

TRURO PLANNING BOARD

Meeting Minutes

December 6, 2017 – 6:00 p.m.

Truro Town Hall

PLANNING BOARD MEMBERS PRESENT: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog. **ABSENT** (excused): Karen Tosh

OTHER PARTICIPANTS: Ben Zehnder, Attorney; Deborah Paine, Contractor; Ed Miller, Provincetown Banner; Darcee Vorndran, Dan Sanders, Cody Salisbury, Provincetown Water Department; Lester J. Murphy, Attorney; Maria Kuliopulos, Anne Greenbaum, Susan Howe, Cally Harper, Town Planner.

Steve Sollog opened the meeting at 6:12 pm.

Public Comment Period

There was no public comment.

Temporary Sign Permit

Truro Center for the Arts at Castle Hill – seeks approval of Temporary Sign Permits pursuant to §11 of the Truro Sign Code for two signs, 33” x 22” and 48” x 36”, to be placed at 10 Meetinghouse Road and 3 Edgewood Way from December 11, 2017 to December 18, 2017.

Mr. Herridge made a motion to approve the application for a temporary sign permit, Mr. Boleyn seconded. So voted, 6-0.

Public Hearing – Residential Site Plan Review

2017- 010 SPR Kenneth S. Kuchin – 12 Ocean Bluff Lane seeks approval of a Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for removal and replacement of an existing cottage dwelling with a new dwelling and construction of a new garage accessory structure. Property is a pre-existing, non-conforming developed residential parcel in the Seashore zoning district. The property is located at 12 Ocean Bluff Lane, Map 37, Parcel 6.

Ben Zehnder, Attorney, presented the application for Mr. Kuchin. He referenced the Seashore amendment that had been approved at the most recent Town Meeting. He stated that Mr. Kuchin has designed a single story one bedroom house with an accessory two story garage with studio, on his 2.689 acres. By right he is allowed 3,540 square feet of habitable space. Mr. Zehnder went over the plans which include the original structure, the engineering plans, and the landscape plan. Elevations and floor plans are included in the application. The original cottage was built in 1900 or 1905. The project will be subject to historic review. Mr. Zehnder reminded the Board that they have specific review criteria and it is not in their jurisdiction to review the history of the structure. Mr. Zehnder said he believes this application is complete. He went over four criteria:

location of the structures, building design and landscaping, driveway and parking, and lighting. The fire chief reviewed and gave his approval regarding access to the property.

Mr. Sollog asked the Board for their input. Mr. Kiernan said he likes it but has some questions. Will it have one or two septic systems? The builder replied that it will have two septic systems. Mr. Kiernan said that the dwelling is on a knoll and he wants to be sure the lighting is downward. There is a 15 ft. wide easement that services the existing dwelling. There is a "paper road" that has not been constructed that leads to the two car garage and goes across Seashore property. The applicant has approval from the Seashore. The letter can be provided. Mr. Riemer asked if the studio was a habitable studio. The answer was, yes it is. Mr. Riemer wants the designation of "habitable studio" to be identified of the plan. He also said that the septic plan for the garage should be on the plan. He brought up the retaining walls by the garage and wanted to know how well they will be disguised, so they would not be visible from the road. Ms. Paine said they will be well disguised with stone and vegetation. They are 5-6 feet tall. Mr. Zehnder said the retaining walls will be camouflaged; no concrete will be showing. Mr. Riemer asked for a condition regarding facing and vegetating the retaining walls, since it does not show on the plans. There followed a discussion about the visibility of the two story garage. Then Mr. Riemer asked about the stone parking area. The builder said it would be 3/4 inch gravel. The walkway is reclaimed granite stone. The gravel is a pervious surface. Mr. Riemer then asked if the MESA review has taken place yet. Ms. Paine replied that Mr. Rogers has applied for the MESA review but has not heard back. That could be a condition of the decision. Mr. Riemer asked if the construction could be avoided during the summer months. Mr. Zehnder explained that such a restriction would be onerous. Mr. Kiernan said there is no way of knowing how long the Historic Review will take, so it doesn't seem possible to address the timing of construction at this time. Mr. Riemer asked if there could be time restrictions during the day as to when construction would be allowed. Mr. Riemer asked further about the lighting in terms of lumens allowed by the Town of Truro. The builder said the bulbs could be changed. Mr. Riemer asked that this be conditioned. Mr. Riemer had a question for the surveyor, Mr. Rogers. He wanted to know if the 2.689 acreage included the beach, and if so it would be under water at high tide.

