

TRURO PLANNING BOARD AGENDA
TUESDAY, June 6, 2017 – 6:00 p.m.
Truro Town Hall, 24 Town Hall Road, Truro

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. Speakers are limited to no more than 5 minutes.

Temporary Sign Permit

Truro Concert Committee – seeks approval of two applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for one sign to be placed between posts at Route 6 and Route 6A for concerts to be held each Thursday from July 6 to August 24 with the 21" x 96" wide sign to be installed on June 29, 2017 and removed on August 30, 2017.

Temporary Sign Permit

David DeWitt – seeks approval of four applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for a 32" by 25" wide sign to be placed at the end of Holsberry Road on town land next to 1 Holsberry Road for Dave's Greens from June to October 2017.

Continued Public Hearing - Definitive Subdivision Plan

2016-010PB Stephen Walsh, et al, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.41, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created. Continued from September 6th, September 20th, November 2nd, and December 6, 2016, February 7, March 7, and April 11, 2017.

Continued Public Hearing - Residential Site Plan Review

2017-005 SPR Anne Labouisse Peretz c/o Benjamin Zehnder, La Tanzi, Spaulding & Landreth, P.C., seeks approval of a Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for removal of an existing single family dwelling and construction of a new residential dwelling at a location away from the coastal bank. Property is a 143,776 s.f. pre-existing, non-conforming developed lot in the Seashore zoning district north of Ballston Beach. The property is located at 112 North Pamet Road, Map 48, Parcel 1. Continued from May 2, 2017.

Continued Public Hearing - Commercial Site Plan Review

2016-009SPR Adventure Bound Camping Resorts seeks approval of an application for Commercial Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the redevelopment of Horton's Camping Resort, including proposed sewer and water systems, upgrades to existing electrical, a proposed wastewater treatment facility, and the realignment of existing campsites and gravel roadways. The property is located at 67 South Highland Road, Map 37 Parch 15. Continued from January 17, and March 21, 2017.

Continued Public Hearing - Commercial Site Plan Review

2016-008SPR Maria Kuliopulos seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-Law for consolidation of units to reduce the number of units on the property by four. Plans include construction of a replacement building containing 17 rentable units and a hospitality room in the same location as a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 39 Parcels 131, 158. Continued from March 7, 2017 and May 2, 2017.

Discussion

Commercial Site Plan Approval granted with conditions to Winkler Route 6 Trust (2017-001SPR) on March 7, 2017

Site Plan Review granted with conditions to Silva Family Heritage Trust (2013-006SPR) on September 3, 2013. Photographs of completed work received.

Review and Approval of Meeting Minutes

May 16, 2017 Regular Meeting

Reports from Board Members and Staff

Meeting Dates and Other Important Dates

June 27, 2017 (Tues.) – Regular Meeting

July 18, 2017 (Tues.) – Regular Meeting

Adjourn



TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
hterkanian@truro-ma.gov

Memorandum

To: Planning Board
From: Harry Terkanian, Interim Town Planner
Date: June 2, 2017
RE: June 6, 2017 Agenda Items

Temporary Sign Permit: Truro Concert Committee

No application had been received as of the date of this memorandum.

Temporary Sign Permit: David DeWitt

No application had been received as of the date of this memorandum.

Definitive Subdivision Plan: 2016-010PB Stephen Walsh, et al

See separate memorandum.

Residential Site Plan Review 2017-005SPR Anne Labouisse Peretz

The zoning matter associated with this application (2017-006ZBA) was continued to June 26, 2017 by the ZBA at its May 22nd meeting. Attorney Zehnder indicated in an email to me that he anticipated requesting a continuance from the Planning Board; however no request had been received as of the date of this memorandum.

Commercial Site Plan Review: 2016-009SPR Adventure Bound Camping Resorts

See separate memorandum,

Commercial Site Plan Review: 2016-008SPR Maria Kuliopulos

The zoning matter associated with this application (2017-007ZBA) was continued to June 26, 2017 by the ZBA at its May 22nd meeting. Attorney Veara has informed me that he has inquired of attorney Patten whether a continuance will be requested; however no request has been received as of the date of this memorandum.

Commercial Site Plan Approval: 2017-001SPR Winkler Route 6 Trust

No additional information.

Site Plan Approval: 2013-006SPR Silva Family Heritage Trust

See separate memorandum.

