



Truro Planning Board Agenda

Remote Zoom Meeting

Wednesday, October 18, 2023 – 5:00 pm

Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/84203794532>

Dial in: +1-646-931-3860 or +1-305-224-1968

Meeting ID: 842 0379 4532 Passcode: 211537

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 8 in Truro and on the web on the "Truro TV Channel 8" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/livestream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/ livestream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

- 1. Planner Report**
- 2. Chair Report**
- 3. Minutes**

- ◆ August 23, 2023 (corrected)

Board Action/Review

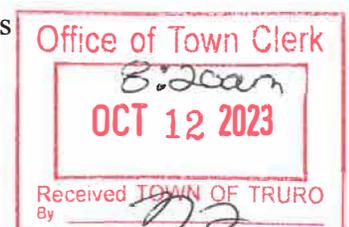
- ◆ Preliminary Subdivision – 9B Benson Road, Fisher Road Realty Trust, Gloria J. Cater and Willie J. Cater, Trustees
 - Request to continue to November 15, 2023

Board Discussion

- ◆ New DPW Facility: (<https://www.truro-ma.gov/public-works/pages/dpw-facility-project>)
- ◆ Draft Stormwater Bylaw
- ◆ Road Spreadsheet Update
- ◆ Planning Board priorities for possible 2024 ATM zoning bylaw changes

Next Meeting: Wednesday, November 1, 2023 at 5:00 pm

Adjourn





TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

August 23, 2023 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Christopher J. Snow (Attorney and Applicant); William Rogers (Engineer/Surveyor for Christopher J. Snow-Applicant); Ben Zehnder (Attorney for Marie Belding and Pat Callinan (Abutters)); Chair of the Charter Review Committee Nancy Medoff

Remote meeting convened at 5:00 pm, Wednesday, August 23, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there was none.

Chair Greenbaum then recognized Member Riemer who requested that the Members review the Rules and Regulations for Subdivisions with a specific focus on the 50-year Storm Threshold at a future meeting and that it be added to that meeting's agenda. There were no objections.

Planner Report

Town Planner/Land Use Counsel Carboni reported that the recent Walsh Property Community Planning Committee (WPCPC) meeting was well attended by the public and a summary of the WPCPC's report is available online on the WPCPC's homepage. Additionally, there is a WPCPC online survey that will be available until September 5, 2023, for residents to provide feedback to the WPCPC.

Chair Report

Chair Greenbaum reiterated the WPCPC's upcoming survey deadline of September 5, 2023. The survey is also available in hard copy at the Library and Town Hall.

Chair Greenbaum reported that the Local Comprehensive Plan Committee has an event for feedback on the Planning Board's completed draft Bylaw on September 7, 2023, at 4 pm at the Truro Library. Food and childcare will be provided.

Chair Greenbaum announced that the Truro Government Forum will be on Thursday, September 14, 2023, at 5 pm, at a location to be specified later.

Chair Greenbaum also announced that Thursday, October 5, 2023, is pre-Town Meeting and Saturday, October 21, 2023, is Town Meeting.

When asked by Member Riemer as to whether there was an update regarding the Housing Production Plan (HPP), Chair Greenbaum replied that there was not an update but that it was with the Truro Housing Authority.

Chair Greenbaum reported that at last night's Select Board meeting, the Select Board reviewed the Planning Board's two potential zoning Bylaw changes and referred them back to the Planning Board so the Planning Board can hold its public hearing as scheduled on September 27, 2023.

Chair Greenbaum announced that she is stepping down as the Planning Board's representative to the Community Preservation Committee (CPC). There will be a vote at the next Planning Board meeting to select a new representative to the CPC.

Minutes

None

Public Hearings - Continued

2023-002/SPR Robert J. Martin for property located at 100 Rt 6 (Atlas Map 55, Parcel 12). Applicant seeks Commercial Site Plan approval (selling firewood and other materials); on property located in the Seashore District.

Town Planner/Land Use Counsel Carboni stated that she had received a verbal request from the Applicant's attorney to continue this matter to a future date and she told the Applicant's attorney that she would convey this request to the Members.

Member Frazier made a motion to continue 2023-002/SPR to October 4, 2023.

