

TRURO PLANNING BOARD

Meeting Minutes

May 16, 2017 – 6:00 p.m.

Truro Town Hall

Planning Board Members present: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog, Karen Tosh

Other participants: Nick Norman; Bob Freeman, Engineer; Deanna Ruffer, Town Planner, Harry Terkanian, Interim Town Planner, as of 5/26/17.

Public Comment Period

There was no public comment.

Mr. Sollog suggested that in keeping with the Planning Board's Handbook, the Board start with the election of officers, for which there was consensus. Mr. Herridge nominated Steve Sollog to remain as chair, Mr. Boleyn seconded. So voted, 6-1. (Mr. Sollog did not vote for himself.) Mr. Riemer nominated Mr. Herridge for Vice Chair. Mr. Herridge nominated Mr. Kiernan as Vice Chair. Mr. Kiernan did not accept the nomination. Mr. Sollog seconded the nomination of Mr. Herridge. So voted, 7-0. Mr. Boleyn nominated Mr. Riemer for clerk, Mr. Herridge seconded. So voted, 7-0.

Temporary Sign Permit

Sustainable CAPE: Educational Farmers' Market – seeks approval for one application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for four (4) Temporary Signs for the Farmers' Market to be held at Pamet Park (Veterans Memorial Field), 20 Truro Center Road to run from June 13 through September 5, 2016. Signs would be installed on the Friday afternoon before and removed on the Monday afternoon following the event. Four banners (3 will be 72" x 36" and one will be 36" x 27") are proposed per the locus plan on file.

CORRECTION: 2017.

Mr. Sollog questioned whether we can issue a permit for longer than 30 days. Ms. Ruffer asked the Board for their thoughts on this since this is a similar request from the applicant as in previous years. However, other applicants abide by the bylaw of a limit of 30 days per application. Mr. Kiernan asked if the application could be approved for all three months. Ms. Ruffer said that yes, they can approve the application now, pending submittal of the paperwork required for permits to be issued for each month in compliance with the bylaw. Mr. Boleyn moved to approve the application, pending receipt of applications for each month. Mr. Herridge seconded. So voted, 7-0.

Temporary Sign Permit

Friends of Truro Meeting House – seeks approval for one application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for two (2) Temporary Signs for events being

held between June 20 and August 20, 2017. Signs would be installed in front of the First Parish Congregational Church and 3 Harbors Realty, 11 Truro Center Road five days in advance of the event and removed the day after the event. The signs would be 30" by 24" wide.

Nick Norman, owner of 3 Harbors Realty and vice chair of Friends of the Truro Meeting House, came forward and introduced himself. Ms. Tosh recused herself because she works with Mr. Norman, and wanted to avoid any perception of a conflict of interest. It was discussed that this application would also need to submit further paperwork since the proposal is for temporary signs which will be up for more than thirty (30) days. Ms. Ruffer said she would give Mr. Norman a call to review the additional paperwork needed. Mr. Herridge made a motion to approve the application, pending the receipt of the additional paperwork. Mr. Boleyn seconded the motion. So voted, 6-0-1. Ms. Tosh recused herself.

Release of Covenant – Approved Definitive Subdivision Plan

2012-001PB William and Patricia Berger, seek a final release of Form D Covenant for Lots 20, 21 and 22, 1 Capt. William's Way, (L.C.P. No. 17658-H) and execution of Form F, Certificate of Completion & Release of Municipal Interest in Subdivision Performance Security.

Mr. Chet Lay, Slade Associates, came forward to support the request for the release of covenant. He explained, the only thing left to do last December when the Planning Board released lot 23 was to set the monuments and install a stop sign, both of which have now been done. Mr. Kiernan asked for paperwork on the homeowners association. Ms. Ruffer said the homeowners association documents have been recorded at the Barnstable Registry of Deeds and a copy is on record in the Planning Board files. Mr. Riemer asked why there's no area square footage shown on the plan for Lot 20. Mr. Lay said it's not on there because lot 20 was not touched so it would not be on this plan. It is on the original plan. The plan we have here is for the subdivision of lots 16, 18 and 19. Mr. Lay offered to provide the lot area for lot 20 for the Planning Board's records. Mr. Riemer asked if the lots would be further subdivided at some time in the future. Mr. Lay said no, that would not be possible. Mr. Herridge moved to approve the final release of Form D Covenant for Lot 20, 21 and 22 and execution of Form F; Mr. Boleyn seconded. So voted, 7-0.

