

**TRURO PLANNING BOARD AGENDA**  
**TUESDAY, December 8, 2015 – 6:00 pm**  
**Truro Town Hall, 24 Town Hall Road, Truro**  
**AMENDED**

**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.

**6:00 pm Modified Definitive Subdivision Plan, Release of Covenant and New Covenant – Public Hearing**

**2015-011PB Malcom Meldahl** seeks approval of a modification to Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c40A, Section 81W and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 3,6 8 & 10 Edgewood Way, Truro and shown on Assessors Map 51 Parcels 34, 86, 89 & 90; release of covenant recorded at the Barnstable County Registry of Deeds, Book 14411, Page 8, and a new covenant to cover construction of the road.

**6:15 pm Modification to Definitive Subdivision Plan – Public Hearing**

**2015-009PB Nancy A. Dyer** seeks approval of Modification of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81W and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 8 Sam's Way, Truro and shown as Parcel 13 on Truro Assessor's Map, Sheet 24.

**6:45 pm Site Plan Review – Public Hearing**

**2015-007SPR Maria Kuliopulos** seeks approval of a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1.

**Preliminary Subdivision**

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

**Site Plan Review – Public Hearing Continuance**

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

**Temporary Sign Permits**

**Payomet Performing Arts Center,** seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code two (2) Temporary Signs (December 15 2015 -

January 15, 2016) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd).

**Review and Approval of Meeting Minutes:** November 18, 2015

**Reports from Board Members and Staff**

- FY2017 Planning Board budget
- Liaison assignments
- Other

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

- December 22, 2015 – Reg. Meeting
- January 5, 2016 – Reg. Meeting
- January 19, 2016 – Reg. Meeting
- February 2, 2016 – Reg. Meeting
- February 16, 2016 – Reg. Meeting

**Adjourn**





# TOWN OF TRURO

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

To: Planning Board  
From: Carole Ridley  
Date: December 2, 2015  
Re: Staff Report

**2015-011PB Malcom Meldahl** seeks approval of a modification to Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c40A, Section 81W and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 3,6 8 & 10 Edgewood Way, Truro and shown on Assessors Map 51 Parcels 34, 86, 89 & 90; release of covenant recorded at the Barnstable County Registry of Deeds, Book 14411, Page 8, and a new covenant to cover construction of the road.

A Planning Board hearing on this application is scheduled for December 8, 2015 at 6:00 pm. Once the hearing is opened, the applicant or his representative must submit the certified mail receipts indicating that abutters have been notified, before the hearing can proceed.

## Description

The applicant seeks to modify the design of the subdivision roadway in light of the fact that Lots 3 & 4 have been conveyed to the Truro Conservation Trust and have a Conservation Restriction on them. According to the application materials, Truro Conservation Trust will have no deeded access rights over Edgewood Way and instead will have access over Parcel 51-91 (Lot 5), which is owned by the Town.

The modified road design shortens the length and width of the roadway and creates a paved turn-a-round in front of existing single story structures on the eastern portion of Lot 1. The remaining existing concrete drive and loop will be repaved to a width of 14 feet to a point approximately 75 feet west of the easternmost edge of Parcel 51-33. At that point, two pave spillways are proposed and a paved way continues to Route 6 with a width of 12 feet with a 1-foot berm. A paved turn out is proposed on the southern side of this portion of the way.

The applicant is seeking Board approval of a modification of the existing approved Definitive Plan (§2.5.5 of the Truro Rules and Regulations Governing the Subdivision of Land), with the following waivers (see attached request):

Section 3.7 Rural Road Alternative  
Section 3.4 Monuments  
Section 3.5 Utilities

In addition the applicant is seeking release of the covenant recorded with the previously approved plan ((§2.5.6), and approval of a new covenant reflecting the modified plan if approved ((§2.5.4.c.3)

### **Completeness of Application**

The applicant filed the following materials:

- Letter from Slade Associates dated October 26, 2015 re: “Edgewood Farm”, Truro (Malcolm Meldahl)
- Form E Application for Modification, Amendment or Rescission of Definitive Subdivision, dated November 19, 2015
- Form F Certification of Completion & Release of Municipal Interest in Subdivision Performance Security, received October 29, 2015
- Form D Covenant, received October 29, 2015
- Certified abutters lists for 3,6,8 and 10 Edgewood Way
- “Edgewood Way” Supplemental Plan made for Malcolm Meldahl by Slade Associates, dated September 10, 2015 and revised October 16, 2015 at 1”: 50’

### **Public Notice**

The public hearing was advertised in the Provincetown Banner on November 19<sup>th</sup> and November 25<sup>th</sup>. The notice was also filed with the Town Clerk. An abutter notice was prepared and submitted to Slade Associates for distribution to abutters via certified mail in accordance with §2.5.4.b(3) of the Town’s Subdivision Rules and Regulations.

### **Town Staff Comments**

1. There appear to be no Wetland Resource Areas subject to protection under the Wetlands Protection Act (310 CMR 10.00)
2. The Conservation Commission at their April 6, 2015 meeting signed the Municipal Certification for the Edgewood Farm Conservation Restriction, Map 51, Parcels 89 and 90.
3. It appears that the property is within Estimated Habitat of Rare Wildlife and therefore NHESP review will be required for proposed work. (Note: The applicant should be asked to check whether spillways impact estimated habitat.)
3. The property is in compliance with Truro Board of Health Regulation Section VI, Article 31(1) Required Upgrades and 310 CMR 15.00, State Environmental Code, Title 5.
4. No issues from Police Department

### **Planning Staff Comments**

An on-site visit was conducted by the Board on August 4, 2015. A memorandum from Charleen Greenhalgh that was prepared for the onsite is attached. Please note Charleen’s comments A. through I. Items A-C and I could be addressed as conditions of approval.

### **Board Jurisdiction**

The Town of Truro Rules and Regulations Governing the Subdivision of Land **§2.5.5 Modification, Amendment or Rescission of an Approved Plan** sets for the procedure for modification as being the same as for a definitive plan (§2.5.4).

The release of covenant is addressed in **§2.5.6 Release from Surety or Covenant**

### **Planning Board Options**

In accordance with MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land the Board may:

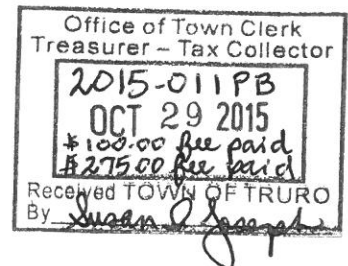
1. Vote to approve the modification of the definitive plan for Meldahl Realty Trust, Malcolm Meldahl, Trustee, as submitted pursuant to MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, for property located at 3,6,8 & 10 Edgewood Way, Truro, and shown on Assessors Map 51, Parcels 34, 88,89 and 90.
2. Vote to approve the modification of the definitive plan for Meldahl Realty Trust, Malcolm Meldahl, Trustee, as submitted pursuant to MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, for property located at 3,6,8 & 10 Edgewood Way, Truro, and shown on Assessors Map 51, Parcels 34, 88,89 and 90 subject to the following conditions [must cite conditions].
3. Vote to deny the modification of the definitive plan for Meldahl Realty Trust, Malcolm Meldahl, Trustee, as submitted pursuant to MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, for property located at 3,6,8 & 10 Edgewood Way, Truro, and shown on Assessors Map 51, Parcels 34, 88,89 and 90 for the following reasons [must cite specific reasons].

In the event of approval or approval with conditions, the Board's decision will be filed and a twenty-day appeal period will ensue. If no appeal to the decision is made, the approved or conditionally approved plan will be presented to the Board at its next scheduled meeting for endorsement. The release of covenant and covenant would be presented to the Board for execution at the time of the endorsement of the modified plan, in accordance with §2.5.6 and §2.5.7 of the Truro Rules and Regulations Governing the Subdivision of Land.

**SLADE ASSOCIATES, INC.  
REGISTERED LAND SURVEYORS**

P.O. BOX 592  
WELLFLEET, MASSACHUSETTS 02667  
508-349-3110  
FAX 508-349-7577

E-MAIL: SLADE@SLADE-ASSOCIATES.COM  
CHET.LAY@SLADE-ASSOCIATES.COM  
RICHARD.LAY@SLADE-ASSOCIATES.COM



**ASSOCIATES:**

RICHARD F. LAY, R.L.S.  
CHESTER N. LAY, R.L.S.

October 26, 2015

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

Re: "Edgewood Farm", Truro (Malcolm Meldahl)

Dear Board Members,

The accompanying "Edgewood Way" supplemental plan reflects suggestions made by the board at their August 4<sup>th</sup> meeting and amendments to the original approved plan that I understand has been reviewed and approved by both Malcolm Meldahl and the attorney for the buyers, Castle Hill Center for the Arts, Bruce Bierhans. As you are aware, Lots 3 and 4 will be conveyed to the Truro Conservation Trust and they are to have no deeded rights over Edgewood Way (their access will be Lot 5, owned by the Town, to the south).

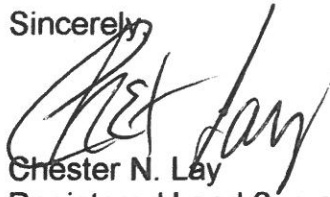
We would like to be placed on your agenda for November 18<sup>th</sup> and would be asking for approval of the amended plan.

We are enclosing a Release of Covenant and a new Covenant to cover construction of the new road. At the August 4<sup>th</sup> meeting Charleen stated that the amended plan is a M.G.L. Chapter 41, Section 81W modification and will have to therefore be advertised. We are enclosing the certified abutters lists.

This modification affects only the road specifications – there are no changes in the lot lines themselves.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester N. Lay". The signature is fluid and cursive, with the first name "Chester" being more prominent and the last name "Lay" following in a similar style.

Chester N. Lay  
Registered Land Surveyor

Encls.

Cc: Bonnie-Jean Nunheimer, Esq.  
Bruce A. Bierhans, Esq.  
Malcolm Meldahl

CNL/jd

# TOWN OF TRURO



# PLANNING BOARD

## FORM F CERTIFICATION OF COMPLETION & RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date: \_\_\_\_\_

Subdivision Name: Meldahl Realty Trust Location 147 Route 6

Owner: Malcolm Meldahl, Trustee

Owner address: PO Box 34, Truro, MA 02666

Applicant: same as owner

Applicant address: \_\_\_\_\_

Barnstable County Registry of Deeds, Plan Book 569, Page 44

Barnstable County Land Registry, L.C.P. No. \_\_\_\_\_

Form D Covenant Doc. No. \_\_\_\_\_ Book 14422 Page 8

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots: all lots

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Truro Planning Board

COMMONWEALTH OF MASSACHUSETTS

**Barnstable, ss.**

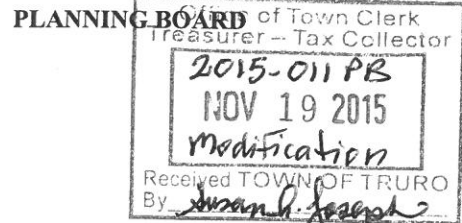
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence.

By commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



## TOWN OF TRURO



## FORM E

## APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

Date Nov. 19, 2015

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled "Subdivision Plan of Land in Truro" by Slade Associates, Inc. dated June 4, 2011 and described as follows:

Located: 3, 6, 8 & 10 Edgewood WayAssessor's Map(s) and Parcel(s): Map 51, Parcels 34, 86, 89 & 90Number of Lots Proposed: no new lotsTotal acreage of Tract: 11.494 Acres

Hereby submits said plan for (circle one) MODIFICATION AMENDMENT RESCISSION in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):  
see attached letter to planning Board dated October 26, 2015

The undersigned's title to said land is derived under deed from Eleanor H. Meldahl dated 12/18/1987, and recorded in the Barnstable Registry of Deeds Book and Page: 6126 - 259

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

The undersigned hereby applies for approval of said MODIFICATION AMENDMENT OR RESCISSION plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant's Signature [Signature] Telephone Number 508 237 9851Applicant's Legal Mailing Address PO Box 34, Truro, MA 02666

Owner's Signature if not the applicant  
or applicant's authorization if not the owner same as applicant

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

Surveyors Name/Address Slade Assoc., Inc. PO Box 592, Wellfleet, MA 02667  
(Or Person Responsible for preparation of plan)

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

\* Made for the Meldahl Realty Trust"



**TOWN OF TRURO PLANNING BOARD  
FORM D  
COVENANT**

The undersigned Malcolm Meldahl of  
Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning  
Board, a definitive plan of a subdivision, entitled "Edgewood Way" Supplemental Plan Made For Malcolm  
Meldahl dated Sept. 10, 2015; revised 10/16/15  
made by Slade Associates, Inc. for property located at 3, 6, 8 & 10 Edgewood Way  
and showing no new proposed lots, does hereby covenant and agree with said  
Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

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

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

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Malcolm E. Meldahl

Signature of Owner

Signature of Owner

**COMMONWEALTH OF MASSACHUSETTS**

**BARNSTABLE, SS**

On this 29 day of October, 2015, before me, the undersigned notary public, personally appeared Malcolm E. Meldahl, proved to me through satisfactory evidence of identification, which were Mass license, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.



MARIE E. PELLEGRINO  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires October 6, 2017

Marie E. Pellegrino  
NOTARY PUBLIC



The following are further agreements and/or conditions of approval:

- To allow Edgewood Way, as shown on a plan entitled "Edgewood Way" Supplemental Plan Made For Malcolm Meldahl, dated September 10, 2015 and revised 10/16/15, to be constructed to the specifications detailed in Section 3.7 (Rural Road Alternative).

Planning Board Signatures:

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

**BARNSTABLE, SS**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

\_\_\_\_\_  
NOTARY PUBLIC

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

Date: 10-27-2015

To: Planning Board

From: Assessor's Office

Attached is a list of abutters for the property located at 10 Edgewood Way  
on Assessor's Map 51 Parcel 90. The current owner(s) as of 11/1/15  
is/are Mel Dahl Realty Trust.

The names and addresses of the abutters are as of 10/27/15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Denise Kopasz

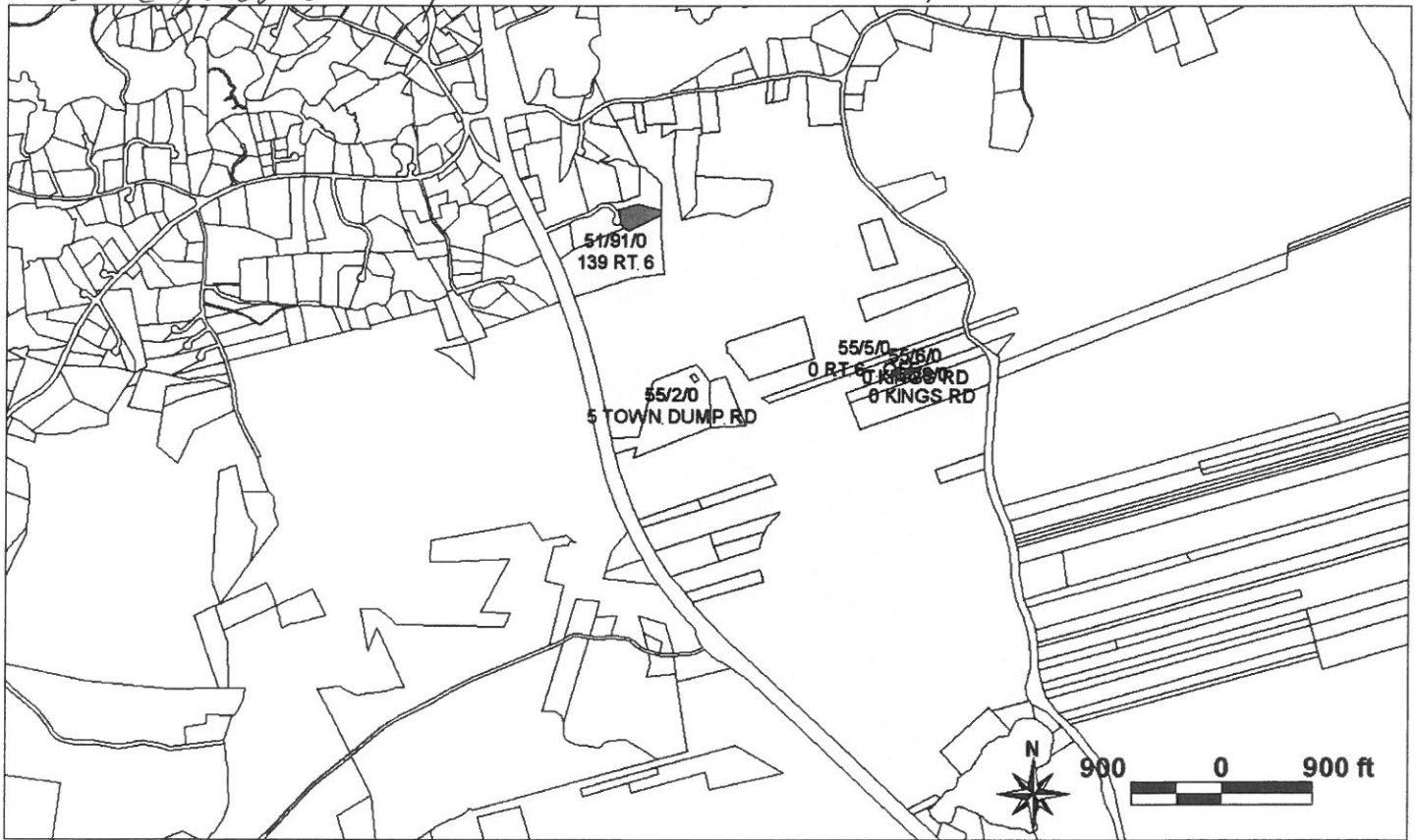
TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

Planning Board

Custom Abutters List

map 51 Parcel 90

10 Edgewood Way



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3071	51-24-0-R	SNOW JOHN H & FRED A	17 SO PAMET RD	PO BOX 533	TRURO	MA	02666-0533
3079	51-33-0-R	NEWCOMB LIVING TRUST TRS NEWCOMB PHILLIP W & ELAINE	143 RT 6	PO BOX 3832	ALPINE	WY	83128
3080	51-34-0-R	MELDAHL REALTY TRUST TRS: MELDAHL MALCOLM E ETAL	3 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
3082	51-36-0-R	MORRIS PETER	21 SO PAMET RD	PO BOX 73	TRURO	MA	02666-0073
3083	51-37-0-R	SCHRADE RANDOLPH R A & VERA	23 SO PAMET RD	85 EAST END AVE APT 3M	NEW YORK	NY	10028
3084	51-38-0-R	GRAY JOHN E JR & JOAN M	27 SO PAMET RD	PO BOX 81	POMFRET	CT	06258
3088	51-42-0-E	U S A DEPT OF THE INTERIOR	0 SO PAMET RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3089	51-43-0-R	ORMSBY SHARON B	33 SO PAMET RD	PO BOX 41	TRURO	MA	02666-0041
3090	51-44-0-R	KELLEY ANN M	31 SO PAMET RD	PO BOX 0	TRURO	MA	02666-0000
3091	51-45-0-R	CAVICCHI ALLEN JOSEPH	35 SO PAMET RD	6 BELLEVUE RD	ARLINGTON	MA	02476
3094	51-48-0-R	FURER VIVIAN	45 SO PAMET RD	166 E 93RD ST	NEW YORK	NY	10128
3095	51-49-0-R	DENTON BRADFORD J	51 SO PAMET RD	8018 MOUNT HURON TRAIL	COLORADO SPRINGS	CO	80924
3108	51-62-0-E	U S A DEPT OF THE INTERIOR	0 COLLINS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3109	51-63-0-E	U S A DEPT OF THE INTERIOR	0 COLLINS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3111	51-65-0-R	FALK ELIZABETH M & VALERIE -LE RMNDR: U S A	41 SO PAMET RD	C/O FALK VALERIE PO BOX 993	TRURO	MA	02666-0993

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3114	51-68-0-R	NANCY L KRUEGER TRUST TRS: KRUEGER NANCY L ET AL	6 SO PAMET WAY	38 RUSSELL AVENUE	WATERTOWN	MA	02472
5594	51-88-0-R	MELDAHL REALTY TR TRS: MELDAHL MALCOLM E ET AL	6 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5595	51-89-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	8 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5596	51-90-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	10 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5597	51-91-0-E	TOWN OF TRURO	139 RT 6	PO BOX 2030	TRURO	MA	02666-2030
6045	51-95-0-R	SNOW JOHN H & FREDIA IRR LIV TR TRS: SNOW SEBASTIAN JOHN ET AL	19 SO PAMET RD	45 CHASKE ST	AUBURNDALE	MA	02466
3341	55-2-0-E	TOWN OF TRURO	5 TOWN DUMP RD	PO BOX 2030	TRURO	MA	02666-2030
5944	55-2-A-R	S B A TOWERS II LLC	5 TOWN DUMP RD	MA12227-A 5900 BROKEN SOUND PKWY NW	BOCA RATON	FL	33487
3342	55-3-0-E	TOWN OF TRURO	5-A TOWN DUMP RD	PO BOX 2030	TRURO	MA	02666-2030
3343	55-4-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3344	55-5-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3345	55-6-0-E	U S A DEPT OF THE INTERIOR	0 KINGS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3347	55-8-0-E	U S A DEPT OF THE INTERIOR	0 KINGS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3348	55-9-0-E	U S A DEPT OF THE INTERIOR	0 KINGS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3349	55-10-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3350	55-11-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3352	55-13-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3353	55-14-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3354	55-15-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3355	55-16-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3363	55-24-0-R	CUTTER DARRYL S & OLIVER CORTNEY L	16 GREAT POND RD	PO BOX 791	SO WELLFLEET	MA	02663
3364	55-25-0-R	SHAPIRO JULIE REV LIV TRUST OF TRS: SHAPIRO JULIE	54 COLLINS RD	3208 EAST HOWELL ST	SEATTLE	WA	98122
6262	60-34-0-E	U S A DEPT OF THE INTERIOR	1 GREAT POND RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

**P.O. Box 2012, Truro, MA 02666**

**Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506**

**Date:** October 27, 2015

**To:** Planning Board

**From: Assessor's Office**

Attached is a list of abutters for the property located at 8 Edgewood Dr  
on Assessor's Map 51 Parcel 89. The current owner(s) as of 1/1/15  
is/are Meldahi Realty Trust.

The names and addresses of the abutters are as of Oct. 27, 2015 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

**Certified by:** Denise Kopasny

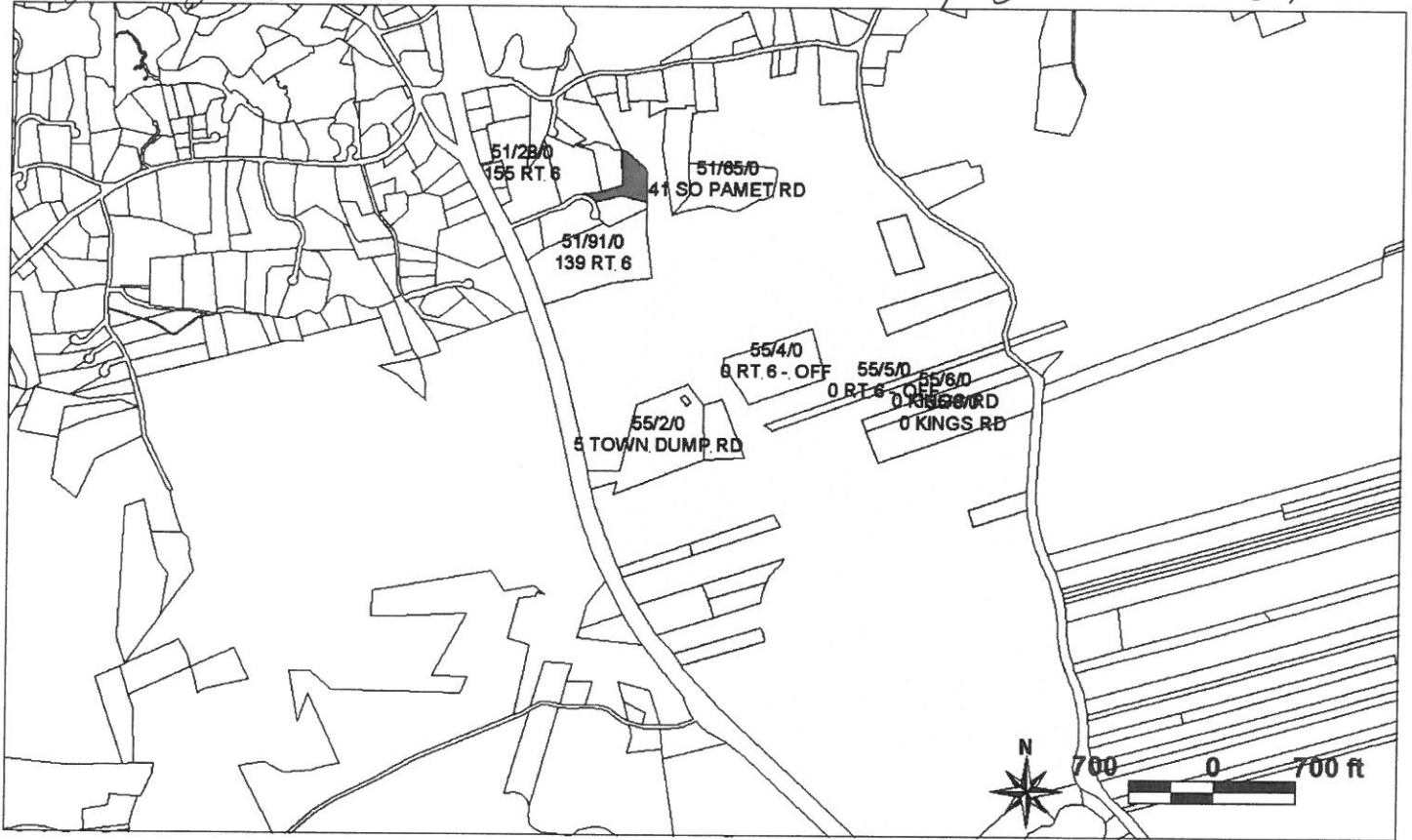
TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

Planning Board

Custom Abutters List

Map 51 Parcel 89

8 Edgewood Dr



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3071	51-24-0-R	SNOW JOHN H & FRED A	17 SO PAMET RD	PO BOX 533	TRURO	MA	02666-0533
3074	51-28-0-R	PEACOCK NANCY N REV TRUST TRS: PEACOCK NANCY N	155 RT 6	319 US RTE 5 NORTH	NORWICH	VT	05055
3079	51-33-0-R	NEWCOMB LIVING TRUST TRS NEWCOMB PHILLIP W & ELAINE	143 RT 6	PO BOX 3832	ALPINE	WY	83128
3080	51-34-0-R	MELDAHL REALTY TRUST TRS: MELDAHL MALCOLM E ETAL	3 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
3082	51-36-0-R	MORRIS PETER	21 SO PAMET RD	PO BOX 73	TRURO	MA	02666-0073
3083	51-37-0-R	SCHRADE RANDOLPH R A & VERA	23 SO PAMET RD	85 EAST END AVE APT 3M	NEW YORK	NY	10028
3084	51-38-0-R	GRAY JOHN E JR & JOAN M	27 SO PAMET RD	PO BOX 81	POMFRET	CT	06258
3088	51-42-0-E	U S A DEPT OF THE INTERIOR	0 SO PAMET RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3089	51-43-0-R	ORMSBY SHARON B	33 SO PAMET RD	PO BOX 41	TRURO	MA	02666-0041
3090	51-44-0-R	KELLEY ANN M	31 SO PAMET RD	PO BOX 0	TRURO	MA	02666-0000
3091	51-45-0-R	CAVICCHI ALLEN JOSEPH	35 SO PAMET RD	6 BELLEVUE RD	ARLINGTON	MA	02476
3094	51-48-0-R	FURER VIVIAN	45 SO PAMET RD	166 E 93RD ST	NEW YORK	NY	10128
3095	51-49-0-R	DENTON BRADFORD J	51 SO PAMET RD	8018 MOUNT HURON TRAIL	COLORADO SPRINGS	CO	80924
3108	51-62-0-E	U S A DEPT OF THE INTERIOR	0 COLLINS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3109	51-63-0-E	U S A DEPT OF THE INTERIOR	0 COLLINS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3111	51-65-0-R	FALK ELIZABETH M & VALERIE -LE RMNDR: U S A	41 SO PAMET RD	C/O FALK VALERIE PO BOX 993	TRURO	MA	02666-0993
3114	51-68-0-R	NANCY L KRUEGER TRUST TRS: KRUEGER NANCY L ET AL	6 SO PAMET WAY	38 RUSSELL AVENUE	WATERTOWN	MA	02472
3119	51-74-0-R	COLBURN DEBORAH	5 SO PAMET WAY	107 PEARL ST	CAMBRIDGE	MA	02139
5594	51-88-0-R	MELDAHL REALTY TR TRS: MELDAHL MALCOLM E ETAL	6 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5595	51-89-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	8 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5596	51-90-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	10 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5597	51-91-0-E	TOWN OF TRURO	139 RT 6	PO BOX 2030	TRURO	MA	02666-2030
6045	51-95-0-R	SNOW JOHN H & FREDA IRR LIV TR TRS: SNOW SEBASTIAN JOHN ET AL	19 SO PAMET RD	45 CHASKE ST	AUBURNDALE	MA	02466
6046	51-96-0-R	RYAN ROBERT J JR & AMY LEE	4 SO PAMET WAY	217 OLD ROUTE 209	HURLEY	NY	12443-5920
3341	55-2-0-E	TOWN OF TRURO	5 TOWN DUMP RD	PO BOX 2030	TRURO	MA	02666-2030
5944	55-2-A-R	S B A TOWERS II LLC	5 TOWN DUMP RD	MA12227-A 5900 BROKEN SOUND PKWY NW	BOCA RATON	FL	33487
3342	55-3-0-E	TOWN OF TRURO	5-A TOWN DUMP RD	PO BOX 2030	TRURO	MA	02666-2030
3343	55-4-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3344	55-5-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3345	55-6-0-E	U S A DEPT OF THE INTERIOR	0 KINGS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3347	55-8-0-E	U S A DEPT OF THE INTERIOR	0 KINGS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3348	55-9-0-E	U S A DEPT OF THE INTERIOR	0 KINGS RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3349	55-10-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3350	55-11-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3352	55-13-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3353	55-14-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3354	55-15-0-E	U S A DEPT OF THE INTERIOR	0 RT 6 - OFF	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3355	55-16-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3363	55-24-0-R	CUTTER DARRYL S & OLIVER CORTNEY L	16 GREAT POND RD	PO BOX 791	SO WELLFLEET	MA	02663
3364	55-25-0-R	SHAPIRO JULIE REV LIV TRUST OF TRS: SHAPIRO JULIE	54 COLLINS RD	3208 EAST HOWELL ST	SEATTLE	WA	98122
6262	60-34-0-E	U S A DEPT OF THE INTERIOR	1 GREAT POND RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

**P.O. Box 2012, Truro, MA 02666**

**Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506**

**Date:** 10-27-15

**To:** Planning Board

**From: Assessor's Office**

Attached is a list of abutters for the property located at 6 Edgewood Way  
on Assessor's Map 51 Parcel 88. The current owner(s) as of 1/1/15  
is/are Meldahl Realty Trust.

