

**TRURO PLANNING BOARD
MEETING MINUTES
TUESDAY, January 17, 2017
Truro Town Hall**

PLANNING BOARD MEMBERS PRESENT: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steven Sollog

Other participants: Maria Kuliopulos, Jason Kuliopulos, David Reid, Attorney; Jamie Veara, Town Counsel; Don Nagle, Attorney, Kevin Aquilar, David Bennet; Ben Zehnder, Attorney, Chris Cannon, Bob Stello; Chris Lucy, Bob Higgins-Steele, Katherine Black, Fred Todd, Carole Ridley, Planning Consultant.

Steve Sollog opened the meeting at 6:00 pm. A member of the public volunteered that she is recording the meeting.

Public Comment Period

There was no public comment.

Public Hearing – Commercial Site Plan Review

2016-008SPR Maria Kuliopulos seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law for consolidation of units to reduce the number of units on the property by four. Plans include construction of a replacement building containing 17 rentable units and a hospitality room in the same location as a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1 Parcel 5.

Maria Kuliopulos and Jason Kuliopulos spoke about their application to consolidate 8 units into 4 units for their motel property at 706 Shore Road. They are reducing the bedrooms by four. The Board of Health approved the plan. The units are what they have existing now. Ms. Ridley asked that they address unit 30 on plan A2. Ms. Kuliopulos said that that is an error and it does have a bathroom. Mr. Sollog mentioned the total number as 47. Ms. Kuliopulos said they were grandfathered for 51 units, but missed a deadline. The applicants then spoke about the new building and office. The total number of rooms were counted and agreed upon. Mr. Riemer asked for a plan that includes all the rooms. Ms. Ridley spoke further about the need for the applicants to provide a plan that shows how it will look if the request is approved. Ms. Kuliopulos spoke about lights and the dark sky requirements. She said she has been advised to remove the lights in the back of the units on the decks. This was a condition of a previous Planning Board decision. Mr. Kiernan asked for a plan that shows the lights removed. Applicants agreed to provide the plan and said that then they would not have to come back a year later. The Board said that they will not remove the condition for them to come back next year. The applicants then stated that they would not remove the lights. Mr. Herridge asked about the complaints of the abutters about garbage collection and the design of the new building. The applicant said there is no longer a problem with the garbage. Ms. Ridley referred to the list of conditions. It was agreed that those conditions still stand. The applicant then brought up the issue of landscaping. She spoke about going to the Conservation Commission to figure out what needs to be done. They have submitted a list of approved plants. Ms. Ridley explained the conservation plan and that there will need to be a landscaping plan submitted. There is not a plan

yet, but it will be due to the Conservation Commission 3/4 of the way through the building process. Ms. Ridley pointed out the fact that the Planning Board will have different issues than the Conservation Commission. Ms. Ridley read the condition which requires the applicant to return two years after the certificate of occupancy is issued. There is a fence that is not on their property, so reference to it should be stricken from the condition. White pine and red cedar are on the list. Ms. Ridley reported that the revegetation plan is not complete at this time. The condition will "roll over." Ms. Kuliopulos then spoke about air conditioning and where the compressors will go. She is working on this to make sure that there is as little noise as possible. The air conditioning condition is #19. The new ones will be half as loud as the old ones. The architect is working on a plan to place them in the back of the building.

Mr. Reid, attorney for abutters Mr. and Mrs. Powers, spoke about their interest in not having the AC compressors in the back of the building.

The applicant then spoke about the new office in the new construction. Mr. Riemer asked if there is a floor plan for this building. The applicant said that there are not going to be any changes. A discussion ensued about the new office and the parking plan.

Mr. Reid talked about the history of the property. He said that he feels that the applicant needs to return to the ZBA, because of the two year expiration of the permit for 45 rental units. It is no longer a "by right" project. He also talked about the requirement that a motel room be only one room. He brought up the issue of the two story building, which he thinks may not be approved by the ZBA for a special permit. Mr. Kiernan asked for a copy of the court order. Attorney Veara provided a copy.

Mr. Sollog invited Mr. Veara to speak on behalf of the Town. He asked if the proposed units are conforming units. He would like to review whether these are legal motel rooms. He described how the application is incomplete on many counts. He talked about the number of units— 47— which are approved, but there are non-conforming issues. Mr. Veara stated that it is not possible to approve what has been presented here tonight.

Ms. Kuliopulos explained the process they went through. She offered to come back with plans for the AC and plans for landscaping. She asked for guidance on what the next steps should be.

