it is always framed to recommend, was two (2) in favor, three (3) against. Bob and Kristen – yes; Jan, Sue and Stephanie – no. Chair Greenbaum stated there were several people speaking in favor of this last night, so they Planning Board needs to be prepared to address this issue at Town Meeting.

Chair Greenbaum stated that the Charter Review Committee is continuing the process of looking at this and whether or not to recommend something to next year's Town Meeting. They have sent a list of questions, again, and added one. The list of questions had been handed out to each Member. The Charter Review Chair, Bob Panessiti, had requested to meet with the Planning Board. Chair Greenbaum would like to invite them to one of the Planning Board's meetings since it is taped and available for review. It was agreed by Members present that they would extend an invitation to the Charter Review Committee to attend one of the Planning Board meetings, and Chair Greenbaum stated the invitation would go out to them after this meeting ended.

Member Kiernan addressed a few of the top questions on the list from the Charter Review Commission. Chair Greenbaum stated that one of the things Chair Panessiti was saying was that they were using an instrument through the Mass Municipal Association (MMA) that assists towns in figuring out whether, according to this set of criteria, it makes more sense for a board to be appointed versus elected. Chair Greenbaum stated that a copy of that would be sent to the Board in her email. The last question on the list referred to whether the Planning Board had ever gone against recommendation from Town Counsel or the Town Planner and, if so, why and what was the outcome. Member Kiernan stated that if Planning Board's reading of the law differs from Town Counsel's reading of the law, then they have to follow their conscience. Member Kiernan

stated that they take an oath to follow the law; we don't take an oath to follow Town Counsel or the Town Planner. Member Tosh brought up the Townsend case as an example and stated that Town Counsel was very careful not to give definitive opinions. She doesn't believe that, in her experience on the Board, they have ever done anything in opposition to Town Counsel recommendation. Member Kiernan also stated that in all his years of experience, Town Counsel has never told them what to do. Member Tosh explained that Town Counsel's role is as an advisor, not advocate, and that same principle applies to Town Planner. Member Tosh agreed to start working on responses to the list of questions and also using the Planning Board Handbook as a reference as pointed out by Member Riemer. Chair Greenbaum will obtain the MMA which will be distributed to the Board via email. Member Kiernan referenced Zoning Section 10.2 Purpose, which, he pointed out, states at the end "and to promote the implementation of the goals and policies of the Local Comprehensive Plan". State Law, Chapter 40A and 41, states what the Planning Board does. Chair Greenbaum stated that she and Member Tosh will start drafting responses to the questions.

Chair Greenbaum addressed the next Agenda item: Housing Initiative – A Community Conversation stating that Kevin Grunwald, Planner Ribeiro, and she met yesterday to talk about joint meeting with [off topic question regarding Cloverleaf, answered below].

Chair Greenbaum stated the Cloverleaf report is out and will be discussed by the Board at their meeting next Wednesday and whether we have comments that would go to the ZBA. The ZBA meeting tomorrow will just be a report and maybe questions from the ZBA. Chair Greenbaum suggested that it would be a good idea for everyone to read this report and then watch the ZBA meeting before formulating questions. Planner Ribeiro stated that Mark Nelson from Horsley Witten, one of the principals, will present the report. There will be at least two, if not more, hearings after this with one in April which will give the Board opportunity to review and provide comments before the ZBA considers a vote.

Member Kiernan wanted to bring to the attention of the Board that the December 1st Staff Report, corrected by Planner Ribeiro to be November 21st, regarding the whole water section was copied word-for-word from the application. Planner Ribeiro offered to get Member Kiernan and the Board copies of that Staff Report, but Member Kiernan declined stating he had it. Planner Ribeiro suggested that the Staff Report may have been laying out what the application said and that the Staff Report also did say that the Town is likely going to have to hire a peer consultant to review that information. Member Kiernan stated that the Staff Report review was spot-on. Kudos! Town Planner Ribeiro went on to say that, prior to any septic system conversation, the Staff Report had come out and included that this would have to be reviewed by a professional, the Cape Cod Commission, and probably a Town consultant.

Getting back to the previous topic, Chair Greenbaum stated that she met with Kevin Grunwald and Planner Ribeiro to talk about a joint meeting with the Housing Authority. Meeting is confirmed for 4:30 pm - 6:30 pm on Monday, April 13, at the Library in the Alice Brock Room. They discussed how the meeting would be structured.

Chair Greenbaum queried the Planning Board: how does community engagement work? Chair Greenbaum pointed out that Planner Ribeiro has been involved in the Local Comprehensive Plan

outreach in Provincetown and information/photos that were included in the meeting packet were discussed. Planner Ribeiro gave details to the Board regarding Provincetown's process. He also discussed outreach to different Truro Boards and Committees for input and referenced sources of information and events/activities for ideas. As the conversation is started with the Housing Authority, we should start brainstorming as to what kind of outreach we want to do. Using the initial list of questions and things we had, and the concerns we brainstormed, think about where to go, who do we get, and how to we find them and start discussing these things. A good reference is Brewster's Visioning Plan 2018 regarding housing/action plan, which was also included in the meeting packet. Be thinking about that and defining what are the goals, based on the input we get, and what are the actions we need to be taking toward those goals based on community input.

