

**TRURO PLANNING BOARD AGENDA**  
**WEDNESDAY, November 4, 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.

**Interview – Planning Board Applicant**

Interview with John Hopkins

**Site Plan Review – Public Hearing Continuance**

**2015-005SPR Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E.**, seeks approval of a 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, September 8, and October 6, 2015.

**Seashore Related Zoning Discussion**

The Planning Board will discuss the status of proposed draft zoning as it relates to the Seashore District.

**Possible Meeting with Zoning Board of Appeals**

The Planning Board will discuss a request to the Zoning Board of Appeals for a joint meeting, and possible agenda topics

**Review and Approval of Meeting Minutes:** October 16, 2015 (site visit), October 23, 2015 (site visit), October 20, 2015

**Reports from Board Members and Staff**

**Meeting Dates and *Other Important Dates:***

- **November 5, 2015 – Special Town Meeting Truro Central School**
- November 18, 2015 (Wed) – Reg. Meeting
- December 8, 2015 – Reg. Meeting
- December 22, 2015 –Reg. Meeting

**Adjourn**





# TOWN OF TRURO

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

## APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: JOHN HOPKINS HOME TELEPHONE: 774-836-6403  
ADDRESS: P.O. 1188 21000 BRIDGE WORK PHONE: 487-7177  
MAILING ADDRESS: P.O. 1188 E-MAIL: john-augustus  
FAX: \_\_\_\_\_ MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: @comcast.net

PLANNING

SPECIAL QUALIFICATIONS OR INTEREST: Builder

FAMILIAR WITH ROAD ISSUES

ZONING, COM COM 30 year  
resident

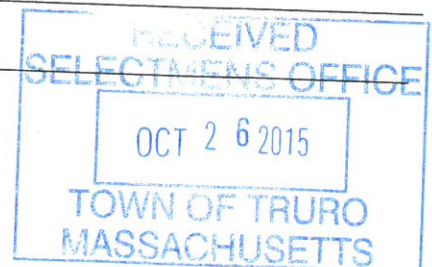
COMMENTS:

SIGNATURE: [Signature] DATE: OCT 26, 2015  
\*\*\*\*\*

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

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

INTERVIEW DATE: \_\_\_\_\_ APPOINTMENT DATE (IF  
APPLICABLE): \_\_\_\_\_







# 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: Carole Ridley  
Date: October 27, 2015  
Re: Commercial Development Site Plan Review – Report #4

**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, was continued to October 6, 2015, and was continued to November 4, 2015.

The Board received three prior staff reports on this application from Charleen Greenhalgh. This report incorporates information from previous reports, and updated information received subsequent to the latest report. The latest report, dated September 28, 2015, is attached for your reference.

## 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 Charleen Greenhalgh 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



- 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. NOTE: labeling has been updated on the revised plan submitted 10/18/15.
  - 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. NOTE: no further information
  - c. §70.3.c.9 – Distances to nearest curb cuts (both side of the road) have not been provided. NOTE: waiver request has been submitted.
  - 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). NOTE: plan as revised refers to two street lights.
- 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.**)
  - 5) Per §70.3.G, should the Board approve this request, it may wish to attach reasonable conditions. To consider this, the Board may wish to go through *the Review Criteria/Design Guidelines* for Site Plan Review (§70.3 F, listed below) to determine if they are addressed and whether reasonable conditions should be enumerated and incorporated into the Board vote. Charleen had previously noted that the Board may wish to condition the approval to the items outlined in Ms. Pajaron’s memo dated July 23, 2015, found in the attached September 28<sup>th</sup> staff report.

### **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.*



## **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.



## TRURO, MASSACHUSETTS

The Board of Appeals, at a public hearing conducted on July 17, 1986  
and in accordance with the provisions of Massachusetts General Law, Chapter 40A, and after  
considering the application by R.O.D., Inc. for a special  
permit for property located at Terrace Dunes Motel, Route 6A, N. Truro  
approved/~~disapproved~~ the Special Use Permit/~~Variance~~ for Conversion to Condominium

by a vote of 5 for approval, 0 for disapproval, the members voting:

<u>APPROVAL</u>	<u>DISAPPROVAL</u>	<u>PRESENT NOT VOTING</u>
<u>Robert Bednarek</u>	<u>none</u>	<u>Lucinda Worthington</u>
<u>David Connor</u>		
<u>Norman Pope</u>		
<u>Lloyd Rose</u>		
<u>Robert Weinstein</u>		

In reaching its decision, the Board made the following findings:

1. No special permit is required for accessory use parking in the residential zoning district.

2. Conversion is not sustantially more detrimental to the neighborhood than the existing use, and is in harmony with the public good and the intent of the Town of Truro zoning by-law.

3. Area for accessory parking on residential land shall be surface with pervious material.

4. \_\_\_\_\_

The Special Use Permit/~~Variance~~ is approved subject to the <sup>ABOVE</sup> following conditions and/or ~~other conditions~~



5/18/83

ROD, Inc. / Richardson

BOOK 6225 PAGE 024

A copy of the minutes of the hearing is filed with this decision and available at the office of the Town Clerk.

I hereby certify this as a true and accurate record of the Board of Appeals.

DATE: July 23, 1986

BY: *Robert Bednarek*

Town Board of Appeals

Received office of the Town Clerk: \_\_\_\_\_

DATE: *July 23, 1986*

*Cynthia O'Neil*  
Town Clerk, Town of Truro

NOTICE:

Any person aggrieved by a decision of the Board of Appeals or any special permit granting authority, whether or not previously a party to the proceeding or any municipal officer or board may appeal to the Superior Court or to the Land Court by bringing action within 20 (twenty) days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within 20 (twenty) days (for appeal procedure see Massachusetts General Laws, Chapter 40A, Section 17).

*10/25 for Grogolinsky*

*P.O. Box 208*

*N. Eastham 02651*

*10/25*

I hereby certify that this decision was filed with the office of Town Clerk on *July 23, 1986* and 20 (twenty) days have elapsed from the date of filing and no notice of appeal has been received by this office.

RECORDED APR 22 88

*Cynthia O'Neil* *in clerk 8/13*



LESTER J. MURPHY, JR.

