

TRURO PLANNING BOARD AGENDA
TUESDAY, December 22, 2015 – 6:00 pm
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.

6:15 pm Definitive Subdivision Plan – Public Hearing

2015-012PB Irving and Carol Ziller seek approval of a Definitive Plan pursuant to MGL c41, Section §81T and §81U, and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered as 1 and 1A Quail Ridge Way, Truro, and shown on Truro Assessor's Map 43, Parcels 27 & 28.

Review and Approval of Meeting Minutes

November 18, 2015; December 7, 2015 Planning Board Special Meeting; December 7, 2015 Joint Meeting with Zoning Board of Appeals; November 16, 2015 Onsite visit; December 1, 2015 Onsite visit.

Reports from Board Members and Staff

- Follow-up on Joint meeting with ZBA:
 - Joint committee on Affordable Accessory Dwelling Unit
 - Street definition: clarification of issues and process
- FY2017 Planning Board budget
- Schedule Planning Board work shop
- Other

Meeting Dates and *Other Important Dates*:

- January 5, 2016 – Reg. Meeting
- January 19, 2016 – Reg. Meeting
- February 2, 2016 – Reg. Meeting
- February 16, 2016 – Reg. Meeting

Adjourn



TOWN OF TRURO

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

To: Planning Board
From: Carole Ridley
Date: December 15, 2015
Re: Staff Report

2015-012PB Irving & Carol Ziller seek approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.41, §81T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 1 and 1A Quail Ridge Way, Truro and shown as Parcels 27 and 28 on Truro Assessor's Map 43.

A Planning Board hearing on this application is scheduled for December 22, 2015 at 6:15 pm. Once the hearing is opened, the applicant or his representative must submit the certified mail receipts indicating that abutters have been notified, before the hearing can proceed.

Description

The applicant seeks to create a two-buildable-lot subdivision, involving six parcels totaling 184,648 sf. or 4.238 acres:

- Parcel A & E are to be combined for a private way (14,282 sf.);
- Parcels B & C are to be combined to create a lot; a dwelling exists on this lot (35,403 sf, or .813 acres);
- Parcel D is a buildable lot that is currently undeveloped (40,040 sf; or .919 acres);
- Parcel F is not a buildable lot (94,923 sf., or 2.179 acres).

Ziller Path is shown as a 40-foot-wide right of way with a 14-foot gravel roadway. Frontage for combined parcel B&C is provided on Quail Ridge Way, and on the Ziller Path for Parcel D. Each lot appears to exceed the minimum 33,750 sf.

On July 10, 2012, the Planning Board approved a Preliminary Plan for this subdivision subject to the following condition: "At the time of the filing of the Definitive Plan the plan shall be corrected to note the correct road name – Quail Ridge Way." There had been no waivers indicated at the time of the preliminary decision.

Completeness of Submission

The applicant submitted the following materials:

1. Form C Application for Approval of A Definitive Plan, dated November 5, 2015, Form D covenant, and fee of \$275, received by the Town Clerk November 5, 2015

2. Definitive Subdivision of Land in Truro Made for Irving Ziller, by Slade Associates, Inc., dated October 5, 2015, 1"=50'
3. Ziller Path Plan & Profile Made for Irving Ziller, by Slade Associates, Inc., dated October 8, 2015, Scale 1"=50'
4. Letter from Slade Associates, dated December 15, 2015, re: Ziller, 1 and 1A Quail Ridge Way, requesting waivers

As noted below, waiver requests have been submitted for several items not included in the submission.

Waivers

Several waivers are requested, including waivers from submission requirements and waivers from compliance with roadway standards:

Waivers from the following submission requirements have been requested:

- 2.5.2a.6 - Drainage Calculations
- 2.5.2a.9 - Traffic Impact Study
- 2.5.2a.10 - Three Proposed Road Names
- 2.5.2b.5 - Existing and Proposed Methods of Providing Road Drainage and Utilities
- 2.5.2b.10 - Topographic Contours
- 2.5.2b.14 - Base Flood Elevation
- 2.5.2b.16 - Grades, Widths, Locations, Sight Distances, Physical Condition of Existing Roadways
- 2.5.2b.22 - Two on-site USGS Benchmarks
- 2.5.2b.24 - All information Required on a Preliminary Plan
- 2.5.2b.30 - Location of All Trees 10" in Diameter
- 2.5.2.c1 & 2 - Scales of Profile Plan
- 2.5.2.c3 & 4 - Right and Left Side Grades
- 2.5.2.c 11 - Limits of Clearing
- 2.5.2.c 12 - Water Main Data
- 2.5.2 c 13 - Utilities and Drainage on Profile
- 2.5.2 c 14 - Cross Sections
- 2.5.2 c 15 - Landscape Plan
- 2.5.2 c 16 - Erosion Control Plan

Waivers from the following roadway standards have been requested:

- Appendix 2, Table 1, Type A - 4' Shoulders; and Construction of circular turnaround
- 4.2 - Drainage

Public Notice

The public hearing was advertised in the Provincetown Banner on December 10th and 17th. The notice was also filed with the Town Clerk. An abutter notice was prepared and submitted to Slade Associates for distribution to abutters via certified mail in accordance with §2.5.4.b(3) of the Town's Subdivision Rules and Regulations.

Town Staff Comments

Conservation – There appear to be no wetland resources on the site. It appears that a portion of Parcel B and Ziller Path are in the Estimated Habitat of Rare Wildlife and therefore NHESP review will be required for proposed work.

Health – Parcel 43-27 (B) contains an existing dwelling served by a well and Title 5 system. The new Lot D will be subject to the Nitrogen Loading Limitations for a 4 bedroom dwelling. The adjacent private way cannot be used for nitrogen loading limitations. The Board of Health will consider the application on December 16th. The Board of Health Agent has recommended approval with the condition that the septic system for parcel B be inspected within 30 days of the Board vote.

Police Chief – No concerns

Fire Chief – No concerns

Additional Planning Staff Comments

1. Once the public hearing is opened, certified mail receipts must be presented to proceed with the hearing.

According to Slade Associates, the site has been staked in compliance with section 2.5.3.

2. The Project is within Estimated Habitat and a filing with NHESP will be required for work to be done to ensure no take of endangered species.

3. The property abuts the Cape Cod National Seashore.

4. Ziller Path is a private drive over which only the owners of Parcel D will have rights.

5. Per MGL c41 §81U the Board of Health is scheduled to review the plan at the Board's meeting on December 16th.

6. A covenant or other form of performance guarantee may be required by the Board pursuant to section 2.5.4.c.

Planning Board Options

A decision on this application must be filed with the Town Clerk by February 2, 2016.

In accordance with MGL c41 §81T and §81U and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, the Planning Board may:

1. Vote to approve the Definitive Plan and Method of Road Construction for Irving and Carol Ziller, as submitted pursuant to MGL c41 §81T and §81U, and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, with respect to their property known and numbered 1 and 1A Quail Ridge Way, Truro and shown as Parcels 27 and 28 on Truro Assessor's Map 43.

2. Vote to approve the Definitive Plan and Method of Road Construction for Irving and Carol Ziller, as submitted pursuant to MGL c41 §81T and §81U, and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, with respect to their property known and numbered 1 and 1A Quail Ridge Way, Truro and shown as Parcels 27 and 28 on Truro Assessor's Map 43, with the following conditions [must site conditions].

3. Vote to deny approval of the Definitive Plan and Method of Road Construction for Irving and Carol Ziller, as submitted pursuant to MGL c41 §81T and §81U, and §2.5 of the Truro Rules and Regulations Governing the Subdivision of Land, with respect to their property

known and numbered 1 and 1A Quail Ridge Way, Truro and shown as Parcels 27 and 28 on Truro Assessor's Map 43 for the following reasons [must cite specific reasons].

In the event of approval or approval with conditions, the Board's decision will be filed and a twenty-day appeal period will ensue. If no appeal to the decision is made, the approved or conditionally approved plan will be presented to the Board at its next scheduled meeting for endorsement. If appropriate, a covenant would be presented to the Board for execution at the time of the endorsement of the plan, in accordance with §2.5.4 of the Truro Rules and Regulations Governing the Subdivision of Land.

TOWN OF TRURO



PLANNING BOARD

Office of Town Clerk
 Treasurer - Tax Collector
 2015-012 PB
 NOV - 5 2015
 \$275.00 pd
 Received TOWN OF TRURO
 By Susan O. Joseph

Form C

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

Date Nov. 5, 2015

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Definitive Subdivision of Land in Truro Made For Irving Ziller

by Slade Associates, Inc. dated Oct. 5, 2015 and described as follows:

Located: 1 & 1A Quail Ridge Way

Assessor's Map(s) and Parcel(s): Map 43, Parcels 27 & 28

Number of Lots Proposed: 1 new buildable Total acreage of Tract: 4.24 ac
lot

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from Irving & Carol Ziller dated Oct. 29, 1987, and recorded in the Barnstable

Registry of Deeds Book and Page: 6067 - 43, & from Ernest Eastman Dated Aug. 26, 1996, recorded in Book 10956, Page 123

or by Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

Said plan has/has not (*circle appropriate*) evolved from a preliminary plan submitted to the Board on 5/31/2012 and approved/approved with modifications/disapproved (*circle appropriate*) on 7/10/2012.

Applicant's Signature _____ Applicant's Telephone Number 978-273-8220

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant or applicant's authorization if not the owner 

Owner's Legal Mailing Address 4601 Henry Hudson Parkway, Bronx, NY 10471-2855

Surveyor Name/Address Slade Assoc. Inc. Box 592, Wellfleet, MA 02667
(Or Person responsible for preparation of the plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk

**TOWN OF TRURO
ASSESSOR'S OFFICE**

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

Date: October 20, 2015

To: Planning Board

From: Assessor's Office

Attached is a list of abutters for the property located at 1 Quail Ridge Way
on Assessor's Map 43 Parcel 27. The current owner(s) as of 11/15
is/are Irving Ziller

The names and addresses of the abutters are as of 10-20-15 according to the most
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Denise Kopasz

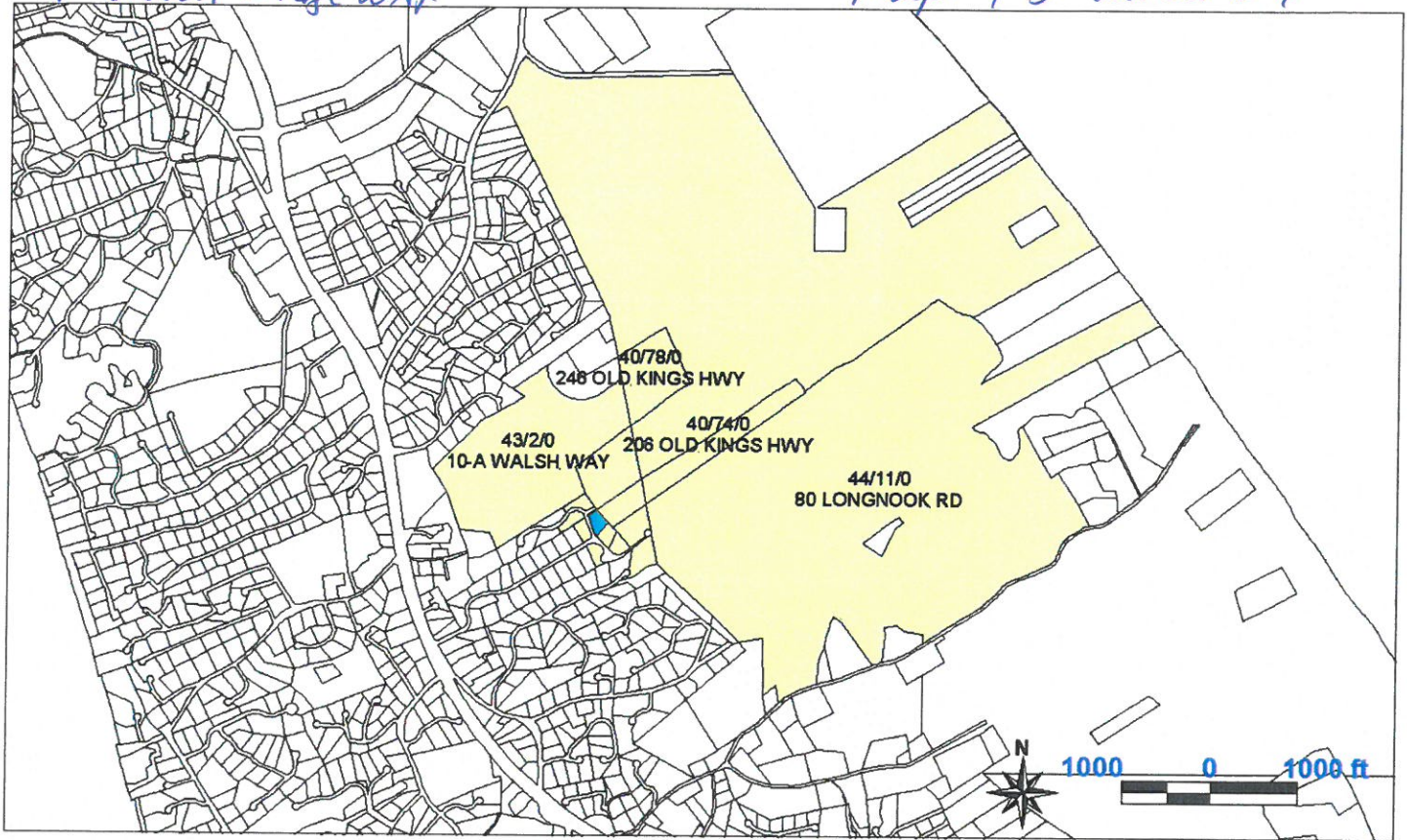
TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Planning Board

