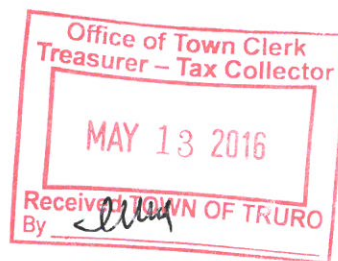


## TRURO PLANNING BOARD

### Meeting Minutes

Tuesday, March 15, 2016 – 6:00 pm

Truro Town Hall



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

**Excused:** John Hopkins

**Also Present:** Planning Consultant Carole Ridley

**Other Participants:** Michael Giamio, Tom Cebula, Chris King, Chet Lay, Joe Buteau, Regan McCarthy, Jennifer Cohen

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

### Public Hearing

Public hearing on proposed modifications to three sections of the Town of Truro Zoning Bylaws<sup>1</sup> related to the creation of accessory dwelling units. The proposed modifications include changes to §40.2 *Affordable Accessory Dwelling Units*, to make the provision “by right”, remove affordability requirements unless the property is seeking property tax relief under MGL c. 59; and add design requirements. Other related changes to the bylaw are proposed for §10.4 *Definitions* and for §30.2 *Use Table* to make those sections consistent with proposed modifications to §40.2.

There were four communications from people who were unable to attend the public hearing. Steve Sollog read into record a letter from Jay Coburn in support for the Affordable Accessory Dwelling Units (AADU) bylaws. Peter Herridge read into record a letter and an e-mail from Chuck Steinman and John Marksbury with particular suggestions for revision of the proposed Affordable Accessory Dwelling Units bylaw. They expressed the opinion that the bylaw was not ready to be presented at Annual Town Meeting this year. Carole Ridley read comments from the Building Inspector Russ Braun, who had a number of concerns about the bylaw as it is now written.

Five members of the public came forward with comments. Paul Kiernan asked about protocol in submission of the bylaw as a Warrant Article, a clarification in § 2 and synchronicity with the Housing Authority’s report. He also gave his interpretation of what “affordable” means. Regan McCarthy from the Truro Non-Resident Taxpayers thanked the Board for their effort but raised several questions regarding rentals, leasing, year-round terms, provisions for middle income families, non-conformities, and bedroom allowances. Bob Weinstein, as a private citizen, asked about an inconsistency which had been corrected. Chris Lucy said that Truro was in need of the AADUs although he did not consider the bylaw ready to go forward to April Town Meeting. Jan Worthington, speaking for herself, spoke in favor of the bylaw which she said was much needed.

A poll of the Board indicated that the majority of the members were not ready to move forward with the proposed bylaw at this time. Chair Lisa Tobia said that Planning Board did not intend to give up on the bylaw. There is the need for year-round affordable housing in Truro, but she did not favor rushing the bylaw for 2016 Annual Town Meeting.

Carol Ridley said that the Board was not required to move the bylaw forward to the Board of Selectmen for placement on the Annual Town Meeting Warrant. Ms. Ridley reviewed the work that had been accomplished and urged the Planning Board members to continue their effort to move forward with the Affordable Accessory Dwelling Units bylaw.

Chair Lisa Tobia closed the public hearing at 6:49 p.m.

**Special Permit 2016-002PB<sup>2</sup>**

**2016-002PB Celco Partnership d/b/a Verizon Wireless** seeks a Special Permit pursuant to Section 40.5 (Communication Structures, Buildings, Appurtenances) of the Town of Truro Zoning Bylaw to allow for the replacement and collocation of wireless communications transmissions equipment on an existing tower located behind the Public Safety Facility. The property is located at 344 Route 6, Map 39, Parcel 172.

Attorney Michael Giaimo, representing Verizon Wireless, explained that replacement and collocation of wireless equipment on an existing tower does not require a Special Permit. The purpose of the work is to upgrade the service and it qualifies under the Spectrum Act as an eligible facility request. There would be incremental equipment on the tower, Mr. Giaimo said. Verizon Wireless will be swapping out radio heads behind the antennas. This does not add significant weight to the tower, which is not near its structural limits.

Board members voiced their questions and concerns. Jack Riemer asked the presenter about Donald Hays, Jr.'s report. Ms. Ridley said that Verizon Wireless had been requested by the Town to submit the report. Steve Sollog asked about any abandoned equipment, and Attorney Giaimo said there would be none. Mr. Sollog was concerned about abutters to the communications tower. Lisa Tobia asked about the effect if an upgrade were not done. She also asked about the grounding of the tower. Attorney Giaimo replied that the service would not improve and that the new equipment would be wired into the current grounding setup.