ATTORNEY AT LAW

MAIL ADDRESS:

P.O. BOX 1388

E. DENNIS, MA 02641

EMAIL [ljmurphy@verizon.net](mailto:ljmurphy@verizon.net)

OFFICE LOCATION:

1380 ROUTE 134

EAST DENNIS, MA 02641

TELEPHONE (508) 385-8313

FAX (508) 385-7033

October 26, 2015

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

Attn: Carol Ridley, Town Administrator

Re: Site Plan Review for Terrace Dunes Realty Trust- Property at 179 Shore Road

Dear Miss Ridley,

Please be advised that I am writing to you and the Board on behalf of James Rodricks who is a Manager and Operator of the Terrace Dunes Motel property owned by the Terrace Dunes Realty Trust located at 179 Shore Road. This property is currently the subject of a Site Plan Review regarding a proposal to relocate the Managers quarters from one of the motel buildings to a proposed freestanding structure that would contain both the Managers Unit and a garage. In addition, the existing Managers quarters would be converted to storage space.

It is my understanding that certain issues and questions have arisen regarding the status of the property, its historical use and its compliance with Zoning. In this regard I have reviewed the Licensing of this property, the manner in which it is taxed by the Town of Truro as well as certain instruments of record at the Registry of Deeds and the manner in which the property is owned and operated as well as Section 40.3 and the Definitions contained in the Zoning By-laws.

In the first place, I have reviewed the Licensing records issued for this property going back to 1997. In 1997 the property was listed as a seasonal motel and in 1998 it was simply listed as a motel. In the years 1999 to 2002 it was listed as a Condominium on the Motel License yet in the years 2003 through 2009 it was simply listed as a Motel with no Condominium notation. From 2010 to the present it has been issued a Motel License but listed as a Condominium.

Obviously, there is no consistent manner in which the property has been licensed other than it has continually been licensed as one property as a Motel. We are not aware of any separate rental permits having been issued for this property.



In addition, the Town has continued to tax the property as a whole as one taxable parcel. No tax bills have been issued for any separate Units as would be the case for a condominium form of ownership. Rather, one tax bill was issued for the entire property.

Apparently what is causing some confusion or concern regarding this property is the fact that back in 1988 documentation was recorded creating the Terrace Dunes Resort Condominium. As a part of that recording we searched to see if there was any record of a Special Permit having been issued by the Town of Truro in accordance with Section 40.3 of the Zoning By-laws for a condominium conversion. No such documentation could be found and it is my understanding that no such documentation has been found in the records of the Town either with the Board of Appeals, Town Clerk or any other departments.

In reviewing the status of this property it is important to look at Section 40.3 of the Zoning By-laws and its purpose and when the same applies to a conversion to a condominium form of ownership needs to be subject to the process. Subsection A of that Section states that "the Board of Appeals may grant a Special Permit for the conversion of a cottage colony, cabin colony, motor court, motel or hotel to single-family or multi-family use under any type of ownership, provided that the provisions of this Section are met." Clearly this By-law applies when a motel is going to be converted to single-family or multi-family use. Otherwise, if there is not a change in the use the By-law would not apply. It is well settled that zoning applies to changes in use not changes in ownership.

It is important to understand that the Master Deed for the Terrace Dunes Resort Condominium created a timeshare type of ownership and occupancy. Purchasers do not purchase a Unit in a Condominium, rather, they purchase the right to use a Unit in the Condominium for a particular period of time, an interval week, which is a seven (7) day period. In the case of this Condominium a purchaser of an Interval Week obtains the right to use the property for a particular week during a month or year. A purchaser does not own the Unit but simply the right to occupy the same on a transient basis for a set period of time. The maximum length of any particular interval is two (2) weeks and there is no way that a two (2) week right to use can be considered to constitute the ownership of a Dwelling Unit. The Units in the Motel are available for rental on a daily or weekly basis and the Motel management handles all rentals at the property. It also takes care of all furnishings, cleaning and maintenance of the Units. Clearly, in the case of a separately owned Condominium Unit this would not be the case and essentially what we have here is a Motel operation with multiple owners rather than a multi-family use of the property.

The definition of a Motel set forth in the Zoning By-laws is as follows:

"One or more buildings consisting of furnished, habitable Units customarily licensed for occupancy by and rented to the transient public on a daily, weekly, monthly or seasonal basis, containing two or more Units under one roof, each Unit having its own bathroom facilities and outside entrance."

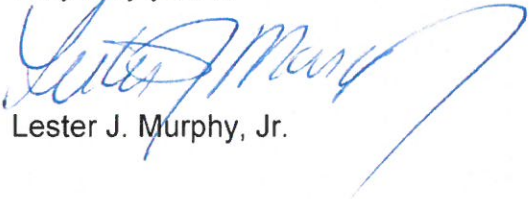
The definition goes on to state that Motel Units shall consist of not more than one room



exclusive of bathroom facilities. When you look at the layout and actual use of this property it clearly meets the definition of a motel as set forth in the Zoning By-laws. The property consists of buildings containing multiple Units that are available for and rented on a transient basis to members of the public on a daily or weekly basis. Even when occupied by interval owners, the occupancy continues to be transient for a maximum of one to two weeks. This is completely different from a Condominium operation whereby Unit Owners may occupy their Units for the entire period of time authorized by the Condominium Declaration entered into between the Condominium and the Town or are free to separately rent their Units for occupancy by other people. Under Section 40.3 of the Zoning By-law the only applicability and requirement for compliance with the same occurs when there is the intent to change the use of the property to multi-family use. As previously stated, the manner in which the Terrace Dunes property is being used is clearly a Motel and not a Multi-family type of use. As a result, there is no requirement to comply with the provisions of Section 40.3 of the Zoning By-laws.

Importantly, the matter currently pending before the Planning Board has nothing to do with the operation of the property but only the proposal to relocate the Managers quarters to a separate freestanding building rather than having the same contained in one of the existing structures. We certainly expect that the Planning Board will be able to proceed forward with this Site Plan Review and we stand ready to answer any questions or provide any further information that the Board may need in order to complete its review.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Lester J. Murphy, Jr.", with a long, sweeping flourish extending to the right.

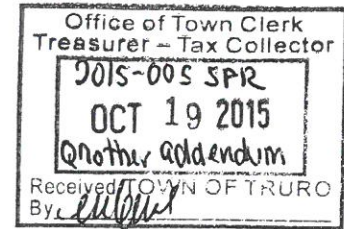
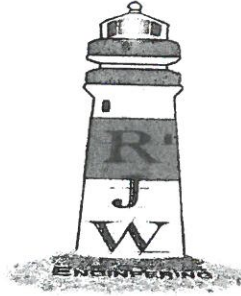
Lester J. Murphy, Jr.

