



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

February 9, 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: Planning Department Administrator Liz Sturdy; 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); Donald Poole (Surveyor for the Applicant – Robert J. and Winifred S. Skillman); Chris Lucy (Vice Chair of the Truro Zoning Board of Appeals)

Remote meeting convened at 5:04 pm, Wednesday, February 9, 2022, by Chair Greenbaum who announced that this was a remote meeting aired live on Truro TV Channel 18 and is being recorded. Chair Greenbaum 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. Michael Forgione provided feedback on the Planning Board's work session held on January 26, 2022, on which he expressed concern about building new residential homes along Beach Point due to climate change and rising tides. Karen Ruymann voiced appreciation for the Board of Health and asked the Planning Board to take urgent action on the recommendations of the recently completed survey on nitrates in the Pond Village neighborhood. Jason Silva, Vice Chair of the Board of Health, commented on Town water on Beach Point as well as flood zone issues and questioned the fairness of Planning Board's consideration of condominium conversion fees in limited areas of Town to gain Town revenue in transactions when there is an existing Town 2% short-term rental tax.

Planner Report

Chair Greenbaum noted that Town Planner/Land Use Counsel Barbara Carboni was not present this evening as she was on a well-deserved vacation so there will be no Planner Report tonight.

Chair Report

Chair Greenbaum announced that the Planning Board will present its Annual Report at the Select Board meeting on February 22, 2022, so she will distribute the draft report to Members so they can review and provide comment prior to the Select Board meeting. Chair Greenbaum announced, with Members'

concurrence, April 6, 2022, at 5:00 pm, for a community conversation at the scheduled Planning Board meeting to give the public an opportunity to provide comment on housing in Truro. Chair Greenbaum thanked Planning Board Administrator Liz Sturdy who worked with Kelly Clark to create a clear timeline for the Planning Board to submit Zoning articles for the Annual Town Meeting and to hold public hearings. Chair Greenbaum commented that the timeline will be discussed later tonight.

Public Hearing – Continued

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 the construction of a new single-family dwelling and detached garage with second floor 2-bedroom suite. Chair Greenbaum noted since the last hearing, the Truro Historical Commission had provided a letter to the Planning Board that she read into the record. The Truro Historical Commission expressed support for the application and determined that the new replacement dwelling, and garage would be more consistent with the other surrounding homes and historic properties which are now under consideration for eligibility as a National Registered Historic District. The letter of support was submitted by Chuck Steinman, Vice Chair of the Truro Historical Commission, and a copy of the letter will be provided to the Applicant. Mr. Becica provided updated responses to the Members' questions from the last hearing but has not yet provided any updated plans as requested by the Planning Board. Chair Greenbaum provided instructions for what language had to be removed from the application, the corrected roof height dimensions, and the need for the submission of the updated plans that have the removal of the Accessory Dwelling Unit (ADU), sink, and refrigerator above the garage. Mr. Zehnder and Mr. Lucy joined the hearing and noted that a sink, nor a refrigerator, make a room a kitchen facility but a stove or oven does. Vice Chair Sollog commented that if the Applicant's plans include the ADU, it is the Planning Board's responsibility to adhere to Town bylaws and not the Seashore District.

Member Kiernan made a motion to close the hearing in the matter of 2021-003/SPR.

Vice Chair Sollog seconded the motion.

So voted, 6-0, motion carries.

Members had a discussion with Mr. Zehnder and Mr. Lucy about the Planning Board's interpretation of the Town bylaw which allows the ADU and the Applicant's understanding that the Seashore District may revoke the Applicant's Certificate of Non-Condensation should the Applicant move forward with the ADU. Member Kiernan had suggested a condition for approval that removed the language of the ADU from the application. This potential condition was met with opposition from Chair Greenbaum and most of the Members.

Member Kiernan made a motion to approve the Residential Site Plan Review for 2021-003/SPR.

Vice Chair Sollog seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the approval of 2021-003/SPR and reminded the Applicant to submit the revised plans. The Applicant thanked the Members and departed the meeting.

