



# Truro Planning Board Agenda

## Remote Meeting

Wednesday, July 22, 2020 – 6:00 pm

[www.truro-ma.gov](http://www.truro-ma.gov)

### Open Meeting

This will be a remote meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website ([www.truro-ma.gov](http://www.truro-ma.gov)). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment via the link below or by calling in toll free at 1-877-309-2073 and entering the following access code when prompted: 874-908-941. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

Meeting link: [global.gotomeeting.com/join/874908941](https://global.gotomeeting.com/join/874908941)

### 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. Speakers are limited to no more than 5 minutes.

### Public Hearing – Continued

**2019-006/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer** seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.

**2020-001/PB – Nathan A. Nickerson III** seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

**Board Action/Review**

**Election of Officers**

Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.

Review of the effect of Section 50.2 of the Zoning Bylaw upon the Town of Truro to submit a report to the 2021 Truro Annual Town Meeting.

Discussion for setting dates for future Board public workshops.

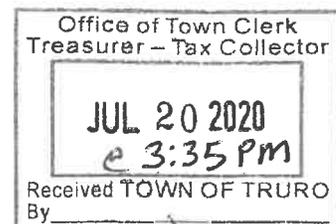
**Minutes**

June 17, 2020

**Next Meeting**

Wednesday, August 5, 2020, at 6:00 p.m.

**Adjourn**





# Planning Board

Town of Truro

24 Town Hall Road  
Truro, MA 02666  
(508) 349-7004

## Staff Report

Meeting of July 22, 2020

### **2019-006/PB – Preliminary Subdivision**

Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan, pursuant to G.L. c. 41, §81S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.

#### **Background:**

Staff proposes the following motion based on the Board's discussion at the July 8<sup>th</sup> public meeting. These proposed findings and conditions have been sent to the applicant for review and will comment on them at the meeting

#### **Motion:**

I move to approve the application for case 2019-006/PB by Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary subdivision plan based on the following specific findings and subject to the following conditions:

The Planning Board has reviewed the preliminary subdivision plan submitted by the applicant pursuant to G.L. c. 41, s. 81S, identified as on the plan titled *Preliminary Subdivision Plan of Land in Truro, Massachusetts for Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer at 1 Amity Lane, Truro, MA*, prepared by J.M. O'Reilly & Associates, Inc., dated 9/9/2019, as revised 7/15/2020. The Board makes the following findings:

1. The Plan shows Lot 3, containing an existing single-family house, with frontage on the depicted Amity Lane and unnamed "Way"; Lot 4, vacant, with frontage on the unnamed "Way"); and Lot 5, which lacks frontage on any way and is not a buildable lot.

2. The Applicant represents that Lots 4 and 5 will be conveyed to the Truro Conservation Trust.
3. The Applicant represents that neither will Amity Lane be improved nor will the unnamed "Way" be constructed until such time that Lot 4 is improved by a residence.
4. The Applicant represents that the trees identified by the Truro Fire Chief for removal as shown on the plan will be removed prior to application for a Definitive Subdivision of Land.

The Planning Board approves the preliminary plan subject to the following modifications and conditions:

1. Lot 5 shall be labelled "not a buildable lot."
2. At such time that Lot 4 is improved by a residence, Amity Lane and the unnamed "Way" shall be constructed in conformance with the Planning Board Rules and Regulations Governing the Subdivision of Lane.
3. Any further subdivision of land depicted on the Plan, or division of such land pursuant to G.L. c. 41, s. 81P shall require a modification of this subdivision plan.

### **2020-001/PB – Definitive Subdivision**

Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

### **Background:**

### **Update 7/22/2020:**

The Board of Health has submitted comments since these original comments were provided in February, which are included in the meeting packet.

### **Original Staff Comments from 2/19/2020:**

The applicant requests approval of a subdivision of land resulting in two new buildable lots off the proposed Tashmuit Way. The new road will also provide access to a portion of the property known as 3 Laura's Lane. Due to the topography of the site, it is almost certain that access to the Laura's Lane parcel would be drawn from the new road.

The proposal extends from Sawyer Grove Road, which was approved as a dead-end subdivision in 1989. While not mentioned in the decision for that subdivision, discussion by the Board and covenants attached showed a clear intent to prevent any additional subdivision roads off Sawyer Grove Road in the future. Laura's Way was

constructively approved after a failure of the Planning Board to act in 2007.

A preliminary plan proposing the creation of Tashmuit Way and the subdivision of the parcels subject to this proposal into 5 lots was reviewed by the Planning Board in 2015. During that review concerns arose about the adequacy of access to the proposed subdivision via Sawyer Grove Road. Most notably, the Board considered its requirement that dead-end roads be no longer than 1000 feet. That proposal was ultimately withdrawn by the applicant in February 2016.

The current proposal places the foot of the proposed Tashmuit Way at a similar location to the 2015 proposal, which is more than 1000 feet from the start of Sawyer Grove Road at Hughes Road. The Town Planner conferred with the Fire Chief, and they share concerns about any intensification of use along Sawyer Grove Road without the provision of secondary access.

As part of the review of the 2015 application, the Board requested an opinion from Town Counsel on three specific questions. Staff feels that these concerns and questions are significant and deserve consideration by the Board when reviewing the current proposal.

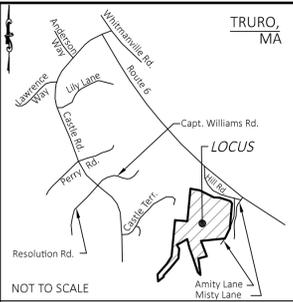
Staff had Counsel review the opinion and found the opinion and referenced case law hold true at the present. The opinion is included with your materials.

The Board of Health will review the application at its meeting on Wednesday, February 18<sup>th</sup>. Staff hopes to be able to provide an update to the Board as of the meeting, and formal comments will be distributed when available.

Staff suggests that the Board discuss the application and review any Board of Health comments available at the time of the hearing. Staff expects the hearing to be continued to allow further response to comments from the Board of Health and the public by both the applicant and town staff.

**Motion:**

I move to continue the public hearing for case 2020-001/PB, application by Nathan A. Nickerson III requesting approval of a definitive subdivision plan, to the regularly scheduled Planning Board meeting of August 5, 2020.



Plan Book 670, Page 36

**REFERENCES:**  
 PLAN BOOK 670 PAGE 36  
 ASSESSORS' MAP 46 PARCEL 8  
 TOTAL AREA = 289,230 S.F.±

**OWNERS OF RECORD**  
 AUDREY SCHIRMER  
 ABIGAIL B. SCHIRMER  
 JOSEPH M. SCHIRMER  
 DEED BOOK 14422, PAGE 64

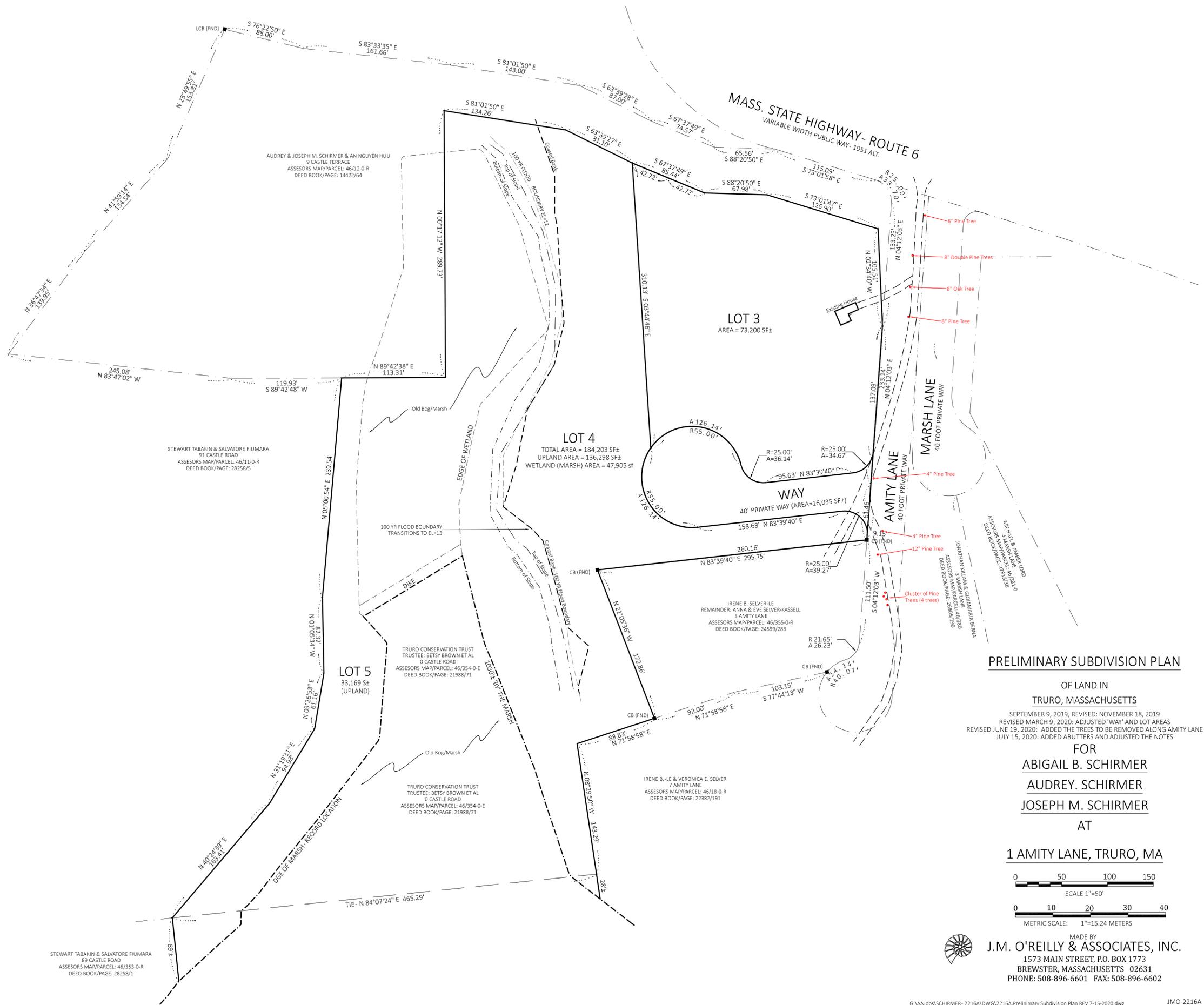
**LEGEND**

- CB CONCRETE BOUND
- LCB LAND COURT BOUND
- FND FOUND
- (TO BE SET) SURVEYORS BOUND TO BE SET

**NOTES:**

- 1.) A PORTION OF THE PROPERTY FALLS WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON FLOOD INSURANCE MAP #25001C139J
- 2.) THE 100 YEAR FLOOD BOUNDARY RANGES FROM ELEVATION 12 TO ELEVATION 13 AND IS SHOWN ON THE PLAN VIEW.
- 3.) THE 10-FOOT CONTOURS, AS SHOWN HEREON, WERE TAKEN FROM THE TOWN G.I.S. MAPPING.
- 4.) THE EDGE OF WETLAND, BOTTOM AND TOP OF SLOPE AND THE COASTAL BANK WERE LOCATED BY FIELD SURVEY, COMPLETED BY J.M. O'REILLY & ASSOCIATES, INC ON 10-16-2019, 10-25-2019 AND 11-18-2019.
- 5.) THE TREES AS SHOWN ON THE PLAN VIEW SHALL BE REMOVED SO AS TO PROVIDE THE REQUESTED CLEARANCE FROM THE TRURO FIRE DEPARTMENT.
- 6.) THE PROPOSAL DOES NOT INCLUDE ANY DRAINAGE IMPROVEMENTS, AT THIS TIME. AT THIS TIME THERE IS NO ADDITIONAL DRAINAGE FACILITIES PROPOSED ALONG AMITY LANE OR THE PROPOSED WAY.
- 7.) THE EXISTING WIDTH OF THE ROADWAY WITHIN AMITY LANE IS 8'±

ZONING REQUIREMENTS	
RESIDENTIAL ZONE	
MINIMUM LOT SIZE	33,750 SF
MINIMUM FRONTAGE	150 FEET
MINIMUM FRONT YARD DIMENSIONS	25 FEET
MINIMUM SIDE AND REAR YARD DIMENSIONS	25 FEET

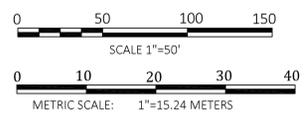


**PRELIMINARY SUBDIVISION PLAN**

OF LAND IN  
 TRURO, MASSACHUSETTS  
 SEPTEMBER 9, 2019, REVISED: NOVEMBER 18, 2019  
 REVISED MARCH 9, 2020: ADJUSTED 'WAY' AND LOT AREAS  
 REVISED JUNE 19, 2020: ADDED THE TREES TO BE REMOVED ALONG AMITY LANE  
 JULY 15, 2020: ADDED ABUTTERS AND ADJUSTED THE NOTES

FOR  
 ABIGAIL B. SCHIRMER  
 AUDREY. SCHIRMER  
 JOSEPH M. SCHIRMER  
 AT

1 AMITY LANE, TRURO, MA



MADE BY  
**J.M. O'REILLY & ASSOCIATES, INC.**  
 1573 MAIN STREET, P.O. BOX 1773  
 BREWSTER, MASSACHUSETTS 02631  
 PHONE: 508-896-6601 FAX: 508-896-6602

TOWN OF TRURO

PLANNING BOARD

Office of Town Clerk  
Treasurer - Tax Collector  
2019-008/PB  
NOV 18 2019  
\$375.00 fee Pd.  
Received TOWN OF TRURO  
By Molly Stearns

Form C  
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

Date 11/13/2019

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Definitive Subdivision Plan of Land #4-H Bay View Road and 3 Laura's Way Truro MA prepared for Nathan A. Nickerson III by Outermost Land Survey, Inc. dated May 28, 2019 and described as follows:

Located: off of Laura's Way  
Assessor's Map(s) and Parcel(s): Map 39 Parcel 77 and Parcel 325  
Number of Lots Proposed: 3 Total acreage of Tract: 7.53

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from see attached dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

Said plan has has not (circle appropriate) evolved from a preliminary plan submitted to the Board on \_\_\_\_\_ and approved/approved with modifications/disapproved (circle appropriate) on \_\_\_\_\_.