Pending Matters:

Definitive Subdivision Plan: 2017-002PB Claire A. Perry Trustee

Has been advertised for the June 27th meeting

Residential Site Plan Approval: 2017-006SPR Christopher and Jane Clark
Zoning approval received May 22, 2017 (2017-009ZBA)



**TOWN OF TRURO
ZONING BOARD OF APPEALS
P.O. BOX 2030
TRURO, MA 02666-2030**

Tel: 508/349-7004

May 28, 2017

The Banner, Legal Adv.

Please publish the following legal notice on Thursday, June 8, 2017 and Thursday, June 15, 2017 and bill the Town of Truro (Billing Ref: PTO-153630).

On **Monday, June 26, 2017** the Truro Zoning Board of Appeals will hold a public hearing at the **Truro Town Hall at 7 PM** to hear the following:

Continuation –2017-006/ZBA – Anne Labouisse Peretz (applicant), by atty/rep Benjamin E. Zehnder, (owners William Burdick, Richard Vanison, Trs., Dune House Nominee Trust), for property located at 112 N. Pamet Rd., (Atlas Sheet 48, Parcel 1). (Certif. of Title No. 208468, Land Ct. Lot #7, Plan #15097-H.) Applicant is seeking a Variance and Special Permit to relocate and reconstruct an existing residential dwelling within the sideyard setback, w/proposed dwelling exceeding the 30 ft. height requirements, as per plans filed, as continued from April 24, 2017, May 22, 2017;

Continuation -- 2017-007/ZBA – White Sands Beach Club, Maria Kuliopulos, by agt/atty Edward T. Patten, for property located at 706 Shore Rd., (Atlas Sheet 1, Parcel 5)(Reg. of Deeds title ref: Bk. 415, Pgs. 57-62.) Applicant is seeking a Special Permit w/ref. to Sec. 30.7.A. of the Zoning Bylaw to reconstruct a 17 unit motel building (which will result in 47 total units at the motel site), as per plans filed, as continued from April 24, 2017, May 22, 2017;

2017-0010/ZBA – Dana Matthew DelGizzi, by agt/atty Benjamin E. Zehnder, for property located at 34 Knowles Heights Rd., (Atlas Sheet 35, Parcel 20)(Cert. of Title Number 207602, Land Ct. Lot #26A and Plan #21954-C). Applicant is seeking a Special Permit w/ref. to Secs. 30.7 & 50.1 of the Truro Zoning Bylaw for construction of a new house on a pre-existing non-conforming lot which was conforming at the time of lot creation, as per plans filed.

Anyone interested in the above notice should appear in person at the above-designated time and place, or send any comments to the Truro ZBA, P.O. Box 2030, Truro, MA 02666.


Bertram Perkel, Chairman SK



TOWN OF TRURO

Planning Department
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
hterkanian@truro-ma.gov

To: Planning Board
From: Harry Terkanian
Date: June 6, 2017
Re: Staff Report #4

2016-010PB Stephen Walsh, et al, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created.

This staff report supplements the April 6, 2017 staff report on this application.

On September 6th this public hearing was opened and continued to September 20th, pending further information about zoning implications of the road widening. Following consultation with the Building Commissioner and Town Counsel, it was determined that the proposed road layout creates one new set back non-conformity, and extends an existing setback non-conformity on a lot with two dwelling units on it. The applicant's representative, Mr. Lay, requested continuance to allow him to address the zoning issues with the Zoning Board of Appeals (ZBA) prior to returning to the Planning Board. The Board granted a series of continuances to November 2, 2016, December 6, 2016, February 7, 2017 and June 6, 2017 to accommodate filing and scheduling with the ZBA. The requested variance and special permit (2016-019ZBA) were approved by the ZBA, the decision has been filed with the Town Clerk and the appeal period has expired without an appeal. A second ZBA application (2017-008ZBA) for relief from the required 20 foot radius at the north side of the intersection of Route 6 and Walsh Way was filed on April 10, 2017 and heard by the ZBA on May 22, 2017 the decision was filed with the Town Clerk on June 1, 2017. The 20 day appeal period has not expired.

