



## **TRURO PLANNING BOARD**

### **Meeting Minutes**

**Tuesday, March 29, 2016 – 6:00 pm**

**Truro Town Hall**

**Planning Board Members Present:** Chair Lisa Maria Tobia; Bruce Boleyn, Peter Herridge, Mike Roderick John Riemer, Steve Sollog

**Excused:** John Hopkins,

**Also Present:** Planning Consultant Carole Ridley

**Other Participants:** Chet Lay, Slade Associates; Carlos Verde, Elisabeth Verde, Arthur F. Reis, Thomas H. Peters, Regan McCarthy, Paul Kiernan, Linda Noons Rose and Jeffrey W. Rose

Chair Lisa Tobia called the meeting to order and opened the public hearing at 6:00 p.m.

### **Public Hearing**

Public hearing to obtain comments on a citizen-petitioned article to modify the Town of Truro Zoning Bylaws by amending the current Definition of “STREET” within the Zoning Bylaw to include the requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989. <sup>1</sup>

Steve Sollog read the citizen-petitioned article, and it was displayed on the screen. Chair Lisa Tobia explained how repetitive bylaws that are brought to Town Meeting by Planning Board and fail cannot come back for two years. This Warrant Article is being brought forward by petition and does not apply. Lisa Tobia asked the three members of the Planning Board who had signed the petitioned article to explain why they consider themselves neutral or to recuse themselves from the discussion. Bruce Boleyn, Peter Herridge and Jack Riemer said they could be neutral.

Regan McCarthy from the Non-Resident Tax Payers Association questioned, with due respect, the neutrality of the three Planning Board members. Ms. McCarthy expressed concern that bringing forth the petitioned article at this time was not encompassing enough to deal with all roadways in town.

Planning Consultant Carole Ridley explained that the disposition of the Article at Town Meeting would not hinder the Planning Board from further work on “Street” definition. Ms. Ridley also said Planning Board could offer a report, but a petitioned Article must be included in the Warrant.

Robert Weinstein, as a private citizen, said that it is the State Ethics Commission determines conflict of interest of members of a town board. The three members who had signed the petitioned article had clouded the issue, he said.

Paul Kiernan, one of the petitioners, said it was a “housekeeping” item. Lisa Tobia objected to the characterization and said it was an “amendment.” Mr. Kiernan said the petitioned article inserted missing language and did not change the definition in any way. He said that signing a petition did not necessarily mean support, but indicates validation of the petition. Mr. Kiernan said the Article corrects a past mistake of the Planning Board. He said that nothing changes if

Karen Snow asked about the size of two of the lots, and Mr. Lay corrected the sizes. Dave Hutchings, abutter to the proposed subdivision, said it would allow him to gain access to his and other family members' property. Peter Herridge read into record a letter from abutter John Hutchings, who was concerned about access to his property, which he would like as a condition for approval. Jack Riemer questioned the configuration of Lot 3 and asked about area that MESA has designated as non-buildable.

Abutters on Sage Ridge Road, Carlos Verde, Elisabeth Verde, Arthur F. Reis and Karen Snow expressed their concerns about the adequacy of access over Francis Road; which leads to Sage Ridge Road; adding four lots without a traffic study; the width of Francis Road; and its status as a Town road.

Board members added their questions and comments. Jack Riemer questioned the designation of Francis Road as a Town Road. He said the road is not up to current standards even if it is a Town road. Chet. Lay said that there are statutes that allow designation of Town Roads if the Town maintains them. Steve Sollog commented on the limits of Francis Road and his preference for letting the roads remain as they are. Mr. Lay said that was a different issue.

Carlos Verde submitted a copy of the covenant for the Sage Road for possible inclusion of the four-lot subdivision with theirs. He said that the Home Owners Association owns Sage Ridge Road.

In further discussion, Jack Riemer noted a letter from Town Counsel regarding approval or disapproval of a preliminary subdivision plan, and Regan McCarthy called to mind the Kline decision on road access.

On a motion by Jack Riemer and seconded by Peter Herridge, the Board voted to approve the 4-lot preliminary subdivision 2016-005PB for Thomas H. & Erik A. Peters, pursuant to MGL c 41 Section 81-S and §2.4 of the *Town of Truro Rules and Regulations Governing the Subdivision of Land* for property located at 7 Sage Ridge Road, Assessor's Map 39, Parcel 7, with the following conditions:

- The new subdivision road shall not be used to provide access to land shown on the plan as Map 39, Parcel 77.
- The portion of the land known as Map 39 Parcel 78 (215,946 sf) indicated on the plan as not a buildable lot shall remain unbuildable in perpetuity.
- The subdivision and any future development thereof shall comply with all requirements and terms of Natural Heritage and Endangered Species Program.
- Nitrogen loading limitations and all applicable requirements of the Town of Truro Board of Health regulations shall be met.
- The adequacy of access along Francis Road shall be assessed by a traffic study that evaluates current and future traffic impacts of the proposed subdivision during peak

the treatment of cleared area would be approved by agreement and sign off with the hardening material to be used with the DEP and Board of Health and Conservation.  
so voted 6-0-0.

### **Review and Approval of Meeting Minutes**

#### ***March 15, 2016 Planning Board Meeting***

On a motion by Peter Herridge, seconded by Bruce Boleyn, the Board voted to approve the minutes of March 15, 2016,  
so voted 6-0-0.

#### ***March 28, 2016 Site Visit, Noons Heights Road***

On a motion by Peter Herridge, seconded by Bruce Boleyn, the Board voted to approve the minutes of March 28, 2016,  
so voted 5-0-1.

### **Reports from Board Members and Staff**

Lisa Tobia reported on the status of zoning articles for Annual Town Meeting. Because the Planning Board hearing had not yet taken place, the Selectmen had reserved their recommendation vote till Town Meeting.

Carole Ridley explained the certification of modification of the *Rules and Regulations Governing the Subdivision of Land* and the signatures necessary for the filing.

On a motion by Jack Riemer, seconded by Peter the Board voted to approve an effective date to start as of today, April 29, 2016.  
so voted 6-0-0.

### **Adjournment**

On a motion by Peter Herridge and seconded by Jack Riemer, the meeting was adjourned at 8:24 p.m., so voted 6-0-0.

Respectfully submitted,



Mary Rogers,  
Recording Secretary

### **Public Records Material of 3/29/16**

- 1.) Petitioned Article for "Street" definition
- 2.) Preliminary Subdivision for Peters is on file in the permanent Planning Board records
- 3.) Waiver of Commercial Site Plan Review for John F. Noons at 6 Noons Heights Road
- 4.) Truro/Provincetown Aquifer Assessment and Groundwater Protection Plan Map

