



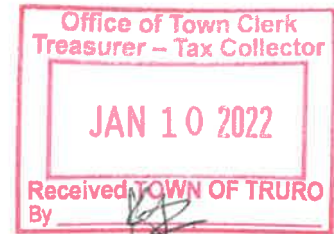
## TOWN OF TRURO

### PLANNING BOARD

#### Meeting Minutes

February 10, 2021 – 2:30 pm

#### REMOTE PLANNING BOARD WORK SESSION



**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 Anne Peretz – Applicant and Cheryl (Perry) Costa - Applicant; Chris and Christine Dragon - Applicants

Remote meeting convened at 2:35 pm, Wednesday, February 10, 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 and there were no individuals who made public comments.

**Work Session**

Chair Greenbaum started the work session with a reminder to Members to regularly check their town email to keep communications with Truro Office Assistant Sturdy, so communications were timely and efficient.

Chair Greenbaum opened the discussion with the update from KP Law on the impact of new legislation recently signed into law as it pertained to Housing Choice Act and the impact on potential bylaw changes. Interim Town Planner and Counsel Carboni stated that the purpose of the bill is to make it easier to build multi-family housing in a city or town by lowering the standard for changing a bylaw from a 2/3 majority to a simple majority. Interim Town Planner and Counsel Carboni also stated that the concerns which the Planning Board had discussed on issues back in the fall could now be easier accomplished by approval by a simple majority. Interim Town Planner and Counsel Carboni further said that there will still be some additional clarification which will be issued by the Commonwealth's Department of Housing and Community Development (DHCD) as it is unclear if all current housing bylaws must be amended. Chair Greenbaum asked Members if they have questions or comments about the new legislation. Member Riemer commented that it would be easy for an urban area with existing infrastructure to adapt to the new legislation but that may be a challenge for Truro with limited

infrastructure and how it may affect Truro's limited natural resources. Interim Town Planner and Counsel Carboni opined that the legislation is to promote density and not concerned with anything else. Chair Greenbaum tasked the Members to review the legislation to determine what would be important to town residents and address those with the community. Interim Town Planner and Counsel Carboni encouraged the Members that this could be an opportunity to achieve the Planning Board's stated goals. Member Kiernan said that he downloaded the new definitions from Chapter 40A §1a and noted that, as an example, the definition of a "lot" by the Commonwealth differed from Truro's definition of a "lot". Chair Greenbaum and Interim Town Planner and Counsel Carboni reminded the Members that there will more clarification from DHCD and more updates from KP Law, but it is also important to keep in mind that moving forward any town that wanted to adopt these measures (bylaws for denser housing or a citizens' petition) may do so through town meeting and pass with a simple majority vote. Vice Chair Sollog stated that he didn't receive a copy of terms and definitions so he would like to receive that information as it was not contained with the letter from KP Law. Interim Town Planner and Counsel Carboni apologized for not including the information in today's meeting and she will get it to Truro Office Assistant Sturdy before the next meeting. Vice Chair Sollog expressed concern that it appears to weaken the protection of current bylaws and they could be reduced by a small group of voters at a town meeting. Interim Town Planner and Counsel Carboni stated that she understood Vice Chair Sollog's concern, but the Massachusetts legislature has made the decision. Member Riemer offered that there should be a meeting with all of Truro's boards, commissions, and committees so everyone is on the same page. Chair Greenbaum said that this was an excellent suggestion as it would be important to study the implications as it could be very major. Chair Greenbaum added that if things moved too quickly, the results could have an adverse impact on Truro. Member Kiernan noted that if a special town meeting has a legal quorum of 100 voters, as few as 51 voters of the 1,800 registered voters, in Truro can decide for the whole town and that would be scary. Chair Greenbaum asked for any final questions or comments on this topic before moving onto the agenda. Member Riemer asked a hypothetical question about the Board of Health and Interim Town Planner and Counsel Carboni stated that the new legislation does not change the jurisdiction of any board including Title V.

Chair Greenbaum opened the discussion on Zoning Bylaw §40.6 - Growth Management and asked Interim Town Planner and Counsel Carboni if the new legislation affected the bylaw. Interim Town Planner and Counsel Carboni stated that it did not. Member Kiernan suggested that it may be advisable to extend the bylaw 2-3 years so data can be collected and Chair Greenbaum asked Members for their input. Interim Town Planner and Counsel Carboni stated that because of a recently decided case in Land Court, the court reaffirmed that an extension of a bylaw up to ten years would be acceptable and she would advise that an extension not exceed five years. Member Roberts asked if the extension would leave the bylaw unmodified and Chair Greenbaum stated in the affirmative. Chair Greenbaum said that she would like to bring it up to a vote at the next meeting. Vice Chair Sollog commented that there would be a group of residents, provided with the data, who would want the bylaw to expire on December 31, 2021. Vice Chair Sollog further stated that he would be in favor the bylaw's continuance to December 31, 2024. Member Herridge said that he would be in favor of an extension to December 31, 2023. Chair Greenbaum reiterated that the Planning Board will vote on this at next week's meeting.

