



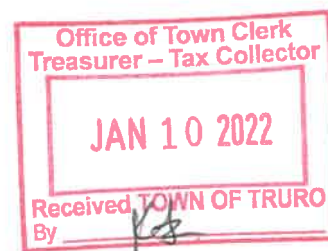
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 27, 2021 – 2:30 pm

REMOTE PLANNING BOARD WORK SESSION



Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; R. Bruce Boleyn; Peter Herridge; Rich Roberts

Members Absent: One open membership on the Board

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Fred Gaechter – Member of the Climate Action Committee (CAC)

Remote meeting convened at 2:32 pm, Wednesday, January 27, 2021, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Chair Greenbaum welcomed Rich Roberts as the newest Member of the Planning Board and noted that he was not yet sworn in, but he was able to attend this meeting as it was a work session only. Chair Greenbaum then asked Members to introduce themselves. Member Roberts expressed his appreciation to the Members and looked forward to working with them. Chair Greenbaum commented that the other Members were available to assist Member Roberts in anyway.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum and there were no individuals who made public comments.

Work Session

Chair Greenbaum opened the joint meeting with Members and Mr. Gaechter of the CAC. Chair Greenbaum gave a brief overview as to the necessity of the joint sessions between the Planning Board, represented by Member Riemer, and the CAC, represented by Mr. Gaechter. Mr. Gaechter introduced himself to Member Roberts and noted his public service to the Town of Truro as a former Member of the Select Board, and current President of the Truro Conservation Trust (TCT). Additionally, Mr. Gaechter serves on the CAC and on the Walsh Property Committee. Mr. Gaechter stated that he had seen Member Roberts' interview last night and he was impressed. Mr. Gaechter further told Member Roberts that he was glad to see Member Roberts serve the community and that he looked forward to Member Roberts' participation. Member Roberts thanked Mr. Gaechter.

Mr. Gaechter provided a summary as to how the Planning Board and CAC joined forces to deal with environmental and climate change issues. The TCT had recently purchased a couple of pieces of property on Laura's Way overlooking Pilgrim Pond when a buyer purchased 10 Laura's Way and clear-cut the property prior to new home construction which was an embarrassment. Mr. Gaechter advised the CAC to develop a rule or regulation that would inhibit the removal of trees, or bushes, from an environmental perspective or climate change perspective. The CAC agreed to take this on as a project and contacted the Planning Board to collaborate and bring progress to each committee. Mr. Gaechter stated that the TCT has an internal policy that the TCT does easement trimming on its trees when abutters ask for clearing trees which have matured. In the event of a tree removal to improve an abutter's view, the TCT required a similar tree be provided by the abutter for planting on the TCT property. Mr. Gaechter pointed out that small plants (such as mushrooms) along with trees and bushes are critical for carbon sequestration. Mr. Gaechter suggested that it would be helpful to enlist an arborist to participate in an advisory capacity for regulation creation. In addition to construction, Mr. Gaechter also opined that water views are very significant to residents' property values so clear-cutting is common year-round and proper irrigation for plant survival are areas which the Planning Board and CAC may want to address through regulation or bylaw. Mr. Gaechter turned over the discussion to Member Riemer who thanked him. Member Riemer recognized that the clear-cutting on Laura's Way but also added that there was an earlier significant incident that occurred previously several years earlier in Truro. The environmental incident was at a primitive campground area, known as the Adventure Bound site, and is currently under litigation with a "stop work" order. Member Riemer commented that this issue occurred at residential lots but at commercial lots as well. Member Riemer further added that the Planning Board and CAC should also consider setbacks and he has reviewed five Truro bylaws which identify the value of natural ground cover. Chair Greenbaum thanked Mr. Gaechter and Member Riemer for their input and then asked Members for the general reactions to what was stated. Member Kiernan told Member Roberts that he has been involved with the Planning Board on and off since 1992. Member Kiernan pointed out that the bylaw has a definition for "lot coverage" but it has not been used. Member Kiernan added that the bylaw does have a requirement that nothing be built within 25' of the lot line and that may be a place to start. Member Kiernan recommended that language that may be acceptable at the upcoming ATM may state that "within the lot line setback the natural environment shall be preserved." Member Kiernan stated that would make it very clear that clear-cutting was not permitted.

