

TRURO PLANNING BOARD AGENDA
TUESDAY, October 6, 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

2015-005SPR 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 and September 8, 2015.

Definitive Subdivision

6:10pm 2015-007PB – Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, 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.

Temporary Sign Permits

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 (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 (Sept 15 – Oct 15) to be located at South Highland Rd at Old Dewline Rd.

Seashore Related Zoning Discussion

The Planning Board will discuss proposed draft changes to zoning as it relates to the Seashore District. The public is encouraged to participate.

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

The Board will continue its discuss whether to pursue the adoption of this provision which would allow the Planning Board to impose a fee on an applicant to cover the cost of the Board hiring a consultant for legal services, engineers, etc. for Special Permits and Subdivisions.

Schedule Annual On-Site for Provincetown Knowles Heights Crossing

Review and Approval of Meeting Minutes: September 22, 2015; revisit minutes of September 8, 2015

Reports from Board Members and Staff

Meeting Dates and *Other Important Dates:*

- October 20, 2015 – Regular Meeting
- 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

Adjourn



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

To: Planning Board
From: Charleen Greenhalgh, ATA/Planner
Date: September 28, 2015
Re: Commercial Development Site Plan Review – Report #3

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 Aug. 4, 2015. No testimony was taken and the hearing was continued to Sept. 8, 2015, and is now continued to October 6, 2015.

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) At the meeting held on September 8, 2015, a Board Member raised the question as to the status of the property relative to a Special Permit for a conversion. The issue at hand is **not** the status of the property and whether it is a motel or condominium. The issue and request before the Planning Board is whether the managers unit can be relocated from the main building and to a proposed new building at the rear of the property.
- 2) 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.
- 3) 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).
- 4) The Board should review §70.3.F – Review Criteria/Design Guidelines and §70.3.G Finding of the Planning Board, which are noted below (**Bolded and Highlighted.**)

- 5) Should the Board approve this request, it may wish to condition the approval to the items outlined in Ms. Pajaron's memo dated July 23, 2015 and perhaps to any zoning relief which *may* be necessary. These would be reasonable conditions.

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: *CHH*

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

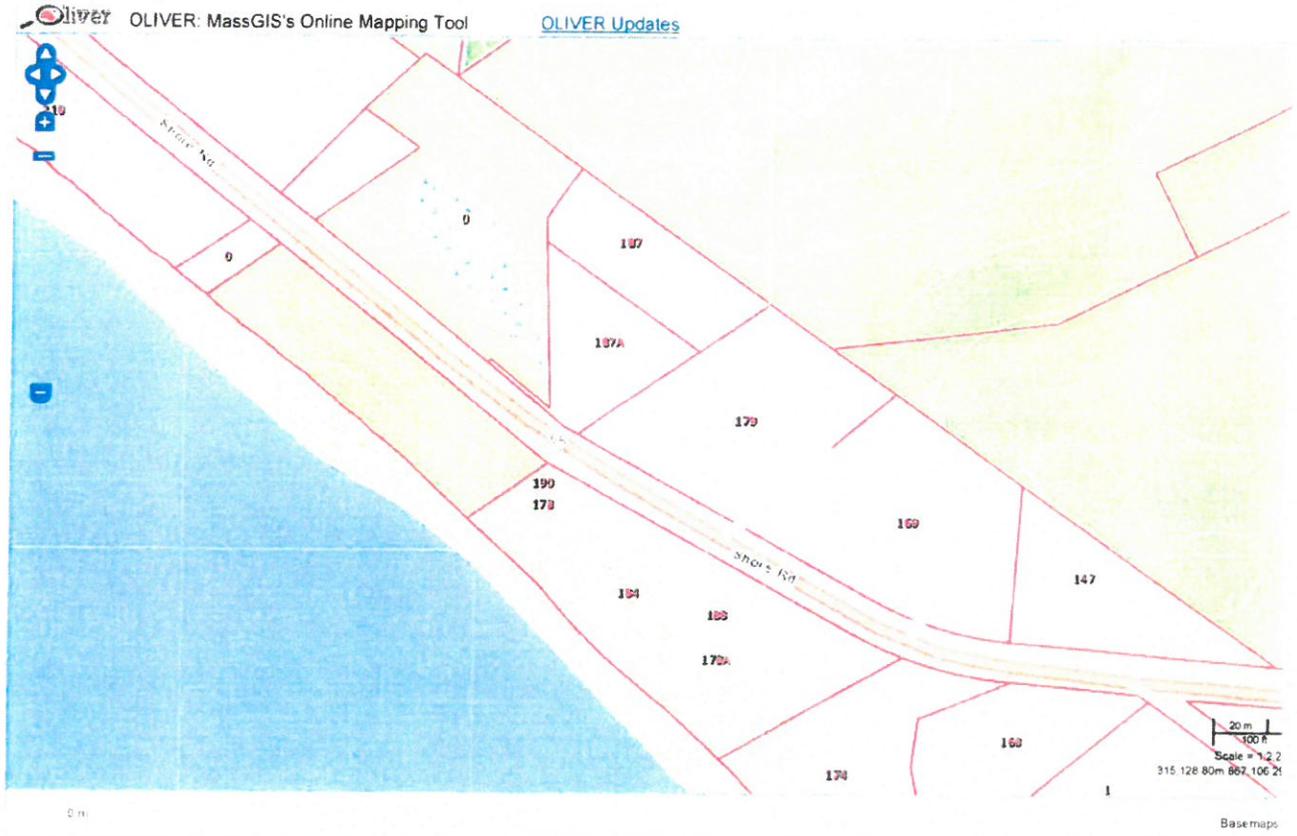
calculated capacity based on 1978 Code loading rates which may account for overdesign or safety factors. For a system designed in accordance with 310 CMR 15.000, the approved calculated capacity is based on the loading rates found at 310 CMR 15.242." The design flow figure has been left blank on Disposal 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 <asstown@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)

[Signature]
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

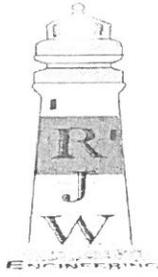
To whom it may concern,

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 includes a horizontal line extending to the right from the end of the 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

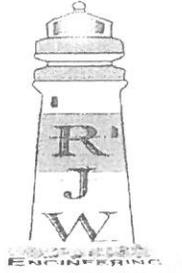
Dear Planning Board:

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', written in a cursive style.

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.

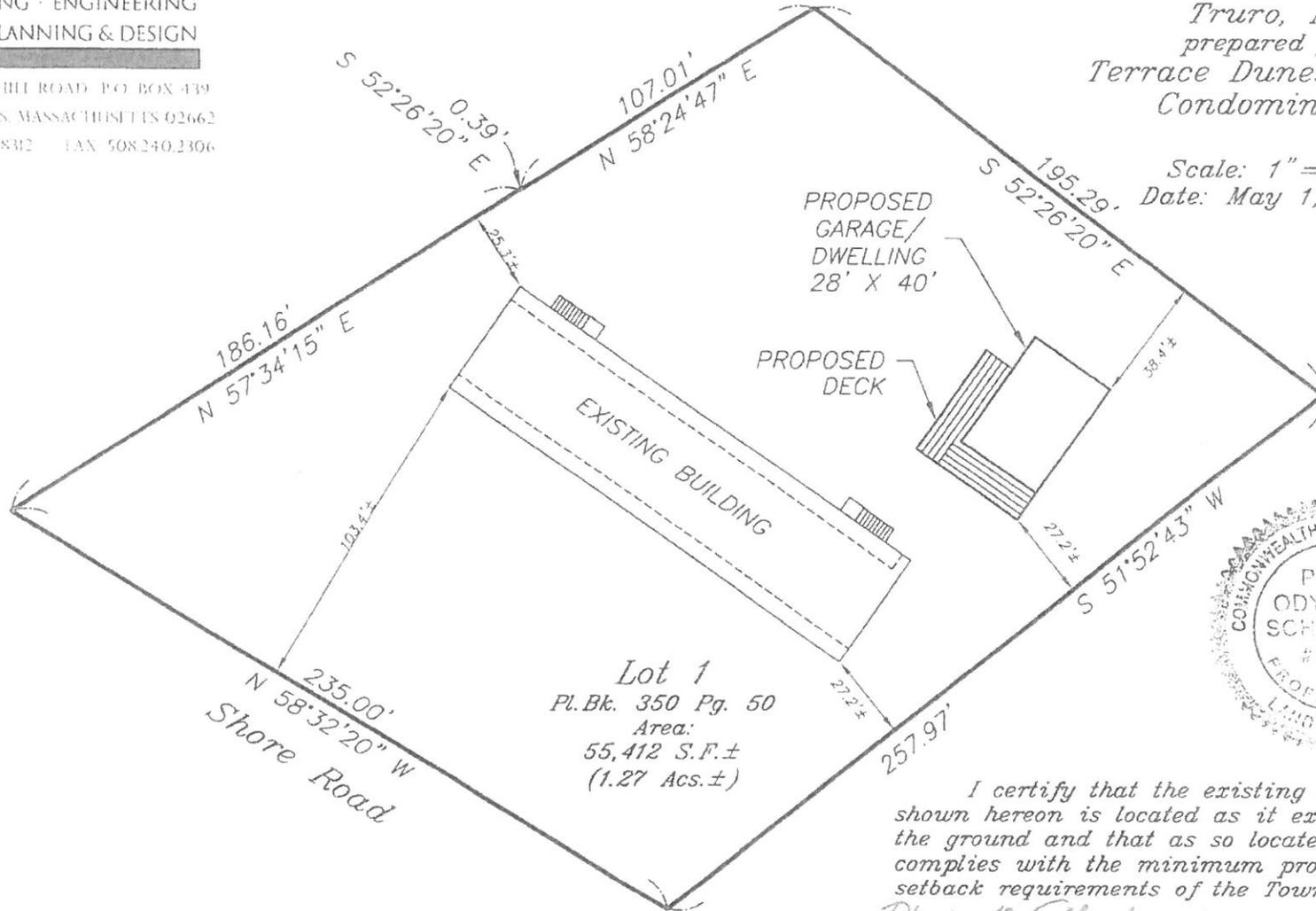
Ryder & Wilcox

SURVEYING · ENGINEERING
HOME PLANNING & DESIGN

1 GIDDIAH HILL ROAD P.O. BOX 439
SO. ORLANS, 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

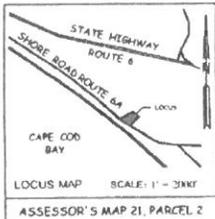


I certify that the existing building shown hereon is located as it exists on the ground and that as so located it complies with the minimum property line setback requirements of the Town of Truro.

