



Truro Planning Board Agenda

Remote Meeting

Wednesday, May 20, 2020 – 6:00 pm

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). Click on the green "Watch" button in the upper right of the page. To provide comment during the meeting please call in toll free at 1-877-309-2073 and enter the following access code when prompted: 843-216-029. Please note that there may be a slight delay (15-30 seconds) between the meeting and the live stream and television broadcast. If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in to help us manage multiple callers effectively. Citizens may also provide public comment for this meeting by emailing the Town Planner at jribeiro@truro-ma.gov with your comments.

Please note the hearings on this agenda will be procedural only to continue the cases to the next meeting. No substantive discussion of the cases will occur, and no testimony will be taken.

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.

Procedural only - motion to continue to meeting of June 3, 2020

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.

Procedural only - motion to continue to meeting of June 3, 2020

Board Action/Review

Temporary Sign Permits:

Sustainable CAPE: Truro Educational Farmers Market requesting four 3’x6’ banners (three on Route 6 and one at Veteran’s Memorial Field) beginning on Friday, June 5th.

Margaret Neylon requesting one 3’x6’ graduation banner at the intersection of Route 6 and Shore Road beginning on Thursday, May 21st.

Review of revised forms update (forms to be reviewed again at next meeting).

Update on 2019-003/SPR Tradesmen’s Park South project.

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.

Initial discussion of potential changes to the Zoning Bylaws, including potential changes to the definition of “street.”

Update on postponement of town elections and town staff/board operations.

Discussion for setting dates for future Board public workshops.

Approval of Minutes

- November 6, 2019
- December 4, 2019
- December 18, 2019
- January 8, 2020
- January 22, 2020

Minutes for Approval at Next Meeting

- February 5, 2020
- February 19, 2020
- February 26, 2020 Work Session
- March 4, 2020
- March 11, 2020
- March 18, 2020 (conducted via telephone)
- April 1, 2020 (conducted via telephone)

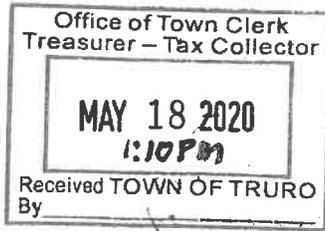
NEW:

- July 11, 2018
- February 12, 2020 Work Session

Next Meeting

Wednesday, June 3, 2020, at 6:00 p.m. *Please note time change.*

Adjourn





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NEW:

July 11, 2018
February 12, 2020 Work Session

Next Meeting

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Adjourn

TOWN OF TRURO



PLANNING BOARD

Office of Town Clerk
Treasurer - Tax Collector
25.00 PAID
MAY 14 2020
Received TOWN OF TRURO
By: M. Stevens

Application for Temporary Sign Permit
Pursuant to Section 11 of the Truro Sign Code
Fee: \$25.00

RCUD 2020 MAY 13 10:02:23
ADMINISTRATIVE OFFICE
TOWN OF TRURO

Applicant Name: Sustainable CAPE: Truro Educational Farmers Market Date: April 16th, 2020

Applicant Contact Information: PO Box 1004, Truro, MA. 02666
Mailing Address

(508) 246-3112
Phone

info@sustainablecape.org
Email

Number of Signs Requested: 4 Banners

Temporary Sign Dimensions: Height 72" Width 36" Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): 3 on highway and 1 at Veterans Memorial Field

Map(s): 50 Parcel(s): Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: Mondays: 6/8 - 8/31, 2020

Date When Sign(s) will be: Installed: Friday Afternoon Removed: Monday Afternoon

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Town of Truro State of MA
Name Mailing Address

(774) 383-3169
Phone

Email

[Signature]
Applicant Signature

4/16/2020
Date

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

Planning Board Action: Approved Approved w/Conditions Denied

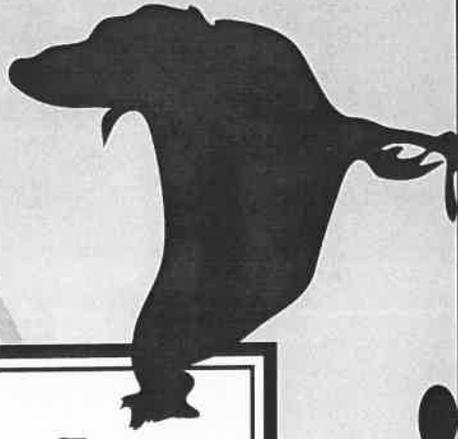
Conditions:

Board Signature: Date:
Title

CC: Building Commissioner, Board of Selectmen

TRURO, FARMERS' MARKET

Monday 8-12



Farmers Market Signage



Not a legal survey



Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: MARGARET NEYLON Date: 5-14-20

Applicant Contact Information: PO BOX 86 TRURO MA 02652
Mailing Address

508-274-2286 PEGGYNEYLON63@GMAIL.COM
Phone Email

Number of Signs Requested: 1

Temporary Sign Dimensions: Height BANNER for GRADUATION Width 3
Please attach a "to scale" copy of the proposed sign(s)

Location(s) of Proposed Temporary Sign(s): 6 & 6A

Map(s): _____ Parcel(s): _____
Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: GRADUATION NRHS

Date When Sign(s) will be Installed: 5-21-20 Removed: 6-30-20

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

TOWN OF TRURO
Name Mailing Address

Phone _____ Email _____

Applicant Signature Margaret Neylon Date 5-14-20

Applicant Printed Name MARGARET NEYLON

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

Owner Printed Name _____

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

Conditions: _____

Board Signature: _____ Title _____ Date: _____

cc: Building Commissioner, Select Board

Jeffrey Ribeiro

From: Jeffrey Ribeiro
Sent: Thursday, May 14, 2020 2:30 PM
To: Rich Stevens (rstevens@truro-ma.gov)
Cc: Erin Silva; Anne Greenbaum (agreenbaum@truro-ma.gov)
Subject: Truro Tradesmen's Park South - Site Plan Review Sign-off

Hi Rich,

I conducted a site visit on Wednesday, May 14th to review the request for a Certificate of Use/Occupancy for Building 1 of the Truro Tradesmen's Park South project approved by the Truro Planning Board as Case 2019-003/SPR. As you are aware, the project comprises two buildings, and it is the stated intent of the developer to begin construction of Building 2 later this year.

Condition 1 of the Site Plan Review approval decision states:

Each component of the Project shall be constructed in accordance with the plans referenced herein.

As a component, Building 1 has been completed in accordance with the decision and the applicable conditions stated therein. Additionally, all conditions that apply to both components/buildings have been completed with the exception of the monitoring well required under Condition 12. The developer has stated an intent to install the monitoring well at the beginning of next week.

Thus, it is my determination that the developer will have fully and properly satisfied the Planning Board's requirements and conditions upon installation of the monitoring well sufficient for the issuance of a Certificate of Use/Occupancy for Building 1.

Please let me know if you have additional questions.

Thanks,

Jeff

Jeffrey Ribeiro, AICP

Town Planner, Town of Truro

Direct: (508) 214-0928

24 Town Hall Road, PO Box 2030

Truro, MA 02666

Office Hours:

Monday – Thursday

9am – 4pm

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

May 12, 2020

Erin Sullivan-Silva
P.O. Box 430
No. Truro, MA 02652

**RE: Final Certificate of Compliance, Building #1
Tradesmen's Park South (File # LR18007)**

Dear Ms. Silva,

Enclosed please find the Final Certificate of Compliance for Building #1, Tradesmen's Park South in Truro.

Please do not hesitate to call if you have any questions.

Sincerely,

Lisa Dillon
Commission Clerk

Enclosure

cc: Jeffrey Ribeiro Town Planner, Town of Truro
Rich Stevens, Building Commissioner, Town of Truro

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

**FINAL CERTIFICATE OF COMPLIANCE
BUILDING #1**

DATE: May 11, 2020

PROJECT APPLICANTS: DANIEL SILVA, ERIN SULLIVAN-SILVA, JON SALVADOR,
WENDY SALVADOR
P.O. Box 430, No. Truro, MA 02652

PROJECT/SITE: TRADESMEN'S PARK SOUTH (CCC NO. LR18007)
298 ROUTE 6, STATE HIGHWAY, TRURO, MA 02666 (M 43 P 57)

CAPE COD COMMISSION DECISION RECORDED IN DEED BOOK 31848 PAGE 41

The Cape Cod Commission (Commission) hereby issues this Final Certificate of Compliance authorizing the Applicants to obtain a Certificate of Use and Occupancy from the town of Truro for (northern) building #1 as approved in the above-referenced Development of Regional Impact (DRI) Decision dated January 10, 2019 (as amended by minor modification type 1 decision dated June 6, 2019). The Commission certifies and acknowledges that the Applicant has completed building #1 in accordance with, the terms and conditions of the DRI Decision sufficient for issuance of this Certificate.

Prior to and as a condition to obtaining a Certificate of Use and Occupancy from the town of Truro for the other site building approved under the DRI Decision, the Applicants shall obtain a Final Certificate of Compliance from the Commission for said (southern) building # 2. Pursuant to issuance of said Final Certificate of Compliance for building #2, Commission shall confirm, among other things, that the site landscaping and planting and the roof mounted solar panels approved under the DRI Decision have been installed and completed as required.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this 11th day of May 2020.

Kristy Senatori

Kristy Senatori, Executive Director

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

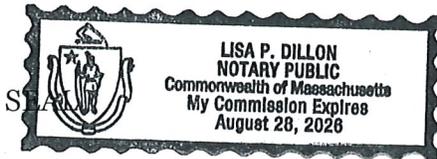
May 11, 2020

Before me, the undersigned notary public, personally appeared Kristy Senatori in her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that she signed such document voluntarily for its stated purpose on behalf of the Cape Cod Commission. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [x] personal knowledge of the undersigned.

Lisa P. Dillon

Notary Public:

My Commission expires: *8/28/26*





TOWN OF TRURO

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

COMMERCIAL SITE PLAN REVIEW

DECISION

Atlas Map 43 Parcel 57

Address: 298 Route 6

Case Reference No: 2019-003/SPR

**Applicants: Erin Sullivan-Silva and Daniel Silva
and Jon Salvador and Wendy Salvador**

Hearing Date: March 20, 2019, April 17, 2019, May 1, 2019

Decision Date: May 1, 2019

Registry of Deeds Book 26185, Page 169

At a duly posted and noticed Truro Planning Board hearing held May 1, 2019, the Board voted to approve with conditions an application for Commercial Development Site Plan Review pursuant to §70.3 of the Truro Zoning By-Law for the development of two (2) steel-framed buildings on the Property as follows: Building One to have a footprint of 7,200 square feet and contain seven (7) contractor bays on the main level and sixty-four (64) climate-controlled self-storage units on the lower level, and Building Two to have a footprint of 5,400 square feet and contain five (5) contractor bays on the main level and forty-six (46) climate-controlled self-storage units on the second level. The Property is a vacant, undeveloped parcel of land in the Route 6 General Business Zoning District and is located at 298 Route 6, Map 43, Parcel 57.

The following materials were submitted as part of the complete application for review:

- Application for Site Plan Review (Commercial Development), including Project Narrative prepared by the Law Office of Singer & Singer, LLC
- Certified Abutters List
- Filing Fee (\$250.00)
- Cape Cod Commission Development of Regional Impact Scoping Decision, dated January 10, 2019 (Tradesmen's Park South (CCC No. LR18007)
- Cape Cod Commission Transportation Staff Memorandum, dated February 12, 2018

- Summary of Reasoning prepared by the Law Office of Singer & Singer, LLC
- Supplemental Memorandum prepared by the Law Office of Singer & Singer, LLC, dated April 17, 2019
- Landscape Plan, 298 State Highway – Route 6, prepared for Tradesman Park – South, dated February 16, 2019
- Site Plan prepared by East Cape Engineering, Inc., of 298 State Highway – Route 6, Truro, MA prepared for Tradesman Park – South, dated April 4, 2018, revised June 28, 2018, July 10, 2018, September 11, 2018, and February 13, 2019, Sheet 1; Sewage Disposal System Detail Plan, dated July 5, 2018, revised September 11, 2018, Sheet 2; Stormwater Drainage System Details Plan, dated July 5, 2018, revised September 11, 2018, Sheet 3; and 4-Ft Diameter First Defense High Capacity General Arrangement, dated November 25, 2014, revised November 5, 2015, prepared by Hydro International Storm Solutions
- Proposed Building 1 and 2 Elevation and Floor Plans, prepared for DJS, dated February 16, 2019, Sheets 1-4
- Five (5) color photographs labeled “View of property looking West into the property”, Property line just beyond telephone pole: Rte 6 headed North”, “View looking south with Truro Central Village pictured”, “View of property looking South (Truro Central Village in view) and “Existing sign for the Truro Tradesmen’s Park @ 352 Rte 6”
- Sample Commercial Lease Agreement
- Drainage Calculations prepared for Silva-Tradesmens Park in Truro by Timothy J. Brady, revised on 9/11/18 (5 pages)
- E-mail from DEP concerning Zone 1 Radius, dated April 5, 2019
- Letter of project support from the Town of Truro Board of Selectmen to the Cape Cod Commission, dated July 10, 2018
- Email from Emily Beebe, Truro Health and Conservation Agenda, dated May 1, 2019
- Ten (10) letters of support for the project
- Two (2) Letters of opposition to the project

Board Vote:

At the May 1, 2019 Planning Board meeting, Paul Kiernan made a motion, seconded by R. Bruce Boleyn, to close the Public Hearing, and the vote was unanimous. The request of 2019-003/SPR Erin Sullivan-Silva, Daniel Silva, John Salvador, and Wendy Salvador for Commercial Development Site Plan approval pursuant to §70.3 of the Truro Zoning By-law was unanimously granted with conditions and waivers by the Planning Board, with Paul Kiernan making the motion and R. Bruce Boleyn seconding the vote. This decision is pursuant to the following findings of facts, conditions, and waivers:

Findings:

1. This is an application by Erin Sullivan-Silva, Daniel Silva, Jon Salvador, and Wendy Salvador for Commercial Development Site Plan Review under Truro Zoning By-law ("Bylaw") Section 70.3.
2. The property is located at 298 Route 6 and is shown on Truro Assessor's Map 43, Parcel 57 ("Property"). The Property is located in the Route 6 General Business Zoning District.
3. The Property is owned by Shirley M. DeMasi, Trustee of the Shirley M. DeMasi Irrevocable Trust, and consists of 1.1± acres of vacant, undeveloped land with an existing water supply well.
4. The Applicants propose to construct two (2) steel-framed buildings with associated site improvements on the Property. Building One to have a footprint of 7,200 square feet and contain seven (7) contractor bays on the main level and sixty-four (64) climate-controlled self-storage units on the lower level, and Building Two to have a footprint of 5,400 square feet and contain five (5) contractor bays on the main level and forty-six (46) climate-controlled self-storage units on the second level (collectively "Project").
5. The Project requires Commercial Development Site Plan Review pursuant to Section 70.3 of the By-law because it proposes construction of a property for non-residential use. The Truro Building Commissioner, as the Zoning Enforcement Agent, has determined that the proposed use (Trade/Repair/Self Storage) is permitted by right and complies with the zoning uses approved by Truro Town Meeting for the Route 6 General Business Commercial Zone.
6. The Applicants own a similar facility (without storage units) north of the site, also on Route 6, which is called Tradesmen's Park. They have a longstanding waiting list of local businesses and tradespeople and are hoping to be able to accommodate the need and provide this additional opportunity in Truro. The twelve contractor bays will thus be used by local tradesmen (carpenters, cabinet makers, artists, etc.) from Truro and the surrounding communities. There is also a high demand for additional climate-controlled self-storage in the community. Many retail stores and nonprofit organizations currently rent contractor bays for inventory storage in addition to the demand by local contractors themselves.
7. The Project underwent review by the Cape Cod Commission, including in the areas of Land Use, Economic Development, Water Resources, Natural Resources, Transportation, Waste Management, Energy, and Heritage Preservation and Community Character. The Cape Cod Commission made extensive findings and imposed conditions on the Project, including regarding the applicable Zone I and Interim Wellhead Protection Area to an adjacent public water supply well, handling of wastewater, limitations on nitrogen loading, landscape management, limitations on hazardous materials, stormwater management, and enforcement.

8. The Truro Board of Selectmen submitted a letter to the Cape Cod Commission, dated July 10, 2018, stating its support for the Project and further that “this commercial development will fill an identified need in the community.”
9. The Truro Health and Conservation Agent submitted an email, dated May 1, 2019, indicting the Applicant’s work with the Agent during the regulatory review process and suggesting conditions re: best management practices in connection with the proposed drainage in the northwest corner of the site. The Applicant has agreed with these proposed conditions.
10. Ten (10) letters of support have been submitted from the following people and entities: Chuck Leigh, Bert Yarborough, Gerald J. Costa, Jr., Shawn Costa, J. Ian Millar, Noah Santos, Jared Colley, Steven Roderick, the Provincetown Art Association and Museum, and Truro Vineyards.
11. Two (2) letters of opposition have been submitted from the following people: Dina B. Browne, Esquire, Bletzer & Bletzer, P.C. on behalf of Truro Motor Inn and Claire A. Perry.
12. The proposed site and building design will comply with all dimensional requirements of the Zoning By-Law. Building coverage will be 25.3%, open space will be 30.8%, and building height will be 30 ft. and 23 ft., respectively.
13. The parking spaces will be conforming at 10 x 20 and are so noted on the plan. In addition, the parking spaces will not impede access to the self-storage units at the lower level of Building 1, and drive aisles have been dimensioned and will provide safe and adequate access throughout the site.
14. The Division of Water Protection for the Southeast Regional Office of the MassDEP confirmed in an email dated April 5, 2019, that all records determine that the Zone 1 for the Truro Motor Inn’s active Well #2 is 160 feet.
15. The proposal meets the site design requirements of the Water Resource Protection District to direct runoff toward vegetated swales or basins for surface infiltration and by maximizing protection of groundwater through siting potential pollution sources such as on-site disposal systems outside of the District to the extent feasible. The Applicant has adopted bioremediation measures recommended by the Cape Cod Commission and industry-wide to capture and infiltrate stormwater on site. This includes a large vegetated, bioretention swale in the center of the Property. In addition, the Applicant has incorporated an oil-water separator in the drainage structure at the northwest part of the Property, and roof runoff will be separately captured and infiltrated. Further, the Applicant has, in compliance with MA DEP and Title V regulations, located its septic system outside of the Zone I radii not only of the public water supply well at the Truro Motor Inn, but also those of the private water supply wells and has included best management practices for protection of the groundwater within the Interim Wellhead Protection Area.
16. The design includes an enhanced, denitrification, FAST septic system which will make the Property the most conforming to Title V standards in this portion of the Commercial Zoning District. Nitrogen calculations prepared for the proposal demonstrate that nitrogen loading on the Property will be less than the 5 ppm design standard (4.85 ppm proposed).
17. There will be one set of bathrooms in the center of each building to service the contractor bays in that building. This reduces the need for plumbing and makes the sanitary facilities more efficient. There will be no water service within the respective contractor bays.
18. A model lease was submitted and reviewed including provisions providing for restrictions and limitations on hazardous materials, inspections, and enforcement.

