

TRURO PLANNING BOARD AGENDA
TUESDAY, September 5, 2017 – 6:00 p.m.
Truro Town Hall, 24 Town Hall Road, Truro

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

Public Hearing – Commercial Site Plan Review

2017-007SPR Lexvest East Harbour, LLC seeks approval of a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-Law for consolidation of units to reduce the number of units on the property by combining units, proposal also includes some changes to site improvements. The property is located at 618 Shore Road, East Harbour Cottages and Condominium, Assessor's Atlas Map 5, Parcel 13. Hearing continued from August 15, 2017.

Temporary Sign Permit

Truro Treasures by Kristen Roberts seeks approval for four signs for events on September 22 – 24, 2017: eight feet by 3 feet banners to be placed at Route 6 at Pamet Roads exit and Route 6 at the 6/6A split; and six feet by 33 inch banners to be placed on Truro Central School fence and Route 6 at Standish Way. Signs to be placed September 5 and removed September 25, 2017.

Temporary Sign Permit

Vinegrass by Pete Fasano seeks approval for one sign for an event on October 1, 2017: 3 feet by 4 feet at intersection of Route 6 and Shore Road. Sign to be placed September 15 and removed October 1, 2017.

Curb Cut Application

Scott Lee Deering seeks approval for a curb cut to provide additional driveway access for property at 20 Whitmanville Road, Map 43, Parcel 76.

Residential Site Plan Review – Request for Opinion of Counsel and Review Status of Application

2017-006SPR Christopher and Jane Clark, Board review of opinion of counsel concerning the zoning status of the subject premises and possible further consideration of site plan review application. The property is located at 1 Higgins Hollow Road, Map 46 Parcel 289.

Endorsement of Definitive Subdivision Plan and Execution of Covenant

2016-010PB Stephen Walsh, et al, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.41, §81U and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan was approved with conditions on July 18, 2017, a certificate of action filed on August 10, 2017 and appeal period expired on August 30, 2017.

Endorsement of Definitive Subdivision Plan and Approval of Road Maintenance Agreement

2017-002PB Claire A. Perry, Trustee, has filed an application for approval of a Definitive Subdivision Plan with the Clerk of the Town of Truro pursuant to MGL c.41, §81U and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property located 27 Perry Road, Map 45, Parcel 144. The plan was approved with conditions on July 18, 2017, a certificate of action filed on August 10, 2017 and appeal period expired on August 30, 2017.

Open Discussion of Possible Zoning Bylaw Amendments

The Planning Board will seek public comment and will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts and permitting year round occupancy of condominium units. The Board will consider holding public

forums and other means of outreach for obtaining citizen input and whether a subcommittee should be formed to review possible zoning amendments.

Review and Approval of Meeting Minutes

August 15, 2017 Regular Meeting

Reports from Board Members and Staff

Acting Town Planner report.

Meeting Dates and Other Important Dates

September 19, 2017 (Tues.) – Regular Meeting

October 3, 2017 (Tues.) – Regular Meeting

October 17, 2017 (Tues.) – Regular Meeting

Adjourn

TOWN OF TRURO



PLANNING BOARD

Office of Town Clerk
Treasurer - Tax Collector

AUG - 4 2016

\$25.00 fee paid

Received TOWN OF TRURO

By *[Signature]*

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: TRURO TREASURES
GAIL STEVENSON

Date: 8/1/16

Applicant Contact Information: PO BOX 197 TRURO MA 02666
Mailing Address

508-344-3142
Phone

G5FHI@AOL.COM
Email

Number of Signs Requested: BANNERS

Temporary Sign Dimensions: Height SEE Width ATTACHED

Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): _____

Map(s): _____ Parcel(s): _____ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: SEPT 16, 17, 18

Date When Sign(s) will be Installed: AUGUST 20 Removed: SEPT 19

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

SEE ATTACHED
Name Mailing Address

Phone Email

Gail Stevenson 8/1/16
Applicant Signature Date

Owner Signature (which also authorizes the use of the property) Date

RECEIVED
AUG 14 2017

BY: Planning Dept.

Planning Board Action: Approved _____ Approved w/Conditions _____ Denied _____

Conditions: _____

Board Signature: _____ Date: _____

Title

CC: Building Commissioner, Board of Selectmen

TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004 Fax: (508) 349-5505

 COPY

August 15, 2011

Dick Seed
Seed Design
P.O. Box 325
North Truro, MA 02652

Re: Temporary Sign Approval
Truro Treasures

Dear Mr. Seed:

Please know that at the Truro Planning Board meeting held on August 9, 2011, the Board voted unanimously to approve the request for temporary signs for Truro Treasures. The signs (4 total) are for the Truro Treasures weekend, September 16, 17 and 18, 2011. The Board did approve the signs for the next two (2) years (2012 and 2013) as well. The signage approved is as follows:

- * { ¹⁸⁻²⁰ A "Truro Treasures, A Gala Weekend, Sept. ~~16, 17, 18~~" - 8' x 3' at Route 6 and Town Hall Road, and Route 6 and 6A.
- ^{19 & 20} A "Truro Treasures, Arts & Crafts Fair, Sept. ~~17th & 18th~~, www.trurotreasures.org - 6' x 33" at Truro Central School chain link fence.
- ¹⁹ A Truro Treasures, Silent Art Auction, Sept. ~~17th~~ 10-4 - Classic & Antique Car Show, Sept. ~~17th~~ 11-2, Truro community Center, Standish Way, North Truro - 8' x 33" at Route 6 and Standish Way.

Per the Sign Code, these temporary signs may be put up no more than 30-day prior to the scheduled event(s). The specific dates of the event(s) may be changed to reflect the year the event is held. Please be sure to check with the Building Department to determine if a sign permit is required. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

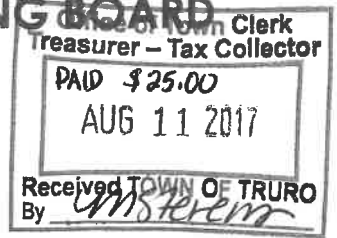
Charleen Greenhalgh
Assistant Town Administrator/Planner

cc: Building Department

TOWN OF TRURO



PLANNING BOARD



Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: Truro Treasures Date: 8/12/17
 Applicant Contact Information: Kristen Roberts PO Box 834 N. Truro.
 Mailing Address
503-487-6200 Phone truroviewyards@gmail.com Email

Number of Signs Requested: _____

Temporary Sign Dimensions: Height _____ Width _____ Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): See attached

1) Route 6 & Tom Hall 2) Craft Fair TCC 3) Corshaw Rd 6 & Stirling way

Map(s): _____ Parcel(s): _____ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: Sept 22-24

Date When Sign(s) will be: Installed: Sept 5th Removed: Sept 25th

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Town property - see attached
 Name Mailing Address

Phone _____ Email _____

[Signature]
 Applicant Signature

8/11/17
 Date

RECEIVED
 AUG 14 2017
 BY: Planning Dept.