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

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

Job No. 11492



LEGEND

- PARKING SPACE NUMBER
- EXISTING PARKING SPACE 9 x 20'
- MANHOLE
- EXISTING BUILDING SETBACK DISTANCE
- EXISTING CONTOUR
- UTILITY POLE
- SIGHT LIGHTING
- UNDERGROUND
- CATCH BASIN
- WATER SHUTOFF
- WATER METER PIT
- DISTANCE TO NEAREST CURBS AND/OR ROADWAYS
- WATER MAIN

GENERAL NOTES

1. PLAN IS FOR PERMITTING ONLY.

REFERENCE:
PLAN BOOK 350 PAGE 30

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

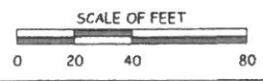
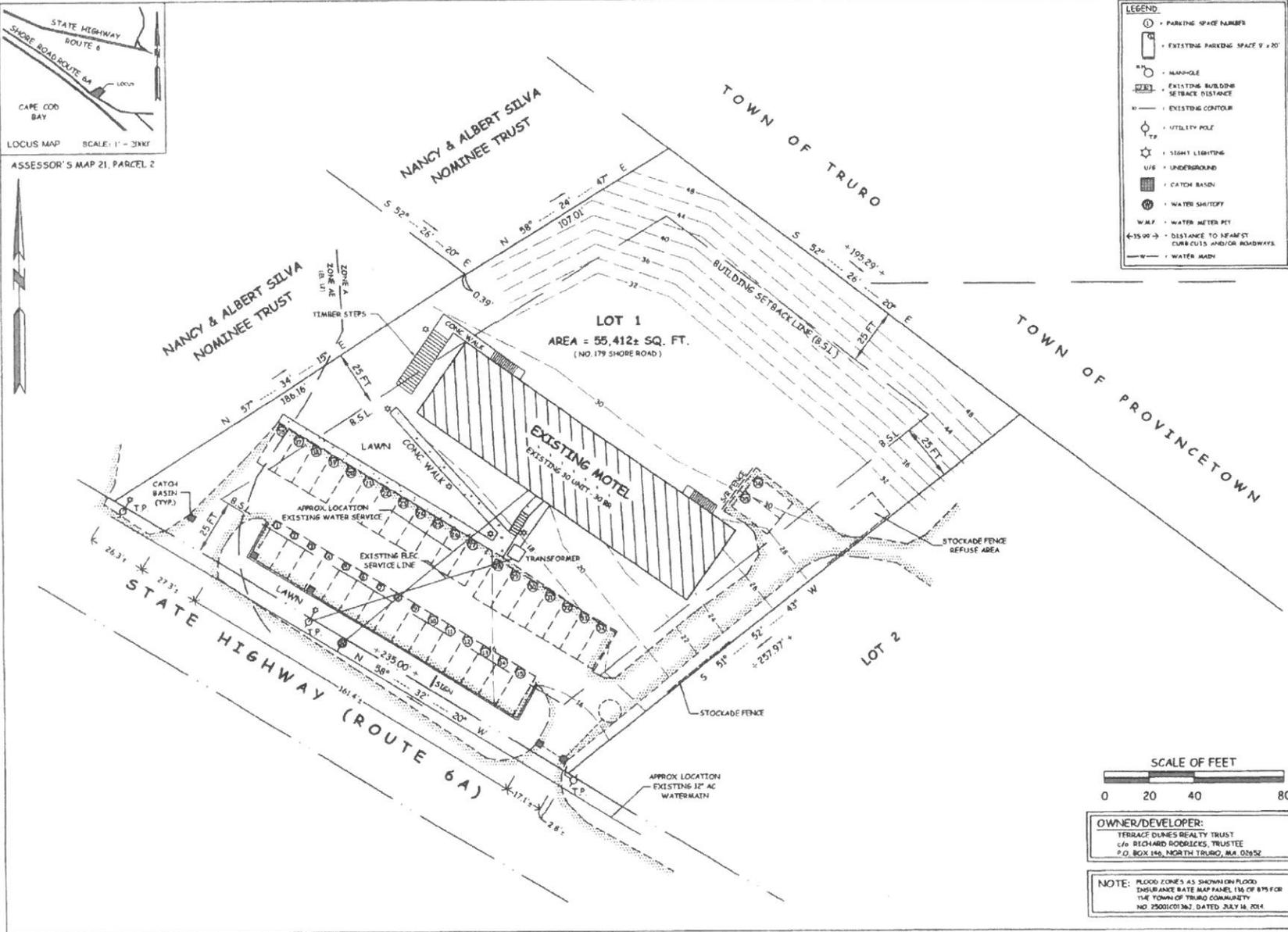
No.	Revision/Issue	Date
1	SITE PLAN REVIEW	3/18/15

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

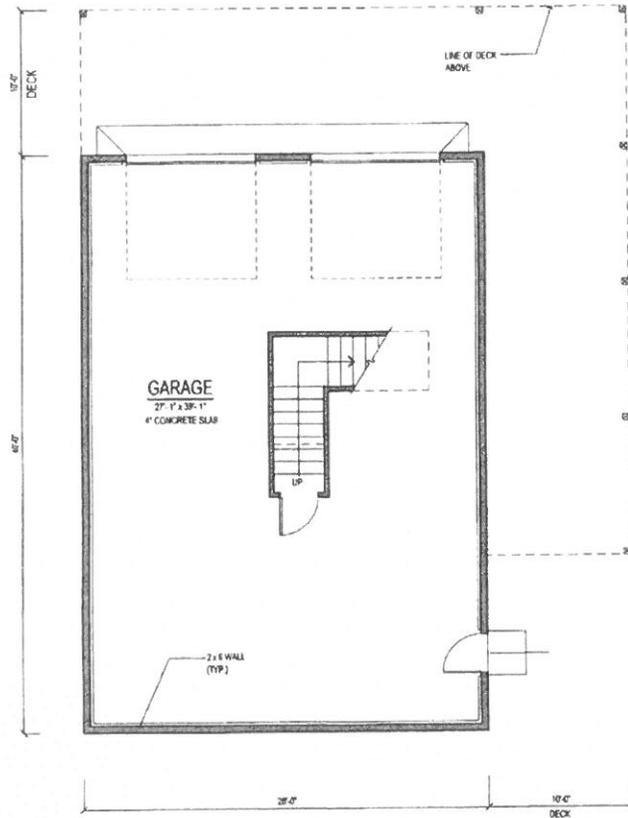
NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 1M OF 875 FOR THE TOWN OF TRURO COMMUNITY NO. 25001C01362, DATED JULY 14, 2014.

MANAGERS UNIT
 179 SHORE ROAD
 NORTH TRURO, MA

TMS DESIGN

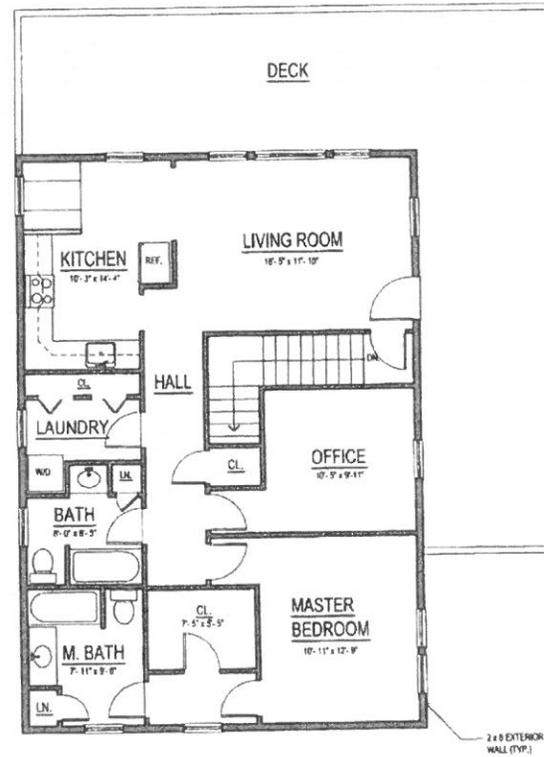
THOMAS M. SIMKINS
 10 CRANHAVEN CIR.
 HARWICH, MA 02645
 (774)209-0911
 thomas_simkins@msn.com

DATE: APRIL 15, 2015



GROUND FLOOR (GARAGE)

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



SECOND FLOOR PLAN

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



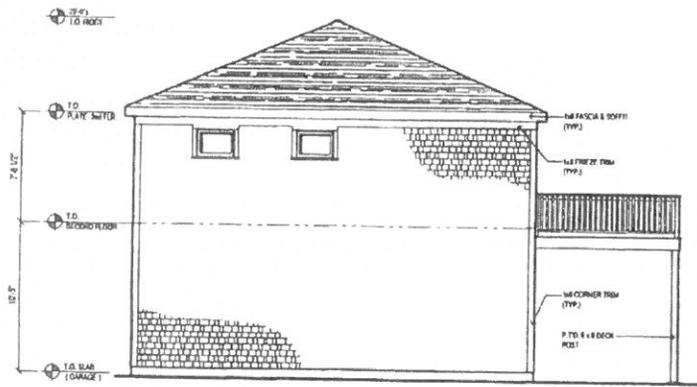
A1

MANAGERS UNIT
179 SHORE ROAD
NORTH TRURO, MA

TMS
DESIGN

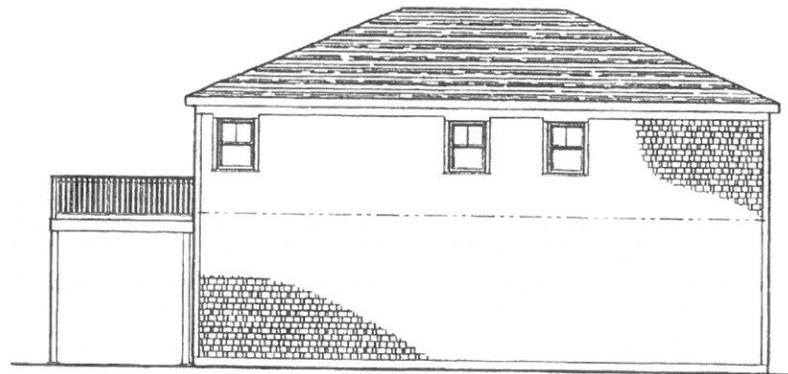
THOMAS M. SIMKINS
10 CRANHAVEN CIR.
HARWICH, MA 02645
(774)209-0911
thomas_simkins@msn.com

DATE:	APRIL 15, 2015



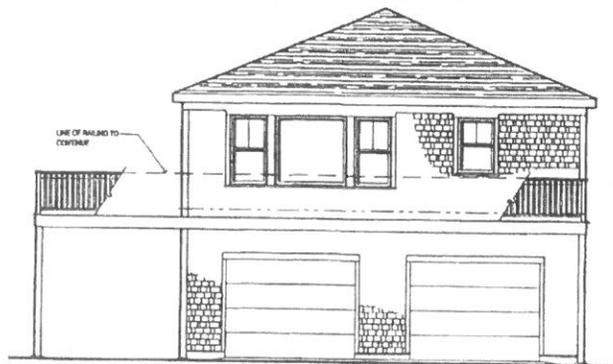
NORTH ELEVATION

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



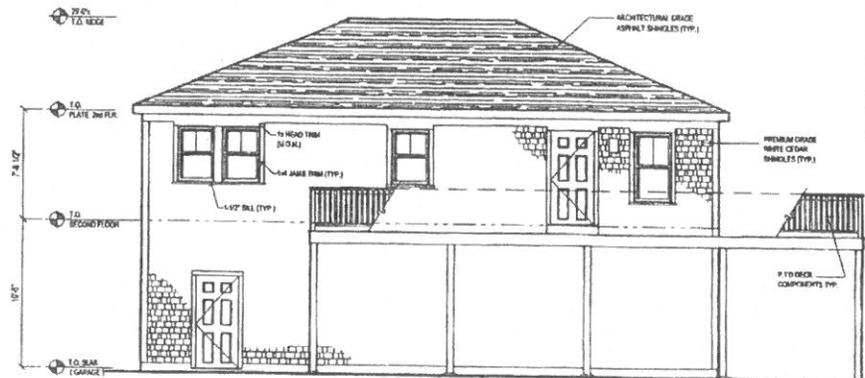
EAST ELEVATION

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
asstownadm@truro-ma.gov

To: Planning Board
From: Charleen Greenhalgh, ATA/Planner
Date: September 29, 2015
Re: Definitive Subdivision Staff Report

2015-007PB Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, 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.

