



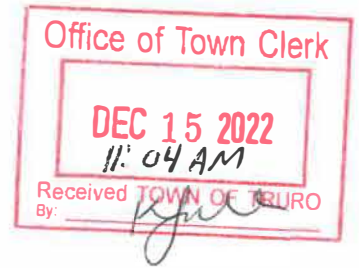
## TOWN OF TRURO

### PLANNING BOARD

#### Meeting Minutes

November 16, 2022 – 5:00 pm

#### REMOTE PLANNING BOARD MEETING



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

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Jeff Souza-Truro Fire Department; Christopher Senie (Attorney for Regan McCarthy – Applicant); Victoria Dalmas (Attorney for Regan McCarthy – Applicant); Kiernan Healy (BSC Group Surveyor for Regan McCarthy – Applicant); Ben Zehnder (Attorney for Loic Rossignon – Applicant); Loic Rossignon (Applicant); Alison Alessi (A3 Architects for Loic Rossignon – Applicant)

Remote meeting convened at 5:01 pm, Wednesday, November 16, 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 and there were none.

**Planner Report**

Town Planner/Land Use Counsel Carboni reported that there will be virtual community forum for the Open Space Committee tomorrow at 5:30 pm and the public's input will assist in the development of the Open Space and Recreation Plan (OSRP). Town Planner/Land Use Counsel Carboni hoped that people would attend.

**Chair Report**

Chair Greenbaum reported that she has met with the Chairs of several other committees to submit a joint request for a budget line item for funding community engagement. This would fund childcare, food, outreach materials and materials for events. The request will be submitted shortly.

Chair Greenbaum met with the Truro Housing Authority recently and she received very good feedback on the Duplex Bylaw which the Members will discuss later in this meeting.

Chair Greenbaum asked Vice Chair Roberts for an update on the "*street*" definition Bylaw and Vice Chair Roberts provided an update that two of three Town respondents (police chief, fire chief, and DPW

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director) had submitted replies. Town Planner/Land Use Counsel Carboni opined that the Planning Board could not delegate authority to make decisions on a matter that falls within the Zoning Bylaw. There will be more discussion during the Public Forum portion of tonight's meeting.

#### **Temporary Sign Permit Applications**

**Jeff Souza - Lower Cape Homeless for the Holidays**, for two (2) signs, approximately 4' x 5', to be located at the junction of Route 6 and 6A. The signs will be installed on November 26<sup>th</sup>, 2022 and removed December 12<sup>th</sup>, 2022.

Chair Greenbaum recognized Mr. Souza who provided information on the application and the event will occur at Truro Vineyards to collect toys, canned food, and money for the homeless on the Lower Cape.

**Member Althaus made a motion to approve the temporary sign permit application.**

**Member Kiernan seconded the motion.**

**So voted, 7-0, motion carries.**

#### **Public Forum - Warrant Article - Potential Changes to Duplex Bylaw**

Chair Greenbaum opened the public forum on the potential changes to the Duplex Bylaw and asked if anyone from the public would like to comment and there were none. Chair Greenbaum noted that she had received comments from the Truro Housing Authority which she would share with Members.

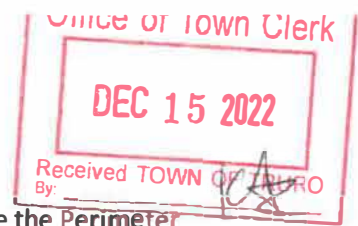
Chair Greenbaum, Members and Town Planner/Land Use Counsel Carboni discussed the following topics: Section C of the Duplex Bylaw, duplex designation, 12-month leases, building inspector's knowledge of nonconforming lots or structures, Bylaw enforcement, and the 3,600 square foot of gross floor area.

Chair Greenbaum and Town Planner/Land Use Counsel Carboni will prepare the document for the Select Board with these potential changes along with input from Health & Conservation Agent Emily Beebe.

#### **Board Action/Review (Continued)**

**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 recognized Attorney Senie who introduced his colleagues Attorney Dalmas and Mr. Healy. Attorney Senie stated that Ms. McCarthy would not be in attendance due to a family emergency, but Ms. McCarthy wished for the review to continue. Attorney Senie provided an update from his correspondence with the National Park Service. Attorney Senie was given the opportunity to present a detailed PowerPoint presentation that he shared and discussed with the Members. Attorney Senie stated that the plan now before the Members was a Perimeter ANR showing the same 5.38-acre parcel with the 2021 division line removed. This plan does not show a "division of land". Attorney Senie stated that there have been no changes in the title to the property and no physical changes on the ground.