Mr. Kuliopulos stated that if the permitting process becomes too difficult, they might consider an offer to sell the property to a developer who has suggested he would like to build a 3 or 4- story low income housing development.

Mr. Herridge said he thought Mr. Kuliopulos was threatening the Town with low income housing. Mr. Kuliopulos said he was just stating a fact that they have had an offer that they might consider. Mr. Sollog listed the things that are still needed. The applicants are working on redesigning the part of the building that is too tall.

Ms. Ridley summarized the hearing: a new plan showing a unit layout of the whole property that reflects the changes is needed; the plan should show specifically where landscaping and air conditioning units will be located, and to include number of units, and unit floor plans. Mr. Riemer asked that they include the floor plan of the new office. Mr. Reid provided a list of non-conformities.

Mr. Herridge made a motion to continue the hearing to March 7, 2017, 6:00 pm. Mr. Boleyn seconded. So voted, 6-0.

Public Hearing – Commercial Site Plan Review

2016-009SPR Adventure Bound Camping Resorts seeks approval of an application for Commercial Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the redevelopment of Horton's Camping Resort, including proposed sewer and water systems, upgrades to existing electrical, a proposed wastewater treatment facility, and the realignment of existing campsites and gravel roadways. The property is located at 67 South Highland Road, Map 37 Parcel 15.

Attorney Don Nagle introduced Kevin Aguilar, engineer, and David Bennet, environmental expert. Mr. Nagle talked about the history of the issues regarding ABC Resorts. He talked about the septic upgrade plan, which involved clearing trees for which they received a stop work order from the Building Commissioner. In November they submitted the site plan review application, after which they received comments which were responded to. Mr. Sollog questioned whether all the paperwork necessary has been submitted and asked that we talk about process and procedures first before getting into content. Mr. Nagle asked the Board for their questions about the application, after which he would ask for a continuance.

Ms. Ridley talked about site plan review process. One question is whether the Board wants to conduct the hearing before knowing if a site plan is required. She explained that the technical assistance the Planning Board has requested of the applicant, to which it has a right under the bylaw, has not been agreed upon by the applicant since they feel that site plan review may not be necessary. Additional questions may come to mind which could be compiled and sent to the applicant in order that they can prepare answers. Mr. Nagle explained why the applicant is here tonight wanting to talk about the goals of Horton's and what they are trying to do. Mr. Bennet spoke about the benefits of the project in terms of its new septic system. Mr. Nagle asked for an indefinite continuance until they have a final decision from the ZBA about their appeal of the stop work order. After discussion, Mr. Boleyn made a motion, Mr. Herridge seconded, to continue the meeting to March 21. Mr. Kiernan asked for a copy of the DEP permit for the new septic system. Mr. Nagle said he would provide a copy. Mr. Riemer said that in order for him to understand the materials he's been given, he asked that he the applicant reconsider providing technical assistance. Mr. Kiernan moved to continue the hearing to March 21, 2017, at 6:00 pm, Mr. Boleyn seconded. So voted, 5-0-1, (Mr. Roderick recused himself).

Public Hearing – Residential Site Plan Review

2016-010SPR Robert and Jennifer Stello, seek Residential Site Plan approval pursuant to §70.4 of the Truro Zoning Bylaw to demolish a residential structure and construct a new two-story residence and garage on property located at 22 Cliff Road, Map 29, Parcel 10.

Ben Zehnder, Attorney, Chris Cannon, architect, and Bob Stello, talked about the application. They are going to drop the height of the tower at the back of the house by a foot and a half. They will essentially keep the same footprint as that of the original house; it will be five feet higher than the old structure, 3,208 sq ft living space, plus the garage. It was 2,200 sq ft, so it does follow the Seashore rule of 150% size increase, on a half acre. It needs ZBA approval of the front yard setback. It also needs Historic review, because of when the structure was originally built. The vegetation plan was discussed. Mr. Riemer asked about the non-conforming aspect of the structure. Currently it is one and a half stories. It will be two full stories. The set backs will be addressed by the ZBA. Outside lighting is “down lighting.” Mr. Riemer asked about how the inside light would appear since there is a lot of glass. Mr. Kiernan asked what relief they are asking for from ZBA. It is primarily set back relief. Mr. Kiernan asked about the road being 40 feet. Mr. Zehnder checked his file on that and agreed that they will be requesting relief on frontage as well. Mr. Kiernan brought up lighting again and asked the owner to be considerate. Mr. Riemer asked about the neighbors and the plan to work with them for the least disruption for everyone. Mr. Stello has been talking to the neighbors. There was no public comment.

