

TRURO PLANNING BOARD

Meeting Minutes

August 4, 2015 – 6:00 pm

Truro Town Hall, Truro, MA

Planning Board Members Present: Lisa Maria Tobia, Steve Sollog, Bruce Boleyn, and John Riemer;

Members Absent: Michael Roderick (excused); William Worthington (excused)

Others Present: Chester Lay, Slade Associates; Malcolm Meldahl; Cherie Mittenthal and Lisa Linnehan, Castle Hill Center for the Arts; Fred Gaechter, Truro Conservation Trust; Lester J. Murphy, Attorney; Richard Fishman; Regan McCarthy; Charleen Greenhalgh, Assistant Town Administrator/Planner and Shawn Grunwald

Ms. Tobia opened the meeting at 6:00 pm.

2015-005SPR Terrace Dunes Realty Trust, 179 Shore Road, Site Plan Review – Public Hearing

The applicant seeks approval of a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the construction of an accessory building to house a manager's unit and a storage garage. The manager's unit would be relocated from the existing building. The property is located at 179 Shore Road, Atlas Map 21 Parcel 2. Ms. Tobia opened the public hearing at 6:00pm

A letter has been received from Mr. Waldo, the applicant's representative, requesting a continuance to September 8, 2015. His request is based on the fact that approval for a site plan review requires a unanimous vote and not all Planning Board members were able to be present for tonight's meeting.

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the Board voted to continue the public hearing to September 8, 2015, so voted 4-0-0.

2015-005PB Nancy A. Dyer, 4 Sam's Way, Preliminary Subdivision

Representatives: Lester Jay Murphy, Esq. and Chester Lay, RLS

This is a continuation from July 21, 2015. The applicant seeks approval of a 1 Lot (including reconfiguration of the road) preliminary subdivision pursuant to MGL c.41, Section 81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 4 Sam's Way, Assessors Map 24, Parcel 13. This is a continuation from July 21, 2015.

One copy of the revised plan was made available to Planning Board members which shows the turning radius and the easement that was requested by the Board at the July 21, 2015 meeting. Mr. Murphy stated that an agreement with Samuel Dyer allowing for the easement is being drafted. Mr. Lay will provide additional copies of the revised plan to the Assistant Town Administrator/Planner. Mr. Lay also stated that there will be a number of waivers they will be requesting once they move forward to the Definitive Plan.

Mr. Murphy stated that the Building Inspector was consulted around the appropriateness of the 10 foot easement and whether this would result in a change to the setback for the existing structure on Samuel Dyer's property. Further, the Building Inspector has stated that the change in setback is acceptable because there is no change in the property line or area. Ms. Tobia asked who the dominant tenant on the easement is. Mr. Murphy stated that Nancy Dyer benefits from the easement while burdening the property of Samuel Dyer Jr. Mr. Riemer questioned if there would be the required frontage. The current requirement for measuring frontage was clarified by Mrs. Greenhalgh. The radius along the cul-de-sac is adequate for frontage. She further stated, in response to being asked, that she agrees with the Building Inspector's opinion that the plan is acceptable in terms of the setback.

Mr. Riemer and Ms. Tobia stated that they would like a legal opinion on the setback issue from the new Town Counsel. Mr. Murphy emphasized that there will be no change in the property line or area.

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the Board approved the preliminary plan on the conditions that Town Counsel gives a favorable opinion on the legality of the easement and the covenant from the original 1994 plan is addressed, so voted 4-0-0.

Mrs. Greenhalgh stated she will make the request to the Town Administrator for the legal opinion but the decision to obtain a legal opinion will be up to the Town Administrator.

Interview of Richard Fishman for Vacancy on Planning Board

Mr. Fishman stated he has lived in Truro for approximately 5 years but has been in the area for a longer period of time. He provided a list of his qualifications for the position including the Truro Recycling Committee and the Wellfleet Pay as You Throw Committee.

Mr. Boleyn asked about his former service on the two Committees. He also asked if Mr. Fishman had any suggestions for improving public relations. Mr. Fishman replied that listening to people is critical.

Mr. Riemer asked him about his vision for Truro today and going forward. Mr. Fishman stated he would like Truro to be more welcoming, especially to residents not native to Cape Cod and for Truro to be a more affordable place to live.

Mr. Sollog thanked Mr. Fishman for his willingness to serve.

Ms. Tobia stressed the importance of attendance at meetings.

Regan McCarthy came forward and asked if Mr. Fishman is comfortable enforcing the bylaws and asked if he had a personal agenda for applying for the vacancy. Mr. Fishman replied that his agenda was merely to serve. Ms. Tobia reinforced the need to follow the bylaws and to be consistent.

