

TRURO PLANNING BOARD AGENDA
TUESDAY, October 20, 2015 – 6:00 pm
Truro Town Hall, 24 Town Hall Road, Truro

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.

Site Plan Review – Public Hearing Continuance

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. Continued from September 8, 2015.

Discussion on Disposition of Planting at 143 Shore Road

The Planning Board held an on-site at the Town of Provincetown property, 143 Shore Road to inspect the landscaping and to determine if the \$10,000 bond that was posted should be released.

Review and Approval of Meeting Minutes: October 6, 2015; and revisit September 8, 2015

Meeting Dates and *Other Important Dates:*

- ***October 24, 2015 (Sat) – Affordable Community Housing Forum – Community Center 9:30am***
- **October 27, 2015 – Joint meeting with the Board of Selectmen – 5:00 pm**
- November 4, 2015 (Wed) – Reg. Meeting
- **November 5, 2015 – Special Town Meeting – Truro Central School**
- November 18, 2015 (Wed) – Reg. Meeting
- December 8, 2015 – Reg. Meeting
- December 22, 2015 – Reg. Meeting

Adjourn



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

To: Planning Board
From: Carole Ridley, Consultant
Date: October 15, 2015
Re: Site Plan Review Public Hearing Continuance, **2015-006SPR Michael A. Tribuna, Trustee**

Additional information has come forward concerning the above referenced application.

Per the attached email, Attorney Vacarro has indicated Mr. Tribuna's intent to change the use of the property to single family residential, and requests withdrawal of the commercial site plan application without prejudice. As a single-family residence, the activity on the property is not subject to Commercial Site Plan review.

The change of use would be accomplished through demolition of existing structures, decommissioning of septic systems, and application for a building permit for modification of a single-family dwelling and studio. These are not matters that would come before the Planning Board.

The Planning Board has three options with respect to the applicant's request to withdraw without prejudice:

1. Vote to allow the withdrawal without prejudice;
2. Vote to deny the withdrawal without prejudice and continue with the hearing on Tuesday (and, presumably, vote on the application at that time); or
3. Vote to deny the withdrawal without prejudice, further continue the hearing to a date certain, and send a notice to the applicant that the applicant must either withdraw with prejudice or provide the information previously requested and be prepared to proceed with the application at the continued hearing date.

The Board may also wonder whether there is any recourse with respect to the Board's concerns about the activity that has been done on the site.

Based on an inquiry to Town Counsel, the Board is not in a position to require remediation if the change of use occurs, even though the clearing was in violation for the use in effect at the time the work was done.

Carole Ridley <cr@ridleyandassociates.com>
To: Chris Vaccaro <cvaccaro@dfllp.com>
Cc: Michael Tribuna <mike.hwrt@verizon.net>, Lisa Maria Tobia <lisamariatobia@gmail.com>
Re: Truro Planning Board

October 14, 2015 1:20 PM

Chris -

Thank you for this update, I will review your email with the Planning Board chair and get back to you.

-Carole

Ridley & Associates, Inc.
115 Kendrick Road
Harwich, MA 02645
(508) 430 2563 (office)
(508) 221 8941 (cell)
(508) 432 3788 (fax)
www.ridleyandassociates.com

On Oct 14, 2015, at 11:17 AM, Chris Vaccaro <cvaccaro@dfllp.com> wrote:

Dear Carole:

At our most recent hearing before the Planning Board, the Board's chair and other members stated emphatically that they will require Mr. Tribuna to turn back the clock and restore the property to its former condition. That position is impractical and unnecessary. Given the hostile reception that Mr. Tribuna received from the Planning Board, we do not believe that a site visit would be productive.

Mr. Tribuna intends to convert his small cottage colony to a single-family use, and to withdraw his application for site plan approval. Is the Planning Board amenable to accepting a withdrawal without prejudice?

Thank you for your consideration.

Chris

Christopher R. Vaccaro
Attorney at Law
Dalton & Finegold, L.L.P.

Direct Dial: 978-269-6425
Email: cvaccaro@dfllp.com
Web Site: www.dfllp.com

This transmittal contains confidential information which may be legally privileged. The information is intended only for the use of the listed recipient named above. If you are not the named recipient, any disclosure, copying, distribution or taking of any action in reliance upon the contents hereof, except direct delivery to the intended named recipient, is strictly prohibited. If you have received this transmittal in error, please notify the sender immediately by telephone at (978) 269-6425. Thank you.

