



Truro Planning Board Agenda

Remote Meeting

Wednesday, October 20, 2021 – 5:00 pm

www.truro-ma.gov

Open Meeting

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

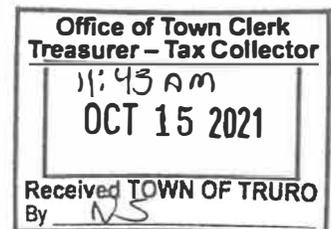
Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [360-948-685#](tel:360-948-685#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower 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 the Town Planner at planner1@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/360948685>

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. Potential Bylaws for 2022 ATM
 - ◆ Lot Coverage/Carbon Sequestration
4. Draft Planning Board Perspective for the LCPC
5. Draft Handbook Discussion



Workshops:

- ◆ October 27, 2021:
 - A) Feedback on Handbook draft
 - B) Potential Bylaw Changes
 - Street – Review definition, corrections, and recommend changes
 - Definitions – Apartments and more
 - Driveway slope?
 - Other miscellaneous
 - C) Continue Subdivision Regulation discussion

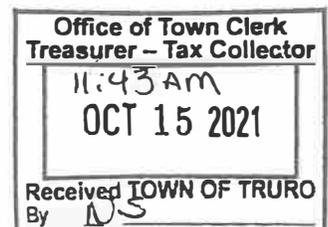
- Addressing the CSP and RSP Review Criteria
- Review ANR for infrastructure information/checklist review
- Review for packet inclusion: DRI – Mandatory and discretionary referral standards of the CCC

Minutes

- ◆ July 27, 2020
- ◆ August 5, 2020
- ◆ August 11, 2020
- ◆ August 26, 2020
- ◆ September 2, 2020
- ◆ September 16, 2020
- ◆ September 30, 2020
- ◆ October 7, 2020
- ◆ October 14, 2020
- ◆ October 21, 2020
- ◆ November 4, 2020
- ◆ November 18, 2020
- ◆ September 22, 2021
- ◆ September 29, 2021

Next Meeting – Wednesday, November 3, 2021, at 5:00 pm

Adjourn





TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

July 27, 2020 – 2:30 pm

REMOTE PLANNING BOARD WORK SESSION

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

Members Absent: None

Other Participants: Barbara Carboni - Interim Truro Town Planner

Remote meeting convened at 2:42 pm, Monday, July 27, 2020, by Chair Greenbaum. Interim Town Planner, Barbara Carboni, reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was also provided.

Roll call of members was taken by Chair Greenbaum.

Public Comment Period

Public comment, for things not on the agenda, and there were none.

Work Session

1. Chair Greenbaum invited Member Herridge to start the meeting. Member Herridge stated that he had received a letter from Kevin Grunwald who asked him to recuse himself and he said that he didn't think that he had to do so.
2. Chair Greenbaum opened the discussion on Cloverleaf draft comments to get into the ZBA packet by Tuesday, July 28, 2020. The Members acknowledged that they had received the draft comments and the draft of the waiver documents sent by Chairman Greenbaum via email.
3. As the shared files were being prepared for the Cloverleaf discussion by Interim Town Planner Carboni via screen share, Member Riemer presented findings of fact regarding Cloverleaf's approval by the Town of Truro's Housing Authority for Cloverleaf to build affordable housing with 12-16 units. The Housing Authority recommended approval on 30-40 units on site to the Select Board. Without public comment, on May 22, 2018, the Select Board approved unanimously a request from Cloverleaf for the building of 30-40 units. This was the first time that the public heard of the request. The town's need for affordable housing is not disputed but

it is the Planning Board's responsibility to ensure the safety and protection for the residents and visitors.

4. Chair Greenbaum thanked Member Riemer for his findings of fact and then proceeded to review draft of Planning Board comments/concerns to the ZBA. Chair Greenbaum wanted to keep the response short. Members reviewed the following General Concerns (GC):
 - a. GC1 – waiver of “requirement, if any, to post a bond, cash, Letter of Credit, or impose Planning Board covenants related to site developments” should not be granted.
 - b. GC2 – clarification as to who is responsible for problems due to construction. Chairman Greenbaum, after discussion with Members removed it from the Planning Board's GC list.
 - c. GC3 – the requirement for a traffic impact study along with traffic impact and analysis for a 10-unit subdivision. Has a study been conducted? Are public safety officials concerned with the siting of the driveway?
 - d. GC4 – current pandemic raises public safety questions as the ability of residents to safely shelter in place.
 - e. GC5 – Chairman Greenbaum added this concern, during the meeting, as the applicant stated the construction of a playground in the project's application, yet no playground plans were provided (not on shared slide video).
5. Chair Greenbaum led the discussion and review of Water Quality and Health (W) issues:
 - a. W1 – the applicant's new treatment plant appeared to meet minimum state standards, if working properly, but Members reviewed concerns such as applicant's long-term plan should system fail and potential enhanced filtration issues. Board reviewed the letter to the ZBA from the Horsley Witten Group.
 - b. W2 – board suggested that the ZBA request comment directly from the Provincetown Water and Sewer Department to whether the project would negatively affect water pressure that may be impacted by multiple fire situations in neighboring areas to include North Truro.
6. Chair Greenbaum opened the discussion on Site Design (SD):
 - a. SD1 – board suggested a 2d access/egress to and from the back of the project, gated for emergency response, to Route 6. Recommendation is a letter to MA DOT allows access to Route 6 prior to construction on the site.
 - b. SD2 – board suggested a second pedestrian access that meets ADA/AAB requirements.
 - c. SD3 – parking is a concern as the developer hasn't submitted a waiver, but one is required since 39 units requires 79 parking spaces; furthermore, staff parking and community room parking must meet the provisions of Truro Zoning Bylaws Section 30.9. Member Kiernan expressed concerns of the distances of parking spots to the road as well as obstructed parking spots for residents.
7. Chair Greenbaum led a discussion on the responses to applicant's waivers.
 - a. Applicant stated that project has met the handicap parking spot requirements with which Members agreed.
 - b. Applicant stated that the outdoor lighting is compliant, and Members agreed.

- c. Applicant sought relief from soil removal. Recommendation from the Board was that the ZBA defer to the Horsley Witten Group's letter recommendation on this issue along with ZBA clearly stated conditions.

Interim Town Planner Carboni noted that Vice Chair Toth and Member Herridge were no longer in the meeting.

Interim Town Planner Carboni opined the Board that there would likely be the need for two additional public meetings to give the applicant ample time to respond to additional questions and/or concerns. Chair Greenbaum opened the discussion for previous comments/concerns to be addressed in all the waiver requests. Members agreed that the waiver request from a bond or surety should not be approved. Applicant will comply to Subdivision Control with the following exception: roadway standards around access road. Member Riemer pointed out that the application provided no justification for the exception. Interim Town Planner (Attorney) Carboni opined that the ZBA has latitude as the need for affordable housing may outweigh compliance to a local regulation. Member Kiernan suggested to get the Cape Cod National Seashore (CCNS) for input. Member Riemer and others disagreed. Interim Town Planner Carboni stated that this meeting was coming up to two hours and that the ZBA meeting was at 5:30 pm tonight.

Member Kiernan made a motion to adjourn at 4:45 pm.

Member Riemer seconded the motion.

So voted, 5-0-2, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

August 5, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Paul Kiernan, Steve Sollog

Members Absent: R. Bruce Boleyn, Peter Herridge

Other Participants: Barbara Carboni – Interim Town Planner; Peter Kane of Kane Land Surveyors

Remote meeting convened at 6:02 pm, Wednesday, August 5, 2020, by Chair Greenbaum. Interim Town Planner, Barbara Carboni, reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was also provided.

Roll call of members was taken by Chair Greenbaum.

Public Comment Period

Chair Greenbaum opened the meeting for public comments and there were none.

Board Action/Review – Continued

2019-006/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer

Chair Greenbaum led the discussion on the Schirmer property which was voted upon and approved last week for the subdivision of land at Rte. 6 and Amity Lane, Truro, MA, map 46, parcel 8. The applicant's submission of either a Statement of Findings, or a stamped plan, was a condition of final approval and are now included. No vote was needed as opined by the Interim Truro Town Planner Carboni as the conditions have been met. A copy of the decision will be provided to the Schirmer family.

2020-08/PB – David and Daisy Paradis

Chair Greenbaum opened the discussion on the David and Daisy Paradis application of Form A (ANR) for the property at 14, 16 Mill Pond Road, Truro, MA, map 54, parcels 56 and 54.

Chair Greenbaum recognized Peter Kane, of Kane Land Surveyors, who represented the Paradis' on this item. Mr. Kane stated that the side-by-side separate properties, owned by the Paradis, wanted to alter the interior adjoining line between two lots so it would go around their garden and shed. It didn't change the frontage and the areas conform to the town's bylaws. Interim Town Planner Carboni reviewed the staff memo and confirmed no issues. A motion to approve was presented by Vice Chair Tosh and seconded by Member Sollog. Chair Greenbaum opened the discussion and Member Riemer presented that 14 Mill Pond Road that there was an underground utilities easement that is not on the plan and that 16 Mill Pond Road has an underground well that is also not on the plan. Mr. Kane didn't

find the easement in his research and the underground well is no longer in use. Member Riemer provided the sources of his information to Mr. Kane who will add it to the application. No other concerns were raised. Member Kiernan offered as a condition of approval that the underground easement be indicated on the plan's application to the Members.

Member Kiernan made a motion to amend the condition to show the underground utilities easement in the applicant's new plan.

No Member seconded the motion but it moved forward with no objection.

So voted, 5-0, motion carries.

Member made a motion to approve as amended.

Member seconded the motion.

So voted, 5-0, motion carries.

Chair Greenbaum instructed Mr. Kane to submit a new plan and his applicants will be all set. Mr. Kane thanked the Board and will submit the new plan with the correction.

Mr. Kane left the meeting.

Chair Greenbaum invited Interim Town Planner Carboni to lead the discussion Board approvals as the Board is currently working remotely. Interim Town Planner Carboni stated that there is a statutory process for authorizing an individual to sign ANR and Subdivision Plans on behalf of the Board, the Board then votes, and then sends a letter to the Barnstable Registry of Deeds. The Interim Town Planner explained that any individual could be designated as well as an alternate. Vice Chair Tosh made a motion for Chair Greenbaum, or Clerk Riemer, to sign on behalf of the Board. Before the motion was seconded, Member Kiernan asked how the Board's votes were recorded by the designated individuals before the letter is sent to the Barnstable Registry of Deeds. The Board discussed the need, or lack thereof, for recording the votes by name for approvals or disapprovals. Interim Town Planner Carboni opined that there was no need to do so by statute.

Vice Chair Tosh made a motion to authorize Chair Greenbaum or Member Riemer (Clerk) sign on behalf of the Board.

Member Sollog seconded the motion.

So voted, 5-0, the motion carries.

Chair Greenbaum opened the discussion on Cloverleaf's waiver requests. Interim Town Planner Carboni then requested that the Chair consider the approval of prior Board meeting minutes before the discussion. Chair Greenbaum appreciated the offer but was not comfortable with moving forward with the approval minutes when Member Boleyn was not present. Interim Town Planner Carboni withdrew her request. Chair Greenbaum asked if there was any other topics to discuss prior to discussing Cloverleaf. Member Kiernan reviewed the ZBA packet from June 25, 2020, as if he was building each project. He said there were plans which were incomplete. Chair Greenbaum believed that there would likely be another Planning Board meeting prior to the ZBA's next meeting on Cloverleaf which was scheduled for August 20, 2020.

For this meeting, Chair Greenbaum established a 5-minute limit per waiver request for the Board to discuss all the waivers requested by Cloverleaf:

- Board discussed the waiver request for handicap parking for which the applicant doesn't believe that he needs a waiver. The Board agreed no waiver is needed.
- Board discussed the waiver request for outdoor lighting that complies with "Night Sky" requirements and the Board agreed that an outdoor plan was due for the Board's review. It will be further discussed at the next Planning Board work session.
- Board discussed the waiver request for relief of soil removal. Interim Town Planner Carboni asked the Board to consider a recommendation that the ZBA not waive the bylaw and further opined that the ZBA didn't have the expertise but the Building Commissioner did. The Board agreed to no waiver for this soil removal.
- The applicant also requested relief from the provision that the Town may require a bond, certified check, or other security to ensure compliance. The applicant stated that the builder is bonded and that is sufficient. The Board agreed not to waive the bond and Chair Greenbaum will include the necessity of the bond in the Board's reply to the applicant.
- Board discussed the applicant's request for relief from specific sections of the Subdivision Controls Regulations' Roadway Standards. Potential issues include snow and the ability of fire trucks to cross the berm.
- The applicant requested relief from specific sections of the Site Plan Review requirements and procedures of the Zoning Bylaws. Applicant claimed in documentation that he had submitted the Site Plan Review checklist and questionnaire. Members of the Board have not seen it. Interim Town Planner Carboni will check with her predecessor, the applicant, and the ZBA. Chairman Greenbaum also noted that there were a couple of inclusions which were part of the applicant's boiler plate and should be removed.
- The Board discussed the applicant's request for relief from Section 50 Building Area and Height Regulation of the Zoning Bylaws and Section 50.2 Building Gross Floor Area if applicable. Interim Town Planner Carboni believed that the applicant sought the relief for any 3-story buildings.
- Chair Greenbaum opened the discussion on the applicant's request for relief from the Truro Board of Health Local Regulations rev.7.9.2020 specifically from the southwestern side of the property. Member Kiernan recommended that a remediation plan be included by the applicant as a condition. Interim Town Planner Carboni recommended that the Board provide a suggestion to the ZBA to require a remediation plan from the applicant, but Chair Greenbaum concluded that it would be best for the Planning Board to help the ZBA with the following suggestion. She stated that the Planning Board forward the remediation plan (when submitted) along with the Board's backup materiel so the ZBA can make an informed decision.
- Chair Greenbaum observed that all the request for waivers for Building Height and Stories pertained to the 3-story buildings in the rear of the property as well as the townhouses. Side yard waivers are for those areas which border the National Seashore. Member Kiernan recalled that when the Truro Police/Fire Station went through the review process prior to construction that there had been a similar waiver that was denied by the ZBA. Member Sollog commented that he hoped that the ZBA really looks at the size of the building and reduces the square footage due to appearance and density. Chair Greenbaum suggested that for the next Working Session for Members think of Members' comments/concerns/regulations for major bullets in response to the applicant.
- Chair Greenbaum led discussion on applicant's request for waiver of Environmental Protection Regulations. Interim Town Planner Carboni will check with the Health Agent to determine if the Environmental Commission has jurisdiction or not.
- Chair Greenbaum led the discussion on Section 50 Building Area and Height waiver requests for the lots which she found confusing in that the applicant could have just said maximum building

heights were addressed earlier. Interim Town Planner Carboni concurred and opined that the applicant didn't remove the supplement that was superseded.

- Chair Greenbaum opened the discussion for the waiver request for Section 30 Parking and stated that the Board determined that a waiver is required. The additional requirement was provided to the applicant last week prior to the ZBA meeting. The Board wants to see a Parking Plan and the applicant stated that they used the word "tandem" which are for the same unit but there is still a safety issue ("obstructed spot"). There was also concern for space for delivery trucks to the property. Member Riemer mentioned that the plan must address specific questions and concerns of the Board.
- The applicant requested relief from Truro Zoning Bylaws Section 30 Use Regulations and Section 40 Special Regulations. Interim Town Planner Carboni opined that the Board can make a recommendation in regard to 40B. Member Riemer reminded the Board that the bylaws were established to limit the number of units so there is less of a burden on the Town and the ZBA has the authority to enforce the bylaws. Member Kiernan commented that this solves lots of problems as it does not allow the overdevelopment of the property since the original application was for 12-16 units. Chair Greenbaum reminded the Board that the Town issued the RFP for 30-40 units and not the applicant. Member Kiernan commented that it would be difficult to trust the Select Board on the Walsh property based upon the changes the Select Board approved on Cloverleaf at a previous Town Hall meeting. Interim Town Planner Carboni will explore the facts surrounding the changes, along with the Feasibility Study, with the Town Manager.
- Chair Greenbaum led the conversation on the Site Plan Review specifically regarding curb cut permit (subject to Select Board via DPW approval) and relief from local health regulations (subject to Board of Health approval). Interim Town Planner Carboni suggested that the Board disapprove a non-specific (or "unknown") waiver. Member Riemer cited the 40B Handbook, page 26, 2d paragraph which summarized the ZBA should not normally approve a "blanket waiver" so the applicant should explain the reasons why he seeks the waiver.
- Chair Greenbaum asked Interim Town Planner Carboni about the waiver request for the bond, certified check, or other security and stated this was previously decided by the Board for disapproval. Vice Chair Tosh expressed concern, after listening to the discussions, that the Planning Board may appear to be obstructionists and the Board should focus on the most important concerns only. Member Sollog offered support for Vice Chair Tosh's observations. Chair Greenbaum agreed to Vice Chair Tosh's concerns.
- Chair Greenbaum offered a Planning Board Work Session for Tuesday, August 11, 2020, at 2:30 pm. All Members and Interim Town Planner Carboni agreed to the date.

