



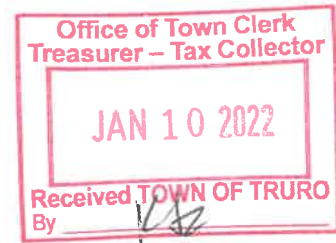
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 6, 2021 – 5:00 pm

REMOTE PLANNING BOARD MEETING



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

Members Absent: One open membership on the Board

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Christine Van Genderen – Applicant; T-Mobile Northeast, LLC – Applicant; Anne Peretz – Applicant; Ben Zehnder – Attorney for Christine Van Genderen, Anne Peretz, and Samantha Perry; Dan Costa – Architect for Anne Peretz; Brad Malo – Engineer for Anne Peretz; Don Poole – Land Surveyor for Christine Van Genderen and Nathan Nickerson III; Adam F. Brillard – Attorney for T-Mobile Northeast, LLC – Applicant

Remote meeting convened at 5:00 pm, Wednesday, January 6, 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.

Public Comment Period

Chair Greenbaum asked Truro Office Assistant Sturdy to ask Caller #2 to identify themselves, and Caller #2 identified herself as Anne Peretz.

Public comment, for things not on the agenda, was opened by Chair Greenbaum. Ms. Ellen Anthony was recognized, and she stated that she wanted to provide comment on a topic that was on tonight's agenda and Chair Greenbaum told her that she would have the opportunity to comment at that time.

Public Hearing (Continued)

2020-005/SPR – Katherine S. Cook and Christine Van Genderen for property located at 38 Cliff Road, Truro, MA (Atlas Map 32, Parcel 19, Registry of Deeds title reference: Book 33307, Page 344). Applicants seek a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for an addition to the east side of the house, reconfiguration of the interior space, and a new screened porch with second floor deck to the north side of the house to an existing 28,010 square foot parcel in the Seashore District. Chair Greenbaum announced that this was a continuance of a previous public hearing from the Planning Board's last meeting. Interim Town Planner and Counsel Carboni stated that at the last meeting the applicant was asked by the Planning Board to provide a zoning table and a stamped plan to the Members for their review. Chair Greenbaum invited Mr. Zehnder to comment. Mr. Zehnder said that at the last meeting there were several things requested by the Planning Board: 1. a contour plan so the shed area would be more clearly defined (now provided), 2. Planning Board wanted the 12' work limit

