

## **TRURO PLANNING BOARD**

### **Meeting Minutes**

**July 7, 2015 – 6:00 pm**

**Truro Town Hall, Truro, MA**

**Planning Board Members Present:** Lisa Maria Tobia, Steve Sollog, Bruce Boleyn, William Worthington and John Riemer;

**Member Absent:** Michael Roderick

**Others Present:** Jim Summers; Marian Averack; Fred Todd; Chester Lay; Ellen Walsh; Robin Prout; Christopher Vaccaro; Michael Tribuma; Carol D'Amico; Kevin Kuechler; Carole Ridley, Consultant to the Planning Board and Shawn Grunwald

Ms. Tobia opened the meeting at 6:00 pm.

### **Temporary Sign Permit**

**Castle Hill** – seeks approval for Applications for Temporary Sign Permits. The two events are August 1 and August 8. Four (4) signs are proposed for the August 1 and 8 events and would be located at Route 6 and Castle Road Hill Road; Truro Center Road & Castle Hill Road; Truro Center Road and Snows Park (across from Jams); and on Route 6 and Pamet Road (northbound). Continued from June 16, 2015.

Representative: none

Ms. Ridley stated that this was put on the agenda because she had originally thought that only two of the original applications were approved. Mr. Sollog and Mr. Worthington clarified that it was their understanding all of the original (4) applications were approved as indicated in the draft minutes of the June 16, 2015 meeting. Therefore, no further action is needed on this agenda item.

**Truro Historical Society**- seeks approval for three (3) Applications for Temporary Sign Permit. The events are July 15-August 14; August 15-September 15; September 15-September 30. One sign would be posted at the corner of Route 6 and Highland Road for each event.

Representative: Jim Summers, Director, Truro Historical Society Museum

Ms. Ridley pointed out that the first two (2) applications exceed the thirty (30) day limit if you include both the first and last days of the time period. She suggested that the application dates be amended to the following:

Permit application #1: July 15-August 13

Permit application #2: August 14-September 12

Permit application #3: September 13-September 30

Mr. Summers concurred with this change.

Mr. Summers clarified for Mr. Sollog that the signs at South Highland would be placed across from the Truro Real Estate office and would be a vinyl sign attached to a sandwich board. He further clarified for

Mr. Boleyn that the sandwich board would be secured by spikes into the ground so that it doesn't blow over from the wind.

On a motion by Mr. Worthington and seconded by Mr. Boleyn, the three (3) requests for a temporary sign permit with the dates as amended above was approved by a vote of 5-0-0.

**Truro Group-** seeks approval for Application for Temporary Sign Permit. The event is during the month of July, and two signs would be posted July 8 through July 29. One sign would be posted below the highway sign at Route 6 and Standish Way; one sign would be posted at the split at Route 6 and Route 6A.

Representative: Marian Averack

Ms. Averack clarified that this is the same temporary sign request that has been approved in the past.

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the temporary sign permit application was approved by a vote of 5-0-0.

**Payomet Performing Arts Center-** seeks approval for two Temporary Sign Permit Applications (July 16-August 14) for various events during the season. Two "coming events" signs would be installed July 16 through August 14 at Route 6, North of Noon's Road and Route 6, South of South Highland Road; and one directional sign would be installed at the intersection of South Highland Road and Old Dewline Road.

Representative: Fred Todd

Mr. Sollog disclosed that he works occasionally for the Payomet Performing Arts Center.

Mr. Todd clarified that this is the third application by Payomet in order to conform to the thirty day limit. No changes will be made to the type or location of the signs.

Mr. Todd clarified for Mr. Boleyn that the sandwich board signs are kept secure because they are weighted at the bottom.

On a motion by Mr. Worthington and seconded by Mr. Boleyn, the two (2) temporary sign permit applications were approved by a vote of 5-0-0.

### **Approval Not Required Plan**

**2015-004 Stephen DiGiovanni** seeks determination that plan does not require approval (ANR) for re-division of two (2) lots located at 4 & 2 Mary's Lane, Truro.

Representative: Chester Lay, Slade Associates

Prior to the arrival of Mr. Lay, Board members had some questions about the map and what parcels were being combined. Ms. Ridley clarified that Parcel 4B was being added to Parcel 5 increasing the square footage from 74,938 to 77,060. There was some discussion about whether this ANR should be determined at this meeting or not because of the lack of representation. Mr. Worthington moved that the ANR be granted but there was no second.

