



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 19, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

TOWN OF TRURO
12:56pm

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TOWN CLERK

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent: Ellery Althaus

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Ivan and Kevin Becica (Applicant); Victor Rivera and Laura Bergan (Applicant); Ben Zehnder (Attorney for the Applicant – Victor Rivera and Laura Bergan); David Bennett (Engineer for the Applicant – Victor Rivera and Laura Bergan); G. Fred Vanderschmidt; Gabriela Rivera; Todd Schwebel

Remote meeting convened at 5:01 pm, Wednesday, January 19, 2022, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Board Action/Review

Town Planner/Land Use Counsel Carboni stated the Planner Report by providing several updates: the Town-wide survey will close on January 31, 2022, so please complete it, and send it in; the Feasibility Assessment of the Walsh property is now posted on the Walsh Committee's homepage for the public to review.

Chair Greenbaum stated that she had nothing to report for the Chair Report this week.

Public Hearing

2021-003/SPR – Ivan J. and Kevin Becica for property located at 38 Longnook Road, Truro, MA (Atlas Map 43, Parcel 120, Registry of Deeds title reference: Book 33638, Page 171). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of an existing single-family dwelling and detached garage, and construction of a new single-family dwelling and detached garage with a second floor 2-bedroom suite.

Chair Greenbaum announced that there will be no decisions for the Applicants this evening as the Planning Board conducts hearings over two Planning Board hearings. Mr. Becica provided an overview of the application to the Members emphasizing the unanimous decision by the Truro Historic Committee supporting the project, proceeded to refine the plan to replace the two buildings to optimize the property, minimize vegetation disturbance, and they plan to retire to the property in Truro. Ms. Becica stated that the Applicant planned to keep the construction of the new single-family dwelling in alignment with the character of Truro. Chair Greenbaum reviewed the Applicant's checklist with Members to ensure the Applicant's checklist was complete. Members asked the following questions:

- Why the proposed lot coverage figure was so high at 3,760 square feet?
- A Member confirmed that Mr. Becica is a Massachusetts licensed civil engineer and Mr. Becica further stated that he is licensed for the submission of the entire set of drawings. Ms. Becica noted that she too is a civil engineer.
- What is the Topography and Grading Plan?
- A Member asked Town Planner/Land Use Counsel Carboni why there isn't a 50' separation of distance between Longnook Road and the buildings.
- How is the septic system?
- What is the floor plan and square footage for the accessory unit above the garage?

Chair Greenbaum led the discussion for Town Planner/Land Use Counsel Carboni and the Applicant to answer the previously asked questions by using the Site Plan and related attached documents which were submitted to the Planning Board. A Member did ask an additional question about the grading and the potential increase of storm water runoff onto Longnook Road and the Applicant replied that would not occur. Another Member asked how an office is determined or if it is a bedroom and the Applicant stated that it is a bedroom that may be utilized as an office. Town Planner/Land Use Counsel Carboni noted that the letter, submitted via email from the National Seashore Planner, Lauren McKean, was not yet included in the packet and Chair Greenbaum wanted the Applicant to have the opportunity to review it. Town Planner/Land Use Counsel Carboni shared the email via shared screen and Chair Greenbaum read the letter aloud. Ms. Becica commented on the email that the Applicant made the deliberate decision to maintain the character of the neighborhood by designing the new dwelling as a one-story versus two-story.

Member Boleyn made a motion to continue the hearing in this matter to February 9th, 2022.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuance and directed the Applicant to Truro Office Assistant Liz Sturdy, or Town Planner/Land Use Counsel Carboni, if they had any other questions about the additional information requested ahead of the next hearing. The Applicant thanked the Members and left the hearing.

2021-006/SPR – Victor M. Rivera and Laura W. Bergan, Trs., The Rivera Bergen Family Trust for property located at 82 South Pamet Road, Truro, MA (Atlas Map 51, Parcel 57, Registry of Deeds title reference: Book 34393, Page 200). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of existing structures and construction of a new house, garage, shed, and site restoration/mitigation in the Seashore District.

Chair Greenbaum stated that no decision will be rendered this evening so members of the public are aware that after this hearing tonight there will be a continuance to a future date certain for the second hearing in this matter.