Custom Abutters List

Map 43 Parcel 27

1 Quail Ridge Way



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1498	40-74-0-E	U S A DEPT OF THE INTERIOR	206 OLD KINGS HWY	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
1501	40-78-0-E	U S A DEPT OF THE INTERIOR	246 OLD KINGS HWY	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
1880	43-2-0-R	NEAP TIDE LLC & WALSH J W REAL ESTATE TRUST	10-A WALSH WAY	C/O WALSH JOSEPH W 4 WELLINGTON RD	PLYMOUTH	MA	02360-2059
1881	43-3-0-E	TOWN OF TRURO	0 QUAIL RIDGE RD	PO BOX 2030	TRURO	MA	026662030
1903	43-26-0-R	PINSKY ROBERT & ELLEN	28 QUAIL RIDGE RD	8 MAPLE AVE	CAMBRIDGE	MA	02139
1904	43-27-0-R	ZILLER IRVING	1 QUAIL RIDGE WAY	4601 HENRY HUDSON PKWY	RIVERDALE	NY	10471
1905	43-28-0-R	ZILLER IRVING	1-A QUAIL RIDGE WAY	4601 HENRY HUDSON PKWY	RIVERDALE	NY	10471
1919	43-42-0-R	CHEDEKEL LISA & MORIAS ISABEL	29 QUAIL RIDGE RD	5 DERBY ST	WEST NEWTON	MA	02465
1920	43-43-0-R	FOULKE JEANNE	30 QUAIL RIDGE RD	PO BOX 788	NO TRURO	MA	02652-0788
1921	43-44-0-R	ANDERSON CHRISTOPHER MICHAEL & ANDERSON GEMMA	32 QUAIL RIDGE RD	PO BOX 763	NO TRURO	MA	02652
1922	43-45-0-R	OCONNELL ELLEN R	2 QUAIL RIDGE EXT	1088 BLUE HERON LANE WEST	JACKSONVILLE BEACH	FL	32250
2047	43-175-0-R	PETTERSON JANE K	2 SHORT LOTS LN	PO BOX 840	TRURO	MA	02666-0840
2052	43-180-0-R	1 SHORT LOTS LANE LLC	1 SHORT LOTS LN	PO BOX 840	TRURO	MA	02666
2071	43-199-0-R	WATSON ROM P & SUSAN B	11 SANDY LN	20 VISTA AVE	AUBURNDALE	MA	02466
5872	43-210-0-R	PERRY JOHN S (LIFE ESTATE) RMNDR: PERRY STEPHEN R EST ETAL	1-A SHORT LOTS LN	PO BOX 1016	TRURO	MA	02666-1016

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
5801	44-11-0-E	U S A DEPT OF THE INTERIOR	80 LONGNOOK RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

43-3-0-E

TOWN OF TRURO
PO BOX 2030
TRURO, MA 026662030

43-26-0-R

PINSKY ROBERT & ELLEN
8 MAPLE AVE
CAMBRIDGE, MA 02139

43-27-0-R

ZILLER IRVING
4601 HENRY HUDSON PKWY
RIVERDALE, NY 10471

43-28-0-R

ZILLER IRVING
4601 HENRY HUDSON PKWY
RIVERDALE, NY 10471

43-42-0-R

CHEDEKEL LISA & MORIAS ISABEL
5 DERBY ST
WEST NEWTON, MA 02465

43-43-0-R

FOULKE JEANNE
PO BOX 788
NO TRURO, MA 02652-0788

43-44-0-R

ANDERSON CHRISTOPHER MICHAEL &
ANDERSON GEMMA
PO BOX 763
NO TRURO, MA 02652

43-45-0-R

OCONNELL ELLEN R
1088 BLUE HERON LANE WEST
JACKSONVILLE BEACH, FL 32250

43-175-0-R

PETTERSON JANE K
PO BOX 840
TRURO, MA 02666-0840

43-180-0-R

1 SHORT LOTS LANE LLC
PO BOX 840
TRURO, MA 02666

43-210-0-R

PERRY JOHN S (LIFE ESTATE)
RMNDR:PERRY STEPHEN R EST ETAL
PO BOX 1016
TRURO, MA 02666-1016

TOWN OF TRURO
ASSESSOR'S OFFICE

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

Date: Oct. 20, 2015

To: Planning Board
From: Assessor's Office

Attached is a list of abutters for the property located at 1A Quail Ridge Way
on Assessor's Map 43 Parcel 28. The current owner(s) as of 11/15
is/are Irving Ziller.

The names and addresses of the abutters are as of 10/20/15 according to the most
recent documents received from the Barnstable County Registry of Deeds.

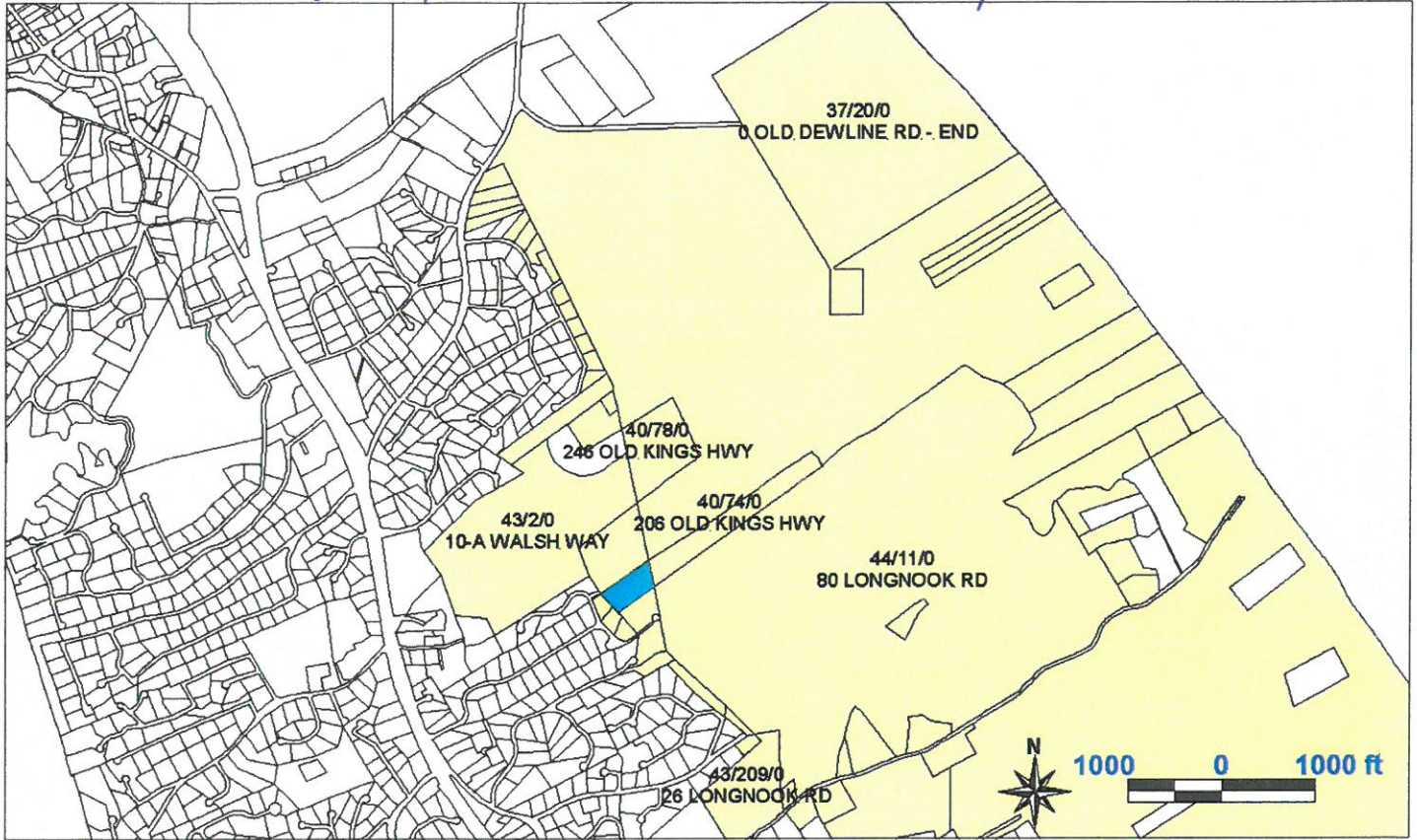
Certified by: Denise Kopasz

TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Planning Board
 Custom Abutters List

1A Quail Ridge Way

Map 43 Parcel 28



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1126	37-20-0-E	U S A DEPT OF THE INTERIOR	0 OLD DEWLINE RD - END	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
1457	40-32-0-R	HILDNER TRUST TRS: HILDNER WALTER	4 NO UNION FIELD RD	PO BOX 479	NO TRURO	MA	02652
1470	40-45-0-R	6 NORTH UNION FIELD ROAD TRUST TRS: OFLAHERTY KEVIN P&CAROL A	6 NO UNION FIELD RD	1972 ESSEX CIRCLE	NAPLES	FL	34109
1484	40-59-0-R	COREA JOSEPH M & MARJORIE	8 NO UNION FIELD RD	BOX 855	NO TRURO	MA	02652-0855
1488	40-63-0-R	JEFFRIES KATHLEEN & ROSENKAMPPF THOMAS	10 NO UNION FIELD RD	PO BOX 12	NO TRURO	MA	02652-0012
1496	40-71-0-E	TOWN OF TRURO	241 OLD KINGS HWY	PO BOX 2030	TRURO	MA	02666-2030
1497	40-73-0-E	TOWN OF TRURO	243 OLD KINGS HWY	PO BOX 2030	TRURO	MA	02666-2030
1498	40-74-0-E	U S A DEPT OF THE INTERIOR	206 OLD KINGS HWY	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
1499	40-76-0-E	TOWN OF TRURO	2 NO UNION FIELD RD	PO BOX 2030	TRURO	MA	02666-2030
1500	40-77-0-E	TOWN OF TRURO	245 OLD KINGS HWY	PO BOX 2030	TRURO	MA	02666-2030
1501	40-78-0-E	U S A DEPT OF THE INTERIOR	246 OLD KINGS HWY	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
1540	40-120-0-R	ROSENKAMPPF KATHLEEN M & THOMAS	12 NO UNION FIELD RD	PO BOX 12	NO TRURO	MA	02652-0012
1541	40-121-0-R	EGGERS JIM W & TERESA E	14 NO UNION FIELD RD	2532 30TH DR #6C	ASTORIA	NY	11102
1547	40-127-0-R	DERCOLE ANN & BRADY LINDA	45 SO HIGHLAND RD	105 W 89TH ST APT 2B	NEW YORK	NY	10024
1548	40-128-0-R	TAGLIAFERRO JOHN	43 SO HIGHLAND RD	PO BOX 306	READSBORO	VT	05350

