

TRURO PLANNING BOARD

June 27, 2017 – 6:00 p.m.

Truro Public Safety Building, 344 Route 6, Truro

MEETING MINUTES

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

Other participants: Chuck Steinman, John Marksbury, Chris Clark, Attorney Ben Zehnder, Elizabeth Grunig, Tim Brady, Drew Perry, Joanne Citron, AnnMarie Cormer; Harry Terkanian, Interim Town Planner.

Mr. Sollog opened the meeting at 6:01 pm.

Public Comment Period

Chuck Steinman wanted to know if public comment will be accepted for the hearings listed on the agenda. Mr. Sollog said yes, they are public hearings, so the public is welcome to comment.

Temporary Sign Permit Friends of Truro Meeting House – seeks approval seeks approval for second 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 3Harbors 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. First permit approved May 16, 2017 subject to filing second application. (Added June 23, 2017)

A second application is included for the additional months. Mr. Herridge made a motion to approve the sign permit, Mr. Kiernan seconded. So voted, 6-0. (Mr Boleyn had not yet arrived at the meeting.)

Temporary Sign Permit First Parish Church (Eric Spencer) – seeks approval of two applications for Temporary Sign Permits pursuant to §11 of the Truro Sign Code for one sign to be placed on the shoulder of Route 6 at the northeast corner of the intersection of Route 6 and Union Field Road for church services Sundays during July and August. Sign installed July 1 and removed August 31. Sign is 46.4” tall and 27.1” wide. (Added June 23, 2017)

Mr. Sollog mentioned that the applicant should ensure that traffic site lines are not obstructed. Mr. Riemer expressed concern that if it's a sandwich-type sign, it needs to be weighted. Mr. Herridge made a motion to approve the temporary sign permit with site lines not obstructed and sandwich board weighted, Mr. Kiernan seconded. So voted, 6-0.

Temporary Sign Permit The Truro Group (Marian Averbach) – seeks approval for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for two signs for an art exhibit at the

Library, Library Lane, to run from June 30, 2017 to July 28, 2017. Signs will be installed on June 30 and removed on July 28. Banners two (2) feet by eight (8) feet per plan included with the application and will be located at two locations on Route 6, one at the intersection of Routes 6 & 6A, the second at the intersection of Route 6 and Standish Way. Louise Paquette will attend for the applicant.

Mr. Herridge made a motion to approve the temporary sign permit, Ms. Tosh seconded. So voted, 6-0. (Mr. Boleyn arrived late to the meeting after this agenda item had been voted on.)

Temporary Sign Permit Truro Yoga (Genevieve Morin) – seeks approval for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for one sign for yoga classes. Sign will be installed on Friday pm and removed on Sunday am beginning July 2 and ending August 27. Sign will be 3 feet high by 2 feet wide per plan included with the application and will be located at “side of road by Snows Park.” The applicant was advised by email on June 13 of the 30 day limit for temporary sign permits and the need to file an additional application for signs in August.

Mr. Terkanian stated that a second application had come in to cover the second month. Mr. Herridge made a motion to approve the temporary sign permit for both months, Ms. Tosh seconded. So voted, 7-0.

Residential Site Plan Review

2017-006SPR Christopher and Jane Clark, seek approval of an application for Residential Site Plan Review pursuant to §70.4 of the Truro Zoning Bylaw for demolition of an existing dwelling and construction of a new dwelling on a pre-existing nonconforming developed lot in the Seashore Zoning District. The property is located at 1 Higgins Hollow Road, Map 46 Parcel 289.

Mr. Terkanian stated that correspondence from the Dept. of the Interior came in late today, which he distributed to the Board.