A Planning Board public hearing on this application is scheduled for October 6, 2015 at 6:10 pm. **Once the hearing is opened, the applicant or his representative must submit the certified mail receipts indicating that the abutters have been notified, before the hearing can proceed.**

Description

The applicant seeks approval what is ultimately a 1-Lot Definitive Subdivision Plan. A preliminary plan was not filed for the property, nor was one required.

Please refer to Tab A of the bound application ("Application") provided by Attorney Christopher Snow, who is representing Doctor Willie J. and Gloria J. Cater, Trustees of Fisher Road Realty Trust. This is an Introductory Statement, which provides the background and history of the property.

A cul-de-sac is shown on the Fisher Road Realty Trust property with access shown from a "way" over an easement running from Benson Road. This is shown on plans submitted to the Town Clerk on August 13, 2015, September 16, 2015 and September 17, 2015, as follows:

- 1) Definitive Subdivision Plan of Land prepared for Fisher Road Realty Trust, Deed book 22682, Page 84, Assessors Map 53, Parcel 50, Truro, MA, July 24, 2015, Scale 1" = 40' (Plan ols#155-1), dated and stamped by Donald T. Poole, PLS on September 14, 2015.

- 2) Topographic Plan of Land prepared for Doctor Willie J. and Gloria J. Cater, Assessors Map 53, Parcel 50, Truro, MA, April 22, 2009, Scale 1"=40' (Plan ols#155-1.)
- 3) Hopper's View Lane, Road Construction Plan, Prepared for Fisher Road Realty Trust, Outermost Survey, Inc. and Clark Engineering, LLC, dated 07-01-2013, latest revision date 09-15-15, scales as noted, Drawing No.: 0802010D, Sheet No.: 1.
- 4) Hopper's View Lane, Profile Plan, Prepared for Fisher Road Realty Trust, Outermost Survey, Inc. and Clark Engineering, LLC, dated 07-01-2013, latest revision date 09-15-15, scales as noted, Drawing No.: 0802010D, Sheet No.: 1.

Please note that the revised plans noted above replace the plans as shown in the application as Tab K (Subdivision Plan); Tab L (Hopper View Lane Construction Plan); and Tab M (Hopper View Lane Profile Plan.)

Three road names have been provided: Hopper View Lane, alternatively Cater Heights Road or Cater Hill Road. These can be found under Tab P of the application.

Waivers

A number of waivers have been requested. Please refer to Tab A (page 6) and Tab O of the Application for complete lists. In addition, per the revised Definitive Plan (Item 1 above) and a letter from Attorney Snow, dated September 16, 2015, waivers are also requested from the following:

- §2.5.2.b (1 & 28): requirement for a legend on the Definitive Plan.
- §2.5.2.b (30): requirement to show trees 10" in diameter or greater on the Definitive Plan.
- §2.5.2.b (31) requirement to show the location of ancient ways, historic walls, etc.

Completeness of Application

At this time it appears that the application as presented, relative to the plan requirements as specified in Section 2.5 the *Town of Truro Rules and Regulations Governing the Subdivision of Land* ("Regulations"), has been satisfied. Please refer to additional Planning Staff Comments below.

Fee - A filing fee of \$275.00 was paid on August 13, 2015.

Comments from Other Boards/Committees/Departments

Police: Please refer to the attached copy of a memo received back from Chief Kyle Takakjian on August 21, 2015.

Building: Please refer to the attached email from Building Commissioner Russ Braun, dated 08/18/2015.

Health/Conservation: Please refer to the attached memo from Patricia Pajaron dated August 26, 2015.

Fire: Please refer to the attached copy of a memo received back from Chief Brian Davis on September 1, 2015.

DPW: Please know that comments from the DPW Director Jay Norton will be available at the meeting.

Additional Planning Staff Comments

- A. If any Board Members have filed disclosures with the Town Clerk, they should state so once the hearing has been opened.
- B. The green return receipts must be filed with the Board, demonstrating that the abutters have been notified, prior to proceeding with the public hearing.
- C. The Board has the ability and authority to grant waivers from its Regulations; however, the Board cannot waive provisions of the Zoning Bylaw.
- D. It appears that the 12-foot right-of-way easement as shown on the plan and as described in the many court documents does not meet the definition of "Street" in the Zoning Bylaw. It does not provide for a 40-foot right-of-way access to the proposed subdivision road.
- E. Although the past Planning Boards have approved and endorsed one-lot subdivisions, MGL c. 41, Section 81L defines a subdivision as a "division of a tract of land into two or more lots." As a State Law, this provision is not waivable. The Board needs to ask itself if a 1-Lot subdivision can be approved and ultimately endorsed.
- F. It appears that this area falls within the requirements of the Natural Heritage's Massachusetts Endangered Species Act (MESA). The applicants will need to file the necessary documents with MESA to determine if the project will result in a "take" or not. Because of the age of the lot, this may not be required; however the applicant should check with MESA. No construction of the way may begin until MESA has signed-off.
- G. A "Planning Board Covenant" and a "Statement of Conditions" has been noted on the plan; neither document has been provided for review.
- H. Per MGL c.41, §81U, the Board of Health reviewed and then approved the Definitive Subdivision at their meeting on September 16, 2015 as follows: the Board approved the subdivision plan with the condition that a site and sewage plan be prepared in accordance with 15.220 of Title 5, to include location of locus and abutting wells and septic components and be submitted to the Health Agent for review prior to construction of the road. In addition, the Board of Health held off endorsing the Definitive Plan until final approval is received from the Planning Board and that all conditions are noted on the plan.
- I. Per Attorney Snow's letter of September 16, 2015, the property has been staked.
- J. Town Counsel will be present at the October 6, 2015 meeting in the event that the Board has questions.

Board Options

Pursuant to MGL c.41, §81-U and §2.5 of the Truro Rules and Regulations the Planning Board must, within 135-days of submission of a Definitive plan, notify the applicant and the Town Clerk of its action. The time in which the Board has to file the decision with the Town Clerk is **December 25, 2015**. The Planning Board "shall approve, or, if such plan does not comply with the subdivision control law or the rules and regulations of the planning board or the recommendations of the health board or officer, shall modify and approve or shall disapprove such plan. In the event of disapproval, the planning board shall state in detail wherein the plan does not conform to the rules and regulations of the planning board or the recommendations of the health board or office and shall revoke its disapproval and approve a plan which, as amended conforms to such rules and regulations or recommendations."

Based on the above, the Board has the following options:

1. Move to approve the Definitive Plan and method of road construction for Fisher Road Realty Trust, Doctor Willie J. and Gloria J. Cater, Trustees, as submitted and with the requested waivers, pursuant to MGL c.41, §81-T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53.
2. Move to approve the Definitive Plan and method of road construction for Fisher Road Realty Trust, Doctor Willie J. and Gloria J. Cater, Trustees, as submitted and with the requested waivers, pursuant to MGL c.41, §81-T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land, for property located at 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53, with the following conditions and/or modifications: *(Note: need to state the conditions/modifications.)*
3. Move to deny approval of the Definitive Plan and method of road construction for Fisher Road Realty Trust, Doctor Willie J. and Gloria J. Cater, Trustees, as submitted and with the requested waivers, pursuant to MGL c.41, §81-T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land, for property located at 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53, based on the following findings: *(Note: need to state specific reasons for disapproval.)*
4. To continue the review of the Definitive Plan to a date and time certain. A waiver from the time period in which the Board has to file a decision would be necessary if continued to a date beyond **December 25, 2015**.

PLEASE NOTE: If you are viewing this on the Town Website, a complete copy of the entire application is available under a separate heading due to the sign of the document.



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

TO: Patricia Pajaron, Health and Conservation
Brian Davis, Fire Department
Jay Norton, DPW Director
Kyle Takakjian, Police Chief *No Comments.*
Russ Braun, Building Commissioner
~~Lauren McKean, Cape Cod National Seashore~~ N/A

FROM: Charleen L. Greenhalgh, ATA/Town Planner

RE: Development Application Referral

DATE: August 17, 2015

Enclosed please find the Form C Application for Approval of A Definitive Plan for Fisher Road Realty Trust for the property located at 9B Benson Road, Assessor Map(s) 53, Parcel(s) 50 dated August 13, 2015. **The plans were sent to you all electronically on August 17, 2015.**

Tentatively, the Planning Board will discuss the plan on Tuesday, October 6, 2015. Please review the plans and respond with any comments by Friday, September 18, 2015. If you have any questions or need additional information, please contact Charleen Greenhalgh, Ext. 27.

Please return the Applications! Thanks!

RECEIVED
AUG 21 2015
BY: *[Signature]*

From: Russ Braun <rbraun@truro-ma.gov>
To: Charleen Greenhalgh <asstown@truro-ma.gov>
Date: 08/18/2015 10:33 AM
Subject: Re: Planning Board Application Filed

I have not reviewed the plans in detail regarding their compliance with the final court decision but I am sure you have done that and can guide the PB. I believe that a building permit will require zoning relief based on the criteria Judge Piper used in the Kline case. Even though the PB can grant waivers regarding road construction, the criteria that grant frontage to a parcel are quite rigid and don't necessarily jibe with what ever waivers the PB might grant.

Russell Braun
Building Commissioner
Town of Truro

From: Charleen Greenhalgh [mailto:asstown@truro-ma.gov]
To: Pat Pajaron [mailto:healthagent@truro-ma.gov], Jay Norton [mailto:dpwdirec@truro-ma.gov], Kyle Takakjian [mailto:Takakjian@truopolice.org], Russ Braun [mailto:rbraun@truro-ma.gov], Brian Davis [mailto:chief@trufirerescue.org]
Sent: Mon, 17 Aug 2015 14:47:48 -0500
Subject: Planning Board Application Filed

Hi All -

Attached please find a copy of the plans for the Fisher Road Realty Trust Subdivision Plan. In your boxes here at Town Hall you will find copies of the application with my referral memo. Sorry I am not emailing you the entire application, but it is much too large to send electronically.

It is really important that I receive the Hard Copies of the application back. It is many pages, and I don't want to have to make copies. Thanks!

If you have any questions, please let me know.

Thanks,
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
asstownadm@truro-ma.gov



Health/Conservation Agent Town of Truro

Phone: (508) 349-7004 ext. 32

MEMO

To: Charleen Greenhalgh, ATA/Town Planner
From: Patricia Pajaron *PP*
CC:
Date: August 26, 2015
Re: **Definitive Subdivision Plan Review, 9B Benson Rd**

RECEIVED
AUG 27 2015
BY: *CPH*

The applicants seek approval of a 1 3.46 acre lot subdivision. I have reviewed the Definitive Subdivision Plan of Land prepared for Fisher Road Realty Trust, by Donald T. Poole, P.L.S. of Outermost Land Survey Inc. dated May 13, 2013 and the Hopper's View Lane Road Construction Plan prepared for Fisher Road Realty Trust by Clark Engineering for the construction of a road layout and offer the following comments:

**Note: Both site plans are not stamped by the engineer and/or land surveyor.*

CONSERVATION

1. A portion of the proposed retaining wall and limit of clearing are just within the 100 foot buffer zone to a coastal bank which will require a filing with the Conservation Commission.
2. Per the NHESP map dated October 2008, it appears that the entire lot is in the Estimated Habitat of Rare Wildlife therefore NHESP review will be required for the proposed work.