Applicant's Signature Nathan A. Nickerson III Applicant's Telephone Number 508-240-8000

Applicant's Legal Mailing Address PO Box 1568 North Eastham, MA 02651

Owner's Signature if not the applicant or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address Donald T. Poole PLS 46 Main St. Brewster, MA 02631  
(Or Person responsible for preparation of the plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



November 18, 2019

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

Re: Definitive subdivision Plan of Land #4-H Bay View Rd. and 3 Laura's Way

Dear Board Members,

Enclosed please find twelve copies of the definitive subdivision plan of land

#3 Laura's Way. The undersigned's (Nathan A. Nickerson III) title to said land is derived under deed from Laura's Way LLC dated 5/29/2015 and recorded in the Barnstable Registry of Deeds Book 28753, page 258

#4-H Bay View Road. The undersigned's (Charles S Hutchings, Jon R. Hutchings, Joan L. Hutchings and David E. Hutchings) title to said land is derived under deed from Rose L. D'Arezzo dated 3/23/15 and recorded in the Barnstable Registry of Deeds Book 28902, Page 61

Twelve copies of plans, profiles and cross section showing proposed design and location of streets, drainage and utilities, two copies of the subdivision plan at 1'=100' and a list of all abutters are enclosed as well as the application fee of \$375.00 The three road name options are Tashmuit Lane, Tashmuit Drive, Tashmuit Way. The subdivider agrees to complete proposed ways and install utilities within three years.

I would like to be placed on the next available Planning Board agenda so that we can discuss this.

Sincerely,

Donald T. Poole, P.L.S.

DTP/dls



GFM Enterprises, Inc.  
P.O. Box 1439  
Dennis, MA 02660  
Office: 508-694-5600

November 13, 2019

Truro Planning Board  
24 Town Hall Road  
Truro, MA 02666

RE: Tashmuit Lane Extension, Truro

Dear Planning Board Members,

As per the requirements of the Town of Truro Rules and Regulations Governing the Subdivision of Land, GFM Enterprises, Inc. has completed the attached calculations to show the drainage, as currently proposed, has been designed to handle a 50-year storm.

Please call if you have any questions or require any additional information.

Thank you.

A handwritten signature in black ink, appearing to read "Keith Fernandes", written over a horizontal line.

Keith Fernandes, PE  
GFM Enterprises, Inc.

Enclosed - Drainage Calculations  
Drainage Design Sketch Plan



GFM Enterprises, Inc.  
P.O. Box 1439  
Dennis, MA 02660  
Office: 508-694-5600

## **DRAINAGE AREA #1 (DA#1) Calculations**

Total Area = 13,500 SF (0.31 Acres)  
Paved Area = 1,750 SF (0.04 Acres)  
Grass Area (Steep Slope) = 11,750 SF (0.27 Acres)  
Length of Stormwater Flow = 150'  
Slope = 10%

$C_{pave} = 0.9$                    $C_{grass} = 0.5$

$C_{ave} = 0.55$

$Q = CIA = (0.55)(6.6)(0.31) = 1.13 \text{ cf/sec} = 507.1 \text{ gal/min}$

Soil Percolation Rate is less than 2 min/inch so use a **Ration of Q to Leaching Area of 0.7**

$507.1/0.7 = 725 \text{ SF of Leaching Required For Drainage Area \#1}$

## **DRAINAGE AREA #2 (DA#2) Calculations**

Total Area = 34,250 SF (0.79 Acres)  
Paved Area = 3,825 SF (0.09 Acres)  
Grass Area (Steep Slope) = 30,425 SF (0.70 Acres)  
Length of Stormwater Flow = 260'  
Slope = 8%

$C_{pave} = 0.9$                    $C_{grass} = 0.5$

$C_{ave} = 0.55$

$Q = CIA = (0.55)(5.2)(0.79) = 2.26 \text{ cf/sec} = 1014 \text{ gal/min}$

Soil Percolation Rate is less than 2 min/inch so use a **Ration of Q to Leaching Area of 0.7**

$1014/0.7 = 1449 \text{ SF of Leaching Required For Drainage Area \#2}$

**A 36' x 36' x 6.5 Leaching Facility provides 2,232 SF of leaching which is greater than 2,174 SF required (725 + 1449).**

## DRAINAGE AREA #3 (DA#3) Calculations

Total Area = 12,250 SF (0.28 Acres)  
Paved Area = 2,975 SF (0.07 Acres)  
Grass Area (Steep Slope) = 9,275 SF (0.21 Acres)  
Length of Stormwater Flow = 200'  
Slope = 6.5%

C<sub>pave</sub> = 0.9                  C<sub>grass</sub> = 0.5

C<sub>ave</sub> = 0.6

$Q = CIA = (0.6)(5.5)(0.28) = 0.92 \text{ cf/sec} = 412.9 \text{ gal/min}$

Soil Percolation Rate is less than 2 min/inch so use a **Ration of Q to Leaching Area of 0.7**

$412.9/0.7 = 590 \text{ SF of Leaching Required For Drainage Area \#3}$

**A 24' x 8' x 6.5 Leaching Facility provides 608 SF of leaching which is greater than 590 SF required.**

## DRAINAGE AREA #4 (DA#4) Calculations

Total Area = 2,900 SF (0.07 Acres)  
Paved Area = 965 SF (0.02 Acres)  
Gravel Area = 315 SF (0.01 Acres)  
Grass Area (Steep Slope) = 1,620 SF (0.04 Acres)  
Length of Stormwater Flow = 75'  
Slope = 1.3%

C<sub>pave</sub> = 0.9                  C<sub>grass</sub> = 0.4                  C<sub>gravel</sub> = 0.5

C<sub>ave</sub> = 0.56

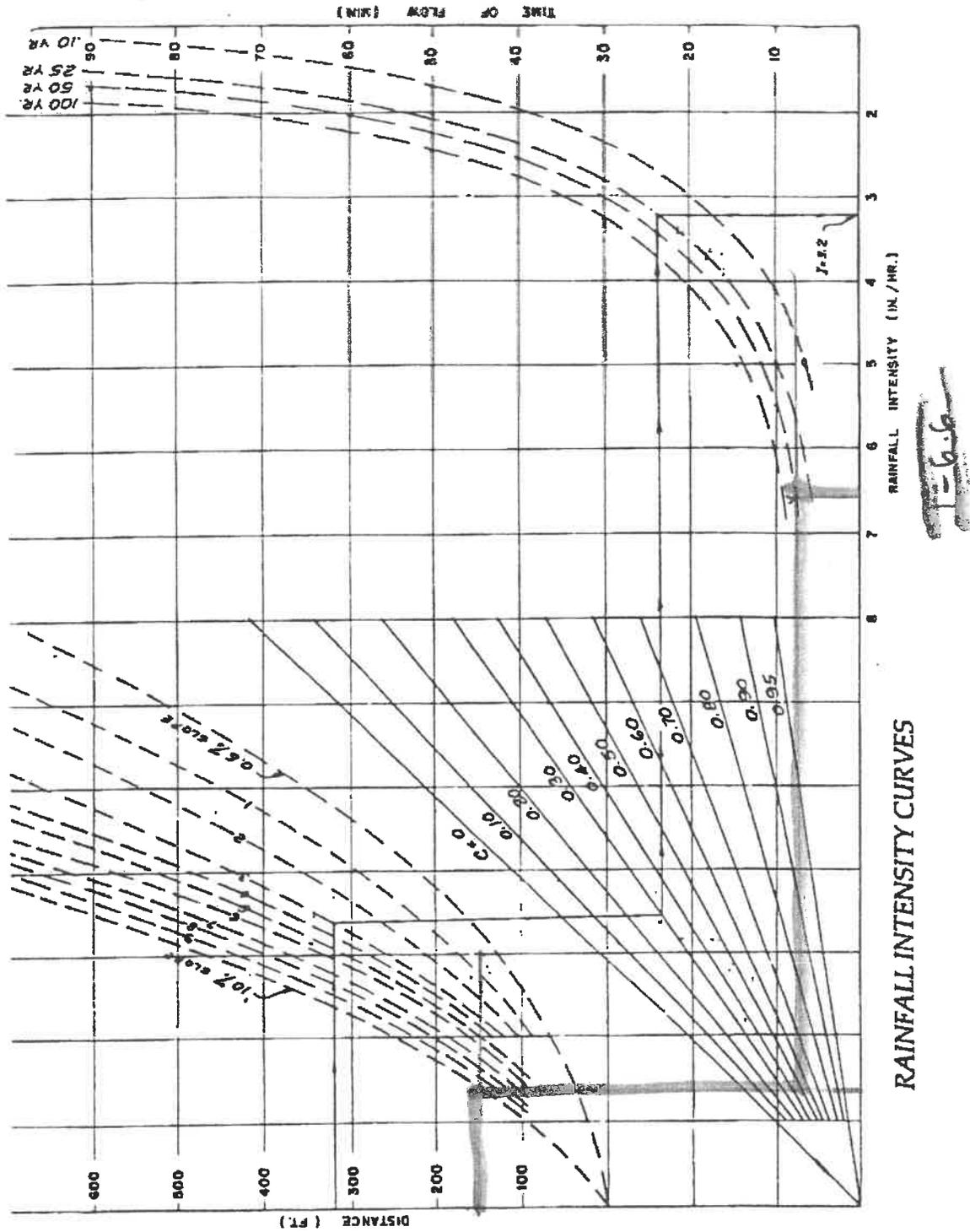
$Q = CIA = (0.56)(5.5)(0.07) = 0.22 \text{ cf/sec} = 98.7 \text{ gal/min}$

Soil Percolation Rate is less than 2 min/inch so use a **Ration of Q to Leaching Area of 0.7**

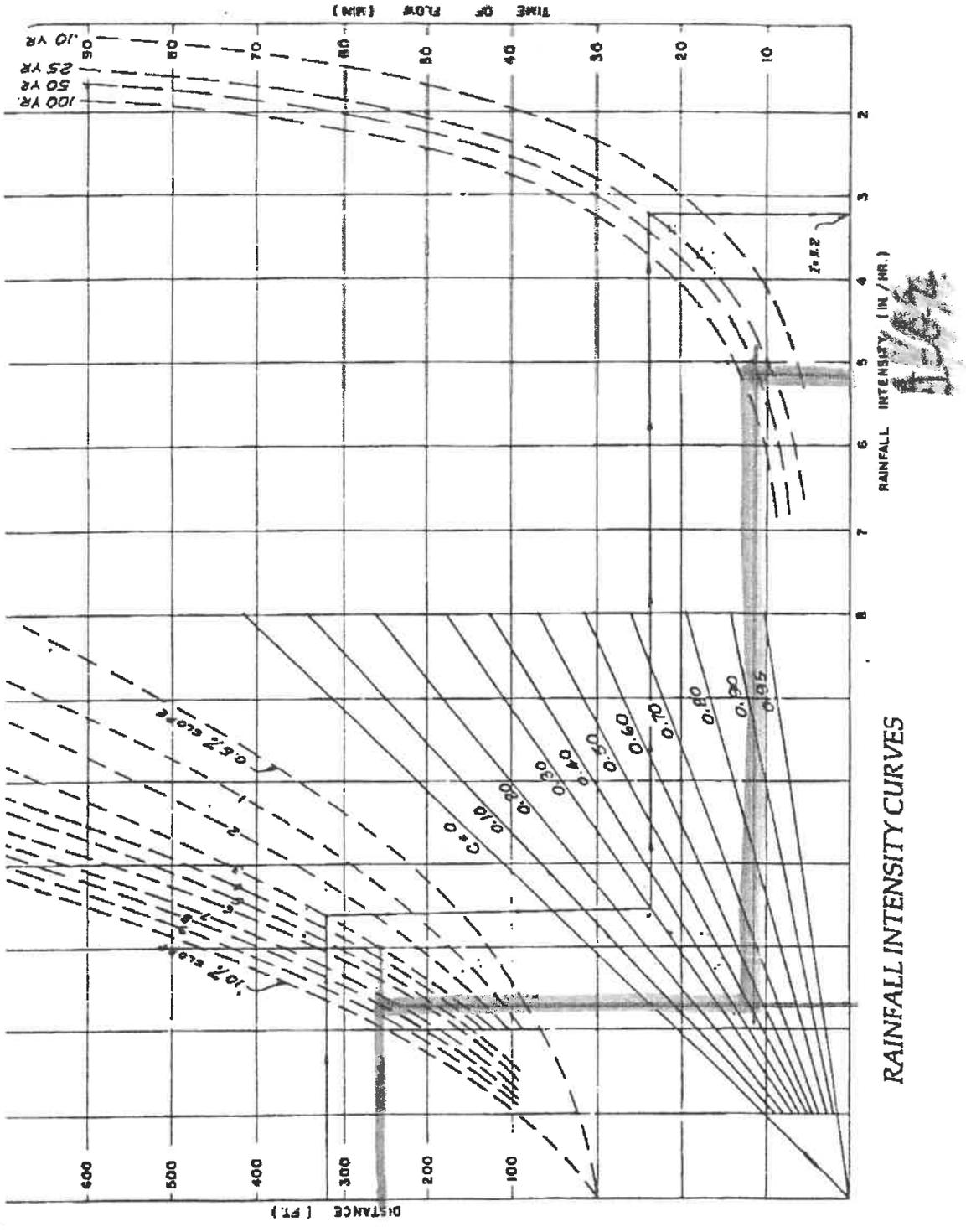
$98.7/0.7 = 141 \text{ SF of Leaching Required For Drainage Area \#4}$

