

TOWN OF TRURO  
PLANNING BOARD  
Work Session Minutes  
February 12, 2020 – 2:30 pm  
Truro Town Hall

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

Members Absent: None

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner

Discussion took place regarding proposed Zoning Bylaw Amendments for Town Meeting in April.

Definition of a food truck, Use Table, Special Permit issued by the Zoning Board of Appeals, and parking was discussed by the Board for both Residential and Seashore districts. Town Planner Ribeiro stated that currently the only Special Permit this Board issues is for communications structures; use permits being moved to the Planning Board would be a general policy change. Adding a definition only was debated; Use Table referencing Special Permit and using the Footnote permitting to indicate how it now exists was discussed. Member Sollog stated that the Select Board provides the license and the conformity is through the Board of Health. Why not use them as the Boards for permitting and, only if it is a new use, consider having it go through Site Plan Review. Town Planner Ribeiro suggested some language that could be used for the Footnote. There was further discussion by the Board regarding Use Table, Special Permit and Footnote language. Number of parking spaces per food truck was reviewed as well as possible food truck locations and seasonal congestion in those areas. Member Sollog made a motion that the Board approve the wording of this Article and send it to the Select Board for review. Before voting, Chair Greenbaum brought up Member Kiernan's suggestion of adding to the Parking Table. This was discussed and the addition of two parking spaces to the Parking Table was agreed upon. Member Sollog moved to push this article forward with a second by Vice Chair Tosh. Voted all in favor. So voted: 7-0-0. Town Planner Ribeiro stated, just to be clear, that it is as written plus the parking. Chair Greenbaum replied with a yes.

The next Article regarding parking was read by Chair Greenbaum; Vice Chair Tosh moved to approve, and it was seconded by Member Herridge. Chair Greenbaum asked if there were any questions; there were none. Voted all in favor. So voted: 7-0-0.

Parking for the ADU, the next Article, was read by Chair Greenbaum. Member Kiernan asked to add the word conditioned to the criteria with reduced or waived and this was discussed. Town Planner Ribeiro suggested that adding conditions and decisions language, that provide after-the-fact triggers to require changes to the project, might not be the way to go. Further discussion of parking, possible neighbor objections, the need for two parking spaces, continued. Member Sollog stated that this Article gives some leeway to the parking requirement and it doesn't mean that the

Planning Board has to grant it; this just provides a little relief, and an avenue, to this Board to work around the problem. Member Sollog moved to forward this Article as written to the Select Board. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that the next ADU Article is for a reduction in paperwork. Town Planner Ribeiro asked the Board if this Article, as well as the next two, could be incorporated as one Article; they are all §40.2 Accessory Dwelling Unit, D. Procedure. This was discussed among the Board, but determined it was best to keep them separate for ease of public review. Chair Greenbaum moved to approve and the motion was seconded by Member Sollog. Voted all in favor. So voted: 7-0-0.

Concerning the ADU application submittal process, Member Kiernan asked about procedure, and meeting the requirements, if the Planning Board does not need to hear from the Board of Health, Conservation Commission, Zoning Board of Appeals – are those all conditions that we issue. Town Planner Ribeiro explained that the applicant still has to get their permits from the appropriate Board/Commission. Chair Greenbaum mentioned that there will be an addition to the procedures page saying we strongly recommend applicants confer with the Town Planner at the beginning of this process to determine in what order to approach this. Vice Chair Tosh moved to forward this revision, and it was seconded by Member Herridge. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum reiterated the next ADU Article, and the new and modified procedures were discussed. Vice Chair Tosh moved to forward this revision, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

The next ADU Article was the striking of language regarding appeal and was discussed by the Board. The elimination of this language was unanimous. Member Sollog moved to forward this Article to the Select Board, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that this next ADU Article was a housekeeping one. Town Planner Ribeiro stated that the Section should be 11, not 10, referencing the General Bylaws. He also stated that the Definition is no longer used in the Zoning Bylaw. The ADU Bylaw states that these Accessory Dwelling Units, if meet the other requirements, qualify for that general section of the Bylaws. Chair Greenbaum summarized that this Article is correcting the section referred to and removing unnecessary language. Vice Chair Tosh moved to forward this Article to the Select Board, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that the next two Articles refer to the number of paper copies. Vice Chair Tosh moved to forward both of these Articles to the Select Board, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that this next Article is an administrative correction which Town Planner Ribeiro confirmed. Vice Chair Tosh moved to forward this Article to the Select Board, and it was seconded. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that the next Article treats new construction the same as existing if it is inconsequential. No discussion. Vice Chair Tosh moved to forward this Article to the Select Board, and it was seconded. Voted all in favor. So voted: 7-0-0.

