



## TOWN OF TRURO

### PLANNING BOARD

Meeting Minutes

July 5, 2023 – 5:00 pm

### REMOTE PLANNING BOARD MEETING

TOWN OF TRURO

DEC 08 2023

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**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; Christopher J. Snow (Attorney and Applicant); Ben Zehnder (Attorney for the Abutters); Marie Belding (Abutter); Pat Callinan (Abutter); William Rogers (Engineer/Surveyor for Christopher J. Snow-Applicant); Gary Locke (Project Engineer for Christopher J. Snow-Applicant); Chuck Steinman (Applicant and Vice Chair of the Truro Historical Commission); Ben Zehnder (Attorney for Bruce A. Jacobson, Trustee-Applicant); Bruce Jacobson (Trustee-Applicant); Katherine Jacobson; William Rogers (Engineer/Surveyor for Bruce A. Jacobson, Trustee-Applicant); Gary Locke (Project Engineer for Bruce A. Jacobson, Trustee-Applicant); Kevin Grunwald (Chair of the Truro Housing Authority); Elizabeth Gallo (Vice Chair of the Truro Housing Authority); Regan McCarthy (Truro Resident); Michael Forgione (Truro Resident); Michael Flannery (Truro Resident)

Remote meeting convened at 5:03 pm, Wednesday, July 5, 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 who recognized Member Kiernan. Member Kiernan asked the Planning Board to add a Street Survey Review (that he completed on all 350 roads in Truro) to a future Planning Board meeting agenda. This would be reviewed prior to a presentation to the Town. There were no objections.

Chair Greenbaum recognized Ms. McCarthy who commented on whether the Planning Board was reconsidering the Street Definition Bylaw as she would like to participate in that discussion. Chair Greenbaum replied that this would not be reconsidered prior to the spring of 2024 and welcomed Ms. McCarthy's interest.

#### **Planner Report**

Town Planner/Land Use Counsel Carboni reported that Walsh Property Community Planning Committee will host a community forum on Wednesday, July 26, 2023, from 6 pm – 8 pm, at the Community Center to gather public input on proposed uses. More information will be available soon.

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TOWN CLERK**Chair Report**

Chair Greenbaum said that she had nothing to report this evening.

**Minutes**

Chair Greenbaum led the review of the minutes from April 26, 2023, for corrections or edits and Vice Chair Roberts requested to replace the word “moving” with “reconstruction” under the hearing for the matter of **2023-001/SPR**. There were no objections.

**Member Frazier made a motion to approve the minutes from April 26, 2023, as amended.**

**Member Althaus 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, 7-0-0, motion carries.**

Chair Greenbaum led the review of the minutes from May 10, 2023, for corrections or edits and there were none. Chair Greenbaum abstained from the vote on these minutes as she was not present at this meeting.

**Member Townsend made a motion to approve the minutes from May 10, 2023, as submitted.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Abstained**

**Member Townsend - Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts - Aye**

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

Chair Greenbaum led the review of the minutes from May 24, 2023, for corrections or edits and Member Riemer noted that he was incorrectly listed as present and absent at the meeting when he was indeed absent. Member Riemer and Vice Chair Roberts abstained from voting on the minutes as they were not present during this meeting.

**Member Althaus made a motion to approve the minutes from May 24, 2023, as amended.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**  
**Member Frazier – Aye**  
**Member Riemer – Abstained**  
**Member Kiernan – Aye**  
**Vice Chair Roberts - Abstained**  
**So voted, 5-0-2, motion carries.**

Chair Greenbaum led the review of the minutes from June 7, 2023, for corrections or edits and there were none. Member Townsend abstained from voting on the minutes as she was not present during this meeting.

**Member Althaus made a motion to approve the minutes from June 7, 2023, as submitted.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

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

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

**Chuck Steinman - Friends of the Truro Meeting House**, requesting one (1) sign, 3' x 10', to be located at 3 First Parish Lane and Town Hall Road. The sign will be installed on July 6, 2023, and removed August 30, 2023.

Chair Greenbaum recognized Mr. Steinman who stated that the sign was the same type of sign as the two previous signs. There were no questions or concerns.

**Member Riemer made a motion to approve the temporary sign for the Applicant.**

**Member Townsend 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, 7-0-0, motion carries.**

#### **Board Action**

Chair Greenbaum recognized Chair Grunwald and Vice Chair Gallo of the Truro Housing Authority who provided a brief explanation of the need for the Housing Needs Assessment and Production Plan (HPP),

the process for approval through the Planning Board and Select Board, and what is the outcome of the HPP.

