

TRURO PLANNING BOARD AGENDA
TUESDAY, September 8, 2015 - 5:30 pm
Truro Town Hall, 24 Town Hall Road, Truro

5:30 pm – Joint meeting with the Board of Selectmen: Planning Board joint discussion with the Board of Selectmen to Review and Vote on Applicants to fill the current Planning Board vacancy.

6:00 pm – Regular Meeting of the Planning Board

Site Plan Review – Public Hearings

6:00 pm 2015-005SPR Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E., seeks approval of an 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

6:00 pm 2015-006SPR Michael A. Tribuna, Trustee, c/o Christopher R. Vaccaro, Esq., 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.

Temporary Sign Permits

Truro Treasures, 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.

Payomet Performing Arts Center, 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.

The Truro Group, 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.

Preliminary Discussion: Preliminary discussion with the Planning Board regarding proposed changes to zoning related to the Seashore District.

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.

Review and Approval of Meeting Minutes: August 18, 2015

Discussion on Topics for Training Workshop and Proposed Dates

Meeting Dates and *Other Important Dates:*

- September 22, 2015 – Regular Meeting
- October 6, 2015 – Regular Meeting
- October 20, 2015 – Regular Meeting
- November 6, 2015 (Wed) – Reg. Meeting

Adjourn

Memorandum

Charleen L. Greenhalgh, ATA/Planner
Town of Truro

August 31, 2015

To: Planning Board
From: Charleen Greenhalgh, Assistant Town Administrator/Planner
Re: Joint Meeting with Board of Selectmen – Vote to fill Vacancy

On September 8, 2015 at 5:30 pm there will be a joint meeting of the Planning Board and the Board of Selectmen to vote to fill the vacancy on the Planning Board.

Pursuant to MGL c.41, §81-A, “*A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term, in a city, in the same manner as an original appointment, and in a town, if the members of the board are appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.*” (Underline added.)

Attached please find copies of the Applications to Serve for each of the candidates. Mr. Kiernan was interviewed by the Planning Board on July 21st and Mr. Fishman was interviewed by the Planning Board on August 4th.

The unexpired term for the Planning Board member who resigned was sent to end in May 2016.

If you have any questions prior to the meeting, please do not hesitate to contact me.



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666
Tel: (508) 349-7004 Fax: (508) 349-5505

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: RICHARD FISHMAN HOME TELEPHONE: [REDACTED]
ADDRESS: [REDACTED] WORK PHONE: [REDACTED]
MAILING ADDRESS: [REDACTED] E-MAIL: [REDACTED]
FAX:

MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: PLANNING BOARD

APPOINTMENT UNTIL ELECTION AT WHICH POINT I WOULD RUN FOR THE SEAT

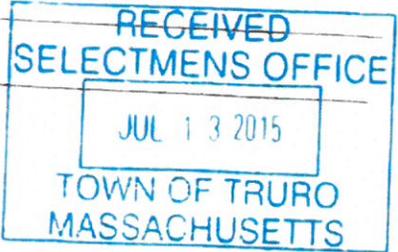
SPECIAL QUALIFICATIONS OR INTEREST: BACKGROUND IN ARCHITECTURE; DEEP INTEREST IN TOWN AND ITS CHARACTER, ABILITY TO WORK ON BOARDS, EXPERIENCE ON TOWN AND NON-TOWN, NON PROFIT BOARDS TOTALLING ABOUT 15 YEARS; DESIRE TO SEE P.B. SERVE NEEDS OF ALL TOWNSPEOPLE

COMMENTS: I HAVE OWNED PROPERTY OR LIVED IN TRURO FOR 7.5 YEARS AND HAVE BEEN COMING TO TRURO SINCE I WAS TEN OR ELEVEN. I WOULD LIKE TO SERVE THE TOWN IN THIS CAPACITY, AND I WOULD LIKE TO SEE THE PLANNING RETURN TO A PLACE OF HIGHER RELEVANCE AND RESPONSIVENESS TO NEEDS OF →

SIGNATURE: [Signature] DATE: 13 JULY 2015

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL)

SIGNATURE: _____ DATE: _____
INTERVIEW DATE: _____ APPOINTMENT DATE (IF APPLICABLE): _____



RESIDENTS AND OWNERS, POOR AND WEALTHY ALIKE.
I AM CONCERNED ABOUT THE PERCEPTION OF A LACK OF
BALANCE AND FAIRNESS; AN IMPRESSION THAT THE P/B
IS TILTING TOWARD DEVELOPERS' INTERESTS. I AM ALSO
ACTIVE IN LOW-COST HOUSING ISSUES. I HAVE BUILT ONE
HOUSE IN TAURO FROM SCRATCH AND AM CURRENTLY RENOVATING
MY CURRENT RESIDENCE. I AM FAIR, A GOOD LISTENER,
RESPECTFUL, INTELLIGENT AND CARING.
THANK YOU FOR YOUR CONSIDERATION





TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: PAUL KIERNAN HOME TELEPHONE: [REDACTED]
 ADDRESS: [REDACTED] WORK PHONE: [REDACTED]
 MAILING ADDRESS: [REDACTED] E-MAIL: [REDACTED]
 FAX: [REDACTED] MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: _____

PLANNING BOARD

SPECIAL QUALIFICATIONS OR INTEREST: I HAVE A BACKGROUND IN ENGINEERING AND ECONOMICS. WAS TWICE ELECTED TO PLANNING BOARD AND SERVED AS SECRETARY, VICE-CHAIR & CHAIR. I AM FAMILIAR WITH STATE & LOCAL ZONING LAW.

COMMENTS: _____

SIGNATURE: _____ DATE: _____

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL) _____

SIGNATURE: _____ DATE: _____
INTERVIEW DATE: _____ APPOINTMENT DATE (IF APPLICABLE): _____

RECEIVED
SELECTMENS OFFICE
JUN 09 2015
TOWN OF TRURO
MASSACHUSETTS



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
assttownadm@truro-ma.gov

To: Planning Board
From: Charleen Greenhalgh, ATA/Planner *CGH*
Date: August 31, 2015
Re: Commercial Development Site Plan Review – Report #2

2015-005SPR Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E., seeks approval of an 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.

The Planning Board opened a public hearing on this matter on Tuesday, August 4, 2015. No testimony was taken and the hearing was continued to September 8, 2015 at 6:00 pm.

Description

The applicant seeks to relocate an existing manager's unit into a new accessory building that would also house a storage garage. The application and plans were filed on July 1, 2015. On July 10, 2015 I reviewed the application and plans and submitted a letter of review to Richard Waldo. Additional information, including a new set of plans, was filed on July 24, 2015. The information provided includes the following:

1. Application dated June 30, 2015 (received by the Town Clerk on July 1, 2015.)
2. Letter dated July 1, 2015 from Richard Rodricks, Trustee of Terrace Dunes Realty Trust.
3. Letter dated June 30, 2015 from Richard J. Waldo, P.E., Re: Waiver from Landscaping Plan.
4. Letter dated July 18, 2015 from Richard J. Waldo, P.E., Re: Site Plan Review Waivers.
5. Certified Plot Plan, Location: 179 Shore Rd., Truro, MA, prepared for Terrace Dunes Resort Condominium, Scale 1" = 50', Date May 1, 2015, stamped by Philip O. Scholomiti, Ryder & Wilcox.
6. Existing Site Plan, Located at 179 Shore Road, North Truro, MA, as prepared for Terrace Dunes Realty Trust, Scale 1" = 40', dated February, 2015, stamped by Richard J. Waldo, P.E. dated July 18, 2015, Sheet 1.
7. Proposed Site Plan, Located at 179 Shore Road, North Truro, MA, as prepared for Terrace Dunes Realty Trust, Scale 1" = 40', dated February, 2015, stamped by Richard J. Waldo, P.E. dated July 18, 2015, Sheet 2.
8. Managers Unit, 179 Shore Road, North Truro, MA, TMS Design, Scale 1/8"=1'-0", Dated April 15, 2015, Ground Floor (Garage) and Second Floor Plan, Sheet A1.
9. Managers Unit, 179 Shore Road, North Truro, MA, TMS Design, Scale 1/8"=1'-0", Dated April 15, 2015, North Elevation, East Elevation, South Elevation and West Elevation, Sheet A2.

Waivers: The following waivers have been requested, per the application. The explanations for the each request can be found on the July 18, 2015 letter from Mr. Waldo:

- 1) §70.3.b – Existing Condition Plan
- 2) §70.3.c.3 – Parking, Consistent with §30.9.
- 3) §70.3.c.12 – Lighting Degree of Illumination
- 4) §70.3.c.15 – Parking and Driveway Cross-sections
- 5) §70.3.f – Project Estimate
- 6) §70.3.F.9 – Soil Erosion Plan

Completeness of Application

There are a few minor items. Please see Additional Staff Comments below.

Comments from Other Boards/Committees/Departments

Health/Conservation: Please see attached memo from the Health/Conservation Agent, Patricia Pajaron dated July 23, 2015.

Building: Please see attached email from the Building Commissioner, Russ Braun dated 07/09/2015. In addition to this email, Mr. Braun also noted that “there are not two means of egress from the dwelling. In addition the one egress that you do have dumps into the garage. Might want to rethink this.”

Police: Please note that on July 8, 2015, Chief Kyle Takakjian had no comments.

Additional Planning Staff Comments

- 1) This was advertised in the *Banner* on July 17, 2015 and July 24, 2015 and abutters were notified via regular mail on July 17, 2015.
- 2) On July 10, 2015, I reviewed the plans and application. At that time I forwarded a copy of my review to Mr. Waldo. Many of my questions/comments were addressed; however, several were not addressed and I share them with the Board as follows:
 - a. §70.3.c.1 – Requires the identification of each building and its use(s). The new structure is labeled “Proposed Garage (1 Unit – 2 BR).” It should be labeled as “Proposed Garage/Manager’s Unit (1 Unit – 2 BR).” In addition, nowhere on the plans or the application does it indicate what “use” will take the place of the existing manager’s unit in the existing building.
 - b. §70.3.c.3 – A waiver has been requested from the parking requirements. As far as I can tell, no waiver is needed as there is more than the required number of spaces shown for the existing and proposed uses. The parking as shown would be grandfathered.
 - c. §70.3.c.9 – Distances to nearest curb cuts (both side of the road) have not been provided.
 - d. §70.3.c.12 – A waiver has been requested from the “Lighting Degree of Illumination.” On the plan there is a note indicating three (3) street lamps; however, I can only locate two (2).
- 3) The Board should review §70.3.F – Review Criteria/Design Guidelines and §70.3.G Finding of the Planning Board, which are noted below.
- 4) Should the Board approve this request, it should be conditioned to the necessary relief being obtained from the Zoning Board of Appeals and items outlined in Ms. Pajaron’s memo dated July 23, 2015.

Board Action

§70.3 Commercial Development (Subsections A, F and G are provided below):

A. Commercial Site Plan Review is required for:

- 1. Any construction, alteration, expansion, or modification of any properties, structures, and uses other than that of single or two family residences and their accessory uses and structures.*
- 2. All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.*

F. Review Criteria/Design Guidelines

The Planning Board will review applications and their supporting information based on the following:

- 1. The proposal is in conformity with all applicable provisions of the Zoning Bylaw.*
- 2. The proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.*
- 3. The proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.*
- 4. The proposal provides for the protection of significant or important natural, historic, or scenic features.*
- 5. The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.*
- 6. The proposal adequately provides for refuse disposal.*
- 7. The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use.*
- 8. The proposed drainage system within the site shall be adequate to handle the runoff resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.*
- 9. A soil erosion plan shall adequately protect all steep slopes within the site and control runoff to adjacent properties and streets both during and after construction.*
- 10. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.*
- 11. Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.*

12. *Electric, telephone, cable, and other such utility lines and equipment shall be placed underground.*
13. *The project shall not place excessive demands on Town services.*
14. *The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.*
15. *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.*
16. *A bicycle rack(s) shall be provided on the site and shall be located near the entrance to the building(s).*

G. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Commercial Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.

Board Vote Options

1. Move to approve the Application for Commercial Development Site Plan Review for **Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E.**, (Case #2015-005SPR) 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. This is based on the fact that the review criteria/design guidelines in §70.3.F have been satisfied.
2. Approve the Application for Commercial Development Site Plan Review for **Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E.**, (Case #2015-005SPR) with conditions (*need to specify reasonable conditions*) 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. This is based on the fact that with the imposed conditions, the review criteria/design guidelines in §70.3.F have been satisfied.
3. Move to not approve the Application for Commercial Development Site Plan Review for **Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E.**, (Case #2015-005SPR) pursuant to §70.3 (previously §70.2) of the Truro Zoning By- 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. Based on the finding that (*need to choose one of more of the following*) (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.



**Health/Conservation Agent
Town of Truro**

Phone: (508) 349-7004 ext. 32

Fax: (508) 349-5850

MEMO

RECEIVED
JUL 23 2015

BY: *C&H*

To: ATA/Planner Charleen Greenhalgh

From: Patricia Pajaron *PP*

CC:

Date: July 23, 2015

Re: Development Application Referral, Terrace Dunes Realty Trust, 179 Shore Rd

I have reviewed the Development Application Referral packet for a proposed accessory building containing a storage garage and manager's unit for Terrace Dunes, 179 Shore Road and offer the following comments:

CONSERVATION

I reviewed the OLIVER: MassGIS's Online Mapping Tool on MassDEP's website regarding the location of the property and mapped wetlands. The map did not show any wetlands on or abutting this property. The applicant can submit a request for determination filing with the Commission for a final determination whether the work proposed or area is subject to the Wetlands Protection Act. A portion of the NHESP mapped priority and estimated habitat may lie within the property rear building setback line.

HEALTH

This is an existing 30 unit 30 bedroom motel served by Town Water and a septic system installed in 1984 for a design flow of 3,444gpd. Submitted with the packet is a proposed site plan prepared by Richard Waldo, P.E., dated 7/18/15 showing a proposed garage/ 2 bedroom unit and the existing motel building with a proposed reduction in units and bedrooms from 30 to 29. A proposed septic system is shown to serve the new garage/manager's unit. The northeast corner of this lot abuts the Truro/Provincetown Water Supply Area.

Because there is an increase in the design flow (30 to 31 bedrooms) above the existing approved capacity, the requirements for new construction* per Title 5 would apply. Title 5 defines approved capacity as "the capacity of a 1978 Code system reflected by the sewage flow as shown on the Disposal Works Construction Permit Application or as shown on the Certificate of Compliance, whichever is less for that system and not the

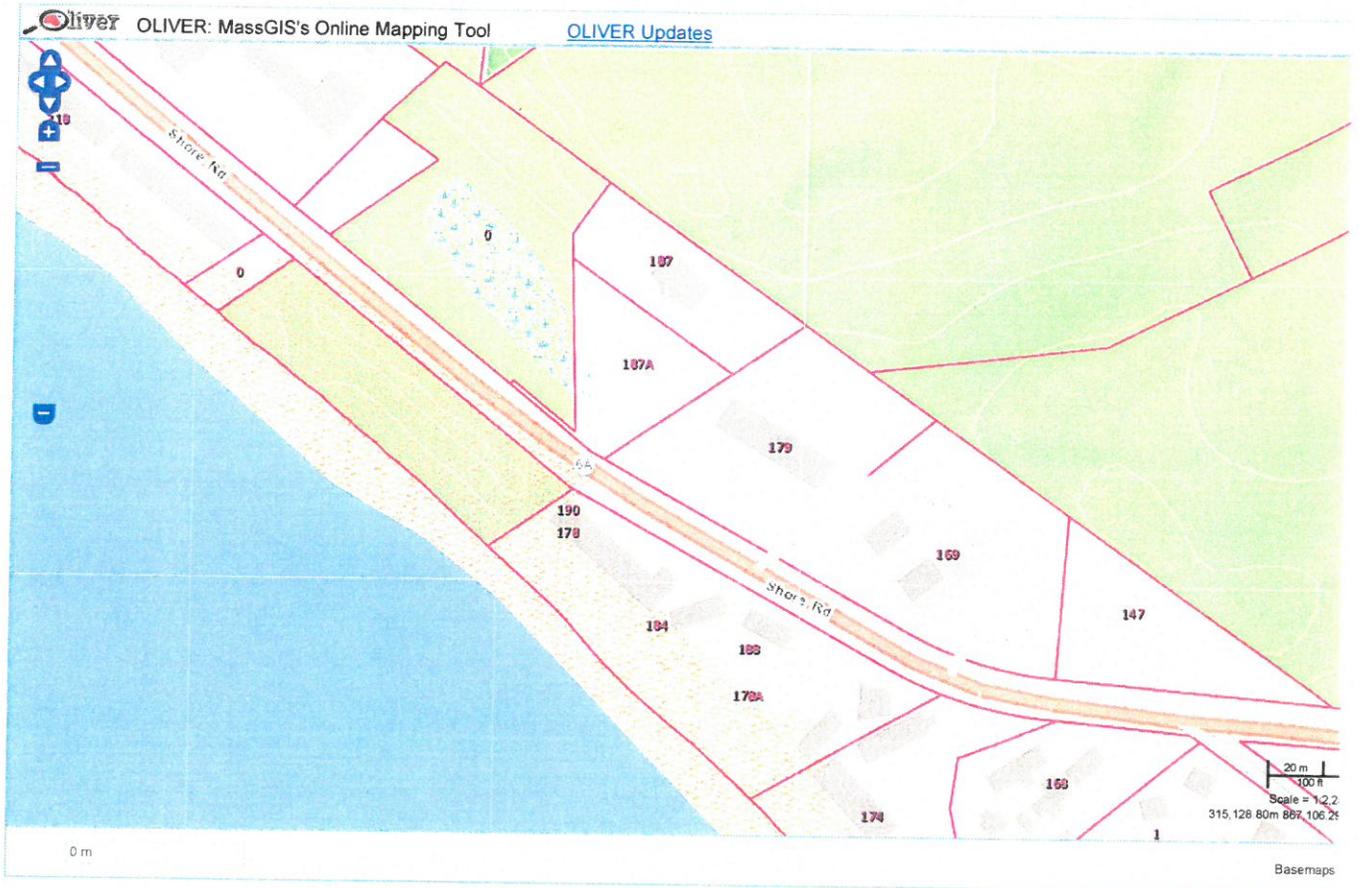
calculated capacity based on 1978 Code loading rates which may account for overdesign or safety factors. For a system designed in accordance with 310 CMR 15.000, the approved calculated capacity is based on the loading rates found at 310 CMR 15.242." The design flow figure has been left blank on Disposal Works Construction Permit #85-85. When the design flow figure is missing or there is an error on the DWCP for a system installed under the 1978 Code, I refer to Truro BOH Regulation Section VI, Article 9 -Existing Systems Serving New Construction

In accordance with the policy established by the Massachusetts Department of Environmental Protection, for systems designed and approved prior to March 31, 1995, the Truro Board of Health shall determine the "approved capacity" of a system, as that term is used in 310 C.M.R. 15.352 and elsewhere in Title 5, by reviewing only the Design Flow figure shown on the face of the Disposal Works Construction Permit issued at the time of original approval of said system. The Design Flow for said systems shall not be determined by reviewing the size of the system actually installed on the property, or by looking at the plans that were approved as part of the original permit. Rather, the only proper determination of "approved capacity" shall be made by reading the Design Flow figure shown on the face of the approved permit.

If the original permit cannot be located, or if it is determined by the Board of Health that there is an error in the Design Flow figure shown on the original permit, the "approved capacity" of said system may be determined by a review of the existing use of the facility (i.e., existing bedroom count; existing restaurant seats; existing retail space, etc.), as determined by the Truro Health Agent. If the applicant is aggrieved by said determination of the Health Agent, the determination may be appealed to the Board of Health for further review and determination.

The aggregate flow for this facility exceeds 2000gpd, therefore all subsurface sewage treatment and disposal systems will have to employ pressure distribution. A proposed floor plan prepared by Thomas Simkins, TMS Design shows a master bedroom and office (considered a bedroom) on the second floor of the garage. A floor plan of the existing motel should be submitted showing how the manager's unit will be eliminated.

The new water service serving the proposed garage/manager's unit will require review and approval through the Truro BOH and BOS and the Provincetown Water and Sewer Board.



From: Russ Braun <rbraun@truro-ma.gov>
To: Charleen Greenhalgh <assttown@truro-ma.gov>
Date: 07/09/2015 10:04 AM
Subject: 179 Shore Rd.

Charleen

I cannot find in our files the special permit (if there was one) for the condo conversion. It is conceivable that it was done prior to the bylaw enactment. It appears to be one of the originals. Also, regardless of the fact that it appears that the number of units is not increasing, it is an extension of the preexisting nonconforming use(density) so zoning relief will be required. The question is whether or not it needs to happen prior to, after, concurrent with site plan review.

Russell Braun
Building Commissioner
Town of Truro





Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

COMMERCIAL DEVELOPMENT APPLICATION FOR SITE PLAN REVIEW

Date 6/30/15

To the Town Clerk and the Planning Board of the Town of Truro, MA

The undersigned hereby files an application with the Truro Planning Board for the following:

- Site Plan Review** pursuant to §70.3 of the Truro Zoning By-law (Complete I, II & III)
- Waiver of Site Plan Review** pursuant to §70.9 of the Truro Zoning By-law (Complete I & III)

I. General Information

Description of Property and Proposed Project Relocate Manager's Unit to a proposed accessory building containing a storage garage and manager's unit

Property Address 179 Shore Road Map(s) and Parcel(s) 21-2-0-R

Registry of Deeds title reference: Book 6299, Page 309, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Richard J. Waldo, P.E.

Applicant's Legal Mailing Address P.O. Box 147, North Truro, MA 02652

Applicant's Phone(s), Fax and Email (617) 620-6037, RWALDO20@GMAIL.COM

Applicant is one of the following: (please check appropriate box)

- Owner Prospective Buyer* Other* *Written Permission of the owner is required for submittal of this application.

Owner's Name and Address Terrace Dunes Realty Trust, 179 Shore Road

Representative's Name and Address Richard Rodricks

Representative's Phone(s), Fax and Email _____

II. Waiver(s) Request – Waivers from any of the items listed in §70.3.D, must be identified below and a separate sheet shall be attached indicating in detail the reason for said waiver(s) pursuant to §70.3.D. *Note that items 1(a-d), 2 and 3.a (1 – 6) of §70.3.D shall not be waived.*

- 1.e: 3 copies of drainage calculations
- 3.b: Existing Conditions Plan (specific waiver requests and reason must be attached)
- 3.c: Proposed Conditions Plan (specific waiver requests and reason must be attached)
- 3.d: Proposed Landscaping Plan (specific waiver requests and reason must be attached)

III. Signature(s)


Applicant(s)/Representative Signature

Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

July 1, 2015

Truro Planning Board
P.O. Box 2030
Truro, MA. 02666

RE: Site Plan Review Application

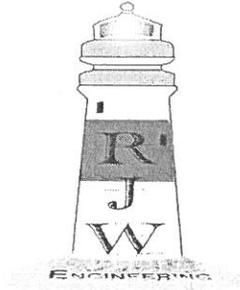
To whom it may concern,

I, Rick Rodricks, Trustee of Terrace Dunes Realty Trust give permission to Richard J. Waldo, P.E. our engineer of record permission to submit a Site Plan Review application on our behalf to the Town of Truro Planning Board.

Respectfully,

A handwritten signature in cursive script that reads "Richard Rodricks". The signature is written in black ink and is positioned above the printed name.

Richard Rodricks
Terrace Dunes Resort
179 Shore Road



June 30, 2015

Town of Truro
Planning Board
Truro Town Hall

Re: Waiver From Landscaping Plan

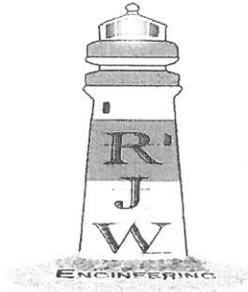
Dear Planning Board:

I am requesting a waiver from the applications requirement relating to a proposed landscaping plan as part of the submission to site plan review for a proposed accessory building at the Terrace Dunes Resort, 179 Shore Road. The proposed structure will have minimal impact to the existing site conditions.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. J. Waldo'. The signature is fluid and cursive, with a long, sweeping underline.

Richard J. Waldo, P.E.



July 18, 2015

Charleen L. Greenhalgh
Assistant Town Administrator & Town Planner
Town of Truro

Re: Site Plan Review Waivers

Dear Ms. Greenhalgh:

Pursuant to the requirements of §70.3.E I am requesting the following waivers from site plan review requirements for the proposed project at the Terrace Dunes Resort, 179 Shore Road:

§70.3.b. – Existing Conditions Plan

Applicant seeks waiver from existing floor plans of the manager's unit as no significant change will occur to the existing condition.

§70.3.c.3. – Parking, Consistent with §30.9

Applicant seeks waiver from parking requirements as they are pre-existing non-conforming and there is no proposal to increase number of units.

§70.3.c.12. – Lighting Degree of Illumination

Existing lighting is to remain unchanged with the exception of an entry light at the proposed Manager's Unit.

§70.3.c.15. – Parking and Driveway Cross-sections

No change is proposed to the driveway or parking area.

§70.3.f. – Project Estimate

Structural Plans have not been developed to determine an accurate project estimate.

§70.3.F.9 – Soil Erosion Plan

Minimal change to existing topography and will not result any erosion.

Respectfully submitted,

Richard J. Waldo, P.E.

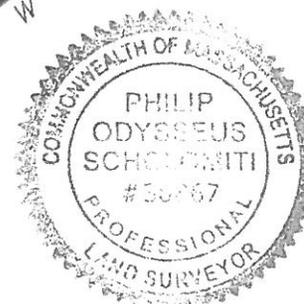
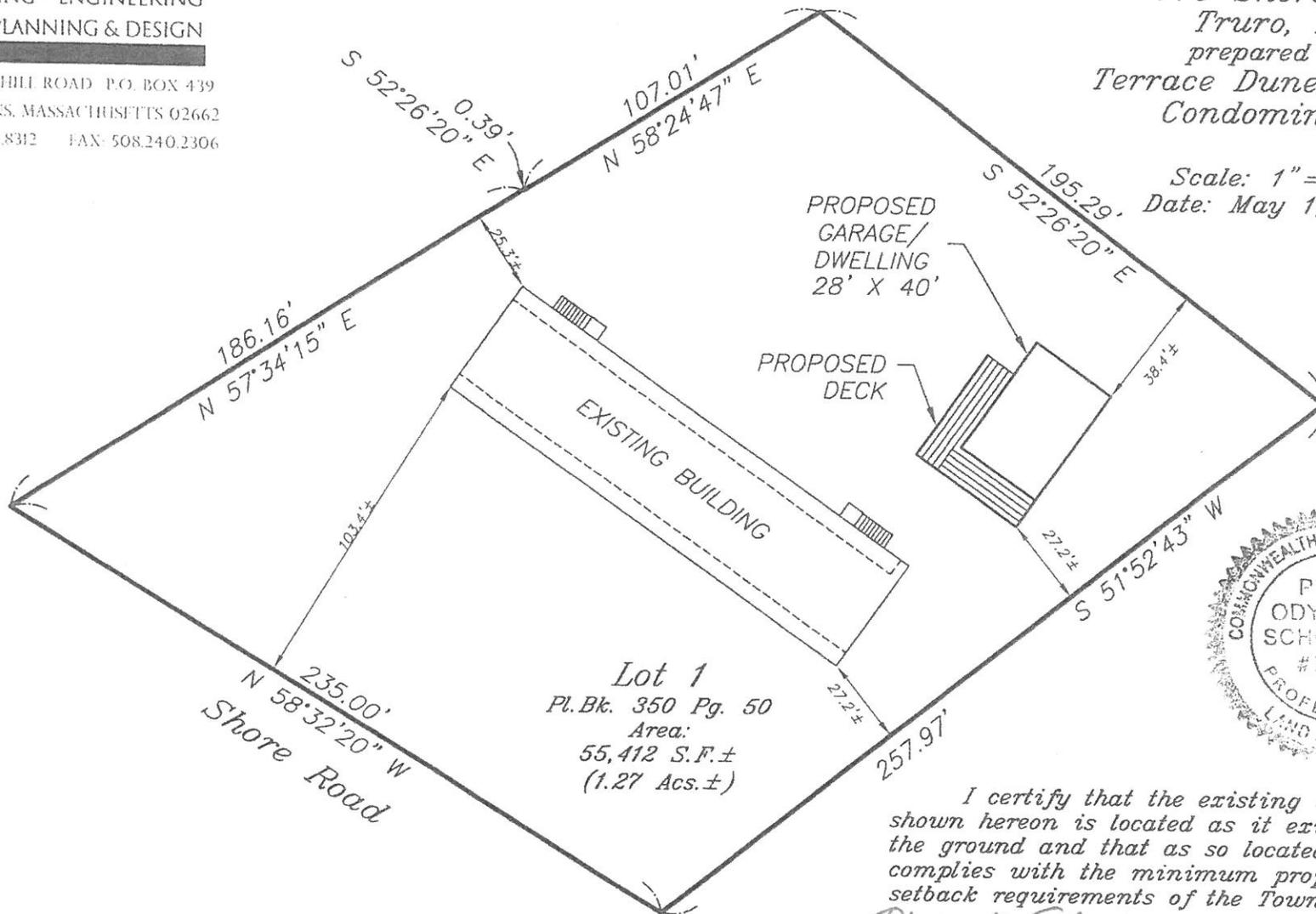
Ryder & Wilcox

SURVEYING · ENGINEERING
HOME PLANNING & DESIGN

3 GIDDIAH HILL ROAD P.O. BOX 439
SO. ORLEANS, MASSACHUSETTS 02662
TEL: 508.255.8312 FAX: 508.240.2306

Certified Plot Plan
Location:
179 Shore Rd.
Truro, MA
prepared for
Terrace Dunes Resort
Condominium

Scale: 1" = 50'
Date: May 1, 2015

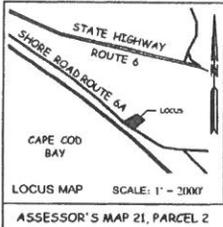


I certify that the existing building shown hereon is located as it exists on the ground and that as so located it complies with the minimum property line setback requirements of the Town of Truro.

Philip O. Schlorfanti Date: 5/1/15
Professional Land Surveyor

Reference:
Assr's. map 21 Pcl. 2-0

Job No. 11492



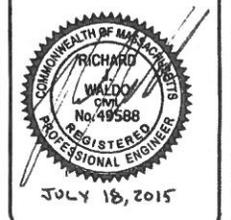
GENERAL NOTES
1. PLAN IS FOR PERMITTING ONLY.