From: Carole Ridley [<mailto:cr@ridleyandassociates.com>]
Sent: Wednesday, October 14, 2015 9:16 AM
To: Chris Vaccaro <cvaccaro@dfllp.com>; Michael Tribuna <mike.hwrt@verizon.net>



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

To: Planning Board
From: Carole Ridley, Consultant
Date: October 14, 2015
Re: Site Plan Review Public Hearing Continuance

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. Continued from September 8, 2015.

The original staff memo from Charleen Greenhalgh, with attachments, is enclosed.

The following communications occurred after the September 8th meeting:

1. Responses provided by Down Cape Engineering to DPW Director Jay Norton's comments were submitted to Mr. Norton for review.
2. An email was sent by Charleen Greenhalgh to Attorney Vaccaro indicating the Board's desire to see a full mitigation plan to remove fill and re-vegetate the site (email enclosed).
3. The Building Commissioner indicated that the applicant has inquired about a change of use to single family residential, which would, in the Commissioner's opinion, render the Commercial Site Plan application moot. The Building Commissioner further noted that a single or two family use is allowed to undertake clearing and excavation by right, pending any necessary Conservation Commission and NHESP reviews.
4. Communication (9/10/15, enclosed) was received from Jennifer Cohen of TruHaven Association reporting that she was told by NHESP that an application regarding 7 Parker Drive had not been submitted to NHESP as of that date.
4. Chairman Tobia requested that a site visit be scheduled prior to the October 20th continuance.

From: Charleen Greenhalgh <assttown@truro-ma.gov>

To: Chris Vaccaro <cvaccaro@dfllp.com>, Daniel Ojala <downcape@downcape.com> **Bcc:** Lisa Maria Tobia <lisamariatobia@gmail.com>

Date: 09/29/2015 03:27 PM

Subject: 7 Parker Drive - Site Plan Review

Dear Attorney Vaccaro -

After speaking with the Chair of the Planning Board she has made it clear that what the Board wanted is a plan showing a complete remediation of the site, including complete removal of all fill and revegetation of the site. The Board feels that they need to see what it would take to return the site to pre-excavation conditions. That being said, the Board would also like to see an additional plan showing what other remedies could be made to the site to correct error that were made and to provide for a complete revegetation remediation plan.

The Chair also recommends an on-site prior to the meeting on October 20th. Knowing that the hearing was continued to a date and time certain, would you be willing to allow for an on-site which would be posted, with the understanding that there would be no testimony or discussion, simply the engineer would explain what the applicant wishes to do.

Respectfully,

Charleen

Charleen L. Greenhalgh
Assistant Town Administrator and Town Planner
Town of Truro
P.O. Box 2030
Truro, MA 02666
508-349-7004 x-27
508-349-5505 Fax
assttownadm@truro-ma.gov



Charleen Greenhalgh

From: Russ Braun
Sent: Friday, October 02, 2015 1:16 PM
To: Rae Ann Palmer; Charleen Greenhalgh
Subject: 7 Parker Dr.

Because you will eventually be getting the phone calls....

Mr. Tirbuna understands that an owner of a single or two family lot does not need site plan review to improve a lot and can do clearing and excavating by right (Conscom and MESA notwithstanding).

Therefore, he has inquired about changing the status of his property to a single family home. I advised him that, being a change of use, a building permit and, ultimately, a certificate of occupancy as a single family residence is required and I outlined the procedure to him how to accomplish that. He understands that once this is done there is no going back because in that zone his current use is not allowed.

It is my opinion that, by doing this, the application for Commercial Site Plan Review is rendered moot.

Russell Braun
Building Commissioner
Town of Truro

From: Charleen Greenhalgh <asstown@truro-ma.gov>
To: Chris Vaccaro <cvaccaro@dfllp.com>, Daniel Ojala <downcape@downcape.com>
Date: 09/10/2015 01:34 PM
Subject: Fw: NHESP

For your information.

Charleen L. Greenhalgh
Assistant Town Administrator and Town Planner
Town of Truro
P.O. Box 2030
Truro, MA 02666
508-349-7004 x-27
508-349-5505 Fax
asstownadm@truro-ma.gov

From: Jen Tru Haven [mailto:jentruhaven@gmail.com]
To: 'Charleen Greenhalgh' [mailto:asstown@truro-ma.gov]
Cc: rpalmer@truro-ma.gov
Sent: Thu, 10 Sep 2015 13:02:14 -0500
Subject: NHESP

Since the Planning Board was told that the submission was made weeks ago and an opinion was expected any day, I thought you should know that I was informed today that NHESP had yet to receive an application regarding the property at 7 Parker Dr. Since I gather you are probably juggling schedules for upcoming meetings which, from the sound of it, looked to be especially busy, I thought this might impact the timing of when this matter will next be scheduled so further continuances would not be needed.

