



## TOWN OF TRURO

### PLANNING BOARD

#### Meeting Minutes

September 21, 2022 – 5:00 pm

#### REMOTE PLANNING BOARD MEETING

TOWN OF TRURO  
*K. J. [Signature]*  
NOV 02 2022

RECEIVED  
TOWN CLERK

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

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Regan McCarthy (Applicant); Christopher Senie (Attorney for Regan McCarthy – Applicant); Victoria Dalmas (Attorney for Regan McCarthy – Applicant); Kieran Healy (BSC Group and Surveyor for Regan McCarthy – Applicant); Lauren McKean (Cape Cod National Seashore Planner); Timothy Greene (TerraSearch, LLC and Representative for Crown Castle – Applicant); R. Bruce Boleyn (Former Member of the Planning Board).

Remote meeting convened at 5:03 pm, Wednesday, September 21, 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.

Chair Greenbaum announced that Bruce Boleyn has decided to resign from the Planning Board. Members expressed their appreciation for his service to Truro and noted his civility and respect to all.

**Public Comment Period**

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

**Planner Report**

Town Planner/Land Use Counsel Carboni reported that the Open Space Committee had its first meeting with Jeff Thibodeau (consultant) and the process to update the Town's Open Space and Recreation Plan has started with an anticipated completion date in February 2023. The Local Comprehensive Plan Committee will have an event on Saturday, October 15<sup>th</sup> from 10 am to 12 pm. The event will be facilitated by the committee's consultants, and all are invited.

**Chair Report**

Chair Greenbaum recognized Member Althaus who is on an ad hoc group to discuss the Town's to increase the diversity in housing stock in Town. Member Althaus provided a brief update on the first couple of meetings and how decisions made by the Town of Wellfleet regarding undersized lots and cottage colonies may be applicable in Truro.

NOV 02 2022

RECEIVED  
TOWN CLERK**Board Action/Review**

**2022-009/SPR - Crown Castle**, on property located at 344 Route 6 (Atlas Map 39, Parcel 172). Applicant seeks a Special Permit under Section 40.5 of the Truro Zoning Bylaw, and as an Eligible Facilities Request for a minor modification under Section 64091 and the rules of the Federal Communications Commission ("FCC"), to modify an existing tower: remove or replace antennas, ancillary equipment, and ground equipment as per plans for an existing carrier on an existing wireless communication facility; and replace equipment on existing concrete pad. Such modification will not substantially change the physical dimensions of such tower or base station. The modification does not constitute a substantial change to the existing tower under 47 C.F.R. §1.6100.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni to summarize what occurred at the previous Planning Board meeting and she summarized that no one knew if there was emergency equipment on the tower and that the risk level category should be "3" and not "2". Mr. Greene concurred with the summarization by Town Planner/Land Use Counsel Carboni. Mr. Greene reported that the Planning Board's requested report from the last meeting was incomplete and so he recommended either a continuance until the next Planning Board meeting or approve the application with conditions. Town Planner/Land Use Counsel Carboni opined that either option was acceptable.

**Member Kiernan made a motion to continue 2022-009/SPR until October 12, 2022.**

**Vice Chair Roberts seconded the motion.**

**So voted, 6-0, motion carries.**

**2022-005/PB - Regan McCarthy** 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 35A Higgins Hollow Road, Truro MA, Atlas Map 47, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42.

Chair Greenbaum announced that she is a friend of the Applicant, but she had filed a Disclosure of Appearance of Conflict-of-Interest form. Chair Greenbaum stated that she can be fair and impartial in her decision and that her form is on file at the Town of Clerk's office. Vice Chair Roberts disclosed that the Applicant's attorney, Attorney Senie, is a high school classmate of his and Vice Chair Roberts will not recuse himself from this matter. Member Kiernan stated that he has known the Applicant for a long time.

Chair Greenbaum recognized Attorney Senie who introduced the Applicant's team and then provided detailed background on the application and its purpose. Attorney Senie asked that later in the presentation that the Applicant be allowed to show a 1-minute video of the dirt path extension that has existed for over fifty years. Attorney Senie stated that this is a new application so a new vote will be required by the Planning Board but that the Planning Board should not reach a new conclusion.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni to review the three questions which the Members must consider endorsing this application. Town Planner/Land Use Counsel Carboni reviewed the three questions:

NOV 02 2022

RECEIVED  
TOWN CLERK

1. Is there sufficient frontage on what is proposed as the way?
2. Was the way in existence as of 1955?
3. Does this way have sufficient width, suitable grades, and adequate construction for traffic?

