

TRURO PLANNING BOARD

Meeting Minutes

November 8, 2017 – 6:00 p.m.

Truro Town Hall

PLANNING BOARD MEMBERS PRESENT: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog, Karen Tosh

Other participants: William Rogers, Lester Murphy, Attorney; Brian Boyle, Tim Dickey; Peter Burgess, Cally Harper, Town Planner.

Steve Sollog opened the meeting at 6:00 pm

Public Comment Period

There was no public comment.

Temporary Sign Permit

Kathleen Henry – seeks approval of 15 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for two 45” by 25” wide signs to be placed along Route 6 at the intersection with Aldrich Road and along Route 6 at the intersection with Standish Way from November 26 to December 10, 2017.

Mr. Boleyn made a motion to approve the application, Mr. Herridge seconded. So voted, 7-0.

Continued Public Hearing – Commercial Site Plan Review

2017-007SPR Lexvest East Harbour, LLC seeks approval of a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-Law for consolidation of units to reduce the number of units on the property by combining units, proposal also includes some changes to site improvements. The property is located at 618 Shore Road, East Harbour Cottages and Condominium, Assessor’s Atlas Map 5, Parcel 13. Hearing continued from August 15, September 5, 2017, October 3, 2017 and October 17, 2017.

Attorney Lester Murphy spoke about the issues still needing to be addressed including handicapped parking. Russ Braun, Building Commissioner, said there is no requirement for handicapped parking for this property. Mr. Murphy discussed why the handicapped parking is not feasible. Mr. Rogers said he talked with the Building Commissioner about the handicapped parking and was told his plan is fine without it. Mr. Riemer asked about the number of condos and if they are individually owned. He also asked if when an owner is not occupying a condo, they will be able to rent it. The answer was “Yes.” Mr. Murphy explained the law regarding condos. Mr. Boleyn said he didn’t want the handicapped issue to be a burden on the owner. Ms. Tosh said she thinks this application should be approved. Mr. Kiernan wanted to know if the applicant is asking for any waivers. The bylaw states that no parking area shall be located 10 feet from a street or a property line. Mr. Rogers pointed out the details on the plan for these spaces. Mr. Murphy said that the property which has a classification of “pre-existing non-conforming,” will become more conforming with his client’s plan. Mr. Kiernan said if the client does not file a request for a waiver, he has a hard time approving the plan. Mr. Riemer said he is objecting to the landscape screening. He also has a problem with the ten feet issue. Mr. Sollog said

we've been over that twice already. Mr. Riemer also brought up the trash receptacle. Ms. Harper passed out possible motions to the Board. Mr. Sollog entertained a motion. Ms. Tosh read the motion:

In the matter of 2017-006SPR Lexvest East Harbour, LLC for property at 618 Shore Road, I move to approve the commercial development site plan for renovations to the site, manager's building and motel building as shown on the following plans:

- *"Site Plan of Land in (North) Truro as prepared for Lexvest East Harbour, LLC depicting proposed conditions (No. 618 Shore Road)" Dated June 3, 2017 revised October 2, 2017, Prepared by William N. Rogers, II (Sheet 2 of 2.)*
- *Plans captioned: "Proposed Motel Building Renovation to 5 Units" dated May 24, 2017 prepared by William N. Rogers II, sheets A.1 through A.6 (original filing replaced).*
- *Existing and proposed elevations for the office/manager's quarters/apartment building dated June 23, 2017, prepared by EAS Survey, Inc. in 8 sheets (original filing replaced with stamped copies.)*
- *Proposed floor plans for the manager's office/quarters/apartments dated June 23, 2017 stamped by Edward A. Stone, RLS, two sheets, filed July 17, 2017.*

Based on the following findings of fact:

1. *Proposal is in conformity with all applicable provisions of the Zoning Bylaw*
2. *Proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.*
3. *Proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.*
4. *Proposal provides for the protection of significant or important natural, historic, or scenic features.*
5. *The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.*
6. *The proposal adequately provides for refuse disposal*
7. *The proposed sewage disposal and water supply systems within and adjacent to the site are adequate to serve the proposed use*
8. *The proposed drainage system within the site is adequate to handle the runoff resulting from the development. Drainage run-off from the project does not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool*
9. *A soil erosion plan is not required; no steep slopes within the site.*