Chris Clark and Attorney Ben Zehnder came forward to present the application. The applicant has been before the Zoning Board of Appeals and received approval for a special permit to alter a non-conforming structure on their lot. The determination is free from appeal. The application needs residential site plan review because it's in the National Seashore. Then it will have to go back before the ZBA, because the site coverage is above the “as of right” limit. The property has been in the family since 1923. It is heavily screened on three sides. They plan to leave the studio and writing hut where they are, but remove and replace the dwelling. A new spreadsheet on the site coverage was submitted. Mr. Zehnder gave the Board the new copy of the spreadsheet. The writing hut is 198 sq. ft. and the studio is 1,032 sq. ft., neither of which are changing. The dwelling is 1,599 sq. ft. and that would go to 3,028 sq. ft. Then there is a garage of 578 sq. ft. attached to the structure. So the total is going from 2829 sq. ft. to 4258 sq. ft., divided between three buildings.

Mr. Zehnder discussed the criteria for building in the Seashore. Mr. Sollog asked if this is an older house. Mr. Clark said the house was built in 1719, and in 1978 it was deeded to him and his sister. They worked at repairing the house beginning in 1984. A new foundation, new flooring were installed and a new roof was put on. They saved the post and beam construction, and saved the floor in the upstairs bedroom. There are still pieces of wood from the original house. Applicant has been through the Historic Commission review. The Clarks consulted four different builders and architects. They came to the conclusion that the house should be replaced. They saved the round cellar, but there is no basement. Mr. Riemer said that there were no materials to see on line for tonight's meeting. Mr. Terkanian had a few sets available to distribute. He doesn't know why the materials were not on line. Mr. Sollog talked about the new Seashore amendment. He said he likes the fact that Mr. Clark has tried to save the house. Mr. Sollog said he is, however, a little uncomfortable with a few things. There has not been a site visit yet. Mr. Zehnder said that seeing the site would be helpful. Mr. Riemer asked if they could hear from the public. Mr. Sollog asked about the elevations. Is the elevation that's handwritten accurate? Mr. Zehnder said the only number that he thinks would be helpful would be the ridge height. An engineer can add that to the site plan. Mr. Clark said he went through this with David LaJoie and explained where the hand-written number came from. Mr. Sollog mentioned the set backs which evidently were attended to by the ZBA.

Mr. Sollog invited the public to speak. Chuck Steinman, a member of the Historic Review Board and the Historic Commission, came forward and said he was speaking as a private citizen, since this application hasn't been discussed recently by his Board. He said that this might be the oldest house in Truro. He said he doesn't have a problem with the basic design. It is an improvement over the original design presented to the Historic Board. There are not architectural drawings, so it's hard to evaluate. The Planning Board will need to request drawings. The intent of site plan review, in part, is to be sure that a new house is consistent with the prevailing neighborhood. He thinks it is. Mr. Steinman spoke briefly about the trend to replace historic houses with larger houses and the concern about preserving and protecting the National Seashore District. The Historic Commission has looked at whether the Clarks could add to the original house. Secondly, the Historic Board agreed that the kitchen wing could be removed and replaced without impacting the historic structure. The house is eligible to be listed on the National historic register, since it is in an eligible historic district. If it were on the historic register, you can apply to the State for exemptions so you could modify the 7 foot ceilings. It is a concern to Mr. Steinman that the Paine family, who originally owned the house, is one of the oldest families of Truro. Mr. Riemer asked about an advertisement to rent the house, which appeared in the packet that Mr. Steinman distributed.

Mr. Clark said he would not be here if he thought he could save the house. The house has a lot of sentimental value to his family, but the many builders he spoke with didn't give them hope that the house could be saved. It needs insulation, heat, windows, etc.. There are issues with mold. There is nothing elaborate about the proposal. He also explained that he was not advised that architectural plans were required. The floor plan he submitted is to scale.

Mr. Kiernan talked about his own experience restoring old homes. He thinks he can help them find a happy medium. He spoke about how you can make a new building look like an old building. He would like to see architectural drawings. He would like to see the Historic Commission's report. The writing studio was built so long ago that it is not on the assessor's map. He asked Mr. Clark to check on that. He thinks that with a little tweaking, everyone could be satisfied. You can bead your clapboards to make them look old. He said that making the house look old doesn't have to cost more.

