



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

March 9, 2022 – 4:30 pm

REMOTE PLANNING BOARD MEETING



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

Members Absent: R. Bruce Boleyn

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Planning Department Administrator Liz Sturdy; Vice Chair of the ZBA Chris Lucy; Health & Conservation Agent Emily Beebe; Select Board Liaison John Dundas; Karen Ruymann; Steve Stahl; Amy Wolff

Remote meeting convened at 4:31 pm, Wednesday, March 9, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was 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. Members introduced themselves to the public.

Public Comment Period

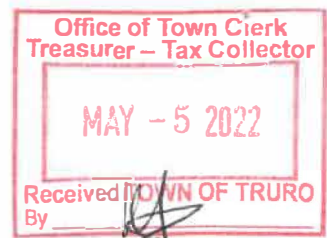
Public comment, for items not on the agenda, was opened by Chair Greenbaum who recognized Ms. Karen Ruymann of 2 Bay View Drive. Ms. Ruymann thanked Chair Greenbaum and the Planning Board for their work in drafting a new Stormwater Management General Bylaw and expressed her concerns about those residents who reside near culverts which may overflow with unhealthy water.

Planner Report

Town Planner/Land Use Counsel Carboni said that she did not have a report today.

Chair Report

Chair Greenbaum said last night's meeting with the Select Board resulted in some clarification to a question and she asked Town Planner/Land Use Counsel Carboni to provide an update. Town Planner/Land Use Counsel Carboni said that she received an opinion from Town Counsel on the Planning Board's ability to amend articles which had been submitted to the Warrant, which was now closed on February 25, 2022, and prior to Town Meeting other than on the floor of Town Meeting. Town Counsel opined that the Planning Board may request that the Select Board put forward these articles on the Warrant in the amended form. If the Planning Board does wish to include those amended articles on the Warrant, the Planning Board would need to vote on the amended articles and then vote on moving those amended articles to the Select Board. Town Planner/Land Use Counsel Carboni added that the Select Board has discretion to move forward on any of the amended articles to be put on the Warrant.



Board Action/Review

Chair Greenbaum led the discussion of draft Bylaws to be submitted to the Select Board for referral to the 2022 ATM. A discussion ensued among Chair Greenbaum, Town Planner/Land Use Counsel Carboni, and Members regarding the process of voting for the amended articles and the request for the Select Board to put the amended articles on the Warrant.

1. Revise §10.4 definition of Mean Ground Level to clarify and better meet original purpose
2. New Stormwater Management General Bylaw – address identified lack of a bylaw addressing this critical issue
3. Development Agreement – correct inadvertent elimination of a bylaw and replace that bylaw
4. Lot Coverage Bylaw – new bylaw to require a certain percentage of all Truro lots be covered by trees/vegetation (or limit amount of covered lot by buildings, patios, pool, tennis courts, etc.)
5. Revise §40.1 Duplex Bylaw to make it more useful in addressing the housing challenges in Truro
6. Revise §10.2 Purpose
7. Revise §10.4 Street Definition

Member Kiernan made a motion that the Board amend the proposed article (PB-1, Purpose) as edited in the March 9, 2022, version; and that the Board indicate its approval of the article as amended in the published Warrant.

Vice Chair Sollog seconded the motion.

So voted, 6-0, motion carries.

Following the previous vote, Chair Greenbaum asked for a motion to amend the proposed article (PB-2).

Member Roberts made a motion that the Board amend the proposed article (PB-2, Definition, Street) as edited in the March 9, 2022, version; and that the Board indicate its approval of the article as amended in the published Warrant.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum led a discussion with the Members and Town Planner/Land Use Counsel Carboni on the topic of “**Lot Coverage**”. The discussion included Truro’s alignment with other Cape Cod towns and a couple which were not. Chair Greenbaum said that there were no edits from what was previously submitted so she asked for a motion in favor of PB-3.

Member Kiernan made a motion that the Board amend the proposed article (PB-3, Lot Coverage) as submitted.

Member Roberts seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum led the discussion and review of the Duplex Bylaw regarding Beach Point, size restriction, and the intent of the requirements. Chair Greenbaum also noted that she had previously received input from Truro Select Board Member Stephanie Rein and Health & Conservation Agent Emily Beebe.

Member Kiernan made a motion that the Board amend the proposed article (PB-6, Duplex Bylaw and add to Use Table), as edited in the March 9, 2022, version; and that the Board indicate its approval of the article as amended in the published Warrant.