2021-006/SPR – Victor M. Rivera and Laura W. Bergan, Trs., The Rivera Bergan 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 gave Mr. Zehnder an opportunity to present on behalf of the Applicant. Mr. Zehnder stated to the Members that in front of the ZBA recently, the ZBA Members were supportive of the project and complimentary of the architectural plans yet did continue the hearing to February 28, 2022, to give the Planning Board time to render a decision. Mr. Zehnder updated the following: the limit of work is significantly smaller than the edge of the clearing, a revised architectural drawing A-2.1, a revised Lighting Plan B-2.1 to reduce the lighting in the Pamet River Valley, all exterior lights will be "Night Sky" compliant, and that the Truro Historical Commission (THC) had imposed a condition to have a subcommittee, appointed by the THC, approve the particulars of the house. A members asked the Applicant what type of siding would be on the new house and the Applicant stated shingle which confirmed the most recent drawing. A Member asked if there was new information regarding the second floor above the garage and Mr. Zehnder confirmed that it would be a trestle system only.

Member Kiernan made a motion to close the hearing in the matter of 2021-006/SPR.

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

Member Riemer commented that the Planning Board should not render a decision without the THC's subcommittee decision. Mr. Zehnder replied that in previous hearings, Town Planner/Land Use Counsel Carboni has instructed Members to follow the Bylaw only and the THC does not have jurisdiction over the Planning Board. Chair Greenbaum reviewed the Bylaw and reaffirmed what Mr. Zehnder had stated. Member Roberts asked why the Applicant "needed" a house this large and why they couldn't "constrain" the size of the house. Mr. Zehnder replied that there isn't a "need", and one could live in an 800 square foot cabin but that the Applicant is well within their rights to seek a Special Permit as it is permissible under the Bylaw. Member Kiernan asked what would happen if the ZBA disapproved the application and Mr. Zehnder replied that the application had to be approved by both the Planning Board and the ZBA to build the house. Mr. Zehnder further added that if the ZBA disapproved the application, and the Applicant negotiated a solution to gain approval from the ZBA, the Applicant would have to return to the Planning Board for approval of the new or revised plans.

Member Kiernan made a motion to approve the Site Plan Review for the matter of 2021-006/SPR.

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the approval. Mr. Zehnder and the Applicant thanked the Members for their time and left the meeting.

Board Action/Review

2022-001/PB – Robert J. and Winifred S. Skillman seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property located at 34 Truro Center Road, Truro, MA (Atlas Map 50, Parcel 134, Barnstable County Registry of Deeds Book 1275, Page 352).

Chair Greenbaum asked Mr. Poole to provide background. Mr. Poole stated that the Applicant owns 3.5 acres of land along Truro Center Road and wants to divide the lot into two lots: Lot 1 is 1.85 acres, and 286.36 feet of frontage and Lot 2 is 1.67 acres and 237.21 feet of frontage along Truro Center Road.

Chair Greenbaum asked Members if they had any questions or concerns. Member Roberts asked if there was a plan for the panhandle on Lot 2 and Mr. Poole replied that there were no plans.

Member Kiernan made a motion to approve the ANR in the matter of 2022-001/PB.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Chair Greenbaum announced the approval and told Mr. Poole that Town Planner/Land Use Counsel Carboni will get the written approval completed upon her return to the office. Mr. Poole thanked the Members and departed the meeting.

Chair Greenbaum opened the discussion for the timeline for ATM Zoning Bylaw process before the 2022 Annual Town Meeting (ATM) with assistance from Planning Board Administrator Sturdy. Below is the timeline (developed by Assistant Town Manager Kelly Clark forwarded to Town Planner/Land Use Counsel Carboni then submitted to Planning Board Administrator Sturdy) working backwards that was discussed with Members:

- Friday, March 25 – Warrant to Printer
- Tuesday, March 22 – Select Board Meeting to vote to recommend Zoning Articles to ATM
- Wednesday, March 9 – Period for Planning Board public hearings on Zoning Articles
- Tuesday, March 8 – Select Board meeting to vote to refer Zoning Articles to Planning Board for public hearings
- Friday, March 4 – Deadline for including material in Select Board packet for March 8 – therefore deadline for draft article language
- Wednesday, March 2 – already posted Planning Board public hearing on:
 - 10.2 Purpose
 - “**Street**” definition
- Wednesday, February 16 – Deadline to submit notice to Banner for public hearings – need to know which articles to include and have language for notice

Chair Greenbaum introduced the potential articles which the Planning Board has actively discussed and stated that the Planning Board may have to prioritize these potential articles before the Select Board meeting.