The applicant has offered a condition of approval (April 6, 2017 staff report page 3) and staff has suggested other possible conditions. A further possible condition is suggested out of a concern that the proposed subdivision provides sufficient frontage for a future approval not required plan creating an additional lot or lots as follows:

The ways shown on this plan shall be used only for frontage for, and access to Lots 1 through 5 as shown on this definitive subdivision plan. Lots shown on this plan shall not be further divided so as to result in more than five (5) lots. This definitive plan approval does not include approval of roadway construction plans. Any roadway construction, redivision of the lots shown on this plan or use of the ways shown on this plan to access additional property shall require modification of the approval of this plan to approve roadway construction and provision of security for or construction of any required roadway improvements prior to use of said ways for redivision or access to additional property. The property shown on this plan will not be combined with adjacent land in

any manner that would constitute segmentation of development in order to circumvent review by the Cape Cod Commission or the Town of Truro.

This condition could be imposed in place of the applicant's suggested condition and could be accompanied by one or more of the other possible conditions relating to future road condition suggested in the prior staff memo.

DECISION/MOTION OF THE ZONING BOARD OF APPEALS OF TRURO, MA.

Property Owner(s) and/or Applicant(s): – Stephen Walsh, by agt/rep Chester N. Lay, Slade Assoc., Inc.

Property Location: 13, 10, 3, 7 & 5 Walsh Way, and 309 Route 6

Atlas Sheet: 43 Parcel(s): 13, 10, 8,7, 135 & 134) (2017-008/ZBA)

Hearing Date: Monday, May 22, 2017

Special Permit	<input type="checkbox"/>	Vote: <u>5</u> Approve
Variance	<input checked="" type="checkbox"/>	<u>0</u> Disapprove
Building Commissioner Decision	<input type="checkbox"/>	— Abstain
& Other	<input type="checkbox"/>	

Motion (Hultin, 2nd Todd): Move to grant to Stephen Walsh, for property located at 13, 10, 3, 7 & 5 Walsh Way, and 309 Route 6, (Atlas Sheet 43, Parcels 13, 10, 8,7, 135 & 135) (2017-008/ZBA) w/reference to Sec. 10.4 (definitions: street) of the Truro Zoning Bylaw for a Variance for a single-turning radius to widen an existing 30-ft. road to a 40-ft. wide road in order to consolidate 2 lots and remove a cottage, as per plans filed. The ZBA includes the language of Finding 1, and Findings 2 through 5 as written, as part of this decision. The ZBA Finds that granting of this Variance is not substantially more detrimental to the neighborhood and is in keeping with the general purpose and intent of the Truro Zoning Bylaw, with the following:

(Findings of Fact): 1. The applicants are widening, on paper, the existing thirty-foot- wide ways (Walsh Way and Valentine Lane) to a width of forty feet so that the various lots within this compound will front on streets complying with the definition of “street“ as defined in the Truro Bylaws, thus obviating the need to file for a Special Permit with the Zoning Board of Appeals every time they propose an alteration to one of their cottages. They are proposing no new road construction at this time. At the request of the Cape Cod Commission, a five-foot-wide buffer strip has been shown between the terminus of Walsh Way near the northwest corner of Lot 5 and the remaining back acreage owned by the Walsh Family to prevent *segmentation*.

2. The Truro Building Commissioner and code enforcer has opined, in writing, that the transition curves required under the definition of “street“ in the Zoning Bylaws applies to the intersection of the *actual* traveled ways, where they ease access and egress and make it safer, not to the side lines of the layouts, where it would make no sense.

3. The entrance to Walsh Way has existed in its present state for decades and is safe for the current residential use. The cottage at the northwest corner of Lot 3 is to be removed and Lots 43-7 and 43-8 are to be combined into one lot, Lot 1 as shown on the filed plan. Thus the overall usage of this property will be *reduced*.

4. If and when Walsh Way is to be used to serve any lots other than Lots 1 through 5 as shown on the filed plan, and if the two transition curve requirement is still in effect and is being interpreted as applying to the actual street side lines and not to the actual traveled ways, the entrance to Walsh Way at Route 6 shall be re-designed to show two transition curves.

5. The granting of this Variance is consistent with the general purpose and intent of the Bylaw and Planning Board Regulations and with the overall goals of the Truro Local Comprehensive Plan.

I hereby certify this as a true and accurate record of the Zoning Board of Appeals:

Bertine C. Belcher Signature 6/1/17 Date

Received, Office of the Town Clerk:

[Signature] Signature JUN 21 2017 Date

I hereby certify that this decision was filed with the Office of the Town Clerk on _____ and 20 (twenty) days have elapsed since the date of filing, and:

No Appeal has been filed.