REFERENCE:
PLAN BOOK 350 PAGE 50

EXISTING SITE PLAN
LOCATED AT
179 SHORE ROAD
NORTH TRURO, MA.
AS PREPARED FOR
TERRACE DUNES REALTY TRUST

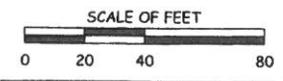
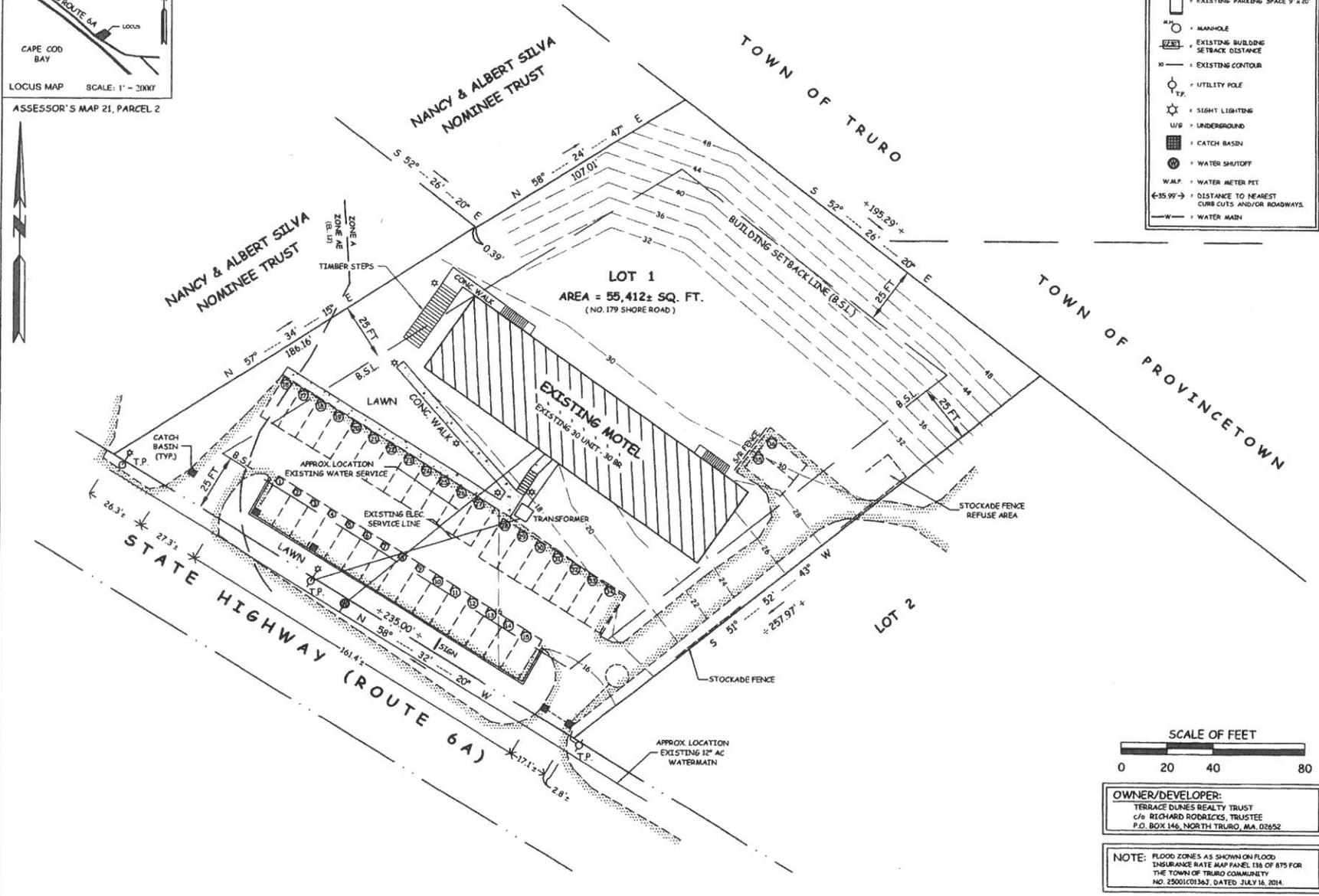
No.	Revision/Issue	Date
1	SITE PLAN REVIEW	7/18/15

RICHARD J. WALDO
PROFESSIONAL CIVIL ENGINEERS
P.O. BOX 147, NORTH TRURO,
MASSACHUSETTS
(617) 620-6037



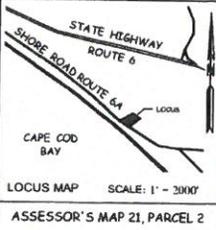
TERRACE DUNES
FEBRUARY, 2015
SCALE: 1" = 40'

1



OWNER/DEVELOPER:
TERRACE DUNES REALTY TRUST
c/o RICHARD RODRICKS, TRUSTEE
P.O. BOX 146, NORTH TRURO, MA. 02652

NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 136 OF 875 FOR THE TOWN OF TRURO COMMUNITY NO. 25001C01362, DATED JULY 16, 2014.



EXISTING SITE LIGHTING:

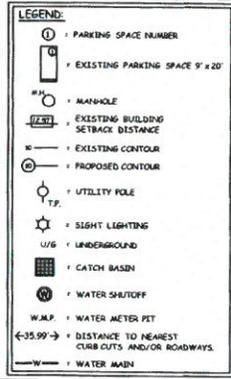
- THREE (2) EXISTING STREET LAMPS DIRECTED TOWARDS BUILDINGS AS SHOWN WITH SYMBOL:
- FOUR (4) LOW LIGHTS (APPROX. 1 FT. ABOVE GROUND) LOCATED AS SHOWN WITH SYMBOL:
- ONE (1) DOWN LIGHT LOCATED NEXT TO EACH UNIT ENTRANCE AT HEAD HEIGHT, NOT SHOWN FOR CLARITY.

PROJECT DESCRIPTION:

- RELOCATE MANAGER'S UNIT FROM MOTEL TO PROPOSED ACCESSORY BUILDING COMPOSED OF A GARAGE AND THE MANAGER'S UNIT
- CONSTRUCT EXTERIOR DECK AND ESSELS OF PROPOSED MANAGER'S UNIT
- INSTALL 2 BEDROOM SEPTIC SYSTEM FOR ACCESSORY BUILDING

ZONING NOTES:

- THIS PROPERTY IS LOCATED IN ZONING DISTRICT BEACH POINT LIMITED BUSINESS.
- DATUM = MEAN SEA LEVEL
- MAP 21, PARCEL 2 AREA = 25,425 SQ. FT.
- MOTEL:**
EXISTING: 30 UNITS - 30 BEDROOMS (1 MANAGER UNIT)
PROPOSED: 29 UNITS - 29 BEDROOMS
- GARAGE:**
EXISTING: NONE
PROPOSED: 1 UNIT - 2 BEDROOMS
- EXISTING PAVING SPACES:**
TOTAL: 40 SPACES (16 D, 24 EXISTING)
PROPOSED: 16 SPACES (PROVIDED EXISTING)
- LOT COVERAGE:**
MAP 21, PARCEL 2: EXISTING = 37%
MOTEL (INCLUDING COVERED DECK) = 5740 SQ. FT.
EXISTING CONC. WALKWAY & PARKING AREA = 14,909 SQ. FT.
MAP 21, PARCEL 2: PROPOSED = 40%
BUILDINGS (INCLUDING COVERED DECK) = 7,425 SQ. FT.
PROPOSED CONCRETE PATIOS & WALKWAYS = 14,909 SQ. FT.



GENERAL NOTES

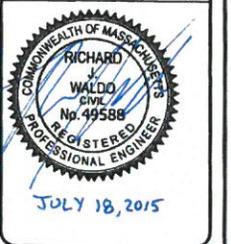
1. PLAN IS FOR PERMITTING ONLY.

REFERENCE:
PLAN BOOK 350 PAGE 50

PROPOSED SITE PLAN
LOCATED AT
179 SHORE ROAD
NORTH TRURO, MA,
AS PREPARED FOR
TERRACE DUNES REALTY TRUST

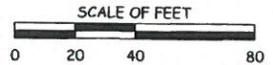
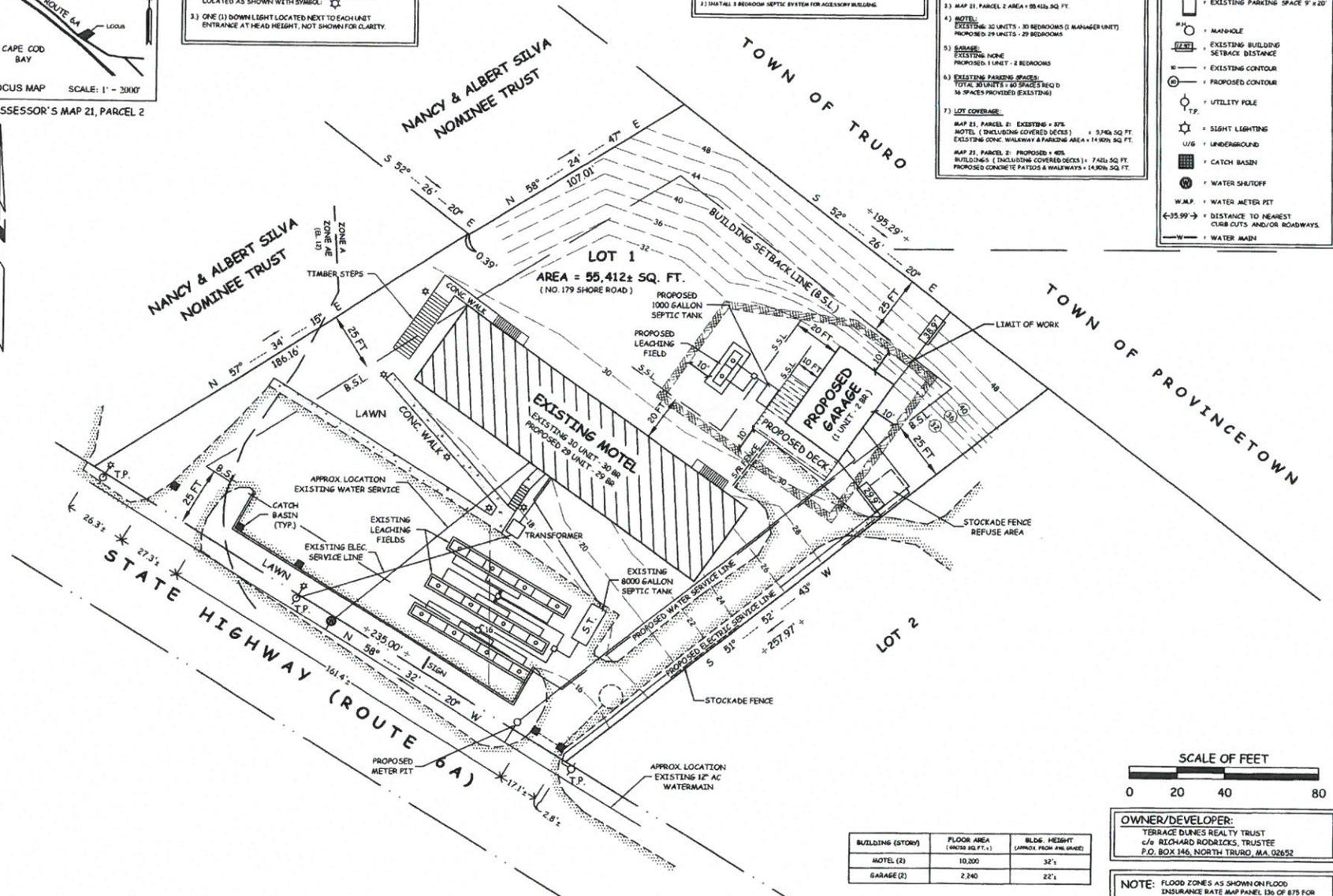
No.	Revision/Issue	Date
1	SITE PLAN REVIEW	7/18/15

RICHARD J. WALDO
PROFESSIONAL CIVIL ENGINEERS
P.O. BOX 147, NORTH TRURO,
MASSACHUSETTS
(617) 620-6037



TERRACE DUNES
FEBRUARY, 2015
SCALE: 1" = 40'

2



BUILDING (STORY)	FLOOR AREA (SQUARE FEET ±)	BLDG. HEIGHT (LIMIT FROM FIN. GRADE)
MOTEL (2)	10,200	32'
GARAGE (2)	2,240	22'

OWNER/DEVELOPER:
TERRACE DUNES REALTY TRUST
c/o RICHARD RODRIGUES, TRUSTEE
P.O. BOX 146, NORTH TRURO, MA 02652

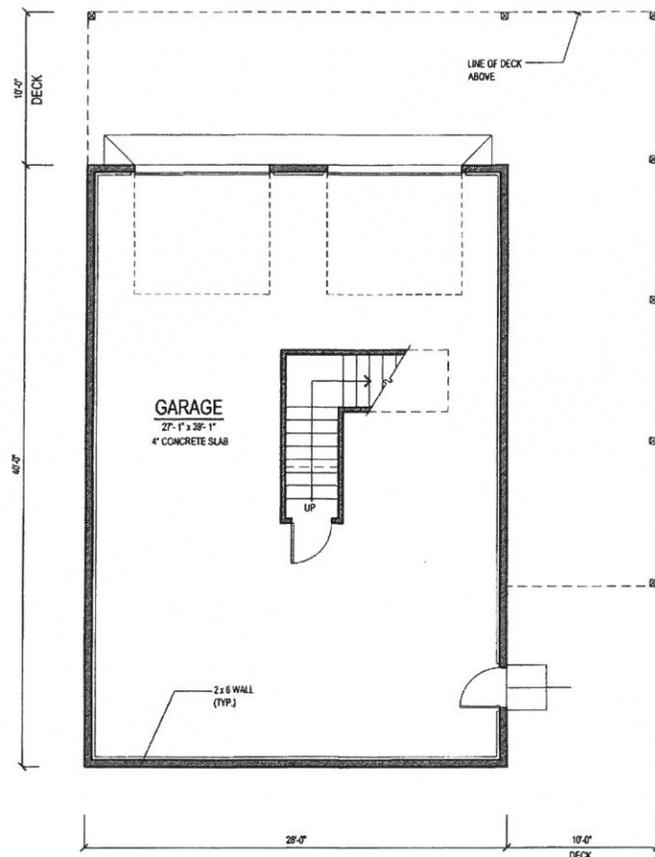
NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 136 OF 875 FOR THE TOWN OF TRURO COMMUNITY NO. 2500100136J, DATED JULY 16, 2014.

MANAGERS UNIT
179 SHORE ROAD
NORTH TRURO, MA

TMS DESIGN

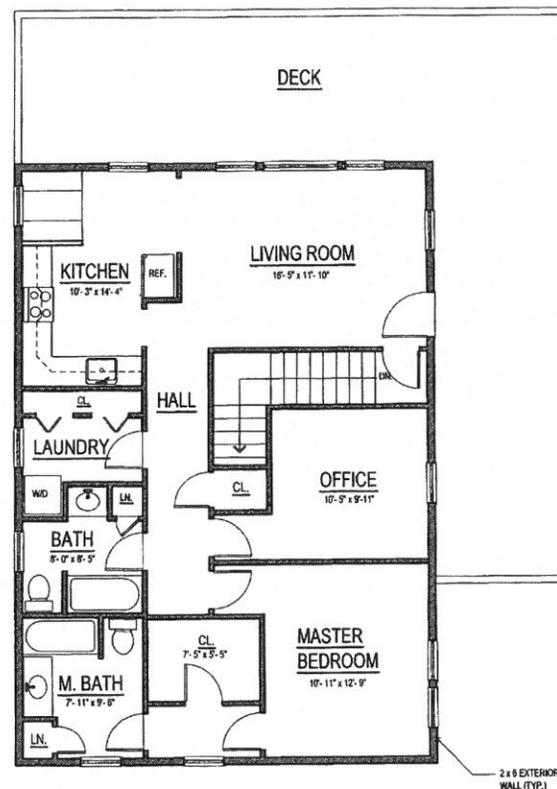
THOMAS M. SIMKINS
10 CRANHAVEN CIR.
HARWICH, MA 02645
(774)209-0911
thomas_simkins@msn.com

DATE: APRIL 15, 2015



GROUND FLOOR (GARAGE)

SCALE: 1/8"=1'-0"



SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"



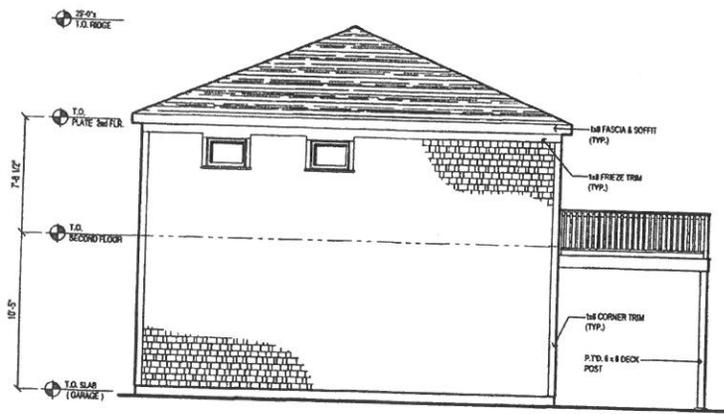
A1

MANAGERS UNIT
179 SHORE ROAD
NORTH TRURO, MA

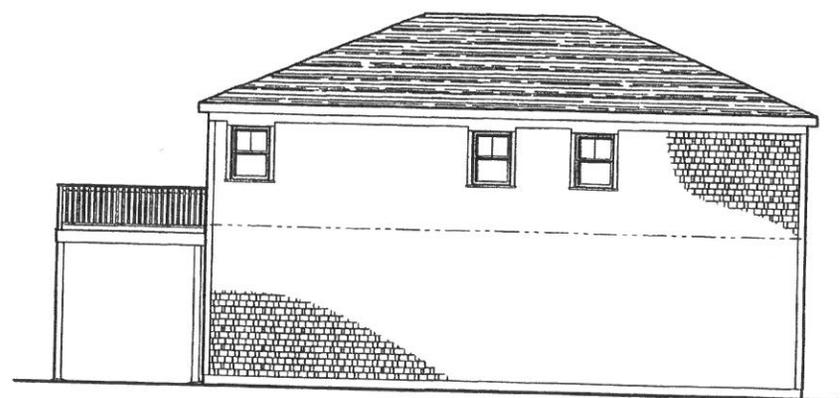
**TMS
DESIGN**

THOMAS M. SIMKINS
10 CRANHAVEN CIR.
HARWICH, MA 02645
(774)209-0911
thomas_simkins@msn.com

DATE: APRIL 15, 2015



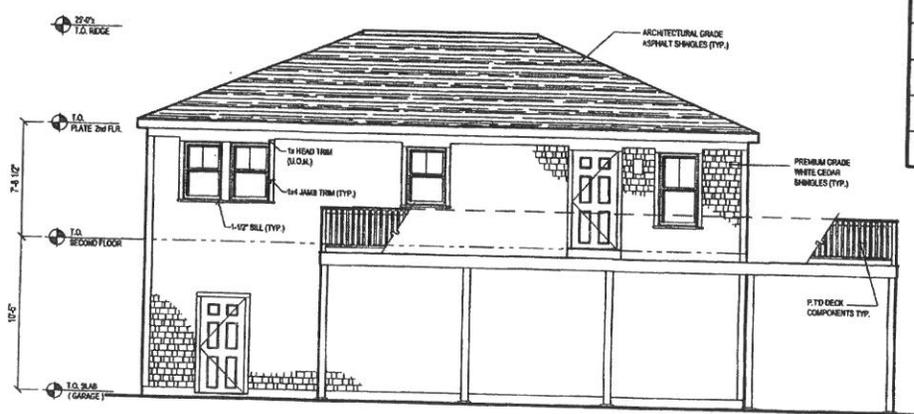
NORTH ELEVATION
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"

A2



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
assttownadm@truro-ma.gov

To: Planning Board
From: Charleen Greenhalgh, ATA/Planner *CLG*
Date: September 1, 2015
Re: Commercial Development Site Plan Review

2015-006SPR Michael A. Tribuna, Trustee, c/o Christopher R. Vaccaro, Esq., 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 171.

The Planning Board ("Board") will hold a public hearing on this matter on Tuesday, September 8, 2015 at 6:00 pm.

Description

The applicant seeks approval for what is essentially the remediation of a commercial site that was cleared without prior Site Plan Review approval. The property received a Cease and Desist Order (Attachment A) from the Building Commissioner dated May 27, 2015. The Building Commissioner gave the applicant until August 5, 2015 to file an Application for Site Plan Review with the Board. An application and plans were filed on August 4, 2015. In the meantime, the applicant has also filed an appeal with the Zoning Board of Appeals and the hearing has been continued until after the Planning Board takes final action. Also, on July 7, 2015, the applicant was before the Board for a consultation, at which time the Board advised the need for Site Plan Review.

On August 6, 2015 I completed a full review of the application and plans and submitted a letter of review to Attorney Christopher R. Vaccaro (Attachment B). A copy of this letter and attachments are included for the Board's information. On August 21, 2015 revised plans were submitted. On August 24, 2015, I reviewed the revised plans and Attorney Vaccaro and I reviewed some of the items that I felt were still deficient. On August 27, 2015, Attorney Vaccaro sent via email a letter of the same date, which includes a narrative and requests for waivers. The complete packet of information file for this application is as follows (Attachment F):

1. Application dated August 4, 2015 (received by the Town Clerk on August 4, 2015.)
2. Drainage Calculations Prepared for Westview Court Realty Trust, Michael Tribuna, #7 Parker Drive, Truro, MA, prepared by and Stamped by Daniel A. Ojala, P.E. of Down Cape Engineering, Inc. *(Not included with the packet, but available on the on-line packet.)*
3. Certified Abutters List.
4. August 3, 2015 Letter from Attorney Christopher R. Vaccaro.

5. July 16, 2015 Letter from Attorney Christopher R. Vaccaro to Ms. Emily Holt, Massachusetts Division of Fisheries & Wildlife.
6. August 5, 2015 letter from Attorney Christopher R. Vaccaro (clarification of Site Plan Review request.)
7. August 14, 2015 letter from Thomas W. French, Ph.D. Assistant Director, Division of Fisheries & Wildlife Re: NHESP Tracking No.: 15-34443.
8. August 27, 2015 letter from Attorney Christopher R. Vaccaro (narrative and waivers.)
9. Site Plan of #7 Parker Drive, Truro, MA Prepared for Michael Tribuna, dated July 30, 2015, Rev. August 18, 2015, Sheet 1 Pre-Existing Conditions, scale 1" = 20', by Daniel A. Ojala, P.E., P.L.S., Down Cape Engineering, Inc.
10. Site Plan of #7 Parker Drive, Truro, MA Prepared for Michael Tribuna, dated July 30, 2015, Rev. August 18, 2015, Sheet 2 Existing Conditions, scale 1" = 20', by Daniel A. Ojala, P.E., P.L.S., Down Cape Engineering, Inc.
11. . Site Plan of #7 Parker Drive, Truro, MA Prepared for Michael Tribuna, dated July 30, 2015, Rev. August 18, 2015, Sheet 3 Proposed Site Landscaping/Grading, scale 1" = 20', by Daniel A. Ojala, P.E., P.L.S., Down Cape Engineering, Inc.

Waivers: The following waivers from the provisions of §70.3.D of the Truro Zoning Bylaws have been requested, per Vaccaro August 27, 2015 letter, where explanations for the each request can be found (Note: the *italicized number* refers to the corresponding item in the August 27, 2015 letter):

- 1) §3.a.5 – Title Block description of project. *(4)*
- 2) §3.b.2 – Overall height in feet of buildings. *(5)*
- 3) §3.b.6 – Existing sign(s). *(7)*
- 4) §3.c.1 – Overall height in feet of buildings. *(9)*
- 5) §3.c.2 – Overall dimensions of buildings. *(9)*
- 6) §3.c.4 – Easements or legal conditions. *(10)*
- 7) §3.c.7 – Location of walls, etc. *(11)*
- 8) §3.c.8 – Location of proposed sign(s). *(12)*
- 9) §3.c.12 – Lighting. *(13)*
- 10) §3.c.15 – Parking and driveway cross-sections. *(14)*
- 11) §3.c.16 – Work staging area. *(15)*
- 12) §3.d – Landscape Plan. *(16)*
- 13) §3.e – Building Plans. *(17)*

Completeness of Application

All of the items that were raised in my August 6, 2015 letter have been addressed; however, please refer to Comments from Other Boards/Committees/Departments and Additional Planning Staff Comments below.

Comments from Other Boards/Committees/Departments

Health/Conservation: Please see attached memos from the Health/Conservation Agent, Patricia Pajaron dated August 18, 2015 and August 24, 2015. (Attachment C)

Building: Please see attached email from the Building Commissioner, Russ Braun dated 08/11/2015. (Attachment D)

Police: Please note that on August 11, 2015, Chief Kyle Takakjian had no comments or concerns.

DPW: Please see letter from Jason “Jay” R. Norton, DPW Director, dated August 26, 2015. (Attachment E)

Additional Planning Staff Comments

- 1) This was advertised in the *Banner* on August 20, 2015 and August 27, 2015 and abutters were notified via regular mail on August 20, 2015.
- 2) On August 6, 2015, I reviewed the plans and application. At that time I forwarded a copy of my review to Attorney Vaccaro. Many of my questions/comments were addressed; however, questions/concerns remain and I share them with the Board as follows:
 - a. Sheet 1 and 2 of the Plans – Contain a plan note “Additional level area for general yard area for residential use. Area to be stabilized with gravel and/or 4” loam and seed.) This note contradicts the note found on Sheet 3 of the Plans, which does not mention gravel.
 - b. Although a waiver has been requested from the provisions of §70.3.D.3.c.7 stating that there are no walls, there are “Landscape Ties” along the top of the slope on Sheet 3 of the Plans. No cross sections or construction detail has been provided.
 - c. Over 40 trees were removed from the site. I still believe that the landscape plan is not adequate for the number of trees removed and clearing that occurred on the site. Loam and seeding is proposed; however the type and variety of the seed has not been identified. Six (6) trees of unspecified size (dbh or overall height) are proposed; is this adequate.
 - d. Concern still remains with the location of the retention area so close (within 4’) to the abutting property to the south.
 - e. The rip-rap at the northern end of the regraded area does not appear to run into any low area or swale. It is not clear how this will function. Attorney Vaccaro, in his August 27, 2015 letter, states that the Engineer will explain this further.
- 3) Per an August 28, 2015 email from Daniel Ojala, P.E. and P.L.S, application to Natural Heritage for MESA review was mailed on August 21, 2015. Until review and final action is taken by Natural Heritage, the Board should not take any final action on this application.
- 4) The DPW Director, as well as the Health/Conservation Agent, has also raised some questions/concern.
- 5) The Board should review §70.3.F – Review Criteria/Design Guidelines and §70.3.G Finding of the Planning Board, which are noted below.
- 6) As Attachment G, on the on-line packet, please find a letter and supporting documentation from the Tru Haven Homeowners Association.

Board Action

§70.3 Commercial Development (Subsections A, F and G are provided below):

A. Commercial Site Plan Review is required for:

1. *Any construction, alteration, expansion, or modification of any properties, structures, and uses other than that of single or two family residences and their accessory uses and structures.*
2. *All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.*

F. Review Criteria/Design Guidelines

The Planning Board will review applications and their supporting information based on the following:

1. *The proposal is in conformity with all applicable provisions of the Zoning Bylaw.*

2. *The proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.*
3. *The proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.*
4. *The proposal provides for the protection of significant or important natural, historic, or scenic features.*
5. *The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.*
6. *The proposal adequately provides for refuse disposal.*
7. *The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use.*
8. *The proposed drainage system within the site shall be adequate to handle the runoff resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.*
9. *A soil erosion plan shall adequately protect all steep slopes within the site and control runoff to adjacent properties and streets both during and after construction.*
10. *The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.*
11. *Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.*
12. *Electric, telephone, cable, and other such utility lines and equipment shall be placed underground.*
13. *The project shall not place excessive demands on Town services.*
14. *The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.*
15. *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.*
16. *A bicycle rack(s) shall be provided on the site and shall be located near the entrance to the building(s).*

G. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Commercial Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.

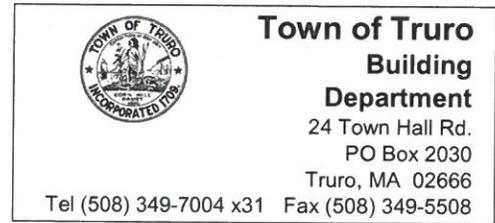
Board Vote Options

1. Move to approve the Application for Commercial Development Site Plan Review for **2015-006SPR Michael A. Tribuna, Trustee**, c/o Christopher R. Vaccaro, Esq., 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., where there will be no new buildings or changes to existing buildings and structures. The property is also shown on Atlas Map 39 Parcel 171. This is based on the fact that the review criteria/design guidelines in §70.3.F have been satisfied.
2. Move to approve the Application for Commercial Development Site Plan Review for **2015-006SPR Michael A. Tribuna, Trustee**, c/o Christopher R. Vaccaro, Esq., with conditions (*need to specify reasonable conditions*) 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., where there will be no new buildings or changes to existing buildings and structures. The property is also shown on Atlas Map 39 Parcel 171. This is based on the fact that with the imposed conditions, the review criteria/design guidelines in §70.3.F have been satisfied.
3. Move to not approve the Application for Commercial Development Site Plan Review for **2015-006SPR Michael A. Tribuna, Trustee**, c/o Christopher R. Vaccaro, Esq., 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., where there will be no new buildings or changes to existing buildings and structures. The property is also shown on Atlas Map 39 Parcel 171. Based on the finding that (*need to choose one of more of the following*)
 - (a) the application for site plan approval is incomplete, or
 - (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or
 - (c) the project does not comply with the requirements of the Zoning By-law.

May 27, 2015

CERTIFIED MAIL:

and First Class Mail



Westview Court Realty Trust Mr.
Michael Tribuna Jr.
192 Milton St.
Wollaston, MA 02170

Re: 7 Parker Dr.

NOTICE OF ZONING BYLAW VIOLATION and ORDER to CEASE, DESIST and CORRECT

As owner/occupant of the above-mentioned property, at Assessor's Map 39, Parcel 171, you are notified that you are in violation of the Town of Truro Zoning Bylaw (ZBL) as noted in the Summary of Violation. You are ordered, this date, to **CEASE and DESIST, immediately**, all functions connected with this violation on or at the abovementioned property.

SUMMARY OF VIOLATION

ZBL 70.1.D.1 – No...site clearing...shall be initiated on any site to which this section applies until the required Commercial...Site Plan approval is obtained from the Planning Board.

ZBL 70.3.A.1 – Commercial Site Plan Review is required for any...modification of any properties...other than that of single or two family residences and their accessory uses and structures.

During the first week of April, 2015 we received report of clearing and re-grading work at the above referenced property. I did a site inspection and ordered the contractor on site to stop work and they did so. I spoke with the owner of the company by phone regarding the situation and after that spoke with you, the property owner. We met on site on April 24, 2015 during your annual inspection to discuss the violations outlined above in more detail and also discussed the process to gain compliance.

It was explained that this property is not a single family property and therefore subject to Commercial Site Plan review as referenced above. Discussed were a variety of compliance options and a compliance timetable. You were directed to engage site plan engineering services and file an application for Commercial Site Plan review in accordance with Section 70 of the ZBL. We discussed that it was not unreasonable, in order to secure design services and do the actual design work, that ninety (90) days would be required to file a complete application to the Planning Board. This means that we expect a completed application to the Planning Board conforming with sections 70.4 and 70.5 for Commercial Site Plan review by the filing deadline of August 5, 2015 to be heard on September 8, 2015.

Understand that the work done to date as described above constitutes a significant violation and the compliance path represents a willingness on the part of the Town to rectify a situation created by your

admitted ignorance of the ZBL. Your ignorance of the ZBL, however, does not grant innocence. If this application is not received by the filing deadline noted above, you shall be subject to the fines listed below. In addition, any new documented violation shall be subject to immediate fines.

SUMMARY OF ACTION TO ABATE

Commencing **immediately** upon receipt of this notice, cease and desist all functions associated with the violation. Please understand that the Town will not ignore this matter and will pursue its resolution.

If aggrieved by this notice and order and to show cause as to why you should not be required to do so, you may file an appeal (specifying grounds) with the Town Clerk of the Town of Truro within thirty (30) days of the receipt of this order and in accordance with MGL 40A Section 8. If further action results in fines, the fine shall not be more than \$300 for each offense, each day constituting a separate offence and the fine shall commence as noted.

By order,

Russell Braun
Building Commissioner

cc: Town Manager
Asst. Town
Manager



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
 P.O. Box 2030, Truro, MA 02666
 Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
 assttownadm@truro-ma.gov

Sent via Email cvaccaro@dfllp.com

August 6, 2015

Christopher R. Vaccaro, Esq.
 Dalton & Finegold, L.L.P.
 34 Essex Street
 Andover, MA 01810

Re: 7 Parker Drive, Truro
 2015-006SPR - Commercial Development Site Plan Review

Dear Attorney Vaccaro:

I have reviewed the plans and application submitted on August 4, 2015 for the location referenced above. At this time, the application and plans are missing a great deal of information and there have been no requests of waivers pursuant to §70.3.D of the Truro Zoning Bylaws. Below are my comments and/or questions relative to the procedures and plan requirements outlined in the Truro Zoning Bylaw §70.3.D (3.a – General Requirements; 3.b – Existing - Conditions Plan; 3.c – Proposed Conditions Plan; 3.d – Proposed Landscape Plan; 3.e – Building Plans, and; 3.f – Project Estimate), unless otherwise referenced.