Owner Signature (which also authorizes the use of the property) _____ Date _____

Planning Board Action: Approved _____ Approved w/Conditions _____ Denied _____

Conditions: _____

Board Signature: _____ Title _____ Date: _____

CC: Building Commissioner, Board of Selectmen

To: Planning Board

From: Truro Treasures

Re: Temporary Sign request-Truro Treasures weekend

Truro Treasures is requesting two (2) banners and two (2) signs to be located in the following locations

Banners (8x3)

1-Route 6 Southbound at the Pamet exit

2) Route 6/6A split

Signs (6'x33")

1-fence at Truro central school for the arts and crafts fair

2-Route 6 and Standish Way for the antiques car show

TOWN OF TRURO



PLANNING BOARD

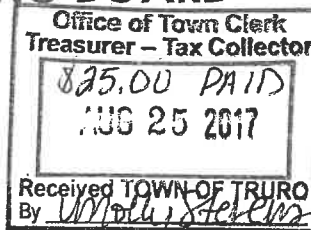
RECEIVED
AUG 28 2017

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

BY: Planning Dept



Applicant Name: VINEGRASS Date: 8-25-17

Applicant Contact Information: PO BOX 54 DENNIS PORT MA 02639
Mailing Address

617 8774510

Phone

petefasano@vinegrass.org

Email

Number of Signs Requested: 1

Temporary Sign Dimensions: Height 3' Width 4' Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): INTERSECTION OF RT 6 + SHORE

Map(s): _____ Parcel(s): _____ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: 10/1/17

Date When Sign(s) will be: Installed: 9/15/17 Removed: 10/1/17
OR EARLIER

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

UNKNOWN
Name Mailing Address

Phone Email

[Signature]
Applicant Signature

8-25-17
Date

Owner Signature (which also authorizes the use of the property) Date

Planning Board Action: Approved _____ Approved w/Conditions _____ Denied _____

Conditions: _____

Board Signature: _____ Date: _____

Title

CC: Building Commissioner, Board of Selectmen

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TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505

hterkanian@truro-ma.gov

To: Truro Planning Board

From: Harry Sarkis Terkanian, Acting Town Planner

Date: August 29, 2017

Re: Curb Cut Request of Scott Lee Deering for Property at 20 Whitmanville Road

The above curb cut application is on the agenda in the event Planning Board approval is required. The only requirement for Planning Board approval of curb cuts I have been able to identify is for curb cuts in connection with definitive subdivision plans, which is not the present case.

EXHIBIT 1

**TOWN OF TRURO
APPLICATION FOR A CURB CUT PERMIT**

RECEIVED
AUG 28 2017
BY: Planning Dept.

***Note:** This permit application must be accompanied by a plan. If this permit is being applied for by someone other than the Owner of the property, the owner's signature must appear at the bottom of the application.*

Date: 7/25/2017

To the Board of Selectmen
24 Town Hall Road
P. O. Box 2030
Truro, MA 02666

Re: **APPLICATION FOR A CURB CUT**

Dear Board Members:

The applicant(s) hereby make application for a curb cut as follows:

Name(s): Lee Scott Deering

Address: 20 Whitmanville rd Box 299 North Truro - 02652

Curb Cut Street Location: 20 Whitmanville - Directly across from overlook drive

Affected Town or State road: Whitmanville rd

Truro Assessor's Map Number: 43 Parcel Number: 76

Name of contractor: myself

Reason/explanation: Back driveway to Access the finished Barn being built at the back of my property

I/we hereby agree to the terms and conditions as outlined in this policy and attached Exhibits:

Applicant's Signature: Lee Scott Deering 7/25/2017

Owner's Signature (if different): _____ Date: _____

Owner's Address (if different): _____

Application for a Curb Cut Permit

Page 2

Director, Department of Public Works Preliminary Approval:

☒ Approved ☐ Disapproved ☐ Not Applicable



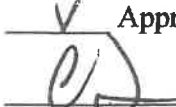
Director, Department of Public Works



Date

Chief of Police Approval:

☒ Approved ☐ Disapproved ☐ Not applicable



Chief of Police



Date

Board of Selectmen Approval:

☒ Approved ☐ Disapproved



Chairman, Board of Selectmen

Date

Planning Board Approval (if required):

☐ Approved ☐ Disapproved ☐ Not Applicable

Chairman, Planning Board

Date

Building Commissioner Approval:

☐ Approved ☐ Disapproved

Building Permit Number _____

Building Commissioner

Date

Mass Highway Referral (if required):

Date Forwarded _____

Signature

Director, Department of Public Works Declaration of Compliance:

I have inspected the property located at _____ and found the work requested on the Application for a Curb Cut dated _____ to be in compliance with the Board of Selectmen Policy #28 - Curb Cut Policy.

Director, Department of Public Works

Date

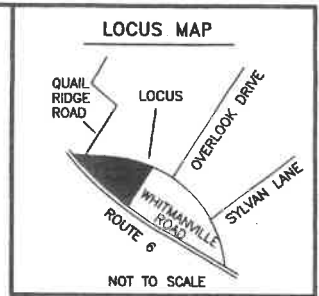
Building Commissioner Final Approval:

☐ Approved ☐ Disapproved

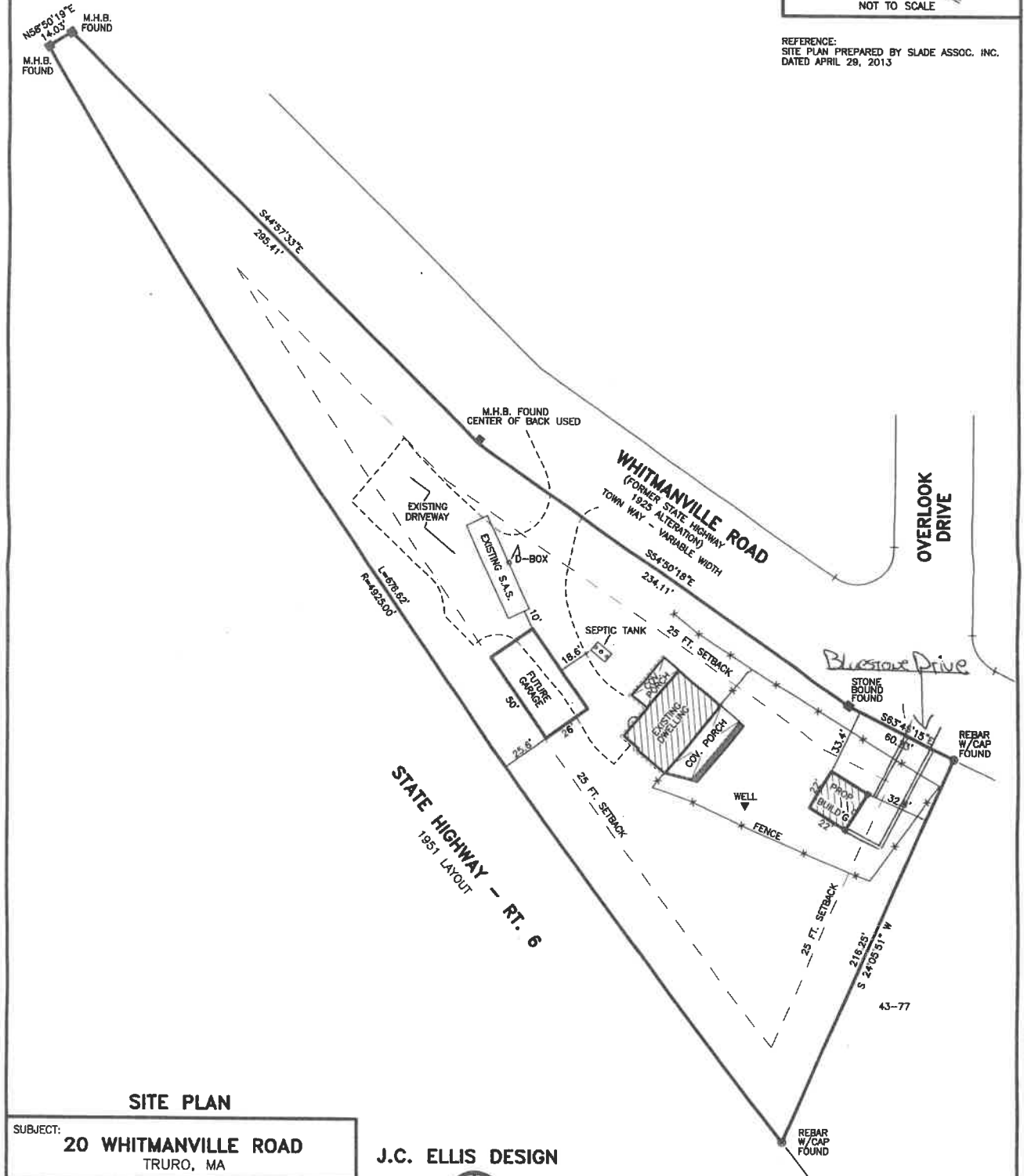
Certificate of Occupancy _____

Building Commissioner

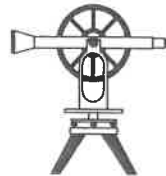
Date



REFERENCE:
SITE PLAN PREPARED BY SLADE ASSOC. INC.
DATED APRIL 29, 2013



J.C. ELLIS DESIGN



P.O. BOX 81
NORTH EASTHAM, MA 02651
(508) 240-2220
Email: jcellisdesign@verizon.net



MICHAEL LADUE, P.L.S.



TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

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

Memorandum

To: Planning Board
Fr: Harry Terkanian, Acting Town Planner
Date: August 29, 2017
Re: **2017-006SPR Clark; Staff Report #4**

2017-006SPR Christopher and Jane Clark, seek approval of an application for Residential Site Plan Review pursuant to §70.4 and §30.3.1 (as adopted at the 2017 Annual Town Meeting) of the Truro Zoning Bylaw for demolition of an existing dwelling and construction of a new dwelling on a pre-existing nonconforming developed lot in the Seashore Zoning District. The property is located at 1 Higgins Hollow Road, Map 46 Parcel 289.

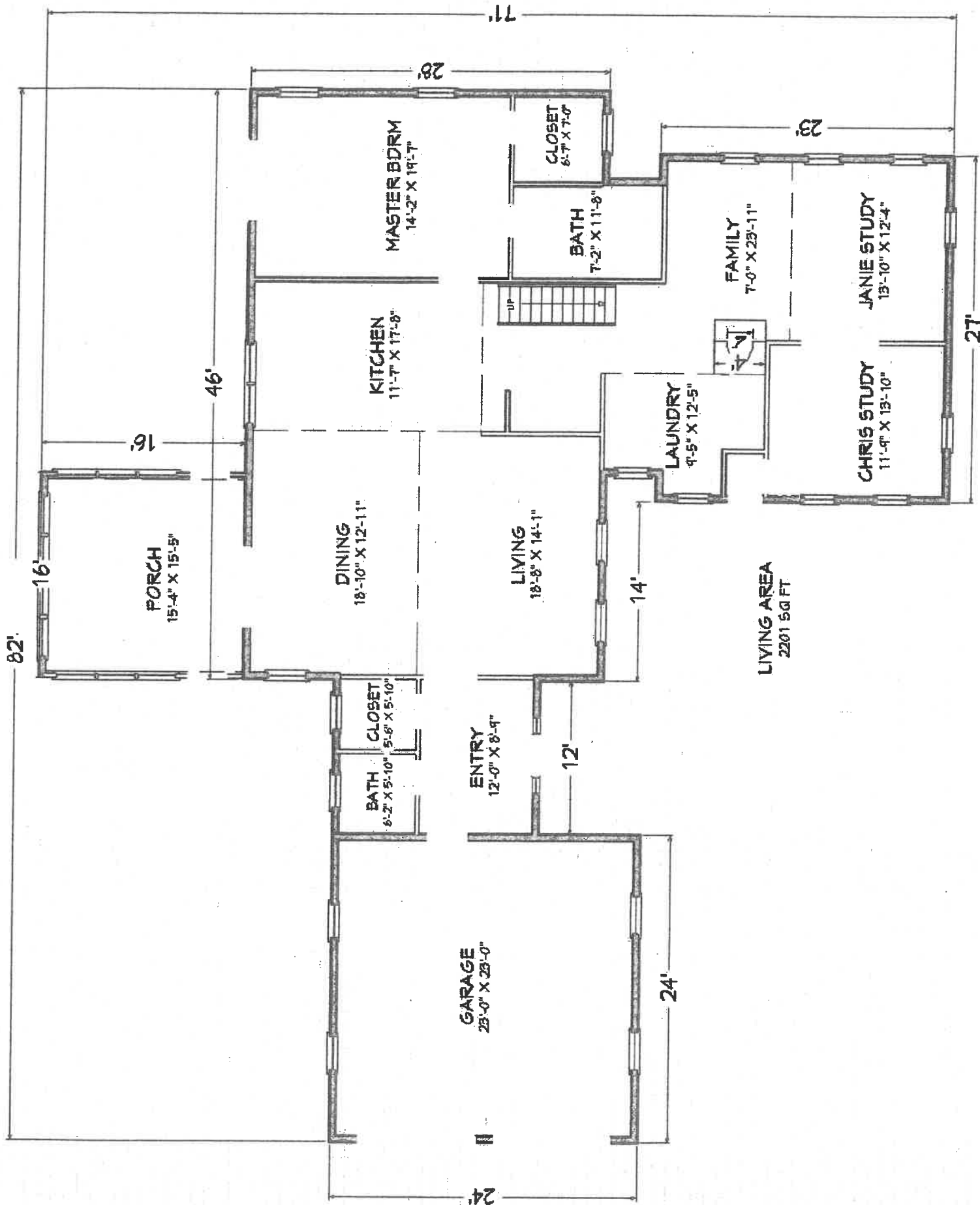
At the August 28, 2017 Zoning Board of Appeals hearing, the Clarks presented a revised plan. The plan would retain the original house and rebuild the 1984 addition. The original house is a 27 foot by 23 foot rectangle and is the portion of the structure which is closest to Higgins Hollow Road. (In terms of location it generally corresponds to the 28 foot by 24 foot portion of the proposed replacement dwelling as shown on the FELCO Engineering site plans bearing revision dates up to and including 6-12-2017.) The remaining portion of the house is a 1984 addition and would be removed and replaced. A revised (8-21-2017) site plan and a set of floor plans and elevations was filed with the Zoning Board and are attached (the handwritten notations on the site plan are mine.)