The names and addresses of the abutters are as of 10-27-15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

**Certified by:** Denise Kopasny

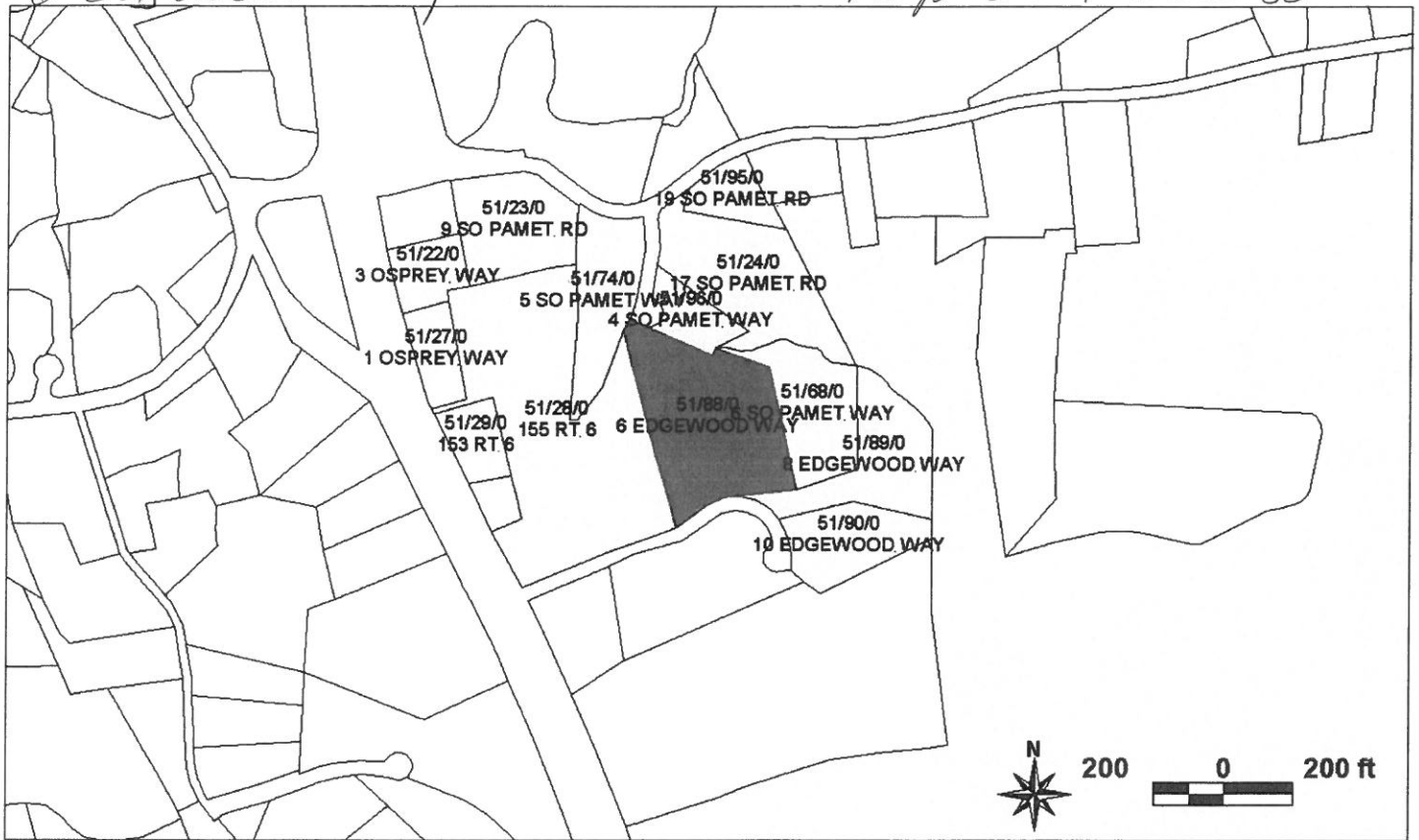


TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

*Planning Board*

Custom Abutters List

*Map 51 Parcel 188*



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3069	51-22-0-R	ENDICH ROBERTA SOLOMON-	3 OSPREY WAY	PO BOX 2027	TRURO	MA	02666-2027
3070	51-23-0-R	DUARTE JOSEPH M	9 SO PAMET RD	PO BOX 444	TRURO	MA	02666-0444
3071	51-24-0-R	SNOW JOHN H & FRED A	17 SO PAMET RD	PO BOX 533	TRURO	MA	02666-0533
3073	51-27-0-R	AMENTA MARY B	1 OSPREY WAY	6A WIGHTMAN PL	CROMWELL	CT	06416
3074	51-28-0-R	PEACOCK NANCY N REV TRUST TRS: PEACOCK NANCY N	155 RT 6	319 US RTE 5 NORTH	NORWICH	VT	05055
3075	51-29-0-R	GRIFFITH ROBERT F	153 RT 6	446 COMMERCIAL ST	PROVINCETOWN	MA	02657
3076	51-30-0-R	COOK MICHAEL	151 RT 6	PO BOX 320	TRURO	MA	02666-0320
3114	51-68-0-R	NANCY L KRUEGER TRUST TRS: KRUEGER NANCY L ET AL	6 SO PAMET WAY	38 RUSSELL AVENUE	WATERTOWN	MA	02472
3119	51-74-0-R	COLBURN DEBORAH	5 SO PAMET WAY	107 PEARL ST	CAMBRIDGE	MA	02139
5594	51-88-0-R	MELDAHL REALTY TR TRS: MELDAHL MALCOLM E ET AL	6 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5595	51-89-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	8 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5596	51-90-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	10 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
6045	51-95-0-R	SNOW JOHN H & FRED A IRR LIV TR TRS: SNOW SEBASTIAN JOHN ET AL	19 SO PAMET RD	45 CHASKE ST	AUBURNDAL E	MA	02466
6046	51-96-0-R	RYAN ROBERT J JR & AMY LEE	4 SO PAMET WAY	217 OLD ROUTE 209	HURLEY	NY	12443-5920

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

**P.O. Box 2012, Truro, MA 02666**

**Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506**

Date: October 27, 2015

To: Planning Board

From: Assessor's Office

Attached is a list of abutters for the property located at 3 Edgewood Way  
on Assessor's Map 51 Parcel 34. The current owner(s) as of 1/1/15  
is/are Meldahl Realty Trust.

The names and addresses of the abutters are as of 10-27-15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Denise Kopasz

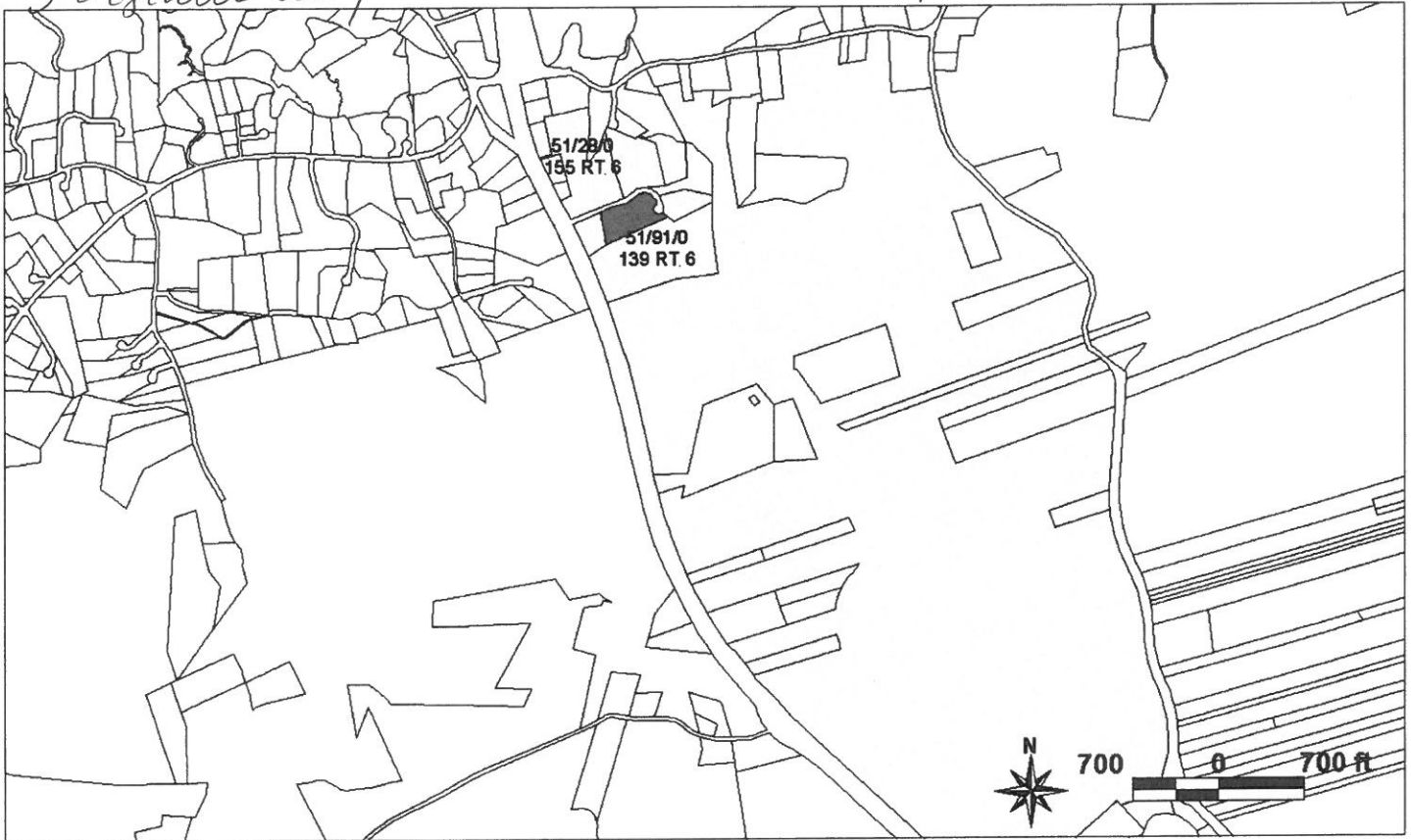
TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

*Planning Board*

*3 Edgewood Way*

Custom Abutters List

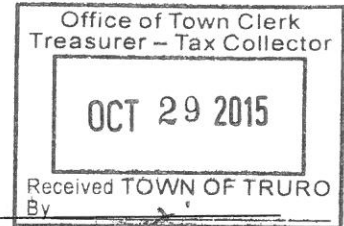
*Map 51 Parcel 34*



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3074	51-28-0-R	PEACOCK NANCY N REV TRUST TRS: PEACOCK NANCY N	155 RT 6	319 US RTE 5 NORTH	NORWICH	VT	05055
3079	51-33-0-R	NEWCOMB LIVING TRUST TRS NEWCOMB PHILLIP W \$ ELAINE	143 RT 6	PO BOX 3832	ALPINE	WY	83128
5594	51-88-0-R	MELDAHL REALTY TR TRS: MELDAHL MALCOLM E ETAL	6 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5595	51-89-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	8 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5596	51-90-0-R	MELDAHL REALTY TR TRS: MELDAHL ELEANOR H ET AL	10 EDGEWOOD WAY	PO BOX 34	TRURO	MA	02666-0034
5597	51-91-0-E	TOWN OF TRURO	139 RT 6	PO BOX 2030	TRURO	MA	02666-2030

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 51, Parcels 90, 89, 88 & 34 (Meldahl/"Edgewood Farm")

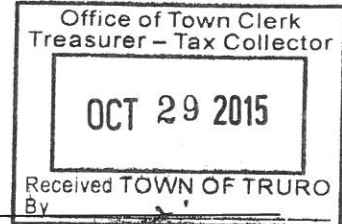
- 3 Copies of letter to the Truro Planning Board from Slade Associates, Inc.
- 2 Copies of Form F (Release of Covenant)
- 2 Copies of Form D Covenant (new)
- 2 Copies of the four abutters lists
- 12 Copies of "Edgewood Way" Supplemental Plan #2015-86
- 1 Check in the amount of \$100.00 (covenant release)
- 1 Check in the amount of \$275.00 (81W Modification)



Truro Town Clerk  
October 29, 2015

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 51, Parcels 90, 89, 88 & 34 (Meldahl/"Edgewood Farm")

- 3 Copies of letter to the Truro Planning Board from Slade Associates, Inc.
- 2 Copies of Form F (Release of Covenant)
- 2 Copies of Form D Covenant (new)
- 2 Copies of the four abutters lists
- 12 Copies of "Edgewood Way" Supplemental Plan #2015-86
- 1 Check in the amount of \$100.00 (covenant release)
- 1 Check in the amount of \$275.00 (81W Modification)



Truro Town Clerk  
October 29, 2015

**SLADE ASSOCIATES INC.**  
**REGISTERED LAND SURVEYORS**  
P. O. BOX 592  
WELLFLEET, MASS. 02667  
508-349-3110

REMITTANCE ADVICE
1 EDGEWOOD FARM

53-7107-2113  
18382

PAY <u>Two Hundred Seventy Five and no/100</u>		DOLLARS	
DATE <u>10/29/15</u>	TO THE ORDER OF <u>Town of Truro</u>	CHECK NO. <u>18382</u>	CHECK AMOUNT \$ <u>275.00</u>
DESCRIPTION			



*Jayce Davis*

⑈018382⑈ ⑆211371078⑆ 89 5002160⑈

**SLADE ASSOCIATES INC.**  
**REGISTERED LAND SURVEYORS**  
P. O. BOX 592  
WELLFLEET, MASS. 02667  
508-349-3110

REMITTANCE ADVICE
FORM F - RELEASE
147 RT. 6

53-7107-2113  
18381

PAY <u>One Hundred and no/100</u>		DOLLARS	
DATE <u>10/29/15</u>	TO THE ORDER OF <u>Town of Truro</u>	CHECK NO. <u>18381</u>	CHECK AMOUNT \$ <u>100.00</u>
DESCRIPTION			



*Jayce Davis*

⑈018381⑈ ⑆211371078⑆ 89 5002160⑈



## Health/Conservation Agent Town of Truro

Phone: (508) 349-7004 ext. 32

Fax: (508) 349-5850

# MEMO

**To:** Carole Ridley, Planning Consultant

**From:** Patricia Pajaron *PP*

**CC:**

**Date:** November 30, 2015

**Re:** **Amendment of a Definitive Subdivision Plan, Meldahl Realty Trust,  
Edgewood Way**

---

I have reviewed the Development Application Referral packet submitted to the Planning Board for site plan review to (project description) and offer the following comments.

### CONSERVATION

1. According to the OLIVER GIS maps available online at the MassDEP website, there appear to be no Wetland Resource Areas subject to protection under the Massachusetts Wetlands Protection Act (310 CMR 10.00) affecting the property; therefore Conservation Commission review and approval are not required at this time. The Commission at their April 6, 2015 meeting signed the Municipal Certification for the Edgewood Farm Conservation Restriction, Map 51 Lots 89 and 90.

2. Per the NHESP map dated October 2008, it appears that the entire lot is in the Estimated Habitat of Rare Wildlife therefore NHESP review will be required for the proposed work.

### HEALTH

1. The site plan only shows a proposed road layout at this time. The septic system at Lot 1 (51-34) serving the 2 story wood frame studio, 1 story wood frame shop and 1 story wood frame studio was upgraded in 2011. A septic system inspection was conducted in 2014 for the system serving the 2 story wood frame dwelling. The property is in compliance with Truro BOH Regulation Section VI, Article 3(1) Required Upgrades and 310 CMR 15.000, State Environmental Code, Title 5.



**SLADE ASSOCIATES, INC.  
REGISTERED LAND SURVEYORS**

P.O. BOX 592  
WELLFLEET, MASSACHUSETTS 02667  
508-349-3110  
FAX 508-349-7577



**ASSOCIATES:**

RICHARD F. LAY, R.L.S.  
CHESTER N. LAY, R.L.S.

E-MAIL: SLADE@SLADE-ASSOCIATES.COM  
CHET.LAY@SLADE-ASSOCIATES.COM  
RICHARD.LAY@SLADE-ASSOCIATES.COM

December 3, 2015

**VIA E-MAIL**

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

Re: Chapter 41, 81W Modification of Previously Approved Road Specifications  
For Malcolm Meldahl (Filed October 29, 2015)

Dear Board Members,

As you know, Lots 1 and 2 are under contract to be sold to the Castle Hill Center for the Arts. Lots 3 and 4 are to be conveyed to the Truro Conservation Trust and they will not, by deed, be granted rights over Edgewood Way. With this in mind, Malcolm Meldahl is requesting the following:

Section 3.7, Rural Road Alternative

Since Edgewood Way is access for only Lots 1 and 2, it is felt a 14 foot wide paved surface with two turn-outs should be adequate access.

Section 3.4, (Monuments)

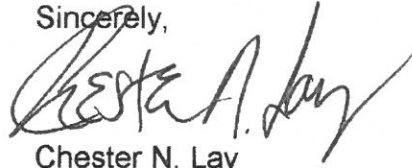
That the requirement to set new road monuments be waived.

Section 3.5, (Utilities)

It is requested to use the existing overhead utility line coming in from Route 6 to utility pole 73/B. From there the utilities will run underground to the SW corner of Lot 2.

Thank you for your consideration of the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester N. Lay", written in a cursive style.

Chester N. Lay  
Registered Land Surveyor

Cc: Malcolm Meldahl

CNL/jd



## Memorandum

Charleen L. Greenhalgh, ATA/Planner  
Town of Truro

July 27, 2015

To: Planning Board  
From: Charleen Greenhalgh, ATA/Planner  
Re: Meldahl Subdivision – Edgewood Way

An on-site is scheduled for Tuesday, August 4, 2015 at 10:30 am:

### TRURO PLANNING BOARD ON-SITE TUESDAY, August 4, 2015 – 10:30 am Edgewood Way, Truro

The Planning Board will conduct an on-site review and inspection of the Meldahl Realty Trust, Edgewood Way subdivision road relative to adequacy of access and adequacy of road construction. No determinations, discussions or votes will be taken at the on-site on this matter. The Board will be meeting at 6:00pm at the Truro Town Hall to discuss this matter.

As noted, this matter will also be on the Board's regular meeting agenda August 4<sup>th</sup>. Chet Lay, Slade Associates, Inc. has requested an audience with the Board. In the packet of information, please find the following:

1. Email dated July 22, 2015 from Chester Lay.
2. Reduced copy of the originally endorsed subdivision plan from 2001 identifying Town owned property, as well as two (2) parcels to be conveyed and two lots have been highlighted.
3. Letter dated January 20, 2015 from Fire Chief Brian G. Davis
4. Copy of the Planning Board Covenant, Bk 14422, Pg 8, 11-08-2001.
5. Two (2) photograph
6. Copy of the approved plan and profile for the construction of "Edgewood Way" dated August 2, 2001.
7. Full size copy of the "Subdivision Plan of Land in Truro Made for the Meldahl Realty Trust, scale: 1" = 60', dated June 4, 2001", Book 569, Page 44.

According to Mr. Lay's email, "Malcolm Meldahl would like to have the present road specs changed to allow the present surface to suffice and for a waiver of the construction of the new way past the present terminus of the travelled portion of the way. Access to Lots 3 and 4 would only be over Lot 5- that would be a condition of the sale to the Trust. Since the time the plan was approved, Malcolm has installed a concrete surface, 12 feet wide, for about half the length of the road. "

Mr. Lay also states that "[P]resently, the Castle Hill Center for the Arts is under agreement to

purchase the homestead (Lot 1) and Lot 2. If this becomes reality, Lots 3 and 4 will then be conveyed to the Truro Conservation Trust. This will leave only two lots that will need access over Edgewood Way.”

There are several things that the Board should consider and be aware of:

- A. If Castle Hill does not end up purchasing Lots 1 and 2 and the Truro Conservation Trust “TCT” also does not purchase Lots 3 and 4, then the road construction as presented in Item 6 above should be adhered to.
- B. It is not clear how access for Lots 3 and 4 can be “only over Lot 5” when this is Town owned property purchase with Land Bank funds (pre-Community Preservation Act funds.) Vehicular access would be prohibited.
- C. Castle Hill appears to generate a bit of traffic at times, is the road as currently constructed adequate for this type of use?
- D. An As-built plan would be helpful to know exactly what exists as far as the over-all length of the existing improved road, the construction (cross-section), etc.
- E. The Board should be sure to read *Section 4: Specifications for Construction of Roads* with the *Town of Truro Rules and Regulations Governing the Subdivision of Land* (“Rules and Regs”), prior to the meeting.
- F. At present this road does not meet the minimum standards under the Rules and Regs. The subdivision was approved more than 8-years ago; therefore the protection for construction has lapsed. The road would now have to be constructed under the current Rules and Regs; specifically, if it is altered from the approved plan noted in Item 6 above.
- G. I do believe the construction of the way, if not going to be constructed per the requirements of the existing Rules and Reg., would need to come back to the Planning Board for review and approval through a Modification of Subdivision. I would note that Mr. Meldahl was before the Planning Board on November 6, 2013, here are the minutes from that portion of the meeting:

**Meldahl Realty Trust, Edgewood Road Subdivision, Discussion Regarding Access and Construction**

*Representative: Malcolm Meldahl*

*Mr. Meldahl introduced himself stating that he is the executor and a trustee of Edgewood Farm. Mr. Pendleton and Mr. Worthington announced that they are members of the Truro Conservation Trust, which is interested in the potential purchase of lots within the subdivision, and since there will be no personal gain by this action, there is no reason to recuse themselves. Mr. Meldahl explained the action requested. He is negotiating with the Truro Conservation Trust and with Castle Hill Truro Center for the Arts about a possible purchase of the land. There is a covenant attached to the land which requires improvements before a sale can be executed. Mr. Meldahl requested that if the sale goes through then he would like the ability to waive the requirements for the road improvements. Mrs. Greenhalgh stated that the lots 3 and 4 are being considered by the Truro Conservation Trust and there would be no building on those lots. A modification of the plan would need to be drawn where the Meldahl Realty Trust would not have to construct the full road shown on the plan. The new plan would have to provide a legitimate turn around within the subdivision, perhaps at or within Lot #2; at that point*



*Mr. Meldahl could ask for a waiver for the rest of the road construction. Ms. Snow stated that this would be an appropriate change to the plan. Mrs. Greenhalgh stated that there would also need to be a change in the covenant to allow for the construction of the road and to insure the road was constructed. Ms. Snow stated that the covenant would stipulate that the sale of lots 3 and 4 would depend on there being no development on them. Mrs. Greenhalgh stated that if there were a sale of the land in the future the language would state that, that could only occur if the land reverted back to the original order of conditions.*

- H. I do believe if the Board is comfortable with the original plan and profile for the road construction and it is to be constructed per that 2001 plan, no further review from the Board would need to take place; however, changes would need to then follow the comments in Item G above.
- I. Following the completion of the road construction, as as-built plan would need to be filed along with a letter from the engineer attesting to the construction of the road, and the covenant would need to be released in accordance with the Rules and Regs.



TRURO FIRE RESCUE  
344 ROUTE SIX, P.O. BOX 2013  
TRURO, MASSACHUSETTS 02666

Brian G. Davis  
Chief

Telephone (508)487-7548  
Facsimile (508) 487-6708

January 20, 2015

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

Re: Covenant Reg. of Deeds Bk. 14411, P.8.

Members of the Truro Planning Board,

I am writing to certify that the clearance for the access and turning of emergency fire and ambulance vehicles at Edgewood Farm, 3 Edgewood Way (147 Rt. 6), Truro, MA 02666 is sufficient.

If you have any further questions regarding this matter please contact me.

Sincerely,

Chief Brian G. Davis



# TOWN OF TRURO

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

To: Planning Board  
From: Carole Ridley  
Date: December 2, 2015  
Re: Staff Report

**2015-009PB** Nancy A. Dyer seeks approval of Modification of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81W and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 8 Sam's Way, Truro and shown as Parcel 13 on Truro Assessor's Map, Sheet 24.

A Planning Board hearing on this application is scheduled for December 8, 2015 at 6:15 pm. Once the hearing is opened, the applicant or his representative must submit the certified mail receipts indicating that abutters have been notified, before the hearing can proceed.

## Description

The applicant is seeking Board approval of a modification of the existing approved Definitive Plan (§2.5.5 of the Truro Rules and Regulations Governing the Subdivision of Land).

The applicant is seeking to shorten Sam's Way to increase the area of Lot 1A. By shortening the way, the width of the way is reduced to 30 feet. An easement from the abutting ("Dyer") property provides an additional 10 feet to satisfy required road width, however this easement reduces the front yard setback of the existing dwelling.

A preliminary plan was approved on August 4, 2015. The decision included two conditions:

- 1) A Town Counsel Legal Opinion on the legality of the 10-foot easement shall be requested, relative to the 40' right-of-way and the setback for the dwelling shown on the lot identified as 24-11 (Samuel Dyer, Jr.).
- 2) The original covenant for the 1994 approval would have to be released by the Planning Board at the time of endorsement of the Definitive Plan and a new Covenant executed.

Town Counsel opined that the 40 foot roadway width requirement is cured by securing the 10 foot easement from abutting property owners, provided the terms of the easement allow any uses for which a public way is used. However, he further opined that the right of way easement renders the existing dwelling ("Dyer") non-conforming with respect to front yard setback.

The applicant is seeking approval with the condition that Sam's Way is adequate access for Lot 1A only; no new lots may be created using this way for access.

The applicant has submitted a written request for waivers from strict compliance with the requirements of Section 3.6.8 of the Truro Rules and Regulations Governing the Subdivision of Land, pursuant to section 3.7 Rural Road Alternative.

### **Completeness of Application**

The applicant filed the following materials:

1. Form E Application for Modification, Amendment or Rescission of Definitive Subdivision, 2. Received October 20, 2015.
2. Fee of \$275 paid to the Town of Truro
3. Subdivision Plan of Land in Truro Showing a Subdivision of Lot A as shown on A Plan Recorder (sic) in Plan book 503, Page 18, Made for Nancy A. Dyer, May 27, 2015, Revised 7/22/15, 8/19/15 and 9/29/15; 1"=40'
4. Certified list of abutters to parcel 24-13, 8 Sam's Way
5. Subdivision Plan of Land in Truro, MA made for Samuel Dyer, Jr., November 10, 1993, by Slade Associates, Inc., 1"=4'- endorsed by the Truro Planning Board on January 5, 1994
6. Decision/Motion of the Zoning Board of Appeals of Truro, MA, October 6, 2015
7. Letter from Attorney Lester J. Murphy, undated, requesting waivers from strict compliance with Section 3.6.8 of the Truro Rules and Regulations Governing the Subdivision of Land, pursuant to section 3.7 Rural Road Alternative.

### **Public Notice**

The public hearing was advertised in the Provincetown Banner on November 19<sup>th</sup> and November 25<sup>th</sup>. The notice was also filed with the Town Clerk. An abutter notice was prepared and submitted to Slade Associates for distribution to abutters via certified mail in accordance with §2.5.4.b(3) of the Town's Subdivision Rules and Regulations.

### **Town Staff Comments**

#### Conservation

1. The lot contains wetland resources and buffer to wetland resources. Any work within 100 feet of wetland resource areas requires Conservation Commission review.
2. A portion of the property is within Estimated Habitat for rare species as mapped by NHESP. Any proposed work would require a filing with NHESP.

#### Health

3. The lot would be restricted to two bedrooms unless the applicant applies for and receives a variances from the Board of Health.

#### Police

4. No concerns

## **Board Jurisdiction**

The Town of Truro Rules and Regulations Governing the Subdivision of Land **§2.5.5 Modification, Amendment or Rescission of an Approved Plan** sets for the procedure for modification as being the same as for a definitive plan (§2.5.4).

## **Planning Board Options**

In accordance with MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land the Board may:

1. Vote to approve the modification of the definitive plan for Nancy A. Dyer, as submitted pursuant to MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, with respect to their property known and numbered 8 Sam's Way, Truro and shown as Parcel 13 on Truro Assessor's Map, Sheet 24.
2. Vote to approve the modification of the definitive plan for Nancy A. Dyer, as submitted pursuant to MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, with respect to their property known and numbered 8 Sam's Way, Truro and shown as Parcel 13 on Truro Assessor's Map, Sheet 24. [must cite conditions].
3. Vote to deny the modification of the definitive plan for Nancy A. Dyer, as submitted pursuant to MGL c40A §81W and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, with respect to their property known and numbered 8 Sam's Way, Truro and shown as Parcel 13 on Truro Assessor's Map, Sheet 24 for the following reasons [must cite specific reasons].

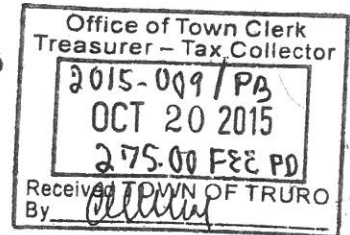
In the event of approval or approval with conditions, the Board's decision will be filed and a twenty-day appeal period will ensue. If no appeal to the decision is made, the approved or conditionally approved plan will be presented to the Board at its next scheduled meeting for endorsement. The release of covenant and covenant would be presented to the Board for execution at the time of the endorsement of the modified plan, in accordance with §2.5.6 and §2.5.7 of the Truro Rules and Regulations Governing the Subdivision of Land.

TOWN OF TRURO



PLANNING BOARD

FORM E



**APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE  
SUBDIVISION**

Date Oct. 15, 2015

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Subdivision Plan of Land in Truro Showing by Slade Associates, Inc. dated May 27, 2015\*\* and described as follows:

Located: 8 Sam's Way

Assessor's Map(s) and Parcel(s): 24 - 13

Number of Lots Proposed: 1

Total acreage of Tract: 56,664 sq. ft. +/-

Hereby submits said plan for (circle one) MODIFICATION AMENDMENT RESCISSION  
in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from Nancy A. Dyer  
dated Nov 9, 2009, and recorded in the Barnstable  
Registry of Deeds Book and Page: 24166 - 199

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

The undersigned hereby applies for approval of said MODIFICATION AMENDMENT OR  
RESCISSION plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant's Signature Nancy A. Dyer Telephone Number 508-385-8313

Nancy A. Dyer, Trustee Dyer Realty Trust w/d/t dated 11/9/2009  
Applicant's Legal Mailing Address 103 Algonquin Trail, Ashland, MA 01721

Owner's Signature if not the applicant  
or applicant's authorization if not the owner same as applicant

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

Surveyors Name/Address Slade Assoc., Inc., PO Box 592, Welfleet, MA 02667  
(Or Person Responsible for preparation of plan)

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

\* a Subdivision of Lot A as Shown on a Plan Recorded in Plan Book 503, Page 18 Made  
For Nancy A. Dyer

\*\*Revised 07/22/15, 08/19/15, 09/29/15

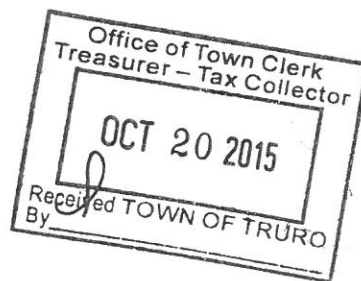


Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 24, Parcel 13  
(Dyer)

- 2 Copies of Form E Application for Modification of Definitive Subdivision
- 2 Copies of list of abutters
- 12 Copies of Subdivision Plan #2015-41
- 1 Check in the amount of \$275.00

*[Handwritten Signature]*

Truro Town Clerk  
October 20, 2015



## TRURO PLANNING BOARD

### MODIFICATION PLAN FOR NANCY A. DYER, TRUSTEE

#### Request for Waivers

Applicant requests waivers from strict compliance with the design requirements of Section 3.6.8 pursuant to Section 3.7, Rural Road Alternative, of the Truro Subdivision Regulations.

As grounds for this Waiver, Applicant submits the following:

1. The road is proposed to serve as access to only one (1) lot for construction of one (1) single-family residence;
2. The length of the road is approximately 145 feet;
3. The road will serve as access to one (1) waterfront lot located on Cape Cod Bay;
4. The road surface proposed being 14 feet in width, with a 6 inch bottom course of T-base, and 3 inch top coarse of stone and T-turn in cul-de-sac will be able to withstand the expected intensity of vehicular traffic of one (1) residence;
5. The owner of the 8 Sam's Way property will be solely responsible for maintenance of the road.

Wherefore, your Applicant requests that this Waiver be granted.

Respectfully submitted  
Nancy A. Dyer, Trustee

By: 

Lester J. Murphy, Jr.  
1380 Route 134  
P.O. Box 1388  
East Dennis, MA 02641  
508-385-8313/508-385-7033 Fax  
BBO# 361800

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

Date: October 20, 2015

To: Planning Board

From: Assessor's Office

Attached is a list of abutters for the property located at 8 Sam's Way  
on Assessor's Map 24 Parcel 13. The current owner(s) as of 1/1/15  
is/are Dyer Realty Trust.

The names and addresses of the abutters are as of 10-20-15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Denise Kopasz

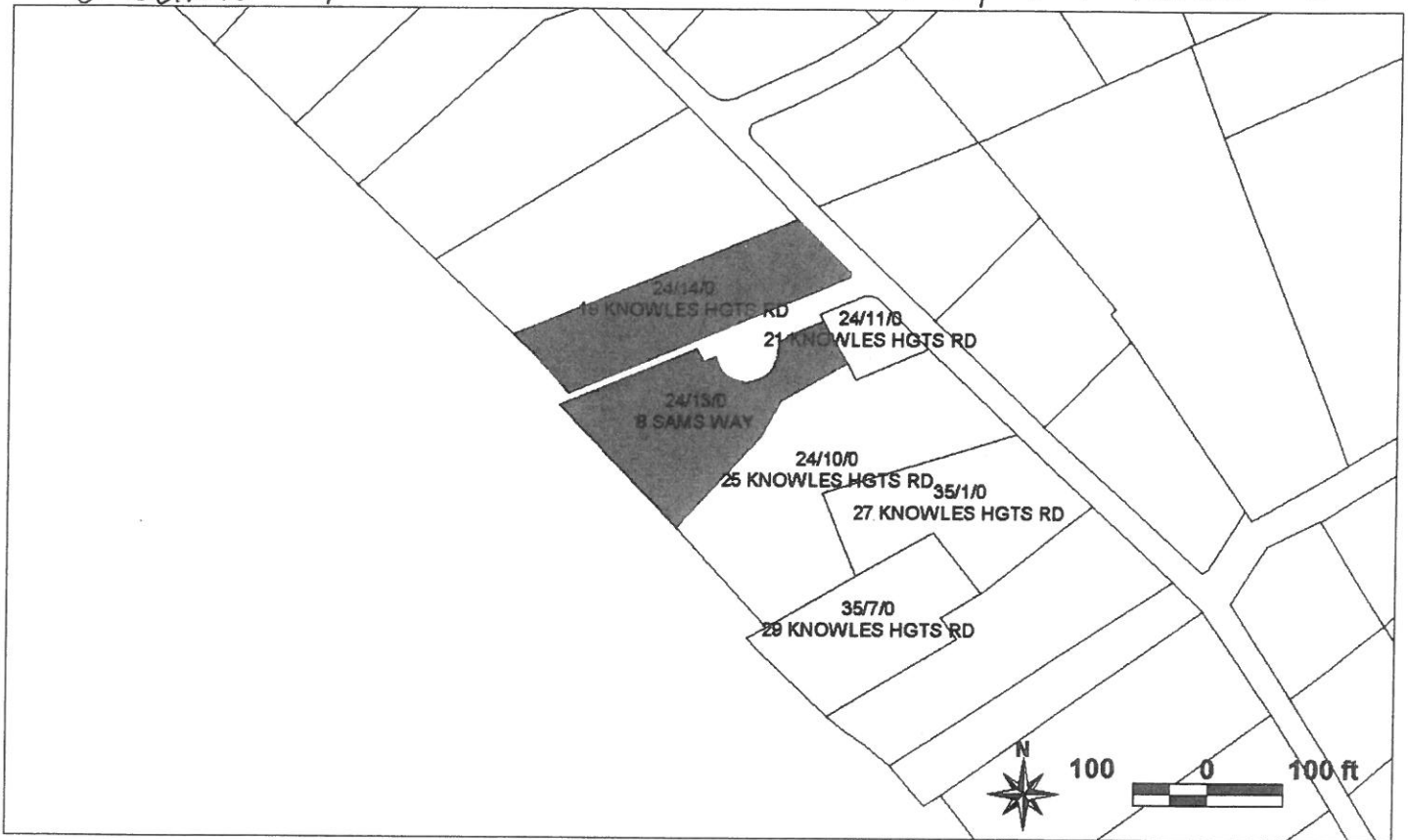
TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

Planning Board

8 Sam's Way

Custom Abutters List

Map 24 Parcel 13



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
604	24-10-0-R	CASPERSON PETER	25 KNOWLES HGTS RD	333 E 75TH ST #4A	NEW YORK	NY	10021
605	24-11-0-R	DYER SAMUEL JR	21 KNOWLES HGTS RD	C/O DYER NANCY A 22 W FARM POND ROAD	FARMINGHAM	MA	01702
606	24-13-0-R	DYER REALTY TRUST TRS: DYER NANCY A	8 SAMS WAY	103 ALGONQUIN TRAIL	ASHLAND	MA	01721
607	24-14-0-R	MACWEN E HOPE TRUST TRS: BRODERICK BRIAN C ET AL	19 KNOWLES HGTS RD	C/O GROVES LEIGH D 38 MILL ST	FRAMINGHAM	MA	01701
746	35-1-0-R	27 KNOWLES HGTS RD RLTY TRUST TRS: MEEHAN TIMOTHY F & DEBRA L	27 KNOWLES HGTS RD	17 WALL ST	CHARLESTOWN	MA	02129
750	35-7-0-R	DYER E OTIS&FORRESTER ALICE G& HAZELTON HANNAH B ET AL	29 KNOWLES HGTS RD	C/O MARTHA ELLSWORTH 2626 N LAKEVIEW AVE # 2304	CHICAGO	IL	60614

DECISION/MOTION OF THE ZONING BOARD OF APPEALS OF TRURO, MA.

