



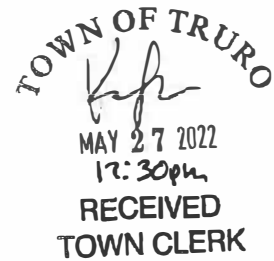
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

April 20, 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; Planning Department Administrator Liz Sturdy; Select Board Liaison John Dundas; Robert Shingleton (Applicant); Donald Poole (Outermost Land Survey, Inc., and Representative for Robert Shingleton - Applicant); Attorney Donald Nagle (Attorney for Mr. Shingleton - Applicant); Elizabeth Allehaut (Applicant); Attorney Ben Zehnder (Attorney for Elizabeth Allehaut – Applicants); Jeffrey Katz (Project Architect for Elizabeth Allehut); Brad Malo (Coastal Engineering and Engineer for Elizabeth Allehaut – Applicants); Richard Larkin (Resident/Abutter to the Applicants Allehaut); Chuck Steinman (Vice Chair of the Truro Historical Commission); Attorney Ben Zehnder (Attorney for Rachel Kalin - Trustee for Outer Shore Nominee Trust - Applicant); Brad Malo (Coastal Engineering and Engineer for Rachel Kalin – Trustee for Outer Shore Nominee Trust – Applicant); Jim Cappuccino (Architect from Hutker Architects and for Rachel Kalin – Trustee for Outer Shore Nominee Trust – Applicant); Kris Horiuchi (Landscape Designer for Rachel Kalin – Trustee for Outer Shore Nominee Trust – Applicant)

Remote meeting convened at 5:01 pm, Wednesday, April 20, 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 and closed by Chair Greenbaum as no one offered public comment.

Planner Report

Town Planner/Land Use Counsel Carboni reported that there was a productive meeting last night with the Local Comprehensive Plan Committee, the Walsh Property Committee, the Economic Development Committee, and the Truro Housing Authority to review the report on the results of the community-wide survey that those committees had collaborated on. The report was presented by Sharon Rooney, a consultant with Tighe & Bond, who is serving as a consultant to the Town. It was a good event to see all those interested in working together moving forward.

Chair Greenbaum thanked Town Planner/Land Use Counsel Carboni for her report and added that the report is on the Town website for the public to view.

Chair Report

Chair Greenbaum reported that she will render a report later in this meeting.

Board Action/Review

2021-004/PB – A-C Mobile Home Park, Inc. seeks 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 at 10 Old Dewline Road and 67 South Highland Road, Truro, MA, Map 37/Parcel 19, and Map 37/Parcel 15.

Chair Greenbaum invited Attorney Nagel to introduce Mr. Shingleton and Mr. Poole which he did. Attorney Nagel then provided background information to the Members to include the permit issued by the Department of Fish and Wildlife for the work that had been done to preserve the rural habitat for the eastern box turtle. The Applicant has agreed to preserve the undisturbed areas through perpetuity. The Truro Conservation Trust had agreed to the deed presented by the Applicant. Attorney Nagel said that the Applicant had received a Development of Regional Impact (DRI) Exemption from the Cape Cod Conservation (CCC) last week and now the process required an endorsement from the Planning Board.

Members asked Attorney Nagel and Mr. Shingleton pertinent questions to include compliance to various regulations, approved plans which have now been forwarded out for bids, and the inclusion of missing dimensions on the plan. Mr. Poole agreed to add the missing dimensions on the plan.

Member Kiernan made a motion to endorse the ANR subject to the plan notes, the DNR Exemption, and the Conservation Management Plan in this matter.

Member Riemer seconded the motion.

So voted, 7-0, the motion carries.

Chair Greenbaum thanked the Applicant, and the Applicant thanked the Members before departing the meeting. Mr. Poole stated that he would submit the new plans with the requested information this week.

Public Hearings

2022-003/SPR – Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a nonconforming (area) lot in the Seashore District. Applicants propose removal of existing additions, construction of new addition, and to relocate and reconstruct an existing shed into a two-story shed with attached carport.

Chair Greenbaum recognized Attorney Zehnder who introduced Ms. Allehut, Mr. Malo, and Mr. Katz who were participating in tonight's hearing. Attorney Zehnder also mentioned the work of Theresa Sprague, the project's wetlands ecologist, who had prepared the planting plan but was not participating in tonight's hearing.

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Attorney Zehnder then provided an overview to the Members. Attorney Zehnder also let the Members know that there will be a series of approvals required by the Planning Board, the ZBA, and the Truro Historical Commission for this project. Attorney Zehnder also noted that project had already received Truro Conservation Commission approval.