Mr. Clark said he has spoken to a builder who had similar suggestions. There was discussion about a continuance in order to schedule a site visit. Mr. Terkanian asked if the Board is asking for complete architectural drawings. Mr. Riemer asked if the existing studio is connected to the septic system. The answer was yes. They do not need to be stamped architectural drawings. They just need to be construction drawings, 1/8 inch to one foot, sufficiently detailed so the Board can understand the basics of the plan.

Elizabeth Grunig, 25 Longnook Road, came forward. She said she is confused about renovations in the Seashore. She talked about her own experience renovating her home around 1980, which took 30 years. They were told they had to go through the Town and the Park. Her concern is that she feels very privileged to live in the Seashore. We were told we had to save at minimum one room. We were told that it was a rule. Now we are told it is a recommendation. Mr. Sollog said he sympathized with her and that is one of the reasons why they created a new by-law. Ms. Grunig said that she is not sorry they saved the one room. She hopes that whatever comes out of this preserves the historic significance of the house.

Mr. Sollog read into the record a letter from the U.S. Department of Interior dated June 27, 2017. From the Superintendent's Office, re: Clark hearing, 2017-006SPR, 1 Higgins Hollow Road (NPS) Tract# 13-2623). "Please enter our comments into the record concerning this proposal. This is a large-scale tear down and redevelopment in a historic neighborhood and we presume the Truro Planning Board will consider the neighborhood in its deliberations. One concern would be the intensity of use if the studio is used as a second single-family dwelling unit. Also, while "onion lamps" and other similar fixtures are in the Cape Cod style, we would prefer to see a shielded variety put in use or a shield added to serve as a downlighting feature that is more night-sky friendly. Thank you for your consideration. Signed, Lauren McKean, Park Planner."

John Marksbury, 21 Shore Road, cofounder of "Save Truro Seashore," spoke next. As they worked on the Seashore amendment, he said, he did a lot of reading about the National Park, and he feels that the Seashore is sacred ground, which hopes the Board will keep in mind. The primary reason for "Save Truro Seashore" was to save the old Cape. Here we are looking at probably the oldest house, 1719, even though it has been renovated. He hopes that the Board's decision will respect the significance of the Park.

Mr. Terkanian said it sounds like the Board's issue is elevation. The footprint has been dimensioned by a civil engineer. The other issue seems to be the outside of the building. Mr. Kiernan said he thinks a site visit will answer a lot of the questions. It was agreed to visit the Clark property on Friday at 11:00 am. Mr. Zehnder stated that he feels that the Board needs to educate itself about restorations, and it should do this before the next meeting regarding the Clark application. There was further discussion about what the applicant needs to provide. Mr. Herridge made a motion to continue the hearing to July 18, 2017, Mr. Boleyn seconded. So voted, 7-0.

5 minute break

Continued Public Hearing - Residential Site Plan Review (Request to Withdraw Application 2017-005 SPR Anne Labouisse Peretz c/o Benjamin Zehnder, La Tanzi, Spaulding & Landreth, P.C., seeks approval of a Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for removal of an existing single family dwelling and construction of a new residential dwelling at a location away from the coastal bank. Property is a 143,776 s.f. pre-existing, non-conforming developed lot in the Seashore zoning district north of Ballston Beach. The property is located at 112 North Pamet Road, Map 48, Parcel 1. Continued from May 2, 2017 and June 6, 2017.

Mr. Terkanian reported that last night the Zoning Board of Appeals allowed the applicant to withdraw their application without prejudice. The Planning Board has in their packet a request to withdraw as well. Mr. Herridge made a motion to accept the applicant's request to withdraw without prejudice, Mr. Boleyn seconded. So voted, 7-0.

Continued Public Hearing - Commercial Site Plan Review (continuance suggested by Planner and requested by applicant)

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 39 Parcels 131, 158. Continued from March 7, 2017, May 2, 2017 and June 6, 2017.