HEALTH

1. The site plan only shows a road layout at this time. Should the applicant construct a dwelling in the future, only buildable upland* area shall be used for nitrogen loading limitations (440 gallons per day per acre) unless a variance is granted by the Board of Health to include the coastal bank in the nitrogen loading calculations.
2. The proposed road crosses over the leach pit for a septic system that serves 9 Benson Road, Map 53, Parcel 52. Per the site and sewage plan on file with this department for this property, the leach pit is not designed for H-20 loading to withstand heavy loading or vehicular traffic. A site and sewage plan shall be prepared in accordance with 15.220 of Title 5, to include location of locus and abutting wells and septic components and be submitted to the Health Agent for review prior to construction of the road. In addition, the new soil absorption system must be designed to current Title 5 regulations.

**Article 1 defines Buildable Upland as area of contiguous upland on a lot exclusive of a Wetland. A Wetland as defined shall mean "any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayments, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes*

1. The site plan only shows a road layout at this time. Should the applicant construct a dwelling in the future, only buildable upland shall be used for nitrogen loading limitations (440 gallons per day per acre) unless a variance is granted by the Board of Health.

**Note: the site plan entitled "Hopper's View Lane Road Construction" prepared by Clark Engineering Inc. and Outermost Land Survey Inc. dated July 1, 2013 with a most recent revision date of December 6, 2013 is not stamped by the engineer and land surveyor.*

****Article 1 defines Buildable Upland as area of contiguous upland on a lot exclusive of a Wetland. A Wetland as defined shall mean "any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayments, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes".***



TOWN OF TRURO

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

TO: Patricia Pajaron, Health and Conservation
Brian Davis, Fire Department
Jay Norton, DPW Director
Kyle Takakjian, Police Chief
Russ Braun, Building Commissioner
~~Lauren McKean, Cape Cod National Seashore~~ N/A

FROM: Charleen L. Greenhalgh, ATA/Town Planner

RE: Development Application Referral

DATE: August 17, 2015

RECEIVED
SEP 1 2015

BY: *CTA*

*No comments or
Concerns*

Enclosed please find the Form C Application for Approval of A Definitive Plan for Fisher Road Realty Trust for the property located at 9B Benson Road, Assessor Map(s) 53, Parcel(s) 50 dated August 13, 2015. **The plans were sent to you all electronically on August 17, 2015.**

Tentatively, the Planning Board will discuss the plan on Tuesday, October 6, 2015. Please review the plans and respond with any comments by Friday, September 18, 2015. If you have any questions or need additional information, please contact Charleen Greenhalgh, Ext. 27.

Please return the Applications! Thanks!

Willie J. Cater, MD, Trustee
Gloria J. Cater, Trustee
Fisher Road Realty Trust
559 Chestnut Hill Avenue
Brookline, Massachusetts 02445

August 13, 2015

Charlene L. Greenhalgh
Assistant Town Administrator/Town Planner
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

Re: Definitive Subdivision Plan for Fisher Road Realty Trust

Dear Ms. Greenhalgh:

I am writing to you as a Trustee of the Fisher Road Realty Trust, record owner of real property located at 9B Benson Road, Truro concerning an Application For Approval Of A Definitive Plan filed with the Truro Town Clerk's office.

Please be advised that the Trustees of the Trust have designated Christopher J. Snow, Esq. and Ronald E. Friese, Esq. of The Law Offices of Snow and Snow in Provincetown as our legal counsel and representatives in this matter and they are authorized to act on our behalf in executing and submitting the definitive plan application and representing the Trust before the Truro Planning Board and all other town board and officials concerning this matter.

Thank you for your attention to this matter.

Very truly yours,



Willie J. Cater, Trustee
Fisher Road Realty Trust

LAW OFFICES OF
SNOW AND SNOW
90 HARRY KEMP WAY
POST OFFICE BOX 291
PROVINCETOWN, MASSACHUSETTS 02657
OFFICE@SNOWANDSNOWLAW.COM
WWW.SNOWANDSNOWLAW.COM

JOHN CLIFFORD SNOW (1920-1985)
CHRISTOPHER J. SNOW
RONALD E. FRIESE

TELEPHONE
(508) 487-1160
487-1980

3938.001 FAX: 487-2694

REFER TO FILE NO.

August 13, 2015

Via Hand Delivery

Cynthia A. Slade, Town Clerk
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

**Re: Fisher Road Realty Trust, Willie J. Cater & Gloria J. Cater, Trustees
Application For Approval Of Definitive Plan
9B Benson Road, Truro, Massachusetts**

Dear Ms. Slade:

In accordance with the Town of Truro Rules and Regulations Governing the Subdivision of Land, enclosed please find the following:

1. Twelve (12) copies of an Application For Approval Of Definitive Plan which includes a number of Exhibits, including an Introductory Statement, Plan of Subdivision, Road Plans and Abutters' List;
2. Notice of Filing;
3. Two (2) sets of full-sized Plans;
4. Computer disk with plans in .pdf format;
5. Copy of cover correspondence to Truro Board of Health providing copy of Application;
6. Copy of cover correspondence to Truro Assistant Town Administrator/Town Planner Charleen Greenhalgh from Willie J. Cater, a Trustee of Fisher Road Realty Trust authorizing this office to represent the Trust's interests in this matter; and

Cynthia A. Slade, Town Clerk
Town of Truro
August 13, 2015
Page 2

7. Check made payable to the Town of Truro in the amount of \$275.00 representing the filing fee.

If all is in order, please schedule this matter for a public hearing at the **Tuesday, September 22, 2015** meeting of the Truro Planning Board.

Thank you for your attention to this matter and please contact me if you should have any questions.

Very truly yours,



Christopher J. Snow

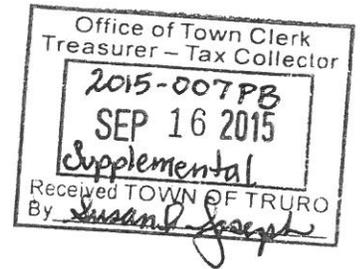
CJS:r
Encs.

cc: Willie J. Cater, M.D., Trustee (w/encs.)
Charleen Greenhalgh, Truro Asst. Town Administrator/Town Planner (w/encs #2)

NOTICE

Notice is hereby given that on **August 13, 2015**, Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, Trustees has filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro 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 on February 4, 2013.

LAW OFFICES OF
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90 HARRY KEMP WAY
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PROVINCETOWN, MASSACHUSETTS 02657
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CHRISTOPHER J. SNOW
RONALD E. FRIESE

TELEPHONE
(508) 487-1160
487-1980
3938.001 FAX: 487-2694

REFER TO FILE NO.

September 16, 2015

Via Hand Delivery

Charleen Greenhalgh, Assistant Town Administrator/Planner
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

Re: Fisher Road Realty Trust, Willie J. Cater & Gloria J. Cater, Trustees
Application For Approval Of Definitive Plan 2015-007PB

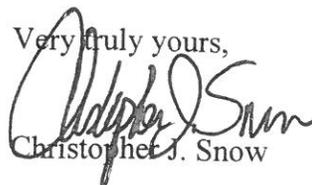
Dear Ms. Greenhalgh:

In furtherance of your September 8, 2015 correspondence concerning the above matter, enclosed please find the following:

1. Twelve (12) copies of a revised Definitive Plan;
2. Two (2) copies of a 1" = 100' scale plan; and
4. Four (4) copies of a topographic survey.

Additionally, there are no trees 10" in diameter or greater that need to be shown on the plan nor are there any ancient ways or historic walls to be identified on the plan. A legend has not been provided as one is not necessary for this plan. The subdivision has been staked on the ground.

Thank you for your attention to this matter and please contact me if you should have any questions.

Very truly yours,

Christopher J. Snow

CJS:r

Encs.

cc: Willie J. Cater, M.D., Trustee (w/o encs.)
Patricia Pajaron, Health Agent (w/encs #1 & 2)

- Plan Note:
- 1) No Lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the rules and Regulations Governing the Subdivision of Land have been met.
 - 2) All utilities shall be underground.
 - 3) Zoning District + Residential
 - 4) Owner: Fisher Road Realty Trust
559 Chestnut Hill Avenue
Brook line MA 02146
 - 5) Concrete bounds to be set as required by the Truro Planning Board.
 - 6) There are not any ancient ways or historic walls to be identified on this plan
 - 7) A legend has not been provided because one is not necessary for this plan.

**Approval Required
Truro Planning Board**

Application Date _____ **Date Approved** _____ **Date of Endorsement** _____

Statement of Conditions of Planning Board Approval Dated: _____
See Planning Board Covenant dated _____ **and recorded herewith**

For Registry Use only

Cape Cod Bay (tidal)
Approx. Mean High Water

Approx. Bottom of Bank

Top of Bank

Approx. Flood Zone
Elevs 16 NGVD 1929

Button Hill Realty Trust
John M. & Nancy O. Thornley, Trustees
#10 Thornley Meadow Road
Deed Book 9503, Page 165
Assessors Map 53, Parcel 87
Lot 4 Plan Book 498, Page 36

N07°57'26"E
293.00'

S 82°02'40" E 475±

N82°02'34"W 215.10'
350± to top of bank

Lot 1

3.46 ACRES (150,720 SF±) Total Lot area to Mean High Water (approximate)
2.02 ACRES (87,990 SF± To Top of bank or 58% of the Total Lot Area)

Truro Board of Health Approval
Date _____

S86°19'36"W 136.77'
Iron pipe found, 11/3/95

Cabot-Clark-Fox Real Estate Trust
#0 Benson Road Road
Deed Book 9328, Pages 145 to 1
Assessors Map 53, Parcel 89
Plan Book 499, Page 79

S86°20'05"W 151.50'

50.0'±
50.0'±

411.94'

Centerline of Easement

Hopper's View Lane (Private Way)

Area of Cul-De-Sac 6,646± S.F./0.15 Acs or 0.04% of Total Lot Area

85.90'
S 79°16'57" W

S 29°20'42" W

R=40.00'
A=160.53'

118.28'

220± to top of bank

Iron pipe found, 11/3/95

Truro Conservation Trust
#9-A Benson Road
Deed Book 21988, Page 71
Assessors map 53, Parcel 56

I, _____, Clerk of the Town of Truro, hereby certify that the notice of approval of this plan by the Planning Board has been received and recorded at this office and no notice of appeal was received during the next 20 days after such receipt and recording of said notice.

Truro Town Clerk

**Definitive Subdivision Plan of Land prepared for
Fisher Road Realty Trust
Deed Book 22682, Page 84
Assessors Map 53, Parcel 50
Truro, MA
July 24, 2015 Scale 1"=40'
ols#155-1**

Cabot-Clark-Fox Real Estate Trust
#0 Benson Road Road
Deed Book 9328, Pages 145 to 149
Assessors Map 53, Parcel 89
Plan Book 499, Page 79

Steven Loffredo & Heleen Hershkoff
#49 Benson Road Road
Deed Book 21980, Page 94
Assessors Map 53, Parcel 82
Plan Book 284, Page 13



I hereby certify that this plan was prepared in conformance with the Regulations of the Registry of Deeds as adopted Jan 1, 1976, and amended Jan 7 1988.

Donald T. Poole PLS #32662

Date _____



Cape Cod Bay (tidal)
Approx. Mean High Water

Approx. Bottom of Bank

Top of Bank

Button Hill Realty Trust
John M. & Nancy O. Thornley, Trustees
Assessors Map 53, Parcel 87

3.46 ACRES (150,720 SF±) Total Lot area
to Mean High Water (approximate)
(2.02 ACRES (87,990 SF±) To Top of bank
or 58% of the Total Lot Area)

Truro Conservation Trust
Assessors map 53, Parcel 56

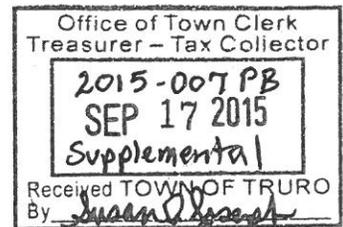
Topographic Plan of Land
prepared for
Doctor Willie J. and Gloria J. Cater
Assessors Map 53, Parcel 50
Truro, MA
April 22, 2009 Scale 1"=40'
ols#155-1



Your complimentary
use period has expired.
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LAW OFFICES OF
SNOW AND SNOW
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JOHN CLIFFORD SNOW (1920-1985)
CHRISTOPHER J. SNOW
RONALD E. FRIESE



TELEPHONE
(508) 487-1160
487-1980
3938.001 FAX: 487-2694
REFER TO FILE NO.