Town Planner Ribeiro stated that he would write up a cover letter, have Anne sign it, get together the Notice, and file it with the Clerk. The Hearing will be March 4.

Regarding long-term goals, Member Kiernan stated that every decision the Zoning Board of Appeals makes states that it is with the intent and purpose of the Bylaw, yet the intent and purpose of the Bylaw is never actually spelled out. Member Kiernan further stated that it has already been spelled out within the seashore's house size limitation bylaw. Member Kiernan quoted a portion of the Truro Zoning Bylaw, §50.2.D. Building Gross Floor Area for the Residential District approved in 2018: "...the intention and purpose of this Bylaw, which is to promote the health, safety, convenience, and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro." Chair Greenbaum asked Member Kiernan to verify that he is stating that this is some potential good language, and consistent language. Town Planner Ribeiro stated that there is a Purpose statement. Chair Greenbaum further asked if Member Kiernan is trying to get language in so the ZBA has to show in writing how their decision meets this and is consistent. Member Kiernan stated Member Riemer commented that there should be actual findings. Member Herridge stated the ZBA should be balancing the interests of the Town against the interests of capital. Chair Greenbaum stated that this is a good idea, and it is a good goal to have rationale laid out for each decision. Member Herridge stated that he believes the ZBA needs to know that when they are deciding things, they are going to have to put on paper why it is okay to do a certain thing that is against our Bylaws and why it is still better for the people of the Town. Vice Chair Tosh stated that she agreed with Member Herridge but the Planning Board couldn't legislate how the ZBA does their findings. She believes the decisions should be detailed. Another Member stated there should be a bylaw. Chair Greenbaum stated that we are not going to do it for this year's Town Meeting and added it to long-term goals. Member Herridge restated that it is the issue of balancing between the interests of the Town and the interests of the applicant and having findings of fact and putting them on paper so the Judge can read them. Chair Greenbaum further stated so that the people in Town understand their thinking. Member Kiernan stated that this is also for future ZBA members to understand what and why. Chair Greenbaum stated that for next year they should have three main goals, and this is one of them, so the rules are clear. Member Riemer asked that absent findings, doesn't that make a decision more vulnerable? Town Planner Ribeiro stated that when he read the extent of the Special Permit review criteria, he realized there should be more detailed review criteria. He will provide some examples to the Board.

Chair Greenbaum commented on short conversation and to continue talking about a community-wide housing conversation in a proactive way. She stated that she was going to meet with Kevin Grunwald, Housing Authority. Chair Greenbaum asked for thoughts about a possible work session after Town Meeting; brainstorming on moving forward in getting an inclusive conversation about the Town, what do we want to protect in the Town, denser housing, all leading to the Town making intentional decisions and including the Planning Board. Member Sollog stated he thought engaging the public was a good idea and having forums to discuss the future of Truro. Chair

Greenbaum asked if it made sense to gather a few of the people who were already involved in this with the Planning Board for a work session? Town Planner Ribeiro referenced a point brought up by Member Riemer regarding the Open Space and Recreation Plan Update, which is a State mandated plan. There was a survey done, and something similar is being worked on as part of the Local Comprehensive Plan. The first thing being done as part of the Local Comprehensive Plan process is reaching out to all the different groups and collecting a bullet list of what everyone is doing. Then the first step will be determined and possibly involve a community visioning session. That information will direct the Local Comprehensive Plan going forward.

Town Planner Ribeiro and Chair Greenbaum have already discussed that out of the Local Comprehensive Plan there will be many things for the Planning Board to act on. Also, having a more targeted discussion on housing can continually be addressed at the same time with the Housing Authority and the public involved.

The Walsh property and the Walsh Property Community Planning Committee were discussed regarding Planning Board representation. Member Kiernan stated that there should be someone on the Committee conversant with the law in Town and with State law and Title 5. Chair Greenbaum stated that she believes that is the thinking with their plan to have liaisons from, for example, the Board of Health and the Planning Board, involved in this. Town Planner Ribeiro believes the Consensus Building Group is designing that process, but he is unsure of status and will find out for the Board.