Mr. Terkanian said that this application was on the Zoning Board of Appeals agenda and was continued to July 31; the applicant was asked for a complete set of drawings. He has a request for a continuance of the Planning Board hearing until July 18, but he expects a further continuance request due to the July 31st ZBA date. Mr. Boleyn has a problem with them not understanding what is being asked of them. Mr. Terkanian said, not in their defense, but one of the things your Board has asked me to do is to try to avoid a continuance at the last minute, so that's why we have the request for July 18th. Their site plan shows 8 units combined into 4, while a different plan shows a different 8 units combined into 4. So the ZBA asked for consistent plans. Mr. Boleyn does not want to agree to further continuances. Mr. Terkanian said that the alternative would be to make a decision based on the merits of the application. Mr. Sollog said he

would rather not take up more time tonight on this matter. Mr. Herridge agreed. Mr. Sollog said that because the ZBA is involved we should not limit continuances. Mr. Riemer suggests that the applicant might want to withdraw and reapply. Mr. Kiernan made a motion that Mr. Terkanian send a letter to the applicant suggesting as much so their proposal could be heard by a full board, Mr. Boleyn seconded. So voted, 7-0. Mr. Kiernan made a motion to continue the hearing to July 18, Mr. Herridge seconded. So voted, 7-0.

Definitive Subdivision Plan

2017-002PB Claire Perry, seeks approval of a Definitive Subdivision Plan creating two lots on property located at 27 Perry Road, Map 45, Parcel 144. The preliminary plan was approved on June 30, 2016.

Tim Brady, professional land surveyor and engineer, presented the application. He said he was taking over this project from Chet Lay of Slade Associates. Two lots are being creating. There's one lot with a house on it, and the Perrys want a second lot to build on. Drew Perry lives on lot 10. They are dividing lot 10 into lot 10A and lot 10B. To make this happen there are also two other parcels being shifted around, noted as "A" and "B" on the plan. The road is an approved private way. Mr. Sollog asked about elevations. Mr. Brady said they are not on the plan, but they are available. The Town fire truck has been able to go down the road and can turn around. Approval of the conservation commission will be needed, since the lot being created is in a marsh buffer zone. There were questions about the road. It is gravel and is hardened. It is used and maintained regularly. There was a note in the Board's packet about endangered species. When construction happens there will need to be an application for natural heritage approval. This is only a subdivision proposal tonight, the applicant is not asking for approval for construction. The project will include Title 5 septic. The Truro Board of Health has allowed a variance regarding the wetlands. It will be a two bedroom house. Septic is designed for 4 bedrooms, just in case. Run off will be dealt with later. The property is in a flood zone, an A Zone, slopes are all stable and well vegetated. The house will be well above the flood zone. The waivers requested are listed on the plan. The driveway will be on a 12% grade. Mr. Terkanian said he had a conversation with the DPW director. After reviewing this proposal, the DPW Director recommends not waiving drainage calculations or methods of drainage. He also said that the Board of Health will have to weigh in on other aspects besides the septic system for the subdivision, so the application can't be approved tonight. There is a revised plan with three additional waivers requested, subdivision name, homeowner's association and the setting of monuments. They are on the plan, but were not on the original filing.

Mr. Riemer brought up the issue of the 2009 subdivision of the Perry property which he thinks the Board should be aware of. There are conditions listed that should be considered for the current application. Mr. Terkanian referred to a subdivision plan dated March 10, 2009. Conditions don't appear on the approved plan. A member of the public asked for clarification of what the Board is talking about. Mr. Sollog read the 2008-09, subdivision plan for Stephen R. Perry, the decision to approve with conditions. There was a question about covenants. Mr. Brady said he

would look into the covenants. On the new plan there is a request for a waiver for a home owners association. It was suggested that they could do a boiler plate home owners association form.

Mr. Kiernan discussed Perry Road and the old plan which says there is a T turn at the end of it. The Planning Board is supposed to make sure the road is safe. A circle at the end of the road would be better. He suggested the Board make a site visit. Mr. Riemer read from the rules and regulations for subdivisions that may be waived, which are in the public interest and not inconsistent with the surrounding area. Any such requests must be submitted to the Board in writing.