Jennifer Cohen came forward to ask about provisions of the Spectrum Act and waivers for the noise level. She said she has repeatedly asked for annual readings of noise levels. This has never been done, she said. She requested that readings be done before and after the addition of the new equipment. She asked that the timeline of her requests dating back to 2001 be viewed by the Planning Board and submitted a packet of material for the public record.<sup>3</sup> Ms. Cohen said there had been a waiver for the sidelines to her property when the tower was initially installed. Attorney Giaimo said that this was a matter for the Town, rather than the applicant. He said a tower pre-installation noise test would have been done. Crown-Castle, the owner of the tower, should be doing the tests.

Ms. Ridley suggested noise abatement proposals as conditions for the Special Permit. Attorney Giaimo explained the provisions in Condition #3 for the same truncated pipe mounts. Chair Lisa Tobia asked that Ms. Ridley request of the Town Administrator establishing a demarcation point for the sound. Steve Sollog said it should be according to wind speed.

The first two qualifications were listed on the screen to demonstrate the criteria that the Planning Board needed to consider in their determination of the eligible facilities request.

On a motion by Steve Sollog and seconded by Jack Riemer, the Board voted to find that the installation is eligible under the Spectrum Act and does not substantially change the physical dimensions of the cell tower or base station located behind the Public Safety Facility at 344 Route 6 with the following facts:

1. The existing Tower at 344 Route 6 is a “tower” within the meaning of the FCC, as it was constructed for the purpose of supporting wireless communications equipment and it currently supports wireless communications equipment;
2. The Tower is “existing” because it was reviewed under the Truro Zoning Bylaws and authorized by a Tower Permit. (The plans approved under the Tower Permit depict the Bell Atlantic Mobile installation on the tower at the 130 ft. elevation.);
3. the proposed replacement of existing antennas constitutes a “replacement of transmission equipment;
4. The proposed addition of RRHs (Remote Radio Heads), junction boxes and cables constitutes a new a “collocation of transmission equipment;”
5. The proposed modification does not “substantially change the physical dimension of the tower.” The proposed modification does not constitute a “substantial change” as defined under the FCC regulations. so voted 4-1-0.

The second part of Cellco’s request was for a number of waivers.

On a motion by Steve Sollog and seconded by Peter Herridge the Board voted to approve the following waivers:

- Section 40.5.B.24 – based on a finding that granting the waivers would not result in any expense to the Town.
- Section 40.5.B.17 – requiring an informal meeting between the applicant and the Board at least 45 days prior to submitting an application. The pre-application process appears to be targeted at new structures.
- Section 40.5.B.19 – to the extent required by this application specifying written information to be submitted to the Board
- Section 40.5.B.20(a) - requiring a draft contract with the site owner requiring removal of all structures and complete site restoration
- Section 40.5.B.20(c) and (d) – requiring a site plan showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site requiring a landscape plan before and after development, including proposed screening to protect abutters.

so voted 5-0-0.

The third action, since the request was determined to be eligible under the Spectrum Act, was to approve the Special Permit with conditions.

On a motion by Peter Herridge and seconded by Jack Riemer the Board voted to make the determination for the Special Permit with the following conditions:

- compliance with sound abatement measures identified in condition 3 of the special permit for the tower
- ensuring that all cables are properly secured to avoid blowing in the wind
- removing all old equipment
- ensuring that all equipment is grounded in compliance with electrical codes
- verifying the change in weight on the tower resulting from the changed, and newly added equipment
- notifying Crown Castle to request that they demonstrate full compliance with all conditions in the special permit issued for the tower

so voted 5-0-0.

#### **Waiver of Site Plan Review, Continuance**

2016-002SPR Dorchester Awning c/o Thomas Cebula seeks a waiver of Site Plan Review<sup>4</sup> 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. This is continued from February 25, 2016.

Thomas Cebula of Dorchester Awning and Chris King, owner of Captain's Choice, answered questions about three propane tanks in the parking area, traffic flow on the property and signage.

Lisa Tobia reviewed the qualifications for a waiver as addressed in §70.9 of the Zoning Bylaws.

On a motion by Steve Sollog and seconded by Peter Herridge the Board voted to approve the waiver of a Site Plan Review for Dorchester Awning since there is no significant impact on the site.

so voted 5-0-0.

#### **Preliminary Subdivision Plan**

**2016-003PB Steven F. Rogers** seeks approval of a 9-lot preliminary subdivision pursuant to MGL c 41 § 81-S and § 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 25 & 25A Pond Road, Assessor's Map 36, Parcels 39 & 35.

Chet Lay of Slade Associates presented the Preliminary Subdivision Plan<sup>5</sup> for a 9-lot development located at Pond Road. He submitted the MESA plan for Endangered Species and explained the proposal for the two parcels to be used to create the subdivision, the road length and dimensions. He explained the MESA restricted area. No substantive waivers were requested, but there would be some standard ones, Mr. Lay said. There will be a filling with the Conservation Commission because Pilgrim Pond is across the street.



Peter Herridge raised a question about an increase of traffic on Pond Road. He read a letter from members of the English family, abutters to the subject property. They questioned the access to the property and traffic flow. An e-mail from Joe Gareau expressed his concern about the odd shaped lots, wildlife, loss of open space, an old cesspool, demolition of the old structure on Lot 1, and a structure on Lot 9.

Members of the public addressed the Board. Andy English commented further on ownership of the property, asked about drainage, lamented the loss of wildlife habitat and raised questions on back taxes. Hannah Shrand objected to the plan because of traffic increase and the loss of open space for an endangered species (quail). Joe Buteau spoke about drainage problems in the area and asked about egress and entrances for the proposed development. His Homeowners' Association at Bay Village, he said, would not allow use of their road.

Mr. Lay answered a question on the number of parcels that were being created and discussed the green belt around the entire property that is delineated by Natural Heritage in the MESA plan.

Peter Herridge initiated a motion to deny, but the Chair said there was not enough reason to do this. The Board considered the best time to conduct a traffic study and determined peak times would be appropriate as a condition. Carole Ridley will contact possible consultants to conduct the traffic study.

On a motion by Steve Sollog and seconded by Bruce Boleyn, the Board voted to approve the 9-lot preliminary subdivision 2016-003PB for Steven F. Rogers at 25 & 25A Pond Road, Assessor's Map 36, Parcels 39 & 35 with the following conditions:

- Demonstrate that the subdivision will not have a negative impact on Pilgrim Pond (providing a hydrogeological study if required by Conservation Commission)
- Demonstrate compliance with all roadway requirements under the zoning or obtain ZBA relief as needed
- Conduct a traffic study using a consultant acceptable to the Planning Board to estimate additional annual-, daily- and weekly- peak traffic conditions on Pond Road and nearby roads and intersections, including the additional traffic generated from the additional nine house lots
- Demonstrate compliance with §3.6.7 of the Truro Rules and Regulations Governing the Subdivision of Land
- Itemize and provide justification for any waivers from road specifications or other requirements of the Truro Rules and Regulations Governing the Subdivision of Land that may be necessary for the subdivision, consistent with §1.5 thereof
- Demolish the derelict structure on lot 1
- Meet all nitrogen loading limitations and Board of Health requirements, including the disposition of an existing cesspool on lot 1
- Remove or relocate the structure shown on the plan to be located on the property line between lot 9 and adjacent property

- Provide adequate drainage and storm-water management to the satisfaction of Truro Department of Public Works and Truro Conservation Commission
  - Provide a road profile demonstrating conformance with road grade requirements in §3.6.8 and Appendix 2 of the Truro Rules and Regulations Governing the Subdivision of Land
- so voted 5-0-0.

**Commercial Site Plan Review, Continuance**

**2015-006SPR Michael A. Tribuna, Trustee**, c/o Christopher R. Vaccaro, Esq., seeks approval of an Application for Commercial Development Site Plan Review<sup>6</sup> 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, and again continued to March 15, 2016.

Jennifer Cohen spoke on behalf of the True Haven Home Owners Association. She said the two cabins had been demolished, but additional trees had also been removed in violation of Zoning Bylaws. She asked that the many undue delays, misinformation and “gamesmanship” be noted for the record. She asked that the Board deny the request to withdraw the application without prejudice and deny the application for the reasons that had been cited at the previous hearing dates: the application for site plan removal remains incomplete, the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described therein, and the project does not comply with the requirements of the Zoning Bylaws.

On a motion by Steve Sollog and seconded by Jack Riemer the Board voted to grant a withdrawal without prejudice of the 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.  
voted down 0-4-0 by roll call: Riemer – No; Sollog – No; Tobia- No; Boleyn – No.

*Peter Herridge did not participate in this and the following vote because he had not taken part in the entire hearing.*

On a motion by Steve Sollog and seconded by Bruce Boleyn the Board voted to deny 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 because of the adverse impact cited in §70.3.f2; §70.3.f4; §70.3.f5; §70.3.f8; §70.3.f9; §70.3.f10 and §70.3.f11 of the Truro Zoning Bylaws. At the time of the application, the proposed activity at the subject property was in violation of Zoning Bylaws.  
so voted 4-0-0 by roll call: Riemer – Aye; Sollog – Aye; Tobia – Aye; Boleyn – Aye.

**Temporary Sign Permit**

**Payomet Performing Arts Center** seeks approval for the Application for Temporary Sign Permit<sup>7</sup> pursuant to §11 of the Truro Sign Code two (2) Temporary 48” high by 36” wide signs (March 16 – April 15, 2016) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd).

On a motion by Peter Herridge and seconded by Boleyn, the Board voted to approve Application for the Temporary Sign Permit for Payomet Performing Arts Center for two (2) Temporary 48" high by 36" wide signs (March 16 – April 15, 2016) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd), so voted 5-0-0.

**Review and Approval of Meeting Minutes**

On a motion by Peter Herridge and seconded by Jack Riemer the Board voted to approve the February 25, 2016 Planning Board minutes as amended, so voted 4-0-1.

On a motion by Steve Sollog and seconded by Jack Riemer the Board voted to approve the February 25, 2016 Planning Board minutes and the March 7, 2016 site visit to Highland Rd. minutes, so voted 3-0-1.

**Articles for Town Meeting**

Carol Ridley reported that the Growth Management Bylaw corrections had gone into the Warrant and would be coming before the Board of Selectmen on March 22, 2016. She suggested that Planning Board members attend. She said there was a petitioned Article that would require a Planning Board hearing. That is scheduled for March 29, 2016, and the notice is in the Planning Board packet. The petitioned Article concerns definition of "street" and will be further discussed at the public hearing. Regan McCarthy came forward to discuss the impact of the passage or failure of the petitioned Article. This will be discussed at the public hearing. The Board revisited the AADU bylaw portion of the meeting and agreed that no vote was needed to agree to keep working on the bylaw.

**Election of Clerk**

Chair Lisa Tobia entertained a motion to elect a Planning Board Clerk in the event that the Chair and Vice-chair were unavailable to run a meeting.

On a motion by Jack Riemer and seconded by Steve Sollog, the Board agreed to appoint Peter Herridge as Planning Board Clerk, so voted 5-0.

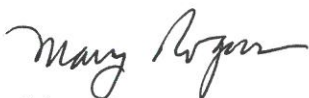
**Meeting Dates**

Carol Ridley confirmed dates for the next Planning Board meetings: March 29, 2016 and April 12, 2016. There will be an additional workshop at 3:00 p.m. on April 12<sup>th</sup>, but that day will be the one April date that the Planning Board will meet. She also shared information of interest on Provincetown's hearings on their new bylaw proposals.

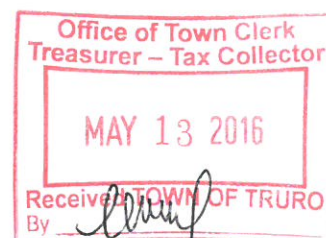
**Adjournment**

On a motion by Peter Herridge and seconded by Steve Sollog the meeting was adjourned at 8:30 p.m., so voted 5-0-0.

Respectfully submitted,



Mary Rogers,  
Recording Secretary



**Public Records Material of 3/25/16**

- 1.) Draft AADU bylaw for public hearing
- 2.) Special Permit 2016-002PB packet is on file in Planning Board permanent records
- 3.) Jennifer Cohen's informational packet and timeline on the communications tower at 344 Route 6
- 4.) 2016-002SPR waiver request for Dorchester Awning Co.
- 5.) Preliminary Subdivision 2016-003PB is on file in the Planning Board permanent records
- 6.) 2015-006SPR Site Plan Review material for Tribuna is filed in the permanent records
- 7.) Payomet application for Sign Permits