

**Truro Planning Board
Meeting Minutes- January 7, 2014
Truro Town Hall- 6:00 pm**

Members Present: Karen Snow (Chair), Bill Worthington, Leo Childs, John Pendleton, Chris Lucy and Bruce Boleyn

Others Present: Charleen Greenhalgh ATA/Planner, Steven Sollog, Lester J. Murphy, Gary Locke, David DeWitt and Lisa Tobia

Ms. Snow called the meeting to order at 6:00pm

Lexvest Sutton, LLC, Waiver of Site Plan Review 503 – 522 Shore Road

Representatives: Lester J. Murphy and Gary Locke

The applicant seeks approval of a Waiver of Site Plan pursuant to §70.2.B of the Truro Zoning Bylaw to modify a previously approved structure at 518 Shore Road (Site Plan approved in 2011), also shown on Map 7, Parcel 8.

Mr. Murphy stated that the changes are all minor and would not alter the overall impact of the site or to neighboring properties therefore a waiver of the Site Plan Review is warranted. Mr. Locke reviewed all the changes with a clearly drawn plan which made the review of the minor changes easily understandable to the Board members. Mr. Worthington stated that the changes look like they will enhance the property. Mr. Lucy asked to review the existing vs. proposed changes and Mr. Locke explained which items were in place already. Some unit owners went ahead and made changes to the site, which are now represented on the plan. Mr. Lucy asked whether the outdoor showers shown are all approved. He was assured that they are. Mr. Murphy discussed the history of the work and the site visits by the Truro Conservation Commission. He stated that all the items have approval by the Truro Conservation Commission. Ms. Snow reviewed the previous Site Plan Review conditions and asked that parking restrictions be addressed at this time to insure there is no parking in front of units 21 thru 29. Mr. Locke agreed to install signs on the individual cottages designating the No Parking area.

Mr. Worthington moved to approve the request of Lexvest Sutton, LLC c/o Eric Shapiro, for a waiver of Site Plan Review pursuant to Section 70.2(B) of the Truro Zoning By-law for the property located at 503 – 522 (aka 518) Shore Road, Atlas Sheet 7, Parcels 2 and 8 with the condition that No Parking signs be placed on or in front of units 21 through 29. This is based on the fact that the proposal does not substantially change the relationship of the structure to the site or to abutting properties and/or structures. This decision and the corresponding revised plan shall be incorporated with and conditioned to the original decision/endorsement received on September 27, 2011 and filed with the Town Clerk on October 7, 2011 and the previous Waiver of Site Plan Review approved on January 10, 2012. Seconded by Mr. Childs, voted on and approved 6-0-0.

Zoning Discussion with David DeWitt, Chairman of Truro Agricultural Commission

Ms. Snow began a discussion regarding agricultural related definitions. Mr. DeWitt addressed the board with the proposed definitions stating that the existing definitions are outdated and bringing them up to date is the first order of business. Mr. DeWitt continued stating the rural image of the Town would be enhanced by increasing the agricultural commitment of Truro. Mr. Boleyn asked if there is a projection for the near and far future. Mr. DeWitt stated that with the survey that was taken, 83% of the responses were in favor of increasing the agricultural activity in Truro, with the success of the Farmers market the potential for viable and profitable farming is a reality. The definitions proposed have been worked on for a year and the Truro Agricultural Commission has synthesized these proposed definitions from other towns on and off Cape Cod. Mrs. Greenhalgh stated that MGL now rules 2 acres or more as exempt from

certain zoning regulations. The community cannot impose onerous restrictions on the agricultural use, churches, educational uses and some other uses are exempt in the same way. Ms. Snow asked for an example of the exemption and Mrs. Greenhalgh responded stating that the town cannot restrict agricultural uses (provided a parcel is over 2 acre.) Mrs. Greenhalgh explained that the Truro use table is in conflict with MGL, restricting agriculture to 5 or more acres; however, 5 acres is still required for a 61A (agricultural tax exemption status).

A discussion about animal quantity per lot/ farm size ensued. Mr. DeWitt and Mrs. Greenhalgh explained that this will help control the hidden animal (mostly chickens) keeping already taking place in Truro. Mrs. Greenhalgh stated that the Animal Control Officer is required to make inspections on henhouses, chicken coops, stables and barns where animals are being kept, right now these animals are being kept without the Animal Control Officer's knowledge so at least this will give the Town an opportunity to see who has what in Truro. Mr. DeWitt agreed that the AgCom will be useful in assisting the farmer to know the limits of their parcel of land. Mr. Pendleton stated that some of the definitions are not needed. He suggested that "Agriculture/Agricultural, Aquiculture, Farm Stand/Roadside Stand, Farm" are the only definitions required. After a discussion he agreed that Market Garden would be needed, the rest are redundant. Mr. Lucy questioned what would be the requirement to label someone a farmer, the response was, they would have to sell enough products to earn a thousand dollars in one year or three to five thousand for five acres and up. A question was asked about the term "bonafide" in one of the definitions. Mrs. Greenhalgh stated that the term came from state language and she also informed the Board that these proposed definitions have been reviewed by Town Counsel.