All best,
Jen



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.

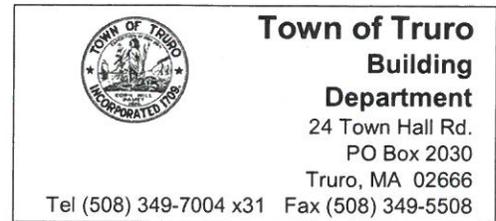
Board Vote Options

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@dflp.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 signs. 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.

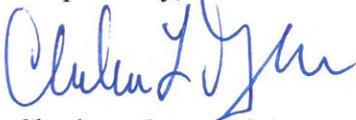
Some of the items noted above may be waived pursuant to the requirements found in §70.3.E; however please note that all requests for waivers must be accompanied by a written statement as to why the waiver is being requested and why it should be approved by the Planning Board. Also, as we discussed, the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



Google earth

Imagery Date: 6/15/2014 42°01'19.14" N 70°04'32.08" W elev 108 ft eye alt 626 ft

Tour Guide 1995



5/23/2015

7 Parker Dr

Google earth

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

1995

Tour Guide

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 *P*

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: *CPG*

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: *CFH*

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

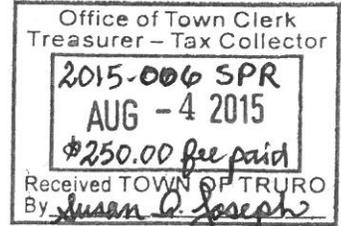
Cc: Rae Ann Palmer, Town Administrator, via email
Patricia Pajaron, Health/Conservation Agent, via email
Russ Braun, Building Commissioner, via email
Cynthia Slade, Town Clerk, via email



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

COMMERCIAL DEVELOPMENT APPLICATION FOR SITE PLAN REVIEW



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

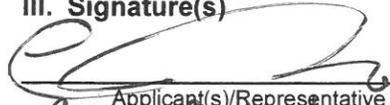
Representative's Name and Address Christopher R. Vaccaro, Esquire Suite G-5 Quincy, MA

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

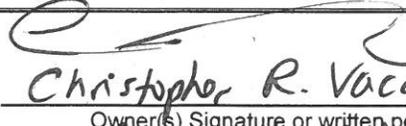
II. **Waiver(s) Request** – Waivers from any of the items listed in §70.3.D, must be identified below and a separate sheet shall be attached indicating in detail the reason for said waiver(s) pursuant to §70.3.D. Note that items 1(a-d), 2 and 3.a (1 – 6) of §70.3.D shall not be waived.

- 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)



Applicant(s)/Representative Signature


Christopher R. Vaccaro, Attorney

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.

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

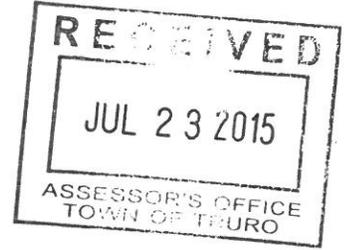
Attached is a list of abutters for the property located at 7 Parker Drive
on Assessor's Map 39 Parcel 171. The current owner(s) as of 1/1/15
is/are West View Court Realty Trust TRS: Michael Tribuna.

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: Debra Kopasz



TOWN OF TRURO
Assessors Office
Certified Abutters List
Request Form



*Paid
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: 210 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