Chair Greenbaum introduced the discussion on the draft report on impact of the Residential District House Size Bylaw. Chair Greenbaum asked the Members if the data provided would be useful to report to Truro or is there other information that could be useful to report to the town. Member Kiernan suggested that using the Chilmark report as a template that the Planning Board could come up with the same results as there have been zero special permit applications to extend beyond 3,600 square feet in the Residential District since the bylaw was enacted. Chair Greenbaum stated that the building permit

data doesn't reflect square footage, estimated cost of the project, or the cost of the building permit which is based upon the estimated cost of the project. Member Kiernan added that reviewing the Assessor's database doesn't always reflect accurate dimensions. Chair Greenbaum reviewed the data to include who applied for a permit. Member Roberts stated that there are many other considerations which may determine the effectiveness of the bylaw. Chair Greenbaum replied that they are dealing with facts and reiterated that there have been no special permit applications to extend beyond more than 3,600 square feet. Vice Chair Sollog suggested that lot coverage information would be helpful and Chair Greenbaum replied that they do not currently have that information. Member Riemer said that he would be interested in data collected in situations of a complete demolition and then the construction of a much larger home in its place (for example 8,000-9,000 square feet). Member Riemer expressed concern of a small ranch home, for example 1,000 square feet, being torn down and replaced with a larger home that will never be within the means of people of average means. Member Kiernan commented that what Member Riemer stated is the way Truro is going and it is the economics of the situation. Member Kiernan further added that unfortunately once a resident of average means dies, the family is likely to sell to a buyer who offers the largest amount of money for the property. Chair Greenbaum noted that a current and modest home can't be replaced by a mansion within the Residential District. Member Kiernan suggested that perhaps a bylaw be drafted that prohibits clear cutting beyond the 25' setback from the property line and street so the lot remains in its natural state. Chair Greenbaum noted that this is an issue that the Planning Board is going to take up in subsequent meetings. Chair Greenbaum asked Members if the data supplied by the Planning Board's report to the town include pre-bylaw and post-bylaw:

- Number of new single-family dwellings
- Number of additions/alterations

Member Kiernan commented that was a good start. Member Kiernan then asked Chair Greenbaum if the Truro report should use the Chilmark model that included guesthouse or detached bedroom, that under the Truro bylaw, would be a habitable studio. Chair Greenbaum opined that she would prefer to use the number of new single-family dwellings and the number of additions/alterations. There were no objections stated by the Members and Chair Greenbaum stated that she and Member Kiernan would continue to develop a final draft report.

Chair Greenbaum reminded Members of a site visit next Tuesday, at 2:30 pm, at 40 Highland Road.

Chair Greenbaum announced that she had recently met with Jon Nahas (Truro's Principal Assessor), who after approval from the Town Manager, had developed several color-coded maps for the Planning Board. Chair Greenbaum added that attached to every map is a spreadsheet and Interim Town Planner and Counsel Carboni shared her screen to identify all the different residential properties defined as follows:

- Mixed-use residential
- Mixed-use commercial
- Single family home
- Residential condominium
- Two-family
- Three-family
- Multiple houses

- Apartments 4-8 units
- Apartments > 8 units

Chair Greenbaum asked if Members if they had any questions or comments. Member Boleyn thanked Mr. Nahas for his cooperation and assistance. Chair Greenbaum agreed and then had Interim Town Planner and Counsel Carboni display the map of vacant land in Truro. Chair Greenbaum noted that the Assessor's Office had coded vacant land as "developable" and "undevelopable" as deemed by the staff but may not be accurate. Chair Greenbaum suggested that maps of vacant land may be posted in various public venues so residents may see ahead of a town forum what land is available for housing development. Member Riemer said that he would like to see an area south of the Pamet River, that is within the Chequessett Flow Lens (commonly referred to as the "Chequessett Lens"), to serve as a potential future Public Water Protection District (PWBD). Member Kiernan said that there was a 14-acre property that met that need in the Castle Hill area. Member Kiernan added it was sold to the Town of Truro near Route 6 adjacent to the Truro Transfer Station for a reasonable price. Chair Greenbaum noted that it was marked on the map as "vacant town land". Member Roberts asked if it was usable due to its proximity to the Truro Transfer Station. Member Kiernan said that it was and a 400' diameter circle could be put around the property. Member Kiernan further added that would allow the use of a public water supply. Member Kiernan also noted that the water could be tested prior to this action as this property was the only possible future PWBD within Truro. Vice Chair Sollog stated that he appreciated the efforts of Mr. Nahas and that these maps are extremely useful. Interim Town Planner and Counsel Carboni also noted that the GIS maps allow for modification to obtain specific information. Chair Greenbaum also noted that these maps are accessible from the Assessor's database.

The final item on the agenda, Subdivision Regulations: Possible change from 50-year event to 100-year event was brought up by Member Kiernan. Chair Greenbaum noted that this was discussed at the last session and there was no ability to do a bylaw change by February 26, 2021. Member Kiernan stated that within the last nine years there had been three 50-year events. Member Kiernan noted that with further development in Truro address the 100-year event possibilities. Interim Town Planner and Counsel Carboni said she will discuss this matter with Ms. Emily Beebe of the Health Department. Member Kiernan will investigate further and see if this was included in the bylaw. Chair Greenbaum stated they will discuss this at the meeting following the submission of this year's Warrant.

Chair Greenbaum tasked Members to review the proposed Warrant articles from 2020 prior to the next Planning Board meeting so the Members could determine which ones, if any, should not go forward on the 2021 Warrant. Chair Greenbaum then asked for a motion to adjourn the meeting.

**Member Boelyn made a motion to adjourn at 4:18 pm.**

**Member Riemer seconded the motion.**

**So voted, 7-0, motion carries.**

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