Mr. Sollog read a letter into the record from Darcee Vorndran about the historic significance of the property. Mr. Herridge read a letter from the National Seashore regarding their support of the project from Shawn P. Mulligan, acting superintendent.

Mr. Sollog said there is ZBA approval, a recommendation from the National Seashore and now the applicant is asking for Planning Board approval. There is still the need for Historic Review, so he is wondering if they are putting the cart before the horse. Mr. Zehnder said he thinks it is in the correct order to ask for Planning Board approval now. Mr. Riemer pointed out 70.7 Special Permits regarding the requirement for Planning Board to forward their findings to the ZBA. Mr. Sollog then asked for public comment on this project.

Dan Sanders came forward to speak about the Historic value. The house is one of the last that characterize Truro. He thinks the house has value and could be fixed up. Darcee Vorndran came

forward to talk about the Small family. Mr. Zehnder spoke up with a point of order. He said he thinks that it is misleading to bring up the historic value at this time. He asked that historic review comments be held for the meeting with the Historic Review.

Mr. Sollog said he thinks that all the information is important. Ms. Harper said she thinks we could accept the public comment but ask that the public members return for the Historic Review. Ms. Vorndran said that Mr. Kuchin said the footprint is the same as the old one, but that is not true. She made a suggestion that the property be kept as is, and the new owner build their new residence as the main building.

Mr. Riemer read 30.3 Seashore District, section E, regarding variances or special permits. Mr. Zehnder explained that this regulation does not apply in this case. He then read what the Planning Board is required to do if the application is complete.

Mr. Kiernan asked why the applicant went to the Zoning Board of Appeals first, when the bylaw states they should come before the Planning Board first. Mr. Zehnder answered that there is no requirement to go to one board before the other, unless the applicant is asking to exceed the by-right size allowance. Mr. Riemer thinks there is value in an applicant coming to the Planning Board first since the Planning Board makes site visits, and he doesn't think the ZBA makes site visits. The Planning Board can pass on valuable observations to the ZBA if they are first to review the project.

Ms. Harper recapped the hearing so far. They have certain design criteria to discuss. They have agreed on a number of conditions: the letter from the Seashore regarding the driveway, the screening of the retaining wall, and verifying the lumens of the outdoor lighting. Mr. Sollog asked Ms. Paine about her discussion with the owner. Mr. Kuchin doesn't want to do anything large. One of the owners is an artist. They have made a great attempt to replicate the old house and place it in the same location.

Ed Miller, associate editor of the Provincetown Banner, came forward and said it sounded like Mr. Riemer said there was missing information on the plan regarding the second septic system. If that is true, then is it true that the application is complete. It is in design development to get the variance needed. Mr. Zehnder said they can request a waiver. Mr. Riemer said he also asked that the accessory space be identified as its intended usage. Ms. Paine said it is "habitable studio." The Board requested an additional condition to have the Building Commissioner review the lighting. Mr. Riemer read the two definitions of habitable studio and working studio. It was agreed that it would be a habitable studio. Mr. Kiernan said he wanted to add two conditions successfully completing the MESA Process and the Historic Review. Ms. Harper said those didn't need to be conditioned. Mr. Zehnder said he would include a finding that the property is subject to review by the Historic Commission and a MESA review.

Mr. Sollog then closed the public hearing and entertained a motion. Ms. Harper read the conditions that were agreed upon. Mr. Herridge read the motion to conditionally approve the

project with the conditions:, approval from the Seashore for access to the garage, to hide/ screen the retaining walls, to verify the lumens of outdoor lighting by the building commissioner, designate the studio as a habitable studio, and a waiver for the septic system to be shown on the plan (it will be added later). Mr. Riemer wants to minimize the disturbance of the vegetation. Ms. Paine said the septic system will be located in the parking area, approved by the Board of Health.

Mr. Riemer asked how the Board can be sure that the applicant will screen the retaining walls. It was agreed to condition that the Board will review the project in a year to verify the work was done to their satisfaction.