shown on the ground with flags (both done and produced), 3. a stamped gross site area calculation as one of the Members had said that there was no gross floor area measurement included in the application. Mr. Zehnder said that he reviewed the last meeting's video recording and Chair Greenbaum had stated that it would be acceptable to use the measurement's included in Mr. Smith's (applicant's architect) drawing so Mr. Zehnder asked the Planning Board to accept Mr. Smith's previous submission, but if that was unacceptable, Mr. Zehnder would ask Mr. Poole (the applicant's engineer) to provide that information to the Planning Board. Mr. Zehnder's concern was that it was in the best interest of the applicant that the Planning Board's decision was rendered prior to the applicant's appearance in front of the ZBA's upcoming meeting without another Planning Board delay or additional cost to the applicant. Mr. Zehnder also said that he hoped that the applicant's earlier and most recent submissions were acceptable to the Planning Board and that approval would occur this evening. Chair Greenbaum thanked Mr. Zehnder and apologized for her comment during the previous hearing that Mr. Smith's measurements as detailed in his drawing were acceptable as that was a mistake. Member Kiernan thanked Mr. Zehnder and Mr. Poole for outlining where the 12' work area would be and properly flagged as he was at the property yesterday and all was in order. Member Kiernan said he would like to also see the table on the plan but that would not necessarily stop a Planning Board approval. Member Kiernan stated that Mr. Zehnder could help the Planning Board by speeding up the process if he provided a letter or an email from the CONSCOM (Conservation Committee) even it didn't want to be involved as that it would still be helpful. Member Kiernan further said that during the Planning Board onsite visit that Mr. Zehnder said that the National Park Service (CCNS) had not been in touch and so the applicant was not concerned. Member Kiernan asked Mr. Zehnder if he had indeed received the email from the CCNS and would Mr. Zehnder comment on the email. Mr. Zehnder replied that he didn't say that the CCNS wasn't concerned but what he had said was that if the CCNS did not provide a letter that it generally indicated that it was not concerned and sometimes the CCNS' letters arrived late during the process. Mr. Zehnder stated that the CCNS' email arrived before the last hearing and that he had responded to the CCNS concerns and the Planning Board's questions at that time, but he would be happy to repeat his comments from the last hearing. At this point, Interim Town Planner and Counsel Carboni shared her screen so everyone could view the CCNS' email concerning this matter. After reading it, Mr. Zehnder stated that regarding the CCNS' concern about scaling and massing that based on lot size under the Truro zoning bylaw (for lots within the Seashore District) this project has only 2,140 square feet of gross floor area. Mr. Zehnder opined that based on lot size, this property is allowed by right to go to 3,126 square feet of gross floor area, and with special permit, go up to 4,126 square feet of gross floor area. Mr. Zehnder then added that for these reasons alone the CCNS' concern about this topic was pointless as the project's gross floor area would be well below by right (986 square feet of gross floor) than the allowable 3,126 square feet of gross floor area. Mr. Zehnder further commented that this project located along High Head, when compared to recent building along Cliff Road, is vastly smaller when compared to the newer construction. Finally, regarding the question raised by the CCNS' Planner, Lauren McKean, about her allegation that there is no Certificate of Suspension from Condemnation (CSC) for the property because it is ineligible, Mr. Zehnder responded that it is not germane to the Planning Board and that if the CCNS wants to revoke a CSC, or attempt to seize a property under eminent domain, this does not have anything with the zoning process within Truro's Planning Board or ZBA. Mr. Zehnder concluded that he hoped that his comments were sufficient for the Planning Board at this time. Chair Greenbaum thanked Mr. Zehnder and asked for comments. Interim Town Planner and Counsel Carboni asked to share the screen again with the specifics of all the applicant's tables which show gross floor area so the Members can decide on the application tonight. Mr. Zehnder stated that the information can be found in a PDF entitled 38CliffRoadPlansStamped.pdf to assist Interim Town Planner and Counsel Carboni and is contained in tonight's packet. Mr. Poole commented that he works outside the structure so his measurements would not align with Mr. Smith's measurements which are

the architect's interior measurements. Interim Town Planner and Counsel Carboni further stated that a stamped plan by licensed professional with dimensions indicated could be incorporated into a decision and relied upon by everyone and the building inspector. Mr. Zehnder did reiterate that the gross floor area was included in the stamped architectural plan submitted by Mr. Smith. Chair Greenbaum commented that the big picture is that everything should be on the plan and should have been included in the original plan but further stated that any other additional documentation required by the Planning Board tonight would be added as a condition of the applicant's approval. Interim Town Planner and Counsel Carboni shared her screen and asked Mr. Zehnder if the 1,020 square feet indicated the gross floor area for the first floor on the stamped plan and Mr. Zehnder replied that was the gross floor area of the current structure and that the new gross floor area would be 1,252 square feet of gross floor area along with 373 square feet of porch/deck which is not included according to the bylaw. Mr. Zehnder offered to have new tables provided for current and proposed gross floor areas and Interim Town Planner and Counsel Carboni agreed that this would be the way to proceed as other boards will need this information. Member Riemer asked Interim Town Planner and Counsel Carboni if a voluntary demolition of a non-conforming structure (Angus v. Miller in 1977) does the house and land lose their non-conforming status until they are brought back into conformity. Interim Town Planner and Counsel Carboni opined that the property owner of a non-conforming dwelling is entitled under 40A §6 to alter or extend or reconstruct a non-conforming structure and bring it into conformity. Interim Town Planner and Counsel Carboni further stated that if the property owner is expanding a non-conformity structure, and not bringing it into conformity, the property owner would be required to receive a special permit granted by the ZBA and not the Planning Board. Member Riemer thanked Interim Town Planner and Counsel Carboni for her input. Chair Greenbaum asked Members if they had any other questions or concerns and there were none. Chair Greenbaum then opened the discussion to the owner or the public and asked for questions or concerns about the project. Mr. Rich Roberts asked if the applicant's address for permit was correct as it was a Connecticut address with a New Hampshire zip code. Ms. Van Genderen confirmed that the zip code is 06880 for Westport, CT. Chair Greenbaum thanked both individuals for their comments. When asked by Chair Greenbaum if she would like to provide additional comments, Ms. Van Genderen made no comment, so Chair Greenbaum asked for a motion to close the hearing.