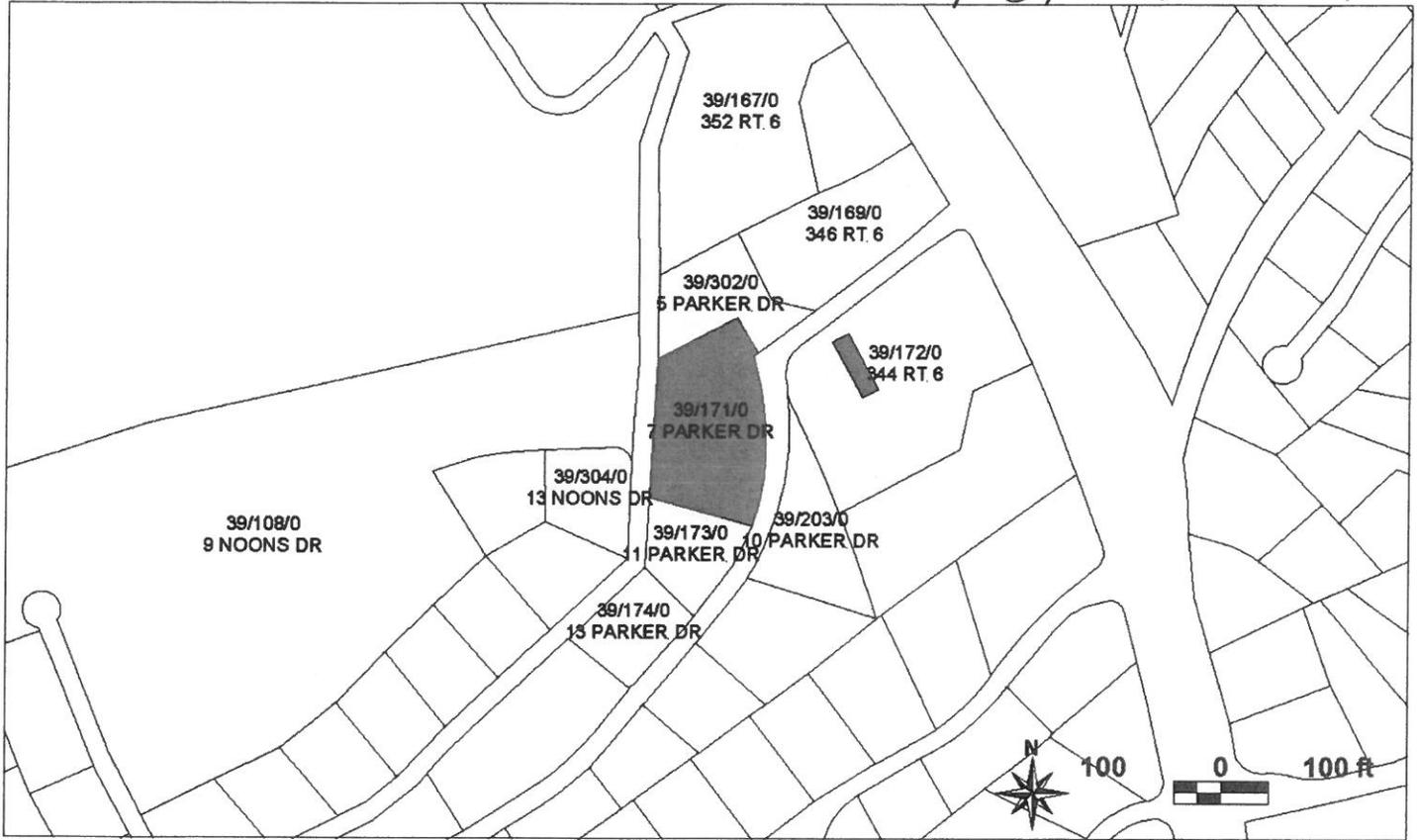
Planning Board

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
about us -

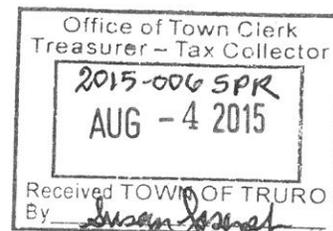
Diana*

COPY

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

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

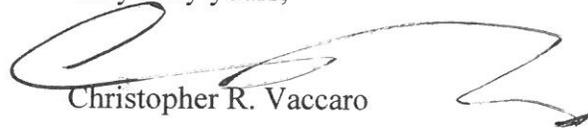
Truro Town Clerk
August 3, 2015
Page 2

(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,

A handwritten signature in black ink, appearing to read "Christopher R. Vaccaro". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline that extends to the right.

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

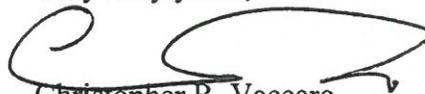
Dear Ms. Holt:

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.