**A 6' Leaching Pit with 1' of Stone Around it provides 201 SF of leaching which is greater than 141 SF required.**

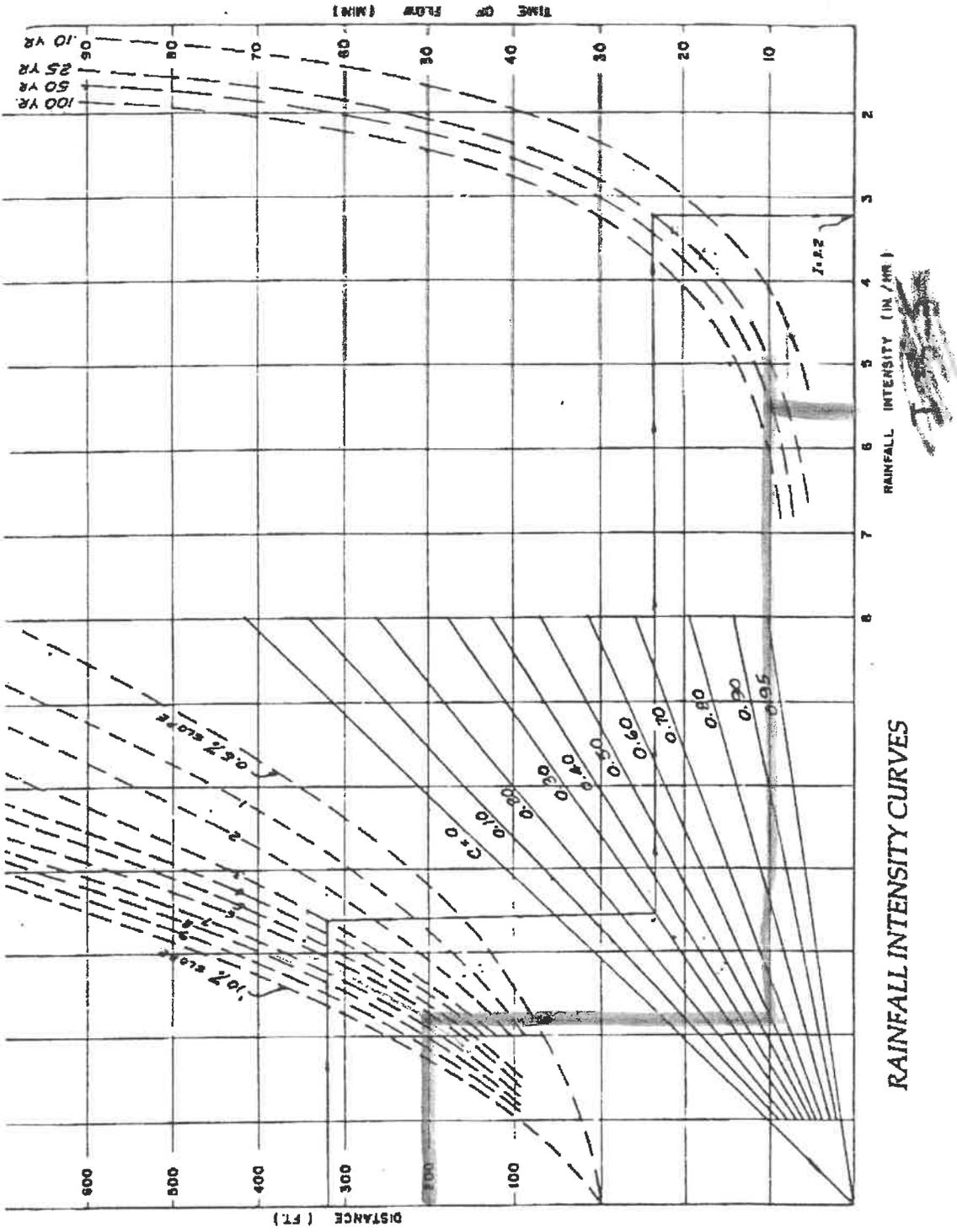
# DRAINAGE AREA #1



# DRAINAGE AREA #2

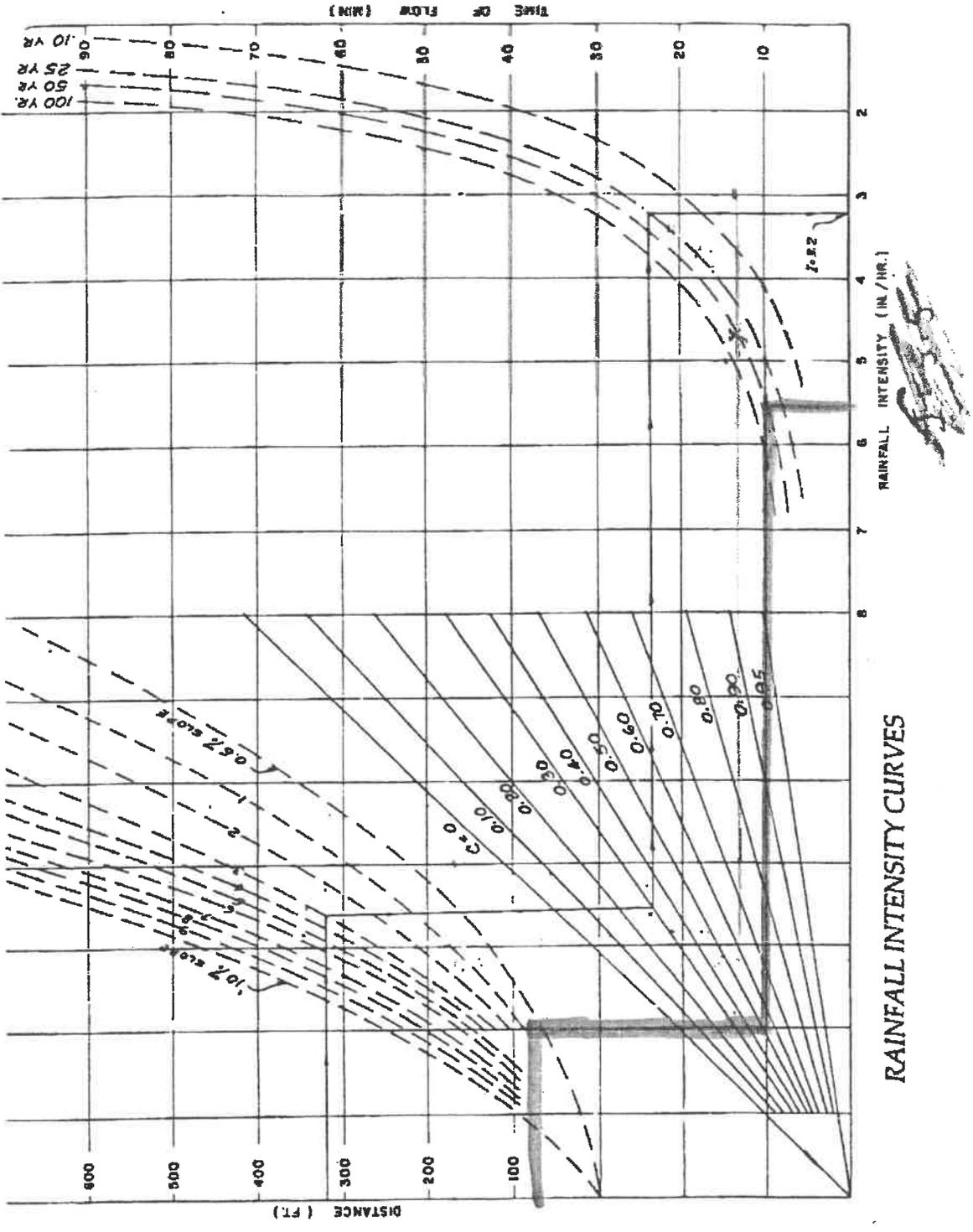


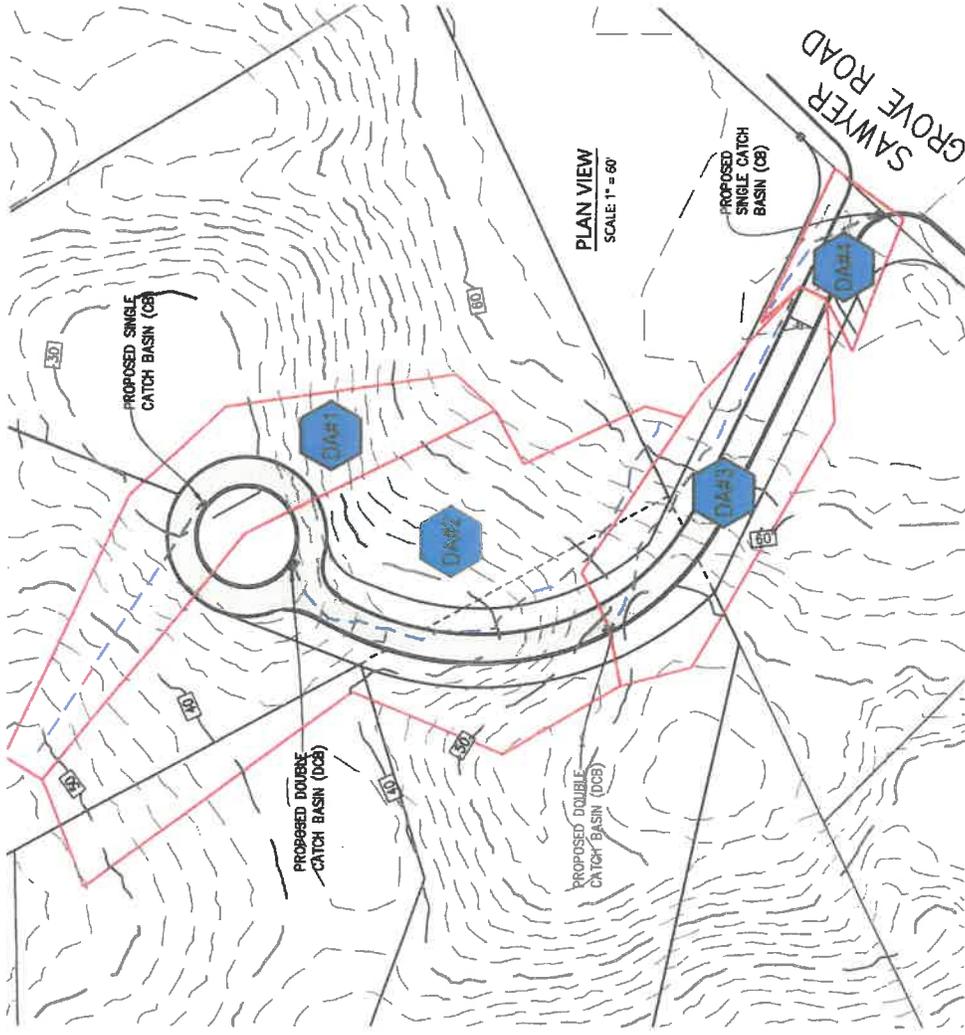
# DRAINAGE AREA #3



RAINFALL INTENSITY CURVES

# DRAINAGE AREA #4





LEGEND	
	SUBCATCHMENT DRAINAGE AREA DESIGNATION
	DRAINAGE AREA BOUNDARY
	STORMWATER FLOW LINE



GFM ENTERPRISES, INC.  
500 W. HIGHWAY 107  
SOUTH DENNIS, MA 02686  
PHONE: 508-694-5600  
www.gfmexcavating.com

SUB:	TASHMUT LANE EXTENSION TRURO, MA 02686
TITLE:	DRAINAGE DESIGN SKETCH PLAN
SCALE:	1" = 60'
DATE:	11/13/2019
DRAWN BY:	KEF
CHECKED BY:	KEF
PROJECT NO.:	6041
REVISION:	6041-DRAINAGE SKETCH.dwg
REVISED BY:	N/A

**General**

1. CONTOURS PER THE 2013-2104 USGS CMG LIDAR: POST SANDY (MA, NH, RI) PROVIDED BY THE NOAA OFFICE FOR COASTAL MANAGEMENT.



Truro MA Board of Health Date: \_\_\_\_\_



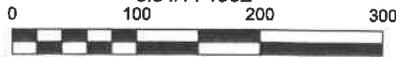
LOCUS Map (not to scale)

For Registry Use

Truro MA Planning Board Date: \_\_\_\_\_

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.

**Definitive Subdivision Plan of Land  
#4-H Bay View Road and 3 Laura's Way,  
Truro MA**  
prepared for  
**Nathan A. Nickerson III**  
Scale 1" = 100' May 28, 2019  
ols #774002



Owner:  
3 Laura's Way, Assessor's Map 30, Parcel 325; Nickerson Realty Trust Deed Book 26902,  
Page 61. Mail: PO Box 1558, North Eastham MA 02651

4-H Bay View Road, Assessor's Map 35, Parcel 77; Charles S. Hutchings, Jon R. Hutchings,  
Joan L. Hutchings, and David E. Hutchings; Deed Book 26763, Page 252.  
Mail: 618 County Road, Unit 2, Mattapoisett, MA 02726

**Lot 3**  
Area = 121,832± Sq.Ft. or  
2.80 Acres

Green Space Area = 33,294± Sq.Ft.  
Buildable Lot Area = 88,538± Sq.Ft.

**Lot 1**  
Area = 67,161± Sq.Ft. or  
1.54 Acres

Green Space Area = 27,197± Sq.Ft.  
Buildable Lot Area = 39,964± Sq.Ft.

**LOT 2A**  
Remainder Lot 2, Plan Book 637, Page 7  
Area = 42,872± Sq.Ft. or  
0.98 Acres

**Protected Green Space**  
**NOT A BUILDING LOT**  
Area = 85,491± Sq.Ft. or 1.96 Acres

- \_\_\_\_\_ Date of Preliminary Application
- \_\_\_\_\_ Date of Preliminary Approval
- \_\_\_\_\_ Date of Definitive Application
- \_\_\_\_\_ Date of Definitive Approval
- \_\_\_\_\_ Date of Definitive Endorsement

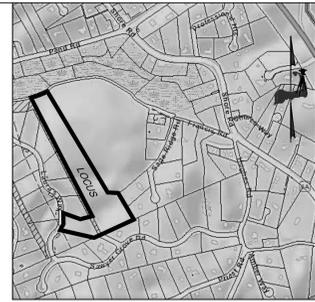
Notes:  
Zoning District is Residential  
Utilities shall be underground.  
Legend: □ = Concrete Bound with Drill Hole Found  
    ○ = Concrete Bound with Drill Hole to be set  
Lot 2A, shown on this plan is the Remainder portion of Lot 2,  
Plan Book 637, Page 7.  
Gross Area of Land within the Perimeter of the Subdivision  
328,193± Sq.Ft. or 7.53 Acres.  
Gross Area of the Road right of way and cut-de-sac  
14,072 Sq.Ft. or 0.32 Acres.  
Lot areas, as shown, are all contiguous upland areas.  
Base Flood Elevation is Zone "X", Area of Minimal Flood  
hazard, as show on FIRM Panel 25001C0139J, Truro MA.  
Permanent Bounds are to be set at all points of curvature  
changes in direction of street side lines and at all lot  
corners, as appropriate.

I hereby certify that this plan was prepared in accordance with the Rules and Regulations of the Registry of Deeds as adopted Jan 1, 1976, and amended Jan. 1, 1998.