Mr. Boleyn seconded the motion. So voted, 6-0.

Request for Waiver - Commercial Site Plan Review

2017-009SPR Town of Provincetown Water Department requests a waiver of Commercial Site Plan review pursuant to §70.9 of the Truro Zoning By-Law. This property is located at 143 Shore Road, Assessor's Atlas Map 19, Parcel 1.

Mr. Herridge read the motion: *In the matter of 2017-009SPR Town of Provincetown Water Department, I move to waive the requirements in §70.3 of the Town of Truro Zoning Bylaw and Sign Code to allow Provincetown Water Department to extend an existing chain link fence to fully enclose the entire treatment plant at 143 Shore Road, Knowles Crossing Facility, based on the following findings of fact:*

1. *The extension of the fence will not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw*
2. *While the Knowles Crossing Facility is in Natural Heritage Priority Habitat and the fencing will be installed outside the limit of work, the Division of Fisheries and Wildlife determined that this project, as currently proposed, will not result in a prohibited Take of state-listed rare species.*

Mr. Boleyn seconded. Mr. Kiernan asked for a description of the fence. Mr. Salisbury said it will match the existing fencing so anything endangered will be able to go through. So voted, 6-0.

Discussion of Date/Time for Public Hearing - Rose Hill Lane

The Planning Board will discuss a date/time for a public hearing for the Becker subdivision. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33.

Mr. Riemer, Mr. Boleyn and Mr. Kiernan recused themselves and left the room. Attorney Lester Murphy said we are dealing with a definitive plan. Ms. Tosh was absent and is planning to review the tape later. Ms. Harper described that there is a possibility that there could be two public hearings on the same property – one under the 81W process and one when the applicant submits a definitive plan. She mentioned that the applicant wants to revise their plan and they have agreed not to start construction until a new plan is submitted. Ms. Harper drafted an extension form for the public hearing.. More time is needed because the Beckers need time to to

hire an engineer and have a plan drawn up. So Ms. Harper suggested withdrawing the 81W without prejudice. Mr. Murphy talked about what the applicant would like to do in providing a new modified plan with a 25 foot setback, which would comply with current regulations. Because there is not a quorum, the Board cannot vote. There is a consensus that we are in agreement, however, and that we will vote on this at the next meeting. Mr. Herridge asked if they will be complying with all regulations. Mr. Murphy said there may be a waiver request regarding grade. They will do their best to comply with all regulations. Mr. Sollog asked to put this application on the agenda for the next meeting in order to vote on the withdrawal of the 81W. Hearing continued to Wednesday, December 20, 2017.

Continued Public Hearing - Commercial Site Plan Review

2016-008SPR Maria Kuliopulos – White Sands Beach Club, Inc. 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, Assessor's Atlas Map 39 Parcels 131, 158. Hearing continued from March 7, 2017, May 2, 2017, June 6, 2017, June 27, 2017, August 15, 2017, September 19, 2017, October 3, 2017, October 17, 2017.

Maria Kuliopulos made a correction that the first hearing date was January 17, 2017. She then reported that the Zoning Board of Appeals recently voted 5-0 to approve her building permit. However, she was informed that there was an appeal from one of the neighbors who has been coming to the meetings. It has not been certified by the Town Clerk yet; tomorrow is the deadline. She would like to know how the Planning Board wants to proceed and if they want anything from her. Ms. Kuliopulos said she would like a decision from the Planning Board, so if there is further appeal, it can be one case. Mr. Riemer asked for an explanation. Ms. Harper made the recommendation, based on Harry Terkanian's past advice when he was interim Town Planner, that the Planning Board wait to rule on this case until the ZBA case was finished, to continue the hearing until the time that the ZBA process is complete. Mr. Kiernan asked how many members can vote on this application. Ms. Harper said that from her analysis, there are five members who can vote on this. If Peter Herridge watches the video of one meeting, he can vote on it, under the Mullen rule, but Mike Roderick and Karen Tosh have missed too many meetings to be able to reinstate their voting status. Mr. Kiernan advised Ms. Kuliopulos to withdraw her application so that she could start fresh with all seven Planning Board members able to vote. Ms. Kuliopulos suggested the Mr. Roderick only missed one meeting, since so many meetings were continuances, during which no discussion on the application occurred. She asked that Mr. Roderick be certified to vote. Mr. Sollog said he would look into it. Ms. Kuliopulos then asked for a continuance. Ms. Harper asked if she would wait until January. Ms. Kuliopulos asked if she could be included on the agenda in two weeks. Ms. Harper will do more in depth research to find out if Mr. Roderick can be certified to vote. In the meantime, there is a court case going on, so the Planning Board has to decide if they are willing to make a decision before the case is decided. Mr. Sollog then asked if they could agree to continue to