Upon the arrival of Mr. Lay, he stated that there would be a small triangular shaped piece on lot 4A that would be added to lot 5 for the purposes of having the proper setbacks for a garage addition.

Mr. Worthington noted that there are some notes on the submitted plan that are inconsistent with the map. Mr. Lay agreed to make the changes so that the street name is consistent with the notations.

On a motion by Mr. Worthington and seconded by Mr. Sollog, the Approval Not Required Plan request was granted and does not require a subdivision review by a vote of 5-0-0 with the understanding that Mr. Lay will provide a corrected plan.

### **Preliminary Plan**

**Walsh, Stephen et al** seeks conditional approval of a Preliminary Subdivision Plan for Parcels 43-7, 43-8, 43-10, 43-134 & 43-135, Walsh Way, Truro. The preliminary plan shows a proposed combination of lots and widening of the road layout.

Representatives: Chester Lay and Ellen Walsh

Mr. Lay stated that they are requesting a preliminary subdivision plan approval because the road is being widened. He further stated that Mr. Braun, the Building Inspector, suggested that a cul de sac be added and that has been put into the plan.

Mr. Riemer questioned why there is no turning radius on the north side of Story Brook Lane by the highway. Mr. Lay responded that there is no ability to do this and should the highway be widened to four (4) lanes, all the properties that abut the highway would be affected.

Mr. Riemer did request that there be a turning radius at Walsh Way extension where it meets Story Brook Lane which Mr. Lay agreed to do.

Mr. Riemer also questioned that there were no well or septic located on the plans. Mr. Lay clarified that this was not needed for the widening of the road but that will be done when they move forward. He further stated that there are all the appropriate setbacks for these.

Mr. Riemer asked if there was any future vision for this property. Ms. Walsh stated that this is not the type of property that would develop easily. The family enjoys the rural nature of the property and are just looking to focus on the front 9 acres where the rustic, 1920 style houses currently are. Ms. Tobia reiterated that in terms of future planning, the Board would not want to see the plans come in segmented so that it would be under the 30 acre review required by the Cape Cod Commission.

Ms. Robin Prout questioned the name of the property as to whether it is Story Brook Lane or Walsh Way. It was clarified that it is Walsh Way. She also asked who financially underwrites the cost of improving the road and Mr. Lay stated that it would be the Walsh et al group.

Ms. Tobia stated that she has some additional questions that were raised by the Building Inspector in terms of parcel 43-8 was not part of the original subdivision and given that this parcel is a key part of the plan, verification that it is part of the subdivision is requested. In addition, there needs to be the turnaround at the dead-end on parcel 43-135. Also, building permits cannot be issued without zoning relief as even with the widening of the road, it will not meet current subdivision standards.

Ms. Tobia further stated that the Board of Health raised the issue of the need to file a determination with the Natural Heritage and Endangered Species Program and that a Title V upgrade would be required for the combining of parcels 43-7 and 43-8. In November 2013, a 30 day extension to upgrade a Title 5 system was granted but the documentation has not yet been received by the Board of Health.

On a motion by Mr. Worthington and seconded by Mr. Boleyn, the Preliminary Subdivision Plan for Parcels 43-7, 43-8, 43-134 and 43-135 Walsh Way with the condition of clarification of points raised by the Building Inspector and the Board of Health was approved by a vote of 4-1-0, with Ms. Tobia opposed.

### **Pre-Application Consultation**

**Michael Tribuna** seeks consultation with the Planning Board regarding possible application for site plan review or waiver of site plan review for 7 Parker Road, Truro.

Representative: Christopher Vaccaro Counsel to Mr. Tribuna and Michael Tribuna owner

Mr. Vaccaro stated that Mr. Tribuna's property has an usual topography and Mr. Tribuna was looking to expand his usable space and lawn area and is not looking to change the use of the property. He is looking to add fill to about ten (10) feet within the road due to the steep topography. He began the work without realizing that he was in violation of the by-laws. Mr. Vaccaro stated that they are seeking guidance from the Board to see how they can achieve Mr. Tribuna's intention of expanding useable acreage for his cottage colony and getting a possible waiver.

Mr. Boleyn stated that he felt Mr. Tribuna has made a very aggressive mistake.

Ms. Carol D'Amico, 11 Parker Drive, one of the abutters, stated that she is very upset that she was not notified before the work started. She would like to see the Planning Board enforce the bylaws and ask that there be a site plan review for this work.