Mr. Kiernan made a motion to close the public hearing in the matter of 2020-005/SPR.

Member Herridge seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced that the hearing is closed and asked if the Planning Board was ready for a vote. Interim Town Planner and Counsel Carboni noted that she had prepared a draft decision and reiterated that it was complete, except for several items discussed this evening but could be easily added, and available to Members. Chair Greenbaum confirmed that Members had the draft decision in front of them but asked Interim Town Planner and Counsel Carboni to share her screen with the draft decision that was included in the last hearing packet. Member Kiernan asked for those items which require special permit to be granted by the ZBA, so the Planning Board doesn't miss anything. Interim Town Planner and Counsel Carboni shared her screen that included the draft decision, which was provided at the December 16, 2020 meeting. Interim Town Planner and Counsel Carboni added that she would have to add the CCNS' email and add the gross floor area (to which Mr. Zehnder noted that those measurements are correct in Ms. Carboni's draft decision to which Ms. Carboni said that the measurements on the stamped plan and on the draft decision should be aligned). Chair Greenbaum added that the information provided by Mr. Zehnder was helpful. Chair Greenbaum then noted the table should be included to which Interim Town Planner and Counsel Carboni said that it wasn't

necessary but if the Planning Board wanted to put it in as a condition that would be fine. Chair Greenbaum said that she would like to see a revised stamped architectural plan including a complete zoning table with all required items and Vice Chair Sollog agreed with Chair Greenbaum so Interim Town Planner and Counsel Carboni will include these conditions in the draft decision. Member Kiernan also noted that the structure sits on High Head and that in accordance with the Truro bylaw no exterior lights should be seen on abutting properties and Route 6. Mr. Zehnder had no objection to this and offered that as a condition that all exterior lights conform to the Truro bylaw. Interim Town Planner and Counsel Carboni read the bylaw that included language about "light trespass" and "light below". Interim Town Planner and Counsel Carboni said that she will include this in the draft decision and Member Kiernan was agreeable to this. Interim Town Planner and Counsel Carboni recommended a motion to approve the Site Plan Review application, as amended so Chair Greenbaum asked for this motion to approve.

Member Boleyn made a motion to approve the Site Plan Review, and the decision with conditions, in the matter of 2020-005/SPR.

Member Kiernan seconded the motion.

So voted, 5-1, motion carries.

Chair Greenbaum announced that the application and decision are approved. Ms. Van Genderen and Mr. Zehnder thanked the Planning Board for their time and decision before they left the meeting.