Chair Greenbaum asked Members for their input as to whether to proceed with all eleven potential articles or prioritize them. Members had various opinions and Chair Greenbaum suggested to rank the potential articles by highest, middle, and lowest priorities. Member Roberts suggested after ranking potential articles by priority, Members should rank them by feasibility and Members agreed. Priority and Feasibility rankings are as follows:

1. 10.2 Zoning Bylaws – Purpose (High Priority/High Feasibility)
2. “**Street**” Definition (High Priority/High Feasibility)

3. Condominium Conversion Inclusionary Zoning (Low Priority/Low Feasibility)
4. Duplex Bylaw Revision (Medium Priority/Medium Feasibility)
5. Lot Coverage (High Priority/Medium Feasibility)
6. Mean Ground Level (Medium Priority/Low Feasibility)
7. High Velocity Flood Zone (Low Priority/Medium Feasibility)
8. Allow 1 4-8 unit building per year in certain districts (Low Priority/Low Feasibility)
9. Revise Stormwater Management Bylaw (High Priority/Medium Feasibility)
10. **"Apartment"** Definition (Low Priority/High Feasibility)
11. Development Agreement (Medium Priority/High Feasibility)

After Members provided their rankings, Chair Greenbaum announced the high priorities as: 10.2 Zoning Bylaws - Purpose, **"Street"** Definition, Revise Stormwater Management Bylaw, and Lot Coverage.

The medium priorities are Duplex Bylaw Revision, Development Agreement, Mean Ground Level, and High Velocity Flood Zone.

The lowest priorities are **"Apartment"** Definition, Condominium Conversion Inclusionary Zoning, and Allow 1 4-8 unit building per year in certain districts.

Chair Greenbaum said she will put the rankings on an email and send out to Members tomorrow. Chair Greenbaum and Members discussed which of these priorities will be scheduled for hearings. Members concluded that it would be a reasonable goal to schedule the top nine priorities for public hearings. Chair Greenbaum will also coordinate with Planning Board Administrator Sturdy for the notifications of public hearings.

Chair Greenbaum led the discussion of the approval of minutes for February 3, 2021. There were no corrections or edits.

Member Boleyn made a motion to approve the minutes for February 3, 2021, as written.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Chair Greenbaum led the discussion of the approval of minutes for June 2, 2021. Member Boleyn asked for clarification of "forty thousand" under considerations and Chair Greenbaum will go back and find out to which that is referred so the minutes will be considered for approval at the next meeting.

Chair Greenbaum led the discussion of the approval of minutes for June 16, 2021. There were no corrections or edits.

Member Boleyn made a motion to approve the minutes for June 16, 2021, as written.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Chair Greenbaum led the discussion of the approval of minutes for November 3, 2021. Chair Greenbaum noted that the correct date for the next meeting is "November 17, 2021".

Member Kiernan made a motion to approve the minutes for November 3, 2021, as amended.
Member Boleyn seconded the motion.
So voted, 6-0, the motion carries.

Chair Greenbaum led the discussion of the approval of minutes for December 1, 2021. There were no corrections or edits.

Member Boleyn made a motion to approve the minutes for December 1, 2021, as written.
Member Kiernan seconded the motion.
So voted, 6-0, the motion carries.

Chair Greenbaum led the discussion of the approval of minutes for January 18, 2022. There were no corrections or edits.

Member Boleyn made a motion to approve the minutes for January 18, 2022, as written.
Vice Chair Sollog seconded the motion.
So voted, 6-0, the motion carries.

Chair Greenbaum announced the next meeting is scheduled for Wednesday, February 23, 2022, at 4:30 pm due to a scheduled Walsh Property meeting. Planning Board Administrator Sturdy will notify the public of the change in time.

Member Riemer asked Chair Greenbaum if the Planning Board wanted to have a work session before the next meeting to discuss "**stormwater**" definition. Member Riemer added that he had a professional engineer, Gary James, who listened in on this meeting and would be willing to present "**pro bono**" to the Members on the topic of Stormwater Management Bylaws at an upcoming work session. A couple of Members commented that if it was a short presentation the work session could be very useful as there is a need for a Town Stormwater Management Bylaw. Chair Greenbaum asked Mr. James to focus on and present what is necessary for an effective Bylaw. Chair Greenbaum scheduled a 1-hour presentation on February 16, 2022, at 4 pm for the presentation and invited Members of the Board of Health to join through Mr. Silva. Member Riemer also asked for invitations to be sent to the respective Chairs of the Climate Action Committee (CAC), Conservation Commission, the Director of the Department of Public Works (DPW) and the Truro Conservation Trust.

Chair Greenbaum announced the next meeting will be held on February 16, 2022, at 4 pm, with the only focus on "**stormwater**" followed by the next regular meeting on February 23, 2022, at 5 pm.

Member Riemer made a motion to adjourn the meeting at 7:57 pm.
Member Boleyn seconded the motion.
So voted, 6-0, the motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