September 17, 2015

Via Hand Delivery

Cynthia A. Slade, Town Clerk
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

**Re: Fisher Road Realty Trust, Willie J. Cater & Gloria J. Cater, Trustees
Application For Approval Of Definitive Plan – Case No. 2015-007PB**

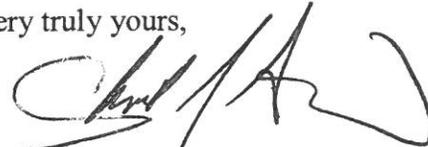
Dear Ms. Slade:

Enclosed for filing in the above-referenced case pending before the Truro Planning Board, please find the following:

1. Twelve (12) copies of a revised Hopper's View Lane Road Construction Plan; and
2. Twelve (12) copies of a revised Hopper's View Lane Profile Plan.

Thank you for your assistance and please contact me if you should have any questions.

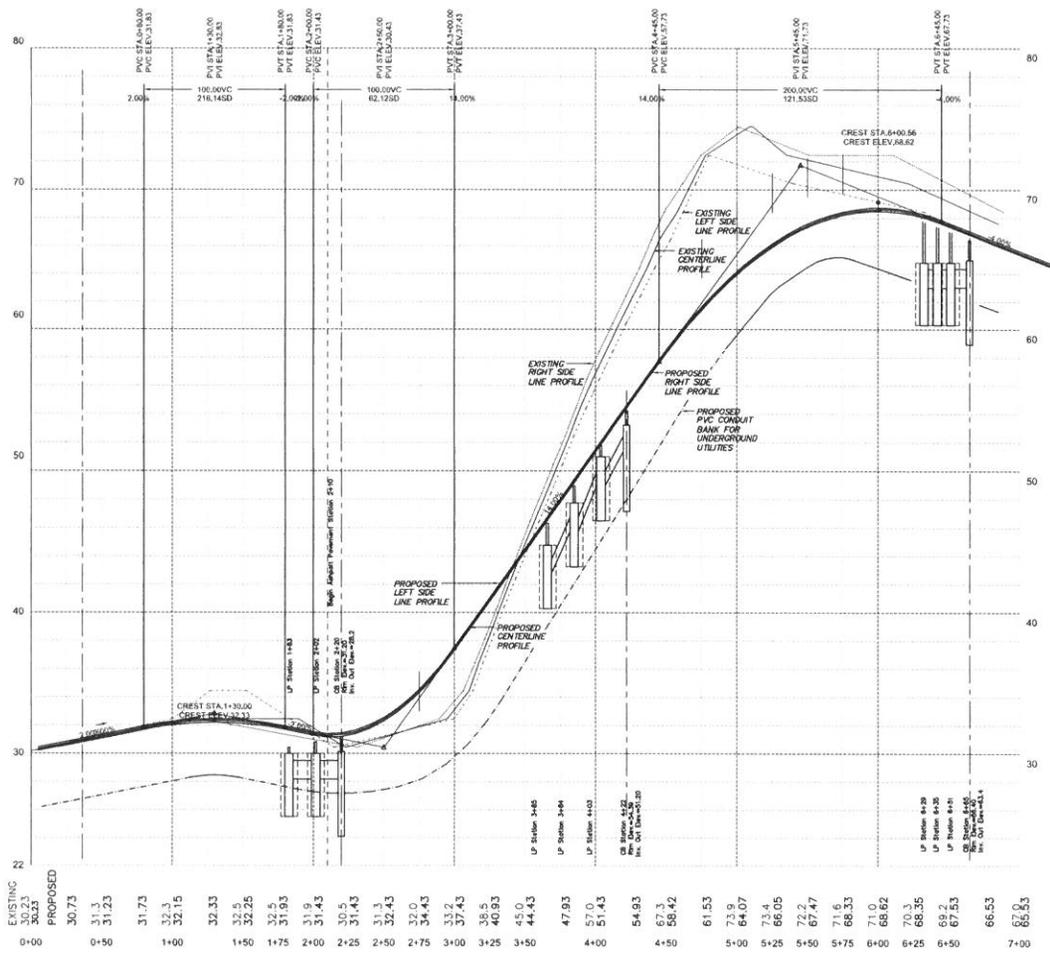
Very truly yours,



Christopher J. Snow

CJS:r
Encs.

cc: Willie J. Cater, M.D., Trustee (w/o encs.)



HOPPER'S VIEW LANE
 SCALE: HORIZONTAL 1"=40'
 VERTICAL 1"=4'

SUBDIVISION ROAD CONSTRUCTION WAIVERS

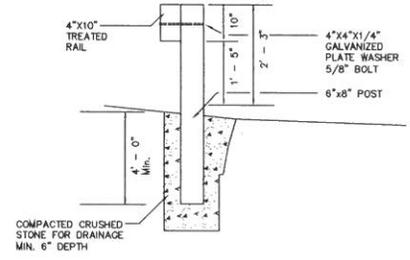
TOWN OF TRURO SUBDIVISION REGULATIONS
 Section 3.6.7 Adjacent Properties:
 25 ft. vegetative screening required. 8 1/2 ft. provided

Section 3.6.8 Table 1 Roadway Standards
 Roadway Width 14 ft. required. 12 ft. provided
 Roadway Shoulder 4 ft. required. 2 ft. provided
 Roadway Shoulder 4 ft. required. 2 ft. provided
 Dead End Street Turnaround 40 ft. Radius required. Turning Tee provided

ACCESS RIGHT OF WAY DEFICIENCIES

Section 3.6.8 Table 1 Roadway Standards
 Roadway Width 14 ft. required. 12 ft. provided
 Roadway Shoulder 4 ft. required. 2 ft. provided
 Roadway Slope 8% Maximum. 14% proposed

Section 3.6.3 Curb Cuts
 Negative Grade from Access Street Required. Positive grade proposed to limit regressing onto adjacent properties. Pervious surface proposed to mitigate stormwater runoff.



GUARD RAIL DETAIL
 NOT TO SCALE

HOPPER'S VIEW LANE
 PROFILE
 PLAN
 Prepared For
FISHER ROAD
REALTY TRUST

OUTERMOST LAND SURVEY, INC.
 3904 Main Street, Brewster, MA 02633
 Tel.: (508) 255-0477; Fax: (508) 255-0577

CLARK ENGINEERING LLC
 156 Crowell Road Suite B, Chatham, MA, 02633
 Tel.: (508) 345-5454; Fax: (508) 345-5458

Rev #	Description of Revision	Date
1	Changed Road Name	12-06-13
2	Adjusted Datum to true NGVD	03-31-14
3	Changed profile to 16%, removed first catchbasin, labeled beginning of asphalt paving, added guard rail det	04-25-14
4	Reduced maximum grade to 14%	07-14-15
5	Added list of waivers	09-15-15

Date: 07-01-2013 Drawing No.: 08020100
 Scale: SEE PLAN Sheet No.: 1



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

September 28, 2015

To: Planning Board
From: Charleen Greenhalgh
Re: Temporary Sign Request – Payomet Performing Arts Center – Oct. 15 – Nov. 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 October 15 – November 14.

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 October 15 – November 14.



Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: Payomet Performing Arts Center, Truro Date: 9/23/15

Applicant Contact Information: (Kevin Rice) PO Box 1202, Truro, MA 02666
Mailing Address

508-349-2929 Phone info@payomet.org Email

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): Rte 6, North of Noons Rd
and Rte 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 - November)

Date When Sign(s) will be: Installed: 10/15/15 Removed: 11/14/15

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

9/23/15
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



Cont'd

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: Payomet Performing Arts Center, Truro Date: 9/23/15

Applicant Contact Information: (Kevin Rice) PO Box 1202 Truro, MA 02666
Mailing Address

508-349-2929 Phone info@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 South 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: season (June - November)

Date When Sign(s) will be: Installed: 10/15/15 Removed: 11/14/15

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

9/23/15
Date

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

Date

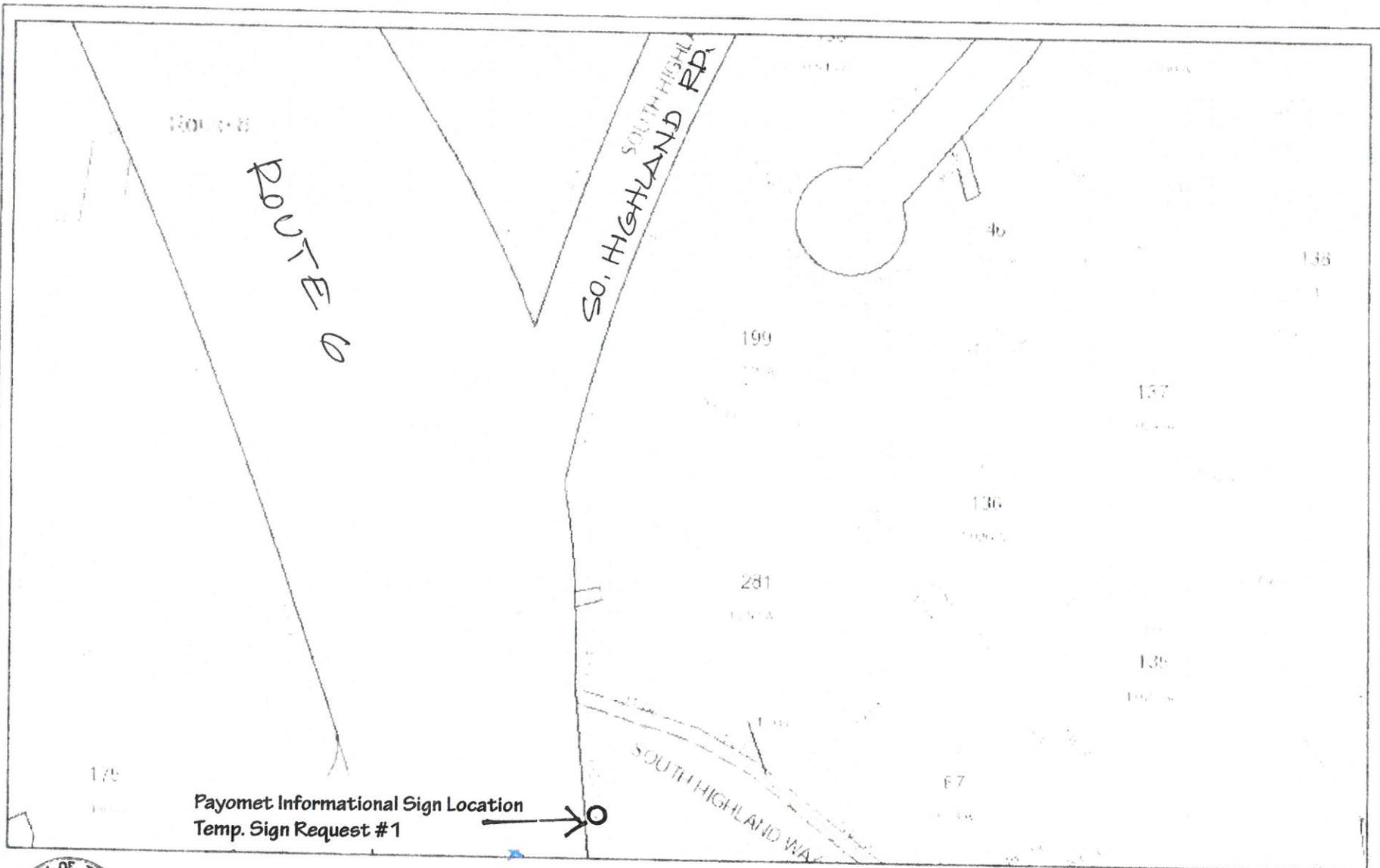
Planning Board Action: **Approved** **Approved w/Conditions** **Denied**