Chair Greenbaum noted that the Planning Board only does Site Plan Reviews only in the Seashore District and not in the Residential District. Chair Greenbaum added that the language that Member Kiernan recommended is one concept and wanted to hear from other Members. Chair Greenbaum called on Member Herridge for his input and he stated that he had no comment. Chair Greenbaum then asked Members if there should be a requirement of a minimum percentage of ground cover on a lot such as to prevent "Greenwich, Connecticut lawns". Vice Chair Sollog commented that he didn't have a path forward now, but he would have a problem if he bought an empty \$100,000 lot in Truro and then was told that he couldn't do what he wanted with the lot. Vice Chair Sollog said he fully supported that it was time to keep Truro beautiful and that lawn regulations would be difficult to achieve. Vice Chair Sollog further added that residents should be persuaded to do the right thing with literature and education during the Truro building permit application process. Mr. Gaechter noted that in his neighborhood, that is governed by a covenant, the residents who purchase property there are grateful for the protection of the environment and it is a positive reason why they purchase. Mr. Gaechter opined that there are ways of convincing people that protecting the local environment around them benefits them because it increases their property values, and it increases their experiences living in Truro. Mr. Gaechter said that he is not as pessimistic as others and that the solution may be both

voluntary and regulatory. Member Riemer thanked Mr. Gaechter and Vice Chair Sollog for their comments and added that any proposals should be well thought out and a clear stated purpose. Member Kiernan asked Interim Town Planner and Counsel Carboni if she knew a way to prevent clear-cutting and Interim Town Planner and Counsel Carboni said that she didn't have a legal answer beyond current regulations. Interim Town Planner and Counsel Carboni opined that this may be more a situation of culture within Truro and what the residents may express at the ATM. Member Kiernan noted that there is not a lot of forest remaining in Truro, so he suggested exploring what other Cape towns have done successfully in eliminating or reducing clear-cutting. Mr. Gaechter said that he had checked with the Cape Cod Commission (CCC) that also provided him with a model bylaw that addressed this issue. Mr. Gaechter added that not one Cape town had passed a bylaw which prohibited clear-cutting. Chair Greenbaum stated that the key may be in restricting clear-cutting in the setbacks and Member Riemer pointed out that education to maintain the preservation of the natural habitat. Member Riemer suggested proposing a general bylaw at the next ATM as only a majority is required to approve. Next steps for Mr. Gaechter and Member Riemer were discussed and Mr. Gaechter asked for what the general bylaw would be. Chair Greenbaum also suggested that the Planning Board could look at its current bylaws to see if the Planning Board could amend a current bylaw. Mr. Gaechter asked what enforcement tools were available to pursue violators of bylaws and Interim Town Planner and Counsel Carboni stated that citations would go through District Court and other complaints would go through Land Court. Chair Greenbaum suggested that regulations may be a way to raise this issue and encourage Truro residents to maintain a natural buffer within the setbacks. Presenting this at ATM, Chair Greenbaum opined, may also be a good way to measure public support and then determine if a bylaw later would be supported by the residents. Member Kiernan also suggested utilizing the Building Inspector and the Conservation Commission in this process. Chair Greenbaum said speaking with the Building Inspector would determine if this would be feasible and Vice Chair Sollog stated that he would support a handout encouraging the preservation of the natural environment within the setbacks be distributed to the applicant at the time of applying for a building permit. Chair Greenbaum said that she and Mr. Gaechter would review their notes and determine the steps forward for Mr. Gaechter and Member Riemer. The Members thanked Mr. Gaechter and he left the meeting.