Determination that Approval is Not Required (ANR)

20117-001PB Audrey Schirmer and Joseph M. Schirmer and Nguyen Huu An for land located at 9 Castle Terrace and 1 Amity Lane for the reconfiguration of two (2) existing lots with frontage on Amity Lane, Map 46, Parcels 8 & 12.

Bob Freeman, of Schofield Brothers of Orleans, representing the Schirmers, described the proposed reconfiguration of the two lots and the basis for the request for Planning Board endorsement that Approval under Subdivision Rules and Regulations is Not Required (ANR). Mr. Boleyn commented that Amity Lane is very narrow. Mr. Freeman agreed that it is narrow, only 8 to 10 feet wide. Mr. Boleyn asked about the adequacy of access provided by the lane. Mr. Freeman said that one lot would continue to get access from Castle Terrace, even though Amity Lane is being used to meet frontage requirements. Mr. Boleyn asked if Amity Lane was

a safe road. Mr. Freeman answered in the affirmative. Mr. Freeman noted there are two existing houses at the end of Amity Lane, which use Amity Lane for access, demonstrating the adequacy of this lane for access. Mr. Kiernan asked for a copy of the original 1966 subdivision plan. Mr. Freeman provided it for review by the Board. Mr. Kiernan asked if the Town had set any requirements regarding the construction of Amity Lane at the time of approval. Ms. Ruffer responded that she was not aware whether the approval had included any covenants; however at this point there did not appear to be any outstanding covenants on the subdivision. Mr. Kiernan asked if the new lot number 2 was going to be a deeded easement. Mr. Freeman said not to his knowledge. Ms. Ruffer reminded the Board that a request for ANR endorsement leaves it up to the Board to determine if the existing street is adequate. She also noted that street shown on the approved subdivision plan appears to meet the definition of a street, as set forward in the zoning bylaw, with a 40 foot right-of-way, curb radius of not less than 20 feet and a turnaround of at least 80 feet in diameter at the closed end. Mr. Kiernan asked if the applicant plans to further subdivide the lots. Mr. Freeman said no they do not. Mr. Kiernan asked if the cottages on Castle Terrace will be changing their address to Amity Lane. Mr. Freeman said no, not to his knowledge. Mr. Kiernan suggested that the Board should decide whether to take this opportunity to require the road to be upgraded. Ms. Ruffer said that is not in the purview of a request for an ANR endorsement. Mr. Kiernan said that the Board is deciding whether or not it is a subdivision. Ms. Ruffer clarified the Board is deciding whether they are entitled to endorsement as an Approval under Subdivision Rules and Regulations is Not Required. Which is based solely on a determination of access on a street and frontage. Mr. Kiernan said, "So it is not a subdivision."

Ms. Tosh asked about the frontage suggesting that the sliver of land was just a pretext for frontage. Mr. Freeman referenced the Zoning Bylaws and explained that the sliver was for legal purposes only to satisfy the minimum required frontage under the zoning bylaw. The owners plan to continue to use Castle Terrace for access in and out of the property. Mr. Kiernan asked who owns the V in the road on Amity Lane. Discussion ensued regarding ownership and the right to travel on Amity Lane.

Mr. Riemer brought up Section 50.1A, 150 ft. definition of lot frontage, and access to a street, which then leads the Board to the definition of a street. Mr. Riemer read the definition of a street. Mr. Friedman explained how the street meets the definition of a street and provides the required frontage.

Ms. Ruffer again reviewed the Board's charge when an Approval Not Required endorsement is sought, as in this case. Mr. Kiernan asked Ms. Ruffer about the existing buildings on Lot 1 which he believes may be pre-existing non-conforming structures or uses. Ms. Ruffer said the property may run the risk of losing any rights of relief by reconfiguring the existing lot; however this is not the purview of the Board. The only decision for the Planning Board is whether this plan does or does not require approval under the Town of Truro's Rules and Regulations Governing the Subdivision of Land.

Mr. Sollog said there are already houses at the end of Amity Lane and this lane was part of a subdivision approved in 1966. Mr. Riemer asked if there were conditions. Mr. Riemer sug-

gested a private driveway. Mr. Riemer said he is concerned about the fact that there have been no improvements made to Amity Lane. He thinks there are too many unanswered questions, for him to be comfortable approving the ANR.

