



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 11, 2023 – 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; Robin Reid (Attorney for Mary Read and the Ladd Family – Applicants); Fred Gaechter (Truro Conservation Trust); Victoria Dalmas (Attorney for Sylvia Russianoff – Applicant); Sylvia Russianoff (Applicant); John O'Reilly (Engineering/Land Surveying Representative for Sylvia Russianoff – Applicant); Ross Ain (Abutter of Sylvia Russianoff – 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 5:00 pm, Wednesday, January 11, 2023, 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 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 was nothing of particular note for this evening. Town Planner/Land Use Counsel Carboni provided an update about fully remote meetings and noted it was possible that after March 31, 2023, hybrid or in-person Town meetings and hearings will be required or current rules may be extended. Updates will be provided.

Chair Report

Chair Greenbaum provided an update on the Local Comprehensive Planning Committee (LCPC) including the draft vision statement, draft goals, and existing conditions.

Minutes

Chair Greenbaum led the discussion and review of the revised minutes of the October 19, 2022, meeting. Minutes were revised per December 14, 2022, review (page 2). Member Frazier abstained from the vote.

Member Kiernan made a motion to approve the October 19, 2022, meeting minutes as amended. Member Riemer seconded the motion.

Roll Call Vote:

**Chair Greenbaum – Aye
Member Townsend – Aye
Member Althaus – Aye
Member Frazier – Abstained
Member Kiernan – Aye
Member Riemer – Aye
Vice Chair Roberts - Aye
So voted, 6-0-1, motion carries.**



After the vote, Member Riemer requested a workshop be scheduled in January 2023 to discuss the Open Space and Recreation Plan as it was integral in any discussion regarding the Planning Board's comments on the LCPC. Town Planner/Land Use Counsel Carboni requested that the draft Housing Production Plan discussion be added to an upcoming meeting agenda or workshop. The requests were met without opposition.

Board Action/Review

Subdivision Pre-Submission Review - Mary Read and the Ladd Family in the matter of a potential further subdivision of a large parcel on Keezer Court and a gift to the Truro Conservation Trust (TCT).

Prior to Attorney Reid's presentation, Chair Greenbaum announced that the Planning Board welcomed a subdivision pre-submission review and appreciated the Applicant's desire to do so.

Attorney Reid introduced Mr. Gaechter and then provided a presentation regarding the 2-step approach regarding the subdivision of a large parcel on Keezer Court and a gift to the Truro Conservation Trust.

Members, Town Planner Land Use Counsel Carboni, Attorney Reid, and Mr. Gaechter discussed the TCT's interest in acquiring this property and to put the land into conservation for perpetuity, any completed construction on the subdivision, any construction (road, cul-de-sac, dwelling) will be built in accordance with current Truro rules and regulations, the rural road alternative, and lots 27 and 28 frontage.

Several Members expressed their appreciation for the Ladd family's generosity to the Town of Truro over the years and expressed general support for the proposed project. Attorney Reid thanked the Members upon her departure from the meeting.

2022-007/PB- Sylvia Russianoff 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 47 Old County Road, Truro MA, Atlas Map 54, Parcel 11, Land Court Certificate of Title No. 174343.

and

2022-008/PB - Sylvia Russianoff 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 4 Fisher Hill Way, Truro MA, Atlas Map 54, Parcel 120, Registry of Deeds title reference: Book 18953, Page 155.

Prior to the above-mentioned actions regarding Ms. Russianoff's ANR applications, Member Riemer announced his recusal from these matters.

Attorney Dalmas introduced Ms. Russianoff and Mr. O'Reilly. Attorney Dalmas then presented an overview of the requested ANRs along with more detailed input from Mr. O'Reilly.