Chair Greenbaum was made aware of a caller (identified as "Tom") who stated that he was only listening and had no comment.

Chair Greenbaum asked Interim Town Planner about the agenda for the next Planning Board meeting for August 19, 2020. She stated that there may be a Site Plan Review for a property owner who wishes to move a shed but will only be added if the property owner submits the documentation.

**Member Kiernan made a motion to adjourn the meeting at 8:02 pm.
Member Riemer seconded the motion.
So voted, 5-0, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A" and a long horizontal line extending to the right.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

August 11, 2020 – 2:30 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Jack Riemer (Clerk); Paul Kiernan, Steve Sollog, R. Bruce Boleyn

Members Absent: Karen Tosh (Vice Chair); Peter Herridge

Other Participants: Barbara Carboni – Interim Town Planner

Remote meeting convened at 2:30 pm, Tuesday, August 11, 2020, by Chair Greenbaum. Interim Town Planner, Barbara Carboni, reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was also provided.

Roll call of members was taken by Chair Greenbaum.

Public Comment Period

Chair Greenbaum opened the meeting for public comments and there were none.

Work Session – Continued

Chair Greenbaum opened the meeting with instructions to the Members that this meeting would move forward with probably the final input to the ZBA on the Cloverleaf project particularly with waiver requests but not exclusively.

Chair Greenbaum asked Members for the most important topics to discuss and communicate to the ZBA. Member Kiernan cited health and safety. Member Sollog stated health, safety, and protection of the rural character of Truro. Member Riemer agreed that health, safety, and protection of community character. Chair Greenbaum cited health, safety, community character, and the bond.

Chair Greenbaum asked the Members if further discussion on the bond was necessary. All members agreed that the bond was necessary.

Chair Greenbaum led the discussion on health and asked Members if further discussion was needed. Member Kiernan stated that this is the Board of Health's responsibility but that the Board should provide input that this is a grossly oversized development on the property. Member Riemer expressed concern that the peer review by Horsley Witten identified sewage treatment issues which have not been addressed by the applicant. Member Sollog agreed with the other Members on their concerns. Interim Town Planner Carboni suggested that the Board address only those issues identified by the Horsley

Witten Group and make those the priority in the input to the ZBA. Members agreed unanimously with this suggestion.

Chair Greenbaum opened the discussion of safety and mentioned Vice Chair Tosh's concerns via email of parking and building #21 height. Member Sollog expressed concerns over the walkways and the safety of the community public spaces. Member Riemer stated that storm water controls were an issue. Member Boleyn cited the importance of clarification of who was responsible to pay should those controls fail. Member Riemer commented that he didn't think the public was being best served without an additional peer review to include a review of architecture and design. Interim Town Planner Carboni opined that the process (to include peer review) is normal and agreed with Member Riemer that the peer review could have been broader.

Chair Greenbaum led the discussion on community character. Member Kiernan stated that the Board should reference the comprehensive plan as well as Section 10 of the Bylaw that addresses overcrowding and density as it may impact the "Night Sky" regulation. Member Riemer referred the Board to page 9 of the RFP that stated that site layout should be harmonious with the character of Truro, and he expressed that this has not been met. Member Riemer further expressed that the warehouse (building #21) to include size, height, the setback from the roadway and should have been subject to an architecture review. Member Kiernan cited that there will be over an acre of building on an area of less than 4 acres and will not be harmonious with the character of Truro. Member Sollog expressed concern that it is not clear what the project will look like from Route 6 and that the structures are not aligned with the character of Truro. Member Kiernan mentioned that the buildings would be erected 12'-15' above the roadway. Member Riemer stated that the impact of the clearing of the property is unknown. Member Kiernan would like to see architectural designs for the buildings which face Route 6.

Chair Greenbaum returned to the topic of safety for more specifics. Member Kiernan is concerned about safe access for motorists who enter the property and turn in (and out) of the parking spaces due to the difficulty to negotiate the size of the road and spaces safely. Member Riemer offered a copy of guidelines of 40B which addresses parking and circulation. This affects pedestrian safety and traffic flow. Member Sollog agreed with Member Kiernan and Member Riemer's parking concerns. Member Boleyn is concerned that adding an additional topic will diminish the importance of the 3 or 4 priority concerns. Chair Greenbaum asked Interim Town Planner Carboni if the Board can ask the applicant for a parking plan. Interim Town Planner Carboni opined that the ZBA can do this or not. Member Kiernan noted that with a parking plan that the applicant can designate spots for specific people. Member Kiernan expressed concern that there are several parking spots which will force people to walk in the roadway to access their vehicles. Member Riemer asked if the applicant is required to have sprinklers in each building (including building #21) and Interim Town Planner Carboni will ask the Fire Chief. Interim Town Planner Carboni opined that the Board can point this out to the ZBA and the ZBA could require this as a reasonable condition. Member Riemer also pointed out water issues associated with a potential fire.

Chair Greenbaum asked the question of the Members if the Board's input to the ZBA should include the facts surrounding the original plan for 14-16 units. Interim Town Planner Carboni opined that this would not be fruitful, yet she agreed with Member Riemer that the ZBA was within its authority to require the applicant to modify the density for a smaller project.

Chair Greenbaum reviewed this meeting's bullet points on the important topics with the Members and stated that another Board meeting may be needed prior to the next ZBA meeting. Members provided

some additional comments and Chair Greenbaum doesn't believe that the Board's response is ready for inclusion in the ZBA's packet for next week. Interim Town Planner Carboni stated that the ZBA will still have several meetings before a decision is rendered and she will get with the ZBA Chair to verify. Interim Town Planner Carboni suggested that the Board could also offer a streamlined version of their concerns to the ZBA. Member Riemer asked if the Board could require the applicant to show how the applicant could be profitable with a lower density of units. Interim Town Planner Carboni is unsure that the ZBA would do this.

Chair Greenbaum committed to having a draft document prepared that captures this meeting's topics/input/feedback by the Board's next meeting (to include Vice Chair Tosh's input).

Member Boleyn made a motion to adjourn the meeting at 3:41 pm.

Member Kiernan seconded the motion.

So voted, 5-0, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and "P".

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

August 26, 2020 – 3:30 pm

REMOTE PLANNING BOARD WORK SESSION

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

Members Absent: Peter Herridge

Other Participants: Barbara Carboni - Interim Truro Town Planner; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 3:35 pm, Wednesday, August 26, 2020, by Chair Greenbaum. Interim Town Planner, Barbara Carboni, reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was also provided.

Public Comment Period

Public comment, for things not on the agenda, and there were none.

Work Session

Chair Greenbaum opened the meeting by announcing that there were no site visits next Tuesday so next Tuesday afternoon is clear for everyone.

Chair Greenbaum changed the order of the agenda and will start the discussion of the postponement of articles for town meeting. She resent a corrected two-page document to the Members to include the table of contents and that also lists all the warrant articles. The meeting will take place on September 6, 2020, at 12 PM, at the Truro Central School, outdoors. Member Kiernan had to leave the meeting due to internet issues.

Member Kiernan rejoined the meeting by phone and announced himself.

Chair Greenbaum announced Ms. Joan Holt was now on the phone and invited her to make a public comment if she wished to do so. She did not.

Chair Greenbaum continued the discussion on the town warrant and asked if there was a subject that couldn't wait to be added. Interim Town Planner Carboni requested that Chair Greenbaum resend the updated document to her and gave her the "presenter" authorization on the share slide. Chair Greenbaum stated that the goal of the town was to have as many people attend a shorter meeting and not expose them to COVID-19, the climate, and the weather. Chair Greenbaum asked for input for the postponement of all the warrants for the upcoming meeting. Vice Chair Tosh had no objection since none were urgent or critical. Vice Chair Tosh expressed concern there may be a perception by the public

if the meeting was lengthy that it may expose the public to the infection. Member Riemer stated that it was important for the public should be aware that the Planning Board had identified requirements yet needed to be postponed to a later date. Chair Greenbaum asked Interim Town Planner Carboni if a vote was required, and she replied in the affirmative.

Member Boleyn made a motion that the Planning Board was willing to delay all zoning articles until the next town hall meeting.

Member Riemer seconded the motion.

So voted, 6-0-1, motion carries. One absent.

Chair Greenbaum asked Member Kiernan for his comment. Member Kiernan voiced his opposition to the vote as it was not on the agenda. Chair Greenbaum did clarify that it was on the agenda and Member Kiernan changed his vote which was corrected above.

Chair Greenbaum called upon Member Kiernan who requested to discuss Article 16 with the Members that deals with community preservation money going to the Housing Authority. Chair Greenbaum noted that it was not on the agenda and asked Member Kiernan if he wanted to add it to the next meeting. Member Riemer recommended that this topic be postponed and then apologized to Chair Greenbaum. Chair Greenbaum moved forward with the discussion after Member Kiernan stated that \$300K, without any strings attached, would go to the Housing Authority. Chair Greenbaum noted that Article 16, on page 27 of the warrant, and section 2, offers a contribution of \$150K to the Affordable Housing Trust Fund. Member Sollog stated that without an expressed purpose money could not be designated to a specific program and he further stated that this would be a more appropriate discussion at an open town hall meeting. Chair Greenbaum directed the Members to review last night's Select Board meeting as parts of the discussion may be moot. Member Riemer asked if the warrant was printed for distribution and is it too late to make changes in advance of the public town meeting on September 26, 2020. Chair Greenbaum asked Truro Office Assistant Sturdy if she knew the answers to both questions and she apologized that she did not. Chair Greenbaum asked Truro Assistant Sturdy to add warrants to next week's agenda for the Town Meeting under Articles so if there is a need for a discussion that they can have one. Chair Greenbaum stated that the public should know that the Planning Board has done a lot of work and the focus of the work is making it easier and simpler for everyone. Truro Assistant Sturdy will make the addition to the agenda.

Chair Greenbaum led the discussion on Cloverleaf with ensuring that Members received her updated draft to include Members' feedback from the last meeting. Chair Greenbaum cited Member Riemer's comments directed towards the Bike and Walkways Commission and their comments. Chair Greenbaum expressed that this may not be useful as the Bike and Walkway Commission had responded with their recommendation that there would be a "continuous network of sidewalks and marked crosswalks". Chair Greenbaum stated there would be a continuous network and was unsure that it would add anything to their argument. Member Kiernan added that walkways should be changed to "designated sidewalks." Member Kiernan recommended that specific parking spaces which start at the pavement should be moved 5' in so it was safer for motorists and pedestrians around the oval and buildings in the back rather than try to retrofit later because of problems. Chair Greenbaum made the change to "walkways" and will add this to the safety comments as well as parking. Member Kiernan added that 2-family buildings which have a second egress do not have a walkway to the sidewalk. Member Kiernan asked Chair Greenbaum if she had received his comments previously and she stated that she had. Member Kiernan further stated that in the RFP the developer was asked to provide a safe passage from the bus stop (located on the other side of Route 6) to the Cloverleaf property. Chair Greenbaum stated

the developer replied that the state owns that land. Member Kiernan suggested that the developer should request this from the state. Member Kiernan also added that the inclusion of the Handbook for 40B along with a letter that the information should be helpful. Member Riemer mentioned that he had reviewed the Handbook and gives a lot of insight as to what site designs would be most appropriate. Chair Greenbaum commented that in the spirit of the Planning Board's helpfulness that the developer would be receptive to the information provided.

Chair Greenbaum provided an update on the ZBA's next meeting on Cloverleaf is Thursday, September 10, 2020. Chair Greenbaum suggested to make the last changes and that the Planning Board vote 'aye' on this next Wednesday, September 2, 2020, so Truro Assistant Sturdy may add it to the packet for the ZBA meeting on September 10, 2020. Member Kiernan said that it might be useful for Chair Greenbaum to add other comments which he provided in his notes to her such as concerns about wastewater remediation omitted by the Horsley Witten Group, the submission of a parking plan by the developer (Chair Greenbaum noted that was already requested), and the omission of a roadway profile. Member Kiernan also added that Route 6 is at elevation 36' about sea level (and varies slightly as you go past the Cloverleaf project) and the buildings start at elevation 50'. Chair Greenbaum stated that she will add this as part of useful information. Member Riemer commented that he has discovered high priority issues in the areas of safety and community character. Member Riemer found it unacceptable that he doesn't know what the property will look like as the language in the RFP is very vague. Member Riemer is frustrated that this will be the largest structure at 17,000 square feet (not a "larger structure" as acceptable in the RFP) in Truro and asked how that can be aligned with the character of the town. Chair Greenbaum asked the Interim Town Planner Carboni how is this dependent upon the developer. Interim Town Planner Carboni opined that the ZBA can only act on the application that is in front of it only to the extent that something is inconsistent to the RFP. Interim Town Planner Carboni stated that the ZBA doesn't have the authority to reject this aspect of the project, but it does have the authority to point out local concerns as expressed in the Zoning Bylaws and Planning Board documents. Member Riemer stated that he found nothing in the RFP that gave the developer the right to add 40 units into this site at the expense of community character instead of a cap of 30 units which would reduce traffic issues. Chair Greenbaum stated that it was not surprising that the developer would plan for 40 units, but it was an issue for the ZBA. Interim Town Planner Carboni opined that the RFP is not on the table. Chair Greenbaum added that the ZBA must look at the application in front of it and that the RFP is old and irrelevant; however, the Planning Board can be most helpful to the ZBA by framing the Planning Board's concerns. Member Riemer stated that it was in the public interest to provide affordable housing unless the developer demonstrated it is economically unfeasible to reduce the number of units to promote health and safety of occupants and the public. Vice Chair Tosh commented that the Planning Board is vilifying the developer when the developer just did what it was asked to do on a small piece of land. Vice Chair Tosh stated that the Planning Board should explore who in the town requested such a large project. Chair Greenbaum said that the town came up with the number of units, and going forward, the Planning Board should look at the Board's options. Chair Greenbaum asked Interim Town Planner Carboni for comment. Interim Town Planner Carboni opined that the Planning Board let the ZBA know that they are not bound to the RFP and the concerns around density can be decreased to preserve public health and safety. Member Kiernan said that speaking with individual ZBA members none of them have had dealt with a project of this magnitude. Chair Greenbaum added that she will have a final draft for Members by the next Planning Board meeting so the ZBA will have it in their packets. Member Riemer said that this issue was also addressed by Russ Braun, former Building Commissioner of Truro, in his letter dated December 21, 2019, so Chair Greenbaum will add it to the packet.

Chair Greenbaum opened the discussion for setting goals for FY2021 and she stated that there was a working session set with the Housing Authority as to how to get town input for what the community wants to do for housing. The work session was canceled when COVID-19 arose and Chair Greenbaum asked for input as to how to restart the work session with the Housing Authority. Member Kiernan commented that he liked Kevin Grunwald and that he is a very conscientious person who will be easy to work with. Member Kiernan further said that there should be a discussion with the Housing Authority on the Walsh Comprehensive Community Planning Committee and the Walsh property. Chair Greenbaum confirmed that Member Sollog is on that committee. Chair Greenbaum added that there will be a Planning Board liaison to attend the upcoming meetings as well as the Disability Committee specifically as it pertained to universal design. Member Riemer added that there was an approved subdivision within the Walsh property and that the Planning Board should emphasize this with the ZBA. Chair Greenbaum commented that she would not support multi-family housing on Beach Point as it doesn't make sense. Chair Greenbaum said she will contact Mr. Grunwald to get the work session restarted.

Member Kiernan made a motion to adjourn at 4:59 pm.

Member Riemer seconded the motion.

So voted, 6-0-1, motion carries. One absent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and "P".

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

September 2, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan

Members Absent: Anne Greenbaum (Chair), R. Bruce Boleyn, Peter Herridge

Other Participants: Barbara Carboni - Interim Truro Town Planner; Liz Sturdy – Truro Office Assistant; Loic Rossignon – Residential Site Plan Applicant; David Little of Ryder & Wilcox, Inc. – Provider of Engineering Services to Mr. Rossignon; Peter Soule of Soule Land Surveying – Provider of Land Surveying Services to Mr. Jeremiah D. Frank

Remote meeting convened at 6:05 pm, Wednesday, September 2, 2020, by Vice Chair Tosh who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was also provided.

Public Comment Period

Public comment, for things not on the agenda, and there were none.

