

TRURO PLANNING BOARD

Meeting Minutes

February 25, 2016 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Bruce Boleyn; John Riemer; Michael Roderick; Peter Herridge; and John Hopkins

Members Absent: Lisa Maria Tobia (excused); Steve Sollog (excused)

Other Participants: Regan McCarthy, TNRTA; Robert Weinstein; Paul Kiernan; Chet Lay, Slade Associates; Tom Cebula, Dorchester Awning Company; Chris Lucy; Ben Zendher; Maureen Burgess; Carole Ridley, Planning Consultant

Mr. Boleyn opened the meeting at 6:02 p.m. and had the Planning Board members introduce themselves and then opened the Public Hearings.

Public Hearing: Growth Management Bylaw Extension

Copies of the proposed bylaw extension were available at the meeting. Ms. Ridley explained the background to the bylaw and the fact that it would expire in 2016, as it was only a ten (10) year bylaw. After review and study by the Planning Board and Town Counsel, the Planning Board is recommending a five (5) year extension of this bylaw.

Mr. Boleyn asked for public comment. Regan McCarthy asked whether any building permit allocation that rolls over into the next calendar year pursuant to section 40.6.B.1 distributed on a first come first serve basis? The answer is, yes, permits for any outstanding allocation are administered in accordance with 40.6.B.2. The second question was, does the building permit cap apply to the conversion of condominium units? The conversion of condominiums is handled under a separate section of the bylaw, a new unit that met the definition of single-family dwelling would fall under the building permit cap regardless of ownership.

Mr. Riemer pointed out that this bylaw does not address the issue of affordable housing units, even though if a home built is deemed affordable, it does not count towards the cap of 40 units. Ms. Ridley suggested that the Board could look at this under inclusionary zoning at some future point.

On a motion by Mr. Boleyn and seconded by Mr. Hopkins, the public hearing was closed, so voted 5-0-0.

On a motion by Mr. Herridge and seconded by Mr. Hopkins, the Board voted to authorize Ms. Ridley write a report of the public hearing and comments and submit the report and article to the Board of Selectmen for inclusion in the Town Warrant, so voted 5-0-0.

Public Hearing: Adoption of Rule under Adoption of MGL c. 44 §53g for Subdivision Regulation

Ms. Ridley provided a summary of the purpose of this rule and indicated that copies of this were also available at the meeting. This rule is a regulation change so it would be incorporated into the town's rules and regulations for subdivisions.

Bob Weinstein came forward to speak as an individual and raised the issue that this will increase the costs for anyone to build and the negative impact it may have on increasing the inventory of affordable housing in Truro.

Paul Kiernan came forward in support of this based on his past experience as a Planning Board member. He also pointed out that this is a part of the tool kit and not a mandatory requirement for every site plan review.

Regan McCarthy came forward and raised the question that this regulation may have the applicant pay for the expertise when it is adversarial for them as well as the appeal process being through the Board of Selectmen. Ms. Ridley clarified that this is guided by statute.

Bob Weinstein asked of Ms. Ridley the specific citation for the Board of Selectmen as an appeal process. She will refer to Town Counsel.

On a motion by Mr. Herridge and seconded by Mr. Hopkins, the public hearing was closed, so voted 5-0-0.

Mr. Hopkins is in favor of this regulation as he sees it as a proactive measure to deal with future potential development concerns, particularly in the Beach Point area. His only concern is about the negotiation aspect in the regulation.

Mr. Riemer is also in support of this because it helps to serve the best interests of the town.

On a motion by Mr. Hopkins and seconded by Mr. Herridge, the Board voted to adopt MGL c. 44 §53g for Subdivision Regulation with the removal of the words "to negotiate the payment of consultant fees", so voted 5-0-0.

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.

Paul Kiernan came forward to address a deficiency in the bylaws. He stated this is the eighth time he is bringing this issue up. He asked that the street definition issue be addressed.

Definitive Subdivision Plan Endorsement and Acceptance of Covenant

2015-012PB Irving Ziller seeks endorsement of a Definitive Plan approved by the Board on December 22, 2015 and following the expiration of a 20-day appeal period (no appeals were filed). The subject property is known and numbered as 1 & 1A Quail Ridge Way, Truro and shown as Parcels 27 & 28 on Truro Assessor's Map, Sheet 43. A covenant is proposed for acceptance.

Ms. Ridley reviewed the decision of the Board made on December 22, 2015 and the conditions. A condition of the approval was for the applicant to meet with the Building

Commissioner to determine whether the turning (curb) radii for Ziller Path where it meets Quail Ridge Way is compliant with the Truro Zoning Bylaw and, if not, to amend the plan to be compliant in this regard. The applicant met with the Building Commissioner who indicated that he interprets the measurement of the curb radii as from the edge of the travelled way and not the roadway layout. As measured from the traveled way, the radii meet the 20-foot requirement.

The portion of the covenant was read into the record that Ziller Path will only provide legal access and frontage for Parcel D. The condition is written on the mylar that will be recorded at the Registry of Deeds.

On a motion by Mr. Hopkins and seconded by Mr. Roderick, the Board voted to accept Form D Covenant for 2015-012PB Irving Ziller Definitive Plan reflecting the terms of the conditional approval decision and the waivers granted for the Definitive Plan filed with the Town Clerk on January 20, 2016 and endorse the plan, so voted 4-1-0 (Mr. Riemer opposed).