**Property Owner(s) and/or Applicant(s):** Nancy A. Dyer, (Trustee of Dyer Realty Trust)

**Property Location:** 8 Sam's Way

**Atlas Sheet:** 24 Parcel(s): 13 (2015-013/ZBA)

(ref: Reg. of Deeds title ref: Book 24166, Page 199).

**Hearing Date:** Monday, September 28, 2015

Special Permit	<input type="checkbox"/>	Vote: <u>5</u> Approve
Variance	<input checked="" type="checkbox"/>	<u>0</u> Disapprove
Building Commissioner Decision	<input type="checkbox"/>	___ Abstain
& Other	<input type="checkbox"/>	

**Motion (Todd; 2<sup>nd</sup> Allee):** Move in the matter of Nancy A. Dyer, (Trustee of Dyer Realty Trust), for property located at 8 Sam's Way, (Atlas Sheet 24, Parcel 13), Reg. of Deeds Title Ref: Bk. 24166, Page 199, to grant a Variance with reference to Sec. 10.4 of the Truro Zoning Bylaw to authorize lot frontage on a street thirty (30') ft. wide running from 30 ft. wide Town Way to cul-de-sac providing frontage with radius (width) of forty (40') feet, as per plans filed, with the Findings: (1) The 30-ft.-wide section of Sam's Way was laid out in 1948 on the Samuel Dyer, Jr. Plan; (2) Said 30-ft. wide section of the roadway is approximately 70 feet long and serves as the only access to this particular lot at 8 Sam's Way; (3) The resulting shape of the lot and the fact that the roadway dates from 1948 creates a unique situation to said property different from other properties in the district, and failure to grant relief in the form of said Variance would create substantial hardship for the applicant; (4) Said grant is in harmony with the intent of the Truro Zoning Bylaw and is not substantially more detrimental to the neighborhood.

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

[Signature] 10/6/15  
Signature Date

Received, Office of the Town Clerk:

[Signature] October 6, 2015  
Signature Date

I hereby certify that this decision was filed with the Office of the Town Clerk on OCTOBER 6, 2015 and 20 (twenty) days have elapsed since the date of filing, and:

☒ No Appeal has been filed.

☐ An Appeal has been filed and received in this office on: \_\_\_\_\_

[Signature] NOVEMBER 10, 2015  
Signature Date

NOTE: Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Superior or Land Court by bringing action within twenty days after the decision has been filed with the Town Clerk of Truro. (Massachusetts General Laws, Chapter 40A, Section 17.)

THE COPY OF THIS DECISION PROVIDED BY THE TOWN CLERK MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT.

BARNSTABLE REGISTRY OF DEEDS  
John F. Meade, Register

A true copy, attest: Cynthia A. Slade, Town Clerk, Town of Truro / November 13, 2015



DECISION/MOTION OF THE ZONING BOARD OF APPEALS OF TRURO, MA.

**Property Owner(s) and/or Applicant(s):** Thomas Dyer, (rep of Est. of Samuel Dyer, Jr.),

**Property Location:** 21 Knowles Heights Road

**Atlas Sheet:** 24 Parcel(s): 11 (2015-012/ZBA)  
(ref: Reg. of Deeds title ref: Book 675, Page 545).

**Hearing Date:** Monday, September 28, 2015

Special Permit	<input type="checkbox"/>	Vote: <u>5</u> Approve
Variance	<input type="checkbox"/>	<u>0</u> Disapprove
Building Commissioner Decision	<input type="checkbox"/>	Abstain
& Other	<input checked="" type="checkbox"/>	(Motion to allow withdrawal w/out prejudice)

**Motion (Allee 2<sup>nd</sup> Hultin):** Move in the matter of Thomas Dyer, (rep of Est. of Samuel Dyer, Jr.), for property located at 21 Knowles Heights Rd. (Atlas Sheet 24, Parcel 11), Reg. of Deeds Title Ref: Bk. 675, Page 545, to allow the withdrawal of the petition without prejudice.

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

B. J. Campbell 9/10/15  
Signature Date

Received, Office of the Town Clerk:

A. Slade October 6, 2015  
Signature Date

I hereby certify that this decision was filed with the Office of the Town Clerk on OCTOBER 6, 2015 and 20 (twenty) days have elapsed since the date of filing, and:

☒ No Appeal has been filed.  
☒ An Appeal has been filed and received in this office on: \_\_\_\_\_

A. Slade November 10, 2015  
Signature Date

NOTE: Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Superior or Land Court by bringing action within twenty days after the decision has been filed with the Town Clerk of Truro. (Massachusetts General Laws, Chapter 40A, Section 17.)

THE COPY OF THIS DECISION **PROVIDED BY THE TOWN CLERK** MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT.

Cynthia A. Slade, Town Clerk, Town of Truro / November 13, 2015

A true copy, attest:



## Health/Conservation Agent Town of Truro

Phone: (508) 349-7004 ext. 32

# MEMO

**To:** Carole Ridley, Planning Consultant for the Town of Truro  
**From:** Patricia Pajaron  
**CC:**  
**Date:** October 27, 2015  
**Re:** **Modification of Definitive Subdivision Plan Review for 4 Sam's Way, 24-13**

---

I have reviewed the Subdivision Plan of Land prepared by Slade Associates, Inc., dated May 27, 2015 with a most recent revision date of 9/29/15 and offer the following comments:

### CONSERVATION

1. The lot contains a beach, coastal bank (resource areas) and 100 foot buffer zone to the coastal bank. Any activity or work within the resource area and/or the 100 ft. buffer zone requires Conservation Commission review. Per the October 2008 NHESP map it appears that a portion of the property (Sam's Way and foot path) is within the NHESP Priority Habitat of Rare Species, mapped area PH 862. Any proposed work in this mapped area would require a filing with NHESP.

### HEALTH

1. The SD plan shows a total lot size of 49,252. This includes the coastal bank and beach. Section VI, Article 10 of the Truro Board of Health Regulations state that "when applying the nitrogen loading limitations set forth in Title 5 and this Section VI of the Truro Board of Health Regulations (see Article 11), only Buildable Uplands shall be included in the lot area calculations." This means that the lot would be restricted to 2 bedrooms based on 24,360 square feet of upland area, unless the applicant applies for a variance to use 12,526 square feet of coastal bank for a third bedroom. Variances to Article 10 are granted by the BOH on a case by case basis. Should a site and sewage be prepared for this lot, elevations of the coastal bank and VE Zone must be included.

Article 1 defines Buildable Upland as area of contiguous upland on a lot exclusive of a Wetland. A Wetland as defined shall mean "any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayments, rivers, ponds, lakes, streams, inland banks, **coastal banks**, and coastal dunes". The calculated upland area on the plan is 24,360 square feet, which would restrict the number of bedrooms to 2, unless the applicant requests a variance from the Truro BOH to use the coastal bank (exclusive of the beach area) for nitrogen loading calculations to gain a third bedroom. Variances to Article 10 are granted on a case by case basis and whether the coastal bank is stable.

In addition, Section VI, Article 8, *Required Setback for System Components* requires that the soil absorption system be located outside the 150' setback from the top of the coastal bank and the septic tank be located outside the 100' setback from the top of coastal bank.



***Limit of Work***

The Sitework Contractor shall familiarize himself with the boundaries of the property and the limit of work. The Contractor shall exercise care in order to protect adjacent properties and wetland resource areas. The Contractor shall not operate heavy equipment outside the work limit as shown on the approved plan or seaward of the motel buildings

The existing parking area shall be used for temporary storage and vehicle loading and unloading.

The Contractor shall police the site daily in order to prevent wind blown material from entering abutting properties or resource areas.

Truro Planning Board  
Notice of Public Hearing

The Truro Planning Board will hold a public hearing on Tuesday, December 8, 2015 at the Truro Town Hall, 24 Town Hall Road, Truro, on the following:

**6:15pm 2015-009PB** – Nancy A. Dyer has filed an application for approval of Modification of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81W and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 8 Sam's Way, Truro and shown as Parcel 13 on Truro Assessor's Map, Sheet 24.

Copies of the applications and plans are available for review at the Planning Department Office, 24 Town Hall Road, Truro.

Lisa Maria Tobia, Chair  
11/19/15, 11/25/15



# TOWN OF TRURO

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

TO: Patricia Pajaron, Health and Conservation  
Tim Collins, Fire Department ✓  
Jay Norton, DPW Director (materials sent via email)  
Kyle Takakjian, Police Chief ✓  
Russ Braun, Building Commissioner  
~~Lauren McKean, Cape Cod National Seashore~~ N/A

FROM: Charleen L. Greenhalgh, ATA/Town Planner

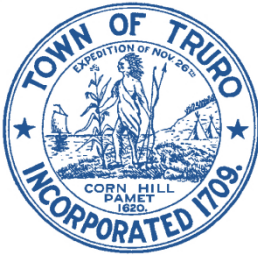
RE: Development Application Referral

DATE: October 22, 2015

Enclosed please find the Application for Modification, Amendment or Rescission of Definitive Subdivision and plan(s) for Nancy Dyer for the property located at 8 Sam's Way, Assessor Map(s) 24, Parcel(s) 13 dated October 15, 2015 and plans dated Revised September 29, 2015. Tentatively, the Planning Board will discuss the plan on Tuesday, December 8, 2015. Please review the plans and respond with any comments by Thursday, November 5, 2015. If you have any questions or need additional information, please email ([cridley@truro-ma.gov](mailto:cridley@truro-ma.gov)) or call (508-221-8941) me.

**Please return plans if possible. Thanks!**

*No Concerns*  
*Chief Takakjian*



COMMONWEALTH OF MASSACHUSETTS  
TOWN OF TRURO  
PLANNING BOARD – NOTICE OF ACTION  
PRELIMINARY SUBDIVISION

Atlas Sheet 24 Parcel 13

4 Sam's Way, Truro

Reference No. 2015-005PB

Applicant: Nancy A. Dyer

Meeting Dates July 21, 2015 & August 4, 2015

Decision Date August 4, 2015

At a duly posted public meeting held on July 21, 2015, the Town of Truro Planning Board, acting in the matter of Reference Number **2015-005PB**. At that meeting the Board and the Applicant mutually agreed to a continuance of the matter to August 4, 2015 and also authorized the execution a *Preliminary Plan Review Extension Agreement for Final Action* to August 18, 2015, which was signed on July 22, 2015 by the Planning Board Chair and the Applicant's Representative and duly filed with the Town Clerk. At the duly posted meeting of August 4, 2015 the Board voted to **approve with conditions** a 1 Lot Preliminary Subdivision Plan (including the reconfiguration of the road) in accordance with the Town of Truro Rules and Regulations Governing the Subdivision of Land §2.4 and M.G.L c.41, §81-S and as shown on the following plan:

Preliminary Subdivision Plan of Land in Truro Showing a Subdivision of Lot A as Shown on a Plan Recorder (*sic*) in Plan Book 503, Page 18, made for Nancy A. Dyer, Dated May 27, 2015, Revised 07/22/15, Scale 1" = 40', by Slade Associates, Inc. (Plan #2015-41.)

A number of waivers were discussed with the Planning Board for the Definitive Plan; however, no waivers were granted at this time for a Definitive Plan filing.

**PRELIMINARY SUBDIVISION DECISION**

On a motion from Mr. Sollog, seconded by Mr. Boleyn, the Board voted to approve the Preliminary Plan for Nancy A. Dyer, pursuant to MGL c.41, §81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land, with the following conditions:

- 1) A Town Counsel Legal Opinion on the legality of the 10 foot easement shall be requested, relative to the 40' right-of-way and the setback for the dwelling shown on the lot identified as 24-11 (Samuel Dyer, Jr.).
- 2) The original covenant for the 1994 approval would have to be released by the Planning Board at the time of endorsement of the Definitive Plan and a new Covenant executed.

Members Voting in Favor: Boleyn, Reimer, Sollog and Tobia  
Member Voting in Opposition: None

---

Chair, Planning Board      Date

---

Received, Office of the Town Clerk:

---

Signature

---

Date



# KOPELMAN AND PAIGE, P.C.

*The Leader in Public Sector Law*

101 Arch Street  
Boston, MA 02110  
T: 617.556.0007  
F: 617.654.1735  
www.k-plaw.com

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

August 11, 2015

Planning Board  
Truro Town Hall  
24 Town Hall Road  
Truro, MA 02666

Re: 4 Sam's Way

Dear Members of the Planning Board:

You have requested an opinion regarding an application to the Planning Board (the "Board") from Slade Associates, Inc. (the "Applicant") for endorsement of a Definitive Subdivision for property located at 4 Sam's Way (the "Property"). I understand that the Applicant is seeking to shorten the road length of a private subdivision road known as Sam's Way and reconfigure the cul-de-sac as shown on the Preliminary Subdivision Plan (the "Preliminary Plan"), entitled "Preliminary Subdivision Plan of Land in Truro Showing a Subdivision of Lot A as Shown on a Plan Recorded in Plan Book 503, Page 18," made for Nancy A. Dyer by Slade Associates, Inc., dated July 22, 2015.

You have informed me that a definitive subdivision plan containing the Property was originally endorsed in 1994 (the "1994 Plan"). Although the 1994 Plan was for a two-lot subdivision, only one lot contained frontage on Sam's Way (the "right-of-way"). The Applicants are now planning to increase the size of that Lot A1 by shortening the length of the right-of-way from approximately two hundred and sixteen (216) feet to one hundred and forty-five (145) feet, thereby leaving only a thirty (30) foot right-of-way as opposed to the requisite forty (40) feet needed, pursuant to the Town's Zoning Bylaw (the "Bylaw"). The owner of the land adjoining the Property (the "Dyer Property"), has indicated a willingness to grant a ten (10) foot easement to the Applicant to the cure the width deficiency. The Dyer Property currently complies with the frontyard setback requirement, pursuant to the Bylaws, as the house located on the Dyer Property is twenty-seven (27) feet from the original layout of the right-of-way. Lots in the Residential District must have a minimum frontyard setback of twenty-five (25) feet. The Board has asked whether the setback for this structure would be measured from the actual lot line or from the southerly line of the easement area once the easement is granted.

Accordingly, the Board has conditioned its approval of the Preliminary Plan on an opinion from Town Counsel with respect to the following two issues: 1) whether the easement agreement entered into between the owner of the Dyer Property and the Applicant would be sufficient to resolve violations of Section 10.4 of the Bylaw, with respect to the requisite width requirements for rights-of-ways when a street is used for lot frontage; and 2) whether the easement would create a zoning nonconformity as to the setback of the existing structure on the grantor's land. In my opinion, the ten (10) foot easement on the adjoining Dyer Property would satisfy the forty (40) foot right-of-way requirement. In my further opinion, the creation of the easement would render the existing structure on the Dyer Property nonconforming as to frontyard setback.

Truro Planning Board  
August 11, 2015  
Page 2

### The Street Width Requirement

As you are aware, the Bylaw defines “street”, in relevant part, as

[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.

Bylaw §10.4 [emphasis added]. You have provided me an excerpt of the relevant language which provides, in pertinent part, “[t]he minimum width of street right-a-way shall be 40 [forty] feet.” 1989 Subdivision Regulations §IV(b). As previously noted, the Applicant plans on shortening the length of the right-of-way to increase the size of Lot 1A, leaving only a thirty (30) foot right-of-way. In order to cure the (10) foot width deficiency, the applicant has proposed entering into an easement agreement with the owner of the Dyer Property.

An express easement is a non-possessory interest in land whereby an owner of land permits a third-party the right to use, but not exclusively possess, a specific portion of land in the possession of another. M.P.M. Builders, LLC v. Dwyer, 442 Mass. 87, 92 (2004) citing Restatement (Third) of Property (Servitudes) § 1.2 (2000). By definition, an express easement confers the “right to use the land of another for a specific, limited purpose.” Commercial Wharf East Condo. Ass’n. v. Waterfront Parking Co., 407 Mass. 123, 133 (1990). In my opinion, because the definition of “street” includes a right-of-way and that term is not separately defined to require that the fee be held in single ownership, the grant of a ten (10) foot easement on the adjoining Dyer Property would satisfy the forty (40) foot right-of-way requirement, provided that the wording of the deed of easement specifically provides for the use of the easement area for all purposes for which a public way may be used.

### The Setback Requirement

Pursuant to the Section 50.1 of the Bylaw, the minimum frontyard setback for lots in all districts is twenty-five (25) feet. Accordingly, the Board is concerned that the grant of a ten (10) foot easement would create a zoning violation on the Dyer Property.

To determine how the setback measurements for the existing structure should be calculated, an analysis of relevant Bylaw terms is necessary. While neither “Frontyard” nor “Setback” are separately defined in the Bylaw, “Lot” is defined as “[a] parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.” See Bylaw §10.4, Definitions. Additionally, “Lot Line, Front” is the “line dividing a lot from a street or road right-of-way. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be



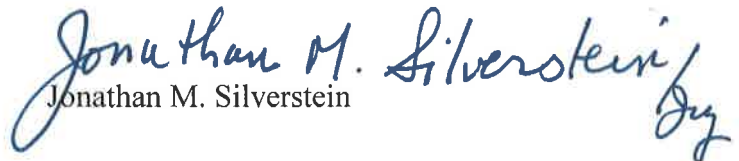
Truro Planning Board  
August 11, 2015  
Page 3

so designated in any application for a permit to build on such lot.” Id. Further, footnote 3 to the Table of Dimensional Requirements (§50.1) suggests that frontyard setbacks are measured from “all streets.” Since the front lot line of a lot is measured along a street right of way, and frontyard setbacks are measured from a structure to a street, it is my opinion that the proposed easement would, in fact, render the existing structure on the Dyer Property nonconforming as to frontyard setback.

My opinion in this regard is further supported by the Appeals Court’s determination that, for purposes of zoning, the area of a lot does not include the area within an adjacent right of way that is owned by the lot owner. Specifically, in Sears v. Building Inspector of Marshfield, 73 Mass. App. Ct. 913 (2009), the issue before the Court was whether the owner of a 4,800-square-foot parcel could include, as part of the area of his parcel, the square footage of his fee interest in half of the abutting private way, in order to meet the 5,000 square foot minimum requirement for status as a buildable lot under the grandfathering provisions of G.L. c. 40A, §6. The Appeals Court concluded that the portion of the way owned by the plaintiff could not be included in computing the buildable area of the lot. The Court reasoned that the plaintiff’s fee interest in the way “does not include the right to build.” The principle underlying the Sears holding—that land contained in a private road right of way may not be used by the fee owner to satisfy lot area requirements—may apply equally to calculation of frontyard setback requirements. Thus, particularly in light of the above-referenced provisions of the Zoning Bylaw, it is my opinion that the grant of a right-of-way easement to the Applicant would render the existing structure on the Dyer Property nonconforming as to the minimum frontyard requirement of 25 feet.

Please do not hesitate to contact me with any further questions regarding this matter.

Very truly yours,

  
Jonathan M. Silverstein

JMS/jam

cc: Town Administrator  
Building Commissioner



# TOWN OF TRURO

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

To: Planning Board  
From: Carole Ridley  
Date: December 2, 2015  
Re: Commercial Site Plan

**2015-007SPR Maria Kuliopulos** seeks approval of a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1.

## Description

The applicant is seeking to demolish a building containing 19 units damaged by fire, and to reconstruct a replacement building containing 17 units and a hospitality room in the same location. A more detailed narrative describing the applicant's history with this property is attached.

There are no waivers being requested as a part of this application.

## Submission Requirements

1. Commercial Development Application for Site Plan Review, received October 9, 2015
2. Plans entitled Proposed Plan for Replacement of Fire Damaged Building, White Sands Beach Club, Inc., 706 Shore Road, Truro, Massachusetts by Coastal Engineering company, Inc., 1":20'
  - Sheet C0.0.1 Title and Locus (dated 10-7-15)
  - Sheet C1.2.1 Plan Showing Existing Site Conditions (dated 10-7-15)
  - Sheet C2.0.1 Site Demolition Plan (dated 10-7-15)
  - Sheet C2.1.1 Site Layout and Materials Plan (dated 9-16-15)
  - Sheet C2.2.1 Site Grading, Drainage and Utility Plan (dated 10-7-15)
  - Sheet C.2.4.1 Site Details (dated 10-7-15)
3. Stormwater Report and Operations & Maintenance Manual, White Sands Beach Club, Inc., 706 Shore Road, Truro, Ma, prepared by Coastal Engineering Company, Inc., October 7, 2015
4. Drawings provided by Avalon Building Systems for Maria Kuliopulos, 706 Shore Road, Truro, MA, dated 9/1/15, 1/4"=1', Sheets 1-7
5. Revised Plans entitled Proposed Plan for Replacement of Fire Damaged Building, White Sands Beach Club, Inc., 706 Shore Road, Truro, Massachusetts, November 10, 2015 by Coastal Engineering company, Inc., 1":20'
  - Sheet C0.0.1 Title and Locus
  - Sheet C1.2.1 Plan Showing Existing Site Conditions
  - Sheet C2.0.1 Site Demolition Plan

Sheet C2.1.1 Site Layout and Materials Plan  
Sheet C2.2.1 Site Grading, Drainage and Utility Plan  
Sheet C.2.4.1 Site Details

6. Email from Maria Kuliopulos re: Review of Plans for White Sands Commercial Site Plan Review, November 3, 2015
7. Project Narrative from Maria Kuliopulos, November 3, 2015
8. Revised Site Plan 706 Shore Road for White Sands Beach club Inc., Dated 10/13/2010 by Felco, Inc. (previously approved site plan)
9. Certified abutters lists from Assessors in Provincetown and Truro, respectively
10. Payment to Town Clerk of \$250 fee

### **Public Notice**

Notice of the hearing was sent via regular mail to a certified list of abutters in Provincetown and Truro was mailed on November 24<sup>th</sup>. A legal notice was placed in the Provincetown Banner on November 19<sup>th</sup> and 25<sup>th</sup>.

### **Town Staff Comments**

1. The property is within a barrier beach/coastal dune resource area. The Conservation Commission held a public hearing on November 2, 2015 and approved the project with special conditions (attached).
2. A portion of the property is within Estimated Habitat of Rare Species, which, although not the area of impact, should be shown on plans. (This was included on the revised plans.)
3. The Health Department has identified several action items associated with the project. These are enumerated on the attached memo from Pat Pajaron, November 3, 2015.
4. The Building Commissioner has indicated that the proposal is consistent with the Agreement for Judgment in the case of White Sands Beach Club Inc. v. Town of Truro Board of Appeals and Building Commissioner, signed July 30, 2015.

A letter to Ms. Kuliopulos outlining several outstanding items needed to complete the application was sent on October 26, 2015, and the applicant and/or her representative have, for the most part, provided the requested information or clarification.

### **Planning Staff Comments**

The applicant is proposing only to replace vegetation damaged by fire, and no landscape plan is provided.

Additional information on lighting, such as the type and number of fixtures, was requested.

A plan to shield the refuse area from view also was requested.

### **Board Jurisdiction**

**§70.3 Commercial Development** (Subsections A, F and G are provided below):

*Commercial Site Plan Review is required for:*

*Airy construction, alteration, expansion, or modification of any properties, structures, and uses other than that in one or two family residences and their accessory uses and structures.*

*All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.*

*Review Criteria/ Design Guidelines*

The Planning Board will review applications and their supporting information based on the following:

1. The proposal is in conformity with all applicable provisions of the Zoning Bylaw.
2. The proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.
3. The proposal provides for the protection of adjacent properties and the night sky from intensive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.
4. The proposal provides for the protection of significant or important natural, historic, or scenic features.
5. The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.
6. The proposal adequately provides for refuse disposal.
7. The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use.
8. The proposed drainage system within the site shall be adequate to handle the run-off resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.
9. A soil erosion plan shall adequately protect all steep slopes within the site and control run-off to adjacent properties and streets both during and after construction.
10. The proposal shall provide for structural and/ or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.
11. Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.
12. Electric, telephone, cable, and other such utility lines and equipment shall be placed underground.
13. The project shall not place excessive demands on Town services.
14. The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.
15. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.



16. A bicycle rack(s) shall be provided on the site and shall be located near the entrance to the building(s).

#### G. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Commercial Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.

#### **Board Vote Options**

Move to approve the Application for Commercial Development Site Plan Review for Maria Kuliopulos, (Case #2015-007SPR) pursuant to §70.3 of the Truro Zoning By-law for the for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1. This is based on the fact that the review criteria/design guidelines in §70.3.F have been satisfied.

Move to approve the Application for Commercial Development Site Plan Review for Maria Kuliopulos, (Case #2015-007SPR) with conditions pursuant to §70.3 of the Truro Zoning By-law for the for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1. [Need to indicated conditions] This is based on the fact that with the imposed conditions, the review criteria/design guidelines in §70.3.F have been satisfied.

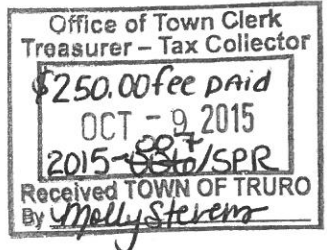
Move to not approve the Application for Commercial Development Site Plan Review for Maria Kuliopulos, (Case #2015-007SPR) pursuant to §70.3 of the Truro Zoning By-law for the for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1 based on the finding that (need to choose one of more of the following): (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## COMMERCIAL DEVELOPMENT APPLICATION FOR SITE PLAN REVIEW



Date 10/8/15

To the Town Clerk and the Planning Board of the Town of Truro, MA

The undersigned hereby files an application with the Truro Planning Board for the following:

- ☒ **Site Plan Review** pursuant to §70.3 of the Truro Zoning By-law (Complete I, II & III)  
☐ **Waiver of Site Plan Review** pursuant to §70.9 of the Truro Zoning By-law (Complete I & III)

### I. General Information

Description of Property and Proposed Project This project is replacing 19 units that were destroyed by fire at the White Sands Motel

Property Address 706 Shore Rd Map(s) and Parcel(s) 1 & 5

Registry of Deeds title reference: Book 20339, Page 72, or Certificate of Title

Number 70185 and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name Maria Kuliopulos

Applicant's Legal Mailing Address P.O. Box 611, Provincetown MA 02657

Applicant's Phone(s), Fax and Email beachfrontwhitesands@gmail.com

Applicant is one of the following: (please check appropriate box)

☒ Owner

☐ Prospective Buyer\*

☐ Other\*

\*Written Permission of the owner is required for submittal of this application.

Owner's Name and Address Maria Kuliopulos, P.O. Box 611, P'town 02657

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

**II. Waiver(s) Request** – Waivers from any of the items listed in §70.3.D, must be identified below and a separate sheet shall be attached indicating in detail the reason for said waiver(s) pursuant to §70.3.D. Note that items 1(a-d), 2 and 3.a (1 – 6) of §70.3.D shall not be waived.

- ☒ 1.e: 3 copies of drainage calculations  
☐ 3.b: Existing Conditions Plan (specific waiver requests and reason must be attached)  
☒ 3.c: Proposed Conditions Plan (specific waiver requests and reason must be attached)  
☐ 3.d: Proposed Landscaping Plan (specific waiver requests and reason must be attached)

### III. Signature(s)

Maria Kuliopulos  
Applicant(s)/Representative Signature

Maria Kuliopulos  
Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.



**From:** Maria Kuldip pulls <[beachfrontwhitesands@gmail.com](mailto:beachfrontwhitesands@gmail.com)>  
**Sent:** Tuesday, November 3, 2015 2:28 PM  
**To:** Carole Ridley  
**Subject:** Re: Review of Plans for White Sands Commercial Site Plan Review

Dear Carol,  
Please correct the form that I signed regarding the 2 waivers I checked in the form.  
I am not asking for any waivers, I thought that I was checking the number of items that I was including in the package.

Furthermore, I want to let you know that the project that I am applying for a site plan Review, is demolishing the existing motel wing on the west side of the property that Was destroyed by a fire. This wing has 19 units and we are rebuilding 17 rentable units And a hospitality room. These units will be a lot nicer for the vacation public and hopefully Will bring more revenue for us and more taxes for the town of Truro. We are not asking for Any variances . The building meets the sidelines for the Beach Point area and it seems A lot more attractive than what is there now.

The outstanding issue with apartment has been resolved and Town Officials have been Notified. The decision has been filed with the Registry of Deeds in Barnstable and I will Happy to provide a copy, if you need one.

The conservation commission approved our application last night. So, there is one less Hurdle to overcome.

Let me know if you need anything else for the meeting.

Thanks and have a nice day.

Maria

Sent from my iPad

On Oct 26, 2015, at 12:28 PM, Carole Ridley <[cridley@truro-ma.gov](mailto:cridley@truro-ma.gov)> wrote:

Ms. Kuliopulis-

The attached letter describes my review of your application dated 10/8/15, and identifies additional information needed. A hard copy of this letter is being mailed to PO Box 611, Provincetown, MA 02657.

I would be happy to review the points in the letter with you or Mr. Donoghue.

Please let me know if you have any questions.

Thanks,

## Re: Review of Plans for White Sands Commercial Site Plan Review

Maria Kuldip pulls <beachfrontwhitesands@gmail.com>

Thu 11/5/2015 4:19 PM

To: Carole Ridley <cridley@truro-ma.gov>;

Dear Carol,

There is no change in use. They are motel units and it is the same use.

You also wanted a timeline for the project. The truth is that I had hoped all the permits were on hand by now, so I can start the re-building. Practically speaking, I think that as soon as the board approves the plan, I can start with the demolition, weather permitting. The foundation will be poured in the spring and the construction will start when the foundation is cured. I hope to have the building and the decks done by spring. The interior work will be done afterwards and do not know how long it will take. I do not know if they will be ready for occupancy this coming summer, but I hope so.

The cost for the project is estimated at \$546,000. This figure is firm the builder and I am not exactly sure what it includes in the estimate. I know the foundation is not included. I will be in touch with the builder for a breakdown of the above estimate.

We don't plan to change the landscaping that is there now. Whatever plants get damaged by the demolition and construction will be replaced with beach grass and native plants. I hope I have answered all your questions. The builder and Reggie are working on the rest of the items you mentioned. I hope that you expedite things, so we can proceed with the building.

Thanks.

Maria

Sent from my iPad

On Nov 5, 2015, at 12:20 PM, Carole Ridley <[cridley@truro-ma.gov](mailto:cridley@truro-ma.gov)> wrote:

Maria -

In reviewing your letter below, I see that you refer to the loss of 19 motel units and replacement with 17 rentable units. Please let me know if this reflects a change in the type of unit or use being proposed.

Thanks,

Carole

## Planning Board Narrative

The White Sands beach club, is the owner of the white sands resort, a seasonal motel located in the beach point area in north Truro, Ma. The white sands motel is licensed By the town of Truro to maintain 51 units. unit 51 consists of an office, manager's quarters Coffee shop and apartment.

Pursuant to a modified judgement on findings by the court issued by the Massachusetts land court in White Sands beach club vs Board of Appeals for the Town of Truro, case no. 248454, copy attached, the court adjudged that "the manager's Quarters and apartment constitute a single unit for zoning purposes, and that therefore It possesses a total of 50 motel units plus the single manager's unit for a total of 51 units.

On January 14, 2004 a fire destroyed a portion of unit 51, including the office, coffee shop and manager's quarters. The apartment portion of unit 51 was only damaged. When we had the demolition and part of the common wall in the back portion of the Unit was damaged. A copy of a photograph is included.

A building permit was issued by the town of Truro on January 9, 2006 to rebuild the The office/coffee shop/manager's quarters and a certificate of occupancy was issued For this structure on August 9, 2010.

A demolition permit was issued by the town of Truro to demolish the apartment at the Premises and same was demolished on or about April 28, 2011.

On June 16, 2011, the town of Truro issued a building permit no. 11-112 to the White Sands Beach Club, to rebuilds attached apartment to the office/coffee shop/ manager's Quarters. In reliance upon the building permit, we hired a contractor who thereafter Dedicated his labor resources to commence and complete the construction per the Building permit.

Despite the fact that a valid building permit was issued by the Truro Building Commissioner to reconstruct the apartment at unit # 51, on October 2011, the Commissioner issued a suspension of building permit #11-112 alleging that it was Issued in error due to "withheld information supplied or not supplied during the Permit application process". The Truro Building Commissioner in his suspension Order incorrectly concluded that we were constructing a new motel unit and we were Not replacing an existed apartment as per my application.

