



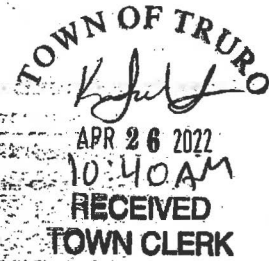
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

February 23, 2022 – 4:30 pm

REMOTE PLANNING BOARD MEETING



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

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Planning Department Administrator Liz Sturdy; Select Board Liaison John Dundas; DPW Director Jarrod Cabral

Remote meeting convened at 4:32 pm, Wednesday, February 23, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired 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 who recognized Ms. Amy Wolff of North Pamet Road. Ms. Wolff thanked Chair Greenbaum and the Planning Board for the presentation last night at the Select Board meeting and the good work that the Planning Board is doing.

Planner Report

Town Planner/Land Use Counsel Carboni reported that she has returned from vacation and that there is no Walsh property meeting tonight.

Chair Report

Chair Greenbaum reported that she presented last night at the Select Board meeting, and it went well. Select Board Member Susan Areson is coordinating a meeting among the respective chairs of the Planning Board, ZBA, and Housing Authority to discuss housing in Truro and how to do it effectively.

Regarding Annual Town Meeting (ATM) Articles, the draft language for potential Articles is due to Assistant Town Manager Kelly Clark next Thursday prior to public hearings. These will be included in the Select Board's packets for their meeting on March 8, 2022. Once these are reviewed by the Select Board at that meeting, the potential Articles will be referred to the Planning Board and ZBA for public hearings. The Planning Board's public hearings are scheduled for March 9, 2022, and March 16, 2022. The goal this evening is to know what Articles will be going to ATM but not in final form.

Chair Greenbaum reviewed the Articles list and checked off 10.2 Purpose as that draft was ready to go.



APR 26 2022

RECEIVED
TOWN CLERK

Chair Greenbaum said that, then recognized DPW Director Cabral for

Board Action/Review

Chair Greenbaum recognized DPW Director Cabral who then gave a presentation on ways the Town is addressing stormwater issues. DPW Director Cabral highlighted the following:

- Current processes dealing with stormwater issues
- Monitoring of the catch basins, waterways, and culverts
- "Hot spots" around Town (Beach Point, Coast Guard Beach, Old County Road, Pond Road, Truro Center Road, beach parking lots, etc.)
- Inclusion of required Designs for Stormwater Management Techniques with federal and regional entity partners (EPA, Cape Cod Commission, etc.) for all environmental projects
- Chapter 90 process
- Grant opportunities
- Necessity for stormwater management infrastructure
- Considerations include: 1-in-100-year storms, snow, heavy rain, storm surge, low roadways, etc.
- Collaboration occurs with DPW, Board of Health, and Conservation Commission

DPW Director Cabral completed his presentation and answered a question about Department of Transportation (DOT) from Member Kiernan regarding stormwater runoff on Route 6, Highland Road, and Longnook Road.

Chair Greenbaum recognized Gary James, of James Engineering, Inc., who commented that the Stormwater Standards are going to be modified according to the state.

Chair Greenbaum recognized Member Riemer who asked if the Town had adopted "**complete streets**". DPW Director Cabral replied that the policy was drafted in 2017 and must be submitted to DOT to see if it meets current standards. DPW Director Cabral will forward a copy to Member Riemer.

Chair Greenbaum recognized Member Riemer who read aloud a prepared statement regarding his position on the Select Board's 2022 Values, Goals & Objectives and noted that the Planning Board and Select Board are aligned with those. Member Riemer made the case of the importance of a Bylaw to address the stormwater issues in Town. With Chair Greenbaum's permission, Member Riemer presented specific pages of the 2021 Pond Village Water Assessment Report which supported the need for a Bylaw. Chair Greenbaum also instructed Member Riemer to prepare a brief presentation for the March 8, 2022, public hearing on the Planning Board's calendar. Town Planner/Land Use Counsel Carboni noted that DPW Director Cabral and the Town has been working on these issues for years. Town Planner/Land Use Counsel Carboni also opined that the Planning Board should not rush to draft a Bylaw prior to Town Meeting without providing DPW Director Cabral ample time to review his body of work and adherence to current DOT regulations. Chair Greenbaum said that she believed it was an opportunity to take a large amount of work prepared by the Planning Board and to collaborate with DPW Director Cabral, the Conservation Commission, and Board of Health to create a good Bylaw.

Chair Greenbaum recognized Member Roberts who commented that his concern is that the draft Bylaw touches on issues related to development by private parties in Town. There is a sense of urgency so he asked if it is possible to distribute the draft Bylaw to DPW and the Conservation Commission to see what they would say.

