



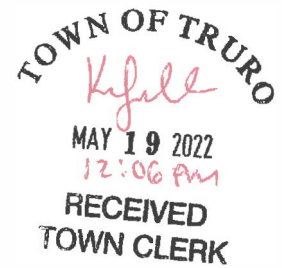
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

March 2, 2022 – 5:00 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; Health & Conservation Agent Emily Beebe; Planning Department Administrator Liz Sturdy; Vice Chair of the ZBA Chris Lucy; Select Board Liaison John Dundas; Brenda Connors (Resident); Chuck Steinman

Remote meeting convened at 5:02 pm, Wednesday, March 2, 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.

Before the Public Comment Period, Chair Greenbaum clarified that there would not be a Public Hearing tonight as that was scheduled in error as the required Public Hearing may occur only after the Select Board sends the proposed articles to the Planning Board next Tuesday, March 8, 2022.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and who recognized Brenda Connors but no public comments were made.

Planner Report

Town Planner/Land Use Counsel Carboni said that she had a discussion today with the counsel of the Cape Cod Commission regarding the Development Agreement Bylaw, but she will update later during this meeting.

Chair Report

Chair Greenbaum announced that a goal of the Select Board's objectives was to gather the chairs of the ZBA, Planning Board, Housing Authority to discuss housing in Truro. Select Board Member Sue Areson will lead a meeting with the respective chairs on March 14, 2022, to discuss how to move forward.

Board Action/Review:

Chair Greenbaum prefaced this discussion and announced that the Public Hearing would be scheduled for the next meeting on March 9, 2022, at 4:30 PM as the notice to the public listed that time. Chair Greenbaum then led the discussion on the following proposed amendments with the Members:

- § 10.2: to amend the "Purpose" section of the Bylaw

Chair Greenbaum noted that there were no changes to be made to the "Purpose", so Chair Greenbaum moved on to the next one.

- § 10.4: to amend the definition of the term "Street" as appearing in the Bylaw

Chair Greenbaum recognized Mr. Steinman who commented on the definition of the term "**Street**" and expressed his concerns. Mr. Steinman had provided Chair Greenbaum, in writing, a proposed phrase (see below in red) under the proposed clarification which the Members considered adding:

- Streets that are:
 - Constructed in accordance with subdivision rules & regulations at the time,
 - Shown within an approved subdivision plan signed by the Truro Planning Board and
 - Recorded at the Barnstable Registry of Deeds
 - ***But not Streets that are shown solely on an Approved Not Required Plan (ANR) that was endorsed by the Planning Board.***

Chair Greenbaum recognized ZBA Vice Chair Lucy who reiterated his comments from last week's meeting as he felt that the Bylaw was unnecessary and would create more problems than good.

Member Riemer made a motion to amend the article on Street definition to add "but not Streets that shown solely on an Approved Not Require Plan (ANR) that was endorsed by the Planning Board."

Member Althaus seconded the motion.

So voted, 4-2-1, motion carries.

After this vote, Chair Greenbaum asked for a motion to insert the word "definitive."

Member Roberts made a motion to amend the article on Street definition to insert the word "definitive" so the phrased reads as "shown within an approved definitive subdivision plan signed by the Truro Planning Board."

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced that she will prepare this amendment, as voted upon, and submit to Town Planner/Land Use Counsel Carboni for inclusion in the Select Board's packet.

Discussion of Proposed Bylaws for 2022 ATM

Chair Greenbaum led the discussion on the following (in changed order from the agenda) items:

(6) Revise §40.1 Duplex Bylaw to make it more useful in addressing the housing challenges in Truro.

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Chair Greenbaum commented that she would like to delete the "Water Resource Protection District" from §40.1.C. After an informal poll of Members, Chair Greenbaum asked for a motion.

Member Kiernan made a motion to revise the proposed Duplex Bylaw by eliminating the language "and the Water Resource Protection District."

Member Althaus seconded the motion.

So voted, 7-0, motion carries.

(5) Development Agreement - correct inadvertent elimination of a Bylaw and replace that Bylaw.

Town Planner/Land Use Counsel Carboni provided an update on her conversation with the Cape Cod Commission's (CCC) counsel on the Development Agreement. Town Planner/Land Use Counsel Carboni stated that questions were raised by the Commission as the CCC had to approve the Bylaw. The CCC's counsel expressed concern about the CCC's Board taking the time to review and approve the Bylaw but then it would be subject to approval at Town Meeting where it could be denied. Town Planner/Land Use Counsel Carboni said that the CCC was willing to review the Bylaw prior to Town Meeting but made no commitment to approve it by Town Meeting. Member Kiernan noted that this Bylaw had been previously approved with the same language, but it was erroneously deleted during a rewrite in 2004. ZBA Vice Chair Lucy commented that the Select Board had this discussion in 2015 with the Chief Regulatory Officer (CRO) of the CCC and suggested that the Members review the minutes from the Select Board's meeting held on January 20, 2015. ZBA Vice Chair Lucy added that the CRO's description of the Development Agreement in 2015 was significantly different than the one in 2002. A discussion ensued among Members and Member Althaus stated that he was uncomfortable to move this forward to Town Meeting if the CCC was also reluctant to review and/or approve prior to Town Meeting. Chair Greenbaum announced that this item would not move forward, and Town Planner/Land Use Counsel Carboni said that she will continue to further discussions with the CCC's counsel, and if there is a change, Town Planner/Land Use Counsel Carboni will update the Members.