LJM/ks

cc: James Rodricks



10/19/2015  
FBI Planning Board  
Susan K.  
Curtis



October 18, 2015

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

**Re: 2015-005SPR - Revised Proposed Plan**

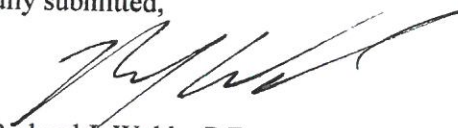
Dear Ms. Greenhalgh:

Attached is a revised "proposed" site plan depicting changes requested per planning staffs' additional comments as outlined in report #3. Please add this revised plan to the planning boards' packet for our next scheduled hearing on November 4, 2015.

In addition, I have included an additional waiver request with this revision, please see attached document. We would like to request a waiver from the requirements of curb cut locations on both sides of the roadway. The proposed plan includes curb cut location on locus side of the roadway.

Please don't hesitate to contact me at (617) 620-6037 if you require additional information.

Respectfully submitted,



Richard J. Waldo, P.E.



I. PLAN IS FOR PERMITTING ONLY.

**REFERENCE:**

PLAN BOOK 350 PAG

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

2

2	SITE PLAN REVIEW	10/16/15
1	SITE PLAN REVIEW	7/14/15
No.	Revision/Issue	Date

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



OCTOBER 16, 2015

TERRACE DUNES

FEBRUARY, 2015

SCALE: 1" = 40'

①

- \* EXISTING PARKING SPACE 9' x 20'  
 \* MANHOLE  
 \* EXISTING BUILDING  
 \* SETBACK DISTANCE  
 \* EXISTING CONTOUR  
 \* PROPOSED CONTOUR  
 \* UTILITY POLE  
 \* STREET LIGHTING  
 \* W/S  
 \* INSURBOARDS  
 \* CATCH BASIN  
 \* WATER SHUTOFF  
 \* W.A.P. \* WATER METER PIT  
 \* 15-10-90 \* DISTANCE TO NEAREST  
 \* CURB CUTS AND/OR ROADWAYS  
 \* W-


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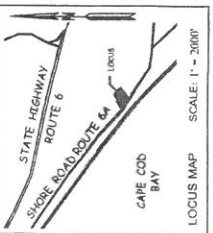
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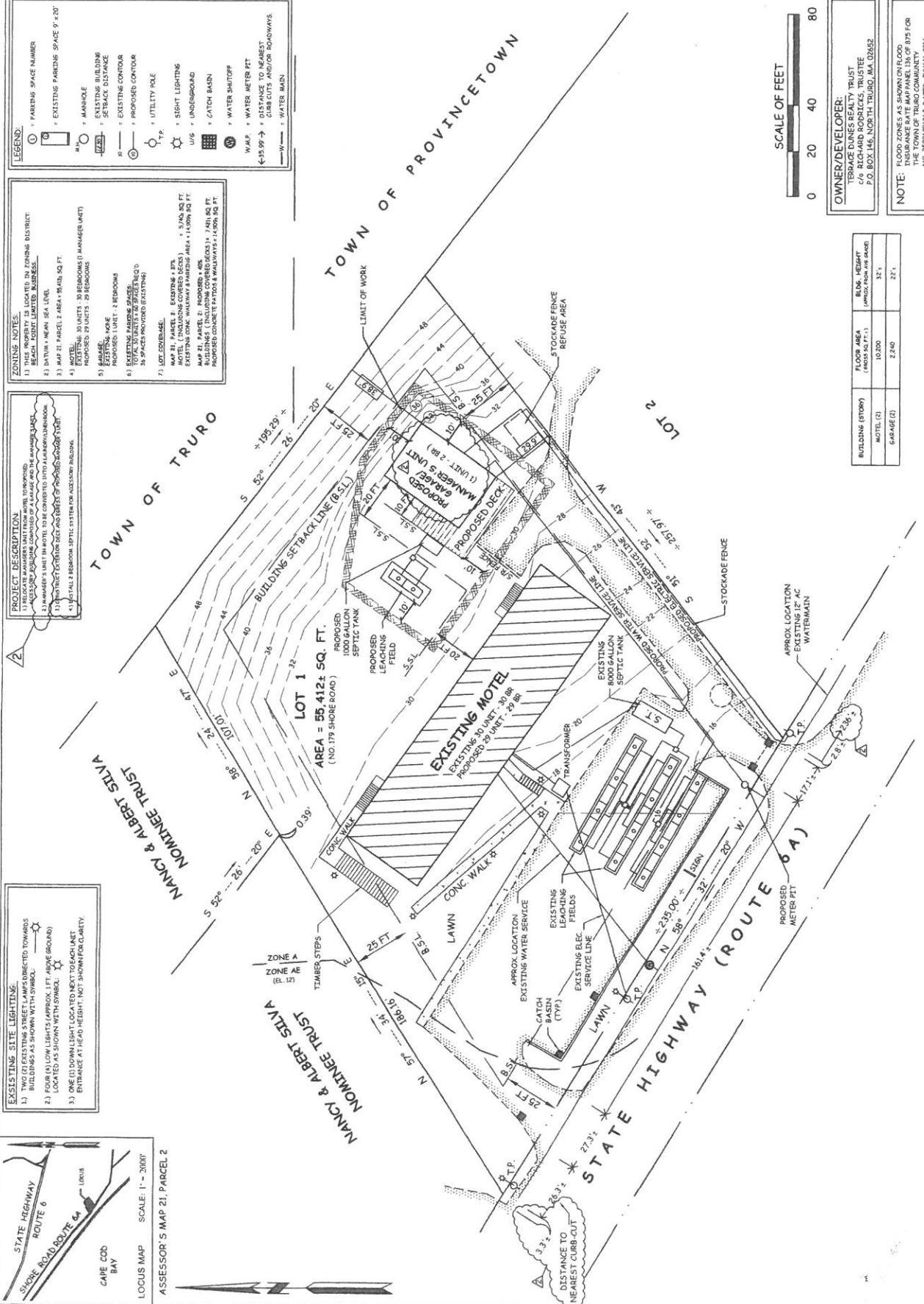


OWNER/DEVELOPER:

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

**NOTE:** FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 136 OF 875 FOR THE TOWN OF TRIUO COMMUNITY

BUILDING (STORY)	FLOOR AREA (GROSS SQ. FT.)	BLDG. HEIGHT (APPROX. FROM AIR GAUGE)
MOTEL (2)	10,200	32'
GARAGE (2)	2,240	22'







October 18, 2015

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

**Re: Site Plan Review – Additional Waiver Request**

Dear Ms. Greenhalgh:

Pursuant to the requirements of §70.3.E I am requesting the following additional waiver from site plan review requirements for the proposed project at the Terrace Dunes Resort, 179 Shore Road. This waiver is in addition to the waivers already requested under SPR Case 2015-005SPR:

**§70.3c.9. – Location of Streets/Drives:**

Applicant seeks waiver from curb cut location requirements on both sides of the road. Proposed plan includes nearest curb cut locations on locus side of roadway.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Richard J. Waldo'.