An Appeal has been filed and received in this office on: _____

Signature Date

NOTE: Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Superior or Land Court by bringing action within twenty days after the decision has been filed with the Town Clerk of Truro. (Massachusetts General Laws, Chapter 40A, Section 17.)

THE COPY OF THIS DECISION PROVIDED BY THE TOWN CLERK MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT.



TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

Memorandum

To: Planning Board
Fr: Harry Terkanian
Date: June 2, 2017
Re: Staff Report #3

2016-009SPR 2016-009SPR Adventure Bound Camping Resorts seeks approval of an application for Commercial Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the redevelopment of Horton's Camping Resort, including proposed sewer and water systems, upgrades to existing electrical, a proposed wastewater treatment facility, and the realignment of existing campsites and gravel roadways. The property is located at 67 South Highland Road, Map 37 Parcel 15.

The public hearing on this application was opened on January 17th and continued to March 21st and again to June 6th to allow time for the applicant to pursue their appeal of the Building Commissioner's order.

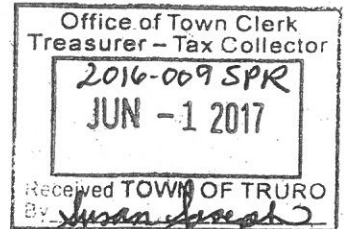
The applicant appeared before the Board of Appeals on May 18, 2017. After receipt of additional hearing testimony the Board closed the public hearing and continued the matter to June 1, 2017. At the June 1st meeting the Board approved a form of decision and voted to affirm the order of the Building Commissioner.

The applicant submitted the attached letter requesting a continuance of the Planning Board's public hearing on the Commercial Site Plan Review application "until after issuance of the {ZBA} decision". Receipt of the request was acknowledged and attorney Nagle was reminded by email of the provision in the Board's most recent continuance approval that "any further continuance will require a written request and your appearance before the Planning Board."

LAW OFFICE OF DONALD P. NAGLE, PC

207 FRONT STREET
SCITUATE, MASSACHUSETTS 02066
TEL: 781-378-1048 FAX: 781-378-1363

WWW.DPNAGLELAW.COM
EMAIL: NAGLE@DPNAGLELAW.COM



May 31, 2017

BY ELECTRONIC MAIL ONLY

Steve Sollog
Truro Planning Board
24 Town Hall Road
PO Box 2030
Truro, MA 02666

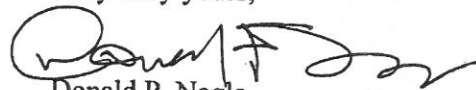
**Re: Horton's Campground, 67 South Highland Road, North Truro
(Map 37, Parcel 15)
2016-009SPR Commercial Development Site Plan Review**

Dear Mr. Sollog:

The expressed intention of the Truro Zoning Board of Appeals to uphold the Stop Work Order during its hearing on May 18 may render site plan review moot, subject to a written decision by the Board. Therefore, on behalf of A/C Mobile Home Park, Inc., I request a continuance of the scheduled June 6, 2017 Planning Board hearing until after issuance of said decision.

Please contact me if you have any questions.

Very truly yours,


Donald P. Nagle

cc: Deanna Ruffer



TOWN OF TRURO

PLANNING DEPARTMENT
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505
hterkanian@truro-ma.gov

Memorandum

To: Planning Board
Fr: Harry Terkanian, Interim Town Planner
Date: June 1, 2017
Re: 2013-006SPR Silva Family Heritage Trust

At its duly posted public meeting on September 3, 2013, the Planning Board voted 5-0-2 to endorse the Site Plan for the Silva Family Heritage Trust for construction of three dwellings for a Cottage Colony at property located at 231-237 Shore Road, Map 17, Parcels 5, 6, and 21. The recorded decision is attached to the April 26, 2017 staff report.

On May 25, 2017 Jason Silva emailed Deanna Ruffer with the attached pictures as follows:

I was waiting on the Beach Grass to be delivered, which happened yesterday, and now all of the plantings and other items required for the as-built Site plan have been completed. I have addressed the items that were identified at the April 24th site visit and the May 2nd meeting. If you need any clarification on any of this please let me know.

