

**TRURO PLANNING BOARD
MEETING MINUTES
TUESDAY, July 15, 2014
Town Hall, 24 Town Hall Road, Truro, MA**

Members Present: Leo Childs, Bruce Boleyn, Lisa Maria Tobia, Michael Roderick, Chris Lucy, Steve Sollog and William Worthington

Others Present: Charleen Greenhalgh, ATA/Planner, Russ Braun, Building Commissioner, Sarah Turano-Flores, Chris Olson, Fran Zarette, Paul Kiernan, Joan Holt.

The meeting was called to order by Mr. Childs at 6:00pm.

Truro Group, Temporary Sign Permit

Representative: Marian Averbach

The applicant seeks approval to relocate the previously approved Temporary Sign for July 3 – July 30 from the Route 6 and Shore Road (Rte 6A) location to the Standish Way/Route 6 location. Ms. Averbach explained that they received approval for the Rte 6/6A split location; however, there was already a second sign at that location. Mrs. Greenhalgh explained that the second sign was placed there in error and has since been removed. The Truro Group temporarily placed their banner sign on the signage on Route 6 just south of Standish Way. Mr. Boleyn moved to approve the new location, seconded by Mr. Worthington, so voted unanimously 7-0-0.

Sustainable CAPE: Educational Farmers' Market, Temporary Sign Permit

Representative:

The applicant seeks approval to relocate one of its previously approved Temporary Signs for the Farmers' Market from the state sign (west side of Route 6) just down from Town Hall Road, to the state sign (west side of Route 6) at the Pamet Road exit. Mrs. Greenhalgh spoke to the request. This existing sign located just south of Town Hall Road on Route 6 is difficult to see because of vegetation. The desired new location is further south on Route 6 at the exit to Truro Center. Ms. Tobia moved to approve the new location, seconded by Mr. Sollog, so voted unanimously 7-0-0.

Tri-S Properties, LLC, Tradesman's Park, 352 Route 6, Site Plan Review, Final Sign-off

The applicant seeks a final sign-off from the Planning Board that the project is complete. Mr. Childs spoke to the request stating that Mrs. Greenhalgh and he had completed an inspection of the site. The work is complete and a report was presented to the Board. He instructed that the Board can approve the request or if there is objection the Board can request more information from the application. Ms. Tobia asked if the landscaping at the entrance to the site would obscure the parking. Mr. Childs stated that the trees are young; however with the rapid growth of the trees it should provide the necessary screening. Mr. Boleyn moved to approve the final work, seconded by Mr. Lucy, so voted unanimously 7-0-0.

2012-008 Horseshoe Realty Trust, Request for Release of Covenant

Representative: Christopher Olson

The applicant seeks a release of covenant for two lots (Lots 56 and 57) within the three lot subdivision off Knowles Heights Road. Mr. Olson spoke to the request. Three lots were created – Lots 56 through 58. The plan called for the road providing access and frontage for lot 58. They did not realize that the two lots were part of the covenant. Lots 56 and 57 have adequate frontage on Knowles Heights Road. Ms. Tobia read Section 2.5.6 of the Rules and Regs; which states only 1/3 of the lots can be released. Mrs. Greenhalgh explained that the two lots being included in the covenant was an oversight; they should not have been included. Mr. Roderick moved to release Lots 56 and 57 from the covenant, seconded by Mr. Worthington, so voted unanimously 7-0-0.

Fran Zarrette then spoke to the Board about the road serving Lot 58; he would like to straighten out the road as shown on the plan by approximately 14-feet to the left. The road will still be constructed per the plan requirements. The geometry of the road would remain the same except the road would be straighter instead of curved. This will allow for the road to not be located over the septic system. Mr. Lucy stated that it is still within the 40-foot layout and 14 feet wide, he has no concerns. The consensus of the Board is that there were no concerns with the proposed change.