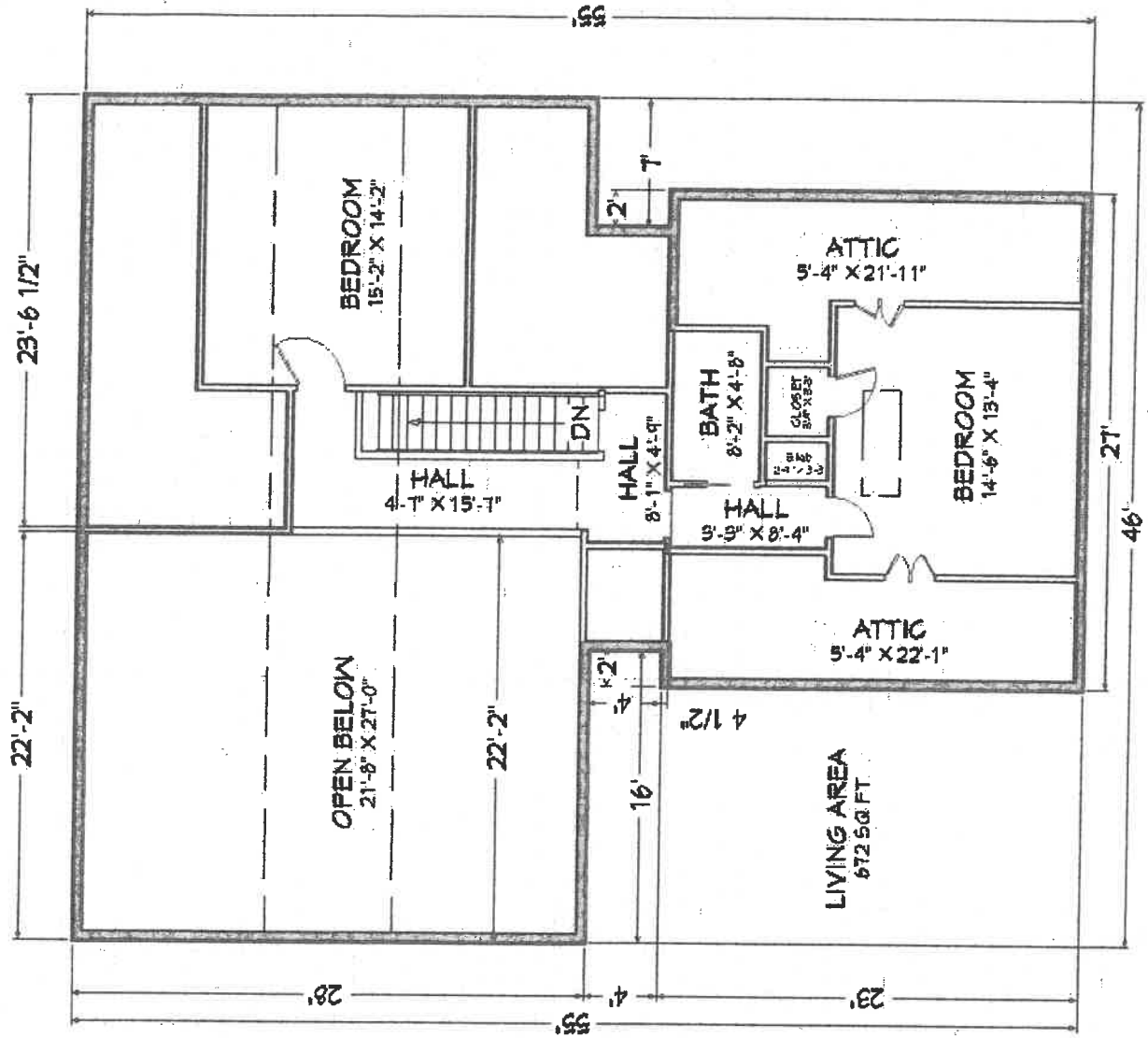
The change also reduces the Seashore gross floor area calculation from 4,253 square feet to 4,152 square feet. Both are above the square footage allowed as of right in the Seashore District and below the maximum that can be permitted by special permit. The applicant's calculation is attached. I asked the Building Commissioner to review the calculation and his calculation produced a similar result (22 square feet smaller.)

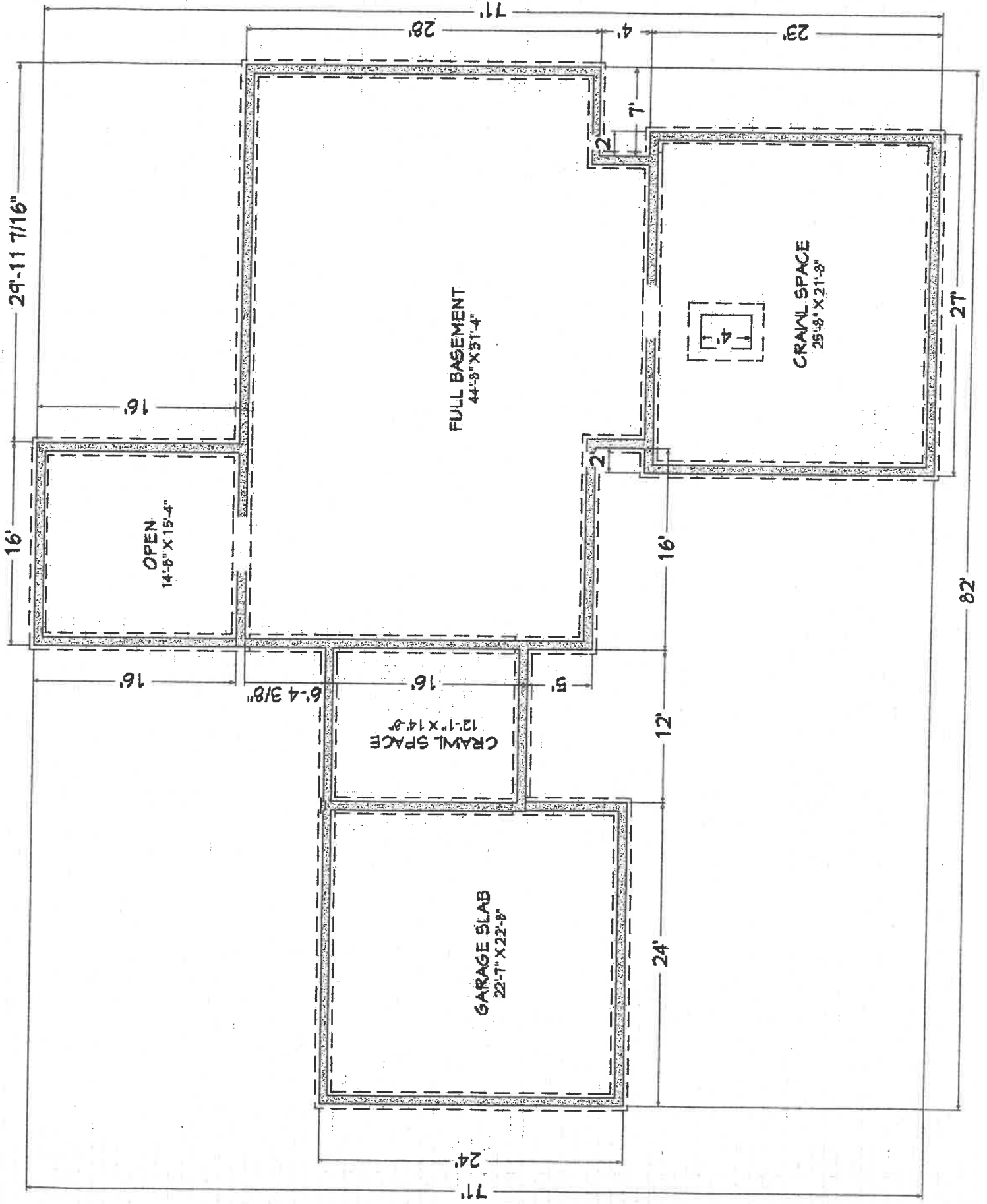
The applicant's counsel made the Zoning Board aware that the Planning Board had not issued a decision on the residential site plan application.