Payomet Performing Arts Center – Application for Temporary Sign Permits

The applicant seek approval for two (2) Temporary Signs (May 15 – October 15) for various events in two locations (Route 6 at Noons Heights Road and Route 6 at South Highland Road) and for one (1) Temporary Directional Sign (Aug. 15 – Sept. 14) to be located at South Highland Road at Old Dewline Road.

Mrs. Greenhalgh stated that a representative from Payomet was unable to attend the meeting but that this request was identical to their previous requests and is to fulfill the next 30 day period (Aug. 15 – Sept. 14.)

Mr. Sollog stated he works for Payomet but does not see a conflict with the sign requests.

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the temporary sign requests were approved, so voted 4-0-0.

Meldahl Realty Trust, Edgewood Road, Subdivision Plan Review and Discussion

Representatives: Chester Lay, Slade Associates and Mr. Malcolm Meldahl

Ms. Tobia stated for the record that she is a Truro Conservation Trust member.

Mr. Lay stated that Castle Hill Center for the Arts is under agreement to purchase lots 1 and 2 and that if the sale goes through, lots 3 and 4 will then be conveyed to the Truro Conservation Trust. They are before the Board to request that the present road conditions be allowed to remain to fulfil the requirements of the road construction. The road is currently a 12 foot wide concrete surface. He emphasized that the subdivision plan will not change and that the road construction is the issue at hand. It will be the plan and profile that will change.

Fred Gaechter, President of the Truro Conservation Trust came forward to affirm that once the purchase and sale agreement is executed, the Trust would own lots 3 and 4 and that they would be held in trust, never to be built on. The only traffic would be pedestrian traffic through walking trails from a parking lot over the Town-owned Lot 5.

Lisa Linnehan, Board President for Castle Hill Center for the Arts and Cherie Mittenthal, Director stated that they want the road to be constructed as outlined in the purchase and sale agreement. If the length of the road is shortened from the original plan as Mr. Meldahl is proposing, this would put the turnaround on lot 1, requiring an easement. Further discussion is required between the Meldahl Realty Trust and Castle Hill Center for the Arts to clarify the agreement. There was consensus among the Planning Board members that the road needs to be constructed with some sort of turnaround. A modification of plan and profile is needed before a decision can be rendered.

Review and Discussion on Proposed Zoning Reform

The discussion was continued from July 21, 2015 for the review, discussion and vote on whether to support Senate Bill No. 122 “An Act promoting the planning and development of sustainable communities” (aka Zoning Reform) and to send correspondence confirming said support.

Mr. Riemer stated that he is uncomfortable supporting the proposed zoning reform because he feels it does not reflect the vision for Truro. Further, he is very uncomfortable with the possibility for zoning changes to be made with a simple majority. Mrs. Greenhalgh stated that this change would not be automatic if the proposed zoning reform was approved. Any changes for the Town would first need to be approved at Town Meeting with the required two-thirds vote to make the change.

Mr. Riemer stated he cannot support the bill. Both Mr. Sollog and Mr. Boleyn agreed with Mr. Riemer.

On a motion by Mr. Riemer and seconded by Mr. Sollog, the Planning Board voted to not support Senate Bill No. 122, so voted 3-1-0 (Ms. Tobia opposed).

Public Comment Period - The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

Regan McCarthy came forward and asked that the Planning Board to consider the street definition and nonconforming roads issue, as this was part of the discussion on two issues during tonight's meeting. She would like the Planning Board to clarify it for the public, particularly for residents seeking to do property improvements that are non-health (e.g. septic) or non-safety related.

Review and Approval of Meeting Minutes

On a motion by Mr. Boleyn and seconded by Mr. Sollog, the Planning Board minutes from July 21, 2015 were approved, so voted 4-0-0.

Review and Approve 2016 Hearing/Meeting Schedule

The draft meeting schedule was reviewed and it was noted that due to the National Election being held on a proposed Board of Selectmen meeting date, the Planning Board may want to change their meeting date for November 2016 to avoid any scheduling conflict. In addition, a second meeting in December 2016 will need to be scheduled. Also noted was that the filing deadline has been moved to Mondays, unless otherwise noted.

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the Hearing/Meeting Schedule for the Planning Board for 2016 has been revised to move the November 16, 2016 meeting to Monday, November 14, 2016 and add a meeting on Wednesday, December 21, 2016, so voted 4-0-0.

Mr. Riemer remarked that he is looking to have the vacancy on the Board filled. Ms. Tobia clarified that the vacancy will be addressed during the joint meeting with the Board of Selectmen.

Adjourn: 7:24 pm

Respectfully Submitted,

Shawn Grunwald
Recording Secretary