

TRURO PLANNING BOARD

Meeting Minutes

January 19, 2016 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Lisa Maria Tobia; Steve Sollog; Bruce Boleyn; John Riemer; Michael Roderick; and John Hopkins

Members Absent: Peter Herridge (excused)

Other Participants: Maria Kuliopulos; Martin (Reggie) Donohue; Christopher Snow, Esq.; Mike Powers; Judy Powers; Fire Chief Tim Collins; Chet Lay, Slade Associates; Ben Zander, Esq.; Carole Ridley, Planning Consultant

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

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.

No one came forward to comment.

Temporary Sign Permits

Payomet Performing Arts Center, seeks approval for two Applications for Temporary Sign Permit pursuant to §11 of the Truro Sign Code two (2) Temporary 48" high by 36" wide signs (January 16 – February 15, 2016 and February 15 – March 16, 2016) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd).

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the Board voted to approve the Temporary Sign Permit Application for two (2) signs from January 16, 2016 – February 15, 2016, so voted 6-0-0.

On a motion by Mr. Boleyn and seconded by Mr. Roderick, the Board voted to approve the Temporary Sign Permit Application for two (2) signs from February 15, 2016 – March 16, 2016, so voted 6-0-0.

Mr. Hopkins inquired if the Temporary Sign Permit application could be condensed to avoid excessive paper usage.

6:05 pm Site Plan Review – Public Hearing Continuance

2015-007SPR Maria Kuliopulos seeks approval of a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1.

Representatives: Maria Kuliopulos; Martin (Reggie) Donohue; Christopher Snow, Esq.

Mr. Donohue reviewed the changes in the site plan, the fulfillment of requests made by the Planning Board, and stated that they received Department of Health approval for the septic system earlier today.

Mike Powers, Beach Point, an abutter came forward to comment. He is opposed to this project for the following reasons: the proposed height of the building (too high) with balconies that when in use, will compromise his property; objects to the proposed lighting; confusion as to the number of units and how many parking spaces will be required; confusion as to the status of the condominium versus motel; he questions the low proposed cost of the renovations; history of incomplete projects; questions if there was an oil leak from the fire into the ground. He feels the building should be rebuilt as it was prior to the fire.

Judy Powers, Beach Point, an abutter stated that she is opposed to the project because of the proposed height of the building.

Mr. Snow confirmed that the property is operated as a motel, even though it recorded condominium documents in 1985 although never acted upon, and intends to remain a motel operation. He reinforced the deadline to complete the construction of the building due to the fire of October 2016 due to an appeals court decision. He stated that the proposed construction renovations meet zoning requirements, including the height of the building and the number of parking spaces has been confirmed with Mr. Braun, the Building Inspector.

Mr. Donohue reviewed the answers to questions raised at the December 8, 2015 public hearing.

Ms. Tobia questioned the proposed water usage with the additional 17 kitchens. Mr. Donohue provided an explanation that the original system design was based on bedrooms and the difference between tabular flow (by bedroom) and permitted flow. All of the fixtures will be water saving and code compliant.

Mr. Roderick would like certification that the work will be completed. Mr. Snow referred to the court case as the guarantee.

Mr. Riemer reviewed some of the issues he sees that do not meet planning requirements, particularly the information required in the planning block. Mr. Donohue believes it is an unrealistic expectation and that the plans are adequate. He addressed all of Mr. Riemer's issues. Mr. Snow referred to the staff report that the plans are adequate.

Mr. Riemer also addressed the unfinished roof line and Ms. Tobia did confirm that this would be something the Planning Board could condition.

Mr. Riemer asked about emergency illumination in the case of a power failure and the lighting be shielded so it does not affect abutting property.

Mr. Riemer believes the landscape plan was incomplete as it does not address any concerns from the Conservation Commission. Mr. Donohue stated this would be done following approval of this Board.

Mr. Riemer also questioned the mean height of the building that it exceeds the 25 foot maximum. Mr. Riemer also referred to the recommendation that a fire suppression system be installed and that this would involve bringing the water main across the road. There is also no indication of bicycle racks on the plan and the applicants are willing to have it conditioned that a revised plan be submitted showing the existing bike racks. Mr. Donohue stated that the proposed height of the two story building would be approximately 24 feet, well below the 30 foot maximum.

Mr. Riemer also referred to Truro Local Comprehensive Plan and to keep Beach Point as it is in terms of density and height of buildings and the requirements for rebuilding after a natural disaster or fire. Mr. Donohue stated the property is not within a flood zone A but they are being conservative with their planning.

It was verified that there are no waivers being requested.

Ms. Tobia read the communications from Debra and Scott Sverid (abutters) and Judith Edsal (abutter) opposing this project.

Mr. Sollog had a question about the flood zone. Mr. Donohue explained that although outside the flood zone, they are planning as if they are. The foundation will be below grade.