Vice Chair Sollog seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum led the discussion and review of the definition of ***“Mean Ground Level”***. Specific topics addressed were finished grade level, slope site grade, downhill grade, the decrease of the amount of fill, and maintaining the natural grade of Truro.

After a lengthy discussion among the Members, Members favored delaying the new Bylaw for a year to gather more information and to conduct more research. Members thanked Member Roberts for his hard work in this endeavor.

Member Althaus made a motion that the Board request that the Select Board withdraw article (PB-7, Definition, Mean Ground Level), and new provision of Section 50, from the Warrant.

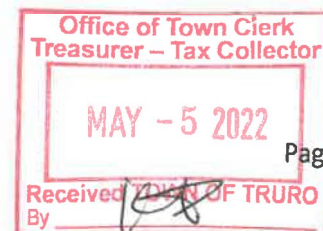
Member Kiernan seconded the motion.

So voted, 5-1, motion carries.

Chair Greenbaum thanked Member Roberts for identifying an issue that needs to be corrected and for his hard work.

Chair Greenbaum introduced the discussion on the Select Board’s referral of a Zoning article (***“Required Flood Plain District Bylaw”***) and turned over the discussion to Town Planner/Land Use Counsel Carboni and Health & Conservation Agent Beebe. Town Planner/Land Use Counsel Carboni said that the public hearing for the Select Board’s referred Zoning articles is not until April 13, 2022. Health & Conservation Agent Beebe provided background information. Health & Conservation Agent Beebe said that the Bylaw will satisfy the requirements of the state to bring the Bylaw into conformity with the language required by FEMA’s National Flood Insurance Program (NFIP). Furthermore, NFIP is regulated by FEMA and every state has its own agency that bridges efforts between communities and FEMA. Property owners will not lose their insurance, but this Bylaw will create a checklist to for the Town to ensure that building permits in the flood plain are being issued appropriately and support the NFIP. The model Bylaw offers the language which satisfies the FEMA requirements and NFIP adherence. Town Planner/Land Use Counsel Carboni added that this modification of the Bylaw was a Cape Cod-wide requirement by the Commonwealth of Massachusetts and Barnstable County. Health & Conservation Agent Beebe also stated that any Applicant within the flood plain who doesn’t adhere to the FEMA requirements will be denied a building permit. Chair Greenbaum then announced that the Board will defer this discussion to the next meeting on March 23, 2022, so Members can further read the documents regarding this matter and then vote.

Chair Greenbaum then led the discussion on the draft Stormwater Management Article. Chair Greenbaum noted that there is general agreement with Town officials and residents that a new Stormwater Management General Bylaw is needed. She added that it needs the coordination with other committees and commissions (to include the Conservation Commission). Chair Greenbaum added that she didn’t believe that it would be possible to get this done by the Town Meeting. Members expressed disappointment and Chair Greenbaum suggested that the new Stormwater Management General Bylaw be withdrawn from the Warrant.



Member Althaus made a motion that the Board request that the Select Board withdraw article (PB-4, Stormwater Management General Bylaw), from the Warrant, and further, that the Select Board schedule a Special Town Meeting as soon as possible after receiving from the Planning Board a revised Stormwater Management General Bylaw.

Vice Chair Sollog seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum recognized Mr. Stahl who said that in Massachusetts 200 voters, or 20% of the voting rolls, whichever is less, and the Select Board must act in 45 days to schedule a Special Town Meeting. Chair Greenbaum then recognized Ms. Ruymann and Ms. Wolff who both thanked the Members for their hard work on the Stormwater Management General Bylaw.

Chair Greenbaum then asked Town Planner/Land Use Counsel Carboni to provide an update from her conversation with the Cape Cod Commission (CCC) regarding the Development Agreement. She said that she spoke with the counsel at the CCC who said that there could be concern about the Town's language as it does not conform to the CCC's model Bylaw. After various levels of review by the CCC, the CCC would then decide to approve or disapprove the Town's Development Agreement Bylaw. Once the CCC approved the Bylaw, the Bylaw could be presented at Town Meeting.

Member Althaus made a motion that the Board request that the Select Board withdraw article (PB-5, Development Agreement), from the Warrant.

Vice Chair Sollog seconded the motion.

So voted, 5-1, motion carries.

