



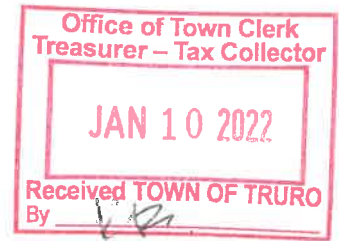
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

February 17, 2021 – 5:00 pm

REMOTE PLANNING BOARD MEETING



Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; R. Bruce Boleyn; Peter Herridge; Rich Roberts

Members Absent:

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Ben Zehnder – Attorney for Cheryl (Perry) Costa – Applicant; Cheryl (Perry) Costa and Stephen Perry – Applicants; Chris and Christine Dragon – Applicants; Kristin Roberts – Applicant

Remote meeting convened at 5:01 pm, Wednesday, February 17, 2021, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum who recognized Ron Robin of Provincetown and WGTN Dunes Radio who wanted to gather information as to how to transfer the special permit for the antenna to another company. Chair Greenbaum asked Interim Town Planner and Counsel Carboni for comment. Interim Town Planner and Counsel Carboni stated that she had spoken with Mr. Robin earlier in the day and that she would recommend a formal process to include a public hearing to properly amend the special permit and reflect the new ownership. Chair Greenbaum told Mr. Robin that they could not discuss this further and Interim Town Planner and Counsel Carboni told Mr. Robin that she would help him. Chair Greenbaum told Mr. Robin that the Planning Board looked forward to his application and thanked him. Before leaving the meeting, Mr. Robin thanked Chair Greenbaum and Interim Town Planner and Counsel Carboni. There were no other members of the public to offer comment.

Public Hearing - Continued

2020-006/SPR - Anne Labouisse Peretz; William T. Burdick & Richard C. Vanison, Trustees, Dune House Nominee Trust for property located at 112 North Pamet Road (Atlas Map 48, Parcel 1). Applicants seek a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for demolition and removal of existing single-family dwelling in the Seashore Zoning District and construction of new smaller dwelling at a new location, set back from the coastal bank. The existing dwelling is at risk of sudden destruction due to storm-driven coastal bank erosion in its current location. Chair Greenbaum announced that there was a requested extension in this matter by the Applicant until March 10, 2021, for the hearing and a

date certain for a decision of March 24, 2021. Interim Town Planner and Counsel Carboni stated that there was not a current request and that the Planning Board could vote to continue the hearing until March 10, 2021, although she didn't receive a request from Attorney Ben Zehnder on behalf of the Applicant. Chair Greenbaum said that she had that request in front of her and she would consider a motion to continue this matter until March 10, 2021.

Member Kiernan made a motion to continue this matter to March 10, 2021.

Member Herridge seconded the motion.

So voted, 7-0, motion carries.

Board Action/Review - Continued

At this time, Chair Greenbaum asked Members to bring forward the **Board Action/Review of 2019-002/SPR – Kristin Roberts for the Roberts Family Property LLC** (Atlas Map 39, Parcel 137) seeks extension of a Commercial Development Site Plan Decision dated March 20, 2019, and signed March 29, 2019, and this was agreed upon without objection. Interim Town Planner and Counsel Carboni provided a summary of Ms. Roberts' application and then offered Ms. Roberts the opportunity to provide input. Ms. Roberts requested an 18-month extension to July 1, 2022, and Member Kiernan offered a 24-month extension to March 20, 2023, to which Ms. Roberts agreed. Member Herridge stated that he recalled the project from two years ago and it was very straightforward. Chair Greenbaum also recalled the positive input from the abutters two years ago. Interim Town Planner and Counsel Carboni requested a formal vote on this matter and she will draft a document to formalize the extension. Chair Greenbaum said she would consider a motion to a 24-month extension in this matter.

Member Kiernan made a motion to continue this matter to March 20, 2023.

Member Herridge seconded the motion.

So voted, 7-0, motion carries.

Ms. Roberts thanked the Planning Board and left the meeting.