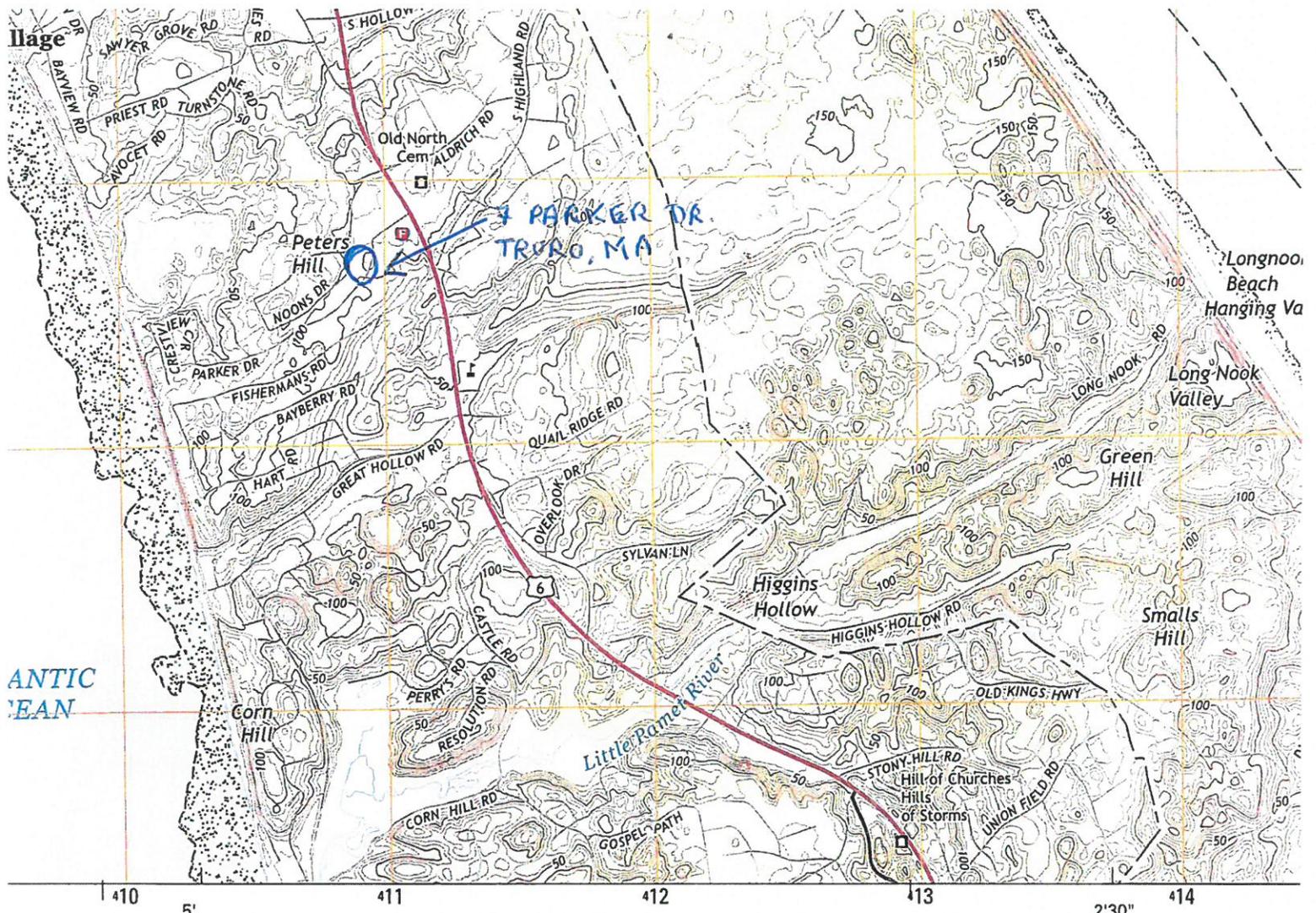
- Will this project be reviewed as a Notice of Intent by the local Conservation Commission?
- Will this project be undergoing MEPA review for reasons other than rare species?
- Have you enclosed the required copy of a USGS topographic map in the scale 1:24,000 or 1:25,000 (not copy reduced) with the 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:

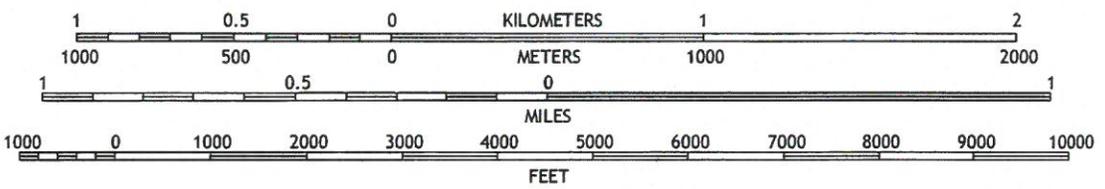
Regulatory Review
Natural Heritage and Endangered Species Program
MA Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

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.



SCALE 1:24 000



GNETHIC NORTH
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Grid
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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@dflp.com

Office of Town Clerk
Treasurer - Tax Collector
2015-006SPR
AUG 10 2015
Addendum
Received TOWN OF TRURO
34 Essex Street
Andover, Massachusetts 01810
Telephone: 978-470-8400
Telecopier: 978-470-8338

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:

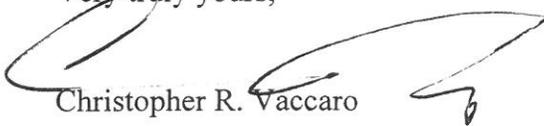
This office represents Michael A. Tribuna, Trustee of Westview Court Realty Trust ("Mr. Tribuna"), the owner of the property known as and located at 7 Parker Drive, Truro, Massachusetts (the "Property").