Chair Greenbaum recognized Member Kiernan who said that he concurred with Member Roberts.

Chair Greenbaum recognized Member Riemer who asked Mr. James to comment on how well put the draft Bylaw is based upon his experience. Mr. James said it was a good draft Bylaw and that he agreed with Members Roberts and Kiernan and assumed that the other Boards would have no other comments.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who cautioned that the Members should not speculate on how other Boards would feel or comment on the draft Bylaw as this is the opposite of how this process should work. Town Planner/Land Use Counsel Carboni also noted that the other Boards, as well as the public, should have an opportunity to review the draft Bylaw and provide input.

Chair Greenbaum recognized Member Althaus who thanked Member Riemer for his work. Member Althaus commented that he agreed with Town Planner/Land Use Counsel Carboni that other Boards may have other ideas which the Planning Board may not foresee. Member Althaus said that he favored a delay to give the DPW, the Conservation Commission, and the Board of Health time to review and comment without rush.

Chair Greenbaum recognized Member Roberts who reiterated that he would like to distribute the draft Bylaw to weigh in on it, and if there were other comments, he would support delaying moving forward.

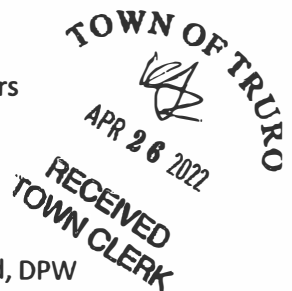
Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni asked the Members if this draft Bylaw was a General Bylaw or a Zoning Board Bylaw. She also asked if the Planning Board had identified the "Reviewing Agent" under the draft Bylaw. Member Riemer who replied that this would be a General Bylaw and Chair Greenbaum noted that the "Reviewing Agent" would be discussed this evening.

Chair Greenbaum recognized Member Kiernan who said that he would like to get comments from the Select Board on the draft Bylaw as well.

Chair Greenbaum commented that she understood that the Members saw the value of the draft Bylaw and the desire to keep the draft Bylaw moving forward with the understanding that there needs to be input from the other entities. The letter will be sent out tomorrow and the draft Bylaw may have to be pulled back.

Chair Greenbaum then led the discussion on the details of the draft Stormwater Bylaw. Members discussed the following topics:

- Definition of a "construction site"
- Source of the 5,000 square foot reference (copied from the Eastham Bylaw)
- Who could be the Reviewing Agent? (Select Board, appointed individual, Planning Board, DPW Director, Conservation Commission, or a combination of two?)
 - Would the charge of the Conservation Commission have to be changed to be the "Reviewing Agent"?



- Land disturbance activity of 10,000 square feet (or more)

Chair Greenbaum announced that she would get the letter, along with the draft Bylaw, out tomorrow to DPW Director Cabral and Health/Conservation Agent Emily Beebe for comments and input.

Chair Greenbaum then returned to the discussion on the potential Bylaws for 2022 Annual Town Meeting (ATM). Chair Greenbaum then recognized "Brenda" (no last name or address indicated) who said that she appreciated the Members efforts, and she will provide her input to Town Planner/Land Use Counsel Carboni.

Highlights of the discussion among Members included:

- Streets in Approved Subdivisions
 - Definitions of a "**street**" and "**constructed street**"
 - Requirement that streets be shown on an approved and recorded Subdivision Plan
 - Recorded in the Barnstable County Registry of Deeds
 - Standards for buildable lots
 - Safety considerations for the public
 - How would this definition be applied to a road deemed a permissible road but not constructed all the way through?
 - Requirement for an owner to apply for relief from the ZBA
 - Planning Board's ability to communicate to the public what the proposed changes are
 - How would different scenarios play out based upon the condition of the road?
 - Building Commissioner's ability to approve a building permit in situations where zoning relief would be sought from the ZBA
 - Does the Planning Board want to require that the street be constructed?
 - Does the Planning Board want to require that it is an approved and recorded street?

Chair Greenbaum recognized Chris Lucy who clarified what the question is in front of the Members using examples of Rose Hill Lane (never constructed) and Sylvan Lane (never constructed) in accordance with the Subdivision Control Law.

Town Planner/Land Use Counsel Carboni observed that not everyone would be in favor of paving every road as it would change the character of the Town. Member Riemer commented that the requirement of the amount of pavement for roadway in a subdivision is based upon the number of lots.

Town Planner/Land Use Counsel Carboni recommended that the removal of obstacles for a property owner in an approved subdivision to build on that lot such as not requiring an appearance in front of the ZBA.

Vice Chair Sollog commented that it was the concept to divide the design standards within the Bylaw with the definitions. Vice Chair Sollog said that he found Member Kiernan's revision accommodates Town roads and roads within the approved and recorded subdivisions.