19. A soil erosion plan will be implemented during construction.
20. Bollards shall be installed in front of each garage door leading to a contractor bay at Building 1 in order to prevent vehicles from entering the respective contractor bays. For Building 2, the Applicant is proposing to install floor drains within each contractor bay that will be connected to a building-wide tight tank to contain all materials within the building.
21. There will be no outside storage of any materials nor of large construction or other vehicles or equipment. Parking of motor vehicles will be limited to the delineated parking spaces, and each contractor bay will be assigned a certain number of parking spaces. Parking for the self-storage is also provided.
22. Abutting properties and the surrounding area will be protected by vegetative screening, topography, and site design. A landscape plan has been provided showing existing trees and vegetation to remain plus additional plantings on the Property adjacent to the Route 6 layout buffer area and the adjacent property. There is also a significant, natural vegetated buffer located within the Route 6 State layout between the development and screening shown on the plans and the traveled way. In addition, given the topography of the Property, the buildings will be set six feet below the top of the knoll at the back of the Property. No noise, litter, odor or other sources of potential nuisance or inconvenience to adjoining properties, public ways or neighbors are anticipated, and the proposal will not adversely affect the public good.
23. Access to the buildings and to the individual storage units will be by respective key pad locks on the exterior and interior doors for the self-storage areas.
24. The proposal is a low-traffic generator, particularly in comparison to other uses allowed by right and special permit in the Commercial Zoning District.
25. There will be one curb cut for the Property, and the curb cut has been designed to provide safe access and egress to and from the Property and has been reviewed and analyzed by the Cape Cod Commission's Transportation Staff.
26. The layout of the driveways and parking areas have been designed to provide safe and efficient on-site circulation in conformance with the site plan and zoning review standards. There will be one-way circulation through the central driveway on the Property.
27. The proposed lighting is consistent with the By-laws of the Town of Truro and will protect adjacent properties and the night sky from intrusive lighting.
28. Each contractor bay shall be responsible for storing its own refuse inside the unit and disposing of the same. Refuse cans will be provided in the climate-controlled storage areas.
29. The site will be served by all required utilities and the same will be placed underground. Photovoltaic (solar) panels are being proposed for the roofs of each building to assist in alternative energy generation for the Property.
30. The Planning Board has reviewed all plans and materials submitted with respect to this Application and found that they comply with the requirements set forth in Section 70.3 of the By-law.

Waivers:

The Board has considered and authorized the following three (3) waivers from the site plan review standards in accordance with Section 70.3.E of the Zoning By-Law:

1. Section 70.3.D.3.b.4 – General location of trees having a caliper of ten (10) inches or more diameter at breast height (DBH): Existing trees having a caliper of ten (10) inches or more in diameter at breast height (DBH) have not been located and shown on plan;
2. Section 70.3.D.3.c.3 – Referencing Section 30.9.G.4 Drive Aisle Width for 90 degree parking angle spaces: Driveway width as shown is less than 24 ft, but determined as designed to allow safe and efficient traffic and parking movements; and
3. Section 70.3.D.3.c.11 – Refuse Areas: Exterior enclosed refuse/recycling areas have not been shown on site plan. Tenants individually responsible for refuse storage and removal.

Conditions:

The Board has determined to impose the following conditions on the proposal:

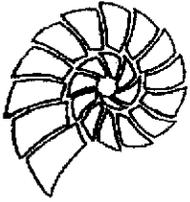
1. Each component of the Project shall be constructed in accordance with the plans referenced herein;
2. The turn-around off the west end of the rear of Building 1 shall be lengthened to twenty (20) feet east to west and the north-south portion shall be widened as feasible;
3. There shall be paved access (approximately five to six feet in width) to the elevator at the southwest corner of Building 2;
4. There shall be a paved sidewalk to the stairs at the southeast corner of the rear of Building 2;
5. The parking spaces shall be identified on the ground to identify contractor bay number to which the respective use is designated;
6. There shall be one-way traffic flow through the central portion of the Property;
7. The building lighting shall be downward-lit as follows. Entry lights will be equipped with motion detectors, and other exterior lighting shall be on a timer and shall be shut off at 11:00 p.m.;
8. Access to the storage units shall be limited to 7:00 a.m. to 7:00 p.m., seven days per week;
9. All stormwater runoff shall be contained on site;
10. The Applicant shall meet all requirements of the Health and Building Departments;
11. Emergency spill kits shall be provided on site, one per building;
12. A monitoring well shall be installed in the southwest corner of the Property;
13. All hazardous materials shall be properly stored and such storage shall be subject to inspection by the Health Department if and as warranted;
14. The freestanding sign at the entrance shall be located on the Property consistent with the Truro Sign Code;
15. The second well shown on the Landscape Plan shall also be added to the Site Plan;
16. The Board shall conduct a site visit two (2) years after the first building is constructed at the Property to confirm that the approved landscaping has been installed and is alive; and
17. A revised site plan conforming to the above shall be submitted to the Planning Department before this Decision is signed.

This Commercial Development Site Plan Approval for Commercial Site Plan shall expire in two (2) years from the date of this approval.

Pursuant to §70.6 of the Truro Zoning By-law, it shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk. The applicant shall be responsible for recording the Planning Board Commercial Site Plan decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the Planning Board Secretary.

Steven Salloy 5/14/19
Chairman, Truro Planning Board Date

Official MAY 14 2019
Received, Office of the Town Clerk Date



J.M. O'REILLY & ASSOCIATES, INC.

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

Site Development • Property Line • Subdivision • Sanitary • Land Court • Environmental Permitting

December 12, 2017

Ms. Rae Ann Palmer, Town Manager
Town of Truro
P.O. Box 2030
Truro, MA 02666

RE: **Feasibility Report**
Truro Housing Authority, Highland Road Site, Truro, MA

Dear Ms. Palmer,

As per our contract, J.M. O'REILLY & ASSOCIATES, INC. has completed a review of Highland Parcel, which was a former portion of the MA State Highway Layout with regards to the development feasibility and constraints of the property located on Highland Road, adjacent to Route 6 Highway.

Property Description:

The property is located along Highland Road and directly east of MA Highway – Route 6. The property was formerly a part of the Highway Layout of Route 6. The Town recently purchased the property for the purposes of affordable housing.

The parcel was created by a Plan of Land for the Town of Truro, as prepared by VHB, Inc., dated September 6, 2017. The plan has been recorded at the Barnstable Registry of Deeds in Plan Book 672, Page 34. The parcel has 170,339 sf (3.91 acres) of land area and 209.61 feet of frontage along Highland Road.

The parcel is abutted to the east by a single family dwelling (#24 Highland), on the north by another single family dwelling (423 Route 6), on the west by Route 6 and again on the south by Highland Road (Refer to Figure #1). The parcel is well vegetated with a majority of scrub pine trees and coastal plain shrub community. There are some scrub oak within the parcel along with the dominate scrub pine.

The parcel's topography is greatly varied from south to the north. The elevations along the Highland Road vary from elevation 24 to 28. The grade from the road, within 300 feet, slopes up very quickly to a highpoint of elevation 62, (12.5 %). The topography rolls down, from the highpoint, to a low point of about elevation 32, adjacent to the northern property line within 250 feet (12 %). Please refer to Figure 2.

NHESP:

The Site is mapped as a Massachusetts Division of Fisheries and Wildlife (DFW), Natural Heritage & Endangered Species Program (NHESP) "Estimated Habitat" and "Priority Habitat." Based on our experience in the area of the parcel, we would anticipate the species one or more of the following: Terrapene Carolina (Eastern Box Turtle), Scaphiopus holbrookii (Eastern Spadefoot), Catocala Herodias gerhardi (Gerhard's Underwing Moth) and/or Metarranthis pilosaria (Metarranthis Moth). Refer to Figure 3.

As soon as a site plan is available that shows the potential development and limit of work, a complete filing with NHESP can be made. Based on this filing, NHESP determines whether the proposed development would result in a prohibited "take" of state listed rare species. Determinations can range from the development being a prohibited "take" to the development not being a prohibited "take" as well as a range in between where proper mitigation could allow for development. Mitigation varies depending upon the species present.

Wetlands:

Based on the MassGIS's online mapping tool "Oliver" and the site visit by our office, the site does not contain any wetlands and development of the lot should not require a State or Local Wetlands Protection Act filing.

Soil Conditions:

The parcel is located within the Truro Plain Deposits (Qtp) as shown on the Geologic Map of Cape Cod and the Islands, Massachusetts – 1986). The Barnstable County Soil Survey (1993) shows the parcel falls within the Carver Coarse Sands (CdA).

The Carver Sands are typically clean coarse sands with very little silt/fines. The Carver sands are suitable for the installation of subsurface sewage systems.

Ground Water:

Groundwater in the area is approximately 5' above mean sea level (Per Cape Cod Water Table Contours and Public Water Supply Protection Areas Map dated September 1995 produced by the Cape Cod Commission Water Resources Office). As outlined above, the existing grade on the parcel varies from elevation 62 to 24. Based on this information, groundwater is estimated to be about 19 feet below the lowest grade of the parcel (along Highland Road).

The parcel is within the Pamet Lens and appears to fall in between the Zone II of the water supply wells for the Provincetown Water Department. Refer to Figure 4.

Water Supply:

Town Water:

The abutting residential properties are all served by private drinking water wells. As referenced above, the parcel appears not to be located within the Zone II of Provincetown Public Water Supply Well. At this time, the parcel does not have town water available for any type of development. A water service line, from the Provincetown Water Department, runs up to 8 Highland Road, just west of the west of the Route 6 Highway Layout. The existing service is not a water main that can be extended.

On December 11, 2017, Mr. Cody Salisbury, Water Superintendent for Provincetown confirmed the closest water main was a 12 inch diameter Transite pipe on Shore Road. The existing main is about 1,400 feet from the site. As you may know, the main cannot be extended without authorization from both Boards of Selectmen, as outlined in the inter-municipal agreement between Provincetown and Truro.

If the main extension were to be agreed upon, we estimate the cost for an 8 inch diameter main with 4 hydrants (1 hydrant every 400 feet) would be about \$ 85,000. The cost to bring a main into the project site is not included with the \$85,000 amount.

Wells:

If the water main extension is not available to the development, the water supply would be from private wells. Since the Housing Authority has not determined what kind of housing will be proposed (single family homes, duplexes, triplex or apartment "box" buildings, etc), the issue of water supply needs to be carefully evaluated.

The Massachusetts Department of Environmental Protection (DEP) defines public water supply wells system means "a system for the provision to the public of water for human consumption, through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year". The number of persons will dictate the need for a public water supply well.

As the Housing Authority develops the possible type of housing and the number of residents for the housing project, we recommend the number of residents be set below the threshold of a community (public) water supply well. This could be accomplished by setting the total number of bedrooms for the entire parcel at 12 bedrooms (24 person total). The alternative, if increasing the number of residents is desired, would be to subdivide the parcel so as to keep the residents of each "new" parcel below the 25 person threshold.

Example: Subdivide the parcel into two lots, each lot would have a private well associated with it and be set to serve a maximum of 24 people per lot, for a total of 48 people.

Sewage System:

Based on the above referenced ground water, soil conditions and the development of abutting properties, the parcel is believed to be able to support an onsite sewage disposal system. Below are the three options when looking at the available bedroom totals with regards to the parcel.

#1 - Units are served by a private well and conventional sewage systems:

Each unit/building to be served by a private well and a conventional sewage system. Since the parcel will be served by private wells, the parcel will be considered a Nitrogen Sensitive Area and as such will be required to provide 10,000 sf of land area for every bedroom. Under Option #1, the entire development can have a total of 17 bedrooms.

With Option #1, the building would be located on their own subdivided parcel which would contain a well and sewage system.

#2 – Units are serviced by private wells and a shared I/A Treatment system:

Each unit/building to be served by a private well and connected to a shared system which would contain enhanced I/A treatment process. Again, since the units are served by private wells the ratio of 1 bedroom per 10,000 sf of land area would apply. However, with the introduction of enhanced treatment the ratio changes to 1 bedroom per 6,670 sf of land area. The enhanced treatment unit provides a potential for 25 bedrooms for the development.

As with Option #1, the unit/building would be located on their own subdivided parcel but have the common sewage system on an individual parcel.

#3 – Units are serviced by town water and conventional sewage systems:

Each unit/building to be served by municipal water and a conventional sewage system. Since the parcel would be served by town water and appears not to fall within the Zone II, there would be no restriction on the number of bedrooms.

The building would be located on their own subdivided parcel, which would contain the conventional sewage system and served by a town water service.

Flood Zone:

The property does not fall within a Special Flood Hazard Area (SFHA) as shown on FEMA Flood Insurance Map Community Panel #25001C0139J.

Access:

The lot currently has a little over 209 feet of frontage along Highland Road. The line of site, for vehicle safety, along the frontage of the parcel is very good going either east or west. The topography of the parcel will be somewhat challenging for a curb cut. Given the rapid

grade change and the need for a safe intersection with Highland Road, the access driveway will require a cut in grade. The final location of the access road will dictate the size of the cut required to provide a safe transition from Highland Road onto the Parcel.

Summary:

In conclusion, J.M. O'REILLY & ASSOCIATES, INC. offers the following comments and suggestions.

Comments:

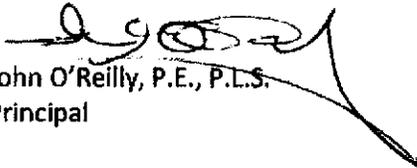
1. The parcel is suitable for the location of subsurface sewage systems, as indicated by the regional information.
2. Groundwater is not going to be an issue regarding either the sewage systems or full height foundations.
3. The Endangered Species for the parcel have yet to be confirmed.
4. The availability of municipal water, at the property, has yet to be confirmed.
5. The number of bedrooms available, based on the 3 options outline above, could be designated for either individual homes, duplex homes, triplex homes or apartment "Box" buildings.
6. Avoiding a public water supply well designation is desired. Seeks and obtaining a public water supply well on the parcel would severely impact the amount of available room for the housing component.

Suggestions:

1. The Housing Authority, prior to moving to the next step of selecting a developer, should prepare a Site Sketch Plan for the purposes of filing with the Natural Heritage Program (MESA). The Site Sketch Plan would show an area of development or edge of potential clearing for the potential development. The Sketch should then be filed with the Natural Heritage Program so as to determine what if any restriction would be placed on the development of the parcel.

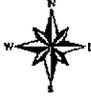
We hope you find the information above helpful in the authorities efforts to bring affordable housing to the Highland Road Parcel. If you have any questions or comments, please contact my office directly.

Very Truly Yours,
J.M. O'REILLY & ASSOCIATES, INC.