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1549	40-129-0-R	ROGERS MICHAEL R & AMY M	41 SO HIGHLAND RD	PO BOX 457	NO TRURO	MA	02652-0457
1550	40-130-0-R	BEACH PLUM PROPERTIES LLC	39 SO HIGHLAND RD	111 TOMMYE LANE	TAHLEQUAH	OK	74464
5907	40-157-0-R	SLATER LINDA M TRUST INDENTURE TRS: SLATER DANIEL P & LINDA M	6 FAIR WINDS PASSAGE	PO BOX 345	TRURO	MA	02666-0345
5908	40-158-0-R	MCCLANAHAN PAUL W & ELENA M	8 FAIR WINDS PASSAGE	PO BOX 131	TRURO	MA	02666-0131
5909	40-159-0-R	IRWIN GIRARD SUSAN & IRWIN GIRARD CAROL	10 FAIR WINDS PASSAGE	3 GUNTHER LOOP	SOMERSET	NJ	08873
1574	41-1-0-R	KEENAN JOSEPH P	39 OLD OUTERMOST RD	PO BOX 971	WEST SPRINGFIELD	MA	01090-0971
1575	41-2-0-R	37 OLD OUTERMOST RD RLTY TRUST TRS: SEED RUSSELL G ET AL	37 OLD OUTERMOST RD	PO BOX 325	NO TRURO	MA	02652-0325
1576	41-3-0-R	DENNIS THOMAS P JR & KATHLEEN C	29 OLD OUTERMOST RD	1537 MAIN ST -C/O DENNIS GROUP	SPRINGFIELD	MA	01103
1577	41-4-0-R	DEUTCH JOHN	15 UNCLE IRVS WAY	51 CLIFTON ST	BELMONT	MA	02478
1880	43-2-0-R	NEAP TIDE LLC & WALSH J W REAL ESTATE TRUST	10-A WALSH WAY	C/O WALSH JOSEPH W 4 WELLINGTON RD	PLYMOUTH	MA	02360-2059
1881	43-3-0-E	TOWN OF TRURO	0 QUAIL RIDGE RD	PO BOX 2030	TRURO	MA	026662030
1904	43-27-0-R	ZILLER IRVING	1 QUAIL RIDGE WAY	4601 HENRY HUDSON PKWY	RIVERDALE	NY	10471
1905	43-28-0-R	ZILLER IRVING	1-A QUAIL RIDGE WAY	4601 HENRY HUDSON PKWY	RIVERDALE	NY	10471
1920	43-43-0-R	FOULKE JEANNE	30 QUAIL RIDGE RD	PO BOX 788	NO TRURO	MA	02652-0788
1921	43-44-0-R	ANDERSON CHRISTOPHER MICHAEL & ANDERSON GEMMA	32 QUAIL RIDGE RD	PO BOX 763	NO TRURO	MA	02652
1922	43-45-0-R	OCONNELL ELLEN R	2 QUAIL RIDGE EXT	1088 BLUE HERON LANE WEST	JACKSONVILLE BEACH	FL	32250
1950	43-75-0-R	BRITT JULIANNE	31 SYLVAN LN	17 FURBUSH AVENUE	WEST NEWTON	MA	02465
1984	43-111-0-R	SWISLOW LEE & MCWILLIAMS DENISE	3 NELSON DR	99 MAGAZINE STREET	CAMBRIDGE	MA	02139
1989	43-117-0-E	U S A DEPT OF THE INTERIOR	146 OLD KINGS HWY	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
1990	43-118-0-R	HAKALA MARCIA H	40 LONGNOOK RD	350 NORTH ST APT 501	BOSTON	MA	02113
1991	43-119-0-R	HELLER TRUST TRS: HELLER C B & MIRANDA C	50 LONGNOOK RD	332 S ARDEN BOULEVARD	LOS ANGELES	CA	90020
1992	43-120-0-R	SLADE FREDERICK A	38 LONGNOOK RD	PO BOX 147	TRURO	MA	02666-0147
1993	43-121-0-R	FORREST VIRGINIA D REV TR TRS: FORREST VIRGINIA D	30 LONGNOOK RD	7130 OLIVETAS AVE	LA JOLLA	CA	92037
1994	43-122-0-R	DUNNE BRIAN F	31 LONGNOOK RD	PO BOX 69	TRURO	MA	02666-0069
2053	43-181-0-R	BRITT JULIANNE	6 NELSON DR	17 FURBUSH AVENUE	WEST NEWTON	MA	02465
2071	43-199-0-R	WATSON ROM P & SUSAN B	11 SANDY LN	20 VISTA AVE	AUBURNDALE	MA	02466
2072	43-200-0-R	KAPPLER SERGE & ROBIN	9 SANDY LN	PO BOX 1222	TRURO	MA	02666-1222
5800	43-209-0-E	U S A DEPT OF THE INTERIOR	26 LONGNOOK RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
2079	44-3-0-R	OKO ANNETTE W	11 DOROTHYS LN	3718 APPLETON ST NW	WASHINGTON	DC	20016
2080	44-4-0-R	DRAZ CHRISTIAN C	8 DOROTHYS LN	44 W CEDAR ST	BOSTON	MA	02114
2083	44-7-0-R	KELLER DAVID & MAXWELL MARY H	51 LONGNOOK RD	PO BOX 1120	TRURO	MA	02666-1120
5801	44-11-0-E	U S A DEPT OF THE INTERIOR	80 LONGNOOK RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667	37-20-0-E	HILDNER TRUST TRS: HILDNER WALTER PO BOX 479 NO TRURO, MA 02652	40-32-0-R	6 NORTH UNION FIELD ROAD TRUST TRS: OFLAHERTY KEVIN P&CAROL A 1972 ESSEX CIRCLE NAPLES, FL 34109	40-45-0-R
COREA JOSEPH M & MARJORIE BOX 855 NO TRURO, MA 02652-0855	40-59-0-R	JEFFRIES KATHLEEN & ROSENKAMPPF THOMAS PO BOX 12 NO TRURO, MA 02652-0012	40-63-0-R	TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	40-71-0-E
TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	40-73-0-E	U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667	40-74-0-E	TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	40-76-0-E
TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	40-77-0-E	U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667	40-78-0-E	ROSENKAMPPF KATHLEEN M & THOMAS PO BOX 12 NO TRURO, MA 02652-0012	40-120-0-R
EGGERS JIM W & TERESA E 2532 30TH DR #6C ASTORIA, NY 11102	40-121-0-R	DERCOLE ANN & BRADY LINDA 105 W 89TH ST APT 2B NEW YORK, NY 10024	40-127-0-R	TAGLIAFERRO JOHN PO BOX 306 READSBORO, VT 05350	40-128-0-R
ROGERS MICHAEL R & AMY M PO BOX 457 NO TRURO, MA 02652-0457	40-129-0-R	BEACH PLUM PROPERTIES LLC 111 TOMMYE LANE TAHLEQUAH, OK 74464	40-130-0-R	SLATER LINDA M TRUST INDENTURE TRS: SLATER DANIEL P & LINDA M PO BOX 345 TRURO, MA 02666-0345	40-157-0-R
MCCLANAHAN PAUL W & ELENA M PO BOX 131 TRURO, MA 02666-0131	40-158-0-R	IRWIN GIRARD SUSAN & IRWIN GIRARD CAROL 3 GUNTHER LOOP SOMERSET, NJ 08873	40-159-0-R	KEENAN JOSEPH P PO BOX 971 WEST SPRINGFIELD, MA 01090-0971	41-1-0-R
37 OLD OUTERMOST RD RLTY TRUST TRS: SEED RUSSELL G ET AL PO BOX 325 NO TRURO, MA 02652-0325	41-2-0-R	DENNIS THOMAS P JR & KATHLEEN C 1537 MAIN ST -C/O DENNIS GROUP SPRINGFIELD, MA 01103	41-3-0-R	DEUTCH JOHN 51 CLIFTON ST BELMONT, MA 02478	41-4-0-R
NEAP TIDE LLC & WALSH J W REAL ESTATE TRUST C/O WALSH JOSEPH W 4 WELLINGTON RD PLYMOUTH, MA 02360-2059	43-2-0-R	TOWN OF TRURO PO BOX 2030 TRURO, MA 026662030	43-3-0-E	ZILLER IRVING 4601 HENRY HUDSON PKWY RIVERDALE, NY 10471	43-27-0-R
ZILLER IRVING 4601 HENRY HUDSON PKWY RIVERDALE, NY 10471	43-28-0-R	FOULKE JEANNE PO BOX 788 NO TRURO, MA 02652-0788	43-43-0-R	ANDERSON CHRISTOPHER MICHAEL & ANDERSON GEMMA PO BOX 763 NO TRURO, MA 02652	43-44-0-R

<p>43-45-0-R</p> <p>OCONNELL ELLEN R 1088 BLUE HERON LANE WEST JACKSONVILLE BEACH, FL 32250</p>	<p>43-75-0-R</p> <p>BRITT JULIANNE 17 FURBUSH AVENUE WEST NEWTON, MA 02465</p>	<p>43-111-0-R</p> <p>SWISLOW LEE & MCWILLIAMS DENISE 99 MAGAZINE STREET CAMBRIDGE, MA 02139</p>
<p>43-117-0-E</p> <p>U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667</p>	<p>43-118-0-R</p> <p>HAKALA MARCIA H 350 NORTH ST APT 501 BOSTON, MA 02113</p>	<p>43-119-0-R</p> <p>HELLER TRUST TRS: HELLER C B & MIRANDA C 332 S ARDEN BOULEVARD LOS ANGELES, CA 90020</p>
<p>43-120-0-R</p> <p>SLADE FREDERICK A PO BOX 147 TRURO, MA 02666-0147</p>	<p>43-121-0-R</p> <p>FORREST VIRGINIA D REV TR TRS: FORREST VIRGINIA D 7130 OLIVETAS AVE LA JOLLA, CA 92037</p>	<p>43-122-0-R</p> <p>DUNNE BRIAN F PO BOX 69 TRURO, MA 02666-0069</p>
<p>43-181-0-R</p> <p>BRITT JULIANNE 17 FURBUSH AVENUE WEST NEWTON, MA 02465</p>	<p>43-199-0-R</p> <p>WATSON ROM P & SUSAN B 20 VISTA AVE AUBURNDALE, MA 02466</p>	<p>43-200-0-R</p> <p>KAPPLER SERGE & ROBIN PO BOX 1222 TRURO, MA 02666-1222</p>
<p>43-209-0-E</p> <p>U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667</p>	<p>44-3-0-R</p> <p>OKO ANNETTE W 3718 APPLETON ST NW WASHINGTON, DC 20016</p>	<p>44-4-0-R</p> <p>DRAZ CHRISTIAN C 44 W CEDAR ST BOSTON, MA 02114</p>
<p>44-7-0-R</p> <p>KELLER DAVID & MAXWELL MARY H PO BOX 1120 TRURO, MA 02666-1120</p>	<p>44-11-0-E</p> <p>U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667</p>	

The following are further agreements and/or conditions of approval:

- The traveled portion of Ziller Path as shown on the aforementioned plan, to be a fourteen foot wide T-base surface as shown on the "Ziller Path Plan And Profile" plan made for Irving Ziller, dated October 8, 2015, by Slade Associates, Inc., and as under Section 3.7 (Rural Road Alternative) of our Regulations.

Planning Board Signatures:

Date: _____

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

NOTARY PUBLIC

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 43, Parcels 27 & 28 (Ziller)

- 2 Copies of Form C Application For Approval of a Definitive Plan
- 2 Copies of the two abutters lists
- 2 Copies of Form D Covenant
- 12 Copies of the Ziller Path Plan & Profile plan #2015-99
- 12 Copies of the Definitive Subdivision plan #2015-97
- 1 Check in the amount of \$275.00

Office of Town Clerk
Treasurer - Tax Collector
2015-012 PB
NOV - 5 2015
\$275.00 pd
Received TOWN OF TRURO
By *[Signature]*

Truro Town Clerk
November 5, 2015

SLADE ASSOCIATES INC.
REGISTERED LAND SURVEYORS
P. O. BOX 592
WELLFLEET, MASS. 02667
508-349-3110

REMITTANCE ADVICE
ZILLER - 18/AQUALL
RIDGE WAY
DEFINITIVE

53-7107-211:
18386

McBee One-Writes

PAY *Two Hundred Seventy Five and 00/100* DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.	CHECK AMOUNT
11/5/15	Town of Truro		18386	\$ 275.00

Cape Cod 5 P.O. BOX 10 ORLEANS, MA 02653

Jayce Davis

⑈018386⑈ ⑆211371078⑆ 89 5002160⑈



TOWN OF TRURO

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

Sent via email

December 1, 2015

Mr. Chet Lay
Slade Associates
10 Pine Point Road
Wellfleet, MA 02667

Re: 2015-0012PB Ziller Definitive Subdivision, 1 & 1A Quail Ridge Way

Dear Mr. Lay (Chet):

The public hearing for the above referenced case is scheduled for Tuesday, December 22, 2015. Please note that, per the Town of Truro Rules and Regulations Governing the Subdivision of Land (§2.5.4.b(3)) it is the Applicants' responsibility to notify abutters regarding the public hearing by certified mail return receipt. The Applicant shall give notice by mailing a copy of the notice to the abutters to the subject property, abutters to abutters, and properties across the street from the subject property. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts (the white receipt stamp by the post office) must be filed with the Planning Board and the original returned "green cards" should be submitted to the Board as well. The first notice for this application will appear in the *Banner* on December 10, 2015. A copy of a notice to abutters is enclosed and may be used for the notification.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

Carole Ridley
Planning

Enc. (1)

December XX, 2015

NOTICE TO ABUTTERS

You have been identified as an abutter to the below-referenced parcel(s). The hearing, as noted below, will provide an opportunity for you to review the proposal and to voice your questions and concerns. Copies of the application and plan may also be reviewed prior to the hearing at the Planning Department Office, 24 Town Hall Road, Truro. Please contact the **Truro Planning Board Staff** at **508-349-7004 x-27 or x-21** if you have further questions or concerns. Correspondence can be sent to the Truro Planning Board, P.O. Box 2030, Truro, MA 02666 or via email at assttownadm@truro-ma.gov.

Truro Planning Board
Notice of Public Hearing

The Truro Planning Board will hold a public hearing on Tuesday, December 22, 2015 at the Truro Town Hall, 24 Town Hall Road, Truro, on the following:

6:15pm 2015-012PB – Irving Ziller has filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 1 and 1A Quail Ridge Way, Truro and shown on Truro Assessor's Map 43, Parcels 27 & 28.

Copies of the applications and plans are available for review at the Planning Department Office, 24 Town Hall Road, Truro.

Lisa Maria Tobia, Chair
12/10/15, 12/17/15




Health/Conservation Agent Town of Truro

Phone: (508) 349-7004 ext. 32

Fax: (508) 349-5850

MEMO

To: Carole Ridley, Planning Consultant
From: Patricia Pajaron 
CC:
Date: December 10, 2015
Re: **Definitive Subdivision Plan for Irving Miller**

I have reviewed the Development Application Referral packet submitted to the Planning Board for approval of the subdivision of parcel 43-28 into 2 lots, and reconfiguration of parcel 43-27 to accommodate a new private way. I have reviewed the Definitive Subdivision Plan of Land prepared for Irving Ziller, 1 and 1A Quail Ridge Rd., by Slade Associates Inc. dated 10/5/15.