The first pic is of the Leach Basin required by the previously submitted Storm Water and Drainage Plan.

The second pic shows the required plantings along the west side of the parking lot.

The third and fourth pics show the plantings along the east side of the parking lot.

The fifth pic shows the boulder at the rear of the cottages to prevent vehicular traffic.

The sixth pic shows the No Parking sign requested by the Truro Fire Chief.

The seventh pic is shows more of the east side parking lot plantings.





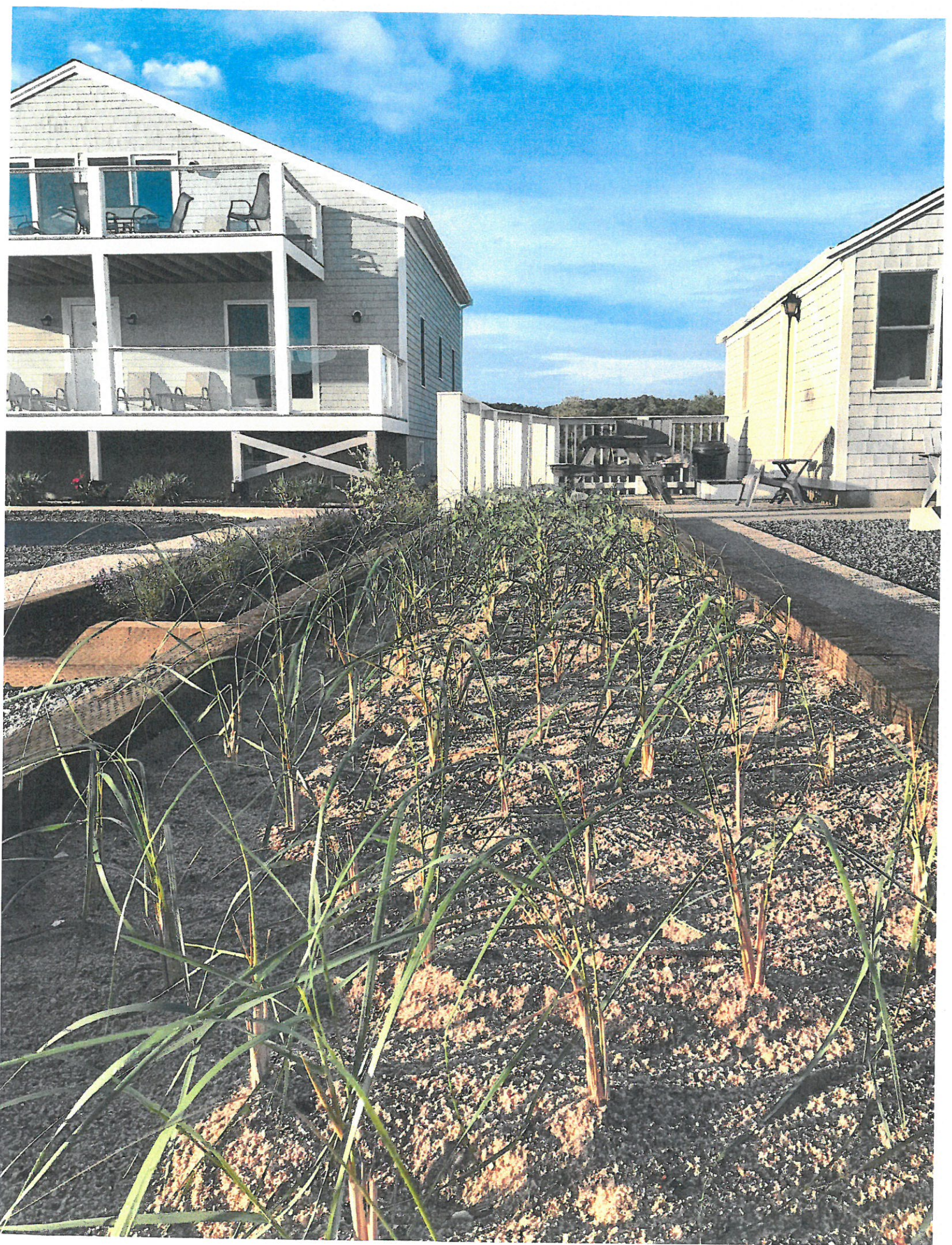






**NO
PARKING**





TRURO PLANNING BOARD

DRAFT

Meeting Minutes

May 16, 2017 – 6:00 p.m.