In response to the suspension order, and as we were simply engaged in rebuilding The pre-existed apartment that was permitted by decree of the Land Court, on November 22, 2011 we filed for an administrative appeal, appealing from the October 25, 2011 decision of the Truro Building Commissioner.

A public hearing on the administrative appeal was held on January 23, 2012 at which Time we proved by overwhelming credible evidence that it was simply replacing a Structure and that reconstruction was in full compliance with the modified judgement.

On findings by the court, we also demonstrated by overwhelming credible evidence that The Building Commissioner erred in finding that we were constructing a new motel unit. Despite the overwhelming undisputed evidence presented to the Board, the hearing was Continued until Feb. 6, 2012 to enable the Building Commissioner to explain the otherwise incoherent and confusing order.

At the February 6, 2012 hearing, Truro Board of Appeals Chairman Alan Efromson was Openly hostile and insulting towards us, our legal counsel and the board's own secretary. He furthermore displays capricious and dictatorial behavior in chairing the hearing, Predjudged the administrative appeal hearing and denied our right to a full and fair Public hearing. Chairman Efromson refused to permit our legal counsel to question The Truro Building Commissioner regarding the issuance of the order suspending the Building permit and as to what factual basis he relied upon in issuing the confusing order.

At the conclusion of the February 6, 2012 public hearing and after much discussion by the board members as to whether the hearing should be continued to permit us and the Building Commissioner to discuss possible resolutions of the dispute, Chairman Efromson distributed to the board members a proposed pre-written decision denying the administrative appeal. This opinion was written by Town Council prior to the February 6, 2012 public hearing. This decision was submitted to the board at that time and was withheld from us and our Council, the public and other Board Members prior to The hearing, provides overwhelming evidence that the Chairman Efromson had Prejudged our case prior to the close of the public hearing and conspired in private, but at public expense, to sabotage the appeal and obstruct any attempt to avert his pre-ordained mission. As further efforts by several Truro Board members to derail the Chairman's transparent, personal objectives were not possible, the Board as group Relented and by their vote, they denied the administrative appeal.

The work product of Town Council was obtained by the chairman without vote or Authority of the Board and was withheld from other Board members until midway through the hearing. The decision was arbitrary, Capricious and was signed by only one member of the Board.

The Board of Appeals failed, refused and neglected to follow and apply the Modified Judgement on Findings By the Court issued by the Land Court in White Sands Beach Club, Inc. case # 248454 which acknowledged and permitted the rebuilding of the apartment at the motel.

This case was filed in Court in order to request relief That was denied by the Board of Appeals and to request that we legally be permitted to construct the attached apartment.

After years of protracted legal maneuvers by Town Council, this case was settled and An agreement was registered in the Registry of Deeds. A copy of this agreement Is included.



# **STORMWATER MANAGEMENT REPORT AND OPERATIONS & MAINTENANCE MANUAL**

WHITE SANDS BEACH CLUB, INC.  
706 SHORE ROAD  
TRURO, MASSACHUSETTS

October 7, 2015

**Prepared for:**

White Sands Beach Club, Inc.  
c/o Maria Kuliopulous  
P.O. Box 611  
Provincetown, MA 02657

**Prepared by:**

COASTAL ENGINEERING CO., INC.  
260 Cranberry Highway  
Orleans, MA 02653



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## Proposed Project and Stormwater Management System Description

The subject site is located at 706 Shore Road in the town of Truro, Massachusetts. The property is fronted by Shore Road to the North, the Provincetown town boundary to the west, and a motel complex to the east. The south side of the property terminates on a beach that fronts on Cape Cod Bay. The site is located entirely on a barrier beach that separates Cape Cod Bay and Pilgrim Lake. The area of the site is 2.3+/- acres. The White Sands Beach club facility includes an office with a manager's apartment and another apartment located in the same building. The remaining buildings on the site include the motel building, a utility building, and an indoor pool building.

On October 30, 2014, a fire damaged the westerly section of the motel building. The proposal includes the demolition and removal of the portion of the building that was damaged by the fire and the reconstruction of a new building in the approximate footprint of the portion of the building that was destroyed by the fire. The new building will include 17 units and will be separated from the remaining motel building. The 17 units will be reconstructed to replace ~~17~~<sup>19</sup> units damaged by the fire. In addition, two units of the motel in the remaining building will be combined for a total of 49 units. This is a reduction of one unit from what existed prior to the fire.

In 2010, the Truro Conservation Commission approved a plan that included a reconfigured parking area for the facility. That parking layout will need to be modified slightly in order to allow for the construction of the new building and accessible parking areas. The parking area will continue to be gravel as previously existed and as approved by the Conservation Commission in 2010. The Accessible spaces will be surfaced with ADA/AARB compliant pervious pavers. This will result in an improvement from the previously approved impervious pavement proposed for the accessible parking spaces.

The project will result in a greater than 1,000+/- s.f. decrease of impervious surface. Roof runoff from the new replacement building will be collected by a gutter and downspout system and conveyed by piping to two infiltration trenches to be constructed behind the building. The infiltration trenches were designed to accommodate the 25 year, 24 hour NRCS storm event. The project will result in an improvement to the stormwater facilities on the site.

The existing parking areas and the previously approved parking reconfiguration consist of pervious gravel over sandy soils, and require no dedicated drainage system, due to the highly pervious sandy soils underlying the site.

The proposed infiltration systems were checked using a 25 year storm of 5.7" (TR-20, Type III Rainfall for Barnstable County) which was routed through a infiltration and storage model utilizing HydroCAD 8.0 to check the capacity of the system. The calculations are shown on the attached computer printouts. Stormwater from events exceeding the design storm will sheet flow to the perimeter of the site. Based on the proposed improvements, the flow will be less than from existing site conditions in the redeveloped areas of the site.

The stormwater recharge system will collect, convey, and infiltrate roof via a infiltration trenches to be located in back of the proposed replacement building. Since the site is located on a sandy barrier beach with highly permeable underlying soils, no problems with stormwater runoff presently occur on the property.

Best Management Practices incorporated in the project are as follows:

-Infiltration Trenches (80% TSS Removal)

Prior to the start of demolition and site disturbance activities, a temporary sediment barriers will be installed along the western boundary adjacent to the proposed work area. Disturbed areas will be stabilized and revegetated with beach grass as soon as practicable to prevent erosion and the transport of sediment offsite.

An Operation and Maintenance plan is included herewith in order to address the long term maintenance of the stormwater systems.

## **Massachusetts Stormwater Management Design Standards**

The following is a description of how the proposed project meets the Massachusetts Stormwater Handbook design Standards:

### ***Standard 1: No new untreated discharges***

This standard is met since there are no new untreated stormwater discharges proposed.

### ***Standard 2: Maintain Pre-development peak discharge rate***

This standard has been met.

The soils in the area of the site are sandy with high permeability. With the new infiltration system, the proposed project will result in a reduction in peak discharge rate for the project.

### ***Standard 3: Groundwater Recharge***

This standard has been met. The project will result in an increase in the recharge of stormwater for the site.

The pervious pavers at the accessible spaces and the roof runoff infiltration system will result in an increase of stormwater recharge.

### ***Standard 4: Water Quality***

This standard has been met to the extent practicable.

The roof runoff infiltration trenches will remove 80% of the TSS from the roof runoff. (pretreatment is not required for roof runoff)

A long term pollution prevention plan is attached that includes suitable practices for source control and pollution prevention.

### ***Standard 5: Land uses with higher pollutant loads***

This standard is not applicable to the existing use of the site.

### ***Standard 6: Stormwater discharges within the Zone II or Interim Wellhead protection area of a public water supply, and stormwater discharges near or to any critical area***

The native soils on the site are very sandy and we do not anticipate that there will be any significant discharges from the site resulting from the proposed project.

### ***Standard 7: Redevelopment***

The proposed project is a redevelopment due to damage caused by a fire. The project complies with the stormwater standards to the extent practicable.

***Standard 8: Construction Erosion Control Plan***

Erosion and sedimentation control measures are specified in the project plans.

***Standard 9: Long Term Operation and Maintenance Plan***

A long term operations and maintenance plan has been submitted with this report.

***Standard 10: Illicit Discharges***

This standard is met since there are no known illicit discharges at this site and no illicit discharges are proposed.

## **OPERATION AND MAINTENANCE OF STORMWATER FACILITIES**

### **Owner and Responsible Party**

The owner and responsible party for Stormwater Pollution Control at White Sands Beach Club, Truro, MA:

#### **Owner:**

**White Sands Beach Club, Inc.  
P.O. Box 611  
Provincetown, MA 02657**

#### **Operator:**

**White Sands Beach Club, Inc.  
c/o Maria Kuliopulous  
P.O. Box 611  
Provincetown, MA 02657  
508-487-0244**



## Schedule of Inspection and Maintenance of Stormwater Management Systems

1. The stormwater system requires regular attention in order to ensure the effectiveness of the system. It is recommended that the drainage system be inspected annually by a registered professional civil engineer in order to ensure that the system is properly maintained. Any deterioration threatening the structural integrity of the system shall be immediately repaired.
2. Pervious paver parking areas shall be swept and/or vacuumed when necessary to remove debris and good housekeeping measures should be implemented throughout the site in order to keep the driveway and parking area clean of debris.

The pervious pavers shall be maintained in accordance with manufactures' maintenance requirements including but not limited to the following:

- a. Slow draining/runoff:  
Verify with simple infiltration tests or observe during and after rain storms. Surface should drain immediately.
  - b. Surface Crusting:  
Identify if there is a problem such as run on sediments.  
Increase cleaning frequency in problem areas.  
Remove debris immediately.
  - c. Weeds  
Weeds will not germinate unless there is a collection of soil or moisture.  
Remove weeds immediately  
Clean sediment from joint material.  
Chemical treatment may be required.
  - d. Covered Joint material  
Identify problem and correct.  
Remove immediately  
Joint material shall appear unclogged and porous in accordance.
  - e. Preventative Maintenance  
Sweep as needed with a hand held bristle broom.  
Use a leaf blower with a minimum speed of 120 mph.
3. Recommended Seasonal Maintenance Schedule:
    - 1) After the snow melt – March 1 through April 15
      - Broom, or blow entire surface
      - Clean debris from paver surface that may be the result of snow piles
      - Clean sand that may have deposited on the pavers.
      - Replenish joint aggregate after cleaning
      - Every fifth year, vacuum or power wash problem areas and refill joint material



- 2) Late Spring – April 1 through May 15
    - Broom or blow flowers from trees or shrubs
    - Collect any additional debris from areas mulched or planted with annual flowers
    - Replenish joint aggregate material as necessary.
  - 3) Late Summer – July 15 through August 30
    - Broom or blow any vegetative material.
    - Collect any additional debris from summer activities including beach sand
    - Replenish joint aggregate material as necessary.
  - 4) Late Fall – October 15 through November 30
    - Broom or blow any plant leaves.
    - Replenish joint aggregate material as necessary.
4. The collection, conveyance and subsurface infiltration structures shall be inspected at least twice a year. Any debris that may clog the collection, conveyance and recharge systems must be removed.

#### **Estimated Operations and Maintenance Budget:**

The estimated yearly cost of maintaining the stormwater system is \$1,000

[illegible]

O&M log form records to be maintained by property manager for a minimum of three years

## **Long Term Pollution Prevention Plan**

### **Description of Pollutant Sources:**

#### **Source Control Best Management Practices**

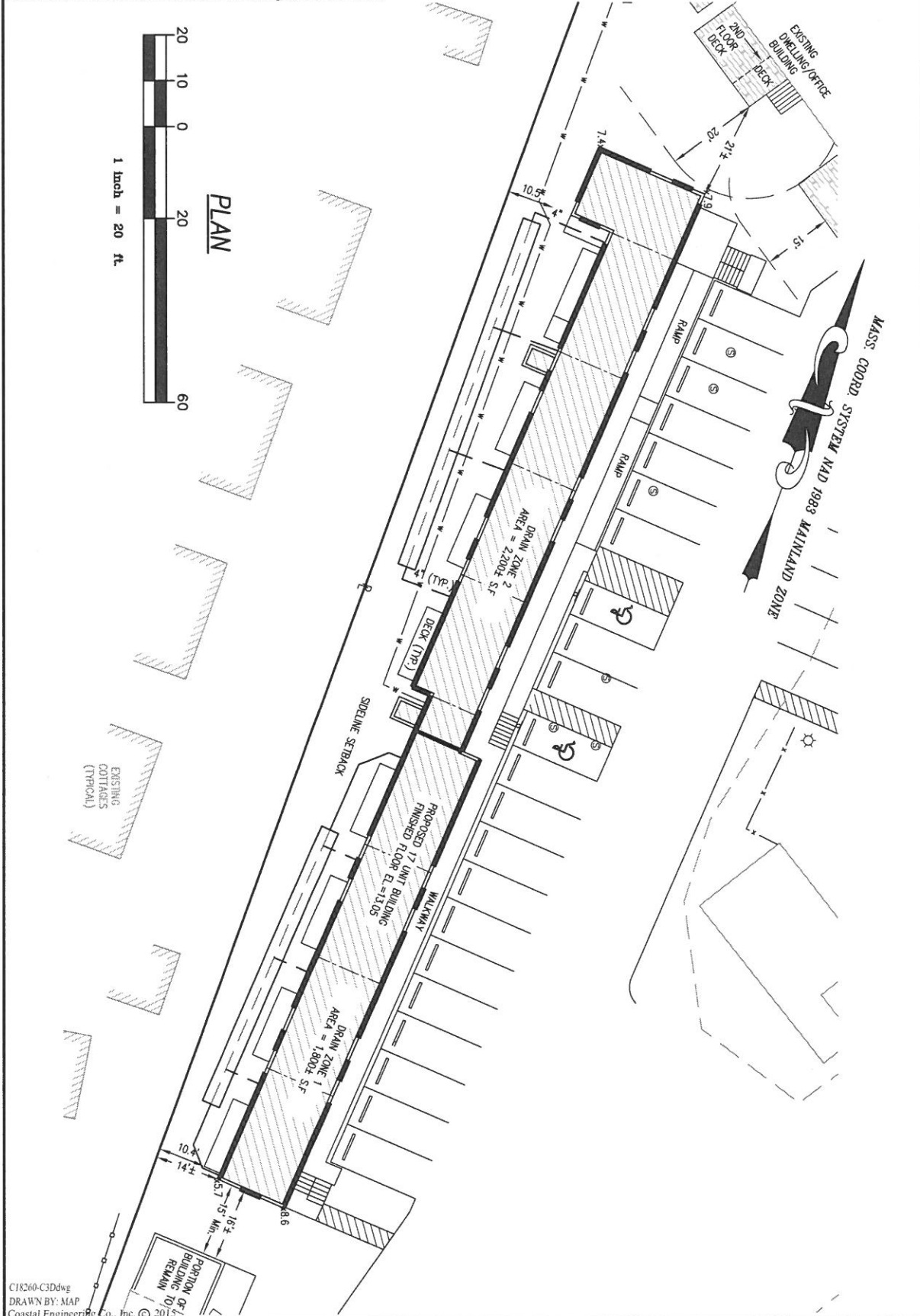
- Trash receptacles shall be covered. If leaks are found, the receptacle shall be replaced. Trash receptacle areas shall be kept clear of debris.
- Good housekeeping measures shall be implemented throughout the site in order to keep the driveways and parking lot areas clean of debris.
- Regularly sweep paved entrance drive to remove debris and any other potential stormwater pollutants.
- The use of winter de-icing sand and salt materials shall be minimized to the maximum extent practicable.
- Immediately clean up any spills in the parking areas or drives and dispose of the wastes properly.
- Do not wash vehicles or equipment in a location where cleaning water, oil, fuel and grease can spill onto a pervious surface.

## Emergency Spill Cleanup Plan

1. The owner of the facility shall have a designated person with overall responsibility for spill response cleanup.
2. In the event of a spill the following shall be notified:
  - A. Truro Fire Department..... (508) 487-7548  
(For a gasoline or hazardous material spill)..... 911
  - B. Massachusetts Department of Environmental Protection  
Emergency Response..... (800) 304-1133
  - C. Truro Board of Health..... (508)-349-7004
3. Cleanup of spills shall begin immediately.

## **APPENDIX A**

Sketch Plan Showing Roof Drainage Zones



C18260-C3Ddwg  
DRAWN BY: MAP  
Coastal Engineering Co., Inc. © 2015

<b>COASTAL ENGINEERING COMPANY, INC.</b> 240 Cranberry Hwy, Orleans, MA 02653 508.255.6511 Fax: 508.255.6700	PROJECT <b>WHITE SANDS BEACH CLUB, INC.</b> SKETCH PLAN SHOWING ROOF DRAINAGE ZONES 706 SHORE ROAD TRURO, MA	SHEET NO. <b>SKC-2</b>	PROJECT NO. C18260.00
			SCALE AS NOTED
			DATE 10-07-15



## **APPENDIX B**

### **Drainage Calculations**

Drainage calculations for sizing the roof drain infiltration basins are based upon a 25 year, 24 hour NRCS storm event. HydroCAD version 10.14 software employing NRCS TR-20 was used to perform the calculations.



DZ-1 South Half Roof



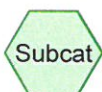
Stormwater Infiltration  
Basin



DZ-2 North Half Roof



Stormwater Infiltration  
Basin



#### Routing Diagram for White Sands

Prepared by {enter your company name here}, Printed 10/7/2015  
HydroCAD® 10.00-14 s/n 04240 © 2015 HydroCAD Software Solutions LLC

**White Sands**

Prepared by {enter your company name here}

Printed 10/7/2015

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Page 2

**Area Listing (all nodes)**

Area (acres)	CN	Description (subcatchment-numbers)
0.092	98	Roofs, HSG A (1, 4S)
<b>0.092</b>	<b>98</b>	<b>TOTAL AREA</b>

**White Sands**

Prepared by {enter your company name here}

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**Soil Listing (all nodes)**

Area (acres)	Soil Group	Subcatchment Numbers
0.092	HSG A	1, 4S
0.000	HSG B	
0.000	HSG C	
0.000	HSG D	
0.000	Other	
<b>0.092</b>		<b>TOTAL AREA</b>

**White Sands**

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**Ground Covers (all nodes)**

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.092	0.000	0.000	0.000	0.000	0.092	Roofs	1, 4S
<b>0.092</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.092</b>	<b>TOTAL AREA</b>	

## White Sands

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White Sands Beach Club, Truro, MA  
Type III 24-hr 25 Year Rainfall=5.75"

Printed 10/7/2015

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Time span=0.00-24.00 hrs, dt=0.05 hrs, 481 points  
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN  
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

**Subcatchment 1: DZ-1 South Half Roof**      Runoff Area=1,800 sf   100.00% Impervious   Runoff Depth>5.51"  
Tc=10.0 min   CN=98   Runoff=0.20 cfs   0.019 af

**Subcatchment 4S: DZ-2 North Half Roof**      Runoff Area=2,200 sf   100.00% Impervious   Runoff Depth>5.51"  
Tc=10.0 min   CN=98   Runoff=0.25 cfs   0.023 af

**Pond 2P: Stormwater Infiltration Basin**      Peak Elev=1.24'   Storage=0.003 af   Inflow=0.20 cfs   0.019 af  
Outflow=0.08 cfs   0.019 af

**Pond 3P: Stormwater Infiltration Basin**      Peak Elev=1.23'   Storage=0.004 af   Inflow=0.25 cfs   0.023 af  
Outflow=0.10 cfs   0.023 af

**Total Runoff Area = 0.092 ac   Runoff Volume = 0.042 af   Average Runoff Depth = 5.51"**  
**0.00% Pervious = 0.000 ac   100.00% Impervious = 0.092 ac**



## White Sands

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White Sands Beach Club, Truro, MA  
Type III 24-hr 25 Year Rainfall=5.75"

Printed 10/7/2015

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### Summary for Subcatchment 1: DZ-1 South Half Roof

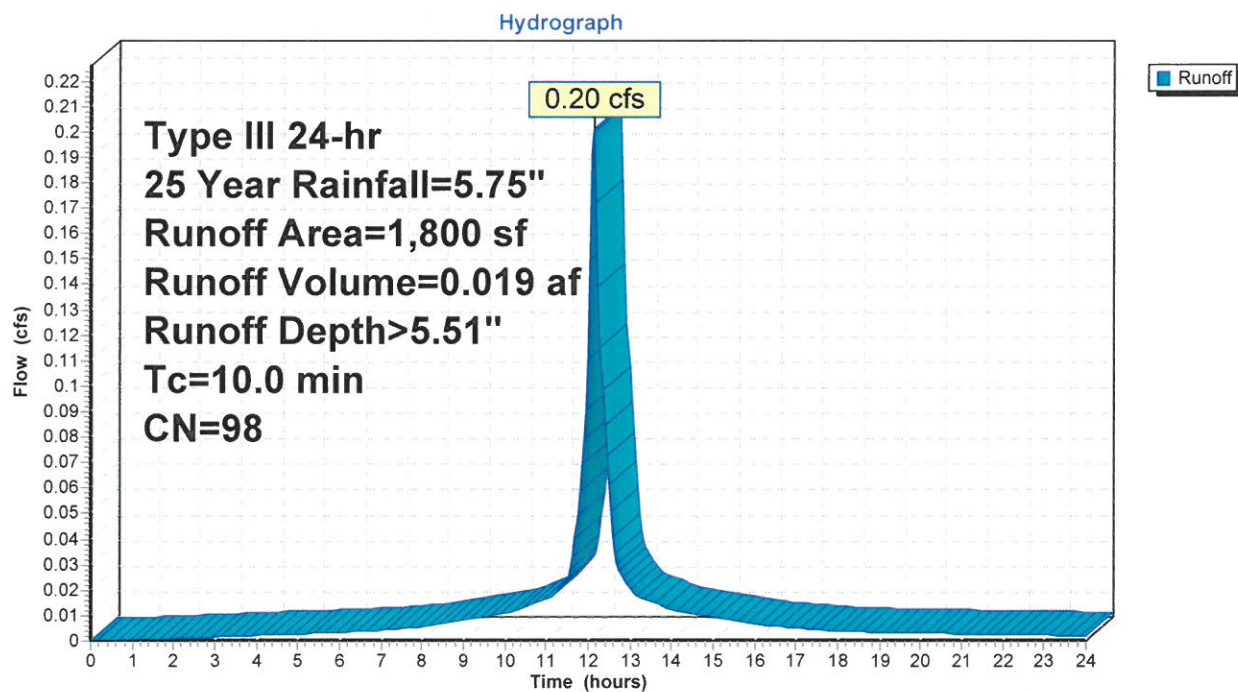
Runoff = 0.20 cfs @ 12.14 hrs, Volume= 0.019 af, Depth> 5.51"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25 Year Rainfall=5.75"

Area (sf)	CN	Description
1,800	98	Roofs, HSG A
1,800		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,
5.0	0				Total, Increased to minimum Tc = 10.0 min

### Subcatchment 1: DZ-1 South Half Roof



## White Sands

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White Sands Beach Club, Truro, MA

Type III 24-hr 25 Year Rainfall=5.75"

Printed 10/7/2015

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### Summary for Subcatchment 4S: DZ-2 North Half Roof

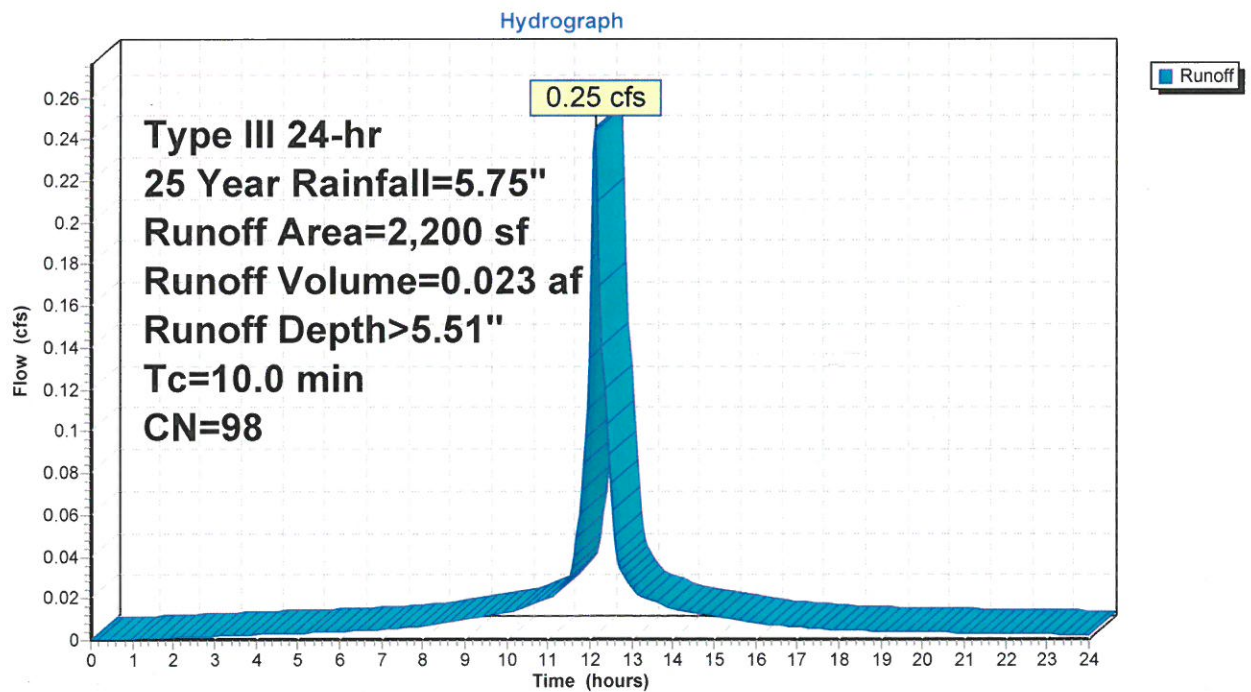
Runoff = 0.25 cfs @ 12.14 hrs, Volume= 0.023 af, Depth> 5.51"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25 Year Rainfall=5.75"

Area (sf)	CN	Description
2,200	98	Roofs, HSG A
2,200		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					<b>Direct Entry,</b>
5.0	0				Total, Increased to minimum Tc = 10.0 min

### Subcatchment 4S: DZ-2 North Half Roof



## White Sands

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White Sands Beach Club, Truro, MA  
Type III 24-hr 25 Year Rainfall=5.75"

Printed 10/7/2015

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### Summary for Pond 2P: Stormwater Infiltration Basin

Inflow Area = 0.041 ac, 100.00% Impervious, Inflow Depth > 5.51" for 25 Year event  
Inflow = 0.20 cfs @ 12.14 hrs, Volume= 0.019 af  
Outflow = 0.08 cfs @ 12.41 hrs, Volume= 0.019 af, Atten= 59%, Lag= 16.5 min  
Discarded = 0.08 cfs @ 12.41 hrs, Volume= 0.019 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
Peak Elev= 1.24' @ 12.41 hrs Surf.Area= 0.006 ac Storage= 0.003 af

Plug-Flow detention time= 7.9 min calculated for 0.019 af (100% of inflow)  
Center-of-Mass det. time= 7.9 min ( 756.6 - 748.7 )

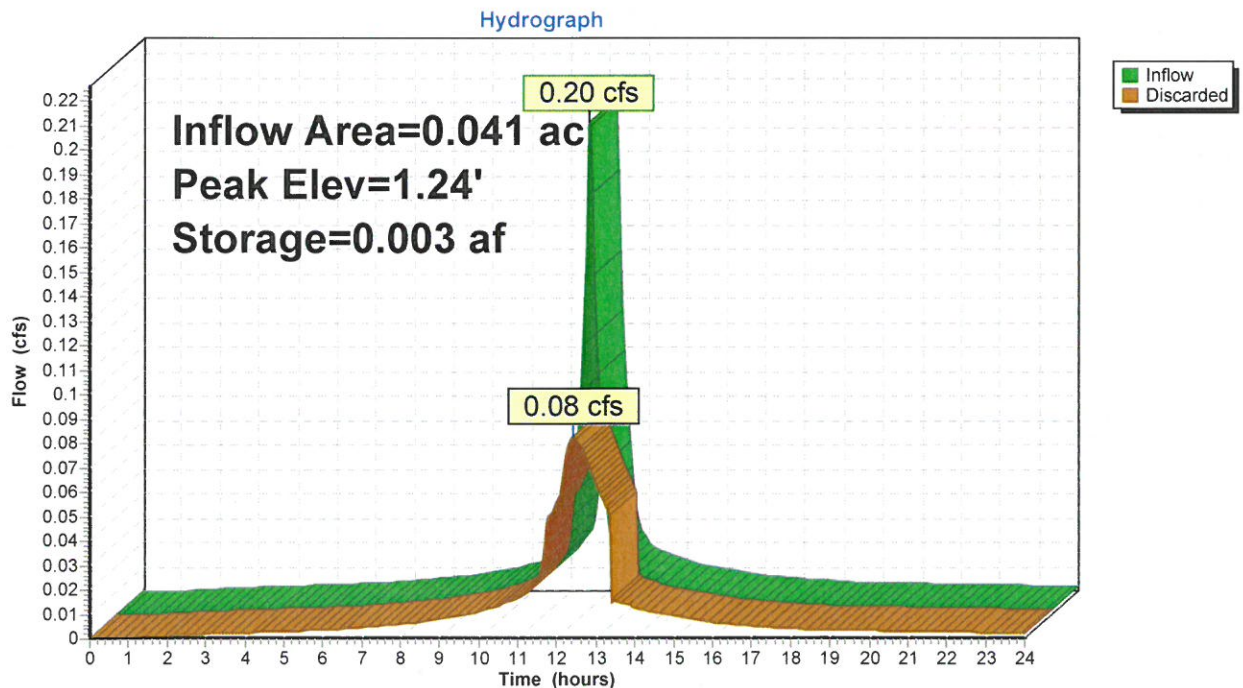
Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	0.004 af	<b>4.00'W x 65.00'L x 1.50'H Field A</b> 0.009 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	<b>8.270 in/hr Exfiltration over Wetted area</b>

**Discarded OutFlow** Max=0.08 cfs @ 12.41 hrs HW=1.24' (Free Discharge)

↑ **1=Exfiltration** (Exfiltration Controls 0.08 cfs)

### Pond 2P: Stormwater Infiltration Basin





## White Sands

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White Sands Beach Club, Truro, MA  
Type III 24-hr 25 Year Rainfall=5.75"

Printed 10/7/2015

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### Summary for Pond 3P: Stormwater Infiltration Basin

Inflow Area = 0.051 ac, 100.00% Impervious, Inflow Depth > 5.51" for 25 Year event  
Inflow = 0.25 cfs @ 12.14 hrs, Volume= 0.023 af  
Outflow = 0.10 cfs @ 12.41 hrs, Volume= 0.023 af, Atten= 59%, Lag= 16.5 min  
Discarded = 0.10 cfs @ 12.41 hrs, Volume= 0.023 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
Peak Elev= 1.23' @ 12.41 hrs Surf.Area= 0.007 ac Storage= 0.004 af

Plug-Flow detention time= (not calculated: outflow precedes inflow)  
Center-of-Mass det. time= 7.8 min ( 756.5 - 748.7 )

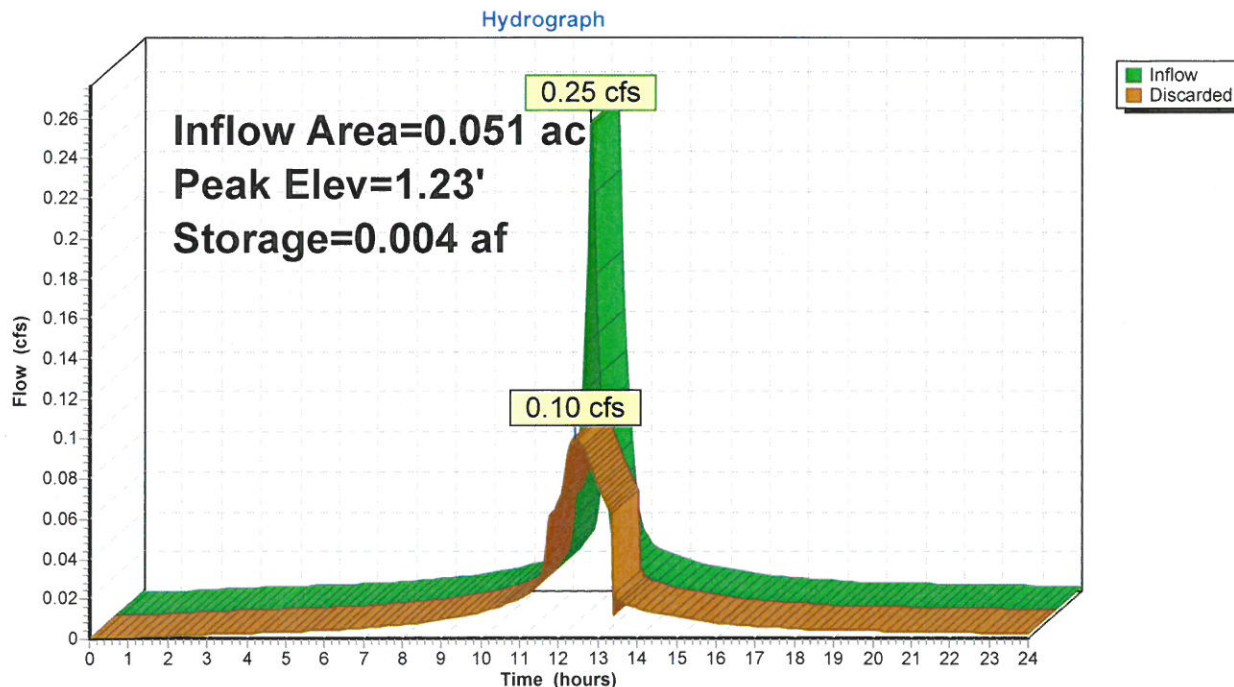
Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	0.004 af	4.00'W x 80.00'L x 1.50'H Field B 0.011 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	8.270 in/hr Exfiltration over Wetted area

Discarded OutFlow Max=0.10 cfs @ 12.41 hrs HW=1.22' (Free Discharge)

↑ 1=Exfiltration (Exfiltration Controls 0.10 cfs)

### Pond 3P: Stormwater Infiltration Basin





## TOWN OF TRURO

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

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

FROM: Charleen L. Greenhalgh, ATA/Town Planner

RE: Development Application Referral

DATE: October 22, 2015

Enclosed please find the Application for Commercial Site Plan Review and plan(s) for Maria Kuliopolis for the property located at 706 Shore Road, Assessor Map(s) 1, Parcel(s) 5 dated October 8, 2015 and plans dated October 7, 2015. Tentatively, the Planning Board will discuss the plan on Tuesday, December 8, 2015. Please review the plans and respond with any comments by Thursday, November 5, 2015. If you have any questions or need additional information, please email ([cridley@truro-ma.gov](mailto:cridley@truro-ma.gov)) or call (508-221-8941) me.