Chair Greenbaum noted that the Coronavirus could make this even more challenging but asked the Board to think about and start listing places where people all can meet. What are existing groups, events, places people congregate or have to go to, that we want to have on our list and make sure they are used as resources. The Board discussed multiple location options for handing out surveys. Chair Greenbaum noted that there were two other documents provided by the Planner in their packets that were Truro specific. One is the Housing Production Plan and the other is the Community Housing Needs Assessment. Planner Ribeiro stated that both of these were prepared per Department of Housing Community Development (DHCD) guidelines.

Member Kiernan pointed out on page 3, Truro Housing Production Plan, a chart, which this Board unanimously voted for, of the Cloverleaf property which referenced a number of units as being 12. Chair Greenbaum stated that this housing plan is only about one piece of what we are looking at, and it is all about affordable housing. It is a small piece of the housing puzzle, and this plan was based on their best estimates at the time. Planner Ribeiro stated that this is a planning tool not a strict roadmap. Member Riemer pointed out that year-round condos are not considered here. Chair Greenbaum suggested that the types of year-round housing should be looked at – affordable, workforce, senior – and determine how these groups will be defined. Chair Greenbaum mentioned the Ryan Report, which is now 5 years old and based on 2010 census data. Planner Ribeiro explained his role with the DLTA distribution of the money and also stated that broad trends and demographics should be looked at. The controversy, mostly accuracy of the numbers, regarding this report was discussed and to use this report as a resource. Methods for getting information and feedback to and from Truro residents, community engagement, was also discussed.

Member Kiernan expounded on one of the things, he believes, is an underlying problem with Truro: basic zoning which took place in 1960. He went on to explain how he thought zoning could be corrected in Town and also explored using the current Bylaw. Planner Ribeiro, using a 2014/2015 Cape Cod Commission program, projected information which showed Truro's business district from 1952 onward. Discussion of growth in the business district and other areas of Truro followed.

Chair Greenbaum stated no site visit next week on Tuesday.

Chair Greenbaum then referred to two documents in the packet: Planning Board Report and Accomplishments (timeframe May 2019 to present). The Planning Board Report, prepared by Chair Greenbaum and Planner Ribeiro, will go in the 2019 Annual Town Report. Chair

Greenbaum reviewed the Accomplished document which shows what has been done separate from all of the cases heard. Looking at major projects, now through 2021 Town Meeting: housing initiative, street definition and turnaround – importance emphasized, and implications expanded upon, by Planner Ribeiro. Member Kiernan pointed out the definition of “Street”, in the current Bylaw since 1989, was approved at that Town Meeting unanimously. The definition for street frontage has been changed only once, in 2007. Member Kiernan explained how that changed calculation of frontage. Street definition has come up many times, and each time has been shot down. Member Kiernan explained the details of Planning Board’s role in the definition of “Street”. Chair Greenbaum and Planner Ribeiro discussed with the Board possible major issues and thoughts to review. Member Kiernan explained how lot size, road, and 1960 zoning is interpreted and how it relates to State Law and Seashore Districts. Planner Ribeiro stated that this definition is clearly an issue which needs to be addressed.

Chair Greenbaum reiterated major projects and addressed Member Riemer as he had previously commented that the Planning Board Handbook needs revision. Member Kiernan stated Eastham’s Handbook, which is a few years old, includes Case Law in descriptions. He gave in-depth information on this handbook. Chair Greenbaum asked if there were any other critical issues for consideration over the next year. Member Kiernan stated fix the ADU Bylaw, in particular removing it from the Seashore District so as a Board they are not forced to violate Federal Law. Member Kiernan went on to explain his thoughts and what has been relayed to him from residents living in the National Seashore. Member Riemer stated that a critical issue might be to consider ADU amnesty.

Chair Greenbaum gave an update regarding her visit, along with Member Riemer, at the Housing Peer Group and stated that an interesting issue was raised: surrounding towns do not interpret State Law the same way as Truro regarding ADU and septic. They do not require separation in septic. Clarification is needed, and Planner Ribeiro stated that Health & Conservation Agent Beebe has already contacted the DEP regarding this for a formal determination. He also stated that Ms. Beebe has also been working with the county Septic Loan Program regarding ADU’s and making sure information is available.

Chair Greenbaum asked if the Board wanted to have a work session in two weeks. Wednesday, March 25 at 2:30 pm was decided upon. At that time the Cloverleaf report will be discussed. Member Kiernan pointed out a few issues he had.

Meeting adjourned.

Respectfully submitted,


Elizabeth Sturdy