January 10. It was agreed. Ms. Kuliopulos asked if there is anything else the Planning Board needs from her. Mr. Kiernan said, "We will need to look at the ZBA's decision and let's wait until you decide if you are going to withdraw". Mr. Riemer said that under the bylaw regarding commercial development that we can ask the applicant to pay for an expert to review the plans and provide guidance. Mr. Riemer would like an independent expert. Ms. Kuliopulos said that the Board has already approved a previous plan for the site, and these plans do not substantially differ. She asked that Mr. Riemer wait until he hears what her engineer has to say. Mr. Riemer said he wants the applicant to know that we can require the applicant to pay for an adviser. Mr. Herridge moved to continue the hearing until January 10, 2018, Mr. Kiernan seconded. So voted, 6-0.

Open Discussion of Possible Zoning Bylaw Amendments

The Planning Board will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts. 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.

Ms. Harper said the working name of this survey is "House Size Limits in the National Seashore." It was agreed that this is about Town-wide House Size Limits. Ann Greenbaum suggested "Town-wide House Size Cap Survey." There was discussion about whether it will be limited to residential districts. "Truro House Size Cap Survey" was agreed upon. Ms. Harper reported that she has recently put the survey draft into Survey Monkey. The Town uses a free version that only allows ten questions, so she has combined the questions about owning property and voting in Truro. Mr. Sollog read the current version, originally drafted by the Planning Board that Ms. Harper placed in Survey Monkey. There was a typo that needs to be fixed. Ms. Greenbaum asked when should it be posted and when should the deadline be. Ms. Harper suggested a three week period. Mr. Sollog said that they are hoping to have some forums. Ms. Greenbaum suggested a month for the survey deadline, due to the holiday. Ms. Greenbaum talked about library community room availability. Susan Howe suggested earlier rather than later, due to the possibility of weather cancellations. It was suggested to have forums January 20, 2 - 4 pm and 30th, 6 pm - 8 pm. Ms. Greenbaum said she would confirm with the library. Ms. Howe suggested that some residents are not computer savvy and would like to be able to fill out a paper survey. Ms. Sollog will run the meetings and there will be a presentation. Mr. Kiernan reported on the research he has done on building permits and also brought up issues regarding accessory dwelling units that might be included in this discussion.

Review and Approval of Meeting Minutes

November 8, 2017 Regular Meeting

Mr. Sollog moved to approve the minutes, Mr. Boleyn seconded. So voted, 6-0.

Reports from Board Members and Staff

Town Planner Report

Ms. Harper said that if we are going to meet at 5 pm going forward, we need to meet on Wednesdays. She reported on a decision that need the Board's signatures. She mentioned a non-regulatory meeting that needs to take place at the Truro Vineyards regarding parking. There was discussion about this meeting. Mr. Sollog suggested to Ms. Harper that she reach out to the Winery to ask what their thoughts are on this subject. Ms. Harper will talk to Ms. Palmer about it.

The question and answer period scheduled for tomorrow with Town Counsel was cancelled due to lack of a quorum. Ms. Harper pointed out a few items in the packet provided to the Board.

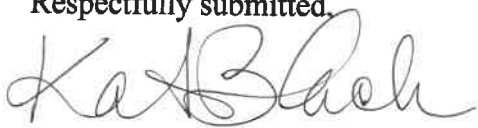
Mr. Riemer expressed his appreciation for recent meetings regarding housing. He noted the lack of discussion regarding bringing the many illegal apartments up to code.

Town email was again stressed as important for all email communication.

Mr. Riemer brought up the subject of having a Planning Board liaison to the Water Department. Ms. Harper said she will talk to the Town Manager.

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. So voted, 6-0.

Respectfully submitted,



Katherine Black