**Please return plans if possible. Thanks!**

*No concerns*  
*Chief Takakjian*



## Health/Conservation Agent

Town of Truro

Phone: (508) 349-7004 ext. 32

# MEMO

**To:** Carole Ridley, Planning Consultant for the Town of Truro  
**From:** Patricia Pajaron  
**CC:**  
**Date:** November 3, 2015  
**Re:** **Development Application Referral; Commercial Site Plan Review, White Sands Beach Club Inc., 706 Shore Rd**

I have reviewed the Proposed Site Plan prepared by Coastal Engineering Company, Inc., dated October 7, 2015; pages C0.0.1, C1.2.1, C2.0.1, C2.1.1, C2.2.1 and C2.4.1 and offer the following comments as it relates to health and environmental issues:

### CONSERVATION

1. The property is located within a barrier beach/coastal dune in an area known as "Beach Point." The applicant has filed a Notice of Intent with the Conservation Commission. The public hearing at their November 2<sup>nd</sup> meeting approved the project with special conditions (see attached).

Per the October 2008 NHESP map it appears that a portion of the property (South corner of the lot towards the beach) is within the NHESP Estimated Habitat of Rare Wildlife, mapped area PH 15. Although the proposed work is not within the NHESP mapped area, it should be indicated on the proposed plan.

### HEALTH

1. This project involves demolition of an existing motel building damaged by fire in 2014 and construction of a new two story building. The total number of units will be reduced from 19 to 18. There will be no increase in the number of bedrooms. Because this is a multi-unit building with proposed kitchens, I requested that the septic system to serve the proposed building be modified to include 2 compartment tanks or tanks in series in accordance with 15.223(b)\*. There are a total of 7 septic systems serving this property, three (systems A, B and C per Felco Plan dated 4/27/92). Each system has been designed for a maximum capacity of 1000 gallons per day. Currently, the existing dwelling/office, 2 motel units, and the 2 bedroom apartment/garage are connected to System "A" for a total flow as follows:

Existing dwelling/office:	440gpd (bedrooms) + 30gpd (office)	= 470gpd
2 Motel units:	220gpd (bedrooms)	= 220gpd
2 Bedroom Apartment/Garage		= 220gpd
<b>Total Flow = 910 gpd &lt; 1000gpd</b>		

2. Existing and proposed flow needs to be determined, to include the proposed hospitality wi-fi



center located on the first floor and what units will be connected to System A, B or C.

3. The property is served by Town Water. The applicant will need to contact the Provincetown Water Department regarding the re-connection to the water system.

4. I also requested that the septic system serving the new building be inspected. This can take place during construction and once electric is available so that the pumps can be checked.

5. It is unclear whether all of the units will have the same floor plan and square footage, with the exception of the handicap accessible unit. If this is the case, it should be stated on the plan. Section III, Article 5 requires a minimum of 400 square feet of gross floor area where kitchen facilities are provided. I am assuming that these units meet that requirement, but it should be indicated on the final floor plans.

6. There were concerns raised at the November 2<sup>nd</sup> Conservation Commission regarding occupancy and overcrowding because of the increased square footage of the proposed units compared to the existing units ranging from 161 square feet to 165 square feet of habitable space. These issues are Board of Health matters, which raises the question on occupancy determination based on the State Sanitary Code, 105 CMR 410.400 Minimum Standards of Fitness for Human Habitation.

Per the Division of Community Sanitation, Massachusetts Department of Public Health, motels fall under the definition of **rooming house** and rooms in motels are considered **rooming units**. The number of people that can accommodate each rooming unit for sleeping purposes is based on Section 410.400 Minimum Square Footage, which states;

*(B) In a rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain **at least 60 square feet for each occupant.***

The proposed floor plan shows a separate area for the bedroom with no door. The square footage of the bedroom area ranges from 11'4" x 9' 21/2" to 14' 10" x 9'6". Because the proposed floor plan (increased square footage, separate bedroom area and kitchens) has changed from the existing floor plan, there will need to be further discussion with the BOH on whether 410.400(B) or 410.400(C) will apply; *In a dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain **at least 50 square feet of floor space for each occupant.*** The reason why I bring this up is because the proposed units fit the definition of a dwelling unit\* rather than a rooming unit which currently exists.

*\*15.223(b): When designed to serve facilities other than a single family dwelling unit or whenever the calculated design flow is 1,000 gallons per day or greater, a two compartment tank or two tanks in series are required. The design of the tanks shall be in accordance with 310 CMR 15.224 for multiple compartment tanks and 310 CMR 15.225 for tanks in series. At a minimum, the total, combined effective liquid capacity of both tanks in series or of the multiple compartment tank shall not be less than 1,500 gallons.*

*410.020 \*\*Dwelling Unit means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.*



**TOWN OF TRURO  
CONSERVATION COMMISSION**

**P.O. Box 2030  
Truro MA 02666-0630**

*Tel: 508-349-7004 ex. 31  
Fax: 508-349-5508*

DEP File No. SE 75-967  
White Sands Beach Club, Inc.  
706 Shore Rd

**Special findings:**

1. The Commission finds the site of the proposed reconstruction of motel damaged by fire to be on a Barrier Beach.

**The Commission accepts the work as described in the Notice of Intent and plans as presented to the Commission, subject to the following special conditions:**

2. The Commission specifically incorporates the plans and specifications drawn by Coastal Engineering Company, Inc., dated October 7, 2015.
3. This Order specifically incorporates the Construction Protocol submitted with the Notice of Intent.
4. Applicant shall seek by amendment, approval of a grounds layout/planting plan no later than three quarters (3/4) the way through construction.
5. Pervious pavers shall be maintained annually and installed in accordance with manufacturer's specifications.
6. Native trees, shrubs, and grasses shall be used to revegetate all disturbed areas.
7. No stocking piling for longer than 60 days.
8. Covered dumpsters are required.
9. Site shall be cleaned at the end of each day to collect debris and ensure it does not get blown in to Cape Cod Bay or East Harbor.
10. Orange construction fence shall be instead of straw wattles.
11. Preconstruction site visit meeting shall include a review of the limit of work.
12. Parking area shall remain pervious (crushed stone or gravel).
13. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.

14. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10 business day appeal period and if no request for appeal has been filed with the Department of Environmental Protection.
15. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. It is the responsibility of the Applicant, Owner, and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. A copy of this Order shall be available at the work site, during normal work hours, or posted, until the work is complete.
16. The applicant shall give written notice to the Commission 48 hours in advance that the work is to be begun. Members of the Commission or its agent or the Department of Environmental Protection (DEP) reserve the right to enter and inspect the property at all reasonable times, until a Certificate of Compliance is issued, to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and Town regulations, and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.
17. Work shall be halted on the site if the Commission, conservation agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
18. Prior to the commencement of work, a sign shall be displayed at the site showing the DEP file number assigned to this project, separately staked, preferably not placed on a living tree.
19. Any changes in the work described in the Notice of Intent or in the plans and specifications submitted to the Commission shall be submitted to the Commission in writing for a determination of whether the change is significant enough to the interests of the Act to require a new Notice of Intent. No changes shall be made or implemented in the field prior to the Commission's determination. Should issuance of additional permits result in a change in the project, the applicant shall promptly submit such changes to the Commission for evaluation under this provision.
20. Prior to the Commencement of any work, erosion or siltation controls including staked hay bales, cloth silt fencing, and any additional controls required under this order shall be placed along the limit of work as identified on the plans, between the work area and the resource area, to the approval of the Commission. Upon installation of such erosion or siltation controls, the applicant shall notify the Commission of such installation, and the Conservation Commission and or its agent will inspect the same and any changes to be made prior to the commencement of construction must be completed within forty-eight hours of inspection. Adequate erosion and sedimentation control shall be maintained throughout construction and until the site has become stabilized with adequate vegetative cover.

21. Upon completion of this project the applicant shall submit a request to the Conservation Commission to receive a Certificate of Compliance. The Applicant or Owner shall certify in writing that the work was completed as shown on the plans and documents referenced above. At the request of the Commission, the applicant may be required to submit (a) a written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above and as conditioned by the Commission; and/or (b) an "as built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.
22. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding. Upon the completion of work, all disturbed and bare areas shall be re-vegetated to prevent erosion by wind or water. Native plant materials are preferred; a list of plants to avoid is available from the Commission.
23. Stormwater Management. In addition to any other conditions imposed by this Order, all roof drainage shall be to gutters and drywells or french drains. Any driveway paving permitted under this order shall drain to drywells. All drywells shall be dug to at least 3 (three) feet below grade. Driveways and parking areas shall be constructed of pervious materials unless otherwise specifically approved by the Commission.

## Construction Protocol

### Pre-Construction Requirements

- A sign bearing the MA DEP file number has been posted in compliance with the Order of Conditions issued by the Truro Conservation Commission.
- Prior to any demolition, construction, or site disturbance activity, the erosion and sedimentation barrier shall be installed in the location shown on the plan. Sediment barrier to be 8" diameter straw wattle staked in place. The sediment barrier shall be maintained in good condition until completion of the project and authorization by the Conservation Commission to remove it.
- A copy of the approved plans and the Order of Conditions shall be provided to the Contractor and shall be on site at all times.

### On-Site Pre-Construction Conference

Prior to the start of any sitework or construction, a pre-construction meeting will be held on site to discuss the project requirements with the following parties represented:

- General Contractor
- Sitework Contractor
- Coastal Engineering Co., Engineer
- Truro Conservation Commission Agent

Topics to be discussed during this meeting:

- Erosion and Sedimentation Control
- Limit of Work
- Construction sequencing and schedule
- Material and Equipment Storage
- Project contacts

During the preconstruction conference, the Engineer and Conservation Agent shall inspect the sedimentation barrier. Any deficiencies shall be addressed prior to the commencement of the sitework and building reconstruction.

### Erosion Control

Proposed undisturbed areas shall be protected from erosion and sedimentation by the placement of a sediment barrier along the proposed work limit. The barrier shall be maintained in good condition. The sedimentation control measures shall remain in place until stabilization of disturbed areas. The erosion control measures shall not be removed without the approval of the Conservation Agent.

Anytime the sediment barrier has a thirty percent load of sediment, the sediment shall be removed by hand.

In the event that sediment is tracked off of the project site on to adjacent public streets, the contractor shall sweep the street and employ measures necessary to prevent the tracking or flowing of sediment onto public streets.

All disturbed non-redeveloped areas to be revegetated with North American Beach Grass as described in the project plans or as required by the Order of Conditions issued by the Truro Conservation Commission.

17872  
16.745

Grass layers  
+ planting pla





## TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004, Ext. 27

Fax: (508) 349-5505

[criddle@truro-ma.gov](mailto:criddle@truro-ma.gov)

Sent Via Email and USMail

October 26, 2015

M.s Maria Kuliopolis  
P.O. Box 611  
Provincetown, MA 02659

Re: 706 Shore Road, Truro  
2015-007 Commercial Development Site Plan Review

Dear Ms. Kuliopolis:

I have reviewed the plans and application submitted on October 9, 2015 for the location referenced above. My review is based on §70 of the Truro Zoning Bylaws. On the application submitted, two items were identified for requested waivers:

- 1.e: 3 copies of drainage calculations
- 3.c: Proposed conditions plan

As noted on the Waiver Request section of the application, "Waivers from any of the items listed in §70.3.D, must be identified below and a separate sheet attached indicating in detail the reason for said waiver(s) pursuant to §70.3.D." The application did not include a separate sheet providing such detailed reasons for the waiver requests. This information is needed in order for the waiver requests to be considered.

The materials submitted also did not include a certified abutters list obtained from the Town of Truro Assessors Department as required under §70.3.D.d. Please provide this information, also.

The following are my comments and/or questions relative to the procedures and plan requirements outlined in §70.3.D (3.a – General Requirements; 3.b – Existing - Conditions Plan; 3.c – Proposed Conditions Plan; 3.d – Proposed Landscape Plan; 3.e – Building Plans, and; 3.f – Project Estimate), unless otherwise referenced:

1. 3.a.1 – Requires the size of sign(s) in the zoning table.
2. 3.b.2 – Requires the following information on the existing conditions plan: setbacks, number of stories, overall height in feet, gross floor area in existing buildings and lighting. These are not shown on the Existing Conditions Plan.
3. 3.b.5 – Respective floor areas and/or square footage of existing uses are not provided on the Existing Conditions Plan.
4. 3.b.8 – Natural Heritage Endangered Species Act jurisdiction is not indicated on the Existing Conditions Plan.
5. 3.c – A Proposed Conditions Plan is not provided and the rationale for the above referenced waiver request has not been provided. It is noted that the Site Materials and Layout Plan contains



much of the information that is requested on a Proposed Conditions Plan with the following items noted below as lacking.

6. 3.c.4 – A legal easement is identified and should be further described.
7. 3.c.5 – Stormwater drainage calculations for a 2, 10 and 50-year storm events are not provided. A waiver is requested but no explanation has been provided. Stormwater Management Report provides assessment of 25-year storm event.
8. 3.c.8 – Location of signs only is provide with no indication of height and materials, except for the handi-capped accessible sign for which detail is provided.
9. 3.c.9 – Streets and driveways are identified, but dimensions of curbs and gutters is missing, as is distance to streets and curb cuts. Dimensions for timber curbing of the parking area only is shown on the Site Details sheet.
10. 3.c.10-11 – Any Outdoor storage, displays, refuse areas and method of screening should be shown.
11. 3.c.12 – Detail on lighting and illumination is not provided.
12. 3.c.13 – Wetlands jurisdiction is not indicated. Stormwater Management Plan refers to Conservation Commission approval of parking plan, and need to update parking plan. Wetland jurisdiction should be provided on the plan.
13. 3.c.15 – Parking and driveway cross section is not shown. Plan references Felco Plan dated 10-13-2010. As noted above, the Stormwater Management Plan mentions but does not detail necessary changes to this plan.
14. 3.c.16 – Limit of work and staging area need to be delineated
15. 3.d. Proposed Landscaping Plan – existing trees over 10 inches DBH to be saved or removed should be indicated. Pine trees are shown on existing conditions and Proposed Site Layout and Materials plans without size or indication of whether they are existing, removed or added. Proposed landscaping is not clearly indicated.
16. 3.f Project Estimate and timeline is not indicated.

The hearing for this matter is scheduled for Tuesday, December 8, 2015 at 6:00pm. Enclosed please find a copy of the legal notice. Abutters will be notified on or about November 19<sup>th</sup>, when the first notice will appear in the *Provincetown Banner*.

Any new or additional information must be filed with the Town Clerk (with the requisite number of copies) no later than **Thursday, November 12<sup>th</sup>**. Anything filed after that date may result in a continuance of the public hearing.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully,



Carole Ridley  
Planning Consultant to the Town

Enc. (1)

cc: Martin Donoghue, Coastal Engineering  
(via email)  
Town Clerk (via email)  
Building Commissioner (via email)  
Health/Conservation Agent (via email)

Fee Paid: \$ 25  
 Cash 7549  
 Check 7549  
 Entered in Log Cam



NOV 02 2015  
 Date Stamp Here

**Town of Provincetown  
 DMF/Assessors  
 CERTIFIED ABUTTERS LIST**

Person Making Request	Maria Kuliopulos-White Sands Beach club inc		
Address	706 Shore Rd N. Truro MA		
Phone (Home)	781-894-3137	Phone (Work/Bus)	508-487-0244
Property Location (Street Address)	<del>963 Commercial</del> 706 Shore Rd N Truro MA		
Map/Parcel Number	19-2-1		

Board of Submission	Criteria	Check One		Board of Submission	Criteria	Check One
Board of Health	Immd. Abutters	<input type="checkbox"/>		Licensing Board	75 Feet	<input type="checkbox"/>
Cape Cod Commission	Immd. Abutters	<input type="checkbox"/>		Planning Board	300 Feet	<input checked="" type="checkbox"/>
Conservation Commission	100 Ft	<input type="checkbox"/>		Pole Hearing	Immd. Abutters	<input type="checkbox"/>
Curb Cut	Immd. Abutters	<input type="checkbox"/>		Zoning Board of Appeals	300 Feet	<input type="checkbox"/>
Historic District Commission	75 Feet	<input type="checkbox"/>		Liquor License	500 Feet Sch/Church	<input type="checkbox"/>

**Certification**

I certify to the Board of Submission (see above) that the following list contains all parties in interest and their addresses, as set forth in Massachusetts General Laws, c 40A, § 11, consisting of persons who are owners of land immediately abutting the above-identified property, owners of land directly opposite said property on any street or way, abutters to abutters within (see above criteria) feet of the said property, and/or parties in interest, all as they appear on the most recent applicable tax list.

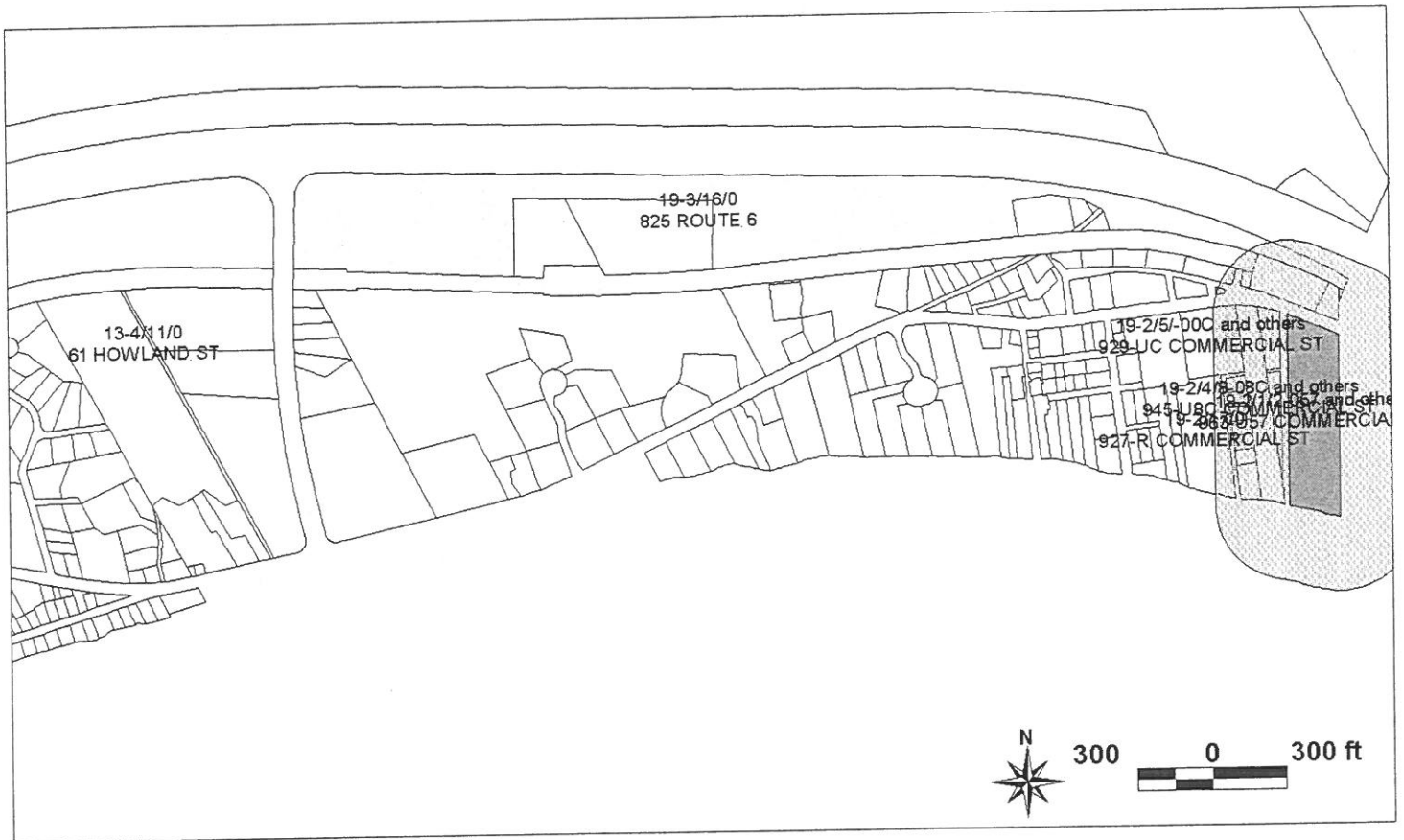
This certification shall be valid for a period of thirty (30) days from date of process.

*Scott Fahle*  
 Scott Fahle  
 Principal Assessor

(We have ten days to process request)

TOWN OF PROVINCETOWN, MA  
BOARD OF ASSESSORS  
260 Commercial Street

Abutters List Within 300 feet of Parcel 19-2/1/2-057 and others



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3133	13-4-11-0-E	TOWN OF PROVINCETOWN BOARD OF SELECTMEN	61 HOWLAND ST	260 COMMERCIAL ST	PROVINCETOWN	MA	02657
4068	19-3-16-0-E	COMMONWEALTH OF MASSACHUSETTS DIVISION FISHERIES & WILDLIFE	825 ROUTE 6	10 PARK PLAZA ROOM 6160	BOSTON	MA	02116
4017	19-2-17-0-R	NEVMS LLC	927-R COMMERCIAL ST	C/O SANDCASTLE RESORT 929 COMMERCIAL ST	PROVINCETOWN	MA	02657
4083	19-4-4-0-R	MARCEY OIL CO	50 COMMODORE AVE	37 FRANKLIN ST	PROVINCETOWN	MA	02657
3995	19-2-5--00A-R	RBS CITIZENS NATIONAL ASSN C/O N E VACATION SERVICES LLC	929-UA COMMERCIAL ST	98 KETTLEHOLE RD	WEST BARNSTABLE	MA	02668
3996	19-2-5--00B-R	SANDCASTLE CONDOMINIUM TR V J BARTH R P WOODS TTEES	929-UB COMMERCIAL ST	PO BOX 576	PROVINCETOWN	MA	02657
3997	19-2-5--00C-R	SANDCASTLE CONDOMINIUM TR V J BARTH R P WOODS TTEES	929-UC COMMERCIAL ST	PO BOX 576	PROVINCETOWN	MA	02657
4084	19-4-5-0-R	MARCEY OIL CO	936 COMMERCIAL ST	37 FRANKLIN ST	PROVINCETOWN	MA	02657
4010	19-2-11-0-R	PALMERO FAMILY LIVING TR ALBERT PALMERO TTEE	2 SCHUELER BLVD	106 MATTABESECK RD	MIDDLEFIELD	CT	06455
4011	19-2-12-0-R	MADDEN ANN M C/O ANN M MADDEN TRUST	4 SCHUELER BLVD	1703 ANGLERS CT	SAFETY HARBOR	FL	34699
4012	19-2-13-0-R	MADDEN STEPHEN J JR	6 SCHUELER BLVD	PO BOX 973	PROVINCETOWN	MA	02657
4013	19-2-13-A-R	KENT JOHNNA MADDEN C/O KENT JOHNNA MADDEN ET VIR	8 SCHUELER BLVD	86 PILGRIM RD	NEEDHAM	MA	02492
4014	19-2-14-0-R	JEROME R HARRIS MD TR JEROME & LORRAINE HARRIS TTEES	10 SCHUELER BLVD	C/O CAROL SHERRY 8112 MAIN ST	JAMAICA	NY	11435
4015	19-2-15-0-R	CHRISTOPHER LESLIE ET AL MADELINE CHRISTOPHER	12 SCHUELER BLVD	69 WENDT LN	WAYNE	NJ	07470
4016	19-2-16-0-R	SEABURY LAURA E ET AL DEBRA POLETTTO	14 SCHUELER BLVD	3 ELGIN RD	POCASSET	MA	02559

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
4085	19-4-6-0-R	FORNIER JR ANDREW C ET AL WENDY CRESSEY	942 COMMERCIAL ST	519 HARRISON BLVD #D-312	BOSTON	MA	02118
3955	19-2-4-1-01A-R	LAMA CHHIRING CHOMO	945-U1A COMMERCIAL ST	PO BOX 1883	PROVINCETOWN	MA	02657
3956	19-2-4-1-01B-R	HENDERSON JOANN ET AL SARAH HENDERSON	945-U1B COMMERCIAL ST	35 STEARNS AVE	WEST ROXBURY	MA	02132
3957	19-2-4-1-01C-R	EDSAL JUDITH M ET AL KARA E JACKSON	945-U1C COMMERCIAL ST	10134 REGAL DR	LARGO	FL	33774
3958	19-2-4-1-01D-R	MAURICIO MANUEL F ET AL CHRISTOPHER A BOIS	945-U1D COMMERCIAL ST	68 BRISTOL CL #41 FORGE ESTATES	RAYNHAM	MA	02767
3959	19-2-4-2-02A-R	MAXWELL CHRISTINE	945-U2A COMMERCIAL ST	49 NUTHATCH KNOB	GLASTONBURY	CT	06033-1359
3960	19-2-4-2-02B-R	SCOTT TIMOTHY ET AL J CINSERULI, K PERKINS	945-U2B COMMERCIAL ST	99 1/2 STOCKTON AVE	OCEAN GROVE	NJ	07756
3961	19-2-4-2-02C-R	CAMPBELL JEFFREY ET UX GAIL N CAMPBELL	945-U2C COMMERCIAL ST	10 BARRY GOLDWATER DR	CARMEL	NY	10512
3962	19-2-4-2-02D-R	KATLEEN D L STERCK REV TR KATLEEN D L STERCK TTEE	945-U2D COMMERCIAL ST	PO BOX 1135	PROVINCETOWN	MA	02657
3963	19-2-4-3-03A-R	SANTILLO MICHAEL P	945-U3A COMMERCIAL ST	54 CEDAR CT	CHESHIRE	CT	06410
3964	19-2-4-3-03B-R	KARESKY CLAIRE	945-U3B COMMERCIAL ST	PO BOX 1142	PROVINCETOWN	MA	02657
3965	19-2-4-3-03C-R	SESTITO CAROL A ET AL KATHLEEN A BOWER	945-U3C COMMERCIAL ST	38 VINEYARD DRIVE	STRATHAM	NH	03885
3966	19-2-4-3-03D-R	IANNARONE VIRGINIA E ET AL MARGARET E JUDGE	945-U3D COMMERCIAL ST	2 EARHART ST #309	CAMBRIDGE	MA	02141-1911
3967	19-2-4-4-04A-R	BIENKOWSKI GLEN N	945-U4A COMMERCIAL ST	13 JAMES ST	WINDSOR LOCKS	CT	06096
3968	19-2-4-4-04B-R	GOLON JOHN ET UX ROSEMARY GOLON	945-U4B COMMERCIAL ST	16 TIMBER LN	ELLINGTON	CT	06029
3969	19-2-4-4-04C-R	CIMINO MARIE E	945-U4C COMMERCIAL ST	165 EVELINA DR	MARLBORO	MA	01752
3970	19-2-4-4-04D-R	BULL ALISON	945-U4D COMMERCIAL ST	3138 29TH ST #1-E	ASTORIA	NY	11106
3971	19-2-4-5-05A-R	HANDLER LESTER ET UX C/O GIBALDI BARBARA ANN ET UX	945-U5A COMMERCIAL ST	15 HAMILTON ST	ENGISHTOWN	NJ	07726
3972	19-2-4-5-05B-R	SANTOS CYNTHIA MARY ET AL ROBERT NICHOLS	945-U5B COMMERCIAL ST	PO BOX 1806	PROVINCETOWN	MA	02657
3973	19-2-4-5-05C-R	DECRISTOFARO JERRY ET UX NANCY DECRISTOFARO	945-U5C COMMERCIAL ST	123 THIRD ST	MEDFORD	MA	02155
3974	19-2-4-5-05D-R	SILVIA DEBRA J ET AL DEBRA B VELOZA	945-U5D COMMERCIAL ST	PO BOX N-85	WESTPORT	MA	02790
3975	19-2-4-6-06A-R	MILLAR JEFFREY ET UX SHEILA MACNAB-MILLAR	945-U6A COMMERCIAL ST	25 HIGH ST #1	GREENFIELD	MA	01301
3976	19-2-4-6-06B-R	SHATZEL SUSAN	945-U6B COMMERCIAL ST	351 STARIN AVE	BUFFALO	NY	14216
3977	19-2-4-6-06C-R	BISACCIA PAUL	945-U6C COMMERCIAL ST	41C WILLARD ST	HARTFORD	CT	06105
3978	19-2-4-6-06D-R	LEBLANC ROBERT A ET UX JOYCE A LEBLANC	945-U6D COMMERCIAL ST	16 DEADY DR	WEYMOUTH	MA	02189-1408
3979	19-2-4-7-07A-R	BURNHAN JEANNE ET AL ELLEN CLAFFEY	945-U7A COMMERCIAL ST	18 DANFORTH WAY	FRANKLIN	MA	02038
3980	19-2-4-7-07B-R	MCKNIGHT KAREN A ET AL CHRISTINE RISOTTI	945-U7B COMMERCIAL ST	19 SHAWMUT AVE	HUDSON	MA	01749
3981	19-2-4-7-07C-R	LARIVEE BERNARD H ET AL JOHN W SINAPI JR	945-U7C COMMERCIAL ST	15 KENSINGTON RD	CRANSTON	RI	02905
3982	19-2-4-7-07D-R	TUFENKJIAN JOAN W	945-U7D COMMERCIAL ST	8 SUMMIT RD	BELMONT	MA	02478
3983	19-2-4-8-08A-R	ONEILL JOHN M ET UX JOAN M ONEILL	945-U8A COMMERCIAL ST	76 HOWARD ST	SAUGUS	MA	01906
3984	19-2-4-8-08B-R	OUELLETTE PAULINE J	945-U8B COMMERCIAL ST	585 RYE ST	S WINDSOR	CT	06074
3985	19-2-4-8-08C-R	ONEILL JOHN M ET UX JOAN M ONEILL	945-U8C COMMERCIAL ST	76 HOWARD ST	SAUGUS	MA	01906
3986	19-2-4-8-08D-R	SPRAKER JAMES E ET UX JOYCE M SPRAKER	945-U8D COMMERCIAL ST	21 CARVER ST	MECHANICVILLE	NY	12118
3987	19-2-4-9-09A-R	KOHAN JOHN ET UX MARILYN KOHAN	945-U9A COMMERCIAL ST	447 NEW PROVIDENCE RD	MOUNTAINSIDE	NJ	07092
3988	19-2-4-9-09B-R	GERALD W HUSTED LIV TR (1/2 IN GERALD HUSTED & CAROL A KELLY	945-U9B COMMERCIAL ST	155 COONAMESSETT CIRCLE	EAST FALMOUTH	MA	02536
3989	19-2-4-9-09C-R	COOPER AUDREY K	945-U9C COMMERCIAL ST	17 WASHBURN RD	CANTON	CT	06019
3990	19-2-4-9-09D-R	WELLS MARY H ET AL BRIGITTE A BROWNEY	945-U9D COMMERCIAL ST	9 BEAR HILL RD	NATICK	MA	01760
3991	19-2-4-A-10A-R	WILSON ADRIENNE S	945-U10A COMMERCIAL ST	385 NEWTONVILLE AVE	NEWTONVILLE	MA	02460-1928
3992	19-2-4-A-10B-R	CHARLES F CASSANO PTOWN TR CHARLES F CASSANO TTEE	945-U10B COMMERCIAL ST	161 FLORENCE ST	BOSTON	MA	02131
3993	19-2-4-A-10C-R	2010 MARCIA CINAMON REV TR MARCIA CINAMON ET AL TTEES	945-U10C COMMERCIAL ST	7655 ARBOR LAKES #2216	NAPLES	FL	34112-7548
3994	19-2-4-A-10D-R	BALESTRIERI LINDA ET AL DALE ANN CLARK	945-U10D COMMERCIAL ST	21 EAST BELMONT ST	BAY SHORE	NY	11706