Truro Town Hall

Planning Board Members present: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog, Karen Tosh

Other participants: Nick Norman; Bob Freeman, Engineer; Deanna Ruffer, Town Planner, Harry Terkanian, Interim Town Planner, as of 5/26/17.

Public Comment Period

There was no public comment.

Mr. Sollog suggested that in keeping with the Planning Board's Handbook, the Board start with the election of officers, for which there was consensus. Mr. Herridge nominated Steve Sollog to remain as chair, Mr. Boleyn seconded. So voted, 6-1. (Mr. Sollog did not vote for himself.) Mr. Riemer nominated Mr. Herridge for Vice Chair. Mr. Herridge nominated Mr. Kiernan as Vice Chair. Mr. Kiernan did not accept the nomination. Mr. Sollog seconded the nomination of Mr. Herridge. So voted, 7-0. Mr. Boleyn nominated Mr. Riemer for clerk, Mr. Herridge seconded. So voted, 7-0.

Temporary Sign Permit

Sustainable CAPE: Educational Farmers' Market – seeks approval for one application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for four (4) Temporary Signs for the Farmers' Market to be held at Pamet Park (Veterans Memorial Field), 20 Truro Center Road to run from June 13 through September 5, 2016. Signs would be installed on the Friday afternoon before and removed on the Monday afternoon following the event. Four banners (3 will be 72" x 36" and one will be 36" x 27") are proposed per the locus plan on file.

CORRECTION: 2017.

Mr. Sollog questioned whether we can issue a permit for longer than 30 days. Ms. Ruffer asked the Board for their thoughts on this since this is a similar request from the applicant as in previous years. However, other applicants abide by the bylaw of a limit of 30 days per application. Mr. Kiernan asked if the application could be approved for all three months. Ms. Ruffer said that yes, they can approve the application now, pending submittal of the paperwork required for permits to be issued for each month in compliance with the bylaw. Mr. Boleyn moved to approve the application, pending receipt of applications for each month. Mr. Herridge seconded. So voted, 7-0.

Temporary Sign Permit

Friends of Truro Meeting House – seeks approval seeks approval for one application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for two (2) Temporary Signs for events being held between June 20 and August 20, 2017. Signs would be installed in front of the First Parish Congregational Church and 3Harbors Realty, 11 Truro Center Road five days in advance of the event and removed the day after the event. The signs would be 30" by 24" wide.

Nick Norman, owner of 3 Harbors Realty and vice chair of Friends of the Truro Meeting House, came forward and introduced himself. Ms. Tosh recused herself because she works with Mr. Norman, and wanted to avoid any perception of a conflict of interest. It was discussed that this application would also need to submit further paperwork since the proposal is for temporary signs which will be up for more than thirty (30) days. Ms. Ruffer said she would give Mr. Norman a call to review the additional paperwork needed. Mr. Herridge made a motion to approve the application, pending the receipt of the additional paperwork. Mr. Boleyn seconded the motion. So voted, 6-0-1. Ms. Tosh recused herself.

Release of Covenant – Approved Definitive Subdivision Plan

2012-001PB William and Patricia Berger, seek a final release of Form D Covenant for Lots 20, 21 and 22, 1 Capt. William's Way, (L.C.P. No. 17658-H) and execution of Form F, Certificate of Completion & Release of Municipal Interest in Subdivision Performance Security.

Mr. Chet Lay, Slade Associates, came forward to support the request for the release of covenant. He explained, the only thing left to do last December when the Planning Board released lot 23 was to set the monuments and install a stop sign, both of which have now been done. Mr. Kiernan asked for paperwork on the homeowners association. Ms. Ruffer said the homeowners association documents have been recorded at the Barnstable Registry of Deeds and a copy is on record in the Planning Board files. Mr. Riemer asked why there's no area square footage shown on the plan for Lot 20. Mr. Lay said it's not on there because lot 20 was not touched so it would not be on this plan. It is on the original plan. The plan we have here is for the subdivision of lots 16, 18 and 19. Mr. Lay offered to provide the lot area for lot 20 for the Planning Board's records. Mr. Riemer asked if the lots would be further subdivided at some time in the future. Mr. Lay said no, that would not be possible. Mr. Herridge moved to approve the final release of Form D Covenant for Lot 20, 21 and 22 and execution of Form F; Mr. Boleyn seconded. So voted, 7-0.