Chair Greenbaum then opened the discussion of the Growth Management Bylaw (40.6) that expires on December 31, 2021. The bylaw limits the permits for 40 single-family houses in any calendar year with carryover to the next year. Chair Greenbaum provided historical data for the building permits issued for new single-family units over the last four years:

- 2020 – 12 permits issued
- 2019 – 3 permits issued
- 2018 – 20 permits issued
- 2017 – 12 permits issued

Member Herridge suggested that reducing the permits from 40 to 20. Member Kiernan stated that he didn't want the bylaw to expire. Member Riemer stated that the cap is necessary to ensure the rural character of Truro and preservation of natural resources. Member Riemer and Member Herridge both suggested that condominium conversions should be addressed as well. Member Roberts said he favored the reduction of building permits and the removal of the carryover provision. Chair Greenbaum stated that there was unanimous support of Member Roberts' suggestion by the other Members and further noted that the current bylaw limited building permits to a maximum of six (6) per month. Chair Greenbaum asked if any Members were aware of how the monthly limit was determined and Member

Roberts suggested that it may be what Town Hall could manage. Chair Greenbaum said it may be more of an equity thing based upon the time of year that a buyer buys a vacant lot. Member Kiernan would like to gather the data of monthly building permits from 2015 to the present so the Planning Board could review the information. Member Roberts suggested that it is more important to focus on an annual number versus the monthly number. Member Riemer said that previously the Planning Board would receive a monthly printout of building permits issued by the Town of Truro and Chair Greenbaum said that she would coordinate for this information starting this month. Chair Greenbaum summarized the Planning Board's collective agreement towards Bylaw 40.6 this evening:

- Await the building permit data to be collected by Member Kiernan and reviewed by Members
- Reduce the number of building permits by half
- Remove the carryover provision
- Not touch the number of building permit applications by month

Chair Greenbaum emphasized the need for public input as well as the inclusion of local contractor input. Member Kiernan opined that if contractors supported the changes, it would be well received by the public. Chair Greenbaum then reviewed the list of Truro contractors with additions made by Members. Interim Town Planner and Counsel Carboni asked if attorneys should be included as eventually attorneys do get involved. Chair Greenbaum said that "maybe" attorneys could be added, and Member Kiernan suggested the addition of several realtors. Chair Greenbaum noted that realtors could be a "maybe".

Chair Greenbaum then opened the discussion on the Report of the Impact of the Residential District House Size Bylaw. Chair Greenbaum noted that in the Members' packets were the information that Planning Board could use and a copy of the Chilmark report two years after Chilmark passed a similar bylaw. Chair Greenbaum noted that the one piece of information she and Member Kiernan could not obtain was total square footage. Chair Greenbaum noted that in the Residential District, between November 2017 to the present, there were no special permit applications to the ZBA for extra square footage. Members expressed their surprise at this information and Member Herridge opined that land in the Seashore District was more expensive and that may be the disparity. Chair Greenbaum stated that they can obtain the number of new single-family homes and the number of alterations for living spaces but didn't include installation of insulation or new roofs. Member Kiernan also looked at the cost of the building permit to assess the building project costs and examined what percentage of the project money stayed in Truro. Chair Greenbaum asked Members for their input and Member Riemer noted that any development had an impact on Truro's carbon footprint, and he wanted to link that issue to this discussion. Member Boleyn added that in addition to lengthening the process the answer that Member Riemer is seeking may not be determined at this point. Chair Greenbaum stated that she and Member Kiernan have their next steps and their assignment.

Chair Greenbaum once again welcomed Member Roberts. Chair Greenbaum reminded Member Kiernan that she and he needed to meet with Truro Office Assistant Sturdy this week to sign Member Roberts' appointment. Chair Greenbaum asked for a motion to adjourn.

Member Boleyn made a motion to adjourn at 4:04 pm.

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

All the Members warmly welcomed Member Roberts to the Planning Board before the Members left the meeting.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