John O'Reilly, P.E., P.L.S.
Principal

Encl: Figure 1 (Assessor's Map), Figure 2 (Topography Map), Figure 3 (NHESP Map)
Figure 4 (Groundwater Map), Email from Cody Salisbury dated 12/11/17



assrs map

Truro, MA

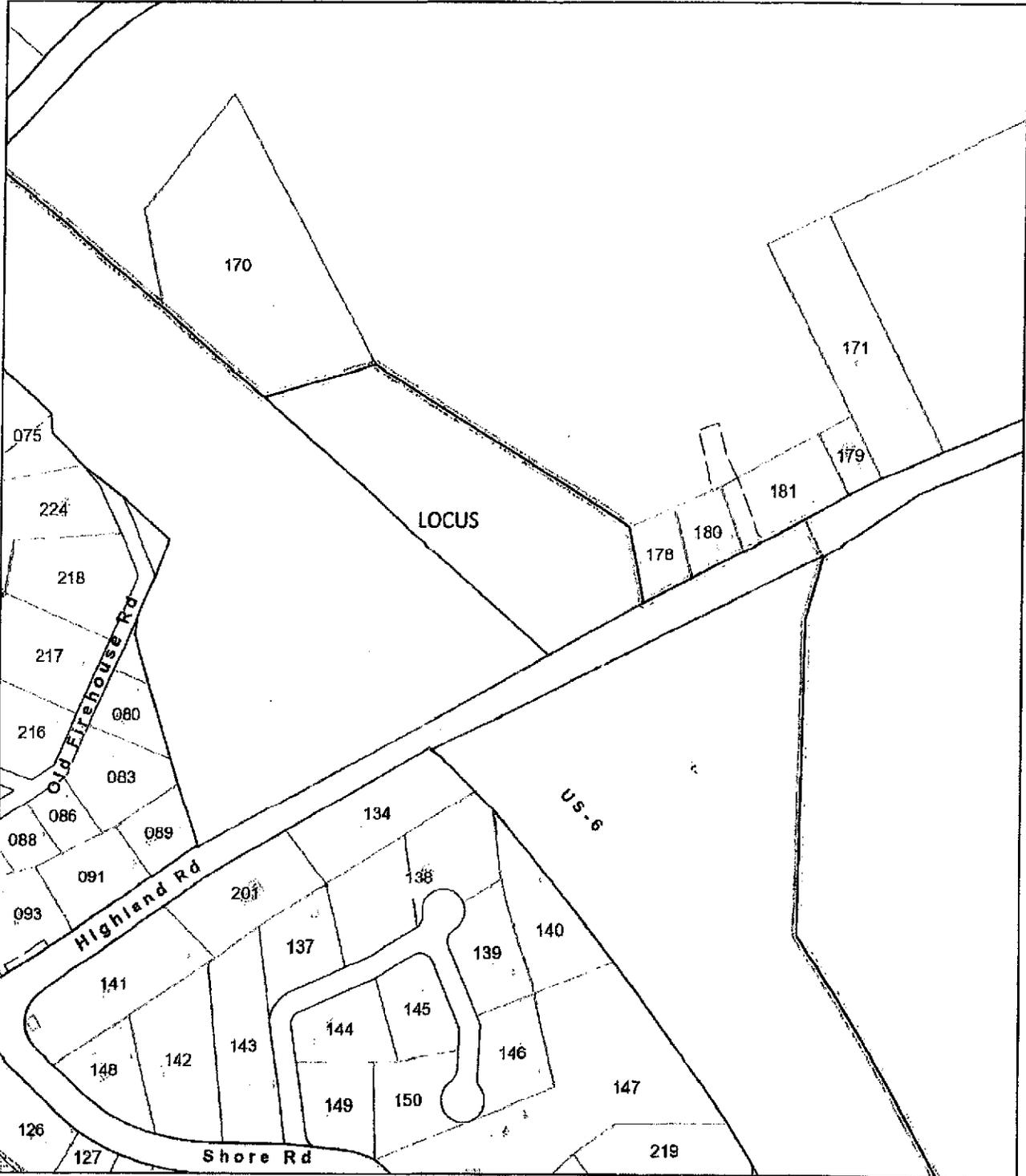
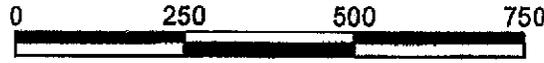


CAI Technologies
Township Mapping, Aerial, GIS, etc.

December 8, 2017

1 inch = 250 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

FIGURE 1



Truro, MA



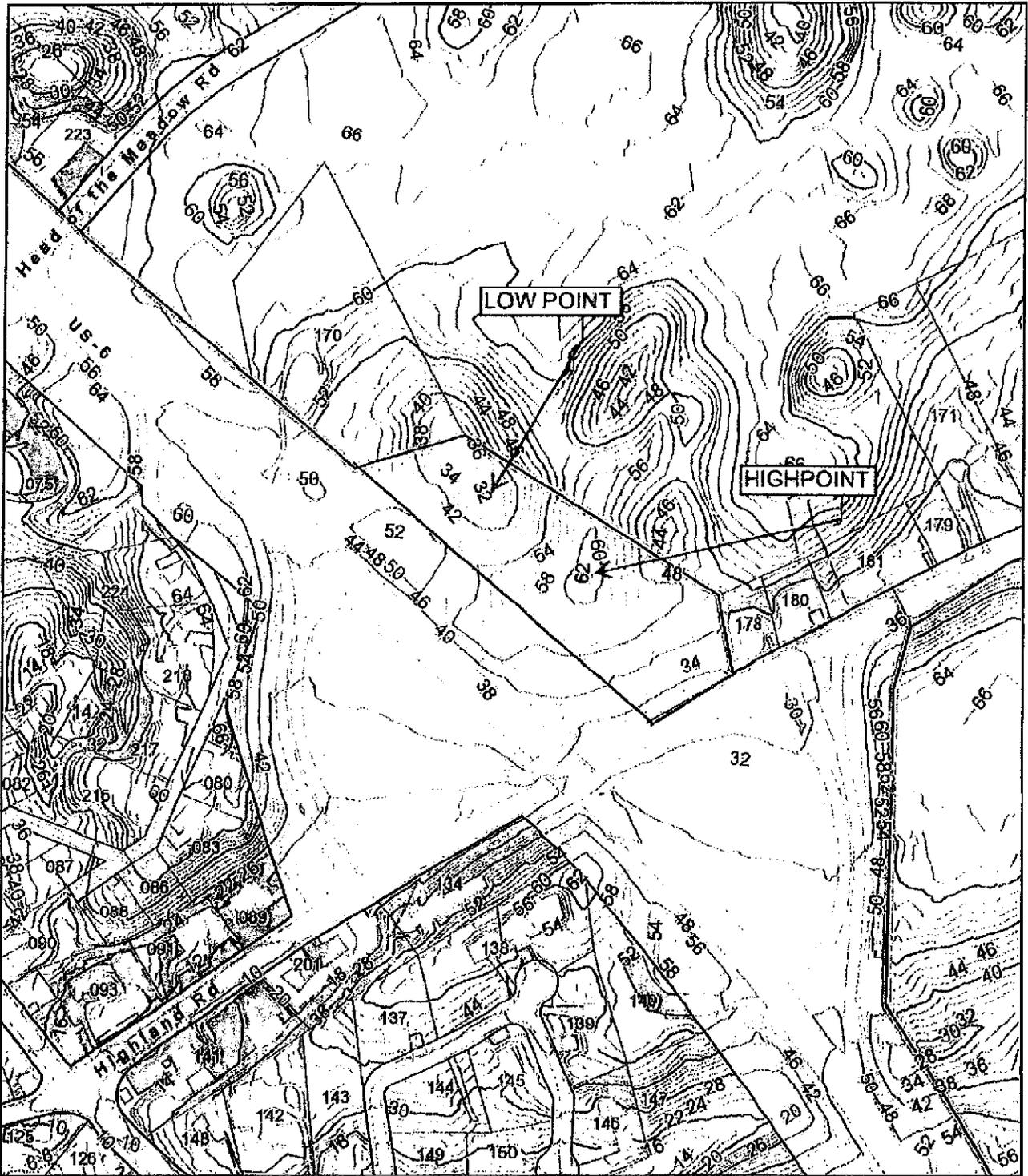
CAI Technologies
Protecting Key to the Coastal Future

November 30, 2017

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0 250 500 750

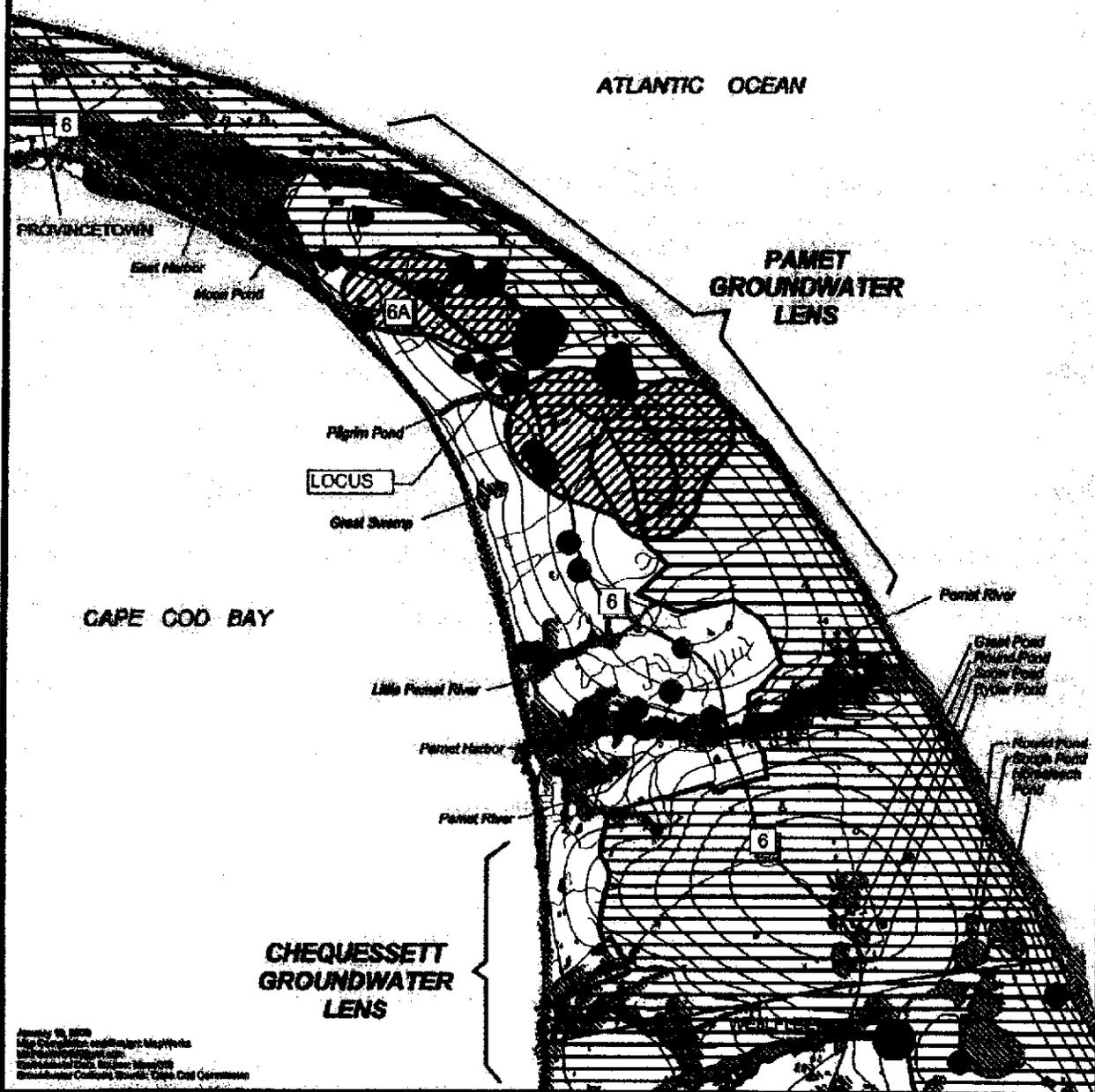


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FIGURE #2



0 1 2 Miles



January 26, 2009
 Map 5 - Water Resources Map/Plan
 Massachusetts Dept. of
 Environmental Protection
 Massachusetts Coastal, Stream, Open Cell Commission

- Water Supply Well
- Zone 2 - Area of Contribution to Public Water Supply Well
- Interim Well Head Protection Area
- Approximate Depth to Groundwater (1 foot contour interval)
- Wetlands
- FEMA Flood Hazard Area V Zone
- FEMA Flood Hazard Area A Zone
- FEMA Q3 Flood Hazard Zone
- 200 Foot River Protection Act Buffer
- Open Water
- Outstanding Resource Waters (Watershed areas afforded protection under Massachusetts Surface Water Quality Standards of 1985)

MAP 5 - WATER RESOURCES
 Town of Truro - 2009 Open Space and Recreation Plan

FIGURE 4

John O'Reilly

From: Cody Salisbury <csalisbury@provincetown-ma.gov>
Sent: Monday, December 11, 2017 10:28 AM
To: John O'Reilly
Cc: Richard Waldo
Subject: RE: Truro Highland Road - Affordable Housing

Mr. O'Reilly –

Currently the closest distribution main is a 12" Transite main located on Shore Road, which is approximately 1,400' from the entrance to the parcel you provided, with (I assume) an additional 200'-250' necessary to be laid into the parcel. It would be necessary to loop the main in order to avoid a dead-end, presumably back to Old Firehouse Road. In terms of sizing, a hydraulic analysis must be performed in order to evaluate the projected demand and the required fire flow conditions by our consulting engineers at the expense of the applicant, however per MassDEP guidelines would be no less than 8" in order to serve fire protection. I am not authorized to allow the extension of the main, and must be approved by both Provincetown and Truro selectmen per the Inter-Municipal Agreement. Please feel free to call me with any questions.

Cody

Cody J. Salisbury

Water Superintendent
Provincetown Public Works – Water Dept.
2 Mayflower St., Provincetown MA 02657
csalisbury@provincetown-ma.gov
ph - 508.487.7064
fax - 508.487.4675



TOWN OF PROVINCETOWN 400
1-208-2886

From: John O'Reilly [mailto:joreilly@jmoreillyassoc.com]
Sent: Friday, December 08, 2017 12:17 PM
To: Cody Salisbury
Subject: Truro Highland Road - Affordable Housing

Mr. Salisbury,

I am working with the Town of Truro and the Housing Authority regarding a parcel on Highland Road. The parcel was purchased by the Town from the MA State Highway department and sits adjacent to Route 6 and Highland Road. I have attached a map for your reference.

I am asking, on behalf of the Town as to the possibility of bring town water to the site in the Town's efforts to build affordable housing. At this stage in our feasibility review, we would like to know 1.) if it is at all possible to bring water to the site, 2.) where would the main be coming from (distance) and 3.) size of the main if you would know (minimum size, etc).

**Truro Zoning Bylaw Definition of "Street"
and Referenced Design Standards**

The following definition of Street is from the Truro Zoning Bylaw, § 10.4. Definitions

Street. A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms "street", "road", "way", and "road right-of-way" bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989. Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac. Town of Truro paved street(s) that: (1) have a minimum layout width of 20 feet, (2) were created prior to January 1, 1989 and (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards. These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of accepted Truro public paved ways is available from the Town of Truro Town Clerk upon request.

The following is the above referenced Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989:

- (b) The minimum width of street right-of-ways shall be 40 feet.
- (c) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.
- (d) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of at least 80 feet. When ways requiring turnarounds may be extended in future subdivisions, the Board may require only an area equal to the above requirement to be shown and marked "Reserved for Turning." Upon extension of the way through this turning area, the portions not included in the way shall revert to their respective lots.

Street Definitions – May 2020

Brewster

Street - A way which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A "street" includes all public ways, a way which the Town Clerk certifies is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the rules and regulations governing subdivision of land in Brewster, Massachusetts, and a way having in the opinion of the Brewster Planning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. [Amended 5-7-2012 ATM, Art. 23]

Chatham

"Street" means a public way; or a private way established by a subdivision plan approved under the provisions of the Subdivision Control Law; or a way in existence when the Subdivision Control Law became effective in the Town which is determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular and pedestrian traffic in relation to the proposed use of the land abutting hereto and for the installation of municipal services to serve such land and buildings erected or to be erected thereon. For the purpose of this Bylaw, the terms "STREET", "ROAD", and "WAY" bear the same meaning. (5/12/97 ATM)

Orleans

Lot Frontage - The boundary of a lot coinciding with a street line if there are both rights of access and potential vehicular access across that boundary and the street either has been determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and the Orleans Subdivision Regulations or is shown on an approved definitive subdivision plan; measured continuously along one (1) street line between side lot lines or, in the case of corner lots, between one (1) side lot line and the midpoint of the corner radius. [Amended 5-6-1986 ATM, Art. 70]

Provincetown

Street shall mean an accepted town way, or a way established by or maintained under county, state or federal authority, or a way established by a sub-division plan approved in accordance with the Sub-division Control Law, or a way determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

Wellfleet

Street - A street or way other than a private way which meets the minimum requirements of the Planning Board as established in accordance with the provisions of Section 81L of Chapter 41 (Subdivision) of the General Law.

COVID-19 EMERGENCY RESPONSE: General Court Authorizes Postponement of Elections

Along with the many other important challenges faced by cities and towns in response to the Covid-19 novel coronavirus, the majority of Massachusetts municipalities typically hold their annual elections and caucuses in March, April and May. Between the closing of public buildings, limited staffing of public offices and social distancing advisories, in many cases, the normal nomination and election processes have been paused. As previously detailed, there are typically only limited options for postponing an election for which the date has been set and/or nominations made, particularly if the date is set by special act, charter or bylaw. Many municipalities, therefore, have taken steps over the last few weeks to request special legislation authorizing the postponement of their election, and, in conjunction therewith, voted to postpone the same.

The General Court acted quickly to allow such postponement for the vast majority of municipalities with scheduled caucuses and elections. On March 23, 2020, both houses of the General Court approved, and Governor Baker signed, a new law authorizing the postponement of annual elections and caucuses, Chapter 45 of the Acts of 2020. The new law also authorizes special voter registration deadlines and voting options to address the possibility that the current public health crisis created by Covid-19 may not have abated completely this spring. We have summarized the highlights of the new law below. The new law will be applicable without any adjustments for communities whose elections are already well underway, with nominations and the time for filing objections already passed. For those communities with future filing deadlines, or who feel additional time is needed for circulation of nomination papers or the like, a follow-up court action or special act may still be necessary – for now, though, just one step at a time!

Local Municipal Elections and Caucuses

The new law applies to cities and towns that would otherwise hold a local caucus or election between March 23 and May 30, and authorizes the postponement to a date on or before June 30, 2020. The Select Board, City or Town Council, or Board of Voter Registrars (“Registrars”) are authorized to postpone the date of the election.

The act expressly provides that any elected official whose term would have expired on the original election date shall continue to serve in office until a successor is elected and qualified.

Voter Registration

To encourage voter participation, the last day to register to vote in a postponed election shall be 10 days (rather than 20 days) before the election. The Registrars shall conduct a registration session on that date for a minimum period of 2:00 - 4:00 p.m. and 7:00 - 8:00 p.m.

Election Materials

To avoid causing municipalities to have to reprint or reformat any election materials, the act provides that any election materials already prepared for the original election date, including official and absentee ballots, if any, shall be used for the postponed election “to the extent practicable.” For example, printed ballots with the original date printed on them shall be used and need not be reprinted. Moreover, the act provides that if new ballots are to be printed, they must be identical to that which would have been used for the regularly scheduled original election. The Elections Division has clarified that if ballots have not yet been printed, they may be printed with the new date once it is set. Further, if the ballot is finalized but no new election date has yet been established, the ballot may be printed as soon as possible (with the old date), so that voting by mail can commence.