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3937	19-2-2-1-001-R	BENT GEORGE W ET UX LINDA M BENT	953-U1 COMMERCIAL ST	29 LENOX AVE	NORFOLK	MA	02052
3938	19-2-2-1-002-R	CONROY EDWARD F ET AL E MICHAEL RICHARDS	953-U2 COMMERCIAL ST	1385 PLYMOUTH ST	EAST BRIDGEWATER	MA	02333
3939	19-2-2-1-003-R	ROSADO DAMARIS C/O ROSADO DAMARIZ ET AL	953-U3 COMMERCIAL ST	73 WALNUT AVE #4	BOSTON	MA	02119
3940	19-2-2-1-004-R	HENNIGAN STEPHEN	953-U4 COMMERCIAL ST	15 WAVE AVE #5	REVERE	MA	02151
3941	19-2-2-1-005-R	ALLEY BARRETT L	953-U5 COMMERCIAL ST	P O BOX 453	PROVINCETOWN	MA	02657
3942	19-2-2-2-006-R	SMITH KIM M	953-U6 COMMERCIAL ST	38 LANDING DR	METHUEN	MA	01844
3943	19-2-2-2-007-R	LAGRECA FRANK ET AL JOHN A CAHILL	953-U7 COMMERCIAL ST	62 CROWES PURCHASE RD	WEST YARMOUTH	MA	02673
3944	19-2-2-2-008-R	HOLY LAND NOMINEE TR FRANCIS J SULLIVAN TTEE	953-U8 COMMERCIAL ST	PO BOX 170482	BOSTON	MA	02117
3945	19-2-2-2-009-R	TSonos PETER T	953-U9 COMMERCIAL ST	30 BYWAY RD	BARRINGTON	RI	02806
3946	19-2-2-2-010-R	TONEY BRUCE C/O DRAKE WILLIAM W	953-U10 COMMERCIAL ST	BOX 961	NORTH TRURO	MA	02652
3947	19-2-2-2-011-R	TONEY BRUCE C	953-U11 COMMERCIAL ST	9 DUNCAN LN	CHATHAM	MA	02633-3149
3948	19-2-2-2-012-R	TONEY BRUCE C	953-U12 COMMERCIAL ST	9 DUNCAN LN	CHATHAM	MA	02633-3149
3949	19-2-2-2-013-R	DRAKE WILLIAM W	953-U13 COMMERCIAL ST	PO BOX 961	NORTH TRURO	MA	02652
3950	19-2-2-2-014-R	HAND DAVID N ET UX LESLIE C HAND	953-U14 COMMERCIAL ST	5600 POST RD #114-213	E GREENWICH	RI	02818
3951	19-2-2-2-015-R	LESLIE K BENJOYA TRUST C/O BAKER KAREN M	953-U15 COMMERCIAL ST	658 FULTON ST	MEDFORD	MA	02155
3952	19-2-2-2-016-R	COOK ROBERT H ET UX SALLY A COOK	953-U16 COMMERCIAL ST	42 SETTLERS LN	MARLBORO	MA	01752
3953	19-2-2-2-017-R	COOK ROBERT H ET UX SALLY A COOK	953-U17 COMMERCIAL ST	42 SETTLERS LN	MARLBORO	MA	01752
3954	19-2-3-0-E	PROVINCETOWN HOUSING AUTHORITY C/O MADDEN DEAN ET UX	951-R COMMERCIAL ST	12 RIP RD	HANOVER	NH	03755
4040	19-2-25-A-101-R	MARSDEN FRANK S	962-U1 COMMERCIAL ST	PO BOX 1663	PROVINCETOWN	MA	02657
4041	19-2-25-A-102-R	NUNES ARMANDO OLIVIERA	962-U2 COMMERCIAL ST	267 CHARLES COURT	ORANGE	CT	06477
4042	19-2-25-A-103-R	HITCHINGS CHERYL A	962-U3 COMMERCIAL ST	4 LYN CT	MASHPEE	MA	02645
4043	19-2-25-A-204-R	WALTER THOMAS ET AL JOSEPH F SAMMON III	962-U4 COMMERCIAL ST	8 LEONARD CIRCLE	MEDFORD	MA	02155
4044	19-2-25-A-205-R	SOCK JEFFREY S ET AL DENNIS O MORRELL	962-U5 COMMERCIAL ST	120 BECKWITH ST	CRANSTON	RI	02910
4045	19-2-25-A-206-R	CROTEAU JOHN ET AL DOUGLAS AUDETT	962-U6 COMMERCIAL ST	73 PATTON RD	WOONSOCKET	RI	02895
4046	19-2-25-A-307-R	ARDIZZONE RONALD M JR	962-U7 COMMERCIAL ST	42 8TH ST #1306	CHARLESTOWN	MA	02129
4047	19-2-25-A-308-R	MCQUAID THOMAS J	962-U8 COMMERCIAL ST	25 MARSHALL ST #2-C	NORWALK	CT	06854
4048	19-2-25-A-309-R	MARTIN JANE C/O FINK MARY ET AL	962-U9 COMMERCIAL ST	PO BOX 623	GOODLAND	FL	34140
3891	19-2-1-1-001-R	ERING CHARLES E	963-U1 COMMERCIAL ST	963 COMMERCIAL ST #59	PROVINCETOWN	MA	02657
3892	19-2-1-1-003-R	SEELEY ROBERT	963-U3 COMMERCIAL ST	73 BROAD REACH #M75C	NO WEYMOUTH	MA	02191
3893	19-2-1-1-005-R	SMALES SANDRA L	963-U5 COMMERCIAL ST	61 BROAD REACH #M52B	N WEYMOUTH	MA	02191-2280
3894	19-2-1-1-007-R	GOBLE W DAVID	963-U7 COMMERCIAL ST	PO BOX 36	LITTLETON	MA	01719
3895	19-2-1-1-009-R	PROVINCETOWN UNIT #9 TRUST RAYMOND & SANDRA PATA TTEES	963-U9 COMMERCIAL ST	PO BOX 297	BROOKSVILLE	ME	04617-0297
3896	19-2-1-1-011-R	SEELEY ROBERT	963-U11 COMMERCIAL ST	73 BROAD REACH #M75C	NO WEYMOUTH	MA	02191
3897	19-2-1-1-059-R	ERING CHARLES E	963-U59 COMMERCIAL ST	963 COMMERCIAL ST #59	PROVINCETOWN	MA	02657
3898	19-2-1-1-061-R	ERING CHARLES E	963-U61 COMMERCIAL ST	963 COMMERCIAL ST #59	PROVINCETOWN	MA	02657
3899	19-2-1-1-063-R	QUOC VO LTD PARTNERSHIP	963-U63 COMMERCIAL ST	2707 18TH ST	SAN FRANCISCO	CA	94110
3900	19-2-1-2-031-R	GERARD DAVID	963-U31 COMMERCIAL ST	375 POST RD WEST	WESTPORT	CT	06880
3902	19-2-1-2-035-R	SEELEY NANCY	963-U35 COMMERCIAL ST	73 BROAD REACH # M75C	NO WEYMOUTH	MA	02191
3903	19-2-1-2-037-R	PROVINCETOWN UNIT 37 TRUST RAYMOND PATA JR ET AL TTEES	963-U37 COMMERCIAL ST	1281 LAWRENCE ST #2	LOWELL	MA	01852
3904	19-2-1-2-039-R	GAGNE LAURENT R ET AL N COPPOLLO MJ GAGNE	963-U39 COMMERCIAL ST	C/O MICHAEL GAGNE 27 MARION ST	EAST GREENWICH	RI	02818-3306
3905	19-2-1-2-041-R	SEELEY NANCY	963-U41 COMMERCIAL ST	73 BROAD REACH # M75C	NO WEYMOUTH	MA	02191



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3906	19-2-1-2-043-R	NASON JEFFREY P ET AL STEVEN P SOLA	963-U43 COMMERCIAL ST	PO BOX 1104	PROVINCETOWN	MA	02657
3907	19-2-1-2-045-R	NASON JEFFREY P ET AL STEVEN P SOLA	963-U45 COMMERCIAL ST	PO BOX 1104	PROVINCETOWN	MA	02657
3908	19-2-1-2-047-R	DANIELS ROBERT A ET UX MARY T FEELEY	963-U47 COMMERCIAL ST	158 N VALLEY OAKS CIRCLE	THE WOODLANDS	TX	77382
3909	19-2-1-2-049-R	PROVINCETOWN UNIT 49 TRUST RAYMOND PATA JR ET AL TTEES	963-U49 COMMERCIAL ST	1281 LAWRENCE ST #2	LOWELL	MA	01852
3910	19-2-1-2-051-R	DESOUSA ROBERTO M ET UX KATHRYN T DESOUSA	963-U51 COMMERCIAL ST	65 YERXA RD	ARLINGTON	MA	02474
3911	19-2-1-2-053-R	JOHNSON STEPHEN P	963-U53 COMMERCIAL ST	41 MILLS RD	KENNEBUNKPORT	ME	04046-5708
3912	19-2-1-2-055-R	LONG POINT REALTY TR C/O JULIANA PETERSON REV TR	963-U55 COMMERCIAL ST	8306 SE 168TH MARDEL LN	THE VILLAGES	FL	32162
3913	19-2-1-2-057-R	CAUNT JAMES W	963-U57 COMMERCIAL ST	140 BRISTON RD	WELLESLEY	MA	02181
3914	19-2-1-3-017-R	RODRIGUES ANTONIO ET UX SUZANNE V RODRIGUES	963-U17 COMMERCIAL ST	20 GELDARD ST	CUMBERLAND	RI	02864
3915	19-2-1-4-019-R	BAKER DALE C/O DALE M BAKER TRUST	963-U19 COMMERCIAL ST	40 MEGANSETT DR #11	PLYMOUTH	MA	02360
3916	19-2-1-5-021-R	HICKIE MARY ET AL ESTHER A KOHN	963-U21 COMMERCIAL ST	20 MARTINWOOD RD	JAMAICA PLAIN	MA	02130
3917	19-2-1-6-023-R	GOEDKEN JEROME A ET UX NANCY K GOEDKEN	963-U23 COMMERCIAL ST	549 NW 63RD PL	DES MOINES	IA	50313
3918	19-2-1-7-025-R	MCCABE JOHN L ET UX RITA C MCCABE	963-U25 COMMERCIAL ST	37524 JEFFERSON ST #203	HARRISON TOWNSHIP	MI	48045
3919	19-2-1-8-027-R	ERING CHARLES E ET UX YVONNE I ERING	963-U27 COMMERCIAL ST	963 COMMERCIAL ST #59	PROVINCETOWN	MA	02657
3920	19-2-1-9-002-R	POPKO JULIAN S	963-U2 COMMERCIAL ST	20 PARKER ST	SPRINGFIELD	MA	01151
3921	19-2-1-A-004-R	POPKO JULIAN S	963-U4 COMMERCIAL ST	20 PARKER ST	SPRINGFIELD	MA	01151
3922	19-2-1-B-006-R	WELLS CAROL J ET AL WILLIAM BROWNE	963-U6 COMMERCIAL ST	60 PHILA ST	SARATOGA SPRINGS	NY	12866-3221
3923	19-2-1-C-008-R	GEORGE L & DELIS IRREV TRUST TANYA L LIPPONER ET AL TTEES	963-U8 COMMERCIAL ST	36 GRENVILLE AVE	PATCHOGUE	NY	11772
3924	19-2-1-D-010-R	PILIERE MICHAEL J ET UX DONNA MARIE PILIERE	963-U10 COMMERCIAL ST	491 SOUTH PLANK RD	WESTTOWN	NY	10998
3925	19-2-1-E-012-R	CANNIZZARO PETER D	963-U12 COMMERCIAL ST	300 CENTRAL PARK AVE #B30	HARTSDALE	NY	10530
3926	19-2-1-F-014-R	POWERS MICHAEL G ET UX JUDITH M POWERS	963-U14 COMMERCIAL ST	10 HALSEY WAY	NATICK	MA	01760
3927	19-2-1-G-016-R	SHEEHAN EUGENE A III ET AL JOHN P SHEEHAN	963-U16 COMMERCIAL ST	511 EAST CARRIAGE DR	GLASTONBURY	CT	06033
3928	19-2-1-H-018-R	DRAKE WILLIAM W	963-U18 COMMERCIAL ST	PO BOX 951	NORTH TRURO	MA	02652
3929	19-2-1-I-020-R	GANCI CAROL	963-U20 COMMERCIAL ST	80 MAPLE HOLLOW RD	NEW HARTFORD	CT	06057
3930	19-2-1-J-022-R	PETERS EDWARD J ET UX LISA A KEADY	963-U22 COMMERCIAL ST	120 PLEASANT ST	MIDDLEBORO	MA	02346
3931	19-2-1-K-024-R	MYERS JOY	963-U24 COMMERCIAL ST	W342 N4946 OAK LN	NASHOTAH	WI	53058
3932	19-2-1-L-026-R	ERDMAN JUDITH	963-U26 COMMERCIAL ST	1280 WASHINGTON ST #401	BOSTON	MA	02118
3933	19-2-1-M-028-R	SALMON LINDA	963-U28 COMMERCIAL ST	BOX 976	NORTH TRURO	MA	02652-0976
3934	19-2-1-N-030-R	HOOD ANDREW ET AL MICHAEL KLEIN	963-U30 COMMERCIAL ST	680 W 204TH ST #2-A	NEW YORK	NY	10034-3003
3935	19-2-1-O-032-R	POPKO JULIAN S	963-U32 COMMERCIAL ST	20 PARKER ST	SPRINGFIELD	MA	01151
3936	19-2-1-P-015-R	LITTLE BEACHBAT REALTY TR SHARON A SMITH TTEE	963-U15 COMMERCIAL ST	2 MAYBURY ROAD	BILLERICA	MA	01862-3019
4037	19-2-25-1-001-R	CHARLES & MARCIA KADIN LIV TR CHAS & MARCIA KADIN TTEES	968-U1 COMMERCIAL ST	3560 SO OCEAN BLVD #PH 8	SO PALM BEACH	FL	33480
4038	19-2-25-2-002-R	CHARLES & MARCIA KADIN LIV TR CHAS & MARCIA KADIN TTEES	968-U2 COMMERCIAL ST	3560 SO OCEAN BLVD #PH 8	SO PALM BEACH	FL	33480
4039	19-2-25-2-003-R	CHARLES & MARCIA KADIN LIV TR CHAS & MARCIA KADIN TTEES	968-U3 COMMERCIAL ST	3560 SO OCEAN BLVD #PH 8	SO PALM BEACH	FL	33480
4049	19-2-26-0-R	SVERID SCOTT R ET UX DEBRA R SVERID	962-R COMMERCIAL ST	PO BOX 537	PROVINCETOWN	MA	02657-0537





TOWN OF TRURO  
ASSESSORS OFFICE

CERTIFIED ABUTTERS LIST  
REQUEST FORM

DATE: 11-3-15

NAME OF APPLICANT: Maria Kuliopulos

NAME OF AGENT (if any): \_\_\_\_\_

MAIL ADDRESS: P.O. Box 611, Provincetown, MA 02657

PHONE: HOME \_\_\_\_\_

WORK \_\_\_\_\_

CELL 508 487 0244 FAX \_\_\_\_\_

PROPERTY LOCATION: White Sands - 706 Shore Rd  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 1 PARCEL 5

ABUTTERS NEEDED FOR:

(Please check one)

FEE

FEE:

☐ Board of Health \$10.00  
☐ Cape Cod Comm. \$15.00  
☐ Conservation Comm. \$10.00  
☐ Zoning Bd. Of Appeals \$15.00  
☐ Licensing \$15.00

☐ Planning Board  
☐ Special Permit \$15.00  
☒ Site Plan \$15.00  
☐ Preliminary Subdivision \$15.00  
☐ Definitive Subdivision \$15.00

☐ Other \_\_\_\_\_

(Please Specify)

\$ \_\_\_\_\_  
(Inquire)

Note: We have up to 10 calendar days to process your order.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 11/3/15 Date completed: 11/3/15

List completed by: Dennis Kopasz

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

**P.O. Box 2012, Truro, MA 02666**

**Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506**

Date: November 3, 2013

To: Planning Board  
From: Assessor's Office

Attached is a list of abutters for the property located at 706 Shore Rd  
on Assessor's Map 1 Parcel 5. The current owner(s) as of 11/1/15  
is/are White Sands Beach Club, Inc.

The names and addresses of the abutters are as of 11/3/15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Denise Kopasz

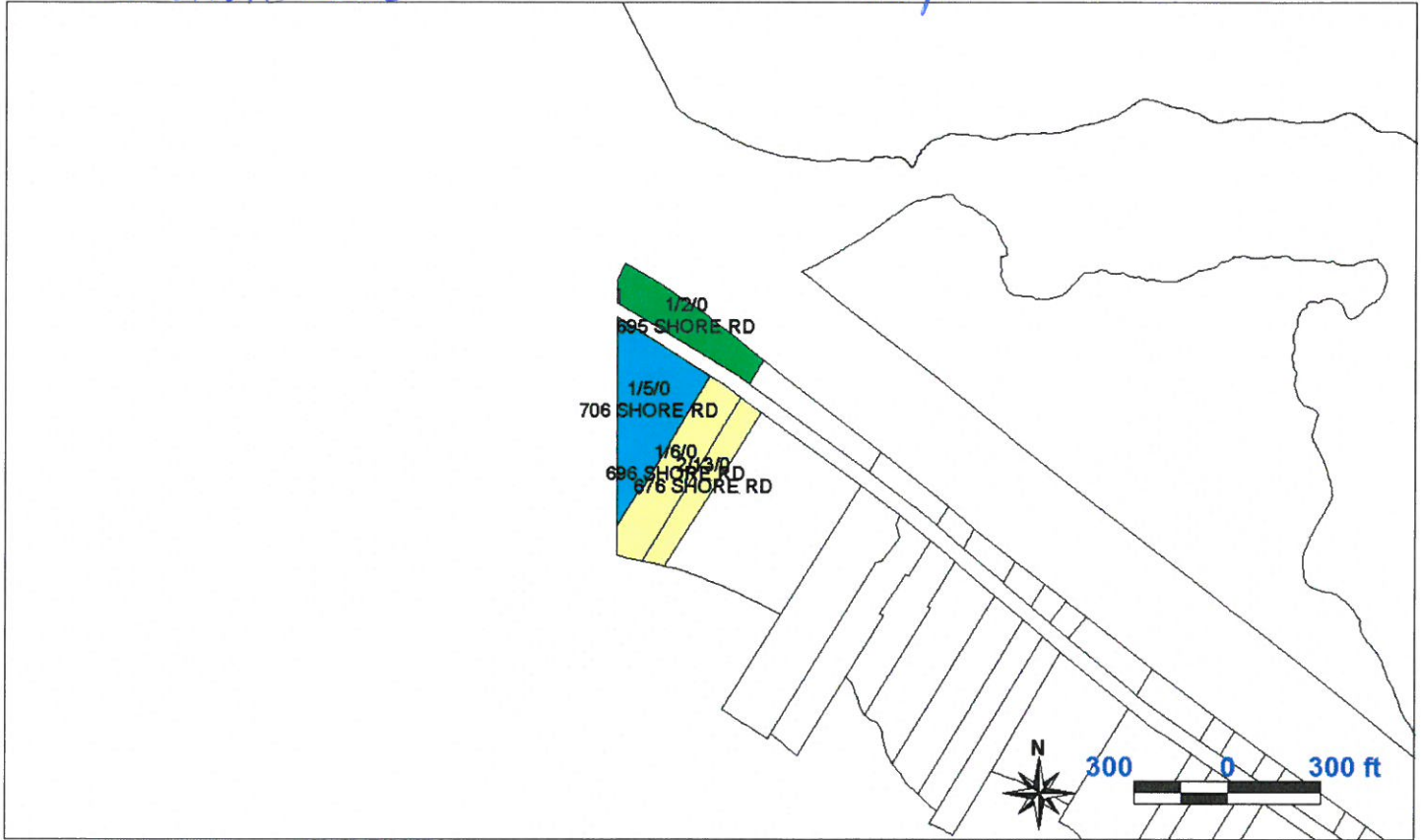
TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

*Planning Board*

Custom Abutters List

*Map # 1 Parcel 5*

*706 Shore Road*



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3	1-2-0-R	SVERID SCOTT R & DEBRA R	695 SHORE RD	PO BOX 537	PROVINCETOWN	MA	02657-0537
5	1-5-0-R	WHITE SANDS BEACH CLUB INC	706 SHORE RD	PO BOX 611	PROVINCETOWN	MA	02657
56	1-6-0-R	SVERID SCOTT R & DEBRA R	696 SHORE RD	PO BOX 537	PROVINCETOWN	MA	02657-0537
5859	2-13-0-R	TRADE WINDS CO-OP HOUSING CORP	676 SHORE RD	C/O PRELACK DANIEL PO BOX 745	NO TRURO	MA	02652-0745

1-2-0-R

SVERID SCOTT R & DEBRA R  
PO BOX 537  
PROVINCETOWN, MA 02657-0537

1-5-0-R

WHITE SANDS BEACH CLUB INC  
PO BOX 611  
PROVINCETOWN, MA 02657

1-6-0-R

SVERID SCOTT R & DEBRA R  
PO BOX 537  
PROVINCETOWN, MA 02657-0537

2-13-0-R

TRADE WINDS CO-OP HOUSING CORP  
C/O PRELACK DANIEL  
PO BOX 745  
NO TRURO, MA 02652-0745



## TOWN OF TRURO

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

To: Planning Board  
From: Carole Ridley, Consultant  
Date: December 2, 2015  
Re: Preliminary Plan

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

### Description

The applicant seeks approval of a 5-lot subdivision primarily located on Map 39 Parcel 77. The area of this area is 6.448 acres, and each lot exceeds 40,000 sf. The proposed way extends onto a portion of Map 39 Parcel 325, although no lots are on this parcel. The remaining area of 39-325 after the proposed subdivision exceeds 40,000 sf. The total area of the proposed way is 40,386 sf. The proposed way is 40 feet wide. As a type B street, 18 feet of paved travel surface is required. Shoulders and grade are not defined. Drainage is proposed as preliminary.

### Completeness of Application

1. Form B Application for Approval of a Preliminary Plan received October 29, 2015
2. Fee of \$275 to the Town of Truro
3. Preliminary Subdivision Plan of Land in Truro, MA made for Rose L. D'Arezzo, Charles S. Hutchings, et al, dated February 18, 2015, by Slade Associates, Inc., 1"=50'.
4. MESA Overlay Preliminary Subdivision Plan of land in Truro, MA made for Rose L. D'Arezzo, Charles S. Hutchings, et al, dated February 18, 2015, by Slade Associates, Inc., 1"=50'.
5. Letter to Joan Hutchings from Division of Fisheries and Wildlife, dated October 21, 2015, indicating that the proposed subdivision does not result in a take of state-listed rare species.
6. Certified abutters lists for parcels 39-77 and 39-325
7. Preliminary Subdivision Plan of Land in Truro, MA made for Rose L. D'Arezzo, Charles S. Hutchings, et al, dated Revised November 30, 2015, by Slade Associates, Inc., 1"=50'.

9. MESA Overlay Preliminary Subdivision Plan of land in Truro, MA made for Rose L. D'Arezzo, Charles S. Hutchings, et al, revised November 30, 2015, by Slade Associates, Inc., 1"=50'.

### **Abutter Notice**

Property abutters were notified by mail on November 25<sup>th</sup> that this Preliminary Plan would be discussed at the December 8<sup>th</sup> meeting (notice is attached).

### **Town Staff Comments**

#### Conservation

1. There are no wetland resources on the property, and therefore Conservation Commission review is not required.
2. It appears that the proposed subdivision is within the NHESP Priority Habitat of Rare Species, mapped area PH 15. Any proposed work in this area would require a filing with NHESP. Pat Pajaron wrote: "The proposed work limit area on the MESA Overlay plan indicates a work limit that includes all site work, dwellings, etc. Typically projects and subdivision plans that are reviewed and approved by NHESP, show work restricted within an approved building envelope."

#### Health

3. Each of the lots is 40,000 sf and subject to a limit of 4 bedrooms per acre. It appears there is room for septic systems on the parcels except for Lot 2 which contains two wells, and Lot 1 with no locus. A well should be located on Lot 1 unless the applicant can demonstrate that potable water cannot be obtained.
4. The master well and septic plan and Definitive Subdivision Plan will need to be approved by the Board of Health. The applicant will need a variance to Section VI, Article 2, Hydrogeologic Studies of the Truro Health regulations.

#### Police

5. Chief Takajian registered no concerns

#### Building Commissioner

6. Plan conforms to zoning and the design standards in Subdivision Control except much of the street has grades (15% - 20%) in excess of the standard shown in Appendix 2, Table 1. There is no profile of the proposed street but his observation is based on the existing contours shown. Extensive fill would be required at the road layout as well as the building sites in order to flatten out the road grade.

#### Fire

7. No Concerns from Fire Department

### **Planning Board Jurisdiction**

According to § 2.4 of the Rules and Regulations Governing the Subdivision of Land, the purpose of a preliminary plan is to "enable the subdivider, the Board, other municipal agencies and owners of abutting property to identify and discuss any problem areas in the proposed subdivision. Review of, and comments on, a Preliminary Plan are strictly advisory and do not commit the Board to approve a Definitive Plan.



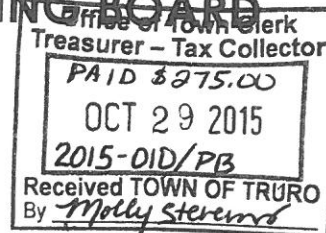
§ 2.4.4 Action on Preliminary Plans states:

“Within 45 days after submission to the Board of a preliminary plan, it shall notify the applicant and the Town Clerk, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved, and in the case of disapproval, the board shall state its reasons therefore.

The approval of a Preliminary Plan does not entitle that plan to be recorded, but it may facilitate the approval of a Definitive Subdivision Plan.”

### **Planning Board Options**

As noted above, the Board may vote to approve the plan, approve the plan with conditions, or disapprove of the plan, citing specific reasons for disapproval.



## Form B

## APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

Date Oct. 28, 2015

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Preliminary Subdivision Plan of Land in Truro Made For Rose L. D'Arezzo, Charles S. Hutchings, Jon R. Hutchings, Joan L. Hutchings & David E. Hutchings

by Slade Associates, Inc. dated Feb. 18, 2015 and described as follows:

Located: 4H Bay View Road & a portion of 3 Laura's Way

Assessor's Map(s) and Parcel(s): 39-77 & a portion of 39-325

Number of Lots Proposed: 5 Total acreage of Tract: 6.798 ac. +/-

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

The undersigned's title to said land is derived under deed from Rose L. D'Arezzo et al dated May 31, 2013, and recorded in the Barnstable Registry of Deeds

Book and Page: Bk. 27535, Pg. 67

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County.

Applicant's Signature [Signature] Applicant's Telephone Number 508 255 2255

Joseph A. D'Elia Attorney for Applicant

Applicant's Legal Mailing Address 161 Route 6A Box 702 Orleans, MA 02653

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

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

Surveyor Name/Address Slade Assoc., Inc., PO Box 592, Wellfleet, MA 02667  
(Or Person responsible for preparation of the plan)

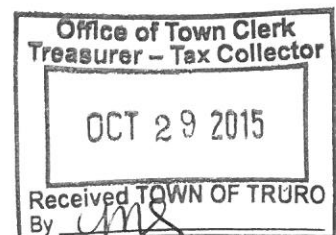
**File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk**

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 39, Parcel 77  
& Sheet 39, a portion of Parcel 325 (Hutchings et al)

- 2 Copies of Form B Application for Approval of a Preliminary Plan
- 2 Copies of the two abutters lists
- 2 Copies of letter from Natural Heritage & Endangered Species Program
- 12 Copies of Preliminary Subdivision Plan #2015-12
- 12 Copies of MESA Overlay plan
- 1 Check in the amount of \$275.00

---

Truro Town Clerk  
October 29, 2015

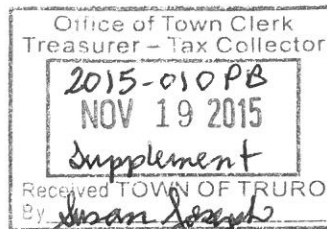




**MassWildlife**

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife



Jack Buckley, *Director*

October 21, 2015

Joan Hutchings  
Atty Joseph D'Eia  
2 Holmes Street  
Mattapoisett MA 02739

RE: Project Location: 4 H Bay View Road, Truro  
Project Description: 5 Lot Residential Subdivision  
NHESP File No.: 15-34829

Dear Applicant:

Thank you for submitting the MESA Project Review Checklist, site plans (dated February 18, 2015) and other required materials to the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited "take"** of state-listed rare species. This determination is a final decision of the Division of Fisheries & Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

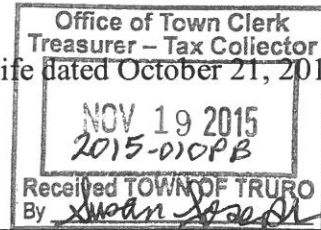
Thomas W. French, Ph.D.  
Assistant Director

cc: Richard Lay, Slade Associates, Inc.

[www.mass.gov/nhesp](http://www.mass.gov/nhesp)

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 39, Parcel 77  
& Sheet 39, a portion of Parcel 325 (Hutchings et al)

9 Copies of letter from Division of Fisheries & Wildlife dated October 21, 2015



Truro Town Clerk  
November 19, 2015



## Health/Conservation Agent Town of Truro

Phone: (508) 349-7004 ext. 32

# MEMO

**To:** Carole Ridley, Planning Consultant for the Town of Truro

**From:** Patricia Pajaron

**CC:**

**Date:** December 2, 2015

**Re: Preliminary Subdivision Plan of Land, Rose D'Arezzo, Charles Hutchings, Jon Hutchings, Joan Hutchings and David E. Hutchings, 4H Bay View Road and a portion of 3 Laura's Way, 39-77 and a portion of 39-325**

I have reviewed the Preliminary Subdivision Plan of Land prepared by Slade Associates, Inc., dated February 18, 2015 and the MESA with a most recent revision date of 9/29/15 and offer the following comments:

### CONSERVATION

1. According to the OLIVER GIS maps available online at the MassDEP website, there appear to be no Wetland Resource Areas subject to protection under the Massachusetts Wetlands Protection Act (310 CMR 10.00) affecting the property; therefore Conservation Commission review and approval are not required at this time.
2. Per the October 2008 NHESP map it appears that the proposed subdivision is within the NHESP Priority Habitat of Rare Species, mapped area PH 15. Any proposed work in this mapped area would require a filing with NHESP. The proposed work limit area on the MESA Overlay plan indicates a work limit that includes all site work, dwellings etc. Typically, projects and subdivision plans that are reviewed and approved by NHESP, show work restricted within an approved building envelope.

### HEALTH

1. This is a proposed five lot subdivision. Each of the lots is 40,000+ square feet and are subject to Nitrogen Loading Limitations of 4 bedrooms per acre. It appears that there is an ample room for a septic system and well on these parcels, with the exception of Lot 2 which contains two wells and Lot 1 with no locus well. A well should be installed on Lot 1, unless the applicant can demonstrate that portable water cannot be obtained.

The Master Well and Septic Plan and Definitive Subdivision Plan will need to be reviewed and approved by the BOH. The applicant will need to request a variance to Section VI, Article 2, Hydrogeological Studies.\* of the BOH regulations.

### **Section, VII Article 2 -Hydrogeological Studies\***

*If the Truro Board of Health, in its sole discretion, determines that it is necessary in order to more fully protect the public's health, safety and welfare, and to protect the groundwater and surface waters located within the Town of Truro, the Board may require an applicant to submit a hydrogeological study, prepared by a qualified professional, showing the locations of the proposed system in relation to the groundwater and all surrounding surface waters and describing the estimated effects on the water quality of those resources.*



# Hutchings, et al prelim subdiv.

Russ Braun

Mon 11/30/2015 9:06 AM

To: Carole Ridley <cridley@truro-ma.gov>;

Cc: Susan Kelly <SKelly@truro-ma.gov>; Jason Norton <JNorton@truro-ma.gov>;

Carol

Best I can tell the plan conforms to zoning and the design standards in Subdivision Control except – much of the street has grades (15% - 20% ?!) in excess of the standard shown in Appendix 2, Table 1. There is no profile of the proposed street but my observation is based on the existing contours shown. Extensive fill would be required at the road layout as well as the building sites in order to flatten out the road grade.

Russell Braun  
Building Commissioner

508-349-7004 Ext 33

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

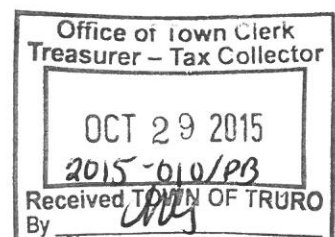
Date: October 27, 2015

To: Planning Board  
From: Assessor's Office

Attached is a list of abutters for the property located at 4 H Bayview Rd  
on Assessor's Map 39 Parcel 77. The current owner(s) as of 1/1/15  
is/are Charles and Jon R Hutchings.