Conditions: _____

Board Signature: _____ Date: _____

Title

CC: Building Commissioner, Board of Selectmen



Payomet Informational Sign Location
Temp. Sign Request #1



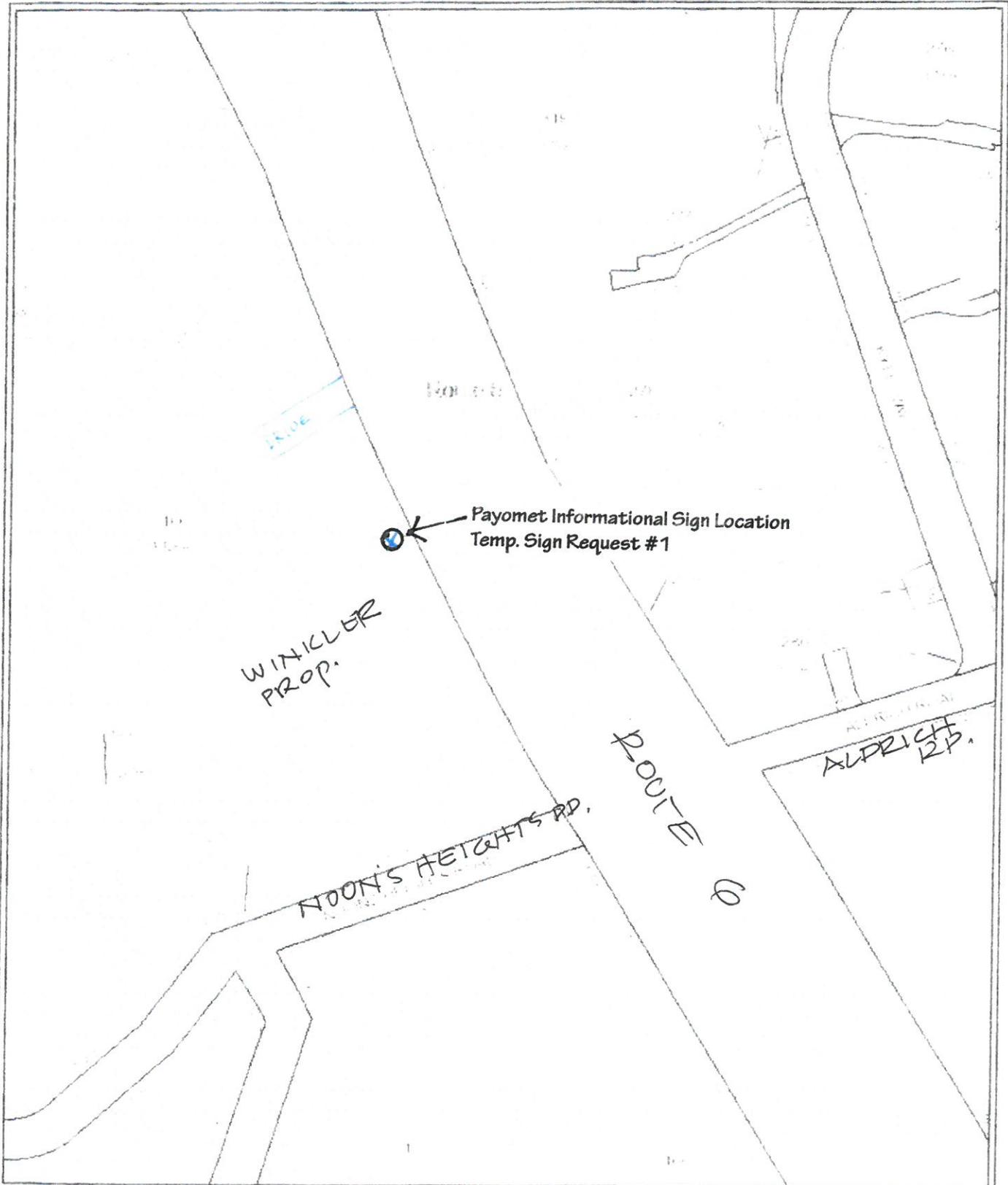
Route 6 & South Highland Road
Truro, MA

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.

36"

PAYOMET

Coming Events:

Text

Text

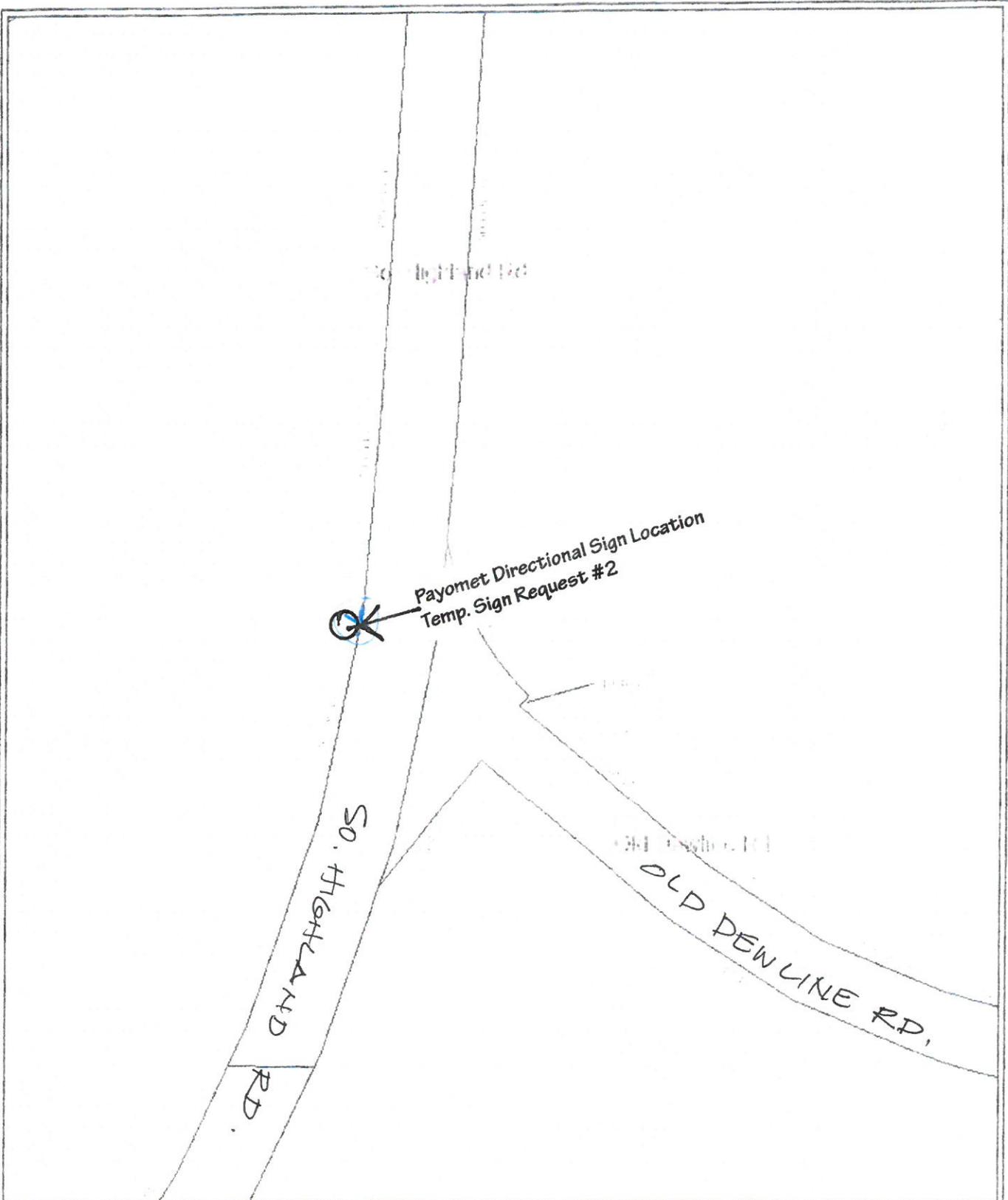
48

Two-sided signs

Two locations

Scale: 1" = 1' - 0"

Payomet Performing Arts Center, Truro



South Highland Rd & Old Dewline Rd
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.

PROPOSED CHANGES RELATED TO "SEASHORE DISTRICT"

September 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 aggregate gross floor area of all structures on a lot within the Seashore District, shall consist of the sum of the horizontal area(s) of the floors of a dwelling and all accessory buildings, garages, covered porches and covered decks, but excluding cellar and basement floor area, open decks and attics.

§ 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, the natural landscape, and rural character of the district; to maintain the prevailing size, scale, and massing 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)

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; **however in no event shall a dwelling and its accessory buildings in this district exceed a total GFA-SD Seashore District Gross Floor Area of 4,600 square feet in order to preserve the intent, purposes, scenic value, rural character, and scale of buildings within the Seashore District. Non-complying nonconforming structures at the time of the adoption of this bylaw (April __, 2016), which are provided protections under MGL c.40A, §6, are entitled to treatment as lawfully pre-existing non-conforming structures as provided in this Bylaw.** (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)

Editorial Note: Only those sections of §70 Site Plan Review that are intended to be amended are provided below. (Please refer to the Zoning Bylaw for sections which are not proposed for amendment: §70.1 Purpose, §70.2 Public Hearing, §70.3 Commercial Development, §70.5 Planning Board Decision, §70.6 Recording of Decisions, §70.7 Special Permits, and §70.8 Site Plan Approval.)

§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 (**GFA-SD**, 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 results in a material permanent change to the natural landscape and topography if visible from publicly accessible locations due to site clearing, filling or grading beyond what is directly required for the construction, alteration or modification of an existing or proposed dwelling or accessory building.**

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.C.4.**

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.

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, **including any easements and rights-of-way.**
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. **Exterior and Site** 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 **minimizes the impact on the natural topography and landscape and** is in keeping with the **size and** scale of other buildings and structures ~~in its immediate vicinity throughout the Seashore District~~ in order to preserve the ~~characteristics of scenic value, rural character and prevailing scale and massing of building within 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 **sensitive to the scenic value and** consistent with the prevailing character, **size, scale, and massing** of the buildings and structures ~~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 **and topography** shall be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil **and by locating new construction so as to minimize the impact on views and vistas if visible from publicly accessible locations. Any grading or earth-moving shall be planned and executed in such a manner so as to retain to the extent practicable final contours consistent with existing terrain both on and adjacent to the site.**
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.

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.

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.

§70.9 Waiver of 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. **However, Site Plan Review shall not be waived in the Seashore District.**

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. While there are few vacant developable parcels in the District, the biggest threat is the trend to tear down small houses to build much larger ones.

The goal is to assure that reconstructed, newly constructed or altered buildings will be sensitive to the scenic value of the Seashore District, minimize impacts on the natural topography and landscape, and be in keeping with the prevailing rural character and size, scale, and massing of buildings throughout Truro's Seashore District.