(1) New Stormwater Management General Bylaw - address identified lack of a bylaw addressing this critical issue.

Health & Conservation Agent Beebe commented that she had not read the regulations in detail, but she believed that Truro needed a collaborative effort to address this issue. Health & Conservation Agent Beebe noted that the Board of Health is concerned about contamination from stormwater and that it is going to take time to work on this Bylaw. She also added that the Cape Cod Commission could be a great ally in helping create a Stormwater Management General Bylaw. Member Riemer commented that Truro was one of three towns in Barnstable County without a Stormwater Bylaw and that the Bylaw should move forward "*as is*" in the process even if it is not perfect. Chair Greenbaum replied that the challenge is how to develop the best Bylaw by bringing together the expertise from other Town boards and staff to include the DPW and Conservation Commission. Chair Greenbaum concluded that this Bylaw will not be ready for Town Meeting. Chair Greenbaum thanked Member Riemer for his interest and work on this subject and added that there must be good public education on this matter to vote in support of the Bylaw. Chair Greenbaum added that she felt that this Bylaw would not pass at Town Meeting. When asked by Member Kiernan in terms of a timeline to complete this Bylaw, Health & Conservation Agent Beebe said that it would be hard to forecast but maybe it could be done by the next Town Meeting. Member Roberts said that he agreed with Member Riemer for the need to get this Bylaw to the public. Member Althaus commented that the Planning Board should allow the other Town boards and staff provide input and not be rushed in the process. ZBA Vice Chair Lucy said that he works for the

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MAY 19 2022

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DPW and cleans out the catch basins with Town equipment, but he noted that, as Member Althaus said, this information has only been out for a couple of weeks. ZBA Vice Chair Lucy added that to ask the public to vote on this 18-page document would be unsuccessful. Chair Greenbaum said that the chairs of the Board of Health, Conservation Commission, and the Climate Action Committee had received copies of this draft Bylaw to review but she had no feedback yet. Chair Greenbaum concluded that this item will stay on the list of potential Warrant articles.

(4) New Lot Coverage Bylaw - new bylaw to require a certain percentage of all Truro lots be covered by trees/vegetation (or limit amount of lot covered by buildings, patios, pools, tennis courts etc.)

Chair Greenbaum presented the New Lot Coverage Bylaw which contained the following language:

No more than 30 percent (30%) of the total area of any lot (except for Beach Point) shall be rendered impervious or covered. This included but not limited to the installation of buildings, structures, patios, decks, pools, and paved surfaces (including permeable and impermeable pavements).

Chair Greenbaum and Members discussed the issue of clearing of lots and the results. Chair Greenbaum noted that Members Kiernan and Roberts developed the language for the new Bylaw. Chair Greenbaum then asked Members to consider if the new Bylaw would apply to residential properties, commercial properties, or both. Member Kiernan suggested that lots should require that 40% of the lot be retained in its natural state. Member Boleyn commented that he would be in favor this. Member Althaus commented that the New Lot Coverage Bylaw that the Planning Board would have to consider what the enforcement of the Bylaw would be and if grandfathering existing lots in Town. Chair Greenbaum said that enforcement would be a challenge. Member Roberts said that he would be in favor of the New Lot Coverage Bylaw as it would be best suited for residential lots only.

Member Boleyn made a motion to amend the draft article (PB-3) to add the language "residential or Seashore District".

Member Riemer seconded the motion.

So voted, 7-0, motion carries.

(7) Revise § 10.4 definition of Mean Ground Level to clarify and better meet original Purpose.

Chair Greenbaum stated that Member Roberts has provided language that is very clear, and he recommended the removal of the following language:

Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%) (one foot drop for every ten-foot run).

Chair Greenbaum asked Member Roberts to review the recommended changes to the Members as well as the problems with the existing definition. Member Roberts also reviewed the revised sketch (provided as an example) that illustrated the result of the proposed change of slope that would reduce nearly 40% of fill. Chair Greenbaum stopped the discussion due to the length of the meeting and added that the conversation would be continued until the next meeting on March 9, 2022.

The Planning Board did not discuss the following agenda items at this meeting due to the length of the meeting:

TOWN OF TRURO
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(2) Revise § 10.2 Purpose to add language

(3) Revise §10.4 Street Definition

(8) Amend §30.5, Floodplain District, to be consistent with State's 2020 Model Floodplain Bylaw and requirements of National Flood Insurance Program.

Member Kiernan made a motion to adjourn the meeting at 7:31 pm.

Member Boleyn seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