1. 3.a.2 – Requires zoning information including parking, setbacks, percentage of lot coverage (including square footage), total amount of square feet, and size of sings. This is missing.
2. 3.a.5 – Requires a Title Block to include a description of the project. This is missing.
3. 3.b.2 – Requires the following information on the existing conditions plan: setbacks, number of stories, overall height in feet, gross floor area in existing buildings, parking, lighting service areas, and drainage facilities. These are not shown.
4. 3.b.3 – Existing contours are shown; however these appear to be “pre-excavation” contours. The contours as shown on the Existing Conditions Plan do not appear to represent the topography that exists on the site today, particularly the “Existing Fill Area.”
5. 3.b.4 – The general location of trees has been provided; however, please refer to my comments in items 22 and 25 below.
6. 3.b.5 – Floor areas and/or square footage of existing uses are not provided.
7. 3.b.6 – Existing location(s) of signs are not provided.
8. 3.b.8 – The Massachusetts Natural Heritage and Endangered Species delineation has been shown on the plan. Has an application been made to Natural Heritage for a MA Endangered Species Act (MESA) review per the letter to Michael Tribuna, dated June 17, 2015 from the Division of Fisheries & Wildlife? A copy is attached for your convenience.

9. 3.c.1 – For the building locations, the number of stories, overall height and gross floor area is required to be shown. It does not appear this information is provided on this plan.
10. 3.c.2 – The overall dimensions of the buildings are not provided.
11. 3.c.3 – Location of parking and walkways have not been shown. Nor has the number of required parking spaces for the uses been provided. It does not appear that the parking is consistent with the requirements of §30.9.
12. 3.c.4 – Are there any other easements or legal conditions for this property?
13. 3.c.7 – Landscape ties along the top of slope are shown. How tall is this? What type of construction is proposed? Also, Rip-Rap Swales are shown; however, there is no design/construction detail. Please see additional comments at item 27 below.
14. 3.c.8 – No signs have been delineated on the plan.
15. 3.c.9 – Distances to nearest curb cuts (both sides of the road) are not provided.
16. 3.c.10 – Is there any outdoor storage or display areas? If so, it is not shown.
17. 3.c.11 – A refuse area is not shown and this must include the method of storage and screening.
18. 3.c.12 – No lighting on the lot has been shown, which should include illumination/wattage, etc.
19. 3.c.14 – The septic system has not been shown.
20. 3.c.15 – Parking and drives, including cross sections, have not been shown.
21. 3.c.16 – A work staging area has not been shown.
22. 3.d – At this time it would be my opinion and suggestion that the landscaping is not adequate.
 - a. This was previously a heavily vegetated area. Now it is being replaced with a 3:1 slope planted with “erosion control seed mix.” Is this grass, wildflowers?
 - b. There is a gray area on the plan “proposed level area to be stabilized with 6” of t-base (reprocessed asphalt gravel) or with four inches of loam and maintained as lawn area, or combination of the two”, what is this area intended for? It is either green space or it is something else. This needs to be clarified.
 - c. It would be helpful to know how many trees were removed from the site and the revegetation plan should include the planting of new trees.
 - d. The buffer area on the south side of the property “Natural Buffer to Remain” was once a thick buffer. Now there is a retention area within 4 feet of the property line.
23. 3.e – No building plans have been submitted.
24. 3.f – Project estimate has not been submitted.
25. A pre-existing plan, prior to the clearing and excavation, is really needed in order for the Planning Board to fully understand the impacts of the clearing and grading.
26. The total area, in square feet, of the disturbance (the de-forestation) needs to be provided.
27. It is not clear what the purpose is of the rip-rap swale. There is no cross section; the bottom of the rip-rap does not enter into a swale or other drainage system. Would there not be potential erosion concerns at the bottom of the swales?
28. The applicant will need to demonstrate to the Board that the review criteria of §70.F.2 has been met.

29. Now that a large portion of the area is without trees or other vegetation how will the review criteria of §70.F.3 be met?
30. It would appear that the natural features of the property, pursuant to §70.F.4 & 5, have been eliminated, how will this be addressed?
31. Enclosed please find two (2) Google Earth aerial of the property. One with an imagery date of 6/15/2014 and second with an imagery date of 5/23/2015. This clearly shows the significant changes to the property.

The application and plans have been forwarded to Town Staff for review and comments, so there may be additional comments. The DPW Director will also be reviewing the Drainage Calculations.

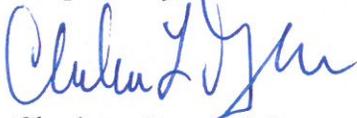
Some of the items noted above may be waived pursuant to the requirements found in §70.3.E; however please note that all requests for waivers must be accompanied by a written statement as to why the waiver is being requested and why it should be approved by the Planning Board. Also, as we discussed, the application needs to be clarified as to the description of the project.

The hearing for this matter is scheduled for Tuesday, September 8, 2015 at 6:00pm. Enclosed please find a copy of the legal notice. Abutters will be notified on or about August 13th, when the first notice will appear in the *Banner*. 20

Any new or additional information **must** be filed with the Town Clerk (with the requisite number of copies) no later than **Friday, August 21, 2015** at noontime. Anything filed after that date may result in a continuance of the public hearing.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully,



Charleen Greenhalgh

~~Acting~~ Town Administrator and Town Planner
Assistant

Enc. (4)

cc: Cynthia Slade, Town Clerk (via email)
Russ Braun, Building Commissioner (via email)
Patricia Pajaron, Health/Conservation Agent (via email)
Jay Norton, DPW Director (via email)
Rae Ann Palmer, Town Administrator (via email)
Jennifer Cohen, TruHaven Homeowners Association (via email)



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife



Jack Buckley, Director

June 17, 2015

Michael Tribuna
Westview Cottages
192 Milton Street
Quincy MA 01270

RE: Project Location: 7 Parker Drive, Truro
Project Description: Tree Removal
NHESP File No.: 15-34443

Mr. Tribuna:

The Natural Heritage & Endangered Species Program of the MA Division of Fisheries and Wildlife (the "Division") was notified that land clearing activities were conducted at the above referenced location, which is located within the *Priority* and *Estimated Habitat* of state-listed rare species as indicated in the Massachusetts Natural Heritage Atlas (13th Edition). Pursuant to the MA Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00) (MESA), any work proposed within Priority Habitat requires review through a direct filing with the Division for compliance with the MESA. The MESA is administered by the Division, and prohibits the "take" of state-protected species, which includes actions that "...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

For a MESA Project Review Checklist and additional information about the MESA review process, please visit our website: www.mass.gov/nhesp ("Regulatory Review" tab). Please note that all proposed and anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16). **No additional soil or vegetation disturbance, work, clearing, grading or other activities related to the subject filing may be conducted anywhere on this project site until the Division has completed its MESA review.**

If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

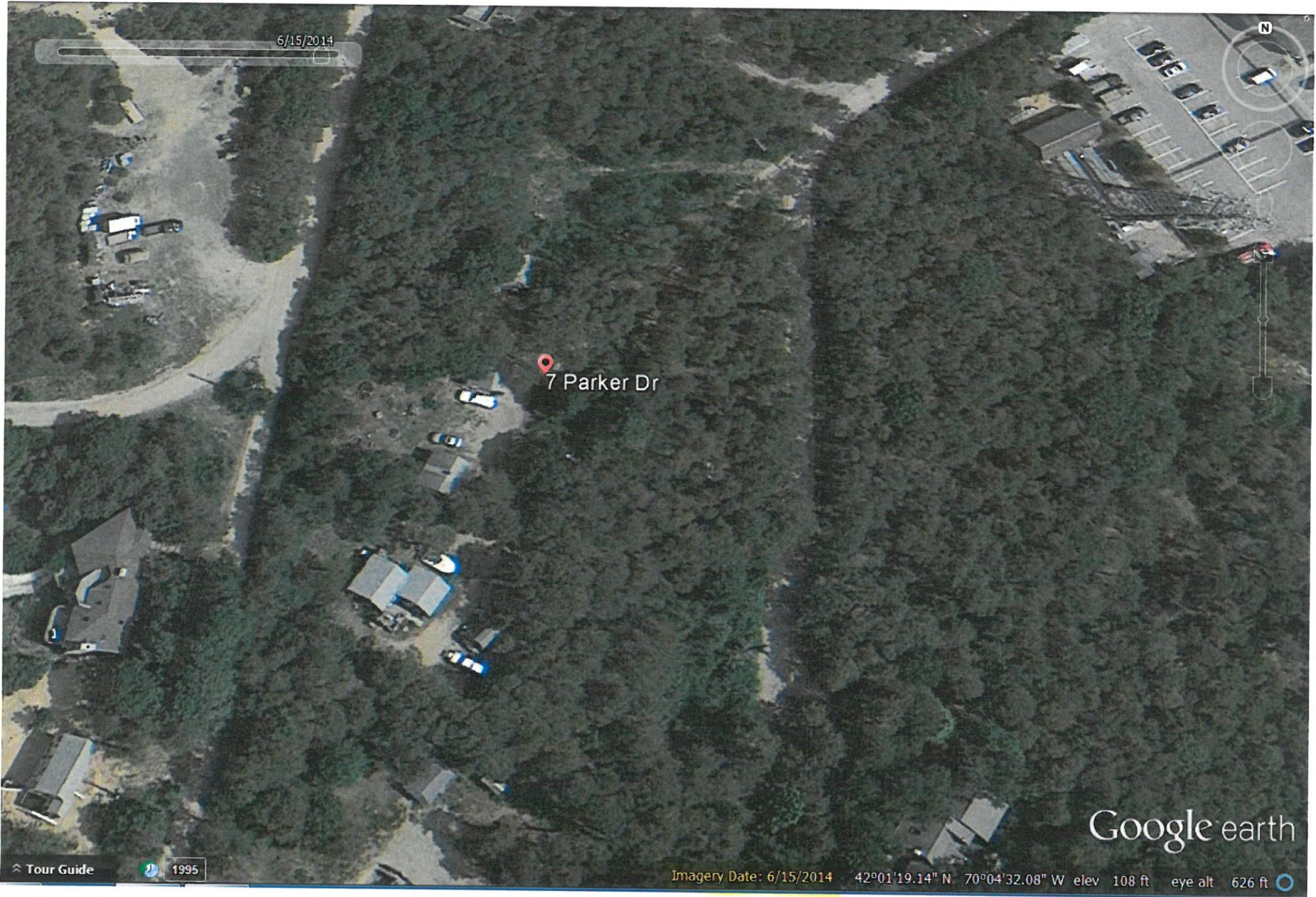
cc: Truro Building Department

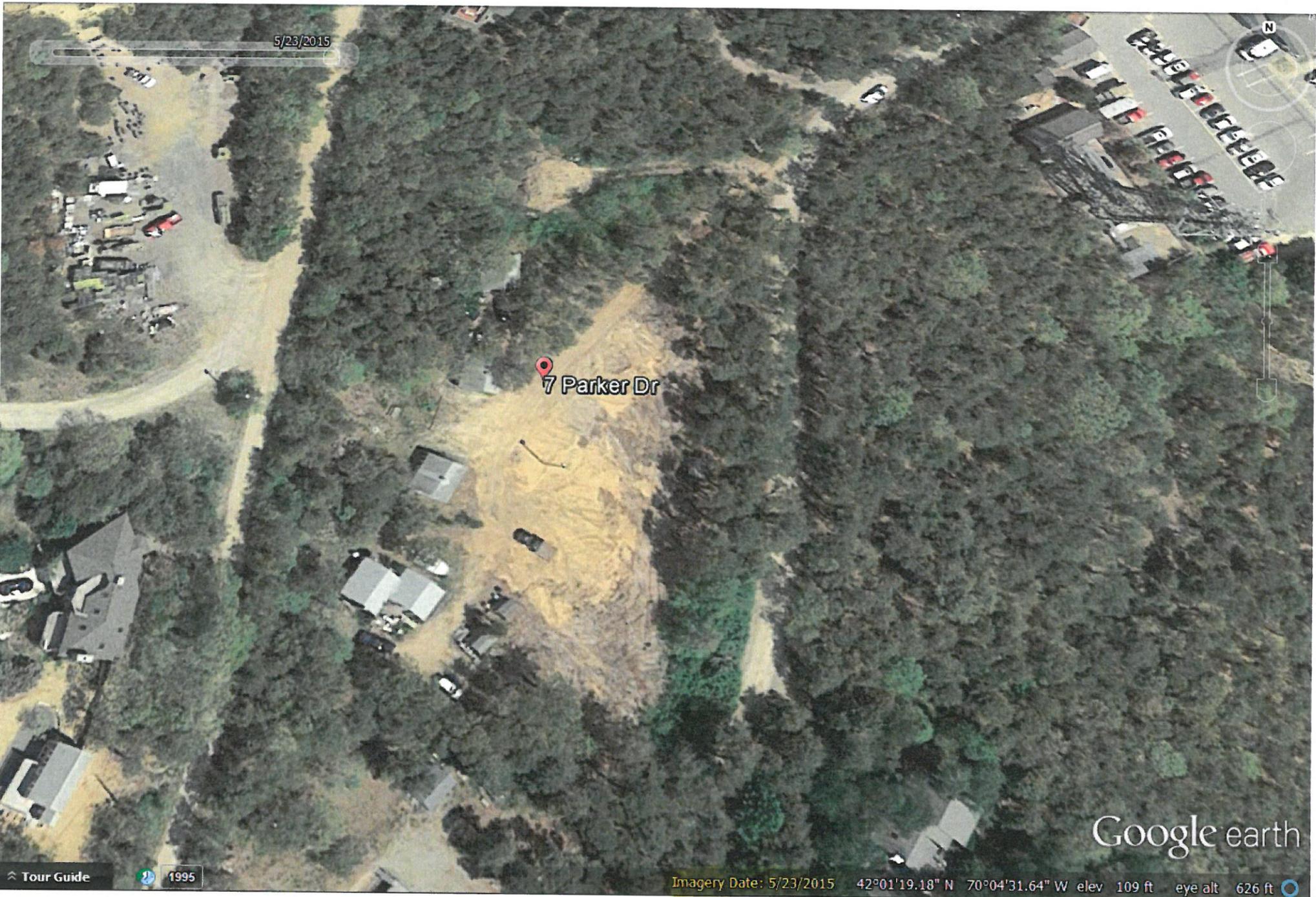
www.mass.gov/nhesp

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game





5/23/2015

7 Parker Dr

Google earth

Tour Guide 1995

Imagery Date: 5/23/2015 42°01'19.18" N 70°04'31.64" W elev 109 ft eye alt 626 ft

Thursday, August 06, 2015 10:52:14 AM -

Truro Planning Board
Notice of Public Hearing

The Truro Planning Board will hold a public hearing on Tuesday, September 8, 2015 at the Truro Town Hall, 24 Town Hall Road, Truro, on the following:

6:00 pm Michael A. Tribuna, Trustee, c/o Christopher R. Vaccaro, Esq., 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.

Copies of the application and plan are available for review at the Assistant Town Administrator's Office, 24 Town Hall Road, Truro.

Lisa Maria Tobia, Chair
8/20/15, 8/27/15



ATTACHMENT C

**Health/Conservation Agent
Town of Truro**

Phone: (508) 349-7004 ext. 32

MEMO

RECEIVED
AUG 18 2015

BY: *CJH*

To: Charleen Greenhalgh, ATA/Planner

From: Patricia Pajaron *PP*

CC:

Date: August 18, 2015

Re: Commercial Development Site Plan Review for 7 Parker Drive

I have reviewed the Commercial Development Application for Site Plan Review and the Site Plan prepared by Daniel Ojala, P.E., P.L.S of Down Cape Engineering, dated July 30, 2015 for the filling of low area at this property and offer the following comments:

CONSERVATION

1. According to the MassGIS's Online Mapping Tool OLIVER on the MassDEP's website there appears to be no Wetland Resource Areas subject to protection under the Massachusetts Wetlands Protection Act (310 CMR 10.00) affecting the property; therefore Conservation Commission review and approval are not required at this time.
2. Per the October 2008 NHESP map it appears that a portion of the property is within the NHESP Priority Habitat of Rare Species, mapped area PH 15. Mr. Ojala shows the NHESP delineation on the site plan. NHESP has already notified the property owner on June 17th regarding this activity.

HEALTH

On file with the Health Department is a site and sewage plan prepared by David Lajoie, R.S. of Felco Engineering Inc., dated January 4, 1992 showing two septic systems serving this property. System B serves the existing dwelling and cottage #3 and system #A serves cottages 1 and 2. Per the plan, the soil absorption system for System B, a leach pit, is adjacent to the existing dirt drive between the existing dwelling and cottage #3. The leach pit for system #A is located to the northeast of cottage #1.

The existing septic systems should be shown on the plan. The components, particularly for System B are not designed for H-20 loading. Driving over septic system components not constructed for heavy loading may result damage and is considered a safety issue because of potential collapse from the stress and weight of vehicles or heavy equipment. In addition any regrading or placement of fill over the components may bring the septic out of compliance with Title 5, 15.221(7) depth of cover over leaching area which cannot exceed 36" in depth.



**Health/Conservation Agent
Town of Truro**

Phone: (508) 349-7004 ext. 32

MEMO

To: Charleen Greenhalgh, ATA/Planner

From: Patricia Pajaron *PP*

CC:

Date: August 24, 2015

**Re: Commercial Development Site Plan Review for 7 Parker Drive –
Addendum**

HEALTH

I have reviewed the Site Plans; Sheet 1 Pre-Existing Conditions, Sheet 2 Existing Conditions and Sheet 3 Proposed Site Landscaped/Grading revised August 18, 2015.

The existing septic systems are shown on all 3 plans. The soil absorption system (a leach pit) for System B that serves cottage 3 and 4 is partially located in the existing dirt driveway. Since the leach pit is not designed for H-20 loading to withstand heavy loading, the owner implement several measures to protect the component such as relocating the driveway, or provide a barrier such as a split rail fence to prevent parking or driving over the component or install an H-20 cover over the pit.

In addition, per Site Plan Sheet 3, it appears that the septic components are located away from the proposed landscape and grading area. One area I did not comment on in my August 18th memo to you was the proposed level area as shown on Site Plan/Sheet 3 which will be maintained as a lawn area. The plan shows that the proposed graded area will contain 4" loam and a NE erosion control mix with jute netting.

The plan does not indicate what seed mix will be used in the maintained lawn area. As you may know the use of fertilizers on lawns must be considered part of the overall problem of nutrient enrichment of our freshwater ponds and marine resources as well as nitrogen into our drinking water supplies. A number of seed companies and local nurseries provide a "Harmony" low maintenance lawn seed mix that can be applied to an area based on soil conditions. The species in this mix can survive with no fertilizer/no water and one mowing/year in sandy soils. I would recommend that the applicant submit a lawn maintenance plan that includes the "UMass Best Management Practices for Soil & Nutrient Management in Turf Systems" if fertilizers are applied.

RECEIVED
AUG 24 2015

BY: *CPA*

From: Russ Braun <rbraun@truro-ma.gov>
To: Charleen Greenhalgh <asstown@truro-ma.gov>
Date: 08/11/2015 12:28 PM
Subject: Re: 2015-006SPR Tribuna - Truro

ATTACHMENT D

Hi Charleen

While I agree with your comment letter in general, I specifically told Mike Tribuna that for the existing grading to show the pre-fill condition and that the proposed grading should be based on what he has already done. He needs to understand that the PB might not approve anything he's done to date and that there is a prior condition to which he needs to restore the property.

My main question had to do with storm drainage. The riprap drainage channel design was not accompanied by drainage calc's or a statement about what kind of storm this thing is designed for. The potential for road wash-out was a concern voiced by the neighbors.

I think that the PB needs to query him about future plans for the property understanding that, if he wanted to build a single family home, none of this would be before them.

Russell Braun
Building Commissioner
Town of Truro



TOWN OF TRURO

Jason R. Norton

Director

Department of Public Works

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-2140 Fax: 508-349-3982

E-mail: dpwdirec@truro-ma.gov

RECEIVED
AUG 26 2015

BY: *CJH*

August 26, 2015

Charleen Greenhalgh
Assistant Town Administrator and Town Planner
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

via email

**Re: 7 Parker Drive, Review of Drainage Calculations
2015-006SPR – Commercial Development Site Plan Review**

Dear Charleen:

I have reviewed the drainage calculations from the 7 Parker Drive Commercial Development Site Plan Review and have the following comments:

1. Data for the 50 year storm is not legible at the end of the HydroCAD report. Please submit replacement sheets.
2. How was the 4,000 CF storage capacity calculated for the bioretention pond?
3. The peak elevation for the 50 year storm event is depicted as 93.88 in the report. The contour 94 as shown on plan sheet 2 "Proposed Site Landscape/Grading" continues onto the abutting property and into the road layout. The bioretention pond area should be contained within the confines of the subject parcel and shall deter runoff onto neighboring properties to the greatest extent practicable.
4. The geometry and associated storage of the bioretention pond is not clearly defined on the site plan. Please identify this pond area in bold and also call out the storage capacity on the plan.
5. The proposed catch basin and leaching recharge basins are not included in the HydroCAD analysis. Please provide calculations for the entire drainage system.
6. It is recommended that the proposed catch basin have a base such as crushed stone.

7. Have the soil profiles been analyzed to determine material makeup and drainage capacity?
8. Since the catch basin and leaching recharge basins are located at the low spot of the property and what appears to be inside the confines of the bioretention pond – it may be prudent to calculate the buoyancy forces on the structures in a submerged state, in the event there is standing water over and around the structures.
9. An operations and maintenance plan should be implemented to ensure the system is regularly cleaned out of sediment/debris buildup. This will enhance functionality and prolong the longevity of the system.

Please pass these comments along to the appropriate parties. If you have any questions please feel free to contact me.

Sincerely,



Jay Norton - Director
Department of Public Works
Town of Truro

Cc: Rae Ann Palmer, Town Administrator, via email
Patricia Pajaron, Health/Conservation Agent, via email
Russ Braun, Building Commissioner, via email
Cynthia Slade, Town Clerk, via email



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

COMMERCIAL DEVELOPMENT APPLICATION FOR SITE PLAN REVIEW

Office of Town Clerk
Treasurer - Tax Collector

2015-006 SPR
AUG - 4 2015
\$250.00 fee paid

Received TOWN OF TRURO
By *Susan G. Joseph*

Date 8/3/15

To the Town Clerk and the Planning Board of the Town of Truro, MA

The undersigned hereby files an application with the Truro Planning Board for the following:

- Site Plan Review** pursuant to §70.3 of the Truro Zoning By-law (Complete I, II & III)
- Waiver of Site Plan Review** pursuant to §70.9 of the Truro Zoning By-law (Complete I & III)

I. General Information

Description of Property and Proposed Project Filling of low area at 7 Parker Drive, Truro, MA. No changes to existing improvements. No new buildings

Property Address 7 Parker Drive Map(s) and Parcel(s) Map 39, Parcel 171

Registry of Deeds title reference: Book 12786, Page 8, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Michael A. Tribuna, Jr., Trustee of Westview Court Realty Trust

Applicant's Legal Mailing Address 176 President Lane, Quincy, MA 02169

Applicant's Phone(s), Fax and Email 617-472-5056. Fax 617-479-6158

Applicant is one of the following: (please check appropriate box) mike.hurt@verizon.net

- Owner
- Prospective Buyer*
- Other* *Written Permission of the owner is required for submittal of this application.

Owner's Name and Address Michael A. Tribuna Jr., Trustee, 176 Presidents La., Quincy, MA

Representative's Name and Address Christopher R. Vaccaro, Esquire Suite 6-5 Quincy, MA

Representative's Phone(s), Fax and Email Dalton & Finegold, L.L.P., 978-269-6425, fax 978-470-8338, cvaccaro@dfllp.com

II. **Waiver(s) Request** - Waivers from any of the items listed in §70.3.D, must be identified below and a separate sheet shall be attached indicating in detail the reason for said waiver(s) pursuant to §70.3.D. *Note that items 1(a-d), 2 and 3.a (1-6) of §70.3.D shall not be waived.*

- 1.e: 3 copies of drainage calculations
- 3.b: Existing Conditions Plan (specific waiver requests and reason must be attached)
- 3.c: Proposed Conditions Plan (specific waiver requests and reason must be attached)
- 3.d: Proposed Landscaping Plan (specific waiver requests and reason must be attached)

III. Signature(s)

[Signature]
Applicant(s)/Representative Signature

[Signature]
Owner(s) Signature or written permission

Attorney for Michael A. Tribuna, Jr. Trustee *for Michael A. Tribuna, Jr., Trust*
Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

TOWN OF TRURO
ASSESSOR'S OFFICE

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

Date: July 24, 2015

To: Planning Board

From: Assessor's Office

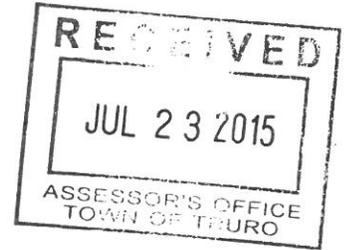
Attached is a list of abutters for the property located at 7 Parker Drive
on Assessor's Map 39 Parcel 171. The current owner(s) as of 1/1/15
is/are Westview Court Realty Trust TRS: Michael Tribuna.

The names and addresses of the abutters are as of 7/24/15 according to the most
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Oliver Kopasz



TOWN OF TRURO
Assessors Office
Certified Abutters List
Request Form



*Hand
check

8870*

DATE: 7/21/15

NAME OF APPLICANT: Michael A. Tribuna Jr., Trustee*

NAME OF AGENT (if any): Christopher R. Vaccaro, Esquire

MAILING ADDRESS: c/o Dalton & Finegold, L.L.P., 34 Essex Street, Andover, MA 01810

PHONE: HOME _____

WORK 978-269-6425

CELL 781-439-3461

FAX 978-470-8338

PROPERTY LOCATION: 7 Parker Drive, Truro, MA
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 39 PARCEL 171

ABUTTERS LIST NEEDED FOR: (Fee must accompany the application unless other arrangements are made)

Please check applicable:

	FEE:		FEE:
<input type="checkbox"/> Board of Health	\$10.00	<input type="checkbox"/> Planning Board	
<input type="checkbox"/> Cape Cod Commission	\$15.00	<input type="checkbox"/> Special Permit	\$15.00
<input type="checkbox"/> Conservation Commission	\$10.00	<input checked="" type="checkbox"/> Site Plan	\$15.00
<input type="checkbox"/> Zoning Board of Appeals	\$15.00	<input type="checkbox"/> Preliminary Subdivision	\$15.00
<input type="checkbox"/> Licensing	\$15.00	<input type="checkbox"/> Definitive Subdivision	\$15.00
<input type="checkbox"/> Other _____			Inquire

(Please Specify)

Please Note: The Office has up to 10 calendar days to process your order.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 7/23/14 Date completed: 7/24/14

List completed by: Dennis Kopasny

Revised 12/26/14

** of Westview Court Realty Trust*

TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

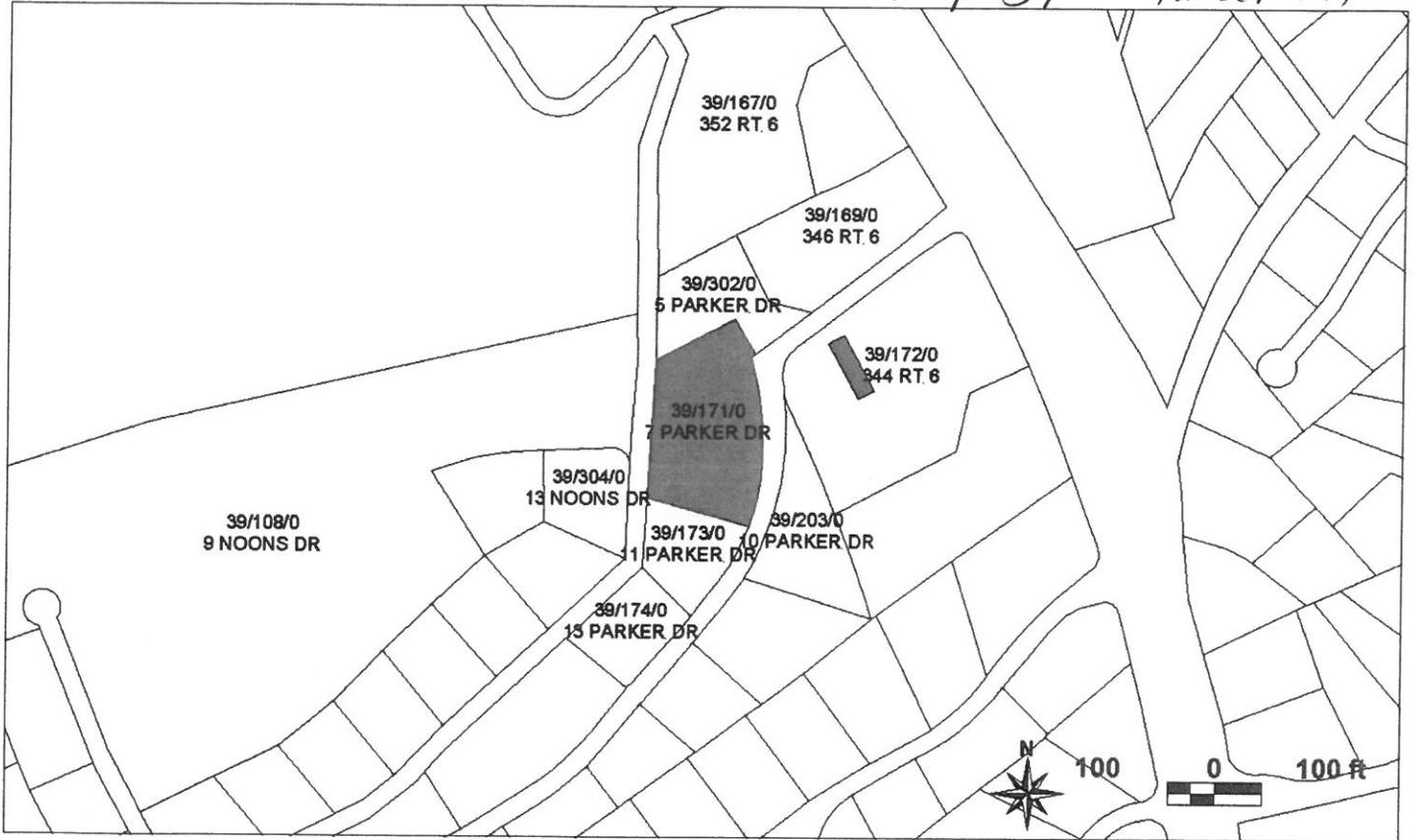
Planning Board

Custom Abutters List

7 Parker Drive

Map 39

Parcel 171



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1235	39-108-0-R	NOONS DONALD W ESTATE OF	9 NOONS DR	PO BOX 23	NO TRURO	MA	02652-0023
1423	39-304-0-R	WINKLER MICHAEL F & KATHERINE	13 NOONS DR	PO BOX 1110	TRURO	MA	02666-1110
1298	39-174-0-R	BASMAJIAN NAZENIG TRUST TRS: BASMAJIAN NAZENIG	13 PARKER DR	PO BOX 21	NO TRURO	MA	02652-0021
1297	39-173-0-R	DAMICO CAROLANN	11 PARKER DR	PO BOX 423	NO TRURO	MA	02652-0423
1421	39-302-0-R	LANDY MARGARET	5 PARKER DR	PO BOX 211	NO TRURO	MA	02652-0211
1294	39-171-0-R	WESTVIEW COURT REALTY TRUST TRS: TRIBUNA MICHAEL A JR & SR	7 PARKER DR	192 MILTON ST	WOLLASTON	MA	02170-2504
1291	39-167-0-R	TRI-S PROPERTIES LLC	352 RT 6	PO BOX 1081	TRURO	MA	02666-1081
1324	39-203-0-R	COHEN JENNIFER S	10 PARKER DR	110 W 96TH ST #11A	NEW YORK	NY	10025
1293	39-169-0-R	SEAMENS BANK	346 RT 6	221 COMMERCIAL ST	PROVINCETOWN	MA	02657
1296	39-172-A-R	SOUTHWESTERN BELL MOBILE SYSTE D/B/A CINGULAR WIRELESS	344 RT 6	C/O AT&T NETWORK RE ADMINISTRA 575 MOROSGO DR NE #13F W.TOWER	ATLANTA	GA	30324
1295	39-172-0-E	TOWN OF TRURO	344 RT 6	PO BOX 2030	TRURO	MA	02666-2030

39-108-0-R

39-304-0-R

39-174-0-R

NOONS DONALD W ESTATE OF
PO BOX 23
NO TRURO, MA 02652-0023

WINKLER MICHAEL F & KATHERINE
PO BOX 1110
TRURO, MA 02666-1110

BASMAJIAN NAZENIG TRUST
TRS: BASMAJIAN NAZENIG
PO BOX 21
NO TRURO, MA 02652-0021

39-173-0-R

39-302-0-R

39-171-0-R

DAMICO CAROLANN
PO BOX 423
NO TRURO, MA 02652-0423

LANDY MARGARET
PO BOX 211
NO TRURO, MA 02652-0211

WESTVIEW COURT REALTY TRUST
TRS: TRIBUNA MICHAEL A JR & SR
192 MILTON ST
WOLLASTON, MA 02170-2504

39-167-0-R

39-203-0-R

39-169-0-R

TRI-S PROPERTIES LLC
PO BOX 1081
TRURO, MA 02666-1081

COHEN JENNIFER S
110 W 96TH ST #11A
NEW YORK, NY 10025

SEAMENS BANK
221 COMMERCIAL ST
PROVINCETOWN, MA 02657

39-172-A-R

39-172-0-E

SOUTHWESTERN BELL MOBILE SYSTE
D/B/A CINGULAR WIRELESS
C/O AT&T NETWORK RE ADMINISTRA
575 MOROSGO DR NE #13F W.TOWER
ATLANTA, GA 30324

TOWN OF TRURO
PO BOX 2030
TRURO, MA 02666-2030

*Chris -
Charleen asked
me to let you
know she notitys
abuttus -

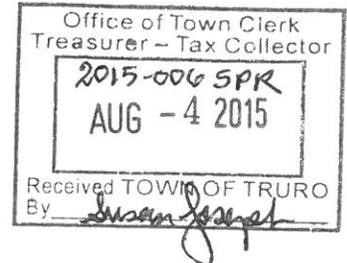
Diana*

COPY

**DALTON
& FINEGOLD, L.L.P.**
ATTORNEYS AT LAW

Christopher R. Vaccaro
Direct Line: 978-269-6425
Email: cvaccaro@dfllp.com

34 Essex Street
Andover, Massachusetts 01810
Telephone: 978-470-8400
Telecopier: 978-470-8338



August 3, 2015

BY FEDEX

Truro Town Clerk
Truro Town Hall
24 Town Hall Road
Truro, Massachusetts 02666

Re: Michael A. Tribuna Jr., Trustee of Westview Court Realty Trust
7 Parker Drive, Truro, Massachusetts
Map / Parcel No. 39 / 171

Dear Sir or Madam:

This office represents Michael A. Tribuna, Trustee of Westview Court Realty Trust ("Mr. Tribuna"), the owner of the property known as and located at 7 Parker Drive, Truro, Massachusetts (the "Property").