Member Riemer pointed out that currently in the Subdivision Rules & Regulations if an owner does not build within two years that owner can't build.

Member Kiernan said that Sylvan Lane is now a legal subdivision and only one lot has not been built. He added that people are under the incorrect impression that they had to build a 40' paved road; however, the ZBA could still review to ensure that the road is not unsafe.

Town Planner/Land Use Counsel Carboni said that her question to the Planning Board is whether the Planning Board wants to clarify that if the road is unpaved and not built out there is a trip to the ZBA or does the Planning Board want to change it to allow for construction on lots in an approved subdivision without a trip to the ZBA and without paving the entire length of the road.

After further discussion, Chair Greenbaum concluded that there were three options for the draft Bylaw:

- Include the Subdivision Design Standards in the **"street"** definition
- Use the definition language that Member Kiernan suggested ***"Streets constructed IAW Subdivision Rules & Regulations at that time shown with an approved Subdivision Plan signed by the Truro Planning Board, and registered with the Barnstable County Registry of Deeds, are deemed acceptable for frontage."***
- Do nothing.

Without taking a formal vote, Chair Greenbaum announced that Member Kiernan's suggested language above will be incorporated into the draft Bylaw. Town Planner/Land Use Counsel Carboni commented in the affirmative.

Chair Greenbaum led the discussion on the Development Agreement and noted that Member Kiernan has been working on. Member Kiernan made a brief overview and said that this could be applied to the Walsh property. Citing the Cape Cod Commission's (CCC) example, with an additional four words, Member Kiernan said that this would be useful between the Town and the CCC. The referral to the CCC is a mandatory referral and Member Kiernan read aloud the CCC's Development Agreement model.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni if the Town can enter a Development Agreement as a developer. Town Planner/Land Use Counsel Carboni said that Development Agreements are generally between a developer and a municipality, but the CCC can be a party to it. Town Planner/Land Use Counsel Carboni added that there is a public planning process going on with the Walsh property and plans will be submitted at Town Meeting for approval so there is already transparency regarding the Walsh property. Town Planner/Land Use Counsel Carboni opined that it doesn't make much sense for the Town to a community and a qualified applicant. Chair Greenbaum asked if the Development Agreement could be between the Town and the CCC and Town Planner/Land Use Counsel Carboni said that she would have to check with the CCC.

Chair Greenbaum commented that a Development Agreement between the Town and a developer could lead to more creative ways for the Town could negotiate with the developer things such as denser building than current zoning allows, more open space possibilities, and allow phasing over time. Town Planner/Land Use Counsel Carboni said that a Development Agreement allows what normally would not be allowed but it would be a mechanism to obtain bargain and benefit for the Town. Member Riemer asked if this would be considered a ***"quid pro quo"*** and Chair Greenbaum replied that this would be more of a ***"win-win"*** for the Town and the developer.

Before moving forward with the Development Agreement, Town Planner/Land Use Counsel Carboni said she will check with the CCC regarding the added language about Town Meeting approval to see if it is

consistent with their regulations and Chair Greenbaum agreed. Chair Greenbaum thanked Member Kiernan for his work.

Chair Greenbaum asked the Members if the potential numbered Bylaws #1-#7 were okay to send to the Select Board for their input and return to the Planning Board to hold public hearings. After a favorable simple "up or down" vote from the Members, Chair Greenbaum announced that those suggested Bylaws will move forward to the Select Board for approval to hold public hearings.

Chair Greenbaum then led the discussion on the Duplex Bylaw Revision with the Members. Chair Greenbaum reviewed the revised portions and addressed the following questions/comments:

- Application process (ZBA or Planning Board)
- Inclusion of the Water Resource Protection District
- Changing the required minimum lot size
- Size of building to 3,600 SF for new construction
- Conversion of a single-family dwelling
 - The two units will not be larger than a combined 3,600 total SF
- Unit year-round rental lease requirements versus seasonal units to avoid Airbnb situations
 - Two units: owner-occupied for year-round living and one-unit year-round rental
 - Prohibits owner-occupied unit to lease weekly during summer season or for any short-term rental opportunities.

Town Planner/Land Use Counsel Carboni stated that identifying units with short-term rentals is not a problem, but enforcement could be an issue. She also expressed concern for the prohibition of an owner renting a unit for short-term rental ever. She added that if short-term rentals would be prohibited that it should be in a Bylaw, so it is clear to the Town and property owners.

Chair Greenbaum summarized that that this can be either two units with 12-month leases or an owner-occupied unit and one unit a 12-month lease.

Member Riemer made a motion to adjourn the meeting at 7:24 pm.

Member Boleyn seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