Absentee Ballots

If any absentee ballots were cast before the election was postponed, such eligible ballots will be processed and counted at the postponed election in the usual manner. Note that if a voter who originally voted absentee would now like to vote in person at the polls, they may do so if their absentee has yet to be counted. To provide opportunity for the greatest number of people to be eligible to vote by absentee, the law specifically defines a voter that chooses not to vote in person at the election due to COVID-19 as “unable by reason of physical disability” to cast a vote.

Early Voting by Mail

A new “modified” early voting by mail provision was included in the legislation and will be applicable to all local elections this spring, not just elections that are postponed. Upon application, any voter may, through “any form of written communication”, file a request with the Clerk’s office to vote early by mail. There will be no “in person” early voting sessions, however. No special ballots need be printed. Instead, clerks may use absentee ballots (with the word “absentee” crossed out and the letters “EV” written on OR, if there is not a sufficient number of absentee ballots, then the same process can be followed for official ballots). Early and absentee ballots must be received before the close of the polls on the day of the election, and counted as they would be normally at the polling place.

Special Elections for State Representative and State Senator

In addition to addressing the timing of local elections, the Governor signed acts rescheduling special state elections to fill Senate and House vacancies, both originally scheduled on March 31, 2020, to the middle of May and June, respectively.

It is inevitable that court action or additional legislation will be needed to address various issues, including, for example, starting the election process over to allow for circulation and submission of nomination papers. We will continue to provide updates on any election related matters as the situation change.

Please contact Attorney Lauren F. Goldberg (lgoldberg@k-plaw.com) or Brian W. Riley (briley@k-plaw.com) at 617-556-0007 with any further questions concerning elections matters.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

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**TOWN OF TRURO
Planning Board
MEETING MINUTES
November 6, 2019
TRURO TOWN HALL**

Members Present: Steve Sollog, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan, Peter Herridge

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro

Chair Sollog called the meeting to order at 5:00 pm.

Public Comment Period: No public comments.

Public Hearing – Continued

2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, Section 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. REQUEST TO CONTINUE TO 12/4.

Chair Sollog stated the Public Hearing was opened and asked Town Planner Ribeiro to speak. Planner Ribeiro stated that the applicants have signed an extension agreement and they will have their materials in by the December 4th meeting.

Member Kiernan made a motion to continue the Public Hearing of 2019-006/PB until December 4, 2019.

**Member Herridge seconded.
So voted; 7-0-0, motion carries.**

Board Action/Review

Update on past Work Sessions

Chair Sollog stated that they have held some work sessions and they are productive. Member Kiernan said that he'd emailed Town Planner Ribeiro some of the definitions they'd been working on and they will be included in their next work session. Member Greenbaum suggested that at their next session they should look at their spreadsheet of what they've done, and what they'd like to prioritize.

Update on Planning Board/Select Board ADU Ad Hoc Subcommittee Work Sessions

Chair Sollog reminded all that this is an Ad Hoc Committee comprised of two members of the Planning Board and two members of the Select Board. Member Greenbaum stated that they are working their way through identified topics. At the last Planning Board meeting the issues of enforcement and lack of clear penalties was noted so they've added that to the list. They discussed doing a joint Planning Board/Select Board review for presentation in December. She is wondering if it would make more sense to hold an update to, and feedback from, each Board separately in December. Chair Sollog asked for clarification. Member Greenbaum explained rather than getting both Boards together for joint conversation, she thinks the most important thing is to update each Board, and get feedback from each

Board, and that might be easier to do at separate meetings. A joint meeting could be held in February. She would then ask that the Subcommittee report to the Planning Board at their next December meeting.

Discussion – Request from the Charter Review Committee for consultation with the Planning Board and potential recommendations on charter revisions.

Chair Sollog stated that there was some communication from the Charter Review Committee. Historically, he believes two years ago, he went to a Charter Review Committee hearing where they were considering the same item being discussed today. He spoke with them and suggested it was not a good idea and they let it sit. The Charter Review Committee originally stated they were charged by the Select Board to do this.

Member Tosh proceeded to read the emails into the record for viewers to have a context as to what was being discussed.

- Email of October 21, 2019 from Robert Panessiti stating that the Charter Review Committee has been charged with making a recommendation by the Select Board concerning the current provision calling for the election vs the appointment of the Planning Board. The email asks for them to meet to understand;
 - What are the current goals and objectives of the Planning Board?
 - What do they see as priorities in the short and long-term?
 - How do you see your role in the Town government, especially as it relates to the Select Board’s annual Goals and Objectives?
 - What have been your major accomplishments over the past five to ten years?
 - How do you feel about the current election process vs being appointed?
- Email of October 24, 2019 from Member Tosh after talking with Chair Sollog. They decided, based upon the breadth of the questions, the entire Board ought to be involved. Perhaps the Charter Review Committee could come to a Planning Board meeting. Member Tosh wrote back stating that she and Chair Sollog preferred to place the request on the agenda for the next Planning Board meeting for November 6, 2019 so the full Board could discuss the request and the questions raised.
- Email response by Robert Panessiti stated that the Charter Review Committee had been charged by the Select Board and was looking to gather information in order to fulfill that directive. Mr. Panessiti extended an invite for the Planning Board to come to a Charter Review Committee meeting.

Member Tosh stated that she then forwarded the email to a number of people as she thought it was of great interest and importance. The email was not labeled confidential, there was no confidential information contained therewith. It was upon forwarding the email that Member Tosh discovered that this topic was not a charge from the Select Board.

One of the recipients of Member Tosh’s email, Joan Holt, sent Mr. Panessiti an email voicing her objection to investigating the matter of appointing the Planning Board.

- Email from Mr. Panessiti to Member Tosh and Chair Sollog regarding the sharing of his email to people. It was stated that sharing the email would undermine the goals of good governance and ultimately undermine the process.
- Email dated November 5, 2019 from Mr. Panessiti asking Member Tosh and Chair Sollog to inform the Planning Board that the study, in order to make a recommendation to the Select Board concerning the election or appointment of the Planning Board is a Charter Review Committee initiative.

- Member Tosh wrote back stating she found it stunning that the Charter Review Committee did not want any community input now, and that it was a lack of transparency in government.

Member Tosh went on to state that she believes this is a power-grab, a personality conflict, and there is no legislative reason or identifiable goal to do this. If former, or current, members of the Select Board don't like Planning Board members they need to go to the ballot box.

Chair Sollog mentioned that he did not respond to any of the emails sent by Mr. Panessiti because they were sent to his personal email address, which he did not like. He did attend the meeting they were asked to be at and felt as though at some point the Planning Board was excoriated for what it's supposed to do. He does not consider that great governance. If the argument that the Planning Board would be more in line with the Select Board if they were appointed, then perhaps the Charter Review Committee could look at whether they could get more in line with what the Select Board was interested in.

Member Herridge would like to agree with what Member Tosh said. He feels it is a despicable power grab. The last time he saw this brought up with a group of Truro citizens it was roundly shut down. He noticed that Mr. Panessiti's comment to Ms. Holt about looking up the definition of representative democracy was rude and unjustified. He feels this has come about because the Planning Board, for the first time, has successfully controlled house size.

Member Boleyn subscribes to Member Tosh's observations as well. He feels the charges against the Board are empty and unwarranted.

Member Riemer believes everyone has voiced themselves well and he has nothing to add to their statements. He's found that being an elected official has caused him to act in a very thoughtful manner which represents the Town. The weight of doing his job and living up to the duty that they are required to perform takes a lot of thought and preparation. He's proud of the work the Board has done and the participation of each meeting they attend.

Member Kiernan is truly surprised upon being made aware of the series of emails. He believes in following the law, and that this is totally outside the ability of the Board to be open to the public. Their meetings are always open. To think that there is a Board in Town that wants to deal out of the public view is surprising, on the verge of abhorrent. He is so sad that Truro has to be able to deal with such an unbelievably secretive procedure. He thinks everything they do should be done out in the open. If there is a Board, such as the Charter Review Committee, that needs to say they've been directed by the Select Board and then come back and say that they haven't been directed by the Select Board makes him wonder if "Trump's come to Truro".

Member Greenbaum added that when she was deciding whether or not she wanted to run for the Planning Board the biggest tipping point was the fact that she'd been able to get to know the members of the Planning Board, seen them at work, and had a good sense of how seriously each individual took their work, and how seriously the Board as a whole takes its work. She feels the Town is lucky to have people who take their volunteer role so seriously. It pains her that the approach with which this has started has been so disrespectful to the members of this Board. The Charter Review Committee, she gathers, has the capacity to look at what is in the Charter and to see if they want to recommend changes. As Member Tosh has said, and others have echoed, that should be done in a very transparent way. It was apparent at the Charter Review Committee meeting on Friday that that was an uncomfortable way to proceed for some members of that Committee. She very much supports the Board's interaction with the Charter Review Committee happening in the Planning Board's meetings which are recorded. One of the things that happened at the Charter Review Committee meeting was that they were provided with a structure from the Collins Institute at UMass for looking at appointed vs. elected boards. Committee members received it at the meeting, said that they weren't able to develop questions until they had a chance to digest the material. She doesn't know that it would be a good use of the Planning Board's time right now to respond to questions that have been posed by the Charter

Review Committee before they've had a chance to sit with this new framework. It may make sense for the Charter Review Committee to have their next meeting, talk about how or if they are going to use this new framework, and from that what questions they may have of the Planning Board.

Discussion and approval of Commercial Site Plan Review packet

Chair Sollog stated that they have a checklist before them which is the red-lined version of what they reviewed at their last meeting. He read through the changes. Member Boleyn asked for a couple of wording additions.

Chair Sollog wanted to make a comment. When trying to build a site, the applicant may plan on certain things which may become unavailable. He asked Planner Ribeiro if they were requiring them to update their plan if, say, their paving material changes? Planner Ribeiro thinks what may be helpful is a minor modification process that is functionally similar to a site plan review waiver. If someone is trying to plant something similar to arborvitae (because they cannot purchase arborvitae) this would be helpful. A process where an applicant could come to a meeting and ask, "Is this non-substantive"? In relation to this conversation, Planner Ribeiro mentioned that the Planning Board would be seeing something soon regarding the cell tower, and the change of antennae. Currently, that requires a special permit and a site plan review. To have something in place to make applications like the cell tower be less cumbersome would be valuable. Member Greenbaum stated that anytime the Board can make things easier while ensuring protection make sense. Town Planner Ribeiro will propose some language.

Member Boleyn made a motion to approve the Commercial Site Plan Review Application with amendments as discussed.

Member Herridge seconded.

So voted; 7-0-0, motion carries.

Discussion for setting dates for future Board public workshops.

Planner Ribeiro stated that they discussed this a bit at their last workshop. He provided the Board with a handbook produced by the Massachusetts Housing Partnership about the process for comprehensive permits under G.L. c.40B. The section most useful is the first one, to give some background on the various aspects of the General Law and the requirements. Chapter four gets into the hearing process, which they will be getting into soon. He just spoke with the applicant for the Cloverleaf project and that should be at the Clerk's office first thing in the morning. He should get the digital version, which can be distributed to the Board, along with printed copies if they'd like. It will be up to the Board to determine a timeline to digest the application and to formulate comments. The hearing is set to open on November 21, 2019. The first hearing will more or less be a presentation of the project, and he guesses that there will be no significant deliberation during that first hearing. They can put together a comment letter as it relates to site plan review sections.

Member Kiernan asked if the Cloverleaf hearings would be opened by the Zoning Board of Appeals. Town Planner Ribeiro stated that was correct, and the hearings would be held at Town Hall at 5:00 pm. Member Herridge said that under State law the Zoning Board of Appeals, considering a 40B needs to come up with rules, and file them with the Town Clerk. He believes the Planning Board should get a copy of those. He added that the ZBA has the power to condition, or control, what is done in a 40B. It was decided that the Planning Board would hold a workshop before the November 21st Public Hearing. Monday, November 18th at 2:30 pm was agreed upon.

Chair Sollog asked a question regarding the financing of the Cloverleaf Project. How is it discussed? Who discusses it? Where does that come up as part of the discussion? Town Planner Ribeiro stated a lot of that information will be included in the application. His understanding is that the majority of the subsidy is coming from Low Income Housing Tax Credits which comes from the Federal Government,

administered by the State. It will mostly be the Department of Housing Community Development. Chair Sollog asked if that money must be paid back. Planner Ribeiro stated that it depends. Chair Sollog is very concerned that this project costs Truro money which will come out of an increase in the taxes. He would like to be able to discern that at the earliest time possible.

Approval of Minutes

Member Tosh noticed the spelling of a name on the June 19, 2019 minutes was incorrect (Laughman).

Member Tosh made a motion to approve the June 19, 2019 minutes as amended.

Member Boleyn seconded.

So voted; 5-0-2, (Members Kiernan and Greenbaum abstained), motion carries.

Town Planner Ribeiro stated that he believed the Board was aware that the Merlini appeal is ongoing, related to an accessory dwelling unit permit. His understanding is the Town elected not to defend that appeal. It will be going for Summary Judgement on November 18th. Member Kiernan noted that he believed this was the first time the Select Board did not back the Planning Board.

Chair Sollog stated that the next Planning Board meeting would be held on Wednesday, December 4, 2019, at 5:00 pm.

Member Riemer made a motion to adjourn at 6:09 pm.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
Planning Board
MEETING MINUTES
December 4, 2019
TRURO TOWN HALL**

Members Present: Chair-Steve Sollog, Peter Herridge, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro, Linda Noons Rose

Chair Sollog called the meeting to order at 5:07 pm.

Public Comment Period: No public comments.

Temporary Sign Permit Applications

Outer Cape Chorale, for two (2) signs, 3' x 2 ½' to be located near the Library on Route 6 at Standish Way and near Aldrich Road on Route 6. The signs will be installed on December 5th and removed December 16th for a concert on December 13th and 14th.

Member Greenbaum made a motion to approve the two (2) signs for Outer Cape Chorale.

Member Herridge seconded.

So voted; 7-0-0, motion carries.

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.

Chair Sollog read from a staff report that stated the applicant requested to continue the hearing to December 18, 2019 to provide adequate time to receive comment from the Health Agent and the Board of Health.

Member Greenbaum asked if the Board had done a site visit. Member Kiernan stated they had not because this is a preliminary.

Member Kiernan made a motion to continue the Public Hearing in the matter of 2019-006/PB to the December 18, 2019 meeting.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

Board Action/Review

2019-009/SPR – Warm Salt Breeze (Linda Noons Rose), for property located at 1 Sand Pit Road (Atlas Map 39, Parcel 164). Applicant seeks Waiver of Commercial Development Site Plan under §70.9 of the Truro Zoning Bylaw for construction of a 25' x 36' metal building for machine storage.

Linda Noons Rose came before the Board. She stated that the piece of property where this building is to be built is an area that had been flattened out previously. The Building Inspector issued her husband a permit in May. The floating slab was installed along with foundation pieces, and when the Building Inspector came for a foundation inspection, he told her husband that he incorrectly gave him the building permit. The project should have gone before the Planning Board first. They have put a lot of money into this and the only thing left is to install the building.

In Member Kiernan's opinion they are taking a parking space where equipment was parked, building a Quonset hut and storing the trucks inside. Chair Sollog asked what type of services would be in the building. Ms. Noons Rose stated that at some point her husband may want to add a small structure with a roof on one end. There are no plans for heat.

As Member Riemer understands it, even if the Board waives the Commercial Site Plan Review, all the plans and documentation will be maintained in a file. Chair Sollog agreed that it would become part of the record. He asked that a plan be produced which will show the location of the new building on the property. Neither Member Tosh nor Member Herridge feels that is necessary. Chair Sollog thinks it's nice to have a record but will not hold anyone's feet to the fire. Member Riemer asked if it would be adequate to have the building included on the Felco plan. Town Planner Ribeiro stated it would be more typical to show the existing structures in the immediate vicinity. Chair Sollog would like to have one plan with all the structures on it. Member Tosh and Member Herridge believe that all the information needed is already within the application. Member Greenbaum agrees with Chair Sollog.

Member Kiernan made a motion to waive Commercial Development Site Plan review based on the condition that a plan shall be submitted showing both the proposed building and the existing building. Member Tosh seconded.

So voted; 7-0-0, motion carries.

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.

Town Planner Ribeiro stated that they have a 40B Comprehensive Permit project before the Zoning Board. The application was distributed to the Planning Board and it is customary that they provide comments to the ZBA. As part of the Comprehensive Permit process the ZBA is the sole permitting board for local regulations and the applicant has requested a waiver from Site Plan Review in favor of a general site review. The Planning Board can offer any comments it chooses. The comments which would be most useful, and appreciated, would be on the site plan review process.

Member Kiernan would like to know if the Cape Cod Commission will be chiming in. Town Planner Ribeiro let the Board know that the Cape Cod Commission comments came in yesterday afternoon and he will make copies for them to read. The Commission did not have any problems with site or building design. They provided some basic traffic count information and didn't seem to have significant concerns with vehicular traffic at the site. The Commission did suggest that the applicant work with the Town, the DOT, and potentially the Cape Cod Regional Transit Authority, to have a sidewalk that goes from the site to the bus stop. The biggest area of commenting from the Cape Cod Commission was around the topic of wastewater and stormwater. Town Planner Ribeiro distributed copies of the Commission's comments for the Board to view.

Member Herridge wished to state that Pond Village is the hottest nitrogen area in Truro. As of nine years ago, that area's levels were close to toxic levels. Chair Sollog does not want anyone "pointing the finger" and warning someone that they are in grave danger. He does not feel it's fair for the Board to do that. Member Herridge countered that he is a physician and he can interpret the facts and he is very alarmed. Chair Sollog stated that the Planning Board was in sympathy with that alarm.

Member Riemer thanked Town Planner Ribeiro for providing the two-page working document to the Board. He did notice that 70.1A, Purpose, was included but 70.1B was not, and he wished to read that into the record.