Public Hearing – Continued

2020-002/SPR Loic Rossignon

Vice Chair Tosh opened the meeting to continue public hearing 2020-002/SPR, Loic Rossignon, for the property located at 8 Stick Bridge Road, Truro, MA located in the National Seashore District and for the purpose of the demolition of an existing cottage and the construction of a barn. Mr. Little introduced Mr. Rossignon and said that he has revised the application to include barn height which is 27' and in compliance with Zoning Bylaws and the proposed gross floor area is 4,138 square feet. Vice Chair Tosh stated that prior to the meeting that there was concern about the size and asked Member Kiernan to express concerns who cited definitions as to gross floor area that excluded garage, porches, decks, barns, sheds, greenhouses, and agricultural buildings. The question arose in the staff memorandum if 4,138 square feet would exceed the 3,600 square foot allowable in the National Seashore District. Member Kiernan further commented that it is unclear whether this building will be used for sleeping, living, sanitation, cooking, or eating purposes. Mr. Little commented that there is no plumbing in this garage/barn and it will have electricity. Mr. Little stated that he determined that the building had a gross floor area of 2,359 square feet. Interim Town Planner Carboni opined that the Planning Board didn't need to grant a special permit and could approve as is. Interim Town Planner reviewed the definition of aggregate gross floor area as it pertains to an accessory structure is included in the gross floor area. Interim Town Planner Carboni stated there could be a finding that the square footage is not included as it is an accessory building on the lot. Member Sollog commented that it is more of a workshop/storage

shed. Vice Chair Tosh said that she shared the same view as Member Kiernan and would be willing to move forward with a finding that it is not included with a motion to that effect.

Member Kiernan made a motion that since the building would not be used for sleeping, living, sanitation, cooking, or eating purposes, it should not be calculated in the footage for livable space and is exempt from a special permit.

Vice Chair Tosh seconded the motion.

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

Vice Chair Tosh moved that the applicant's application be approved.

Member Sollog seconded the motion.

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

Vice Chair Tosh thanked Mr. Rossignon and Mr. Little and Mr. Little thanked the Board.

Mr. Rossignon and Mr. Little left the meeting.

Board Action/Review – Continued

Vice Chair Tosh opened Board Action/Review on 2020-009/PB, Margaret G. Frank, Irrevocable Trust 2012, Jeremiah D. Frank, Trustee, seek approval of an ANR pursuant to section 2.2 governing subdivision of land with respect to property located at 8 Perry's Hill Way and Old County Road, Truro, MA, map 54, parcel 67. Interim Town Planner Carboni stated that the Board would move forward on this ANR and that the applicant previously indicated that he wanted to remain on the agenda. Truro Office Assistant Sturdy commented that the applicant was on the call but not on it now, but she would attempt contact. Vice Chair Tosh noted that Interim Town Planner Carboni had stated in her staff report that the criteria of a minimum of 150' frontage is not met although it will not be used as an access.

Mr. Soule now joined the meeting via telephone.

Mr. Soule stated it was a 3-acre parcel, has an old house on the property, and the applicant wants to divide the property into 2 lots. The property has more than minimum frontage and not on a wetland. Member Kiernan referenced a bylaw that requires a minimum distance between two lots. Mr. Soule stated that at the narrowest point there is a separation of 30' and Mr. Kiernan thought the requirement was 50'. Member Kiernan was unsure that the bylaw pertained to the property since it was so old and that the ZBA may have to approve. Interim Town Planner Carboni pointed out to Member Kiernan that in Table on 50.1, (page 49, lot shapes) after April 3, 2004, will not be less than 50' wide on Lot #2 as measured by opposite sidelines. Member Kiernan suggested to Mr. Soule that he should seek relief from the ZBA. Vice Chair Tosh noted that since there were only four Members present, she asked Interim Town Planner Carboni if this should be continued for another meeting or may the Members approve the plan with notation. Interim Town Planner Carboni noted that there had to be a notation of nonconformity. Vice Chair Tosh stated that she wanted to help this applicant and it would be a shame to deny this application. Interim Town Planner Carboni stated that she wasn't recommending a denial of the application, but the Board can endorse it noting nonconformity. Member Riemer noted that the lot was being created in 2020 so it must conform to any Bylaws. Member Riemer inquired about the size of the lots and whether the setback is enough. Member Sollog stated that this situation is a pre-existing nonconformity, and that relief could be easily obtained from the ZBA. Member Sollog further stated that one can't change things like that. Vice Chair Tosh asked for additional comments from the Board and

wished not to have a negative outcome for this applicant. Member Kiernan suggested that the applicant go to the ZBA first and then come back to the Planning Board. Interim Town Planner Carboni opined that since the lots have not yet been divided the Planning Board may proceed moving forward or continue the hearing. Mr. Soule expressed that the Planning Board was obligated to approve the ANR based upon that the parcel is or is not a subdivision. Mr. Soule further stated that the Planning Board doesn't approve the application but votes to endorse. Mr. Soule offered to annotate the plan with the nonconformity of Lot #2 yet Member Kiernan suggested a notation that Lot #2 conformity is in violation of existing Bylaw regarding conformity. Member Riemer suggested that upon approval, the applicant may create 3 lots and sell them off. Mr. Soule responded that that would be fraud and he will not do that. Mr. Soule will then move forward to a continuance until the next Planning Board and expressed concern that the applicant has waited a year for this action by the Planning Board.

Member Kiernan made a motion to endorse the plan as an ANR along with an additional notation that Lot #2 is in violation of Section 50.1.a., note #9, along with a notation of the 5' separation at the narrowest point.

Vice Chair Tosh seconded the motion.

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

Mr. Soule will submit a new plan and Vice Chair Tosh thanked Mr. Soule who said good evening.

Mr. Soule left the meeting.

Vice Chair Tosh reviewed Chair Greenbaum's draft letter dated August 18, 2020, regarding Cloverleaf. Member Riemer noted that he is not in support of blanket support of listed recommendations. Member Kiernan is also not in support, and he is more in support for the Board of Health members who will review anything that comes out of the ZBA. Member Kiernan is concerned about water issues and strongly feels that the Board of Health has kept the town's water sources safe. Vice Chair Tosh stated that she is not comfortable with supporting the Board of Health Members with a blanket endorsement when she doesn't know what they will say as it may be something that the Planning Board may not agree with. Members Sollog and Riemer agreed with Member Kiernan and Vice Chair Tosh also agreed. Interim Town Planner Carboni opined that it is up to the Planning Board's consensus, and it is to offer advice to the ZBA and pertinent information may be provided. Member Riemer would like to add that on page 4, last paragraph, "heritage and community character should be given equal weight as to the other integral goals." Member Riemer further added that a final sentence be added after the paragraph: "The Board needs to balance the need for affordable housing against concerns for public health, safety, rural character, and groundwater protection." Interim Town Planner Carboni opined that "heritage" so it was removed by Vice Chair Tosh with consensus by the other Members. Member Kiernan commented that there is still more information (for example, cross-sectioning) should be required by the Planning Board but Interim Town Planner Carboni opined that would go beyond what the statute required which is only a preliminary plan. Members added the sentence "The visual impact of the all the buildings together is equally as important as a view of the buildings individually." Vice Chair Tosh will add the new comments and provide to Chair Greenbaum so it will be included in the packet to the ZBA by their next meeting.

Vice Chair Tosh pushed the last three items on the agenda: discussion of Certified Abutter's List Request Form, discussion for goals for FY2021, and the discussion for setting dates for future Board public workshops to the next meeting. No objections.

Member Sollog stated that he will be in Pennsylvania for the month of October, and he will also notify Chair Greenbaum.

Member Kiernan made a motion to adjourn at 7:24 pm.

Member Sollog seconded the motion.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A" and a long horizontal line extending to the right.

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

September 16, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan

Members Absent: R. Bruce Boleyn, Peter Herridge

Other Participants: Barbara Carboni - Interim Truro Town Planner; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 6:03 pm, Wednesday, September 16, 2020, by Chair Greenbaum who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was stated by Interim Town Planner Carboni.

Public Comment Period

Public comment, for things not on the agenda, and there were none.

Board Action/Review – Continued

Chair Greenbaum led the discussion on 2020-009/PB, Margaret G. Frank, Irrevocable Trust 2012, Jeremiah D. Frank, Trustee and confirmed with Interim Town Planner Carboni that the Board requested information had been added to the plan. The width of the lot (36.5') was included at the narrowest point and added the language that Lot #2 was in violation of the bylaw. No further comments or objections from the Board.

Chair Greenbaum opened the discussion on the Certified Abutters List Request Form. Truro Town Assistant Sturdy commented that a conversation had occurred between Interim Town Planner Carboni and Truro Principal Assessor Jon Nahas about requested information on the bottom of the form for abutters boundaries in the National Seashore. Chair Greenbaum clarified that the issue was that rule was that everyone living in the National Seashore, also abutters to the National Seashore, would have to be notified. Vice Chair Tosh commented that she favored the abutters to the abutters within 300' of the property line. Interim Town Planner opined that before changes were made that she would have to review to the statute to ensure compliance. Chair Greenbaum stated that it starts with abutters who have already been dealt with. Chair Greenbaum further stated that abutters to the abutters who are within 300' of the property line would have to be notified. Member Kiernan said that he saw a problem in a situation where a property owner with a property that is 300' wide would not have to notify the abutter to the abutter. Interim Town Planner Carboni recommended a continuance of this discussion as she would like to explore case law on this subject. Member Riemer stated that there may be a question of who is responsible for notification to the abutters. Chair Greenbaum said that the Board didn't have the information in front of them. Chair Greenbaum asked Member Riemer to examine the Board

handbook and provide information of who is responsible to Truro Office Assistant Sturdy so she can include in the next Board meeting packet.

Chair Greenbaum led the discussion on the proposed 2021 Planning Board Meeting Schedule. The Board reviewed Truro Assistant Sturdy's draft dates and Member Kiernan stated that January 20, 2021, is Inauguration Day at 12:00 pm and September 15, 2021, is Yom Kippur. Chair Greenbaum stayed with the January 20th meeting and moved the September meeting to the 22nd. Changes were noted by Truro Office Assistant Sturdy.

Member Kiernan made a motion to accept the 2021 Planning Board Meeting Schedule as amended. Member Sollog seconded the motion. So voted, 5-0-2, motion carries.

Chair Greenbaum started the discussion on the Cloverleaf update. At the last ZBA meeting, the ZBA Board spent an hour and a half on the recommendations provided by the Planning Board. The ZBA decided on some and others which they did not. There is now a revised request for waivers list for the Planning Board to provide comments. Member Kiernan noted that the Housing Authority meeting on September 10, 2020, was the very first Housing Authority recorded meeting and was 24 minutes and 42 seconds long. Member Kiernan recommended that anyone in the Cloverleaf should view the meeting as it is "very interesting".

Chair Greenbaum reviewed and led the Warrant Articles for Fall Town Meeting. Chair Greenbaum announced that the new Warrant is available electronically. The Planning Board was recognized by Town Manager Rae Ann Palmer for the work that it had done even for the work that may not be voted upon. Chair Greenbaum stated that a consent agenda will be voted upon, and the CPC articles will be discussed unless there is a vote. Chair Greenbaum said that articles not voted upon at this Town Meeting will be voted upon at the next Town Meeting. Interim Town Planner Carboni opined that any articles voted upon and defeated are done and Vice Chair Tosh agreed.

Member Kiernan commented that Article 11 section 7 gives the Housing Authority \$400,000 with no place to apply it and Article 15 section 2 gives the Housing Authority an additional \$150,000. Member Kiernan asserted that if one watches the Housing Authority meeting from September 10, 2020, they will see where the Housing Authority has already spent the money. Chair Greenbaum noted that the funds would go to the Affordable Housing Trust Fund. Member Kiernan further commented that Article 21 wants half of all the room tax collected by Truro to go to the Affordable Housing Trust Fund. Chair Greenbaum also directed that each Member be prepared to answer why the Planning Board should be elected and be prepared to answer publicly. Chair Greenbaum reminded Members that the Town Hall Meeting would be Saturday, September 26, 2020, at 12 pm, at Truro Central School's ballfield and registration starts at 11 am. More information was posted and available on the Town of Truro website. Member Riemer asked what other meetings were scheduled prior to the Town Hall Meeting and Interim Town Planner Carboni provided dates of several Select Board meetings on September 18, September 19, and September 22, 2020.

Chair Greenbaum led the review of the effect of Section 50.2 of the Zoning Bylaw upon the Town of Truro to submit a report to the 2021 Truro Annual Town Meeting. Member Kiernan recommended that this discussion should be at a workshop to get into the details as he doesn't believe that it hasn't done anything but kept the mega houses from not arriving. Chair Greenbaum and Member Kiernan will develop a plan to look at a potential work session.

Chair Greenbaum introduced FY2021 goals setting with a proactive focus on housing as it will be challenging to have the conversation with the public due to the divisive nature of the Cloverleaf project. Interim Town Planner Carboni commented that this is not so unusual, and that people do move on. Chair Greenbaum has spoken with Kevin Grunwald of the Housing Authority who is not so optimistic that the Housing Authority and Planning Board can work together and has put it on the Housing Authority next meeting's agenda. Chair Greenbaum's fear is that the Walsh property may be more divisive and polarizing than the Cloverleaf. Chair Greenbaum asked Members for input to include potential invitations to Select Board Members to discuss housing. Member Sollog commented that the Walsh property already has several homes, and they should be evaluated for rehabilitation. Member Sollog wondered if Habitat for Humanity could do home rehabilitation. Member Riemer commented that the Walsh property has been approved for subdivision and the investment of very minimal septic improvement could make this viable. Member Kiernan suggested an invitation to a Member of the Select Board, Member of the Board of Health, and a Member of the ZBA to discuss housing and Interim Town Planner Carboni offered her assistance in officiating a workshop with all parties present. Member Sollog said a workshop would be beneficial as there will be future projects which will have similar housing issues. Vice Chair Tosh stated that it would be helpful as the public would not see the Planning Board as obstructionist and more like planners. Vice Chair Tosh suggested to look at vacant land and Town-own land to anticipate what needs may exist in the future. Member Riemer said that he attended an Open Space Committee meeting that looks at these issues and he felt that they could contribute to the conversation. Member Kiernan liked Vice Chair Tosh's ideas as well as Member Riemer's inclusion of the Open Space Committee. Member Kiernan reminded the Members that there is a problem in Town with limited job opportunities which allow people to afford to live in Town. Chair Greenbaum called upon Interim Town Planner Carboni for her experience and expertise to contribute to the housing conversation. Chair Greenbaum said that the next step is to schedule a work session, with the identified participants, and have substantive dialogue. Chair Greenbaum suggested a work session for Wednesday, September 30, 2020, at 2:30 pm.

Chair Greenbaum noted that there were no minutes for approval and the next regular meeting is October 7, 2020, and there will be site visits at 2:30 pm on October 6, 2020.

Truro Office Assistant Sturdy asked for four Members to sign off on the Frank ANR. Chair Greenbaum, Member Kiernan, Member Riemer, and Member Sollog will coordinate signature times with her this week. Regarding upcoming agenda items, Town Office Assistant Sturdy stated that 30 Longnook Road would be on October 7 Agenda as a Residential Site Plan review. Member Kiernan asked if this was in the Seashore which it is. Interim Town Planner Carboni confirmed with Truro Office Assistant Sturdy that the ZBA approved the 30 Longnook Special Permit for the expansion of the non-conforming structure with conditions.

Member Kiernan made a motion to adjourn at 7:17 pm.

Member Riemer seconded the motion.

So voted, 5-0-2, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a distinct "P" at the end.

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

September 30, 2020 – 2:30 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog

Members Absent: R. Bruce Boleyn, Peter Herridge, Paul Kiernan

Other Participants: Barbara Carboni - Interim Truro Town Planner and Counsel; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 2:33 pm, Wednesday, September 30, 2020, by Chair Greenbaum who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Chair Greenbaum also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

Public comment, for things not on the agenda, and there were none.

Work Session

Chair Greenbaum opened the discussion on how to engage with the community around the housing in Truro with the goal improving access.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni to provide an update on Cloverleaf. Interim Town Planner and Counsel Carboni stated that the Board will have a meeting on October 8, 2020, at which time it will discuss the applicant's waiver requests. No questions or objections from the Members.

Chair Greenbaum asked the Members if they had read Interim Town Planner and Counsel Carboni's staff memorandum on Zoning and Housing dated September 29, 2020. Members replied in the affirmative and Interim Town Planner and Counsel Carboni conducted a review of her staff memorandum with Members. The review included examination and discussion under which residential uses of greater density were allowable under special permit: accessory dwelling unit (under Section 40.2); duplex houses and apartments (under Section 40.1); a cottage or cabin colony, motor court, motel, or hotel may be converted to single-family or multi-family use (under Section 40.3); and within the Affordable Rental Housing Overlay District, affordable rental housing units only may be constructed in a cluster development, up to 16 units, and up to 70% must be reserved for Truro residents (under Section 30.6). Member Riemer stated that he had a copy of the Town Warrant and effective April 2017, Article 18, under the comments section of page 30, this was a citizen's petitioned article. Member Riemer and Interim Town Planner Carboni discussed the fact that Section 40.1 described lawful use of "Duplex

Houses and Apartments” yet it is not provided for anywhere else in the Use Table. Interim Town Planner Carboni opined that is the case the paragraph may be removed. Chair Greenbaum said that it would be best to identify the question rather than solve the question. Interim Town Planner Carboni will check with Jonathan Silverstein to provide the historical intent of Article 18. Member Riemer stated that that less than 16 units allowed the units to have their own water source instead of a Town water source. Interim Town Planner Carboni asked if this was in the bylaw and Member Riemer stated that it was a state regulation as well as included in the Feasibility Study for Cloverleaf. Interim Town Planner Carboni were related to the Town’s desire to maintain its rural character an unquestionably valid concern and priority for the Town.