Size of structures on a lot: The definition of Gross Floor Area* for the Seashore District (GFA-SD) includes the aggregate of the dwelling, all accessory buildings, garages, covered porches, and covered decks.

Like a cap on building height, in no case shall the GFA in the Seashore District exceed 4,600 square feet. There are only 6 residential properties in Truro's Seashore District that exceed that size, and they would become grandfathered non-conforming.

Only 10% of Truro's housing stock is in the Seashore District. The proposed zoning changes would not affect the rest of the Town.

Site Plan Review: Site Plan Review is currently required for the addition of more than 1,000 square feet of aggregate gross floor area to an existing structure or structures, adding an additional story to an existing structure, or the construction or reconstruction of a single-family dwelling or a two-family dwelling.

The proposed amendment will also require Residential Site Plan Review for certain changes to the natural topography and landscape.

Proposed criteria will clarify the intent of Site Plan Review and make the process less subject to inconsistent or arbitrary decisions.

To ensure transparency in decision-making, the Planning Board can no longer waive Site Plan Review for properties within the Seashore District.

*Note: the Truro Assessor's Office defines floor area as the Net Livable Area measured between the exterior faces of exterior walls. However, the Truro Zoning Bylaw defines gross floor area as measured between the interior faces of exterior walls. The difference is minor, estimated at about 5% for 6" to 8" thick exterior walls.

Memorandum

Charleen L. Greenhalgh, ATA/Planner
Town of Truro

September 29, 2015

To: Planning Board
From: Charleen Greenhalgh, Assistant Town Administrator/Planner
Re: Fee Structures for MGL c.44, §53G

At the Planning Board Meeting held September 22, 2015, the Board asked for additional information on how other communities handle the fees for consultants under MGL c.44, §53G. Please keep in mind that these are much larger communities with larger development.

From Jonathan M. Silverstein, Kopelman and Paige, P.C.

Best practice is to have the Board make these determinations at the first hearing session and make the request at that time to the developer. The drawback is that any consultant hired would either not be able to attend the hearing session or would be in attendance without any assurance of the applicant paying.

I have seen instances where boards delegated to their staff the ability to request 53G payments from applicants at the application stage (i.e. before the first public hearing). There could be a provision inserted in the regulations that so provides. If there are concerns about this approach, a cap on the amount that can be requested without a vote of the Board could be included in the regulation.

From Swansea, MA

The Planning Board incorporated project review fees in its fee schedule for preliminary and definitive subdivision plans and site plan reviews. The fees are due upon application in the following amounts:
Preliminary and Definitive Subdivision Plans--\$5,000.00
Site Plan Review--\$2,500.00
Additional funds are requested as needed. The fees themselves may either be reduced or waived altogether upon request in certain circumstances.

Irene DelBono, (Retired) Volunteer Conservation Restriction Reviewer, Executive Office of Energy & Environmental Affairs, Division of Conservation Services

The 53G fee amount should be based on the anticipated expense of the consultant, which can only be determined after first reviewing the plan to determine if a consultant is necessary (if the plan is sufficiently complicated and the filing fees are insufficient to cover the usual less complicated review.) The filing fees should be roughly proportional to the costs of reviewing an uncomplicated plan that does not require expert consultants - they cannot be unnecessarily high as a way to supplement the general fund. If the plan turns out to be more complicated, the Board can ask to have the 53G amount supplemented. If the consultant fees are less than what is collected, the difference is to be paid back to the proponent (53G fees are to be kept in a separate account and not commingled with the general fund).

From Littleton, MA

We have a “Town Engineer” under contract. For each application that requires peer review, the engineer prepares a detailed cost estimate to review. I share that estimate with the applicant, and require a check made out to the Town for that amount prior to proceeding with the review under a “Task Order”. Works well since the process is “standard protocol”, and while there is “paperwork” involved (annual contract, Task Orders, separate billing accounts), it seems to flow smoothly. Peer Review fee is required any time outside peer review is requested. Generally for new commercial development, or large residential developments. Smaller redevelopment projects are generally reviewed “in house” without the additional layer of an outside peer review, but it’s up to the Board to decide if/when a peer review is necessary. The fee is the same as the cost estimate from the engineer.

From Attleboro, MA

We do not charge a set fee. The fee is ultimately a function of the relative complexity of the need (stormwater, traffic, legal, so forth).

As to when a consultant it is on an as-needed basis. For example, every project does not precipitate a stormwater peer review (but I will say, 90% of the time we do solicit a fee for a peer review). Our stormwater peer reviewer is on a one-year retainer contact with two one-year contract extensions (the latter based on the PB’s, ZBA’s, and ConCom’s collective opinion on the quality of the consultant’s report, timeliness, and reasonable fees).

From Watertown, MA

The Board may require that the Applicant make an initial deposit of \$20,000 into a special account established to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Board may require additional deposits.

From Adopted Watertown Design Standards: Petitioners/developers for projects subject to review under Watertown’s most current adopted Design Guidelines shall, in accordance with Chapter 44 of the Massachusetts General Laws, Section 53(G) and in accordance with Section 5.2 of the Zoning Board of Appeals Rules of Practice, be required to make payment to Watertown’s Design Review Fund to compensate the Design Consultant. The base payment into the Design Review Fund shall be a not to exceed amount of \$10,000 as determined by the Director of the Department of Community Development and Planning. Funds collected in the Design Review Fund shall be used to pay for the services of Watertown’s Design Consultant for the Petitioner’s/developer’s proposed project. Any funds not expended for this purpose at the conclusion of Watertown’s review of the proposed project shall be returned to the Petitioner/Developer.

From Harwich, MA

Harwich adopted the following description in 2010. We have used it on two occasions. Both times, the Planning Dept. selected a consultant and determined a fee. We then discussed details with the applicant and required payment to be submitted prior to start of work.

From Douglas, MA –Please see attached.

**DOUGLAS PLANNING BOARD
REGULATIONS GOVERNING FEES
AND
FEE SCHEDULES**

SECTION 1. INTRODUCTION.

1.1 Procedural History. On August 12, 2003 the Planning Board held a public hearing, pursuant to MGL ch. 41, §81Q and MGL ch. 40A, §9, to consider proposed regulations governing fees. At the close of the public hearing, the Planning Board voted to adopt regulations governing fees and to implement a new schedule of fees for the administration and review of submittals as conducted by the Planning Board, staff and its consultants. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.

1.2 Purpose. These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications made to the Planning Board; to take advantage of the procedures offered by MGL ch. 44, §53E½ and MGL ch. 44, §53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.

SECTION 2. FEE STRUCTURE AND REGULATIONS.

2.1 General. The Planning Board shall impose reasonable fees for the review of applications that come before it. The Planning Board may impose Administrative Fees and Project Review and Inspection Fees as may be applicable to the types of applications set forth below.

SECTION 3. ADMINISTRATIVE FEES.

3.1 Applicability. An administrative fee shall be assessed, as set forth in Section 3.3 herein, to all permit applications made to the Planning Board in order to offset the expense associated with processing the application as required by statute and/or local bylaws.

3.2 Submittal. Administrative fees shall be paid at the time of the application submittal. Any application filed without this fee shall be deemed to be incomplete and application processing and review shall not commence until the required fee has been paid in full.



3.3 Schedule of Administrative Fees. The following schedule applies to applications made to the Planning Board as set forth below. This schedule supersedes all previous schedules as they may have appeared in the Douglas Rules and Regulations governing the Subdivision of Land, the Douglas Zoning Bylaws, and any listings that may have been compiled from time to time for the benefit of applicants.

- 3.3.1 Approval Not Required (ANR) Plans - \$50.00 base fee plus \$50.00 per lot or parcel modified or created.
- 3.3.2 Preliminary Subdivision Plans - \$225.00 base fee plus \$10.00 per lot or parcel modified or created.
- 3.3.3 Definitive Subdivision Plans - \$500.00 base fee plus \$100.00 per lot or parcel modified or created.
- 3.3.4 Modification of a Definitive Subdivision Plan - \$250.00 plus \$50.00 for each lot affected and for each new building lot created. In addition, a fee of \$50.00 shall be required for the consideration of a modification of a road and a fee of \$50.00 shall be required for the modification of a drainage structure. The total fee required shall be the addition of all fees outlined above.
- 3.3.5 Special Permit - \$250.00 base fee, plus \$5.00 per abutter mailing cost. Modifications or extension of special permit shall be \$250.00 base fee, plus \$5.00 per abutter mailing cost.

3.4 Fees for Revised Applications. Where an Administrative Fee has been calculated by the number of lots proposed, and the application is revised after payment of said fee, the following rules shall apply:

- 3.4.1 If the number of proposed lots increases, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
- 3.4.2 If the number of proposed lots decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no cost associated with the review of those lots or units has been yet incurred.



3.5 Fee Waivers. The Planning Board may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the Applicant.

3.6 Refund. Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including the case of withdrawal of the application by the Applicant, except as provided in Section 3.4.2, above.

SECTION 4. PROJECT REVIEW & INSPECTION FEES.

4.1 Applicability. In addition to an administrative fee, a project review & inspection (R&I) fee shall be assessed as set forth in Section 4.3 herein. This R&I fee shall accompany all permit applications made to the Planning Board in order to defray the expense associated with technical review of the submittal.

There shall be two types of Project Review and Inspection Fees: (a) professional staff R&I fees and (b) independent consultant project R&I fees. These fees shall be administered and accounted for in accordance with the requirements of MGL ch. 44 §53E½, and/or MGL ch. 44 §53G, respectively.

4.1.1 Professional Staff R&I Fees (MGL ch 44 §53E½). Generally, the Planning Board shall make every effort to utilize this account for project and submittal review. However, at times the scope and magnitude of a submittal, or the staff workload may require utilizing outside professionals, as detailed in 4.1.2 below. This type of account is established under MGL ch 44 §53E½.

4.1.2 Independent Consultant Project R&I Fees (MGL ch 44 §53G). In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation. The process for compensation and acquiring an outside professional shall be as stipulated in MGL ch 44 §53G.



4.2 Submittal. Project Review Fees shall be paid at the time of the submittal of the application for deposit in an account established pursuant to MGL ch 44 §53 G (“53G Account”) and/or MGL ch 44 §53 E½ (“53E½ Account”) as determined appropriate by the Planning Board or its Agent. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

4.3 Schedule of Project Review Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Town of Douglas Zoning By-Law, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of applicants. These fees should not be construed as the final costs, true costs will be determined on an hourly basis.

4.3.1 Preliminary Plan:

\$50 per lot and \$0.50 per linear foot of proposed road.

4.3.2 Initial Definitive Plan, Modification of a Definitive Plan:

\$150.00 per lot plus \$3.50 per linear foot of proposed road.

4.3.3 Special Permits:

- A.** Aquifer Protection: \$500 per acre of impervious area created, or fraction thereof.
- B.** Common Driveway: \$200 per lot serviced by the Common Driveway.
- C.** Earth Removal: \$2,000 for the first acre and \$500 for each additional acre or fraction thereof.
- D.** Limited Density: \$100 per unit created and \$2 per linear foot of internal road.
- E.** Wireless Facility: \$500
- F.** Other Special Permits not listed herein do not have an established fee structure for review and Inspection, however, the Planning Board may request that a fee be posted by the Applicant, if warranted.



4.4 Replenishment. When the balance in an applicant's R&I Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the account shall be replenished to its initial project review value to cover the cost of the remaining project review fees.

4.5 Inspection Phase. After the granting of a Special Permit, or Definitive Plan approval, the Planning Board may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

4.6 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in MGL ch 44 §53G ("53G") or MGL ch 44 §53E½ ("53E½") as appropriate.