Chair Greenbaum led the review of the HPP with the Members, Chair Grunwald, and Vice Chair Gallo. A discussion ensued regarding the following highlighted topics: a numerical goal for annual housing production, the housing needs analysis lacks details and data, the projection of looking forward 12 years instead of 5 years to maintain consistency for the referenced timeframes, the impact of COVID-19 on housing production, the HPP is a living and breathing document so changes should be expected to occur, the projected need for the construction of 260 housing units by 2035, the median price for a home in Truro is \$1.4M which required an annual income of \$375,000 to afford a home, the median Truro household income is \$69,000, and 67% of Truro is in the National Seashore District.

After the review, Chair Greenbaum announced that there would not be a vote tonight by the Members of the HPP and she will work with Chair Grunwald and Vice Chair Gallo to bring the HPP back to the Planning Board for a vote at a future meeting.

Chair Greenbaum recognized Mr. Forgione who said that he would email his concerns on the HPP to Chair Greenbaum, Chair Grunwald, and Vice Chair Gallo as he had technical issues with his internet connection.

#### **Public Hearings (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 move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

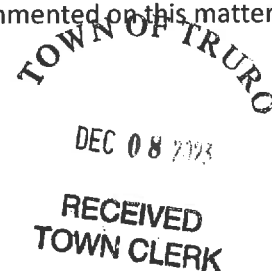
Chair Greenbaum recognized Attorney Snow who said that he had not yet received a copy of the proposed conditions which were sent to the Members. Town Planner/Land Use Counsel Carboni apologized and offered to review them during this meeting.

Chair Greenbaum then recognized Attorney Zehnder who said that he had not received a copy of the proposed conditions either but he would be happy to review them during this meeting.

Chair Greenbaum stated that the Members and Town Planner/Land Use Counsel Carboni will review the proposed conditions this evening. Attorney Snow and Attorney Zehnder can coordinate times with Town Planner/Land Use Counsel Carboni to discuss their concerns and that there will be a vote on this matter at the next scheduled hearing.

Chair Greenbaum read aloud each of the proposed conditions and discussed them with the Members, Town Planner/Land Use Counsel Carboni, Attorney Snow, Attorney Zehnder, Mr. Rogers, and Mr. Locke. Highlighted and related topics discussed included: obtaining necessary permits and other approvals from the Board of Health and the Conservation Commission, public safety concerns, and whether the Applicant's A/C units should face away from the Abutters.

Chair Greenbaum recognized Ms. Callinan and Ms. Belding who commented on this matter and Attorney Snow responded to their comments.



Chair Greenbaum recognized Mr. Flannery who commented on this matter and Mr. Locke replied to his comment.

Chair Greenbaum confirmed with Attorney Snow and Attorney Zehnder that they were available to attend the next meeting on August 9, 2023, after the two attorneys could discuss this matter further.

**Member Kiernan made a motion to continue this matter to August 9, 2023.**

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

After the vote, Town Planner/Land Use Counsel Carboni stated that she was forwarding a copy of the in-meeting edits regarding the draft conditions to Attorney Snow and Attorney Zehnder. Both attorneys thanked her and Attorney Zehnder said that he would call Attorney Snow tomorrow.

**2023-003/SPR Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee** for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). The Applicant seeks Residential Site Plan approval of construction unauthorized by building permit and for further expansion of dwelling in Seashore District.

Chair Greenbaum recognized Attorney Zehnder who introduced Mr. and Mrs. Jacobson and then provided a summary of the project.

A discussion ensued between the Members and Attorney Zehnder. Highlighted topics discussed included: the difference between the two stamped plans (different configuration of the road), the actual driveway situation with the National Seashore, the National Seashore's email from National Seashore Planner, Lauren McKean, (received at 4:30 pm today) with an allegation that title ownership related to this matter is in question, and the current owner's Certificate of Occupancy.

Prior to a motion being made, several Members expressed concern about moving forward to vote on this matter without giving the National Seashore the opportunity to present its evidence regarding the issue of ownership. Other Members expressed support for the Applicant and noted that the National Seashore was not in attendance at this meeting and had waited until the last minute to state its objection.

Town Planner/Land Use Counsel Carboni opined that there was no obstacle for the Planning Board to vote on this plan and cautioned that not voting on this plan would be indefensible.

Town Planner/Land Use Counsel Carboni reviewed the proposed conditions with the Members regarding this matter. Once the review was completed, Chair Greenbaum then read aloud the proposed conditions.

**Member Townsend made a motion to approve 2023-003/SPR with the reviewed conditions.**

**Member Althaus seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend - Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Riemer – Nay**

**Member Kiernan – Nay**

**Vice Chair Roberts - Nay**

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

**Member Althaus made a motion to adjourn the meeting at 8:29 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, 7-0-0, motion carries.**

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

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