

TRURO PLANNING BOARD

Meeting Minutes

February 3, 2015 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Leo Childs, Chris Lucy, Bruce Boleyn, Steve Sollog, William Worthington, Lisa Maria Tobia and Michael Roderick

Others Present: Charleen Greenhalgh ATA/Planner, L. Jay Murphy, Bill Rogers

Mr. Childs opened the meeting at 6:07 pm

Zoning Amendment Public Hearing

Mr. Childs opened the public hearing at 6:08 pm by reading the notice into the record:

*The Truro Planning Board will hold a public hearing at the Truro Town Hall, 24 Town Hall Road, Truro on **February 3, 2015 at 6:00 pm** to discuss proposed amendments to the town's zoning bylaws. The subject matter of the proposed amendments is indicated below. The complete text relative to the proposed amendments is available for inspection on the Town Website www.truro-ma.gov and at the Truro Town Hall and the Truro Public Library during regular business hours.*

Article ____: To see if the Town will vote to amend the Truro Zoning Bylaw, Section 30.2 Note 4, by deleting the existing language and replacing it with the following: "4. Uses in this category are further subject to the special regulations set forth in §40.5 and the Planning Board shall serve as the Special Permit granting authority."

Article ____: To see if the Town will vote to amend the Truro Zoning Bylaw, Section 30.2 Note 6, by deleting the last portion of the final sentence, which reads "the proposed accessory use need not be located on the same parcel as the primary use"

Article ____: To see if the Town will vote to amend the Truro Zoning Bylaw by deleting Section 50.1.H, which reads "H. Public accommodations shall not exceed two (2) habitable stories."

Mrs. Greenhalgh explained that these are housekeeping items previously identified by the Board. Mr. Childs also explained that the Board completed a comprehensive review of the zoning bylaws and identified these as housekeeping items. The intent is to clarify and simplify. The Board Members had no comments. Mr. Childs asked for any public comment. Hearing none he closed the public hearing at 6:11pm. On a motion from Ms. Tobia, seconded by Mr. Worthington, the Board voted unanimously to recommend these zoning amendments to the Annual Town Meeting, 7-0-0.

2015-001SPR Sonja Soderberg, Waiver of Site Plan Review, 618 Shore Road

Representative: L. Jay Murphy, Esq.; Bill Rogers, R.L.S., P.E.

The applicant seeks approval of a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw for the parking plan (revised) for the conversion of a Motel and Cottage Colony (East Harbor) to multi-family for property located at 618 Shore Road, Map 5, Parcel 13. Mr. Murphy handed out a copy of the conversion application with the Town pursuant to Section 40.3 of the Truro Zoning Bylaw. The conversion requires parking to be consistent with parking requirements under the zoning bylaw. He explained that the property consists of 10 motel units, 7 cottages and a manager's unit. There are currently 21 spaces on site or 1.23 spaces per unit. The property has operated with these spaces for a considerable period of time during the ownership of the Segural/Soderberg family.

There is currently a purchase and sales agreement for the property by Lexvest Properties, who will be leasing the property and running it as it has been. The conversion process has begun and the Parking Plan was conditioned by the Building Commissioner as needing Planning Board review and approval under §70.3.A.1. Zoning would require 2 spaces per unit, thus triggering the need for Planning Board review. The conversion is intended to be in-kind. There are no additions, or combination of units being considered.

Under 30.9 the Board has the right and ability to waive parking and in this case that would be the additional 13 spaces as shown on the proposal parking plan.

Lexvest Properties is planning to make alterations, additions and reconfigurations to the property once they take ownership; at that time they will seek full site plan review for the Board's review. Mr. Murphy explained that to go through that process now, where no changes are proposed would involve substantial expenses to the applicant with no benefit to the town. In addition, Section 40.3.B.5 requires that the applicant must have owned and operated a cottage colony for 3 years before a conversion can take place. The existing property will continue to be run as is for the near foreseeable future. He asked that the Board act favorably on the request.

Mr. Worthington asked if the individual units would be sold off at this time. Per Mr. Murphy, Lexvest will make alterations and upgrades to the property before individual units will be sold. He intends to operate it as it has been over the many years. Mr. Roderick does not see the need for the full review at this time. Mr. Lucy questioned the parking spaces shown as 1, 2 and 3 as they back into Shore Road. He is concerned that with future development of the Shore Road corridor these spaces would be a concern. Per Mr. Murphy, the parking spaces would be relocated upon future development and review. Ms. Tobia, Mr. Sollog and Mr. Boleyn agreed. Mr. Childs agreed as well.

Ms. Tobia moved to approve the request of Sonja Soderberg, for a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw for the parking plan (revised) for the conversion of a Motel and Cottage Colony (East Harbor) to multi-family for property located at 618 Shore Road, Map 5, Parcel 13. This is based on the fact that the revised parking plan and layout will not have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources, abutting properties; or community needs. Mr. Worthington seconded the motion and it was so voted to approve on a vote of 7-0-0.