Determination that Approval is Not Required (ANR)

20117-001PB Audrey Schirmer and Joseph M. Schirmer and Nguyen Huu An for land located at 9 Castle Terrace and 1 Amity Lane for the reconfiguration of two (2) existing lots with frontage on Amity Lane, Map 46, Parcels 8 & 12.

Bob Freeman, of Schofield Brothers of Orleans, representing the Schirmers, described the proposed reconfiguration of the two lots and the basis for the request for Planning Board endorsement that Approval under Subdivision Rules and Regulations is Not Required (ANR). Mr. Boleyn commented that Amity Lane is very narrow. Mr. Freeman agreed that it is narrow, only 8 to 10 feet wide. Mr. Boleyn asked about the adequacy of access provided by the lane. Mr. Freeman said that one lot would continue to get access from Castle Terrace, even though Amity Lane is being used to meet frontage requirements. Mr. Boleyn asked if Amity Lane was a safe road. Mr. Freeman answered in the affirmative. Mr. Freeman noted there are two existing houses at the end of Amity Lane, which use Amity Lane for access, demonstrating the adequacy of this lane for access. Mr. Kiernan asked for a copy of the original 1966 subdivision plan. Mr. Freeman provided it for review by the . Mr. Kiernan asked if the Town had set any requirements regarding the construction of Amity Lane at the time of approval. Ms. Ruffer responded that she was not aware whether the approval had included any covenants; however at this point there did not appear

to be any outstanding covenants on the subdivision. Mr. Kiernan asked if the new lot number 2 was going to be a deeded easement. Mr. Freeman said not to his knowledge. Ms. Ruffer reminded the Board that a request for ANR endorsement leaves it up to the Board to determine if the existing street is adequate. She also noted that street shown on the approved subdivision plan appears to meet the definition of a street, as set forward in the zoning bylaw, with a 40 foot right-of-way, curb radius of not less than 20 feet and a turnaround of at least 80 feet in diameter at the closed end. Mr. Kiernan asked if the applicant plans to further subdivide the lots. Mr. Freeman said no they do not. Mr. Kiernan asked if the cottages on Castle Terrace will be changing their address to Amity Lane. Mr. Freeman said no, not to his knowledge. Mr. Kiernan suggested that the Board should decide whether to take this opportunity to require the road to be upgraded. Ms. Ruffer said that is not in the purview of a request for an ANR endorsement. Mr. Kiernan said that the Board is deciding whether or not it is a subdivision. Ms. Ruffer clarified the Board is deciding whether they are entitled to endorsement as an Approval under Subdivision Rules and Regulations is Not Required. Which is based solely on a determination of access on a street and frontage. Mr. Kiernan said, "So it is not a subdivision."

Ms. Tosh asked about the frontage suggesting that the sliver of land was just a pretext for frontage. Mr. Freeman referenced the Zoning Bylaws and explained that the sliver was for legal purposes only to satisfy the minimum required frontage under the zoning bylaw. The owners plan to continue to use Castle Terrace for access in and out of the property. Mr. Kiernan asked who owns the V in the road on Amity Lane. Discussion ensued regarding ownership and the right to travel on Amity Lane.

Mr. Riemer brought up Section 50.1A, 150 ft. definition of lot frontage, and access to a street, which then leads the Board to the definition of a street. Mr. Riemer read the definition of a street. Mr. Friedman explained how the street meets the definition of a street and provides the required frontage.

Ms. Ruffer again reviewed the Board's charge when an Approval Not Required endorsement is sought, as in this case. Mr. Kiernan asked Ms. Ruffer about the existing buildings on Lot 1 which he believes may be pre-existing non-conforming structures or uses. Ms. Ruffer said the property may run the risk of losing any rights of relief by reconfiguring the existing lot; however this is not the purview of the Board. The only decision for the Planning Board is whether this plan does or does not require approval under the Town of Truro's Rules and Regulations Governing the Subdivision of Land.

Mr. Sollog said there are already houses at the end of Amity Lane and this lane was part of a subdivision approved in 1966. Mr. Riemer asked if there were conditions. Mr. Riemer suggested a private driveway. Mr. Riemer said he is concerned about the fact that there have been no improvements made to Amity Lane. He thinks there are too many unanswered questions, for him to be comfortable approving the ANR.