4.6.1 Project Review Fees shall be submitted to the Town Treasurer for deposit into the R&I Account(s).

4.6.2 A copy of the latest statement from the banking institution handling the R&I Account(s) shall be forwarded from the office of the Town Treasurer to the Planning Board office as soon as it is received for timely and accurate accounting.

4.6.3 The Town Accountant shall prepare a report on activity in the R&I Account(s) on an annual basis.

A. This report shall be submitted to the Selectmen and Planning Board for their review.

B. This report shall be printed in the Annual Report for the Town of Douglas.

4.6.4 An accounting of an applicant's funds held in the R&I Account(s) may be requested by the applicant at any time.

A. The Planning Board shall respond to the request in a timely fashion.

B. This accounting shall include the following information:



1. The latest statement from the banking institution handling the account, which should include any accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the Planning Board office, based on the latest statement from the banking institution. Please note that interest accrued under a 53E½ account is not returned to the Applicant, but is submitted to the general fund annually in accordance with the Statute.
2. A report of all checks authorized for issuance since that last banking statement.

4.6.5 An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.

4.6.6 Fees in the 53G Account shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the R&I process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

- A. With the approval or disapproval of a Preliminary Subdivision Plan.
- B. With the disapproval of a Definitive Subdivision Plan.
- C. With the release of the performance bond at the end of construction of an approved Definitive Subdivision Plan.
- D. With the final inspection or the approval or disapproval on all other types of applications, whichever comes later.

4.7 Appeal. The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectman by the applicant, providing such appeal is initiated within two weeks of the initial selection.

4.7.1 The Selectmen shall convene a formal hearing within twenty days of receiving a written appeal by an applicant.

4.7.2 Two circumstances may disqualify the selected consultant. These following two conditions constitute the *only* grounds for an appeal.



- A. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Massachusetts Conflict of Interest Law, G.L. c. 268A.
 - B. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
- 4.7.3 The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal.
- 4.7.4 If no decision is rendered by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.
- 4.7.5 This appeal shall not preclude further judicial review, if otherwise permitted by law, *on the grounds provided for in this section.*

SECTION 5. DELINQUENT ACCOUNTS. The following rules apply to Review & Inspection fees owed to the Planning Board by applicants:

- 5.1 Monthly Interest Charge.** All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 14%.
- 5.2 Costs of Collection.** All costs of collection associated with past due accounts shall be borne by the applicant.
- 5.3 Current Delinquents.** All applicants owing fees to the Planning Board at the time of any amendment to these provisions or the adoption of these provisions of the regulations shall be sent the following:
- 5.3.1 A duplicate notice of the amount past due.
 - 5.3.2 A copy of the applicable sections of these regulations with all amendments clearly indicated.
 - 5.3.3 Notice of a 30 day grace period before the commencement of any changes in interest rates or charges.



SECTION 6. REVISION OF FEE SCHEDULE AND REGULATIONS GOVERNING FEES.

6.1 Amendment. The Planning Board may review and revise its regulations and fee schedules, from time to time, in the following manner:

6.1.1 Amendments shall be preceded by a public hearing.

6.1.2 Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Douglas Town Clerk.

Memorandum

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

September 29, 2015

To: Planning Board
From: Charleen Greenhalgh, ATA/Planner
Re: Provincetown Knowles Crossing Project
143 Shore Road

On July 9, 2013, the Planning Board approved a Site Plan for the Town of Provincetown. The approval was for a restoration plan for an area that was disturbed during construction for a previously endorsed Site Plan Review for the construction of a water treatment plant pursuant to Sections 70.2 and 70.9 of the Truro Zoning Bylaws. Condition #4 of the Board's action stated that:

“The Planning Board shall revisit the site no later than October 1, 2014 and October 1, 2015 to ensure planting survival.”

At the Truro Planning Board meeting held October 22, 2013, the Board took up the matter of a request for a waiver from Condition #3 of the Site Plan Review Revision of July 9, 2013. After much discussion and consideration, the Board did vote to grant the request for a waiver from the timed irrigation, with the condition/requirement that the Town of Provincetown put up a bond, in the amount of Ten Thousand dollars (\$10,000.00), for the cost of replacing the trees and that at two (2) years' time any of the trees that are not successful will be paid for using the bond and if everything else is acceptable the bond will be returned. The \$10,000 bond was posted.

It is that time of year again when the Board needs to revisit the site to check on the status of the plantings.

Memorandum

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TRURO PLANNING BOARD

DRAFT

Meeting Minutes

September 22, 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: Maureen Burgess; Robert Weinstein; Regan McCarthy; William Phillips; Chuck Steinmen; John Marksbury; Keith Althaus; Ann Irwin; Paul Kiernan; Charleen Greenhalgh, ATA/Town Planner; Shawn Grunwald

Ms. Tobia opened the meeting at 6:00 p.m.

Public Comment Period

William Phillips expressed his dismay at the clearing of trees and placing of fill at 7 Parker Drive and would like to see the fill removed and the habitat restored.

Proposed Draft Changes to Zoning as it Relates to the Seashore District

Mr. Worthington, as a member of the group working on this, stated that the draft has been thoroughly thought out and proposed to be a replacement for what currently exists for zoning regulations for the Seashore District. He reviewed the summary that accompanied the proposed changes. He further stated that it is complicated because the zoning regulations appear in a number of places.

Mr. Riemer asked if the Zoning Board of Appeals was consulted or involved. Mr. Chuck Steinman, another working group member, came forward and stated that Mr. Perkell, ZBA Chair was consulted and has approved the draft document with some minor suggested changes to language. In addition, he stated that the Building Commissioner has also been consulted and is supportive of the changes and has made some suggested formatting changes to make the document tighter.

Mr. Riemer asked if the document provides for hardship cases due to structural deterioration or due to landscape changes, like erosion. Mr. Steinmen replied that they are looking for additional site plan review triggers such as increasing the square footage by more than 50% and any changes that result in the square footage being 3,600 square feet. He further stated that these triggers would only apply to about 10% of the houses in Truro. Mr. Worthington clarified that the current by-laws within the Seashore District have a lot of flexibility and these amendments try to limit some of that flexibility so that the character of the Seashore remains by subjecting any improvements or changes within the Seashore District subject to a Planning Board review.

Mr. Sollog and Mr. Boleyn are in favor of the proposed changes and thanked the committee for their work. Mr. Sollog asked if there are any additional things the National Seashore might require. Mrs. Greenhalgh stated that there is a certificate of non-condemnation. Per Mr. Worthington, this is critical because if the certificate is not in place, it may be difficult to get any financing for the property and the Seashore could purchase the property at market value.

Ms. Tobia asked for clarification about the waivers. Mrs. Greenhalgh stated that the Planning Board can waive certain requirements for filing but they cannot waive a site plan review for residential properties under this proposal. The zoning by-laws for waiver of a site plan review for commercial properties will remain.

Mr. Robert Weinstein, 7 Dyer's Hollow, came forward to speak as a property owner within the Seashore District. He feels that the proposed changes are contrary to the original 1961 legislation that created the Seashore District and the general objectives of the zoning standards that were outlined. He stated that he does not object to having a review but objects to the caps on the size and the thresholds that would trigger a review. He would like to see consideration made to the locus of the property and further stated that it would be a good idea to have any construction project first reviewed by the Building Inspector. He supports the direction that these proposed changes are going in but cannot support them in its current form.

Maureen Burgess came forward to speak in support as the Truro representative to the Cape Cod National Seashore Advisory Commission and as a citizen. As the representative, she knows that the Seashore does not have regulatory ability and sees this in line with the wishes of the National Seashore to control scale and size, not style of houses within the District.

Regan McCarthy came forward as a property owner within the Seashore in support of the proposed changes in terms of size and scale.

Keith Althaus came forward in support because he feels this is a proactive way of continuing to protect the seashore.

John Marksberry remarked that the Seashore was not called a park to allow for hunting and fishing, which is not true of other national parks. He supports this because he wants to continue the stewardship of caring for the land. He further remarked that the residents within the Seashore District are fortunate as they are afforded the protection and conservation of the beauty of the land by the taxpayer.

Ann Irwin, a Seashore District resident came forward to support the proposed changes, including the size restrictions.

Mr. Steinman then spoke on behalf of the Truro Historical Commission to support the proposed changes as it will help retain the historic houses, including the midcentury houses.

Ms. Tobia expressed her gratitude to everyone who participated in the hearing as well as the Committee members who worked on the proposed document. It was suggested that the document be reviewed by Town Counsel but because the working group is still incorporating comments and suggestions from all the stakeholders, the final document will not be ready for a few more weeks.

Mr. Riemer requested that this remain as a future agenda item.

Discussion of Adoption of MGL c44, §53G, as it Relates to MGL c.40A, MGL c41, §81Q

The Board discussed whether to pursue the adoption of this provision which would allow the Planning Board to impose a fee on an applicant to cover the cost of the Board hiring a consultant for legal services, engineers, etc. for Special Permits and Subdivisions.

Mrs. Greenhalgh reported that Town Counsel has advised that the provision should be adopted. The adoption process is twofold: one for special permits and one for subdivisions. She further explained that the Planning Board would benefit because it would fund any expertise the Board might need to make decisions and do their job. Any fees would be based on actual cost. In addition, other entities in Town can also adopt this provision such as the Board of Health and the Zoning Board of Appeals. A fee structure has not yet been determined.

Mr. Sollog raised a concern that the Board might potentially be asking applicants to financially fund experts who might take an adversarial position on their application. He is open to gathering more information, however,

Ms. McCarthy raised some questions but does feel that is the right direction for the Planning Board. She hopes there will be a balance with the costs and that this does not effectively provide a screen for the Planning Board in making their own decisions.

Mr. Kiernan came forward to support this as he sees it as another tool to assist the Planning Board in making decisions.

The consensus of the Board members was to move forward to have Mrs. Greenhalgh gather more information on possible fee structures.

Other Zoning Related Discussions:

The Board was provided a letter dated September 15, 2015 from Paul Kiernan regarding the Definition of Street and the Subdivision Rules and Regulations.

Mr. Kiernan came forward and reviewed his concern that the previous standards, including design standards, had been eliminated when voted on during Town Meeting back in 2004; they are referenced but not specifically spelled out. He is looking for a rewrite of both the definition of street and of the rules and regulations to make it clearer.

Mrs. Greenhalgh clarified that changes to the Zoning Bylaw would require a vote at Town Meeting.

The Board then discussed the appointment of a working group to revisit the “Accessory Apartments” bylaw per FY16 Planning Board Goals and Topics Item 3.a.

Mr. Riemer volunteered to be appointed to the working group.

Review and Approval of Meeting Minutes:

On a motion by Mr. Boleyn and seconded by Mr. Worthington, the September 8, 2015 Joint Meeting with the Board of Selectmen Minutes was approved as written, so voted 5-0-0.

On a motion by Mr. Worthington and seconded by Mr. Sollog, the September 8, 2015 Planning Board Minutes was approved with a minor change to add the names of two additional attendees, so voted 5-0-0.

ATA/Town Planner Report:

Mrs. Greenhalgh reported that at the last meeting a question was raised regarding the representative for Terrace Dunes. She reported that there is no ethics issue with the Terrace Dunes representative.

Mrs. Greenhalgh also stated that she has submitted her resignation and will be taking a position with the Town of Harwich beginning October 19, 2015. She was thanked for all her hard work over the past nine (9) years.

Next Agenda Items:

- Commentary from the Town Planner
- Street Definition
- Clarification of comments regarding the application of Richard Fishman

Adjourn 7:44

Respectfully Submitted,

Shawn Grunwald
Recording Secretary