Mr. Murphy asked for clarification of the parking. The Board clarified that at this time the additional parking as shown on the "Plan of Land in (North) Truro, as surveyed for East Harbor Motel & Cottages, Sonja Soderberg (618 Shore Road), Depicting Proposed Parking, at 1" = 20', dated November, 2014" does not have to be constructed. It is understood that the property will be going through structural upgrades and improvements which will be further review by the Planning Board pursuant to §70 of the Truro Zoning Bylaw, at that time the parking will be further reviewed.

Continued Review and Discussion - Definition of Street and Draft Section 30.11

The Board discussed the latest version of the proposed zoning bylaw amendments:

Article ____: To see if the Town will vote to amend the Truro Zoning Bylaw Section 10.4 by deleting the definition of "Street" and replacing it with the following:

Street. A private or public way by which vehicles and pedestrians can safely gain access to and egress from homes, places of business and other locations. For the purposes of this bylaw, the terms "street", "road" and "way" bear the same meaning.

And further, to amend Section 30 Use Regulations by adding a new Section 30.11 Streets and Frontage as follows:

Section 30.11 Streets and Frontage

- A. Purpose: It is the intent of this section to provide the minimum requirements for streets in Truro in order to qualify as safe and adequate for the purposes of obtaining a building permit from the Building Commissioner on an existing private road.*

B. *Applicability: A Street is assumed to qualify as safe and adequate and can be developed by right provided the following is met:*

1. *a public way which the Town Clerk certifies is maintained and used as a public way; or,*
2. *a way that has been approved, endorsed and constructed in accordance with the subdivision control law; or*
3. *a way that was in existence on December 8, 1955 and meets the following minimum criteria:*

<i>Number of lots on Road</i>	<i>1 - 5</i>	<i>6 – 10</i>	<i>11 – 20</i>	<i>21 or more</i>
<i>Minimum Roadway Width</i>	<i>8 feet, plus 3 feet clearance on both sides</i>	<i>14 feet</i>	<i>16 feet</i>	<i>18 feet</i>
<i>Maximum Allowable Grade</i>	<i>12 %</i>	<i>10 %</i>	<i>8 %</i>	<i>8 %</i>

For ways which do not meet these minimum requirements, the Planning Board, in conformance with subparagraph C, shall make a determination as to whether said road provides safe and adequate access.

C. *The Planning Board shall make a determination of the adequacy of a street as outlined below:*

1. *Public Hearing – Upon the filing of a request with the Planning Board, the Board shall hold a duly noticed public hearing within forty-five (45) days. Notice shall be made no less than fourteen (14) days prior to the scheduled public hearing via regular first class mail to all the owners of properties along said street.*
2. *The request can be for a determination of the entire length of street or a determination of the street up to and including a lot located on said street.*
3. *Referral – Upon the filing of a request and prior to the public hearing said request shall be referred to the Police and Fire Departments and the Department of Public Works for review and comment.*
4. *Requirements – The applicant shall show to the satisfaction of the Planning Board that the street has sufficient width, suitable grades and adequate construction to provide access for emergency vehicles as well as safe travel and adequate circulation. The Planning Board may refer to and may utilize existing road standards as outlined in the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended) and the Town of Truro General Bylaws (as amended).*
5. *The Planning Board's Decision on the determination of adequacy of the street shall be filed with the Town Clerk. Any appeal from that decision must be commenced within sixty (60) days from the date of filing with the Town Clerk under the provisions of Massachusetts General Laws Chapter 249, Section 4.*

Mr. Worthington's suggestion at the prior meeting to include language relative to maintenance was a good one; however, the Subdivision Regulations do not provide for such language. Mr. Worthington also liked the idea of the "length of the road" language being included in the proposed text. All other members were good with the language presented. Mr. Childs is happy with the language presented in Section 30.11 as it has a requirement that some entity does make determination as to the adequacy of the road. Mr. Lucy asked about the mechanism to get the review of the road to the Planning Board. It was explained that with any other bylaw, if a building permit needed relief before the Building Commissioner could issue said permit, the Commissioner would refer the applicant to the appropriate Board as prescribed in the zoning bylaw. Ms. Tobia wanted to be sure that the language concerns that were raised by Ms. McCarthy at the last meeting have been addressed. It appears that they have been. Mr. Worthington asked is the term "frontage" should remain in the title, if was the consensus of the board to leave the term "frontage" in the title.

Mr. Lucy asked about empty lots on roads and how those would be handled. With this proposed bylaw, it would clear this up. He provided a couple of different scenarios. It was made clear that if there are non-conformities with a lot in other ways, other than the road, it may still trigger the need for relief from the Zoning Board of Appeals.

On a motion from Ms. Tobia, seconded by Mr. Lucy, the Board voted unanimously to refer this to the Board of Selectmen so as to begin the public hearing process pursuant to MGL ch.40A, §5; 7-0-0. During discussion of the motion, Mr. Lucy questioned when it would be the best time to discuss this with the Board of Selectmen. This was not decided. The hearing is tentatively scheduled for March 10th.

Review and Approval of Meeting Minutes:

On a motion from Mr. Worthington, seconded by Mr. Lucy, the Board voted unanimously to approve the January 20, 2015 meeting minutes as corrected.

Mr. Childs will not be running for reappointment on the Planning Board.

Adjourn at 7:14pm

Respectfully Submitted,

Charleen L. Greenhalgh
ATA/Planner