The names and addresses of the abutters are as of 10-27-15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Deanne Kopasy



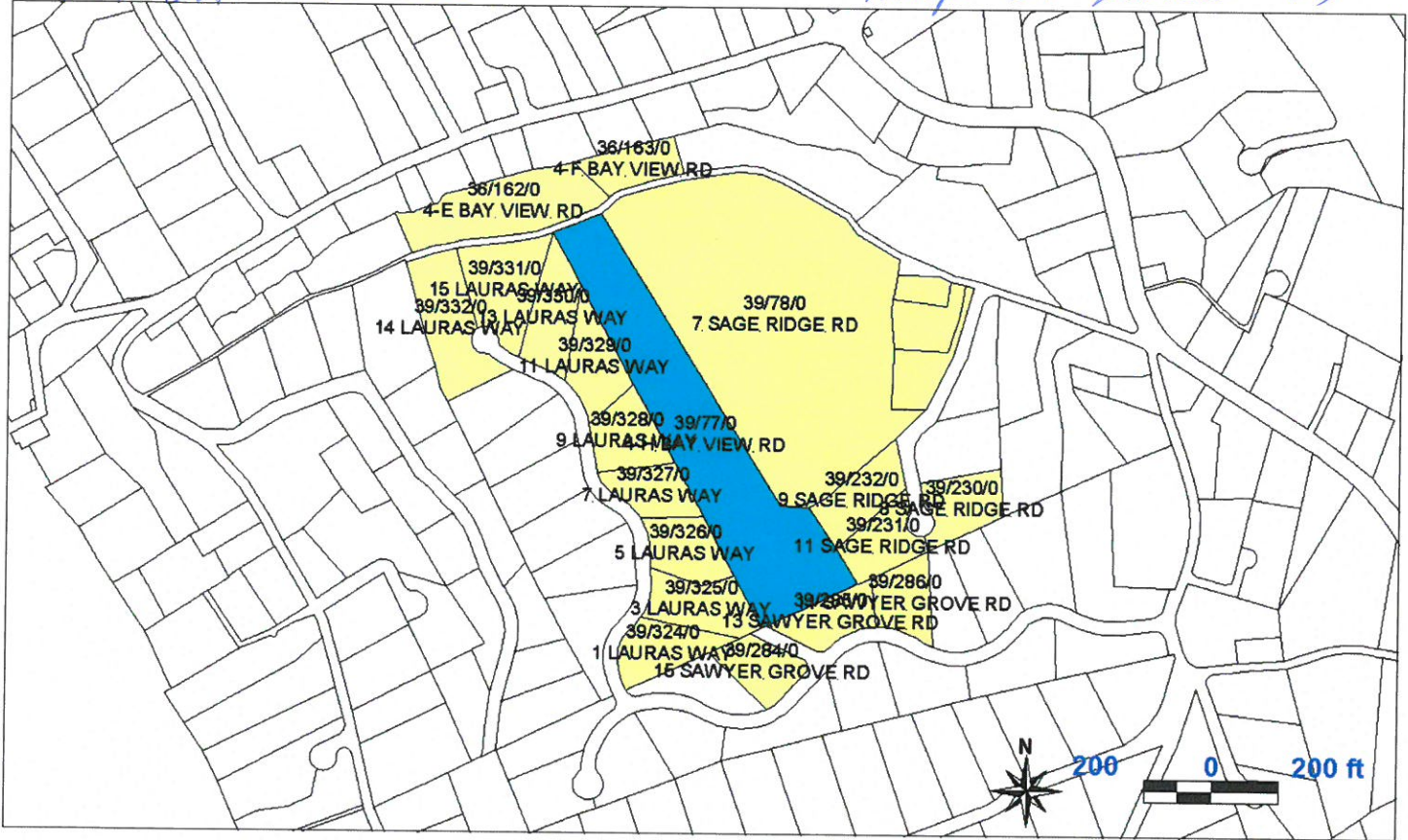
TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

*Planning Board*

*Y H Bay View Road*

Custom Abutters List

*Map 39 Parcel 77*



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1048	36-162-0-R	ROGERS STEVEN F	4-E BAY VIEW RD	60 KNOBB HILL RD	MILFORD	CT	06460-7245
1049	36-163-0-R	THOMAS EILEEN M	4-F BAY VIEW RD	PO BOX 77	NO TRURO	MA	02652-0077
1077	36-191-0-R	MACK JAMES F & ARTERTON JONATHAN B	9 FRANCIS RD	PO BOX 655	PROVINCETOWN	MA	02657
1206	39-77-0-R	HUTCHINGS CHARLES S & HUTCHINGS JON R ET AL	4-H BAY VIEW RD	2 HOLMES STREET	MATTAPOISETT	MA	02739
1207	39-78-0-R	PETERS THOMAS H & ERIK A	7 SAGE RIDGE RD	PO BOX 910	SO WELLFLEET	MA	02663-0910
1208	39-79-0-R	SOROCHINSKI SANDRA B & SNOW KAREN E	11 FRANCIS RD	PO BOX 537	NO TRURO	MA	02652-0537
1209	39-80-0-R	PERRY DONALD D ESTATE OF	13 FRANCIS RD	45 DOGWOOD DR	MILFORD	NJ	08848
1350	39-230-0-R	REIS ARTHUR F & HEATHER	8 SAGE RIDGE RD	PO BOX 1557	PROVINCETOWN	MA	02657
1351	39-231-0-R	QUINN GILLIAN R	11 SAGE RIDGE RD	PO BOX 58	NO TRURO	MA	02652-0058
1352	39-232-0-R	FOSTER DAVID S SR & MARGARET K	9 SAGE RIDGE RD	PO BOX 247	NO TRURO	MA	02652-0247
1403	39-284-0-R	FISCHEL ROBERT E & SHELLEY D	15 SAWYER GROVE RD	39 MONTROSE RD	SCARSDALE	NY	10583
1404	39-285-0-R	OBRIEN WILLIAM H & FAY JULIETTE E	13 SAWYER GROVE RD	BOX 867	VINEYARD HAVEN	MA	02568
1405	39-286-0-R	MARIN RAFAEL H & BARBARA	11 SAWYER GROVE RD	PO BOX 401	NO TRURO	MA	02652-0401
6675	39-324-0-R	NICKERSON REALTY CORPORATIN C/O NATHAN A NICKERSON, III	1 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651
6676	39-325-0-R	J & M SKI REALTY TRUST TRS CZYOSKI MICHAEL W ET AL	3 LAURAS WAY	PO BOX 132	N TRURO	MA	02652

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6677	39-326-0-R	A & B NOMINEE REALTY TRUST TRS CZYOSKI ANDREW M	5 LAURAS WAY	436 COMMERCIAL STREET	PROVINCETOWN	MA	02657
6678	39-327-0-R	A & B NOMINEE REALTY TRUST TRS CZYOSKI ANDREW M	7 LAURAS WAY	436 COMMERCIAL STREET	PROVINCETOWN	MA	02657
6679	39-328-0-R	J & M SKI REALTY TRUST TRS CZYOSKI MICHAEL W ET AL	9 LAURAS WAY	PO BOX 132	N TRURO	MA	02652
6680	39-329-0-R	J & M SKI REALTY TRUST TRS CZYOSKI MICHAEL W	11 LAURAS WAY	PO BOX 132	N TRURO	MA	02652
6681	39-330-0-R	NICKERSON REALTY CORPORATION C/O NICKERSON REALTY CORP	13 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651
6682	39-331-0-R	NICKERSON REALTY CORP C/O NICKERSON NATHAN A III	15 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651
6683	39-332-0-R	NICKERSON REALTY CORP C/O NICKERSON NATHAN A III	14 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651

**TOWN OF TRURO**  
**ASSESSOR'S OFFICE**

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

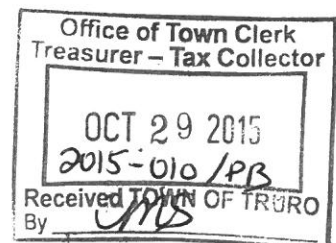
Date: October 27, 2015

To: Planning Board  
From: Assessor's Office

Attached is a list of abutters for the property located at 3 Laura's Way  
on Assessor's Map 39 Parcel 325. The current owner(s) as of 1/1/15  
is/are Jem Ski Realty Trust

The names and addresses of the abutters are as of 10-27-15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Dennis Kopasz



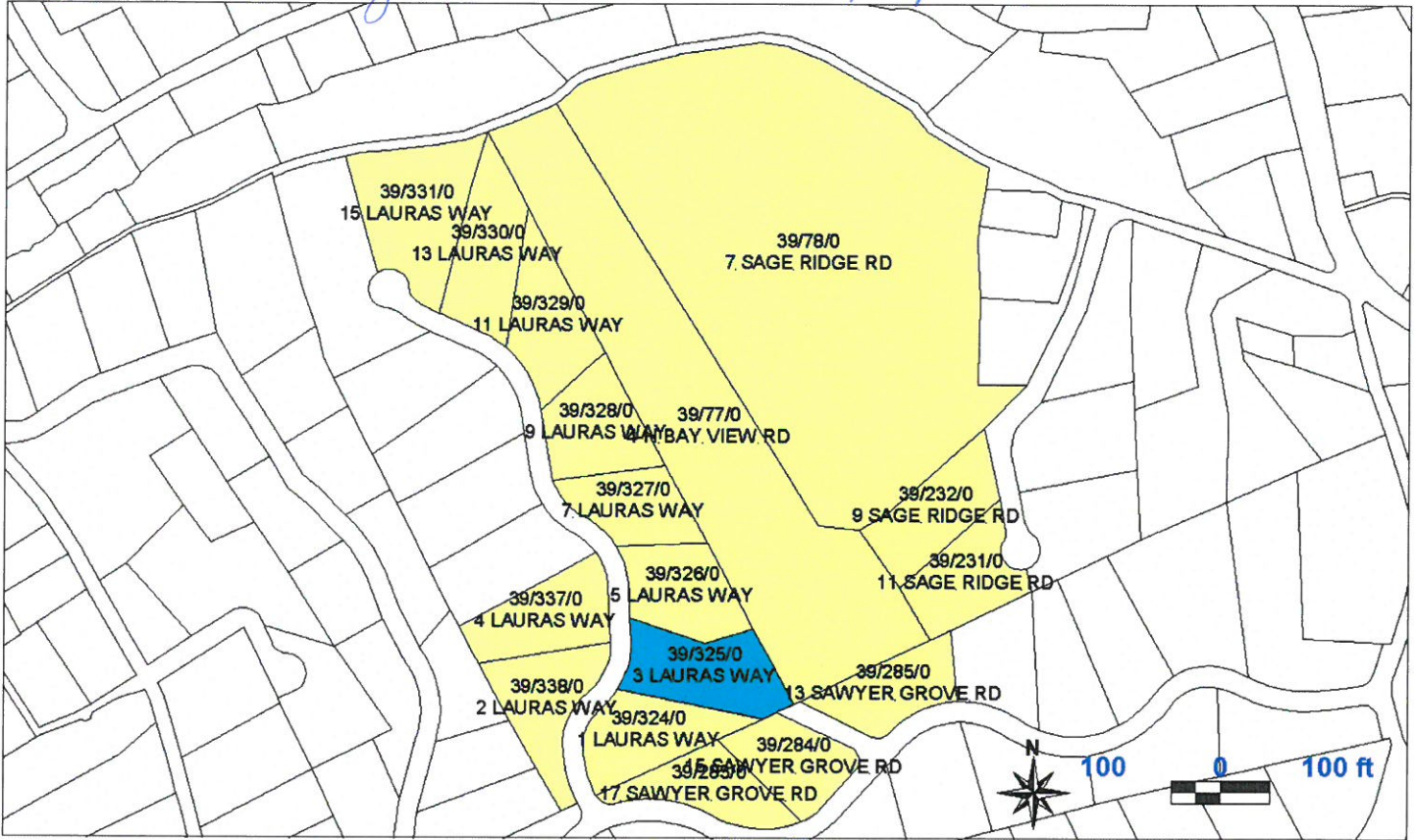


TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

*Planning Board*  
Custom Abutters List

*3 Lauras Way*

*Map 39 Parcel 325*



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1206	39-77-0-R	HUTCHINGS CHARLES S & HUTCHINGS JON R ET AL	4-H BAY VIEW RD	2 HOLMES STREET	MATTAPOISETT	MA	02739
1207	39-78-0-R	PETERS THOMAS H & ERIK A	7 SAGE RIDGE RD	PO BOX 910	SO WELLFLEET	MA	02663-0910
1351	39-231-0-R	QUINN GILLIAN R	11 SAGE RIDGE RD	PO BOX 58	NO TRURO	MA	02652-0058
1352	39-232-0-R	FOSTER DAVID S SR & MARGARET K	9 SAGE RIDGE RD	PO BOX 247	NO TRURO	MA	02652-0247
1402	39-283-0-R	CARLSON ROBERT W & JUDITH S	17 SAWYER GROVE RD	PO BOX 372	NO TRURO	MA	02652-0372
1403	39-284-0-R	FISCHEL ROBERT E & SHELLEY D	15 SAWYER GROVE RD	39 MONTROSE RD	SCARSDALE	NY	10583
1404	39-285-0-R	OBRIEN WILLIAM H & FAY JULIETTE E	13 SAWYER GROVE RD	BOX 867	VINEYARD HAVEN	MA	02568
6675	39-324-0-R	NICKERSON REALTY CORPORATIN C/O NATHAN A NICKERSON, III	1 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651
6676	39-325-0-R	J & M SKI REALTY TRUST TRS CZYOSKI MICHAEL W ET AL	3 LAURAS WAY	PO BOX 132	N TRURO	MA	02652
6677	39-326-0-R	A & B NOMINEE REALTY TRUST TRS CZYOSKI ANDREW M	5 LAURAS WAY	436 COMMERCIAL STREET	PROVINCETOWN	MA	02657
6678	39-327-0-R	A & B NOMINEE REALTY TRUST TRS CZYOSKI ANDREW M	7 LAURAS WAY	436 COMMERCIAL STREET	PROVINCETOWN	MA	02657
6679	39-328-0-R	J & M SKI REALTY TRUST TRS CZYOSKI MICHAEL W ET AL	9 LAURAS WAY	PO BOX 132	N TRURO	MA	02652
6680	39-329-0-R	J & M SKI REALTY TRUST TRS CZYOSKI MICHAEL W	11 LAURAS WAY	PO BOX 132	N TRURO	MA	02652
6681	39-330-0-R	NICKERSON REALTY CORPORATION C/O NICKERSON REALTY CORP	13 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651
6682	39-331-0-R	NICKERSON REALTY CORP C/O NICKERSON NATHAN A III	15 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6688	39-337-0-R	A & B NOMINEE REALTY TRUST TRS CZYOSKI ANDREW M	4 LAURAS WAY	436 COMMERCIAL ST	PROVINCETOWN	MA	02657
6689	39-338-0-R	NICKERSON REALTY CORPORATION C/O NICKERSON NATHAN A III	2 LAURAS WAY	3580 STATE HIGHWAY PO BOX 1568	N EASTHAM	MA	02651



## TOWN OF TRURO

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

To: Planning Board  
From: Carole Ridley, Consultant  
Date: December 2, 2015  
Re: Site Plan Review Public Hearing Continuance, **2015-006SPR Michael A. Tribuna, Trustee**

At your October 20th meeting, the Board agreed to not act on the applicant's request for withdrawal without prejudice, to allow time for the applicant and abutters to explore whether terms of mitigation could be achieved. Attorney Chris Vaccaro agreed, on behalf of Michael Tribuna, to continue the Commercial Site Plan review process to December 8. The abutting property owners were to provide Mr. Vaccaro with their suggestions for mitigation. There was also to be a site visit prior to the December 8th meeting and, in a subsequent communication, Mr. Vaccaro suggested that the visit not be scheduled until the abutters' suggestions were submitted to him.

The abutting property owners submitted suggestions to Mr. Vaccaro on November 3<sup>rd</sup> (enclosed). Michael Tribuna filed for a building permit on October 30th, to change use to single family. I emailed Chris Vaccaro to follow up on the agreed to plan to hold a site visit, and to inquire about the filing of an application for a building permit. I did not receive a reply. I sent a second email on December 2 to remind Mr. Vaccaro that the continuation of the Site Plan Review would take place on December 8<sup>th</sup>.

The Planning Board has three options with respect to the applicant's request to withdraw without prejudice:

1. Vote to allow the withdrawal without prejudice;
2. Vote to deny the withdrawal without prejudice, and to allow withdrawal with prejudice;
3. Vote to deny the withdrawal without prejudice, continue with the hearing and, presumably, vote on the application at that time (or continue to a date certain if additional information is pending).

DALTON  
& FINEGOLD, L.L.P.  
ATTORNEYS AT LAW

Christopher R. Vaccaro  
Direct Line: 978-269-6425  
Email: cvaccaro@dfllp.com

34 Essex Street  
Andover, Massachusetts 01810  
Telephone: 978-470-8400  
Telecopier: 978-470-8338

October 20, 2015

BY EMAIL

Ms. Lisa Maria Tobia, Chair  
Truro Planning Board  
Truro Town Hall  
P.O. Box 2030  
24 Town Hall Road  
Truro, Massachusetts 02666

Re: Michael A. Tribuna Jr., Trustee of Westview Court Realty Trust  
7 Parker Drive, Truro, Massachusetts (Map / Parcel No. 39 / 171)  
Planning Board Case No. 2015-006SPR

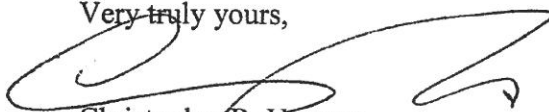
Dear Ms. Tobia:

This office represents Michael A. Tribuna Jr., Trustee of Westview Court in connection with the above-referenced site plan approval application.

Mr. Tribuna is changing his property from a cottage colony into single-family use. We expect the change of use to take place on or about November 1, when current leases on the property expire. The change of use will render site plan approval unnecessary for 7 Parker Drive. Accordingly, Mr. Tribuna respectfully requests that the Planning Board consent to the withdrawal of his site plan approval application without prejudice.

Thank you for your consideration in this matter.

Very truly yours,



Christopher R. Vaccaro

cc: Mr. Michael A. Tribuna Jr. (by email)  
Mr. Daniel A. Ojala, P.E. (by email)

Carole Ridley <cr@ridleyandassociates.com>

December 2, 2015 8:55 PM

To: Chris Vaccaro <cvaccaro@dfllp.com>

Cc: Rae Ann Palmer <rpalmer@truro-ma.gov>, Michael Tribuna <mike.hwrt@verizon.net>

Re: Requested Landscape Ideas for 7 Parker Dr

Chris -

I have not heard back from you in reply to the email I sent you on November 10th (below). The continuation of the Commercial Site Plan review is scheduled for the Planning Board's December 8th meeting, as agreed to by you on November 4th. At that time the Board will consider your request for withdrawal without prejudice.

Please let me know as soon as possible if there is any other information that you would like the Board to consider.

Thanks,  
Carole

Ridley & Associates, Inc.  
115 Kendrick Road  
Harwich, MA 02645  
(508) 430 2563 (office)  
(508) 221 8941 (cell)  
(508) 432 3788 (fax)  
[www.ridleyandassociates.com](http://www.ridleyandassociates.com)

On Nov 10, 2015, at 1:26 PM, Carole Ridley <cr@ridleyandassociates.com> wrote:

Chris -

I am contacting you for an update on the status of the commercial site plan review for 7 Parker Drive.

At the October 20th meeting you agreed, on behalf of Mike Tribuna, to continue the commercial site plan review process to Dec 8. The Board expressed willingness to hold off on taking any action on the request to withdraw the application without prejudice at the October 20th to allow time for Mike Tribuna and the project abutters to explore whether terms of mitigation could be achieved. The abutting property owners were to provide you with their suggestions for mitigation. There was also to be a site visit prior to the December 8th meeting and, in a subsequent communication, you suggested that the visit not be scheduled until those suggestions were submitted to you.

The abutting property owners submitted suggestions to you on Nov 3rd. I also understand that Mike Tribuna filed for a building permit on October 30th, to change use to single family.

Please let me know your client's plans with respect to arranging a site visit and continuing the commercial site plan review as discussed with the Board and members of the public at the October 20th meeting. I would like to be able to brief the Planning Board on this matter at their November 18th meeting.

Thanks,  
Carole

Ridley & Associates, Inc.  
115 Kendrick Road  
Harwich, MA 02645  
(508) 430 2563 (office)  
(508) 221 8941 (cell)  
(508) 432 3788 (fax)  
[www.ridleyandassociates.com](http://www.ridleyandassociates.com)

On Nov 4, 2015, at 8:36 AM, Chris Vaccaro <cvaccaro@dfllp.com> wrote:

Thank you for sending this over. I will discuss it with Mr. Tribuna and Mr. Ojala.

Chris

Christopher R. Vaccaro  
Attorney at Law  
Dalton & Finegold, L.L.P.

Direct Dial: 978-269-6425  
Email: [cvaccaro@dfllp.com](mailto:cvaccaro@dfllp.com)  
Web Site: [www.dfllp.com](http://www.dfllp.com)

This transmittal contains confidential information which may be legally privileged. The information is intended only for the use of the listed recipient named above. If you are not the named recipient, any disclosure, copying, distribution or taking of any action in reliance upon the contents hereof, except direct delivery to the intended named recipient, is strictly prohibited. If you have received this transmittal in error, please notify the sender immediately by telephone at (978) 269-6425. Thank you.

**From:** Jen Tru Haven [mailto:[jentruhaven@gmail.com](mailto:jentruhaven@gmail.com)]  
**Sent:** Tuesday, November 03, 2015 3:25 PM  
**To:** Chris Vaccaro <[cvaccaro@dfllp.com](mailto:cvaccaro@dfllp.com)>  
**Cc:** Carole Ridley <[cr@ridleyandassociates.com](mailto:cr@ridleyandassociates.com)>; [rpalmer@truro-ma.gov](mailto:rpalmer@truro-ma.gov)  
**Subject:** Requested Landscape Ideas for 7 Parker Dr

Dear Attorney Vaccaro,

As requested by you at the October 20 Planning Board Meeting, attached please find Tru Haven's suggestions regarding landscaping /mitigation that we hope you and Mr. Tribuna will find to be an acceptable as well as economically feasible compromise. In order to be helpful in giving the requested input, we have gotten expert arborist and master gardener guidance which we trust will be of interest.

I am copying Ms. Ridley and Ms. Palmer so that they might arrange for this information to be shared with the Chair and other members of the Planning Board.

All best,  
Jen  
President  
Tru Haven Home Owners' Association.

**Tru-Haven  
Homeowners'  
Association**

P.O. Box 537  
Truro, MA 02666

**Board of Directors**

Jennifer Cohen, President  
Bob Doolittle  
Michael Janoplis

Kevin Kuechler  
Fred Moss

---

November 2, 2015

Via E-Mail

Mr. Christopher R. Vaccaro, Esq.  
Dalton & Feingold, LLP  
34 Essex Street  
Andover, MA 01810

**RE: 7 Parker Drive—Requested Landscaping Input**

Dear Attorney Vaccaro:

I am writing in response to your invitation at the October 20 meeting of the Truro Planning Board (PB) that the Tru-Haven Association submit suggested landscaping/planting options that could be incorporated in a revised landscape plan to be submitted in time for the December 8 PB hearing. Given the Planning Board's renewed suggestion that a compromise between full remediation and the current state of the Tribuna property be forged with abutters, members of Tru Haven have done substantial research to develop a proposal that offers a reasonable and economically achievable solution. This research included arranging for consultations with Bartlett Tree Experts and Master Gardeners to identify plantings and placements that we believe will work for all. Approved plantings as listed by the Truro Conservation Commission were also reviewed. We hope Mr. Tribuna will agree that this proposal represents a fair and cost effective compromise offered in good faith to help find an amicable solution for all. We remain willing to work with you and the Planning Board to resolve current concerns. We hope you and your client will review the following in the same spirit of cooperation.

**Overview of Tru Haven's Proposal**

As you requested, I have marked your plan as attached, denoting different areas that will provide the neighborhood with sufficient screening and mitigation of the unpermitted activity already done to the property as it now exists while, simultaneously, giving Mr. Tribuna the ability to remove the cottages at some future point in time in order to locate his own home there as you have stated is his goal. The suggested landscaping is thus placed in a way that can be preserved regardless of the future location of a single-family home. We have also offered various recommendations for the types of plantings that would do well in the new conditions – full sun, poor soil and steep slope -- created by the site alterations already undertaken. These include many species that are native to or readily found in Truro to maintain the naturalized environment of the neighborhood as a whole. Where possible, our suggestions are focused on plantings that can survive in the now sandy soil if sufficient top soil is added and which can survive the windier conditions that will result from the loss of the pre-existing forest as a windbreak. We have also made suggestions on the types of



plantings that can both assist in stabilizing the sharp slope as well as the inside shoulder support of the road running along the road.

### **Areas A, D and E Large Plantings for Screening**

#### **Height Sufficient to Screen Will Limit Number of Trees Needed**

Since the original heavily forested sloping topography of the land completely screened the neighbors from all of the buildings and commercial development on this lot and beyond, it is important that **evergreen trees of sufficient height (10 ft above the root ball) be employed to achieve the same result with fewer trees.** This minimum height of 10 ft was calculated as required to create screening similar to that which previously existed for the immediate abutters given the topography of their properties. These can be **supplemented with under-plantings of smaller evergreen bushes** to create a naturalized look that we hope you will agree would work not only for Mr. Tribuna but fit into the neighborhood as well. Simply put, we want to avoid the appearance of a formal hedge or green wall at the top of the hill while still offering screening of the buildings and other site activities as had been the case previously.

To achieve the desired result, a complete screen using these plantings should be located at and along the top edge of the proposed hill (depicted as Area A) as well as at smaller areas of plantings (of similar height to that of Area A) be located at the opening of the current driveway (Area D) and at the opening of the newly constructed road cut (Area E) to restore the effective visual screening from the road and from abutters' dwellings that existed prior to the site alterations. The number of trees and other plantings required to achieve such screening will, of course, be dependent on the species selected and their size.

#### **Diversity of Plantings Will Ensure Greater Survival Rate and More Naturalized Look**

To avoid the potential loss of large areas of screening due to disease specific to any one species as well as to recreate a naturalized look that is in keeping with the rest of the neighborhood's intentional character, we suggest that a diversity of tree and plant materials - predominantly natives - be used that can all be found in the Truro area. Our consultants suggest that any of the following evergreens could be used in combination with under-plantings to create the screen to generate immediate, effective screening and maintain visual protection over time in these areas: Red Pine, White Spruce, Northern White Cedar, Eastern Red Cedar, and American Holly. All of these are readily and economically available in the needed size. Eastern Pines, while approved for our area, often do not offer sufficient screening unless combined with significant other plantings as they slowly denude at their bottoms over time. While an occasional Leland Cypress could be used in conjunction with these suggested planting, they were not recommended for a variety of reasons.

Rhododendrons, including the tall, large leaf varieties of Roseum Elegans and Catawba were also recommended since they offer effective as well as beautiful visual and sound screening, but will do best only when located in areas near trees as they do not do well in full sun or without some wind protection. These also typically can only be economically sourced at the 6-7 ft size maximum and therefore might best be used only to supplement tree placement.

## **Area B**

### **Stabilization of Hill & Improved Drainage Using Native Groundcover and Shrubs**

To both assist with the stabilization and drainage of the newly created topography while also offering the neighborhood visual improvement of the recently denuded areas now covered by sand and various invasive weeds, we request the use of native plantings to offer full cover and a naturalized look to this steep slope. Plants such as Massachusetts Bearberry are fast growing and are naturally occurring ground cover in the area. Vinca, though not naturally occurring, has a long history of use in Truro as groundcover since colonial times and therefore may also be appropriate for use as well. Both are relatively inexpensive. A few native shrubs planted at various points in Area B are also recommended to naturalize the site as an alternative to returning it to its original condition while providing an important understory. Those recommended by the Conservation Commission include bayberry (green and crimson), highbush blueberry, various viburnums, mountain azaleas, and inkberry to name a few.

## **Area C**

### **Stabilization and Drainage Along Road**

Finally, Area C depicts an area abreast of the mid to southeast (lowest) portion of Mr. Tribuna's property along Parker Dr., in the gully. This area of Parker has been the source of frequent problems that we have been addressing through specific grading and other drainage solutions. The removal of trees on Mr. Tribuna's has decreased the vegetation that can absorb water run-off. We request that ten-pitch pines 7-8 ft tall each be planted in this area to offer improved absorption now and in the future. They are extremely slow growing trees so sourcing at this size is important. These pines are readily available in above the size and are relatively inexpensive. Since they are naturally occurring on this lot, minimum soil preparation would be needed in the area for such plantings.

## **Other Considerations**

### **Need for Maintenance**

Given the now extremely sunny and exposed areas to be planted in now poor soil, the protection and survival of these planting will require some guarantee of maintenance (especially in the early days) to ensure adequate hydration and to promote plant health. We believe this added precaution would be to everyone's advantage and would appreciate hearing your thoughts about how this can be accomplished to assure the survival of the mitigation Mr. Tribuna is willing to undertake.

### **Removal of Already Damaged or Dead Trees**

Finally, as you may be aware from visiting the site, some of the trees remaining near the area of excavation were damaged and/or are now diseased or dead: some of this is the natural result of pitch pines being buried in sand; other loss may have occurred when physically damaged during the excavation and removal work itself. We would ask that you remove all trees in the excavated area that are dead and dying – especially along the road (to avoid potential collapse into the roadbed during storms). Further, to ensure the health and recovery of those that remain, any trees whose trunks and root collars may be partially covered with sand or fill should be cleared off and

protected. This will protect the area from future damage and falling limbs as well as the spread of any disease or infestation to which vulnerable trees become prone. It will also due much to improve the current appearance of the site.

### **Economical and Effective Solution**

We hope you and Mr. Tribuna will find the above and attached to be a reasonable compromise in lieu of complete remediation or even more extensive mitigation that could be required. We have researched the availability and cost of stock for the above suggestions and have found them all readily available at the suggested sizes at Sylvan's Nursery (an excellent wholesale supplier) as well as elsewhere, including commercial evergreen growers. We thought it might be useful to sight this resource as the prices are not only reasonable but inexpensive shipping is also available to the area. Of course, if Mr. Tribuna's family, colleagues or contacts can provide wholesale pricing, we believe this will be an extremely economical solution, representing only a small fraction (actually about 10%) of the estimated cost you gave to the Planning Board for complete remediation. While it is not our place to recommend suppliers or installers, we are certainly happy to pass on the benefit of our experiences if you wish. Our aim remains to work with you and Mr. Tribuna in a neighborly fashion.

I look forward to hearing from you and to finding an amicable solution for all.

Best regards,

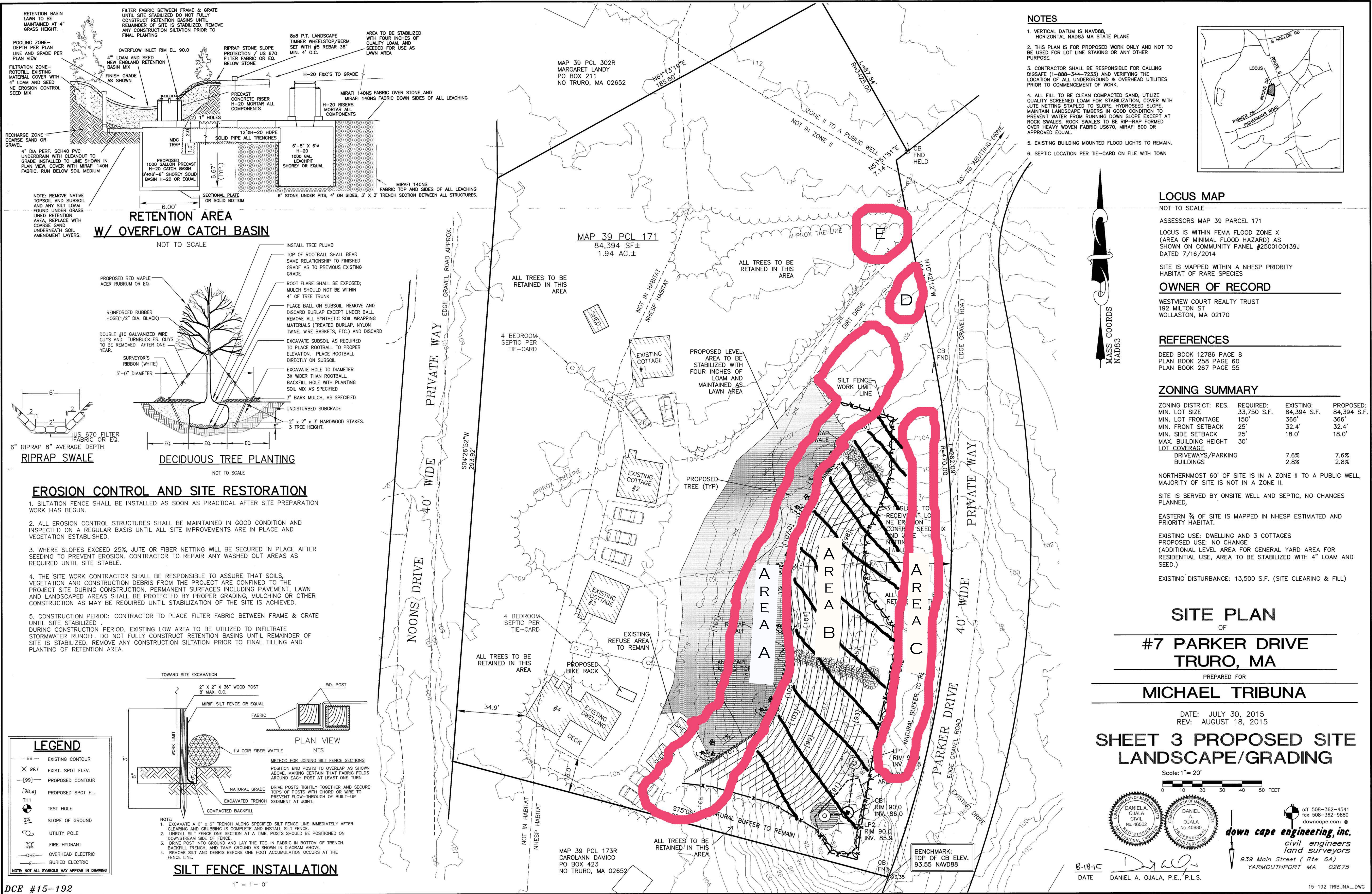
A handwritten signature in black ink, appearing to read 'Jennifer Cohen', with a stylized, flowing script.