Mr. Tribuna is filing an application for site plan review for the Property. Accordingly, the following materials are enclosed herewith:

- (i) an original and 14 copies of the Commercial Development Application for Site Plan Approval;
- (ii) 15 copies of required plans;
- (iii) a check for the application filing fee, in the amount of \$250.00;
- (iv) certified copy of abutters list; and

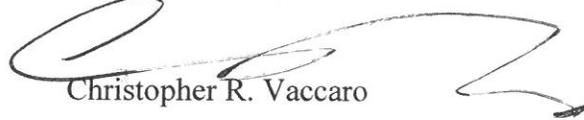
Truro Town Clerk
August 3, 2015
Page 2

(v) 3 copies of drainage calculations, stamped by a professional engineer.

Kindly place this application on the Planning Board's agenda for its meeting on September 8, 2015.

Thank you for your consideration in this matter.

Very truly yours,



Christopher R. Vaccaro

cc: Ms. Charleen L. Greenhalgh, Assistant Town Manager and Town Planner
Mr. Russell Braun, Building Commissioner
Truro Zoning Board of Appeals
Mr. Michael A. Tribuna Jr.

DALTON
& FINEGOLD, L.L.P.
ATTORNEYS AT LAW

Christopher R. Vaccaro
Direct Line: 978-269-6425
Email: cvaccaro@dfllp.com

34 Essex Street
Andover, Massachusetts 01810
Telephone: 978-470-8400
Telecopier: 978-470-8338

July 16, 2015

Ms. Emily Holt
Endangered Species Review Assistant
Massachusetts Division of Fisheries & Wildlife
One Rabbit Hill Road
Westborough, Massachusetts 01581

Re: 7 Parker Drive, Truro, Massachusetts
NHESP File No. 15-34443

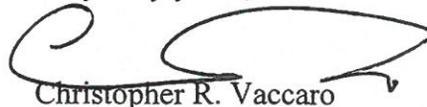
Dear Ms. Holt:

This office represents Michael A. Tribuna, Trustee of Westview Court Realty Trust ("Mr. Tribuna"), the owner of the property known as and located at 7 Parker Drive, Truro, Massachusetts (the "Property"), in connection with the letter dated June 17, 2015 from Thomas W. French of your office.

Mr. Tribuna is unaware of the presence of any endangered or threatened species, or any species of interest, on the Property. In order to obtain some clarity on this issue, I am sending you the enclosed MESA Information Request Form with the \$50.00 check. Mr. Tribuna has ceased all work on the property pending the outcome of this issue.

Thank you for your assistance in this matter.

Very truly yours,



Christopher R. Vaccaro

Enclosure

cc: Mr. Michael A. Tribuna Jr. (by email, w/enc.)

MESA Information Request Form

Please complete this form to request site-specific information from the Natural Heritage & Endangered Species Program
(Please submit only one project per request form).

Please include a check for \$50.00 made out to Comm. of MA – NHESP.*

Requestor Information

Name: Christopher R. Vaccaro, Esquire

Affiliation: Dalton & Finegold, L.L.P.

Address: 34 Essex Street

City: Andover

State: MA

Zip Code: 01810

Daytime Phone: 978-269-6425

Ext.

Email address: cvaccaro@dfllp.com

Project Information

Project or Site Name:

Location: 7 Parker Drive

Town: Truro

Name of Landowner or Project Proponent: Michael A. Tribuna Jr., Trustee of Westview Court Realty Trust

Acreage of the Property: 1.94 acres

Description of Proposed Project and Current Site Conditions: (If necessary attach additional sheet)

Filling and leveling of land, to expand usable area for cottage colony. The subject property currently has 3 small cottages that are available for rental, and a manager's residence where the owner resides. The property has a dramatic slope downward of about 18 feet, rendering much of the property unusable. The site leveling does not involve any construction or expansion of buildings or structures.

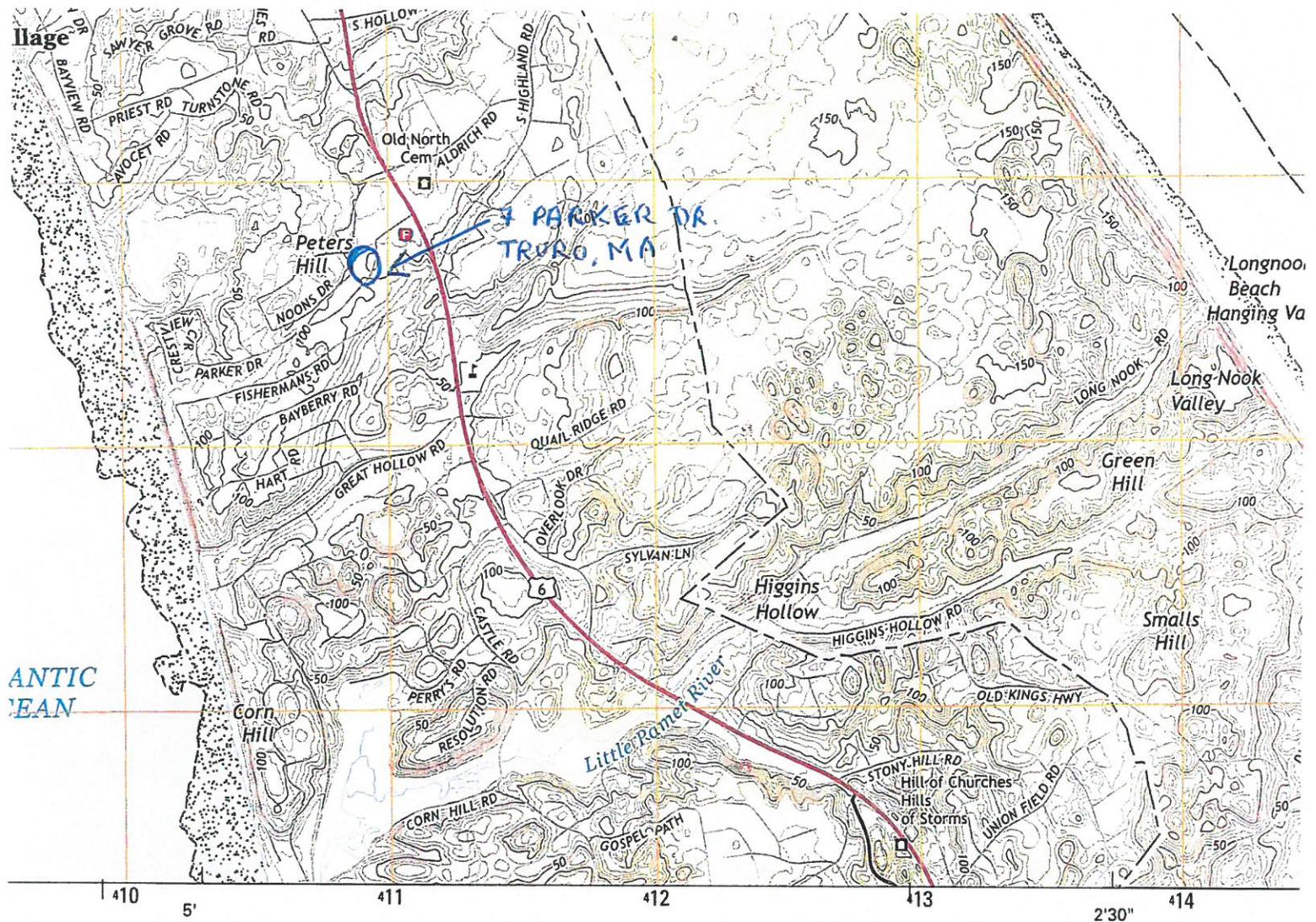
- Will this project be reviewed as a Notice of Intent by the local Conservation Commission?
- Will this project be undergoing MEPA review for reasons other than rare species?
- Have you enclosed the required copy of a USGS topographic map in the scale 1:24,000 or 1:25,000 (not copy reduced) with the site location clearly marked and centered on the copy page? (Copies of Natural Heritage Atlas pages are not accepted)

Please **mail** this completed form and topographic map to:

Regulatory Review
Natural Heritage and Endangered Species Program
MA Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

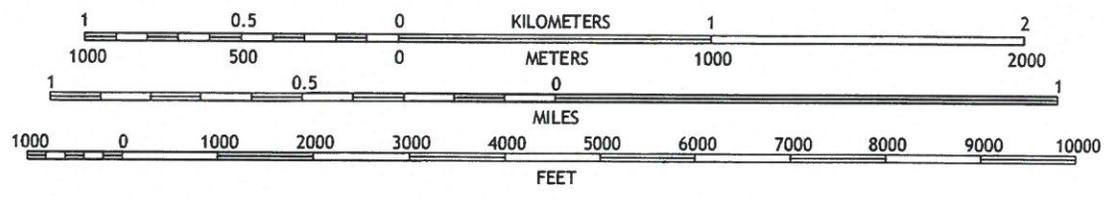
Questions regarding this form should be directed according to the county that the property is located:
Berkshire, Essex, Franklin, Hampshire, Hampden, Middlesex & Worcester Counties call: 508-389-6361
Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth & Suffolk Counties call: 508-389-6385

Persons requesting information will receive a written response within 30 days of receipt of all information required. Please do not ask for an expedited review. *If you are requesting information for habitat management or conservation purposes and you are a non-profit conservation group, government agency or working with a government agency please fill out a Data Release Form.



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SCALE 1:24 000



GNETIC NORTH
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CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

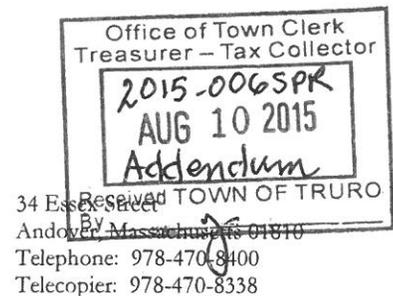
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.18

1	2
4	
6	7

ADJOINING QUAT

DALTON
& FINEGOLD, L.L.P.
ATTORNEYS AT LAW

Christopher R. Vaccaro
Direct Line: 978-269-6425
Email: cvaccaro@dfllp.com



August 5, 2015

Truro Town Clerk
Truro Town Hall
P.O. Box 2030
24 Town Hall Road
Truro, Massachusetts 02666

Re: Michael A. Tribuna Jr., Trustee of Westview Court Realty Trust
7 Parker Drive, Truro, Massachusetts (Map / Parcel No. 39 / 171)
Planning Board Case No. 2015-006SPR

Dear Sir or Madam:

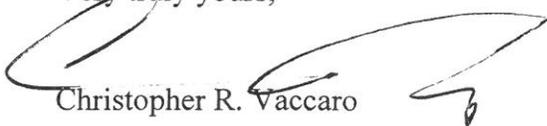
This office represents Michael A. Tribuna, Trustee of Westview Court Realty Trust (“Mr. Tribuna”), the owner of the property known as and located at 7 Parker Drive, Truro, Massachusetts (the “Property”).

On August 4, 2015, Mr. Tribuna filed an application for site plan review for the Property. At the request of Charleen Greenhalgh, your Assistant Town Administrator and Town Planner, I am clarifying the description of the work for which Mr. Tribuna seeks site plan approval. Specifically, such work can best be described as follows:

Filling of low area at 7 Parker Drive, Truro, MA, with related drainage improvements and erosion controls. There will be no new buildings or changes to existing buildings and structures.

Mr. Tribuna’s site plan application is scheduled for hearing before the Planning Board on September 8, 2015. Thank you for your consideration in this matter.

Very truly yours,


Christopher R. Vaccaro

cc: Ms. Charleen L. Greenhalgh, Assistant Town Manager and Town Planner
Mr. Russell Braun, Building Commissioner
Mr. Michael A. Tribuna Jr.



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

MassWildlife

Jack Buckley, *Director*

August 14, 2015

Christopher Vaccaro
Dalton & Finegold, LLP
34 Essex Street
Andover MA 01810

RE: Project Location: 7 Parker Drive
Town: TRURO
NHESP Tracking No.: 15-34443

To Whom It May Concern:

Thank you for contacting the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for information regarding state-listed rare species in the vicinity of the above referenced site. Based on the information provided, this project site, or a portion thereof, is located **within** *Priority Habitat 15* (PH 15) and *Estimated Habitat 79* (EH 79) as indicated in the *Massachusetts Natural Heritage Atlas* (13th Edition). Our database indicates that the following state-listed rare species have been found in the vicinity of the site:

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Catocala herodias gerhardi</i>	Gerhard's Underwing Moth	Butterflies and Moths	Special Concern
<i>Metarranthis pilosaria</i>	Coastal Swamp Metarranthis Moth	Butterflies and Moths	Special Concern
<i>Scaphiopus holbrookii</i>	Eastern Spadefoot	Amphibian	Threatened

The species listed above are protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Fact sheets for most state-listed rare species can be found on our website (www.mass.gov/nhesp).

Please note that projects and activities located within Priority and/or Estimated Habitat must be reviewed by the Division for compliance with the state-listed rare species protection provisions of MESA (321 CMR 10.00) and/or the WPA (310 CMR 10.00).

Wetlands Protection Act (WPA)

If the project site is within Estimated Habitat and a Notice of Intent (NOI) is required, then a copy of the NOI must be submitted to the Division so that it is received at the same time as the local conservation commission. If the Division determines that the proposed project will adversely affect the actual Resource Area habitat of state-protected wildlife, then the proposed project may not be permitted (310 CMR 10.37, 10.58(4)(b) & 10.59). In such a case, the project proponent may request a consultation with the Division to discuss potential project design modifications that would avoid adverse effects to rare wildlife habitat.

www.mass.gov/nhesp

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

A streamlined joint MESA/WPA review process is available. When filing a Notice of Intent (NOI), the applicant may file concurrently under the MESA on the same NOI form and qualify for a 30-day streamlined joint review. For a copy of the NOI form, please visit the MA Department of Environmental Protection's website: <http://www.mass.gov/dep/water/approvals/wpaform3.doc>.

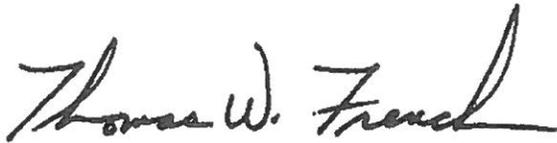
MA Endangered Species Act (MESA)

If the proposed project is located within Priority Habitat and is not exempt from review (see 321 CMR 10.14), then project plans, a fee, and other required materials must be sent to Natural Heritage Regulatory Review to determine whether a probable "take" under the MA Endangered Species Act would occur (321 CMR 10.18). Please note that all proposed and anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16). For a MESA filing checklist and additional information please see our website: www.mass.gov/nhosp ("Regulatory Review" tab).

We recommend that rare species habitat concerns be addressed during the project design phase prior to submission of a formal MESA filing, as avoidance and minimization of impacts to rare species and their habitats is likely to expedite endangered species regulatory review.

This evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Thomas W. French, Ph.D.
Assistant Director

DALTON
& FINEGOLD, L.L.P.
ATTORNEYS AT LAW

Christopher R. Vaccaro
Direct Line: 978-269-6425
Email: cvaccaro@dfllp.com

34 Essex Street
Andover, Massachusetts 01810
Telephone: 978-470-8400
Telecopier: 978-470-8338

August 27, 2015

BY EMAIL AND
FIRST CLASS MAIL

Ms. Charleen L. Greenhalgh
Assistant Town Administrator / Planner
Truro Town Hall
P.O. Box 2030
24 Town Hall Road
Truro, Massachusetts 02666

Re: Michael A. Tribuna Jr., Trustee of Westview Court Realty Trust
7 Parker Drive, Truro, Massachusetts (Map / Parcel No. 39 / 171)
Planning Board Case No. 2015-006SPR

Dear Charleen:

This office represents Michael A. Tribuna, Trustee of Westview Court Realty Trust ("Mr. Tribuna"), the owner of the property known as and located at 7 Parker Drive, Truro, Massachusetts (the "Property").

On August 4, 2015, Mr. Tribuna filed an application for site plan review for the Property. The Planning Board has scheduled a hearing on his application is scheduled for September 8, 2015. Please accept this letter as a supplement to Mr. Tribuna's application and a request for waivers from site plan review application requirements, and forward it to the Planning Board for consideration.

1. Purpose of Application. Mr. Tribuna mistakenly brought fill on to the Property in order to level it off and increase the Property's usable area. When he added the fill, Mr. Tribuna was unaware that his small cottage colony, consisting of his personal residence and three modest cottages, required site plan approval under provisions of Section 70.3 of the Truro Zoning Bylaw (the "Bylaw") applicable to commercial developments such as shopping centers. He also was not aware of recent

amendments to the Bylaw requiring property owners to seek site plan review when they only add fill without adding buildings or structures to their properties. Mr. Tribuna now seeks to rectify these mistakes, and obtain site plan approval for his work.

2. Future Use of Property. Mr. Tribuna does not intend to maintain the cottage colony indefinitely. The cottage colony buildings are nearing the end of their useful lives. Mr. Tribuna hopes to someday construct a single-family dwelling for himself on the Property. This change of use will bring the Property into conformity with the use limitations in the Bylaw. The added fill will facilitate construction of a single-family residence, after the fill settles. We note that Mr. Tribuna could have brought in the fill as of right under the Bylaw if the Property were used as a single-family residence.

3. Square Footage of Existing Improvements. The Bylaw requires that the site plans state the square footage of improvements covering the lot. The existing plan does not do this. Please accept this letter as stating that the square footage of driveways and parking on the Property is 6,414 square feet, and the square footage of buildings on the Property is 2,363 square feet. I calculated these figures relying on information in the site plans previously submitted to your office.

4. Title Blocks. For purposes of the title block of the plans, the description of the project can be described simply as "Propose Site Improvements." To the extent that the descriptions in the plans' title blocks may be incomplete, Mr. Tribuna requests a waiver from the requirements of Section 70.3.D.3.a.5 of the Bylaw.

5. Building Heights. The buildings on the Property are either one-story cottages or small sheds. No new buildings are proposed. This should be adequate descriptions of the buildings, all of which are shown on the site plans submitted. We respectfully request that the Planning Board waive any requirement under Section 70.3.D.3.b.2 of the Bylaw for additional information on building heights.

6. Tree Removal. Mr. Tribuna removed approximately 40 trees from the Property when he added the fill. Most of these trees were scrub pines. He does not intend to remove additional trees.

7. Existing Signage. There is no significant signage on the Property. Please waive the requirement under Section 70.3.D.3.b.6 of the Bylaw as to signage.

8. Massachusetts Endangered Species Act. We have obtained information from the Massachusetts Division of Fisheries and Wildlife (the "Division") regarding the possible existence of endangered species on the Property. The Division advised us by letter that two "species of special concern" (both of which are insects) may use the Property for habitat. The Division also advised us that a species of toad may have been found on the Property. This toad species is classified as endangered. Mr. Tribuna intends to file additional information with the Division to minimize any damage to endangered species habitat. I furnished you with a copy of the Division's response to our inquiries on August 24, 2015.

9. Buildings to be Located on Property. Mr. Tribuna does not propose to construct new buildings or to modify the existing buildings at this time. He may in the future remove the cottages from the Property, and build a new single-family residence for himself there, but for the time being, he has no definite plans to do so. Mr. Tribuna requests a waiver of the requirements of Section 70.3.D.3.c.1 and 70.3.D.3.c.2 of the Bylaw.
10. Easements and Other Legal Conditions. Mr. Tribuna is unaware of any easements or legal restrictions that adversely affect the work that he has done and proposes to do on the Property. Accordingly, he requests a waiver of the requirements of Section 70.3.D.3.c.4 of the Bylaw.
11. Locations of Walls. There are no retaining walls proposed on the Property. Therefore, Mr. Tribuna requests a waiver of the requirement under Section 70.3.D.3.c.7 of the Bylaw as to retaining walls.
12. Proposed Signage. Mr. Tribuna does not propose to add signage on the Property. Please waive the requirement under Section 70.3.D.3.c.8 of the Bylaw as to signage.
13. Lighting. Mr. Tribuna does not propose to change the lighting on the Property. The cottage colony currently has only modest lighting, which has no material effect on abutting properties. Please waive the requirement under Section 70.3.D.3.c.12 of the Bylaw as to lighting.
14. Parking and Drives. Mr. Tribuna proposes no changes to existing parking areas and driveways. These areas are clearly shown on the site plan. Please waive the requirement under Section 70.3.D.3.c.15 of the Bylaw as to cross-sections of parking lots and driveways.
15. Work Staging Area. Mr. Tribuna will use the existing parking and driveway areas for staging. Please waive the requirement under Section 70.3.D.3.c.16 of the Bylaw as to staging areas.
16. Landscaping. Mr. Tribuna and his engineer are prepared to discuss landscaping in detail at the hearing. Landscape improvements and details are shown on the site plans provided. For the time being, Mr. Tribuna requests a waiver from the separate landscaping plan requirement of Section 70.3.D.3.d of the Bylaw.
17. Building Plans. Because Mr. Tribuna does not propose any new buildings or changes to existing buildings, please waive the requirements of Section 70.3.D.3.e of the Bylaw, which require elevations and floor plans for buildings.
18. Project Estimate. Mr. Tribuna estimates that the cost of the project will be \$50,000.
19. Rip-Rap Swale. Mr. Tribuna and his engineer are prepared to discuss the rip-rap swale and erosion controls in detail at the hearing.
20. Protection of Abutting Properties. Mr. Tribuna and his engineer are prepared to discuss protections for abutting properties at the hearing, as expected under Sections 70.3.F.2 and 70.3.F.3 of

the Bylaw. The project has a silt-fence work limit line backed with straw wattles, and will impose no material adverse effects on abutters.

21. Significant Resources. The changes to the Property do not affect any significant natural, historic, or scenic features. There are no adverse effects to scenic views from public areas. The changes allow Mr. Tribuna improved use of the Property, while minimizing tree, vegetation, and soil removal and grade changes. Open space is retained.

22. Waivers. This addition of fill to the Property is a minor improvement to Mr. Tribuna's land and his small cottage colony. To the extent that information submitted to the Planning Board does not fully address the requirements of Section 70.3.D of the Bylaw, Mr. Tribuna requests waivers of the information requirements pursuant to Section 70.3.E. Given the modest scale of Mr. Tribuna's work, such waivers are not detrimental to the public interest, will not cause the Town of Truro expense, and are not inconsistent with the purpose of the Bylaw.

Thank you for your consideration in this matter.

Very truly yours,



Christopher R. Vaccaro

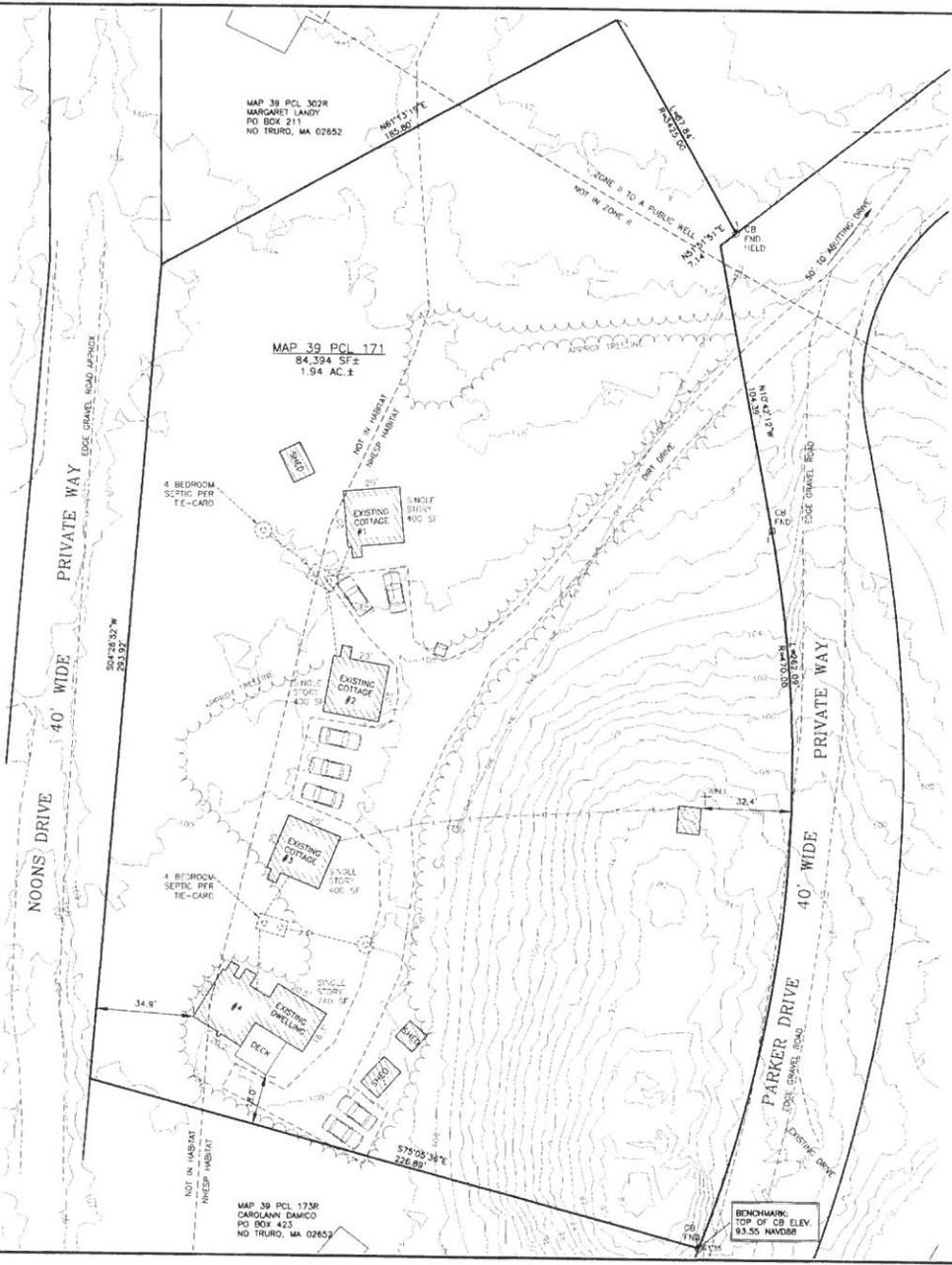
cc: Mr. Michael A. Tribuna Jr. (by email)
Mr. Daniel A. Ojala, P.E. (by email)



LEGEND

- - - EXISTING CONTOUR
- X PVI EXIST SPOT ELEV.
- - - PROPOSED CONTOUR
- (ELEV) PROPOSED SPOT EL.
- ⊙ TEST HOLE
- ▬ SLOPE OF GROUND
- ⊥ UTILITY POLE
- ⊥ FIRE HYDRANT
- ⊥ OVERHEAD ELECTRIC
- ⊥ BURIED ELECTRIC

NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING



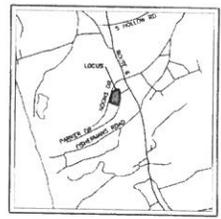
MAP 39 PCL 302R
MARGARET LANDY
PO BOX 211
NO TRURO, MA 02652

MAP 39 PCL 171
84,394 SF ±
1.94 AC. ±

MAP 39 PCL 173R
CAROLANNE DAMICO
PO BOX 423
NO TRURO, MA 02652

PARKING REQUIREMENT

EXISTING:
1 DWELLING UNIT & 3 COTTAGES
2 SPACES PER DWELLING UNIT, PLUS
1 SPACE FOR EACH RENTAL UNIT
REQUIRED:
2 SPACES TOTAL
7 SPACES CURRENTLY PROVIDED



LOCUS MAP

NOT TO SCALE
ASSESSORS MAP 39 PARCEL 171
LOCUS IS WITHIN FEMA FLOOD ZONE X
(AREA OF MINIMAL FLOOD HAZARD) AS
SHOWN ON COMMUNITY PANEL #25060(C038J)
DATED 7/16/2014
SITE IS MAPPED WITHIN A NHESP PRIORITY
HABITAT OF RARE SPECIES

OWNER OF RECORD

WESTVIEW COURT REALTY TRUST
192 MILTON ST
WOLLASTON, MA 02170

REFERENCES

DEED BOOK 12786 PAGE 8
PLAN BOOK 256 PAGE 60
PLAN BOOK 267 PAGE 55

ZONING SUMMARY

ZONING DISTRICT	RES.	REQUIRED:	EXISTING:
MIN. LOT SIZE		33,750 S.F.	84,394 S.F.
MIN. LOT FRONTAGE		150'	366'
MIN. FRONT SETBACK		25'	32.4'
MIN. SIDE SETBACK		25'	18.0'
MAX. BUILDING HEIGHT		30'	
LOT COVERAGE			7.6%
DRIVEWAYS/PARKING BUILDINGS			2.8%

NORTHERMOST 60' OF SITE IS IN A ZONE II TO A PUBLIC WELL, MAJORITY OF SITE IS NOT IN A ZONE II.
SITE IS SERVED BY ONSITE WELL AND SEPTIC, NO CHANGES PLANNED.