Public Hearing - Continued

Chair Greenbaum then continued the **Public Hearing for 2021-001/SPR- Chris Dragon and Christine Dragon** for property located at 40 Highland Road (Atlas Map 36, Parcel 172). Applicant seeks a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for renovation of an existing 1947 home on 3.06 acres: add a 10 x 12 mudroom and 24 x 24 garage in the Seashore Zoning District. Chair Greenbaum announced the site visit was completed yesterday and asked if the Applicants were on the call and there was no reply. Member Roberts said that he had received additional information regarding the basement since the site visit and asked if that information went to the Building Department during the permitting process. Interim Town Planner and Counsel Carboni said that she would check with the Building Department. Caller #4 then joined and introduced herself as Christine Dragon and that they had been on the call but dropped off due to being muted. Chair Greenbaum welcomed the Applicants back. Member Roberts noted that the professional engineer stamp was part of the basement project and Interim Town Planner and Counsel Carboni noted that the plans were due as part of the application. Mr. Dragon further stated that the plans which are in the possession of the Planning Board are the current plans. Mr. Dragon further confirmed that everything was submitted through the town and was approved by Rich Stevens who is Truro's Building Commissioner. Member Riemer noted that there was a question during the site visit yesterday as to the materials being used for

the home. Mr. Dragon stated that clapboard would make up 60% of the project and shingles would make up the remaining 40%. Member Riemer was satisfied with Mr. Dragon's reply. Member Kiernan asked if the Members had heard anything with the Health Agent Emily Beebe regarding a "hotspot" on the property from a 2014 Weston & Sampson Report regarding elevated nitrogen levels. Chair Greenbaum noted that there wasn't a reply yet and Interim Town Planner and Counsel Carboni said that she will email a link for the 2014 Weston & Sampson Report to the Applicants. Mr. Dragon asked if this information should have been provided to them during the sale process for the property and Interim Town Planner and Counsel Carboni said that she did not know but added sometimes a "hotspot" may be indicated in the general area without accurately reflecting property boundaries. Member Roberts commented that the chimney will have to be elevated above the roofline and that must be updated in the plans. Mr. Dragon stated that he thought that the chimney extension was already added on the plans. Member Boleyn added that he saw the chimney extension on his plans. Chair Greenbaum noted that the chimney extension was shown on the plans but there wasn't a note. Member Roberts confirmed that drawing #4 of #7 does indeed have the annotation. Chair Greenbaum asked for motion to close the hearing.

Member Herridge made a motion to close the hearing in this matter.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum then asked for a motion to approve the application in this matter.

Member Boelyn made a motion to approve the application in this matter.

Member Herridge seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum notified Mr. and Mrs. Dragon that they were approved and would receive a written decision shortly. Mr. and Mrs. Dragon thanked the Planning Board and left the meeting.

Board Action/Review - Continued

Chair Greenbaum led the discussion on 2020 ATM postponed Warrant Articles and amendments. Members did not want to withdraw any so Chair Greenbaum closed the discussion.

Chair Greenbaum opened the discussion of Zoning Bylaw 40.6-Growth Management Bylaw (amendments) and asked Members if they wanted to extend the bylaw so the Local Comprehensive Plan could be done and then the Planning Board could determine if the bylaw should be revised, write a new one, or eliminate it. Chair Greenbaum reminded Members that the two options discussed at the last meeting were proposed extensions of 24 months or 36 months. Vice Chair Sollog suggested a 60-month extension and Interim Town Planner and Counsel Carboni opined that a 60-month extension should be the maximum and the extension must be justified. Vice Chair Sollog suggested a simple majority vote to select one of the three options. Chair Greenbaum asked for a motion to extend Section 40.6 from December 31, 2021, to December 31, 2024.

Member Herridge made a motion to extend the bylaw to December 31, 2024.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum stated that among herself, Truro Office Assistant Sturdy, and Interim Town Planner and Counsel Carboni should be able to draft the proper language for the extension. Chair Greenbaum further commented that she had previously contacted the Assistant Town Manager who is holding a place in the Warrant for it. Interim Town Planner and Counsel Carboni asked if there had to be a vote to submit all the Articles to the Select Board for the 2021 Town Warrant, the 2020 Postponed ATM Articles, and the Article to Revise Section 40.6. Chair Greenbaum asked for a motion to do so.

Vice Chair Sollog made a motion to submit all the Articles to the Select Board for the 2021 Town Warrant, the 2020 Postponed ATM Articles, and the Article to Revise Bylaw Section 40.6.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni for an update before her departure to another meeting. Interim Town Planner and Counsel Carboni had no update.