Interim Town Planner Carboni continued that Title V and Truro septic system regulations also limit density (as do state regulations protecting drinking water supply) but zoning remains the key to determining housing density as the Town considers its land use patterns and shapes future development. Interim Town Planner Carboni pointed out the issue of production of affordable housing and cited the Housing Production Plan along with other planning documents. Interim Town Planner Carboni opined that it would be very difficult to discuss housing production without having an accurate, contemporary assessment of what buildout is for the Town under current zoning. Interim Town Planner Carboni stated that her research led to her to the most recent information contained in the 2005 Local Comprehensive Plan that potentially developable buildable lots were 1,710, with an average of 40 building permits per year, and buildout estimated at approximately 250. At this time, Interim Town Planner Carboni has not found new information. Member Riemer said that there is a more recent detailed study contained in the Weston and Sampson Integrated Water Resource Management Plan, phase 1, dated 2014. Member Riemer said it included projected buildout and any discussion should include this report and it is on the Town’s website. Chair Greenbaum mentioned that this information should looked at by the Board. Interim Town Planner Carboni continued that inclusionary zoning is a tool that many municipalities have adopted, and it requires the creation of affordable unit(s) in proportion to market rate units produced. Interim Town Planner Carboni also suggested that a solution may be an amendment to the bylaw that allows the construction of duplexes and allow the units to be sold separately. The question for the Town, according to Interim Town Planner Carboni, is whether the Town wants to focus on affordable housing or increasing market rate housing overall.

Interim Town Planner Carboni stated that under Section 40.1.B allowed for the construction of two units, on one acre totaling 3,000 square feet, but the units must remain in common ownership and one unit must remain owner-occupied. Member Riemer asked Interim Town Planner Carboni about two-unit condominium conversion to year-round as to whether an inclusionary bylaw could be applied to a future development, and she replied that it may be. Chair Greenbaum inquired as to how this would affect water requirements. Member Sollog opined that this is a very serious discussion that should be addressed later as Member Kiernan is not present. Chair Greenbaum agreed with this that the Board needed to weigh pros and cons. Member Sollog also suggested coordination with the Board of Health to determine what is permitted. Member Riemer then wanted to add subdivision into the conversation. Interim Town Planner Carboni said yes and Chair Greenbaum stated to add that to the list of possibilities.

Member Riemer noted that year-round condominium conversion should be carefully considered and its effect on the Sensitive Housing Index (SHI). Member Sollog stated that the Town would be in a predicament as how would the Town tell an owner of a currently owned condominium that the Town chose the owner’s condominium for affordable housing. Member Sollog that the Town needs to include the public in this discussion as the Board is perceived, whether right or wrong, to be anti-housing.

Interim Town Planner Carboni stated that she would want to include Jon Witten who is an attorney with experience in land use law and worked with the Town of Falmouth previously. Chair Greenbaum addressed Member Sollog's observation that the Board was perceived as anti-housing and underscored the necessity to help people understand what is and is not allowed.

Member Riemer stated that at the Town meeting last Saturday that the Town committed to cut its carbon footprint by 2050 and must be considered in any deliberation of housing goals. Chair Greenbaum commented that the Climate Action Committee had requested a meeting with the Board to see where they could together and asked the Members if a meeting should be scheduled. Member Sollog said that he struggled with how to force feed climate control policy upon people. Member Riemer noted that the state building code may be revised to include stricter means of identifying ways save on the carbon footprint, and that in 2010, the Town adopted a policy to be a Green Community. Vice Chair Tosh commented that she had met Fred Gaechter, who serves on the Climate Action Committee, earlier in the day and he had mentioned that the Climate Action Committee would like to have a meeting with the Board. Chair Greenbaum stated that she would like to have a meeting with the Climate Action Committee on October 14, 2020, from 1:30 pm to 3 pm and Truro Town Assistant Sturdy confirmed availability and put it on the calendar. No objections or questions from Members.

Chair Greenbaum asked Truro Town Assistant Sturdy when Board meetings move back to 5 pm and Truro Town Assistant Sturdy replied November 4, 2020.

Chair Greenbaum stated there was a site visit scheduled on Tuesday, October 5, 2020, at 2:30 pm.

Chair Greenbaum also asked for three more Members to coordinate a time to sign a document with Truro Assistant Sturdy.

Member Riemer made a motion to adjourn at 3:35 pm.

Member Sollog seconded the motion.

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

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

October 7, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

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

Members Absent: Peter Herridge

Other Participants: Barbara Carboni - Interim Truro Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; William J. Marsh – Applicant for 30 Longnook Road; Trevor Pontbriand – Associate Architect from Aline Architecture in Orleans, MA representing William J. Marsh

Remote meeting convened at 6:03 pm, Wednesday, October 7, 2020, by Chair Greenbaum who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner Carboni also provided information as to how the public may call into the meeting or provide written comment.

R. Bruce Boleyn joined the meeting.

Public Comment Period

Public comment, for things not on the agenda, and there were none. Truro Town Assistant Sturdy announced that Jim Zablocki, Lisa Peets, and Elise Stiller were on the call, but none offered comments.

Public Hearing

2020-003/SPR – William J. Marsh

Chair Greenbaum opened the public hearing for property located at 30 Longnook Road (Atlas Map 43, Parcel 121, Registry of Deeds title reference Book 32127, Page 302). Applicant seeks a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for the demolition and reconstruction of a pre-existing single-family residence with a slightly enlarged footprint in the Seashore District. Chair Greenbaum stated that as a matter of Board policy, the Board would have any public hearings would continue across two meetings so all voices may be heard and not denied because of technology. Interim Town Planner Carboni provided a quick summary of the application to include the nonconforming as to area and front setback. The ZBA has reviewed an application for a special permit from the applicant that the ZBA has approved with conditions. Chair Greenbaum asked the applicant or the architect for comment. Mr. Pontbriand commented that there was not much to add but there are two structures on the property including a main house and the garage/apartment. The main house was completely gutted to remediate asbestos in the drywall and there will be no change to the garage/apartment. Mr. Pontbriand stated that the main house will fit in the original footprint, but it will be slightly larger. Chair Greenbaum asked Mr. Marsh if he wanted to provide additional comments. Mr. Marsh stated that he had nothing to add to Mr. Pontbriand's comments. Chair Greenbaum asked

Members if they feel is missing and she acknowledged that Mr. Pontbriand had submitted a Statement of Work which the Board received last night. Member Kiernan stated a concern around a stairway near the apartment entrance that was too near a tree. Chair Greenbaum asked Mr. Pontbriand to make the correction. Mr. Boleyn noticed that a slightly larger footprint (390') and Site Plan Review will not be waived in the Seashore District. Chair Greenbaum announced that the Board is not waiving Site Plan Review and asked the Members if they needed anymore information. Member Riemer stated that on 3a.11 it states that not available in 3 cases and Member Riemer specifically asked why the Massachusetts Natural Heritage and Endangered Species Act is unavailable. Chair Greenbaum asked the applicant or his representative to answer. Mr. Pontbriand thought this situation didn't fall under this jurisdiction and Interim Town Planner Carboni opined that Mr. Pontbriand may be able to contact the state for clarification. Interim Town Planner Carboni will assist Mr. Pontbriand as the right state agency and point of contact to get clarification either yes or no. Chair Greenbaum instructed Mr. Pontbriand to provide any new information from the state to Interim Town Planner Carboni and Truro Office Assistant Sturdy.

Chair Greenbaum stated that there are two pieces required: one correction and one piece of information that Mr. Pontbriand will provide to the Board.

Member Kiernan offered a suggestion to the applicant that a light source is not seen from the road or a neighboring property and recommended that the lights below light to flood the front of the house only. Mr. Marsh asked if Member Kiernan was referring to the lights on the porch and the front of the house. Member Kiernan stated in the affirmative.

Member Riemer stated that during the Town meeting on September 26, 2020, the voters approved Article 17 to reduce the Town's net Greenhouse emissions to zero by 2050 and Member Riemer asked if the applicant addressed this initiative and Mr. Pontbriand replied that had not been discussed at this point. Mr. Riemer noted that the applicant proposed to use propane-powered heating and cooling and Mr. Riemer asked if the Energy Committee suggested that perhaps alternate power sources which address this Town initiative. Vice Chair Tosh commented that this is mission creep, and the Planning Board does not have the jurisdiction over climate change and climate initiatives. Vice Chair Tosh further commented that this a tasteful and modest project which should be appreciated by the applicant and architect to have designed such a wonderful project. Chair Greenbaum agreed with Vice Chair Tosh. Mr. Marsh stated that he appreciated the Member Riemer's suggestion and that he would like to learn more about it so he can help the Town achieve its goals as stated in Article 17. Mr. Marsh further stated that he and Mr. Pontbriand will contact the Climate Action Committee for more information. Chair Greenbaum thanked Mr. Marsh for his willingness to do so. As a former owner of this property, Member Kiernan reviewed the deed last night, from 1951, and discovered that the property was owned by an individual named Paul and that the deed specifically stated that the property was limited to one residence on the property. Member Kiernan noted that the work that the ZBA is doing to limit to one residence is backed up by the 1951 deed. Chair Greenbaum thanked Member Kiernan for the historical information keeps the Board on the straight and narrow.

Member Sollog asked if there any historical value to the existing structure such as age. Mr. Marsh stated that the structure was built in 1950. Vice Chair Tosh stated that she has worked on several projects with the Truro Historical Commission and the analyses of the Truro Historical Commission is if the building is 75 years or older and is it of historical significance. Vice Chair Tosh opined, with all due respect, that this residence didn't meet the criteria. Member Sollog thanked Vice Chair Tosh for the information, and he appreciated that this was discussed.

Chair Greenbaum then opened the hearing to the public and Truro Town Assistant Sturdy call upon Mr. Zablocki (no comment), Ms. Peets (no comments) and Ms. Stiller (no comments).

Chair Greenbaum asked if there were any other comments from the applicant, architect, the Board, or the public and there were none. Interim Town Planner Carboni advised Chair Greenbaum to consider a motion with a date certain to continue this hearing.

Member Kiernan made a motion to continue the hearing to October 21, 2020.

Vice Chair Tosh seconded the motion.

So voted, 6-0-1, motion carries.

Chair Greenbaum thanked Mr. Marsh and Mr. Pontbriand and reminded them what follow-up activity was required before the hearing continuance on October 21, 2020.

Mr. Marsh and Mr. Pontbriand thanked the Board and left the meeting.

Board Action/Review – (Continued)

Chair Greenbaum opened the discussion the Certified Abutters List Request Form with the Board. Interim Town Planner Carboni shared the G.L. c. 40A, s. 11, governing notice for special permits with the Members with a focus on the clause “...shall mean the petitioner, abutters, owners of land directly opposite of any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner...” Interim Town Planner Carboni stated that there was case law on this topic in *Murrow v. Esh Circus Arts, LLC*, 93 Mass. App. Ct. 233 where the decision was made that both criteria had to be met and not just one in order to receive notice.

Member Riemer cited for comparison Subdivision Control Law G.L. c. 41, s. 81T. Interim Town Planner Carboni had also identified this and shared the information with a focus on the clause of “...notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the planning board...” Member Riemer stated that there may be confusion as the people of interest may not be notified. Chair Greenbaum stated that who is to notify people is an issue that the Board needs to explore as it is critical. Chair Greenbaum also stated that she wanted to know who had been mailing out notices. Furthermore, Chair Greenbaum noted that Interim Town Planner Carboni has been working on a case-by-case basis clarifying the notification process with those within the Seashore District. Member Kiernan stated that Interim Town Planner Carboni referenced the above stated stipulations which must apply within 300’ and Member Kiernan noted that there are a number of substandard lots within the Town, and this would affect abutters and abutters to abutters. Member Kiernan asked Interim Town Planner Carboni for guidance, and she opined that Section 11 established a minimum requirement only for a Special Permit.

Vice Chair Tosh commented that the Town should do the minimum that is aligned with the statute. Member Sollog said that the reason this came up is the abutter to abutter is an issue within the Seashore District and he can’t figure out the language as it is confusing. Interim Town Planner Carboni said that the Board can exceed the 300’ minimum if it wants. Member Sollog stated that he would be satisfied if we can limit the abutters list to a reasonable number that is legally unchallengeable.

Chair Greenbaum and Vice Chair Tosh were no longer on the call due to technical difficulties because of the storm. Chair Greenbaum rejoined the meeting via telephone as the thunderstorm knocked out the

internet. Chair Greenbaum resumed the meeting. Interim Town Planner Carboni stated that the language is sufficient, but she yielded to Members as she is new to Town. Chair Greenbaum stated that abutters to abutters to a specific distance to the property line makes sense. Interim Town Planner Carboni commented that this would take care of abutters within 300' of the Seashore District but not abutters to abutters. Interim Town Planner Carboni opined that it may be a good idea to include everyone within 500'.

Chair Greenbaum asked Interim Town Planner Carboni and Truro Town Assistant Sturdy to review the abutters criteria for everything or does the Board do some differentiation as is currently done. Chair Greenbaum also asked Truro Town Assistant Sturdy to see if the public still on the line would like to comment. Truro Town Assistant checked with Mr. Zablocki, Ms. Peets, and Ms. Stiller. None wanted to provide comment on this topic.

Truro Town Assistant Sturdy notified Chair Greenbaum that Member Riemer was no longer on the call.

As there was no longer a quorum and due to the storm, Chair Greenbaum asked for a motion to adjourn.

Member Kiernan made a motion to adjourn at 7:02 pm due to storm and Town technical issues.

Member Sollog seconded the motion.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a long horizontal stroke extending to the left.

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

October 14, 2020 – 1:30 pm

REMOTE PLANNING BOARD WORK SESSION

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

Members Absent: Peter Herridge

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Carol Harris – Chair of the Climate Action Committee; Bob Higgins-Steele – Vice Chair of the Climate Action Committee; Richard and Suzanne Thomas (Discussion of Marijuana Application Packet); Daniel Leclair (Discussion of Marijuana Application Packet); Lisa Peets (Discussion of Marijuana Application Packet); Jim and Carol Zablocki (Discussion of Marijuana Application Packet)

Remote meeting convened at 1:30 pm, Wednesday, October 14, 2020, by Chair Greenbaum who announced that this was a joint work session with Members of the Climate Action Committee. Interim Town Planner Carboni announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

Public comment, for things not on the agenda, and there were none. Truro Office Assistant Sturdy announced that Suzanne Thomas and Daniel Leclair were on the call, but none offered comments.

Joint Work Session

Chair Greenbaum announced that the joint work session with the Climate Action Committee would be held from 1:30 pm to 2:30 pm followed by the Planning Board Work Session.

Chair Greenbaum gave Members of the Planning Board and Climate Action Committee the opportunity to introduce themselves, state how they arrived in Truro, and how long they lived there. All Members introduced themselves.

Chair Greenbaum commented that she and Chair Harris for each Board and Committee to present its responsibilities and then how they can work together.

Chair Greenbaum said that the Planning Board reviews Site Plan Review for commercial projects, Site Plan Review for residential projects in the Seashore District, subdivisions, approval not required (ANR), cell towers, and temporary sign permits. On the planning side, Chair Greenbaum stated that the Planning Board plans by addressing issues such as house size Bylaws, the development of a comprehensive look for housing needs in Town and how to address them, and finally, how to create a

more diverse housing stock in Truro that includes a range of year-round housing options which protect the water and environment. Member Kiernan stated that the Planning Board's purpose, in accordance with the Town's Zoning Bylaws (Section 10, Subsection 10.2) is to promote the health, safety, convenience, and welfare of the inhabitants of Truro; prevent the overcrowding of land; conserve the value of land and buildings; enable the protection of a clean and safe water supply; conserve natural resources; prevent the blight of the land; encourage the most appropriate use of land in Truro; and the implementation of the goals and policies of the Truro Comprehensive Plan.

Chair Harris shared a prepared document with all Members and stated that the Climate Action Committee is new and one of the main charges is to create a baseline study of the impact of greenhouse gases upon Truro (including municipality, residential, and business); create a baseline study of Truro's vulnerabilities to climate change; recommend specific climate policies; and community outreach through education. Chair Harris said that the Climate Action Committee has taken a year to review what they can do that best serves the Town yet not duplicate the work of other Boards or Committees. Chair Harris noted that the Climate Action Committee can do nothing without supportive collaboration from within Truro and neighboring communities. Chair Harris further stated that the definition of climate change is to reduce greenhouse gases. Chair Harris covered the areas of principles for action, Climate Action Committee activities to date (develop definition of climate change, brainstorm effects of climate change, consolidate brainstorming ideas, assign teams to develop ideas, develop high-level action descriptions, propose Select Board letter of support for H2810, and prepare warrant article for climate emergency); and areas of interest (air, water, ecosystems, education/outreach, and policy). Chair Harris said that she would welcome introductions of Truro residents who would like to be involved with the Climate Action Committee as it is currently a committee of three and there is meaningful work to do.

