

TRURO PLANNING BOARD

Meeting Minutes

June 6, 2017— 6:00 pm

Truro Town Hall

Planning Board Members present: Bruce Boleyn, Peter Herridge, Paul Kieran, Jack Riemer, Mike Roderick, Steve Sollog **Absent (excused):** Karen Tosh

Other participants: Chet Lay, Slade Associates; Vernon Brown; Jason Silver, Nancy Rupin, Harry Terkanian, Interim Town Planner.

Mr. Herridge opened the meeting at 6:00 pm and announced that he would be chairing the meeting.

Public Comment Period

There was no public comment.

Temporary Sign Permit

Truro Concert Committee— seeks approval of two applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for one sign to be placed between posts at Route 6 and Route 6A for concerts to be held each Thursday from July 6 to August 24 with the 21" x 96" wide sign to be installed on June 29, 2017 and removed on August 30, 2017.

Temporary Sign Permit

David DeWitt— seeks approval of four applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for a 32" by 25" wide sign to be placed at the end of Holsberry Road on town land next to 1 Holsberry Road for Dave's Greens from June to October 2017.

Mr. Terkanian reported that there were no documents available on either of the sign permit applications, therefore Mr. Herridge went on to the next agenda item.

Continued Public Hearing - Definitive Subdivision 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.41, §81U and §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, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created. Continued from September 6, September 20, November 2, and December 6, 2016, February 7, March 7, and April 11, 2017.

Mr. Chet Lay with Slade Associates, talked about the two items that were requested at the last hearing that have now been provided. The first was a variance from the Zoning Board of Appeals for a property line transition curve, which was granted on May 22, 2017. The second

item was the existing and proposed road profiles, and these were done and submitted to the Board. Mr. Lay went over the plan. He stated that the plan would lessen the usage on these roads, and he reiterated that not one line can be changed without Planning Board approval.

Mr. Lay also said that Mr. Terkanian asked for some language to be added to the plan which he read aloud. "The ways shown on this plan shall be used only for frontage for, and access to Lots 1 through 5 as shown on this definitive subdivision plan. Lots shown on this plan shall not be further divided so as to result in more than five (5) lots. This definitive plan approval does not include approval of roadway construction plans. Any roadway construction, redivision of the lots shown on this plan or use of the ways shown on this plan to access additional property shall require modification of the approval of this plan to approve roadway construction and provision of security for or construction of any required roadway improvements prior to use of said ways for redivision or access to additional property. The property shown on this plan will not be combined with adjacent land in any manner that would constitute segmentation of development in order to circumvent review by the Cape Cod Commission or the Town of Truro."

Mr. Lay continued to explain the plan by discussing the fact that in the past, the Cape Cod Commission asked for a five foot strip of land, so that the road won't touch the back acreage. That has been done and been approved by the Cape Cod Commission.

Mr. Kiernan asked if the 40 ft way, Walsh Way, will only be frontage and access for Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5. Mr. Lay showed the history of the lots on a previous 1989 approved plan. Mr. Kiernan asked if Walsh Way will serve as frontage and access for other lots, and if so, shouldn't that be noted on the plan. Mr. Lay said that if Mr. Terkanian would provide language, it could be added. The two other lots for which Walsh Way is access and frontage are: 43.6 and 43.133. It would not be frontage for 43.9 (a vacant lot) but would be access. Seven lots have frontage on Walsh Way. It will also be access, but not frontage for 43.13. Mr. Terkanian spoke about the reason for imposing the condition so that if a future generation wanted to build on or divide the property, there would have to be a conversation about roadway improvements.

Mr. Kiernan then asked about the actual center line of Walsh Way, which appears to be a 12 percent grade on an 8 ft road. It may go up to 10%. The road was created before there were cars; it dates back to 1913. The question is, are we now setting up most of the lots for development? Mr. Kiernan said he was concerned about the safety of Walsh Way. Mr. Lay said that the proposed road will probably never be built. They are not asking for approval at this time. They would have to get a state approval, if they ever decided to try to build this road.

Mr. Kiernan asked what the site distances are on Valentine Way where it hits Walsh Way. He also asked about the implications about 43.9 added to the road. Mr. Terkanian spoke to what might need to occur if one of the lots were sold, regarding the need for an easement. Mr. Kiernan spoke further about his concerns that the road is currently not safe. Mr. Lay then mentioned the proposed covenant they will be submitting. Mr. Kiernan asked if there was a Home Owners Association for this property. Mr. Lay said there is not; they are asking for a

waiver for that. The proposed covenant would be to remove a cottage on the northwest corner, and for the overhead electric lines to remain as they are, not to be put underground.

Mr. Boleyn is also concerned about safety. Mr. Lay stated that preliminary approval for this plan was received two years. Safety issues could have been brought up then.

