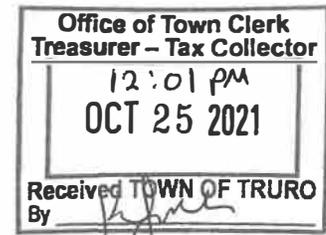




TOWN OF TRURO

PLANNING BOARD
Meeting Minutes
August 5, 2020 – 6:00 pm
REMOTE PLANNING BOARD MEETING



Members Present (Quorum): Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Paul Kiernan, Steve Sollog

Members Absent: R. Bruce Boleyn, Peter Herridge

Other Participants: Barbara Carboni – Interim Town Planner; Peter Kane of Kane Land Surveyors

Remote meeting convened at 6:02 pm, Wednesday, August 5, 2020, by Chair Greenbaum. Interim Town Planner, Barbara Carboni, reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was also provided.

Roll call of members was taken by Chair Greenbaum.

Public Comment Period

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

Board Action/Review – Continued

2019-006/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer

Chair Greenbaum led the discussion on the Schirmer property which was voted upon and approved last week for the subdivision of land at Rte. 6 and Amity Lane, Truro, MA, map 46, parcel 8. The applicant's submission of either a Statement of Findings, or a stamped plan, was a condition of final approval and are now included. No vote was needed as opined by the Interim Truro Town Planner Carboni as the conditions have been met. A copy of the decision will be provided to the Schirmer family.

2020-08/PB – David and Daisy Paradis

Chair Greenbaum opened the discussion on the David and Daisy Paradis application of Form A (ANR) for the property at 14, 16 Mill Pond Road, Truro, MA, map 54, parcels 56 and 54.

Chair Greenbaum recognized Peter Kane, of Kane Land Surveyors, who represented the Paradis' on this item. Mr. Kane stated that the side-by-side separate properties, owned by the Paradis, wanted to alter the interior adjoining line between two lots so it would go around their garden and shed. It didn't change the frontage and the areas conform to the town's bylaws. Interim Town Planner Carboni reviewed the staff memo and confirmed no issues. A motion to approve was presented by Vice Chair Tosh and seconded by Member Sollog. Chair Greenbaum opened the discussion and Member Riemer presented that 14 Mill Pond Road that there was an underground utilities easement that is not on the plan and that 16 Mill Pond Road has an underground well that is also not on the plan. Mr. Kane didn't

find the easement in his research and the underground well is no longer in use. Member Riemer provided the sources of his information to Mr. Kane who will add it to the application. No other concerns were raised. Member Kiernan offered as a condition of approval that the underground easement be indicated on the plan's application to the Members.

Member Kiernan made a motion to amend the condition to show the underground utilities easement in the applicant's new plan.

No Member seconded the motion but it moved forward with no objection.

So voted, 5-0, motion carries.

Member made a motion to approve as amended.

Member seconded the motion.

So voted, 5-0, motion carries.

Chair Greenbaum instructed Mr. Kane to submit a new plan and his applicants will be all set. Mr. Kane thanked the Board and will submit the new plan with the correction.

Mr. Kane left the meeting.

Chair Greenbaum invited Interim Town Planner Carboni to lead the discussion Board approvals as the Board is currently working remotely. Interim Town Planner Carboni stated that there is a statutory process for authorizing an individual to sign ANR and Subdivision Plans on behalf of the Board, the Board then votes, and then sends a letter to the Barnstable Registry of Deeds. The Interim Town Planner explained that any individual could be designated as well as an alternate. Vice Chair Tosh made a motion for Chair Greenbaum, or Clerk Riemer, to sign on behalf of the Board. Before the motion was seconded, Member Kiernan asked how the Board's votes were recorded by the designated individuals before the letter is sent to the Barnstable Registry of Deeds. The Board discussed the need, or lack thereof, for recording the votes by name for approvals or disapprovals. Interim Town Planner Carboni opined that there was no need to do so by statute.

Vice Chair Tosh made a motion to authorize Chair Greenbaum or Member Riemer (Clerk) sign on behalf of the Board.

Member Sollog seconded the motion.

So voted, 5-0, the motion carries.

Chair Greenbaum opened the discussion on Cloverleaf's waiver requests. Interim Town Planner Carboni then requested that the Chair consider the approval of prior Board meeting minutes before the discussion. Chair Greenbaum appreciated the offer but was not comfortable with moving forward with the approval minutes when Member Boleyn was not present. Interim Town Planner Carboni withdrew her request. Chair Greenbaum asked if there was any other topics to discuss prior to discussing Cloverleaf. Member Kiernan reviewed the ZBA packet from June 25, 2020, as if he was building each project. He said there were plans which were incomplete. Chair Greenbaum believed that there would likely be another Planning Board meeting prior to the ZBA's next meeting on Cloverleaf which was scheduled for August 20, 2020.

