

TRURO PLANNING BOARD
Meeting Minutes
February 2, 2016 - 6:00 pm
Truro Town Hall

Planning Board Members Present: Steve Sollog; Bruce Boleyn; John Riemer; Michael Roderick; Peter Herridge; and John Hopkins

Members Absent: Lisa Maria Tobia (excused)

Other Participants: Chet Lay, Slade Associates; Christopher Snow, Esq.; William N. Rogers II; Carole Ridley, Planning Consultant

Mr. Sollog opened the meeting at 6:00 p.m. and announced, in consideration of any members of the public who were in attendance for a specific item, that several agenda items have been postponed.

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. No one came forward to comment.

Modified Definitive Subdivision Plan Endorsement, Release of Covenant and Acceptance of Covenant

2015-009PB Nancy A. Dyer seeks endorsement of a Modification of a Definitive Plan approved by the Board on December 8, 2015 and following the expiration of a 20-day appeal period (no appeals were filed). The subject property is known and numbered as 8 Sam's Way, Truro and shown as Parcel 13 on Truro Assessor's Map, Sheet 24. The covenant recorded at Book 9221 Page 26 will need to be released, and a new covenant is proposed for acceptance.

Representatives: Chet Lay, Slade Associates

Ms. Ridley spoke to the fact that the new covenant, Form D, needed to have the conditions that were part of the approval recorded on the second page.

Mr. Riemer pointed out that in his reading of the ZBA decision, no waiver was granted for the turning radius and the 20 foot radius at the end of Knowles Heights Road and therefore he asked that an additional covenant be added to ensure the turning radius is constructed and relief be given for the 20 foot radius at the end of Knowles Heights Road.

Mr. Lay responded that the construction of the cul de sac would be a T-turnaround. He has also spoken with the zoning enforcement officer, Russ Braun and he has responded that the only thing that makes sense in terms of the 20 foot radius at Knowles Height Rd is if it is actually on the road itself. Mr. Lay provided the plan which shows this. In terms of the concern that the T-turnaround would be used for future building, Mr. Hopkins referred to the

current zoning bylaws for setbacks and the need for a building permit which would prevent this.

Mr. Herridge concurred with Mr. Riemer's concern about needing to be consistent legally. Mr. Riemer reinforced that the inability for the Planning Board to waive by-laws and read from the street definition by-law. Ms. Ridley clarified that the 80 foot reference for a dead end street is for a property line diameter, not the construction of the turnaround.

Ms. Ridley clarified also that this is an approved plan that has not been endorsed. The Board has three possible actions to take: release of the pre-existing plan; acceptance of the new covenant with the conditions; endorsement of the plan.

There was discussion between Board members about the interpretation of the 80 foot requirement. Mr. Riemer feels this matter needs relief while other members feel the plan meets zoning requirements.

On a motion by Mr. Hopkins and seconded by Mr. Roderick, the Board voted to accept Form D Covenant for 2015-009PB Nancy Dyer Modified Definitive Plan reflecting the terms of the conditional approval decision for the Modified Definitive Plan filed with the Town Clerk on January 7, 2016, so voted 4-1-1 (Mr. Riemer opposed; Mr. Herridge abstained because he is unsure of the legality raised by Mr. Riemer).

On a motion by Mr. Hopkins and seconded by Mr. Roderick, the Board voted, in consideration of a modification of definitive plan and associated covenant, to execute form F Certification of Completion and Release of Municipal Interest in Subdivision Performance Security with respect to the covenant recorded with the Barnstable County Registry of Deeds, Plan book 9221, Page 26 only, so voted 4-1-1 (Mr. Riemer opposed; Mr. Herridge abstained citing again the legal concerns).

ANR Plan – Consultation

Nearen and Cubberley Nominee Trust seek consultation with the Planning Board regarding re-endorsement of ANR plan previously endorsed by the Planning Board on January 24, 2001.

Representatives: Christopher Snow, Esq. and Mr. William N. Rogers II

Mr. Snow reviewed the reason for the consultation. Due to an oversight, the original ANR was never recorded which is now an issue due to a transfer of property. He would like the Planning Board to ratify the original ANR.

Ms. Ridley reported that, although legally the Board can endorse this plan, Town Counsel raised some practical concerns associated with having two identical plans signed by two Planning Boards fifteen years apart. Given that the ANR process can be accomplished expeditiously, it may be cleaner to request a filing as a new ANR for action and the earliest possible date. This would provide assurance to this Board that all conditions of an ANR are duly met.