10. *The proposal provides for structural and/or landscaped screening or buffers for storage areas, dumpsters, exposed equipment, parking areas, utility buildings viewed from street frontages and residentially used or zoned premises*
11. *Buildings and structures within the subject site relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.*
12. *No change to electric, telephone, cable, and other such utility lines.*
13. *The project does not place excessive demands on Town services.*
14. *There are existing curb cuts and no changes are proposed*
15. *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project is provided by a walkway. Traffic pattern for vehicles and pedestrians show safe and adequate circulation within and access to and from the site.*
16. *A bicycle rack(s) is provided on the site and is located near the entrance to the building(s).*

Ms. Tosh moved to approve, Mr. Herridge seconded. Mr. Riemer disagreed with the parking plan. He said that it's a violation. Mr. Kiernan said he sites handicapped parking, and the ten foot set back. He said the plan does not conform to the zoning by-law. Mr. Sollog said he thinks the positive aspects of the plan outweigh the objections. Motion approved, 5-2, Mr. Riemer and Mr. Kiernan opposing.

Public Hearing – Accessory Dwelling Unit Application

2017-008PB Brian Boyle - seeks approval of an Accessory Dwelling Unit with the Clerk of the Town of Truro pursuant to §40.2 of the Town of Truro Zoning Bylaw with respect to property 3 Tom's Hill Path, Truro and shown on the Truro Assessor's Map, Sheet 45, Parcel 72. Continued from October 17, 2017.

Mr. Sollog made reference to the Planning Board's site visit. Mr. Dickey provided plans of the original building. Mr. Sollog asked for a motion. Mr. Herridge made a motion and read:

With respect to application 2017-008PB Brian Boyle, the Board finds that the provisions of §40.2 of the Town of Truro Zoning Bylaw with respect to property 3 Tom's Hill Path, Truro and shown on the Truro Assessor's Map, Sheet 45, Parcel 72 have been met and approves the ADU permit subject to the following conditions:

1. *Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent permit from the Planning Board, and in no case shall an ADU be permitted to exceed the square footage allowed by §40.2 of the Town of Truro Zoning Bylaw*
2. *The principal dwelling and ADU and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.*
3. *Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve (12) months. Rental of said unit for a period of less than twelve (12) months*

(including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence

4. *ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees*

Mr. Boleyn seconded. Mr. Kiernan said that in the first sentence of the motion, it states that all the requirements have been met; however the accessory dwelling unit does not have 150 feet of frontage. He said the applicant will need a special permit first or go to the ZBA for zoning relief so that they comply fully with the law. Ms. Harper referenced a bylaw which provides an exception for accessory units. Mr. Sollog thanked the applicants for their patience. Motion carried, 7-0.

Application for Determination that Plan Does Not Require Approval

2017-005PB Kevin Shea, Judith Richland, Barbara Rybeck and Joan Siniscalco seeks a determination that a plan showing a division of land into two parcels does not require approval under the Subdivision Control Law. The property is located at 402 and 408 Shore Road, Assessor's Atlas Map 10, Parcel 22 and 41.

Attorney Ron Friese (for Shea and Richland) spoke about the last minute opinion from Town Counsel. David Bennet, engineer, representing Rybeck and Siniscalco, spoke about the history of the project and what they had been advised to do by the Town. They said they are a little bit aggrieved that this opinion was provided at the last minute. They are faced with either asking to be allowed to withdraw the application without prejudice or face denial of the application. They were not given any forewarning. The client has torn down the motel. They asked if lot one could be approved. What can they do other than withdraw the application? Mr. Friese said that they have a variance, but it runs out in February. It could be extended by six months. They met with Harry Terkanian and asked him what to do. He told us to file the ANR plan. Ms. Harper said she advises the client to withdraw and resubmit a new application.

Kevin Shea said if they do a subdivision plan, it will be the third plan. He said he would like to use this meeting to find out what else might be required such as revegetation, storm water, what else under the subdivision law. Mr. Sollog said this would be the best time to discuss what is needed. He asked Mr. Kiernan if he is aware of any waivable items. Mr. Kiernan suggested they come back in with a list of waivers. He said they should set up a site visit. Mr. Shea has approval to build a single family house and a sea wall. Mr. Bennet said they have a variety of approvals. These are two single family homes. Mr. Rogers said we are not creating a road, and there is a landscaping plan. We are just asking to waive frontage. Minimum is two feet. They will build a dune.