EASTERN 1/3 OF SITE IS MAPPED IN NHESP ESTIMATED AND PRIORITY HABITAT.

EXISTING USE, DWELLING AND 3 COTTAGES
PROPOSED USE, NO CHANGE
(ADDITIONAL LEVEL AREA FOR GENERAL YARD AREA FOR RESIDENTIAL USE, AREA TO BE STABILIZED WITH GRAVEL AND/OR 4" LOAM AND SEED.)

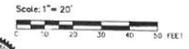
SITE PLAN

OF
#7 PARKER DRIVE
TRURO, MA

PREPARED FOR
MICHAEL TRIBUNA

DATE: JULY 30, 2015
REV: AUGUST 18, 2015

SHEET 1 PRE-EXISTING CONDITIONS



DATE: DANIEL A. OJALA, P.E., P.L.S.

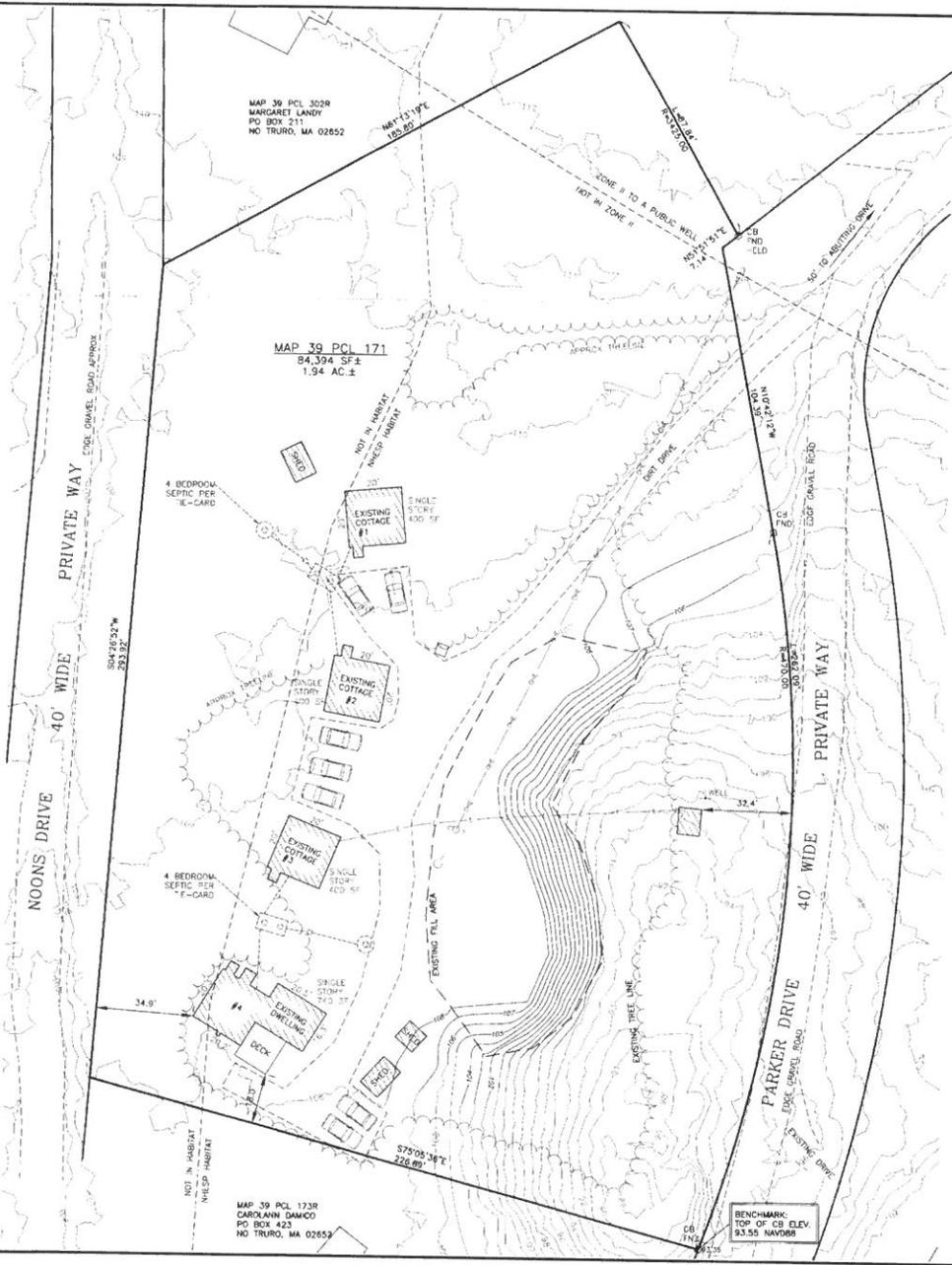
down cape engineering, inc.
Civil engineers
land surveyors
939 Main Street (Rte. 6A)
YARVOUTHPORT MA 02675



LEGEND

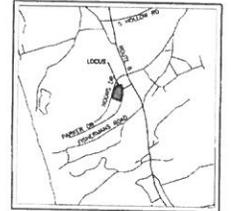
- - - EXISTING CONTOUR
- ✕ X ✕ EXIST. SPICE FEED
- - - PROPOSED CONTOUR
- (---) PROPOSED SPICE FEED
- ⊕ TEST HOLE
- ▬ SLOPE OF GROUND
- ⊕ UTILITY POLE
- ⊕ FIRE HYDRANT
- DRIVEWAY ELECTRIC
- BURIED ELECTRIC

NOTE: NOT ALL SYMBOLS ARE SHOWN IN DRAWING



PARKING REQUIREMENT

- EXISTING:
1 DWELLING UNIT & 3 COTTAGES
2 SPACES PER DWELLING UNIT, PLUS
1 SPACE FOR EACH RENTAL UNIT
- REQUIRED:
5 SPACES TOTAL
- 7 SPACES CURRENTLY PROVIDED



LOCUS MAP

NOT TO SCALE
ASSESSORS MAP 39 PARCEL 171
LOCUS IS WITHIN FEMA FLOOD ZONE X
(AREA OF MINIMAL FLOOD HAZARD) AS
SHOWN ON COMMUNITY PANEL #25001C0159J
DATED 7/16/2014

SITE IS MAPPED WITHIN A NHPSP PRIORITY
HABITAT OF RARE SPECIES

OWNER OF RECORD

WESTVIEW COURT REALTY TRUST
192 MILTON ST
WOLLASTON, MA 02170

REFERENCES

DEED BOOK 12786 PAGE 6
PLAN BOOK 258 PAGE 60
PLAN BOOK 267 PAGE 55

ZONING SUMMARY

ZONING DISTRICT	RES.	REQUIRED:	EXISTING:
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LOT COVERAGE			7.6%
DRIVEWAYS/PARKING BUILDINGS			2.8%

NORTHERNMOST 60' OF SITE IS IN A ZONE II TO A PUBLIC WELL, MAJORITY OF SITE IS NOT IN A ZONE II.

SITE IS SERVED BY ONSITE WELL AND SEPTIC, NO CHANGES PLANNED.

EASTERN 1/3 OF SITE IS MAPPED IN NHPSP ESTIMATED AND PRIORITY HABITAT.

EXISTING USE: DWELLING AND 3 COTTAGES
PROPOSED USE: NO CHANGE
(ADDITIONAL LEVEL AREA FOR GENERAL YARD AREA FOR RESIDENTIAL USE, AREA TO BE STABILIZED WITH GRAVEL AND/OR 4" LOAM AND SEED.)

SITE PLAN
OF
#7 PARKER DRIVE
TRURO, MA

PREPARED FOR
MICHAEL TRIBUNA

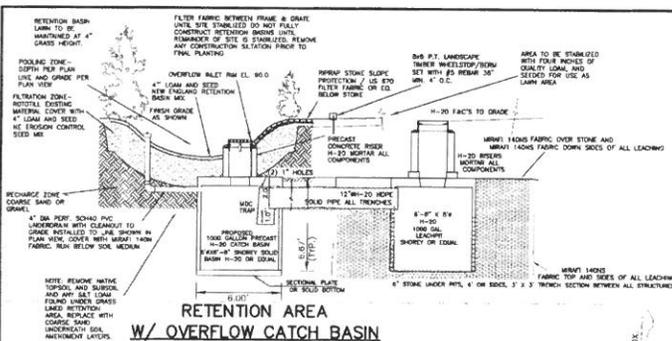
DATE: JULY 30, 2015
REV: AUGUST 18, 2015

SHEET 2 EXISTING CONDITIONS

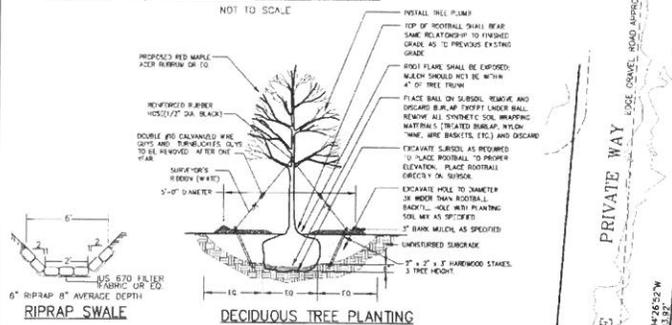


DATE: 08-15
DANIEL A. OJALA, P.E., P.L.S.

down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte. 8A)
YARMOUTH/PORT MA 02675



RETENTION AREA W/ OVERFLOW CATCH BASIN
NOT TO SCALE

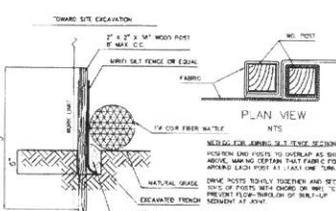


DECIDUOUS TREE PLANTING
NOT TO SCALE

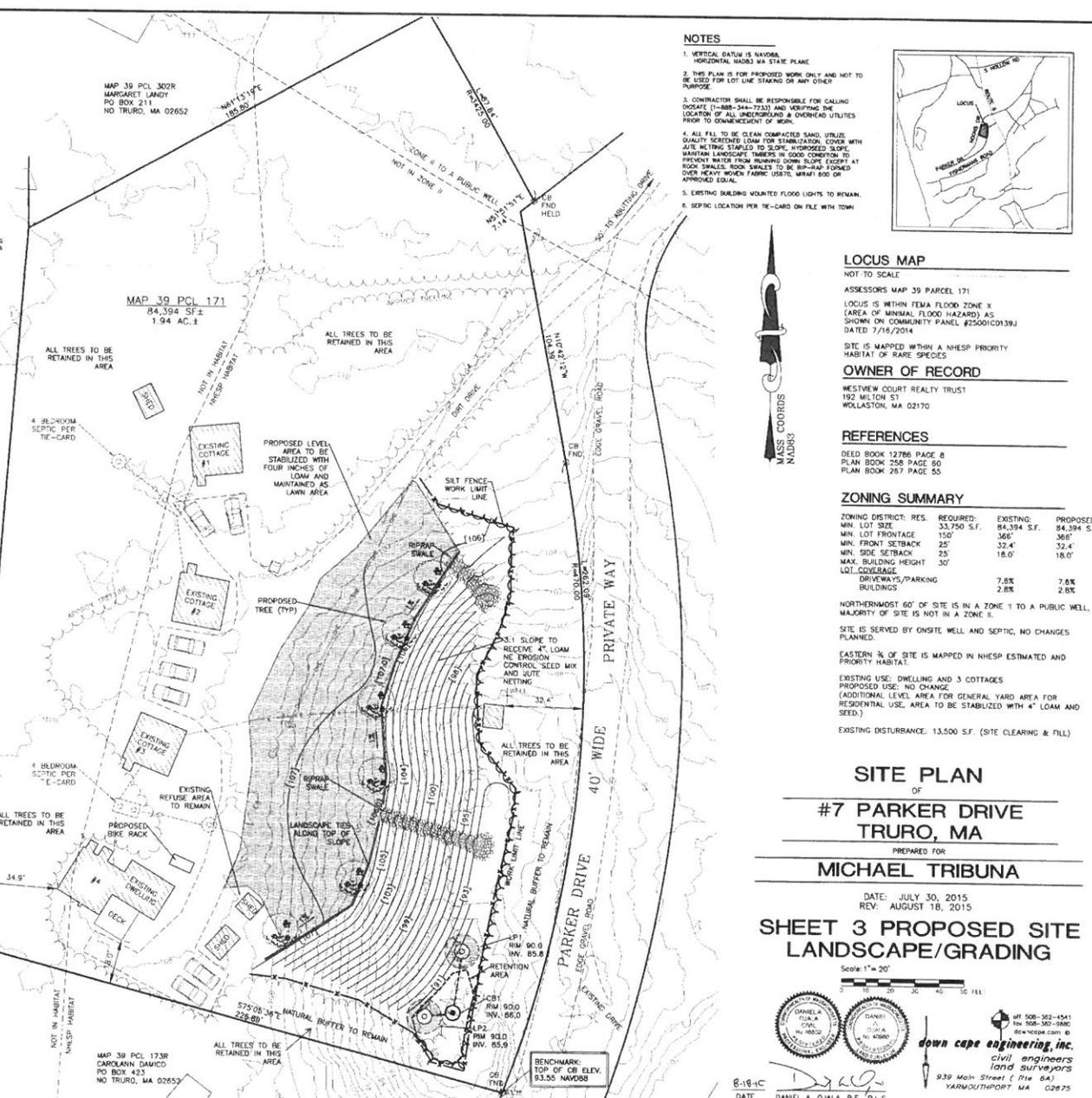
EROSION CONTROL AND SITE RESTORATION

1. SILTATION FENCE SHALL BE INSTALLED AS SOON AS PRACTICAL. ALIEN SITE PREPARATION WORK HAS BEGUN.
2. ALL EROSION CONTROL STRUCTURES SHALL BE MAINTAINED IN GOOD CONDITION AND INSPECTED ON A REGULAR BASIS UNTIL ALL SITE IMPROVEMENTS ARE IN PLACE AND VEGETATION ESTABLISHED.
3. WHERE SLOPES EXCEED 75% JULTE OR FIBER NETTING WILL BE SECURED IN PLACE AFTER SLOPING TO PREVENT EROSION. CONTRACTOR TO REPAIR ANY WASHED OUT AREAS AS REQUIRED UNTIL SITE STABLE.
4. THE SITE WORK CONTRACTOR SHALL BE RESPONSIBLE TO ASSURE THAT SOILS, VEGETATION AND CONSTRUCTION DEBRIS FROM THE PROJECT ARE NOT CONTAMINATED TO THE PROJECT SITE DURING CONSTRUCTION. PERMANENT SURFACES INCLUDING PAVEMENT, LAWN AND LANDSCAPED AREAS SHALL BE PROTECTED BY PROPER GRADING, MULCHING OR OTHER CONSTRUCTION AS MAY BE REQUIRED UNTIL STABILIZATION OF THE SITE IS ACHIEVED.
5. CONSTRUCTION METHOD: CONTRACTOR TO PLACE 1\"/>

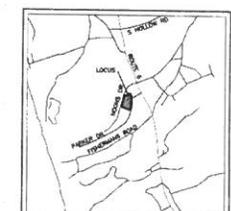
- LEGEND**
- EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED SPOT ELEVATION
 - TEST HOLE
 - SLOPE OF GROUND
 - UTILITY POLE
 - FIRE HYDRANT
 - OVERHEAD ELECTRIC
 - BURIED ELECTRIC



SILT FENCE INSTALLATION
1\"/>



- NOTES**
1. VERTICAL DATUM IS NAVD83. HORIZONTAL DATUM IS STATE PLANE.
 2. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO BE USED FOR LOT LINE STAKING OR ANY OTHER PURPOSE.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING LOCATE (1-800-344-7333) AND VERIFYING THE LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.
 4. ALL FILL TO BE CLEAN COMPACTED SAND. UTILIZE QUALITY GREENTEE LOAM FOR STABILIZATION. COVER WITH JULTE NETTING STAPLED TO SLOPE. IMPROVED SLOPE MAINTAIN LANDSCAPE TIMBERS IN GOOD CONDITION. TO PREVENT WATER FROM RUNNING DOWN SLOPE EXCEPT AT ROCK SPALES. ROCK SPALES TO BE RIP-RAP FORMED OVER HEAVY WOVEN FABRIC. UTILITY MARKERS TO BE APPROVED EQUAL.
 5. EXISTING BUILDING MOUNTED FLOOD LIGHTS TO REMAIN.
 6. SEPTIC LOCATION PER PER-CARDS ON FILE WITH TOWN.



LOCUS MAP
NOT TO SCALE

ASSESSORS MAP 39 PARCEL 171

LOCUS IS WITHIN FEMA FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON COMMUNITY PANEL #25001(C013R) DATED 7/15/2014

SITE IS MAPPED WITH A NHESP PRIORITY HABITAT OF RARE SPECIES

OWNER OF RECORD
WESTVIEW COURT REALTY TRUST
192 MILTON ST
WOLLASTON, MA 02170

REFERENCES
DEED BOOK 12786 PAGE 8
PLAN BOOK 258 PAGE 50
PLAN BOOK 287 PAGE 55

ZONING SUMMARY

ZONING DISTRICT	RES. REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE	33,750 S.F.	84,394 S.F.	84,394 S.F.
MIN. LOT FRONTAGE	150'	366'	366'
MIN. FRONT SETBACK	25'	32.4'	32.4'
MIN. SIDE SETBACK	25'	18.0'	18.0'
MAX. BUILDING HEIGHT	30'		
LOT COVERAGE		7.8%	7.6%
DRIVEWAYS/PARKING		2.8%	2.6%

NORTHERNMOST 60' OF SITE IS IN A ZONE 1 TO A PUBLIC WELL. MAJORITY OF SITE IS NOT IN A ZONE 1.

SITE IS SERVED BY ONSITE WELL AND SEPTIC. NO CHANGES PLANNED.

EASTERN 1/4 OF SITE IS MAPPED IN NHESP ESTIMATED AND PRIORITY HABITAT.

EXISTING USE: DWELLING AND 3 COTTAGES
PROPOSED USE: NO CHANGE
(ADDITIONAL LEVEL AREA FOR GENERAL YARD AREA FOR RESIDENTIAL USE. AREA TO BE STABILIZED WITH 4\"/>

SITE PLAN
OF
#7 PARKER DRIVE
TRURO, MA
PREPARED FOR
MICHAEL TRIBUNA

DATE: JULY 30, 2015
REV. AUGUST 18, 2015
SHEET 3 PROPOSED SITE LANDSCAPE/GRADING

Scale: 1" = 20'

dawn cape engineering inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02875
Tel: 508-362-1541
Fax: 508-362-3480
dco@dcapeng.com

DATE: 8-18-15
DATE: DANIEL A. OJALA, P.E., P.L.S.

From: Jen Tru Haven <jentruhaven@gmail.com>
To: 'Charleen Greenhalgh' <asstown@truro-ma.gov> **Cc:** rpalmer@truro-ma.gov
Date: 09/01/2015 02:29 PM
Attachments:  [TruHaven PB Re 7 Parker Dr 08-27-15 final+atts.pdf](#) (2848 kB)
Subject: Sept 9 Planning Board Meeting and 7 Parker Drive

ATTACHMENT G

Dear Charleen,

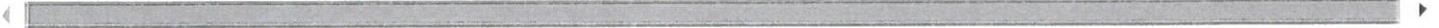
Attached please find information I am sending on behalf of the Tru Haven Homeowners Association that I ask be forwarded to Chairman Tobia and other members of the Planning Board as part of their packet for review at the upcoming meeting. I ask that the Board accept this material as a supplement to the letter filed by Tru Haven on June 30. I believe the attached letter and information will give useful background and documentation to the Board when considering Mr. Tribuna's application.

Thanks to you, Rae Ann and Chairman Tobia in advance for your consideration in this matter.

Best,

Jen

President
Tru Haven Homeowners Association



**Tru-Haven
Homeowners'
Association**

Board of Directors
Jennifer Cohen, President
Bob Doolittle
Michael Janoplis

Kevin Kuechler
Fred Moss

P.O. Box 537 · Truro, MA 02666

E-Mail · jentruhaven@gmail.com

August 27, 2015

Ms. Lisa Maria Tobia
Chairman, Truro Planning Board
Truro Town Hall
Truro, MA 02666

Via Email

RE: 2015006SPR Michael A. Tribuna—7 Parker Drive

Dear Chairman Tobia,

In anticipation of the upcoming hearing on Mr. Tribuna's application for site plan approval, I am writing to supplement the written record offered by the Tru-Haven Homeowners Association in its June 30th correspondence. Although I am a direct abutter of the above-mentioned property, I am once again writing here at the behest of and on behalf of the Tru-Haven Association, comprising of over 43 households, regarding the property at 7 Parker Drive.

Our Association greatly appreciates the care with which the Planning Board and the Town of Truro has been reviewing this matter and that the Town Planners' preliminary comments on the plans received on August 7 were so thorough. While Mr. Tribuna has filed responses to some of these questions, they were filed a full week after written deadline of August 21 at noon. Mr. Tribuna is only now formally requesting site plan waivers months after he was personally informed of the requirements of such a plan at an on-site meeting with the Building Inspector and after an informal discussion with the Planning Board on July 7. In addition, as of the date of this letter, the required formal application to Natural Heritage has not even been filed, much less reviewed. We would ask that the Planning Board deny this application based on the record to date rather than allowing any further continuance. Instead, we would ask the Planning Board to consider what one member stated at the July 7 discussion might be a logical next step: remediation.

Mr. Tribuna is now completely revising his representations to the Town regarding his intended future uses for the property. Only weeks ago at the July 7 Planning Board meeting and previously to Town officials from April on, he definitively stated that the work was being done only to increase useable area for this property or for drainage; now he is stating his intent to build a home of unknown design on some undisclosed portion of his land at some undefined future date. This is only one of the intended uses that previously have been relayed to his neighbors including his intent to subdivide and build two homes. Our community is also extremely concerned that Mr. Tribuna may have still other goals in mind that may involve annexation of his property by the encroaching commercial developments that abut his land.

Mr. Tribuna's past actions and varying representations point to serious credibility issues that unfortunately must call into serious question even his current plans. His actions to date also bring up the question of whether project segmentation and incrementalism was planned all along to bypass full

review of whatever the intended project's scope and design may be ultimately. The damage done to a protected habitat was presumably done for a known purpose. We are not sure we know what that purpose is yet.

While bylaws allow fill to be added to build a single family home, they do not allow fill to be added to increase the height of a home from its original grade. Therefore, if full remediation is not required as we believe appropriate until and unless full site plans for anticipated future uses are filed, we request that significant additional landscaping of evergreens should be required to restore the original screening of the property as it existed, and future development should be strictly limited by record condition to a single family home using the original grades and contours of the land as would be the case if he had applied for a building permit with the land as it existed before he commenced his work.

Decisions Should Be Based on Site Conditions that Existed at the Time Applications Were Required; Not on Those That Exist After Violations Have Already Occurred

Mr. Tribuna is now seeking site plan approval having already and improperly deforested, removed soil and other materials, and graded and filled much of his property in direct violation of deed restrictions, zoning regulations and NHESP requirements. He is now offering to add drainage components which, even if adequate, would not have been necessary but for his violations and removal of well over 75 trees and the underbrush that covered much of his property. According to the most recent plans filed with the Planning Board for review, he is now offering to plant 5 deciduous maple trees in their place. This will offer no screening of the now newly visible cabins, cars, utility pole, sheds, outdoor lighting and the industrial area beyond on Noons Drive. All of these were, until recently, fully hidden by a hill of trees that has been stripped bare with the exception of a small buffer of bushes and a few trees, some of which are dead or damaged (see Appendix A) due to work done this Spring. How many more will be damaged by the work to install drainage and other structures at the front corner of his property? By virtue of Tru-Havens' Covenants whose rights and obligations **are stated as conditions in his deed**; by the existence of a documented Priority Habitat on this property; and by Town Zoning bylaws regulating this property, abutters and other neighbors had a right to expect that this property would remain as it has been since the creation of Tru Haven Village sub-division.

Respectfully, I ask the Planning Board to consider if it would have approved a request to deforest such a large area; radically change the topography of that land; and add otherwise unneeded drainage structures simply to allow for a small increase in flat, recreational space for a few seasonally rented cottages or to prepare the land for some future unspecified building project? Such a hypothetical approval, if given, would create alarming precedents for terra-forming in other areas of Truro and raise significant issues of fairness. Even less impactful requests of building up a few feet were denied to other members of the Tru-Haven community by the Town when they inquired about such measures while building their own homes. To allow the work started by Mr. Tribuna to continue as he now proposes not only sanctions the violations to date but also encourages others to do the same - to violate various bylaws, deed conditions and other guidelines, in order to take work to a certain point with the assumption that, if they have gone far enough, it will then be allowed retroactively.

Work Continued Even After Violations of Deed Conditions and Zoning Bylaws Were Known. This Evidences an Incremental Approach to Accomplish Still Unstated or Ill Defined Goals

In her August 7 letter, Ms. Greenhalgh inquired as to whether there were any easements or other legal conditions operative on the property. While other legal conditions may exist (including legal requirements for property in Priority Habitats as is the majority of the land in question), the property at 7 Parker Dr. is subject by deed to the Covenants of Tru-Haven Village and, in addition, specifically

subject a special amendment to these Covenants issued regarding this property. While owners of this property are specifically allowed to rent their cabins without prior permission, all other aspects of Covenants are in full force. .¹

Attached as Appendix B please find a copy of Mr. Tribuna's deed at the time he purchased this property, a copy of the Tru Haven Covenants and their amendments for your reference which are intended to protect the rural nature of this community. Among the various guidelines are specific instructions that no trees beyond a certain size can be removed without prior permission; that all utilities must be buried; that any outdoor lighting be configured to protect other residents; and that lot clearing should be generally minimized even for building purposes.

While Tru-Haven does not ask the Town to enforce its Covenants, it does think that the Town should not sanction their outright violation or override the conditions of the deed by which he freely accepted such conditions by approving this plan. Nor do we believe that the Town should condone Mr. Tribuna's continuation of site work even after he was notified by the Board of Tru-Haven that he was in violation of the Covenants and, subsequently, by the Building Inspector and Enforcement Officer that he was in violation of Zoning regulations. Accordingly, we ask this body to consider the following:

- Even if Mr. Tribuna, an experienced realty professional, was somehow unaware of the provisions of the Covenants referenced in his deed, both his contractor and he were notified of the prohibition against removal of trees when limited tree removal started this past winter. Since work stopped soon thereafter, no further action was deemed necessary at that time.
- When work aggressively recommenced in April, I personally spoke with Mr. Tribuna who requested that I send him a copy of the Covenants and refused to disclose or discuss his plans for the property. Since Mr. Tribuna refused to offer an email or fax by which to send the material, the Covenants were sent via Fed Ex with the attached letter (Appendix C) which quite courteously asked him to contact our Board and alerting him to the fact that the then current work on his property was in violation of the conditions of his deed.
- Mr. Tribuna did not respond and he did not stop his work. Various members of the community began independently to make direct complaints to Russ Braun. I made inquiries on behalf of the Homeowners' Association. Soon thereafter, Mr. Braun informed me that he had spoken to the owner who had agreed to stop work until it could be determined if permits were required. Unfortunately, work was not stopped at this point.
- As per the attached letter to the Tru-Haven Association (Appendix D), Mr. Braun first got verbal assurances that work would be stopped and then, at the end of April, specifically discussed what steps would be needed for a complete site plan and given until August to comply. After expressing our concerns regarding the then current state of the property and leaving it that way throughout the summer season, Tru Haven was informed that that amount of time would be needed to meet all of the rather stringent requirements of site plan review. This is one reason why we feel it would be unfair to allow further continuances rather than to reject the plan and certainly why site plan waivers should not be issued.

¹ The amendment also gives the right of the property owner a limited right to subdivide the original parcel. Subdivisions to the original property have already been done at some earlier date. If such subdivisions were done with Town approval, the conditions of such approvals may have direct bearings on the current application. It would be helpful to understand if the conditions of the then current subdivision regulations were followed or need to be followed before additional work is or can be allowed. This may include issues regarding grades, tree removal, all utilities being placed underground, etc.

- When work on the site still continued, a written complaint was filed by Tru Haven at the instructions of its membership at the end of May. A cease and desist order was issued soon thereafter. By this time, however, all site clearing and much of the intended leveling had been done.

Mr. Tribuna's actions-to-date certainly erode confidence that his current representations reflect his already known plans and anticipated uses and work on the property. Instead, they appear to reflect a strategy of incremental changes that, once accomplished, are then used to justify the next requests or changes. Frankly, it is hard to imagine that such costly site work is now being incurred for the sole purpose of giving seasonal renters of four cabins slightly more recreation space until some unspecified later date when he only now officially admits he intends to build. Mr. Tribuna has owned this same property since 1999 and has been renting his cabins with sufficient parking for that purpose for more than 15 years. When directly asked in April, he would not say if he was putting in a lawn or had other plans for his property. The question remains why Mr. Tribuna would not have been straight-forward from the beginning with his neighbors, the Town or Natural Heritage if his plans are as he now professes?

As previously stated, Mr. Tribuna has expressed to members of our community that he intends to subdivide his property to build two houses and threatened to "do his worst" if we oppose his efforts. The terraforming done to date would certainly be explained by such a plan. Later, he spoke with yet another member of our community saying that he was intending to build a single family home but not for a few years. Having declared this was not his purpose just last month to both the Town of Truro and Natural Heritage, after being advised by Natural Heritage that project segmentation is not allowed, Mr. Tribuna is now saying that he plans a one family house sometime in the future. Whatever the truth of his ultimate plans for his property may be, they certainly have not been clearly stated and it is doubtful that the wholesale removal of a large number of trees on an entirely wooded slope would have been needed to accomplish the goals he now professes are his only aim.

If this work is being done as a prelude to future development on the site, then any such development should be defined and limited by the original contours and topography of the parcel and effective restoration of the property should be required to achieve the screening that existed. In addition, such development must be predicated upon the removal of all other structures now on the land. Otherwise, the Town is encouraging project segmentation and incrementalism where conditions or concerns expressed at one time period by one Planning Board are forgotten by the time future requests are made to a Planning Board or other body of a different membership. Such project segmentation often has resulted in difficulties for abutters and for the Town as a whole.

The Plan Does Not Accurately Depict the Clearing/ROW Constructed Last Year or the Extent of Tree Removal Already Performed

A clearing of trees and a wide Right Of Way was created last year from 7 Parker towards Noons Dr without permission or notice. This clearing was evidenced in the final photo on page 8 of Tru-Haven's June 30 letter to you and members of the Planning Board and is reprinted here as Appendix E. In this photo, this roadway appears to end at a huge pile of fill that was deposited at its end in April of this year. It has become slightly overgrown as work has stopped over the summer. While the surveyor was alerted to this path during his field work, he elected not to depict it on the plan which, upon information and belief, is in violation of 250 CMR. Instead, it is simply marked as the edge of a tree line.

Mr. Tribuna's land has no right of way along Noon's Drive and the potential intended use of this unapproved and undeclared path is of special concern given the increasing encroachment of nearby

commercial and industrial development on what is a strictly residential community. The fact that Mr. Tribuna's property abuts such development and that his work to date has made this commercial activity now visible both to abutters and other members of Tru-Haven as they go down Parker Drive is of concern now and even more so if he intends to do further work on this property. The neighborhood is also concerned that the assessors' categorization of this property as mixed commercial/residential use despite restrictions that make property in Tru Haven residential will allow Mr. Tribuna to sell his land to the commercial interests abutting his property, eroding the purely residential and rural nature of our community. We would therefore ask that any decision by the Planning Board affirm that access to Mr. Tribuna's property is and will continue to be limited to Parker Dr.

While the current plans depict a wooded buffer, these plans do not reflect the true impact on the ground. The few remaining trees do not offer the screening once afforded abutters and some of even these remaining trees, damaged by the work done to date, are either dead or may die, further eroding the boundary.

