



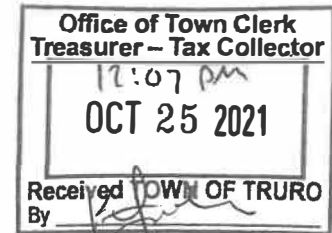
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

September 2, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING



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

Members Absent: Anne Greenbaum (Chair), R. Bruce Boleyn, Peter Herridge

Other Participants: Barbara Carboni - Interim Truro Town Planner; Liz Sturdy – Truro Office Assistant; Loic Rossignon – Residential Site Plan Applicant; David Little of Ryder & Wilcox, Inc. – Provider of Engineering Services to Mr. Rossignon; Peter Soule of Soule Land Surveying – Provider of Land Surveying Services to Mr. Jeremiah D. Frank

Remote meeting convened at 6:05 pm, Wednesday, September 2, 2020, by Vice Chair Tosh who also 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.

Public Comment Period

Public comment, for things not on the agenda, and there were none.

Public Hearing – Continued

2020-002/SPR Loic Rossignon

Vice Chair Tosh opened the meeting to continue public hearing 2020-002/SPR, Loic Rossignon, for the property located at 8 Stick Bridge Road, Truro, MA located in the National Seashore District and for the purpose of the demolition of an existing cottage and the construction of a barn. Mr. Little introduced Mr. Rossignon and said that he has revised the application to include barn height which is 27' and in compliance with Zoning Bylaws and the proposed gross floor area is 4,138 square feet. Vice Chair Tosh stated that prior to the meeting that there was concern about the size and asked Member Kiernan to express concerns who cited definitions as to gross floor area that excluded garage, porches, decks, barns, sheds, greenhouses, and agricultural buildings. The question arose in the staff memorandum if 4,138 square feet would exceed the 3,600 square foot allowable in the National Seashore District. Member Kiernan further commented that it is unclear whether this building will be used for sleeping, living, sanitation, cooking, or eating purposes. Mr. Little commented that there is no plumbing in this garage/barn and it will have electricity. Mr. Little stated that he determined that the building had a gross floor area of 2,359 square feet. Interim Town Planner Carboni opined that the Planning Board didn't need to grant a special permit and could approve as is. Interim Town Planner reviewed the definition of aggregate gross floor area as it pertains to an accessory structure is included in the gross floor area. Interim Town Planner Carboni stated there could be a finding that the square footage is not included as it is an accessory building on the lot. Member Sollog commented that it is more of a workshop/storage

shed. Vice Chair Tosh said that she shared the same view as Member Kiernan and would be willing to move forward with a finding that it is not included with a motion to that effect.

Member Kiernan made a motion that since the building would not be used for sleeping, living, sanitation, cooking, or eating purposes, it should not be calculated in the footage for livable space and is exempt from a special permit.

Vice Chair Tosh seconded the motion.

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

Vice Chair Tosh moved that the applicant's application be approved.

Member Sollog seconded the motion.

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

Vice Chair Tosh thanked Mr. Rossignon and Mr. Little and Mr. Little thanked the Board.

Mr. Rossignon and Mr. Little left the meeting.

Board Action/Review – Continued

Vice Chair Tosh opened Board Action/Review on 2020-009/PB, Margaret G. Frank, Irrevocable Trust 2012, Jeremiah D. Frank, Trustee, seek approval of an ANR pursuant to section 2.2 governing subdivision of land with respect to property located at 8 Perry's Hill Way and Old County Road, Truro, MA, map 54, parcel 67. Interim Town Planner Carboni stated that the Board would move forward on this ANR and that the applicant previously indicated that he wanted to remain on the agenda. Truro Office Assistant Sturdy commented that the applicant was on the call but not on it now, but she would attempt contact. Vice Chair Tosh noted that Interim Town Planner Carboni had stated in her staff report that the criteria of a minimum of 150' frontage is not met although it will not be used as an access.

Mr. Soule now joined the meeting via telephone.