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.



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

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>.

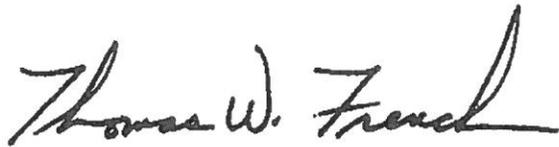
MA Endangered Species Act (MESA)

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/nhesp ("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, flowing style.

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@dflp.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

Ms. Charleen L. Greenhalgh

August 27, 2015

Page 4

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)

PARKING REQUIREMENT
 EXISTING:
 1 DWELLING UNIT & 3 COTTAGES
 2 SPACES PER DWELLING UNIT, PLUS
 1 SPACE PER EACH RENTAL UNIT
 REQUIRED:
 3.52/AC. ± D.U.A.
 7 SPACES CURRENTLY PROVIDED



LOCUS MAP

NOT TO SCALE
 ASSESSORS MAP 38 PARCEL 171
 (LIES WITHIN TMA 1100 ZONE AS
 SHOWN ON COMMUNITY PLAN #20010130)
 DATED 7/17/2014
 THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY
 AND DOES NOT CONSTITUTE A WARRANTY
 OF ANY KIND

OWNER OF RECORD

WESTVIEW COURT REALTY TRUST
 WOLLASTON, MA 02170

REFERENCES

DEED BOOK 12798 PAGE 8
 PLAN BOOK 258 PAGE 60
 PLAN BOOK 287 PAGE 55

ZONING SUMMARY

ZONING DISTRICT RES. REQUIRED: RESID.
 MIN. LOT SIZE: 33,750 S.F. 84,394 S.F.
 MIN. FRONT YARD SETBACK: 20' 30'
 MIN. SIDE SETBACK: 25' 18.0'
 MIN. REAR SETBACK: 25' 18.0'
 MIN. LOT COVERAGE: 30%
 DRIVEWAYS/PARKING: 2.88
 BUILDINGS: 2.88

NORTHMOST 60' OF SITE IS IN A ZONE II TO A PUBLIC
 UTILITY AND THE REMAINDER OF THE SITE IS IN A ZONE II.
 THE SITE IS SERVED BY ON-SITE WELL AND SEPTIC. NO CHANGES
 PLANNED.
 EASTERN 1/3 OF SITE IS MAPPED IN WHEEP ESTIMATED AND
 PRIORITY HABITAT.
 EXISTING USE: DWELLING AND 3 COTTAGES
 PROPOSED USE: NO CHANGE
 GENERAL LAND AREA FOR
 RESIDENTIAL USE. AREA TO BE STABILIZED WITH GRAVEL
 AND/OR 4" LOAM AND SEED.)