Preliminary Subdivision- Continued

2015-010 Rose L. D'Arezzo, Charles S. Hutchings, et al seeks approval of a 5-lot preliminary subdivision pursuant to MGL c.41, Section 81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 4H Bay View Road and a portion of 3 Laura's Way, Assessors Map 39, Parcels 77 & a portion of 325. This matter was continued from December 8, 2015.

The applicant has submitted a letter requesting a withdrawal of the application without prejudice. On a motion by Mr. Roderick and seconded by Mr. Hopkins, the Board voted to accept a withdrawal of 2015-00 Rose L. D'Arezzo, Charles S. Hutchings et al application for a 5-lot subdivision without prejudice, so voted 5-0-0.

Waiver of Site Plan Review

2016-002SPR Dorchester Awning c/o Thomas Cebula seeks a waiver of Site Plan Review for installation of a seasonal canopy covering a portion of a patio at Captain's Choice Restaurant, 4 Highland Road, Map 36, Parcel 93-D.

Mr. Roderick recused himself and left the panel.

Tom Cebula reviewed the construction of the awning and stated it will be seasonal with no change in seating plan and the showed the location of trash and recycling. The framing will be permanent but the canvas will be removable.

Mr. Hopkins asked if the footings would meet the setbacks from the lot line. This will need to be clarified as to where the structure will be located with regard to the setbacks.

Mr. Riemer stated he spoke with Lisa Maria Tobia by telephone and would like to propose that this matter be continued pending a site visit.

On a motion by Mr. Riemer and seconded by Mr. Herridge, the waiver of site plan review was continued until March 15, 2016 and a site visit will be scheduled in the interim, so voted 5-0-0.

Commercial Site Plan Review, Continued

2015-006SPR Michael A. Tribuna, Trustee, c/o Christopher R. Vaccaro, Esq., seeks approval of an Application for Commercial Development Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the filling of low area at 7 Parker Drive with related drainage improvements and erosion controls. There will be no new buildings or changes to existing buildings and structures. The property is also shown on Atlas Map 39 Parcel 168 & 169. This application was previously heard on September 8, 2015 and December 8, 2015. The application was re-advertised for hearing on February 2, 2016 and on request of the applicant was continued to February 25, 2016.

Mr. Boleyn opened the hearing.

Ms. Ridley reported that the four (4) Planning Board members originally involved in this matter, Ms. Tobia, Mr. Sollog, Mr. Riemer and Mr. Boleyn would all need to be present for any decisions.

The hearing was opened. On a motion by Mr. Herridge and seconded by Mr. Roderick, the commercial site plan review was continued to March 15, 2016, so voted 5-0-0.

The hearing was then closed.

Continued Discussion on Possible Zoning Articles and Scheduling of Public Hearings

- **Accessory Dwelling Unit Bylaw**

Ms. Ridley reported on the three sections of the bylaw along with the proposed changes to accomplish what the Board has previously discussed, which is to encourage the use of the accessory dwelling bylaw for the creation of affordable apartments. The specifics were provided in the packet. The public hearing is scheduled for March 15, 2016 and the draft has been sent to Town Counsel for review. A point for consideration is that these units could not be used for a seasonal rental and what "seasonal" constitutes would need further discussion.

Mr. Riemer expressed his concern that the removal of the word "affordable" from the proposed wording of the accessory dwelling unit bylaw does not address meeting Truro's need for affordable housing.

Ms. Ridley clarified that all districts would be included, including the Seashore district, partly to correct some inconsistencies in the current bylaw. Mr. Riemer expressed his concern about the possibility that the character of the Seashore district may be adversely affected.

Chris Lucy came forward and stated that the proposed bylaw is a good start but he is concerned about the omission of condominiums as a year round option for affordable housing. He also feels that the benefits to owners renting a unit year round as opposed to weekly needs to be clear.

Ben Zendher came forward and stated he feels that the Seashore district should be excluded, that there should be a by-right permit and there needs to be an affordability component. Maureen Burgess, speaking as a citizen, expressed her concern about allowing accessory dwellings within the Seashore district, as there is some current work being done on restricting the size of houses within Seashore district.

Mr. Riemer asked if the accessory dwelling might impact the way in which the affordable housing units within a town is calculated, that is, if having additional accessory units increases the number of housing units upon which the formula is applied. Ms. Ridley is to investigate this further.

Mr. Hopkins raised the issue of septic loading issue with the accessory units.

Review and Approval of Meeting Minutes

January 28, 2016 Seamen's Bank Onsite

On a motion by Mr. Boleyn and seconded by Mr. Hopkins, the minutes were approved with a minor typographical correction, so voted 5-0-0.

February 2, 2016 Planning Board Meeting

On a motion by Mr. Boleyn and seconded by Mr. Herridge, the minutes were approved as written, so voted 5-0-0.

Reports from Board Members and Staff

Ms. Ridley reminded Board members of the following meeting and other important dates:

- Annual Town Meeting Warrant closes March 8, 2016
- March 15, 2016 – Reg. Meeting
- March 29, 2016 – Reg. Meeting
- April 12, 2016 – proposed 3 pm Work Shop with Town Counsel and Planning Board Meeting at 6:00 pm.
- April 26, 2016 - Annual Town Meeting

On a motion by Mr. Herridge and seconded by Mr. Hopkins, the meeting was adjourned, so voted 5-0-0.

Respectfully submitted,



Shawn Grunwald
Recording Secretary