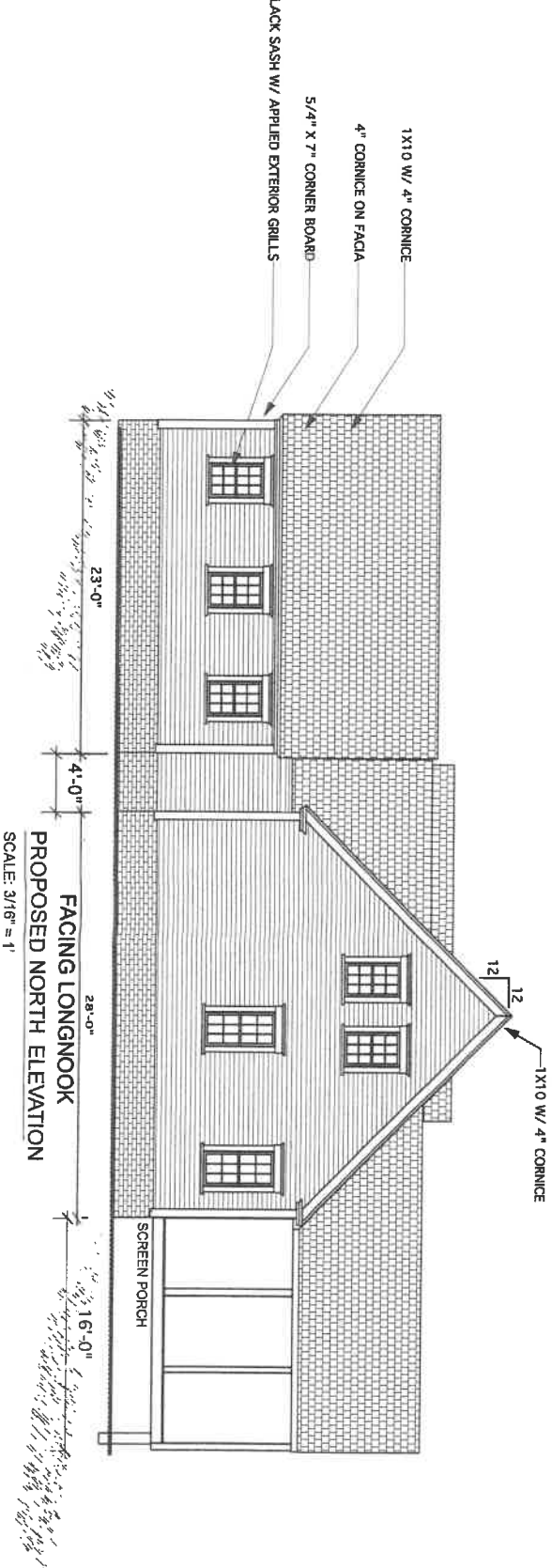
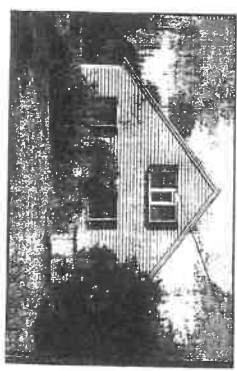
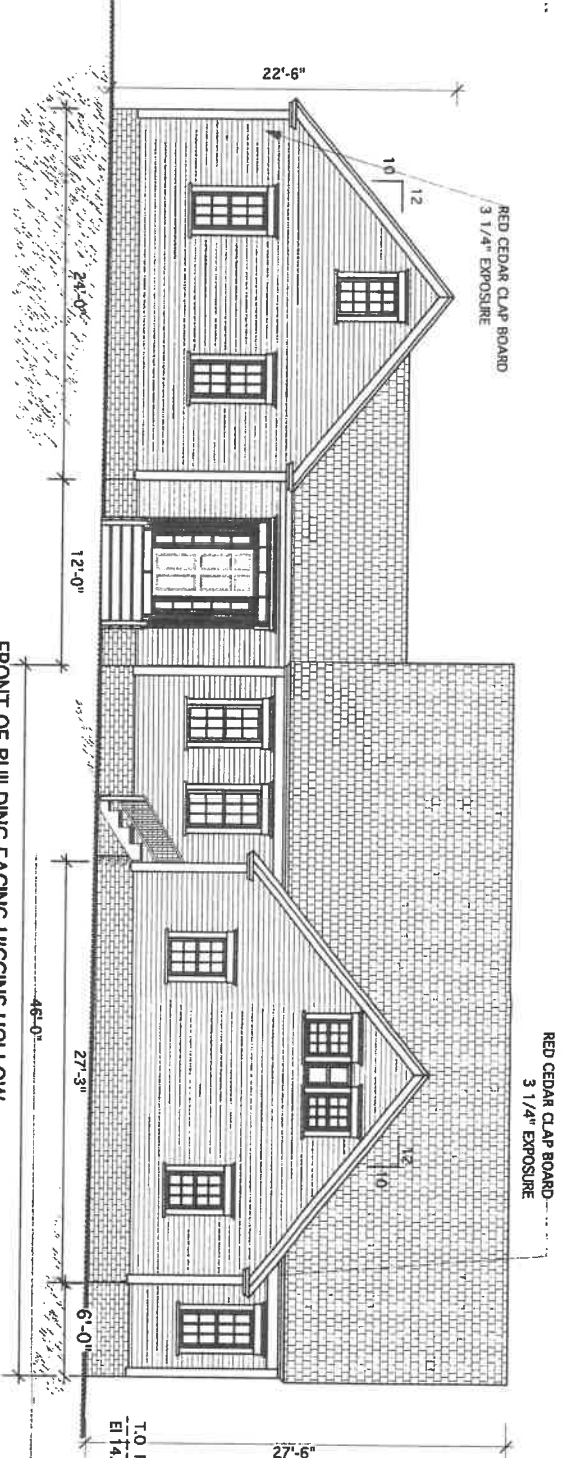
The Zoning Board took two actions at the meeting:

- The Board voted to grant the special permit under section 30.3.1.A.2 to permit gross floor area above the "as of right" maximum for the dwelling as shown on the 8-21-2017 revision of the FELCO site plan, the submitted floor plans and the Ambrose elevations. The approval was made subject to the condition that, prior to issuing a certificate of occupancy, the Building Commissioner must verify that the stove has been removed from the studio and must certify that fact to the Appeals Board.
- The board voted that the dimensional changes from the previously approved special permit to the approved revised proposal were *de minimis* and did not require additional zoning relief.