Donald T. Poole PLS #329652 Date \_\_\_\_\_



Truro MA Board of Health Date: \_\_\_\_\_



LOCUS Map (not to scale)

For Registry Use

Truro MA Planning Board Date: \_\_\_\_\_

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.

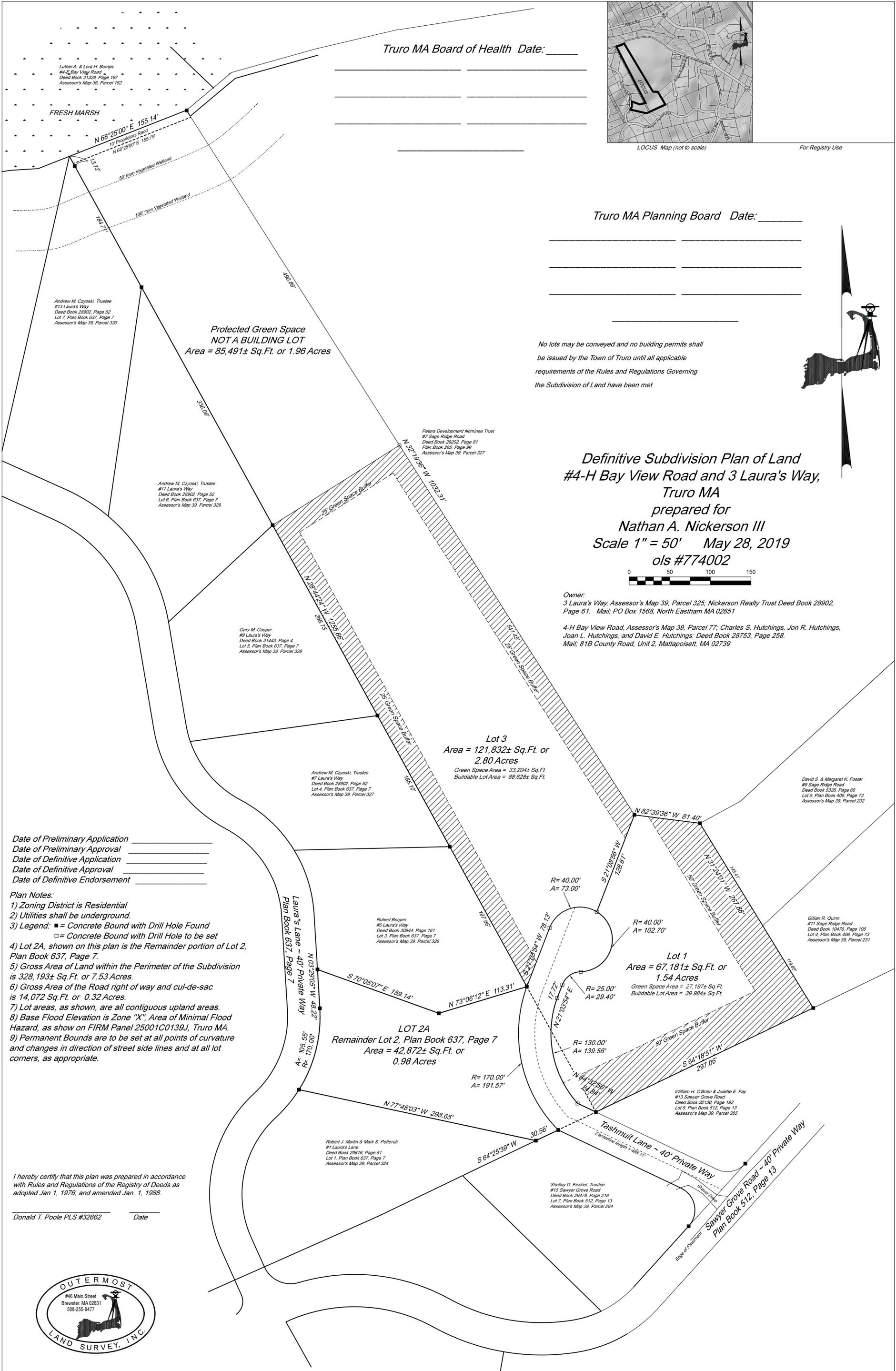


**Definitive Subdivision Plan of Land  
#4-H Bay View Road and 3 Laura's Way,  
Truro MA  
prepared for  
Nathan A. Nickerson III  
Scale 1" = 50' May 28, 2019  
ols #774002**



Owner:  
3 Laura's Way, Assessor's Map 39, Parcel 325; Nickerson Realty Trust Deed Book 28902, Page 61. Mail; PO Box 1568, North Eastham MA 02651

4-H Bay View Road, Assessor's Map 39, Parcel 77; Charles S. Hutchings, Jon R. Hutchings, Joan L. Hutchings, and David E. Hutchings; Deed Book 28753, Page 258. Mail; 81B County Road, Unit 2, Mattapoisett, MA 02739



**Protected Green Space  
NOT A BUILDING LOT  
Area = 85,491± Sq.Ft. or 1.96 Acres**

**Lot 3  
Area = 121,832± Sq.Ft. or  
2.80 Acres  
Green Space Area = 33,204± Sq.Ft.  
Buildable Lot Area = 88,628± Sq.Ft.**

**Lot 1  
Area = 67,181± Sq.Ft. or  
1.54 Acres  
Green Space Area = 27,197± Sq.Ft.  
Buildable Lot Area = 39,984± Sq.Ft.**

**LOT 2A  
Remainder Lot 2, Plan Book 637, Page 7  
Area = 42,872± Sq.Ft. or  
0.98 Acres**

Date of Preliminary Application \_\_\_\_\_  
Date of Preliminary Approval \_\_\_\_\_  
Date of Definitive Application \_\_\_\_\_  
Date of Definitive Approval \_\_\_\_\_  
Date of Definitive Endorsement \_\_\_\_\_

- Plan Notes:**
- 1) Zoning District is Residential
  - 2) Utilities shall be underground.
  - 3) Legend: ■ = Concrete Bound with Drill Hole Found  
□ = Concrete Bound with Drill Hole to be set
  - 4) Lot 2A, shown on this plan is the Remainder portion of Lot 2, Plan Book 637, Page 7.
  - 5) Gross Area of Land within the Perimeter of the Subdivision is 328,193± Sq.Ft. or 7.53 Acres.
  - 6) Gross Area of the Road right of way and cul-de-sac is 14,072 Sq.Ft. or 0.32 Acres.
  - 7) Lot areas, as shown, are all contiguous upland areas.
  - 8) Base Flood Elevation is Zone "X", Area of Minimal Flood Hazard, as show on FIRM Panel 25001C0139J, Truro MA.
  - 9) Permanent Bounds are to be set at all points of curvature and changes in direction of street side lines and at all lot corners, as appropriate.

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

Donald T. Poole PLS #32662 \_\_\_\_\_ Date \_\_\_\_\_





**TOWN OF TRURO**  
**HEALTH & CONSERVATION DEPARTMENT**  
24 Town Hall Road, Truro 02666  
508-349-7004 x119

Memo to: Truro Planning Board  
From: Emily Beebe, Health Agent  
Date: February 26, 2020

Re: Definitive subdivision plan for # 4H Bayview Road and #3 Laura's way

At their February 18 public meeting the Board of Health reviewed the referenced definitive subdivision plan currently before the Planning Board.

Their review was focused on the suitability of the proposed new areas for building sites. They also reviewed the proposal with a broader view of identifying the potential for public health problems that may arise from this subdivision.

- The size of the lots is significantly greater than the surrounding lots and they are regularly shaped; no issues for siting both a private well and an un-varianced septic system on any of these lots are anticipated.
- Both lots# 1 and #3 may end up being developed with larger than normal flows due to their lot area. Truro Board of Health regulations "capture" wastewater design flows that exceed 600 gallons per day, triggering the requirement that a Nitrogen reducing (I/A) septic system be used.
- The area shown as "protected green space" was discussed, and a question arose as to the mechanism by which the area would be protected. It is presumed that the "protected green space" will have a conservation restriction (CR) recorded on the deed and the CR held by the Truro Conservation Trust; or, that the developers are planning to sell/donate this parcel to the Truro Conservation Trust to protect it as green space. The Board of Health suggested that this issue be explored by the Planning Board prior to granting any approvals, as the designation of "protected green space" was taken at face value by the Board of Health, and that this lot would in fact, be protected as green space; therefore, it was not reviewed as a building lot.
- Proper storm-water designs must be included in the development of the properties and the private way to ensure on-site infiltration of all stormwater flows.
- No public health problems have been identified in this area, provided that stormwater and wastewater are properly managed, and that private well water is tested and results submitted to the Health Department.



KOPELMAN AND PAIGE, P.C.

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F: 617.654.1735  
www.k-plaw.com

**Jonathan M. Silverstein**  
jsilverstein@k-plaw.com

February 16, 2016

Planning Board  
24 Town Hall Road  
Truro, MA 02666

Re: D'Arezzo Hutchings Preliminary Subdivision Plan

Dear Members of the Planning Board:

You have requested an opinion regarding the Planning Board's review of a Preliminary Subdivision Plan for Rose L. D'Arezzo, Charles S. Hutchings, Jon R. Hutchings, Joan L. Hutchings, Joan L. Hutchings and David E. Hutchings ("D'Arezzo Hutchings Plan"), dated February 15, 2015 and revised on November 30, 2015, which was filed with the Planning Board by D'Arezzo and the Hutchings ("Applicants"). In particular, you have asked the following three questions:

1. Whether access to the proposed subdivision roadway, Tashmuit Lane, over an existing subdivision roadway, Sawyer Grove Road, is precluded by a condition in the approval of the Helen Sawyer Subdivision restricting the use of that roadway for construction of any ways to adjoining land;
2. Whether the Planning Board should consider the D'Arezzo Hutchings Plan separate from the Helen Sawyer Subdivision and the Czyoski Subdivision for purposes of determining whether a secondary means of access is required under Section 3.5.6 of the Town's Subdivision Rules and Regulations;
3. Whether, for purposes of Section 3.6.6 of the Subdivision Rules and Regulations, the distance of Tashmuit Lane as a dead-end street should be measured from the intersection of Tashmuit Lane and Sawyer Grove Road or from the intersection of Sawyer Grove Road and Hughes Road, which is the nearest public way.

I will address each issue separately below.

**A. Factual Background**

Based on my review of the documents you provided, it is my understanding that the Applicants seek approval for a five-lot subdivision, which includes the construction of Tashmuit Lane, a new, dead-end way that would branch off from an existing dead-end road known as Sawyer Grove Road. I understand that Sawyer Grove Road was constructed pursuant to the "Helen Sawyer Reserve at North Truro" Definitive Subdivision Plan (the "Helen Sawyer Subdivision"), which was endorsed by the Planning Board on February 7, 1990. I further

Planning Board  
February 16, 2016  
Page 2

understand that Sawyer Grove Road has not been laid out and accepted by the Town as a public way.

As part of its approval of the Helen Sawyer Subdivision, the Planning Board granted certain design waivers and intended, in connection with those waivers, to impose a condition that Sawyer Grove Road only be used to serve the seventeen-lot Helen Sawyer Subdivision. However, this condition was not recorded as part of a subdivision approval decision or endorsed on the definitive plan. Rather, the condition was among a list of conditions attached to the Form D covenant recorded with the Barnstable County Registry of Deeds, Book 7061, Page 92, to ensure completion of the subdivision infrastructure. The condition provides as follows:

Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.

It appears that, on December 3, 1997, the Board executed a release of the covenant, having determined that the infrastructure necessary for the subdivision was completed in accordance with the plans. The Form F Release states that the Board was releasing “its interest in the performance security referred to above [e.g. the covenant].” It does not appear that any other document memorializing the condition regarding connection to Sawyer Grove Road has ever been recorded.

You have informed me that a second subdivision on land adjacent to the Helen Sawyer Subdivision, owned by the Czyoski Family, was constructively approved in 2007 (the “Czyoski Subdivision”). The Czyoski Subdivision provided for the construction of Laura’s Way, a dead-end subdivision roadway serving fifteen (15) lots. Sawyer Grove Road provides the sole access for Laura’s Way.

## **B. Legal Analysis**

1. Whether access to Tashmuit Lane over Sawyer Grove Road is precluded by the condition attached to the Form D covenant.

It is clear from the meeting minutes and other documents with which you have provided me that the Board intended to prevent connection of other subdivisions through Sawyer Grove Road. The minutes of the Planning Board hearings from 1989 indicate that the Planning Board voted to impose a condition on the Helen Sawyer Subdivision that a covenant be recorded restricting the use of Sawyer Grove Road to the seventeen-lot subdivision, because the Planning Board concluded that the road is “insufficient and inadequate to serve development of any adjacent property, which will require additional and separate access and roads.” However, this condition was not endorsed on the definitive plan or in a separate decision. Rather, it was only

Planning Board  
February 16, 2016  
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included as an attachment to the Form D covenant. Moreover, the recorded covenant, which was signed by all members of the Planning Board, does not preclude connection to adjoining subdivisions (as indicated in the Board's meeting minutes), but simply provides that "[a]pproval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land." Moreover, the Board released the Form D Covenant (to which the condition was attached) 1997.

As stated by the Supreme Judicial Court in Green v. Board of Appeals of Norwood, 358 Mass. 253, 262 (1970):

Various provisions of the subdivision control law indicate that such agreements (affecting plans) made with planning boards, or conditions on the approval of plans imposed by planning boards, to be effective as restraints upon the use of land by reason of the subdivision control law (at least as to purchasers of land covered by a subdivision plan without actual notice of the agreement or condition), must be either inscribed on the plan or contained in a separate document referred to on the plan. [Emphasis added].

Here, there was an instrument of record containing the condition regarding connection of abutting land to the subdivision roadway. However, it would be a question of fact, in my opinion, whether the inclusion of this condition in the Form D covenant, rather than on the definitive plan itself or in some other document, and the Board's subsequent release of the Form D covenant would render the condition unenforceable against future applicants. One pertinent fact to determine would be whether the current Applicants purchased their property with knowledge of the subject condition. I note that the original approved subdivision plan appears to include a road spur leading the current Applicants' property, which could lead a good-faith purchaser to believe connection was contemplated by the Board when the plan was originally endorsed.