Chair Greenbaum thanked Attorney Zehnder for his overview and noted that there will be no decision made this evening. Town Planner/Land Use Counsel Carboni added that the Truro Conservation Commission has approved the project but has not yet issued its decision.

Chair Greenbaum then asked Members to review the Site Plan Review checklist so any questions or concerns may be addressed this evening. The following topics were addressed:

- Member Roberts said that he would like to see the key map corrected as the lot is to the west of Collins Road and Attorney Zehnder said that Member Roberts was correct, and it will be corrected.
- Member Riemer asked Town Planner/Land Use Counsel Carboni if this plan needed to address the draft Floodplain Bylaw before the Planning Board acts on this matter and Town Planner/Land Use Counsel Carboni said this project is getting the proper review of the Truro Conservation Commission.
- Member Riemer expressed concern that height dimensions were not included on the proposed structures and that it is in a known floodplain. Attorney Zehnder replied that if the dwelling would have to be elevated, due to being in a floodplain, the Applicant would submit a revised plan.
- Chair Greenbaum wanted clarification as to whether the proposed revised shed and proposed carport were in the floodplain and Mr. Malo replied that they were not.
- Member Roberts asked Attorney Zehnder for clarification of his previous comment about possibly requesting a variance for a part of the project. Attorney Zehnder replied that it would be a variance decided upon by the Building Commissioner and not the Planning Board.
- Member Kiernan asked whether the shed had a flat roof and Mr. Malo confirmed that it did.
- Member Kiernan asked Attorney Zehnder if the plan was to relocate the existing shed and Attorney Zehnder replied that was not the case.
- Member Kiernan noted a proposed generator location and he commented that he hoped there would be a solution to contain the sound of a generator and that the Applicant would add that to the project.
- Member Kiernan also said that the dwelling, as proposed, would result in a 5-bedroom dwelling so he wanted to ensure that the project was compliant with all Title V septic system requirements.

Chair Greenbaum recognized Mr. Larkin who expressed that he would like to know what the height is for the proposed carport. Attorney Zehnder replied that it was 19.6' in height. Mr. Larkin asked if there would be heat in this building and Attorney Zehnder replied in the affirmative. Mr. Larkin noted that there was no historical documentation regarding the barn and a bridge (built in the 19th century) which existed on the property previously as it was used as store and cross the bridge to access the store. Mr. Larkin felt that it was important that this be documented.

Chair Greenbaum recognized Mr. Steinman who said this project will be reviewed on May 11, 2022, at 5 pm. Additionally, Mr. Steinman noted that the kitchen was subject to review but that the porch was not.

Attorney Zehnder thanked Mr. Larkin and Mr. Steinman for their comments, and he will review those comments ahead of the Truro Historical Commission's meeting on May 11, 2022.

Vice Chair Sollog commented that he concerned about the revegetation and vegetation plan as this is an area in the wetlands. Vice Chair Sollog noted that the Applicant's reference to use an EPA-approved systemic herbicide to rid invasive species as well as their removal requires additional information. Chair Greenbaum noted that Attorney Zehnder should be prepared to address this at the next Planning Board meeting. Attorney Zehnder replied that he will have the answer prepared at the next meeting.

Prior to the vote to continue the hearing, Attorney Zehnder noted that after the Truro Historical Commission meeting on the 11th, the Applicant may not have enough time to make plan revisions for the next Planning Board meeting. Attorney Zehnder said that if that were the case, he would let Chair Greenbaum, and Planning Board Administrator Sturdy know in advance along with any questions or revisions requested by the Truro Historical Commission.

Member Kiernan made a motion to continue this matter to May 18, 2022.

Member Roberts seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced the continuance until May 18, 2022, and Attorney Zehnder thanked the Members.

2022-004/SPR – Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a lot in the Seashore District. Demolition of 5 of 6 pre-existing, non-conforming cottages (multiple dwellings on a lot) and associated structures; construction of a new one-story single-family dwelling with pool and landscaping; renovation of remaining cottage.