<div>1</div> <div>2</div>	Drawing Title	Project Title	Design Firm	Designed By		Date				
				AMBROSE HOMES, INC.		7-5-17				
				Drawn By		Revision				
				EZRA AMBROSE		7-8-17				
				Checked By		Project ID				
						K102414				
Drawing Title	Consultant	2766 RTE 6, WELLFLEET, MA 508-349-8252 www.AMBROSEHOMES.com	Reviewed By		Drawing Code					
			Submitted By		CAD File Name					
Project Manager	FCA	Plot Date	00/00/00		No.	Date	Issue Notes			



Drawing No.	Project Title	<p>CHRIS & JANE CLARK 1 HIGGINS HOLLOW RD TRURO, MA</p>	<p>Design Firm</p> 	Designed by	AMBROSE HOMES, INC.	Date	7-5-17			
				Drawn by	EZRA AMBROSE	Revision	7-20-17			
Sheet Scale	Drawing Title	<p>PROPOSED ELEVATIONS</p>	<p>Consulted</p> <p>2766 RTE 6, WELLFLEET, MA 508-349-8252 www.AMBROSEHOMES.com</p>	Checked by		Project ID	K102414			
				Reviewed by		Drawing Code				
				Submitted by		CAD File Name				
				Project Manager	FCA	Plot Date	00/00/00	No.	Date	Issue Notes

PLAN REFERENCES:
DEED BOOK 5124 PAGE 188
PLAN BOOK 417 PAGE 95

REFERENCE: FELCO, INC. SITE AND SEWAGE PLAN #95176
DATED: REVISED 6-13-1995 FOR FURTHER SITE DETAILS.

SETBACKS - SEASHORE DISTRICT

FRONT = 50'
SIDE = 25'
REAR = 25'

SPECIAL PERMIT REQUIRED

LOT COVERAGE - SEASHORE DISTRICT

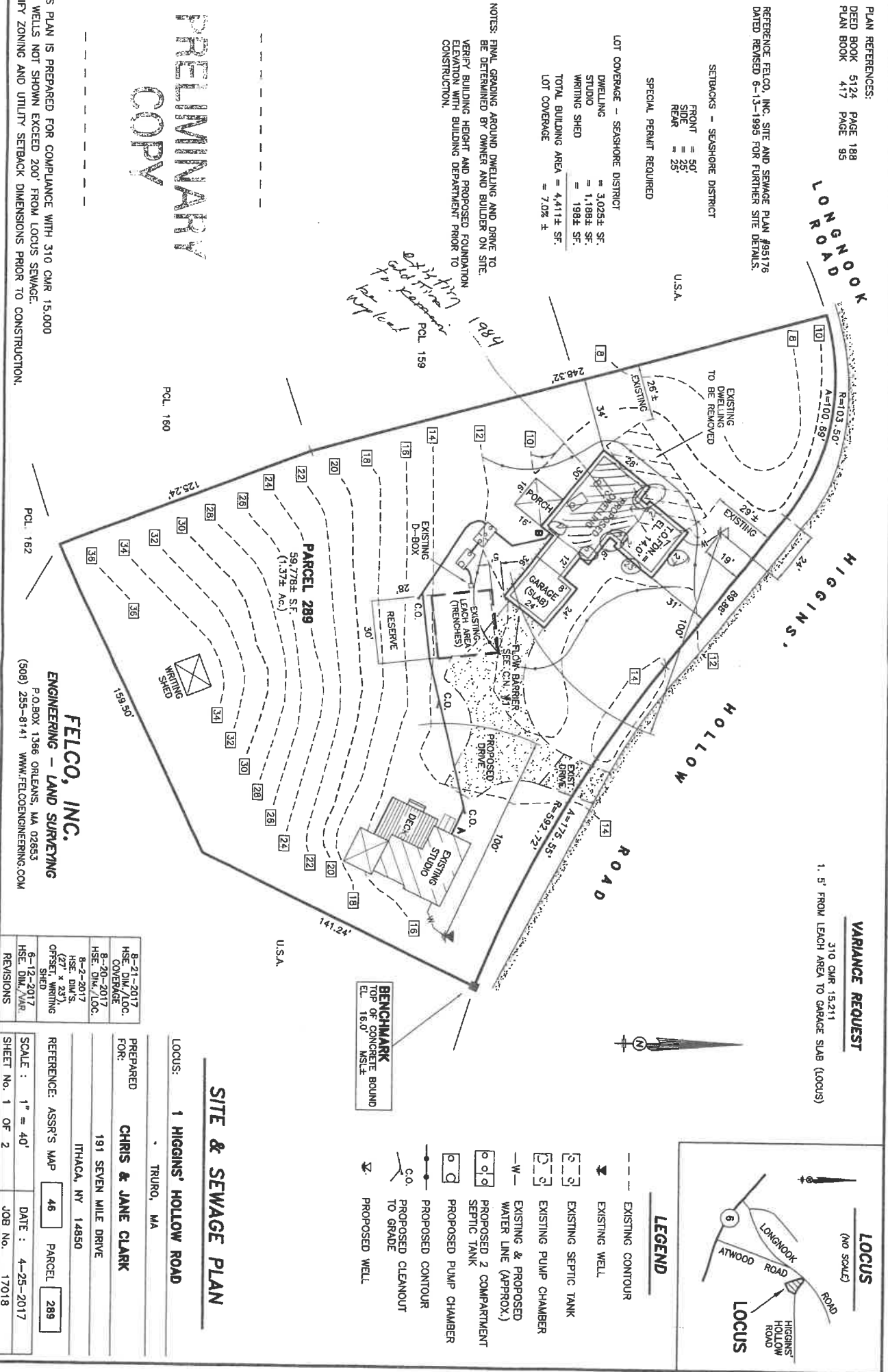
DWELLING = 3,025± SF.
STUDIO = 1,188± SF.
WRITING SHED = 198± SF.
TOTAL BUILDING AREA = 4,411± SF.
LOT COVERAGE = 7.0% ±

NOTES: FINAL GRADING AROUND DWELLING AND DRIVE TO BE DETERMINED BY OWNER AND BUILDER ON SITE. VERIFY BUILDING HEIGHT AND PROPOSED FOUNDATION ELEVATION WITH BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

1084
existing
to be removed
for new
applied

PRELIMINARY
COPY

THIS PLAN IS PREPARED FOR COMPLIANCE WITH 310 CMR 15.000
ALL WELLS NOT SHOWN EXCEED 200' FROM LOCUS SEWAGE.
VERIFY ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.



VARIANCE REQUEST

310 CMR 15.211

1. 5' FROM LEACH AREA TO GARAGE SLAB (LOCUS)

LEGEND

- EXISTING CONTOUR
- EXISTING WELL
- EXISTING SEPTIC TANK
- EXISTING PUMP CHAMBER
- EXISTING & PROPOSED WATER LINE (APPROX.)
- PROPOSED 2 COMPARTMENT SEPTIC TANK
- PROPOSED PUMP CHAMBER
- PROPOSED CONTOUR
- PROPOSED CLEANNOUT TO GRADE
- PROPOSED WELL

SITE & SEWAGE PLAN

LOCUS: 1 HIGGINS' HOLLOW ROAD

TRURO, MA

PREPARED FOR: CHRIS & JANE CLARK

191 SEVEN MILE DRIVE

ITHACA, NY 14850

REFERENCE: ASSR'S MAP 46 PARCEL 289

SCALE: 1" = 40' DATE: 4-25-2017

SHEET No. 1 OF 2 JOB No. 17018

FELCO, INC.

ENGINEERING - LAND SURVEYING

P.O. BOX 1366 ORLEANS, MA 02653
(508) 255-8141 WWW.FELCOENGINEERING.COM

8-21-2017	HSE. DIM./LOC. COVERAGE
8-20-2017	HSE. DIM./LOC.
8-2-2017	HSE. DIM./S. (27' x 23') OFFSET WRITING SHED
6-12-2017	HSE. DIM./VAR. REVISIONS

rec'd at 8/28/17
ZBA hearing

Clark Living Area Summaries

1	Present Living Area (sq-ft)	
	Existing Writing Shed	192
	Existing Barn-Studio	1087
	Existing Nana's 3/4 Cape	932
	Existing 1984 Addition	570
	Total Existing Living Areas	2781

2	Proposed Living Area (sq-ft)	
	Existing Writing Shed (same)	192
	Existing Barn-Studio (same)	1087
	Existing Nana's 3/4 Cape (same)	932
	Proposed New Addition	1941
	Total Nana's 3/4 Cape & New Addition	2873
	Total Proposed All Buildings	4152
	Total Proposed Net Increase	1371

Russ Brown:
2,851
8/28/17 email

3	Special Permit Areas (sq-ft)		Diff. sq-ft
	Total Allowable w/o Special Permit	3274	
	Total Max w/ Special Permit	4276	+124



TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004 x127 Fax: (508) 349-5505

Memorandum

To: Planning Board
Fr: Harry Terkanian, Acting Town Planner
Date: August 29, 2017
Re: **2017-007SPR East Harbor, Staff Report #3**

2017-007SPR Lexvest East Harbour, LLC seeks approval of a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law for renovations to the site, manager's building and motel building. The renovation will result in four fewer units. Gross floor area of the units plus housekeeping in the manager's building will increase from 8,805 square feet at present to 8,845 square feet proposed. The property is located at 618 Shore Road, East Harbour Cottages and Condominiums, Truro Assessor's Atlas, Map 5, Parcel 13.

At the August 15, 2017 Planning Board hearing on this matter the Board requested the applicant's engineer consult with the DPW Director about drainage on Shore Road adjacent to the subject premises. The DPW Director has confirmed that the consultation has taken place and reported verbally that there was an additional drainage structure not shown on the site plan which should remain. The Director will follow up with a memorandum.

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MAINTENANCE AGREEMENT FOR PRIVATE ROAD EXTENSION OF PERRY ROAD, TRURO

WE, THE UNDERSIGNED owners of the Private Road portion (extension) of Perry's Road, Truro, Barnstable County, Massachusetts, as shown on a subdivision plan of Lots 3A, 10 and 12 is recorded in Plan Book 630, Page 58, in Barnstable Registry of Deeds, do hereby agree to the following road maintenance agreement.

We will keep the road extension portion, as it currently has been approved under the rural road by-law of the town of Truro, in good repair; said road being a dirt road with hardening with a turnaround at its end and several pull-over areas as required by the Planning Board in relation to the subdivision approval for Lot 10B on said road; and work together to keep same accessible after snow storms.

This Maintenance Agreement will be recorded with the filing of the approved Subdivision Plan for lot 10B made for Claire A. Perry and approved July, 2017, by the Planning Board.

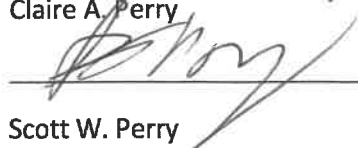
This Maintenance Agreement will require the current owners and future owners of the property that abut the said road, and/or owners who access their property from this dirt road, to pay their fair share of said maintenance of the road.

Any maintenance done to the road must have the majority vote of the property owners. However, since the road also serves as access road (garden road) for the crops grown abutting the road, and pasture land, the maintenance agreement is also for the benefit of the agricultural use and in no way shall it impede or obstruct the agricultural operation.


Signed on this 16th day of August, 2017:



Claire A. Perry



Scott W. Perry



Richard B. Perry



Lucy J. Perry Living Trust, Claire A. Perry, Trustee

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TRURO PLANNING BOARD

DRAFT

Meeting Minutes

TUESDAY, August 15, 2017 – 6:00 p.m.

Truro Town Hall

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

Other participants: Attorney Lester J. Murphy, Jr., William Rogers, PE, Roberta Lema, Attorney Benjamin Zehnder; Christopher Clark.

Steve Sollog opened the meeting at 6:02 pm.

Public Comment Period

There was no public comment.

Continued Public Hearing - Commercial Site Plan Review

2016-008SPR Maria Kuliopulos seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-Law for consolidation of units to reduce the number of units on the property by four. Plans include construction of a replacement building containing 17 rentable units and a hospitality room in the same location as a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Assessor's Atlas Map 39 Parcels 131, 158. Hearing continued from March 7, 2017, May 2, 2017, June 6, 2017 and June 27, 2017.

Mr. Terkanian reported that the Zoning Board of Appeals has continued the Kuliopulos' hearing until August 28, 2017, since they need more information from the applicant. Mr. Terkanian has met with Ms. Kuliopulos and they agree that a continuance of the Planning Board hearing, until the ZBA process is completed, would be in everyone's best interest. Mr. Terkanian has spoken to Ms. Kuliopulos' attorney about how many board members are eligible to vote. Mr. Boleyn moved to continue the hearing to September 19, 2017. Mr. Kiernan seconded. So voted, 5-0.

Public Hearing – Commercial Site Plan Review

2017-007SPR Lexvest East Harbour, LLC seeks approval of a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-Law for consolidation of units to reduce the number of units on the property by combining units, proposal also includes some changes to site improvements. The property is located at 618 Shore Road, East Harbour Cottages and Condominium, Assessor's Atlas Map 5, Parcel 13. This is the initial hearing on this application.

Lester Murphy and William Rogers explained the application. They are reducing the number of units in the motel structure from eight to five, adding porches and decks, but no other exterior changes.

In 2015, they completed a condominium conversion, and changed the property to multi-family use. Now they want to upgrade the property. They have already been before the Board of Health and received approvals. They have also been before the conservation commission.

The concerns expressed by the DPW Director about drainage were noted and the applicant was asked to have its engineer meet with the DPW Director on site prior to September 5th to review this issue.

Their last step will be to go before the Zoning Board of Appeals, because of the pre-existing non-conforming status. There will be new parking spaces. They are making some changes in walkways. No work is proposed in the beach area. Mr. Rogers talked about the changes proposed and went over them. Some walkways will be removed and grass planted. Some walkways will be added. They will increase the size of parking. Mr. Rogers went over the parking improvements. Then he described the proposed new decks, one for each cottage. There will be 28 parking spaces. Mr. Kiernan proposed a site visit for the Board.

Ms. Roberta Lema asked if anything is going to be done on the property across the street. The answer was, "No."

Site visit was scheduled for September 5th, 3:00 pm, before the next Planning Board meeting. Mr. Terkanian asked the Board if there was any additional information that they want the applicant to provide. A brief discussion of the elevations of the cottages occurred. There are some spot elevations on the site plan. Mr. Boleyn made a motion to continue the hearing to September 5, 2017, Mr. Kiernan seconded. So voted, 5-0.

Definitive Subdivision Plan – Review of Road Maintenance Agreement

2017-002PB Claire A. Perry, Trustee, review of proposed road maintenance agreement pursuant to §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property located 27 Perry's Road, Map 45, Parcel 144. A definitive subdivision plan was approved on July 18, 2017.

Ms. Perry talked about the road maintenance agreement and those who would be included (family members). Mr. Boleyn asked about the frequency of inspections. Ms. Perry said those who live there do so year round, so they would repair the road when it needed it. She described the use of the road. Mr. Riemer asked about the agreement with the Conservation Commission. Ms. Perry said they didn't ask any questions about the road. They are still waiting to hear back. Mr. Riemer would like to review the decision of the Conservation Commission when available and incorporate it in this document.