Public Hearing

2020-014/PB – T-Mobile Northeast, LLC for property located at 344 Route 6 (Atlas Map 39, Parcel 172A). Applicant seeks a Special Permit under Section 40.5 of the Truro Zoning Bylaw to modify its existing antenna facility on the tower located at 344 Route 6 by replacing three (3) existing panel antennas with three (3) new panel antennas. The new antennas will be installed to be consistent with the original decision by the Planning Board. Chair Greenbaum announced the Planning Board's remote meeting policy and that the hearing will be opened today and continued at the next meeting so no decision will be made today. Chair Greenbaum and Truro Office Assistant Sturdy asked for Caller #3 to identify themselves and the unidentified caller left the meeting prior to the introduction of Mr. Brillard. Mr. Brillard introduced himself as an attorney of Prince Lobel Tye, LLP in Boston, Massachusetts and representing T-Mobile Northeast, LLC. Mr. Brillard provided a brief overview of the Special Permit application as stated above as well as the minimum modifications. Mr. Brillard reviewed, without Members' objection, the six criteria of the Eligible Facility Request (EFR) under Section 409 of the Spectrum Act, which is applicable for this Special Permit application. The first requirement that the increase does not exceed 10' or 10% of the height of the tower and this project will not increase the height of the tower so it will stay at 170'. The second criteria are that the modifications do not protrude from the tower by more than 20' and this application complies with this requirement as the protrusions will vary from 8'-10'. The third requirement under the EFR does not add more than four radio cabinets to carry this equipment and the net total for this proposal are two radio cabinets. The fourth requirement is that there is no excavation outside of the existing site and this application complies. The fifth requirement is that the proposal for the modifications do not exceed any existing concealed or stealth design and that is the case in this application. The sixth requirement is that the modifications comply with prior conditions of the approval of the tower and that is the case here. Mr. Brillard also opined that the public would benefit from approval and that the application adheres to all local bylaws. Chair Greenbaum asked Interim Town Planner and Counsel Carboni for her input. Interim Town Planner and Counsel Carboni stated since this applicant has requested swapping out equipment that had previously been approved, she advised the applicant not to provide detailed technical information in

this application as it is not a new tower, nor would the applicant need to provide waivers for items which had previously been approved. Interim Town Planner and Counsel Carboni also noted that the Planning Board can make findings consistent with special permit requests and she viewed the EFR as redundant, but the Planning Board can decide. Chair Greenbaum opened the discussion to the Members to ask questions or express concerns. Member Kiernan asked Mr. Braillard if the applicant is swapping out equipment and Mr. Braillard confirmed this. Member Kiernan commented that there was a concern about noise expressed by neighbors near the site and asked Mr. Braillard to ensure that the cables didn't create more "whistling" and the neighbors would be happy. Member Kiernan also noted that the addition of the cellular towers in Truro was in the public's best interest as a significant number of 9-1-1 calls to Truro's emergency services originated from cellular phones. Member Riemer asked if the abutters to the tower site had been notified and Truro Office Assistant Sturdy confirmed that they had. Vice Chair Sollog asked Mr. Braillard if it is current practice that someone from T-Mobile Northeast, LLC visits the site monthly, and Mr. Braillard stated that the equipment was checked monthly. Vice Chair Sollog commented that in the application it stated that the Town engineer would be onsite during the project and Vice Chair Sollog expressed doubt that the Town engineer would go up 170' tower. Vice Chair Sollog asked Mr. Braillard if photographs would be available to prove that unusable cables were removed and asked if T-Mobile provided RF monitors were provided to T-Mobile employees working on the site. Mr. Braillard stated that RF monitoring is required for employees onsite and contractors in accordance with OSHA regulations and T-Mobile policies. Mr. Braillard also noted that any old equipment will be removed, and he said that he didn't think that photographs would be an issue, but he would have to check with T-Mobile. Member Boleyn asked Member Riemer if he had identified any improperly disposed T-Mobile equipment at the Truro transfer station and Member Riemer said that he was unable to do so. Chair Greenbaum asked for any other questions or concerns from Members and there were none. Chair Greenbaum asked the public for their input and there were no comments or questions. Chair Greenbaum asked for a motion to continue the hearing until the next meeting on January 20, 2021.

Member Boleyn made a motion to continue the hearing in this matter to January 20, 2021.

Member Herridge seconded the motion.

So voted, 5-0-1, motion carries.

Chair Greenbaum thanked Mr. Braillard and told him that the Planning Board will see him again on January 20, 2021. Mr. Braillard thanked the Planning Board and left the meeting.