Many Tru Haven homeowners witnessed full days of trees being ripped from the ground as evidence by the video accompanying this document. It is estimated that well over than 75 trees were removed in this manner before work was stopped. The planting of 5 deciduous trees does not compensate for such a loss and they do not they meet even the minimum requirements for projects abutting residential communities which require evergreen screening. Given the extraordinary nature of the damage to existing vegetation done to date and the fact that the newly cleared and filled area is on the top of a hill, the minimum requirements enumerated in the bylaws, even if they were followed as required in a landscape plan, do not accomplish their intent which is to effectively shield residential communities.

Natural Heritage Inquiry Underway; Required Application Not Yet Received

While Attorney Vacarro stated at the July 7 meeting that he was unsure as to whether the part of the property being worked on at 7 Parker Dr. was in Priority Habitat 15, the subsequently filed plans reveal that the work area is indeed in such a protected area, a matter which should have been explored informally before work was done.² In addition to those species cited as possibly impacted by activity on this property, the investigator reviewing the formal application will also be examining the impact on eastern box turtles which were specifically documented by the NHESP field investigations during the inspection of this area of PH 15.

Even if the Planning Board was considering approval of this site plan, it is probably that the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife will require some taking and/or mitigation that will impact the project. As noted in their letter, all anticipated uses must be disclosed as project segmentation is not allowed under 321 CMR.

I hope the above information along with that previously supplied is of help to the Planning Board in weighing its upcoming decision.

We ask the Planning Board to:

1. Deny Mr. Tribuna's request outright or at less until and unless he fully commits and describes in better detail what his intended current and anticipated used for this property may be.

² An informal inquiry with Natural Heritage for the abutting property at the Safety Facility resulted in a finding that a significant taking would be involved if any development were to proceed. Whether lack of inquiry came from a lack of knowledge or a desire to avoid similar restrictions does not change the fact that work simply should not have taken place before a formal application was filed.

- a. If future building is planned as previously declared to members of Tru Haven on two separate occasions and just now admitted to by Attorney Vacarro in his official filing, we ask that a condition now be entered on the record that any such building should be conditioned upon the original grades and contours on the land and not on those created by recent work. To do otherwise, would simply to encourage and condone project segmentation and incremental steps on projects that may otherwise be denied.
 - b. Any future building should be predicated on the removal of all existing structures.
 - c. The prohibition of access along to this parcel from Noons Dr should be incorporated into any findings by the Board to ensure that this property is not annexed to the commercial development that abuts it. Noons Dr, like Parker Dr, is a private road and this parcel has no deeded rights to access Noons Drive.
2. Require and define a plan for remediation or significant mitigation to re-create the screening that his unpermitted actions removed from his site. Since the property has been in disarray for more than 4 months, we would ask that a date for the implementation of such a plan be set.
 3. Require Mr. Tribuna to complete the review required by NHESP before any additional work is allowed or the cease and desist order is lifted.
 4. Investigate whether the current property, which has been subdivided to create other residential parcels, is in violation of any subdivision bylaws and, if so, refer these to the Building Inspector for Enforcement and make any approvals subject to their amelioration.

Thanking you in advance for your consideration, I am

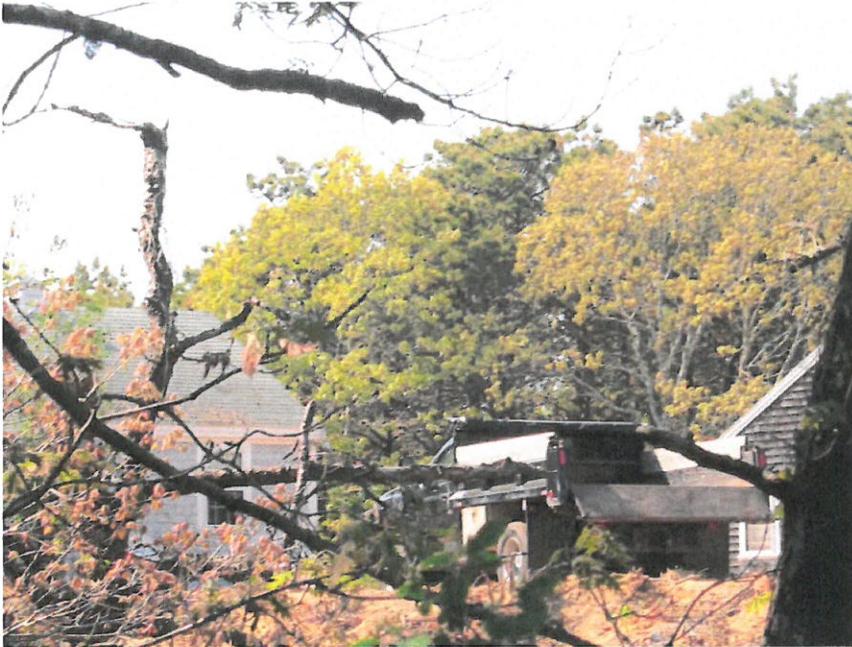
Sincerely yours,



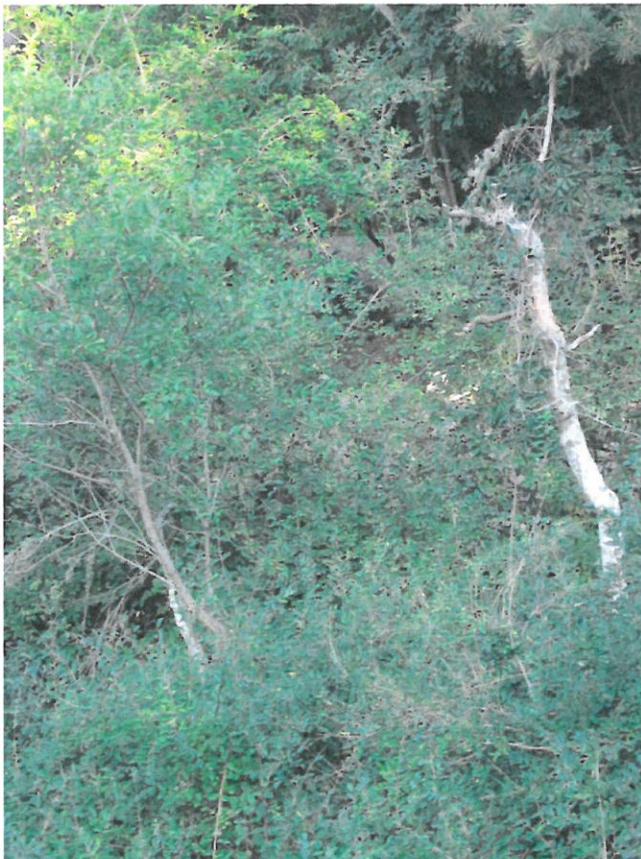
Jennifer Cohen
President

cc: Ms. Rae Ann Palmer, Town Administrator
Ms. Charleen Greenhalgh, Town Planner

**Appendix A - Tribuna Property (7 Parker Drive)
Dead and Dying Trees Post Deforestation - May/August 2015**



Dead Trees In Foreground (Near Parker Drive)

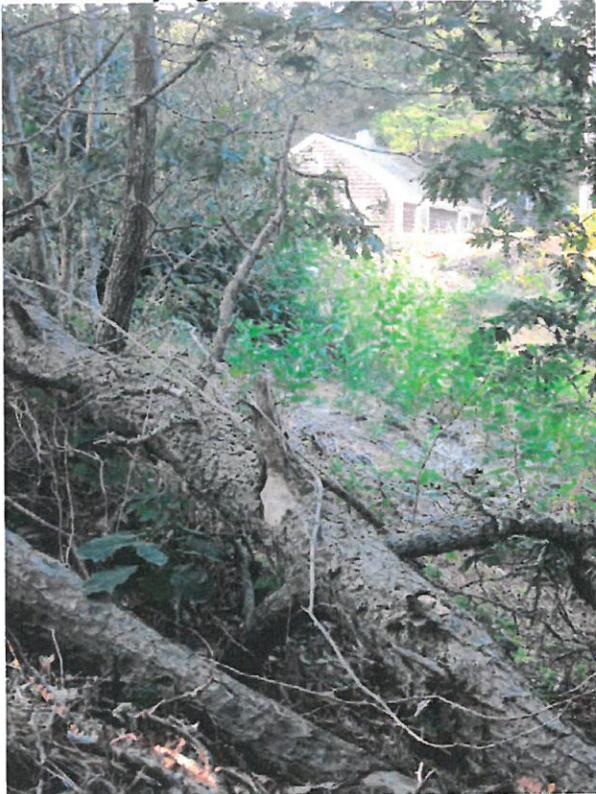


Dead and dying trees left in undergrowth

**Appendix A - Tribuna Property (7 Parker Drive)
Dead and Dying Trees Post Deforestation - May/August 2015**



Dead and dying trees left in undergrowth



Dead trees left on abutter's land/in view of cabin

**Appendix A - Tribuna Property (7 Parker Drive)
Dead and Dying Trees Post Deforestation - May/August 2015**



Dead Trees along Parker Dr



Appendix A - Tribuna Property (7 Parker Drive)
Dead and Dying Trees Post Deforestation - May/August 2015

Original density on right/portion of deforested area ahead and on left/ new grade

Deed to West Court Realty Trust & Covenants Including Amendments*

*Book 1674 Page 16-118: Refers to the parcel from which Mr. Tribuna's land was derived.

BK12786 PG008 3305

01-18-2000 @ 12:47

QUITCLAIM DEED

We, **MICHAEL A. TRIBUNA, JR.**, of 192 Milton Street, Wollaston, Massachusetts 02170-2504 and **MICHAEL A. TRIBUNA, SR.**, of 5 King Philip Path, Hingham, Massachusetts 02043

for consideration paid of **LESS THAN ONE HUNDRED (\$100.00) DOLLARS**

grant to **WESTVIEW COURT REALTY TRUST** u/d/t dated January 13, 2000, **MICHAEL A. TRIBUNA, JR. and MICHAEL A. TRIBUNA, SR.**, as *Trustees*, with a mailing address of 192 Milton Street, Wollaston, Massachusetts 02170-2504

with **QUITCLAIM COVENANTS**

the land with the buildings and improvements thereon, situated in Truro, Barnstable County, Massachusetts, more particularly bounded and described as follows:

Land and buildings thereon located on the westerly side of a 40 foot Private Way, known as Parker Drive, and is bounded and described as follows:

LOCUS: 7 Parker Drive, Truro, MA

- N 75° 08' 24" W by Lot 11B as shown on the plan hereinafter mentioned, a distance of 226.89 feet to a concrete bound at land now or formerly of John F. Noons; thence
- N 4° 24' 04" E by said Noons, a distance of 293.92 feet to a concrete bound by land of Francis G. Monagh; thence
- N 61° 10' 31" E by said Monagh a distance of 185.80 feet to a concrete bound at land shown as Parcel III, Miriam A. Fowler; thence
- Southeasterly by said Fowler, by the arc of a curve whose radius is 3425 feet, an arc distance of 87.84 feet to a concrete bound on the sideline of said Parker Drive; thence
- S 51° 49' 03" W by said Parker Drive, a distance of 7.14 feet to a concrete bound on the sideline of said Parker Drive; thence
- S 10° 45' 0" E continuing by said Parker Drive, a distance of 104.39 feet to a concrete bound, thence
- Southwesterly by the arc of a curve whose radius is 470.00 feet continuing by said Parker Drive an arc distance of 262.09 feet to a concrete bound at the point of beginning.

This parcel contains an area of about 1.94 acres and is shown on a Plan entitled "Plan of Land in Truro, Mass., (being a division of Parcel II as shown on subdivision plan dated March 1972 and recorded at the Barnstable County Registry in Plan Book 258, Page 60), as prepared for Frederick H. Bond, Jr., Donald W. Broman and Arthur T. Groeninger, Scale 1 in. = 60 ft., September 1973, Schofield Brothers, Inc., Registered Professional Engineers and Land Surveyors, Orleans & Framingham, Mass." recorded at the Barnstable Registry of Deeds in Plan Book 276, Page 55.

This conveyance is made subject to the restriction that no gasoline and/or oil filling or service station shall be erected or installed on the above described premises.

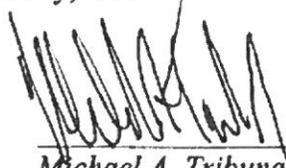
This conveyance is also made subject to Tru-Have Protective Covenants recorded with Barnstable County Deeds in Book 1427, Page 37, insofar as they apply to the above-described premises being amended by a document dated April 17, 1971, recorded with Barnstable County Registry of Deeds in Book 1506, Page 1158, and further amended by a document dated June 22, 1972 recorded with said Registry in Book 1674, Page 116.

Together with the right to use Parker Drive as shown on the aforesaid plans as ways are commonly used in the Town of Truro, and also together with the right to use the utility lines, poles and equipment for the transmission of electricity and other intelligence by the Cape & Vineyard Electric Company and the New England Telephone and Telegraph Company as installed in the said Parker Drive and on the land adjacent thereto provided however, that the occupants of Lot 1, known as the motel area, shown on plan dated June, 1968 recorded in Tubes 34A and 34B, shall not be entitled to use or have any rights in said Parker Drive.

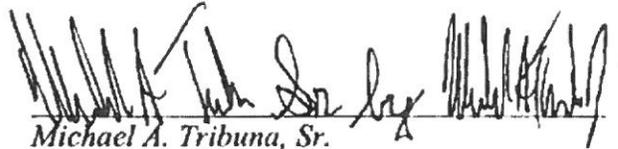
Together with the right to use an area marked "Tru-Haven Beach - Private Beach Area" and as shown on a plan entitled "Subdivision Plan of Land in Truro, Mass. As prepared for Miriam A. Fowler Scale 1 in. = 60 ft. August 1968 Schofield Brothers Registered Civil Engineers & Land Surveyors, Orleans & Framingham, Mass.", recorded with Barnstable County Registry of Deeds, said rights to be exercised in common with all others entitled thereto, except that Lot 1 containing an area of 6.744 acres as shown on a plan of land entitled "Subdivision Plan of Land in Truro, Mass. As prepared for Miriam A. Fowler Scale 1 in. = 60 ft. June 1968 Schofield Brothers Registered Civil Engineers & Land Surveyors, Orleans & Framingham, Mass.", is not herein granted rights to use the private beach.

For our title see deed dated March 11, 1999 and recorded March 13, 1999 with Barnstable County Registry of Deeds in Book 12196, Page 189.

WITNESS our hands and seals this 14th day of January, 2000.



Michael A. Tribuna, Jr.



Michael A. Tribuna, Sr.

Attorney
in
fact.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

January 14, 2000

Then personally appeared the above-named Michael A. Tribuna, Jr. and Michael A. Tribuna, Sr. and acknowledged the foregoing instrument to be their free act and deed, before me,



Nancy C. Correia, Notary Public
My Commission Expires: 12/06/02

TRU-HAVEN VILLAGE
NORTH TRURO, MASSACHUSETTS

02365

PROTECTIVE COVENANTS

WHEREAS, EDWARD G. FOWLER AND MIRIAM A FOWLER, (hereinafter called the Developer), owners of land situated in Truro (North), Barnstable County, Massachusetts desire to create thereon a residential community with beach, parking areas, streets and other common facilities for the benefit of said community; and

WHEREAS, the Developer desires to protect the investments of all lot and home owners; to prevent the erection of structures poorly designed, badly proportioned, or built of improper or unsuitable materials; to obtain harmonious color schemes; to encourage the erection of attractive homes; to secure proper and pleasing site development; to assure a high quality of community appearance; to conserve the native vegetation and to preserve the natural beauty of the land; and

WHEREAS, the Developer desires to provide for the preservation of the values and amenities in said community and, to this end, desires to subject the real property hereinafter described to the covenants, restrictions, easements, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof;

Now THEREFORE, the Developer declares that the real property is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions" or "protective covenants") hereinafter set forth.

ARTICLE I

DEFINITIONS

- A. "Developer" shall mean EDWARD G. FOWLER and MIRIAM A. FOWLER.
- B. "Properties" shall mean all existing properties which are subject to this declaration or to any supplemental declaration.
- C. "Community Areas" or "Community Property" and "Common Properties" shall mean those areas of land as shown on subdivision plan entitled Tru-Haven Village and labeled on said plan as "Tru-Haven Beach", "Park", "Parking Area", "Drive", "Circle", "Way", (or "Lane") and intended for the common use and enjoyment of the lot owners of Tru-Haven Village.
- D. "Lot" shall mean any plot of land designed or zoned for residential use and shown upon any recorded or registered subdivision plan of the properties as a residential lot with the exception of Community areas a heretofore defined.
- E. "Owner" shall mean the record owner, whether one or more persons or entities, of the fee simple title to any Lot situated upon The Properties but, notwithstanding any applicable theory of the mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

map 1427 037

See BOOK 1506 PAGE 153

See Plan Tube BOOK 34 PAGE 21 B

Lot 24
Lot 43

" 2388 " 227
" 4392 " 21
" 5513 " 47

ARTICLE II

APPROPRIATE RIGHTS

rights. Appurtenant to each lot shall be the right to use all the roads and driveway areas located in the aforementioned "Existing Project".

ARTICLE III

FORECLOSURE OF LIENS AND SUBORDINATION TO MORTGAGES

The liens provided for in this article may be enforced, in case of non-payment when due, by sale of the premises subject thereto, in the manner provided by law for the foreclosure of mortgages containing a power of sale, provided that notice of the commencement of such proceedings or an affidavit of such sale, is filed for recording in the Barnstable Registry District or Barnstable County Registry of Deeds within two years of the date on which payment is due.

The liens provided for herein shall be subordinate to any bona fide mortgage given by the owner of any lot; to any bank or other lending institution; provided, however, that any such mortgages when in possession and any purchaser at any foreclosure sale, and all persons claiming under them, shall hold such building lot subject to the obligations and liens set forth in this article and accruing after entry or sale whichever is earlier.

ARTICLE IV

SUBDIVISION OF LOTS

Single Lots. No lot shall be subdivided so as to create two or more lots, but this provision shall not prevent the conveyance of a portion of any lot to the adjoining abutter. This restriction shall not be construed to prevent two or more lots from being combined as a single building site. In the event two or more lots are used as a single building site the said lots shall be treated as one lot for the purposes of these restrictions.

ARTICLE V

RESIDENTIAL USE

Single Family Dwellings. No residential structure other than one single family dwelling shall be erected or placed on any lot. Attached garages for not more than two cars, together with accessory non-residential structures such as boat houses, greenhouses, tool sheds, pools shall be permitted.

ARTICLE VI

LOCATION OF STRUCTURES ON LOT

Buildings. No buildings shall be erected or placed within twenty-five (25) feet of the front (street) property line, nor within twenty-five (25) feet of any side or rear property line.

ARTICLE VII

USE OF PREMISES

Residential Use. The premises shall not be used for business or industrial purposes, except that the use of room or rooms as a professional office or studio by a person residing thereon shall be permitted. No storage of materials or public display of goods for sale shall be made, nor shall any advertising display be permitted. In no event shall the premises be used for any purpose which might be or become detrimental to the neighborhood as a desirable residential area.

Developer Privileges. Nothing in these restrictions shall operate in any way to restrict the Developer or any person, firm or corporation, while acting on behalf of the Developer, in its realty business during the course of the development of Tru-Haven. Without restricting its generality, this provision shall include the right to erect signs, signboards, permanent or temporary structures, including trailers, model homes, and offices, and do all things which in the Developer's judgment are for the best interest and development of Tru-Haven Village.

ARTICLE VIII

APPROVAL OF HOUSE PLANS

Area of Dwelling. No dwelling shall be erected that contains less than 14,000 square feet of permanently enclosed ground coverage area, exclusive of porches, breezeways or attached garages.

Review by Committee. No building or other structure shall be commenced, erected or maintained upon The Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the Developer or by an architectural committee composed of three (3) or more representatives appointed by the Developer. In the event said Developer, or its designated committee, fail to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, it shall be considered approved. It is the intent of this provision to require that structures be in good taste, in harmony with the quality of nearby structures, and that they fit the site.

Fences. No fence or wall shall be constructed on any lot in excess of four (4) feet in height, without the written consent of abutting owners and the Developer.

ARTICLE IX

PROTECTION OF NATIVE TREES

Removal. No live trees over six (6) inches in diameter shall be removed except as necessary for building construction or site development, except with written approval of the Developer.

ARTICLE X

INCOMPLETE DWELLINGS

Construction Started. All construction activities and site development, once started, shall be pursued continuously and completed without undue delay.

Construction Incomplete. No dwelling shall be occupied as a residence until it is completed, and no temporary building shall be so occupied on any lot.

ARTICLE IX

TRAILERS, BOATS AND AUTOMOBILES

Trailers. No mobile homes either with or without wheels, shall be permitted upon any lot. This provision however, shall not be deemed to prohibit the temporary installation of trailers for use as field offices, tool sheds, or shelters by construction personnel.

Boats. No boat over twenty (20) feet in length overall shall be placed, stored, cradled or trailered on any lot where it is exposed to public view.

Automobiles. No unregistered automobile shall be placed or stored on any lot where it is exposed to public view, nor shall any automobile parts be publicly displayed. No truck shall be placed or stored on any lot. No vehicles shall be parked on the paved portion of any roads.

ARTICLE XII

PETS, SCREENING AND LAUNDRY

Pets. No animals, domestic or wild, shall be kept upon the property except for usual household pets. The number of said household pets shall be limited to what would commonly be considered reasonable in a single family dwelling.

Trash. All garbage, trash and rubbish placed outdoors shall be kept in covered containers screened from public view. No garbage, trash or rubbish shall be burned on any lot, outside of the confines of any building.

Laundry. All exterior Laundry drying facilities shall be screened from public view by suitable enclosures, screens or a planting.

ARTICLE XIII

LOCATION OF UTILITIES

Electricity and Telephones. All house service cables for electricity and telephones shall be installed underground.

Sewage Disposal. All wells, cesspools and sewage disposal fields shall be located in conformity with the Town of Truro By-Laws.

ARTICLE XIV

RIGHT OF ENTRY

Reservation by Developer. The Developer reserves to itself, its successors and assigns an easement and right of entry upon all lots, except within buildable area, and upon all Community Areas for the purpose of installing, if it deems it advisable, underground storm drainage pipes, catch basins, leaching basins, manholes, leaching fields, underground utility cables, and pipes, underground or pad-mounted transformers, and for the purpose of inspecting and maintaining such installations.

The Developer agrees to restore the affected property to substantially its original condition, and to repair any damage to the property or improvements thereon caused by such installations at its own expense.

The Developer also reserved the right to grant easements to public service corporations for the erection, installation and maintenance of all public utilities in, over, upon and under all lots and roads, and all Community Areas, excluding buildable areas.

ARTICLE XV

RENTAL OR SALE OF PREMISES

Rental. No lot or structure nor any portion of them shall be leased or rented without the prior written approval of the Developer or its appointed representative.

Sale. In the event that any Owner desires to sell his property he shall first offer it for sale to the Developer with a thirty (30) day written option to purchase at a price equal to a bona fide offer for said property. Should the developer fail to exercise its option, the Owner shall have the right to sell said property, subject to the protective covenants running with the land.

These provisions, however, shall not be deemed to prohibit the conveyance or devise of the property to the surviving spouse or any descendants of the Owner.

These provisions shall not apply to a sale under a power of sale contained in a bona fide mortgage affecting the property.

ARTICLE XVI

LIGHTING

Exterior Lights. All exterior light fixtures installed on lots shall be so shielded as not to annoy or disturb abutting and nearby Owners.

ARTICLE XVII

SIGNS

Size. No signs shall be permitted on any lot except for one sign not over 1 1/2 feet in area, made of metal, wood, or

lastic, indicating the Owner's name and address, or indicating that the property is for sale or rent.

BUCK 1427 PAGE 042

ARTICLE XVIII

USE OF PARKS

Enjoyment. Community Areas dedicated for use as parks may be used for purposes of recreation, nature study, hiking, bathing, fishing, boating, botanizing and other pedestrian activities consistent with the preservation of the native vegetation and the character and beauty of the land.

Vehicles. The use of motorized vehicles and the parking of wheeled vehicles and boats is prohibited on all Community Parks except on paved roads and parking areas installed for Community use by the Developer except that this restriction shall not prevent the Developer from so using said vehicles when necessary for construction or maintenance purposes.

The Developer reserves however, the right to grant easements for motorized vehicles or for any other purposes in, over, under, or upon said community areas or community parks when in the judgment of the Developer said easement is necessary or desirable and nothing herein should be deemed to prohibit said easement.

Structures. No structure shall be erected upon Community Areas except those designed for community use and approved by the Developer.

ARTICLE XIX

MAINTENANCE

Homes. Each lot and each home, together with accessory structures and grounds, shall be maintained in a neat appearing manner by the Owner.

ARTICLE XX

GENERAL PROVISIONS

Duration. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of the Owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of fifty (50) years from the date this Declaration is recorded.

Notices. Any notice required to be sent to any Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the Lot Owner and addressed to the lot.

Enforcement. Enforcement of these covenants and restrictions shall be by any proceeding at law or equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages,

and against the land to enforce any lien created by these covenants; and failure by the Developer or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

Home Owner's Association. The Developer reserves the right at any time during the period of the within restrictions, to establish a corporation to be known as Tru-Haven Home Owner's Association, Inc., or a Home Owner's Association, hereinafter referred to as the "Association", provided however, that membership in said Association when formed shall not be a condition of occupancy or ownership of property within said property. The Association shall be formed for the declared purpose of doing any and all things necessary to promote the general welfare of the residents and owners of ~~Tru-Haven Village~~ or any portion thereof.
Tru-Haven Village

Any and all of the rights, powers, duties and reservations of the Developer under this Declaration may be assigned or transferred by the Developer by instrument recorded in the Barnstable County Registry of Deeds, to the Association or any other corporation or association evidencing its consent in writing to accept such assignment and assure such duties, it shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are provided for under this Declaration,

Notice. All notices and requests directed to the Developer shall be addressed to Mr. and Mrs. Edward G. Fowler, Tru-Haven Village, North Truro, Massachusetts.

Commercial Area. The restrictions and covenants as set forth herein shall not apply to any land herein described which is presently zoned by the Town of ~~Truro~~ for commercial, business or limited business purposes. Truro

Amendments. There is reserved to the Developer the right to modify and change the restrictions and covenants contained herein as they pertain to any lot not conveyed by the Developer prior to the date of said amendment or change. In no event shall said restrictions as modified or changed allow any commercial, mercantile, industrial or business use on any lot to a larger extent than now contained in these restrictions.

Right to Convey Roads. The Developer reserves the right to convey or transfer the title to the roads, lanes, streets or avenues to be located on the herein described land to the Town of Truro and to convey or transfer to said Town a public easement in said roads, lanes, street, or avenues. The Developer further reserves the right to convey or transfer the title to the roads, lanes, streets, avenues or community areas.

EXCLUSION

Specifically excluded from these covenants is that area along Route 6 approximately 600 feet in length and 500 feet in depth zoned for general business by the Town of Truro, to which these covenants shall not apply.

These Protective Covenants and restrictions shall apply to and run with our land described in plans of land to be recorded with Barnstable County Registry of Deeds entitled: Subdivision Plan June 1968 "Subdivision Plan of Land in Truro, Mass. as prepared for Miriam A. Fowler Scale 1 in. = 60 ft. June 1968 Schofield Brothers Registered Civil Engineers & Land Surveyors Orleans & Framingham, Mass." and Subdivision Plan August 1968 "Subdivision Plan of Land in Truro, Mass. as prepared for Miriam A. Fowler Scale 1 in. = 60 ft. August 1968 Schofield Brothers Registered Civil Engineers & Land Surveyors Orleans & Framingham, Mass." and all conveyances of land described therein shall be made subject hereto.

In witness whereof, we, Edward G. Fowler and Miriam A. Fowler, being husband and wife, do hereunto set our hands and seals this 27th day of January, 1969.

Edward G. Fowler
Edward G. Fowler

Miriam A. Fowler
Miriam A. Fowler

COMMONWEALTH OF MASSACHUSETTS

Barnstable ss.

January 27, 1969

Personally appeared the above named Edward G. Fowler and Miriam A. Fowler and acknowledged the foregoing instrument to be their free act and deed, before me

John C. Snow
John C. Snow - Notary Public

My commission expires
October 10, 1970

RECORDED JAN 31 1969 AND INDEXED

AMMENDMENT

WHEREAS, EDWARD G. FOWLER and MIRIAM A. FOWLER, by an instrument dated January 27, 1969, and recorded with Barnstable County Registry of Deeds in Book 1427, Page 37, said instrument being entitled "Protective Covenants", imposed certain restrictions, restrictive covenants, conditions or servitudes upon certain lots of land as shown on a plan entitled "Subdivision Plan of Land in Truro, Mass. as prepared for Miriam A. Fowler Scale 1 in. = 60 ft. June 1968 Schofield Brothers Registered Civil Engineers & Land Surveyors Orleans & Framingham, Mass.", prepared in two sheets and recorded with Barnstable County Registry of Deeds in Plan Book 234A and 234B and also as shown on a plan entitled "Subdivision Plan of Land in Truro, Mass. as prepared for Miriam A. Fowler Scale 1 in. = 60 ft. August 1968 Schofield Brothers Registered Civil Engineers & Land Surveyors Orleans & Framingham, Mass.", recorded with said Registry of Deeds;

WHEREAS, the aforesaid "Protective Covenants" as they are presently drafted and recorded apply to Lot 2 as shown on the aforesaid June 1968 plan;

WHEREAS, at the time the said "Protective Covenants" were recorded and at the present time the said Lot 2 had and has four cottages and a duplex thereon which have and are being used for rental purposes;

WHEREAS, it was not the intent of the "Protective Covenants" to prohibit or inhibit the rental of the cottages and the duplex on the said Lot 2 nor was it the intent of the "Protective Covenants" to require the prior written approval of the developer or its appointed representative for the lease or the rental of the cottages and the duplex;

WHEREAS, the "Protective Covenants" under Article IV prohibits the further subdivision of any lot;

WHEREAS, the intent of the "Protective Covenants" was to

"create thereon a residential community" and WHEREAS a further subdivision of Lot 2 into residential lots would benefit the residential community and WHEREAS it was not the intent of the developer to prohibit the subdivision of Lot 2 into residential lots.

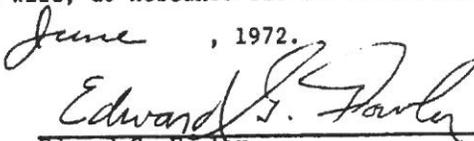
NOW, THEREFORE, the undersigned individuals who are the developers of the land and are the owners of record of Lot 2 for themselves, their heirs, executors, administrators, successors and assigns, for the purpose of having the "Protective Covenants" comply with their original intent do hereby:

1. Amend the "Protective Covenants" such that no written approval is required from a developer or duly constituted representative to rent or lease the cottages and duplex on Lot 2;

2. Amend the "Protective Covenants" such that Lot 2 as shown on the aforesaid June 1968 plan may be subdivided to create Parcel II as shown on a plan entitled "Plan of Land in Truro (North) Mass. as prepared for Miriam A. Fowler Scale 1 in. = 60 ft. March 1972 Schofield Bros. Associates, Inc. Registered Professional Engineers & Land Surveyors Orleans & Vineyard Haven, Mass." to be recorded this date and such that said Parcel II may be further subdivided at a later date into not more than five (5) lots for residential use;

3. In all other respects the "Protective Covenants" shall apply to Lot 2.

IN WITNESS WHEREOF, we, EDWARD G. FOWLER and MIRIAM A. FOWLER, being husband and wife, do hereunto set our hands and seals this 22nd day of June, 1972.