Member Boleyn thanked Chair Harris for her document and sharing the information. Member Boleyn asked what Chair Harris' priorities are and Chair Harris replied that the priorities now are greenhouse gases, water, and ecosystems. Chair Harris noted that Phase 1 is evaluating the priorities and making changes if needed, and then, Phase 2 is how to bring these priorities to the Town.

Member Kiernan thanked Chair Harris for her work and offered a few suggestions: the Climate Action Committee should ask the Town for money to do a survey as it is a new committee and increase community awareness; write and publish a newsletter for the community; figure out a way for Truro homeowners (half of whom do not live year-round in Town) to save money through the benefit and installation of solar panels which lowers the carbon footprint and work with the Town to implement insulation standards. Chair Harris commented that the Climate Action Committee has considered to write a column for The Banner and/or Independent. Member Kiernan discussed the effect of tidal surge that may create an island consisting of Provincetown and North Truro as well as the number of million-dollar homes which are built near the water's edge and their impact upon the environment. Chair Harris noted that there are a lot of good things going on climate change in Truro and mentioned the wonderful efforts of Emily Beebe (Town Health/Conservation Agent) in her local advocacy on this subject.

Chair Greenbaum commented that during last week's Planning Board meeting an applicant welcomed an opportunity offered by the Planning Board to meet with the Climate Action Committee to learn about alternative heating solutions for his residence. Chair Harris appreciated this suggested collaboration as it increases community awareness.

Member Riemer joined the meeting.

Chair Greenbaum suggested that a handout be created to provide information about carbon reduction solutions to new residents and homeowners. Member Kiernan suggested that a handout be given to all who apply for a building permit. Member Higgins-Steele was thrilled about this meeting, and he really enjoyed Member Kiernan's purpose for the Planning Board. Chair Harris that Member Higgins-Steele is working diligently on the opportunity for Truro to be eligible for grants as detailed through the Commonwealth of Massachusetts' Stretch code. Stretch code adoption is mandatory for designation as a *Green Community* under the Green Communities Act passed by the Legislature and signed into law in 2008. Truro is a designated *Green Community*. Chair Harris stated the Stretch code goes beyond the building code. Member Higgins-Steele stated that it is the state's goal to get municipalities to net zero by 2050 and every sector must do its part. Buildings are 30%-40% of everyone's greenhouse gas emissions and becoming an early adopter will result in more grants. Member Higgins-Steele commented that Truro as a vulnerable community can lead by example. Chair Greenbaum stated that on this topic for the Climate Action Committee to keep the Planning Board informed as the Planning Board is supportive. Member Higgins-Steele further stated that a Member of the Energy Committee had made a short four-minute video and he would like to send a link to the Planning Board that explains this topic further. Chair Greenbaum asked Member Higgins-Steele to send the link to Truro Office Assistant Sturdy who will send it out to the Members. Member Sollog stated that every effort to reduce emissions, yet he is confused about carbon dioxide since it is a necessity for plants to convert to oxygen. Member Sollog further commented that when there is not much sun solar panels don't produce much and when there is not much wind turbines don't produce much. Chair Harris thanked Member Sollog for his comments and told the Members that are many solutions which can reduce emissions such as evergreen and pine tree planting. Chair Harris closed by stating that research, education, and sharing the information in meetings with the Planning Board are key moving forward. Member Higgins-Steele commented that climate and greenhouse gases don't stop at any border. Member Higgins-Steele further commented that conservation is his focus. Chair Greenbaum added that there was clearly work to be done together and thanked Chair Harris and Member Higgins-Steele. Member Riemer added that he would be interested in learning what Interim Town Planner Carboni could add to the information sharing. Interim Town Planner Carboni stated that she would be delighted to help the collaboration moving forward. Chair Greenbaum closed joint session and said that she and Chair Harris would coordinate for the next meeting.

Chair Harris and Member Higgins-Steele left the meeting.

Work Session

Chair Greenbaum commented that Vice Chair Tosh had joined the meeting and opened the work session. Chair Greenbaum noted that there were four callers on the line, and she asked Truro Office Assistant Sturdy to announce the callers and for which topic on the agenda was of interest to them. All callers indicated that they were interested in the work session for Marijuana Application Packet.

Chair Greenbaum led the discussion on the Housing Initiative. Chair Greenbaum stated that she wanted to the Members to come to agreement as to the issues which were important to the Planning Board. The basic question that Chair Greenbaum asked the Members was *"How do we create a more diverse housing stock in Truro that includes a range of year-round housing options and protects our water and environment?"* Interim Town Planner Carboni shared a slide with the Members which included several adaptations of the basic question posed by Chair Greenbaum. Chair Greenbaum asked the Members for feedback and Member Kiernan commented that it was a good start. Vice Chair Tosh agreed with Member Kiernan as well. Member Sollog added that the Town has learned a lot from the Truro Motor Inn situation and what neighbors tolerated.

Chair Greenbaum asked Members if a sentence that reflected the Town's population be included ("*...housing options for populations including seniors, young families, members of the local workforce...*"). Member Kiernan commented that including population groups wouldn't hurt. Member Sollog noted that the greatest need that seasonal workforce needs to live somewhere and reiterated that Truro is a resort town that thrives for part of the year, yet people struggle to find housing. Chair Greenbaum stated that she will rework the question with inclusion of repurposing current housing and seasonal workforce.

Chair Greenbaum then opened the discussion for the Marijuana Application Packet by reiterating that this is not a procedure to change policy but for commentary and input on the Marijuana Application Packet. Chair Greenbaum then asked Mr. Leclair for comment and Mr. Leclair asked the question if the plan considered federal interest in this topic regarding the Seashore District and the environment. Interim Town Planner Carboni said that she is new to this and that the draft packet included considerations which included compliance to federal law and Truro bylaw. Vice Chair Tosh noted that it is still against federal law to possess certain amounts of marijuana and to cultivate it. Vice Chair Tosh stated that when this topic was addressed at public meetings that the federal government had no interest in participating. Vice Chair Tosh further added that the Town did the best that it could with the bylaw and that the federal government could still prosecute violators. Member Kiernan added that on page 71 of the current Zoning bylaw (10.3 Eligibility) that under the Seashore District nothing is allowed. Mr. Leclair commented that he was unclear as to what the Planning Board wanted to accomplish today and that the federal government would want to be an interested party in this process. Interim Town Planner Carboni added that the packet is only for the application for approval under the Zoning bylaw and there are no permitted uses in the bylaw in the Seashore District. Chair Greenbaum further commented that Mr. Leclair should feel free to contact the Interim Town Planner with any additional ideas or concerns. Member Sollog thanked Mr. Leclair for his comments and Member Sollog asked if there was any consideration to setback as marijuana odor travels and it would be advantageous for the Town to consider it. Chair Greenbaum noted that there is a complaint process and that the Planning Board is attempting to get an application developed before there are any applications. Member Kiernan noted that Truro Office Assistant Sturdy, and possibly Interim Town Planner Carboni, developed a checklist so if an applicant came to the Planning Board to obtain a permit of some kind, the applicant would have a checklist and the Planning Board would immediately know whether the applicant is compliant or not compliant. Member Kiernan said that the Zoning bylaw (100.6 General Requirements) addressed what one can do on a piece of property and he recognized that the checklist is a working document. Chair Greenbaum thanked Member Kiernan for his input, and she added that the format is like other application packets. Interim Town Planner Carboni stated that Truro Office Assistant Sturdy deserved all the credit for the creation of this format and Chair Greenbaum recognized Truro Office Assistant Sturdy's contribution.

Chair Greenbaum called upon Jim and Carol Zablocki for comments. Mrs. Zablocki commented that Morris Avenue is a very residential area, and she knows that there are concerns about lighting, odor control, fencing, farm building, security, and traffic studies. Mrs. Zablocki offered that more guidelines would be helpful especially around setbacks and fencing. Mrs. Zablocki offered to send Interim Town Planner Carboni a list of her twelve concerns. Chair Greenbaum encouraged Mrs. Zablocki to forward her concerns to Interim Town Planner. Interim Town Planner Carboni also stated that even if a concern doesn't fall into a specific category on the checklist that both the Planning Board, or the Zoning Board, could approve a permit with conditions. Mrs. Zablocki also requested for a notification process of abutters before an applicant's approval process get too far down the road with the Planning Board Review or Zoning Board Review. Interim Town Planner Carboni opined that both Site Plan Reviews and Special Permit Reviews require a public hearing so the public can participate in the process. Interim

Town Planner further stated that for the short-term public hearings would continue to be virtual and the materials pertaining to those reviews will be posted as part of the meeting packets on the Truro website. Interim Town Planner Carboni stated that the law requires public notification two weeks prior to the public hearing and that most are discussed for more than one public hearing. Vice Chair Tosh asked Interim Town Planner Carboni if abutters would be notified, and Interim Town Planner Carboni replied in the affirmative. Chair Greenbaum noted that normally a work session would not have such a lengthy discussion with the public, but she felt that it was very important to provide this opportunity for the public on the Marijuana Application Packet.

Chair Greenbaum asked the callers if they had time to review the Marijuana Application Packet and wanted to provide comments. Mrs. Zablocki asked about review criteria, so Chair Greenbaum provided background for the creation of the Marijuana Application Packet to include the checklist and the Town bylaw. Interim Town Planner Carboni clarified that there is a section in the application where the applicant must explain how their proposal conforms to the review criteria. Chair Greenbaum thanked Interim Town Planner Carboni. Member Sollog added that this is a working document in general and not for the purpose of a specific situation for example Morris Avenue.

Chair Greenbaum reviewed the first page of the Application Packet for Adult Use Recreational Marijuana Establishments (RME) and Medical Marijuana Treatment Centers (MMTC). Chair Greenbaum commented that the whole piece around the craft marijuana cooperative is a subsection, so she wanted to indent the whole thing and asked Truro Office Assistant Sturdy to make the correction. No other feedback or comments were provided.

Chair Greenbaum reviewed the second page that is the Application for Marijuana Establishment Approval and asked for input. No feedback or comments were provided and Chair Greenbaum encourage people to email Interim Town Planner Carboni should they have questions or concerns later.

Chair Greenbaum opened the review of the first page of the Marijuana Establishment General Checklist and asked for feedback on the order of the checklist. Member Sollog stated that there should be an emphasis on the location of the grow site and not where one may have an office. Chair Greenbaum commented that information is already included in the Site Plan Review and Member Sollog said that it should be included all the time, so abutters knew whether the address provided is the grow site or office. Interim Town Planner Carboni reviewed the bylaw and suggested that the language in the bylaw be included in the checklist. Member Riemer asked when the Host Community Agreement come into play and Chair Greenbaum noted that that an executed Host Community Agreement must be included in accordance with the checklist under 100.7D. Interim Town Planner Carboni agreed with Member Riemer and suggested that be pointed out up front as an applicant may not know from the start. Chair Greenbaum noted that the Host Community Agreement must be signed by the Select Board first before the application can move forward to the Planning Board and the ZBA.

Chair Greenbaum conducted a further review of the Marijuana Establishment General Checklist's 100.7. and Member Kiernan noted that several of the questions may be of interest to the Climate Action Committee for their input. Member Sollog commented that order of operations may be important, but Chair Greenbaum stated that everything must be included before the application can be submitted. Interim Town Planner Carboni suggested a flow chart (a separate document) that is provided to the applicant so they can follow the process and submission requirements for approval. Chair Greenbaum noted that anything that eases getting to the content easier for everyone in the process is a great solution. Chair Greenbaum stated that due to time that it would be best to schedule another work

session to only discuss the Marijuana Application Packet. Members agreed and the work session to complete this review was scheduled for Wednesday, October 28, 2020, at 1:00 pm.

Chair Greenbaum instructed the Members to thoroughly review the Marijuana Application Packet and submit questions and/or concerns to Truro Office Assistant Sturdy before the work session on October 28, 2020. Chair Greenbaum also provided the public with Truro Office Assistant Sturdy's email address to send questions or concerns on the packet prior to the next work session on October 28, 2020. Chair Greenbaum thanked the public for their interest and input.

Chair Greenbaum commented that there will likely be two site visits next Tuesday and for Members to mark their calendars.

Member Boleyn made a motion to adjourn at 3:45 pm.

Member Kiernan seconded the motion.

So voted, 6-0-1, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A".

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

October 21, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

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

Members Absent: Peter Herridge

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; William J. Marsh – Applicant; Trevor Pontbriand – Architect at Aline Architecture and for William J. Marsh; Joseph M. Schirmer – Applicant; John O’Reilly – Owner of J.M. O’Reilly and Associates and civil engineer for Joseph M. Schirmer; Daniel F. Roche, Jr. – Applicant; Patrick Coffey – Owner of Pratt Construction and builder for Daniel F. Roche, Jr.; Fred Gaechter – President of the Truro Conservation Trust; Ben Zehnder – Attorney and representative for Samantha Perry; Don Poole – Land surveyor from Outermost Land Survey and representative for Samantha Perry

Remote meeting convened at 6:02 pm, Wednesday, October 21, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

Public comment, for things not on the agenda, and there were none. Truro Office Assistant Sturdy announced that Caller #5 was on the call and identified himself as Joe Schirmer who was only interested in 2020-001/PB (on tonight’s agenda) and not in public comment. Chair Greenbaum asked Cheryl (Perry) Costa if she wanted to provide public comment or interested in an agenda item. Ms. Costa stated that she was on the agenda.

Public Hearing – Continued

2020-003/SPR – William J. Marsh for property located at 30 Longnook Road, Truro, MA (Atlas Map 43, Parcel 121, Registry of Deeds title reference: Book 32127, Page 302). Applicant seeks a residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for the purpose of demolition and reconstruction of a pre-existing single-family residence that slightly enlarged footprint in the Seashore District. Chair Greenbaum noted that this was a continued hearing that was opened at the Planning Board’s last meeting. Interim Town Planner Carboni cited her staff memorandum and provided the conditions set by the ZBA when they considered special permit. The special permit has not been approved but the Planning Board wanted an update from the applicant on National Heritage and Endangered Species Program (NHESP) concerns and Interim Town Planner Carboni noted that the applicant had provided correspondence late this afternoon which addresses those concerns. Additionally, the applicant did add a couple of items requested by the ZBA showing the limited work on

the site plan. Chair Greenbaum asked Mr. Marsh and Mr. Pontbriand if they had anything else to add or say. Mr. Pontbriand stated that he had submitted everything requested by the Board and he was ready to answer any additional questions. Chair Greenbaum asked the Members if they were satisfied with the materials which they had received or had any additional questions. Member Kiernan commented that the application was complete.

Vice Chair Tosh made a motion to approve the application.

Member Riemer seconded the motion.

So voted, 6-0-1, motion carries.

Mr. Marsh and Mr. Pontbriand thanked the Planning Board and left the meeting.

Vice Chair Tosh announced that she would recuse herself in the matter of **2020-001/PB** as she is a Trustee of the Truro Conservation Trust so she would not comment or vote on the application.