Richard J. Waldo, P.E.





# 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

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# 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,

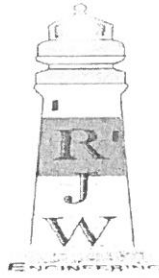
I, Rick Rodricks, Trustee of Terrace Dunes Realty Trust give permission to Richard J. Waldo, P.E. our engineer of record permission to submit a Site Plan Review application on our behalf to the Town of Truro Planning Board.

Respectfully,

A handwritten signature in cursive script, appearing to read "Richard Rodricks", followed by a horizontal line.

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. Waldo', written over a light blue horizontal line.

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

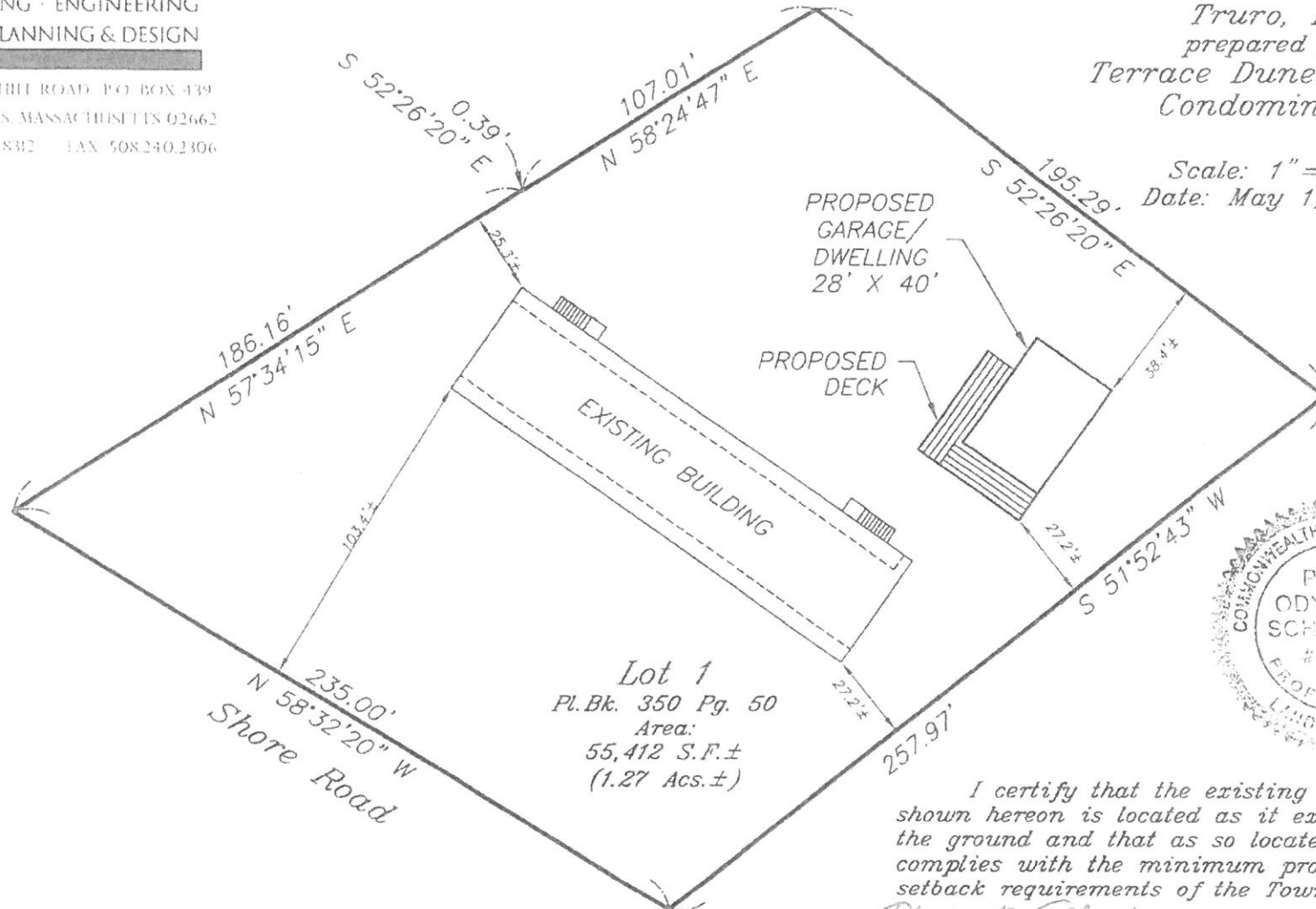
SURVEYING • ENGINEERING  
HOME PLANNING & DESIGN

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

## Certified Plot Plan

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

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



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

*Philip O. Scholomiti*

Date: 5/1/15

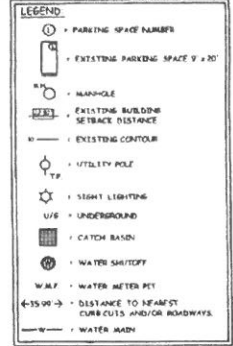
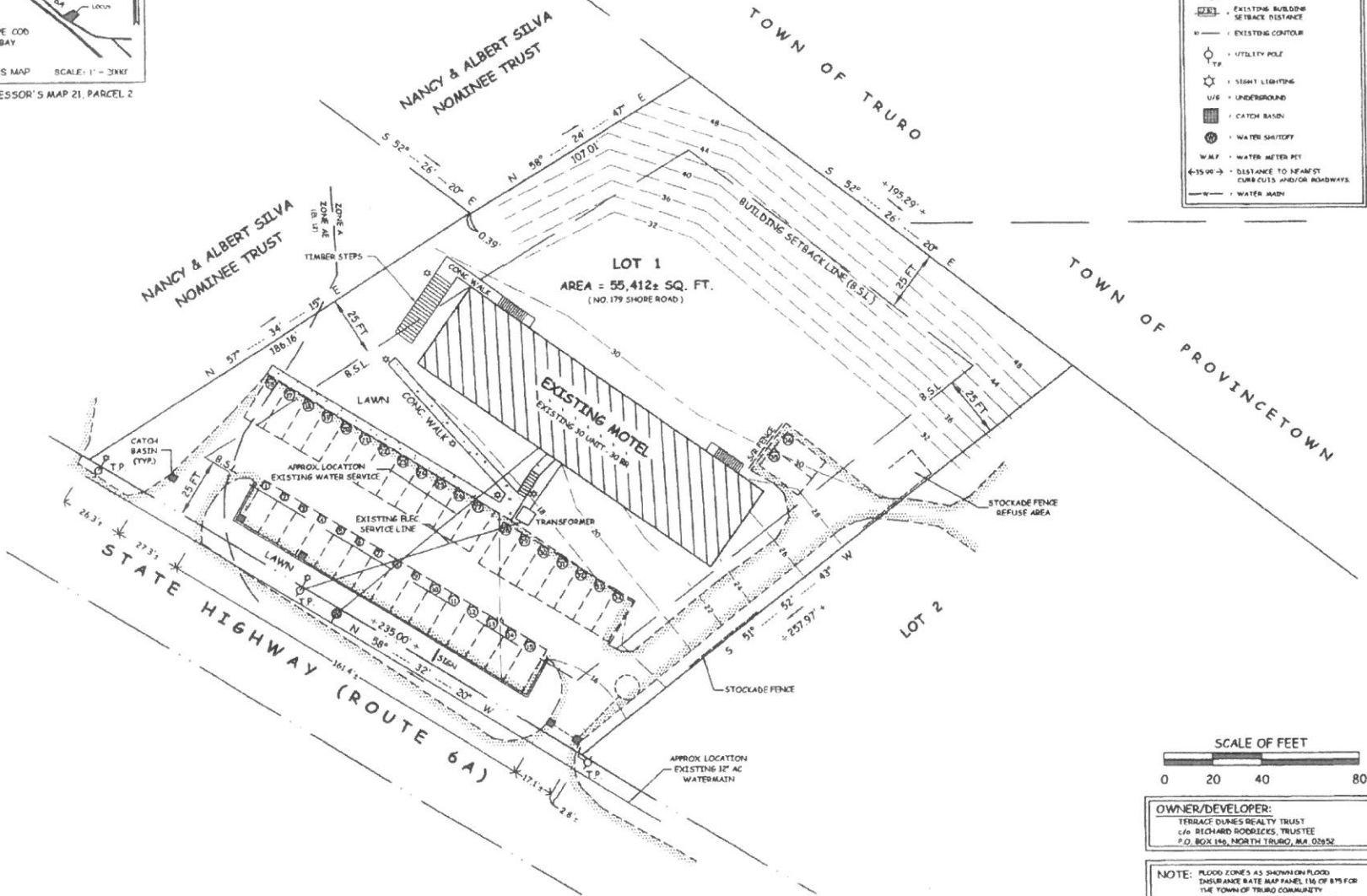
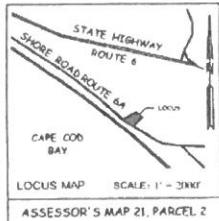
Professional Land Surveyor

Reference:

Assr's. map 21 Pcl. 2-0

Job No. 11492





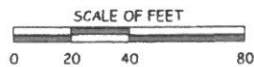
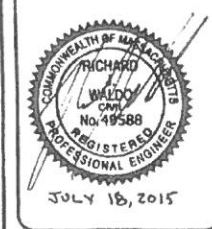
**GENERAL NOTES**  
1. PLAN IS FOR PERMITTING ONLY.

**REFERENCE:**  
PLAN BOOK 350 PAGE 50

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

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

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