Chair Greenbaum recognized Attorney Zehnder who provided an overview of the project. Attorney Zehnder introduced the representatives for the Applicant who were present at tonight's meeting: Mr. Malo, Mr. Cappuccino, and Ms. Horiuchi. Attorney Zehnder thanked the Members for their site visit yesterday. Attorney Zehnder said that the lot size is 6.63 acres and the by right total gross floor area is 4,260 SF. He added that there is an ability to exceed up to 1,000 SF which is 5,260 SF and that is what the Applicant is doing. Attorney Zehnder said that this was an older cottage colony with a larger mobile home structure on the property. The proposal is to remove all the structures except for one cottage which will be expanded for the new home. The proposed structure will be less than 23' in height and keeps in style with the homes in Truro. Attorney Zehnder said that he confirmed for Member Kiernan, through National Seashore District documents, that this parcel does not exist in the Truro Highlands Historic District. Attorney Zehnder thanked the Members and was prepared to answer any questions.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni if she had anything to add and she said that she did not.

Chair Greenbaum then reviewed the Site Plan Review checklist and Members discussed the following topics:

- Member Roberts asked about the disposition of Cottage #6 and whether that is square footage that is included in the 5,260 SF. Mr. Cappuccino replied that it will be unheated and used for storage of pool equipment and other materials. Mr. Cappuccino said that revised plans at the next hearing will be available.
- Chair Greenbaum asked about calculations on the first floor regarding the actual length of the building and not the building plus the deck. Attorney Zehnder replied that he will ask the engineer to provide the dimensions from exterior wall to exterior wall without the deck.
- Chair Greenbaum asked about the empty space in the basement and Mr. Cappuccino replied that is unfinished basement where the mechanicals will be located. Mr. Cappuccino said that he will update that information.
- Chair Greenbaum asked about an exterior light which could go up or down and Mr. Cappuccino said that it will face downward in accordance with Town code.

Chair Greenbaum asked Members if they had any questions, or concerns, which they would like to have the Applicant respond to at the next hearing:

- Member Roberts reiterated his concern regarding the criteria total gross floor area in the Seashore District and specifically cited Section 70.4.G.
- Member Kiernan noted a problem with the numbers as the Assessor's card indicated that the property was 7.2 acres and not 6.63 acres as in the Applicant's application.

Member Boleyn made a motion to continue this matter to May 18, 2022.

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced the continuance and thanked the Applicant's team. Attorney Zehnder thanked the Members and departed the meeting.

Board Action/Review

Chair Greenbaum led the discussion on the Town Meeting 2022 with the Members. Chair Greenbaum notified the Members that she wanted to discuss requesting at Town Meeting the postponement indefinitely of each of the Warrant articles that the Planning Board had submitted. The articles on the Warrant are #43, #44, #45, and #46. Chair Greenbaum said that these articles would be better if there was collaboration with other Town boards, committees, and staff. Select Board Member Sue Areson had told Chair Greenbaum that the articles were not ready to move forward at Town Meeting. Chair Greenbaum noted that these articles could be brought up at next year's Town Meeting or at a Special Town Meeting. Members Boleyn and Kiernan agreed with the indefinite postponement for the reasons stated above. Member Riemer noted that it has been difficult during the pandemic to obtain public feedback, but he was hopeful that with the postponement more members of the public would express their opinions. Vice Chair Sollog said he would be supportive either way.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni about how to vote on the articles' postponement tonight and Town Planner/Land Use Counsel Carboni opined that the motions should be voted on each article separately.

Member Riemer made a motion to move to indefinitely postpone Article #43 (10.2 Purpose) at Annual Town Meeting (ATM) 2022.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Member Boleyn made a motion to move to indefinitely postpone Article #44 (10.4 Definition, Street) at Annual Town Meeting (ATM) 2022.

Vice Chair Sollog seconded the motion.

So voted, 7-0, motion carries.

Member Boleyn made a motion to move to indefinitely postpone Article #45 (10.4 Definition, Lot Coverage) at Annual Town Meeting (ATM) 2022.

Vice Chair Sollog seconded the motion.

So voted, 7-0, motion carries.

Member Boleyn made a motion to move to indefinitely postpone Article #46 (Section 40.1 Duplex, House, and Apartments) at Annual Town Meeting (ATM) 2022.

Member Althaus seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum stated that she will send an email to the Town Moderator as to whether the indefinite postponement is the proper procedure prior to Town Meeting.

Minutes

Chair Greenbaum led the review of the Planning Board minutes from February 23, 2022, for edits or corrections.

Member Boleyn made a motion to approve the minutes as written.

Member Althaus seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced that the next meeting would be Wednesday, May 4, 2022, at 5:00 pm.

Chair Greenbaum noted that this will be Vice Chair Sollog's last meeting on the Planning Board and

Members will thank Vice Chair Sollog for his service to Truro at the next meeting.

Member Riemer made a motion to adjourn the meeting at 7:48 pm.

Member Boleyn seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