2020-001/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek a Definitive Subdivision Plan of Land for that property pursuant to G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land for property located at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8, containing 6.66 acres. Chair Greenbaum noted that this was a continuation of a preliminary hearing held previously. Mr. O'Reilly stated that on August 5, 2020, the Board gave preliminary approval for the application and that final approval would be granted in this hearing. Chair Greenbaum announced that a vote for final approval would not be this evening as to give the public time to provide comment on the application in accordance with the Board's remote meeting policy. Mr. O'Reilly further added that the application consisted of a completed Form C, a copy of the Definitive Plan, the Topography Plan, a plan submitted to the Board of Health showing the potential wells and septic system for the lots being requested and to be created, a Review checklist, a deed, a property ownership record, a Certified Abutters List including a list of certified mailed letters to the abutters. As part of the Board's preliminary approval, Mr. O'Reilly stated that eleven trees were identified for removal to improve access and those trees were removed and confirmed by the Fire Chief via letter and email. Amity Lane currently services three properties 1, 5, and 7 Amity Lane. The applicants seek a waiver from all construction of the way being created on Amity Lane including drainage, but the applicants will retain ownership of the way to provide easement to the Truro Conservation Trust for access to Lots #4 and #5. Lot #3 has about 73,000 square feet with more than 150' of frontage as required under the bylaw. Lot #4 has an area of approximately 184,000 square feet with a small piece of wetland. Lot #5 is an unbuildable lot and was identified on the plan. Mr. O'Reilly stated that the Board of Health has reviewed and approved the subdivision regarding their role. Mr. O'Reilly added that the Conservation Commission and Select Board have reviewed the CR that will go to the Trust. Mr. O'Reilly concluded his presentation and Chair Greenbaum thanked him for being so thorough. Chair Greenbaum then asked Mr. Gaechter for comment. Mr. Gaechter stated once the subdivision is approved that regarding Lots #4 and #5 will be conveyed by deed to the Truro Conservation Trust and in the deed, there will be a restriction to permanently restrict any development or sale of the property in perpetuity. Mr. Gaechter commented that there will be never any development, construction, and it can never be sold by the Truro Conservation Trust so it will remain open space in perpetuity. Mr. Gaechter added that there will be a conservation restriction overseen by the Compact of Cape Cod Conservation Trust to ensure the conditions of the deed are enforced. Chair Greenbaum thanked Mr. Gaechter for his concise summation and asked the Board if any items on the checklist not included. Member Kiernan asked Mr. Gaechter if there are any guarantees that Lot #4 will not be built upon. Mr. Gaechter stated that there will be no sale, yet he can't provide any written guarantee. Member Kiernan asked Interim Town

Planner Carboni for her opinion who stated that she will determine an answer before the next meeting. Vice Chair Tosh, speaking as a Trustee of the Truro Conservation Trust, opined that the solution is to get the Schirmer family and the Truro Conservation Trust to enter an enforceable pledge agreement and she is willing to work with both parties. Interim Town Planner Carboni stated that is the path to pursue and Mr. Gaechter said that he is happy to enter this enforceable pledge agreement. Member Kiernan cited that there are no restrictions regarding to the road and Chair Greenbaum stated that is about a waiver and that will be discussed later. Member Kiernan also noted that there is not a proposed name for the road. Chair Greenbaum summarized that there is a subdivision waiver for the move of two lots to the Truro Conservation Trust and there would be language if there was any development of Lot #4 that the way would have to built to code and Amity Lane would have to improved. Mr. O'Reilly confirmed to Chair Greenbaum that those were the conditions to which the Schirmer family agreed. Interim Town Planner Carboni provided her synopsis that included that there was not intent to develop Lot #4 yet there is language in the Board's preliminary approval that suggests otherwise. Interim Town Planner Carboni further opined that additional information regarding to road surface should be provided to the Board. Chair Greenbaum suggested that if there is additional information required for roadways that the Board is not okay with the concept. Member Sollog commented that he agreed with Member Kiernan to have roads conform and that the enforceable pledge agreement is the way to go. Member Sollog is not dissatisfied with the plan. Member Riemer pointed out the September 8, 2020, the Definitive Plan application letter indicated that the applicants is seeking not construct a road and that Lot #3 would be retained by the Schirmer family. Member Riemer added that this could be a problem later, yet he appreciated the applicants' efforts. Member Boleyn stated that he had no comment. Chair Greenbaum thanked the Members for their attention to safety and making sure that the Planning Board does not do something that sets up future problems. Chair Greenbaum added that the concern is that if there is building on Lot #4 and if there is a need to move Amity Lane and create a "Paper Way" is it doable? Chair Greenbaum rephrased the question by asking if the Board is satisfied with the document Interim Town Planner Carboni, Vice Chair Tosh, and Mr. Gaechter create to ensure that there will never be a building on Lot #4 would the Board be concerned about the "Paper Way"? Member Kiernan noted that for Lot #3 that the plans stated that it will have frontage along the unnamed way and avenue way. Member Kiernan cautioned that the bylaw requires lot frontage is measured continuously along the front lot line and along one street. Member Kiernan asked Mr. O'Reilly where the Lot #3 get its frontage and Mr. O'Reilly answered that gets its frontage from Amity Lane and the unnamed way. Chair Greenbaum noted the frontage issue and asked Members for their input and concerns. Member Riemer expressed concern over the potential subdivision of Lot #3 that would require frontage from the "Paper Way" and Chair Greenbaum thanked him for his input. Member Boleyn stated that he had nothing to add at this time. Chair Greenbaum then asked the applicants if they wished to speak to concerns about frontage or subdivision. Mr. O'Reilly replied and reaffirmed that Lot #3 does indeed get its frontage from Amity Lane and the way. Mr. O'Reilly added that the Amity frontage is 137.09' and the frontage on the way is 292.58' so it meets the definition. Mr. O'Reilly further stated that regarding future subdivision of Lot #3, a preliminary plan did show Lot #3 as four lots being created and currently it is two lots. Mr. O'Reilly commented that in the Definitive Plan that condition #2, required by the Planning Board, stated that *"any further subdivision of land depicted on this plan, or division of such land, pursuant to G.L. C41, S 81P, shall require a modification of this Subdivision Plan"* and this condition addresses any concerns as to the subdivision of Lot #3. Chair Greenbaum thanked Mr. O'Reilly and asked Interim Town Planner Carboni for her input. Interim Town Planner Carboni said that she was satisfied with the subdivision condition and that the applicants would have to return to the Board to request any other changes. Member Riemer added that a "Paper Way" doesn't include what the road profile or grade it would be or would it require a ZBA waiver, so he is concerned about pushing this issue for a later decision. Chair Greenbaum said she was comfortable with the subdivision conditions of Lot #3 and that she

understands the concerns about the "Paper Way". Chair Greenbaum noted that Lots #4 and #5 are being donated to the Truro Conservation Trust and that her concern is very low, yet she also felt that if there was no "Paper Way" that there would be no donation to the Truro Conservation Trust. Chair Greenbaum asked Mr. Schirmer for his input. Mr. Schirmer stated that the "Paper Way" is constructed to increase the value of Lot #4 and serves as a more favorable tax deduction for the Schirmer family in the transfer of the land to the Truro Conservation Trust. Mr. Schirmer further stated that without "Paper Way" the value of the land would be financially diminished but with the approval of a "Paper Way" it would make the lot a buildable lot and thus increase its value. Mr. Schirmer reiterated that the family will not build on the land and will transfer the land to the Truro Conservation Trust to preserve the open land in perpetuity. Chair Greenbaum thanked him for his honesty and the family's generosity of this gift. Chair Greenbaum asked the Board for any other questions or concerns. Member Kiernan thanked the Schirmer family for their donation and his concern is the unintended consequences on Lot #3. Member Kiernan cited a court case from Truro, Landreth v. Truro Zoning Board of Appeals, so he recommended that this issues regarding Lot #3 be resolved today. Chair Greenbaum didn't want to address new issues at the next meeting so Interim Town Planner Carboni told the Board that she would be happy to discuss the concerns later in a meeting with Mr. O'Reilly. Mr. O'Reilly agreed to meet with Interim Town Planner Carboni prior to next week's meeting. Mr. O'Reilly asked the Board if it was going to require a road profile to show that it can be built before the next meeting as the closing transfer to the Truro Conservation Trust is set for mid-December 2020. Member Riemer commented that the road profile may need to include a retaining wall to support the turnaround. Chair Greenbaum said that if the Board was going to require the construction of a way that is not intended to be built at this time the Schirmer family assumed all the risk. Member Riemer observed that it seems along with the conservation of the rural environment it seems predictable that the Board will see the next stage subdivision of Lot #3 as part of the master plan. Chair Greenbaum stated that if that came before the Board there would be nothing to prevent the Board from requiring the roadway plans before delivering a decision. Member Kiernan cited bylaw that required 40' width and a turnaround and noted that Amity Lane had an 80' circle but not a turnaround. Member Kiernan asked Interim Town Planner Carboni if there must be a turnaround and she replied that in the interest in gaining the benefit of Lots #4 and #5 the Planning Board may approve the subdivision of Lot #3 with appropriate conditions. Member Riemer is still very uncomfortable with approving a plan with a "Paper Way". Mr. O'Reilly asked if the consensus of the full Board was for him to submit a road plan and profile since he doesn't want to create the situation for another continuance of the application at the next meeting. Member Kiernan, Member Boleyn, Member Riemer stated that they want the submission of the road plan and profile for a way that won't be constructed. Mr. Zehnder stated that in his thirty years of practicing law that it is inconceivable that the Planning Board require a road plan and profile at significant expense for the Schirmer family for a road that will not be constructed during a generous land donation to the Truro Conservation Trust. Chair Greenbaum thanked Mr. Zehnder for his input. Chair Greenbaum asked Mr. O'Reilly to come back with a good explanation of how he can have frontage without using the way. Mr. O'Reilly stated that he can't without using a portion of the rounding of the way. Chair Greenbaum commented that she felt very uncomfortable making the applicant provide a road plan and profile as there is a fail-safe in the conditions. Mr. Schirmer commented that it would be incumbent for the Board to consider that a road plan and profile would be appropriate at the time when the Lot #3 is subdivided. Member Kiernan and Member Riemer stated that they still want the road plan and profile. Mr. Schirmer said that they would not provide a road plan and profile but will provide a statement later. Mr. Schirmer also stated that this process has been going on a year and that the Planning Board needs to render a decision.

**Member Kiernan made a motion to continue this hearing on Wednesday, November 4, 2020, at 5 pm.
Member Boleyn seconded the motion.
So voted, 5-0-2, motion carries.**

Mr. O'Reilly thanked the Board and he and Mr. Schirmer left the meeting.

2020-004/SPR – Daniel F. Roche, Jr. seeks a Residential Site Plan Review for a 2-story addition to an existing 3,018 net square foot residence in the Seashore District containing three acres for property located at 7 Coast Guard Road, Truro, MA (Atlas Map 34, Parcel 5, Registry of Deeds title reference: Book 13174, Page 177). Mr. Coffey identified himself as a representative for Mr. Roche, Jr. Mr. Coffey confirmed that the first floor will consist of a new family room, hallway, and entry door. The second-floor sum is 687.5 square feet consisting of a bedroom, bathroom, and hallway. The total square footage of the addition is 1,429.34 square feet which is under the maximum that the Board can grant and is about 5% below the maximum square footage allowed. Mr. Coffey stated that the addition won't be visible from the road and can only be seen from the air. Chair Greenbaum announced that in accordance with the Town's remote hearing policy the Board will not vote on this application tonight to give the public ample time to comment on the application. Interim Town Planner Carboni identified several deficiencies in the application to include the site plan that doesn't include the dimensions of the structures and setbacks on the property and the sewage and septic plan was inadequate. Interim Town Planner Carboni further opined that the zoning table was incomplete as it didn't specify whether the gross floor area included the house and cottage as well as the total square footage of the structures were not included. Interim Town Planner Carboni also stated that the Board may want more detail on the new parking area. Chair Greenbaum asked the Members for their input. No comments or concerns provided. Chair Greenbaum reconfirmed details of the existing structure of 3,018 net square feet with Mr. Coffey yet it doesn't include the covered porch. Chair Greenbaum asked Mr. Coffey to add detail and more information to the Site Plan and he agreed to provide it by the next Board meeting. Mr. Coffey stated that the cottage predates the zoning as it is a 1960s structure and does not have cooking facilities. Interim Town Planner Carboni asked the applicant to clarify if he was relying on the square footage from the assessor or if he did his own measurements. Mr. Coffey stated that he used his own measurements. Member Kiernan suggested that the applicant ensure that the cottage was the square footage, yet they may need a septic plan required by the ZBA. Member Kiernan also stated that the Board should ask for more specifics for the parking so it will make the approval process quicker. Chair Greenbaum also told Mr. Coffey that he will have to address National Heritage and Endangered Species Program (NHESP) requirements as well. Interim Town Planner Carboni informed Mr. Coffey as to the process for contacting the program administrator. Interim Town Planner Carboni also asked Mr. Coffey for more elevation information per floor (existing and proposed) on the application. Member Riemer thanked Interim Town Planner Carboni for her detailed review of the application. Member Riemer, Member Boleyn and Member Kiernan were in favor of existing and proposed elevations as suggested by Interim Town Planner Carboni. Vice Chair Tosh and Member Sollog were in favor of proposed elevation only. Chair Greenbaum was in favor of existing and proposed elevations. Mr. Coffey stated that it was plausible to get this information by the next meeting but didn't guarantee it. Chair Greenbaum asked Mr. Coffey to return to the next meeting in two weeks with the information requested.

**Member Kiernan made a motion to continue this hearing on Wednesday, November 4, 2020, at 5 pm.
Member Boleyn seconded the motion.
So voted, 6-0-1, motion carries.**

Mr. Coffey thanked the Board and left the meeting.

Board Action/Review

2020-011/PB Samantha Perry, Hillside Farm, LLC seeks Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing Subdivision of Land for property located at 23 Perry Road, Truro, MA. Mr. Poole and Mr. Zehnder announced that they represented the applicant. Mr. Zehnder added that Samantha Perry and Cheryl (Perry) Costa were on the call as well. Mr. Zehnder would like to address the legal issues in Interim Town Planner Carboni's staff memorandum but first gave Mr. Poole the opportunity to describe the application. Mr. Poole stated that this proposal is for the division of Lot #13 and the family wants to divide the trust into three lots. Lot #3 (38,300 square feet), Lot #2 (3.2 acres) and Lot #1 (5.5 acres) are all serviced by existing roads. Mr. Poole asked the Board to endorse the application. Mr. Zehnder stated that the Perry family had appeared in front of the Board over the years for the division of house lots, and during the last round, the Board took the position that it believed the land exceeded 30 acres in common ownership since the Cape Cod Commission cutoff date of September 30, 1994. The Board further suggested that additional subdivision would need to be automatically referred to the Cape Cod Commission. The Perry family withdrew their application to do more research. Mr. Zehnder stated that there has not been more than 30 acres of common ownership since 1994 and he asked the Board to continue this review for the applicant to provide the Board with more information with a focus on the underlying title work that supports the previously submitted documentation. Mr. Zehnder further commented that the Perry family has farmed the lands since the 1880s and are mindful of the local and regional impact of subdivision as it relates to the environment, safety, water, sewage, and road use. Interim Town Planner Carboni thanked Mr. Zehnder for his advocacy and reminded him that the review is required to determine if more than 30 acres of common ownership existed thus triggering the referral to the Cape Cod Commission. Mr. Zehnder stated that the Board has the responsibility to make the determination for the referral to the Cape Cod Commission and he further added that there is a great expense to the family to seek a decision from the Cape Cod Commission. Interim Town Planner Carboni stated that the Board can decide or make the referral to the Cape Cod Commission. Vice Chair Tosh opined that if Mr. Zehnder can get his title report certified that there has never been over 30 acres in common ownership that she doesn't have an issue with the application. Vice Chair Tosh reiterated that the Perry family has been good stewards of the land for over one hundred years, and they likely want to build a home for their children. Vice Chair Tosh further commented that sometimes that Planning Board meetings seem to figure out how to make people's lives miserable. Mr. Zehnder did offer to certify along with an opinion as to the accuracy of the title report. Member Kiernan favored the referral to the Cape Cod Commission since it was beyond the Board's expertise as well as Member Riemer, Member Sollog, and Member Boleyn agreed. Chair Greenbaum stated that she thought Vice Chair Tosh's suggestion was reasonable and Mr. Zehnder stated that title examiners don't certify titles but provide the abstracts which attorneys certify. Mr. Zehnder further commented that he could hire another firm to objectively certify his work but that would be an additional expense. Mr. Zehnder is concerned that in his conversation with the Cape Cod Commission the representative said the Planning Board will conclude in the end that the Planning Board has jurisdiction. Vice Chair Tosh stated that she would be comfortable with Mr. Zehnder's certification. Interim Town Planner Carboni said that although she wasn't party to the conversation that Mr. Zehnder had with the Cape Cod Commission, she was surprised that the Cape Cod Commission had not told her the same thing. Mr. Zehnder. Mr. Zehnder offered to provide a set of title abstracts along with his summary to the Board. Member Kiernan asked

Interim Town Planner Carboni to provide an opinion to the 21-day limit of an ANR. Interim Town Planner Carboni stated that under Chapter 53 of the Acts of 2020 that suspends deadlines for permits (including a requested ANR endorsement) until the end of the declared state of emergency. Chair Greenbaum stated that Mr. Zehnder can provide the set of title abstracts along with his summary and Mr. Zehnder asked for a continuance for thirty days or more.

**Vice Chair Tosh made a motion to continue this hearing on Wednesday, December 2, 2020, at 5 pm.
Member Riemer seconded the motion.
So voted, 6-0-1, motion carries.**

Mr. Zehnder and Mr. Poole thanked the Board and left the meeting.

**Vice Chair Tosh made a motion to adjourn at 8:42 pm.
Member Boleyn seconded the motion.
So voted, 6-0-1, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A" and a long horizontal line extending to the right.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

November 4, 2020 – 5:00 pm

REMOTE PLANNING BOARD MEETING

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

Members Absent:

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Joseph M. Schirmer – Applicant; Jay Murphy – Attorney for Joseph M. Schirmer; John O’Reilly – Owner of J.M. O’Reilly and Associates and civil engineer for Joseph M. Schirmer; Patrick Coffey – Owner of Pratt Construction and builder for Daniel F. Roche, Jr.

Remote meeting convened at 5:02 pm, Wednesday, November 4, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

Public comment, for things not on the agenda, and there were none. Truro Office Assistant Sturdy announced that Lisa Peets was on the call and Ms. Peets said that she didn’t have any comment to make. Truro Office Assistant Sturdy introduced Mr. and Mrs. Jim Zablocki and they also stated that they had no comment to make. Caller #05 called in, was not identified, and did not speak.