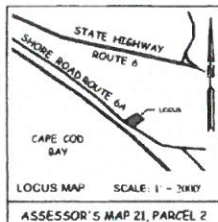


**OWNER/DEVELOPER:**  
TERRACE DUNES REALTY TRUST  
c/o RICHARD RODRIGUES, TRUSTEE  
P.O. BOX 146, NORTH TRURO, MA 02652

**NOTE:** FLOOD ZONE'S AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 116 OF 875 FOR THE TOWN OF TRURO COMMUNITY NO. 25001C01362, DATED JULY 18, 2014.

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





- EXISTING SITE LIGHTING**
- 1) THREE (2) EXISTING STREET LAMPS DIRECTED TOWARDS BUILDINGS AS SHOWN WITH SYMBOL.
  - 2) FOUR (4) LOW LIGHTS (APPROX. 1 FT. ABOVE GROUND) LOCATED AS SHOWN WITH SYMBOL.
  - 3) ONE (1) DOWN LIGHT LOCATED NEXT TO HO-1 INLET ENTRANCE AT HEAD HEIGHT. NOT SHOWN FOR CLARITY.

- PROJECT DESCRIPTION**
- 1) RELOCATE BUILDING UNIT FROM IMPROVED TO PROPOSED LOT 1.
  - 2) CONSTRUCT EXTERIOR DECK AND PORCH OF IMPROVED BUILDING UNIT.
  - 3) INSTALL 2 BEDROOM SEPTIC SYSTEM FOR ACCESSORY BUILDING.

- ZONING NOTES**
- 1) THIS PROPERTY IS LOCATED IN ZONING DISTRICT: **MOON POINT LIMITED BUSINESS**.
  - 2) 5A TRULY - MEAN: 50' LINES.
  - 3) MAP 21, PARCEL 2 AREA: 18,452 SQ. FT.
  - 4) **MOTEL**: EXISTING 10 UNITS, 20 BEDROOMS (10 BATHROOMS UNIT) IMPROVED 19 UNITS, 20 BEDROOMS.
  - 5) **GARAGE**: EXISTING NONE. PROPOSED 1 UNIT, 2 BEDROOMS.
  - 6) **EXISTING HANDING SPACES**: TOTAL 20 SPACES (10 SPACES IN LOT 1, 10 SPACES IN LOT 2) PROVIDED (EXISTING).
  - 7) **LOT COVERAGE**: MAP 21, PARCEL 2: EXISTING + 87% MOTEL (EXCLUDING COVERED DECK) + 37% SQ. FT. EXISTING CONC. WALKWAY + PARKING AREA + 11,000 SQ. FT. MAP 21, PARCEL 2: PROPOSED + 40% BUILDING (EXCLUDING COVERED DECK) + 7,400 SQ. FT. PROPOSED CONC. PATIOS + WALKWAYS + 14,000 SQ. FT.