Mr. Kevin Kuechler, 36 Parker Drive, one of the abutters and on the Board of Directors of TruHaven is concerned about drainage if Mr. Tribuna is allowed to proceed with his plan. He states that there is a 13 foot wall of dirt within 10 feet of the road proposed. This road serves about 30 houses. He is also concerned that what has been presented to the Planning Board is incomplete as there is another area on the east side towards Noons Property that was cleared with a 15 foot pile of soil on it. He also questions where the septic is located and that he believes this is a priority habitat requiring National Heritage and Endangered Species to be involved.

Mr. Vaccaro agreed that the issues raised are legitimate and needs to be addressed, especially for drainage and erosion. The septic is on the west side of the property on the far side from the proposed work.

Ms. Ridley confirmed that there is a Zoning Board of Appeals hearing on July 27, 2015 scheduled for this matter.

Mr. Sollog, Mr. Riemer and Mr. Boleyn feel they need more information.

Ms. Tobia stated that with the level of work that was done without any permits or asking for guidance from the town makes her question how it could be an innocent mistake, especially because there was a cease and desist order that was ignored. She also is unclear as to what the plan is with all the work that

is being done. She further cited the 16 by-laws that were violated (page 49, Section 1 of the Zoning By-Laws).

Ms. Tobia stated that no site plan waiver will be granted because of the egregious disregard of the bylaws. The Planning Board does not place fines but she wishes that the consultation had occurred prior to the extensive work that was done. The applicants plan on submitting a site plan by August 5. Mr. Worthington reminded the applicant that they are a commercial operation.

#### **Discussion on Process for Appointing New Planning Board Member and Next Steps (Continued)**

Ms. Tobia reminded members that an open seat remains. There is one applicant that has submitted a formal application, although one other person has informally indicated interest.

Mr. Riemer is concerned about the length of time it is taking to fill the vacancy and would like to have the candidate(s) discussed.

Mr. Sollog would recommend that whoever is interested should be present at the next meeting. Mr. Worthington stated that it needs to be on the agenda.

The Planning Board thanked Ms. Ridley for all her work in Mrs. Greenhalgh's absence.

#### **Discussion on Planning Board Goals/Topics for FY2016 and Next Steps (Continued)**

Ms. Tobia is looking for some more concrete information on the prioritization of the goals. Based on the last discussion, it seemed like the street definition was no longer a high priority.

Mr. Boleyn would like to see the top priority be the growth management by-law, followed by the communications and outreach goals. Ms. Ridley remarked that Mr. Coburn is the BOS liaison to the Planning Board and is receiving all copies of the agendas and minutes. Ms. Tobia suggested that Board members be visible in the community via post office visits, transfer station etc. Mr. Riemer suggested that the agenda include a public comment item.

Ms. Tobia agreed that communication and outreach is important and also would like to review Section 11 of the sign code, temporary signs to perhaps include some guidance around size. The other goal that Ms. Tobia would like Board members to consider the National Seashore rezoning/rural character of Truro that was discussed at the Board of Selectman goal session. Mr., Worthington remarked that there are two acts, one is the enabling act that has the force of law from the 1960's and the other is management plan from the 1980's that does not have the force of law. The other goal Ms. Tobia would like is the accessory use issue that came out of the conversion of cottage colony for year round use.

Mr. Worthington suggested that another goal should be looking at the request of the Provincetown Water Department. This might be easily achievable as DEP has issued a map covering these zones.

Ms. Tobia suggested that it might be helpful to group the goals under broad categories with subcategories and she would like to have public input.

Mr. Riemer raised the issue of affordable/middle income/workforce housing, being careful of the vernacular not to be exclusive. He would like to seek out other effective models to address this issue.

**Review and Approval of Meeting Minutes:** June 16, 2015 Joint Meeting and June 16, 2015 Planning Board Meeting

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the minutes from the June 16, 2015 joint meeting with the Board of Selectmen and ZBA was approved with a minor change on p. 2, second paragraph that “smaller lots” be struck and changed to “subdivisions” by a vote of 5-0-0.

On a motion by Mr. Sollog and seconded by Mr. Worthington, the minutes from the June 16, 2015 Planning Board meeting was approved by a vote of 5-0-0.

**ATA/Planner report: Roster for Registry of Deeds**

Ms. Ridley suggested that the Roster for Registry of Deeds needs to be signed and when a new member is appointed, it will be revised to include that member. The Roster was given to Board members to sign.

**Adjourn: 7:53pm**

Respectfully Submitted,

Shawn Grunwald