CONSERVATION

1. According to the OLIVER GIS maps available online at the MassDEP website, there appear to be no Wetland Resource Areas subject to protection under the Massachusetts Wetlands Protection Act (310 CMR 10.00) affecting the property; therefore Conservation Commission review and approval are not required at this time.
2. Per the NHESP map dated October 2008, it appears that a portion parcel B and Ziller Path and the entire Parcel D and F are in the Estimated Habitat of Rare Wildlife, therefore NHESP review will be required for the proposed work.

HEALTH

Parcel 43-27 contains an existing SFR served by a well and Title 5 design installed under the 1978 Code. The parcel will be combined with parcel C for a total lot size of 35,403 sq.ft.

The plan indicates that Lot D becomes a new 40,000 sq.ft lot in the subdivision of parcel 43-28 and will be subject to Nitrogen Loading Limitations* for 4 bedrooms. The adjacent private way/road layout cannot be used for nitrogen loading limitations.

The subdivision will not require an upgrade to Title 5 for the system serving parcel B, however the system will need to be inspected in accordance with 15.010(2)** of Title 5.

The board will be reviewing/approving this SD at their December 16th meeting. I recommended approval of the SD to the Board with the condition that the septic system for parcel B be inspected within 30 days of the Board's vote.

***Article 12 - Nitrogen Loading Limitations**

With the exception of the portion of the Beach Point District lying between Knowles Crossing and the Provincetown town line, the Truro Board of Health hereby requires that all properties within the Town of Truro contain at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) per bedroom and that all systems designed to serve said facilities meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas" defined in 310 C.M.R. 15.215 irrespective of whether the properties are located within "Nitrogen Sensitive Areas" as so defined.

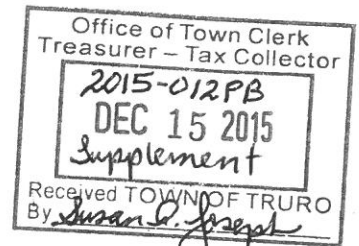
****15.010: Division and Aggregation of Facilities**

(2) Prior to dividing a facility all existing systems shall be inspected in accordance with 310 CMR 15.301(8). The division of a facility shall not be approved unless the Approving Authority has determined that the division will not put existing systems in noncompliance with the Title 5 and the applicant has demonstrated to the satisfaction of the Approving Authority that the division of property will not prevent the upgrade of existing systems in accordance with Title 5. Failed systems shall be upgraded in accordance with 310 CMR 15.305. Existing systems shall be altered as required by the Approving Authority for each new facility divided out of the original facility. Prior to the division of a facility, any shared systems to be created as a result of the division shall comply with 310 CMR 15.290, and the owner(s) or operator(s) shall obtain a shared system approval if the system will serve more than one facility after division of the facility.

**SLADE ASSOCIATES, INC.
REGISTERED LAND SURVEYORS**

P.O. BOX 592
WELLFLEET, MASSACHUSETTS 02667
508-349-3110
FAX 508-349-7577

E-MAIL: SLADE@SLADE-ASSOCIATES.COM
CHET.LAY@SLADE-ASSOCIATES.COM
RICHARD.LAY@SLADE-ASSOCIATES.COM



ASSOCIATES:

RICHARD F. LAY, R.L.S.
CHESTER N. LAY, R.L.S.

December 15, 2015

Planning Board
Town of Truro
P.O. Box 2030
Truro, MA 02666

Re: Ziller, 1 and 1A Quail Ridge Way

Dear Board Members,

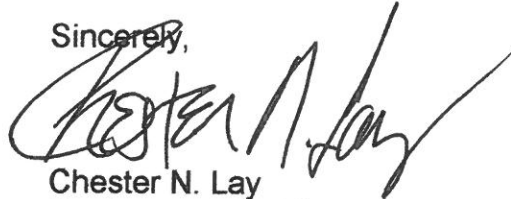
The proposed right-of-way providing access to Parcel D is in essence a private driveway over which only the owners of Parcel D will have rights. The applicant is therefore requesting the following waivers under Section 1.5 of your Rules and Regulations:

- 2.5.2a.6 drainage calculations
- 2.5.2a.9 traffic impact study
- 2.5.2a.10 three proposed road names
- 2.5.2b.5 existing and proposed methods of providing road drainage and utilities
- 2.5.2b.10 topographic contours (shown on the preliminary plan)
- 2.5.2b.14 base flood elevation
- 2.5.2.b.16 grades, widths, locations, sight distances, physical condition of existing roadways
- 2.5.2.b.22 two on-site USGS benchmarks
- 2.5.2b.24 all information required on a preliminary plan
- 2.5.2.b.30 location of all trees of 10" dia.
- 2.5.2.c.1 & 2 scales of profile plan
- 2.5.2.c.4 & 5 right & left side grades
- 2.5.2.c.11 limits of clearing
- 2.5.2.c.12 water main data
- 2.5.2.c.13 utilities & drainage on profile
- 2.5.2.c.14 cross sections
- 2.5.2.c.15 landscape plan
- 2.5.2.c.16 erosion control plan
- 4.1 construction of circular turnaround
- 4.1.1 4' shoulders

4.2 drainage

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester N. Lay". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

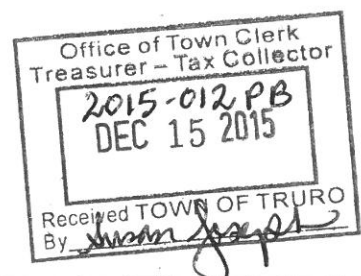
Chester N. Lay
Registered Land Surveyor

Cc: Carole Ridley
Geoffrey Doherty
Benjamin Zehnder, Esquire

CNL/ jd

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 43, Parcels 27 & 28 (Ziller)

12 Copies of letter requesting waivers



Truro Town Clerk
December 15, 2015

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF TRURO
PLANNING BOARD – NOTICE OF ACTION**

PRELIMINARY SUBDIVISION

Atlas Sheet 43 Parcels 27 & 28

1 Quail Ridge Way

Reference No. 2012-002

Applicant: Irving Ziller

Meeting Dates June 26, 2012 & July 10, 2012

Decision Date July 10, 2012

At a duly posted public meeting held June 26, 2012 and continued to July 10, 2012, the Town of Truro Planning Board, acting in the matter of Reference Number **2012-002** voted to **approve with conditions** a 3 Lot Preliminary Subdivision Plan in accordance with the Town of Truro Rules and Regulations Governing the Subdivision of Land, (effective September 13, 2011), §2.4 and M.G.L c.41, §81-S and as shown on the following plan by Slade Associates, Inc. that was filed with the Town Clerk on May 31, 2012 and June 27, 2012:

Preliminary Subdivision of Land in Truro made for Irving Ziller, dated November 2, 2011, Revised 11/23/11, 12/05/11, 12/07/11, 05/09/12 and 06/21/12, Scale 1" = 50', by Slade Associates, Inc. (Plan #2011-138)

PRELIMINARY SUBDIVISION DECISION

On a motion from Mr. Weinstein, seconded by Mr. Worthington, the Board voted unanimously (Worthington, Snow, Morris, Brown, Weinstein, Childs and Pendleton) to approve the preliminary plan for Irving Ziller, as submitted, pursuant to MGL c.41, §81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land (September 13, 2011), with the following condition: "At the time of the filing of the Definitive Plan the plan shall be corrected to note the correct road name – Quail Ridge Way"; and the approval of the request for a waiver of the submission requirement, Section 2.4.2.c.5 (drainage in a general manner.)

Chair, Planning Board

Date

Received, Office of the Town Clerk: _____

Signature

Date

TRURO PLANNING BOARD

Meeting Minutes, December 7, 2015 - 4 pm

Truro Town Hall

Planning Board members present: Steve Sollog, John Hopkins, Jack Riemer, Peter Herridge, Bruce Boleyn, Lisa Maria Tobia

Others: Leedara Zola Site Acquisition and Permitting Specialist for Habitat for Humanity; Keith Fernandes of JM O'Reilly Engineers, for Habitat for Humanity; Carl Brotman, Chair, Truro Housing Authority; Carole Ridley

Ms. Tobia called the meeting to order 4:08 pm

Members of the Planning Board were introduced to the representatives of Habitat for Humanity. She indicated that the purpose of the meeting was to hear a presentation on the Habitat for Humanity's proposed project for 143 Route 6, Truro, and discuss possible comments to the ZBA.

Ms. Ridley noted that summary information on the 40 B Comprehensive Permit process was distributed to the Board. The state law and regulation designate the ZBA as the sole permit granting authority for the town in such projects, in exchange for affordable housing units. The Planning Board's role is advisory to the ZBA for this project.

Ms. Zola introduced the Habitat for Humanity team and said that they were before the Board on an informational basis, and reserve rights for a Comprehensive Permit under MGL 40 B.

Ms. Zola spoke to the close working relationship between Habitat for Humanity and the town, particularly the Housing Authority, in developing the project. She noted that the Truro Town Meeting voted \$265,000 in CPC funds toward purchase of the project site at 143 Route 6. A suitable site was found and Habitat for Humanity has a purchase and sale agreement on the property, pending completion of permitting.

Habitat looks at underlying zoning, surrounding homes, to determine the maximum amount of development a site can hold, and they work with community officials to determine what is best for that site.

This process arrived at 3 homes with a total of 5 bedrooms, to be served by wells and septic systems, and in the case of one unit, a composting toilet. Habitat spent considerable resources to develop the proposal. The affordability of the homes will be deed restricted in perpetuity. Habitat uses a state deed rider. The affordability of the units is the promise in exchange for the waivers. The affordability could not be achieved if all zoning standards applied.

Truro Housing Authority and the Board of Selectmen have endorsed the proposal, and Massachusetts Department of Housing and Community Development has issued an approval letter.

Habitat uses a sweat equity model. Units are reserved for households earning below 65% of area median income. Each homeowner invests 350 to 500 hours to help build the home.

The project consists of a 3 bedroom home; a 1 bedroom home with composting toilet; and a 2 bedroom home.

Mr. Fernandes explained that the site has a steep slope, paved apron off of Route 6, and the project has applied to MassDOT for a curb cut permit, but this is pending.

The way is a gravel driveway, each house has own septic system and well. Homes will use solar, so homes face south. This required more site grading and a retaining wall. The project has filed with MA NHESP and received a letter outlining conditions that will prevent take.

Habitat is requesting waivers for setbacks and lot size, frontage. A shared driveway results in zero frontage for two of the homes, which is allowable under 40B.

Mr. Herridge asked how people purchase the units. Ms Zola explained that an Affirmative Fair Marketing Plan is developed and approved by MA DHCD. There is extensive outreach and advertising to reach qualified buyers, and they are selected using a lottery. Habitat will request that Truro residents be given preference for two of the units. This provision must be granted by the state.

Mr. Riemer asked why duplexes were not considered given site constraints. Ms Zola explained that for various reasons, Habitat prefers a single-family stand alone structure if at all possible. The benefits of home ownership outweigh marginal savings of going this route.

Mr. Riemer also asked about fuel use on the site, and it was explained that highly efficiency heat pumps would be used, with no combustible fuel used on the site. Also, solar panels will help defray electricity costs for owners. Heat pumps allow for air conditioning as well, which is an advantage for homeowners and should help to mitigate noise from Route 6.

Mr. Riemer also asked about possible access onto Edgewood way. Ms Zola replied that legally Habitat has no access on to Edgewood. Given the site conditions and NHESP requirements, the Route 6 access is preferred.

Mr. Riemer asked about safety and parking work for each individual unit. Mr. Fernandes explained that Habitat has been in discussions with the Fire Department

and is proposing to extend the length of the driveway five feet to accommodate emergency vehicles. Email from Chief Collins to this effect was noted.

Mr. Riemer asked who owned the land? Ms. Zola replied that unit owners own their own parcel and a Homeowners' Association will own lots 4 and 5. The proposal includes detailed Homeownership Association documents, and homeowners are given extensive training about homeownership responsibility and participation in the Homeownership Association.

Mr. Riemer asked what was done to limit route 6 noise. Mr. Fernandes noted that the site layout and natural topography would assist with noise control. AC in the units also will reduce open windows during the summer.

Mr. Hopkins asked what will be used to replant after grading. Ms. Zola explained that yard areas will be minimally landscaped with grass and bushes, and Non-disturbed areas are required by MESA. Common areas will be re-vegetated for erosion control.

Mr. Sollog asked whether there could be a restriction that these units would not be rentable during the summer. Ms. Zola noted that the deed rider requires that units be inhabited year round.

Ms. Tobia asked about the composting toilet. Mr. Fernandes explained that his firm has designed these systems for many other homeowners. This was a creative way to get another bedroom and unit on the site. Local, state and county officials have been consulted in the design of the composting toilet. The Individual picked for this unit will be trained about what is involved with maintenance of a composting toilet.

Ms. Tobia also asked about control of exterior management. Ms. Zola explained that Habitat provides training and hopes that owners take pride in and good care of their homes. This is similar to any other homeownership situation.

Mr. Sollog asked about taxes and what happens if the units are foreclosed on. Taxes would be paid by homeowners based on the value of the unit. In the event of foreclosure, the unit remains affordable and is resold. There is no obligation to the town.

Mr. Hopkins moved that the Planning Board is in favor of the ZBA taking a positive action in granting the Comprehensive Permit for the Habitat for Humanity project at 143 Route 6. Mr. Boleyn seconded the motion. The Board voted 6-0-0 in favor.

Mr. Sollog moved to adjourn, seconded by Mr. Herridge and it was so voted at 4:56 pm.

Respectfully Submitted,

Joint Meeting of the Planning Board and Zoning Board of Appeals
December 7, 2015, 5 pm
Truro Town Hall

Planning Board members present: Lisa Maria Tobia, John Hopkins, Jack Riemer, Steve Sollog, Bruce Boleyn, Peter Herridge

ZBA members present: Bertram (Buddy) Perkel, John Thornley, Art Hultin, Fred Todd, Janice Allee, Nicholas Brown, John Dundas

1. Call to Order and Introductions

Ms. Tobia called the joint meeting to order at 5 pm and introduced members of the Planning Board.

Mr. Perkel opened the meeting for the ZBA allowed members to introduce themselves.

2. Discussion of Section 40.2 Affordable Accessory Dwelling Unit

Ms. Allee announced that she was hosting Nepalese refugees in her home and she will be at some point looking for a permit for the affordable unit.

Mr. Perkel – ZBA is quasi-judicial body. It is not appropriate for them to help craft or write a bylaw but they can discuss and provide input on issues. ZBA can share what they have learned and can share information

Ms. Tobia- Requested the joint meeting to smooth over issues of shared concern and make it easier for townspeople to understand and use the zoning bylaw.

Ms. Tobia asked if there was any public comment on the affordable accessory dwelling unit bylaw.

Bob Weinstein 7 Dyers Hollow Road, is a member of the Board of Selectmen and spoke as a private individual. Directed attention to Section 40.2(a), which states that one a accessory dwelling unit can be allowed in any district. The use table in the bylaw shows that an accessory apartment is not allowed in the Seashore District. This should be changed to be allow such units in the Seashore District. Many dwellings in the district could accommodate an accessory unit without any changes in building structure.

Jay Coburn, member of the Board of Selectmen and liaison to Planning Board and ZBA spoke to share information on Affordable Accessory bylaws. Suggested that boards get help from staff and Cape Cod Commission to look at other bylaws such as Wellfleet and the Commission's model bylaw. Why is Wellfleet's working and

Truro's is not? Outreach is needed to find out if people understand provisions, such as the tax exemption provision.

Ben Zehnder - Attorney who handles many accessory dwelling unit permits in Wellfleet. Section 40.2 (a) allows one unit per buildable lot, but code does not define buildable lot. Does this include preexisting non conforming lots? If restricted to conforming lots that would limit the number of possible units that could be created using the 40.2.

Also, small number of people actually have confidence that they can control tenants down the line, 5-10 years from now. That uncertainty and the cost of permitting limits people from going for it. As written now the process requires a site plan, survey, etc. which is costly. If a lot is pre-existing non conforming, that also requires a permit from ZBA also. In Wellfleet there is only one board involved. Having to go to two boards more than doubles the cost. He would rather have the permit granting authority be the ZBA since it is likely that other permits also needed, more user friendly.

Regan McCarthy - Truro Non-resident Taxpayers Association. Need the right balance between the protection of rights and simplicity of process. Both boards are important. Which board provides better guidance? Are there better financial incentives to make this work? People now rent accessory units off the books in the summer and make a lot of money. The town should look for ways to enhance incentives. Non Resident Taxpayers Association would help with public education.

Mr. Perkel- Resistance to using the bylaw is the affordability level that is much too low. Households with two workers making \$100,000 are struggling but don't qualify. What kind of housing does the town need to provide. There may be some abuse of the bylaw, but if the good outweighs then we need to accept the abuse of the bylaw. Need to get over the concept that Truro should not be touched. This needs consideration, but we need to provide really housing to add vibrancy. Need to look at duplex, multi-unit housing and other provisions of the zoning bylaw to really get at the issue of affordable housing for near term results.

Mr. Todd: Wellfleet has a single person who is the point person for these permits, and that is important. Probably makes sense for ZBA to deal with these permits because they are property specific and have dimensional issues.

Mr. Brown remembers when the town adopted a bylaw similar to Wellfleet's. It was going to be a money-maker for people. Town did not get the tax benefit set up with state. This was a rough start, and left a bad perception.

Mr. Riemer - There still are no clear guidelines that allow you to know if you qualify for tax benefit. If an eligible person targeted a lot but did not qualify for financing, perhaps the financial incentive of AADU could help them qualify for financing.

Mr. Hultin noted that the actual limit is 1400 sf. Bylaw allows for conversion of a space within a house for a unit? Why put a limit on square footage for aging household. Some homeowners may want to create a unit and move into it and rent the larger rest of the house. This could be an affordable way to stay in your home. One-bedroom apartments are not helpful for a lot of people.

Mr. Perkel sees a different population, households with two working adults, earning \$75,000 between them who are ineligible for affordable housing. This is an expensive town and we need more affordable housing for those households. Need a creative process and we need to try new things, such as tax blindness instead of tax forgiveness, raise income limits, require registration of leases, tracking of rents. Total re-write on the bylaws dealing with housing. Where does the middle class live in Truro? Find consensus on these issues, reach out and make sure people understand the issues and are informed.

Mr. Coburn agrees that the big challenge is the level of affordability. State and federal affordability guidelines are based on funding programs, but the need is for homeowners that earn above those guidelines. Precedent of using CPC funds for housing that is affordable to households with 110% of median income. Town needs other incentives and creative ways to provide housing opportunities for 110% of AMI and higher because other programs don't help with these.

Mr. Zehnder, bigger problem is making housing stock available to people who cannot otherwise afford it. He sponsored a bylaw in Wellfleet that would have allowed people to develop another dwelling on their lot as long as they could meet septic requirements. Didn't pass. This is not for everyone, but for families that are looking for extra income. People will self select, and this program would not need income guidelines. Would make the text of the article available to the Planning Board.

Mr. Hopkins make people aware of what the tax credits are and what the process is, make it simple, because taking anything through the Planning Board costs \$5-10,000 which is a barrier for most people. Market this to people who can create accessory dwelling units right away, that are not used as summer rentals. Should use a stick against those who have accessory dwellings who rent them for the summer.

Ms. McCarthy – How many illegal accessory units are there? Use a carrot to help people to bring these “illegal” units into compliance and code. How can the town help households make this transition? John Hopkins agrees and noted programs are in place to support this transition.

Mr. Riemer – Many people cannot afford the upfront cost for making the transition. Fred noted that Wellfleet has a revolving loan fund with CPC funds that helps with upfront costs.

Mr. Coburn – In his capacity as Director of the Community Development Partnership, said the CDP funds a housing rehab program. In past you could use CDBG for creation of affordable accessory units, but now rules have changes and these funds cannot be used to create new units but can be used to bring units into compliance.

Mr. Perkel- There needs to be a special committee to think through all of the various issues. That would provide valuable input to Planning Board to help them craft a bylaw. Town Administrator could establish a committee.

Mr. Coburn - Housing Authority could play this role.

3. Street Definition

Ms. Tobia noted that this issue had been raised at a joint meeting of the three boards at the start of the fiscal year. Buddy Perkel wants Town Counsel to examine whether ZBA can establish a series of questions that the Building Commissioner can process as part of the application, so that for situations that do not have any issues other than road can be processed by the Building Commissioner. This is being looked at by Town Counsel.

Mr. Hopkins does not support this approach because there are so many non-compliant roads. Can't be based on Building Commissioner's opinion. Kline decision may make it legally necessary for the town to solve the road definition. This affects property values and is an expensive process. Somehow need to make sure that existing roads are legal for frontage.

Mr. Riemer – There are certain grandfathered rights that would allow you to qualify for a building permit. The claim that many lots require a special permit to build is false. The road list needs to be amended. Need to deal with fears, misconception that needs to be clarified. Original figures that Planning Board was operating under need to be updated.

Mr. Brown– The Planning Board has looked at this issue for four years. The Town doesn't have the staff resources for an extensive search Who is going to do this research at Registry of Deeds, etc. ? Many roads were cart paths to wood lots. Are these lots buildable or not?

Mr. Riemer – The 40-foot right of way provides for future infrastructure. The town needs to consider this issue in the context of a comprehensive plan update.

Mr. Hopkins – Many of these lots are already built on. ZBA process is expensive and there is a difficult test, not substantially more detrimental, that has to be met.

Mr. Zehnder – Planning Board endorsement does not confer status of road. Many roads are deficient for frontage and can't be built on. These non-conforming lots

cannot be built on without a special permit. If the Building Commissioner is allowed to make this determination, abutters can challenge the issuance of a building permit.

Paul Kiernan- Applauds affordable housing discussion and many good ideas. Septic is a barrier to adding units. Composting toilet is a good idea. On the street issue, not true that so many streets in town are not legally buildable. Since 1930s town has required a 40-foot easement to divide up their land. Selectmen approved these plans. MGL CH 40A section 6, par 4, if a lot was created legally, it was immune from any future changes in bylaws. On the list 212 lots created through subdivision process, many were created through subdivision and so are legal even though they don't meet the new standards. The 1989 requirements include 40-foot width, turn around, adequate room for emergency vehicles. These requirements were not new but became part of the bylaw. Those lots are now legally non-conforming. Of remaining roads, some are easements, some were created by Selectmen, some we don't have much information.

Ms. McCarthy – The road issue is a confusing, legal question and legislative (Town Meeting) issue. Did the Kline decision have a binding impact on the town in its application of road requirements? Perhaps the town needs an Attorney General opinion to reconcile the judicial decision, state law, and local bylaw. Homeowner equity is an important consideration. What is fair for homeowners, taxpayers? These questions are beyond scope of Planning Board and Town Counsel.

Mr. Perkel – Attorney General not qualified to render that decision.

Mr. Hopkins – The Town, not the state, needs to work out this issue.

Mr. Hultin – Apartment and duplex bylaw should be part of the discussion about affordable housing. This is another area of the bylaw that needs to be revised to help provide affordable housing. Fred Todd has put together a paper on this that will be circulated.

Mr. Todd – lot size requirement is one acre for new construction but conversion requires only $\frac{3}{4}$ acre. Consistent requirement of $\frac{3}{4}$ acre should be in place since most lots are that size. Other small changes would help and a work group should look at this also.

4. Adjourn

Mr. Boleyn moved to adjourn the joint meeting. Mr. Hultin offered a second to the motion and it was so voted.

Respectfully Submitted,

TRURO PLANNING BOARD

Meeting Minutes – Cater/Fisher Road Realty Trust Onsite Visit
November 16, 2015 – 3:30 pm, 9B Benson Road, Truro

Planning Board members Present: Bruce Boleyn, Jack Riemer, Peter Herridge.

Attending on behalf of the applicant: Christopher Snow, Donald Poole.

The applicant's representatives and Board members walked the site and reviewed the site with respect to the proposed roadway and subdivision.

TRURO PLANNING BOARD

Meeting Minutes – White Sands Onsite Visit

December 1, 2015 – 2:30 pm, 706 Shore Road, Truro

Planning Board members Present: Lisa Maria Tobia, John Hopkins, Steve Sollog, Bruce Boleyn. Attending in support, Carole Ridley.

Attending on behalf of the applicant: Reggie Donoghue, Maria Kuliopulos, Jason Kuliopolus.

The applicant's representatives and Board members walked the site and reviewed the site with respect to the demolition and replacement of a building, and modifications to parking and landscaping.

The site visit ended at approximately 2:50 pm.

Road Name	A) Public Way	B) Subdivision Road		C) Way Existing before 12/8/55	Map	Date - Subdivider or L.C. Plan No. - Bk/Pg
		Built	Not Built			
Abby Lane				X	54	Dirt Road - Proprietors Road see 1945/1955 L.C. 25187A
Adams Way			X		46	2002 The J.F.T. Trust 557/97
Andrew Way		X			40, 43	1998 Catherine D. Walters 544/64
Aldrich Road	Y				39, 40	B. 449, P. 425
Alden Circle		X			40	1965 Herbert W. Stranger 195/81
Alden Lane		X			40	1965 Herbert W. Stranger 195/81
Alden Road				X - Not Constructed	30	1924 Pilgrim Heights at High Head 20/5
Alden Way		X			40	1965 Herbert W. Stranger 195/81
Aldens End		X			40	1965 Herbert W. Stranger 195/81
Aldrich End					40	1982 Nene Schardt 369/18
Allerton Road				X - Not Constructed	30 (No building lots)	1924 Pilgrim Heights at High Head 20/5
Amanda Lane		X			36	1995 J. Allen Kosowsky 509/38
Amber Way		X			39	1980
Amity Lane			X		46	1965
Anderson Way			X		42, 43	12/18/1959
Annie May Way		X			39	1994 Michael & Theresa Silva, Tr. 504/53 (lots rel 2003)
Arrowhead Farm Road		X			35	1987 Herbert Stranger 440/12
Arrowhead Road	Y				22, 32	1956 Layout
Arrownhead Path					32	1969 Herbert W. Stranger 232/7
Atwood Lane					50	1966/7 Stanley G. & Esther J. Chamberlain 210/117
Atwood Road	Y				46	
Aunt Marys Road				X	60/ 65	No Record Found- Dirt Road
Aunt Sals Lane			X	X	52	1949 Geroge Thatcher, Long Dune Ridge 87/59-2
Avery Hill Way					47	1970? L.C.
Avery Way					51	1971 L.C. 16883 - Not Paved
Avocet Road					39	1977 Harold Harris Shearwater
Baker Lane					50, 54	L.C. 28240B Easement (Not a Road?)
Bay Front Lane					35	1974 Bay Village Associates 291/51 & 52
Bay View Drive					39	1968/9 Herbert W. Stranger 227/7
Bay View Path				X	39	
Bay View Road	Y				39	
Bay View Way				X	39	1951 Henry A. Browne & William Shaw 98/11
Bay Village Road		X			35, 36	1987 L.C. 201813B (par. 199 & 200) See Bay Front Ln
Bayberry Lane		X			46, 47	1972 L.C. 31205E (1)
Bayberry Road		X			42	1963 L.C. 32365A (2-6)
Bayside Hills Road					42	1986/7 Bayside Hills Julsan Reatly Trust 431/74
Bearberry Lane					42	1987 Carolyn Dain "The Hill Top at Great Hollow" L.C. 31303B
Benson Lane				X	53	1952?
Benson Road	Y				53	1952 Layout
Black Pond Road				X	61, 62	Proprietors Road - described in various deeds
Blackberry Road					47	1964 Nathaniel Dyer
Blackfish Road					46	1962 Cape Lands Inc. 174/85
Blueberry Lane					47	1969 Ruth Dyer 233/153
Bluefin Lane					42	1974 Francis & Dorothy Mardulier 288/76
Bound Brook Island Road				X	63	

Bradford Road				X - Not Constructed	29, 30	1924 Pilgrim Heights at High Head 20/5
Brewster Road				X - Not Constructed	30	1924 Pilgrim Heights at High Head 20/5
Briar Road					59	1976 L.C. 26481
Bridge Lane				X	50	1954 L.C. 20105E 15" Way
Bridge Road	Y				46, 50	
Button Hill Road					53	1994 John M. Thornley 507/29
Cabral Farm Road					42	??
Capt Mayo Drive -N/A				X	17, 18	Town & State Owned - Paper Road
Cardinal Lane				X	39	1939 L.C. 16790 12' Wide & 1960 (Plan D)
Carrs Lane		X*			50	1983 Anne K. Carr *Rd Construction Waivers 380/24
Castle Hill Lane					50	1960 L.C. 30557A shows on the plan
Castle Road	Y				43, 46, 50	
Castle Terrace				X	46	Referenced in 1951 Deed as a 20' ROW
Cemetery Road-N/A					54, 59	Serves as access to Pine Grove Cemetery
Chadwick Road				X	22	1952 Plan of Knowes Heights 106/57
Chatham Avenue				X - Not constructed	30, 31	1924 Pilgrim Heights at High Head 20/5
Chickadee Lane					42	1968 Miriam A. Fowler Tube 34 A & B
Church Way				X (Cul-de-Sac 1969)	36	1941 & 1969 L.C. 18138A & B
Circuit Way					58	1976 L.C. 26481
Clarks Road				X	39	1956 Lora Peters 129/43-2 Not constructed owned by P-town
Cliff Road				X - Not Constructed		1924 Pilgrim Heights at High Head 20/5
Coast Guard Lane				X	33	Deed reference to 40' Road
Coast Guard Path				X	33	Deed Reference to 16' ROW 1-10-1931 L.C. Case 14660
Coast Guard Road	Y				33, 34, 37	
Coast Guard Terrace					34	1959 Eilena M. Winter ANR 147/67
Cobb Road					59	1976 Piletus H. Holt LC 29099 & LC40605
Collins Road	Y				51, 55	
Cooper Circle					58, 59	L.C. 29099 1963 Pending
Cooper Road					58, 59	L.C. 29099 1963 Pending
Cormorant Road					39, 42	1977 Harold Harris Pending L.C. 34915
Corn Hill Landing		X			45	1978 Nicolas Brown 321/27
Corn Hill Lane					45	1971 Leroy E. Lippincott 248/35
Corn Hill Path ??					45	There is no road layout, although 2 properties have this address
Corn Hill Road	Y				45, 46	1967 Layout
Cranberry lane					47	1972 L.C. 31205E (2)
Crestview Circle					42	1968 Miriam A. Fowler Tube 34 A & B
Daisy Lane					53	Shows on 1971 ANR Teresa Daisy 250/69
Daniel Lane					39	1988 Rob't Kenny & Wm Dacey 450/47. Lots 1,13,14,15 Excluded from PB Cov. 6312-96. Aldrcih Nominee Trust
Deer Path					47	1972 L.C. 31205E (3) (1st 2 lots) & 1972 37200A
Depot Lane					50	Appears to be created by 1961 ANR 163/75, 1958 142/67, & 1977 314/50. Also, referred to in 1959 Deed
Depot Road	Y				50, 57	
Deschamps Way				X	53	1953 Grace DesChamps 30' ROW off Proprietors Rd 113/145-2

Dorothys Lane			X	44	1945 L.C. 18231R
Drunlin Lane		X		39	1978 L.C. 34951B Shearwater
Dune Way				58	1976 L.C. 20105E - See Brian Rd.
Dyer Road				47	1969 Ruth Dyer 233/153
Dyers Hollow Road			X	47	Referenced in 1948 Deed Bk 701, Pg 102
Edgewood Way			X	51	2001 Meldahl Reatly Trust Cov 14422-9 569/44
Eliantha Lane		X		45	1978 Nicholas Brown , Construction Waived 321/27
Elizabeth Way				42	1967 Eve Rosen 213/115
Elsies Road			??	60	No Deed Reference(s) found
Eric's Road			x	46	1971 J. Schoonejongen 246/86
Erlinda Road				46	1962 Cape Lands Inc. 174/83
Fair Winds Passage		X		40	2004 Atlantic Highlands King Atkins Jr. Cov Rel 20038/279
Falcon Lane			X	39	Shearwater - Drvieway over ROW
First Discovery Road				46	1964 Woodbridge (S. Josphe Nemetz) 189/71
First Light Lane				42, 45	2001 Ladoyt Teubnes 573/53 See Also 429/56
First Parish Lane			X	Dirt Rd 46	1961 Quel Que Shue Enterprises (Joe Miller) 161/145
Fisher Hill Way			X	54	1976 Penelope Russianoff & Harry Kahn 313/38
Fisher Path			X	53	1941 10' ROW shown on Plan 66/133-2
Fisher Road	Y			53, 54	
Fishermans Road				42	1963 L.C. 32365A (2-8)
Florence Way				35	1980 L.C. 22033C
Fourth of July Road			X	46, 47	1968 Robert Tieger 231/69
Francis Farm Road				50	1996 Nickerson Realty Corp. (Pamet Harbors) 528/76
Francis Road	Y			36	
Freeman Road			X	59, 64	ROW
Friendship Way			X	39, 40	1954 Ruth Slade 117/53
Glacier Drive		X		46	1987 Truro Realty Trust 452/17
Gospel Path				46	1963 Cape Land Inc. (See Erlinda Rd) 174/83
Grace Way				46	1963 Cape Land Inc. (See Erlinda Rd) 174/83
Grandpas Road - Not A Road				46	10' Easement See deed 2268-75
Grays Lane			X	50	1954 William E. Sylvia 15" ROW 116/113
Great Hills Lane		?		53	1970 John C. Worthington 247/104
Great Hills Road			X	49, 53	1954 Hazel DeC. Francis & Crace A. DesChamps 30' & 20' 117/77
Great Hollow Land				42	1971 Edith Curney 247/135
Great Hollow Road	Y			42	1957 Layout
Great Pond Road			X	60	See 1946 Deed 656-75
Gridley Brook Lane				50	1990 Peter & Anna Davol 472/5
Grouse Run				47	1972 L.C. 31205E(3)
Hardings Way				45	2004 Stephen Perry & Richard Perry 596/91
Harrier Way		X		50	1994/95 Douglas Queen Construction waived to 10' 509/37
Hart Road				42	1974 Francis & Dorothy Mardulier 288/76 & 279/54
Hatch Road	Y			50	1963 Layout
Head of the Meadow Road	Y			33, 36	1956 Layout
Head-O-Pamet Way		X		48	1959
Heather Lane		X		42	1963 L.C. 32365A (6,8)
Helens Way		X		46	1987 Truro Realty Trust 452/17

Heron Lane				39	1979 Harold Harris Shearwater L.C. 34915C
Higgins Hollow Road	Y			43,46	1928
Higgins Way			X	46	974 Clark Brown/WF Slade 289/99 Also- Pre-1955
High Head Road	Y			10,11,29	
High Pamet Road			X	50	1913 See Deed 323-99
High Ridge Road				42, 45	1977 Richard Butterfield & Est of John Butterfied 321/8
High Ridge Road Ext		X		45	1985 Bruce Keller 405/27
Highland Avenue			X	22	1952 Plan of Knowes Hieghts 106/57
Highland Light Road			X	37	1945 Shows as "Town Way" 78/113
Highland Road	Y			36, 37	1956 Layout
Highland Terrace			X	22	1952 Plan of Knowes Hieghts 106/57
Highview Lane		X		40	1986 Hillbourne Terrace Trust (Mark Peters) 423/87
Hillbourne Terrace		X		42	1986 Hillbourne Terrace Trust (Mark Peters) Cov Rel '87 423/87
Hilltop Lane				42	See "Bluefin" 1985 Francis Mardulier 405/8
Holden Avenue			X	30	1928
Holsbery Road	Y			50, 54	
Hookers Way				46	1973 L.C.37177A Burton Rice 286/61
Hopkins Way				40	1974 L.C. 38490A
Horseleech Road			X	62	1951 L.C. 23215A
Horton Drive		X		35	2010-004 WEDHO LLC 636/24
Houser Way				43	1964 Frances V. Wood (shows on plan) 200/109
Huckleberry Lane				47	1969 Ruth Dyer 233/153
Hughes Road	Y			39	
Hutchings Lane			X	39	1955 Referenced as ROW in Aug. deed 918-57
Indian Neck Way			X	39	2000 L.C. 29915-O
Issac Small Lane N/A					Town & State Owned - Paper Road
Jeans Way				46	1966 S. Joseph & Zena Nemetz 212/45
Josephs Road				46	1971 J. Schoonejongen 246/86
Jillmar Lane				45	1979 Nicolas Brown 338/54
Jobi Way				40	1972 Joseph Colliano & Willis Hastings 261/86
Katharine Road			X?	59	1971 L.C. 25480A
Keezer Court ??				51	
Kettle Hole Lane				42	1986/7 Bayside Hills Julsan Reatly Trust 431/74
Kill Devil Road		X		42	2001 Milton Wright (Cov Rel) 568/46
Kimberley Lane			X	34	1958 Berenice Hoskins 143/51
Kings Road aka Collins Road				55, 56, 61	
Kinnikinnick Road -NOT A ROAD				46	1973 20' Easement see Dec. of Easement 1860-75
Knights Way			X	46	1997 Knight Nominee Trs (NO Cov Rel) 535/10
Knowles Heights Road	Y			21, 29	1956 Layout
Kyle Way				39	1988 Rob't Kenny & Wm Dacey 450/47. Lots 1,13,14,15 Excluded from PB Cov. 6312-96. Aldrcih Nominee Trust
Lambrou Lane		X		36	1999 Gregory Lambrou (comp cov rel 13960-129) 553/17
Lauras Way			X	39	2005 Czyoski (complete release 2014) 637/7
Laurel Lane		X		54	1986 Roy Barnhart, Mary Reinhart & Tim Tracy 417/23
Lawrence Way				42	1967 Eve Rosen 213/115

Leeward Passage		X			40, 43	1998 The Drysdale Family Trust 546/53
Left Handed Road		X			46	1995 Timothy & Sally Katzen Dyk 518/93
Lesser Lane					46	1962 Cape Lands Inc. 174/85
Lily Lane		X			43	Lily & Alfred Realty Trust L.C. 17658E (Pending)
Little Pamet Way					46	1962 Cape Lands Inc. 174/83
Long Dune Lane				X	48, 52	1949 Long Dune Ridge George Thatcher 87/59-2
Longnook Drive					46	1968 Herbert Stranger 226/31
Longnook Lane					46	1970 Herbert Stranger 239/43
Longnook Road	Y				43, 44, 46	
Madley Lane		X			39	2011-006 Paul Brodeur 641/90
Manomet Way					59	1976 L.C. 264818
Marc Lane					59	1976 L.C. 26481
Maria Rose Path		X			50	2005 David Drinkwater 627/73
Marian Lane					50	1989 Paul & Nancy Fenichel (NO COV) 463/80
Marsh Hawk Trace		X			42	1987 Colony Realty Trust 439/44
Marsh Lane		X			46	2003 Gregory Morris 584/33
Marshall Lane				X	50	1947 L.C. 22032
Martins Way					46	1968 Herbert Stranger 226/31
Marys Way (formerly Carlin's)		X			45	1999 Mary DiGiovanni 558/33
Matta Road				X	22	1952 Plan of Knowles Hieghts 106/57
Mayflower Road				X	19, 20	1924 20/5
Meadow Terrace			X		33	1958 Harry T. Pearsall 153/43
Meetinghouse Road (east)	Y				46	
Meetinghouse Road (west)	??					
Meredith Way					35	1981 L.C. 22033D
Merrfield Path		X			39	1999/2000 Philip & Deborah Richardson 564/33
Mill Pond Road	Y				50,54	
Moon Pond Lane N/A						Town and State Owned - Paper Road
Moon Pond Road				X	19, 22	1952 Plan of Knowles Heights 106/57
Moorings Way (ROW)					46	Described in deed 1080-547, shown on 218/131 as ROW
Morris Avenue		X			43	2 Plans:1986 C.C.Realty & Builders, Co. 452/11 and 1988 Robert & Viola Morris 452/12
Moses Way		X			40	1972 Stephen Perry 261/24
Munson Road					52	Dirt Road - No information
Neighbor Lane			X		47	1963 L.C. 31205C
Nelson Drive ??			X		43	Shows on 1973 ANR Plan 278/28
Nilson Road					60	Old Route 6
Noahs Way		X			50	2009 Bruce Decker 633/63
Noons Drive (Dirt)			X?		39, 42	1969 John Noons 241/41
Noons Heights Road ??					39	Cannot Find any plan or deed references
North Pamet Road	Y				47, 48, 51	
North Union Field Road		X*			40	1972 Stephen Perry (only portion built) 261/24
Obbo Drive		X			42, 45	2009 MB)-JGO, LLC 634/15
Ocean Bluff Lane				X	37	Dirt Road, 30' ROW described in deeds
Ocean View Terrace					33	1958 Harry T. Pearsall 153/43
Old Bridge Road				X	50	1953 L.C. 25500A(3) 8' Proprietors Way

Old Colony Way					42, 45	1964 RR Deeded (1290-411 & 1275-385) ROW to abutters 187/131
Old County Lane					59	1976 40' Easement, L.C. 264814 Deed says 20' Easement
Old County Road	Y				50,54,59,64	1932 Layout
Old Dewline Road				X	37	Ref. in 1956 Affidavit 963-226 & in 1934 as proprietors road
Old Firehouse Road				X	36	1940 Standish Heights Tr., Joseph Day Trustee 61/131
Old Kings Highway	Y??				30,31,33,40,43,44,47,63,66	
Old Outermost Road				X	40, 41	1941 L.C. 18231A 20' Way
Old Pamet Road				X	50, 51	1951 L.C. 15558C & D
Osprey Way					51	Does not appear to be a Street. Shown on 1970 ANR plan 241/141 Dirt Driveway
Outwater Lane			X		45	1985 L.C. 29915L
Overlook Drive		X			43	1985 Donald Brierly & Maureen Chiarappo 408/43
Paines Way		X			39	1990 Stanley Potts 472/6
Pamet Point Exit				X	60, 65	Appears to be old proprietors road.
Pamet Point Road - Off				X	60, 65	Appears to be old proprietors road.
Parker Drive					39, 43	1968 Miriam A. Fowler Tube 34 A
Payomet Lane		X			45	1978 Nicholas Brown (Const. Waived) 321/27
Pearsall Drive			X			1958 Harry T. Pearsall 153/43
Perrys Road	Y				43,46	
Perrys Hill Way				X	54	Shows on 1957 L.C. 28240A, Dirt, 16.5' way
Peters Pond Road			X		39	1969 John Noons Dirt Road Tube 169
Petersons Road ??					46	Shows on 1973 Helen Rule ANR plan 268/25, Dirt Driveway
Petersson Way				X	53	1954 Hazel DeC. Francis & Crace A. DesChamps 30' & 20' 117/77
Phats Valley Road			X	X	54	1973 L.C. 25187C & 1991 Jenny Kaufmann 482/12, shown as old proprietors road
Pilgrim Pond Road					36	1971 Louis English 247/151
Pilgrims Path		X			35	1974 L.C. 36355
Pine Ridge End		X			35, 36	1964 Herbert Stranger 184/113
Pine Ridge Road		X			35, 36	1964 Herbert Stranger 184/113
Poet's Path					54	2004 Teichman, David & Levine, Wendy
Pomps Lot Road			X		43, 46	1971 William Merriss "Paper Road" 252/52
Pond Road	Y				36, 38	1961 Layout
Pond Village Avenue		X			35, 36	1974 Bay Village Associates 291/51 & 52
Pond Village Heights Road		X			36	1971 Alma Scott Thorsen 249/65
Priest Road	Y				39	1953 Layout
Prince Valley Road	Y				54,59	
Prince Valley Way ??					59	ROW noted in deed Bk 2091, Pg 216
Priscilla Road				X	29, 32	1924 Pilgrim Heights at High Head 20/5
Professional Heights Road		X			36	1970 Richard Woodward 245/127 & 1971 R. Woodward 262/30
Quail Hill Road		X*			42	1963 L.C. 32874A (Rd not completed to the end)
Quail Ridge Ext		X			43	1993 Stephen Perry (Construction Waived) 498/37
Quail Ridge Road		X			43	1973 Rogers Dysdale 278/24
Quail Ridge Way		X			43	1973 Rogers Dysdale 278/24

Quail Run				47	1972 L.C. 31205E (2 & 3) & 1972 L.C. 37200A
Quail Way				42	1979 L.C. 32874B & 1963 32874A (Dirt Rd)
Quanset Road				58,59	1976 L.C. 26481B (See Brian Lane)
Rabbit Hill Road				47	1963 L.C. 31205C
Resolutions Road				45, 46	1966 S. Joeseph & Zena Neimetz "Catherdral Hill" 212/45
Rich Road				54	1969 L.C. 34633A
River View Road		X		50	1995 Depot Road Nominee Tr. 517/92
Rolling Hills Road				58	1957 Dorothy Schroeder 139/131
Rose Hill Lane			X	54	1997 Gary & Guity Becker (Not Constructed) 538/6
Rose Road			X	61	Noted in various deeds pre-1955
Route 6	Y			Multiple Sheets	State Road - MassDOT
Russell Way (& Easement)		X		39	2003 Paul Brandon (Road Constr Waived) 581/87
Ryans Way		X		46	1973 L.C. 37177A Burton Rice 286/61
Ryder Beach Road	Y			58, 59, 63	
Ryder Beach Way			X	63	1968 Robert Ryan (Dirt Driveway) 225/9
Ryder Hollow Road				63	1963 Marjorie Hill 184/123
Sage Ridge Road				39	1985 Clarence & Marjoire McCarthy 406/73
Salt Marsh Lane		X		53, 54	1994 Peter & Anne Poor (Dirt Rd) 593/33
Sams Way			X	24	1993 Samuel Dyer Jr (Not Constructed) 503/18
Sand Pit Road				39	1970 John F. Noons Tube 169
Sandpiper Avenue		X		35	1979 Earl Godwin & Luther Crowell "Clear View Acres" 338/15
Sandpiper Road				58, 59	1976 L.C. 26481
Sandy Lane		X		43	1985 Don Brierly & Mareen Chiarappo 408/43 & 1999 Nickerson Realty Corp. 550/82 aka "Bay Knolls"
Sawyer Grove Road		X		39	1995 Helen Mary Sawyer 512/13
Schardt Way				39, 40	1982 Nene Schardt 369/18
Scrimshaw Street				46	1964 Woodbridge (S. Joseph Nemetz) 189/71
Scrub Oak Way ??				43	Shows on 1966 ANR (John & Jeanne Gainey) 201/143
Second Landing Way ??				45	Shows on 1977 Plan Leroy Lippincott - Driveway - 248/35
Secor Lane				50	1986 Frank Dickerson 424/29
Shore Road	Y			1 -3, 5 - 10, 12, 13, 16, 17, 20-22, 35, 36, 39	
Short Lots Lane		X		43	1991 Stephen Richard & John Perry 482/14
Short Street		X		46	1991 Raymond Cabral 482/62 (Rec'd a Var from ZBA)
Sky View Drive		X		42	1974 John & Richard Butterfield 284/88
Skylar Lane				54	1984 Christopher Winfiled & Andrea Johnson 385/5 No Covenanat Relase Found
Slade Hill Road ??				50	Shows on 1967 ANR Est. Irene Slade 213/5
Slough Pond Road			X	61, 62	Ref. in old deeds and plans
Snow Field Road	Y			46	
Snows Road				46	1964 Woodbridge (S. Joseph Nemetz) 189/71
Society Lane				46	1971 J. Schoonejongen 246/86
South Bridge Path			X	50	1949 L.C. 21890A
South Highland Road	Y			37, 39, 40	1952 Layout

South Highland Way ??					39	Shows on 1965 ANR Harold Burbridge 197/49-2
South Hollow Road	Y				37, 39	
South Pamet Road	Y				48, 57, 52	
South Pamet Way		X			51	2005 John & Freda Snow (Rd Const Waived) 603/68
Souzas Way					46	1962 Cape Land Inc. 174/83 & 1987 Gregory & Elizabeth Candis 472/42
Spyglass Hill Road		X			58, 59	1986 L.C. 26481J
Standish Way	Y				36	1967 Layout
Starbuck Road					35	1967 L.C. 21954C
Stephens Way				X	53,54	Various old deed ref and plans
Stick Bridge Road					54	Old deed ref and plans
Stoney Hill Road		X			46, 47	1987 Truro Realty Trust 452/17, See also 368/96
Story Book Lane		X			43	1989 Warren & Rudelle Falkenburg 511/6 (Rd Const. Waived)
Sturdy Way					58	Shows on 1957 Dorothy Schroeder 139/131; 1963 Joseph Duarte 181/117; 1971 Justin Kaplan 241/11; 1971 William Sturdy 257/69; 1979 J. Grant Burke, RT 338/43
Sunset Lane		X			42	1981 Nicholas Brown 353/25
Sunset Road				X	22	1952 Plan of Knowles Heights 106/57
Swale Way					47	1971 LC 1688H
Sylvan Lane					43	From #14 to End 1966 Sylvia Epstein 203/115 & 1970 Sylvia Epstein 244/133. From Old Rte 6 to Twining Rd 1967 Allan Klorick (North side of rd.)
Sylvias Way					43	1966 Sylvia Epstein 203/115 & 1970 Sylvia Epstein 244/133
Thorney Meadow Road		X			53	1993 John Thornley 498/36
Tillie Way		X			46	2005 Robert Mahoney & Martha Webber 603/80
Toms Hill Path				X	45, 49	1938 L.C. 16928A
Toms Hill Road	Y				46	
Towhee Lane					53	1st part shows on 1971 ANR Theresa Daisey 250/69
Town Dump Road	Y				55	
Town Hall Road	Y				46	
Truro Center Road	Y				46, 50, 51	
Tryworks Road					46	1962 Cape Land Inc. 174/83
Turnbuckle Way					43	1972 Joan Fenichel 266/59
Turnstone Road					39	1980 L.C. 34915E
Twine Field Road	Y				35, 36	1952 Layout
Twining Road					43	1967 Allan Klonick 214/71
Uncle Irvs Way				X	41, 44	1948 L.C. 18231H
Union Field End					47	1971 Nathaniel Dyer 248/39
Union Field Road					47	1965 L.C. 31205D
Valentina Way??					60, 61	Appears to have been created by 1968 ANR Valentine Rose 229/59
Walsh Way??					43	Ref. in Deed Bk. 1091, Pg. 549
Warren Place					46	1962 Cape Land Inc. 174/83

Waterview Heights Road		X		22	1985 L.C. 11740Q
Well Sweep Lane			X	53	1953 Ref in Deed Bk. 865, Page 24 - 10' ROW
Whale Watch Drive		X		24	1989 L.C. 11740R
Whitmanville Road	Y			43, 46	
Windigo Lane		X		35	1967 L.C. 21954C
Yacht Club Road				50	1972 John Worthington
Yellow Brick Road		X		36	207 John Reis, Inc. 621/55
Zazu Lane		X		40	1996 Gary & Donna Doss 527/86

KEY

Color	Type of Street/Road	Number of Each
	A - Town Street/Road	46
	B - Subdivision Street/Road - Complete	80
	B - Subdivision Street/Road - Requiring Further Research and/or Inspection/Review	101
	B - Subdivision Street/Road - Road has not been constructed	27
	C - Street/Road created prior to December 8, 1955	63
	Other - Street/Road listed as such; however there is either not adequate information to determine the status of the "street/road" or it is not a street/road.	29

If you have additional information regarding the status of any of the streets listed here, please contact Charleen Greenhalgh, Assistant Town Administrator/Planner at asstownadm@truro-ma.gov or 508-349-7004 x-27. Thank you

Fiscal Year: 2017			Department Number: 010175			
TOWN OF TRURO						
BUDGET REQUEST DOCUMENTS						
	DEPARTMENT:	<u>PLANNING BOARD</u>				

TOWN ADMINISTRATOR'S BUDGET RECOMMENDATION

Account	FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16 Approp	FY 17 Request	Notes & Comments
5100						
Personal Services: Salaries, Wages & OT COLA	2,209.85	1,786.38	878.12	3,184.00	3,571.20	
5200						
Purchase of Services	200.96	266.42	166.34	500.00	275.00	
5400						
Supplies	0.00	0.00	0.00	250.00	0.00	
5700						
Other Charges and Expenses	0.00	0.00	0.00	300.00	0.00	
TOTALS	2,410.81	2,052.80	1,044.46	4,234.00	3,846.20	

APPROVAL:

Town Administrator: _____ date: _____

_____ date: _____

Fiscal Year: 2017		Department Number: 010175
TOWN OF TRURO		
BUDGET REQUEST DOCUMENT		
	DEPARTMENT:	<u>PLANNING BOARD</u>

PERSONAL SERVICES - Account Number: 5100

In-State	N/A							
Travel								
Out-of-State	N/A		0.00					
Travel								
Dues and Memberships	Dues and Workshops, etc.			Dues, seminars, travel expenses				
5700 TOTAL			0.00					
BUDGET TOTAL:			3,846.20					

White Sands seeks second story for fire-damaged motel

TRURO — Truro's planning board has continued until Jan. 19 an application for a commercial property site plan review for the beachfront White Sands motel at 706 Shore Road in North Truro.

The application, presented at the planning board's Dec. 8 meeting, relates to a proposal to demolish a single-story, 19-unit motel building on the property that was damaged in an early morning fire Oct. 30, 2014 and replace it with a two-story

structure of 17 units, plus a hospitality room.

At issue for the planning board was the proposed second story, parking, fire department access and landscaping.

Construction is expected to cost \$546,000 accord-

ing to the owner, Maria Kuliopulos, in documents provided to the planning board.

-IE

TRURO

Tribuna asks to change status of Parker Drive property

By Ian Edwards
Banner Correspondent

TRURO — The outcome of a controversy over a commercial property at 7 Parker Drive is now in the hands of Truro's building commissioner after both the zoning board of appeals and the planning board voted this week to allow the owner to withdraw his appeal and belated application to those boards.

In the first case, at the ZBA, property owner Michael Tribuna, CEO of Heritage Realty Associates in Quincy, was appealing a May 27 cease-and-desist order from Truro Building Commissioner Russ Braum.

The issue then was site work

done by Tribuna without the regulatory approvals required for a commercial property. Work on the property, which was a commercial cottage colony grandfathered in an otherwise residential neighborhood, included the removal of 40 or more trees last winter and spring and the addition of fill to level the property and provide drainage. The ZBA approved the withdrawal of Tribuna's appeal on Dec. 7.

The stop work order in May, however, triggered a second regulatory review by the planning board. Beginning Sept. 8, Tribuna and his legal adviser asked the board to grant him a commercial site plan review after the fact. Approval of the site plan was required before

any modifications could be made on the property.

"Mr. Tribuna was unaware that his small cottage colony, consisting of his personal residence and three modest cottages, required site plan approval," said Tribuna's lawyer, Christopher Vaccaro, in documents provided to the town. "Mr. Tribuna now seeks to rectify these mistakes and obtain site plan approval for the work."

Since then, however, there have been continuances, angry testimony and efforts from the neighbors to create a remediation plan for the site.

Then, on Oct. 30, Tribuna applied to the building commissioner to

change the use of 7 Parker Drive from commercial to single-family residential — a shift that would, on approval, release him from responsibility for any violations on the commercial property.

A dejected planning board finally voted to allow the withdrawal of Tribuna's application for site plan review, with prejudice, at its Dec. 8 meeting.

The "with prejudice" distinction means that Tribuna won't be able to apply for a commercial site plan review for the property in the future, should he want to. The vote was six in favor, with Michael Rodrick abstaining.

"I'm disappointed in the turn of events," said Lisa Maria Tobia, chair of the planning board. "I thought we had come to a meeting of the minds on the issue. This application has exposed a loophole. Clearly, there is a gap in our bylaws and we should make it our ambition to close this for future applications. If you're in direct violation,

that should be remedied before you just move on."

"My main concern," said Jennifer Cohen, president of the Tru-Haven Homeowners Association, which represents properties in the Parker Drive area, "is that the applicant wants to avoid all responsibility for the zoning violations, but wants to also benefit from them. It's an outrageous gaming of the system. I hope he'll do right by his neighbors as he and his lawyer have said they will do."

As the owner of a residential property, Tribuna has the right to clear the site without permits.

It's not clear when Braum will make a decision on the change of use request.

Braum told the Banner in an e-mail, "A single family residential use is allowed, by right, in that zone. The best that we can do is to make sure that the proposed change complies with the local and state regulations over which we have jurisdiction. It's the same kind of work we do day in and day out."

Vaccaro, Tribuna's lawyer, had not responded to voicemails or e-mails at press time.

Town attorney advises boards on proper etiquette

By **Susanna Graham-Pye**
Banner Correspondent

TRURO — On Tuesday, in a joint meeting between the selectmen and the conservation commission, Town Counsel John Giorgio was invited to weigh in on several issues — among them, the questions of which board has authority to do what and how regulatory boards should conduct meetings appropriately.

Giorgio also spent considerable time, legalities aside, talking about how public officials should conduct themselves in the best interests of the residents they represent. He emphasized that, when in doubt, any and all discussions should take place “in the open, during a public, posted meeting.”

Paul Wisotzky, chair of the board of selectmen, said he hoped the two boards would look at the evening as a “shared learning about how best to support one another, to best serve residents, and...to stay future-oriented.”

Though Wisotzky clearly did not want to relash the past, the meeting with Giorgio can be traced to a discussion in September between Wisotzky, Selectman Jan Worthington, Town Administrator Rae Ann Palmer and the ConCom. That discussion was held as a result of an August ConCom meeting during which ConCom members discussed issues not on their agenda, among them the ongoing Panet Harbor parking situation. Some of them made comments suggesting selectmen had been unresponsive to concerns from residents about the harbor parking issue.

During that meeting, ConCom members said they’d felt hurt and frustrated at not being invited by selectmen to offer advice on issues surrounding work in areas that could fall under the ConCom’s jurisdiction. Saying he hoped he wasn’t oversimplifying, Giorgio, on Tuesday, first pointed out that the ConCom is a regulatory board that issues permits and approvals under the Wetlands Protection Act. It conducts hearings and issues findings based on facts that are “well reasoned, defensible decisions.”

“The board of selectmen has a very different role,” Giorgio said, noting that the board has the chief executive role in town, having care and control of town expenditures and properties. If the board were to choose to do anything that required permitting under the ConCom it

SEE BOARDS, A17

National Seashore and the Army Corps of Engineers. Permitting for any work will be required from many agencies and any concerns or suggestions should go through the engineers hired to handle the work, he said. Giorgio agreed.

“You have to leave it up to the paid professionals,” he said. “You don’t want to get down into the reeds of a project.”

Getting into discussions prior to hearings or public meetings, and offering opinions on issues, could give the appearance of pre-judging matters, Giorgio said.

Giorgio will meet with the ConCom and the town’s other regulatory boards, such as planning and zoning board of appeals, later this winter to review the correct way to conduct hearings and write defensible opinions.

In the meantime, he suggested that any individual town official who has questions or ideas regarding issues that will be discussed in public reach out to staff for answers, and hold all in-depth discussions about issues in legally posted open meetings.

BOARDS

From Page A11

would, like any applicant, hire an engineer that would navigate the regulatory process, including any necessary permitting from the ConCom.

An example lay in Ballston Beach. Peter Romanelli, chair of the ConCom, said he has concerns about the north end of the Ballston parking lot and the overwash that will surely occur there should the town experience future storms that are as severe as last winter’s. However, Giorgio pointed out that Romanelli’s opinion is only that, and that his concerns should be brought to the selectmen or an engineer hired by the town to look at the situation.

How the town should move forward at Ballston Beach will be discussed after selectmen receive the results of a study of the area being conducted by the Center for Coastal Studies.

In the case of Ballston Beach, Selectman Jay Coburn pointed out the town is involved in looking at work that will involve the state, the

Planning board again rejects disputed Benson Road lot

By Ian Edwards
Banner Correspondent

TRURO — Eighteen years after they began seeking approval to build their dream retirement home atop a bayside dune, the owners of a parcel of land off Benson Road were handed their most definitive rejection yet by the planning board last week. The board unanimously denied the request of Willie and Gloria CATER of Brookline for waivers from the zoning bylaw and nixed their subdivision plan.

Among the waivers sought by the Caters for 9B Benson Road was relief from the 40-foot minimum right-of-way along the 12-foot easement that provides access to the property. In their plans this easement is labeled Hopper's View Lane. They also asked to be allowed a steeper slope on the proposed access road, narrower shoulders for the proposed roadway and less public way frontage than required to meet the bylaw's standards.

"They were maintaining the status quo," said Provincetown attorney Christopher Snow, who represents the Caters, referring to the board's decision that followed a two-hour debate. "They were unyielding and unsympathetic."

The Caters have owned the 3.49-acre property since 1979 and began the process of regulatory approval in 1997. Since then, the Benson Road project has been through multiple hearings and a protracted legal review, as the Caters sought both waivers from current zoning laws and clarity about a 116-year-old easement that would provide access to the landlocked lot.

The meeting began inauspiciously with Snow calling into question the impartiality of board members Lisa Maria Tobia and Jack Riemer. Planning board chair Tobia is a trustee of the Truro Conservation Trust, which owns the abutting property through which the Caters claim the right to access their own. She publicly opposes their application. After stating that she could remain objective about the case, Tobia recused herself from the deliberations and left the room, leaving six board members to conduct the hearing.

Riemer, who lives on Fisher Road near the Caters' property, did not recuse himself. At a hearing on the Caters' nearly identical application a year ago, before he was sworn into service on the planning board, he spoke against the Caters' requests. At that hearing their application failed by only one vote. Riemer said that he had been cleared of any conflict of interest in an ethics review by Truro's town counsel.

The Caters' application was supposed to be considered at the Oct. 6 planning board meeting, but that proceeding was continued because of the conflict of interest issue. A third member of the board at that time, Bill Worthington, also submitted a disclosure

board.

The case is contentious and complex. Because of the natural contours of the land and its location in relation to abutting properties, there are few workable access points to the property. In deed documents dating back to 1899, there was an allowance for an easement but no fixed location for it.

The Caters asserted the validity of that 12-foot easement, which was affirmed by Mass. Land Court Judge Gordon Piper in July 2007, despite opponents' assertion that it should be considered abandoned because it had not been used for more than 100 years. A second Land Court decision in February 2013, again by Piper, placed the access road on the map.

But the planning board stated it is not bound by Judge Piper's rulings. It denied the application last week because the proposed roadway fails to meet subdivision minimum standards.

Snow said he must wait for the written ruling, which the planning board will issue by Dec. 25, before he considers what other "avenues of relief" he might seek as a next step. The issue might return to the Land Court, he said.

"We plan to hold, not to fold," Snow added.

A thumbs-down for Benson Road plan

By Ian Edwards

TRURO — Eighteen years after they began seeking approval to build their dream retirement home atop a bayside dune, the town's planning board last week handed the owners of 9B Benson Road their most definitive rejection yet. The board unanimously denied the request of Willie and Gloria Cater of Brook-

less public way frontage than would otherwise meet the town's standards. "They were maintaining the status quo," said Provincetown attorney Christopher Snow, who represents the Caters, referring to the board decision that followed a two-hour debate. "They were unyielding and unsympathetic."

The Caters have owned the 3.49-acre property since 1979 and began the process of regulatory approval in 1997. Since then, the Benson Road project has been through multiple hearings and a pro-

tracted legal review, as the Caters sought both waivers from current zoning laws and clarity about a 116-year-old easement that would provide access to the landlocked lot.

Among the waivers sought by the Caters was relief from the 40-foot minimum right-of-way for the 12-foot easement that provides access to the property. In their plans this easement is labeled Hopper's View Lane. They also asked to be allowed a steeper slope on the proposed access road, narrower shoulders for the proposed roadway and

a trustee of the Truro Conservation Trust, which owns the abutting property through which the Caters claim the right to access their own. She publicly opposes their application. After stating that she could remain objective about the case, Tobia recused herself from the deliberations and left the room, leaving six board members to conduct the hearing.

Riemer, who lives on Fisher Road near the Caters' property, did not recuse himself. At a hearing on the Caters' nearly identical application a year ago, before he was sworn into service on the planning board, he spoke against the Caters' requests. At that hearing their application failed by only one vote. Riemer said that he had been cleared of any conflict of interest in an ethics review by Truro's town counsel.

The Caters application was supposed to be considered at the Oct. 6 planning board

meeting, but that proceeding was continued because of the conflict of interest issue. A third member of the board at that time, Bill Worthington, also submitted a disclosure statement, but has since resigned from the board.

The case is contentious and complex. Because of the natural contours of the land and its location in relation to abutting properties, there are few workable access points to the property. In deed documents dating back to 1899, there was an allowance for an easement but no fixed location for it.

The Caters asserted the validity of that 12-foot easement, which was affirmed by Mass. Land Court Judge Gordon Piper in July 2007, despite opponents' assertion that it should be considered abandoned because it had not been used for more than 100 years. A second Land Court decision in February 2013, again by Piper, placed

the access road on the map.

But the planning board stated it is not bound by Judge Piper's rulings. It denied the application last week because the proposed roadway fails to meet subdivision minimum standards.

Snow said he must wait for the written ruling, which the planning board will issue by Dec. 25, before he considers what other "avenues of relief" he might seek as a next step. The issue might return to the Land Court, he said.

"We plan to hold, not to fold," Snow added.

According to the Truro assessors' database, the Caters bought the South Truro property in June 1979 for \$46,000. It is currently assessed at \$1.512 million for tax purposes. In February 2008, the Caters transferred ownership of the property to Fisher Road Realty Trust, of which they are the trustees.



TRURO