Joanne Citron came forward and asked about the responsibility of a subdivision in terms of planning around the issues of the marsh. She thinks this subdivision and the run off are going to impact the marsh. This is not just any subdivision. In the years I have lived here, I have seen the marsh drying up. It is a nesting site. She would like the Planning Board to address the concerns of the marsh and what role it has in the deliberations. Mr. Terkanian said that the Planning Board has responsibility as it relates to the road. As to the construction, the Conservation Commission will be involved. Mr. Riemer said that he would urge the Board to read chapter 8 of the Town of Truro By-Laws regarding the Truro Conservation Commission.

Mr. Brady said that what we are doing today is not about the wetlands. Drainage is a separate issue. Mr. Kiernan explained the process the Board uses to consider the safety of the roads. Mr. Terkanian explained that we do circulate plans to all the regulatory departments for them to review.

AnnMarie Cormer said that the health of the marsh is of paramount concern. The idea of additional houses is of great concern. She asked the Board to please consider a holistic approach regarding development around the marsh.

A site visit was scheduled for Friday, July 7th at 1:00 pm. Mr. Sollog asked that the applicant provide a written explanation of the waivers requested. The covenants need to be tracked down. Mr. Perry responded to the concern about the Little Pamet River by stating that it is a Town culvert causing the problem, not what the farm is doing. Mr. Kiernan made a motion to continue the hearing to July 18th, Mr. Herridge seconded. So voted, 7-0.

Brief discussion occurred on a possible site visit for the Rogers application on Pond Road. It was decided to wait until the hearing has been opened (July 18, 2017).

5 minute break

Discussion

2016-001SPR Winkler, response to correspondence

Mr. Terkanian referred to information from Attorney Zehnder, Attorney Veara and the Town Manager, which he put into a memo. He explained that the Planning Board doesn't have a hook into the process for a year. Mr. Sollog said they have installed a white noise back up alarm on

one of their vehicles. Mr. Boleyn said he has talked to a neighbor across the way, and there is still a lot of noise. He would like to see a photograph of the white noise alarm. It would be good if it were on the front loader that gets backed up all the time. Mr. Kiernan said there are no pictures of the run off. They did put in a pile of sand on the Noons property, but it didn't work. The sand around the telephone poles has washed away. The Winklers have said they will make a berm in 90 days. There is also a requirement to protect the fuel tank, which is of great concern. Mr. Kiernan thinks they should put a discussion about this case and how to conduct site plan review on the agenda for the workshop.

Planning Board Workshop, possible program contents: a list of topics was provided by Mr. Terkanian. Mr. Riemer mentioned community planning council, Barnstable County, continuing education courses that could supplement our own workshop. Mr. Kiernan suggested we work on the web site, for one thing. He suggested each member weigh in on what they think would be useful. Open meeting law, Executive sessions, Public records law, Conflict of interest law, Open meeting law, for example. Mr. Terkanian said that when you know you are heading for litigation, you want to make sure you are procedurally sound, so you can consider the merits of the case. Making sure we meet our time limits and how you conduct the public hearing, is a good starting point. Mr. Terkanian will let the Board know when he has put together a proposal for the workshop.

Review and Approval of Meeting Minutes

June 6, 2017 Regular Meeting

Mr. Kiernan and Mr. Sollog brought up four or five word corrections which were duly noted. Mr. Herridge made a motion to approve the minutes as corrected, Mr. Boleyn seconded. So voted, 7-0.

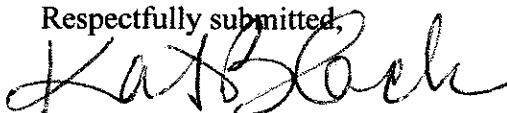
Reports from Board Members and Staff

Mr. Terkanian reported that commercial site plan review application, 618 Shore Road, has come in. The ZBA's ruling of the upholding of the building commissioner's decision regarding the Adventure Bound Camping Resort has come in. The Board has a memo in their packet of other items.

Mr. Boleyn brought his concern about questionable activity occurring on Parker Drive. Mr. Terkanian said that he would bring it to the appropriate authorities if concerns are brought to him.

Mr. Herridge made a motion to adjourn, Mr. Roderick seconded. So voted, 7-0. Meeting adjourned at 9:11 pm.

Respectfully submitted,



Katherine Black

