

**TRURO PLANNING BOARD AGENDA**  
**TUESDAY, October 3, 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.

**Request for Waiver - Commercial Site Plan Review**

**2017-009SPR Town of Provincetown Water Department** requests a waiver of Commercial Site Plan review pursuant to §70.9 of the Truro Zoning By-Law. This property is located at 143 Shore Road, Assessor's Atlas Map 19, Parcel 1.

**As Built Plan Approval, Waiver Request and Covenant Release Request**

**2015-012PB Irving Ziller** seeks approval of as built plan including as built road grade, waiver of one year growth requirement and complete release of covenant. The property is located at 1 & 1A quail Ridge Road, Assessor's Atlas Map 43, Parcels 27 & 28.

**Continued 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 and September 5, 2017.

**Discussion of Letter from Abutters – Rose Hill Lane**

Discussion of correspondence from abutters regarding status of approved subdivision. Continuance request received from property owner. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33.

**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. Review questionnaire.

**Accessory Dwelling Unit Application**

Review and possible approval of Accessory Dwelling Unit Application Form

**Review and Approval of Meeting Minutes**

September 19, 2017 Regular Meeting

**Reports from Board Members and Staff**

Town Planner report

**Next Meeting Agenda**

October 17, 2017 (Tuesday)

**Upcoming Meeting Dates**

November 8, 2017 (*Wednesday*) – Regular Meeting

November 21, 2017 – Regular Meeting

**Adjourn**



# 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: Cally Harper, Town Planner  
Date: September 28, 2017  
Re: **Waiver from Site Plan Review – Staff Report #1**

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**2017-009SPR Town of Provincetown Water Department** requests a waiver of Commercial Site Plan review pursuant to §70.9 of the Truro Zoning By-Law. This property is located at 143 Shore Road, Assessor's Atlas Map 19, Parcel 1.

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The Planning Board will discuss this matter at their meeting on Tuesday October 3, 2017.

### Description:

The applicant seeks to extend existing chain link fence to fully enclose the entire treatment plant at 143 Shore Road, Knowles Crossing Facility. The applicant has submitted the following documents:

1. Cover Letter dated August 29, 2017
2. Commercial Development Application for Site Plan Review
3. \$125.00 filing fee on September 22, 2017
4. Revised Restoration Plan showing the locations of the existing and proposed fence

The proposed fence will extend beyond the original limit of work on the northern side of the facility in order to enclose the generators and propane tanks and to tie into the existing fence surrounding Well #1. The installation of the fence is a recommended measure under Section 2.17 of the MassDEP guidelines for Public Water Systems. The fencing will enhance the security of the water facility.

### Planning Board Jurisdiction:

#### **§70.9 Waiver of Site Plan Review**

The Planning Board may determine at its discretion without a public hearing that submission of a Commercial or Residential Site Plan review application is not required when the alteration or reconstruction of an existing building or structure or new use or change in use will not have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources, abutting properties; or community needs. Site Plan Review shall not be waived in the Seashore District. (04/17)

A waiver from Commercial or Residential Site Plan Review must be requested by the applicant using the appropriate Site Plan Review Application form. The form, applicable filing fee and supporting documentation to establish that such review is not required shall be filed with the Planning Board Secretary. A waiver request will be considered at a regular session of the Planning Board.

Upon the decision of the Planning Board, a copy of the decision shall be sent to the applicant, the owner, the representative, if any, and the Building Commissioner.

**Completeness of Application:**

As there are no specific requirements for the submittal of a Waiver of Site Plan, it is the responsibility of the Planning Board to establish if the information submitted provides adequate information to make a determination. According to **§70.3E Waiver of Information Requirements**, the Planning Board may, upon the request of the applicant on the appropriate Application for Site Plan, waive requirements of §70.3.D, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw.

**Additional Comments from Town Planner:**

The Knowles Crossing Facility is listed as Natural Heritage Priority Habitat and the fencing will be installed outside the limit of work. It is my recommendation to coordinate with the Health and Conservation Department to see if further action is needed with Natural Heritage Endangered Species Program.

**Possible Motions:**

**Affirmative Motions:**

1. With respect to application **2017-009PB Town of Provincetown**, the Board waives requirements of §70.3 having determined that such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw.
2. Based on the findings, the Board waives the requirement for a Commercial Site Plan Review.

**Negative Motion:**

With respect to application **2017-009PB Town of Provincetown**, the Board requires a filing for a Commercial Site Plan for the Knowles Crossing Facility.



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## COMMERCIAL DEVELOPMENT APPLICATION FOR SITE PLAN REVIEW

Date 9/5/17

Office of Town Clerk  
Treasurer - Tax Collector

2017-009 / SPR

SEP 22 2017

PAID \$125.00

Received TOWN OF TRURO  
By Molly Stearns

To the Town Clerk and the Planning Board of the Town of Truro, MA

The undersigned hereby files an application with the Truro Planning Board for the following:

- ☒ Site Plan Review pursuant to §70.3 of the Truro Zoning By-law (Complete I, II & III)  
☒ Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning By-law (Complete I & III)

### I. General Information

Description of Property and Proposed Project TOWN OF PROVINCETOWN WATER DEPT  
KNOWLES CROSSING FACILITY, EXTEND EXISTING CHAIN LINK FENCE TO  
FULLY ENCLOSE FACILITY (HAS NOT INCLUDED UNDER ORIGINAL CONSTRUCTION SCOPE)

Property Address 143 SHORE ROAD Map(s) and Parcel(s) 19.1

Registry of Deeds title reference: Book \_\_\_\_\_, Page \_\_\_\_\_, or Certificate of Title

Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name CODY J. SALISBURY, WATER SUPERINTENDENT

Applicant's Legal Mailing Address 260 COMMERCIAL ST, PROVINCETOWN MA 02657

Applicant's Phone(s), Fax and Email 508-487-7060, CSALISBURY@PROVINCETOWN-MA.GOV

Applicant is one of the following: (please check appropriate box)

☒ Owner ☐ Prospective Buyer\* ☐ Other\* \*Written Permission of the owner is required for submittal of this application.

Owner's Name and Address \_\_\_\_\_

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

II. Waiver(s) Request - Waivers from any of the items listed in §70.3.D, must be identified below and a separate sheet shall be attached indicating in detail the reason for said waiver(s) pursuant to §70.3.D. Note that items 1(a-d), 2 and 3.a (1 - 6) of §70.3.D shall not be waived.

