

## **TRURO PLANNING BOARD**

**Meeting Minutes-Amended 10-20-15**

**September 8, 2015 - 6:00 pm**

**Truro Town Hall**

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

**Members Absent:** Michael Roderick (excused);

**Others Present:** Richard Waldo; Richard Rodricks; Jim Rodricks; Christopher Vaccaro, Esq.; Michael Tribuna; Daniel Ojala; Carol Damico; Jennifer Cohen; Paul Kiernan; Charleen Greenhalgh, ATA/Town Planner; Shawn Grunwald

Ms. Tobia opened the meeting at 6:15 p.m.

### **2015-005SPR Terrace Dunes Realty Trust, Site Plan Review, 179 Shore Road**

**Representatives: Richard J. Waldo, P.E; Jim Rodricks and Richard Rodricks of Terrace Dunes Resort**

Ms. Tobia reopened the public hearing. The applicant seeks approval of a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the construction of an accessory building to house a manager's unit and a storage garage. The manager's unit would be relocated from the existing building. The property is located at 179 Shore Road, Atlas Map 21 Parcel 2. Continued from August 4, 2015

Mr. Waldo provided a comprehensive history of the development of the property. There are two properties that share management, staff and equipment. One of the properties operates as a condominium timeshare which needs year round management and oversight. He explained that one of the properties is currently a 30 unit motel with 30 bedrooms which includes a manger's unit that provides the year round oversight. They are looking to take the current manager's unit out of the motel structure and construct an accessory building to house the manager's unit and a storage unit. This would increase it to 31 bedrooms but maintain 30 units in order to comply with current regulations as the manager's unit will now have two bedrooms, one of which will be used as an office. This will make the building more efficient as they will no longer have to heat the entire building in the winter to accommodate the current manager's unit.

An issue was raised by Mr. Riemer concerning documentation of the special permit for the condominium conversion. The representatives were not confident that they could produce documentation of the special permit. Mrs. Greenhalgh stated that both she and the Building Inspector attempted to locate a record of the special permit but they could not find one in the Town records. The representatives responded that since June 6, 1986, they have operated as condominiums and have met all the regulatory requirements.

Ms. Tobia also requested clarification about the blocking of a common driveway with an abutting property which was provided. Ms. Tobia also reminded the applicants that there are other contingencies identified by other Town Departments.

Due to the lack of documentation as to the special permit for the conversion, Mrs. Greenhalgh suggested that they continue the matter so that the documentation can be secured. The applicants requested that the matter be continued until October 6, 2015 meeting.

On a motion by Mr. Worthington and seconded by Mr. Sollog, the site plan review was continued until October 6, 2015, so voted 5-0-0.

**2015-006SPR Michael A. Tribuna, Trustee, Site Plan Review, 7 Parker Drive**

**Representatives: Christopher Vaccaro, Esq.; Michael Tribuna; Daniel Ojala, P.E.**

Ms. Tobia opened the hearing at 6:45 p.m. The applicant seeks approval of an Application for Commercial Development Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the filling of low area at 7 Parker Drive with related drainage improvements and erosion controls. There will be no new buildings or changes to existing buildings and structures. The property is also shown on Atlas Map 39 Parcel 168 & 169.  
**Representatives: Christopher Vaccaro, Esq.; Michael Tribuna; Daniel Ojala, P.E.**

Mr. Vaccaro explained that they are seeking approval to essentially remediate the site which is a commercial property without prior Site Plan approval. Mr. Tribuna, the property owner, is hoping to convert a currently commercial cottage colony to a single family residence for Mr. Tribuna in the future. Mr. Vaccaro stated that he has been working with Mrs. Greenhalgh to address the list of items to complete the application and also to address the concerns and questions raised by other Departments, Committees and Boards.

Mr. Ojala provided a complete overview of the proposed site plan and drainage calculations to address possible erosion issues and drainage problems.

Mr. Ojala addressed the concern raised by Mr. Worthington of the distance from the leach pit to the well by clarifying that neither was being disturbed by the proposed plan.

Mr. Riemer asked about any Natural Heritage and Endangered Species impact and Mr. Vaccaro stated that the final outcome of the MESA review could be made a condition if the Site Plan was approved.

Carol Damico, 11 Parker Drive and a direct abutter questioned the retention area as it is within 4 feet of her property. She also requested that the Board continue this matter until she can get her property fully surveyed as she has had a dispute with Mr. Tribuna in the past about the property line. She also questioned the integrity of how the applicant is handling this matter and to be mindful of the how this may alter the quiet culture of Truro.