Jennifer Cohen  
President

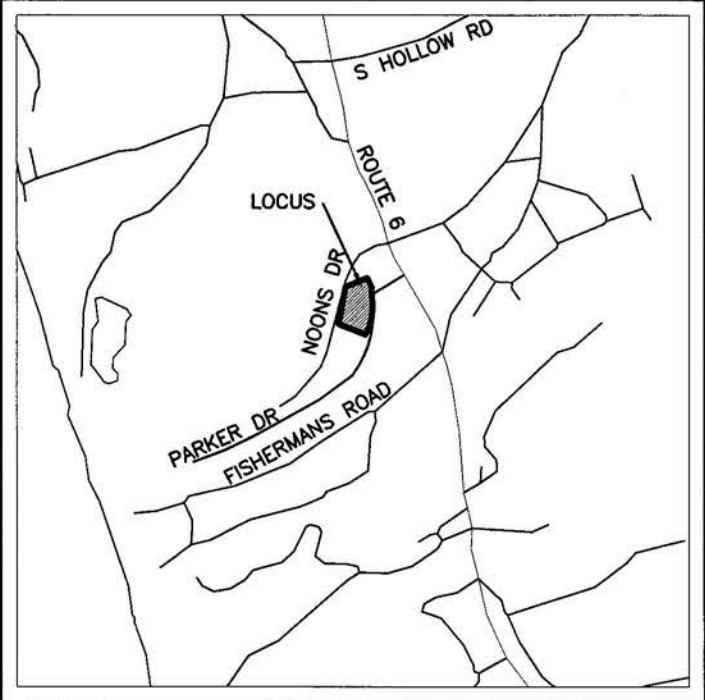
cc: Planning Board  
Rae Ann Palmer  
Carole Ridley



ABUTTERS' SUGGESTED PLANTINGS FOR 7 PARKER DRIVE



- NOTES**
1. VERTICAL DATUM IS NAVD88, HORIZONTAL NAD83 MA STATE PLANE
  2. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO BE USED FOR LOT LINE STAKING OR ANY OTHER PURPOSE.
  3. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING DIGSAFE, (1-888-344-7233) AND VERIFYING THE LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.
  4. ALL FILL TO BE CLEAN COMPACTED SAND, UTILIZE QUALITY SCREENED LOAM FOR STABILIZATION. COVER WITH JUTE NETTING STAPLED TO SLOPE, HYDROSEED SLOPE. MAINTAIN LANDSCAPE TIMBERS IN GOOD CONDITION TO PREVENT WATER FROM RUNNING DOWN SLOPE EXCEPT AT ROCK SWALES. ROCK SWALES TO BE RIP-RAP FORMED OVER HEAVY WOVEN FABRIC US670, MIRAFI 600 OR APPROVED EQUAL.
  5. EXISTING BUILDING MOUNTED FLOOD LIGHTS TO REMAIN.
  6. SEPTIC LOCATION PER TIE-CARD ON FILE WITH TOWN



**LOCUS MAP**  
NOT-TO SCALE  
ASSESSORS MAP 39 PARCEL 171  
LOCUS IS WITHIN FEMA FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON COMMUNITY HAZARD #25001C0139J DATED 7/16/2014  
SITE IS MAPPED WITHIN A NHESP PRIORITY HABITAT OF RARE SPECIES  
**OWNER OF RECORD**  
WESTVIEW COURT REALTY TRUST  
192 MILTON ST  
WOLLASTON, MA 02170

**REFERENCES**  
DEED BOOK 12786 PAGE 8  
PLAN BOOK 258 PAGE 60  
PLAN BOOK 267 PAGE 55

**ZONING SUMMARY**

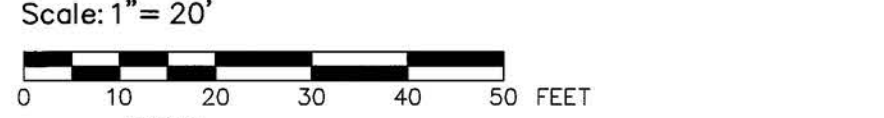
ZONING DISTRICT:	RES.	REQUIRED:	EXISTING:	PROPOSED:
MIN. LOT SIZE		33,750 S.F.	84,394 S.F.	84,394 S.F.
MIN. LOT FRONTAGE		150'	366'	366'
MIN. FRONT SETBACK		25'	32.4'	32.4'
MIN. SIDE SETBACK		25'	18.0'	18.0'
MAX. BUILDING HEIGHT		30'		
LOT COVERAGE				
DRIVEWAYS/PARKING BUILDINGS		7.6%	7.6%	2.8%

NORTHERNMOST 60' OF SITE IS IN A ZONE II TO A PUBLIC WELL, MAJORITY OF SITE IS NOT IN A ZONE II.  
SITE IS SERVED BY ONSITE WELL AND SEPTIC, NO CHANGES PLANNED.  
EASTERN 3/4 OF SITE IS MAPPED IN NHESP ESTIMATED AND PRIORITY HABITAT.  
EXISTING USE: DWELLING AND 3 COTTAGES  
PROPOSED USE: NO CHANGE  
(ADDITIONAL LEVEL AREA FOR GENERAL YARD AREA FOR RESIDENTIAL USE, AREA TO BE STABILIZED WITH 4" LOAM AND SEED.)  
EXISTING DISTURBANCE: 13,500 S.F. (SITE CLEARING & FILL)

**SITE PLAN**  
OF  
**#7 PARKER DRIVE**  
**TRURO, MA**  
PREPARED FOR  
**MICHAEL TRIBUNA**

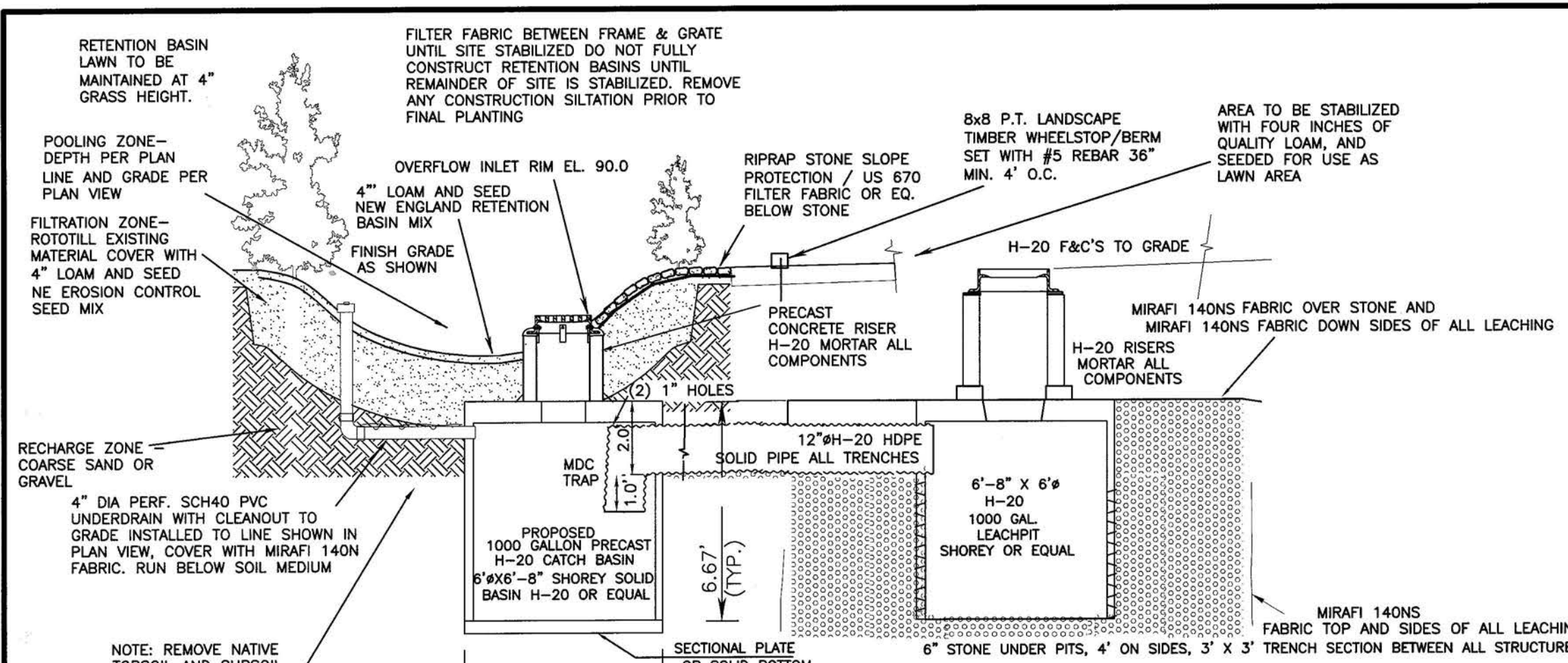
DATE: JULY 30, 2015  
REV: AUGUST 18, 2015

**SHEET 3 PROPOSED SITE**  
**LANDSCAPE/GRADING**

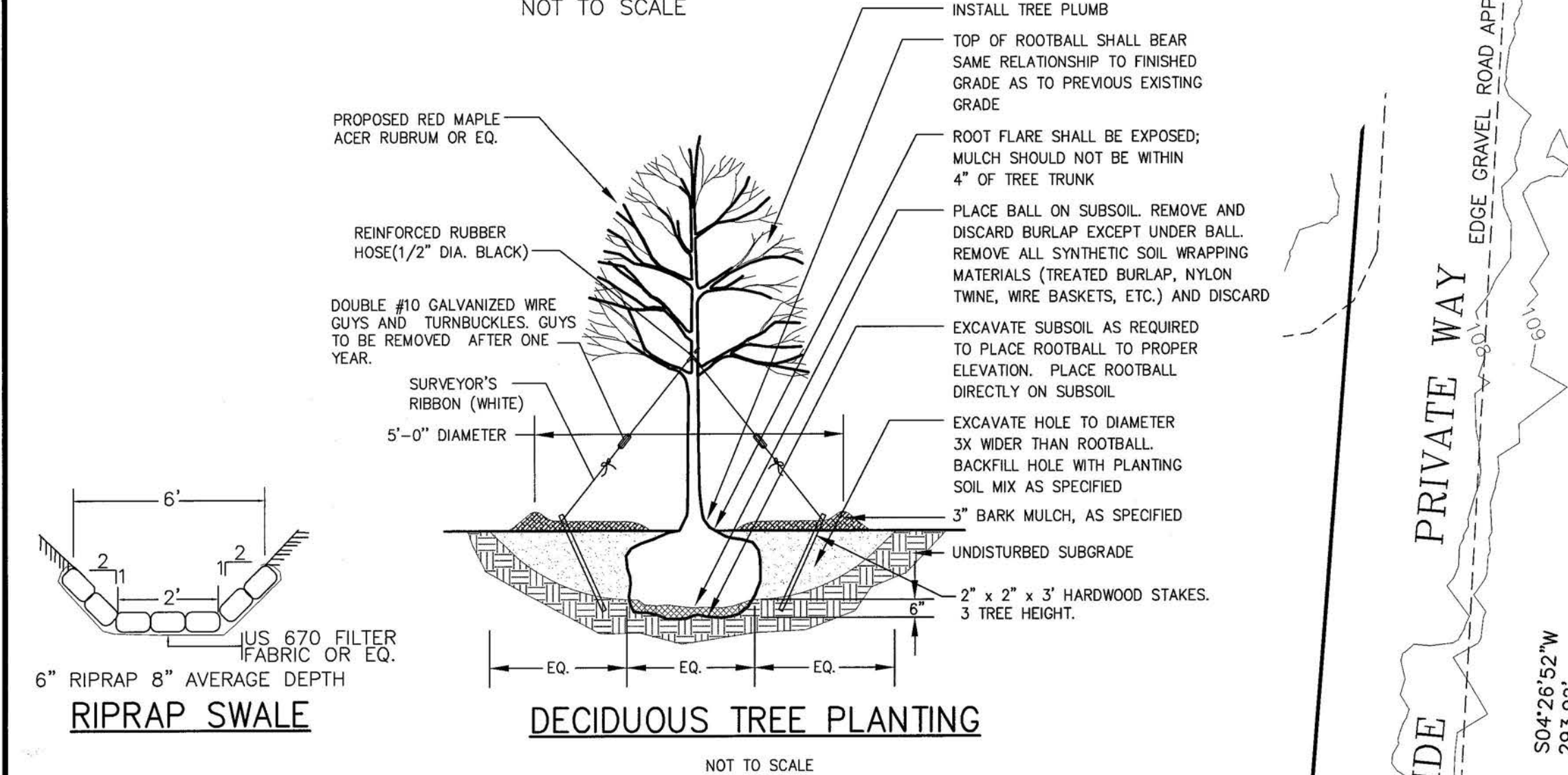


**down cape engineering, inc.**  
civil engineers  
land surveyors  
939 Main Street (Rte 6A)  
YARMOUTHPORT MA 02675

8-18-1C  
DATE  
DANIEL A. OJALA, P.E., P.L.S.

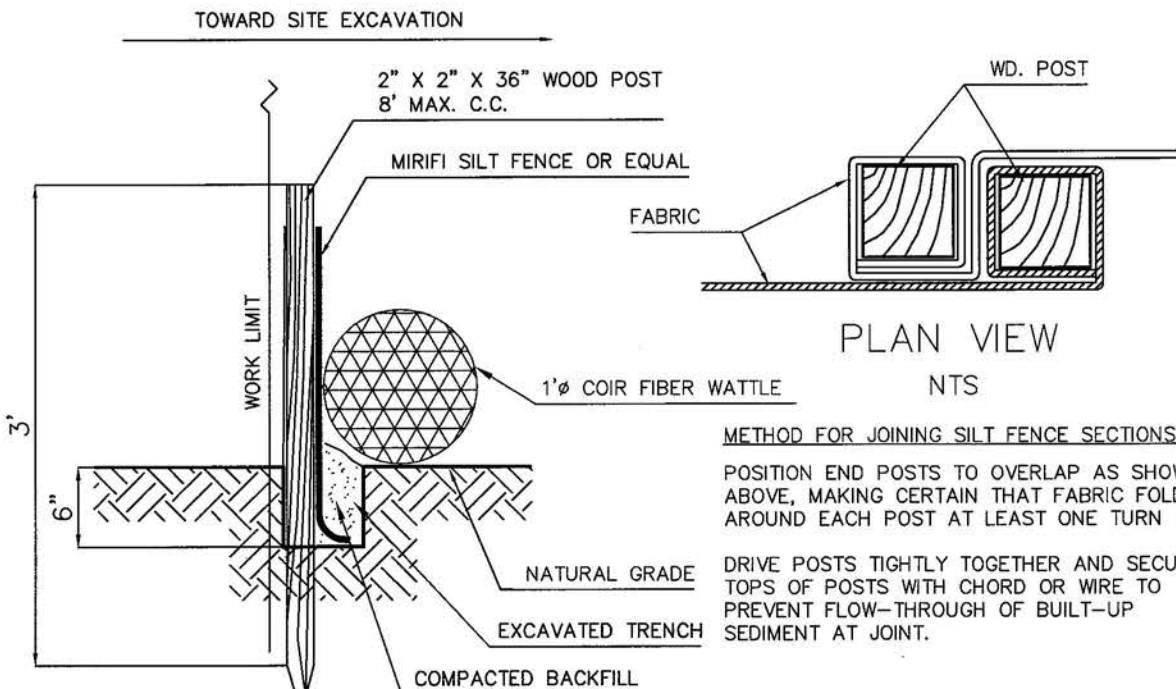


**RETENTION AREA**  
**W/ OVERFLOW CATCH BASIN**



**EROSION CONTROL AND SITE RESTORATION**

1. SILTATION FENCE SHALL BE INSTALLED AS SOON AS PRACTICAL AFTER SITE PREPARATION WORK HAS BEGUN.
2. ALL EROSION CONTROL STRUCTURES SHALL BE MAINTAINED IN GOOD CONDITION AND INSPECTED ON A REGULAR BASIS UNTIL ALL SITE IMPROVEMENTS ARE IN PLACE AND VEGETATION ESTABLISHED.
3. WHERE SLOPES EXCEED 25%, JUTE OR FIBER NETTING WILL BE SECURED IN PLACE AFTER SEEDING TO PREVENT EROSION. CONTRACTOR TO REPAIR ANY WASHED OUT AREAS AS REQUIRED UNTIL SITE STABLE.
4. THE SITE WORK CONTRACTOR SHALL BE RESPONSIBLE TO ASSURE THAT SOILS, VEGETATION AND CONSTRUCTION DEBRIS FROM THE PROJECT ARE CONFINED TO THE PROJECT SITE DURING CONSTRUCTION. PERMANENT SURFACES INCLUDING PAVEMENT, LAWN AND LANDSCAPED AREAS SHALL BE PROTECTED BY PROPER GRADING, MULCHING OR OTHER CONSTRUCTION AS MAY BE REQUIRED UNTIL STABILIZATION OF THE SITE IS ACHIEVED.
5. CONSTRUCTION PERIOD: CONTRACTOR TO PLACE FILTER FABRIC BETWEEN FRAME & GRATE UNTIL SITE STABILIZED. DURING CONSTRUCTION PERIOD, EXISTING LOW AREA TO BE UTILIZED TO INFILTRATE STORMWATER RUNOFF. DO NOT FULLY CONSTRUCT RETENTION BASINS UNTIL REMAINDER OF SITE IS STABILIZED. REMOVE ANY CONSTRUCTION SILTATION PRIOR TO FINAL TILLING AND PLANTING OF RETENTION AREA.



**SILT FENCE INSTALLATION**

- LEGEND**
- 99 — EXISTING CONTOUR
  - X 99.7 EXIST. SPOT ELEV.
  - [99] PROPOSED CONTOUR
  - [98.4] PROPOSED SPOT EL.
  - TH1 TEST HOLE
  - 2% SLOPE OF GROUND
  - UTILITY POLE
  - FIRE HYDRANT
  - OHE— OVERHEAD ELECTRIC
  - E— BURIED ELECTRIC
- NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING



## TRURO PLANNING BOARD

**DRAFT**

### Meeting Minutes

November 18, 2015 - 6:00 pm

Truro Town Hall

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

**Members Absent:** None

**Other Participants:** Jonathan Silverstein, Town Counsel; Paul Kiernan; Christopher J. Snow, Esq.; David Clark, P.E.; Donald Poole, Outermost Land Survey, Inc.; Kendra Kinschurf, Esq.; Gloria Cater; Joan Holt; Phil Smith, Truro Conservation Trust; Duane P. Landreth, Esq.; John McElwee; Daniel Duarte; Maureen Burgess; Carole Ridley, Planning Consultant; Shawn Grunwald

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

**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.

Paul Kiernan distributed a handout for the Board regarding the current definition of street and asked that the Board discuss the 2004 Bylaw rewrite at the next meeting. He would like the discrepancy which omits key regulations from 1989 addressed.

Mr. Kiernan also requested written clarification on previous discussions concerning nonconforming roads.

### **Definitive Subdivision Continuance**

**6:00 pm 2015-007PB** – Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, Trustees have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81T and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53. The Application seeks approval of a single lot subdivision access to and egress from which will be served by a driveway located over a right of way as meeting the specifications set forth in a Judgment entered in the Commonwealth of Massachusetts Land Court. Continued from October 6, 2015.

**Representatives:** Christopher J. Snow, Esq., David Clark, PE, Donald Poole, Land Surveyor

Mr. Snow inquired what members would be deliberating on this matter. Mr. Hopkins provided Mr. Snow with a copy of a disclosure he has filed. Mr. Snow did not find any objection to Mr. Hopkin's participation in the deliberation on this matter because there is no economic interest. Mr. Snow stated that he objects to Ms. Tobia because she is a trustee of the Truro Conservation Trust which he believes has a financial interest and is an abutter. He also objects to Mr. Riemer because of his past public comments on this matter. Ms. Tobia responded that she has obtained a legal opinion from Town Counsel as well as an opinion from the State Ethics Commission that would allow her to participate in the deliberations. She also emphasized that she takes her responsibility as a member and Chair of the Planning Board to uphold the bylaws of the Town very seriously. Mr. Riemer also stated that he has spoken with the State Ethics Commission and it is their opinion that previous comments have no bearing on the current situation. In addition, it is the opinion of Town Counsel that although Mr. Riemer lives in the general vicinity of the Cater property, he is not an abutter and this is not an issue.

There was a recess from 6:25 p.m. to 6:35 p.m. to allow Ms. Tobia and Mr. Riemer to further consider Mr. Snow's objection to their participation.

When the meeting resumed, Ms. Tobia stated that although she would be impartial and unbiased, as a gesture of good will to the applicants, recused herself and left the room.

Mr. Riemer stated that he took oath of office upon elected and would remain and would be unbiased and independent.

Mr. Sollog assumed the Chair of the Board.

Mr. Snow referred to the August 13, 2015 application, as there had been a previous application which was denied. He stated it is the desire of the Caters to build on the lot that they purchased pre-1997 as a residential lot and have been paying taxes on the lot as a buildable lot. When they purchased the lot, they understood that they had access to the lot. This brought the matter to Land Court which was deliberated in two phases. In the first phase, Judge Piper determined that there was an easement. In phase two, the Judge determined the location of the easement. Because of internal contradictions, the case was then referred to the Supreme Judicial Court which sent it back to the original Judge. Judge Piper made a final decision that the Caters are entitled to an easement and decided where the easement exists and deferred to the town to enforce local bylaws. The previous application was denied because there was concern about the slope of access. This has resulted in the current application as they have addressed this concern in this application. He further stated that he disagrees with the opinion of Town Counsel that a single lot is not a subdivision as there are several of these in town. He asked that the Planning Board base their decision solely on the road issue as per the Land Court judgement.

Mr. David Clark, P.E. reviewed the waivers for the road.

Mr. Sollog asked Town Counsel Jonathan Silverstein to come forward. Mr. Silverstein stated that there are several issues that he has rendered an opinion on concerning this application. The first is the issue of a plan that shows a single lot subdivision. The application is under the subdivision control law and by definition, a subdivision is two or more buildable lots. There is an anomaly in the law that directly impacts this case as they are not eligible for an ANR (Approval Not Required), which would be appropriate for a single lot, because it could not meet the required frontage. With regard to the Planning Board's past approvals of single lot subdivisions, case law does not require a Board to render decisions consistent with prior errors in judgment by previous Boards. A third issue is that relief from the ZBA would be required for the street frontage to be considered as legal frontage for the subdivision because the road as the judgement currently has it laid out would not meet Truro zoning bylaws and a waiver of that requirement is not in the jurisdiction of the Planning Board. He lastly commented that the Board does have the authority to waive certain road design requirements if they deem it as a safe and adequate road in the public interest.

Mr. Herridge stated that, based on his background as an attorney, he disagreed with Mr. Snow's characterization of the court decision. He stated that Judge Piper was very clear that his decision should not influence the Board with approving or not approving this road. He further stated that there are a number of waivers being requested that are inconsistent with the subdivision control law and do not provide for the public interest except for the applicant.

Mr. Riemer stated that there are three additional waivers that have come to the attention of the Planning Board and that the Board needs to enforce the Bylaws as written.

Ms. Kendra Kinschurf, Esq. of the law firm Davis, Malm and D'Agostine, representing Lucy Clark, an abutter came forward. She clarified that the judgement was on an easement issue and he determined that an easement existed and defined the location and width of the easement. He did not determine the safety and adequacy



under subdivision regulations or zoning, leaving that up to the town. Further, she agreed with Town Counsel that this plan does not meet the subdivision rules and requirements because it is a single lot and the Board does not have the authority to approve this plan. She further stated that if the waivers are approved, it will present a safety hazard.

Mr. Phil Smith, Trustee of Truro Conservation Trust stated that the Trust does not support the application. The land owned by the Trust was clarified on the road plan for Board members.

Gloria Cater, applicant, clarified that any contention has come from neighbors and opponents. She also clarified that the abutters were given the option to work with the Caters to come up with a workable road layout but were unwilling. There is no indication from town safety officials that emergency vehicles would have difficulty with the proposed road and that the proposed road would be unsafe.

Mrs. Joan Holt stated that she is an abutter and has sent written communication to the Board. Her property also has a steep access to her house, which is problematic in the winter. In addition, she had a personal experience recently with an ambulance having difficulty accessing her house for her husband.

Mr. Sollog read a letter into the record from handwritten letter from Natalie Ferrier, 21 Stephen's Way.

Mr. Riemer received clarification about the waivers requested. Mr. Hopkins expressed his concern about the grade of the proposed road based on his construction experience in Truro.

Ms. Ridley reviewed the Board options as per the staff memo in the packet and the timeframe of a decision required by December 25, 2015.

Mr. Herridge and seconded by Mr. Boleyn moved to deny the application for a Definitive Plan based on the multiple inadequacies of the road. Motion withdrawn by Mr. Herridge and Mr. Boleyn at the suggestion of Town Counsel's recommendation to address each waiver prior to any decision on the application.

On a motion by Mr. Herridge and seconded by Mr. Riemer, the Board voted to consider each waiver for a vote, so voted 6-0-0.

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the Board voted to deny the waiver to reduce the minimum right of way by 28 feet, so voted 4-0-2 (Mr. Roderick and Mr. Hopkins).

On a motion by Mr. Boleyn and seconded by Mr. Riemer, the Board voted to deny the waiver to reduce the minimum roadway width to 12 feet, so voted 4-1-0 (Mr. Sollog opposed, Mr. Roderick abstained).

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the Board voted to deny the waiver to reduce the shoulder width to two (2) feet, so voted 4-1-1 (Mr. Hopkins opposed and Mr. Roderick abstained).

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the Board voted to deny the waiver for a reduced clear site distance to 125 feet, so voted 4-1-1 (Mr. Hopkins opposed and Mr. Roderick abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the Board voted to deny the waiver to allow a grade of 14% as listed on the plan, so voted 5-0-1 (Mr. Roderick abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the Board voted to deny the waiver to allow for an intersection standard of 32 degrees (tied into the curb radius), so voted 4-0-2 (Mr. Roderick and Mr. Hopkins abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the Board voted to deny the waiver to allow for a dead end turnaround that would be less than 40 feet, so voted 5-0-1 (Mr. Roderick).

On a motion by Mr. Riemer and seconded by Mr. Herridge the Board voted to deny the requirement for a legend on the Definitive Plan, so voted 4-1-1 (Mr. Sollog opposed and Mr. Roderick abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the Board voted to deny the waiver request to show trees 10' in diameter or greater on the Definitive Plan, so voted 5-0-1 (Mr. Roderick abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the Board voted to deny the waiver request to show the location of ancient ways, historic walls etc. per §2.5.2.b(31), so voted 5-0-1 (Mr. Roderick abstained)

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the Board voted to close the public hearing at 8:27 p.m., so voted 6-0-0.

On a motion by Mr. Hopkins and seconded by Mr. Herridge, the Board voted to reaffirm in total all votes taken prior to the close of the public hearing, so voted 5-0-1 (Mr. Roderick abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the Board voted to deny approval of the Definitive Plan and method of road construction for Fisher Road Realty Trust, Doctor Willie J. and Gloria J. Cater, Trustees, as submitted and with the requested waivers pursuant to MGL c.41, §81-Tand §81 U and Section 2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land, for property located at 9B Benson Road, Truro, and shown as Parcel 50 on Truro Assessor's Map, Sheet 53 based on the following findings: all the requested waivers have been denied, this parcel is a single lot subdivision which is not authorized under the subdivision control law and it is not in compliance with the street definition as set forth in the zoning Bylaws, so voted, 5-0-1 (Mr. Roderick abstained).

There was a recess at 8:26.

The meeting resumed at 8:36 by Chair Lisa Maria Tobia.

### **Preliminary Subdivision**

**2015-008PB Secrest Family Trust**, seeks approval of a 2 lot preliminary subdivision pursuant to MGL c.41, Section 81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 54 Old Kings Highway, Assessors Map 47, Parcels 120 & 20.

**Representatives: Duane Landreth, Esq.; John McElwee, Surveyor**

Mr. Landreth explained that the preliminary subdivision is to allow for one additional residence on the property that currently has one single family residence. It is located on Old Kings Highway. The current proposed plan would improve part of Old Kings Highway as well as include the building of a cul de sac for emergency vehicles.

Mr. McElwee provided detailed information about the proposed plan, including information about a new road with a cul de sac that would be approximately 120 feet in length and at least 40 feet in width. There would be two (2) lots created off of this (one new buildable lot). The road will conform to zoning and subdivision standards. Old King's Highway would be widened to 14 feet just be along the Secrest property.

Mr. Landreth conveyed that they are willing to continue the discussion with the Board beyond the November 23, 2015 date.

In a response to an inquiry by Mr. Herridge, Mr. Landreth stated there is no easement or access to the property from Union Field Road. He indicated that by widening Old King's Highway for approximately 600 feet, with no present intention to extend this beyond the proposed cul de sac, this improvement would serve the public's interest.

Mr. Landreth was unsure if ownership extended to the center of the road. Mr. Hopkins stated that this may be an important consideration. Mr. Hopkins also voiced his concern with the current deed restriction that does not allow for further subdivision of the property. Mr. Landreth believes this restriction will expire next year. Mr. Landreth indicated that they are willing to preserve the rural character of Old King's Highway.

Regan McCarthy, landowner in the Higgins Hollow area, posed several questions regarding how many improved properties have been identified, the impact on the unique topography of the land and would like to see if the property can be developed off the existing roads. She also raised her concern about the existing land court cases in the area and confirmed that property owners own to the central line of the road.

Mr. Danny Duarte, 50 Old King's Highway expressed his concern that the changing of the orientation from east to west to north to south presents an opportunity to allow for further subdivision. He detailed why he believes the road cannot handle any further subdivision.

Mr. Riemer found in his research that there is a deeded 40 foot right of way off Union Field Road for parcel 20. Mr. Landreth will further investigate this.

Ms. Tobia indicated that because this modification will impact a public way and may present some safety concerns, the Board of Selectmen need to be involved. Mr. Landreth questioned this. It was clarified that this property is not within the Seashore District. Mr. Silverstein provided clarification between private and public ways.

Mr. Silverstein summarized his opinion on the street definition and how it applies to this preliminary plan application for a subdivision as opposed to an ANR.

Ms. Ridley provided the following summary of issues and concerns that require further information or investigation:

- The existing deed restriction that limits the subdivision for the larger parcel
- Potential for other easements for the newly created lot 2
- Questions about ownership to the center of the road
- Who has say given that Old King's Highway is a public way for allowing improvements
- Public comments that suggested considering alternatives that include no improvements to Old King's Highway
- Impact and legality of a road that is only partially improved

On a motion by Mr. Hopkins and seconded by Mr. Herridge, the Board voted to continue the Preliminary Subdivision 2015-008PB Secrest Family Trust to January 5, 2016 to address the above concerns and issues, so voted 7-0-0.

### **Temporary Sign Permits**

**Payomet Performing Arts Center**, seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code two (2) Temporary Signs (November 15 – December 15) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd).

Ms. Ridley pointed out that the dates on the application need to be amended as they do not coincide with the date of this meeting and the request cannot be granted retroactively. On a motion by Mr. Boleyn and seconded by Mr. Roderick, the temporary sign requests were granted with the amended dates of November 18, 2015 through December 16, 2015, so voted 7-0-0.

### **Update on Seashore District Zoning Proposal**

Mr. Riemer and Mr. Herridge are part of a working committee assembled to look at some of the issues raised by Town Counsel concerning the proposed seashore district zoning. A brief overview meeting was held with participants of a prior work group that had developed the draft reviewed by Town Counsel. An expanded work group is being formed to include Maureen Burgess as the liaison to the National Seashore as well as Mr. Robert Weinstein as someone who resides within the Seashore District. It was proposed that another meeting be held on December 8, 2013 either at 2:00 or 3:00. The hope is that the proposed zoning changes can be brought to Town Meeting in Spring 2016.

### **Discuss Protocol for Requesting Town Counsel Opinions**

Ms. Tobia stated that the Planning Board will adopt the process of consensus to determine when a Town Counsel opinion should be requested through the Town Administrator. This is the same process used by the Board of Selectmen.

### **Review and Approval of Meeting Minutes:**

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the minutes from the October 27 Joint Meeting with Board of Selectmen was approved, so voted 4-0-3 (Mr. Roderick, Mr. Herridge and Mr. Hopkins abstained).

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the minutes from the November 4, 2015 Planning Board meeting was approved as amended to include two additional conditions from the Terrace Dunes Application for Commercial Development Site Plan Review that were omitted, so voted 6-0-1 (Mr. Hopkins).

### **Reports from Board Members and Staff**

- Draft Agenda for Joint Meeting with Zoning Board of Appeals  
The date of December 7, 2015 is confirmed and any additional agenda items should be brought to the attention of Ms. Tobia.
- Other  
Ms. Tobia requested that inquiries from members about planning policy issues should go through her, rather than to Carole Ridley directly.

Due to the lateness of the hour, the remaining agenda items were tabled.

Meeting adjourned at 10:06 p.m.

Respectfully Submitted,

Shawn Grunwald  
Recording Secretary

# TOWN OF TRURO BUDGET REQUEST DOCUMENTS

DEPARTMENT: PLANNING BOARD

## TOWN ADMINISTRATOR'S BUDGET RECOMMENDATION

Account	FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16 Approp	FY 17 Request	Notes & Comments
5100 Personal Services: Salaries, Wages & OT COLA	2,209.85	1,786.38	878.12	3,184.00	3,571.20	Recording Secretary 7.5 hours per meeting 2 meetings per month Times Hrly Rate
5200 Purchase of Services	200.96	266.42	166.34	500.00	275.00	Based on historical spend
5400 Supplies	0.00	0.00	0.00	250.00	0.00	Based on historical spend
5700 Other Charges and Expenses	0.00	0.00	0.00	300.00	0.00	Based on historical spend
TOTALS	2,410.81	2,052.80	1,044.46	4,234.00	3,846.20	

APPROVAL:

\_\_\_\_\_  
Town Administrator:

\_\_\_\_\_  
date:

\_\_\_\_\_  
date:





TOWN OF TRURO  
BUDGET REQUEST DOCUMENTDEPARTMENT: **PLANNING BOARD**

## PURCHASE OF SERVICES - Account Number: 5200

Category	Description	FY 17 Request	Explanation
Communication	Advertising		Legal Ads
Other	N/A		
Purchased			
Services			
<b>5200 TOTAL</b>		0.00	

DEPARTMENT: PLANNING BOARD[illegible]

TOWN OF TRURO  
BUDGET REQUEST DOCUMENT

DEPARTMENT: **PLANNING BOARD**

OTHER CHARGES & EXPENSES - Account Number: 5700

Category	Description	FY 17 Request	Explanation
In-State	N/A		
Travel			
Out-of-State	N/A	0.00	
Travel			
Dues and	Dues and Workshops, etc.		Dues, seminars, travel expenses
Memberships			
<b>5700 TOTAL</b>		0.00	
<b>BUDGET TOTAL:</b>		<b>0.00</b>	