Following the vote, Chair Greenbaum announced that minutes on the agenda would not be reviewed this evening, and instead, commented that the first marijuana Site Plan Reviews would be on March 23, 2022. Chair Greenbaum said she would like to do Site Plan visits on March 22, 2022. After a brief discussion with Member Kiernan, Town Planner/Land Use Counsel Carboni suggested that she and Chair Greenbaum get together tomorrow and develop with a list of requests for the Applicants prior to the Site Plan visit. Chair Greenbaum agreed.

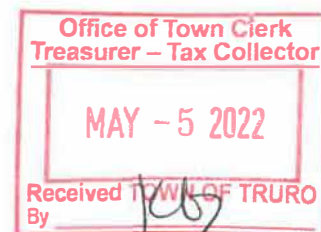
Chair Greenbaum said that Town Planner/Land Use Counsel Carboni had previously sent via email the Host Community Agreement to the Members regarding High Dune. Chair Greenbaum asked Members to review this information prior to the next meeting.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who asked to review the votes taken this evening to ensure accuracy when presented to the Select Board. Town Planner/Land Use Counsel Carboni opined that several of the motions did not include the request that the Select Board substitute the amendments of the previously submitted articles.

Vice Chair Sollog made a motion that the Board request that the Select Board substitute the following amended articles for the corresponding articles originally submitted for inclusion in the Warrant, and that the Chair submit these revised articles to the Select Board: PB-1, Purpose; PB-2, Definition, Street; and PB-6, Duplex Bylaw/add to Use Table.

Member Roberts seconded the motion.

So voted, 6-0, motion carries.



After the vote, Chair Greenbaum thanked Town Planner/Land Use Counsel Carboni for her attention to detail and then asked for a motion to adjourn.

Member Riemer made a motion to adjourn the meeting at 7:34 pm.

Vice Chair Sollog seconded the motion.

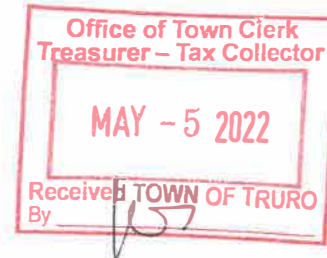
So voted, 6-0, the motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



PUBLIC COMMENT
PLANNING BOARD, 3/9/22

Karen MacDonald Ruymann
Resident, 2 Bay View Drive

I want to thank the members of the Planning Board for their responsiveness to the mention of a lack of a Stormwater By-law by Emily Beebe in her February Health Agent report on Truro's progress implementing the CCC recommendations contained in their October Village Pond Watershed Report . Within a week, several of your members consulted with an expert and drafted a By-law. This is above and beyond what Townspeople have come to expect from our governing bodies, and we are incredibly grateful for your efforts.

I also want to commend the members of the Planning Board who attended last night's Select Board meeting for your grace and calm responses to the negative energy directed at you at times. Your leadership and comportment serve as an example of "civility in civic government."

During Public Comment, Chairman Greenbaum asked that the SB consider moving TM to a date later in the summer in order to foster a safer environment for those choosing to attend. If that were to happen, would it allow enough time to accomplish last night's suggested collaborative approach in revising the SWBL draft? If so, can this be pursued?

If not, I will repeat my plea to all present at last night's meeting. Stormwater run-off and its effects are **not** an abstract for those of us who live near the CCC's photos of out-moded culverts. We are the Townspeople who are nearest in proximity to these points of entry for hazardous elements into the Village Pond Watershed, our source of drinking water. As a consequence, we worry that we may be exposed to slightly higher levels of these concentrations of hazardous waste than those who live further away from these culverts. I suspect citizens in other neighborhoods in Town have also begun to wonder how dated or non-existent water management policies are affecting their health.

I surmise that the PB will be in the lead of the collaborative revision process of this By-law draft. Please, please urge your town colleagues to move with alacrity.

We realize that change is often achieved slowly in governmental processes, but citizens are concerned about recurring patterns in Truro of reports filed away from the public eye and goals for improvement - forgotten over time or even thwarted. Citizens concerned about healthy water cannot change the pace of our neighbors' cesspool conversions to Title V or IA; we also cannot effect the pace of the MA DEP's deliberations on Stormwater Run-off from Rt. 6; BUT..... with a By-law in place, we can engage as a Town and as individual property owners in local Run-off mitigation through well-considered regulations, thus putting into place one piece of a process towards improving the health of Truro's water resources. Thank you for your time.