SITE PLAN
 OF
#7 PARKER DRIVE
TRURO, MA

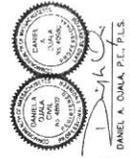
PREPARED FOR
MICHAEL TRIBUNA

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

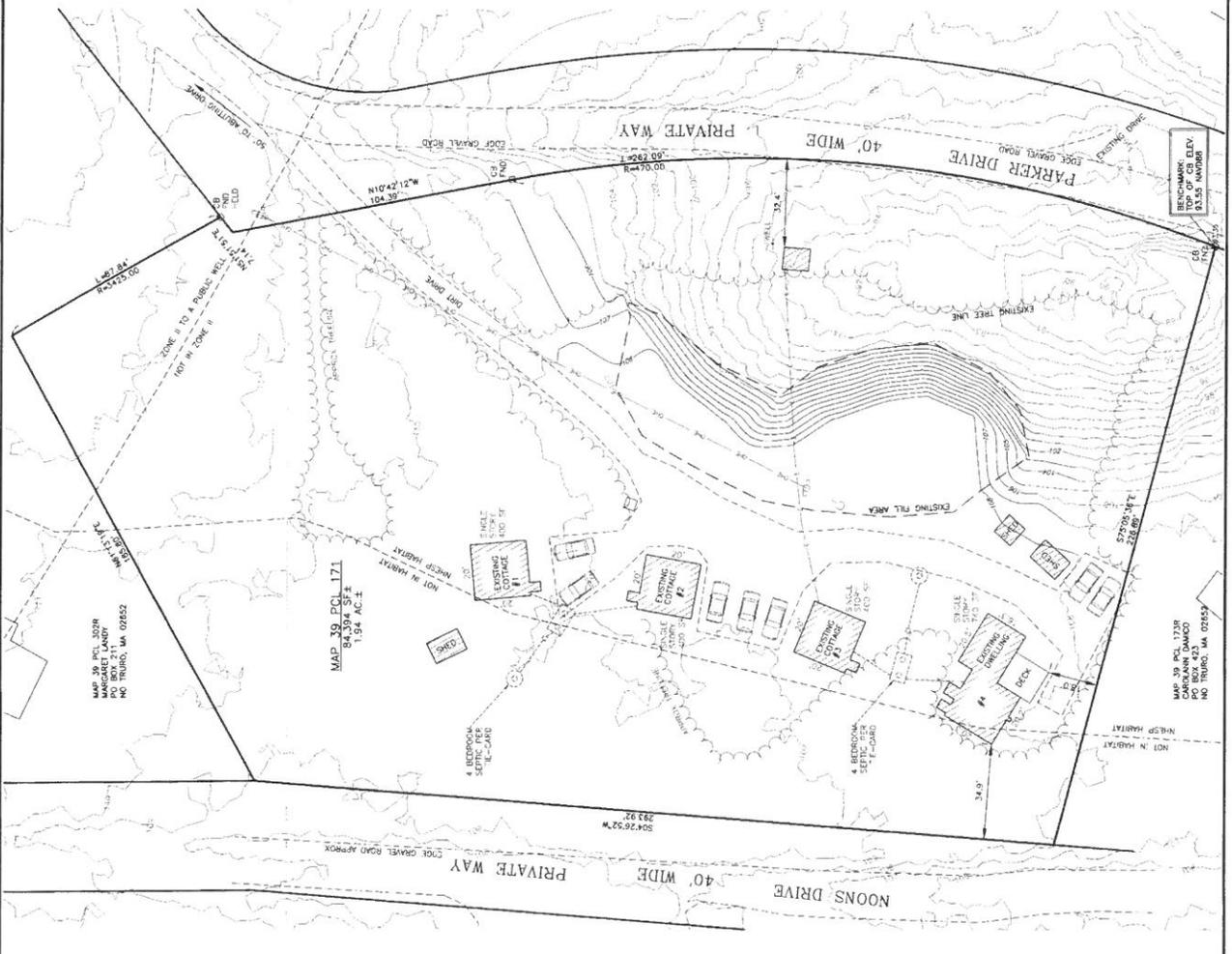
SHEET 2 EXISTING CONDITIONS



down cape engineering, inc.
 civil engineers
 985 Main Street, Suite 201
 Wollaston, MA 02170
 Tel: 508-361-4241
 Fax: 508-351-0880



DANIEL A. OALK, P.E., P.L.S.
 DATE: _____



LEGEND

---	EXISTING CONTOUR
- - -	PROPOSED CONTOUR
---	PROPOSED DRIVE P.L.
---	EXIST. DRIVE
---	SHADE OF CONTOUR
---	UTILITY POLE
---	FIELD STATION
---	PROPOSED FIELD STATION
---	PROPOSED FIELD STATION



TRURO PLANNING BOARD

DRAFT

Meeting Minutes

October 6, 2015 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Lisa Maria Tobia; Steve Sollog; Bruce Boleyn; John Riemer; and William Worthington **Members Absent:** Michael Roderick (excused)

Others Present: Richard J. Waldo, P.E.; Christopher J. Snow, Esq.; Charleen Greenhalgh, ATA/Town Planner; Shawn Grunwald

Ms. Tobia opened the meeting at 6:04 p.m.

Public Comment Period: No one from the public came forward to comment.

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

Representative: Richard J. Waldo

The Applicant 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 and September 8, 2015.

Mr. Waldo requested a continuance to November 4, 2015. On a motion by Mr. Sollog and seconded by Mr. Worthington, a continuance was granted until November 4, 2015, so voted 5-0-0.

Payomet Performing Arts Center, Temporary Sign Permits

The applicant seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code two (2) Temporary Signs (Oct 15 – Nov 14) 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 (Oct 15 – Nov 14) to be located at South Highland Rd at Old Dewline Rd.

Mr. Sollog disclosed that he works for Payomet Performing Arts Center but sees no conflict with this issue.

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

Schedule Annual On-Site for Provincetown Knowles Heights Crossing

The consensus among Planning Board members was to conduct the annual on-site for Provincetown Knowles Heights Crossing for Friday October 16, 2015 at 10:00 a.m. Mrs. Greenhalgh will post this with the Town Clerk's Office.