Ms. Ridley made a suggestion that the Board make findings. After Board discussion, she summarized the findings as follows: Criteria 1 and 2, siting the house appropriately with regard to the neighborhood, building design and landscaping; providing detailed floor plans and photos of the existing two-story dwelling; meeting height, side and rear set backs, Zoning relief for the street set backs, reduction of height of the tower by one and a half feet, and that the project is within the 150% rule of the National Seashore. Lot coverage is proposed to increase by 4.3 %. Approval could be conditional on the special permit from the Zoning Board of Appeals and approval by the Historical Society, and receipt of a revised plan showing the lowered tower by 1.5 feet. Under criteria 3, they received an HESP no-take letter. Criteria 4, they are proposing to use the existing driveway. For lighting, they should be consistent with the Truro bylaw. There was no public comment for or against the applicant.

Mr. Boleyn made a motion to approve the findings, Mr. Herridge seconded. So voted, 6-0. Mr. Herridge made a motion to approve the site plan, on the condition of approval by the ZBA and the Historic Review Board, and new plan with the revised tower height. Mr. Boleyn seconded. So voted, 6-0.

Possible Discussion on Zoning Bylaws

§30.3 Seashore District

January 25th, 2:30 pm at the Truro Library, there will be an informational session to discuss the Seashore proposal. An ad was put in the Banner about the sessions. Ms. Ridley asked which version should be on the website. The Board agreed it would be the December 10th version. The public hearing will be February 21, 2017.

§40.2 Affordable Accessory Dwelling Unit

There was discussion about how to proceed on this revision of the bylaw. Ms. Ridley said that information on amnesty has been reinserted. There was a question about the ability to limit square footage, but the prohibition of limiting square footage does not apply to an accessory dwelling unit.

Mr. Kiernan asked how we came up with those limits— 400 to 1,400 sq feet. He does not think accessory units should be built everywhere or anywhere. He brought up amnesty as a safety issue since units were built without permitting. He thinks it will take time to work these things out. There was concern that this bylaw could change Truro forever. Mr. Riemer said he was concerned that these accessory units could be built in the Seashore. He doesn't think the Seashore should solve the housing problems we have created in Truro.

Bob Higgins-Steele said he would like to see a mechanism for fairness so that those receiving amnesty would pay a building permit fee. Chris Lucy also talked about the amnesty issue. He offered to wordsmith the revision. He suggested taking out the word rental so that the unit does not have to be rented, but could be used by family members. He noted a place where the word affordable" needs to be removed. He referred to the language "detached from or located within" which would make the structure a duplex. He also asked why the words "for Truro residents" were used. Are we excluding those who are not Truro residents? #7. ADU can be rented no shorter than 12 months; "and/ or" the principal. Mr. Sollog said we can remove the inconsistencies. There could be a public hearing, but he will be unavailable to chair it. Katherine Black spoke up about the lack of understanding on the issue of the septic requirements for an additional household. She said that she has found that people are not willing to add another septic tank in order to meet the Health Department requirement. They understand the "number of bedrooms" requirement for the septic field, but not the "additional household" regulation for an additional tank or two-compartment tank. Therefore there will not necessarily be a lot of people applying for an ADU permit through amnesty.

Ms. Ridley said the warrant closes March 14, 2017. The revision is close to being ready for a public hearing. Mr. Riemer asked a question on penalties, and how they would be enforced. What would it mean that the permit would be non-appealable? Ms. Ridley explained. She also said she can tweak the draft. The Board consensus was that they were not ready for a public hearing. Fred Todd spoke up and urged that they get something before the public soon to get their feedback. He reminded the Board that we'd be losing another year on this effort.

Ms. Ridley suggested a public hearing the week of January 30, but no one on the Board was willing or able to take it on. Mr. Sollog asked if the present version of the ADU revision was on the Town website. Ms. Ridley said she could make sure that it is.

Review and Approval of Meeting Minutes

Mr. Herridge made a motion to approve the January 3rd meeting minutes as written, Mr. Boleyn seconded. So voted, 6-0.

Reports from Board Members and Staff

Ms. Ridley reminded Board members to get their Town email accounts if they haven't already.

Adjourn

Mr. Kiernan made a motion to adjourn , Mr. Herridge seconded. So voted, 6-0. Meeting adjourned at 10:25 pm.

Respectfully submitted,



Katherine Black