Discussion of “Street” Definition with the Building Commissionerr

Mr. Braun provided some additional information to the Board. He expressed that the definition of street has been a concern for a number of years. The existing definition is confusing. He spoke to the list of roads that Mrs. Greenhalgh had prepared regarding the status of the various roads in town. He stated that the prime focus of a street is public safety; the ability for Police, Fire and Emergency vehicle to travel safely. Different towns define “street” differently, in some cases by the length or by width. The longer the street the more “modern construction” it would have. It is not an easy one size fits all solution. He suggested what ultimately works for Truro, and work back from there. There are a number of dirt/gravel roads. Some streets work and some do not work. There is the need to find out what other agencies in Town say about the road (Police, Fire, DPW, etc.) Perhaps the town needs to refine the list to determine which roads work, which don’t, which are pre-existing, etc.

Ms. Tobia asked about streets that are considered historical and what is the process for those streets to protect these roads? Per Mr. Braun expressed that there is no process; this is what needs to be identified. He sees staff working on this with Police, Fire, and DPW to assist with establishing this process. Mr. Sollog explained that the definition of street is a contentious issue and will continue to be contentious. There is the need to keep what is precious to Truro. Mr. Lucy explained that the Board went to Town Meeting with a proposed change two years ago as there were inadequate roads in town and as the result of a court case. He questioned why there are permits being issued on such roads that are not in conformance with the definition in the bylaw. Mr. Braun suggested that one of the things that was highlighted in the court case was if there was a street that was not consistent with the poorly written definition; a project on such a non-conforming street would require a finding from the Zoning Board of Appeals. This was not done with regard to the property which was the subject of the court case. This was one of the things that the Land Court decision hi-lighted. Mr. Braun does not know where the Town wants to go relative to the status of roads. Per the list of roads (prepared by Mrs. Greenhalgh), he believes that there are roads that are completely adequate, also some that are not. There needs to be a greater amount of clarity for staff as well as the public to know what the status of a road is. A lot is non-conforming by virtue of the fact that a road does not conform to the definition of “street.” Mr. Braun has visited some streets that have given him pause as to the width, length, etc. Mr. Lucy asked if the non-conformity of the road would require action by the Zoning Board of Appeals. Per Mr. Braun, yes.

Subdivision Rules and Regulations §1.5 Waivers of Strict Compliance

The Board members received a draft of the changes to Sections 1.5 and 3.7 of the Subdivision Rules and Regulations per the last meeting. Mr. Lucy moved to accept the draft, seconded by Ms. Tobia, so voted unanimously 7-0-0. Mr. Lucy made a motion; seconded by Mr. Roderick to schedule a public hearing at the earliest possible date.

§40.6 Growth Management Zoning Bylaw due to expire December 31, 2016

There is a deadline of the spring 2016 Annual Town Meeting to determine whether the bylaw should be extended, parameters be changed, etc.

Status of Development Agreement Bylaw

No update.

Mr. Childs explained that the Cape Cod Commission is conducting a survey. The survey is available on the Commission's website. In addition, the Board received a notice of a public hearing from the Commission regarding fee changes.

Mrs. Greenhalgh explained that the Planning Board received an Approval Not Required plan after the agenda was closed. There will be a need for a Special Meeting – July 22, 2014 3:05pm was determined.

Review and Approval of Meeting Minutes

Mr. Worthington moved to approve the June 24, 2014 meeting minutes as amended, seconded by Mr. Roderick, so voted unanimously 7-0-0.

Mr. Lucy moved to approve the May 6, 2014 meeting minutes, seconded by Mr. Worthington, so voted 4-0-3 (Ms. Tobia, Mr. Sollog and Mr. Roderick abstained.)

Mrs. Holt asked for a point of order. She asked if the Board received correspondence that was sent to the Board through staff. Mrs. Greenhalgh explained that any information sent to the Board through her was forwarded along to the Board Members.

Mr. Kiernan also spoke. He asked when the Board was going to act on the issue that he has raised. Mr. Childs stated that the Board was working on it. Mr. Kiernan also wanted to be sure that Board had sections of the MGL covering subdivisions. Mrs. Greenhalgh informed him that each Board Members has a copy of the Subdivision Control Laws (MGL c.41, §81). Mr. Kiernan stated that he would also like the opportunity to speak to the history of the definition of street.

Adjourn 7:05pm

Respectfully Submitted,

Charleen L. Greenhalgh
Acting Town Administrator/Planner