Upon the conclusion of his presentation, Attorney Senie asked the Members to endorse the Perimeter Plan.

Town Planner/Land Use Counsel Carboni addressed Attorney Senie's description of the legal issues with a focus on the division of land and Attorney Senie responded.

Chair Greenbaum then led an extensive discussion with Attorney Senie, Mr. Healy, Town Planner/Land Use Counsel Carboni, and the Members with a focus on the Dirt Path Extension and the Proprietors Road which both cross National Seashore property.

After the discussion was completed, Town Planner/Land Use Counsel Carboni stated that she would be comfortable to allow the Applicant to withdraw the application without prejudice or ask for a continuance to gather more information. Member Kiernan suggested that the Planning Board should waive a reapplication fee should the Applicant withdraw the application without prejudice and reapply for the ANR later. There was no opposition to this suggestion by any Member.

Since his client was unavailable, Attorney Senie requested a postponement of the discussion until the Planning Board's next meeting on December 7<sup>th</sup>, 2022, with the Applicant agreeing for the Planning Board to extend the date for the Planning Board to act. Town Planner/Land Use Counsel Carboni opined that a vote was not necessary as this was a postponement and not a continuance. Attorney Senie also thanked the Members for waiving a reapplication fee for the Applicant in the future should that occur.

Chair Greenbaum thanked Attorney Senie, Attorney Dalmas, and Mr. Healy for appearing this evening and Attorney Senie thanked the Members upon his departure.

### **Public Hearing**

**2022-011/SPR - Robert Christopher Anderson and Loic Rossignon**, for property located at 8 Stick Bridge Road (Atlas Map 54, Parcel 89, Registry of Deeds Book 31230 and Page 33). Applicants seek Residential Site Plan approval under Section 70 of the Truro Zoning Bylaw for addition to historic dwelling; demolition of cottage, and construction of new garage/studio; with landscaping and pool with porch pavilion, on a 3.66-acre non-conforming property (frontage), located in the Seashore District.

Chair Greenbaum opened the public hearing and stated that the goal for this evening was to review the checklist with Attorney Zehnder and to identify any information that is incomplete or missing. Attorney Zehnder introduced Mr. Rossignon (Applicant) and then quickly reviewed the plan. Chair Greenbaum noted that the Members will conduct individual site visits based upon availability of the Members.

Chair Greenbaum and Members reviewed the checklist, and the Members noted the following incomplete or missing items: Seashore District Zoning Table (reformat requested by Planning Board and agreed to by Attorney Zehnder), delineation of lines around the Eagle Neck Creek Bridge Project on the plan, appearances and locations of retaining walls or concrete walls around the pool, more information about the retaining walls or sustaining walls on the property line, new addition plan shows a set of stairs going down but no plan for the basement, drainage calculations for the driveway and its adequacy,

Natural Heritage and Endangered Species Act inquiry, Limit of Work is missing parking, storing of vehicles and equipment, or staging of equipment, and the elevations for the pool and are steps going up or down from the pool.

Attorney Zehnder appreciated that Members' questions and requested Members to contact him if there were any other questions after tonight's hearing.

Chair Greenbaum asked if there were any members of the public who would like to comment on this matter and there were none.

**Member Kiernan made a motion to continue this matter until December 7<sup>th</sup>, 2022.**

**Member Riemer seconded the motion.**

**So voted, 7-0, motion carries.**

Attorney Zehnder thanked the Members and departed the meeting.

### **Minutes**

Chair Greenbaum led the discussion and review of the minutes of the October 12<sup>th</sup>, 2022, meeting. There were no revisions or edits. Vice Chair Roberts was not present at the meeting and Member Frazier was not yet appointed so both abstained from voting on these minutes.

**Member Riemer made a motion to approve the October 12, 2022, meeting minutes as submitted.**

**Member Kiernan seconded the motion.**

**So voted, 5-0-2, motion carries.**

Chair Greenbaum proposed a Work Session, on November 30<sup>th</sup>, 2022, from 4:30 pm to 5:45 pm, to discuss the definitions of a "*street*" and a "*nonconforming lot*" (for affordable housing on undersized lots). There were no objections from Members.

Chair Greenbaum announced that Tuesday, December 6<sup>th</sup>, 2022, will be the draft review for the Housing Production Plan.

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

**Member Kiernan seconded the motion.**

**So voted, 7-0, motion carries.**

Respectfully submitted,



Alexander O. Powers  
Board/Committee/Commission Support Staff