Seashore Related Zoning Discussion

Mr. Worthington reviewed the purpose and intent of the proposed draft changes. Clarification was made for the next steps in the process. Ms. Tobia invited the public attending the meeting to comment. No one came forward to comment.

On a motion by Mr. Sollog and seconded by Mr. Worthington, the proposed draft changes as presented in the packet will be sent to Town Counsel for review, so voted 5-0-0.

Continued Discussion of MGL c.44, §53G as it Relates to MGL c.40A, §9, MGL c.41, §81Q

Mrs. Greenhalgh referred the Board to the information provided in their packets concerning how other towns in the Commonwealth who have adopted this provision handle the fee structure. Towns who have adopted this handle the fees on a case by case basis depending on what is needed. Some towns will open the public hearing before determining if any expertise is needed and then in other cases the Town Planner will determine what is needed. The consensus of the Board is to move forward.

Review and Approval of Meeting Minutes:

On a motion by Mr. Boleyn and seconded by Mr. Worthington, the minutes of the September 22, 2015 meeting were approved, so voted 5-0-0.

The revisit of the September 8, 2015 minutes will be addressed at the next Planning Board meeting. Ms. Tobia will provide staff with additional information.

Reports from Board Members and Staff

Mrs. Greenhalgh reported that in reviewing the question raised by a Board member regarding the filling of a vacant Board seat, Town Counsel John Gorgio rendered the opinion that the Planning Board cannot fill the vacancy per the Town Charter; rather the process is dictated by Massachusetts General Law.

Ms. Tobia proposed Tuesday October 27, 2015 at 5:00 p.m. to hold a joint meeting with the Board of Selectmen. The consensus of the Board is to confirm that date to the Board of Selectmen.

**2015-007PB – Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, Trustees
Definitive Subdivision, 9B Benson Road**

Representative: Christopher J. Snow

Trustees have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81T and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53. The Application seeks approval of a single lot subdivision access to and egress from which will be served by a driveway located over a right of way as meeting the specifications set forth in a Judgment entered in the Commonwealth of Massachusetts Land Court.

Ms. Tobia opened the hearing at approximately 6:30pm following a brief delay at the request of Mr. Snow; as one of the representatives was delayed in getting to the hearing. Mr. Snow provided the return receipts for the abutters and Mrs. Greenhalgh distributed additional correspondence that had arrived late in the afternoon.

Mr. Snow commented that the application is almost identical to the application submitted approximately one year ago. Several of the members of the current Planning Board were members when the original application was filed and Mr. Snow stated that he believes the

concern over the slope of the road has been addressed. The application has then been refiled. Mr. Snow clarified that he has succeeded Attorney Bruce Edmunds solely for practical travel matters and that he does remain involved.

Mr. Worthington filed a disclosure of appearance of conflict of interest as required by G.L. c.268A § 23(b) (3).

Ms. Tobia filed a disclosure of appearance of conflict of interest as required by G.L. c.268A § 23(b) (3).

Mr. Riemer filed disclosure of appearance of conflict of interest as required by G.L. c.268A § 23(b) (3). He also noted that there is a vacancy on the Board and one member is serving with an excused absence.

Mr. Boleyn filed disclosure of appearance of conflict of interest as required by G.L. c.268A § 23(b) (3).

Mr. Snow stated that he was unaware of several of the disclosures and asked for a recess to confer with the applicants. A recess was granted at 6:40 p.m.

The public hearing was resumed at 6:58 p.m. Mr. Snow requested a continuance to November 18, 2015, given the new information concerning the conflicts. He expressed his disappointment that they were not notified of the conflicts sooner.

On a motion by Mr. Worthington and seconded by Mr. Boleyn, the public hearing on the Definitive Plan is continued to Wednesday November 18, 2015 at 6:00 p.m., so voted 5-0-0.

Board Member Report:

Ms. Tobia apologized to Mr. Richard Fishman for her erroneous statement concerning his attendance record for the recycling and garbage committee. Because Mr. Fishman had indicated involvement with a private committee for affordable housing on his application, there was some confusion about which committee the attendance record was being addressed.

Ms. Tobia suggested that the proposed Seashore District zoning changes and affordable housing per the suggestion of Mr. Sollog be put on the agenda for the joint meeting with the Board of Selectmen.

Mrs. Greenhalgh informed Board members of an Affordable Housing Forum on October 24, 2015.

Planning Board members thanked Mrs. Greenhalgh for her dedication and years of service.

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the meeting was adjourned.

Respectfully Submitted,

Shawn Grunwald
Recording Secretary