Mr. Zehnder provided a review of the application who introduced the Applicant and members of the Applicant's team to include Mr. Vanderschmidt and Mr. Schwebel. Mr. Zehnder told the Members that this will be a modular home and the Cape Cod Conservation Commission (CCCC) had approved the project. The application for the structure to be demolished must be reviewed by the Truro Historical Commission (THC) in accordance with the Bylaw as the structure is older than 75 years old and will be demolished. Mr. Zehnder will report back to the Planning Board once the THC has rendered a decision on the application. This proposed project will require additional approval from the Zoning Board of Appeals (ZBA) for two reasons: the lot size is 2.9 acres which is less than the 3-acre minimum lot size requirement, so it is a nonconforming lot, and the proposed house size is 3,857 square feet of total site coverage which is 273 square feet over the "**by right**" maximum allowable square footage but under the 4,857 square footage Special Permit maximum. Mr. Zehnder further added that an excellent Site Plan has been presented along with appropriate floor plans and the septic system plan. With permission from Chair Greenbaum, Mr. Zehnder has prepared answers to the questions from Members which were asked of the Applicant. Mr. Zehnder noted that if the Members had additional questions this evening the Applicant would be happy to provide the answers and submit any revised plans prior to the next hearing. Mr. Zehnder thanked the Members and looked forward to answering any questions.

Chair Greenbaum then examined the Checklist for thoroughness and completion with the Members. Members asked questions and/or provided comments on:

- Final Grading Plan must be provided in writing otherwise it's "best guess".
- National Flood Insurance Rate Map is dated 2014 so is it the most current map being used?
- Is there a work staging area?
- Application states incorrectly that exterior lighting is limited to 100w bulbs, but the Bylaw limits them to 75w.
- Will the grading around the garage be changed?

Chair Greenbaum then addressed the Review Criteria with the Members and asked if any Members had any questions or concerns.

- Are there design changes which may be done to make the home more in character with the surrounding neighborhood as the metal roof may not be in character?
- Will solar panels be added to the house's roof?
- Can the size of the proposed house be reduced?
- What is the proposed greenhouse attached from the living room?

Chair Greenbaum then led a review of the email from Ms. McKean, on behalf of the National Seashore, regarding this proposed project and she raised a concern about the garage. There were no concerns expressed by the Members after Ms. McKean's email was read aloud.

Mr. Zehnder noted that he will be in front of the ZBA this coming Monday evening on this matter, so he requested a "straw poll" of Members through Chair Greenbaum. Town Planner and Land Use Counsel

Carboni had no objection to this and the “straw poll” was inconclusive as a majority of the Members respectfully abstained from the “straw poll”.

Member Boleyn made a motion to continue this matter to February 9, 2022.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuation of this matter to February 9, 2022. Mr. Zehnder thanked the Members and departed the meeting with the Applicant and all representatives.

Chair Greenbaum then led the discussion for the approval by Members of the Planning Board Report for the Annual Town Report. Chair Greenbaum edited the Planning Board Report by changing after the Members’ names, adding the language of “staffed by Barbara Huggins Carboni, Town Planner/Land Use Counsel, and Liz Sturdy, Planning Board Administrator”.

Member Boleyn made a motion to approve the Planning Board Report as amended.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked Members and she will distribute the approved Planning Board Report, as amended, to Planning Board Administrator Sturdy and Town Clerk Kaci Fullerton.

As the Planning Board would not meet for three weeks, Chair Greenbaum scheduled a work session for January 26, 2022, at 4:30 pm without objection.

Chair Greenbaum introduced a quick review of the Bylaw on “*mean ground level*” to include background as it addressed height measurement issues for structures built into the side of a hill. Members also reviewed the last sentence of the definition as Members felt that it was nonsensical, but the intent may be to limit the buildup of pads to increase more favorable views for a property owner at the expense of abutting property owners. Members considered the issues of storm water runoff and water supply on the downhill side. Members also discussed the suggestion of the removal of the last sentence in the current definition of “*mean ground level*” as it was aligned with the regulation within Section 50 of the Bylaw. Member Roberts had prepared a new proposed regulation for the Members, and it will be discussed at the upcoming scheduled work session. Town Planner/Land Use Counsel Carboni asked Members to consider enforcement and be prepared to discuss at the work session.

Chair Greenbaum said that she reviewed the definition of a “*street*” in the Zoning Bylaw and proposed an addition of new requirements and would like to add this discussion for the work session. A discussion ensued among Members regarding frontage and the 40’ minimum width on a public way. Member Kiernan noted that historically the Town has addressed this as far back as 1900. Chair Greenbaum commented that Members should consider clarity and fairness when addressing this issue at the work session.

Member Boleyn made a motion to adjourn the meeting at 7:30 pm.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