- ☒ 1.e: 3 copies of drainage calculations  
☒ 3.b: Existing Conditions Plan (specific waiver requests and reason must be attached)  
☒ 3.c: Proposed Conditions Plan (specific waiver requests and reason must be attached)  
☒ 3.d: Proposed Landscaping Plan (specific waiver requests and reason must be attached)

### III. Signature(s)

Cody J. Salisbury, PROVINCETOWN WATER DEPT  
Applicant(s)/Representative Signature

Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

# TOWN OF PROVINCETOWN

## Department of Public Works

Highway Division  
Water & Sewer Division  
Buildings & Grounds Division  
Transfer Station/Recycling Center  
Sanitation Division  
Cemetery Division

Richard J. Waldo, Director  
Steven H. Wlodkowski, Deputy Director  
Cody J. Salisbury, Water Superintendent  
Sherry Prada, Operations Director



## Veterans Memorial Community Center

2 Mayflower St., Room 74  
Mail: 260 Commercial Street  
Provincetown MA 02657  
Phone: 508.487.7060  
FAX: 508.487.4675

<http://www.provincetown-ma.gov>

[rwaldo@provincetown-ma.gov](mailto:rwaldo@provincetown-ma.gov)  
[swlodkowski@provincetown-ma.gov](mailto:swlodkowski@provincetown-ma.gov)  
[csalisbury@provincetown-ma.gov](mailto:csalisbury@provincetown-ma.gov)  
[sprada@provincetown-ma.gov](mailto:sprada@provincetown-ma.gov)

August 29, 2017

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

**RE: Provincetown Water Dept., 143 Shore Rd., Truro**

Dear Members of the Board:

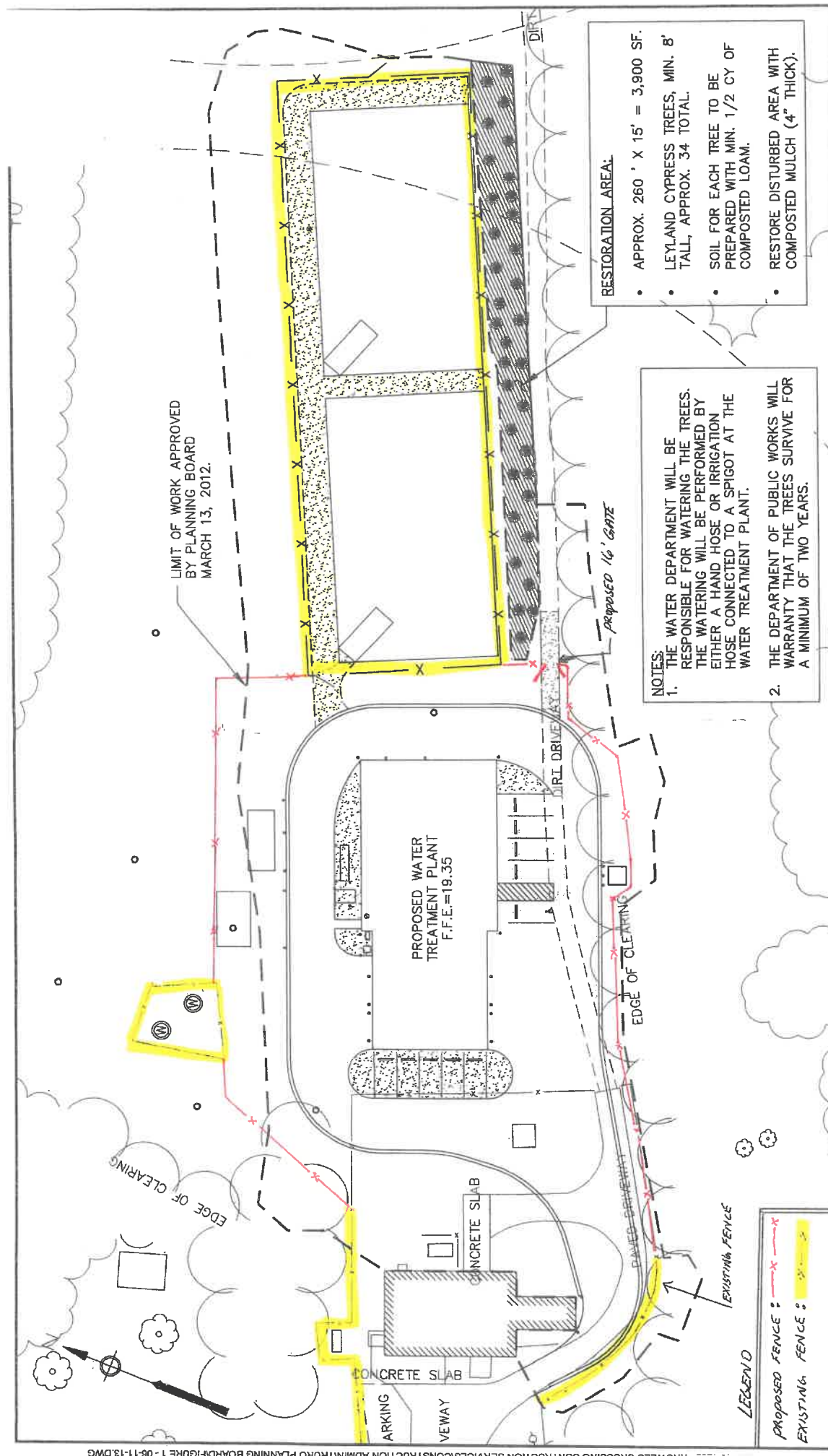
Attached please find an application requesting a waiver for site plan review regarding a planned project at the above referenced property. The proposed project involves extending the existing chain link fence around the entire treatment plant, as indicated on the enclosed site plan. The installation of the fencing was not included during the construction of the water treatment facility. However, the perimeter of the original facility was completely enclosed and the new facility should be completely enclosed as well. As you can see on the attached plan, a limit of work was established for the construction of the new treatment facility. The proposed fence extension will extend beyond the original limit of work on the northern side due to the necessity of enclosing the stand-by generators, propane tanks, and tying into the existing fence surrounding Well #1. It should be noted the installation of the fence is a recommended measure under section 2.17 of the MassDEP guidelines for Public Water Systems.

A waiver of site plan review is sought as, pursuant to §70.9 of the Town of Truro zoning by-laws, the extension of the existing fence will have no significant impact within the site nor in relation to any adjacent properties or streets. Further, the extension will have no impact on public service, infrastructure, or community needs. On behalf of the Town of Provincetown Water Department I thank you for considering this waiver.

Very truly yours,

Cody J. Salisbury  
Water Superintendent

CC: Richard J. Waldo, DPW Director



## 2.16 Safety

Consideration must be given to the safety of water plant personnel and visitors. The design must comply with all applicable safety codes and regulations, which may include the Uniform Building Code, Uniform Fire Code, National Fire Protection Association Standards, Massachusetts Right to Know Law, and state and federal OSHA standards. Items to be considered include noise arresters, noise protection, confined space entry, protective equipment and clothing, gas masks, safety showers and eye washes, handrails and guards, warning signs, smoke detectors, toxic gas detectors and fire extinguishers.

Refer to Chapter 5, *Treatment*, Chapter 6.3, *Operator Safety*, and Chapter 8.1.14, *Safety*, for more specific information.

## 2.17 Security

Security measures shall be installed and instituted as required by MassDEP. Appropriate design measures to help ensure the security of water system facilities shall be incorporated. Such measures, at a minimum, shall include means to lock all exterior doorways, windows, gates, bulk chemical fill pipes, and other entrances to source, controls, treatment and water storage facilities. Other measures may include fencing, signage, closed-circuit monitoring, real-time water quality monitoring, and intrusion alarms.

Every water treatment facility shall incorporate into their water system's emergency response plan all details and procedures related to the operation of their facility, as described in Chapter 12, *Emergency Response Planning Requirements*.