Jennifer Cohen, 10 Parker Dr. abutter and President of Tru Haven reviewed the information she submitted to the Planning Board on behalf of the Tru Haven Homeowner's Association via email on August 27, 2015. She emphasized her concern that this application may be a way of making incremental changes that would not be approved if the final project was known. She is asking for complete mitigation and remediation and in absence of that have the conditions discussed in the material submitted to the Board enforced.

The Planning Board expressed their grave concern as to the harm that has been done to the land and how the current plan does not address the loss of trees.

Mrs. Greenhalgh stated that to address the criteria, more information is needed including the response to the DPW concerns, the MESA review and a more comprehensive landscaping plan, especially in light of the steep slope to the land.

There was a short recess from 7:46-7:48 p.m.

Following the recess, the applicant informed the Board that he would be willing to put in a dense Leyland Cypress hedge along the top slope to provide screening.

The Planning Board again expressed its concern that the proper process was not followed and there were serious violations in terms of the changes to the property and surrounding area that were made by the cutting down of so many trees. Ms. Tobia suggested that the applicant talk to the neighbors about the plans and to come back with a more comprehensive plan that addresses the issues raised regarding drainage, the retention area, the fill that was brought in, the concerns raised by the DPW as well the concerns raised by the abutters concerning the loss of trees and the impact it will have on the abutting properties.

On a motion by Mr. Sollog and seconded by Mr. Worthington, the site plan review was continued to October 20, 2015, so voted 5-0-0.

#### **Truro Treasures, Temporary Sign Permits**

The applicant seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code for four (4) banner signs for Truro Treasures to be held September 18-20, 2015. The signs would be located on Route 6 southbound at the Pamet Roads Exit, at the Route 6/6A split, on the fence at the Truro Central School (317 Route 6), and at Standish Way on Route 6. The signs would be installed September 9 and removed September 21, 2015.

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the temporary sign permit request was approved, so voted 5-0-0.

#### **Payomet Performing Arts Center, Temporary Sign Permits**

The applicant seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code two (2) Temporary Signs (Sept 15 – Oct 15) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd) and for one (1) Temporary Directional Sign (Sept 15 – Oct 15) to be located at South Highland Rd at Old Dewline Rd.

Mr. Sollog disclosed that he is an employee of Payomet.

On a motion by Mr. Worthington and seconded by Mr. Boleyn, the temporary sign permit request was approved, so voted 5-0-0.

#### **The Truro Group, Temporary Sign Permits**

The applicant seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code for two (2) 21" x 8' banner signs for an Art Show to be held the month of October at the Truro Public Library. The signs would be located on Route 6 at Standish Way and at the Route 6/6A split. The signs would be installed October 1 and removed October 30, 2015.

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the temporary sign permit request was approved, so voted 5-0-0.

#### **Preliminary discussion regarding proposed changes to zoning related to the Seashore District**

Mr. Worthington reviewed the documents provided to Board members. A major proposed change is that residential site plan review will need to have the scale of the buildings in keeping with the scenic value and rural character throughout the Seashore, not just with the neighboring structures. Also, the applicant will need to submit a letter of review from the Secretary of the Interior.

This is a working document. At the September 22, 2015 Planning Board meeting, there will be further discussion of the proposed changes with other members working on this.



It was clarified that the hope is that this will become a warrant for the Annual Town Meeting and therefore the work will need to be completed by December.

Mr. Worthington and the other members working on this were thanked for their work.

**Public Comment Period:** The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

Paul Kiernan thanked the Board for considering his application to fill the vacancy and suggested that the public comment period be moved to the beginning of the meeting to encourage more participation from the public. He also suggested that a future agenda item include a rewrite of the by-laws so that they are clearer and more understandable for the general public.

**Review and Approval of August 18, 2015 Meeting Minutes:**

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the meeting minutes from August 18, 2015 were approved, so voted 4-0-1 (Mr. Worthington abstained).

**Discussion on Topics for Training Workshop and Proposed Dates**

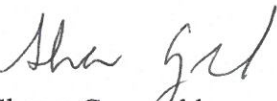
A list of proposed topics was reviewed per the August 31, 2015 memorandum from Mrs. Greenhalgh. The following were chosen:

- *Introduction to the Subdivision Control Law & ANR*
- *Introduction to the Zoning Act*
- *Writing Reasonable and Defensible Decisions*
- *Planning with Community Support*
- *Vested Rights and Non-Conforming Structures, Lots, Uses*
- *Special Permits & Variances*

In addition, Mrs. Greenhalgh suggested *Roles and Responsibilities of Planning and Board of Appeals*. Thursdays/ and or Fridays were identified as possible good days to hold trainings. Additional topics may be submitted to Mrs. Greenhalgh.

**Meeting adjourned 8:26 p.m.**

Respectfully Submitted,

  
Shawn Grunwald  
Recording Secretary