- LEGEND**
- ① - PARKING SPACE NUMBER
  - ② - EXISTING PARKING SPACE # 20
  - ③ - MANHOLE
  - ④ - EXISTING BUILDING SETBACK DISTANCE
  - ⑤ - EXISTING CONTOUR
  - ⑥ - PROPOSED CONTOUR
  - ⑦ - UTILITY POLE
  - ⑧ - SLIGHT LIGHTING
  - ⑨ - UNDERGROUND
  - ⑩ - CATCH BASIN
  - ⑪ - WATER SHUTOFF
  - ⑫ - WATER METER PIT
  - ⑬ - DISTANCE TO NEAREST CURB CUTS AND/OR ROADWAYS
  - ⑭ - WATER MAIN

**GENERAL NOTES**

1. PLAN IS FOR PERMITTING ONLY.

**REFERENCE:**

PLAN BOOK 350 PAGE 50

**PROPOSED SITE PLAN**

LOCATED AT

179 SHORE ROAD

NORTH TRURO, MA.

AS PREPARED FOR

TERRACE DUNES REALTY TRUST

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

**RICHARD J. WALDO**

PROFESSIONAL CIVIL ENGINEERS

P.O. BOX 147, NORTH TRURO, MASSACHUSETTS

(617) 620-6037



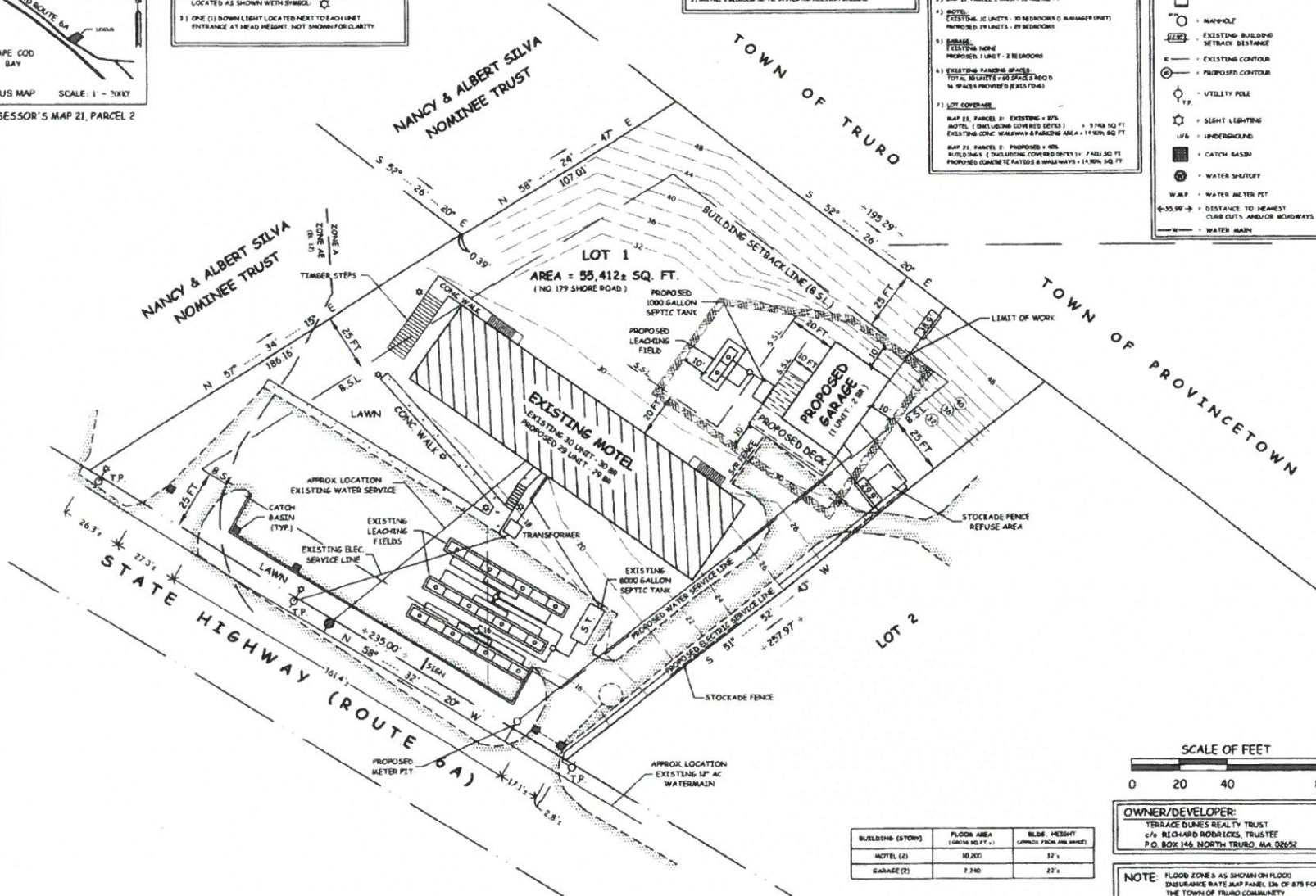
JULY 18, 2015

**TERRACE DUNES**

FEBRUARY, 2015

SCALE: 1" = 40'

2



BUILDING (STORY)	FLOOR AREA (SQUARE FEET)	BUILDING HEIGHT (FEET)
MOTEL (2)	10,000	12'
GARAGE (2)	7,400	22'

**OWNER/DEVELOPER:**

TERRACE DUNES REALTY TRUST

c/o RICHARD RODRICKS, TRUSTEE

P.O. BOX 146, NORTH TRURO, MA 02652

**NOTE:** FLOOD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 13 OF 875 FOR THE TOWN OF TRURO COMMUNITY. NO. 25001C01363, DATED JULY 16, 2014.