Mr. Riemer brought up issues about proposed bike paths on Route 6 that might interfere with a road such as the one that has been profiled. Mr. Lay said that they do not want to build the road at this time, and if it were ever built, they could consider bike paths at that time.

Mr. Riemer also brought up that the plan shows that you are putting the drainage onto the State highway, but all drainage according to the bylaw must be on your own property. It could potentially be a hazard. Mr. Lay reiterated that if the road were to be built, this issue and others could be addressed at that time.

Mr. Riemer then stated that Subdivision Control Law requires the Planning Board to consider safety. Mr. Lay said we are lessening the use of the road, so that makes it safer.

There was then discussion on the Walsh Road extension, which Mr. Lay mentioned has already been approved. Mr. Lay mentioned that for any further road construction, they would have to come back before the Planning Board.

Next there was discussion of the findings which Mr. Lay wrote for the Zoning Board of Appeals. The variance that Mr. Lay was asked to obtain was explained by Mr. Lay. Mr. Riemer said that he thought they could have presented facts about improving safety by improving the line of sight. Mr. Terkanian said that Massachusetts Department of Transportation will control road construction. Waiving construction requirements is an exercise to see what is possible, as opposed to a specific plan. Because of the extensive frontage, conditioned approval is being proposed.

Mr. Sollog brought up the storm water drainage rule, which says that it should be shown on the plan, but it does not say it has to be on the owner's property. Also, the grades that exist now have existed for 100 years. We would not be approving a new road such as this. We are approving a widening of a right of way.

Public Comment: Vernon Brown, Truro resident, said, "How long can this go on? You are dragging this out. I just don't get it. I don't understand. I've been watching these hearings. You have asked for something and they've given it. But then that's not enough. How long can this go on. It's gone on for two years. They are not asking to build a road. I don't see this as an issue. The construction of the road will be left up to the State, so why are you going on and on with this?"

Mr. Boleyn asked about whether they would have a home owners association. Mr. Lay said he didn't see that as an issue.

Mr. Terkanian then referenced an April 6th memo from Carole Ridley and Deanna Ruffer to the Planning Board where the requested waivers are listed. They are also on the plan. He said that the easiest way might be to go down the list of waivers and see if there are specific waivers that need discussion.

Mr. Herridge read the waivers requested as part of the Walsh Definitive Subdivision Plan.

2.5.2a6 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

(This has actually been done, so is no longer being requested to be waived.)

2.5.9 Homeowner's Association (verbal request at meeting)

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 said he would like to discuss the following and would not be willing to waive these:
2.5.2b21 Notation prohibiting the conveyance of lots and the issuing of building permits
2.5.2b29 Notes indicating that all Utilities shall be underground
4.1.9 Street signs

Mr. Kiernan brought up the issue that Mr. Roderick may have missed a meeting when the Walsh application was discussed and thus not be able to vote. Minutes were reviewed and Mr. Roderick did miss one of the meetings (March 7, 2017). It was agreed that if Mr. Roderick reviewed the tape of the March 7th meeting and signed a statement to that effect, he would be able to vote on this application.

Discussion ensued about 2.5.2.b.21. Mr. Terkanian stated that once you get a covenant release, or if there is no covenant, the lot could be conveyed and the permit issued. The question before the Board is: are there any conditions the Board would like to impose to be included before the lots are conveyed or building permits issued. If there are no conditions, then you don't need the requirement. Mr. Riemer said he would like to condition that the road be built before the lots are sold.

Mr. Lay asked for a continuance to July 18, 2017. Mr. Sollog made a motion to continue the hearing to a date certain, July 18, 2017 6:00 pm. Mr. Herridge seconded, so voted 4-1-1. Mr. Kiernan abstained, Mr. Riemer voted against.

Continued Public Hearing - Residential Site Plan Review

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.

The Zoning Board of Appeals has continued the related hearing on this property to June 26, 2017, and based on that, Mr. Terkanian has received a signed request for an extension, to June 27th, 2017.

Mr. Boleyn stated that four Planning Board members went for a site visit to 112 North Pamet Road, but no one showed up representing the applicant. Mr. Terkanian stated that he received a call from Mr. Zehnder apologizing and explaining that a family emergency had occurred.

Mr. Riemer asked if the date of the application coincides with the new Seashore bylaw. Mr. Terkanian said that it is an issue. Special permits and building permits are currently in the "twilight zone" until the Town hears from the Attorney General regarding the new by-law. It is something that the ZBA will be dealing with. This is not a building permit, so it ultimately rests with the building commissioner. We can't be sure the Attorney General will approve the By-law.

Mr. Sollog moved to continue the hearing to time and date certain, June 27, 2017, 6:00 pm, Mr. Herridge seconded. So voted 6-0.

Mr. Kiernan brought up the fact that we are continuing hearings due to the ZBA dealing with the same applicant. There is a 20 day appeal period from when the decision is filed, so we may not know the results of the ZBA hearing before the applicant comes back before us. There followed a brief discussion about continuances and the burden of preparing for hearings only to find out there has been a request for continuance.