Public Hearing – Continued

2020-001/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek a Definitive Subdivision Plan of Land for that property pursuant to G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land for property located at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8, containing 6.66 acres. Chair Greenbaum noted that this was a continuation of a preliminary hearing held previously and Interim Town Planner and Counsel Carboni reviewed the Members’ concerns from the last meeting to include the approval of a subdivision when there were no engineering plans for a roadway that would not be built, and the authority of the Board’s endorse a subdivision plan if there wasn’t enough frontage. Interim Town Planner and Counsel Carboni further stated that she has worked on the draft language of a resolution with the Schirmer’s attorney and that would be agreeable to the Planning Board. Vice Chair Tosh announced that she would continue her recusal in this matter as she is on the Board of the Truro Conservation Trust. Member Kiernan thanked Interim Town Planner and Counsel Carboni for her work which identified the proper language in terms of the findings, conditions, and covenants were on point. Member Boleyn agreed as well. Interim Town Planner and Counsel Carboni stated that she prepared a draft decision for the Board and a draft Form D Covenant executed by the owners (applicants). Interim Town Planner and Counsel Carboni addressed

what the minimum is required frontage for Lot #3 should it be subdivided in the future, and after reviewing the bylaw, opined that the Planning Board can approve the subdivision plan even if the lots don't show sufficient frontage and she provided case laws which supported these determinations. Mr. Murphy addressed the issue of timing and announced that unfortunately Audrey Schirmer passed away late last year and now awaiting an appointment of an individual to oversee her estate through the Probate Court of Barnstable County. Mr. Murphy stated that until that court decision has been made is that the deed can't be signed over but emphasized that the parties involved agree and will work hard to complete the donation of the property. Mr. Murphy further stated that Audrey Schirmer resided in Canada and that may add a delay in the process as well. Mr. Murphy asked the Board for approval of the plan. Chair Greenbaum asked Interim Town Planner and Counsel Carboni for her input and Interim Town Planner and Counsel Carboni opined that it was not necessary to delay approval but suggested that the applicant provide an updated pledge agreement from the applicants so that there is something on record since it will be over 60 days before the court can render a decision and signatures for the deed transfer will occur. Chair Greenbaum asked Members to take a few minutes to review Interim Town Planner and Counsel Carboni's draft agreement and covenant. Member Sollog asked about the references to Abigail Schirmer in the plan and if the waivers had to be approved now. Interim Town Planner and Counsel Carboni opined that she will make those edits and that the Board would not grant any waivers today. Member Kiernan stated that he had a problem that there is no proposed no name for the road and asked if the Board could name the road Abby Way in honor of Abigail Schirmer. Mr. Schirmer stated that he would prefer the road be named Peggy and Boone Way after his parents who wanted the legacy gift to the Truro Conservation Trust. Chair Greenbaum asked if Schirmer Way would be an appropriate alternate and Mr. Schirmer agreed. Chair Greenbaum asked for a motion to approve the plan, the draft agreement, and the covenant.

Member Boleyn made a motion to approve the subdivision plan, the draft agreement, and the covenant.

Member Sollog seconded the motion.

So voted, 6-0-1 (recusal by Vice Chair Tosh), motion carries.

Chair Greenbaum thanked Mr. Schirmer for his patience and generous contribution. Mr. Murphy thanked the Planning Board and the Select Board. Mr. Murphy and Mr. Schirmer thanked the Planning Board and left the meeting.

2020-004/SPR – Daniel F. Roche, Jr. seeks a Residential Site Plan Review for a 2-story addition to an existing 3,018 net square foot residence in the Seashore District containing three acres for property located at 7 Coast Guard Road, Truro, MA (Atlas Map 34, Parcel 5, Registry of Deeds title reference: Book 13174, Page 177). Interim Town Planner and Counsel Carboni updated the Board that the applicant had submitted additional documentation which answered the Board's previous concerns about the gross floor area determined by the assessor's calculations. Chair Greenbaum stated that the gross floor area by her calculations exceed 4,000 square feet which is beyond the limit even with a special permit. Chair Greenbaum asked if Mr. Coffey was on the call and attempts to contact him were made by Truro Office Assistant Sturdy. Member Kiernan stated that he agreed with the gross floor area figures provided by the applicant as Member Kiernan noted that the assessor's figure included the basement that identified a living space. Truro Town Assistant Sturdy announced that Mr. Coffey would call in and join the hearing shortly. Mr. Coffey announced that he had joined the hearing. Chair Greenbaum stated that there is confusion and Interim Town Planner and Counsel Carboni opined that measurements should be taken and be put on the signed plan. Mr. Coffey stated that architect determined the measurements and that the assessor's measurements were excluded. Interim Town Planner and Counsel Carboni stated

that on the original plan it included the assessor's measurements. Mr. Coffey stated that the assessor's measurements included the cottage to which there will no improvement. Interim Town Planner and Counsel Carboni stated that it would be acceptable if the architect would verify the measurements and stamp the document. Member Kiernan stated that he would go along with the applicant's numbers and would limit the gross floor area to 4,330 square feet. Member Riemer stated that he thought the lots was under 3 acres and Mr. Coffey commented that the lot was 3 acres +/- 1 foot. Chair Greenbaum asked Mr. Coffey to include the existing gross floor area for each structure as well as the proposed gross floor area on the plan and stamp it. Mr. Coffey added that measurements from inside walls are required in the Seashore District. Mr. Coffey agreed to submit the plan with the architect's plan with the stamp. Chair Greenbaum further commented that the new plan must include the gross floor area for each room. Interim Town Planner and Counsel Carboni asked if the gravel parking area was being expanded into the meadow area as it would fall under the review of the National Heritage and Endangered Species Program (NHESP) requirements. Mr. Coffey stated that during the NHESP review that he told the NHESP reviewer, Ms. Cheatham, that the gravel parking lot would be extended, and she replied that he was exempt. Interim Town Planner and Counsel Carboni opined that the legal term "lawn" and "meadow" are not consistent in the plan and may result in limitations. Chair Greenbaum commented that the Board is trying to understand what is being proposed and that the applicant not providing consistency has resulted in delays and further questions. Chair Greenbaum asked Board to examine the review checklist and gave the Members an opportunity to discuss other concerns. Chair Greenbaum noted that Mr. Coffey had done research on the Historical District and Mr. Coffey confirmed that he had reviewed the Historical District requirements and that the structure is not 75 years old or older, so it does not apply. Chair Greenbaum asked if there were any new questions and there were none. Chair Greenbaum asked Mr. Coffey if he had any questions and asked which meeting would suit him best. Interim Town Planner and Counsel Carboni asked for Mr. Coffey to include in the new plan the heights of all structures as well and Mr. Coffey agreed. Chair Greenbaum summarized that the new plan will include the requested measurements, signed, and stamped by the architect by the next Planning Board meeting so a decision can be rendered.

Member Sollog made a motion to continue this hearing on Wednesday, November 18, 2020.

Member Boleyn seconded the motion.

So voted, 6-0-1 (Vice Chair Tosh no longer on call), motion carries.

Mr. Coffey thanked the Board and left the meeting.

Board Action/Review

Chair Greenbaum opened the review and discussion of the Marijuana Application Packet and asked the Members for any questions or input. Chair Greenbaum noted that the Board still needs input from the police chief on the security plan. Chair Greenbaum also added that there is a question raised by citizens as to how long the public will have access to the plan prior to town approval. Chair Greenbaum asked Ms. Peets for her input. Ms. Peets commented that she abuts a property that will grow marijuana and she seeks sufficient time (to include those who are part-time residents) to review the plan to ensure the safety of her property, family, and children. Chair Greenbaum asked Truro Office Assistant Sturdy how long in advance would an abutter receive a notice and Truro Office Assistant Sturdy noted that it is generally two weeks. Vice Chair Tosh noted that the town should consider emailing notices to part-time residents versus mailing the notice to the address of record that may be Truro. Chair Greenbaum asked Ms. Peets if a notification and complete application was provided in two weeks would that be sufficient. Ms. Peets replied that three weeks notification by email would be helpful. Member Kiernan suggested

that everything that has been asked is eye opening and email via notification may be helpful to get much more public input on an application. Mrs. Zablocki added that she agreed with Ms. Peets' suggestion. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to coordinate with the police chief on the security plan and Interim Town Planner and Counsel Carboni agreed and offered to speak with other Cape Cod towns to learn about what they are considering. Chair Greenbaum agreed and continued the checklist review. Interim Town Planner and Counsel Carboni commented that 100.5 Applicability of Regulations that A, B, and C may be hard for the applicant to satisfy so the Board may want to remove those, but D should stay in. After a brief discussion with Members, Chair Greenbaum determined to remove A and C so B and D will remain on the checklist. Ms. Peets asked if there will be an opportunity to see the deployed security plan as an abutter with a balance to safeguard the confidential details of the security plan and Chair Greenbaum added that would be discussed with the chief of police. A review of the Site Plan Review (100), Additional Provisions for Cultivation (100.8), Review Criteria (70.4D), Site Plan Review and Special Permit Criteria (100.9) ended with no questions or concerns voiced by the Members.

Chair Greenbaum led the discussion of Certified Abutters List Request Form and reviewed the feedback via email from Jon Nahas of the Assessor's Office. Mr. Nahas suggested adding notifications to any *"school, church, or hospital within 500' from premises"* and Member Herridge noted that a school should be notified but not a church or hospital. Chair Greenbaum noted that Mr. Nahas also thought that the within 300' notifications, not 100', should occur in the Beach Point area and Members agreed. Interim Town Planner and Counsel Carboni offered to contact Emily Beebe at the Board of Health regarding the suggestion of including a marijuana farm's restrictions dispensing into a river, a lake, or a body of water. Chair Greenbaum also noted that she will contact the ZBA to provide input. Chair Greenbaum commented that there are still challenges for the definition of abutters to abutters and wondered if the definition of abutters to abutters for the marijuana application could be applied more broadly. Chair Greenbaum will coordinate with Town Office Assistant Sturdy and Mr. Nahas have a phone call to create a draft to address this as well as email notification.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni a brief Cloverleaf update. Interim Town Planner and Counsel Carboni said that there is a continued public hearing tomorrow and worked through most of Cloverleaf's zoning waivers. There was a letter received from the Cape Cod Commission inquiring about the new wastewater system and Interim Town Planner and Counsel Carboni expects that to be discussed tomorrow. Member Kiernan asked Interim Town Planner and Counsel Carboni if anyone from the ZBA has spoken to anyone from MicroBiotics the company that will install the new wastewater system. Interim Town Planner and Counsel Carboni stated that there was no direct communication with the ZBA. Member Kiernan noted that on the company website's first page it only guarantees its system for 12-18 months which is something to be concerned about. Interim Town Planner and Counsel Carboni opined that the ZBA can be made aware of this, but it should not be her that notifies the ZBA.

Member Kiernan made a motion to adjourn at 7:07 pm.

Member Herridge seconded the motion.

So voted, 6-0-1, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a distinct "P" at the end.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

November 18, 2020 – 5:00 pm

REMOTE PLANNING BOARD MEETING

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

Members Absent: Karen Tosh (Vice Chair)

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Daniel F. Roche, Jr. – Applicant; Patrick Coffey – Owner of Pratt Construction and builder for Daniel F. Roche, Jr.; Billy Rogers – Engineer for Dorothy Nearen and Marilyn Cubberley - Applicants

Remote meeting convened at 5:09 pm, Wednesday, November 18, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni to provide a legislative update and Interim Town Planner and Counsel Carboni announced that in the legislative supplement last week was a provision that restarts the clock on all applications, hearings, decisions, and deadlines effective December 1, 2020.

Public Comment Period

Public comment, for things not on the agenda, and there were none. Chair Greenbaum announced that the Public Comment Period will occur at the end of tonight's meeting. Callers into this meeting included Michael Fee, Paul Mydelski, Pamela Wolff, Lisa Peets, and Scott Warner.

Public Hearing – Continued

2020-004/SPR – Daniel F. Roche, Jr. seeks a Residential Site Plan Review for a 2-story addition to an existing 3,018 net square foot residence in the Seashore District containing three acres for property located in the Seashore District at 7 Coast Guard Road, Truro, MA (Atlas Map 34, Parcel 5, Registry of Deeds title reference: Book 13174, Page 177). Interim Town Planner and Counsel Carboni updated the Board that at the last hearing, the Board asked the applicant to provide architectural plans with stamp. Interim Town Planner and Counsel Carboni noted that has been provided except for the habitable square footage in the basement. Chair Greenbaum welcomed Mr. Coffey and then asked Mr. Coffey about the square footage of the bedroom and bathroom. Mr. Coffey reiterated that the Seashore District regulations exclude habitable space in the basement to calculate gross floor area. Member Kiernan stated that he agreed with Mr. Coffey and read the Bylaw 104 (Definitions) aloud. As noted by Member Kiernan exclusions inside the Seashore District include cellar and basement floor area, garage, decks, attics, sheds, barns, and agricultural buildings. Member Kiernan added that there is no distinction

between habitable or inhabitable space in the basement or cellar in Bylaw 104. Chair Greenbaum asked the Members if there are any more questions. Member Riemer that the table on the plan dated from September 12th and does not reflect the most recently submitted architectural and stamped plan measurements and it should. Member Riemer also noted that the frontage is less than 150' and inquired if the applicant needed to seek relief. Interim Town Planner and Counsel Carboni agreed that since Mr. Coffey who was scheduled to appear in front the ZBA next week and could address these issues at that meeting. Member Kiernan added several conditions to the drafted decision created by Interim Town Planner and Counsel Carboni. Chair Greenbaum asked for a motion to approve the site plan review with the included conditions and the drafted decision.

Member Boleyn made a motion to approve the Site Plan Review for 7 Coast Guard Road and approve the decision as drafted with the edits determined (including revised zoning table) at this hearing.

Member Sollog seconded the motion.

So voted, 6-0-1, motion carries.

Mr. Coffey thanked the Board and left the meeting.

Board Action/Review

2020-013/PB – Dorothy Nearen and Marilyn Cubberley seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 627 Shore Road, Truro, MA, Map 3, Parcel 2. Billy Rogers announced that he is representing the applicants and the land was divided into two lots and they want to combine the lots to create Lot #5 with 150' frontage by redrawing the lot lines. Interim Town Planner and Counsel Carboni said she spoke with the applicant's attorney (Snow) and they are planning to upgrade the septic system on the property and that has no impact on this application. Interim Town Planner and Counsel Carboni, replying to Member Kiernan, stated that this redrawing of lot lines is not a subdivision situation and doesn't speak to zoning or encroachment, and none of these prevent the Planning Board from endorsing the plan as an ANR. Chair Greenbaum pointed out to Mr. Rogers that on 222 B4 on the checklist required the inclusion of the zoning classification table and Chair Greenbaum noted that this was omitted from the application. Mr. Rogers stated that he would submit the zoning classification table and Chair Greenbaum said that the Board has agreed to add it as a condition of approval. Mr. Rogers asked if he could submit it via email to Chair Greenbaum, Interim Town Planner and Counsel Carboni and Truro Office Assistant Sturdy to review his draft zoning classification table Board review prior to the submission of his final zoning table and Chair Greenbaum agreed to this.

Member Sollog made a motion to approve the ANR plan as presented with the addition of a zoning classification table that is currently missing from the plan.

Member Kiernan seconded the motion.

So voted, 6-0-1, motion carries.

Mr. Rogers thanked the Planning Board and left the meeting.

Chair Greenbaum reviewed the one-page update on proposed Joint Project with the Climate Action Committee (CAC) with the Members. The genesis of the document was because of the preliminary meeting between the Planning Board and the CAC and the discussion of 2-3 Members from each entity to form a small committee to engage and move forward in collaboration. Member Sollog noted that

there must be a balance between people's rights and the objectives of this collaboration which impact the environment. Chair Greenbaum commented that the small group could do initial work such as proposing an information sheet that would accompany every building permit or creating a new bylaw that protects the environment. Member Riemer reminded the Members that during the Annual Town Meeting, last September, Article 17 was passed and called to reduce Truro's net greenhouse emissions to zero by 2050. Member Riemer then volunteered to be the Planning Board's representative to the joint committee and Chair Greenbaum thanked him.

Chair Greenbaum led the final review of Marijuana Application Packet Parts 1 & 2. Member Kiernan commented that this will be a working document until someone applied. Interim Town Planner and Counsel Carboni commented that she and the police chief have exchanged several emails and that sensitive security interests may be exempt from the application, yet enough information may be made to the public, but no definitive decision has been made. Member Kiernan suggested that one or two members of the Planning Board should be involved in the drafting of the security plan as other members of the Town administration may not be familiar with bylaws and regulations which fall under the Planning Board's purview. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to let the appropriate points of contact know of the Planning Board's interest in participating in the security plan development process. Chair Greenbaum recognized Mr. Fee and asked him if he would like to comment. Mr. Fee thanked the Board and said that he would be happy to answer any questions from the co-op perspective. Mr. Fee further stated that it was great that there was coordination with the police chief and that the result may be the security plan would become a bylaw and a part of the public record so the public would feel comfortable.

