

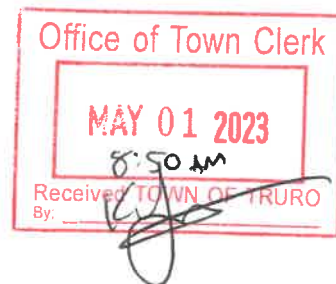


## TOWN OF TRURO

### PLANNING BOARD

#### Meeting Minutes

February 22, 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; Fire Chief Timothy Collins; Health and Conservation Agent Emily Beebe; Select Board Liaison John Dundas; Christopher J. Snow (Attorney and Applicant); William Rogers (Engineer/Surveyor for the Applicant); Gary Locke (Project Engineer for the Applicant); Ben Zehnder (Attorney for the Abutters: Marie Belding and Pat Callinan); Marie Belding (Abutter); Michael Flannery (Owner at Ebb Tide); Regan McCarthy (Truro Part-Time Resident Taxpayers' Association)

Remote meeting convened at 5:00 pm, Wednesday, February 22, 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 she would be happy to answer any questions regarding her request to hire a Housing Coordinator to assist in achieving the Town's Housing Production Plan's goals. There will be an event on March 8, 2023, to discuss the proposed Mill Pond Road project and the proposed relocation of the DPW Facility. Additional information is available on the Town's website. Town Planner/Land Use Counsel Carboni also updated the Members on the resignation of the Co-Chairs of the Walsh Property Community Planning Committee (WPCPC) but they will remain on the committee. The WPCPC's next meeting will be held on March 1, 2023, at 6:00 pm.

#### **Chair Report**

Chair Greenbaum reported that she had sent an email to Assistant Town Manager Kelly Clark regarding the number of Zoning Articles which will be on the Warrant as public hearings have to be scheduled. Chair Greenbaum reminded Members that the regular Planning Board meeting on March 8, 2023, has been cancelled so Members may attend the Town meeting to discuss the proposed Mill Pond Road project and the proposed relocation of the DPW Facility. Chair Greenbaum also noted that the Planning

Board's discussion to provide feedback on the draft Open Space and Recreation Plan and the draft Housing Production Plan will be added to a future agenda.

### **Minutes**

Chair Greenbaum led the review of the minutes of December 14, 2022, for comments, corrections, or edits. Minutes were amended to reflect the correct spelling of Member Riemer's name.

**Member Riemer made a motion to approve the minutes from December 7, 2022, as amended.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

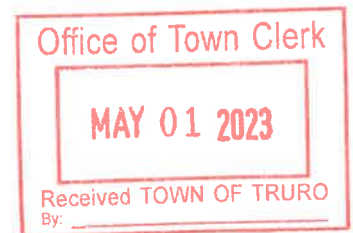
**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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



### **Public Hearing (Continued)**

**2023-001/SPR - Ebb Tide on the Bay Condominiums**, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for a project involving reconstruction of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

Chair Greenbaum thanked the Applicant for the submission of additional documents requested by the Members ahead of tonight's hearing.

Members, Town staff, Applicant, and Attorney Zehnder discussed the following highlighted topics in this matter: fire safety, updated information provided by Health and Conservation Agent Beebe, the special conditions required by the Conservation Commission, checklist items required for upgraded seasonal-to year-round occupancy for condominiums on Beach Point, additional square footage for ½ story, and the adequacy of the septic system based upon number of bedrooms.

Attorney Snow reiterated that he represented the Condominium Association and not any individual condominium owners in this matter. Attorney Snow provided an update to the Members and the public.

Chair Greenbaum asked Members if they had any other questions or concerns to discuss with the Applicant and the Applicant's representatives. Topics raised by Members included the proposed parking plan, the risk and hazards of backing out on to Route 6A from the property, redesigning the project to address parking issues after the Applicant has already spent nearly \$100K in project design costs, locations of the air conditioning units on the exterior wall, equity issues regarding the Applicant's neighbors outside of the site, the green space increase, the ongoing positive discussions between the

Applicant and the Abutter addressing the Abutter's concerns, the proximity of the building to the neighbor's property, installation of the pilings and the impact to the neighbor's property.

Chair Greenbaum asked if Members of the public had comments and Mr. Flannery was recognized. Mr. Flannery commented on the parking situation, the height of the building, and the height of the Abutter's building.

Chair Greenbaum recognized Ms. Belding who asked Member Kiernan how FEMA determined allowable height of a building. Member Kiernan answered the question and Mr. Locke read aloud the FEMA regulation.

Aside from the Engineering Report pertaining to the impact of piling installation that Members felt was necessary, Chair Greenbaum asked Members if there was a need for more information. Members requested the language from the Applicant's and Abutter's attorneys for what could be included in the conditions if the project is approved, electric panel location, and the defined refuse area.

**Member Riemer made a motion to continue this matter to March 22, 2023, at 6 pm.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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



### **Warrant Article Discussion**

Chair Greenbaum stated that the Warrant would close tomorrow, February 23, 2023, so Members had to vote on the proposed Article this evening for it to be on the Warrant. The purpose of this Article is to change the process by which a "non-street" can become a "street" and not make a "non-street" into a "street".

Vice Chair Roberts led the Members with the review of the comments submitted by the Truro Part-Time Resident Taxpayers' Association (TPRTA) on Section 30.11 Streets and Frontage with input from Ms. McCarthy who commented that the TPRTA supported the draft Article and commented on "ways" previously qualified as "streets" and the word "grandfathered".

Highlights of the topics discussed by Members and Town Planner/Land Use Counsel Carboni included: a placeholder on the Warrant should this draft Article not be ready for submission, distinguish the differences and clarify the definitions of "roadway" and "travel way", the word "grandfathered", grandfathering "lots" instead of "streets", and the submitted written comments from DPW Director Jarrod Cabral.

Member Kiernan made a motion to send the draft Article to the Select Board with the amendments of moving 30.11.A2 to 10.4 and including 30.11.B as written in version 13.

Member Frazier seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer – Aye

Member Kiernan - Aye

Vice Chair Roberts - Aye

So voted, 7-0, motion carries.

Chair Greenbaum will forward the draft Article to the Select Board, and she requested that TPRTA and ZBA Vice Chair Lucy continue to participate in this process.

#### Discussion of Potential Scenic Road Recommendation

Chair Greenbaum led the discussion with Members on M.G.L. 40 §15C regarding the recommendation process and procedure for the scenic road designation for Mill Pond Road. Members will pursue a Scenic Road Bylaw in partnership with the Historic Commission and/or the Conservation Commission.

Following the discussion on Mill Pond Road, Chair Greenbaum announced that the Planning Board had recently received two ANR requests which had to be heard within 21 days. Chair Greenbaum polled the Members for availability for a meeting on March 1, 2023, at 4 pm, to hold the initial public hearings on these matters. Only one Member is unavailable on that date. Chair Greenbaum will forward the information to Planning Department Administrator Sturdy for notifications.

Member Riemer made a motion to adjourn the meeting at 7:33 pm.

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, motion carries.

Respectfully submitted,



Alexander O. Powers  
Board/Committee/Commission Support Staff