Nevertheless, it is my opinion that, since Sawyer Grove Road has not been laid out or accepted by the Town as a public way, the Board may consider the adequacy of Sawyer Grove Road to provide access for additional subdivision lots, pursuant to Section 3.9 of the Subdivision Rules and Regulations. That section provides, in part:

The Board may disapprove a plan if it determines that access roads to the subdivision are inadequate to carry the volume of traffic reasonably anticipated. The applicant shall show to the satisfaction of the Board that the roads and ways to and from the proposed subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel and adequate circulation for the projected volume of traffic including, but not limited to a way or ways having sufficient width, suitable grades and adequate construction to provide for vehicular traffic.

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In light of the fact that the Board previously determined that Sawyer Grove Road is “insufficient and inadequate to serve development of any adjacent property, which will require additional and separate access and roads,” absent changed circumstances, it would appear reasonable for the Board to determine that the development of additional subdivision lots on adjoining land requires “additional and separate access and roads.”

2. Is secondary access required for the Applicants’ proposed subdivision?

It is my opinion that secondary access to the D’Arezzo Hutchings Subdivision would not be absolutely required under Section 3.6.5 of the Town’s Subdivision Rules and Regulations, because the combined number of lots in the D’Arezzo Hutchings Subdivision and the Helen Sawyer Subdivision would not exceed thirty (30).

Section 3.6.5 of the Subdivision Rules and Regulations provides that “[s]ubdivisions containing a total of thirty (30) or more lots shall provide more than a single access from an existing street. For this purpose, ‘total number of lots’ includes the lots fronting on pre-existing subdivision roads used for access to the proposed subdivision as well as new proposed lots.” (Emphasis added). It is my understanding that the Helen Sawyer Subdivision has seventeen lots and the Applicants propose five lots. Thus, the total number of lots would be less than 30. In my opinion, based upon the specific language of Section 3.6.5, the fifteen lots comprising the Czyoski Subdivision would not be included in this calculation, because Laura’s Way does not provide access to the Applicants’ proposed subdivision. In the event the Board wishes the secondary access requirement to apply in such circumstances, I recommend that Section 3.6.5 be revised to read: “For this purpose, ‘total number of lots’ includes the lots fronting on pre-existing subdivision roads used for access to the proposed subdivision, lots relying upon such pre-existing subdivision roads as the sole access to the roads upon which they front, as well as new proposed lots.” [Emphasis depicting potential new language]. In my opinion, such a regulation would be reasonable, since the intent of the secondary-access requirement is clearly to require secondary access where a network of subdivision roadways provides sole access to thirty or more lots.

I additionally note that the Planning Board has the authority to require secondary access for any size subdivision, if it determines such access is required for the public safety and convenience. See Subdivision Rules and Regulations, Section 3.9 (“The Board may require that a secondary access be provided for any size subdivision for demonstrated reasons of public safety and convenience.”). Such a determination by the Board in this case would appear to be reasonable, given the facts that: (1) Sawyer Grove Road benefited from design waivers from the Board when the plan was first endorsed; (2) in granting such waivers the Board clearly determined that Sawyer Grove Road was not adequate to provide access to more than the 17 lots initially approved; and (3) the constructive approval of the Czyoski subdivision has already nearly doubled the number of lots accessed by Sawyer Grove Road beyond what the Board initially approved.

Planning Board  
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3. Calculating the distance of Tashmuit Way as a dead-end street.

Section 3.6.6(a) of the Subdivision Rules and Regulations provides that “[t]he length of dead-end street should not exceed one thousand (1000) feet, and the dead-end street shall include at the end a turnaround having a property-line diameter of at least eighty (80) feet.” This Section further provides that the “[l]ength of the street shall be measured along the centerline to the end of the turnaround.” Section 3.6.6 does not specifically address the issue of connecting dead-end streets. In my opinion, the Board may reasonably determine that the dead-end street restriction applies to the combined length of the private roadways providing a single means of accessing the proposed subdivision from the nearest public way, in this case Hughes Road. Dead-end road limitations such as Section 3.6.6:

are enacted because of a concern that the blocking of a dead-end street, as by a fallen tree or an automobile accident, will prevent access to the homes beyond the blockage particularly by fire engines, ambulances, and other emergency equipment; the size of the turnaround provided at the closed end of the road does nothing to mitigate that concern and may even be said to increase it (at least so long as so much of the dead-end road as is not part of the turnaround exceeds the maximum length provided for in the regulation).”

Wheatley v. Planning Board of Hingham, 7 Mass. App. Ct. 435, 451 (1979).

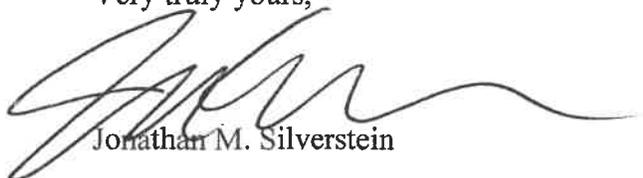
Clearly, the above-described purpose of limiting single-access roadways for public safety purposes would be ill-served if the Board could not calculate the length of a new dead-end street by combining it with the length of an existing dead-end street, to which the new street is proposed to connect. Moreover, such an interpretation would encourage segmentation of subdivision proposals to avoid application of the dead-end street requirement. Cf., e.g., Ten Persons of Com. v. Fellsway Dev. LLC, 460 Mass. 366, 370 (2011) (“under anti-segmentation regulations, the proponent of a private project and any participating agency ‘may not phase or segment a Project to evade, defer or curtail MEPA review.’”); White v. Armour, 16 LRC 748 (Mass. Land Ct. Nov. 19, 2008) (construction of a home cannot be phased for purposes of avoiding the site plan review process).

**KOPELMAN AND PAIGE, P.C.**

Planning Board  
February 16, 2016  
Page 6

If you have any further question or concerns regarding this matter please do not hesitate to contact me.

Very truly yours,



Jonathan M. Silverstein

JMS/jam

cc: Town Administrator ✓  
Carole Ridley, Planning Consultant

547339/TRUR/0082

January 31, 2020

Truro Planning Board  
Town of Truro  
24 Town Hall Road  
PO Box 2030  
Truro, MA 02666

**TO:**

Anne Greenbaum, Chair  
Karen Tosh, Vice Chair  
R. Bruce Boleyn, Member  
Peter Herridge, Member  
Paul Kiernan, Member  
Steve Sollog, Member  
Jack Riemer, Clerk

**CC:**

Kelly Sullivan-Clark, Assistant Town Administrator  
Jeffrey Ribeiro, Town Planner

**RE: Public Notice 2020-001/PB Nathan Nickerson III seeks approval of a Definitive Subdivision Plan.**

---

As a resident of Truro, I would like to take this opportunity to inform the Planning Board members of my objection to Mr. Nickerson's plan.

There are several concerns I have regarding the increased traffic, the amplification of existing hazards, the lack of proper egress and the ruination of our 'Truro way of life' resulting from the approval and subsequent development of this subdivision.

The configuration of Sawyer Grove Road with its steep hills and abrupt curves creates several blind spots for drivers and pedestrians. During the summer months, the vehicle and foot traffic increases significantly. Every summer for the last 12 years, I witness or experience near misses as a driver, a pedestrian and a cyclist. I have flagged down more than one driver asking them not to park on the road curves, to slow down and to drive in a more cautious and considerate manner. In fact, I and other residents informed our new neighbors not to allow their young children to bicycle up and down the street as they were doing this summer, for fear that a serious accident would occur.

I wrote a similar letter three years ago when the preliminary subdivision plan was submitted and withdrawn. The lots on Laura's Way had not yet been developed and I had noted my concern about the traffic impact once the development occurred. Indeed, with the development of half the lots, the traffic has already doubled and tripled further exacerbating the existing hazardous conditions of the road. Also, the continuous noise of the heavy trucks hauling dirt and equipment and the dramatic increase of speeding work vehicles during the development of the Laura's Way properties most notably in the offseason has been extremely unsettling and disruptive.

I am further concerned about the position of the proposed road, Tashmuit Lane, between 13 and 15 Sawyer Grove Road as it is on a curve within a few hundred feet of 4 driveways (including mine at #14)

creating another hazardous condition. With the configuration of the road and the vegetation, I already have some difficulty getting out of my driveway. Adding more factors to this situation will only further increase this difficulty and the potential of a serious accident.

The proposal also identifies only Sawyer Grove Road as the solitary means of egress. Sawyer Grove Road (17 lots) is also the only means of egress for Laura's Way (15 lots). The total of 32 lots for these two roads already exceed the 30-lot maximum as defined in the Town of Truro Rules and Regulations Governing the Subdivision of Land item 3.6.5. I do assume that the maximum number of lots being '30' is not a random number but has been thoroughly scrutinized and established to be in the best overall interest of the subdivision residents and of the general public. The allowance of the 15 lots on Laura's Way has already exceeded the 30-lot maximum, continuing to exceed the maximum will only increase our concerns about roadway conditions and public safety. Furthermore, retaining one means of egress means that Sawyer Grove Road will bear the full brunt of traffic caused by both the development of these additional properties and the eventual occupants. As you are aware, Sawyer Grove Road is a private road. The residents have already noticed some significant damage to the road as a direct result of the heavy trucks and equipment used to develop Laura's way. Adding more vehicular traffic for the development and occupation of these additional lots will also add to the further degradation of our road creating additional safety concerns. Damage to the road will also create a financial burden to the residents of Sawyer Grove Road for road maintenance. As residents of this road we get only the noise, disruption, risk to safety, traffic and financial disadvantages of this proposed development with absolutely no benefits.

Lastly, as a voting member of the Town of Truro, I wholehearted and enthusiastically voted during the 2019 Annual Town Meeting for the purchase of the Walsh property as a means to preserve, protect and thoughtfully plan the use of 'one of the last, large undeveloped parcels of land in Truro'. I listened to many impassioned pleas from concerned citizens wanting to maintain the quiet and pastoral 'Truro way of life'. This 'Truro way of life' is the primary reason I purchased my home 12 years ago and have chosen to become a permanent resident and retire here. My wife and I (and other residents) were taken by surprise with the approval to allow the Laura's Way development but we decided to stay. I believe the addition of even more residents and traffic will have a significant and lasting impact on the feel of our neighborhood and the way we feel about Truro as the best place to retire. It will force us to reconsider our decision.

It is my overall opinion that the addition of another road and subdivision will have a significant detrimental long-term impact to our neighborhood without any positive outcomes or offsetting benefits for the home owners of Sawyer Grove Road.

Therefore, I oppose and encourage the board to reject Mr. Nickerson's proposal for an additional subdivision of our neighborhood.

Respectfully,



Donna M. Gagnon

14 Sawyer Grove Road  
PO Box 188  
North Truro, MA, 02652

**STONE & REID**  
**ATTORNEYS AT LAW**  
A PROFESSIONAL ASSOCIATION •  
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DAVID S. REID, ESQ.  
DSReid@verizon.net

MICHAEL F. STONE, ESQ.  
MFStoneEsq@comcast.net

February 13, 2020

Truro Planning Board  
P O Box 2030  
Truro MA 02666

RE: Nathan A. Nickerson III, et al  
# 2020-001 PB

Dear Chairman Greenbaum,

I represent Ms. Shelley Fischel, of 15 Sawyer Grove Road, Truro ( Lot 7). Her property abuts the proposed way labeled Tashmuit Lane, which is the subject of your hearing scheduled for February 19<sup>th</sup>. On behalf of Ms. Fischel, we wish to voice our objections to the approval of this subdivision, for the following reasons:

- 1) I assume the Board is aware of the fact that a similar proposal was before the Board in 2015, in Application for Preliminary Approval # 2015-010. That application was eventually withdrawn, following an opinion from Town Counsel concerning the issues we had raised, but a review of those proceedings will provide some background which is relevant to this Definitive application.
- 2) This proposed division is an extension of the subdivision of Sawyer Grove Road, which was approved in 1990. The approval of that subdivision, and its covenant, expressly state that the approval by the Board was only to provide access to the 17 lots of that subdivision, not for any extension of ways or additional subdivisions. (See attached covenant). Through subsequent extensions of that subdivision approval, the same restriction was repeated in the Covenants ( see copies attached). The covenants, containing this restriction, were recorded and were references on the Plans as well. The first plan, recorded in Plan Book 468 page 9, contains the notation "see covenant to be recorded herewith", and the second version of the Plan,

recorded on Plan Book 512 page 13, contains the notation “ See Plan Book 468 page 9 and Covenant recorded in Book 8642 page 77”.

Therefore this current subdivision plan may not be approved unless there first were approval of an amendment to the Sawyer Grove subdivision covenant, to modify or eliminate that condition, and a determination that the existing road would support the additional development.

3) As an extension of the adjoining subdivision road, this road would exceed the length limitation of the Rules and Regulations for Subdivisions in Truro. Rule 3.6.6 provides that a dead-end street may not exceed a length of 1000 feet. Based on the frontages listed on the Sawyer Grove Road plan, its length from its intersection with Hughes Road to the entrance to the proposed extension is in excess of 1100 feet. Therefore the entire length of Tashmuit Lane , an additional approximately 450 feet, is beyond the permitted length of a dead-end road. No waiver from this Regulation has been requested in this application.

While the applicant might contend that the road should only be measured from its own intersection with Sawyer Grove, I suggest that this would not be correct (and I believe there is likely an opinion from Town Counsel to this effect in the 2015 file). In any event, this issue was addressed in 1992 by the Massachusetts Appeals Court, which stated that such dead-end regulation “ are enacted because of a concern that the blocking of a dead-end street, as by a fallen tree or an automobile accident, will prevent access to the homes beyond the blockage particularly by fire engines, ambulances, and other emergency equipment. Given that concern, it would make no sense to measure the length of a dead-end way other than from the nearest intersecting through street.” *Nahigian v. Lexington*, 32 Mass. App. Ct. 517. As Sawyer Grove is itself a dead-end road, the nearest intersecting through way is Hughes Road.

It is also clear that an “extension” of a road is not limited to lengthening the end of the road. In the case of *Matthews v. Planning Board of Brewster*, the Massachusetts Appeals Court stated that there is not difference between adding on to the end of a road and adding a new road section tying into the sideline of the road; each is an extension of the original road. 72 Mass. App Ct. 456 (2008).

It is also worth noting that your Rule 1.3 , entitled “Applicability”, states, in part :

“For purposes of these Rules and Regulations, the proposed subdivision shall include future divisions of land within the subdivision’s boundaries and any

expansion or extension into adjacent land; separate phases or segments are not separate subdivisions.”