2020-006/SPR – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nominee Trust. for property located at 112 North Pamet Road, Truro, MA, (Atlas Map 48, Parcel 1). Applicants seek a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for demolition and removal of existing single-family dwelling in the Seashore Zoning District and the construction of a new smaller dwelling at a new location set back from the coastal bank. The existing dwelling is at risk of sudden destruction due to storm-driven coastal bank erosion in its current location. Chair Greenbaum announced the Planning Board's remote meeting policy that the hearing would continue over two sessions to give the public enough time to provide comment and that no decision would be rendered this evening. Chair Greenbaum asked the applicant for an overview and stated that the goal was for the Members to identify concerns and give the applicant the opportunity to address those concerns. Mr. Zehnder introduced himself as the applicant's attorney and then introduced Ms. Peretz (applicant) who joined the meeting via phone, Mr. Costa (project architect) who joined via GoToMeeting, as well as Mr. Malo (project engineer). Mr. Zehnder then acknowledged that there was a glaring error in the application package that the zoning table with gross floor area was not included in

the architectural plan and Mr. Zehnder said that a stamped architectural plan would be submitted prior to the next meeting yet he would provide the numbers during his presentation this evening. Mr. Zehnder offered an apology to the Members for the missing information and then provided a brief overview of the application. Mr. Zehnder told the Members that Ms. Peretz is the longtime property owner and there was an existing home on the property. Mr. Zehnder said the reality is that the home must be moved back before it goes over the bluff and that Ms. Peretz has elected to remove and demolish the home, saving many elements of the home to include the windows and other materials, and then build a new home along the southerly line of the property. Mr. Zehnder said that the current structure has a gross floor area of 3,167 square feet and the new structure's gross floor area will be reduced to 2,977 square feet which is a reduction of approximately 200 square feet. Based upon lot size, Mr. Zehnder stated that the by right allowable site coverage is 3,660 square feet so Ms. Peretz is well within the by right number. Mr. Zehnder added that the applicant needs Residential Site Plan Review approval from the Planning Board and two permits from the ZBA. The applicant requires a special permit from the ZBA for the alteration of a structure on a non-conforming lot as there is no frontage and a variance since the proposed location of the new structure is 5' from the southerly lot line and that variance application will be heard by the ZBA on January 25, 2021. Mr. Zehnder also said that approval is needed from the Conservation Commission for the removal of the existing home. Mr. Zehnder said that the new home will be in the typical style of other homes in the area, the driveway will be shorter, and the down lighting plan conforms to the bylaw. Mr. Zehnder concluded that it was his hope that the application be approved at the next Planning Board meeting and that he, along with the applicant and her representatives, are happy to answer any questions. Chair Greenbaum asked Interim Town Planner and Counsel Carboni if she had anything to say and she said that she did not. Chair Greenbaum asked Mr. Zehnder about the size of the lot now as the property has been reduced by erosion and he said that he was unsure. Mr. Malo added that the property has suffered from erosion, but he doesn't have the current measurements. Member Herridge commented that he is concerned about the new driveway and whether it would be an eye sore so Mr. Zehnder assured him that it would not be visible from North Pamet Road. Member Herridge thanked Mr. Zehnder for his comment. Member Kiernan asked Mr. Zehnder if he had seen the letter from the Cape Cod National Seashore (CCNS) that arrived today to the Planning Board. Mr. Zehnder said that he had as Interim Town Planner and Counsel Carboni had provided him with a copy. Mr. Zehnder said that the letter is consistent with CCNS' stance over the last decade on new structures to be built within 10' of the lot line and the CCNS had asked the applicant to build the new structure a minimum of 10' away from the lot line. Mr. Zehnder also added that the CCNS' letter didn't express any concern over massing and density. Interim Town Planner and Counsel Carboni shared her screen so all parties could view the CCNS letter. Member Kiernan asked the applicant if the current paved driveway will be left in place and Mr. Zehnder said that he didn't know but he could get an answer by the next meeting. Mr. Malo added that part of the driveway will be removed, as indicated in the site plan, but some of the driveway will remain as it provides access to the septic system. Mr. Zehnder confirmed that the site plan does indeed show a partial removal (up to 50%) of the paved driveway and Chair Greenbaum asked Mr. Malo if the septic system could be pumped and removed. Mr. Malo replied that the septic system could be removed but he cited that in a casual conversation with the Health and Conservation agent it was viewed as a positive to leave the septic system in place. Chair Greenbaum also noted that the plan indicated an "abandoned septic tank" and Mr. Zehnder said that it would be removed. Member Kiernan asked Mr. Zehnder about a revegetation plan for the site of the removed structure and Mr. Zehnder commented that a revegetation plan falls under the purview of the Conservation Commission, and he was reluctant to provide that information to the Planning Board before a submission to the Conservation Commission. Interim Town Planner and Counsel Carboni opined that it is within the Planning Board's right to inquire about a revegetation plan and Mr. Zehnder said that the applicant will provide a revegetation plan along with a landscaping plan to the Planning