Ms. Ruffer said there are four options for the Board to consider:

1. Vote to determine that Amity Lane shown on the ANR plan, provides safe and adequate access and to endorse the plan entitled "Plan of Land in Truro" prepared for Audrey Schirmer and Joseph M. Schirmer and Nguyen Huu An by Schofield Brothers of Cape Cod., dated April 26, 2017 at scale 1"=60', stamped by Robert John Freeman on April 27, 2017, as Approval Not Required, and to file said decision with the Town Clerk.
2. Deny endorsement of the plan stating the reason(s) for such denial and recording said decision with the Town Clerk.

3. Allow the applicant or the representative to request a withdrawal without prejudice of the application.
4. The Board can simply take no action and following the expiration of 21-days from the date of application the Town Clerk certifies and signs the plan.

Mr. Sollog said he would entertain a motion. Mr. Riemer asked how the 150 ft of frontage for Lot 1 is being measured. Mr Freeman explained this calculation. Mr. Riemer suggested that the applicant seek frontage on Rt. 6 rather than the questionable Amity Lane.

Mr. Roderick made a motion to take no action. Mr. Riemer seconded. Mr. Kiernan said, "The Planning Board exists to make sure that what is approved is safe. I don't believe this is unsafe. But I don't think it's adequate." Mr. Riemer withdrew his second. Mr. Roderick said he didn't want this case to set a precedent. Mr. Herridge said that he thinks the Board should vote to determine that Amity Lane shown on the ANR plan, provides safe and adequate access and to endorse the plan entitled "Plan of Land in Truro" prepared..." Mr. Kiernan then decided to second Mr. Roderick's motion to take no action. So voted, 5-2-0. Ms. Tosh and Mr. Herridge voted against the motion. Mr. Riemer asked that the minutes reflect the Board's concerns about Amity Lane.

Preliminary Discussion – Commercial Site Plan Review

Truro Vineyard, LLC discussion of potential acquisition of parcel located at 9 Shore Road (Map 39 Parcel 303) for agricultural purposes.

Kristen Roberts talked about the potential purchase of this parcel across the street from Truro Vineyard. There was discussion about the Vineyard's proposed use of the property and parking. The Roberts are thinking of using the property for a combination of storage building, parking and agricultural. Ms. Ruffer said this property is in a residential zoning district, so it can't be used commercially, but can be used for agricultural uses. There is no minimum or maximum requirement for parking related to agricultural uses; however the property will need to be used primarily for agricultural purposes. A storage building would be an accessory structure to the agricultural use. Commercial site plan review would apply.

Review and Approval of Meeting Minutes

May 2, 2017 Regular Meeting

Mr. Herridge made a motion to accept the minutes as written, Mr. Boleyn seconded. So voted, 5-0-2. Mr. Roderick and Ms. Tosh abstained.

Reports from Board Members and Staff

Mr. Kiernan said that some of the current Planning Board members were present for the hearing regarding a motel that turned into a single family house on Parker Road. He suggested that members should take a look at what is happening on that property. Mr. Kiernan also brought up the recent Winkler site plan approval and said he had been on the site recently. For a future agenda, he would like to talk about how to go about reminding them of their conditions. Maybe it could be put on a future agenda. Ms. Ruffer explained that Board members do not have the authority to go onto the Winkler property.

Mr. Riemer suggested putting on a workshop to help bring new members up to speed. He would also like a new Planning Board contact sheet.

Mr. Sollog volunteered to be the Planning Board designee for the Local Comprehensive Plan Committee. Mr. Kiernan asked for Board of Health regulations. Ms. Ruffer said that they haven't been finalized yet. Ms. Ruffer distributed drafts of applications regarding the two new bylaws passed at Town Meeting, the Seashore Bylaw and the Accessory Dwelling Unit Bylaw. They are ready for implementation once the Attorney General approves. She asked the Board members to look at the documents and get back to her with any comments or questions.

Harry Terkanian was introduced as the interim Town Planner. Ms. Ruffer will be leaving at the end of next week.

Mr. Roderick made a motion to adjourn. Mr. Boleyn seconded. So voted, 7-0. Meeting adjourned at 7:45 pm.

Respectfully submitted,

Katherine Black