Edward G. Fowler


Miriam A. Fowler

THOMAS A. LA TANZI
ATTORNEY AT LAW
BOX 664, ROUTE 6A
ORLEANS, MASS. 02653
898-2133

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

JUNE 22, 1972

Then personally appeared the above-named Edward G. Fowler and Miriam A. Fowler and acknowledged the foregoing instrument to be their free act and deed,

Before me,



Notary Public

My commission expires: Oct 8, 1972

RECORDED JUN 23 1972 & RECORDED

TRU-HAVEN VILLAGE
NORTH TRURO, MASSACHUSETTS

AMENDMENT TO PROTECTIVE COVENANTS

WHEREAS, EDWARD G. FOWLER and MIRIAM A. FOWLER, (herein-
after called the Developer) owners of land situated in Truro
(North), Barnstable County, Massachusetts, have created thereon
a residential community with common facilities for the benefit of
said community and have recorded Protective Covenants dated
January 27, 1969 with Barnstable County Deeds in Book 1427 Page 37
and

WHEREAS, the Developer has now found it necessary,
proper and convenient to further amend Article VIII entitled
"Approval of House Plans" in the first paragraph thereof headed
"Area of Dwelling";

NOW, THEREFORE, the Developer amends said Article VIII--
Approval of House Plans--Area of Dwelling--so that it will read as
follows: "No dwelling shall be erected that contains less than a
total of 1400 square feet of permanently enclosed living space with
at least one floor containing a minimum of 900 square feet of
aforementioned living space. Said aforementioned living space to
be exclusive of porches, decks, outside steps, terraces, breeze-
ways, attached garages and similar areas."

IN WITNESS WHEREOF, EDWARD G. FOWLER as surviving Devel-
oper and as Executor of the Will of Miriam A. Fowler, deceased
(see Barnstable Probate Case No. 52826), does hereby set his hand
and seal this 16 day of August, 1976.

Edward G. Fowler
EDWARD G. FOWLER

August 16, 1976

State of Florida
Palm Beach, ss

Then personally appeared the above-named EDWARD G. FOWLER and ac-
knowledged the foregoing instrument to be his free act and deed,
before me



M.R. BOOK 1427 PAGE 37

JOHN R. DYER, JR.
ATTORNEY AT LAW
TRURO, MASS.

My Commission Expires

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES AUGUST 16, 1976
BONDED THRU GENERAL INSURANCE UNDERWRITERS

RECORDED AUGUST 25, 1976

Appendix C:

Letter to Tribuna from Tru Haven Homeowners' Association Board of Directors April 7, 2015

TRU-HAVEN HOMEOWNERS' ASSOCIATION

P.O. Box 537
Truro, MA 02666

BOARD OF DIRECTORS

Jennifer Cohen, President
Bob Doolittle
Michael Janoplis

Kevin Kuechler
Fred Moss
Phil Smith

April 7, 2015

Mr. Michael Tribuna
192 Milton Street
Wallaston, MA 02170

Dear Mike,

I apologize if my call caught you by surprise today. I tried unsuccessfully to reach you a few months back on a few occasions when the work on your property first began in response to neighbors' inquiries. At that time, I left messages at your office and also asked the contractor working on your property to let you know that I was trying to reach you to discuss timely matters regarding work being done on your property about which I had received inquiries and complaints from neighbors.

I am glad that we were able to connect today by telephone directly as I have continued to receive inquiries regarding activity on your property. In fact, just yesterday I was informed that an official complaint had been made to the Building Inspector. I am sure that you, like those who have voiced concerns about the status of your property, all want to be good neighbors. All of us who have chosen to live in Tru-Haven have agreed to maintain the rural character of our neighborhood and simply want to assure that our roads and common areas are well cared for and that our neighbors are not inconvenienced or harmed by any actions we take on our own properties.

Given our conversation in which I expressed Tru-Haven's concern both regarding the removal of numerous trees in excess of the diameter allowed under our Covenants and how that might impact drainage and our roads, I was disappointed that, subsequent to our conversation, additional work began anew, now with large equipment.

As promised, enclosed is a copy of the Tru-Haven Covenants along with all amendments including one that was issued specifically relating to your property. As you can see, all of the provisions requiring approval as well as the guidelines on tree removal are in effect for your parcel. These have been in since the predecessors in interest to your property first purchased it from the Fowlers. In fact, these Protective Covenants are specifically cited in the deed to your parcel recorded at Book 17286 at Page 8 that states that "this conveyance is made subject to the Tru-Have[sic] Protective Covenants." For your convenience, I include a copy of that instrument as well. Thus, your property, like all others in Tru-Haven, is subject both to the Zoning Bylaws of the Town of Truro and to the Covenants.

In these Covenants, there are specific guidelines relating to clearing of trees over a certain size along with other conditions including that various approvals must be sought from the Developers. All properties in Tru-Haven are subject to the same guidelines which were, until recently, administered by the heirs of the original developers. With the demise of both Elizabeth Denne and Lewis Graham, the heirs who co-administered the developer rights quite actively, the Tru-Haven Homeowners Association, which had been informally maintaining the beach and roads, was incorporated and successfully obtained all of the Developers' rights as is provided for in the original Covenants to ensure that we had full authority to oversee our own neighborhood. Since that time, the developer rights and obligations are

being administered by the Board of the Association of which I am now acting as President. It was in this capacity that I have been contacting you. The membership overwhelmingly voted to extend the Covenants when they expire. The Association engaged legal counsel to assure that this was done properly.

No one wants to abridge the ability of our neighbors to enjoy their property. It was in this spirit that I contacted you to inquire of your plans. Since a large number of trees were improperly taken down from your property without prior approval, before any additional work is done, please contact me by email at jentruhaven@gmail.com to let me know what your plans or development intentions are for your property as soon as possible. I am also happy to discuss this matter at 917-576-2803 to discuss this matter as neighbors. I'm sure we would all like to avoid any unpleasantness and trust that a mutually satisfactory resolution can be accomplished that will avoid any action by your neighbors or by the Association. In the meantime, on behalf of the Association, I must reserve all rights under the Covenants and am constrained to inform you that this letter serves as official notice that you are in violation of these Covenants.

Regards,



Jennifer Cohen
President

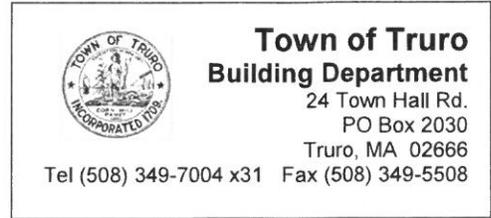
Appendix D:

**Correspondence Between Russ Braun & Tru Haven Homeowners' Association
Including Notice of Violation**

May 27, 2015

CERTIFIED MAIL:

and First Class Mail



Westview Court Realty Trust
Mr. Michael Tribuna Jr.
192 Milton St.
Wollaston, MA 02170

Re: 7 Parker Dr.

NOTICE OF ZONING BYLAW VIOLATION and ORDER to CEASE, DESIST and CORRECT

As owner/occupant of the above-mentioned property, at Assessor's Map 39, Parcel 171, you are notified that you are in violation of the Town of Truro Zoning Bylaw (ZBL) as noted in the Summary of Violation. You are ordered, this date, to **CEASE and DESIST, immediately**, all functions connected with this violation on or at the above-mentioned property.

SUMMARY OF VIOLATION

ZBL 70.1.D.1 – No... site clearing... shall be initiated on any site to which this section applies until the required Commercial... Site Plan approval is obtained from the Planning Board.

ZBL 70.3.A.1 – Commercial Site Plan Review is required for any... modification of any properties... other than that of single or two family residences and their accessory uses and structures.

During the first week of April, 2015 we received report of clearing and re-grading work at the above referenced property. I did a site inspection and ordered the contractor on site to stop work and they did so. I spoke with the owner of the company by phone regarding the situation and after that spoke with you, the property owner. We met on site on April 24, 2015 during your annual inspection to discuss the violations outlined above in more detail and also discussed the process to gain compliance.

It was explained that this property is not a single family property and therefore subject to Commercial Site Plan review as referenced above. Discussed were a variety of compliance options and a compliance timetable. You were directed to engage site plan engineering services and file an application for Commercial Site Plan review in accordance with Section 70 of the ZBL. We discussed that it was not unreasonable, in order to secure design services and do the actual design work, that ninety (90) days would be required to file a complete application to the Planning Board. This means that we expect a completed application to the Planning Board conforming with sections 70.4 and 70.5 for Commercial Site Plan review by the filing deadline of August 5, 2015 to be heard on September 8, 2015.

Understand that the work done to date as described above constitutes a significant violation and the compliance path represents a willingness on the part of the Town to rectify a situation created by your admitted ignorance of the ZBL. Your ignorance of the ZBL, however, does not grant innocence. If this application is not received by the filing deadline noted above, you shall be subject to the fines listed below. In addition, any new documented violation shall be subject to immediate fines.

SUMMARY OF ACTION TO ABATE

Commencing **immediately** upon receipt of this notice, cease and desist all functions associated with the violation. Please understand that the Town will not ignore this matter and will pursue its resolution.

If aggrieved by this notice and order and to show cause as to why you should not be required to do so, you may file an appeal (specifying grounds) with the Town Clerk of the Town of Truro within thirty (30) days of the receipt of this order and in accordance with MGL 40A Section 8. If further action results in fines, the fine shall not be more than \$300 for each offense, each day constituting a separate offence and the fine shall commence as noted.

By order,

Russell Braun
Building Commissioner

cc: Town Manager
Asst. Town Manager

**TRU-HAVEN
HOMEOWNERS'
ASSOCIATION**

P.O. Box 537
Truro, MA 02666

BOARD OF DIRECTORS

Jennifer Cohen, President
Bob Doolittle
Michael Janoplis

Kevin Kuechler
Fred Moss

May 26, 2015

Mr. Russell Braun
Building Commissions/Zoning Enforcement Officer
Town of Truro
24 Town Hall Rd.
Truro, MA 02666

Dear Mr. Braun

I am writing on behalf of the Tru Haven Homeowners' Association. At our Annual Meeting on May 23, I was directed as President of the Board to write to you about the property at 7 Parker Drive.

Your response to the official complaint made by one of our members, Carol D'Amico, was shared at our meeting. While we appreciate your intervention to stop the excavation work underway and to inform Mr. Tribuna of the need for a full site plan review before continuing, it appears that re-grading and other site preparation work -including re-grading, placement of land fill, and delivery of materials- has continued up to this past holiday weekend, well after you and other officials of the Town informed Mr. Tribuna that he must submit and receive approval for such work.

As you know, this constitutes a violation of §70.3 of the Town of Truro Zoning Bylaws. We ask for immediate enforcement including written notification to Mr. Tribuna that no additional work can be done on his property until and unless reviewed and approved by the proper Town authorities. Since such work have continued despite Mr. Tribuna's understanding that full site plan review must take place, fines as outlined in the Zoning Bylaws are merited as a deterrent to any future violation(s). Further, given the significant and ongoing changes in the topography of his property, we would like confirmation that Mr. Tribuna's site plan should depict the original topography and grades of his property so that the public body considering his plan can make proper determinations with regard to grading and height requirements that may merit review.

While you may also hear from individual members of our community, the entire Tru-Haven Association is also deeply troubled that Mr. Tribuna has been given so long to comply with the basic requirements of site plan preparation. After receiving no cooperation or response to our various attempts to contact Mr. Tribuna this winter to discuss the work he started then and recommenced post-snow in April, he was officially noticed by our Board in early April that he was in violation of the Tru Haven Covenants (including its prohibition against removal of trees beyond a certain size without prior approval) to which his parcel is subject. Despite such notification, the work has continued.

At that time in April, several members of our community also first made inquiries to your office about soil removal and other possible violations of the Truro Zoning Bylaws. If a calendar is triggered by the date you ordered the excavator to stop his work (as you state in your communication with Ms. D'Amico), then Mr. Tribuna is being given no less than 5 months to comply with basic site plan preparation requirements. If we

Continued

consider the efforts of concerned abutters to communicate, he is being given more than 8 months even to declare officially his proposed uses for his reconfigured lot. The Association believes that even five months is too generous a time period and unfairly burdens our community since our property owners will have to wait until after the entire vacation season has passed to express their concerns to (or make appearances at) the Planning Board or the Zoning Board of Appeal and to request specific mitigation. We would like the Town to ensure that any hearing regarding Mr. Tribuna's plans be held when the majority of his neighbors can attend such meetings and therefore would ask that your deadline be set in writing to require such a plan by no later than July 15 so that one or more hearings can take place before the end of August.

It may also be useful to note that Mr. Tribuna's property is part of Natural Heritage and Endangered Species Program's Priority Habitat 15 and therefore is subject to regulatory review. This should have taken place before any clearing or other excavation work was done. Given that the property directly abuts properties increasingly being used for commercial and industrial purposes, preservation of this priority habitat—which is an extension of the well-documented habitat surrounding the Rescue Facility—is especially important. A member of our community has already notified NHESP of the actions taken on the Tribuna property. Our Association has also instructed the Board to file with NHESP requesting mitigation. The findings of this body may also impact what can be done at this site. As we become aware of the NHESP's findings, we will share this with your office.

Along with your response, please send a copy of your written notification(s) to Mr. Tribuna to the Association at the address above and by email to jentruhaven@comcast.net.

Regards,



Jennifer Cohen

cc Ms. Rae Ann Palmer, Town Administrator

June 1, 2015

Jennifer Cohen, President
Tru-Haven Homeowners Assn.
PO Box 537
Truro, MA 02666



**Town of Truro
Building Department**

24 Town Hall Rd.
PO Box 2030
Truro, MA 02666
Tel (508) 349-7004 x31 Fax (508) 349-5508

Re: 7 Parker Dr.

Dear Ms. Cohen:

As you requested, attached please find the Notice of Violation (NoV) sent to Mr. Tribuna. I appreciate the reminder because it caused me to realize that I had not memorialized the violation. The NoV is clear and sets out the time line to compliance. This is what was discussed with Mr. Tribuna when I met with him on site. Contrary to your opinion, the time line set out is an aggressive one. A period of slightly more than three months to secure design services, do the field work and design work and then submit a completed application constitutes a "short leash" in my opinion.

As I have mentioned to you previously, the Town has no authority to enforce TruHaven homeowner covenants and, therefore, cannot seek enforcement on that basis. For instance, if this had been a single family house lot and the same clearing and excavating work was performed, the Town would have no zoning enforcement authority because our zoning bylaws (see 30.1.A) permit a single family homeowner to do clearing and excavation by right. You would then have to seek some sort of injunctive relief through the courts in order to stop it. As far as the Natural Heritage Endangered Species Program is concerned, again, we have no regulatory jurisdiction. If there is concern regarding this specific habitat you should contact the folks at the NHESP for their help and guidance.

The Commercial Site Plan review process referenced in the NoV can be quite rigorous and documentation can be very detailed. Although it is ultimately the Planning Board that accepts the application as complete I would be very surprised if they would accept an existing conditions plan based on the site as it exists today. There is enough old grading in place to accurately interpolate the site elevations as they existed before April and that is what they would most likely look for.

Finally, an early August filing deadline will offer the public ample opportunity to view the application while they are here for the summer. Comment can always be made in writing to the Planning Board even if someone cannot attend a public hearing. Please understand that the statutorily required list of abutters that will receive notice of a public hearing will be limited. Therefore, you might want to suggest to your association to pay attention to the Town website and the Banner for meeting notices.

If you or your association members have any questions or concerns do not hesitate to contact us.

Sincerely,
Town of Truro

Russell Braun
Building Commissioner

Cc: Town Manager
Asst. Town Manager/Planner

Appendix E:

**Picture of New Road/ Path
May 19, 2015**





TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
asstownadm@truro-ma.gov

August 31, 2015

To: Planning Board

From: Charleen Greenhalgh *CG*

Re: Temporary Sign Request – Truro Treasures

The Board has received a request for temporary signs pursuant to Section 11 of the Truro Sign Code, which states:

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision.

Truro Treasures is requesting four (4) banners – 2 signs (8' x 3') one to be located on Route 6 southbound at the Pamet exit and the other at the Route 6/6A split; 1 sign (6' x 33") to be located on the fence at the Truro Central School; and, 1 sign (8' x 33") at Route 6 and Standish Way. Truro Treasures weekend is September 18 – September 20 and the signs would be installed on September 9 and removed September 21, 2015. The request is per the attached application and description of the requested signs per an August 15, 2011 letter. |



Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

FOR Truro Treasures

Applicant Name: GAIL STEVENSON Date: 8/17/15

Applicant Contact Information: PO 197 TRURO MA 02666
Mailing Address

508 349-3142 Phone Email

Number of Signs Requested: BAWNEYS - 4

Temporary Sign Dimensions: Height See Attached Width _____ Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): _____
PLEASE SEE ATTACHED

Map(s): _____ Parcel(s): _____ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: SEPT 18 - SEPT 20

Date When Sign(s) will be: Installed: SEPT 9TH Removed: SEPT 21ST

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:
SEE ATTACHED
Name Mailing Address

Phone Email

Gail Stevenson Applicant Signature 8/17/15 Date

Owner Signature (which also authorizes the use of the property) Date

Planning Board Action: **Approved** _____ **Approved w/Conditions** _____ **Denied** _____

Conditions: _____

Board Signature: _____ Date: _____
Title

CC: Building Commissioner, Board of Selectmen

TOWN OF TRURO
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004 Fax: (508) 349-5505

 **COPY**

August 15, 2011

Dick Seed
Seed Design
P.O. Box 325
North Truro, MA 02652

Re: Temporary Sign Approval
Truro Treasures

Dear Mr. Seed:

Please know that at the Truro Planning Board meeting held on August 9, 2011, the Board voted unanimously to approve the request for temporary signs for Truro Treasures. The signs (4 total) are for the Truro Treasures weekend, September 16, 17 and 18, 2011. The Board did approve the signs for the next two (2) years (2012 and 2013) as well. The signage approved is as follows:

- ▲ "Truro Treasures, A Gala Weekend, Sept. ¹⁸⁻²⁰ 16, 17, 18" - 8' x 3' at Route 6 and Town Hall Road, and Route 6 and 6A.
- ▲ "Truro Treasures, Arts & Crafts Fair, Sept. ^{19 & 20} 17th & 18th, www.trurotreasures.org - 6' x 33" at Truro Central School chain link fence.
- ▲ Truro Treasures, Silent Art Auction, Sept. ¹⁹ 17th 10-4 - Classic & Antique Car Show, Sept. ²⁰ 18th 11-2, Truro community Center, Standish Way, North Truro - 8' x 33" at Route 6 and Standish Way.

Per the Sign Code, these temporary signs may be put up no more than 30-day prior to the scheduled event(s). The specific dates of the event(s) may be changed to reflect the year the event is held. Please be sure to check with the Building Department to determine if a sign permit is required. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Charleen Greenhalgh
Assistant Town Administrator/Planner

cc: Building Department

BANNER

TRUNG TREASURES

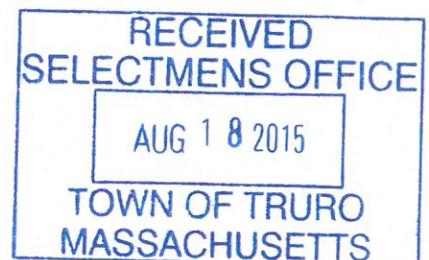
SEPT 18 - SEPT 20

8/19/15

NO ONE CAN
ATTEND THE SEPT 8TH
MEETING BECAUSE
WE HAVE A TOWN
TREASURES BOARD
MEETING THAT DAY
(EVENING)

PLEASE APPROVE
APPLICATION

THANKS
Paul Stevenson





TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
asstownadm@truro-ma.gov

August 31, 2015

To: Planning Board
From: Charleen Greenhalgh *CGH*
Re: Temporary Sign Request – Payomet Performing Arts Center – Sept. 15 – Oct. 14

The Board has received a request for temporary signs pursuant to Section 11 of the Truro Sign Code, which states:

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision.

Request #1 - Payomet is requesting two double faced signs, each measuring 48" high by 36" wide. One sign to be located on Route 6 at Noons Height Road and the other on Route 6 at South Highland Road. The signs would be in place from September 15 – October 15.

Request #2 – Payomet is requesting a double spaced 39" wide by 9" high (on a post for a total height of 48") directional sign. The sign is to be located at the South Highland Road and Old Dewline Road intersection. The sign would be in place from September 15 – October 15.



Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

RECEIVED
SELECTMENS OFFICE
AUG 28 2015
TOWN OF TRURO
MASSACHUSETTS

Applicant Name: PAYOMET PERFORMING ARTS CENTER, TRURO

Date: 8/28/15

Applicant Contact Information: (KEVIN RICE) P.O. 1202 TRURO, MA
Mailing Address 02666

Phone: 508-349-2929

Email: kevin@payomet.org

Number of Signs Requested: 2

Temporary Sign Dimensions: Height 48" Width 36" Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): Rt. 6, North of Noon's Rd and Rt. 6, south of So. Highland Rd.

Map(s): 39 Parcel(s): 166 Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: season (June - October)

Date When Sign(s) will be: Installed: 9/15/15 Removed: 10/15/15

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Michael Winkler, PO 1110 Truro, MA 02666
Name Mailing Address

Mass State ROW
Phone Email

[Signature]
Applicant Signature

8/28/15
Date

Owner Signature (which also authorizes the use of the property)

Date

Planning Board Action: Approved Approved w/Conditions Denied

Conditions: _____

Board Signature: _____ Date: _____
Title

CC: Building Commissioner, Board of Selectmen

36"

PAYOMET

Coming Events:

Text

Text

48"

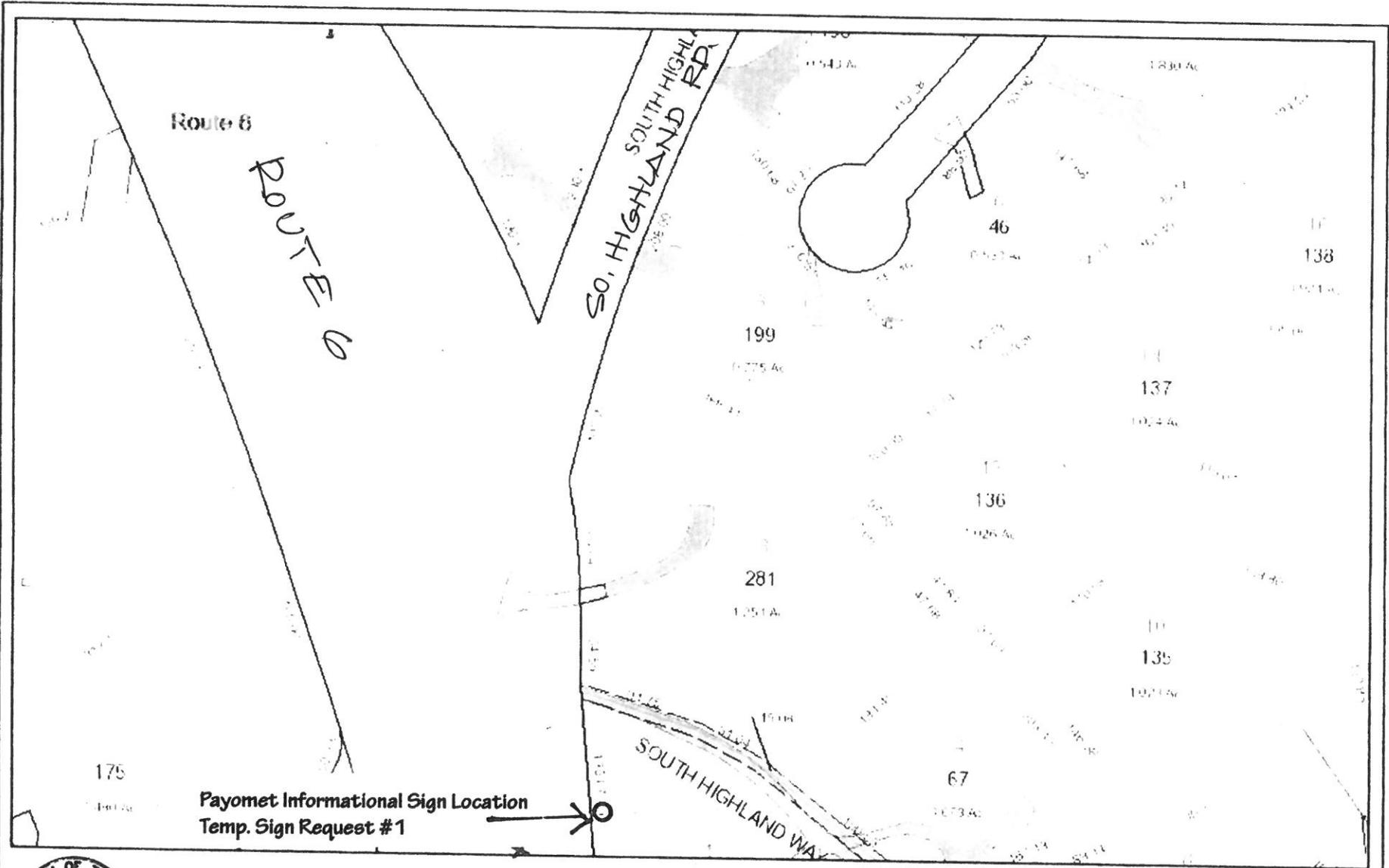
6"

Two-sided signs

Two locations

Scale: 1" = 1' - 0"

Payomet Performing Arts Center, Truro



Payomet Informational Sign Location
Temp. Sign Request #1

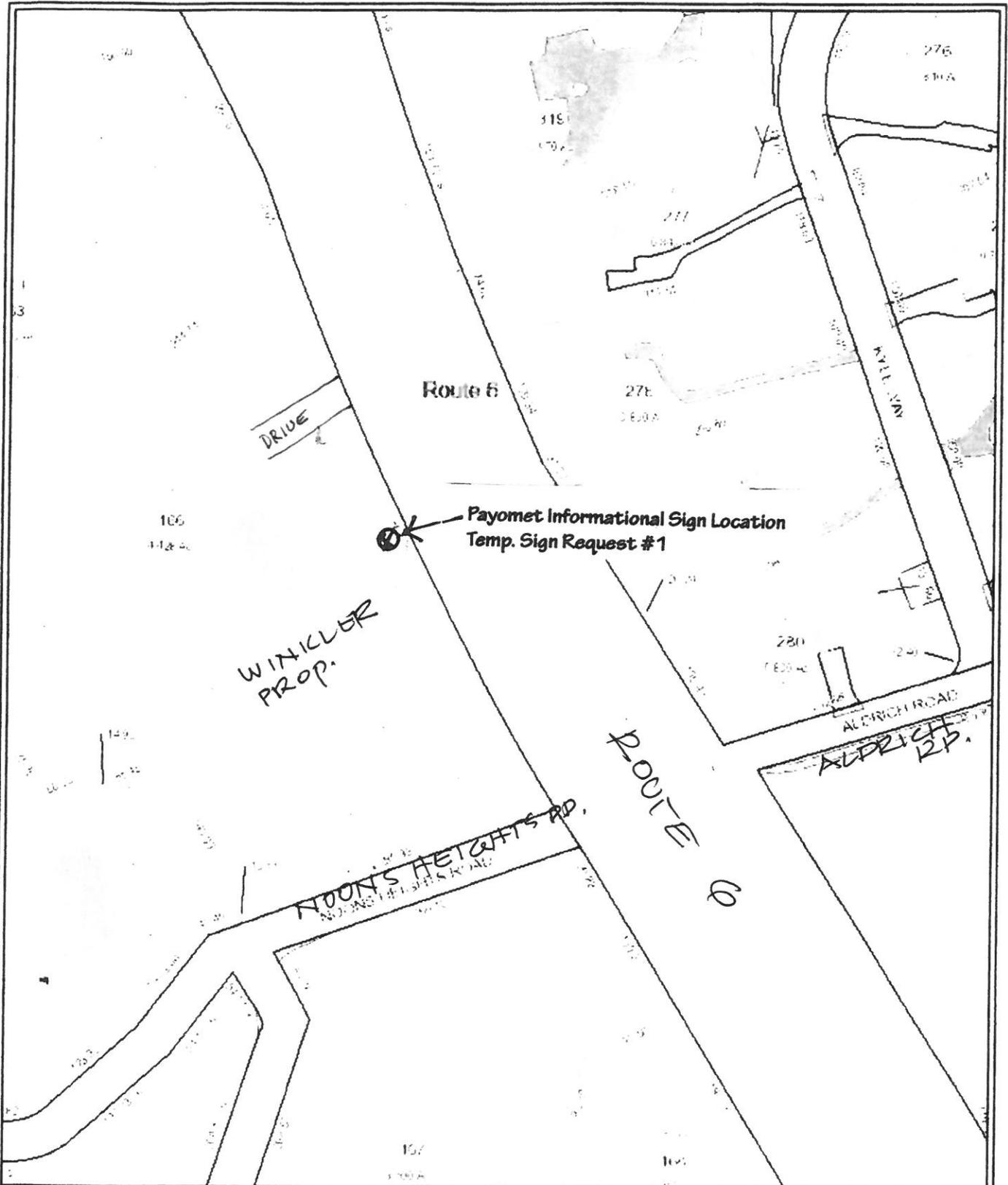
Route 6 & South Highland Road
Truro, MA

1 Inch = 104 Feet
April 27, 2015



www.cai-tech.com

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Route 6 & Noons Heights Road

Truro, MA

1 Inch = 123 Feet

April 27, 2015



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com





PAYOMET

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

RECEIVED

AUG 28 2015

BY: CPH

Applicant Name: PAYOMET PERFORMING ARTS CENTER, TRURO

Date: 8/28/15

Applicant Contact Information: (KEVIN RICE) P.O. 1202, Truro, MA 02666
Mailing Address

508-349-2929
Phone

kevin@payomet.org
Email

Number of Signs Requested: 1
(48" ABOVE GRADE)

Temporary Sign Dimensions: Height 9" Width 39" Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): Intersection of So. Highland and Old Dewline Rds

Map(s): 37 Parcel(s): 18 Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: June - Oct. (season)

Date When Sign(s) will be: Installed: 9/15/15 Removed: 10/15/15

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:
National Park Service 99 Marconi Station
Name Mailing Address Wellfleet, MA 02667

Phone _____ Email _____

[Signature]
Applicant Signature

8/28/15
Date

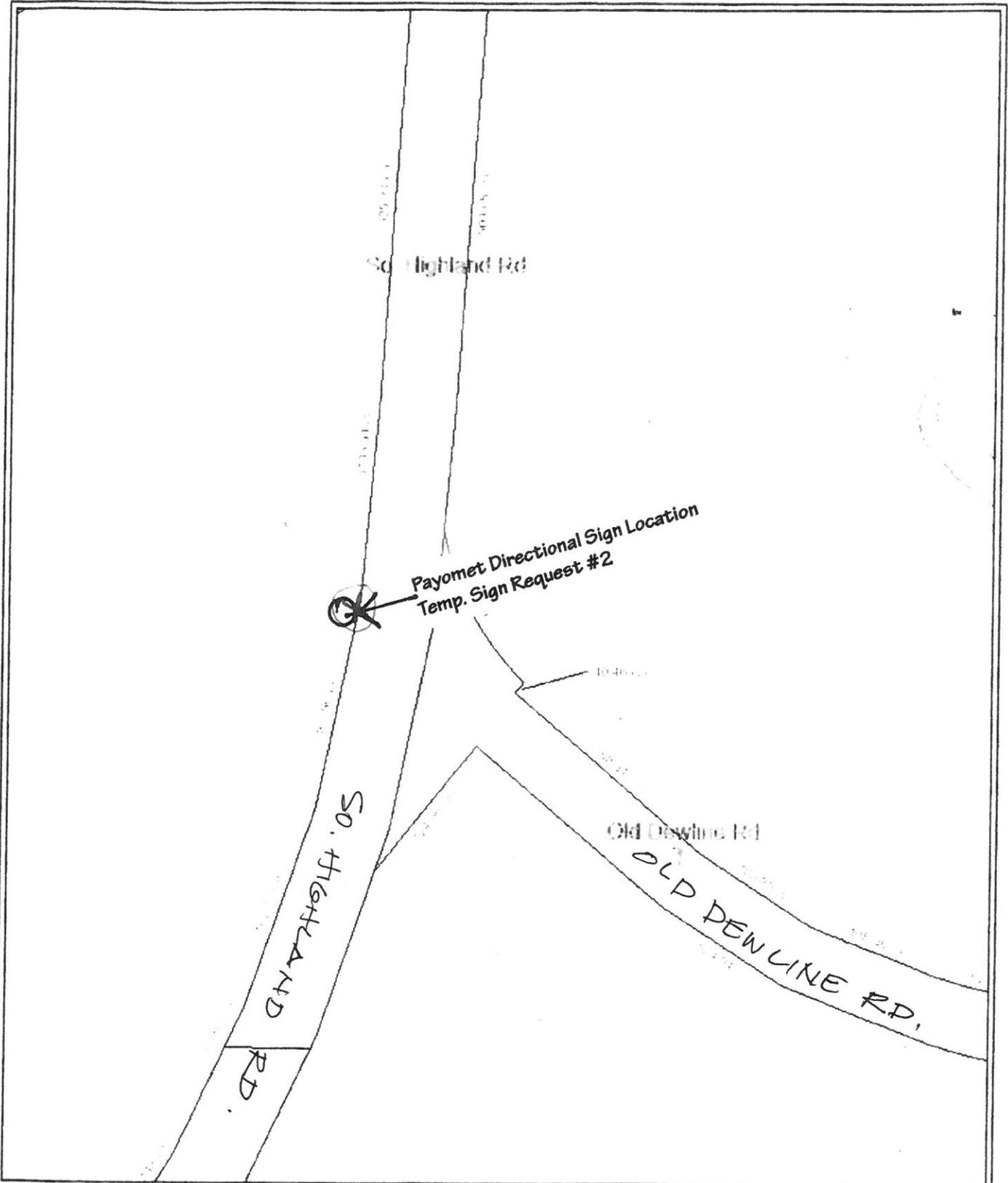
Owner Signature (which also authorizes the use of the property) _____ Date _____