Mr. Hopkins asked for clarification about the FEMA flood zone. Mr. Donohue stated it is in the X zone. Mr. Hopkins is also concerned about the lighting and Mr. Snow is willing to bring a more detailed lighting plan back to the Board. He also feels the landscape plan is inadequate and there should be something between the proposed parking and the road. Mr. Hopkins would like to see as a completion of unfinished projects before this new project starts. He also questioned the compliance with the square footage of the rooms if this is a motel. This was clarified by Mr. Snow where if kitchen facilities are provided, the room must exceed 400 square feet. He requested documentation of the square footage of the rooms.

Mr. Boleyn believes that the over height building remains too high and Mr. Hopkins asked if the building permit for that project has ever been closed out. Mr. Boleyn asked that this be a condition of approval. There is a question of whether the statute has expired. Ms. Kuliopulos will provide the Board with certification that the height of that building meets the Town's requirements.

Ms. Tobia received clarification about the setbacks from the two story portion. The proposed construction will be modular units and given that there has already been a fire at this site, Fire Chief Collins stated that modular construction does meet building code requirements, although there are some specific requirements placed on this type of construction in Massachusetts (e.g., metal fasteners). He also reassured the Board that

other safety measures will be compliant when the building plans are reviewed. For site plan review, access is not a problem. He has no concerns at the site review level and reinforced that continued safety issues would be addressed through the building permitting process.

Ms. Tobia stated that it would be her preference if the building was constructed in a manner of the pre-existing structure and not be a two story building.

Mr. Riemer asked about the HVAC system and would encourage that any wall units be placed facing to the front of the building to minimize noise for the abutters.

Ms. Tobia reviewed a list of possible conditions for the approval of the site plan review.

On a motion by Mr. Sollog and seconded by Mr. Hopkins, the Board moved to approve a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for demolition of a building located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1, containing 19 motel units damaged by fire and construction of a replacement building containing 17 rentable units and a hospitality room in the same location with the following conditions:

- The site plan approval is for a building to house 17 units and a non-habitable hospitality unit for motel use. None of the 17 units shall be used as permanent dwelling units as this change in use would trigger different requirements for parking. If at any point in time any of the units are used as a dwelling unit, the parking requirement of 2 spaces per unit would need to be met for all 17 units.
- There shall be no changes to the size, location or appearance of signage on the property without a permit in accordance with the Truro Sign Code
- Deliveries and dumpster service should be between the hours of 7 am and 7 pm
- As part of operation and maintenance, there will be a daily walk-around the property to pick up litter and debris.
- Any unused equipment or belongings of the owner or patrons visitors may not be stored outside or otherwise in view of the public or abutters.
- In light of the significant impact to adjacent properties to the north from the additional story, the fence at the property line shall be upgraded and maintained by the applicant. Additional plantings of appropriate screening vegetation shall be planted along the property boundaries
- The unfinished roof located on the easterly portion of the property shall be fully restored and repaired in compliance with zoning and all applicable building codes prior to the issuance of a CO.
- Only full cut-off or fully shielded lighting should be used to avoid light trespass on adjacent properties or the night sky.
- The plan provided makes it difficult to determine the number and location of fixtures. As a result, the Board would like the applicant to return in 1 year after issuance of the CO to review site lighting in an administrative non-hearing proceeding, at which time the Board may request reasonable mitigation measures such as a reduction in the number of lights that would not result in an additional cost to the applicant and may reduce costs and therefore is considered a reasonable request.
- The project will need to comply with the terms of the Order of Conditions issued by the Conservation Commission on November 2, 2016

- The existing refuse disposal area is to be screened with vegetation.
- The applicant will comply with all applicable Board of Health regulations and requirements and is meeting with Board of Health on January 19, 2016 to review septic system design changes.
- The applicant has indicated that the reduction in the number of units by two will reduce water use on the property. The property will require water service from the Provincetown Water Department. A dedicated water line for domestic water and a dedicated line for the fire suppression system are necessary.
- The applicant must comply with Condition 23 of the construction protocol attached to the Order of Conditions to address include storm water management
- The applicant will implement the Long-term Operation and Maintenance Plan contained in the Storm Water Maintenance Report and Operations and Maintenance Manual prepared by Coastal Engineering revised 11/10/15
- Conditions 20 and 22 and the construction protocol attached to the Order of Conditions include soil management and erosion control requirements
- To ensure that proposed landscaping and screening is maintained and provides an adequate buffer to adjacent properties, the applicant shall return to the Planning Board two years after the issuance of CO for review, in an administrative non-hearing proceeding, by the Planning Board of landscape improvements at which time the Board may require reasonable measures to improve screening and landscaping
- Prior to issuance of a Building Permit, the applicant will provide the Planning Board with a list of building materials used on the exterior of the new units.
- All utilities serving the site will be constructed underground.
- A dedicated underground waterline will be installed for a fire suppression system compliant with all applicable fire safety regulations
- The applicant shall vigorously enforce parking within designated parking spaces.
- The applicant shall provide a durable, safety rated bicycle rack. The applicant shall submit the proposed bicycle rack to the Planning Board for approval.
- To ensure that all work is performed as proposed on the site plan and consistent with the conditions the Planning Board, in accordance with section 70.10 will require a security deposit in the form of good funds submitted to the town of Truro in an amount of \$75,000. Funds are to be released once compliance with the approved site plan including all conditions is met. A portion \$15,000 of the security deposit will be retained for the review of landscaping two years after issuance of the CO.
- The applicant is required to file the approved site plan and conditions with the Barnstable County Registry of Deeds and return a copy of the recorded plan with conditions to the Planning Board and Building Inspector