Member Kiernan asked Town Planner Ribeiro if there was a time limit on their response. Town Planner Ribeiro stated, "No". One item he mentioned that was discussed with the Zoning Board of Appeals was that wastewater and stormwater was going to be a concern. The Cape Cod Commission comments will be very useful, in part, to help scope a potential peer review. Tomorrow night there will be a strong recommendation of staff that they move forward with bringing on a consultant for the Town that will review the hydrology, the nitrogen loading, the movement of the groundwater, the effects that the stormwater may have, all of those things. Those items will be looked at by accredited professionals. Member Herridge wants to know how the groundwater will be dealt with. He states nitrate is toxic at low levels. At levels of 10 mg/liter it can cause *blue baby syndrome*. He has evidence from a recent review article that levels below 10 mg/liter can, over a long period of time, can cause types of cancer and an increase in birth defects. He does not know if the Board of Health was aware of the toxicity of nitrates. He presented it to the Board of Health last night. He feels it must be dealt with. Town Planner Ribeiro thinks the specifics of the project need to be looked at very closely. The consultants will be accredited professionals who have experience working in other towns. The Zoning Board will have the final say in who is chosen, and Town Counsel is putting together a list of potential firms that could be used. Chair Sollog asked if the Board would be able to ask for specific people to be considered. He is thinking of the Association to Protect Cape Cod (APCC) as one of that group's main concern is groundwater. Town Planner Ribeiro thinks that reaching out to APCC is reasonable. Member Herridge stated that 40B does not trump safety.

Member Kiernan asked Town Planner Ribeiro if he is the technical person who is helping the ZBA with the process. Town Planner Ribeiro is working with Town Counsel. Member Kiernan would like to know at what point the ZBA would be wrapping up to a vote. Town Planner Ribeiro feels at the earliest it would be mid-January, but there are many factors which will affect the timeline. Member Kiernan did some research, stating that the Cloverleaf project has seventy bedrooms which, according to Board of Health regulations, would require 700,000 square feet of property. This property has 170,000 square feet. The developer is asking the ZBA to waive the Board of Health regulations. He would like to know how involved the Board of Health will be in helping to develop this project to the benefit of all Truro. He feels it's important, from a site plan review standpoint, to point these things out. Member Kiernan's hope is that the ZBA will take this very seriously and get someone from the State to look at the water problem.

Member Kiernan continued by reading that the applicant states having an I/A system would be an excessive cost, yet they do not state what that cost would be. He would like Town Planner Ribeiro to ask for the cost. Town Planner Ribeiro stated that it's already been asked. Member Kiernan pointed out that the effluent from this development will be discharged into the aquifer via two, seventy-five foot by seventy-five foot, leaching fields that are thirty feet apart which will act like a faucet into the aquifer. He sees that as a potential problem.

There are a number of other problems Member Kiernan sees. One issue is the pedestrian flow. There are 40 living spaces and 80 parking spaces which meets their regulations, but if you add in a community room that causes the issue of not meeting regulation. There is a nice artists rendition of what it would look like, and he's asking where snow would be put. If you push it off the road, it'll go onto all the cars. How will an ambulance or fire truck work its way around? School busses don't go up private driveways. How will children get down to where they can get the bus? If there is no pathway to get down, are we making children walk in the road? There has got to be a safe place to put the snow during plowing. As was mentioned during the Board of Health meeting last night, the septic system is a dosing system. The 21-unit apartment house is being serviced by an elevator. If you don't have backup generators for the

dosing system, then the septic system doesn't work. You don't want anyone stuck in an elevator. He believes there is a large checklist of items the Planning Board can create for the ZBA to go through. As far as Chair Sollog understands it, the project is planned to be rental units. Town Planner Ribeiro stated that was correct. Chair Sollog asked what you would call a building with multiple rental units. Town Planner Ribeiro stated, "an apartment house". Chair Sollog pointed out that they do not have a definition of an apartment house, and there is a section in their bylaw which states that if there is no definition, then it is prohibited. Town Planner Ribeiro states that this is always the first waiver on the list, and that's why 40B's are done.

Town Planner Ribeiro did let the Board know that there are sidewalks on the plan. Member Kieran wants to know how the snow being plowed gets onto the other side of the sidewalk. Member Greenbaum believes she heard during the presentation that the DPW would be handling the plowing. Town Planner Ribeiro states that is unclear. Member Greenbaum had seen that the DPW submitted a report on drainage and she wondered if the Board can request that the DPW weigh in as to the adequateness of the ability to plow and store the snow. She believes the developer is working with Police and Fire to ensure that the road layout works. Town Planner Ribeiro told the Board that he has his first comments from the Fire Chief, who reached out to the State Board of Fire Engineers. They looked closely at the area around the common and they want a small portion of that drive to be widened. The question as to the turning points into, and out of, the site was discussed, and those comments will be coming in later. The Fire Chief has asked that all the buildings (including the duplexes) be sprinkled, and he's also asked for another fire hydrant be placed in the middle of the site.

Town Planner Ribeiro states they've given the engineers (for the applicant) some basic details of the trucks which the Fire Department has so they can do a turning analysis. Member Kiernan asked to find out if the Fire Department currently has the equipment needed to fight a fire on the third floor. Member Kiernan continued. When the school was built in the early 1990's, a new well was installed behind the building. The water from there goes down the highway and off to Provincetown. At the time, someone asked if the Town could run water past the general business district and was told no, due to the limits of the water pressure. Provincetown has said Truro can tap into their water line for the affordable housing project. No one has been able to tell him what effect that will have on the water pressure. Is the Town going to have to put up a water tower behind the Police Station in order to keep the pressure up? How do they make sure that it's safe? Town Planner Ribeiro will reach out to DPW Director Cabral on those points. He added that the Provincetown Water Superintendent has been involved as well and may have information on those questions.

Member Riemer stated a Board of Fire Prevention Regulations recently promulgated revisions to 527 CMR 1.00 which is the Massachusetts Comprehensive Fire Safety Code. The revisions went into effect in October of 2019. He's asking if the plan has incorporated those recent changes. One thing about 40B2 is that you cannot get waivers from State requirements or building code requirements. The plan would have to meet the requirements. It is something they could put on the list of comments they are compiling. Member Riemer said that the State stormwater regulations have been updated as well and he wonders whether those updates have been addressed at the project site. Town Planner Ribeiro asked the Board if they had additional stormwater concerns in addition to what Member Riemer has discussed.

Member Greenbaum noted that there is no indication of any path, separate from the roadway, leading down to Highland Ave. She believes there will be people who do not have vehicles and there should be a path down to Highland Ave. for people to use to the bus. Town Planner Ribeiro said he'd add a suggestion to explore adding a pedestrian path. He also confirmed that the sidewalk does go all the way down to the street.

It was Member Herridge's understanding that one of the major purposes of this project was to provide workforce housing, but he sees the majority of the housing units are reserved for people who make less

than \$30,000 and less than 60% of median income which is \$66,000 in Truro. That is not anybody who is employed full-time. He'd like to know where the workforce housing is. Town Planner Ribeiro states that often a 60% and below income unit is cheaper to own than the more expensive one, because Federal subsidies are available. One of the big funding sources is the low-income tax credits. Member Herridge asked if the reason why there are so many units for under \$30,000 and less than 60% of median income was because they'd get more federal money. Town Planner Ribeiro stated yes. The average median income for a family of four is about \$90,000 in Barnstable County. Member Herridge believes many people are under the impression that there will be workforce housing in this development, and there isn't (or there are very few).

Member Herridge stated that the entire project would be owned by one man and run through a Massachusetts corporation that is a For-Profit corporation. Why? He went on to say that there is a written agreement about the limitations and dividends. He would like to see that agreement. Town Planner Ribeiro answered that it is very typical for affordable housing to be built, owned, and operated by For-Profit entities. There's a lot of them that operate Nationally. The time at which the Zoning Board would get involved in the numbers would be if there is a claim that a condition would make the project uneconomic. Until that stage that's not looked at. Member Herridge said that under 40B the Town can have a great deal of influence on the nature of the project. Member Kiernan says that in round figures the rental income for one year is around one million dollars. He's estimating 40 million to build with one million per year in return. He asked where do the government subsidies fit in. Town Planner Ribeiro said that the low-income tax credits more or less function like a cash subsidy and then the tax credit is sold, generally, to a corporation.

Member Herridge asked if the Board wanted to ask for more workforce housing. Chair Sollog answered that he's not sure as he doesn't think there are enough jobs to support workforce housing. Member Kiernan stated that there's a chance the "working-poor" that live in Truro may not fit into a category for this housing. They will be making too much money. Member Kiernan spoke of having a little garden area and a play area for kids. He's gone by Bridal Path in Provincetown and there is no place for children to play. Town Planner Ribeiro will add that to the list of comments. Chair Sollog pointed out that there needs to be additional parking for guests.

Member Riemer had a question in regard to the septic design. The developer offered the opportunity to incorporate not only the site, but the adjacent area within the Cloverleaf design, to mitigate the nitrogen loading requirements. If that were to be incorporated would that also be part of the 1.5% total land area that also is a means of qualifying meeting the quota. Town Planner Ribeiro thinks not but does not want to state that outright. The State, for a long time, had not issued guidance on the 1.5% of land area. There is a document which may have some information, but he thinks they'd be pretty far from the 1.5%. Member Herridge isn't sure because the 1.5% leaves out many things, for example, the seashore. The calculation has never been done for Truro, but it ought to be done because Truro may reach it, given all the exclusions that are allowed. Town Planner Ribeiro said they can quickly look at it. Chair Sollog states that the density for this project is larger than the density for any other project seen in Truro. Member Kiernan then read a paragraph from the Cape Cod Commission's comments about the project's sitewide nitrogen loading concentration. The comment points out that without local water table measurements it is not possible to more precisely determine the direction of the groundwater flow, and likely path, of septic system effluent. Member Herridge states they need a comprehensive engineering study and the legal liability of the Town needs to be considered. The Board decided to schedule a work-session to refine their comments for December 11, 2020 at 2:30 pm.

Town Planner Ribeiro brought out a plan for Edgewood Farm for the Board members to sign.

Approval of Minutes

Member Kiernan made a motion to approve the September 18, 2019 minutes as amended.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

Chair Sollog stated that he would like to place “the election of officers” onto the next agenda.

Member Riemer made a motion to adjourn at 7:19 pm.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
Planning Board
MEETING MINUTES
December 18, 2019
TRURO TOWN HALL**

Members Present: Chair-Steve Sollog, Peter Herridge, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro, Kristina (no last name given) from Smartlink on behalf of AT&T, Mark Donnelly from Smartlink on behalf of AT&T

Chair Sollog called the meeting to order at 5:00 pm.

Public Comment Period: No public comments.

While the Board waits for the first applicant to arrive, they will move to the second public hearing.

Public Hearing-Continued

2019-008/PB Nathan A. Nickerson III seeks approval of a Definitive 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 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

Chair Sollog announced that the applicants have requested to continue to the Planning Board's meeting of January 8, 2020.

Town Planner Ribeiro stated that the applicant's attorney had a scheduling conflict. There is plenty of time in the timeframe and he believes it's a very reasonable request.

Member Kiernan made a motion to continue 2019-008/PB to the January 8, 2020 Planning Board meeting.

Member Herridge seconded.

So voted; 7-0-0, motion carries.

Member Riemer would like to know if the abutters will be notified as to the continuance. Town Planner Ribeiro let the Board know that he will notify the abutters he's been in contact with. Member Riemer asked if any of the abutters had a problem with the proposed extension date. Town Planner Ribeiro stated no. Member Herridge stated that he had spoken to an abutter who could not attend on the extension date, but he could send in a letter or an email. Chair Sollog let the Board members know that once the vote to continue the hearing took place, it was not open any more. He'd appreciate this discussion happening before the vote to continue happened. Member Kiernan wanted to know how the abutters would be notified. Town Planner Ribeiro said that most were in touch via phone or email and that's how he'd convey the continuance.

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 45, Parcel 8.

Chair Sollog stated there was a request to continue this public hearing to the Planning Board's January 8, 2020 meeting. Town Planner Ribeiro has been in touch with John O'Reilly, the engineer for the project, and he had scheduling conflicts with tonight's meeting. He expects this to move forward on January 8th. Member Kiernan asked, each time the applicants request a continuance, does that push back the due date back? The answer was yes. The Planning Board has 45 days to make a decision on a preliminary and he does not want to see the Board opening the hearing on day 46 and find out that it's too late.

***Note-no vote was made to continue.**

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.

The Zoning Board of Appeals was provided a list of the Planning Board comments. Member Herridge asked if the Town Planner knew if the abutters to the Cloverleaf project have been notified. Town Planner Ribeiro stated that it's noticed the same as a Special Permit, which means it's sent via regular mail (not certified). Member Herridge says he spoke to a bunch of the abutters and none were notified. The Town Planner will look into it. Member Kiernan looked over the Assessor's list of notifiable abutters. That list had changed from August of 2018. A bunch of condominiums had changed hands, and hence, the new abutters list. Member Herridge said that notifying abutters is a moral and legal requirement of the Town. Member Kiernan read the list of comments which Town Planner Ribeiro did up for the Zoning Board and states it was excellent. He has come up with some other items for discussion.

- He feels it would be worthwhile to make note of the Reynolds/Stow case and ask the Zoning Board of Appeals if they would speak to their contact at KP Law as to the effect of granting a Special Permit that may be in violation of this court ruling. Chair Sollog wonders if a ruling like that set a precedent. The answer was yes. Town Planner Ribeiro and Town Counsel are very aware of the Stow decision. Member Greenbaum thinks providing the decision information to the ZBA would be helpful.
- He had a chance to read the Board of Health letter to the ZBA and it was excellent. They clearly explain that, based on the situation where some people have town water and their abutters have well water, they have placed into their regulations that you need 10,000 square feet per bedroom in order to make sure that everybody's well is preserved.

Member Riemer states he would like to support the best outcome for affordable housing at the Cloverleaf project. In reviewing the issues regarding water resources in Truro, he noted there is an integrated water resources plan-phase 1 (available on the Town's website). The firm which prepared the plan is Weston & Sampson and they are well regarded. He'd like to offer another well-regarded firm that has done work in Truro, Horsley Witten. They have extensive experience on the Cape. They are an engineering and environmental firm founded on principles of sustainable water resource protection. He would like the Planning Board to support Horsley Witten as a potential peer review selection. He went on to say that the developer is seeking a waiver of Truro Board of Health's Title V regulations. There are seven market rate units. The question is, why can't the market rate units bear the additional cost to properly treat the sewerage that will be treated at this site. He continued, stating it should be noted that secondary treatment can reduce nitrates by 60% after which, drip irrigation can further diffuse effluent over the whole site. Sewerage from the site is discharged between two public water supplies. The question is; what happens during a drought when the zones of contribution are drawn down and insufficiently treated sewerage is discharged into the aquifer, and then drawn toward the public water supplies. The roadway serving the Cloverleaf intersects with Highland Road where a catch basin

connected to the collection system, which conducts storm water into Pond Village and the pond, lacks features such as vegetative swales, rain gardens, and well water separators which remove contaminants. Are pollutants from this site contributing to a pond which is already polluted? Why isn't this a Truro Conservation Commission concern? Member Riemer would also like to ask; Is the storm water runoff site going to further aggravate the flooding of Pond Village during storm events? He knows of two residents that lost their vehicles that were in storage at Pond Village during a flooding event. Member Herridge added that the report Member Riemer references is online on the Town website. Anyone can look at it and see where all the nitrogen hotspots are. The hotspots are all over the Cloverleaf site, Pond Village, and North and South.

Chair Sollog states that some of the items discussed at the meeting today are duplicates. He asks the Board if they'd like to compile a new list to give to the Zoning Board of Appeals. By consensus, the Board would like to provide additional concerns about the site. Chair Sollog asks Town Planner Ribeiro to summarize the discussion for the ZBA. Town Planner Ribeiro stated that he heard the following points:

- The Weston and Sampson report
- Pointing out the Stow decision
- Looking into abutter notification
- Referring the ZBA to Figure 3.2 and Figure 4.3 of the Integrated water resources plan-phase 1 (referencing hotspots)
- Questions as to what happens during a drought when more of the water is drawn
- Request to consider Horsley Witten as a potential peer review selection
- At the highest point of the site (+30 feet) what will the water pressure be (to support fire hydrants)
- Will there be adequate water pressure, period, once the demand of this complex is added to the Provincetown water system, or will there be a need to put in a water tower
- Be sure that the Conservation Commission is aware of the amount of storm water runoff that's possible.
- Ask the Conservation Commission to weigh in on the project.
- Ask the Conservation Commission to provide some questions to the engineering firm ahead of time, rather than just reviewing. Town Planner Ribeiro will pose this to Town Counsel to see how to handle it.

Town Planner Ribeiro stated that a balloon test will be conducted on Saturday. The main point is to view it from Route 6, Highland Road, and various other public vantage-point locations. Member Kiernan asked which building is the highest. Town Planner Ribeiro stated that #21 with 15 units was the highest. Member Greenbaum asked if anyone would be taking photos to which Town Planner Ribeiro stated yes.

Public Hearing

2019-007/PB – Smartlink, LLC o/b/o AT&T seeks approval for a Special Permit under Section 40.5 of the Truro Zoning Bylaw for the replacement of existing antennas with new antennas on the wireless communication structure on property located at 5 Town Dump Road, Truro, MA, Map 55, Parcel 2-A.

Board Action/Review

2019-010/SPR – Smartlink, LLC, o/b/o AT&T seeks approval for a Waiver of Site Plan Review under Section 70.9 of the Truro Zoning Bylaw for modification of an existing telecommunications tower by replacing existing antennas with kind-like antennas, as well as Remote Radio Units. There will be no

increase in the number of antennas as well as no increase of the tower height or expansion of the leased ground space.