The following concepts and items shall be required in the design and construction of new water system facilities and improvements to existing water systems:

1. The design shall identify and evaluate single points of failure that could render a system unable to meet its design basis. Redundancy and enhanced security features should be incorporated into the design to eliminate single points of failure when possible, or to protect them when they cannot reasonably be eliminated.
2. Computer-based control technologies such as SCADA shall be secured from unauthorized physical access and potential cyber-attacks. Computer systems, including SCADA, shall have firewalls, passwords and other defensive measures if remote access via the Internet is desired. Any computers used for SCADA systems shall not be used to access the Internet for general browsing. Wireless Local Area Networks (WLANs) used in SCADA networks should be designed with multiple layers of protection such as firewalls, Virtual Private Network (VPN), and authentication. Wireless network communications shall be encrypted as a deterrent to hijacking by unauthorized personnel. Secure computer access and virus protection should be built into SCADA networks and effective data backup and recovery hardware and software should be utilized on a regular basis.
3. Facilities and procedures for delivery, handling and storage of chemicals shall be designed to minimize risk that chemicals delivered to and used at the facility can be intentionally released, introduced or otherwise used to debilitate a water system, its personnel, or the public. Particular



# 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: September 13, 2017  
Re: 2015-012PB Ziller Definitive Plan Covenant Release; Staff Report #3

On September 5, 2017 the attached correspondence with covenant release request was received from Chester N. Lay with respect to the above subdivision. Previously Mr. Lay had informed the Board that a request for release of covenant would be forthcoming. See the June 12, 2017 report to the Board attached.

In addition to the requested release of covenant, two requests are presented in Mr. Lay's letter:

1. The as built plan shows an as built final grade of 8% for a portion of the road. The plan was approved based on a 5% grade. The maximum grade allowed under Truro's subdivision regulations without a waiver is 8% (See Appendix 2, Table 1.). Approval of the as built grade is requested.
2. Section 2.5.7.c requires a one year growth for all grass plantings. The applicant requests a waiver of this requirement and states the basis of the request in the September 5, 2017 letter.

The plan is recorded in Barnstable Deeds, Plan Book 664, Page 22; the covenant (copy attached) in Book 29618, Page 211. Both were recorded on April 29, 2016.

Completeness of Application: The following were filed on September 5, 2017:

- Letter from Slade Associates with Form F (covenant release).
- 8 copies of Ziller Path Plan & Profile dated October 8, 2015, revised 12/21/15, 1/12/16, 6/6/17 & 8/28/17.
- 4 copies of Supplementary Plan dated October 5, 2015 revised 8/28/17
- Check in the amount of \$100.

The application for covenant release appears to be complete.

Department Comments: The DPW Director was informed of the above on June 12, 2017. The DPW Director reports that he has no issues with the request and will provide a memorandum.

Statutory Requirements and Deadline for Board Action: Board action is required within 45 days of the filing of the request (October 20, 2017). The applicable portion of MGL c. 41 §81U is:

Upon the completion of the construction of ways and the installation of municipal services in accordance with the rules and regulations of the planning board, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the city or town clerk and the planning board a written statement that



the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with said rules and regulations, such statement to contain the address of the applicant. If the planning board determines that said construction or installation has been completed, it shall release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the clerk of the city or town the details wherein said construction or installation fails to comply with its rules and regulations and upon failure so to do within forty-five days after the receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

Possible Board Motions:

1. As built plan: With respect to 2015-012 Irving Ziller definitive subdivision plan, the Board accepts the as built road grade for Ziller Path and the as built plan entitled in part: "Supplementary Definitive Subdivision of land in Truro made for Irving Ziller" Scale 1" = 50', dated October 5, 2015, prepared by Slade Associates, Inc., revised 8/28/17.
2. Vegetation Growth Waiver: With respect to 2015-012 Irving Ziller definitive subdivision plan, the Board waives Section 2.5.7.c of the Truro Subdivision Regulations requiring one year of vegetation growth before a covenant release.
3. Covenant Release: With respect to 2015-012 Irving Ziller definitive subdivision plan, the Board approves a complete release of covenant.

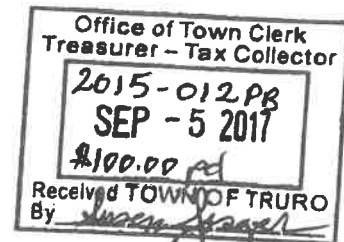
9/5/2017 FYI Planning Bd

cc: H. Terkanian  
R. Braun  
S. Kelly

**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.

August 31, 2017

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

Re: Irving Ziller – 1 and 1A Quail Ridge Way (2015-012)

Dear Board Members,

Enclosed please find two plans for the above-captioned subdivision. One plan marked supplemental shows the locations of concrete monuments set. The second plan shows the as-built plan and profile for Ziller Path.

The applicant is asking for two waivers on the construction of Ziller Path. The proposed center line grade was 5%. A 50' portion of the road as constructed reaches a maximum center line grade of 8% which is still a permitted grade under your regulations. The surface of this road has just weathered a 6", 100 year storm event, with no signs of erosion. The second waiver requested is for Section 2.5.7.c, which requires a one year growth for all grass and plantings. The grass has germinated in good order. As you may remember, this request was also waived for the Castle Hill Subdivision. All other provisions of your construction requirements have been completed.

I would like to be placed on the next available Planning Board agenda so that we can discuss this.

Sincerely,

Chester N. Lay

Registered Land Surveyor

Encls.

Cc: Harry S. Terkanian, Town Planner  
Jarrod Cabral, DPW  
Geoffrey Doherty

CNL/ jd

# TOWN OF TRURO



# PLANNING BOARD

## FORM F CERTIFICATION OF COMPLETION & RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date: \_\_\_\_\_

Subdivision Name: Ziller Path Location 1 & 1A Quail Ridge Way

Owner: Irving Ziller

Owner address: 4601 Henry Hudson Parkway, Bronx, NY 10471-2855

Applicant: Same as owner

Applicant address: \_\_\_\_\_

Barnstable County Registry of Deeds, Plan Book 664, Page 22

Barnstable County Land Registry, L.C.P. No. \_\_\_\_\_

Form D Covenant Doc. No. \_\_\_\_\_ Book 29618 Page 211

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots: Parcel D

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Truro Planning Board

Date: \_\_\_\_\_

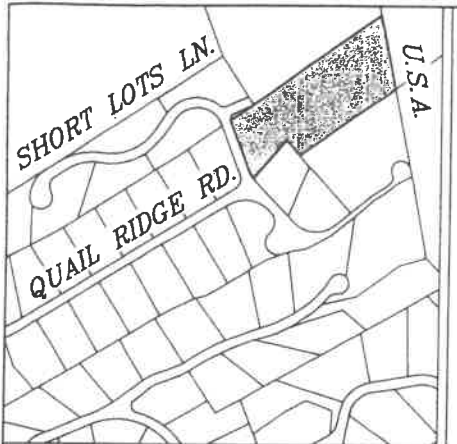
### COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, one of the above signed members of the Truro Planning Board, 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.

By commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



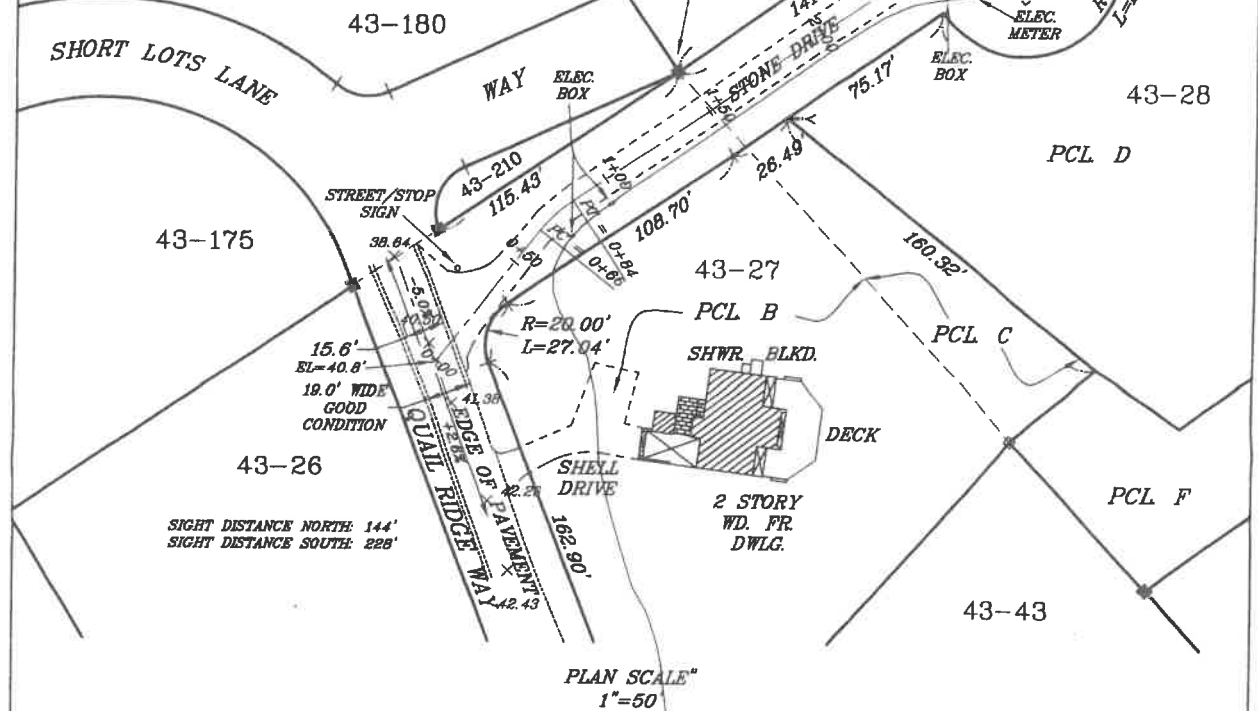
# ZILLER PATH PLAN & PROFILE MADE FOR IRVING ZILLER

SCALES AS SHOWN  
SLADE ASSOCIATES, INC., REGISTERED LAND SURVEYORS  
10 PINE POINT ROAD, WELLFLEET, MA 02667

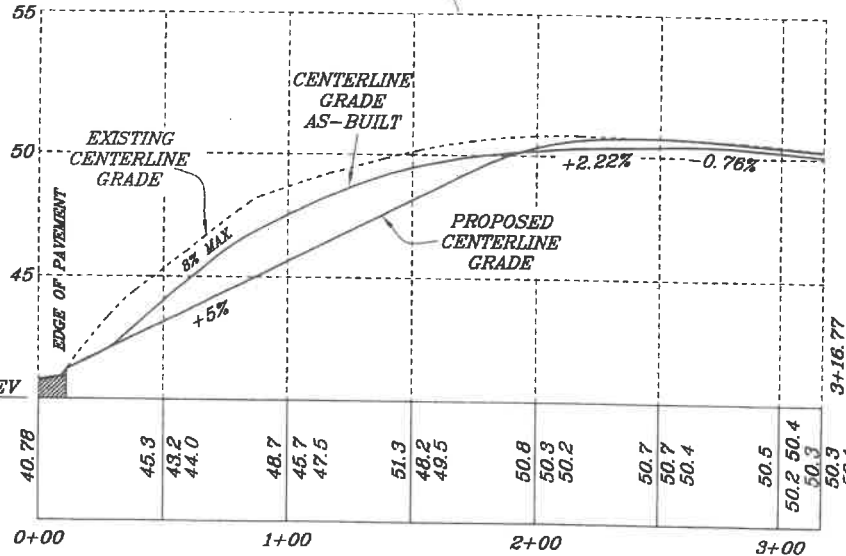
508-349-3110  
\*REVISED 12/21/15  
\*REVISED 01/12/16  
\*REVISED 06/06/17  
\*REVISED 08/28/17

OCTOBER 8, 2015\*

LOCUS IS SHOWN AS PARCELS  
27 & 28 ON SHEET 43 OF THE  
TRURO ASSESSORS' ATLAS.



ELEVATIONS (FT.)  
VERTICAL SCALE: 1"=5'



CHESTER NIMITZ LAY  
No. 28716  
REGISTERED  
LAND SURVEYOR  
8-31-17

STATIONS (FT.)  
HORIZONTAL SCALE: 1"=50'



# 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 *HST*  
Date: June 12, 2017  
Re: 2015-012PB Ziller Definitive Plan Covenant Release

Per Chester Lay, The construction on Ziller Path has been done. They have a few remaining items to take care of, then they will be requesting a Release of Covenant. The center line grade, as designed, coming up from Quail Ridge Way, is 5%. The "as-built" grade here is a maximum of 8%, a difference of 3%, but still allowable under the PB regulations. We will be requesting a waiver for this short section of road, which is essentially just a driveway for Parcel D only. The Town also requires one year's worth of growth, so we would be requesting a waiver for that as well. I would like to board members, and Jarrod Cabral, to inspect the road at their leisure. We will wait a few weeks, and then inspect the progress of grass germination ourselves before requesting the Release.

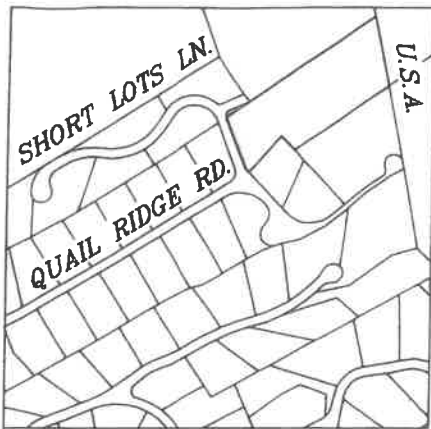
Photos, utility easement plan and as built road profile attached.