Ms. Harper said the next meeting is Dec 6. Mr. Bennet asked if they can get this together before the deadline. Mr. Rogers said there are notes he needs to put on the plan. We would have to do it right away. Ms. Harper will work on it tomorrow. Mr. Kiernan made a motion to allow the applicants to

withdraw without prejudice. Mr. Herridge seconded the motion. So voted, 7-0. Mr. Kiernan made a motion to waive the fee for a new application, Mr. Herridge seconded. So voted 7-0.

7:50 pm

Discussion of Possible Site Visit – 12 Ocean Bluff Lane

The Planning Board will consider scheduling a site visit to 12 Ocean Bluff Lane, as requested by the applicant's Attorney, Ben Zehnder. This property is tentatively scheduled for the December 6, 2017 Planning Board meeting for a Residential Site Plan Review.

Site visit scheduled for Tuesday, November 14, 3:00 pm. Either the builder or Attorney Zehnder will be there.

Open Discussion of Possible Zoning Bylaw Amendments

The Planning Board will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts. The Board will consider holding public forums and other means of outreach for obtaining citizen input and whether a subcommittee should be formed to review possible zoning amendments.

Maureen Burgess spoke about the survey. She checked with the Town Manager, and since there was no further input, it would be put on the Town website. Mr. Herridge said he would like to mail the survey out. Ms. Burgess asked if the Board wants her to bring it up at the next Select Board meeting. Mr. Sollog is concerned if we mail it out to voters, it will be limited. Mr. Riemer spoke about the voters who get their mail forwarded. Ms. Burgess made a comparison with the senior survey where you can do the paper survey and the on line one. Discussion about whether a name should be required in order to get honest feedback. Ms. Burgess asked if the Board was going to do forums. Mr. Sollog said yes they are. Mr. Kiernan brought up survey monkey. He said you can tell whether one person is filling it out 20 times. Discussion occurred about the issues involved with limiting house size.

Mr. Kiernan said survey monkey costs \$35 a month. The Town is already using a free version of survey monkey. Right now the survey is a Word document. Ms. Burgess doesn't have an electronic version. Mr. Herridge said he thinks this is so vital, and the suggestion has been made to use the same limits as the one for the Seashore. Mr. Riemer asked about the warrant deadline. It is at least 3 months away.

Review and Approval of Meeting Minutes

October 17, 2017 Regular Meeting

Four or five typos were pointed out. Mr. Herridge moved to approve the minutes as corrected, Mr. Kiernan seconded. So voted, 7-0.

Reports from Board Members and Staff Town Planner report
Planning Board Meeting Nov 21 is cancelled.

Regarding the White Sands application, ZBA voted to approve with conditions, but it hasn't yet been fully filed. It is on the December 6th agenda. However, the appeal period may not be over. Maybe it should be scheduled later.

Carl Brotman has announced a Housing forum, Nov 28, at the library, at 4:30 pm.

Mr. Burgess came forward, encouraged Board members to set up their Town email accounts.


Ms. Harper briefly updated the Board on the Becker property stating that the Beckers hired Mr. Murphy on their behalf and they are currently contracting with an engineer to bring the road up to current standards.

A list of topics about a quarterly Planning Board workshop were discussed. Question and answer period with Jonathan Silverstein, "How to put on a perfect public hearing." Ms. Harper asked if the Board wants it to be a separate training or with other boards. Mr. Boleyn asked how many others might be present. Having time for questions is an overriding priority. Mr. Kiernan said he thinks that items specific to Planning Boards would be best. He wanted to know if they can submit questions ahead of time. Mr. Kiernan would like to sit in on other meetings for open meeting law, public records, and public hearings.

Discussion occurred whether the Planning Board could meet at 5 pm. Mr. Riemer said he thought the Board of Health meets before the Planning Board.

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. So voted, 7-0.
Meeting adjourned at 8:30 pm.

Respectfully submitted,



Katherine Black

