



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

December 7, 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 (via phone); Select Board Liaison John Dundas; Planning Board Administrator Liz Sturdy; 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); David Lyttle (Site Engineer at Ryder & Wilcox for Loic Rossignon – Applicant); Ben Zehnder (Attorney for Katherine Cook and Christine Van Genderen – Applicants); Katherine Cook (Applicant); Christine Van Genderen (Applicant); Kaye McFadden (Cape Tip Construction and Builder for Katherine Cook and Christine Van Genderen – Applicants)

Remote meeting convened at 5:10 pm, Wednesday, December 7, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Vice Chair Roberts 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.

Minutes

Chair Greenbaum led the discussion and review of the minutes of the October 25, 2022, Special Joint Selection Board and Planning Board meeting. Member Frazier could not vote on these minutes.

Member Riemer made a motion to approve the October 25, 2022, meeting minutes as submitted.

Member Kiernan seconded the motion.

So voted, 6-0-1, motion carries.

Planner Report

Town Planner/Land Use Counsel Carboni had nothing to report.



Chair Report

Chair Greenbaum stated that the Members' Housing Production Plan (HPP) comments are due December 19, 2022, to Chair Kevin Grunwald of the Housing Authority. The consultant will then consolidate all the comments and submit them in a document to the Planning Board for a vote.

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 announced this matter was continued until January 2023. No vote was taken.

Public Hearing (Continued)

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 recognized Attorney Zehnder who provided an update in this matter to include the submission of a supplemental package and highlighting the following:

- an overview of the pool area and pool house in relation to the addition to the historic dwelling
- the existing landform with three retaining walls
- a basement plan
- a landscape plan
- a revision of the Site Plan to address the setbacks
- shared current photographs from Old County Road facing the property (to include existing dwelling and barn) and the neighborhood facing west towards the Pamet River
- provided Assessor's GIS data and BAS information for 25 homes in the area from the Applicant's site in all directions along with Attorney Zehnder's analysis that determined the average of net floor area per home was 2,812 square feet and the average percentage of net floor area of these 25 homes to lot area was 4.08%
- use of a summer kitchen
- use of a greenhouse attached to the cottage

Attorney Zehnder was assisted in his presentation with comments provided by Ms. Alessi who described the architectural design and Mr. Lyttle who explained the drainage system for the project.

Following Attorney Zehnder's presentation the Members and the Applicants' representatives discussed the project in greater detail to include pool safety equipment, the effect on the wetlands, the impact of

tidal flushing, buffer zones, approval of this project by the Conservation Commission, need for zoning relief from the ZBA for the project, clarification of the retaining wall near the top of the driveway, and the retaining wall around the patio and pool area.

Chair Greenbaum opened the discussion for public comments and there were none.

Members and the Applicants' representatives discussed adherence to the "Night Sky" Bylaw, the landscape lighting plan, and conditions required for Planning Board approval for this project.

Member Riemer made a motion to close the hearing.

Member Townsend seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who added the approval of zoning relief by the ZBA as required and cautioned the Members about too many specific conditions. Member Kiernan announced that he would abstain from voting due to the river front issue.

Member Townsend made a motion to approve the matter of 2022-011/SPR with the identified conditions.

Member Frazier seconded the motion.

So voted, 6-0-1, motion carries.

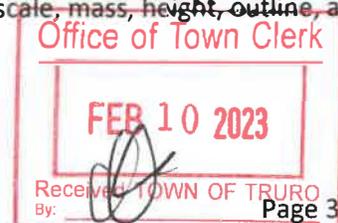
Attorney Zehnder thanked the Members.

Public Hearing

2022-012/SPR- Katherine S. Cook and Christine Van Genderen, for property located at 38 Cliff Road (Atlas Map 32, Parcel 19, Registry of Deeds Book 33307 and Page 344). Applicants seek approval of amended Site Plan to reflect construction not authorized by Residential Site Plan approval granted in Case **2020-005/SPR**, including enclosure of screened porch to create living room; altered basement and first floor layouts; and addition of second floor living space in place of deck, located in Seashore District.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who cited her memorandum which highlighted the construction was not authorized by the residential Site Plan previously approved. Town Planner/Land Use Counsel Carboni noted that there is also an issue of noncompliance.

Chair Greenbaum recognized Attorney Zehnder who stated that this was an issue of an honest mistake. Attorney Zehnder noted the differences between the approved Site Plan and what was constructed. The total floor area now on the second floor went from 515 square feet to 1,170 square feet, an increase of 655 square feet, without changing the outline of the house. The total floor area of the house is 2,697 square feet now which is an increase of 1,767 square feet but still below the "by right" of the permissible 3,120 square feet total floor area. The house has the same scale, mass, height, outline, and setbacks but it does have more total floor area.



Attorney Zehnder asked Ms. McFadden to explain the process as to what happened and Ms. McFadden noted that this was her first construction project within Truro's National Seashore District. Ms. McFadden stated that there was no malicious intent on her behalf or the Applicants.

Chair Greenbaum noted that there would not be a vote today on this matter in accordance with the Planning Board's policy.

Chair Greenbaum then invited Members to comment on this matter. Vice Chair Roberts expressed concern that the increase in the total floor area was 50% more and that this situation was problematic as the construction was completed after a Site Plan Review was previously approved. Vice Chair Roberts also noted that there wasn't an established mechanism in the Bylaw to address or remedy this situation.

Member Riemer agreed with Chair Roberts' concerns and he would like to see the change orders which occurred after construction began. Member Kiernan agreed with Vice Chair Roberts' concerns and he would like to see the additional building permits issued after construction began. Member Althaus was interested in what interactions occurred with the Building Department once construction began.

Attorney Zehnder stated that he will create a timeline with Building Commissioner Rich Stevens' input, in affidavit format, and submit it to Town Planner/Land Use Counsel Carboni prior to the next meeting. Attorney Zehnder noted that this issue likely arose prior to the approval of the Certificate of Occupancy (CO).

Town Planner/Land Use Counsel Carboni genuinely thanked Attorney Zehnder for his offer but stated that she would work directly with Building Commissioner Stevens in creating a timeline as it would be more appropriate.

Attorney Zehnder stated that he will create a timeline, in affidavit format, with the input from the Applicants and Ms. McFadden so there could be a thorough review of the Applicants' sequence of events and the Town's sequence of events. Attorney Zehnder added that he will obtain "as built" plans for the next meeting.

Town Planner/Land Use Counsel Carboni stated that the Members should consider what they need to grant approval for a Site Plan Review in this matter and she will consider any legal issues.

A discussion ensued between the Members and Applicants' representatives on the following topics which require additional information needed for a Site Plan Review: a new Site Plan visit, the parking area, a concrete wall replacing a stone wall, and confirmation that all Abutters have been notified.

Member Kiernan made a motion to continue this matter until January 11th, 2022, at 5:00 pm.

Member Riemer seconded the motion.

So voted, 7-0, motion carries.

Attorney Zehnder thanked the Members and departed the meeting.



Warrant Article Discussion

Chair Greenbaum also announced that the next Work Session will be held next Wednesday, December 14, 2022, at 4 pm, with a focus on the “*street*” definition and the Duplex Bylaw. The Ad Hoc Committee meets tomorrow to discuss Affordable Housing Units on undersized lots.

A brief discussion ensued among Members to consider the changes carefully with Truro’s future in mind.

Member Riemer made a motion to adjourn the meeting at 7:27 pm.

Vice Chair Roberts seconded the motion.

So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