# ZILLER PATH PLAN & PROFILE MADE FOR IRVING ZILLER

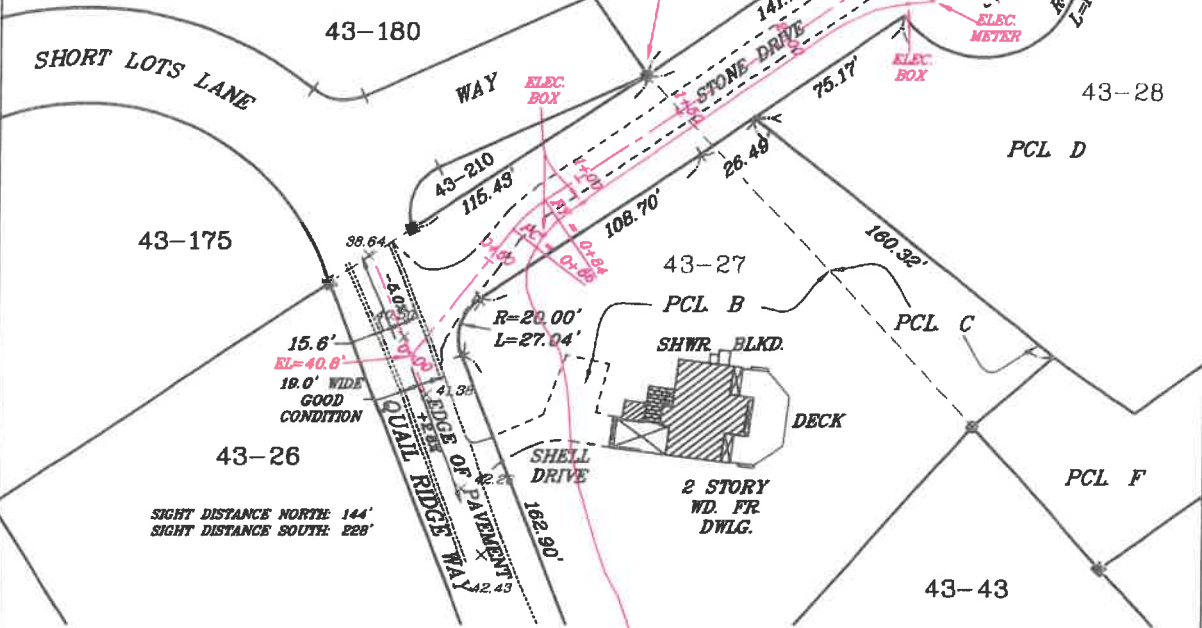
SCALES AS SHOWN  
SLADE ASSOCIATES, INC., REGISTERED LAND SURVEYORS  
10 PINE POINT ROAD, WELFLEET, MA 02667

508-349-3110  
\*REVISED 12/21/15  
\*REVISED 01/12/16  
\*REVISED 06/06/17

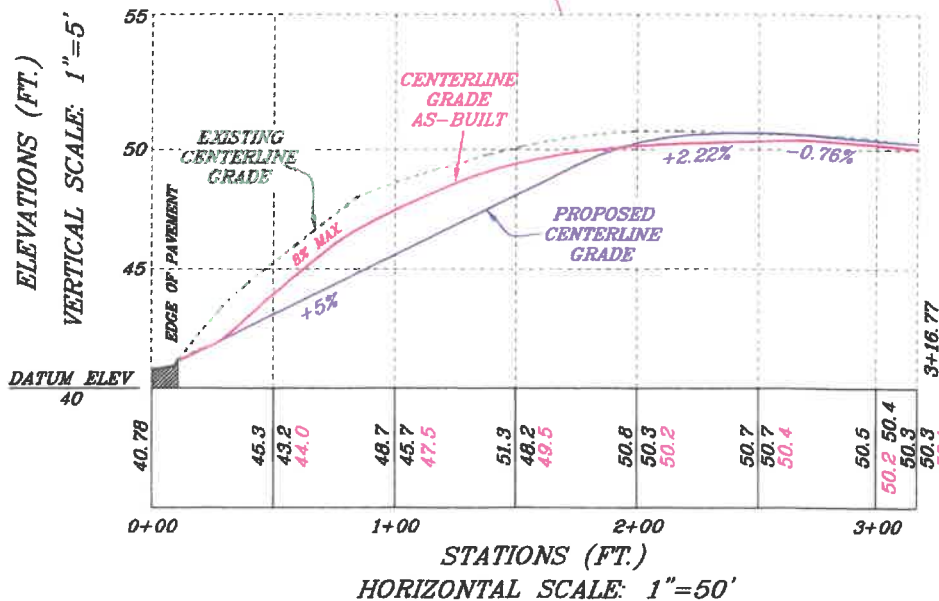
OCTOBER 8, 2015\*



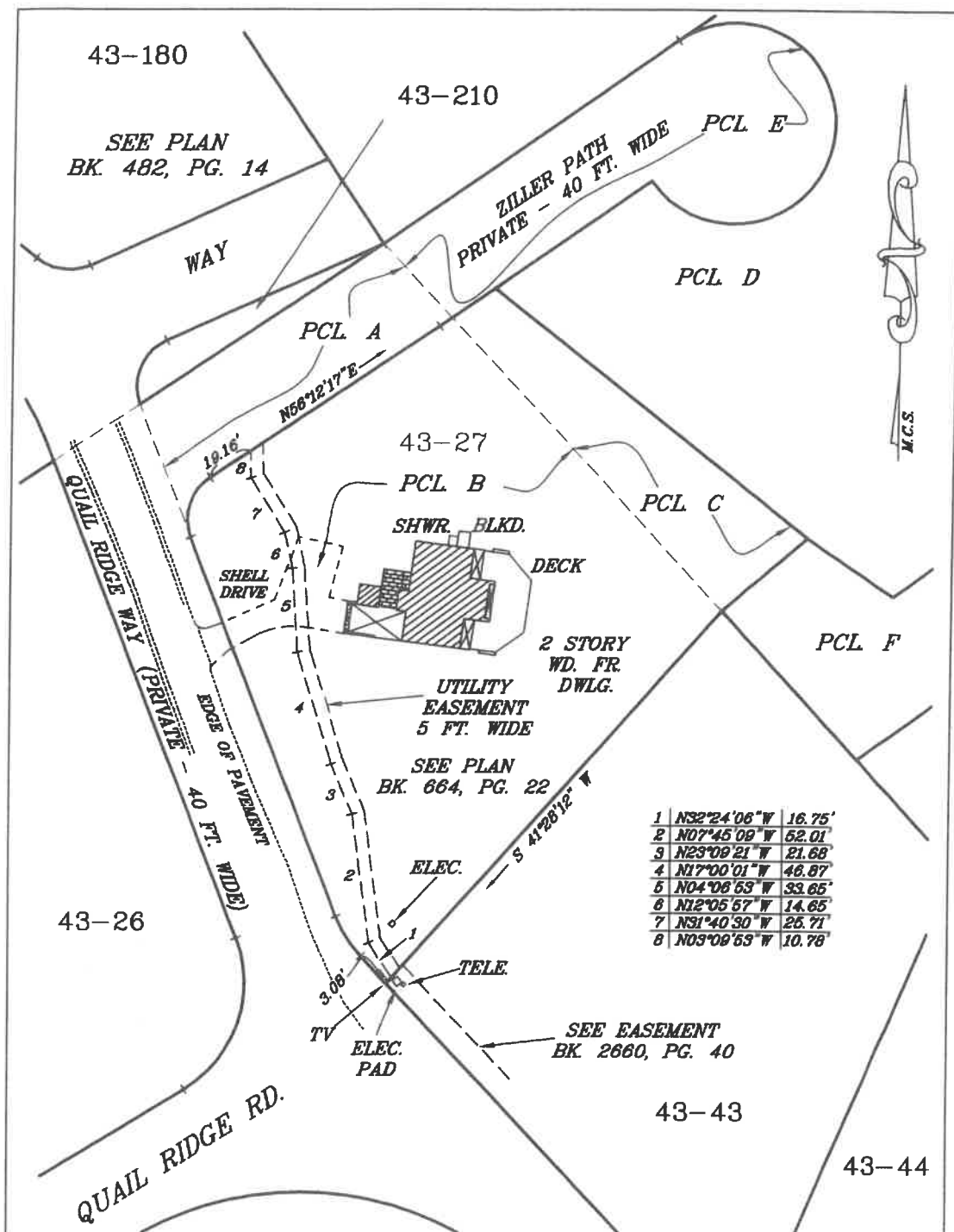
LOCUS IS SHOWN AS PARCELS  
27 & 28 ON SHEET 43 OF THE  
TRURO ASSESSORS' ATLAS.