Board. Chair Greenbaum asked Ms. Peretz if she would like to speak, and Ms. Peretz assured the Planning Board that she can rebuild the property beautifully. Chair Greenbaum asked the public and neighbors to the property for comment. Ms. Ellen Anthony, of 48 South Pamet Road, stated that she was present at the site visit and had a few questions along with a concern. Ms. Anthony asked if the CCNS had provided input about the erosion of the dune around the property and she also provided a correction that part of the road coming off North Pamet Road previously referred to as the "driveway" is Higgins Hollow Road which is a public way. Ms. Anthony's concern is the 400% increase in the size of the proposed structure from the original cottage built by the Sweeney family. Ms. Peretz responded to Ms. Anthony's concern by providing a historical account of the property and her working with the CCNS to ensure compliance with CCNS regulations. Chair Greenbaum thanked Ms. Peretz and confirmed with Ms. Anthony that her concern is how does the Planning Board know that a permittee is doing what they are permitted to do. Chair Greenbaum assured her that the Building Inspector ensures that a permittee is doing what they are permitted to do before a Certificate of Occupancy will be issued and that structure must be what was permitted. Chair Greenbaum also noted that during the last five years, the Town now has a house size bylaw in the Seashore District and previously it was CCNS guidelines. Chair Greenbaum thanked Ms. Anthony and told her that she is welcome to the next hearing, and she may email any other concerns or questions to the Planning Board and the Interim Town Planner and Counsel Carboni. Vice Chair Sollog commented that the original home was built in 1991 and already must be moved so he suggested a slab may be more appropriate than a foundation to accommodate a future relocation of a home. Member Riemer thanked those who participated in this evening's hearing and pointed out the Town's responsibility to preserve the natural features and rural character of the Town inside the CCNS. Additionally, Member Riemer further stated that while he was on the site visit, he observed a carpet of broom crowberry along the footprint of the proposed structure and that the broom crowberry was identified by the Center for Coastal Studies as a species of special concern on the Commonwealth's rare plant list. Member Riemer stated that the Planning Board should set a 5' setback from the carpet of broom crowberry as a condition to protect it from the construction of the new structure. Member Riemer further stated that this would be a reasonable condition for approval. Member Kiernan recommended that Mr. Zehnder get someone to the property and mark all broom crowberry on the site plan as it can only be found in three places in the world: southern New Jersey, the end of Long Island, and Truro. Mr. Zehnder opined that this would fall under the National Endangered Special Act (NESA) or the Massachusetts Endangered Species Act (MESA) and he further stated that the engineers would have to submit a "take or no take" letter to the Commonwealth under the MESA provision and this condition proposed by Member Kiernan is beyond the Planning Board's authority and expertise. Interim Town Planner and Counsel Carboni opined that the Planning Board can request this information from Mr. Zehnder under the Site Plan Review process. Member Kiernan stated that he would be uncomfortable with an approval of this application if a "take" letter was submitted to the Commonwealth, so he offered a condition to approve only if a "no take" letter was submitted. Chair Greenbaum asked Mr. Zehnder if such a letter had been submitted yet to the Commonwealth and he stated that he would have to check on that and he would also request a review of the area to be disturbed as well. Mr. Zehnder recapped the items which were due to the Planning Board before the next meeting: a revised site plan which shows the new site of the dwelling along with all new calculations for height, scale off the area below the dune and provide new lot area above the dune area along with allowable square footage and will be included with the stamped plan. Chair Greenbaum thanked Mr. Zehnder. Vice Chair Sollog stated that he would be reluctant to approve an application that exceeded the Town's height bylaw and Mr. Zehnder stated that the height was exceeded by 1/10th of a foot but that may be reduced now that there will be a 10' setback instead of a 5' setback. Chair Greenbaum expressed a concern about the lighting, and she wanted to make sure that the tier and pathway lighting will not disturb the "Night Sky". Chair Greenbaum noted that she had not seen a