Members, Town Planner Land Use Counsel Carboni, Attorney Dalmas, Ms. Russianoff, and Mr. O'Reilly discussed the Fire Department's designation of street addresses for the property, Lots 7 and 8 are identified on the plan as Old Country (sic) Road and should be Old County Road, easement to the house, merging of the two lots under one ANR, the criteria which the Planning Board must consider for its findings to endorse the ANRs, any changes that the Planning Board would like to see prior to approving the endorsement for the plan, Mr. Ain's support for the Applicant's applications, the crafting of an easement for the benefit of the neighborhood, the intention of B1 and B2 are to be maintained in their natural state and the easement is crafted that access can't be created over B2, and Town Planner/Land Use Counsel Carboni's opinion that the Planning Board can't impose conditions or limitations on an endorsement of an ANR as the ANR is different than a Special Permit.

Member Althaus made a motion to endorse the plan as an ANR in the matter of 2022-007/PB as submitted.

Member Kiernan seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Abstained

Vice Chair Roberts - Aye

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



Member Althaus made a motion to endorse the plan as an ANR in the matter of 2022-008/PB as submitted.

Member Kiernan seconded the motion.

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Abstained

Vice Chair Roberts - Aye

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



Public Hearing (Continued)

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.

Attorney Zehnder provided introduced the Applicant and representatives present. Attorney Zehnder provided background and an update on the project.

Members, Town Planner/Land Use Counsel Carboni, Attorney Zehnder, Ms. Van Genderen, and Ms. McFadden discussed the Site Plan Review, Chair Greenbaum's concerns from when the Town informed the Applicants of issues with the building permit with the request to immediately contact the Building Department and the nearly 8 month gap for the Applicants to retain Attorney Zehnder and to respond to the Building Department, did Ms. McFadden go to the Building Department to obtain change orders on the issued building permit, did Ms. McFadden meet all of the conditions of the approved Site Plan Review, discrepancies between the Site Plan Review and what was constructed on the 2nd floor which was altered and not approved, did the Building Commissioner approve the changes from the original Site Plan Review, Town Planner/Land Use Counsel Carboni's confirmation that the Building Commissioner initialed the amended floor plan after the fact only reflected that what was built but did not approve the changes as he does not have the authority to do so as that authority is held by the ZBA and the Planning Board, what would the Applicants have to do if the Planning Board denied this application to which the Town Planner/Land Use Counsel Carboni could not defend the denial if it had a punitive intent, the Applicants' non-compliance of the sequence of events in accordance with the ZBA Bylaw for Site Plan Review, Members should conduct the review of this matter as if it was an application for future changes to this building, an apology from Ms. Van Genderen to the Members, the purpose of the Applicants' upcoming appearance in front of the ZBA, the inclusion of a finding of facts incorporated into a draft decision, and the addition of reasonable conditions for this application as it pertains to Site Plan Review.

Chair Greenbaum asked if there were any members of the public who wanted to comment and there were none.

Member Riemer made a motion to close the public hearing in the matter of 2022-008/PB.

Member Kiernan seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Aye

Vice Chair Roberts - Aye

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



Chair Greenbaum asked Members to look at the Site Plan Review process for this project and to set aside that the project has already happened. Chair Greenbaum asked Members to consider any conditions. Members discussed a proposed finding of facts with Town Planner/Land Use Counsel Carboni who agreed to include a procedural history as part of the draft decision.

Member Kiernan made a motion to approve the Site Plan Review for 38 Cliff Road.

Member Althaus seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Nay

Member Riemer – Nay

Vice Chair Roberts - Nay

So voted, 4-3-0, motion carries.

Chair Greenbaum announced the approval of the Site Plan Review and Town Planner/Land Use Counsel Carboni will draft the decision.

Potential Warrant Article Discussion

Chair Greenbaum announced a work session to discuss the "Street" Definition Bylaw on January 18, 2023, 4 pm – 5:30 pm and a work session on February 1, 2023, 4 pm – 5:30 pm, to discuss the Open Space and Recreation Plan and the Housing Production Plan.

Member Riemer made a motion to adjourn the meeting at 7:46 pm.

Vice Chair Roberts seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye
Member Kiernan – Aye
Member Riemer – Aye
Vice Chair Roberts - Aye
So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