This Lane can not be viewed in isolation. It is clearly an impermissible extension of Sawyer Grove Road.

4) Rule 3.6.5 also limits dead-end roads to the number of homes that have access from the way.

“Subdivisions containing a total of thirty (30) or more lots shall provide more than a single access from an existing street.”

This rule provides :

“For this purpose, ‘total number of lots’ includes the lots fronting on the pre-existing subdivision roads used for access to the proposed subdivision as well as new proposed lots.”

Sawyer Grove Road provides frontage for 17 lots; Laura’s Way provides frontage for 15 lots; and this subdivision created frontage for 2 additional lots, for a total of 34 lots. With no second means of access, this subdivision can not be approved.

5) Rule 3.6.7 requires that the proposed subdivision “road” be separated from the properties boundaries by a screened buffer..

“Proposed subdivision roads shall be separated from subdivision boundaries by a screening buffer of twenty-five (25) feet width or more”

While the plan offers a buffer around its perimeter of the new lots, it does not provide a buffer of 25 feet from the “road” to its abutting properties ( notably the Fischel and O’Brien/Fey lots on Sawyer Grove, or lots 2A and 5 on Laura’s Way) .

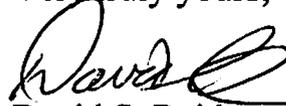
We recognize, of course, that the Board has the authority to grant waivers of its Rules and Regulations, when doing so would be in the “public interest”, provided such requests must be applied for and justified.

“Any such request(s) for waiver(s) from the Rules and Regulations must be submitted by the applicant to the Board in writing and shall explain how granting the waiver(s) would be in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law.”  
( see Rule 1.5 as amended 8/19/14).

However, no such waivers have been requested, or explained, in this application, and therefore may not be granted at this time.

These objections and concerns are not expressed without good cause. This neighborhood already experiences traffic and safety concerns. These concerns have apparently been shared by the Board since the inception of the development of this neighborhood. The Board's approval of Sawyer Grove Road was expressly limited to its initial 17 lots. The Board initially denied the approval of the Laura's Way extension for reasons of safety on this road, only to have that denial overturned by the Court as a "Constructive Approval" in 2010. The 2015 Preliminary plan was withdrawn after similar concerns were voiced. You have received correspondence from neighbors attesting to the existing traffic concerns and situations. If you have visited the site, you will have observed the limited sight lines (particularly to the right) upon exiting the proposed road (which is currently Ms. Fischel's driveway). We urge the Board to continue to recognize these limitations and conditions and to deny the approval of the current application.

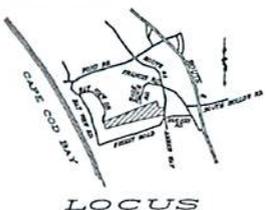
Very truly yours,



David S. Reid

encl (5)

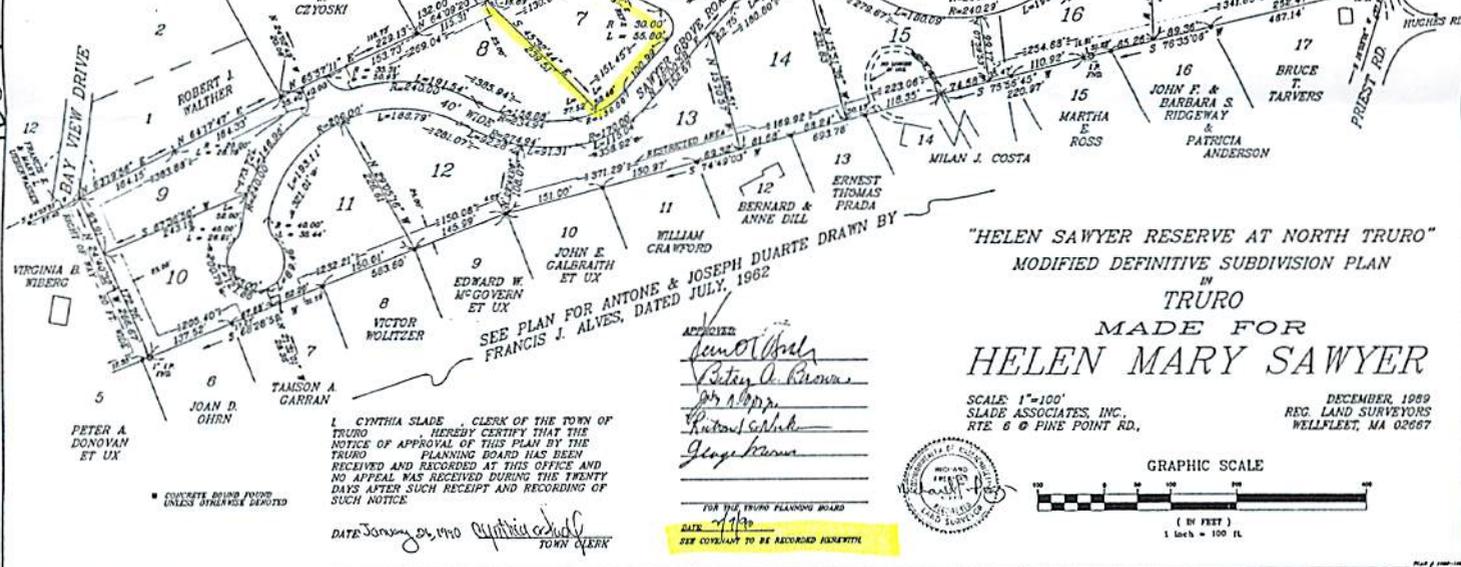
cc: Outermost Land Surveying, Inc.



I HEREBY CERTIFY THAT I HAVE CONFERENCE WITH THE PLANNING BOARD AND RECEIVED THEIR APPROVAL OF THIS PLAN. DATE 7/15/62 REGISTERED LAND SURVEYOR

LOT #	AREA (SQ. FT.)	(AC.±)	LOT #	AREA (SQ. FT.)	(AC.±)
1	55,085	1.26	11	36,070	0.827
2	11,558	0.265	12	34,304	0.786
3	87,243	1.99	13	34,425	0.788
4	31,808	0.73	14	37,918	0.87
5	16,111	0.37	15	36,334	0.834
6	31,603	0.726	16	33,508	0.767
7	31,603	0.726	17	34,000	0.781
8	31,603	0.726			
9	31,603	0.726			
10	31,603	0.726			

SEE PLAN BK 327, PG. 7



468-9

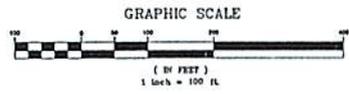
SEE PLAN FOR ANTONIO & JOSEPH DUARTE DRAWN BY FRANCIS J. ALVES, DATED JULY, 1962

APPROVED  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

"HELEN SAWYER RESERVE AT NORTH TRURO"  
 MODIFIED DEFINITIVE SUBDIVISION PLAN  
 IN  
 TRURO  
 MADE FOR  
**HELEN MARY SAWYER**

SCALE: 1"=100'  
 SLADE ASSOCIATES, INC.,  
 RTE 6 @ PINE POINT RD.

DECEMBER, 1969  
 REG. LAND SURVEYORS  
 WELFLEET, MA 02667



I, CYNTHIA SLADE, CLERK OF THE TOWN OF TRURO, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE TRURO PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.  
 DATE *January 21, 1970*  
*[Signature]*  
 TOWN CLERK

FOR THE TRURO PLANNING BOARD  
 DATE *7/15/62*  
 SEE CONVOY TO BE RECORDED HEREWITH

FORM D  
COVENANT

08031

The undersigned . . . Helen Mary Sawyer . . .  
of . . . Barnstable . . . County, Massachusetts,  
hereinafter called the "Covenantor", having submitted to the Truro  
Planning Board, a definitive plan of a subdivision, entitled "Helen Sawyer  
Reserve at North Truro" Subdivision Plan of Land in Truro made for Helen Mary Sawyer  
dated April, 1989 made by Slade Associates, Inc.  
does hereby covenant and agree with said Planning Board and the successors in office of  
said Board, pursuant to G. L. (Ter. Ed.) C. 41, Sec. 81U, as amended, that:-

Plan 488 W 11

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned . . . wife, husband,  
of the covenantor hereby agree that such interest as I, we, may have in said premises  
shall be subject to the provisions of this covenant and insofar as is necessary release all  
rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this . . . day of . . . 19 . . .

H. M. Sawyer



Melbourne Australia

4<sup>th</sup> December 1989

Then personally appeared HELEN MARY SAWYER  
and acknowledged the foregoing instrument to be her act and deed,  
before me PHILIP ALEXANDER HAMILTON

Notary Public  
MY FACULTY IS NOT LIMITED AS TO TIME

Attachment to Covenant  
"Helen Sawyer Reserve at North Truro"  
Subdivision Plan

We, the undersigned, being a majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

- 1) The requirement to construct the two 40' ways running northerly from Sawyer Grove Road to land of Michael W. Czyoski and Theo Christa Czyoski is waived.
- 2) Within the 25 ft. wide "restricted areas" shown on the plan there shall be no disturbance of the natural vegetation except that septic systems may be installed.
- 3) There is no claim of rights in the right of way bounding the westerly sides of Lots 9 and 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Rd. at the intersection with Hughes Rd.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.

<u><i>Kenneth A. Brack</i></u>	<u><i>Richard E. Smith</i></u>
<u><i>Betsy C. Brown</i></u>	<u><i>George M. ...</i></u>
<u><i>John A. ...</i></u>	

Truro Planning Board  
2/7/90  
 (Date)

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. Feb 7, 1990

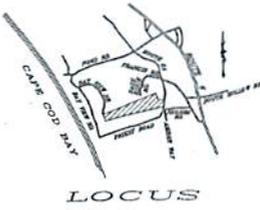
Then personally appeared Kenneth S Brack, one of the above-signed members of the Truro Planning Board, and acknowledged the fore-going instrument to be his free act and deed, before me.

My Commission expires:  
May 27, 1994

*[Signature]*  
 Notary Public

RECORDED FEB 14 90

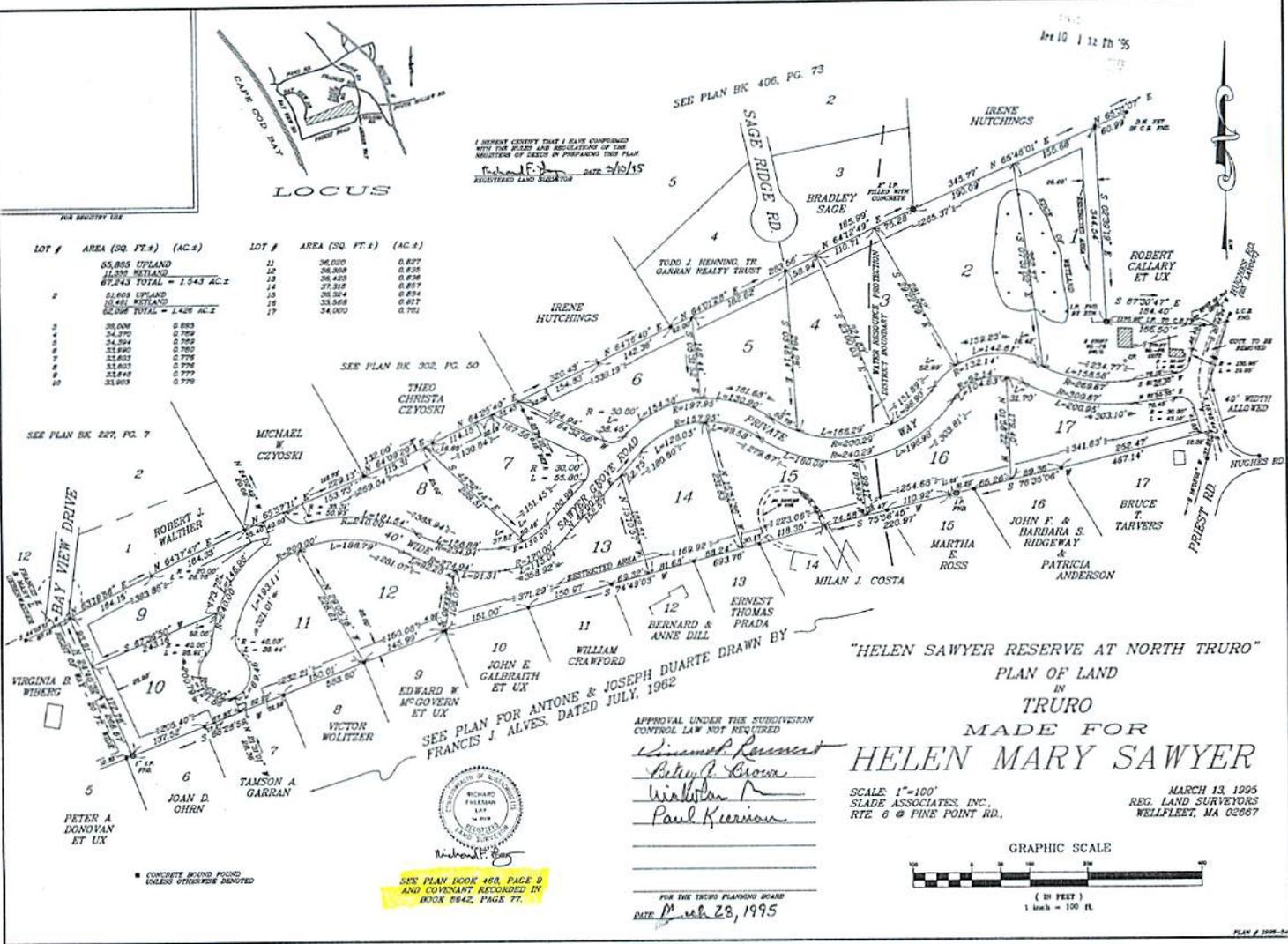
APR 10 12 17 '95



I HEREBY CERTIFY THAT I HAVE COMPARED THIS PLAN AND INDICATIONS OF THE INSTRUMENTS OF DEEDS IN PREPARING THIS PLAN  
 REGISTERED LAND SURVEYOR  
 DATE 3/10/95

FOR INDUSTRY USE

LOT #	AREA (SQ. FT.)	(AC.±)	LOT #	AREA (SQ. FT.)	(AC.±)
1	55,885	1.274	11	36,020	0.827
2	11,392	0.260	12	36,308	0.833
3	67,243	1.543	13	36,425	0.836
4	51,858	1.188	14	37,318	0.857
5	10,451	0.239	15	38,324	0.874
6	62,096	1.426	16	33,568	0.767
7	35,008	0.803	17	34,000	0.781
8	34,270	0.789			
9	34,324	0.789			
10	31,990	0.738			
11	31,853	0.735			
12	31,823	0.734			
13	32,848	0.753			
14	31,923	0.737			



SEE PLAN BK 227, PG. 7

SEE PLAN BK 302, PG. 50

SEE PLAN BK 406, PG. 73

SEE PLAN FOR ANTONIO & JOSEPH DUARTE DRAWN BY FRANCIS J. ALVES, DATED JULY, 1962

"HELEN SAWYER RESERVE AT NORTH TRURO"  
 PLAN OF LAND  
 IN  
 TRURO  
 MADE FOR  
**HELEN MARY SAWYER**

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 [Signatures: William Crawford, Ernest Thomas Prada, Paul Keenan]

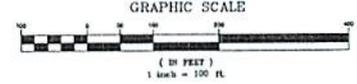
SCALE 1"=100'  
 SLADE ASSOCIATES, INC.,  
 RTE 6 @ PINE POINT RD.