lighting plan and Mr. Zehnder said that down lights specification and technical data was provided. Chair Greenbaum recognized Amy Wolff, of 97 North Pamet Road, who said that she is a neighbor. Ms. Wolff is curious if the size of the new building exceeds the CCNS guidelines considering the sensitivity of the environment. Ms. Wolff said that there was a lot of construction on the property over the years and she also appreciated the considerations that Ms. Peretz has made. Chair Greenbaum thanked Ms. Wolff and asked for a motion to continue the hearing until January 20, 2021.

Vice Chair Sollog made a motion to continue the hearing in this matter to January 20, 2021.

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked the parties involved in this matter and those parties thanked the board then left the meeting.

Board Action/Review

2020-011/PB – Samantha Perry, Hillside Farm, LLC seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing Subdivision of Land with respect to property at 23 Perry Road, Truro, MA, Map 45, Parcel 131. Chair Greenbaum stated that the applicant has requested a continuance, via email, to January 20, 2021. Truro Office Assistant Sturdy stated that she had received an extension agreement from Mr. Zehnder before tonight's meeting to continue the hearing until February 3, 2021. Chair Greenbaum asked for a motion to continue the hearing to January 20, 2021.

Member Herridge made a motion to continue the hearing in this matter to January 20, 2021.

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked the Members and moved on to the Nickerson matter.

2020-001/PB – Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to M.G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325. Chair Greenbaum asked for input from the Members and Member Kiernan asked that in the Planning Board's decision include under "Findings" that the Planning Board noted that, at the time of the subdivision approval, the Planning Board determined that due to the narrow width of Hughes Road (at 23' wide) was also a factor in this decision. Interim Town Planner and Counsel Carboni added this amended finding in the decision document and Chair Greenbaum asked for a motion to approve the decision as amended.

Member Kiernan made a motion to accept the decision in this matter as amended.

Member Herridge seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked the Members and noted that this meeting had approached 2 hours and 48 minutes in length. Chair Greenbaum then suggested that the Planning Board address the Growth Management Bylaw, that will expire later this year, at the Board's January 13, 2021, workshop and this was agreed upon with no objection. Chair Greenbaum asked Members if they had received the Housing

Data Packet and Members replied in the affirmative. Chair Greenbaum stated that this is the beginning of collecting of three pieces of data to start a substantive conversation about housing. The first piece of data addressed what housing, by characteristics, was available according to the assessor's data base on December 20, 2020. The second piece of information was the Housing Production Plan which is the blueprint set of thoughts about how to improve the Town's stock of affordable housing only and not elderly housing or workforce housing. Interim Town Planner and Counsel Carboni clarified all 39 units in the Cloverleaf project, if approved, would count as SHI and fulfill several boxes on the Housing Production Plan. The third criteria would be the condominium associations approved for year-round use and how many been units have been approved for year-round use by the Select Board.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni for a Cloverleaf update. Interim Town Planner and Counsel Carboni said that the last meeting was continued until January 7, 2021. At the last ZBA meeting, the ZBA granted waiver of Article 14 of the Board of Health Regulations for the project. The ZBA also reviewed about half of the draft decision that was prepared and the ZBA will review the remainder of the draft decision at tomorrow evening's meeting. Chair Greenbaum asked Interim Town Planner and Counsel Carboni about Mr. Malone's (the Cloverleaf applicant) request to the ZBA that he needed to change the allocation of units by income level. Interim Town Planner and Counsel Carboni replied that the ZBA chair asked Mr. Malone to come back to the next meeting with an explanation as to why this changed and that this should be addressed at tomorrow evening's meeting.

Chair Greenbaum commented that the Members would have a work session next Wednesday with Habitat for Humanity and that Members should expect a PowerPoint from Habitat for Humanity in advance of the work session.

Chair Greenbaum asked for a motion to adjourn the meeting.

Member Herridge made a motion to adjourn at 8:02 pm.

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