Mr. Hopkins proposed that the following condition also be placed:

- HVAC be located on the parking side of the building or be screened by a surround to mitigate noise

and that it be added to the list of conditions from the previous motion.

Mr. Sollog moved that the motion be amended to include the above proposed condition by Mr. Hopkins, along with the other previously cited conditions, and was seconded by Mr. Riemer.

The motion passed on a vote of 6-0-0.

After a brief recess, the meeting resumed at 8:43 p.m.

Approval Not Required Plan

2016-001PB Jeffrey C. Bloomberg seeks determination that plan does not require approval (ANR) for a conveyance that adds to/takes away from and changes the size and shape of lots in such a manner that no lot affected is left without frontage as required under the zoning Bylaw. The property is located at 35 Knowles Heights Road Map 35 Parcel 12.

Representatives: Chet Lay, Slade Associates and Ben Zander, Esq.

Mr. Lay described the parcels. The reason for this request is to meet setback requirements when some home improvements are done. Mr. Lay clarified the lot frontages for Mr. Hopkins. Mr. Riemer asked for clarification of how the changes impact the buildable area for the lots.

Ms. Ridley clarified the purpose of this determination. Further information regarding the submitted plans was provided by Mr. Lay.

On a motion by Mr. Sollog and seconded by Mr. Hopkins, the board determined that Knowles Height Road, shown as Knowles Road on the ANR plan, provides safe and adequate access and to endorse the Plan of Land in Truro, Mass, as Surveyed and Prepared for Jeffrey C. Bloomberg and Steven S. Fischman as Trustees of the Jeffrey C. Bloomberg Family Trust, dated January 5, 2016, Prepared by Slade Associates, Inc., and signed by the RLS on January 19, 2016, a 1"=30' as Approval Not Required and to file said decision with the Town Clerk, so voted 6-0-0.

Continued Discussion on Possible Zoning Articles

The possible zoning articles include Growth Management Bylaw, Temporary Sign Code and Water Resource Protection District.

Ms. Tobia noted that Accessory Dwelling was inadvertently omitted.

Ms. Ridley reported that she has consulted with Town Counsel on the Growth Management Bylaw, and given the limited resources, it would be reasonable to propose an extension for an additional 5 years. The Board agrees with this approach and Ms. Ridley to follow up with a written proposal.

In terms of the temporary sign code, the only restrictions in terms of free speech is with content. It is possible to propose sign size maximums. Ms. Tobia suggested that they utilize the Board's ability to deny a sign if it presents a public safety issue because of its size and not propose any additional zoning changes.

Water Resource Protection District will need further examination to move beyond the boundary change that has been requested by Provincetown (it is a map change). One proposed change might be restrictions within that district. Mr. Riemer asked if there needs to be any planning for potential areas that may need town water in the future. Ms. Ridley will review

materials that may assist in planning of this. This has only been discussed with the Planning Board. A public hearing will need to be held in February on any proposed bylaw changes.

Ms. Tobia would like to pick up from the discussion on accessory use and will discuss with Ms. Ridley.

Review and Approval of Meeting Minutes

January 5, 2016 Planning Board Meeting:

Mr. Boleyn noted a grammatical change and the omission of Mr. Riemer's name on the first vote to approve the preliminary subdivision 2015-008PB Secrest Family Trust.

On a motion made by Mr. Sollog and seconded by Mr. Boleyn, the minutes of January 5, 2016 were approved as corrected, so moved, 6-0-0.

January 14, 2016 Planning Board Workshop Minutes:

On a motion made by Mr. Boleyn and seconded by Mr. Sollog, the minutes of January 14 2016 Planning Board Work Shop were approved as written, so voted 5-0-1 (Mr. Roderick abstained).

Reports from Board Members and Staff

- Scheduling of onsite visit for compliance with site plan decision **2014-003SPR Seaman's Bank.**
 - Ms. Ridley to poll members for a date
- Next steps with adoption of MGL c. 44 §53g
 - Ms. Ridley spoke with Town Counsel regarding this and has proposed language. This would require a public hearing. This will be discussed at the next meeting.
- Other
 - There was a discussion of the timelines for upcoming subjects/items.

On a motion by Mr. Boleyn and seconded by Mr. Roderick, the meeting adjourned at 9:35 p.m., so voted 6-0-0.

Respectfully submitted,



Shawn Grunwald
Recording Secretary