Kristina approached the Board. The Special Permit, as well as the Waiver, was read best by the Chair. They are not adding height to the tower or increasing the size of the ground where AT&T has their leased space. They are simply switching out antennas and radio units. There will be no change in appearance. This is for better technology and faster service. The construction crew would like to set up a pre-construction meeting seven days before starting construction.

Member Herridge asked why they would build an antenna in a valley? Member Kiernan stated that they were looking to site the antenna on Town land and that was one place they had available. If the antenna goes up 200 feet, a light would have to be installed at the top. By installing where they did, they eliminated the need for the light at the top. He also noted that there is an osprey nest now on the tower. Mr. Donnelly (from Smartlink) introduced himself. He explained that Smartlink will get everyone on board (SBA/AT&T/RF), and get the Planning Board sign-off, so the construction company can move forward. Member Kiernan asked if the Planning Board made a condition that the osprey nest not be disturbed, would that be a problem? Mr. Donnelly stated that would not be a problem. Town Planner Ribeiro noted that per the Federal Migratory Bird Act if there is an egg or anything in the nest it cannot be touched, regardless, and you can get jail time. If the nest is not occupied, they could move the nest and then place it back in the same spot after construction is done.

Chair Sollog asked what the weight difference would be. Kristina stated the weight would relatively be staying the same.

Member Reimer stated that adjacent to the work site is an area which the Town opens to the public to deposit storm debris, leaves, horse manure, and the like. He would like to know if that area will be closed to the public while the work takes place. Member Kiernan suggested that before construction Smartlink could give notification to the DPW staff so they could close it off and people wouldn't drive down there. Member Reimer wanted to be sure the "caution" signs around the fenced area would remain, which Mr. Donnelly assured they would be. Member Reimer would like to know why they couldn't improve cell phone reception in the Pamet River valley by putting a repeater here in Town Hall. He also asked if that would cause any harm to people. Mr. Donnelly stated the repeaters were of no harm to people. Town Planner Ribeiro said you'd have to see how large the cupola on top of Town Hall was, and sometimes the structural modifications that occasionally must occur can hurt the historic integrity of a structure, however it is something which could be discussed. Mr. Donnelly stated he'd have RF (the design engineers) look into it.

Member Kiernan made a motion to approve the waiver of site plan review.

Member Herridge seconded.

So voted; 7-0-0, motion carries.

Member Greenbaum made a motion to approve the special permit with the following conditions:

- **Applicant shall notify the Department of Public Works no later than seven (7) days in advance of any proposed work on the site. All proposed work shall be done in consultation with the Director of Public Works and the Director shall isolate the location where the work is to be conducted.**
- **The osprey nest shall not be disturbed, and if need be, remove and replace the nest to the same location.**
- **Have the construction schedule verified by the Superintendent.**

Member Kiernan seconded.

So voted; 7-0-0, motion carries.

Member Riemer asked if there was something which needed to be voted on regarding a repeater in the Town Hall tower for better cell phone service. Member Tosh stated that would have to be an agenda item. Chair Sollog understands the lack of cell service and believes that 5G is going to address the problem. Town Planner Ribeiro let the Board know that they could place this item on an agenda to discuss.

On a quick note, Town Planner Ribeiro believes that creating an administrative modification process for antenna swaps (and the like) would be helpful. The Board agreed that they should discuss it at an upcoming meeting.

Election of Officers

Chair Sollog wished to make a comment that he's honored to have been the Chair of the Planning Board for as long as he has. Serving with this Board, currently, has been some of the best and they really care about what they are doing. He admires everyone on the Board for devoting the time they put in. He is asking to step down as the Chair and would like to ask, and nominate, Anne Greenbaum to be the Chair.

Member Kiernan seconded.

So voted; 7-0-0, motion carries.

Chair Greenbaum stated that she is following in Member Sollog's footsteps in being, she thinks, a reluctant Chair. A Chair that does not wield power in a negative way. She is very grateful that Member Sollog will continue to be a member of the Board. She values his perspective, and his belief in the importance of hearing from members of the Truro community. She feels that recently there have been more attacks on this Board and therefore, on its Chair. She feels the dignity with which Member Sollog dealt with those, and his consistency in taking the high road, is a model for this town and one which she hopes to follow. She wished to recognize a couple of items accomplished by the Planning Board under his leadership.

- This Board has continued to function, and move forward, despite the revolving door of Town Planners.
- The current work they have undertaken, in terms of revising applications and processes, all with the goal of making things more efficient.
- The passage of the house size bylaw that is seen as a model across the Cape.

Member Herridge would like to thank Member Sollog for years of excellent service as the Chair of the Planning Board, which they all know is not easy. He will always be proud to have served on his Planning Board. He wishes to thank him for his determination and courage in standing up to the local bullies, who are the dark side of this otherwise lovely town.

Member Kiernan stated it's been his pleasure. He would like the viewing audience to know that Member Sollog is an excellent musician and vocalist, works the keyboard like a champ, and although Mr. Kiernan can be thorny at times, they love him (speaking on behalf of the whole Board).

Member Boleyn said that in his experience, he believes Member Sollog has been the most collaborative, successful, person on the Board and that he has set a very good example for them.

Member Riemer stated that on this Board, everyone knows they are all equals. In the Chair position, you're in a leadership role. The most effective means of leadership is by example, and Member Riemer wishes to thank him for setting that example.

Member Tosh added that he's been a great leader. He has so much patience. She has sat through meetings where he has let people say everything they need to say, and she thinks that's very important.

She would like to echo what Member Herridge said, which is that Member Sollog's humility in the face of bullies, and people insulting the entire Board at public hearings was commendable. She is not sure many people could handle it the way he did. He's been a great Chair, it's been fun, and she's glad he's staying on the Board.

Update on past Work Sessions and discussion for setting dates for future Work Sessions.

Chair Greenbaum stated that the ADU Sub Committee has been on hold due to the death of Select Board member Maureen Burgess. Select Board member Bob Weinstein will be filling that slot. She and Select Board member Weinstein will be meeting tomorrow morning, informally, to catch him up. After that, the ADU Sub Committee will have their next meeting on January 9th, 2020. At that meeting they will discuss when to bring their suggestions to the two Boards, she's aiming for late January. In terms of setting dates for future work sessions, Chair Greenbaum held up a spreadsheet which was passed out to the Board earlier. It organizes the conversations that they've had, in their work sessions. She's added a column for priorities. Her request is that each Board member take this home and prioritize each of the items. That will guide their conversations in upcoming work sessions. A date of January 15, 2020 at 2:30 p.m. was agreed upon for their next work session. In order for Chair Greenbaum and Town Planner Ribeiro to have enough time to pull together peoples prioritizing, she proposed January 3, 2020 as a due date for the Board members to get their responses back Liz Sturdy.

Town Planner Ribeiro stated that they are adding, to their next agenda, the recommendation on the cell towers. The Cloverleaf discussion will remain. He also reminded the Board to check their town emails around noon tomorrow as he will send the compilation of comments discussed earlier to them. If they would review and send him a reply as to whether they are good to go or not, he can then get those comments to the Zoning Board of Appeals.

Member Herridge made a motion to adjourn at 6:33 pm.

Member Tosh seconded.

So voted; 7-0-0, motion carries.

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
Planning Board
MEETING MINUTES
January 22, 2020
TRURO TOWN HALL**

Members Present: Chair Anne Greenbaum, Karen Tosh, Steve Sollog, Jack Riemer, Bruce Boleyn, Peter Herridge, Paul Kiernan

Members Absent: None

Others Present: Town Planner-Jeffrey Ribiero, Paul Millett, Cody Salisbury

Chair Greenbaum called the meeting to order at 5:00 pm.

Public Comment Period:

Seeing as there were no public comments, Chair Greenbaum read a policy from the Select Board called the Policy on Professional Conduct.

Respect and civility from all employees, volunteers, those representing the Town, and those in attendance at any Town function shall be maintained at all times, including, and especially, during public meetings. Public meetings are to be free from disrespect, creating a public embarrassment, and /or personal attacks on any person, whether present or absent from the proceedings. Town officials and employees, as well as the public shall be free to express their ideas, as is their right, without the threat of harassment and/or intimidation. All persons as mentioned shall not be verbally or physically accosted for any reason at any time. While disagreements about issues are acceptable, becoming disagreeable is not.

Temporary Sign Permit Applications

Karen Tosh for one (1) sign, 3' x 10', to be located in front of Accent on Design, Truro Center, 14A Truro Center Road. The sign will be installed on January 23rd and removed February 19th for Special Town Election on February 18th.

Member Tosh recused herself and left the room.

Member Boleyn made a motion to approve the sign for Karen Tosh.

Member Herridge seconded.

So voted; 6-0-1 (Member Tosh abstained), motion carries.

Member Tosh rejoined the Planning Board.

Public Hearing

2019-010/PB-Richard and Cynthia Perry seek approval of an application for an Accessory Dwelling Unit Permit pursuant to Section 40.2 of the Truro Zoning Bylaw. The property is located at 15 Perry Road, Truro, MA, Map 45, Parcel 132.

Town Planner Ribeiro stated he'd missed that the unit had more than 1,000 square feet of gross floor area. The applicants are modifying their plans and will be resubmitting. They have requested a continuance to February 5th, 2020. Member Riemer wished to know who noticed the size issue of the unit. Town Planner Ribeiro stated that Chair Greenbaum had noticed. Member Riemer thinks the size of the ADU should be listed, not left for the Board to calculate. Chair Greenbaum mentioned that the Board would be voting on the new ADU packet later in the meeting, and that would take care of Member Riemer's concern.

Member Sollog made a motion to continue the Public Hearing-2019-010/PB for Richard and Cynthia Perry to the February 5th, 2020 Planning Board meeting.

Member Herridge seconded.

So voted; 7-0-0, motion carries.

2019-011/SPR-Town of Provincetown seeks approval for a proposed Knowles Crossing Water Department Storage Building located at 143 Shore Road, Map 19 and Parcel 1. The proposed project involves the demolition of the existing 2,670 sq. Ft. Wooden Water Chemical Addition Building and the erection of a new 2,970 sq. ft. Water Department Storage Building.

Chair Greenbaum opened the Public Hearing and asked the people before them to give an overview. Cody Salisbury, Provincetown Water Superintendent and Paul Millett, a consulting engineer with Environmental Partners, came before the Board. The existing structure is in poor shape and doesn't meet the needs of their current operation. They are looking to construct a similar sized building, mainly used for vehicle storage as well as distribution parts storage. They would demolish the current structure and build directly behind the current footprint. The current building is 35 feet to the ridge, and the new building will be 25 feet.

Chair Greenbaum wanted to talk about item 3B3-contours. She believed that they mentioned in the cover letter that they were doing one-foot contours. Mr. Millett stated he had a more accurate contouring for the site because of storm water. The land is quite flat, and they want to be sure they get the grade correct. The site plans on the tv screen, and in the packet, show the elevations of a one-foot contour interval. All stormwater is contained on-site. Member Riemer stated it was mentioned that the whole site falls within a zone of contribution, but he didn't see the zones delineated on any of the plans. Mr. Millett said that there are three active wells on the site that they'd received approval from MassDEP, and the Planning Board, back in 2012 for the actual site development. It meets all environmental requirements of environmental protection, and MassDEP. Mr. Salisbury stated the entire site is in zone 2. Member Riemer asked if a report from National Heritage & Endangered Species Program was pending. Mr. Millett let the Board know that they have received a letter back stating that there are no endangered species or issues of concern. Chair Greenbaum said that perhaps getting a copy of the letter could be a condition. Mr. Millett found a copy of the letter and emailed it to Town Planner Ribeiro.

Member Riemer wished to refer to 3C-7. He noted the plan calls for the inclusion of a retaining wall, where there was formerly a fence. The wall is to be three feet high, but when he looked at the grade lines, he wasn't sure that would be adequate. Mr. Millett believes it will be adequate.

Member Sollog stated that at the site visit he brought up the limit of work and referenced an abutter who is concerned. Mr. Millett said they will fully respect the abutter's comments.

Member Sollog would like to discuss 3C-12-Lighting. Mr. Salisbury stated that lighting on the proposed building will be motion activated, and downward facing. The lighting will be on three sides of the building. Member Sollog asked if the treatment plant was lit on all four sides, which Mr. Salisbury confirmed was correct. Member Sollog is proposing that the light on the far side of the treatment plant

could be converted to a motion detecting light, to address some concerns of the abutter. Member Kiernan stated that there was a lighting bylaw which, in essence, stated that the source of the light shall not be seen off of the property. The light will be shielded so when you look down at the property, you see what's being lit up, but you don't see the light itself. Mr. Millett stated that they are using shielded down lighting. Mr. Salisbury confirmed that these lights do not light up the parking lot. Chair Greenbaum noted that the abutter is asking if it's possible (especially on the South and West sides) to adjust the lighting to motion activated on the treatment building. Mr. Salisbury can investigate but does not think the lighting casts beyond their property. He will look into whether they can retrofit the lighting on that side with motion activation. Member Kiernan has seen new lighting setups that do not shut off, but go down in intensity, and pick up in intensity when there is motion involved. That might help satisfy the neighbors. Town Planner Ribeiro stated that with any proposal, they are reviewing any changes (which for this proposal is the new building). Changes to the existing building, as previously approved, is something the applicant can offer to do. It has to be a careful discussion when moving into those areas.

Member Riemer stated that on page G1, #23, it indicates that the plan be acceptable to the Provincetown Department of Public Works. He's curious as to why it says that. Mr. Millett said that remark refers to the construction phase of the project. They obviously need Planning Board approval before constructing.

Member Riemer had questions on page S1.1 a floor drain is shown in the new building. What sort of activities will be included in this building? Mr. Salisbury stated that it's a requirement to have a floor drain for vehicle storage. Member Riemer asked where the drainage was directed to. Mr. Millett said it's directed to a tight tank. Member Herridge asked if the trucks would be fueled inside the building. Both gentlemen answered no. Member Riemer asked if the waste from the lavatory onsite would be directed to the same tight tank? Mr. Millett stated there is one unisex bathroom which is tied into the tight tank configuration. Member Riemer asked if the Board of Health needed to take a second look at this, because of the update. Mr. Salisbury is not sure. The tight tank is already approved. Mr. Millett does not think so. It's there to provide the liberty to wash down a vehicle. If Health Agent Beebe wishes to look at it, they are more than happy to speak to her. Town Planner Ribeiro will touch base with Health Agent Beebe to make sure she's aware of the project. If Board of Health review is required, he's sure that would be caught during the building permit process. It won't hurt to give her a "heads-up". He's not sure it's necessary for the Planning Board to have information on things the Board of Health might review. Member Riemer said that under site plan review, in general, they are supposed to ensure that all Town regulations are enforced. If they had a report from the Board of Health, then they would know. He'll leave it up to the rest of the Board to see if they think it's required. Town Planner Ribeiro stated that it's common language to place in bylaws or decisions, that all approvals must be obtained. He doesn't think it's the duty of the Planning Board to be policing for other boards with their own jurisdictions. They can include it in a decision, but it's why they have a building review process.

Member Riemer asked if the new building would improve the traffic flow on-site. Mr. Salisbury stated it would not impact any additional traffic flow. Will it improve traffic flow to the existing facility? He believes it will in terms of the turning radius in the front building. Mr. Millett added that this is a storage building, and the volume of traffic is not going to increase.

Member Riemer asked what the intended use of the second floor would be. Mr. Salisbury stated it's an open mezzanine area for overflow storage. Member Riemer thinks this building should be labeled "for storage only" so that future Boards will see what the building is intended for. Mr. Salisbury informed the Board that it's not intended for anything other than storage.

Member Kiernan has some site-specific questions. Will there be any chemical storage in this new building? Mr. Salisbury stated no. When demolishing the old building, will they be taking it down to the

ground and filling in the existing basement, or will they try to remove the old basement which may be more problematic than just filling it in. Mr. Millet stated they intend to fill it.

Chair Greenbaum moved to the review criteria.

Member Kiernan is looking at the site plan review which occurred in 2012. He'd like to know if all three conditions were met. It was determined all three conditions were indeed met. Member Kiernan would like to include on the checklist;

- Has there been a site plan review? Were there conditions, and have those conditions been met?
- Has a special permit been issued? Were there conditions, and have those conditions been met?

Member Herridge would like to know if they will need to break up the concrete slab, as it's particularly thick, and pour a new one? Mr. Millett stated they would remove everything above ground and fill in everything below ground. The slab will stay.

Member Sollog cautioned; if there is an existing elevator lift, and it's registered with the State, they should apply to have it either removed or abandoned and have that noted by the State. That is so inspectors aren't wandering around, looking for the elevator.

Member Riemer asked if the other members of the Board were satisfied that the new building was compatible with the existing structures on the site. No one had an issue with the compatibility.

Member Kiernan noted that current electricity and telephone service is provided overhead via a pole, but new services to the building will be underground. He asked if the underground service was just for the new building or would they be moving all service underground. It was confirmed that underground service was for the new building only.

Town Planner Ribeiro thinks a lot of the issues identified have been discussed. There is unlikely to be any significant traffic impacts associated with the proposal. There is not a large amount of grading associated with the project but there is some. He thinks it would be reasonable to request that a plan be provided that shows a reasonable limit of work, in addition to having the Provincetown DPW look at it. That could be done via condition, or they could return with a plan for the Board's approval. The lighting is shown on the buildings as motion activated. Detailed specifications for the fixtures themselves have not been provided and is something which could be conditioned for review by staff. The building is set back from the road quite a bit and is minimally visible given the topography. He believes it would be worthwhile, if there is an intent to limit the mezzanine to storage purposes, to condition. Conditions around chemical storage could also be considered.

Member Kiernan asked what color the building would be. Mr. Salisbury stated it would be a green stain with a gray trim. The bottom four feet will have a brick knee-wall to tie into the brick of the other building. He then inquired on what the landscaping would be. Mr. Millett discussed. Member Sollog noted that the side where the grade is would be disturbed. Mr. Millett stated there would be a sandy slope. Member Sollog wanted to be sure it was not the side where the abutter is located. Mr. Millett was able to confirm that the abutter was not on that side.