Mr. Soule stated it was a 3-acre parcel, has an old house on the property, and the applicant wants to divide the property into 2 lots. The property has more than minimum frontage and not on a wetland. Member Kiernan referenced a bylaw that requires a minimum distance between two lots. Mr. Soule stated that at the narrowest point there is a separation of 30' and Mr. Kiernan thought the requirement was 50'. Member Kiernan was unsure that the bylaw pertained to the property since it was so old and that the ZBA may have to approve. Interim Town Planner Carboni pointed out to Member Kiernan that in Table on 50.1, (page 49, lot shapes) after April 3, 2004, will not be less than 50' wide on Lot #2 as measured by opposite sidelines. Member Kiernan suggested to Mr. Soule that he should seek relief from the ZBA. Vice Chair Tosh noted that since there were only four Members present, she asked Interim Town Planner Carboni if this should be continued for another meeting or may the Members approve the plan with notation. Interim Town Planner Carboni noted that there had to be a notation of nonconformity. Vice Chair Tosh stated that she wanted to help this applicant and it would be a shame to deny this application. Interim Town Planner Carboni stated that she wasn't recommending a denial of the application, but the Board can endorse it noting nonconformity. Member Riemer noted that the lot was being created in 2020 so it must conform to any Bylaws. Member Riemer inquired about the size of the lots and whether the setback is enough. Member Sollog stated that this situation is a pre-existing nonconformity, and that relief could be easily obtained from the ZBA. Member Sollog further stated that one can't change things like that. Vice Chair Tosh asked for additional comments from the Board and

wished not to have a negative outcome for this applicant. Member Kiernan suggested that the applicant go to the ZBA first and then come back to the Planning Board. Interim Town Planner Carboni opined that since the lots have not yet been divided the Planning Board may proceed moving forward or continue the hearing. Mr. Soule expressed that the Planning Board was obligated to approve the ANR based upon that the parcel is or is not a subdivision. Mr. Soule further stated that the Planning Board doesn't approve the application but votes to endorse. Mr. Soule offered to annotate the plan with the nonconformity of Lot #2 yet Member Kiernan suggested a notation that Lot #2 conformity is in violation of existing Bylaw regarding conformity. Member Riemer suggested that upon approval, the applicant may create 3 lots and sell them off. Mr. Soule responded that that would be fraud and he will not do that. Mr. Soule will then move forward to a continuance until the next Planning Board and expressed concern that the applicant has waited a year for this action by the Planning Board.

Member Kiernan made a motion to endorse the plan as an ANR along with an additional notation that Lot #2 is in violation of Section 50.1.a., note #9, along with a notation of the 30' separation at the narrowest point.

Vice Chair Tosh seconded the motion.

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

Mr. Soule will submit a new plan and Vice Chair Tosh thanked Mr. Soule who said good evening.

Mr. Soule left the meeting.

Vice Chair Tosh reviewed Chair Greenbaum's draft letter dated August 18, 2020, regarding Cloverleaf. Member Riemer noted that he is not in support of blanket support of listed recommendations. Member Kiernan is also not in support, and he is more in support for the Board of Health members who will review anything that comes out of the ZBA. Member Kiernan is concerned about water issues and strongly feels that the Board of Health has kept the town's water sources safe. Vice Chair Tosh stated that she is not comfortable with supporting the Board of Health Members with a blanket endorsement when she doesn't know what they will say as it may be something that the Planning Board may not agree with. Members Sollog and Riemer agreed with Member Kiernan and Vice Chair Tosh also agreed. Interim Town Planner Carboni opined that it is up to the Planning Board's consensus, and it is to offer advice to the ZBA and pertinent information may be provided. Member Riemer would like to add that on page 4, last paragraph, "heritage and community character should be given equal weight as to the other integral goals." Member Riemer further added that a final sentence be added after the paragraph: "The Board needs to balance the need for affordable housing against concerns for public health, safety, rural character, and groundwater protection." Interim Town Planner Carboni opined that "heritage" so it was removed by Vice Chair Tosh with consensus by the other Members. Member Kiernan commented that there is still more information (for example, cross-sectioning) should be required by the Planning Board but Interim Town Planner Carboni opined that would go beyond what the statute required which is only a preliminary plan. Members added the sentence "The visual impact of the all the buildings together is equally as important as a view of the buildings individually." Vice Chair Tosh will add the new comments and provide to Chair Greenbaum so it will be included in the packet to the ZBA by their next meeting.

Vice Chair Tosh pushed the last three items on the agenda: discussion of Certified Abutter's List Request Form, discussion for goals for FY2021, and the discussion for setting dates for future Board public workshops to the next meeting. No objections.

Member Sollog stated that he will be in Pennsylvania for the month of October, and he will also notify Chair Greenbaum.

Member Kiernan made a motion to adjourn at 7:24 pm.

Member Sollog seconded the motion.

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