Member Althaus seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier - Aye

Member Riemer – Aye

Member Kiernan – Aye

Vice Chair Roberts - Aye

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

2023-001/SPR - Ebb Tide on the Bay Condominiums, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval

for a project involving reconstruction of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who provided an update on the proposed conditions of the permit, but she was not aware if the two parties had reached an agreement.

Chair Greenbaum recognized Attorney Snow who stated that he and Attorney Zehnder agreed with the conditions as proposed with one exception. Attorney Snow requested that the language for this exception be modified and that he would not agree to any new conditions.

Chair Greenbaum recognized Attorney Zehnder who said that he had no comments on the conditions and would not delay the proceedings any further. Attorney Zehnder further added that there were still conditions to which Attorney Snow had not agreed.

Town Planner/Land Use Counsel Carboni opined that she recommended that the Planning Board's role is not one of mediator between the two parties and she recommended that the Members vote on this matter.

Chair Greenbaum said that her preference would be not to vote this evening but to vote at the next meeting. Chair Greenbaum noted that she wanted to hear from other Members. Town Planner/Land Counsel Carboni cautioned the Members that she was not comfortable to include any agreed upon conditions by Attorney Snow and Attorney Zehnder as part of the Planning Board's decision. The parties can submit conditions, but it is the Planning Board's decision.

Chair Greenbaum read the completed draft conditions aloud. Town Planner/Land Use Carboni did note that Plan SP1 was revised on April 19, 2022, followed by another revision on April 28, 2023. The most recent revision reflected the reconfigured parking spaces and the removed flex space.

Member Townsend made a motion to approve the application for Site Plan Review approval in the matter of 2023-001/SPR with conditions as agreed upon at the meeting on August 23, 2023.

Member Frazier seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier - Aye

Member Riemer – Nay safety

Member Kiernan – Nay because of safety concerns

Vice Chair Roberts - Nay

So voted, 4-3-0, motion carries.

After the vote, Chair Greenbaum confirmed with Town Planner/Land Use Counsel Carboni that the Planning Board's decision will proceed to the ZBA which will hear the Applicant's application for Special Permit and a Variance for parking in September. Attorney Snow confirmed this as well.

Attorney Snow thanked the Members and departed the meeting.

Board Action/Review

Chair Greenbaum announced that the matter of **2023-002/PB – Form B (Preliminary Subdivision Plan) for 9B Benson Road** will be heard at the Planning Board meeting on September 13, 2023.

Discussion of Warrant Articles

As Chair Greenbaum noted the Warrant Articles update in her Chair Report earlier in this meeting, Chair Greenbaum led the Members in a conceptual discussion to discuss what areas the Members would like to work on over the next year.

Members discussed the following highlighted topics which included: the 50-year Storm Threshold, clear-cutting, House Size Bylaw criteria with help from the ZBA, the Undersized and Nonconforming Lot Bylaw, definition of an “apartment”, definition of a “residential kitchen”, the issue of rebuilding and moving buildings on the coast and the impacts on coastal erosion and flood zone, the Flood Zone Bylaw that’s in effect now and the offering of amendments to it, the Board of Health’s proposed Stormwater Bylaw and the Planning Board’s involvement in this effort, short-term rentals, the definition of a “street”, revisions to the Communications Tower Bylaw, review the temporary sign requirements for approving applications, revisit enforcement and procedures to assess if they are working, and review the Special Permit criteria.

Chair Greenbaum then recognized Chair Medoff who offered the assistance of the Charter Review Committee to the Planning Board in any of these efforts.

Member Althaus made a motion to adjourn the meeting at 6:01 pm.

Vice Chair Roberts seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier - Aye

Member Riemer – Aye

Member Kiernan – Aye

Vice Chair Roberts - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

From: [Robin Reid](#)
To: [Elizabeth Sturdy](#)
Cc: [Barbara Carboni](#)
Subject: Re: 9B Benson Road
Date: Tuesday, October 10, 2023 10:13:10 AM

You were next on my list!

Liz - I write to request a postponement of the hearing on my application, o/b/o Fischer Road Realty Trust, for a preliminary subdivision approval, from October 18 to November 15, 2023. Our engineer has a family challenge - and we want to get a revised right of way plan to the TCT and the neighbors well in advance of that hearing.