MARCH 13, 1995  
 REG. LAND SURVEYORS  
 WELFLEET, MA 02667



SEE PLAN BOOK 488, PAGE 9 AND COVENANT RECORDED IN BOOK 8642, PAGE 77.

FOR THE TRURO PLANNING BOARD  
 DATE March 28, 1995

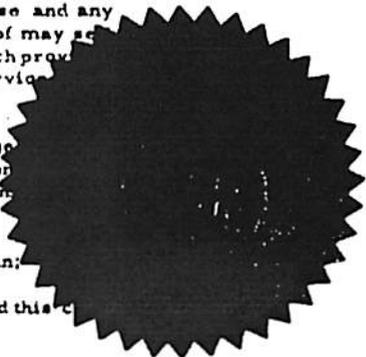


FORM D  
COVENANT

The undersigned Helen Mary Sawyer

of Barnstable County, Massachusetts,  
hereinafter called the "Covenantor", having submitted to the Truro  
Planning Board, a definitive plan of a subdivision, entitled "Helen Sawyer  
Reserve at North Truro" Subdivision Plan of Land in Truro made for Helen Mary Sawyer  
dated April, 1989 made by Slade Associates, Inc.  
does hereby covenant and agree with said Planning Board and the successors in office of  
said Board, pursuant to G. L. (Ter. Ed.) C. 41, Sec. 81U, as amended, that -

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.
7. See attachment



The undersigned HELEN MARY SAWYER

wife, husband,  
of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this 2<sup>nd</sup> day of April 1993

H.M. Sawyer

City of CASTLEMAINE  
STATE OF VICTORIA  
Commonwealth of AUSTRALIA  
COMMONWEALTH OF MASSACHUSETTS

Then personally appeared Helen Mary Sawyer, free act and deed, and acknowledged the foregoing instrument to be before me

Louise Eggen  
Notary Public  
Castlemaine Victoria Australia  
-16- (APPOINTED FOR LIFE)



SEE PLAN BOOK 468, PAGE 9

Attachment to Covenant  
"Helen Sawyer Reserve at North Truro  
Subdivision Plan

We, the undersigned, being the majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

- 1) The requirement to construct the two 40' ways running northerly from Sawyer Grove Road to land of Michael W. Czyoski and Theo Christa Czyoski is waived.
- 2) Within the 25 ft. wide "restricted areas" shown on the plan there shall be no disturbance of the natural vegetation except that septic systems may be installed.
- 3) There is no claim of rights in the right of way bounding the westerly sides of Lots 9 & 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Rd. at the intersection with Hughes Rd.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.
- 6) This covenant shall be contingent upon the completion of all required improvements within 24 months of the date of endorsement of this covenant.

*Kenneth Brock*  
*Paul Keenan*  
*Betsy Smith*

*Howard A. Sumi*  
*Scott M. Lemp*

Truro Planning Board  
 Date 5/5/93  
 COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Then personally appeared Kenneth Brock, one of the above-signed members of the Truro Planning Board, and acknowledged the fore-going instrument to be his free act and deed, before me.

My Commission expires:  
May 27, 1994

*[Signature]*  
 Notary Public

RECORDED JUN 23 93

FORM D  
COVENANT

The undersigned . . . Helen Mary Sawyer . . . . .

of Barnstable County, Massachusetts,  
hereinafter called the "Covenantor", having submitted to the Truro  
Planning Board, a definitive plan of a subdivision, entitled "Helen Sawyer  
Reserve at North Truro Subdivision Plan of Land in Truro made for Helen Mary Sawyer  
dated April, 1989 made by Slade Associates, Inc.  
does hereby covenant and agree with said Planning Board and the successors in office of  
said Board, pursuant to G. L. (Ter. Ed.) C. 41, Sec. 81U, as amended, that:-

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.
7. see attachment

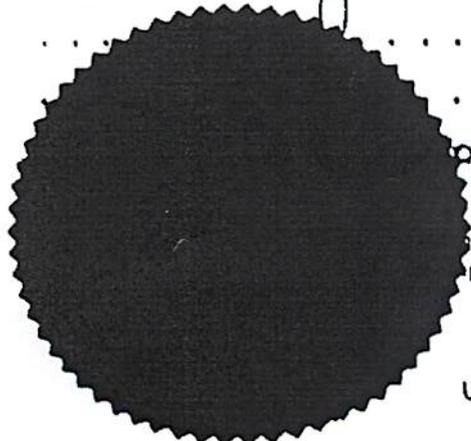
The undersigned . . . HELEN MARY SAWYER . . . . .

... wife, husband,  
of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this 27<sup>th</sup> day of February 1995 .

*Helen Mary Sawyer*

Pl. BK 512 Pg. 13  
Sawyer Grave Rd.  
N. Truro, MA 02652



AUSTRALIA  
COMMONWEALTH OF MASSACHUSETTS  
27<sup>th</sup> Febr. . . . 1995

sd. . . Helen Mary Sawyer . . . . .  
ing instrument to be . . . her, free and deed.

LAWRENCE ERNEST MUIR  
NOTARY PUBLIC  
CASTLEMAINE  
VICTORIA AUSTRALIA  
Notary Public  
My Commission Expires: for life

Attachment to Covenant  
"Helen Sawyer Reserve at North Truro"  
Subdivision Plan

We, the undersigned, being the majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

- 1) The requirement to construct the two 40' ways running northerly from Sawyer Grove Road to land of Michael W. Czyoski and Theo Christa Czyoski is waived.
- 2) Within the 25 ft. wide "restricted areas" shown on the plan there shall be no disturbance of the natural vegetation except that septic systems may be installed.
- 3) There is no claim of rights in the right of way bounding the westerly sides fo Lots 9 & 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Rd. at the intersection with Hughes Rd.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.
- 6) This covenant shall be contingent upon the completion of all required improvements within 24 months of the date of endorsement of this covenant.

Constance P. Kennest  
Betsy A. Brown  
Wickham R.

Paul Kernion  
 \_\_\_\_\_  
 \_\_\_\_\_

The Truro Planning Board  
 Date March 28, 1995  
 30 (can)  
 COMMONWEALTH OF MASSACHUSETTS

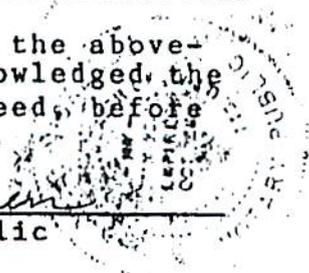
Barnstable, ss.

MARCH 30, 1995

Then personally appeared BETSEY A. BROWN, one of the above-  
signed members of the Truro Planning Board and acknowledged the  
fore-going instrument to be HER free act and deed, before  
me.

My Commission expires:  
OCTOBER 28, 1999

J. S. Kieren  
 Notary Public



**AMENDMENT TO FORM D COVENANT**  
**ATTACHMENT TO COVENANT**  
**"HELEN SAWYER RESERVE AT NORTH TRURO" SUBDIVISION PLAN**

OWNER HELEN MARY SAWYER

WE, the undersigned, being a majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

- 1) The requirement to construct the two 40' ways running northerly from Sawyer Grove Road to land of Michael W. Czyoski and Theo Christa Czyoski is waived.
- 2) Within the 25' wide "restricted areas" shown on the plan, there shall be no disturbance of the natural vegetation, except that septic systems may be installed.
- 3) There is no claim of rights in the right of way bounding the westerly sides of Lot 9 and Lot 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Road at the intersection with Hughes Road.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road with the following amendments as agreed to at our meeting of ~~November 21~~ <sup>February 26</sup> 1997 to provide access for the 17 lots shown on said plan and is not approval for construction of any ways to adjoining land. The asphalt surface will be reduced a width of twenty feet (20') of flat surface and sixteen inch (16") berms where required; seeding and planting will be done using indigenous species to the extent possible.

SEE FORM D COVENANT RECORDED WITH BARNSTABLE DEEDS IN  
BOOK 9623, PAGE 60 ON APRIL 10, 1995.

BOOK 9632  
M.R. PAGE 60

Paul Kiernan

[Signature]

Betsy Ann Brown

Joan Holt  
Truro Planning Board

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: 2/26/97

COMMONWEALTH OF MASSACHUSETTS

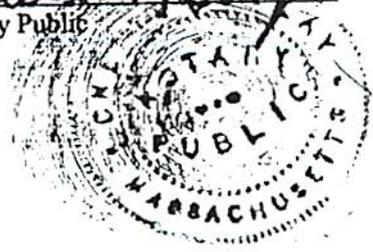
Barnstable, SS.

26 FEB., 1997

Then personally appeared the above named, PAUL KIERNAN, one of the above-signed members of the Truro Planning Board and acknowledged the foregoing instrument to be HIS free act and deed, before me.

[Signature]  
Notary Public

My Commission Expires: OCT. 18, 2002

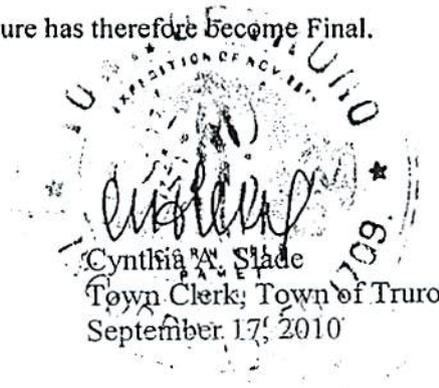


BARNSTABLE REGISTRY OF DEEDS

OFFICE OF  
TOWN CLERK  
TREASURER - COLLECTOR OF TAXES  
TOWN OF TRURO, MA 02666-2012

**CERTIFICATE OF CONSTRUCTIVE APPROVAL PURSUANT TO G. L. c. 41, § 81V**

I, Cynthia A. Slade, Town Clerk of the Town of Truro, hereby certify that the Application for approval of the Definitive Subdivision Plan entitled "Subdivision Plan of Land in Truro made for the Czyoski Family Trust, Scale 1" = 50', June 10, 2005, Slade Associates, Inc., Reg. Land Surveyors, Pine Pt. Rd. and Route 6, Wellfleet, MA" was filed with the Town Clerk on June 30, 2005, and the Truro Planning Board failed to take final action on the plan within the ninety (90) day time frame prescribed in G. L. c. 41, § 81U, expiring on September 28, 2005, therefore, said plan was constructively approved, as confirmed by a Decision of Barnstable Superior Court in Case No. 06-00147, and that the Appeal from said Decision was Dismissed by the parties, and that the Approval resulting from such failure has therefore become Final.

  
Cynthia A. Slade  
Town Clerk, Town of Truro  
September 17, 2010

See Plan recorded in Plan Book 637, Page 7  
Property Address: Laura's Covey, North Truro

\* owner of record

PLANNING BOARD

TRURO, MASSACHUSETTS 02667

FORM F: CERTIFICATION OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date December 3, 1997  
 Subdivision Name "Sawyer Grove"  
 Owner Helen Mary Sawyer  
 Owner's Address c/o Nathan Nickerson, P.O. Box 684, N. Eastham, MA 02651  
 Applicant same  
 Applicant's Address same  
 Date of Subdivision Plan April 1989  
 Designer of Plan Slade Associates, Inc.  
 Location of Land Hughes Rd., Truro (North), MA  
 Plan Recorded Barnstable Registry of Deeds  
 Plan & Certificate of Title \_\_\_\_\_  
 Registered \_\_\_\_\_ Registered Land Office \_\_\_\_\_  
 Plan Found in Book 512 Page 13  
 Type of Performance Security:  
 Covenant Dated February 27, 1995  
 Covenant Recorded or Registered \_\_\_\_\_  
 Covenant Found in Book 9623 Page 60

Book 7061, Page 92, Book 7655, Page 301, and Book 8642, Page 77  
 The undersigned being a majority of the Planning Board of the Town of Truro have determined that the construction of ways and the installation of municipal services to the subdivision referred to above have been fully and satisfactorily completed by the applicant in accordance with the Board's rules and regulations to serve the following enumerated lots: all lots

Pursuant to Section 81-U of Chapter 41, M.G.L. and in consideration of completion of said construction and installation, the Town of Truro, a Massachusetts municipal corporation, acting through its Planning Board, hereby releases its interest in the performance security referred to above.

Duly executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_.

[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
Betsy Ann Brown  
Joan Holt

COMMONWEALTH OF MASSACHUSETTS

Date DEC 3 1997 County Barnstable

Then personally appeared BETSEY ANN BROWN, one of the above named members of the Planning Board of the Town of Truro and acknowledged the foregoing instrument to be his (her) free act and deed before me.

Notary Public [Signature]

My Commission expires OCTOBER 18, 2002



Property off Hughes Rd at Sawyer Grove Rd

DATE: March 8, 2020

TO: Planning Board  
Town of Truro, Massachusetts

RE: Pubic Notice 2019-08, Nathan Nickerson III Seeks approval of a Definitive  
Subdivision Plan

I have lived in my home at 23 Sawyer Road for 15 years. As a long-time residence of our neighborhood, I care deeply for both the aesthetic of the neighborhood as well as for the safety and well-being of my neighbors. I am deeply concerned and categorically opposed to Mr. Nickerson's application for a subdivision off of Sawyer Grove Road (called Tashmuit Lane).