Town Planner/Land Use Counsel Carboni further stated that if the answer to any of those question is "no", the Planning Board can't endorse the ANR. Chair Greenbaum noted that this is a complicated matter and that there are two new Members of the Planning Board who may have questions.

Chair Greenbaum recognized Mr. Healy who provided surveying data and responded to the three questions in the affirmative. Members discussed the following topics: the accuracy of the perimeter as indicated on the plan (Mr. Healy replied that it was accurate that that he had stamped the plan) and a more recent Land Court ruling that indicates a different perimeter (Mr. Healy stated that he was not aware of this ruling).

Chair Greenbaum recognized Ms. McCarthy who provided additional information about the Land Court ruling and stated that the plans were accurate. Due to technical issues, Ms. McCarthy was unable to present her 1-minute video of the dirt path extension, so she described what was on the video. A discussion then ensued regarding the three questions which must be considered among Members and Town Planner/Land Use Counsel Carboni.

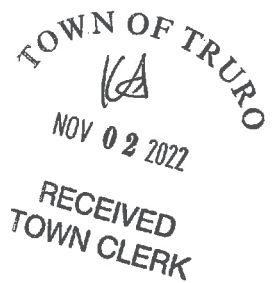
Chair Greenbaum recognized Ms. McKean who stated that there are no legal rights for a driveway or road use for the McCarthy parcel and cited a Cape Cod National Seashore (CCNS) letter, signed by CCNS Superintendent Brian Carlstrom, and dated September 21, 2022, that stated that only utilities could use the dirt path extension. Attorney Senie stated that he was surprised by Superintendent Carlstrom's letter and that he would welcome a conversation between CCNS Superintendent Carlstrom and Ms. McKean to discuss this matter further to grant Ms. McCarthy access. Ms. McKean reviewed the CCNS' letter with the Members and the Applicant.

Town Planner/Land Use Counsel Carboni opined that the Planning Board can go no further until the Applicant and CCNS come to an agreement. Attorney Senie asked for a continuance until the next Planning Board meeting so the Members can view Ms. McCarthy's 1-minute video and the Applicant can meet with the CCNS. Town Planner/Land Use Counsel Carboni opined that the Planning Board could vote on this matter tonight or continue until the next Planning Board meeting. Attorney Senie stated for the record that he wished to continue this matter until October 12, 2022.

**Member Kiernan made a motion not to vote on 2022-005/PB tonight and to have a further discussion on October 12, 2022.**

**Vice Chair Roberts seconded the motion.**

**So voted, 6-0, motion carries.**



## **Minutes**

Chair Greenbaum led the review of the meeting minutes for August 24, 2022, for edits and corrections. Chair Greenbaum said that the reference to a Special Permit should be changed to a Site Plan Review. Member Kiernan did not vote on these minutes as he was not in attendance for the meeting.

**Member Riemer made a motion to approve the minutes as amended.**

**Member Townsend seconded the motion.**

**So voted, 5-0-1, motion carries.**

Chair Greenbaum led the review of the meeting minutes for May 26, 2021, for edits and corrections and noted that Members Althaus and Townsend would not vote on the following minutes as they were not yet elected to the Planning Board.

**Member Riemer made a motion to approve the minutes as written.**

**Member Kiernan seconded the motion.**

**So voted, 4-0, motion carries.**

Chair Greenbaum led the review of the meeting minutes for April 7, 2021, for edits and corrections. Member Kiernan did not vote as he was not present at that meeting.

**Member Riemer made a motion to approve the minutes as written.**

**Chair Greenbaum seconded the motion.**

**So voted, 3-0, motion carries.**

Chair Greenbaum recognized Mr. Boleyn who announced his resignation from the Planning Board effective immediately for health reasons. Mr. Boleyn expressed gratitude for Chair Greenbaum's leadership and thanked the Members for their support over the last ten years. Town Planner/Land Use Counsel Carboni and the Members thanked Mr. Boleyn for all his work and noted that his presence on the Planning Board will be greatly missed.

Chair Greenbaum announced that the next Planning Board work session will be on September 28, 2022, at 5:00 pm and the next Planning Board meeting will be on Wednesday, October 12, 2022, at 5pm.

**Member Riemer made a motion to adjourn the meeting at 7:16 pm.**

**Member Kiernan seconded the motion.**

**So voted, 6-0, motion carries.**

Respectfully submitted,

Alexander O. Powers  
Board/Committee/Commission Support Staff