Planning Board Action: **Approved** _____ **Approved w/Conditions** _____ **Denied** _____

Conditions: _____

Board Signature: _____ Date: _____
Title _____

CC: Building Commissioner, Board of Selectmen



South Highland Rd & Old Dewline Rd

Truro, MA

1 Inch = 104 Feet

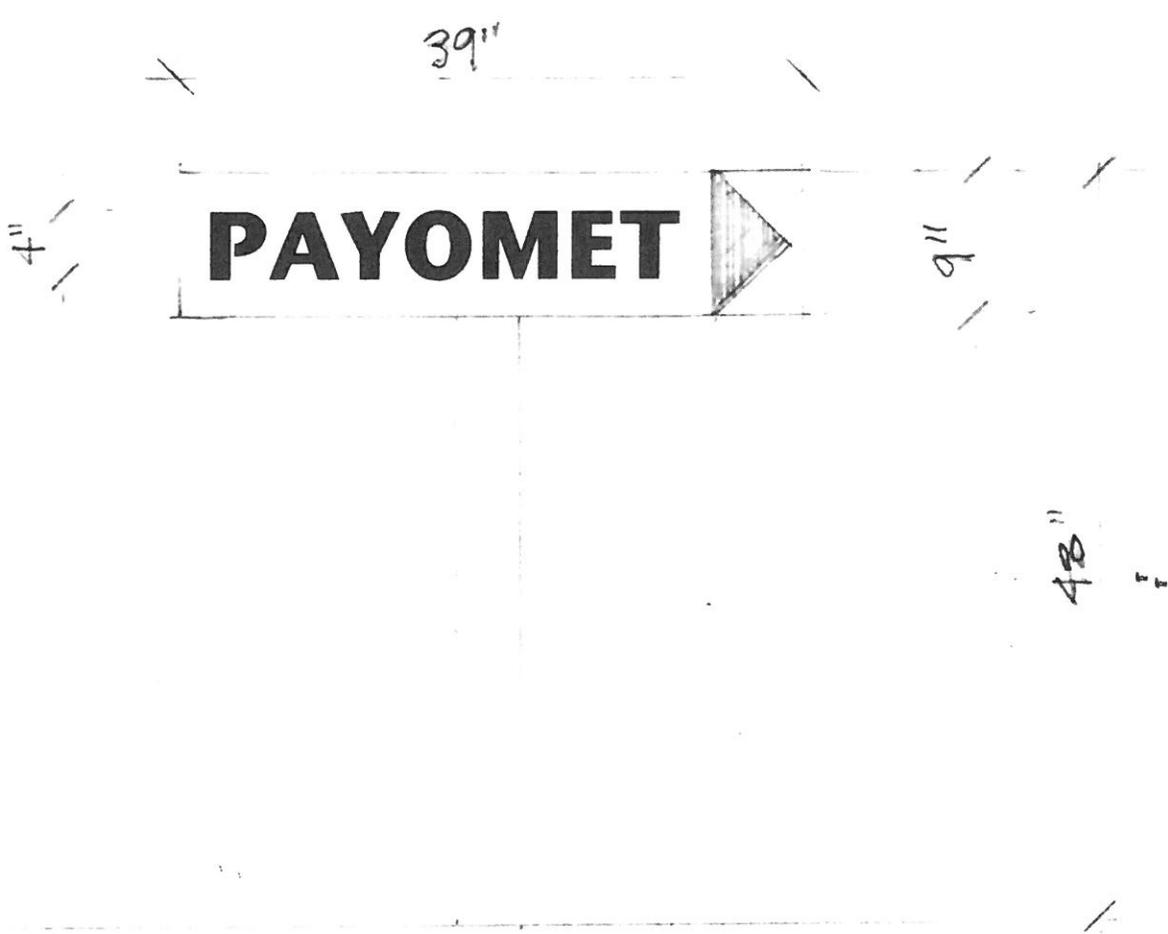
April 27, 2015



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com





Two-sided sign with directional arrow.

One location.

Scale 1" = 1' - 0"

Payomet Performing Arts Center, Truro



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
asstownadm@truro-ma.gov

August 31, 2015

To: Planning Board

From: Charleen Greenhalgh

Re: Temporary Sign Request – The Truro Group

The Board has received a request for temporary signs pursuant to Section 11 of the Truro Sign Code, which states:

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision.

The Truro Group has requested two (2) 21" x 8' signs for their October event at the Truro Public Library. The locations of the proposed signs are on the MassDOT sign on the west side of Route 6 just south of Standish Way and on the wooden frame at the Route 6/6A split. The sign would be in place from October 1 – 30. Attached please find an application from Truro Group.



RECEIVED
SELECTMENS OFFICE
AUG 31 2015
TOWN OF TRURO
MASSACHUSETTS

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: Marian AVerback (TheTruroGroup) Date: Sept. 1, 2015

Applicant Contact Information: Box 192 Truro 02666
Mailing Address

(508) 214-0066 Phone maverback1@gmail.com Email

Number of Signs Requested: 2

Temporary Sign Dimensions: Height 21" Width 8' Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): ^① Below highway sign at Rte 6 & Standish Way
^② On wooden frame at 6/6A split

Map(s): _____ Parcel(s): _____ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: Month of October

Date When Sign(s) will be: Installed: October 1st Removed: October 30th

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Name _____ Mailing Address _____

Phone _____ Email _____

Marian AVerback Applicant Signature Sept. 1, 2015 Date

Owner Signature (which also authorizes the use of the property) _____ Date _____

Planning Board Action: **Approved** _____ **Approved w/Conditions** _____ **Denied** _____

Conditions: _____

Board Signature: _____ Date: _____
Title

CC: Building Commissioner, Board of Selectmen

tg

ART SHOW

This month at the Truro Library

8'

21"

From: marian averback <maverback1@gmail.com>

To: asstownadm@truro-ma.gov

Date: 08/31/2015 02:38 PM

Subject: application for temporary sign permit

To Charleen Greenhalgh and the Truro Planning Board,

I have submitted an application for a request to hang two banners during the month of October to advertise The Truro Group's fall show at the Truro Library. However, I will not be able to appear before the Planning Board to personally make our request either on September 8th or the 22nd. Therefore, I respectfully request that our application be considered without my presence at the upcoming meeting. The banners are the same ones The Truro Group has hung in the past. A diagram of the banner has been submitted with our application.

Thank you for your consideration of this matter.

Sincerely,

Marian Averback

maverback1@gmail.com

Summary of intent to modify the Truro Zoning Bylaw as it relates to the
Seashore District
September 1, 2015 Draft

Size of structures on a lot: The Gross Floor Area for the Seashore District includes a dwelling, all accessory buildings, garages, covered porches, covered decks and decks more than 5 feet above grade.

In no case shall the Seashore District GFA exceed [] square feet (to be determined)

Site Plan Review: Residential site plan review is also required if the aggregate gross floor area increases by 50%, or for certain landscaping changes.

Site Plan Approval will not authorize an excess of GFA.

Applicant is to submit a letter of review from the Secretary of the Interior.

Residential Site Plan Review will assure that the scale of buildings will be in keeping with the scenic value and rural character throughout the Seashore District.

Proposed Changes Related to “Seashore District”

August 28, 2015

New text shown in **red bold** - Deleted text shown in ~~red-strikethrough~~

Section 10.4 Definitions

Floor Area, Gross. The sum of the horizontal areas of the floor(s) of a building measured from the interior face of the exterior wall of a building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, and attics.

For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area. (04/07)

Floor Area, Gross – Seashore District (GFA-SD). The sum of the horizontal area(s) of the floors of a dwelling and all accessory buildings on a lot within the Seashore District as measured and defined in “Floor Area, Gross” except that in the GFA-SD it shall include garages, covered porches, covered decks and decks 5 feet or more above grade.

§ 30.3. Seashore District

A. Purpose. The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; **to preserve the scenic value of the natural landscape; rural character and historic scale of buildings;** and to conserve natural conditions, wildlife, and open spaces for the education, recreation and general welfare of the public.

B. Permitted Uses

1. Conservation of land, water, wildlife, vegetation, and other natural features and values.
2. Facilities deemed by the Secretary of the Interior to be necessary for the administration and public use and enjoyment of the Cape Cod National Seashore.
3. Recreation, including but not limited to hunting, fishing, swimming and boating.
4. Agricultural, horticultural, floricultural
5. Traditional commercial fishing activities, the opening of shellfish, and storage and use of fishing equipment.
6. Uses of existing dwellings as residences and accessory uses customarily incidental to the principal residential use on the same premises, providing such uses are not detrimental to a residential neighborhood and do not alter the essential character of the dwelling as a residence. Residential uses of dwellings may include the renting of rooms and furnishings of board by residents of the premises to overnight guests, if such uses do not alter the essential character of the dwelling as a residence.
7. Customary or self home occupations as defined in § 10.4, but this shall not include

- the use of accessory structures as stores or for the display of goods to the passing public.
8. Moving, alteration, enlargement, maintenance, or repairs of existing one-family residential dwellings or the erection of customary structures which will be accessory to the existing principal residential use provided that such improvements to existing dwellings and the erection of accessory structures will afford not less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from the abutters' property lines and further provided that the Building Commissioner determines that the improvements do not alter the essential character of the dwelling as a residence. In appropriate cases, the Board of Appeals may approve lesser set back of side line requirements for improvements to existing dwellings or for the erection of accessory structures, provided they do not alter the residential character of the premises.
 9. Public Utilities.
 10. Religious and Educational use
 11. Detached one-family dwellings and accessory structures, provided that no lot may be used for their construction which has a frontage of less than 150 feet, and an area of less than three acres, and no dwelling or building may be located in such manner as to provide less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from ~~abutters'~~ **abutters'** property lines.
 12. Lawfully pre-existing non-conforming commercial uses and structures may continue, but in no case shall the use be altered or converted to another commercial use. (4/08)
 - 13. The construction, reconstruction or alteration of buildings on parcels of less than 3 acres are subject to the provisions of Section 30.7 (Nonconforming Uses).**
 - 14. In no event shall a dwelling and its accessory buildings in this district exceed a total GFA-SD Seashore District Gross Floor Area of [] square feet (to be determined) in order to preserve the intent, purpose, scenic value, and character and scale of buildings of the Seashore District.**
- C. General regulations. Except as provided above and in the use table, the following activities or uses are prohibited in the Seashore District:
1. Burning of cover unless determined by the Board of Fire Engineers to be necessary for the welfare and safety of the Town of Truro, and then such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.
 2. Filling of land, dumping, or removal of soil, loam, sand, or gravel.
 3. Cutting of timber except; a) by an owner for the purpose of reasonably controlling brush or trees; b) maintenance cutting in pastures; or c) cutting for clearance or maintenance on rights-of-way including those pertaining to public utilities or public highways.
 4. Buildings or structures, except as provided in §B above. (4/08)
 5. Commercial or industrial ventures or activities, except as provided in §b.12 above. (4/08)
 6. Drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.
 7. Continuous storage of materials or equipment.
- D. Signs. The use of signs shall comply with the Truro Sign Code provided, however, that double-faced signs on residential property which advertise the occupancy, sale, or rental of

such property shall not exceed two square feet and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination. The foregoing limitations shall not apply to facilities deemed by the Secretary of the Interior to be necessary on federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore.

E. Variances or Special Permits. Applicants for variances or special permits shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his/her authority to acquire, by condemnation, property which is made the subject of a variance or special permit that in the Secretary's opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals of all applications or petitions made for variances or special permits to the bylaws for the Seashore District and the Secretary shall be provided notice by the Planning Board of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. Subsequently, the Secretary shall be given notice by the appropriate board of any variance, or special permit, or building permit, granted or denied for the area within the Seashore District. (4/08)

§70.4 Residential Development

A. Site Plan Review is required for:

Construction, alteration, or modification of any Seashore District property (i) which results in the addition of more than one thousand (1,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure or structures, (ii) which adds an additional story to an existing structure, or (iii) which constitutes the construction or reconstruction of a single-family dwelling or a two-family dwelling; **or (iv) which increases the gross floor area (as defined in "i" above) by 50%, measured at the time of the adoption of this bylaw (April __, 2016); or (v) which results in a material permanent change to the natural landscape from site clearing, filling or grading, including but not limited to construction of impervious areas, swimming pools, tennis courts, and fences that are four (4) feet high or higher, if viewable from an abutting property or publicly accessible locations.**

B. Applicability

1. A Residential Site Plan approved by the Planning Board becomes the official development plan for a site within the Town of Truro. Town permits are issued only upon compliance with the Approved Residential Site Plan. The approved Residential Site Plan is legally binding upon the holder and any future owner(s). The Board's approval shall mean that all pertinent aspects of this by-law have been reviewed by the Board, unless specifically waived by the Board.
2. The Planning Board shall have the authority to hire at the applicant's expense necessary professional services reasonably required to review and adequately analyze the contents of any site plan or related impact study requested by the Board.
3. **Nothing in Section 70.4 shall be construed as authorizing the issuance of Site Plan**

**Approval that exceeds the building size limitation set forth in Seashore District
30.3.B.13.**

C. Procedures and Plan Requirements

1. Each application for Residential Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:

- a. An original and 14 copies of the Application for Site Plan Review;
- b. 15 copies of the required plans and other required information per subsection 3 below;
- c. Applicable filing fee;
- d. Certified copy of the abutters list obtained from the Truro Assessors Office.
- e. **A letter from the Secretary of the Department of Interior, stating whether the project as proposed, in the Secretary's opinion, fails to conform or is in any manner opposed to or inconsistent with §30.3.A (Purpose) of the Seashore District, or whether the project with the Secretary's recommendations and any stated conditions would receive a continuation of the suspension of condemnation. (See Section 30.3.E)**

2. Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer, as applicable and shall be prepared at a scale of one inch equals forty feet (1"=40') or larger, or at another scale as approved in advance by the Planning Board.

3. The following information must be submitted together with the application form:

a. Site Plan shall include:

1. North Arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.
2. Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed conditions. This information shall be placed in a table format which must list all setbacks; percent of lot coverage, broken out between building, pavement, landscape coverage, etc.; number of buildings; total amount of square feet; and any other applicable zoning information necessary for the proper review of the site plan.
3. Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.
4. Graphic Scale
5. Title Block: Including the name and description of the project; the address of the property; the names of the record owner(s) and the applicant(s); and the date of the preparation of the plan(s) and subsequent revision dates.
6. Legend of All Symbols
7. Property boundaries, dimensions and lot area.
8. Topography and grading plan.
9. Location, including setbacks of all existing and proposed buildings and additions.
10. Septic system location.
11. Location of wetlands, the National Flood Insurance Program flood hazard

elevation and Massachusetts Natural Heritage Endangered Species Act jurisdiction, as applicable.

12. Driveway(s) and driveway opening(s).
13. Existing and proposed lighting.
14. Existing landscape features both vegetative and structural.
15. Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s).
- 16. Existing and proposed utilities (electric, cable, telephone, and other utility lines).**

- b. Architectural plans, including elevations and floor plans, with all dimensions at a scale of no less than 1/8" = 1'-0".
- c. Lighting specification, including style and wattage(s).
- d. Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration.
- e. Re-vegetation/Landscaping plan, including both vegetative and structural features.

D. Review Criteria

The Planning Board shall review Residential Site Plans and their supporting information. It is the intent of Residential Site Plan Review that all new construction, shall be sited and implemented in a manner that is in keeping with the scale of other buildings and structures **in its immediate vicinity throughout the Seashore District** in order to preserve the **rural and historic** characteristics of **existing neighborhoods the Seashore District**. Such an evaluation shall be based on the following standards and criteria:

1. Relation of Buildings and Structures to the Environment. Proposed development shall relate to the existing terrain and lot, and shall provide a solar and wind orientation which encourages energy conservation.
2. Building Design and Landscaping. Proposed development shall be consistent with the **scenic value and** prevailing character and scale of the buildings and structures **in the neighborhood throughout the Seashore District through** the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques.
3. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing **the size of lawn areas and** any grade changes and removal of vegetation and soil **and by locating new construction so as not to impact views and vistas.**
4. Circulation. Curb cuts and driveways shall be safe and convenient and shall be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro.
5. Lighting. Lighting shall be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There shall be protection of adjacent properties and the night sky from intrusive lighting.
6. **Utilities. Electric, telephone, cable and other utility lines shall be installed**

underground unless specifically waived by the Planning Board.

E. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Residential Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law, **or (d) the project does not comply with the recommendations or conditions called for by the Secretary of the Interior based upon their review.**

F. Waiver of Information Requirements

The Planning Board may, upon the request of the applicant on the appropriate Site Plan Approval Application, waive any requirements of §70.4.C, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw, **or with the purpose of the Seashore District.**

§70.9 Waiver of Commercial Site Plan Review

The Planning Board may determine at its discretion without a public hearing that submission of a Commercial ~~or Residential~~ Site Plan review application is not required when the alteration or reconstruction of an existing building or structure or new use or change in use 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.

A waiver from Commercial ~~or Residential~~ Site Plan Review must be requested by the applicant using the appropriate Site Plan Review Application form. The form, applicable filing fee and supporting documentation to establish that such review is not required shall be filed with the Planning Board Secretary. A waiver request will be considered at a regular session of the Planning Board.

Upon the decision of the Planning Board, a copy of the decision shall be sent to the applicant, the owner, the representative, if any, and the Building Commissioner.

COMMENTS

On the occasion of the 100th anniversary of the creation of the National Park Service, the Truro Planning Board proposes amendments to the Truro Zoning Bylaw *Seashore District*, to recognize our Town's important stewardship role for the lands protected by the Cape Cod National Seashore. The purpose is to ensure that all new or modified construction within the *Seashore District* is designed and carried out in a manner consistent with the general intent and purposes of Truro's Zoning Bylaw and Local Comprehensive Plan, and of the guidelines and scenic value of the National Seashore Park.

Recommended changes to *Seashore District Section 30.3* and *Residential Site Plan Review Sections 70.4 and 70.9* seek to ensure that future residential development (1) preserves and maintains the rural character, and scenic, historic, and cultural features of the Seashore District, recognizing they are critical components of the town's heritage, character, and economy; (2) is built in scale and mass consistent with the values that the Seashore District protects; and (3) does not have undue environmental impact.

To further protect our Seashore District, Seashore District provisions of the Towns of Wellfleet and Eastham have been considered and modified in ways appropriate to Truro's needs and conditions. For example, Wellfleet establishes a cap or limit on the maximum building size (gross floor area) in the Seashore District of 3,600 sq. ft. while a larger cap [] (*to be determined*) is recommended for Truro's Seashore District. Such a building size cap is similar to our having a bylaw cap on building height. There are only a few properties in Truro's Seashore District that currently exceed that size, and they would become grandfathered non-conforming. If someone wanted to construct a larger residence, he or she could do that elsewhere in Truro, where it would not conflict with the purpose, intent and scenic value of the Seashore District.

Eastham recognizes the National Park's guidelines by requiring a *Special Permit* for increases in building size greater than 50%, while we propose that such increases in Truro's Seashore District are an additional basis for *Site Plan Review*. Specifically, *Site Plan Review* henceforward would be required not only for "Construction, alteration or modification of any Seashore District property "which results in the addition of more than 1,000 sq. ft..." section (i) of 70.4, but also "which increases the gross floor area...by 50%..." section (iv) of 70.4. The former works well for larger properties while the later reflects the Seashore District's objective of preserving the character of smaller houses. And in addition, subject to Site Plan Review is construction "which results in a material permanent change to the natural landscape from site clearing, filling or grading" such as for swimming pools and other impervious areas if viewable from an abutting property or publicly accessible locations, section (v) of 70.4. Also changed are the criteria for scale and mass for new construction. Rather than relating new construction to other "buildings in the vicinity or neighborhood," which could result in groups of large houses, it would be related to "buildings throughout the Seashore District" to maintain the rural and historic character of the District.

It should be noted that Wellfleet defines Gross Floor Area as measured between the exterior faces of exterior walls. This is also how the Truro Assessor's Office measures Net Livable Area. However, the Truro Zoning Bylaw defines Gross Floor Area as measured between the interior faces of exterior walls. The difference is minor, as for example a 5,250 sq. ft. building as defined by the Truro Assessor's Office is approximately equivalent to a 5,000 sq. ft. building as defined in the Truro Zoning Bylaw (the difference estimated at about 5% for 8" thick exterior walls).

TRURO PLANNING BOARD

DRAFT

Meeting Minutes

August 18, 2015 – 6:00 pm

Truro Town Hall, Truro, MA

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

Members Absent: Michael Roderick (excused); William Worthington (excused)

Others Present: Chet Lay, Slade Associates; Stephanie Rein, Truro Ag Fair; Regan McCarthy, TNRTA; John Marksbury; Chuck Steinman; Charleen Greenhalgh, Town Planner and ATA and Shawn Grunwald

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

Public Comment Period: No one came forward to comment.

Genevieve Morin, Truro Yoga, Temporary Sign Permits

The Applicant seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code for one (1) sign to be located at 20 Truro Center Road, Puma Park (aka Veteran's Park) for Sunday morning yoga classes on August 9, 16, 23 and 30, 2015. Signs would be installed on the Friday afternoon before the class and would be removed on the afternoon of the class. The property is also located on Assessors Map 50, as Parcel 153.

Mrs. Greenhalgh read an email message sent on August 17, 2015 from Ms. Morin stating she would be unable to attend the meeting but was respectfully requesting that her application be granted.

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the request for a temporary sign permit was approved, so voted 4-0-0.

Sustainable Cape: Truro AgFair, Temporary Sign Permits

Representative: Stephanie Rein

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 the Truro AgFair to be held on September 6, 2015. The signs would be located on Route 6 northbound at the Pamet Roads Exit, Route 6 on the lawn of the Pamet Valley Package Store (172 Route 6), on South Pamet Road at Snow's Park and at 20 Truro Center Road, Puma Park (aka Veteran's Park). The banners are 72" x 36" and they would be installed on August 24 and removed on September 7, 2015.

Ms. Rein stated that she would like to amend the dates in the application to allow the sign to be installed on August 19, 2015 instead of August 24, 2015 to allow for additional time to advertise the event and to still be within the allowable 30-days. She is sensitive to not having a lot of signs posted around town but feels this extra week is crucial because the fair was not held last year. The locations of the signs were clarified and Ms. Rein stated they have the permission of the owner of the Pamet Valley Liquor Store to post the sign earlier.

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the request to post temporary signs with the amended date of installation on August 19, 2015 was approved, so voted 4-0-0.

2015-006PB Stephen Knox & Barbara Yost-Knox, Trustees, Approval Not Required Plan, 9 Union Field Road

Representative: Chester Lay, Slade Associates

The Applicants seek a determination and endorsement of a two (2) lot ANR plan for property located at 9 Union Field Road, Assessors Map 47, Parcel 73. Only one (1) lot is for building purposes.

Mr. Lay noted that lot 13 on the subdivision plan is lot 74 on the ANR plan. The plan was reviewed by Board members. Ms. Tobia remarked that there is adequate frontage and it appears that all the requirements have been met.

On a motion by Mr. Riemer and seconded by Mr. Boleyn, it was determined that Union Field Road as shown on the ANR plan provides safe and adequate access and to endorse the Division Plan of Land in Truro, Showing a Division of Lot 12 as Shown on L.C.P. NO. 31205^D made for Stephen Knox & Barbara Yost-Knox, Trustees, at 1" = 50' dated June 15, 2015, as Approval Not Required, and to file said decision with the Town Clerk, so voted 4-0-0.

Discussion on Scheduling of Joint Meeting with Board of Selectmen for Vote on Planning Board Vacancy

The Board of Selectman will be interviewing the two (2) candidates for the Planning Board vacancy on August 25, 2015. The Planning Board will hold a joint meeting with the Board of Selectman on September 8, 2015 at 5:30 p.m. to jointly vote on the appointment. Mr. Riemer questioned if there were any other applicants. Ms. Tobia replied there was one other candidate who has since withdrawn their application.

Revisit Hearing/Meeting Schedule for 2016

Due to a change in the Board of Selectman meeting, the consensus was to change the November 1, 2016 meeting to Wednesday, November 2, 2016.

Review and Approval of Meeting Minutes: August 4, 2015

Mr. Boleyn noted a typographical error and Mr. Riemer asked that under the discussion of the proposed zoning reform, the wording be changed from *his* vision of Truro to *the* vision of Truro as his intent was to capture what he has also heard from the Board of Selectmen.

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the minutes of August 4, 2015 were approved as amended, so voted 4-0-0.

Presentation, Review and Discussion FY2016 Goals and Topics

1. Promote Community Engagement in Planning Issues: Presented by Mr. Boleyn:

- A. Continue quarterly meetings with Selectmen

- B. Invite public comment on Planning Board goals at an upcoming meeting
- C. Make it easier for the public to participate and ask questions at Planning Board meetings
- D. Undertake efforts to convey information and engage the public:
 - 1. Request space in e-newsletters issued monthly by the Board of Selectmen and Council on Aging
 - 2. Participate in Selectmen's outreach events

Mr. Boleyn stated that he endorses the above as written.

Regan McCarthy, TNRTA came forward and suggested that the entire agenda packet be available in a digital format and that technology be used during the meetings so that the public can follow along with the discussion with some visual aids. Ms. Tobia confirmed that the full agenda packets have been available through the Town's website and that she has been exploring starting the use of a projector for future meetings. Ms. McCarthy was thanked for her suggestions.

2. Revisit the Town's Vision for Sustainable Growth and Resource Protection: Presented by Ms. Tobia

- A. Conduct Community Visioning – consider the community's vision for long-term growth and ensure that Town bylaws and policies support the community's vision.
- B. Evaluate extension of the Growth Management Bylaw (expires 12/31/16)
- C. Assess infrastructure needs and other impacts associated with anticipated commercial and residential growth identified in the vision.
- D. Evaluate options to enhance or modify the Open Space Development bylaw; review the bylaw in light of other effective models for open space protection and cluster development, and seek to develop zoning options to increase use of approach to subdivision that can garner community support.
- E. Review National Seashore zoning to ensure that it provides adequate protection of rural character.
- F. Ensure the Route 6 scenic character is maintained in light of future development through requirements for site design, building design and landscaping.

Mrs. Greenhalgh stated that there has been some behind the scenes movement around the National Seashore zoning issue and will be further discussed at a September meeting.

John Marksbury came forward and believes that the National Seashore issue should be a top priority for the Board not only because of the timeframe but also it is the town's responsibility to ensure the rural character. He further stated that over the past eight to ten years, he has seen houses constructed that are drastically altered from their original footprint or just torn down and what is built is out of character for the area. He suggested the Board look to the town of Wellfleet in terms of what they have done to ensure adequate protection of the rural character of the area. In addition, he feels the town has a moral and ethical obligation to be a good steward of the coast, to help support the Department of the Interior given its limited financial resources.

Ms. Tobia remarked that indeed Wellfleet may provide a good basis for providing guidance on this topic.

Mr. Riemer stated he agreed with the comments provided by Mr. Marksbury and looks forward to having an open discussion with the National Seashore.

3. **Create opportunities for Development of Housing that is Affordable to the Broader Community**: Presented by Mr. Riemer:

- A. Address questions/concerns about the proposed bylaw change to allow Conversion of Cottage Colony for Year Round Use, and quantify implications for affordable housing, natural resource impacts and economic implications. Seek to develop a proposal that can garner community support.
- B. Revisit the Accessory Apartment bylaw

Mrs. Greenhalgh stated that she and Mr. Riemer attended a Water Resource Oversight Committee meeting the previous week where the water management issues and need for further analysis is needed; particularly for the Beach Point area was discussed. She believes this committee will have important information to share with the Town, including the Planning Board. The presentation is available on the Town website.

Ms. McCarthy came forward and stated that the Truro Non-Resident Taxpayer Association has offered to conduct a water study for the town. She also questioned the language of the goal/topic as it implies that the Board will be moving forward. She indicated that there are other areas which should be considered besides the water issue such as economic impact and what the Truro Housing Authority is doing and recommended that the Board take advantage of other committee work.

Ms. Tobia reaffirmed the need to build on the work of other committees and acknowledged that the language of the goal/topic may need to be revised.

Mr. Riemer stated that at the Water Resource Oversight Committee meeting, a common phrase used throughout the presentation was that underground water has no fences. He feels it is important to focus on this and how it will affect the townspeople.

4. **Clarify/Refine Selected Provisions of Zoning Bylaw**: Presented by Mr. Sollog

- A. Street Definition/Lack of Frontage – clarify objectives, address misinformation and develop a proposal that can garner community support.
- B. Agricultural issues – address definitions and other sections of the bylaw that deal with farm stands and sale of produce.
- C. Expand boundaries of the Water Resource Protection District - per request of Provincetown Water Department to include the entire Zone of Contribution for the North Union Wellfield. Incorporate new Zone delineations from MassDEP.
- D. Review Section 11 of the Sign Code, Temporary Signs, to see if limitation or guidance on size should be incorporated into the section.

Mrs. Greenhalgh indicated that topic area 4 (C) concerning the expansion of the Water Resource Protection District is almost accomplished. Protection area Zone 2 exists but is not reflected in the 1990 zoning map.

Mr. Sollog asked about prohibited use in the Protection Zones. Mrs. Greenhalgh referred to the by-laws for the prohibited uses. It is unclear if propane tanks are a prohibited use.

Ms. McCarthy questioned the issue of frontage and street adequacy, indicating that being referred to the ZBA is not a good way to handle this issue.

Mr. Steinman came forward to indicate his surprise that the street definition remains on the Board list of goals and topics, given that during the last joint meeting with the Board of Selectmen and ZBA, the ZBA Chair did not see it as a problem. He would like to see it removed from the list for now.

Ms. Tobia stated that the Board believes the Town is looking for more clarity around the definition. It has been moved to a lower priority for the Board.

Both Ms. Tobia and Mr. Riemer thanked the public for their input.

Mr. Steinman stated his appreciation for the availability of the packets now on the website prior to the meeting.

Adjourn: 7:07

Respectfully Submitted,

Shawn Grunwald

Memorandum

*Charleen L. Greenhalgh, ATA/Planner
Town of Truro*

August 31, 2015

To: Planning Board
From: Charleen Greenhalgh, Assistant Town Administrator/Planner
Re: Training

In response to comments made at the joint meeting held back in June with the Board of Selectmen, we are in discussion with Attorney Jon Witten to do some training for the Planning Board members, possibly the Board of Appeals too. Attorney Witten has been providing training to Boards for years through the Citizen Planner Training Collaborative (CPTC), as well as other venues.

Please think about what training you would like to have. To assist you here is a list of some past CPTC topics:

- The Roles and Responsibilities of Planning and Boards of Appeals
- 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 and Uses
- Zoning Exemptions
- Special Permits & Variances

The Board will discuss this at the September 8, 2015 Planning Board meeting.