Member Riemer asked if the Fire Chief was notified of the building. Town Planner Ribeiro told the Board that he'd spoken with the Fire Chief and he was planning on driving to the site to review. He checked his messages and there were no comments from the Fire Chief. Town Planner Ribeiro stated that if the Chief had concerns, he would have heard from him.

Member Herridge made a motion in the matter of 2019-011/SPR-Town of Provincetown to approve with conditions Commercial Site Plan Review for demolition of the existing 2,670 sq ft. Wooden Water Chemical Addition Building and the erection of a new 2,970 sq. Ft. Water Department Storage Building, pursuant to Section 70.3 of the Truro Zoning Bylaw with respect to property at 143 Shore Road in accordance with the plans submitted with this application, subject to the following conditions:

1. Prior to the issuance of a building permit the applicant shall provide a revised plan showing the limit of work for review and approval by Town staff.
2. Prior to the issuance of a building permit the applicant shall provide specifications for the proposed lighting fixtures for review and approval by Town staff. Lighting fixtures shall conform to the requirements of Chapter 4, Section 6 of the General Bylaws of the Town of Truro.

Member Boleyn seconded.

Member Sollog pointed out that the scope of work was already noted on the plan.

Member Herridge revised his motion to remove the condition listed above (Condition #1-pertaining to the limit of work).

Member Boleyn seconded the amended motion.

So voted; 7-0-0, motion carries.

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, Section 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. *Request to Continue to February 5, 2020.*

Town Planner Ribeiro stated that the engineer, Mr. O'Reilly, had a conflict tonight that he couldn't move. He has committed to clearing his calendar for the February 5, 2020 meeting. Mr. O'Reilly is also planning a site visit for the afternoon of February 4, 2020.

Member Sollog made a motion to continue the hearing for 2019-006/PB application for Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary Subdivision Plan to the regularly scheduled Planning Board meeting of February 5, 2020.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

Member Kiernan asked when the site visit would be. Town Planner Ribeiro stated the site visit would be held on February 4, 2020 at 2:30pm.

Chair Greenbaum noted she was closing the Public Hearing on the 2019-011/SPR for the Town of Provincetown.

Chair Greenbaum would like to change the order of items on the agenda and address the "Approve ADU Application and Procedures" next.

Board Action/Review

Approve ADU Application and Procedures

Chair Greenbaum stated that this was reviewed back in October but was never voted on. She'd like to get this approved in order to get it onto the website. Member Kiernan asked if it allows ADUs in the seashore? Chair Greenbaum said it was reflective of the existing bylaw. Member Herridge stated that if it allows ADUs in the Seashore, he cannot vote for it. Chair Greenbaum stated that what they are reviewing is simply an application for the existing bylaw.

Member Tosh made a motion to approve the proposed ADU Application and Procedures packet. She also hopes they can address all the paper copies of applications. She personally would like all her applications received electronically.

Member Boleyn seconded.

So voted; 5-0-2 (Members Kiernan and Herridge abstained), motion carries.

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.

Town Planner Ribeiro stated that the last conversation they had revolved around Horton's groundwater discharge permit. He has provided the Board a proposed cover letter for them to review. The other news he had was that the Peer Review for the Zoning Board is not expected to be back until the middle of February. The Zoning Board continued their hearing to their regular February meeting, which is Monday the 24th.

Chair Greenbaum asked if the Peer Review would be posted on the web? Town Planner stated yes. She wished to discuss the letter the Town Planner drafted in response to the issue Member Reimer brought up at their last meeting. The Board agreed the letter was okay with no edits.

Member Kiernan had put together some thoughts for the Board to consider. He read, *"The property is Town owned. The Community Housing Resource, Inc. a privately owned, for-profit, Massachusetts Corporation, would initially be responsible for any environmental problems that should arise from the onsite effluent sewage discharge. Should the current, or any future owner of the proposed development, decide to walk away from any possible future liabilities stemming from this development, will Truro be held financially responsible?"* Chair Greenbaum asked if the Board wanted to put some more discussion of this on their work-session agenda? She added that there is another regular Planning Board meeting scheduled before the next Zoning Board of Appeals meeting. Member Herridge believes the Board should discuss it, and make it be known to the ZBA that this is a concern. Member Kiernan thinks it's worthy of discussion at their workshop, as does Member Sollog. Chair Greenbaum placed this on the agenda for discussion at their next work-session.

Update on past Work Sessions

Chair Greenbaum said they've been focusing on trying to get potential items ready for the warrant, and a discussion on longer term planning. Member Sollog added that they'd discussed some outreach in the community. Chair Greenbaum stated they also worked on prioritizing in terms of some high priority items. She will try to do an actual report for the next Planning Board meeting.

Update by Planning Board/Select Board ADU Ad Hoc Subcommittee on their Work Sessions

Chair Greenbaum said that they have been working their way through, and she referenced the working summary in their packet. They, the subcommittee, has been charged with looking at the existing ADU Bylaw and seeing if they can improve upon it by making it more efficient while still protecting Truro. Each of the subcommittee members wrote down any item about the ADU Bylaw that they felt should be looked at. These items were listed, and then each member answered the question, "How important is it to address this item?" Based on the scores given, they fell into high, medium, and low priority to look at. The subcommittee started looking at the high priority items first and have worked through them to the medium priority items.

The topic of number of copies needed did come up immediately. Chair Greenbaum is hoping they can cut back on the number of copies.

One of the high priority items was, is there a way to standardize the process for ADU applications from properties inside the Seashore. There is much disagreement on what the law is, what the enabling legislation says, and is there a way to simply set up a process where the Board doesn't have to go around and around in the same conversation each time there's an application in the Seashore. What the subcommittee is looking for is reactions/thoughts from the Planning Board on the recommendations.

Member Tosh recommends there being a disclaimer regarding the Seashore that adopts Jonathan Silverstein's suggested language that puts people on notice that their property can be condemned. She doesn't feel the proposed language protects the Town from liability. As for a homeowner's association, there could be one sentence in there that says something like, "In addition, people in a subdivision with homeowner's regulations may not permit ADUs".

Member Sollog would like an explanation on "D", the first bullet. He asked if that meant they were going to approve an ADU without a septic system? Member Tosh read off the language from Jonathan Silverstein. He recommends for any applicant in the Seashore be provided written notice that states; *"Under Section 5D of the Act of August 7, 1961, the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire by condemnation "improved property" that is made the subject of a variance or exception which fails to conform, or is in any way/manner, opposed to, or inconsistent with preservation and development of the Seashore as contemplated in said Act. The Secretary may be consulted at any time by Zoning Authorities or by the owner of "improved property" regarding the effect of a proposed variance or exception upon the status of the affected property with regard to the suspension of the Secretary's authority to condemn. The Secretary, within 60 days of the receipt of a request for such determination or as soon thereafter as is reasonably possible shall advise the owner or Zoning Authorities whether or not the intended use will subject the property to acquisition by condemnation."* Mr. Silverstein also suggested that the permits in the Seashore be conditioned on the applicant providing notice that the permit was issued to the Seashore, subsequent to its issuance.

Member Tosh's comments on Mr. Silverstein's language is that, when she took another look at the Act, all the improved property in the town, when the town adopts an inconsistent zoning bylaw, is potentially subject to condemnation. Member Herridge thinks that if there are ADUs in the Seashore, they should definitely use that language. Member Sollog added that he made a request to Lauren McKean from the Seashore. He received a statement from the Seashore about their feelings, or a possible stand they would take, that the Board could include. What Chair Greenbaum is surmising is that the language they see here is nowhere near strong enough. Member Kiernan says the portion at the top regarding homeowner's associations must be included. He does not want to see the Board approve something that could land the homeowner in court with their homeowner's association.

Chair Greenbaum stated that there were two avenues to take. One is to require something from the applicant, while another is to simply provide information to the applicant. Member Kiernan stated that notification to the homeowner's association would be like notifying abutters. Town Planner Ribeiro said abutters would be receiving written notice. Member Tosh thinks it's better as a recommendation, because it's a private covenant. Member Riemer pointed out that in Section 2.5.9 under Subdivision Control Rules and Regulations the Board does require any new subdivisions to incorporate a homeowner's association. For the Board to ask for information is the Board's responsibility. Member Tosh stated that in terms of an individual property owner in a subdivision she doesn't feel they need to be policing it.

Member Sollog wished to discuss recommendation D. It talks about removing requirement that Board of Health and, if applicable, Conservation Commission and/or ZBA decisions before issuing Planning Board decision. He asked if that meant having a condition? Member Tosh stated that if you issued a

permit you would have to condition it upon all the other Boards approving. Member Sollog thinks that is “cart before the horse”. Town Planner Ribeiro stated that depending upon a particular project it may make more sense for someone to come to the Planning Board first, and then the Conservation Commission second, versus the reverse. What this recommendation does is ensure the Planning Board is always last in the line of reviewing a project. Member Tosh asked if the subcommittee might consider a provision that says that if more than one Board needs to approve, the Town Planner shall determine the sequence? Member Sollog is not convinced these changes will streamline the process, rather they may make it clear. As far as the order of approvals, he imagines the most important is the septic system (from his perspective). Town Planner Ribeiro said that the question came up was why is it important for the Planning Board to always go last? For what reason do you need those approvals for your review under your criteria? Is this necessary since in a lot of ways the Board doesn’t have a lot of ability to argue. Member Kiernan thinks Member Tosh’s suggestion of having the Town Planner determine the order of which Boards the applicant should go to is a good one.

Chair Greenbaum moved forward. As written, she stated, the decision is not appealable. Member Kiernan stated that was a violation of State law. Everyone on the Board agrees to bring that to Town Meeting to have it removed. Member Tosh suggested that they could either remove the language or amend the language to state the applicant can appeal to the ZBA if denied (or another Board) or go to court.

Moving along to parking spaces, the Chair stated some people in the subcommittee felt two parking spaces could be problematic, especially with a small ADU. The thought was for one (1) parking space per ADU, plus one (1) per bedroom. Discussion was had regarding different opinions of Board members. Chair Greenbaum stated that per the current bylaw, a studio ADU, a one-bedroom ADU, and a two-bedroom ADU all require two parking spaces. The draft recommendation would state that a studio ADU would require one parking space, a one-bedroom ADU would require two parking spaces, and a two-bedroom ADU would require three parking spaces. Member Kiernan wished to point out that ADUs are allowed on Beach Point.

Chair Greenbaum stated that the subcommittee had a discussion about amnesty. Amnesty and design standards started to become part of a similar conversation. If a unit already exists, should the application requirements be simpler? The subcommittee is looking at having a couple of different tracks. New construction and additions might be one route, while existing units (and possibly creating an ADU without touching the outside of a building) would be another route, one which would have fewer requirements in terms of what they would have to supply. Member Herridge thinks that’s a good idea.

Chair Greenbaum continued by bringing the Board’s attention to an item for discussion regarding removing the Seashore district from districts where ADUs are allowed. She would like to get some conversation going with the Planning Board. She’s wondering if it makes sense to put an amendment in front of Town Meeting to remove ADUs from the Seashore simply to get the Town to vote very clearly on that. Member Herridge does not feel it’s up to the Town. He then read some enabling legislation for the Seashore. His interpretation is that for the Town of Truro to have a bylaw that permits ADUs in the Seashore puts all property in the Seashore at risk of condemnation. The opinion of Town Counsel is nice, but what matters is the opinion of the Solicitor of the Department of the Interior, because if this is the case, he suspects that primary mortgage lenders will have a serious problem. Member Herridge feels this is a serious problem which the Town needs to look at. He thinks the Board should write to Brian Carlstrom and ask him to request an opinion from the Solicitor of the Department of the Interior. Member Sollog has always taken the position to find out, from the Department of the Interior, what their opinion is. Member Tosh agrees completely that they should get the Solicitor’s opinion. They received that letter from Brian Carlstrom on the Highland Road ADU which basically said the same thing; the Seashore only allows cottages that existed prior to September 1, 1959 and no more can be added.

She feels, even though the letter is clear, the question needs to go up the chain to the legal department for the Department of the Interior. Chair Greenbaum asked if it's possible to get a definitive legal opinion from the Solicitor of the Department of the Interior? She also asked if they want to provide the Town (the voters) the opportunity to make a very clear decision on policy, separate from law, regarding yes or no to ADUs in the Seashore? Member Sollog feels they should get a legal opinion. If they put this to a vote, and the Town says "we want to keep ADUs in the seashore" then they are stuck. The Board agreed that the subcommittee could work on a draft letter to the Seashore.

Member Herridge made a motion to adjourn at 7:30 pm.

Member Sollog seconded.

So voted; 7-0-0, motion carries.

Respectfully Submitted,

Noelle L. Scoullar

**TOWN OF TRURO
Planning Board
MEETING MINUTES
January 8, 2020
TRURO TOWN HALL**

Members Present: Chair Anne Greenbaum, Karen Tosh, Steve Sollog, Jack Riemer, Bruce Boleyn, Peter Herridge

Members Absent: Paul Kiernan

Others Present: Town Planner-Jeffrey Ribiero, Joseph Trovato, Atty. Lester J. Murphy Jr., Robert Reedy

Chair Greenbaum called the meeting to order at 5:00 pm.

Public Comment Period:

Seeing as there were no public comments, Chair Greenbaum read something which she said she'd be reading at all meetings going forward. It is from the Select Board Policy on Professional Conduct. She'd like to remind all of them of what they can, and should, expect in terms of discussion and comments during Planning Board meetings.

Respect and civility from all employees, volunteers, those representing the Town, and those in attendance at any Town function shall be maintained at all times, including, and especially, during public meetings. Public meetings are to be free from disrespect, creating a public embarrassment, and /or personal attacks on any person, whether present or absent from the proceedings. Town officials and employees, as well as the public shall be free to express their ideas, as is their right, without the threat of harassment and/or intimidation. All persons as mentioned shall not be verbally or physically accosted for any reason at any time. While disagreements about issues are acceptable, becoming disagreeable is not.

Chair Greenbaum thinks this is a good way to operate.

Public Hearing

2019-009/PB - Accessory Dwelling Unit. Joseph J. Trovato seeks approval of an application for an Accessory Dwelling Unit located within an existing structure pursuant to Section 40.2 of the Truro Zoning Bylaw. The property is located at 15 Highland Avenue, Map 22 and Parcel 38.

Joseph Trovato and Atty. Lester J. Murphy Jr. both approached the Board. Chair Greenbaum opened the public hearing. Atty. Murphy explained that this is an application filed on behalf of Mr. Trovato for approval of an ADU under Section 40.2 of the Zoning Bylaws regarding the property located at 15 Highland Avenue. The parcel of land the structure is on contains approximately 10,000 square feet with one principal structure. The structure presently contains two dwelling units, each of which has one bedroom and has been in a two dwelling unit configuration for a substantial period of time. Mr. Trovato has owned the property since 1982, and when he bought it, it had two dwelling units. He now has the property under agreement for sale. Town investigations discovered that although it's been there for a long time, the second dwelling unit had never been properly permitted or authorized.

Member Sollog stated that he believes the Town needs ADUs, he's only saddened that the size of the property is so small, and he'll defer to the Health Department to declare the septic system as safe. He asked if it had ever been Mr. Trovato's residence, or if it had always been rented. Mr. Trovato stated it's been his residence since 1982, and the other unit has always been rented year-round. Member Riemer

went through their checklist and he found he had some questions. He took an opportunity to drive by the property and wasn't sure he could visualize two off-street parking spaces in addition to parking otherwise required for the property. Atty. Murphy held up the plan and pointed out that the garage has two parking spaces. The parking area then proceeds towards the deck, and then there is another area. There is certainly enough area for four cars. Member Riemer stated it was not delineated on a plan as such, and he'd like to ask the other members of the Board to weigh in as to whether they can see it as clearly as Atty. Murphy has pointed it out.

Member Riemer continued with concern number two. They are required to provide the Board with a site plan or a site and sewerage plan. Within those plans, there needs to be included the setbacks from the road and property lines. He did not see that on the plans and he thinks it's important to have. He sees no reference to height, the number of stories, or square footage. Based upon the scale of the plans, Atty. Murphy calculated the ADU at about 800 square feet, and 875 square feet for the main dwelling unit. The problem that appeared is that the Assessing Department has the entire structure at 1400 square feet. He cannot explain that discrepancy. As far as setbacks, the building is about 25 feet from the road, and about 20-25 feet from each sideline. As far as height, it is an existing one-story dwelling of approximately 24 feet. Member Reimer added that the building plans, including the ADU, are supposed to show a front, side, and rear elevation, and he does not see that in his packet. Atty. Murphy stated that no alterations are going to be made. They are trying to legitimize the existing structure with the existing two units in it. Member Reimer thinks the snapshot look of it is important because ownership is changing. Going forward, if there are ever any questions as to what they looked at in the past, having a picture would give them the knowledge of what was there at a certain point in time. Atty. Murphy stated they could submit photos of the four sides of the building if the Board feels that is something they'd like to have as part of the record.

In Member Reimer's research at the Barnstable County Registry of Deeds, he saw a restriction on the property (placed by the Board of Health) that the structure is restricted to two bedrooms. Also included in the restriction, that bedroom restriction was supposed to be attached to the deed. Atty. Murphy stated that you can't physically attach something to a deed. It is there to appear as a matter of record so that when anyone searches the title they will see that the property is subject to that restriction. Member Reimer is concerned that the restriction may be lost. Atty. Murphy said that's why everything is recorded at the registry of deeds. Member Reimer has suggested that when approving, the Board may wish to condition the approval to include reference to the restriction. Town Planner Ribeiro discouraged the Board from moving into a realm which is under the jurisdiction of the Board of Health. It could be, perhaps, a finding that references the restriction exists, but advises it should not be any kind of condition. He has touched base with the Board of Health that the septic system passed.

