

TRURO PLANNING BOARD

July 18, 2017 – 6:00 p.m.

Truro Town Hall

Meeting Minutes

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

Other participants: Ben Zehnder, attorney; Chris Clark, Chuck Steinman, Rae Ann Palmer, Town Manager; Chet Lay, Tim Brady, Claire Perry, Nathan Nickerson, Harry Terkanian, Interim Town Planner.

Mr. Sollog called the meeting to order at 6:05 pm.

Public Comment Period

There was no public comment.

Temporary Sign Permit (2 applications)

Truro Center for the Arts at Castle Hill – seeks approval of two applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for:

- a. One sign 48” by 36” to be placed on Route 6 at 3 Edgewood Way for an event to be held on July 28, 2017, sign to be placed on July 24th and removed on July 31st.
- b. Five signs 33” by 22” or 48” by 36” to be placed at Route 6 at Castle Road, corner of Truro Central and Castle Roads, 10 Meetinghouse Road, median @ Pamet Road exit and Route 6 and Route 6 at 3 Edgewood Way for an event to be held on August 12, 2017, signs to be placed on August 7th and removed on August 14th.

Mr. Sollog said there are a plethora of signs. He asked if five signs too many? There was some discussion. Mr. Herridge moved to approve the two applications, Mr. Boleyn seconded. So voted, 7-0.

Temporary Sign Permit (2 applications)

Friends of the Truro Library – seeks approval of two applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for two signs, one 27” by 18” located at Snow’s Park and one 2 ½ feet by 6 feet located on Rt. 6 near the Library. For the August 9, 2017 event signs will be placed on July 31, 2017 and removed on August 10, 2017. For the August 10, 2017 event signs will be placed August 1, 2017 and removed August 10, 2017. Mr. Herridge moved to approve the applications, Mr. Boleyn seconded. So voted, 7-0.

Continued Public Hearing - 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. Hearing continued from June 27, 2017.

Mr. Zehnder and Chris Clark presented the revised plans of the project. Ambrose Homes has provided details and elevations. There was correspondence filed about the historic nature of the project. Mr. Sollog said that the Planning Board did get a legal response and opinion. But he was unable to get an opinion from a historic expert.

Mr. Zehnder said that the Historic Commission is not part of site plan review. Mr. Kiernan read from the comprehensive plan that one of the goals is to preserve Truro's heritage. He was concerned that when the Planning Board went on the site visit to the Clark's property, they were not allowed to go in to the buildings. He would like a professional to tell us that the building is not salvageable. He called the Cape Cod Commission and found out about their discretionary referral. Mr. Kiernan feels that the Planning Board has the ability to refer this project to the Cape Cod Commission. He asked if the house in question is eligible to be listed on the Historic Register. Mr. Zehnder talked about the process to be place on the Federal register, going first through the State process. He claimed that the Planning Board has no authority request that process. If it were submitted to MAC, would it be accepted?

Mr. Riemer asked if Mr. Steinman would speak, since he has some expertise. Mr. Steinman described the process of having MAC review whether the house should be on the State Historic Register.

Mr. Kiernan brought up the elevations. He found some discrepancies. There is no roof plan. He brought up the renovation of the writing studio, which he stated never had a building permit. He also brought up that the Ambrose plan is faulty. The two roofs don't meet. There is a plan called proposed south elevation, which includes the site of the original building. The roof line seems to stop at the garage. There are three different heights. On the proposed north elevation, there is a continuous height from the left hand side and that roof line continues straight across, Mr. Kiernan said that it would be helpful if we saw a plan of the roof.

Mr. Kiernan continued by saying that there are no cross sections of the interior. He's not sure it's true that the building cannot be saved. Mr. Zehnder said that whether it can be saved or not is not in the purview of the Planning Board.

There was a question as to whether the owner has the option not to register the house. Mr. Zehnder said that the Commission can determine whether it is eligible for the historic register. Mr. Kiernan said that he thinks the Planning Board should at least go to the Cape Cod Commission to get information. Many of the neighbors of this property have made an effort to save their houses. Mr. Zehnder again told them it is not the Planning Board's purview. Mr. Kiernan said he would like to see the Cape Cod Commission help them through the process. Mr. Zehnder objected. He told the Board that this application meets your requirements.

Mr. Riemer said in Truro's Comprehensive Plan there is an emphasis on preservation. Also, he said that limited information has been provided about building materials. He was concerned about drainage, and he said that the little Pamet River is slowly drying up. There may be efforts to restore the Pamet River. There is no vegetation plan submitted.

In addition, there are structures other than the one being demolished and the Planning Board is expected to learn what these structures are being used for. Mr. Zehnder said that it is clear what the buildings are being used for, simply residential uses. Mr. Sollog asked about the Seashore amendment. Mr. Clark is willing to go to Zoning Board of Appeals for approval. Mr. Riemer asked about the picture of the interior of the barn which is called a studio. He asked if it has a kitchen, and if so there are two single family dwellings. The Planning Board is required to be sure there are no zoning violations. We don't have enough information that there are no zoning violations. Mr. Zehnder said that that is not the issue that is being heard tonight. Mr. Riemer feels the application is incomplete. Mr. Riemer said that it doesn't state whether it is painted or not. Mr. Zehnder said this house is not out of character with the neighborhood.

Mr. Kiernan would like to make a motion for a discretionary referral to the Cape Cod Commission. Mr. Riemer seconded the motion. Discussion ensued. Mr. Sollog said that a landscaping plan has not been submitted. The work area is not marked. Mr. Sollog asked about the list of waivers. Mr. Zehnder said that at the last meeting they were asked for a drawing and a site visit. We understand that a landscape plan is required.

Mr. Sollog said he thinks a referral to the Cape Cod Commission would just be a delay. A vote was taken on the motion, which passed, 4-3. Mr. Boleyn, Mr. Herridge, Mr. Kiernan and Mr. Riemer voted in favor. Mr. Sollog, Mr. Roderick and Ms. Tosh voted against the motion.

Mr. Terkanian said that the Planning Board should consult with Town Counsel before making such a referral. There was further discussion about the Board's authority and the role of the Selectmen in referring an application for site review to the Cape Cod Commission. Mr. Zehnder asked the members to revote the issue, due to the hardship the delay would place on the applicant. Mr. Steinman came forward again and said he agreed with Mr. Zehnder. Mr. Kiernan asked to seek middle ground, by continuing the hearing and inviting the Historic Preservation Committee to weigh in.

Rae Ann Palmer, Town Manager, came forward. She cautioned the Board members that they may be subjecting the Town to further legal costs. After further discussion, Mr. Herridge made a motion to reconsider the vote on referring the application to the Cape Cod Commission. Ms. Tosh seconded the motion. So voted, 4-2-1. Mr. Boleyn abstained, Mr. Kiernan and Mr. Riemer voted against rescinding the vote for the referral.

Mr. Terkanian explained the Boards options in terms of the site plan review decision. Discussion ensued regarding solar and wind energy conservation, the endangered species act, grade height, orientation of the house (which will be different than the current house), drainage, the vegetative

screening of the property (preserving the screening could be conditioned), fitting in with the neighborhood, style of windows (6 over 6 and 8 over 8), correcting the roof line on the drawings, and redesigning the sections of the new house to be more consistent with historic houses.

Mr. Riemer asked about the screened porch which Mr. Clark said was just a porch, not living space. Mr. Riemer said that we don't have a landscaping plan. Mr. Clark said they will use indigenous plants, such as lilacs and Rose of Sharon.

Curb cuts will not be changed on the existing driveways. Lighting was discussed to condition shielded or down lighting. Mr. Riemer expressed his concern about the use of the structures and the fact that there are two dwellings on the property. Mr. Terkanian explained that the Planning Board is tasked with considering whether the project is in compliance, not the entire property. Further discussion occurred about the Board's approval of two dwellings on one lot. Mr. Zehnder said that his client is not asking for approval for two dwellings. The other structure has been there since 1957. Mr. Kiernan would like the applicant to add the writing studio to the plans. Mr. Terkanian said that the Board can condition that the applicant comply with Truro's Zoning laws. Mr. Kiernan asked about the Seashore rule and how it applies to the Clark's project. Mr. Terkanian said it comes within under the high water mark for special permit, needing Zoning Board of Appeals approval. Mr. Steinman said the roof pitch has changed and so square footage might change, and needs to be recalculated.

Mr. Terkanian read the conditions:

1. *Provide a plan showing the limits of work.*
2. *Provide as built site topography after completion of construction.*
3. *Maintain existing vegetative screening from Higgins Hollow Road.*
4. *Comply with Truro General Bylaws, Chapter IV, Section 8 (exterior lighting)*
5. *Windows to be either six over six or eight over eight with white trim.*
6. *File corrected building elevations showing the roof line of the North elevation consistent with that of the South elevation.*
7. *Provide a revegetation/landscaping plan for all disturbed areas.*
8. *There shall be no change in curb cuts.*
9. *Compliance with the applicable requirements of the Truro Zoning Bylaw.*
10. *If approved by the Attorney General, the project will require a special permit under pending Zoning Bylaw section 30.3.1, Residential Building Size Regulations*

There was a brief discussion about what is involved in changing a pre-existing non-conforming structure.

Mr. Herridge made a motion to approve the residential site plan with the conditions stated by Mr. Terkanian, Mr. Roderick seconded. So voted, 5-2 (Mr. Riemer and Mr. Kiernan voted against.)

Ten minute break

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. Hearing continued from March 7, 2017, May 2, 2017, June 6, 2017 and June 27, 2017.

Mr. Terkanian said that on June 26th, the Zoning Board of Appeals continued their hearing on the Kuliopulos Plan to July 31st. Prior to that the Planning Board had continued their hearing to this date (July 18th). So we are in the same situation we were in before, not knowing what the ZBA is going to do. Mr. Terkanian wrote to Attorney Patten about the confused state of the plans. There was a further request to continue to August 15th. Mr. Terkanian spoke to Ms. Kuliopulos and Mr. Patten. Mr. Kiernan said that if they are going before ZBA on the 31st, they will be coming back to us before the appeal process is over. It could be as long as 34 days. August 15th could be premature. He asked if the Board can ask them to resubmit. Mr. Terkanian said you can let them know that their submission is incomplete. He said that it is better to simply continue the hearing, so you don't have to defend a decision. Mr. Herridge said he will not be at the August meeting, so it will only be 4 possible votes, due to two of the Planning Board not being eligible to vote. The Board asked Mr. Terkanian to write a letter and let applicant know as much. Mr. Herridge moved to continue the hearing to August 15th, Mr. Kiernan seconded. So voted, 7-0.

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 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. Hearing continued from September 6th, September 20th, November 2nd and December 6, 2016 and February 7, March 7, April 11, 2017 and June 6, 2017.

Chet Lay spoke about the new revision, dated June 12, 2017, complying with the Planning Board previous requests. Mr. Riemer expressed concern about drainage onto Rt. 6. It was agreed that the Department of Transportation has jurisdiction over any new road that might be built in the future.

Mr. Kiernan asked to speak. He asked if the Zoning Board of Appeals has given approval for two cottages. The answer was that they are pre-existing. Mr. Kiernan asked if it would be safe to allow conveyance of these lots, if there is no road.

Mr. Terkanian said that procedurally, it would be good to go through the list of waivers, considering what would be in the public interest, and in compliance with regulations. Then look at what is left in your subdivision rules. It is up to the Board's discretion which waivers to grant.

Mr. Riemer said that we need to discuss whether this subdivision is in the public interest. Mr. Sollog said that he thinks the drainage is acceptable as is.

Mr. Riemer said he's concerned with safety, and that someone purchasing a lot would have no road for access.

It was suggested that the waivers regarding the road (that is not going to be built at this time) be grouped together. Mr. Riemer asked about a stop sign. Mr. Lay said they would put in a stop sign.

The requested waivers are listed:

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).

In addition, the project does not meet the design standards for a Type B road pursuant to 3.6.8 and Table 1 (appendix A), and a waiver of compliance with those standards is required.

This waiver request has not been submitted.

Mr. Sollog made a motion to approve the waivers, adding a stop sign, and a condition requiring removal of a cottage. Mr. Herridge seconded the motion. Mr. Riemer said he feels the project is unsafe. So voted, 4-1-2. Mr. Riemer opposed, Ms. Tosh and Mr. Kiernan abstained.

Mr. Herridge moved to approve application 2016-010PB Stephen Walsh, et al, for a Definitive Plan as filed with the Clerk of the Town of Truro pursuant to MGL c.40A, §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. Said plan is entitled "Definitive Subdivision of Land in Truro Showing a Re-division of Parcels 43-7, 43-8, 43-9, 43-10, 43-134 & 43-135 as shown on the Truro Assessor's Atlas," made for John Walsh, Ellen Shiel, Elizabeth Walsh Carver, Miguel D. Walsh, Stephen Walsh & Mary Ellen Walsh, by Slade Associates, Inc., October 6, 2016, Revised September 1, 2016, Scale 1"=50'. The plan would widen existing roadways with no new lots created.

Mr. Boleyn seconded the motion, so voted, 4-1-2. Mr. Riemer opposed, Mr. Kiernan and Ms. Tosh abstained.

Continued Public Hearing - Definitive Subdivision Plan

2017-002PB Claire A. Perry, Trustee, has filed an application for approval of a Definitive Subdivision 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 property located 27 Perry Road, Map 45, Parcel 144. A preliminary subdivision plan was approved on June 30, 2016. Hearing continued from June 27, 2017

Mr. Brady re-introduced the proposal. Claire Perry explained the plan and how it came into being. Mr. Riemer asked if the Conservation Commission will need to approve the road upgrade. The house that the Perry's want to build will require going before the Conservation Commission and Natural Heritage. Mr. Terkanian said that the previous subdivision doesn't have a lot of bearing here. A discussion ensued about the various lot lines. Mr. Kiernan said he would like to see a turnaround at the end of the road. He would also like to see defined turn outs. Also some drainage to go into the ground instead of on the pavement. Actually the paved Town road is

draining on the private dirt road. The 33 and 40 foot road width difference for the public portion of Perry's Road on the plan was discussed.

Mr. Terkanian said that the Board could reimpose the condition that was there before, that any further subdivision come back before the Planning Board.

Mr. Sollog read the waivers. There was discussion about not waiving drainage calculations. Mr. Brady asked what the Board would do with the drainage calculations. Mr. Roderick said it would be neighborly if we waived drainage because the Town road is draining on the Perry's private road. DPW asked the Board not to waive drainage calculations. Mr. Kiernan asked if we have already done everything we can do in terms of safety. There was discussion about having a Home Owners association. Further discussion of the monuments marking property corners. Mr. Boleyn, Mr. Herridge and Mr. Riemer would like to see a home owner's association. Mr. Terkanian sent Mr. Brady a road maintenance agreement. The Board could make it a condition to have a road maintenance agreement, in place of a home owner's association.

Mr. Sollog read the requested waivers:

- 2.5.2.a.6 – Drainage Calculations

- 2.5.2.a.9 – Traffic Study

- 2.5.2.a.10 – Three Proposed Road Names

- 2.5.2.b.1 – Subdivision Name.

- 2.5.2.b.5 – Existing & Proposed Methods of Providing Road Drainage and Utilities

- 2.5.2.b.10 – Topographic Contours

- 2.5.2.b.16 – Grades, Widths, Locations, Sight Distances, Physical Condition of Existing Roadways

- 2.5.2.b.22 – Two on site U.S.G.S. Benchmarks

- 2.5.2.b.24 – All Information Required on a Preliminary Plan

- 2.5.2.b.30 - Location of All Trees of 10" Diameter

- 2.5.2.c – Plan, Profile and Cross Section

- 2.5.2.c.11 – Limits of Clearing

- 2.5.2.c.15 – Landscape Plan

- 2.5.2.c.16 – Erosion Control Plan

- 2.5.9 – Homeowner's Association.

- 3.4.1 – Setting Monuments at Property Corners. Waiver requested for the corners Lot 10B on the east side of the cul-de-sac and the setting of monuments at the angle points in the easterly property line (with the exception of the most southerly corner of Lot 10B (sic)) as this line is defined by the centerline of the road."

3.7 – Existing Way to be Improved in Accordance With Rural Road Alternative

4.1.1 – 4 Foot Shoulders

4.2 – Drainage

3.6.6 – Dead end street exceeds 1000 feet

On a motion by Mr. Herridge and seconded by Mr. Roderick, the Board voted to approve the Definitive Plan, revised 6/12/17, pursuant to MGL c.41, §81 U and Section 2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land, subject to the following conditions:

1. Construction of a turnaround;
2. Construction of two turnouts and supplemental plan showing location and dimensions;
3. The traveled way within the subdivision is a flat, well graded dirt road between eight and ten feet in width. Any further subdivision of land off the private portion of Perry Road shall require further upgrades of said road thus requiring further review and approvals from the Truro Planning Board.

So voted, 7-0.

Public Hearing – Definitive Subdivision Plan

2017-003PB Kristen A. Hall, Conservator for Steven F. Rogers (by Nickerson Realty Corporation, applicant) has filed an application for approval of a Definitive Subdivision 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 property located at 25 & 25A Pond Road, Map 36, Parcels 35 & 39. A preliminary subdivision plan was approved on March 15, 2016.

Tim Brady and Nate Nickerson presented the proposal for a 9 lot subdivision. There followed a discussion of the road and the driveways. Mr. Brady talked about the rain garden that is being proposed. Mr. Terkanian asked about drainage soil and protection of the surrounding vegetation. Mr. Herridge said he does not have the expertise he feels that is needed for this application and suggested an independent engineer be asked to provide technical assistance. Discussion took place about what a rain garden is and how it works.

Mr. Kiernan asked about the letter from the Conservation Trust which is trying to buy the property. Mr. Nickerson said there has been discussion about that.

Mr. Riemer said he would support an independent review. Mr. Sollog revealed that he has contributed to the group that is trying to buy the property, but he feels he can be impartial.

Mr. Terkanian said that the Board needs to schedule a site visit. There was a document read into the record regarding missing items in the application.

It was mentioned that there are back taxes that have to be cleared up before the definitive subdivision can be approved.

The Planning Board has until August 29 to make a decision on this application.

Discussion ensued about the fact that a number of these lots are going to need steep driveways and run off will be an issue.

A site visit scheduled for August 4, 11:00 am.

There was mention of the traffic studies on Pond Road that were done in May and in August of last year.

Mr. Herridge made a motion to continue the hearing to August 1, 2017, Mr. Boleyn seconded. So voted, 7-0.

Discussion

Board Workshop, possible program contents, was not discussed.

Review and Approval of Meeting Minutes

June 27, 2017 Regular Meeting

There was a brief discussion of the square footage numbers for the Clark application. Mr. Boleyn moved to approve the minutes of the June 27, 2017, meeting, Mr. Herridge seconded. So voted, 7-0.

Reports from Board Members and Staff

Acting Town Planner report. There was no report.

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. So voted, 7-0.

Meeting was adjourned at 11:05 pm.

Respectfully submitted,



Katherine Black