Ms. Perry said she thought their concern was for sharing the cost of the maintaining of the roads. Another regulatory commission would supersede this agreement. Mr. Sollog said he didn't think it would be needed as part of the road maintenance. Mr. Riemer wants a definition of "good repair." He has a question about snow removal, the condition of the turn around and the pull outs. He is concerned about safety. He is not comfortable with the agreement. Mr. Riemer asked if this could include homeowners outside the family. Ms. Perry said she was trying to include any future owners. Mr. Riemer suggested that a future owner may change the use of the property. Ms. Perry explained her goal that nothing will be done to impede the

farming on the property. Mr. Riemer said he wants more detail on the agreement. Mr. Sollog and Mr. Boleyn said they thought the current document was sufficient. Mr. Kiernan asked for a line about plowing the turnouts and the turnarounds. Ms. Perry said she didn't think it was necessary, but she agreed to add it. Then Mr. Kiernan said that there would be a home owners association if the property changes in use. Mr. Riemer asked about the propane delivery issues. Mr. Kiernan made a motion to approve the road maintenance agreement as amended. Mr. Boleyn seconded the motion. So voted, 5-0.

Residential Site Plan Review – Request for Opinion of Counsel

2017-006SPR Christopher and Jane Clark, Board review of a proposed request for opinion of counsel concerning the zoning status of the subject premises. The property is located at 1 Higgins Hollow Road, Map 46 Parcel 289.

Mr. Terkanian said it was not clear at a previous meeting what the Board wanted him to ask Town Counsel regarding the Clark's project. There was discussion about the condition in the site plan approval that the property comply with all Zoning bylaws. There has not yet been an official finding that there is a zoning violation.

Mr. Zehnder said that there has been trespassing on the Clark property recently. He also reminded the Board that the hearing was closed, and the Clark's site plan approved.

There was a special permit in 1992 to relocate the barn. The Truro Building Commissioner said if the Clarks remove the kitchen in the barn (by removing the stove) before they move into the new house they are building, they will be in compliance with Zoning and he will be satisfied.

Mr. Kiernan asked Mr. Terkanian if the Board is within its rights to reopen the hearing. Mr. Terkanian said the Town Manager is the gate keeper for access to counsel, but since you have already closed the hearing, no, you cannot reopen the hearing.

Mr. Riemer said the Board was denied access to the interiors of the buildings. This being so, the plans failed to correct the violation. He said that the site plan approval has put the Planning Board in a position of approving a site plan on a property with a zoning violation. He wants the Board to revisit the decision. He feels that that the Board was misdirected by Mr. Zehnder and Mr. Clark. Mr. Zehnder said Mr. Riemer's comments are ill-advised. Mr. Zehnder explained the law and said he feels there is a vendetta against the Clarks. "The credibility of your Planning Board is at stake here," he said. Mr. Zehnder said the Board was in violation of open meeting law. Ms. Tosh said that a review of the Clark decision was on the posted agenda for the August 1st meeting. The Clarks, however, were not notified as is the usual practice.

Mr. Sollog said he thinks we are here tonight to decide what questions to ask Town Counsel. Mr. Terkanian asked the Board if the applicant removes the stove, and the building inspector states there is no violation, would that suffice. Mr. Zehnder suggested adding the condition that the applicant provide evidence that the stove has been removed and the property is in compliance with Zoning.

Mr. Kiernan said he still wants to ask questions of Town Counsel. Mr. Riemer suggested sending a message to the Zoning Board of Appeals to tell them that we have not completed our review or our process. Mr. Terkanian advised against it.

Ms. Tosh provided the Board with a draft of proposed questions for Town Counsel. She read questions 3, 4, 7 and 8, as ones that she would like answers to. The questions are as follows:

1. Can a public hearing be closed by implication, e.g., by the Chair calling for a vote after all interested parties have spoken and the Board has deliberated? Or must the Chair gavel the hearing closed in order to officially close the hearing?
2. If a public hearing has been closed and a vote taken, can the Board set aside the previous decision and reopen the hearing?
3. Does the current decision, which specifically included a condition that the property comply with zoning by-laws allow the Board to require evidence of compliance prior to signing off on the site plan?
4. Zoning bylaw section 70.4.C.3a.2 provides that an applicant furnish “...*all applicable zoning bylaw information regarding the site’s development, both existing and proposed conditions...*” If the Board learns that “the application for site plan approval is incomplete,” as per 70.4.E(a), because not all information was submitted, e.g., that the “barn” is actually a dwelling that was not a grandfathered pre-existing non-conforming use, can the Board either set aside the previous vote to approve with conditions, change the previously discussed conditions, or reopen the matter for public hearing? If not, what do these terms mean?
5. Is the “barn” located on the property a pre-existing condition, given that a kitchen was added less than ten years ago, according to Town records?
6. Assuming there is a kitchen in the “barn,” which should be verified by the Owner, making the “barn” a dwelling, and only one dwelling is permitted in the Seashore District, can or should the Board approve a site plan that shows two dwellings, in clear violation of the Seashore District zoning bylaws?
7. Are Accessory Dwelling Units, as approved by Truro Town Meeting in April, allowed in the Seashore District? If so, can such a unit be approved prior to the Attorney General’s approval or denial of the bylaw?
8. If ADUs are allowed in the Seashore District, does a dwelling in excess of 1,000 square feet qualify as a ADU?
9. For the Planning Board to approve the Site Plan, must the Owners seek ADU status for the “barn,” prior to the main house being demolished a rebuilt?

Mr. Kiernan said he would like to ask Town Counsel all nine questions. Mr. Riemer spoke about the residential kitchen definition.

Mr Sollog said we should proceed from here. Mr. Kiernan made a motion to ask questions 1-9 inclusive of Town Counsel. Mr. Boleyn seconded the motion. So voted, 5-0.

Mr. Riemer asked about the subdivision bylaw. Mr. Terkanian said it doesn’t apply in this case.

Mr. Zehnder said he would like to have fair warning of another hearing date. Mr. Terkanian suggested one of the September meetings for hearing Counsel's answers to the questions. It was decided that Town Counsel's answers would be placed on the September 5th agenda.

Review and Approval of Meeting Minutes

July 18, 2017 Regular Meeting

Mr. Riemer moved to approve the minutes of the July 18th meeting as written, Mr. Boleyn seconded. So voted, 5-0.

August 1, 2017 Regular Meeting

Mr. Boleyn made a motion to approve the minutes of the August 1st meeting as written, Mr. Kiernan seconded. So voted, 5-0.

Reports from Board Members and Staff

Acting Town Planner report.

Mr. Terkanian provided a report which included the July building report on permits issued, a Zoning Board of Appeals decision, and an example of a by-law for town-wide house size limits.

He provided a preview of items for the September 5th Planning Board meeting.

Mr. Terkanian provided some resource material, a handbook and CDP documents, subdivision control documents, a summary of zoning bylaws, and all types of decisions planning boards are faced with.

Mr. Riemer asked if the board would like to pursue a workshop with Town Counsel as soon as possible, maybe sometime in September.

Mr. Sollog brought up the need for a sub-committee for the town-wide house size limits bylaw.

Mr. Riemer said he would like to be on the subcommittee. There is information on the Town website that there is a pursuit of this idea. The Board of Selectmen has put something up on the website. The Planning Board could align with them.

Mr. Riemer moved to adjourn, Mr. Boleyn seconded. So voted, 5-0.

Meeting adjourned at 8:00 pm.

Respectfully submitted,

Katherine Black