Member Sollog asked about reaching out and connecting with other Boards and how to provide more interaction with Boards that are doing similar work. Chair Greenbaum asked how do we want to move forward with this bigger community-wide conversation around housing and are there representatives of other Boards or groups that we would like to sit down with to collectively think about how to move forward. Also, what techniques are used in community thinking. The Board discussed these questions and the information they would like to see. On the list of potential groups are Board of Health, Assessor for data, Highland Trust, Local Comprehensive Plan, Open Space, School Committee, COA, Disability Commission, Part-Time Residents.

Member Kiernan asked if we were waiting for the Cloverleaf peer review. Town Planner Ribeiro responded yes. Member Kiernan then asked about the DPW status. Town Planner Ribeiro stated there is no permit application, and that it would not be coming before this year's Town Meeting. Member Kiernan asked where he could find a copy of the DPW location study done for the Select Board. Town Planner Ribeiro stated he would look for it. Member Riemer stated that at last night's Select Board meeting it was found out that the Town might be able to potentially locate a source of water by using Snow's Field, and possibly supplying that water to Town Hall, and remove the contamination issue with regard to keeping the DPW here. Member Sollog stated that it was brought up to use a remote well for Town Hall. Member Riemer stated he was told that it was considered in the past but never pursued. Town Planner Ribeiro stated that the letter was submitted but with some concerns, such as you cannot have a Zone 1 with a playing field in it. The playing field would have to be removed if the public well were to go there.

Regarding clean fill, the Board could address it in the next couple of weeks. Member Riemer would like to see more percentage of site coverage information of which Town Planner Ribeiro

thought he could do some analysis as this was done in Provincetown. From this analysis, he thought the Board could then extrapolate some average or some medium and start looking at what that would look like as a dimensional regulation or a standard across the Town. Member Sollog stated he thought this would make the House-Size Amendment make sense for the small lot size.

Chair Greenbaum summarized the long-term goals list: housing issue, street definition, site coverage, and the ZBA decision criteria. Member Kiernan suggested that this decision criteria be applied to both the ZBA and Planning Boards. Town Planner Ribeiro offered to provide the Board with Wellfleet's special permit criteria for their review.

Member Kiernan stated he was waiting for the Board of Health regulations in Word for his own personal use. Chair Greenbaum suggested she could convert .pdf to Word for him. She stated that the converted format isn't always great but that it would serve his purpose. Word documents aren't generally distributed to avoid corruption of the original.

Chair Greenbaum asked if they had site visits on Tuesday. Town Planner Ribeiro responded yes and that he will verify 4H Bay View Road/3 Laura's Way. Chair Greenbaum stated 2:30 site visit on the 18<sup>th</sup>. Member Kiernan asked if Town Planner Ribeiro could ask them, or get an explanation, on a couple of things: (1) who owns the "v" in the road on Laura's Way; (2) who owns the "v" in the road on Sawyer Grove Road; (3) what are the conditions for the Homeowners Associations on the two; and (4) could they explain why the plan that is registered with the County on Laura's Way has no Planning Board signatures or date on it. Town Planner Ribeiro stated that the answer to that is that it was constructively approved because the Planning Board didn't act within the appropriate timeframes. Member Kiernan stated he would like for them to tell them the circumstances why it was constructively approved because he believes the Board ran out the clock; instead of doing it in 135 days they did it in 137 days; and after the Board found out it was constructively approved they brought it up again and denied it. The Court said that they had approved it and no longer had any say. Town Planner Ribeiro stated he would be preparing comments and they would have them in their packets on Friday. Also included would be a memo from 2016 prepared by KP Law the last time that they tried to subdivide these parcels.

Regarding the Schirmer property, Town Planner Ribeiro needs to get together with John O'Reilly and the Fire Chief, so that may be continued again. He will get time extensions if necessary.

A tentative date for the next work session is Wednesday, February 26 at 2:30 pm.

Member Riemer asked if they were going to discuss contacting the Department of the Interior. Chair Greenbaum stated no because Karen had to leave so they will get back to that one.

Chair Greenbaum then asked if she could have a motion to adjourn. Member Sollog so moved with a second by Member Boleyn. Meeting adjourned.

Respectfully submitted,



Elizabeth Sturdy