# TMS DESIGN

DATE:	APRIL 15, 2015
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SCALE: 1/8"=1'-0"



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



A

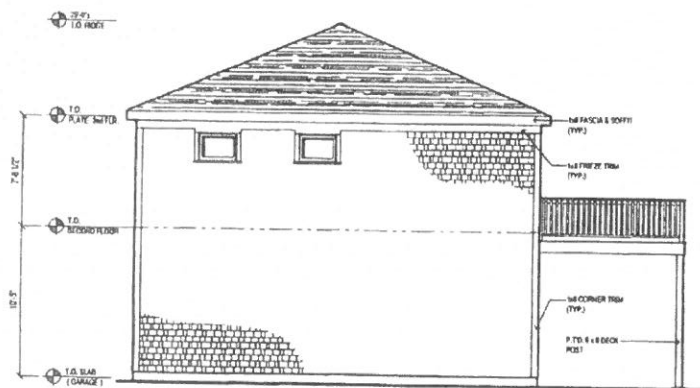


MANAGERS UNIT  
179 SHORE ROAD  
NORTH TRURO, MA

TMS  
DESIGN

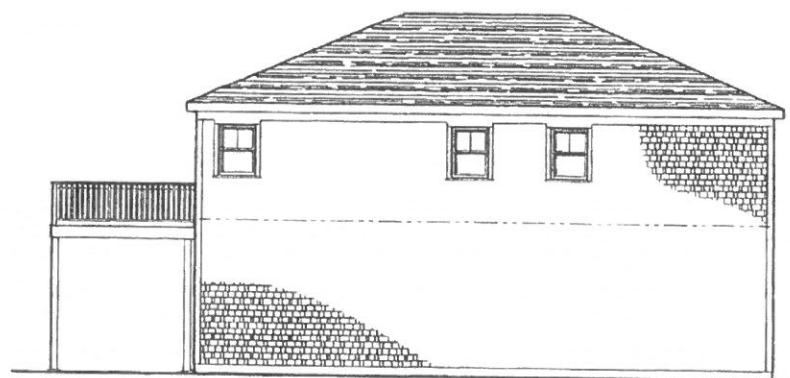
THOMAS M. SIMKINS  
10 CRANHAVEN CIR.  
HARWICH, MA 02645  
(774)209-0911  
thomas\_simkins@msn.com

DATE: APRIL 15, 2015

NORTH ELEVATION

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



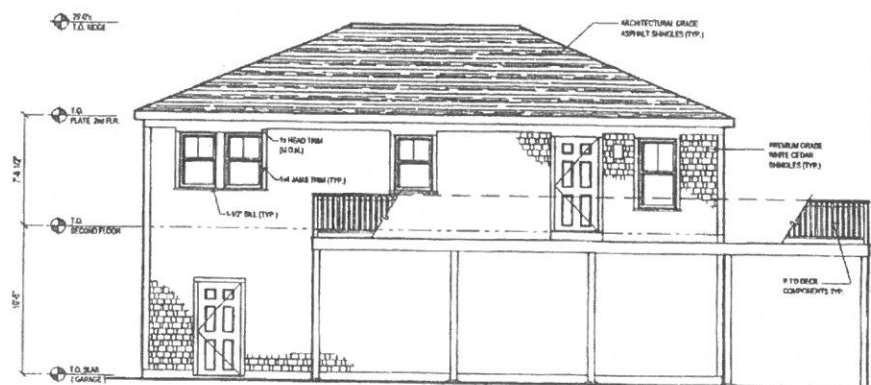
EAST ELEVATION

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



SOUTH ELEVATION

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



WEST ELEVATION

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

A2



## **TRURO PLANNING BOARD**

**DRAFT**

### **Meeting Minutes**

**October 20, 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:** Christopher Vaccaro, Esq.; Jennifer Cohen, Tru-Haven; Carol Ann D'Amico; Carole Ridley; Shawn Grunwald

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

### **Public Comment Period:**

Carol Ann D'Amico, 11 Parker Drive, came forward to request that the 20015-006SPR Michael A. Tribuna hearing to be continued given his recent change of use request and request to withdraw the application without prejudice.

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

### **Representative: Christopher R. Vaccaro, Esq.**

Mr. Vaccaro explained that they are requesting a withdrawal of the Application for Commercial Development Site Plan Review because they will be changing the use of the property from a non-conforming cottage colony use to a private single-family residence. The basis of the application will no longer apply as they will be demolishing two of the buildings, converting one of the buildings to an artist workshop that will not have any cooking facilities, and leaving the larger cottage which will remain as Mr. Tribuna's personal residence, where he has lived for several years.

Mr. Boleyn stated that he feels the request to withdraw the application without prejudice does not address the remediation of the damage that has already been done in terms of the work done prior to the stop work order.

Mr. Sollog asked Mr. Vaccaro what harm Mr. Tribuna has experienced from this, as the Board has heard from the abutters regarding how they believe they have been harmed. Mr. Vaccaro reviewed the work Mr. Tribuna has done to try to rectify the situation such as hiring an engineer, attending meetings and providing information to the Board. This process has basically accelerated Mr. Tribuna's long term plan to convert the property to a single family residence.



Mr. Riemer asked about the current tenants whose leases will expire on November 1. Mr. Vaccaro responded that although sympathetic with the loss of housing for the current tenants, it is not the responsibility of Mr. Tribuna to provide housing any more than any other property owner.

Mr. Riemer also inquired about exactly when the demolition will take place because until the demolition occurs, it remains a commercial property, even though Mr. Tribuna plans the change of use effective November 1. Further Mr. Riemer asked about a MESA review and a Conservation Commission review. Mr. Vaccaro received a letter provided recently to the Board that MESA found no take. However, if there is any action taken on the property in the future, Mr. Vaccaro is aware that the property is within a defined priority area within the Division of Fisheries and Wildlife.

When asked about Mr. Tribuna's vision for the property by Mr. Riemer, Mr. Vaccaro stated that his vision for the immediate future he wants to maintain his home but long term would like to have a more modern structure to reside in. Mr. Vaccaro denied that Mr. Tribuna has future plans to subdivide the property.

Mr. Worthington would like to see a compromise addressing the abutters concerns and allowing Mr. Tribuna to have a single family residence.

Ms. Tobia expressed her disappointment because contrary to the last meeting where it appeared that there was a willingness to work with the Board to address the concerns of the abutters, the refusal to do have a site meeting and the request to withdraw circumvents the process which hurts everyone, including the applicant.

Mr. Vaccaro explained that this was a way to avoid further frustration on the part of the applicant to ultimately achieve his long term plan. He also apologized to the Board for any misunderstanding.