Mr. Lucy stated that the Farm Stand definition is vague and if they are exempt from regulations then what is the control over these structures. A discussion on signage and placement for Farm or Market Garden ensued. Mr. DeWitt stated that the intention is to get these definitions started and then begin to discuss the controls, regulations and requirements. A discussion ensued concerning the signage and the selling of produce on site which must be grown/produced on the same property; however enforcement is nonexistent right now. Mr. Worthington stated that parking requirements are missing from this proposal. Mrs. Greenhalgh stated that these uses would need to comply with the existing parking regulations. Reasonable provisions are in place which will have to be met. Mr. Boleyn agreed with Mr. Lucy that there needs to be control to this proposed set of definitions to enhance the Town and to not allow a plethora of unsightly Farm Stands.

Ms. Snow stated that there is a great amount of overlap in these definitions and she is very concerned about the lack of standards. Mrs. Greenhalgh stated that standards are not part of definitions. Discussion of uses and parking regulations and interpretation ensued. Ms. Snow stated that if there are no standards how can these move forward? New definitions are being proposed, without standards, which she expressed were too vague. Mr. Childs stated that the proposal is well prepared, he is concerned with keeping good neighbors, good neighbors. Mr. Worthington stated that if these proposed definitions are included in the use table and they do not need a permit but rather it is permitted, then where is the control. Mr. DeWitt summed up his proposal stating this is in a first stage getting these definitions approved is a first step. Ms. Snow stated that the definitions allow too many items to be sold and could lead to a proliferation of farm stands. This needs to be more specific and we need to create standards for these structures. Mrs. Greenhalgh stated that there are other regulations that will apply and the Board of Health regulations will control the activities that are allowed. Ms. Snow stated that there are many unknowns at this point but the definitions need to be rewritten with more clarity, after a discussion she agreed that a definition for Market Garden was needed. Ms. Snow revisited the allowed uses and raised grave concern for the Town's ability to stop anyone from building a meat processing plant on any five acre parcel if it is listed as an allowed use. Mrs. Greenhalgh stated that there are other stronger regulations that will apply to such uses. There is currently a chicken processing operation in Truro. It is heavily regulated by the Board of Health and the Dept. of Environmental Protection (DEP). Mr. DeWitt stated that this is a beginning

and there will be many hurdles as the AgCom proceeds, but the definitions as they exist are woefully inadequate, providing a means to control neighbors being good neighbors has been and will always be kept in mind when drawing up rules and regulations. He then stated that he is fortunate that his property has a special permit which allows for commercial uses and he can sell produce from anywhere on his property. Mr. Pendleton proposed to offer his changes to the proposed definitions to the individual board members, then submit them to the Agricultural Commission. Lisa Tobia addressed the Board and stated that perhaps there is a missing component to the information/definitions which should be drawn up to be included in this packet.

Review & Discussion of Proposed Zoning Amendments

Site Plan Review: Ms. Snow stated that the Board is now at the point where if this is approved by the Board it can be submitted to Board of Selectmen to start the public hearing process. Mr. Childs asked for an explanation for the deletion of residential sub-division and asked if including Bike rack requirement for Commercial Site Plan review is necessary. Ms. Snow stated that the Board had decided to separate residential site plan review from Commercial Site Plan review. Mrs. Greenhalgh stated in Truro a five parcel development does not have all the lots developed at the same time, therefore a site plan review is impossible and has been waived every time. As to the bike rack provision, it was added at the request of the Chair. Mrs. Greenhalgh reminded Mr. Childs that all these requirements are waive-able. Mr. Childs asked why MESA and Flood Elevation information is not required for residential development. This will be included. Mr. Childs continued to ask the Board to make several corrections to awkward language, which they acted on. Mrs. Greenhalgh stated that if the Board is ready to move forward, the Board needs to vote to accept the language and to send it to the Board of Selectmen. Mr. Worthington moved to approve the new language and send the document to the Board of Selectmen to start the public hearing process. Seconded by Mr. Boleyn, voted on and approved 6-0-0.

Sign Code: This has been reviewed by Town Counsel, who had no comments. Ms. Snow read through the proposal and made some simple edits to the document. Mr. Pendleton moved to approve the correction language and send the document to the Board of Selectmen to start the public hearing process. Seconded by Mr. Lucy voted on and approved 6-0-0.

Use Table Changes: After the discussion with the Interim Building Commissioner, Mrs. Greenhalgh prepared a document that would allow for Habitable Studios and Working Studios in certain zoning districts. Ms. Snow stated that there should be some slight changes. Mr. Worthington moved to approve the proposed changes to the use table as amended and send the document to the Board of Selectmen to start the public hearing process. Seconded by Mr. Lucy voted on and approved 6-0-0.

Review of Definitions: “Retail or Wholesale business service”, “Retail Sales” and “Industrial or Manufacturing use” held till next meeting.

Review and Approval of the Meeting Minutes for 11/26/13 Tabled to the next meeting

Ms. Snow made sure that all Board members, including the secretary, signed the conflict of interest statement and return them to Mrs. Greenhalgh.

Ms. Snow adjourned the meeting at 8:25

Respectfully Submitted

Steven Sollog