For this meeting, Chair Greenbaum established a 5-minute limit per waiver request for the Board to discuss all the waivers requested by Cloverleaf:

- Board discussed the waiver request for handicap parking for which the applicant doesn't believe that he needs a waiver. The Board agreed no waiver is needed.
- Board discussed the waiver request for outdoor lighting that complies with "Night Sky" requirements and the Board agreed that an outdoor plan was due for the Board's review. It will be further discussed at the next Planning Board work session.
- Board discussed the waiver request for relief of soil removal. Interim Town Planner Carboni asked the Board to consider a recommendation that the ZBA not waive the bylaw and further opined that the ZBA didn't have the expertise but the Building Commissioner did. The Board agreed to no waiver for this soil removal.
- The applicant also requested relief from the provision that the Town may require a bond, certified check, or other security to ensure compliance. The applicant stated that the builder is bonded and that is sufficient. The Board agreed not to waive the bond and Chair Greenbaum will include the necessity of the bond in the Board's reply to the applicant.
- Board discussed the applicant's request for relief from specific sections of the Subdivision Controls Regulations' Roadway Standards. Potential issues include snow and the ability of fire trucks to cross the berm.
- The applicant requested relief from specific sections of the Site Plan Review requirements and procedures of the Zoning Bylaws. Applicant claimed in documentation that he had submitted the Site Plan Review checklist and questionnaire. Members of the Board have not seen it. Interim Town Planner Carboni will check with her predecessor, the applicant, and the ZBA. Chairman Greenbaum also noted that there were a couple of inclusions which were part of the applicant's boiler plate and should be removed.
- The Board discussed the applicant's request for relief from Section 50 Building Area and Height Regulation of the Zoning Bylaws and Section 50.2 Building Gross Floor Area if applicable. Interim Town Planner Carboni believed that the applicant sought the relief for any 3-story buildings.
- Chair Greenbaum opened the discussion on the applicant's request for relief from the Truro Board of Health Local Regulations rev.7.9.2020 specifically from the southwestern side of the property. Member Kiernan recommended that a remediation plan be included by the applicant as a condition. Interim Town Planner Carboni recommended that the Board provide a suggestion to the ZBA to require a remediation plan from the applicant, but Chair Greenbaum concluded that it would be best for the Planning Board to help the ZBA with the following suggestion. She stated that the Planning Board forward the remediation plan (when submitted) along with the Board's backup materiel so the ZBA can make an informed decision.
- Chair Greenbaum observed that all the request for waivers for Building Height and Stories pertained to the 3-story buildings in the rear of the property as well as the townhouses. Side yard waivers are for those areas which border the National Seashore. Member Kiernan recalled that when the Truro Police/Fire Station went through the review process prior to construction that there had been a similar waiver that was denied by the ZBA. Member Sollog commented that he hoped that the ZBA really looks at the size of the building and reduces the square footage due to appearance and density. Chair Greenbaum suggested that for the next Work Session Members think of comments/concerns/regulations for major bullets in response to the applicant.
- Chair Greenbaum led discussion on applicant's request for waiver of Environmental Protection Regulations. Interim Town Planner Carboni will check with the Health Agent to determine if the Environmental Commission has jurisdiction or not.
- Chair Greenbaum led the discussion on Section 50 Building Area and Height waiver requests for the lots which she found confusing in that the applicant could have just said maximum building

heights were addressed earlier. Interim Town Planner Carboni concurred and opined that the applicant didn't remove the supplement that was superseded.

- Chair Greenbaum opened the discussion for the waiver request for Section 30 Parking and stated that the Board determined that a waiver is required. The additional requirement was provided to the applicant last week prior to the ZBA meeting. The Board wants to see a Parking Plan and the applicant stated that they used the word "tandem" which are for the same unit but there is still a safety issue ("obstructed spot"). There was also concern for space for delivery trucks to the property. Member Riemer mentioned that the plan must address specific questions and concerns of the Board.
- The applicant requested relief from Truro Zoning Bylaws Section 30 Use Regulations and Section 40 Special Regulations. Interim Town Planner Carboni opined that the Board can make a recommendation in regard to 40B. Member Riemer reminded the Board that the bylaws were established to limit the number of units so there is less of a burden on the Town and the ZBA has the authority to enforce the bylaws. Member Kiernan commented that this solves lots of problems as it does not allow the overdevelopment of the property since the original application was for 12-16 units. Chair Greenbaum reminded the Board that the Town issued the RFP for 30-40 units and not the applicant. Member Kiernan commented that it would be difficult to trust the Select Board on the Walsh property based upon the changes the Select Board approved on Cloverleaf at a previous Town Hall meeting. Interim Town Planner Carboni will explore the facts surrounding the changes, along with the Feasibility Study, with the Town Manager.
- Chair Greenbaum led the conversation on the Site Plan Review specifically regarding curb cut permit (subject to Select Board via DPW approval) and relief from local health regulations (subject to Board of Health approval). Interim Town Planner Carboni suggested that the Board disapprove a non-specific (or "unknown") waiver. Member Riemer cited the 40B Handbook, page 26, 2d paragraph which summarized the ZBA should not normally approve a "blanket waiver" so the applicant should explain the reasons why he seeks the waiver.
- Chair Greenbaum asked Interim Town Planner Carboni about the waiver request for the bond, certified check, or other security and stated this was previously decided by the Board for disapproval. Vice Chair Tosh expressed concern, after listening to the discussions, that the Planning Board may appear to be obstructionists and the Board should focus on the most important concerns only. Member Sollog offered support for Vice Chair Tosh's observations. Chair Greenbaum agreed to Vice Chair Tosh's concerns.
- Chair Greenbaum offered a Planning Board Work Session for Tuesday, August 11, 2020, at 2:30 pm. All Members and Interim Town Planner Carboni agreed to the date.

Chair Greenbaum was made aware of a caller (identified as "Tom") who stated that he was only listening and had no comment.

Chair Greenbaum asked Interim Town Planner about the agenda for the next Planning Board meeting for August 19, 2020. She stated that there may be a Site Plan Review for a property owner who wishes to move a shed but will only be added if the property owner submits the documentation.

**Member Kiernan made a motion to adjourn the meeting at 8:02 pm.
Member Riemer seconded the motion.
So voted, 5-0, motion carries.**

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