PLAN SCALE"  
1"=50'



PLAN #2015-99



SKETCH OF LAND IN TRURO  
SHOWING A PROPOSED UTILITY EASEMENT  
MADE FOR  
IRVING ZILLER

SCALE: 1"=50'

SLADE ASSOCIATES, INC.,  
10 PINE POINT ROAD,

JUNE 5, 2017  
REGISTERED LAND SURVEYORS  
WELLFLEET, MA 02667

508-349-3110

PLAN #2017-57

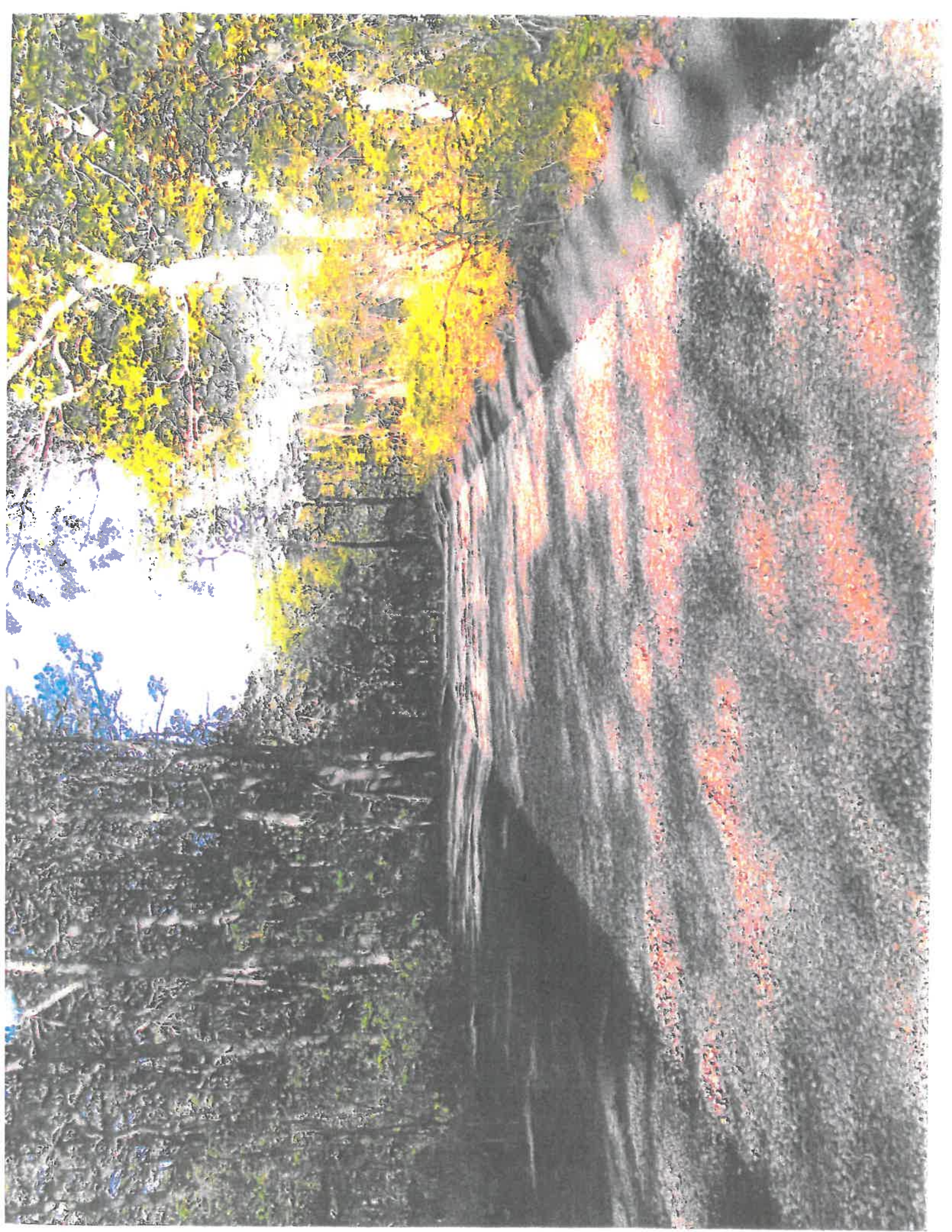














29618/211 Rec 4/29/16

Plan 1- PB 664, Ps 22



TOWN OF TRURO PLANNING BOARD  
FORM D  
COVENANT

The undersigned Geoffrey Doherty of Middlesex County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board, a definitive plan of a subdivision, entitled Definitive Subdivision of Land in Truro Made For Irving Ziller

dated October 5, 2015

made by Slade Associates, Inc. for property located at 1 & 1A Quail Ridge Way and showing 1 proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.
7. See attached.

The undersigned GEORGEY C. & SUSAN Z. DOHERTY wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this 12<sup>th</sup> day of JANUARY, 2016

Geoffrey Doherty  
Signature of Owner

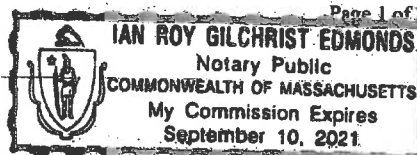
Susan Z. Doherty  
Signature of Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this 12<sup>th</sup> day of January, 2016, before me, the undersigned notary public, personally appeared GEORGEY & SUSAN DOHERTY, proved to me through satisfactory evidence of identification, which were MASS DL, 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.

P.R.G. Edmonds  
NOTARY PUBLIC



Planning Board Signatures:

*[Handwritten signatures]*  
Michael W. Bolent

Date:

2/25/16

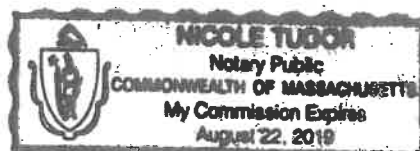
*Peter Herridge*

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this 26<sup>th</sup> day of February, 20 16<sup>th</sup>, before me, the undersigned notary public, personally appeared Peter Herridge, proved to me through satisfactory evidence of identification, which were MASSACHUSETTS DRIVERS LIC., 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.