Thanks so much, rbr

Robin B. Reid, Esq.
Mediator and Attorney
PO Box 1713
Provincetown, MA 02657

telephone: (508) 487-7445
e-mail: robin@RobinBReidEsq.com

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On Oct 10, 2023, at 10:52 AM, Elizabeth Sturdy <ESturdy@truro-ma.gov> wrote:

Attorney Reid,

Per our telephone conversation last week, can you, at your earliest convenience, send me the request for continuation to the Planning Board meeting of November 15? Thank you,

Elizabeth A. Sturdy (Liz)
Planning Department Assistant
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Direct: (508) 214-0935
Fax: (508) 349-5505

GENERAL BYLAW ARTICLES**Article X: Amend General Bylaws to Add New Chapter IX Stormwater Management by Drainage, Erosion and Sediment Control**

To see if the Town will vote to amend the General Bylaws of the Town of Truro by adding new Chapter IX Stormwater Management by Drainage, Erosion and Sediment Control and enumerating the subsequent Chapters of the Bylaw accordingly by adding new language as follows (new language shown **bold underline**):

CHAPTER IX STORMWATER MANAGEMENT by DRAINAGE, EROSION AND SEDIMENT CONTROL

§ 1. Purpose

The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements to control the adverse effects of stormwater runoff and erosion. Through proper management of stormwater, sediment and erosion controls this bylaw safeguards the public health, safety, environment and general welfare of the public. This bylaw serves to protect surface water and groundwater resources, promote groundwater recharge and prevent flooding.

§ 2. Applicability

The requirements of this bylaw shall apply to existing development, new development, and redevelopment projects to minimize adverse impacts of erosion and stormwater runoff, off-site and downstream, which would be borne by abutters, townspeople, the general public and wetland resource areas.

The Select Board may delegate from time-to-time certain duties described in this bylaw to designees who will act on its behalf for the purposes of enforcement. The Select Board may also enact regulations to carry out the intent and the purpose of this bylaw, including establishing an approval process for any activities subject to this bylaw, setting fees, and designating a Town board or officials to administer and enforce this bylaw.

§ 3. Definitions

New Development: development resulting from the conversion of previously undeveloped land or agricultural land uses.

Nutrient Pollution Sensitive: Nutrient pollution is the process where too many nutrients, mainly nitrogen and phosphorus, are added to bodies of water and can act like fertilizer, causing excessive growth of algae. This process is also known as eutrophication. Excessive amounts of nutrients can lead to more serious problems such as low levels of oxygen dissolved in the water. Severe algal growth blocks light that is needed for plants, such as seagrasses, to grow. When the algae and seagrass die, they decay. In the process of decay, the oxygen in the water is used up and this leads to low levels of dissolved oxygen in the water. This, in turn can kill fish, crabs, oysters, and other aquatic animals.

Recharge: hydrologic process where water moves downward through the soil from surface water to groundwater.

Redevelopment: the action or process of developing something again, or differently.

Runoff: the draining away of water (or substances carried in it) from the surface of an area of land, a building or structure such as a driveway.

Storm, 50-year: refers to a storm that has a 2% chance of occurring on any given year and will produce 6.60 inches of rain in a certain area within a 24-hour period.

Stormwater: surface water that collects in abnormal quantity resulting from heavy falls of rain or snow.

§ 4. Drainage requirements

a. Runoff. All runoff from impervious surfaces of a lot shall be recharged on that lot. Runoff shall be diverted towards areas covered with vegetation for surface infiltration.

b. Stormwater. All stormwater drainage shall be contained on the development site and away from wetland resources. All stormwater shall be treated on site unless there is a public benefit to connecting to another drainage system or allowing stormwater to flow off site. Commercial development shall be required to handle calculated flows from a 50-year storm.

c. Drains. In no instance shall roof drains, subsurface drains, or overflow drains of any kind be directed to the public road layout.