Chair Greenbaum introduced the discussion on the Truro Planning Board Housing Initiative Update and Next Steps document that she created. Chair Greenbaum's focus today is to discuss a broad "way forward" and the process moving forward and not addressing specific housing issues today. Member Kiernan stated that there are some defining concerns such as clean water, Title V, the cost of land in Truro, and almost 90 acres behind the Truro Central School, municipal water system, and municipal sewage system. Member Kiernan added that the Cloverleaf project is going to bring to the surface many of these concerns. Member Sollog commented that the Cloverleaf project and the Walsh property are the only two opportunities currently for new housing in Truro. Member Kiernan noted that a review of the assessor's database has classifications which would identify for undeveloped and Town-owned land. Chair Greenbaum commented that the Planning Board should be proactive about this issue and trying to learn more about what may be possible will serve the Town well. Member Riemer added that the Open Space Committee would be another resource. Member Kiernan commented that when the Walsh property discussion begins that all good ideas be considered. Member Kiernan added that he has done some research on tiny houses and tiny house communities which may be worth consideration. Chair Greenbaum stated that the Planning Board has tremendous expertise and that it could provide more value to the community by identifying the pros and cons of each possible solution. Chair Greenbaum commented that the Planning Board should learn more about Habitat for Humanity and what they do. Chair Greenbaum will reach out to Habitat for Humanity, Highland Affordable Trust, and the Housing Authority to schedule a couple of work sessions to hear their thoughts and plans. Chair Greenbaum then mentioned a need to learn more about water issues and schedule a water work session with the Housing Authority and the Board of Health. Member Riemer expressed concern over the welfare of the residents of the Truro Motor Inn and what their status is as he has not heard or read anything recently. Interim Town Planner and Counsel Carboni offered to obtain an update on the Truro Motor Inn's residents and give the information to the Members.

Chair Greenbaum led the Cloverleaf update and stated that the ZBA meeting was rescheduled for December 3rd, 2020, due to technical issues with GoToMeeting. Chair Greenbaum stated that she will not set a new date to discuss Cloverleaf until after the ZBA's December meeting.

Chair Greenbaum opened the Public Comment Period and recognized Mr. Warner who sent a 60-page document to the Planning Board regarding the Pond Village residents' concerns about the Cloverleaf project. Mr. Warner introduced himself and expressed his appreciation for all that the Planning Board does. Mr. Warner emailed his concerns on Cloverleaf on behalf of the Pond Village residents, and he emphasized they are supportive to the Town's need for affordable housing with attention to environmental protection and adherence to local Bylaws. Mr. Warner noted that there are alarming levels of nitrates in the Pond Village neighborhood's water, and he raised concern about the lack of specifics for Cloverleaf's monitoring of water and sewage systems. Mr. Warner further stated that to their knowledge no member of the Board of Health attended the last two ZBA meetings where health and safety were discussed. Chair Greenbaum thanked Mr. Warner and recognized Ms. Wolff. Ms. Wolff expressed her concern over the water safety in Truro, to include Pond Village, and noted that those resources should be protected.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni and Truro Office Assistant Sturdy about the next meeting and an upcoming Nickerson site visit on December 1, 2020. Members Boleyn and Riemer expressed concern that requested information was not provided and that a site visit is not necessary at this time. Chair Greenbaum and other Members concurred.

Truro Office Assistant Sturdy reminded the Members that the matter of 2020-011/PB Samantha Perry, Hillside Farm, LLC was returning to the Board for additional action and review at the next Planning Board meeting.

Member Sollog made a motion to adjourn at 7:08 pm.

Member Boleyn seconded the motion.

So voted, 6-0-1, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

**TOWN OF TRURO
PLANNING BOARD**
Meeting Minutes
September 22, 2021 – 5:00 pm
REMOTE MEETING

Members Present: Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent: Ellery Althaus

Other Participants: Barbara Carboni – Truro Town Planner/Land Use Counsel; Marian S. Rose, Esq. – Attorney for Silvador, LLC [Tradesmen’s Park South]; Daniel and Erin Silva – Owners, 298 Route 6 [Tradesmen’s Park South]

Remote meeting convened at 5:13 pm by Chair Greenbaum. Chair Greenbaum and Town Planner Carboni read the detailed instructions for citizens interested in watching or joining this meeting. Board Members introduced themselves.

Public Comment Period

No public comment.

Board Action/Review

2021-002/SPR – Silvador, LLC for property located at 298 Route 6 (Atlas Map 43, Parcel 57) [Tradesmen’s Park South]. Applicant seeks the Board’s approval of a modification to the design approved through Site Plan Review. (Planning Board Decision 2019-003/SPR, approved May 19, 2021.) An additional ramp and second-floor exit is proposed for the rear of the building. This modification is required to comply with egress requirements.

Due to technical glitches, the Board will postpone this action/review until next week’s meeting, September 29, 2021 at 5:00 pm. However, questions/information posed to Applicant for discussion at next meeting will be allowed so the Applicant can be more prepared. Clerk Riemer stated that the egress safety equipment does not appear in the correct location. Clerk Riemer will email this information to Town Planner Carboni. He also mentioned that his copy of the site plan is not stamped, and it needs to be. Chair Greenbaum noted that the Applicant would be first on next week’s agenda.

1. Planner Report (given by Town Planner Carboni)

- ◆ Walsh/LCPC survey to be discussed later in this agenda.
- ◆ Member Kiernan asked where the survey questions could be reviewed. Town Planner Carboni responded that the LCPC Survey is being developed, so nothing to view yet.
- ◆ Clerk Riemer asked about the status of A/C Mobile Home Park. Town Planner Carboni responded that it was still with the Cape Cod Commission. It is unknown if the applicant is seeking relief from the Cape Cod Commission.

2. **Chair Report** (given by Chair Greenbaum)

- ◆ The old minutes were being prepared by Alex and Liz was doing the more recent minutes. It was noted that the minutes are only being done from the recorded meetings.

3. **Potential Bylaws for 2022 ATM**

- ◆ Lot Coverage/Carbon Sequestration
 - Chair Greenbaum referenced Truro's definition of lot coverage and asked the Board to think about whether changes were needed to that definition.
 - Clerk Riemer pointed out that a very important why is the fact that we all are standing on top of the source of water, which we drink from, and the effect of limiting lot coverage is only going to help protect that area that is still open to the environment, to do the job that it has always done which is to filter whatever is coming down from the atmosphere to recharge the lens of water beneath us.
 - Clerk Riemer also stated that Truro and Provincetown have an intermunicipal water agreement which he expanded upon.
 - Member Kiernan contributed background information regarding the current definition of lot coverage.
 - Member Sollog stated in the definition "but not be limited to" might need to be further defined; Chair Greenbaum agreed.
 - Member Kiernan gave some possible examples of the consequences of leaving that language open-ended; possible loopholes; Member Sollog stated his thoughts if the language is open to interpretation.
 - Member Roberts suggested further clarification to avoid ambiguity.
 - Chair Greenbaum referenced examples of language from other towns.
 - Member Roberts discussed permeable pavement; Member Sollog gave an example and cautioned at lumping things together; Chair Greenbaum stated that it is not an either/or situation.
 - Member Kiernan brought up the issue of assigning percentage (%) allowable; Member Sollog asked what other towns are using; Chair Greenbaum referenced materials in the packet and the Cape Cod Commission models; Board discussion ensued regarding percentage (%), permeability, lots, bylaw language.

4. **Survey Questions – Draft questions to include in Town Survey**

- ◆ Town Planner Carboni gave an overview of the Walsh/LCPC community outreach of overlapping issues. She stated they wanted to avoid survey fatigue by combining the questions (Ellery's idea). The Housing Authority has also contributed questions. Sharon Rooney, the LCPC Consultant, is guiding content. The survey is scheduled to be live on October 1, concurrent with tax bill mailings.
- ◆ The Board asked Town Planner Carboni to screenshare the draft questions so they could review, understanding that this is a working draft. The Board discussed their thoughts and opinions. Town Planner Carboni stated there would be many opportunities for input, and that input will be particularly valuable after there is some data on existing conditions. This survey is just step one.

5. Questions, Resources, Input to LCPC

- ◆ Chair Greenbaum asked the Board to consider the following at their work session next week: existing conditions, planning, data-driven perspective – useful to the LCPC?
- ◆ Both Members Kiernan and Riemer referenced the prior work of WROC (Water Resources Oversight Committee) and the 2018 Weston & Sampson Report.

Approval of Minutes (Chair Greenbaum)

- ◆ 6/10/2020 Work Session – Member Roberts not eligible to vote on these Minutes as he was not on the Board at that time. Motion to Approve as Written made by Clerk Riemer, seconded by Vice Chair Sollog; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Member Roberts abstained. So voted: 5-0-1.
- ◆ 7/6/2020 Work Session – Corrections discussed. Member Roberts not eligible to vote on these Minutes as he was not on the Board at that time. Motion to Approve as Amended made by Vice Chair Sollog, seconded by Chair Greenbaum; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Member Roberts abstained. So voted: 5-0-1.
- ◆ 7/8/2020 Meeting – Corrections discussed. Member Roberts not eligible to vote on these Minutes as he was not on the Board at that time. Motion to Approve as Amended made by Clerk Riemer, seconded by Member Boleyn; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Member Roberts abstained. So voted: 5-0-1.
- ◆ 8/11/2021 Work Session – Motion to Approve as Written made by Member Kiernan, seconded by Clerk Riemer; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.
- ◆ 8/18/2021 Meeting – Motion to Approve as Written made by Member Kiernan, seconded by Member Boleyn; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.
- ◆ 9/1/2021 Work Session – Motion to Approve as Amended made by Member Boleyn, seconded by Clerk Riemer; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.
- ◆ 9/8/2021 Work Session – Motion to Approve as Amended made by Member Boleyn, seconded by Vice Chair Sollog; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.

Workshop:

- ◆ September 29:
 - Chair Greenbaum stated that this will be a regular Board meeting as Tradesmen’s Park will be continued to this date and will be first on the agenda
 - Continue the LCPC feedback/input/conversation; identify the big issues
 - A) Feedback on Handbook draft – reschedule for future work session; draft to Board for review prior to meeting
 - B) Potential Bylaw Changes / Lot Coverage to be continued to next meeting
- ◆ Next work session will be Wednesday, October 13, 2021 at 5:00 pm

Miscellaneous:

- ◆ Clerk Riemer stated he was grateful that someone is producing the minutes. However, he would like to know what the procedures are for incorporating emails, etc., into the records. Town Planner Carboni addressed his concern stating (1) that it is up to the Board whether it wants to have something read into the record, and (2) documents referenced in the minutes do not have to be physically attached to the minutes – they have to be accessible and available. They would be part of the official file.
- ◆ Clerk Riemer asked the status of the floodplain bylaw. Town Planner Carboni stated that she and Emily Beebe need to work on that together for Town Meeting in the Spring.

Chair Greenbaum asked for a motion to adjourn. Motion made by Member Boleyn with a second by Vice Chair Sollog. No further discussion. Chair Greenbaum asked for a roll-call vote. Voted all in favor. So voted: 6-0.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy

**TOWN OF TRURO
PLANNING BOARD**
Meeting Minutes
September 29, 2021 – 5:00 pm
REMOTE MEETING

Members Present: Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus; Paul Kiernan; Rich Roberts

Members Absent: R. Bruce Boleyn

Other Participants: Barbara Carboni – Truro Town Planner/Land Use Counsel; Marian S. Rose, Esq. – Attorney for Silvador, LLC [Tradesmen’s Park South]; Daniel and Erin Silva – Owners, 298 Route 6 [Tradesmen’s Park South]

Remote meeting convened at 5:01 pm by Chair Greenbaum. Chair Greenbaum and Town Planner Carboni read the detailed instructions for citizens interested in watching or joining this meeting. Board Members introduced themselves.

Public Comment Period

No public comment.

Board Action/Review

2021-002/SPR – Silvador, LLC for property located at 298 Route 6 (Atlas Map 43, Parcel 57) [Tradesmen’s Park South]. Applicant seeks the Board’s approval of a modification to the design approved through Site Plan Review. (Planning Board Decision 2019-003/SPR, approved May 19, 2021.) An additional ramp and second-floor exit is proposed for the rear of the building. This modification is required to comply with egress requirements.

Attorney Rose summarized the modification request and mentioned that this current plan has the approval of the Cape Cod Commission and the Truro Building Commissioner. Town Planner Carboni agreed with Attorney Rose in that the additions can be incorporated as a condition or substitution of the plan. Motion made by Member Kiernan with a second by Member Roberts. No further discussion. Chair Greenbaum asked for a roll-call vote. Voted all in favor. So voted: 6-0-1.

1. Planner Report (given by Town Planner Carboni)

- ◆ Hybrid Meetings – IT Director, David Wennerberg, working on this project. Expected October timeframe; policy to be determined
- ◆ Economic Development Committee currently working alongside Local Comprehensive Planning Committee

2. Chair Report (given by Chair Greenbaum)

- ◆ Since there are no new applications to be heard, the Wednesday, October 6, 5:00 pm, meeting will be cancelled.

- ◆ The next meeting will be a work session on Wednesday, October 13, at 5:00 pm.

3. Potential Bylaw Changes

- ◆ Lot Coverage
 - Chair thanked Member Kiernan (big picture with examples how to approach) and Member Roberts (permeability) for submitting information for review
 - Town Planner Carboni updated the Board regarding how other Cape town's approach this topic
 - Other topics discussed were carbon sequestration, green space, decrease runoff, water quality
 - Member Kiernan suggested the Board approach this from the viewpoint of multiple committees, rural Truro future
 - Chair Greenbaum suggested an approach via structure of a potential bylaw or process
 - Vice Chair Sollog thinks a simpler bylaw regarding live coverage, also $\frac{3}{4}$ acre lot, viewpoint would be more conceivable to the Town; don't mention "restriction"
 - Goal should be to look at the result, not how they got there
 - Member Roberts believes the Board is on the right track; it was interesting how other towns handle this subject; and he agrees with Vice Chair Sollog that it should be simpler
 - Member Roberts suggested the Board draft something that other Town Boards could review and comment on for input
 - Member Riemer also agrees with Member Roberts regarding input from the public and other Town Boards
 - Chair Greenbaum agrees with the Planning Board drafting something for input; Members Kiernan and Roberts agreed to the task of drafting a concept for discussion at the October 16, 2021 meeting; suggestions for this concept are structure, numbers, framework for conceptual questions
 - Member Kiernan stated he was willing to draft a bylaw regarding lot coverage possibilities that goes along with the five (5) concepts listed on the handout; he stated he could have Member Roberts review this as part of their task prior to the Board reviewing it at the next meeting
 - Chair Greenbaum stated that it will be in the packet and reviewed at the next meeting
 - Member Riemer asked Town Planner Carboni for an update regarding the flood zone bylaw; Town Planner Carboni replied that she and Emily Beebe, Health and Conservation Agent, have not yet reviewed everything and that it will be going to Town Meeting in the Spring; Town Planner Carboni explained the process; the Board requested copies of the existing bylaw for clarity regarding the mandatory versus specific instructions required from the Town; Town Planner Carboni stated that the Town of Truro must comply with the same standards and work from the same definitions as the other towns

4. Input to Local Comprehensive Plan Committee

- ◆ Town Planner Carboni stated that she and Sharon Rooney, the LCPC Consultant, are working on combining the survey questions developed by the Walsh Committee and the LCPC into one survey, and the goal was to have it posted by October 1

- ◆ The Planning Board would like to give input and have the ability to identify questions for the survey: discussed, and generally agreed, that it is not timely to add Planning Board questions to this survey; Town Planner Carboni believes the results of the survey will be of greater use at this point
- ◆ Also discussed for future survey input: Truro being a green environment economy and a blue economy (water, natural resources); wastewater treatment; aquifer; LCPC involvement

5. Approval of Minutes

- ◆ 8/19/2020 Meeting – Corrections discussed. Members Roberts and Althaus not eligible to vote on these Minutes as they were not on the Board at that time. Motion to Approve as Amended made by Vice Chair Sollog, seconded by Member Riemer; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Members Roberts and Althaus abstained; Member Boleyn absent. So voted: 4-0-2-1.
- ◆ 8/5/2020 Meeting
- ◆ 8/11/2020 Work Session
- ◆ 8/26/2020 Work Session
- ◆ 9/2/2020 Meeting
- ◆ 9/16/2020 Meeting

Due to meeting time constraints, the Minutes not reviewed would be added to the October 13 Agenda.

Workshop:

- ◆ October 13:
 - Bylaw Concept Draft
 - Planning Board Perspective for the LCPC
 - Review Draft Handbook

Next Meeting/Work Session – Wednesday, October 13, 2021, at 5:00 pm

Chair Greenbaum asked for a motion to adjourn. Motion made by Vice Chair Sollog with a second by Clerk Riemer. No further discussion. Chair Greenbaum asked for a roll-call vote. Voted all in favor. So voted: 6-0.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy