

TRURO PLANNING BOARD

Tuesday, September 5, 2017

MEETING MINUTES

Truro Town Hall

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

Other participants: Kevin Grunwald, Truro Housing Authority; Attorney Lester J. Murphy, Jr., William Rogers, PE, Eric Shapiro, Rae Ann Palmer, Town Manager; Christopher Clark, Attorney Ben Zehnder, Claire Perry, Ann Greenbaum. Harry Terkanian, Acting Town Planner

Mr. Sollog opened the meeting at 6:04 pm.

Public Comment Period

Kevin Grunwald, from the Truro Housing Authority, spoke about the Housing Institute training being offered to local elected and appointed officials. The six week training will occur on Thursdays, 2 - 4 pm, beginning October 12, 2017. The goal is to have someone attend from each Town organization that deals with housing issues. Topics include a basic introduction to housing, affordability, zoning and site selection, and general information around housing.

Mr. Riemer said he is interested in inclusionary zoning, regarding second homes being built in Truro.

Public Hearing – Commercial Site Plan Review

2017-007SPR Lexvest East Harbour, LLC seeks approval of 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 combining units, proposal also includes some changes to site improvements. The property is located at 618 Shore Road, East Harbour Cottages and Condominium, Assessor's Atlas Map 5, Parcel 13. Hearing continued from August 15, 2017.

Mr. Murphy re-introduced the application and mentioned the drainage issues that have been discussed with the DPW director. Mr. Rogers will meet with him when there has been a significant rain event. Mr. Rogers said that he is concerned about why the client has to provide drainage calculations. Mr. Murphy explained that it will depend on where the water is coming from. Mr. Sollog said wanted to be clear on where the flood zone is. Mr. Kiernan spoke about his concerns regarding parking. There is also a question about the 2013 condominium conversion. The project may have already been approved by the Planning Board. Mr. Murphy provided a copy of the decision where a waiver was granted.

Mr. Herridge spoke about his own experience backing up onto Shore Road during the site visit, which he said did not present a problem. Mr. Murphy talked about the two parking spaces per unit. He had submitted the parking plan to the building commissioner, and the plan was

deemed acceptable. Mr. Murphy talked about impervious surfaces that would increase if parking was moved elsewhere. Discussion occurred about the roles of the Planning Board and the building commissioner in the approval process. The previous waiver didn't require two spaces per unit since they hadn't yet decided how they were going to use the property. Mr. Kiernan stated that the condominium conversion took place before the property was sold. The parking spaces are on state property which he said the Planning Board cannot approve. Mr. Murphy read from Mr. Braun's email explaining why he approved of the parking plan. Mention was made about the status of the property as condominiums as opposed to motel rooms. This property is "multi-family" now, not a motel. Mr. Kiernan asked for Town Counsel's opinion on the parking. Mr. Terkanian read from a letter regarding the Zoning Board of Appeals decision. Site plan review was waived.

Refuse disposal was discussed. Each unit will have trash pickup. Eric Shapiro stated that a trash company has been contacted and he is willing to provide confirmation of a contract if necessary. Mr. Riemer asked if they are using the dumpster across the street. Just for the time being, they are using the dumpster.

Mr. Sollog recapped that the Board would prefer that the applicant find parking spaces in other locations that would be safer than the current ones. They would also like to see a contract regarding refuse pickup. Mr. Shapiro said that they are adding kitchens so that tenants can cook safely. The property is geared towards seasonal rentals. Mr. Riemer brought up the issue of the property being in a flood zone and increasing usage of the property. The applicant stated that they are not in a velocity zone, and they are reducing the density, not increasing it, just adding a porch. They are not increasing usage, but actually decreasing usage. Mr. Riemer said that we should be concerned with storm surges.

Mr. Sollog asked for a path forward. Answers are needed on drainage and redesign of parking. Mr. Boleyn stated that he is concerned about parking. Ms. Tosh and Mr. Herridge are not. Mr. Riemer brought up the need for a bike rack. Mr. Kiernan said he would like to pass this by the Town attorney. Mr. Terkanian said he will let the Town manager know of this request. Mr. Boleyn moved to continue the hearing to October 3rd, Mr. Herridge seconded. So voted, 7-0.

Temporary Sign Permit

Truro Treasures by Gail Stephenson seeks approval for three banner signs for events on September 16 – 18, 2017: "Truro Treasures, A Gala Weekend", 8 feet by 3 feet at Route 6 and Town Hall Road; "Truro Treasures, Arts & Crafts Fair", 6 feet by 33 inches on Truro Central School fence; and "Truro Treasures Silent Art Auction" 8 feet by 33 inches at Route 6 at Standish Way. Signs to be placed on August 26 and removed on September 19, 2017.

This agenda item was listed in error. It should not have been posted.

Temporary Sign Permit

Truro Treasures by Kristen Roberts seeks approval for four signs for events on September 22 – 24, 2017: eight feet by 3 feet banners to be placed at Route 6 at Pamet Roads exit and Route 6 at the 6/6A split; and six feet by 33 inch banners to be placed on Truro Central School fence and Route 6 at Standish Way. Signs to be placed September 5 and removed September 25, 2017.

Mr. Terkanian said there was an issue with the application and provided the corrected form to the Board. Mr. Kiernan moved to approve the corrected application, Mr. Herridge seconded. So voted, 7-0.

Temporary Sign Permit

Vinegrass by Pete Fasano seeks approval for one sign for an event on October 1, 2017: 3 feet by 4 feet at intersection of Route 6 and Shore Road. Sign to be placed September 15 and removed October 1, 2017.

The Board limited this request to 30 days. Mr. Riemer asked about the details of the event. Ms. Palmer explained that the applicant had covered all of the concerns and received the proper approvals. Mr. Herridge made a motion to approve the application for the period September 15 to October 1, Mr. Boleyn seconded. So voted, 7-0.

Curb Cut Application

Scott Lee Deering seeks approval for a curb cut to provide additional driveway access for property at 20 Whitmanville Road, Map 43, Parcel 76.

Ms. Palmer explained that there was no action required by the Planning Board.

Residential Site Plan Review – Request for Opinion of Counsel and Review Status of Application

2017-006SPR Christopher and Jane Clark, Board review of opinion of counsel concerning the zoning status of the subject premises and possible further consideration of site plan review application. The property is located at 1 Higgins Hollow Road, Map 46 Parcel 289.

Mr. Terkanian reported on an August 28th memo regarding the Zoning Board of Appeals hearing, to address gross floor area within the Seashore, and new calculations of square footage. The Building Commissioner has reviewed the floor area calculations, and found that only a *de minimis* difference from the applicant's calculation, the application was acceptable as is. The stove in the barn is subject to the verification that it will be removed before the project is completed. Mr. Zehnder said that the Board should not be involved in conditioning the demolition. He asked the Board not to confuse the issue. Mr. Riemer brought up the definition of residential kitchen and asked why we don't use it. Mr. Sollog said that the original approval that the Board granted included the demolition. He thinks the Board should be clear on what they are approving. Mr. Zehnder said that the Board could put in a condition that agrees with the ZBA decision, endorsed August 21st. Ms. Tosh asked Mr. Terkanian about whether the Board is allowed to approve the amended plan. Mr. Terkanian said the differences in the plan are *de*

minimis. None of the dimensions changed the project by more than a foot. Ms. Tosh asked how we can be procedurally correct. Mr. Terkanian replied that if you accept the ZBA's finding, you can add language referring to the partial demolition and retaining some of the original structure. Mr. Zehnder said that they would consent to the Board's holding the hearing open in order to substitute the previously approved site plan with the site plan dated August 21, 2017, with the revised elevations and floor plans, to substitute a new description of the project as a partial demolition with the retention of the historic 23' X 27' Cape structure and with the addition of a condition as imposed by the Zoning Board of Appeals that prior to issuing a CO, the Building Commissioner must verify the stove has been removed from the studio and certify it back to the Planning Board.

Mr. Terkanian read the motion: the applicant agrees to the 8/21/17 site elevation and floor plan with a revised partial demolition and re-construction, with retention of the 23' X 27' Cape structure, with the Zoning Board of Appeals condition that prior to the issue of certificate of occupancy, the Building Commissioner must verify that the stove has been removed from the studio and certify it to the Planning Board. Mr. Boleyn so moved, Mr. Herridge seconded. Mr. Riemer asked about the conditions. The answer was that the original conditions are still listed. So voted, 7-0.

It was agreed to change the order of the agenda and review Ms. Perry's Road Maintenance agreement next.

Endorsement of Definitive Subdivision Plan and Approval of Road Maintenance Agreement

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. The plan was approved with conditions on July 18, 2017, a certificate of action filed on August 10, 2017 and appeal period expired on August 30, 2017.

Mr. Terkanian explained the new revised Road Maintenance agreement. Mr. Kiernan moved to approve the agreement, Mr. Herridge seconded. So voted 7-0.

The Perry definitive subdivision plan was endorsed by the Board.

Ten minute recess. Agenda was changed in order to go to the discussion of the zoning bylaw proposal.

Open Discussion of Possible Zoning Bylaw Amendments

The Planning Board will seek public comment and will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts and permitting year round occupancy of condominium units. The Board will

consider holding public forums and other means of outreach for obtaining citizen input and whether a subcommittee should be formed to review possible zoning amendments.

Mr. Sollog talked about keeping this on the agenda indefinitely so that the public will have many chances to weigh in. Mr. Herridge spoke and then Mr. Kiernan, who brought up the fact that there two are separate items included in this agenda item. Mr. Sollog said he agreed that they are separate, and he doesn't want them to be confused. Mr. Terkanian spoke briefly about the fact finding period we are getting into at the moment. Mr. Sollog asked for the Board's feelings regarding year round condominiums. The Town had a vote on the subject a year or two ago and it failed. He asked if the Board is going to vigorously address house size town-wide. Mr. Terkanian said deficiencies may be in what the town wants done in terms of planning and regulating. Mr. Herridge said that this is what people expect of us. It would be good if the numbers could come from the public. Mr. Riemer asked Mr. Terkanian about what happened in Wellfleet. Mr. Terkanian said that some citizens don't want anything that over-regulates. Mr. Riemer said that we got a lot of feedback about citizens wanting house size limits to be town-wide. Another issue is that there is a committee working on a comprehensive plan for the Town of Truro. Mr. Sollog said that there should be an extensive review of this issue. Maybe a survey questionnaire would be in order.

Ann Greenbaum came forward and said that the concept of working from the Seashore bylaw would be a good place to start and would provide consistency. A survey would obtain people's thoughts. Mr. Kiernan said it would be good to have the facts, how many houses of what sizes there are in Truro.

Mr. Sollog will look into a questionnaire, and then a public meeting at the library. Mr. Riemer and Mr. Kiernan expressed an interest in serving on a subcommittee. Questions or concerns could be submitted through the Town website. Ms. Greenbaum said maybe we can reach out to towns that have had this kind of bylaw for a few years. Mr. Sollog said that the initial subcommittee will be Mr. Herridge, Mr. Kiernan and himself for now. The subcommittee cannot exceed three in order to comply with open meeting law. Mr. Sollog said that the year-round condominium issue is something we will have to address as well. It will be brought up in an intense way, so we should be ahead of the curve. Most Board members are not interested in the condo issue right now.

Endorsement of Definitive Subdivision Plan and Execution of Covenant

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 was approved with conditions on July 18, 2017, a certificate of action filed on August 10, 2017 and appeal period expired on August 30, 2017.

The Walsh definitive subdivision plan was endorsed and the covenant endorsed and notarized by the Board.

Review and Approval of Meeting Minutes

August 15, 2017 Regular Meeting

Mr. Kiernan made a motion to approve the minutes of the August 15th meeting as written, Mr. Boleyn seconded. So voted, 5-0-2. Mr. Herridge and Mr. Roderick abstained.

Reports from Board Members and Staff

Acting Town Planner report.

Mr. Terkanian listed the various hearings that will be coming before the Planning Board.

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. So voted, 7-0. Meeting adjourned at 8:25 pm.

Respectfully submitted,



Katherine Black