2020-011/PB- Samantha Perry, Hillside Farm, LLC seeks approval of Form A-Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 23 Perry Road, Truro MA, Map 45, Parcel 131. Chair Greenbaum identified Caller #5 as Debra Perry.

Chair Greenbaum then asked Interim Town Planner and Counsel Carboni if the Planning Board should proceed on **2020-011/PB – Samantha Perry, Hillside Farm, LLC** if the Applicant's attorney, Mr. Ben Zehnder, was not present now as Mr. Zehnder previously notified the Chair that he would join tonight's meeting after his appearance at another hearing. As there was no other business for the Members to act upon according to this evening's agenda, Interim Town Planner and Counsel Carboni advised not to move forward and to postpone the action since it was not a public hearing, or the Planning Board could stay in session a bit longer to give Mr. Zehnder additional time to join.

Mr. Zehnder now joined the meeting. Interim Town Planner and Counsel Carboni left the meeting. Mr. Zehnder requested a recess until 6:15 pm as his previous meeting had just concluded and he wanted a couple of minutes to organize himself. No Members objected and Chair Greenbaum announced a recess until 6:15 pm.

At 6:15 pm, Chair Greenbaum reconvened the Members. Chair Greenbaum asked Truro Office Assistant Sturdy if there were any new items for the March 10, 2021, agenda and Truro Office Assistant Sturdy replied that there no new cases for that meeting, but 112 North Pamet was on the agenda. Chair Greenbaum asked Members to think about any items they would like to add to the agenda for March 10, 2021, as it appeared to be a light meeting. Cheryl (Perry) Costa advised Chair Greenbaum that she had just received information from Mr. Zehnder via text message. Mr. Zehnder was tied up in another hearing and requested a continuance to March 10, 2021. Ms. Costa requested that their matter be heard first on that date. There were no objections from the Members to continue this matter until March 10, 2021. Chair Greenbaum then recognized Andrew ("Drew") Locke of 27 Perry Road, Truro, MA who operates Hillside Poultry Farm, he is a member of the Perry family, and a seventh-generation farmer. Mr. Locke explained that the intent is to keep the family in Truro and Chair Greenbaum thanked him but there is nothing else to add as Mr. Zehnder is not available. Chair Greenbaum advised Ms. Costa and Mr. Locke that their matter is continued until March 10, 2021, and Vice Chair Sollog recommended a vote to have a record of the continuance. Chair Greenbaum asked for a motion to continue this matter to March 10, 2021.

Vice Chair Sollog made a motion to continue this matter to March 10, 2021.

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

As there was nothing else on the agenda, Chair Greenbaum asked for a motion to adjourn. Member Riemer updated the Members on the clear-cutting issues which he is working on with Mr. Fred Gaechter of the Climate Action Committee (CAC). Member Riemer noted that Dennis and Wellfleet require a permit prior to any site work, including site preparation work, for the development of a single-family home. Chair Greenbaum asked Member Riemer to forward the Dennis and Wellfleet requirements to Truro Office Assistant Sturdy so they can be furnished to Members ahead of the March 10, 2021, meeting. Chair Greenbaum then recognized Chris Lucy who asked what Wellfleet bylaw Member Riemer referenced regarding tree clearing. Member Riemer stated that it was required in Wellfleet Bylaw 8.2, 8.3, and 8.4. Member Riemer further commented that there was a serious issue of clear-cutting, along Route 6 in Wellfleet that was reported in a local newspaper. Member Boleyn added that case was particularly egregious as the property owner was aware of the bylaw requirements prior to clear-cutting the property. Chair Greenbaum commented that the issue is enforcement, and it will be interesting to see how Wellfleet deals with this matter. Member Riemer then read the Dennis bylaw to the Members. Chair Greenbaum thanked him for his comments and repeated her request that he forward this information to Truro Office Assistant Sturdy for distribution ahead of the March 10, 2021 meeting.

Chair Greenbaum then asked for a motion to adjourn the meeting.

Member Boelyn made a motion to adjourn at 6:39 pm.

Member Herridge seconded the motion.

So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