§ 5. Erosion and sediment control requirements

a. Erosion. Erosion control provisions shall be designed and executed to prevent erosion or excessive uncontrolled surface water runoff from draining onto any public way, both during and after construction. No grading or clearing of land shall begin until all required erosion control measures are in place and fully constructed. Permanent erosion control measures including but not limited to re-vegetation, retention basins and siltation barriers may be required to ensure stormwater will not discharge onto the public way.

b. Sediment control. The Town may require measures to reduce tracking of sediment from construction vehicles onto the public way. The contractor is required to clean up any sediment inadvertently discharged, through tracking or other means, into the public way or drainage systems. In no case shall sediment be allowed to discharge onto a public way or into public drainage infrastructure.

§ 6. Nutrient Pollution Sensitive Areas

For nutrient pollution sensitive areas, please refer to the Best Management Practices within the Massachusetts Stormwater Handbook, Wetlands regulations, 310 CMR 10.00, and the Water Quality Regulations, 314 CMR 9.00, relating to stormwater.

§ 7. Fines and penalties

Violation of this bylaw shall be punishable by a fine as established in Appendix A. Each day a violation exists shall be deemed a separate offense, unless substantial progress or unforeseen delays are demonstrated by the owner/applicant. Pursuant to MGL c. 1 §1.1.4 such fines may be enforced either through a criminal complaint or through the non-criminal disposition process pursuant to MGL c. 40, §21D,

and further to amend the General Bylaws by inserting, in Appendix A, the following terms in a new row corresponding to the above Section 7, Stormwater management by drainage, erosion and sediment control Bylaw:

<u>Chapter & Section</u>	<u>Subject</u>	<u>Fine \$</u>	<u>Enforcing Authority</u>
<u>x-x-8</u>	<u>Stormwater mgt</u>	<u>\$300 day/vltn</u>	<u>Bldg Com., H&Cons Agent, DPW Dir</u>

Requested by the Health & Conservation Agent and Town Planner

Explanation: The proposed Stormwater Management by Drainage, Erosion and Sediment Control bylaw will promote the stewardship of our groundwater resources, by introducing the citizenry of Truro to the importance of controlling stormwater on their own property. The bylaw requires property owners to meet the performance standards for stormwater by keeping rainfall from washing from their roofs and driveways onto private or public ways.

Board of Health Recommendation			
Select Board Recommendation			

WORKING LIST OF POTENTIAL BYLAWS 10-10-2023

1. ADU & Duplex – Language for Tax Exemption
2. House size – both Seashore and Residential districts:
 - a. Combine both districts into one?
 - b. Make it harder to get additional space (review added space currently allowed- where is the “hard stop”?).
 - c. Reinforce the criteria for granting SP – work with ZBA to refine the language?
 - d. Options: SP vs. Variance?
3. Affordable housing on undersize or nonconforming lots – look at Wellfleet
4. Coastal Erosion/Climate Change/Retreat.
5. Enforcement of Zoning Bylaws.
6. Development agreement.
7. Street definition
 - a. Simplified, shortened version.
 - b. Street Inventory work per PK.
8. Short term rentals.
9. Choke Point (Rt 6).
10. Clean fill bylaw –stop burial of construction debris.
11. Lot Coverage – limit impermeable structures to certain % (stop turning rain into runoff) or
 - a. Open Space – certain % of lot remain in natural state
 - b. Would need definition of impermeable structures
12. Lot clearing bylaw – to stop “grubbing”
 - a. Soil replenishment – require replenishment of grubbed areas with sufficient quality fill to support growth of native vegetation.
 - b. Limit % of lot disturbed or covered by imported fill?
13. Scenic Roads designation.
14. Low-Lying Roads.
15. Align Zoning Bylaws with CCNS regulations regarding the prohibition of two living units on a Seashore District lot
 - a. Define “Residential Kitchen” as “...must include a stove.” (only one kitchen allowed).
16. Condo conversions review.
17. Building Height zoning restrictions vs. raised construction in Flood Plains.
18. Upgrades to the Flood Plain bylaw.
19. Stormwater bylaw (See BoH version to be reviewed 10/18/2023).
20. Permanent & Temporary signs handled by same entity
 - a. Currently Permanent Building Commissioner & Temporary Planning Board
21. Comm towers – wind loads per 780 CMR, Risk Category per Zoning Bylaw.
22. House downhill grading 100’ @ 10%.

Planning Board Administrative issues:

1. Group OR Individual site visits?
2. On-Line vs. In-Person vs. Hybrid meetings.