Member Reimer stated that this structure is on a pre-existing, non-conforming lot. Does the Zoning Board of Appeals need to look at this as the use is being increased? Town Planner Ribeiro does not think so. This came through the Building Enforcement Officer. He can check with him. Member Riemer believes this should go through legal counsel. Member Tosh does not see this as a legal issue. The building has been there since at least 1982, and the apartment has been in the structure for just as long. She thinks the ADU bylaw contemplates the setbacks, the height, the stories, etc. In anticipation of a new structure. She does not feel they need to send him back to the ZBA. Atty. Murphy pointed out that there is nothing in the bylaw that differentiates how the Planning Board looks at this application vs. an application with an 80,000 square foot lot. Member Reimer countered that the ADU bylaw does state that in the event of any pre-existing, non-conformance of the application, it needs to be considered. Chair Greenbaum stated that the reality is this structure has been a 2-unit structure for 25-30 years and there is no use change. Her opinion is that this does not need to go to the ZBA.

Member Reimer would like to see the parking spaces on the plan, and he'd also like to see something documenting the square footage of each of the two units. Atty. Murphy stated that they have the plan,

and if someone came around with a new layout, that would be indicative of a change. Given the fact that the building is very close to the setbacks, any change to the exterior of that building is going to trigger the requirement to go to the ZBA. Chair Greenbaum asked Mr. Trovato if he could get someone to measure the interior of each room. Mr. Trovato can provide the measurements. Chair Greenbaum stated that could be a condition.

Member Reimer had another question on the septic system. It is noted that municipal water is available, and he wanted to know if Mr. Trovato has ever been contacted by the Provincetown Water Department saying he could hook-up to the water if he liked. Mr. Trovato stated that when he went to the Board of Health for his septic system, he would have needed approval from neighbors for Provincetown Water, and he would have to had cut across their yard for a pipe, so the Board did not make him tie into the system.

Member Herridge made a motion in the matter of 2019-009/PB-Joseph J. Trovato to approve, with conditions, a permit for an Accessory Dwelling Unit pursuant to Section 40.2 of the Truro Zoning Bylaw with respect to property located at 15 Highland Avenue in accordance with the plans submitted with this application, subject to the following conditions:

- 1. Once an ADU has been added to a dwelling, structure, or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to Section 40.2 of the Truro Zoning Bylaw without first obtaining a subsequent permit from the Planning Board, and in no case shall an ADU be permitted to exceed the square footage allowed by Section 40.2 of the Truro Zoning Bylaw.**
- 2. The principle dwelling and the ADU, and lot on which they are located, shall remain in common ownership and shall not be severed in ownership, including that the lot, buildings, or unit thereon shall not be placed in a condominium form of ownership.**
- 3. Either the ADU or the principle dwelling on a lot with an ADU must be leased for a term of at least twelve months. Rental of said unit for a period of less than twelve months, including but not limited to, seasonal rental, rental through vacation rental services, and websites is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and the renter stating that the unit is being rented accordingly and is used as a primary residence.**
- 4. The ADU shall be inspected annually, or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.**
- 5. The applicant shall submit a revised floor plan showing interior dimensions**
- 6. Parking for no less than four cars shall be maintained in the existing garage and the area shown as driveway on the approved plan.**

Member Boleyn seconded.

Town Planner Ribeiro realized there was no offer to hear public comment at the beginning of the hearing. Chair Greenbaum asked the audience. Hearing no comments, she then closed the public hearing.

So voted; 6-0-0, motion carries.

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, Section 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.

Robert Reedy with J.M. O'Reilly & Associates appeared before the Board on behalf of John O'Reilly, who had another meeting in Brewster to attend. Mr. Reedy is representing the Schirmer family. The property at 1 Amity Lane is part of a larger subdivision that was subdivided by the Schirmer's previously. Mr. Reedy continued by describing the history of the property. The Schirmer's are looking to create a four-lot subdivision. Lot 3 would be a buildable, single-family, dwelling lot. Lots 4 and 5 sit in the wetland area and they'd like to give those lots to the Truro Conservation Trust. J.M. O'Reilly & Associates has gone out and delineated where the wetlands are, and the coastal bank. He continued to describe the subdivision. In terms of zoning regulations, the buildable lots do meet frontage requirements, the Way meets the layout requirements, and the waivers they will be asking for at the time of the definitive plan, are related to the construction of the Way. They are hoping to not have to build the road and to get waivers from all requirements related for that. The reasoning behind that is they hope the road wouldn't be used for anything other than access to the Conservation Trust lands in the back (lots 4 and 5). The intent would be for access to lot 3 would be a driveway off of the portion of Amity Lane that they abut. Amity Lane is currently served by an 8-10-foot-wide gravel road. It serves the property at Lot 2, in addition to two other properties further down the road from where the subdivision is now.

Member Riemer stated that a 2017 subdivision approval was referenced. Mr. Reedy corrected himself to say that it was a 2017 ANR plan. Member Riemer stated that served, in a pan handle fashion, three dwellings on the same lot that were pre-existing. Going forward, it will be important to know how many dwellings Amity Lane serves. There are currently three dwellings on one lot, but in order to pursue a Rural Roads Alternative, the limit is four dwellings. Member Riemer referenced all the other buildings/dwellings which will potentially be served by Amity Lane. He believes, going forward, it would support an upgrade to Amity Lane. He also pointed out a 20 foot drop right when you turn onto Amity Lane, along with the fact that there is no drainage that he can see. He also asked, for the record, who owned the fee in the road. Mr. Reedy stated that the Schirmer's do.

Moving forward, Member Riemer stated that he looked at the submission requirements for a preliminary plan and stated that they shall include a proposed system with drainage, and he did not see that. Mr. Reedy said that it would be something they would request a waiver from. Member Riemer asked if there was any report from the Board of Health. Town Planner Ribeiro said that the Board of Health chose not to provide comments at this time, though they may at the time of a definitive plan. Public Safety officials also received the plan and did not provide comments. The DPW Director found that it would have no impact on public infrastructure. Town Planner Ribeiro did say that this intensification of use of Amity Lane is a legitimate concern for the Planning Board. Mr. Reedy stated they were looking for waivers for the new Way and asked for the possibility of relief on all of the standards of the road construction where they are adding one lot to a small, rural road that is not very developed at the moment. Chair Greenbaum said it appeared there were some questions about how many dwellings currently exist. Are there indeed three dwellings that Amity Lane is currently serving, or are there more than three?

Member Tosh let the Chair know that she was abstaining from any conversation on this matter because she is a Trustee of the Truro Conservation Trust. She felt that since it was preliminary, she did not have to leave the room. Chair Greenbaum thanked her.

Town Planner Ribeiro noted that they are creating Lot 4, which does have frontage and sufficient lot area, so there is a stated intention for it to be a conservation parcel, but it would be buildable should any deal fall through. Mr. Reedy asked if there were any flexibility as to what they could condition the property as, for value purposes (maintain it as buildable and condition it needs to be sold to the Trust)? Mr. Reedy said that the land loses value, for purposes of any sale. From a perspective of protecting their own value of the property, if the Schirmer's turn the property into an unbuildable lot then they hurt the value. It's not in the best interest for them. Chair Greenbaum said that there were a couple of related issues.

- How many dwellings is the road currently serving?
- How many dwellings might the road serve, given that it's now going to have three buildable lots in the subdivision plus the other two that are already there?
- Is there a way to condition, if indeed there are only four dwellings, so that there doesn't have to be significant upgrade to Amity Lane?

Town Planner Ribeiro stated that if the intent is to create a plan that produces buildable lots, regardless of intention, that would have to be the stance of the Board. He doesn't know if, as part of the valuation, it would factor into the effect of the cost of constructing the way. His advice to the Board would be to consider this as creating two single family residences on Amity Lane, which has three, because ultimately that's what could happen. Chair Greenbaum confirmed that they would be looking at a road serving five dwellings, and then the question would be, could there be any relief from that.

Member Riemer asked, that in looking at Lot 3, where is the frontage that would serve the requirement under a Zoning Bylaw for 150 feet on a road.? Mr. Reedy proposed that the Way would serve as the frontage. Member Riemer does not believe that would be adequate for a building permit. Also, he pointed out that they are proposing a paper Way that's 40 feet wide, that would connect with an 8-10 foot -wide gravel/sand road. Mr. Reedy said that the Way would not service anything other than Conservation Trust land.

Mr. Reedy asked, if instead of asking for a 40 -foot private way, would it be preferable that lots 3 and 4 were addressed as "pan-handle lots", both having 30 feet of required frontage on Amity Lane and doing away with the paper way? Member Riemer stated you needed 150 feet on the street or way. Mr. Reedy then asked, if the way were removed, would that change anything?

Member Sollog stated that the actual number of dwellings needs to be clarified. He also confirmed that what Mr. Reedy is asking for is, what would be possible for them to get buildable lots in the subdivision without having to completely reconstruct Amity Lane. Member Sollog is not personally interested in paving Truro. He thinks the Board would be interested in the road being provided as a useable surface that is somewhat improved. He doesn't know if the Board is allowed to waive the design requirements for a Type B road. Chair Greenbaum asked how many dwellings could be served with a Type B road. Member Sollog stated it was 5-10 lots. Chair Greenbaum stated that it's critical that it refers to lots and not dwellings. She would like to get the number of lots as well. Member Sollog added that a Type A road requires a 14 -foot actual roadway, while a Type B requires 18 feet. Member Sollog would like to see if they could get a handle on where the Board's feelings lie, as far as road improvement. What does the Board feel would suffice? There is an existing road that's gravel, and 8-10 feet wide, and the requirement for Type B is 18. He asked Member Riemer his opinion on the existing roadway. His opinion is that it's not suitable. From Member Sollog's point of view he thinks the Board would like to see some improvement to the road. Mr. Reedy asked if something the size of a Type A road be reasonable? Member Sollog stated that would be a significant improvement to what is there now. It would not meet the requirements of a Type B road. Member Riemer noted that Amity Lane is not defined, in terms of the property line. He does not see a solid line he sees a dotted line. Mr. Reedy stated it's shows as a dashed line and ends in a cul-de-sac. Member Riemer says it's listed as a 40 -foot right-of-way, but the right-of-way is delineated by a dotted line on the Marsh Lane side rather than a

solid line. Mr. Reedy said the only part that's a solid line is the part that intersects with their property. Mr. Riemer continued. In terms of the valuation of the property to be sold to the Conservation Trust, he sees the coastal bank is on there and asked if there was a 100- foot setback. Mr. Reedy stated it was 150 feet and asked if the Planning Board got a version of the plan which showed the location of wells and septic locations for certain lots. He held it up and pointed out the 150 foot coastal bank setback, the location of the septic and reserve system for Lot 4, a proposed well location for Lot 3, along with the proposed septic and reserve area, and for Lot 2 he pointed out the existing well location and a proposal to move their leech field. Member Riemer asked if that also showed the land for Lot 4 being unbuildable? Mr. Reedy said it could be buildable depending on where the house would be sited. He added that he calculated the amount of upland and it's approximately 60,000 square feet, which means up to a 6-bedroom house could be built there (on Lot 4).

Town Planner Ribeiro read through the Rural Road Alternative and noted that it refers to not more than four dwellings. Member Sollog stated that it appeared the proposal would not fall under the Rural Road Alternative, because there would be more than four dwellings. He also pointed out that the Rural Road Alternative used the word "dwellings" and may have meant "lots". He thinks they should research if that is correct (that it should say dwellings instead of lots). Member Riemer said if they were to create two more buildable lots, out of Lot 2, that would give them five lots serviced by Amity Lane, which would exclude the project from the Rural Road Alternative. Town Planner Ribeiro stated that the intended result is to have four built lots on Amity Lane, and one conservation parcel. It does not necessarily need to be buildable, but for a discount sale and tax purposes (if that is the reason), it would be more valuable.

Town Planner Ribeiro suggested determining a date for a site visit and continuing the hearing to the meeting on the 22nd. Chair Greenbaum said the site visit could be on Tuesday, the 21st, at 2:00pm. Town Planner Ribeiro asked Mr. Reedy, instead of doing continual time extensions, would he be willing to do an extension through the first meeting for February. Mr. Reedy agreed.

Member Boleyn made a motion in the matter of 2019-006/PB-Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer to continue the hearing to February 22nd.

Member Herridge seconded.

So voted; 5-0-1 (Member Tosh abstained), motion carries.

2019-008/PB Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, Section 81S and Section 2.4 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. *Request to Withdraw.*

Town Planner Ribeiro explained that town regulations require that the applicant send certified mailings to abutters. That did not happen in a timely fashion so they are withdrawing and will reapply.

Member Herridge made a motion in the matter of 2019-009/PB-Nathan A. Nickerson III for approval of a Definitive Subdivision Plan of Land, to grant the applicant's request to withdraw the application without prejudice.

Member Sollog seconded.

So voted; 6-0-0, motion carries.

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.

Town Planner Ribeiro would like to keep this as a standing item. It looks like a peer review report will be back some time in February. Because of that timeframe, he expects to continue the next hearing, and not hold a substantive hearing on the 16th. Member Riemer recalls the last time they dealt with a large development (within the Seashore) was proposed it required a DEP permit for their wastewater. He would like to review some of the requirements. The Board has stated they recognize the importance of nitrates in the groundwater, and how there was a waiver requested from the Board of Health regulations. Under Special Conditions, there is a chart for Effluent Limits. He knows the developer said he couldn't afford to reduce it under the Cape Cod Commission's report that they judged the limit to be 19 mg/liter but yet the DEP enforces 10 mg/liter. Town Planner Ribeiro asked if he was reading from a discharge water permit. Member Riemer said yes. Town Planner Ribeiro stated those trigger over 10,000 gallons and this project is at 7700 gallons. Member Riemer continued, stating it points towards the issue, the importance, and the recognition of what they need to keep in mind when they are sitting on a sole source aquifer. The Cloverleaf project abuts the Seashore and also Pond Village. Member Herridge included abutters on Highland Road. Member Riemer stated the effluent is to be monitored twice a week. Underground water has no fences and he feels it's important, going forward with monitoring wells to ensure there is no contamination. Member Herridge added that the Cape Cod Commission calculated (based on the number of bedrooms) that the discharge would be 7700 gallons per day. The developer mentioned that the discharge would be 8600 gallons per day at the last Zoning Board of Appeals meeting. He feels that is getting very close to the 10,000 gallon per day limit. If you reach 10,000 gallons per day, there are lots of State regulations that cannot be waived by the ZBA. Town Planner Ribeiro reminded the Board that the State requirement doesn't apply. DEP wouldn't look at this as a discharge permit because it's under the 10,000 gallons per day. The concern is legitimate. Member Sollog would like to reiterate that these figures are all estimates. Chair Greenbaum confirmed that Member Riemer would like the information he read to the Board, along with his points, to be sent to the Zoning Board of Appeals, and Member Riemer said yes. Member Sollog added that they should qualify why they would be adding this. The size of the property differential is enormous. Whether or not the State regulations require this or not, the ZBA should be made aware. Chair Greenbaum added that part of the responsibility of the Planning Board is to continue to provide relevant information to the ZBA in their consideration of this process. Member Herridge doesn't see how anyone can do a proper study of what the water under that site is going to do, by February.

Member Riemer made a motion to submit the Department of Environmental Protection Permit number 955-0, addressed to Wayne Klekamp of AC Mobile Home Park Inc. in regard to Truro A/C Mobile Home Park, 67 South Highland Road.

Member Herridge seconded.

So voted; 6-0-0, motion carries.

Town Planner Ribeiro said he could compose a cover letter, specifically referencing the size of the parcel, and the four pages which Member Riemer cited.

Member Herridge would like to know if the ZBA, and the peer review company, are going to take into consideration all the numbers that Kevin Kuechler has developed from years of being the Chair of the Water Resources Oversight Committee. He does not feel anyone can do an adequate job by February. Some of Mr. Kuechler's numbers will be in an Op Ed in the Banner, which Member Herridge may read into the record for the ZBA. Chair Greenbaum stated that they just heard from Town Planner Ribeiro, who said the next ZBA meeting may not happen. She thinks getting data to the ZBA sooner, rather than later, would be very helpful.

Member Sollog asked if anyone saw the balloon test which occurred two weeks ago. Town Planner Ribeiro stated that photographs were taken from different vantage points and an exhibit will be put together, and be available, in the near future.

Member Herridge has information from his literature search which he'd like Town Planner Ribeiro to give to the ZBA.

Update on Past Work Sessions

Chair Greenbaum stated their next work session would be next Wednesday, January 15th at 2:30 pm. She has almost everyone's priority list. She's aware that Town Meeting is fast approaching. She said that what they have ready for the Warrant, and what they want to get ready will be the topic of conversation at the next work session. Member Riemer stated he had a conversation with Health/Conservation agent Beebe. She relayed to him that the Board of Health is promulgating new Rules and Regulations. She questioned whether the Planning Board was working on a couple items and he doesn't believe they were on their list. Town Planner Ribeiro will get in touch with her.

Update by Planning Board/Select Board ADU Ad Hoc Subcommittee on their Work Sessions.

Chair Greenbaum said the subcommittee has been on hiatus due to the loss of Maureen Burgess. Select Board member Weinstein has stepped up to be the second Select Person on the committee. The next meeting will be tomorrow. Knowing that the warrant is opening soon, they are focused on what they can get together for that. Before that, they want to bring their recommendations to the Planning Board and Select Board. She's thinking, at the work session she'd like some feedback on their recommendations for the ADU to make it work better for everyone.

Discussion for setting dates for future Board public workshops.

They will discuss this on the 15th.

Chair Greenbaum stated there was something Member Sollog had mentioned about placing on the agenda as a placeholder. *Potential discussion of potential warrant articles* (or something similar). Town Planner Ribeiro said it was a discussion of potential zoning articles for Town Meeting.

Member Herridge made a motion to adjourn at 7:22 pm.

Member Boleyn seconded.

So voted; 6-0-0, motion carries.