*[Handwritten signature]*  
NOTARY PUBLIC



## 7. Attachment to Ziller/Doherty Covenant

1. Ziller Path is approved to provide access for only one (1) buildable lot, Parcel D as shown on the definitive plan entitled Definitive Subdivision of Land in Truro Made for Irving Ziller by Slade Associates, Inc. (October 5, 2015 1"=50').
2. Parcel F as shown on said definitive plan is not a buildable lot under the Truro Zoning Bylaws.
3. The roadbed of Ziller Path will have a traveled width of 14-feet, a 6-inch hardened base and 3-inch gravel surface.
4. The maximum grade for the Ziller Path will not exceed 5%. Site clearing will be the minimum necessary to accomplish the road grade.
5. Lot D will be subject to Nitrogen Loading Limitations in accordance with the Town of Truro Board of Health Regulations (Section VI Article 12, Town of Truro Board of Health Regulations, effective July 22, 2015 as may be amended), limiting the lot to 4 bedrooms.
6. The site is within Estimated Habitat and the applicant will file all required information with the Natural Heritage and Endangered Species Program of Massachusetts Division of Fish and Wildlife and incorporate any conditions set forth by NHESP into the Definitive Plan to ensure that the project will not result in a take of state-listed species.
7. There will be a performance guarantee, executed upon endorsement, via a covenant stipulating the terms of road construction and utilities, and including all conditions and waivers granted by the Planning Board on December 22, 2015.
8. The applicant will meet with the Truro Building Commissioner to determine if the turning radii for Ziller Path where it meets Quail Ridge Way is compliant with the Truro Zoning Bylaw and, if not, will amend the plan to be compliant in this regard.
9. The following waivers were approved on December 22, 2015 for this definitive plan:  
The following submission requirements of Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land are waived:  
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 topographical contours (shown on preliminary plan)  
2.5.2b.14 base flood elevation  
2.5.2.b.22 two onsite USGS benchmarks  
2.5.2b.24 all information required on preliminary plan  
2.5.2.b.30 location of all trees 10" in diameter  
2.5.2.c. 4 & 5 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  
and the following Roadway Standards from Appendix 2 of the Town of Truro  
Rules and Regulations Governing the Subdivision of Land, Table 1, Type A  
Roadway be waived:**

**4.1 construction of circular turnaround  
4.1.1 4' shoulders**

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# 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: Cally Harper, Town Planner  
Date: September 29, 2017  
Re: **Discussion of Becker Subdivision**

---

Discussion of correspondence from abutters regarding status of approved subdivision. Continuance request received from the property owner. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33.

---

### Correspondences:

On September 22, 2017, a letter was sent to Mrs. Becker to inform her of the Letter from Abutters and to notify her that this matter will be discussed at Planning Board meeting on October 3, 2017, see below:

*Dear Mrs. Becker:*

*I am writing to inform you that we received the enclosed documents from abutters near 3, 5, 7 Rose Hill Lane in Truro, MA. We received a letter on September 14, 2017 and a copy of the abutters comments read into the record at the Planning Board meeting on September 19, 2017. Both of these documents are enclosed. This matter will be on the October 3, 2017 agenda for discussion by the Truro Planning Board. In an attempt to contact you in a more timely matter, I have also contacted Steve Phillips via email and attached both of these documents. Please contact me if you have any questions.*

*Respectfully,*

*Cally Harper, Town Planner*

On September 22, 2017, Steve Phillips from Geiger-Phillips was notified via email, see below:

*Good Afternoon Mr. Phillips,*

*I am writing to inform you that we received the attached documents from abutters near 3, 5, 7 Rose Hill Lane in Truro, MA. We received a letter on September 14, 2017 and a copy of the abutters comments read into the record at the Planning Board meeting on September 19, 2017. Both of these documents are attached. This matter will be on the October 3, 2017 agenda for discussion by the Truro Planning Board. I also mailed these documents to Mrs. Becker at her Chicago address. Please contact me if you have any questions.*

*Respectfully,*

*Cally Harper*



On September 29, 2017, Cyrus Claffey, the son of the property owner, sent the following email:

*Dear Cally-*

*I am writing regarding the Abutter's letter concerning the subdivision plan for 12 Fisher Road submitted to Truro Planning Board, which you mailed to Mrs. Guity Becker, the property owner. I am the son of Mrs. Guity Becker, the property owner, and assisting her in this matter. She is copied above.*

*I understand that Truro Planning Board is planning on discussing the Abutter's comments as part of the agenda for the October 3rd meeting. Unfortunately, neither myself nor the legal counsel representing us in the subdivision plan are able to attend the October 3rd Truro Planning Board meeting. Therefore, I would like to respectfully request an adjournment of the discussion by the Planning Board until a later date, when we are able to attend the meeting. This would provide us an opportunity to address the concerns in the Abutter's letter, and answer any questions the Planning Board may have concerning the subdivision plan.*

*I've copied Steven Geiger, the architect on the subdivision plan and Ben Zehnder the legal counsel for the subdivision plan.*

*Thank you-  
Cyrus Claffey*

**Comments from the Planner:**

It is my recommendation to continue the discussion of the Becker property until the Mr. Claffey can be present at the Planning Board meeting.

RECEIVED  
SEP 14 2017  
BY: Planning Dept.

September 11, 2017

Amy Rolnick, Jon Friedman, Joanne Barkan, et al  
abutters to proposed subdivision of  
Becker Property on Rose Hill Lane

Rae Ann Palmer  
Town Manager

Harry Tarkanian  
Acting Town Planner

Steve Solog  
Chair Planning Committee

Jonathan Silverstein  
Truro Town Counsel

Jack Reimer, Planning Board  
R. Bruce Bolyn, Planning Board  
Michael Roderick, Planning Board  
Paul Kiernan, Planning Board  
Peter Herridge, Planning Board  
Karen Tosh, Planning Board

Truro Town Hall  
Truro, MA

Dear Sirs and Madam,

Recent activity on the site has alerted neighbors to the probability that the plan for this subdivision, granted by a 1997 Covenant and subject to the construction of Rose Hill Lane, has been revived.

It is our contention that the approval for the construction of Rose Hill Lane has expired. Because the road does not meet current standards and because its construction appears to be imminent, we ask that this matter be placed on the agenda of the next Planning Board meeting scheduled for September 19, 2017.

Thank you for your attention in this matter.

Sincerely,



Amy Rolnick  
8-8A Fisher Road

Jon Friedman

Jon Friedman  
17 Stephen's Way

Joanne Barkan

Joanne Barkan  
17 Stephen's Way

AF

Nathalie Ferrier  
21 Stephens Way

John A Van Kerk  
19 Stephens Way

Deborah Smolian by JVC  
19 STEPHENS WAY

Deb Citrin (an)  
Beth Darity (an)  
3 Stephens Way

Sacha ferrier-Cohen (by Nathalie ferrier)  
21 Stephens Way

Lilas ferrier-Cohen (by Nathalie ferrier)  
21 Stephens Way

Deirdre A. HUANG & Alexander Mair STUART  
9 Towhee Lane (by Nathalie ferrier)

Wendy Lawrence (an)  
Mark Parden (an)  
7 Stephens Way

Abutters to the Becker property have a number of questions that they respectfully request the PB to consider:

On October 15 1997, the Planning Board (PB) approved a covenant (recorded in Book 11113, Page 78) for a subdivision plan (Plan Book 538, Page 6) for the Nashat Rev Trust (3, 5, and 7 Rose Hill Lane) owned by Gary & Guity Becker.

We have been unable to determine the exact requirements of the Subdivision Regulations that were in force in 1997. Current regulations impose a two-year deadline for completion of a subdivision road and allow the PB to approve 2-year extensions of the deadline for a total of 8 years. After that, it is our understanding that the original approval for a plan permanently expires, and any attempt to renew the covenant and subdivision plan would be subject to the current rules and regulations and would need to be resubmitted to the PB for approval.