Ms. Ruffer said there are four options for the Board to consider:

1. Vote to determine that Amity Lane shown on the ANR plan, provides safe and adequate access and to endorse the plan entitled "Plan of Land in Truro" prepared for Audrey Schirmer and Joseph M. Schirmer and Nguyen Huu An by Schofield Brothers of Cape Cod., dated April 26, 2017 at scale 1"=60', stamped by Robert John Freeman on April 27, 2017, as Approval Not Required, and to file said decision with the Town Clerk.
2. Deny endorsement of the plan stating the reason(s) for such denial and recording said decision with the Town Clerk.
3. Allow the applicant or the representative to request a withdrawal without prejudice of the application.
4. The Board can simply take no action and following the expiration of 21-days from the date of application the Town Clerk certifies and signs the plan.

Mr. Sollog said he would entertain a motion. Mr. Riemer asked how the 150 ft of frontage for Lot 1 is being measured. Mr. Freeman explained this calculation. Mr. Riemer suggested that the applicant seek frontage on Rt. 6 rather than the questionable Amity Lane.

Mr. Roderick made a motion to take no action. Mr. Riemer seconded. Mr. Kiernan said, "The Planning Board exists to make sure that what is approved is safe. I don't believe this is unsafe. But I don't think it's adequate." Mr. Riemer withdrew his second. Mr. Roderick said he didn't want this case to set a precedent. Mr. Herridge said that he thinks the Board should vote to determine that Amity Lane shown on the ANR plan, provides safe and adequate access and to endorse the plan entitled "Plan of Land in Truro" prepared..." Mr. Kiernan then decided to second Mr. Roderick's motion to take no action. So voted, 5-2-0. Ms. Tosh and Mr. Herridge voted against the motion. Mr. Riemer asked that the minutes reflect the Board's concerns about Amity Lane.

Preliminary Discussion – Commercial Site Plan Review

Truro Vineyard, LLC discussion of potential acquisition of parcel located at 9 Shore Road (Map 39 Parcel 303) for agricultural purposes.

Kristen Roberts talked about the potential purchase of this parcel across the street from Truro Vineyard. There was discussion about the Vineyard's proposed use of the property and parking. The Roberts are thinking of using the property for a combination of storage building, parking and agricultural. Ms. Ruffer said this property is in a residential zoning district, so it can't be used commercially, but can be used for agricultural uses. There is no minimum or maximum requirement for parking related to agricultural uses; however the property will need to be used primarily for agricultural purposes. A storage building would be an accessory structure to the agricultural use. Commercial site plan review would apply.

Review and Approval of Meeting Minutes

May 2, 2017 Regular Meeting

Mr. Herridge made a motion to accept the minutes as written, Mr. Boleyn seconded. So voted, 5-0-2. Mr. Roderick and Ms. Tosh abstained.

Reports from Board Members and Staff

Mr. Kiernan said that some of the current Planning Board members were present for the hearing regarding a motel that turned into a single family house on Parker Road. He suggested that members should take a look at what is happening on that property. Mr. Kiernan also brought up the recent Winkler site plan approval and said he had been on the site recently. For a future agenda, he would like to talk about how to go about reminding them of their conditions. Maybe it could be put on a future agenda. Ms. Ruffer explained that Board members do not have the authority to go onto the Winkler property.

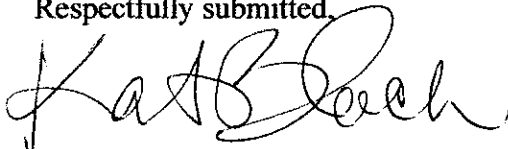
Mr. Riemer suggested putting on a workshop to help bring new members up to speed. He would also like a new Planning Board contact sheet.

Mr. Sollog volunteered to be the Planning Board designee for the Local Comprehensive Plan Committee. Mr. Kiernan asked for Board of Health regulations. Ms. Ruffer said that they haven't been finalized yet. Ms. Ruffer distributed drafts of applications regarding the two new bylaws passed at Town Meeting, the Seashore Bylaw and the Accessory Dwelling Unit Bylaw. They are ready for implementation once the Attorney General approves. She asked the Board members to look at the documents and get back to her with any comments or questions.

Harry Terkanian was introduced as the interim Town Planner. Ms. Ruffer will be leaving at the end of next week.

Mr. Roderick made a motion to adjourn. Mr. Boleyn seconded. So voted, 7-0. Meeting adjourned at 7:45 pm.

Respectfully submitted,



Katherine Black