Jennifer Cohen, President of the Tru Haven Association that owns Parker Drive. She has sent a letter to the Planning Board. Receipt of this letter was acknowledged. She expressed her concern that with the change of use, the past violations and conditions will be erased. This would give Mr. Tribuna an advantage over every other member of the community in that he would be allowed to create fill in order to create the overall height of his building. Also, she questions whether Mr. Tribuna actually lives at that property and even if two buildings are removed, she sees this as an operational shift in a business strategy to essentially maintain it as a commercial property as the remaining two units would be for rent. The removal of the trees has impacted not only the abutters but also the entire neighborhood as it interferes with the vision of the neighborhood. The association is seeking remediation. She had also asked at the previous meeting for some agreement or assurance that prevents an encroachment of continuing commercial development through an access or annexation to Noon's Drive, a separate community. She emphasized that the property is currently commercial and that is in violation of zoning bylaws.



Ms. D'Amico stated she is a year round resident on Parker Drive and questions the intent of Mr. Tribuna to live there. She also reinforced that there were violations of the bylaws and it would be a dangerous precedent to not allow for some consequences.

Ms. Ridley clarified that that the subject before the Board is a commercial site plan application and also a request to withdraw the application without prejudice. She referenced her memo to the Board in the packet dated 10/15/15. The first option to allow the applicant to withdraw the application without prejudice would allow the applicant some future flexibility for commercial activity. The second option would be to deny the withdrawal without prejudice and continue with the hearing, and presumably vote on the application at that time. The third option would be to deny the withdrawal of application without prejudice, further continue the hearing to a date certain and send a notice to the applicant to provide additional information and agree to proceed with the application or withdraw with prejudice. The third option would affect any future proposal for commercial activity should the change of use not proceed. A key question is when the change of use actually occurs. According to Town Counsel, it is not within the Board's purview to address remediation if the change of use occurs, even though there was a clear violation at the time the work was done.

Mr. Worthington, Mr. Sollog and Mr. Riemer expressed their concern for the situation expressed by the abutters. Mr. Vaccaro stated that he feels the abutters are not willing to work with Mr. Tribuna.

Ms. Cohen suggested that the Board continue the hearing to a date certain and this would still allow for Mr. Tribuna to withdraw his application but with prejudice.

Following a discussion about the next steps, Ms. Tobia expressed her concern about the perimeter of the property. She proposed that the applicant come up with a plan to address the perimeter and the screening of the gravel pit. She asked Mr. Vaccaro if the applicant would be willing to do this. Mr. Vaccaro said yes. He wanted assurance from the abutters that it is a screening issue and that the fill can remain but with making sure that the fill has adequate drainage and does not wash into the road.

Ms. Cohen stated that the Association is willing to have a dialogue. Basically there are two key issues: sufficient screening and that the change in grade is not used to bypass the zoning requirements and that the new house would conform to the original grade.

Mr. Vaccaro asked abutters to mark-up a site plan to illustrate changes related to these two issues for consideration.

On a motion by Mr. Sollog and seconded by Mr. Worthington, the Board voted to continue the hearing until December 8, 2015, so voted 5-0-0. Any information from the abutters would then go to Mr. Tribuna for consideration and then be brought to the Board at the December 8 meeting. A site visit prior to the December 8<sup>th</sup> meeting also was discussed.

### **Discussion on Disposition of Planting at 143 Shore Road**



The Planning Board held an on-site at the Town of Provincetown property, 143 Shore Road to inspect the landscaping and to determine if the \$10,000 bond that was posted should be released. It was noted at the site visit that one tree had been removed due to blight and another one had been trimmed as it was experiencing stress.

On a motion by Mr. Worthington and seconded by Mr. Sollog, the Board voted to release the \$10,000 bond, so voted 5-0-0. The Board directed Ms. Ridley to draft a letter that should include the intent of replacing the one removed tree and if needed, the second tree as well as an expression of gratitude for the professionalism during this project.

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

Mr. Boleyn asked about the revisit of the September 8, 2015 meeting minutes. Ms. Tobia indicated that additional information needs to be added regarding the issues during the Parker Drive hearing. These issues included items such as drainage, moving the well back from the setback and erosion concerns

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the minutes from September 8, 2015 will be amended to include the additional issues, so voted 5-0-0.

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the minutes of October 6, 2015 were approved, so voted 5-0-0.

**Other:**

The site visit for Seacrest Family Trust is scheduled for October 23, 2015 10:00 a.m. as this hearing has been rescheduled to the November 4, 2015 meeting.

The joint meeting with the Board of Selectmen has been confirmed for October 27, 2015 at 5:00 p.m.

The following meeting dates were reviewed:

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

On a motion by Mr. Sollog and seconded by Mr. Boleyn the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Shawn Grunwald  
Recording Secretary



**TRURO PLANNING BOARD**

**DRAFT**

**Meeting Minutes**

**October 16, 2015 – 10:00 am**

**143 Shore Road, Truro**

**Planning Board Members Present:** Steve Sollog, Lisa Maria Tobia, John Riemer, Bruce Boleyn,

**Members Absent:** Michael Roderick and William Worthington

**Release of Bond for Disposition of Planting at 143 Shore Road, Truro**

Presently there are 33 leyland cypress trees in alignment with the perimeter fence.

One cypress died and has been removed. One cypress is in marginal health but still in place.

There is a garden type hose providing water to approximately half of the trees, but no other irrigation.

Post note: Following the site visit Bruce Boleyn informed Provincetown DPW Adrian Peters of the reason for the site visit and Mr. Peters was very courteous and professional.



**TRURO PLANNING BOARD**

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**Meeting Minutes**

**October 23, 2015 – 10:00 am**

**54 Old Kings Highway**

**Planning Board Members Present:** Steve Sollog; John Riemer; and William Worthington

**Members Absent:** Michael Roderick, Lisa Maria Tobia, Bruce Bolyen

**Others Present:** Duane Landreth, John McElwee, Carole Ridley

**Preliminary Subdivision Application 2015-008PB, Secrest Family Trust, 54 Old Kings Highway, Truro.**

The site visit started at approximately 10:10 am due to the fact that members had parked in different areas to access the site.

John McElwee oriented members present as the location of the existing house on the proposed Preliminary plan. The layout of the existing road, Old Kings Highway, was reviewed, as was the location of the proposed cul de sac. The topography of the site also was reviewed.

Members present viewed the parcel, walked along the road, and viewed the proposed cul de sac location.

The site visit ended at approximately, 10:40 am