If you were to take a short stroll or drive along Sawyer Grove Road, you'd understand the danger such a subdivision would pose: the road is already a steep, curving, visually obstructed road that is poorly maintained. I point this out to you because Mr. Nickerson, at least according to most residents' understanding, is solely responsible for the maintenance of that road. He's done nothing for that road for at least a decade. Why in the world would any of us support his involvement in any additional presence in this neighborhood when he hasn't honored his original commitment? The road is undeniably, irrefutably dangerous as it is; any more traffic would enhance the poor physical conditions that already exist.

There is not a second means of egress off of Sawyer Road or Laura's Way; it's a dead end. A fire emergency vehicle, blocking the street, barricades the majority of the neighborhood. A new street will only compound this problem. I do not believe for one instance that Mr. Nickerson has any regard for the people that live in this neighborhood, or, for the well-being of the those that will be directly affected by a road passing feet from their houses.

Finally, I'd draw your attention to a February 16, 2016 memo from Kopelman and Paige regarding an earlier attempt to do this very project. The project was dropped (for good reason) after this memo was presented; nothing has changed since then.

Sincerely,



John Gordon

July 19, 2020

P. O. Box 372  
17 Sawyer Grove Road  
North Truro, Ma. 02652

Reference: 4H Bayview Rd.-3 Laura's Way

Dear Planning Board,

In 1995 the planning board approved the Sawyer Grove Rd. Subdivision for 17 lots saying the road could not support further lots. (See attachment)

In 2007 after over a two year battle Laura's Way was voted down. Somehow through court ruling it was approved. But during the many modification to the Laura's Way subdivision, they agreed to reposition the lots to block any further access by way of a road between lot 6 and 7 of Sawyer Grove Rd.

Now they want to take a lot in an approved subdivision and modify it for a new subdivision. #3 Laura's Way as shown on the final plan was shown as .949 acres. On the new plan it is shown as almost one acre. (See attachment)

There are presently 32 lots accesses by Sawyer Grove Rd. A road that was designed for 17 lots, and is a dead end road accessed only by Hughes Rd. which is not wide enough to be a road servicing Sawyer Grove Rd. aand all of Shearwater, which it does at present.

If they want to add a subdivision it should provide its own access.

Sincerely,

Robert Carlson

## Jeffrey Ribeiro

---

**From:** Diedra Dietter <diedra\_dietter@whps.org>  
**Sent:** Wednesday, February 19, 2020 10:30 AM  
**To:** Jeffrey Ribeiro  
**Subject:** Public Notice Nathan Nickerson seeks approval of a Definitive Subdivision Plan  
**Attachments:** nickerson.docx

Good Morning Jeffrey,  
Here is a copy of the letter my husband and I would like included in the Planning Board packet.  
I'll look forward to meeting you in person.  
Take Care, Diedra Dietter

**Diedra Dietter** | MSW | LCSW  
Social Worker | William H. Hall High School  
975 N. Main Street | West Hartford | CT | 06117  
860-929-5121

**CONFIDENTIALITY NOTE:**

This West Hartford Public Schools e-mail may contain confidential information. It is intended solely for the original designated recipient(s).

Any other use is prohibited and access to this email by anyone else is unauthorized.

Any opinions expressed are those of the author and are not necessarily endorsed by WHPS.

December 10, 2019

Town of Truro, Massachusetts

Planning Board

RE: Public Notice 2019-008 Nathan Nickerson III seeks approval of a Definitive Subdivision Plan

Dear Planning Board Members,

My husband and I own a home at 25 Sawyer Grove Road and we are looking forward to becoming fulltime Truro residents during the spring of 2020. As such we would like to take this opportunity to inform you of our opposition to Mr. Nickerson's application for a subdivision off of Sawyer Grove called Tashmuit Lane.

We have numerous concerns regarding this proposal including the intensification of existing road hazards, increased traffic, and the lack of proper egress. Sawyer Grove Road and Laura's Way already exceed the 30 lot maximum as defined in the Town of Truro Rules and Regulations Governing the Subdivision of Land item 3.6.5.

Sawyer Grove is a uniquely configured road in that it curves numerous times throughout which, along with steep hills and declines, creates numerous blind spots. The area where the road is proposed to originate, between number 13 and 15 Sawyer Grove, is particularly dense with several driveways, curves and trees creating limited visibility. This, along with an increase in road traffic, will certainly exacerbate the risk for potentially hazardous situations. It is also our understanding that a similar proposal was submitted by Mr. Nickerson in December 2015 and withdrawn by him in February 2016 due to the Planning Boards opposition.

Furthermore, Mr. Nickerson has not been a good steward of our current development in which he has retained sole ownership of our road, Sawyer Grove. He does not maintain our road in any way. In frustration several residents have taken it upon themselves to ensure that the road is plowed during the winter months. The road is overgrown with trees and vegetation. It is beginning to show the wear and tear from the weight and frequency of heavy work trucks removing debris and ferrying supplies to the job sites on Laura's Way. Given his past record, we have no reason to believe he is concerned about what and how the addition of this proposed development will have on our neighborhood.

We encourage the board to reject Mr. Nickerson's proposal for an additional subdivision in our neighborhood and put an end to this short sighted plan.

Respectfully Submitted,

Diedra Dietter and Michael Schultz

25 Sawyer Grove Road

North Truro, Massachusetts

**TOWN OF TRURO  
PLANNING BOARD**  
Meeting Minutes  
June 17, 2020 – 6:00 pm  
REMOTE MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Peter Herridge; Paul Kiernan; Steve Sollog

Members Absent: None

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner

Remote meeting convened at 6:03 pm, Wednesday, June 17, 2020 by Chair Greenbaum. Town Planner, Jeffrey Ribeiro, reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. He gave the details of where to watch this meeting, how to access it, and to provide comment during the meeting by calling toll free 1-877-309-2073 and entering the access code 960-189-533. The telephone number and access code were repeated, and he noted that a slight delay of 15 to 30 seconds between the meeting and the live stream television broadcast might be experienced. He also noted that if you are calling in to please lower the volume on your computer or television during public comments so they may be heard clearly and to also identify yourself so multiple calls can be managed effectively. Citizens may provide public comment for this meeting by emailing [jribeiro@truro-ma.gov](mailto:jribeiro@truro-ma.gov) with your comments. The emails are being checked live during the meeting, so this is another way to contact us.

**Public Comment Period**

No public comment.

**Temporary Sign Permit Applications**

Chair Greenbaum reiterated the application information, asking Town Planner Ribeiro about the property owner which is the state; it is state land but typically reviewed by the Board. Chair Greenbaum asked the Board if they had any comments or questions and asked for a motion. Member Boleyn voted to accept. Member Herridge seconded. Voted all in favor by roll call vote; Member Tosh absent for the vote. So voted: 6-0-1.

**Public Hearing – Continued**

Chair Greenbaum asked Town Planner Ribeiro for the status of the Schirmer public hearing. He gave a brief synopsis. The Fire Chief was able to get the fire truck down there and mark the trees to be removed/trimmed. Town Planner Ribeiro continued stating that we're having the engineer mark those trees in the plan, this Board will review, and then we'll be able to get back to the discussion on potential approval, conditions, etc. I have spoken with the applicants and my recommendation is that we continue the public hearing to July 8th. Chair Greenbaum moved to continue the Schirmer public hearing to July 8th. Member Kiernan seconded. Voted all in favor by roll call vote; Member Tosh absent for the vote. So voted: 6-0-1.

Chair Greenbaum asked Town Planner Ribeiro for an update of the Nickerson public hearing. He stated this had not be opened substantively yet; the Agenda states that it is continued to the 22nd. It was previously discussed and decided not to do more than one case at any meeting, but there is a motion to continue. Member Kiernan moved to continue the Nickerson matter. Member Boleyn seconded. Chair Greenbaum stated that this would be to continue to July 22nd knowing that we won't actually have the hearing then as we haven't even done a site visit yet. Chair Greenbaum asked Town Planner Ribeiro if he had spoken to them about staking? Town Planner Ribeiro stated that he had not, but there was still time, and he believed that they would be able to go forward on the 22nd to do a site visit. Chair Greenbaum stated we have a motion and a second. Member Riemer stated that he just wanted to ensure that we have an extension in writing from the applicant to which Town Planner Ribeiro replied that because of the special dispensation, we actually do not need any extension. Voted all in favor by roll call vote; Member Tosh absent for the vote. So voted: 6-0-1.

### **Board Action/Review**

**Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.** Chair Greenbaum asked Town Planner Ribeiro for an update on the Cloverleaf. He responded that some updated plans came in, and they will be going to Town Counsel to forward to the Horsley Witten Group, to the Board, and to the public. The next ZBA hearing will probably be a week after July 4th. Given the timeline there, we should probably be talking about having a special meeting work session to discuss potential comments to submit. This Board, the Board of Health, and the public need a chance to respond to the updated plans. Chair Greenbaum asked what will happen at that hearing - is that when the applicant will submit, or we'll go through the new plans? Town Planner Ribeiro responded they will present their new plan, their septic system, etc. We're getting it to Horsley Witten, but I don't know if they'll have a full comment back to us. There will be more meetings after that. The Board discussed the timeframe for their next Cloverleaf work session. Chair Greenbaum would like the Board to be part of the Cloverleaf discussion. Monday, July 6th at 2:30 pm was scheduled for the work session to discuss the Cloverleaf looking at both the new plans and Horsley Witten response and the Board's response to the ZBA, if any.

**Board update/discussion about the potential to hold public hearings remotely.** Technology issues were discussed: getting on the remote meetings early allows time for troubleshooting; everyone should have the call-in information which is on the Agenda; the access information and link are on the email that comes with the Agenda; please mute yourself unless you are speaking; if your audio is not working, after a couple minutes just go ahead and call in which would be helpful. Town Planner Ribeiro stated he thought it was important, especially for you as the Board members, to at least be able to view the meeting on your screen even if you're not doing audio or video that way so that, if we're putting up a plan, you are able to see it.

Vice Chair Tosh asked why they weren't using Zoom. Town Planner Ribeiro stated he would find out why the GoToMeeting platform was chosen over Zoom. Vice Chair Tosh also stated that we can't have a public hearing when people can't talk, and when we don't know if the platform is going to shut down to which a few of the Board Members readily agreed. The Board discussed the issue

of how long do we wait if there are technical issues with a Board Member before continuing a meeting and also under what conditions do we stop a hearing and continue to the next meeting.

**Discussion for setting dates for future Board public workshops.** Chair Greenbaum stated that there is a work session on Monday, July 6, at 2:30 pm.

### **Approval of Minutes**

December 4, 2019 – Town Planner Ribeiro stated that the corrected minutes were not included in the packet and suggested discussion wait until next meeting. Chair Greenbaum concurred.

March 4, 2020 – Chair Greenbaum asked if anyone had any corrections to these minutes. Hearing no changes offered, Chair Greenbaum asked for a motion. Member Kiernan moved to approve. Member Boleyn seconded. No further discussion. Member Sollog and Vice Chair Tosh were not present at that meeting and would not be voting. Chair Greenbaum asked for a roll call vote. Voted all in favor; Member Sollog and Vice Chair Tosh abstained. So voted: 5-0-2.

March 11, 2020 Work Session – Chair Greenbaum asked if anyone had any corrections to these minutes. Member Boleyn stated that a correction was needed on page 3, second paragraph: replace “uses as resources” with “used as resources”. Chair Greenbaum also had a correction to page 3: revise sentence to read “asked the Board to think about and start listing places where people all can meet”. Chair Greenbaum asked for a motion to accept the minutes as corrected. Member Boleyn moved to approve as amended. Member Kiernan seconded. No further discussion. Members Sollog and Herridge were not present at that meeting and would not be voting. Chair Greenbaum asked for a roll call vote. Voted all in favor; Members Sollog and Herridge abstained. So voted: 5-0-2.

March 18, 2020 – Chair Greenbaum asked if anyone had any corrections to these minutes. Hearing no changes offered, Chair Greenbaum asked for a motion. Member Boleyn moved to approve as written. Member Kiernan seconded. No further discussion. Members Boleyn and Herridge were not present at that meeting and would not be voting. Chair Greenbaum asked for a roll call vote. Voted all in favor; Members Boleyn and Herridge abstained. So voted: 5-0-2.

April 1, 2020 – Chair Greenbaum asked if anyone had any corrections to these minutes. Hearing no changes offered, Chair Greenbaum asked for a motion. Member Sollog moved to approve as written. Member Kiernan seconded. No further discussion. Member Boleyn was not present at that meeting and would not be voting. Chair Greenbaum asked for a roll call vote. Voted all in favor; Member Boleyn abstained. So voted: 6-0-1.

May 6, 2020 – Chair Greenbaum asked if anyone had any corrections to these minutes. After discussion, it was decided to add clarification on page 2, paragraph 2 by restating: If “the Planning Board believes that the” meeting. Member Boleyn stated that a correction was needed on page 5, last paragraph: replace “bee” with “been”. Chair Greenbaum asked for a motion to accept the minutes as corrected. Member Sollog moved to approve as amended. Member Herridge seconded. No further discussion. Chair Greenbaum asked for a roll call vote. Voted all in favor. So voted: 7-0-0.

May 20, 2020 – Chair Greenbaum asked if anyone had any corrections to these minutes. Member Boleyn moved to approve as written. Member Herridge seconded. No further discussion. Chair Greenbaum asked for a roll call vote. Voted all in favor. So voted: 7-0-0.

June 3, 2020 – Chair Greenbaum asked if anyone had any corrections to these minutes. Member Riemer stated that a correction was needed on page 4, second paragraph, Form D (Covenant): replace language “that there is nothing in this covenant that holds the applicant” with “that there is nothing in this covenant form that holds the applicant to any kind of timeframe”. Chair Greenbaum asked for a motion to accept the minutes as corrected. Member Kiernan moved to approve as amended. Member Herridge seconded. No further discussion. Chair Greenbaum asked for a roll call vote. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that their work session is Monday, July 6th at 2:30 pm on the Cloverleaf, and the next meeting is July 8th at 6:00 pm to hear the Schirmer application. Town Planner Ribeiro stated he would be getting them materials on the Cloverleaf and also the ZBA packet.

Chair Greenbaum asked if there were any other items for discussion but there were none. Chair Greenbaum then asked if she could have a motion to adjourn. Motion made by Member Boleyn with a second by Member Kiernan. No further discussion. Chair Greenbaum asked for a roll call vote. Voted all in favor. So voted: 7-0-0.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy