

## TRURO PLANNING BOARD

### Meeting Minutes

September 6, 2016— 6:00 pm

Truro Town Hall

Planning Board Members Present: Bruce Boleyn, Peter Herridge, John Hopkins, Jack Riemer, Mike Roderick, Steve Sollog. Absent (excused): Lisa Maria Tobia

Other participants: Elena Rice, Chet Lay, Ellen Sheil, Carole Ridley, Planning Consultant.

Mr. Sollog opened the meeting at 6:00 pm.

There was no Public Comment.

### **Commercial Site Plan Endorsement**

**2016-006SPR Robert and Elena Rice** present for endorsement a revised Site Plan pursuant to section 70.3 of the Town of Truro Zoning Bylaw, consistent with a Planning Board decision filed with the Town Clerk on June 30, 2016, and free of appeal, to demolish one unit and construct another unit of a condominium converted cottage colony. The property is located at 5 Great Hollow Road, Map 42 Parcel 237.

The request that information regarding conditions be added to the existing site plan has been completed. There is also a special permit from the Zoning Board of Appeals which the Rices are not yet in receipt of. The item regarding drainage, close to where the road reaches Great Hollow on the SW corner, it is noted where a catch basin will be installed. It may be slightly relocated due to irrigation issues. There is no vote required, simply the concurrence of the Board that the conditions have been met. Endorsement signed by all Board members and copy provided for Ms. Rice.

### **Commercial Site Plan Review — Continuance — Applicant has requested further continuance to October 4, 2016.**

**2016-00SPR Winkler Route 6 Trust, Michael F. Winkler, Trustee**, seeks approval of an application for Commercial Site Plan Review pursuant to 70.3 of the Truro Zoning Bylaw for the current condition and use of the property as a commercial staging area for a crane company, for storage of equipment and supplies, and for commercial use. The property is located at 1 Noons Heights Road, Atlas Map 39 Parcel 166. Continued from May 3rd and July 19, 2016.

Mr. Boleyn asked how many continuances are allowed? Mr. Sollog said it can be continued as long as parties agree. The applicant is proceeding with what is being asked of him. The Board may decide at some future date that this plan review can no longer be continued. Approvals for continuance cannot be granted indefinitely. Mr. Hopkins moved to approve the continuance to October 4. Mr. Sollog then made the motion to continue the Site Plan Review to October 4. Mr. Rodderick seconded. Mr. Riemer asked if the Board would be provided with a site visit before

the next meeting. The answer is yes. All were in favor of the motion, with one abstention (Mr. Herridge), 5-0-1.

### **Definitive Plan**

**2016—010PB Stephen Walsh, et al**, have filed an application for approval of a Definitive Plan with the clerk of the Town of Truro pursuant to MGL c.40A, section 81T and section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map43, Parcels 7, 8, 9, 10, 134 &135. The plan would widen existing roadways with no new lots created.

Chet Lay, Slade Associates, talked about preliminary approval of the plan July 7, 2015. Valentine Lane and Walsh Way, were created as 30 foot wide ways; Walsh Way was extended to the north in August 1994. The plan is still up in the Land Court. It is approved, but has not gone to the registry, so it is not on the assessor's atlas. (This can take from 3 years to 20 years.)

Mr. Lay spoke about the history and background of the plan. In 2013 the Walsh family purchased the Mary Bouchand property. They are going to be combining that with what was then Lot 7. Also in 2010, the Walsh family agreed to convey a 7 1/3 acre parcel behind the Truro School to the Town of Truro in exchange for property on the southeast corner of the Walsh property. This exchange has been approved by the State Legislature, but it has not yet been consummated, i.e., it has not been finalized. Also in 2010, the Town of Provincetown took by a friendly taking (eminent domain) 6.5 acres on the northeast corner of the Walsh property. It accommodates a 400 foot radius for Provincetown wells.

The purpose of this plan is to provide a 40 foot wide access to the back acreage of the property. There is conditional approval that Walsh Road is to be used for frontage for only lots 1, 2, 3, 4 and 5. There is a request for a waiver due to the Cape Cod Commission's request for a five foot salient at the top of the cul-de-sac. The family is requesting no new road construction at this time. Usage of the property is going to be reduced. They are combining lots. Almost all the requested waivers relate to road construction and design.

### **2.5a6 Drainage calculations**

### **2.5.2a9 Traffic Impact study**

### **2.5.2a10 Three proposed road names**

### **2.5.2b5 Existing and proposed methods of providing road drainage and utilities**

### **2.5.2b10 Topography of land (shown on preliminary plan)**

### **2.5.2b14 Base flood elevation**

### **2.5.2b21 Notation prohibiting the conveyance of lots and the issuing of building permits**

### **2.5.2b22 Two onsite USGS Benchmarks**

### **2.5.2b24 All information required on Preliminary Plan**

### **2.5.2b29 Notes indicating that all Utilities shall be underground**

### **2.5.2b30 Location of trees**

**All of section 2.5.2C Contents of Plan, profiles, and Cross-sections**

**3.6.1.c Provision for projection of streets to adjoining property**

**3.6.8 Design Specifications for Type B road, per Table 1, Appendix 2**

**4.1.2 Clearing, grubbing and excavation**

**4.1.3 Erosion control measures**

**4.1.5 Sub-base**

**4.1.6 Grade**

**4.1.7 Surface material**

**4.1.8 Berms**

**4.1.9 Street signs**

**4.1.10 Vegetation**

**4.2.1 Drainage installations**

**4.2.2 Catch basins**

**4.2.3 Drainage pipe outlets**

**4.3 Underground utilities (there is an existing overhead line)**

**4.4 Inspection**

**4.5.1 Clean up**

**4.5.2 Documentation (for construction a plan will be submitted showing the locations of the new concrete monuments).**

Mr. Riemer referenced bylaw 2.5.2, submission requirements for definitive plans: under 2.5.2B, easement and rights of way shall be shown, as well as grade; under 2.5.2c, contents of plans, existing centerlines every 50 feet. He said he felt that the plan is not complete and not adequate, with safety at stake.

Mr. Lay responded that because this is an existing paved road, those notations are not necessary. We are reducing the use of this road, by removing a cottage. If this road ever services any other lots, it would have to come back before this Board.

Mr. Riemer would like to know the elevation of the road. Mr. Lay responded that elevation may be relevant in the future, but not at present. There is a note on the plan that grades vary from 0 to about 10% on this road.

Mr. Riemer stated that he feels that the road is unsafe because it is too steep. This is why he is asking for road profiles.

Ms. Ridley suggested that, since there are a number of waiver requests on the plan that have to do with information that is not provided on the plan, they might go through the list one by one and indicate whether there any of them that the Board would like to request more information on. There are letters of comment that have come in on the plan, and there may be members of the audience who would wish to speak.

Mr. Lay stated that regarding the waivers that are being requested, under section 2.5.2A.6, drainage calculations, this request is consistent with the request that no construction be done at this time; and consistent with 1.2.8, supporting the overall goal to preserve the rural nature of the Town, which is why we don't want to go to an 18 foot paved road at this time. The overall purpose is to widen Walsh Road from 30 to 40 feet. No further construction is planned at this time. Two parcels are to be combined and one cottage is to be removed, so the end result will be less traffic on Walsh Way, so it will be safer.

Mr. Hopkins asked about the approval in 1994, showing 7 lots. This plan shows 5 lots. Mr. Riemer stated that we are being presented with a plan that has zoning violations. Mr. Lay stated that Mr. Braun addressed these. Mr. Riemer asked that these be reviewed again by Mr. Braun. Also, Lot 43-13 does not have frontage. Mr. Lay said it has never had frontage. It is a pre-existing nonconforming lot, not part of the subdivision.

Ms. Ridley asked if the easement is noted. Mr. Lay said if it is noted that there are no easements, he will change that.

Mr. Hopkins asked about the "alternate lane private" on Lot 3. Is that an easement? Answer: no, it is Valentine Road. One can access lot 3 by an easement.

Regarding 43-135 Lot 3, Mr. Riemer said that, "You are removing one building, but you are asking us to approve a lot with two family residences. I question the set backs on this because they are not listed. Perhaps we should run this by Town Counsel."

Ms. Ridley suggested that she can talk to the Building Commissioner about the two issues: the radius at Route 6 on the north side and the question of set backs. Mr. Riemer asked if we can approve a plan with two family residences or summer cottages on it.

Mr. Lay said that there are three approved houses, and we are taking away one house.

Mr. Boleyn had a safety question regarding the width of road. Can emergency vehicles access this property?

Ellen Shiel, formerly Ellen Walsh, stated that she has been on the property, and in every cottage, for most of her life. Emergency vehicles were able to get in when her father was ill.

Ms. Ridley asked if the applicant has the ownership capability of the entire property? The answer was yes.

Mr. Lay said, we are doing no adjustments to the north side of the road. It is a private road. Ownership would go to the son line, according to the State of Massachusetts. We are asking for a waiver on the construction. The rounded access, we discussed earlier.

Ms. Ridley suggested she could consult with the DPW director to see if there has been issues of drainage there.

Mr. Hopkins said he lived across the street for six years, and never saw a problem with drainage.

Mr. Riemer brought up the issues of bicycle traffic and safety.

Mr. Riemer questioned whether we've been asked to waive 3.6.7, adjacent to a screening buffer of 25 feet... naturally occurring vegetation.

A discussion occurred regarding the three proposed names for the new road. Valentine was just submitted. There are no other roads with that name in Truro. Regulations require three proposed names.

Ms. Ridley will consult with the DPW director to see if there are any known issues. DPW will give us information on drainage.

Utilities are partially above ground up to Valentine Lane and partially below ground after that, and they will be left that way.

Mr. Lay stated that the road may never be constructed, so it is not necessary to talk about where the pavement will go at this time.

Mr. Sollog asked if this needs to be conditioned and does it come back into our being able to control these waivers?

Ms. Ridley stated that all of the waivers the Board sees fit to grant would be listed on the plan, which is recorded with the registry of deeds. In addition, the applicant has asked to be able to use the existing road only for the lots shown on the plan. An additional condition would further indicate that there would be no further division of the lots, unless the applicant came back to the Board with a new application. To address Lot 3, which is quite large, and could have frontage, to prevent any further division of that lot, we would request an additional condition. Any other conditions that the Board wished to make as part of its findings, considering what we have heard from counsel, is that they should be noted on the plan; make reference to the decision on the plan, so the decision too will be recorded at the registry deeds.

Mr. Boleyn said he thought that lot 3 was going to be divided into two lots. Mr. Lay said that no, they are not dividing lot 3. Mr. Braun said he wanted it to end in a cul-de-sac.

Mr. Sollog asked about the issuing of building permits. Mr. Lay said that anything regarding new buildings would have to go to the Zoning Board of Appeals.

Mr. Sollog asked if it could be a condition that there will be no building on lot 5, even though there is frontage. He would like a statement from Mr. Braun that there will be no building permit issued on Lot 5, unless a road is built.

Mr. Riemer made a motion to table this for now until we get information from Mr. Braun and Town Counsel. Mr. Herridge seconded. Discussion ensued regarding what "table" means. Ms. Ridley said that the motion should be voted on before a new motion is put forth. The motion was to table the application. Motion failed, 6-0.

Mr. Lay recapped: a letter from Russ Braun about the radius, the issue of multiple dwellings and inadequate setbacks on lot 3, and the ability to get a building permit on lot 5 without a road being built.

Discussion was held regarding whether elevations should be noted. The Board was polled; it was a tie. Mr. Sollog, Mr. Hopkins and Mr. Roderick did not think elevations needed to be noted. Mr. Riemer, Mr. Herridge and Mr. Boleyn thought they should be.

Mr. Herridge read an email from Robin Prout, an abutter, and a letter from Cody Salisbury of the Town of Provincetown Water Department into the record.

Ms. Ridley summarized: with respect to contacting Mr. Braun, curb radius on Route 6, set backs on 43-135, two residences on 43-135, issuance of build-ability of Lot 5, DPW director on drainage, a couple of items, 3.617, the 25 foot vegetative buffer, 2.58 two year timeline for construction of the roadway.

Mr. Riemer made a motion to continue the hearing until Sept 20; Mr. Herridge seconded. All voted in favor of continuing the hearing to September 20, 6-0.

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

#### **August 8, 2016 Joint Planning Board and Board of Selectmen meeting/community forum**

Mr. Riemer asked about the straw poll taken at the meeting. He asked about the evidence of the results of the straw poll. He asked for the votes of the Planning Board members and the Board of Selectmen. It was stated in the minutes as overwhelming support. Mr. Riemer stated that Ms. McCarthy asked that the votes be recorded. Ms. Ridley stated that it was not an official motion made by either Board. There was no vote counting. Mr. Boleyn moved that the minutes be approved. Mr. Riemer seconded. So voted, 5 - 0 - 1. Mr. Hopkins abstained.

#### **August 16, 2016 Planning Board Meeting**

Mr. Riemer moved to approve the minutes as written. Mr. Herridge seconded. So voted 5-0-1. Mr. Hopkins abstained.



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

- MGL Ch. 39 §23D

At Mr. Boleyn's request, Ms. Ridley looked into the issue of whether or not if a member who participated in the opening of a hearing, but then missed a subsequent meeting, can vote when the hearing is continued, as long as they viewed the video coverage. Truro took this up at Town Meeting in 2006, but it was not adopted. Board member would be excluded from voting on that matter if he or she missed one of those meetings. Mr. Boleyn would like to bring this up again at Town meeting.

Mr. Sollog said that in view of the fact that meetings are recorded, he would like the Board to vote on bringing this matter before Town Meeting. Mr. Riemer made a motion to request that Town Meeting vote on MGL chapter 39, section 23D. Mr. Boleyn seconded. So voted, 6-0. Ms. Ridley noted they can participate in the deliberation and discussion if they certify they have watched the video, but they cannot vote due to the current rule. Ms. Ridley will talk to the Town Manager about this.

Ms. Ridley passed out the revised schedule for 2017. It will be mostly meetings on Tuesdays at 6 pm. At some point, the meeting schedule should be voted on. Ms. Ridley will email Nov and Dec meeting dates to everyone.

Agenda for Sept 20: Traffic study firm to return with new findings for Pond Road and Sage Ridge Road proposed subdivisions; the continuance of the Walsh subdivision; discussion of three of the Planning Board's priorities.

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. So voted 6-0.  
Meeting adjourned at 7:48 pm.

Respectfully submitted,

  
Katherine Black

Attachments - 2