Mr. Rogers spoke to the need for a de-registration process and a revised plan for Land Court. Mr. Snow spoke to the need to move quickly because of the financial need for the surviving owner.

Mr. Snow concurred the Board to bring it back quickly as the original plan so it can be de-registered and with the new ANR plan.

Preliminary Subdivision- Continued

2015-010 Rose L. D'Arezzo, Charles S. Hutchings, et al seeks approval of a 5-lot preliminary subdivision pursuant to MGL c.41, Section 81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 4H Bay View Road and a portion of 3 Laura's Way, Assessors Map 39, Parcels 77 & a portion of 325.

It was noted by Ms. Ridley that the applicant has requested a continuance until March 3, 2016 and will be taken up at the next meeting.

Commercial Site Plan Review, Hearing Re-opened

2015-006SPR Michael A. Tribuna, Trustee, c/o Christopher R. Vaccaro, Esq., seeks approval of an Application for Commercial Development Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the filling of low area at 7 Parker Drive with related drainage improvements and erosion controls. There will be no new buildings or changes to existing buildings and structures. The property is also shown on Atlas Map 39 Parcel 168 & 169. This application was previously heard on September 8, 2015 and December 8, 2015.

Due to a scheduling conflict, this matter has been continued until the next meeting.

Adoption of MGL c. 44 §53g

Ms. Ridley reviewed the purpose of the law and how the two sections (special permits and subdivision regulations) could be adopted. The first rule for fees regarding special permits only requires a majority vote by the Board. The second rule for review fees for subdivision regulations requires an advertised public hearing to be in compliance with MGL c 41 § 81 Q as this would be an amendment to a regulation. This information has been provided to Town Counsel who approved this.

On a motion by Mr. Herridge and seconded by Mr. Riemer, the Board voted to adopt the following Rule in relation to Special Permits pursuant to G.L. c.40A, §9 and G.L. c.44, §53G as recited to the Board, so voted 6-0-0.

The consensus of the Board was to direct Ms. Ridley to post the subdivision rule for a public hearing. In order to accommodate the filing requirements and requirements for posting by the local paper, the Planning Board meeting will be rescheduled from February 16, 2016 to Thursday, February 26, 2016. This would allow the Board to hold a public hearing on the proposed zoning matters as well.

Continued Discussion on Possible Zoning Articles and Scheduling of Public Hearings

Growth Management Bylaw-has been reviewed by Town Counsel. The purpose of the bylaw is to allow for planning, not prohibit or inhibit growth and there have been some proposed edits to the current bylaw to reflect this. The town needs more time to conduct further studies and that is why a 5 year extension is being proposed as the full 10 years. Mr. Hopkins suggested that it may present a problem for passage at town meeting if a lot of the language is changed from the original bylaw as opposed to just the dates. Mr. Herridge and Mr. Riemer like the proposed changes. The notice will show all the changes and at the public hearing the Board will gauge the public reaction.

Water Resource Protection District-map change is not available and the use change analysis is not complete.

Seashore Zoning Changes-currently under review by Town Counsel so it is unlikely to be part of town meeting. More community discussion is needed but first needed is Town Counsel opinion to help frame the discussion.

Affordable Accessory Dwelling Unit Bylaw-two features of the current bylaw merit consideration. The first is that there is an affordability factor that the renter has to meet certain criteria and the landlord has to provide certain information. By definition, accessory dwelling would be affordable. By removing the requirements for income reporting, this may assist in addressing the objective. The second consideration is the special permitting process that could possibly made easier if certain bylaws were strengthened (e.g., size, no more than one allowed per building lot, year round occupancy etc.) and therefore making it a by-right option. For the tax exemption, however, the affordability requirements should remain, including the deed restriction. The consensus of the Planning Board was that this would be a very positive direction to pursue and if possible, post it for public hearing on February 25, 2016.

Review and Approval of Meeting Minutes

On a motion by Mr. Hopkins and seconded by Mr. Roderick, the January 19, 2016 Planning Board Meeting were approved, so voted 5-0-1 (Mr. Herridge abstained).

Reports from Board Members and Staff

- Update on Other-plans for White Sands Beach Club need signature on file for the conditional set of plans that were approved.
- Housing Authority Committee would like to meet with the Planning Board on March 15, 2016.

- Mr. Sollog would like to have a report on the water usage study.
- Ms. Ridley reported that Verizon has submitted a special permit application to change some equipment. Review to take place in March.

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On a motion by Mr. Boleyn and seconded by Mr. Herridge, the meeting was adjourned, so voted 6-0-0.

Respectfully Submitted,



Shawn Grunwald
Recording Secretary