Continued 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. Continued from January 17, and March 21, 2017.

Mr. Terkanian stated that the Zoning Board of Appeals voted on June 1st to affirm the decision of the building inspector. Ms. Ruffer worked on the application with Town Counsel, but it is not signed and filed. An email message was received from Attorney Nagle requesting a continuance. One of the last conditions was that someone would have to be present on behalf of the applicant in order to request a continuance. The Town Manager and Mr. Terkanian talked to Town Counsel. Mr. Nagle called and left a message for Mr. Terkanian. Mr. Terkanian called him back three times but could not reach him. He did not receive a call back. There is a memo which states four possible motions the Board could make at this time. The Board could continue to a specific date, continue without a specific date, decide that you are not able make a decision on the site plan because it is incomplete, or allow the applicant to withdraw the application without prejudice. However, we don't have a request to withdraw without prejudice.

The Town had requested funds to pay for a technical review, \$6,000 for a technical consultant and \$7,500 to cover the cost of Town Counsel. Adventure Bound offered \$2,000 and nothing has been paid to date. Mr. Riemer said he was advised by Town Manager that Town Counsel would be available by phone tonight. Mr. Sollog stated that he would like for the public will be notified again, so he would suggest redo the notice process. Further discussion ensued.

Mr. Sollog moved the matter be continued generally and that the applicant have the option to withdraw the application without prejudice. Any further hearing other than to request withdrawal, will require notice to the public. Mr. Herridge seconded, so voted, 5-0-1. Mr. Roderick abstained.

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

Mr. Terkanian stated that this is a similar situation to Peretz. The Appeals Board has not completed action on the “sister” application. Attorney Patton suggested a continuance to June 27th. This is another one where the ZBA meets on the 26th. Mr. Sollog made a motion to continue the hearing to the date certain June 27th, Mr. Kiernan seconded. So voted, 6-0. Mr. Riemer asked if they could be informed if there is another request for continuance, as a courtesy. Mr. Terkanian will do his best. Mr. Boleyn asked if there is no cooperation, the Planning Board can deny the request for continuance.

Discussion

Mr. Sollog asked to switch the two discussion items.

Site Plan Review granted with conditions to Silver Family Heritage Trust (2013-006SPR) on September 3, 2013. Photographs of completed work received.

Jason Silver presented the photographs of the work that’s been done. This was just an information item. Mr. Silver thanked the Board and the Board thanked Mr. Silver for his patience.

Commercial Site Plan Approval granted with conditions to Winkler Route 6 Trust (2017-001SPR) on March 7, 2017.

The Board discussed the Winkler Site Plan approval and conditions that appear not to have been met. On May 22, Ms. Ruffer wrote to Attorney Zehnder, about the conditions. Documentation has not been received about meeting the conditions. There has been no response. Mr. Kiernan said he is concerned about storm water runoff. Mr. Winkler agreed that there would be logs placed and a dry well installed. There was a rain storm. There was no trench, no logs placed and no dry wells. The water ran onto the Noons property. The same problem that has been complained about before. They were also supposed to move forms off the property. There are now more forms. Abutters have reached out to the Town again about the noise. A member of the audience at one of the hearings offered to pay for the white noise equipment. It appears that there has been no cooperation on the part of Winkler. Mr. Terkanian offered to write another letter to Mr. Winkler asking for a progress report on the conditions that were agreed to.

Review and Approval of Meeting Minutes

May 16, 2017

There were four typos noted. Mr. Sollog made a motion to approve the minutes as amended. Mr. Herridge seconded, so voted, 6-0.

Reports from Board Members and Staff

Mr. Terkanian spoke about coming attractions: an application for approval of a definitive plan from Claire Perry scheduled for June 27th; an application for approval of a definitive plan by Rogers on Pond Rd. scheduled July 18th; a residential site plan review, Chris and Jane Clark on Higgins Hollow Road for June 27th; and two more sign permits. He also said he would welcome any constructive comments from the Board.

The next meeting June 27th will be held in the lower level of the Truro Public Safety Training Room.

Mr. Riemer asked if a workshop for the Planning Board could be scheduled. It can be discussed at the next meeting.

Public comment: Nancy Rupin said that she came to hear about the Adventure Bound. She has a mobile home there. She wants the Planning Board to learn about how camping has changed in recent years. She suggests the Board members go over to the North Campground to see the difference between primitive camping and RV camping. She invited Board members to visit her at her RV camp site. She also suggested that the Board consider in one of their workshops the native plants and animals that are threatened in Truro. She is an amateur naturalist. Planning Board members discussed a site visit, which they will schedule later.

Mr. Herridge made a motion to adjourn. Mr. Kiernan seconded; so voted 6-0.
Meeting adjourned at 8:10 pm.

Respectfully submitted,



Katherine Black

