

TRURO PLANNING BOARD

Meeting Minutes

September 22, 2015 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Lisa Maria Tobia; Steve Sollog; Bruce Boleyn; John Riemer; and William Worthington

Members Absent: Michael Roderick (excused)

Others Present: Maureen Burgess; Robert Weinstein; Regan McCarthy; William Phillips; Chuck Steinmen; John Marksbury; Keith Althaus; Ann Irwin; Paul Kiernan; Charleen Greenhalgh, ATA/Town Planner; Shawn Grunwald

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

Public Comment Period

William Phillips expressed his dismay at the clearing of trees and placing of fill at 7 Parker Drive and would like to see the fill removed and the habitat restored.

Proposed Draft Changes to Zoning as it Relates to the Seashore District

Mr. Worthington, as a member of the group working on this, stated that the draft has been thoroughly thought out and proposed to be a replacement for what currently exists for zoning regulations for the Seashore District. He reviewed the summary that accompanied the proposed changes. He further stated that it is complicated because the zoning regulations appear in a number of places.

Mr. Riemer asked if the Zoning Board of Appeals was consulted or involved. Mr. Chuck Steinman, another working group member, came forward and stated that Mr. Perrell, ZBA Chair was consulted and has approved the draft document with some minor suggested changes to language. In addition, he stated that the Building Commissioner has also been consulted and is supportive of the changes and has made some suggested formatting changes to make the document tighter.

Mr. Riemer asked if the document provides for hardship cases due to structural deterioration or due to landscape changes, like erosion. Mr. Steinmen replied that they are looking for additional site plan review triggers such as increasing the square footage by more than 50% and any changes that result in the square footage being 3,600 square feet. He further stated that these triggers would only apply to about 10% of the houses in Truro. Mr. Worthington clarified that the current by-laws within the Seashore District have a lot of flexibility and these amendments try to limit some of that flexibility so that the character of the Seashore remains by subjecting any improvements or changes within the Seashore District subject to a Planning Board review.

Mr. Sollog and Mr. Boleyn are in favor of the proposed changes and thanked the committee for their work. Mr. Sollog asked if there are any additional things the National Seashore might require. Mrs. Greenhalgh stated that there is a certificate of non-condemnation. Per Mr. Worthington, this is critical because if the certificate is not in place, it may be difficult to get any financing for the property and the Seashore could purchase the property at market value.

Ms. Tobia asked for clarification about the waivers. Mrs. Greenhalgh stated that the Planning Board can waive certain requirements for filing but they cannot waive a site plan review for residential properties under this proposal. The zoning by-laws for waiver of a site plan review for commercial properties will remain.

Mr. Robert Weinstein, 7 Dyer's Hollow, came forward to speak as a property owner within the Seashore District. He feels that the proposed changes are contrary to the original 1961 legislation that created the Seashore District and the general objectives of the zoning standards that were outlined. He stated that he does not object to having a review but objects to the caps on the size and the thresholds that would trigger a review. He would like to see consideration made to the locus of the property and further stated that it would be a good idea to have any construction project first reviewed by the Building Inspector. He supports the direction that these proposed changes are going in but cannot support them in its current form.

Maureen Burgess came forward to speak in support as the Truro representative to the Cape Cod National Seashore Advisory Commission and as a citizen. As the representative, she knows that the Seashore does not have regulatory ability and sees this in line with the wishes of the National Seashore to control scale and size, not style of houses within the District.

Regan McCarthy came forward as a property owner within the Seashore in support of the proposed changes in terms of size and scale.

Keith Althaus came forward in support because he feels this is a proactive way of continuing to protect the seashore.

John Marksberry remarked that the Seashore was not called a park to allow for hunting and fishing, which is not true of other national parks. He supports this because he wants to continue the stewardship of caring for the land. He further remarked that the residents within the Seashore District are fortunate as they are afforded the protection and conservation of the beauty of the land by the taxpayer.

Ann Irwin, a Seashore District resident came forward to support the proposed changes, including the size restrictions.

Mr. Steinman then spoke on behalf of the Truro Historical Commission to support the proposed changes as it will help retain the historic houses, including the midcentury houses.

Ms. Tobia expressed her gratitude to everyone who participated in the hearing as well as the Committee members who worked on the proposed document. It was suggested that the document be reviewed by Town Counsel but because the working group is still incorporating comments and suggestions from all the stakeholders, the final document will not be ready for a few more weeks.

Mr. Riemer requested that this remain as a future agenda item.

Discussion of Adoption of MGL c44, §53G, as it Relates to MGL c.40A, MGL c41, §81Q

The Board discussed whether to pursue the adoption of this provision which would allow the Planning Board to impose a fee on an applicant to cover the cost of the Board hiring a consultant for legal services, engineers, etc. for Special Permits and Subdivisions.

Mrs. Greenhalgh reported that Town Counsel has advised that the provision should be adopted. The adoption process is twofold: one for special permits and one for subdivisions. She further explained that the Planning Board would benefit because it would fund any expertise the Board might need to make decisions and do their job. Any fees would be based on actual cost. In addition, other entities in Town can also adopt this provision such as the Board of Health and the Zoning Board of Appeals. A fee structure has not yet been determined.

Mr. Sollog raised a concern that the Board might potentially be asking applicants to financially fund experts who might take an adversarial position on their application. He is open to gathering more information, however,

Ms. McCarthy raised some questions but does feel that is the right direction for the Planning Board. She hopes there will be a balance with the costs and that this does not effectively provide a screen for the Planning Board in making their own decisions.

Mr. Kiernan came forward to support this as he sees it as another tool to assist the Planning Board in making decisions.

The consensus of the Board members was to move forward to have Mrs. Greenhalgh gather more information on possible fee structures.

Other Zoning Related Discussions:

The Board was provided a letter dated September 15, 2015 from Paul Kiernan regarding the Definition of Street and the Subdivision Rules and Regulations.

Mr. Kiernan came forward and reviewed his concern that the previous standards, including design standards, had been eliminated when voted on during Town Meeting back in 2004; they are referenced but not specifically spelled out. He is looking for a rewrite of both the definition of street and of the rules and regulations to make it clearer.

Mrs. Greenhalgh clarified that changes to the Zoning Bylaw would require a vote at Town Meeting.

The Board then discussed the appointment of a working group to revisit the “Accessory Apartments” bylaw per FY16 Planning Board Goals and Topics Item 3.a.

Mr. Riemer volunteered to be appointed to the working group.

Review and Approval of Meeting Minutes:

On a motion by Mr. Boleyn and seconded by Mr. Worthington, the September 8, 2015 Joint Meeting with the Board of Selectmen Minutes was approved as written, so voted 5-0-0.

On a motion by Mr. Worthington and seconded by Mr. Sollog, the September 8, 2015 Planning Board Minutes was approved with a minor change to add the names of two additional attendees, so voted 5-0-0.

ATA/Town Planner Report:

Mrs. Greenhalgh reported that at the last meeting a question was raised regarding the representative for Terrace Dunes. She reported that there is no ethics issue with the Terrace Dunes representative.

Mrs. Greenhalgh also stated that she has submitted her resignation and will be taking a position with the Town of Harwich beginning October 19, 2015. She was thanked for all her hard work over the past nine (9) years.

Next Agenda Items:

- Commentary from the Town Planner
- Street Definition
- Clarification of comments regarding the application of Richard Fishman

Adjourn 7:44

Respectfully Submitted,

Shawn Grunwald
Recording Secretary