There is no indication in the Planning Board records on file in Town Hall that requests for extensions of the Becker Covenant and subdivision plan were ever filed, or that extensions were ever granted.

Even if the older Subdivision Rules and Regulations do not provide that the approval of the subdivision is automatically rescinded if the work is not completed in 2 years, we have been advised that they do provide that if the road construction is not completed within two years, the road construction must meet the standards in effect at the time of the completion. The current street design standards, among other things, require that the road be separated from the subdivision boundary by a screening buffer of at least 25 feet, consisting of natural vegetation.

If the design of Rose Hill Lane needs to be revised to conform to the current street design standards, then we, the abutters, believe that the entire subdivision plan would probably require revision and resubmission to the PB.

In the meantime, Cyrus Claffey (Guity Becker's son) has hired Steven Phillips of Geiger-Phillips to look into the construction of the proposed road, Rose Hill Lane. On August 17, Steven Phillips inspected the property with a surveyor.

The goal of the abutters is to clarify the status of the covenant and subdivision plan and to avoid the possibility of litigation for all the property owners involved as well as for the town. It has been difficult getting definitive answers to our questions. This is why we ask that the PB review the covenant and subdivision plan and put a discussion of the matter on the agenda for the October 3 PB meeting. It has also been suggested to us that the Becker subdivision is not unique, that there are other moribund subdivision plans, in various parts of Truro, filed and approved, but never developed. These questions are likely to arise

again in the future, so it would behoove the PB to address and clarify these issues going forward.

We also hope that Mr. Cyrus Claffey will postpone work on the road until the matter is resolved. If excavation and clearing work on the road begins before our questions have been answered, we will consider seeking a stop-work order.

Respectfully Yours,

Amy Rolnick 8-8A Fisher Road

Joanne Barkan and Jon Friedman 17 Stephen's Way

Wendy Lawrence and Mark Powden #7 Stephen's Way

John Van Kirk and Deborah Smulian-Siegel #19 Stephen's Way

Deb Citrin and Elizabeth Dority #3 – 5 Stephen's Way

Lillah McCarthy #11 Stephen's Way

Vicky Tomayko #15 Stephen's Way

Deirdre Huang and Alexander Stuart #9 Towhee Lane

## TOWN OF TRURO

## PLANNING BOARD

( Do ADU  
trigger site plan  
review )

APPLICATION FOR ACCESSORY DWELLING UNITS SPECIAL PERMIT

Date \_\_\_\_\_

To the Town Clerk of the Town of Truro, MA

The undersigned hereby files with specific grounds for this application:

Applicant seeks approval and authorization of an Accessory Dwelling Unit under Section  
40.2 \_\_\_\_\_ of the Truro Zoning By-law as described below and in the attached documentation and  
Site Plan concerning (describe)

Property Address \_\_\_\_\_ Map(s) and Parcel(s) \_\_\_\_\_

Registry of Deeds title reference: Book \_\_\_\_\_, Page \_\_\_\_\_, or Certificate of

Title Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Applicant's Phone(s), Fax and Email \_\_\_\_\_

Applicant is one of the following: (please check appropriate box)

☐

Owner

☐

Prospective Buyer\*

☐Other\* \*Written Permission of the owner is  
required for submittal of this application.

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

Applicant(s)/Representative Signature \_\_\_\_\_

Owner(s) Signature or written permission \_\_\_\_\_

Your signature(s) on this application authorizes the Members of the Planning Board and town staff to visit  
and enter upon the subject property.

Applications must be typed or printed clearly with black or blue ink.



## PROCEDURE FOR SUBMITTING APPLICATION FOR AN ACCESSORY DWELLING UNIT SPECIAL PERMIT

The following information ~~and requirements~~ must be filed with ~~all~~ Applications for an Accessory Dwelling Unit Special Permit consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board: Note: Submittals must be collated into 152 packets (original and fourteen copies).

☐ **1 – Application Form – Original and Fourteen ~~Eleven~~ (14) Copies**

Every application for action by the Board shall be made on an official form. These forms are available on the Town's website and/or from ~~shall be furnished by the Town Planner~~ Planning Board Secretary and/or Building Department upon request. Any communications purporting to be an application shall be treated as mere notice of intention to seek a permit ~~such relief~~ until such time as it is made on an official application form accompanied by all requisite supporting data.

☐ **2 – Required Plan(s) and Other Information (Original and Fourteen ~~Twelve~~ (14) Copies) – These documents must be folded to fit in a letter size folder**

Every application ~~and petition~~ to the Board shall be accompanied by all the plans and other information required in the Zoning By-law for an Accessory Dwelling Unit ~~the type of Special~~ Permit requested (including but not limited to the requirements and procedures set forth in §40.2 Affordable ~~Accessory Dwelling Unit~~; ~~§40.4 Wind Generators~~; and; ~~§40.5 Communication Structures~~).

☐ **3 – Filing Fee**

All applications shall be accompanied by a check payable to the Town of Truro in the amount of \$50.00. The filing fee is non-refundable.

☐ **4 – Certified Abutters List (Original and Eleven (11) Copies)**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed along with the items outline in Sections 1 – 3 above. A copy of the "Certified Abutters List Request Form" is included in this packet.

### APPLICATIONS MUST BE FILED WITH THE TOWN CLERK.

With this information before it, the Planning Board will then proceed to post a notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.

Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to re-schedule, you must submit a request in writing for a continuance. To do so, contact the ~~Planning Board secretary~~ by mail or telephone.

*Town Planner*  
Additional information may be submitted prior to the scheduled public hearing, provided it is received no less than one week prior to the hearing. Such additional information – 152 copies of each document – shall first be submitted to the Town Clerk to be date stamped. Information received less than one week before the scheduled hearing, may result in a continuance of the hearing.

## TRURO PLANNING BOARD

**DRAFT**

### Meeting Minutes

September 19, 2017 – 6:00 p.m.

Truro Town Hall

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

**Other Participants:** Amy Rolnick, Joanne Barkin, Jason Ellis, Ann Greenbaum, Harry Terkanian, Interim Town Planner; Cally Harper, Town Planner

Steve Sollog opened the meeting at 5:58 pm.

### Public Comment Period

Amy Rolnick spoke about a letter that she and a group of concerned citizens sent to the Planning Board. She brought an additional letter that she asked if she could read aloud. They are concerned that construction might be imminent with regards to the Becker Rose Hill Lane subdivision. In 1997 the Planning Board approved a covenant for this subdivision. The group has questions about the two year deadline to build a road, as well as extensions to the two year deadline. They don't believe that extensions were applied for or granted, and they are concerned about whether Rose Hill Lane meets or will meet current regulations. They are hoping the project will not move forward until their questions and concerns can be addressed. If the project does commence before their questions are answered, they will consider trying to obtain a stop work order. They are requesting to be placed on the October 3, 2017, Planning Board agenda. Mr. Terkanian said that he forwarded the relevant covenant and certificate of plan approval to Town Counsel. Mr. Terkanian represented the Beckers when they purchased the property, so he would recuse himself in any deliberations. When asked, Mr. Terkanian said he doesn't see any impediment to the project being started. Mr. Kiernan said he had a word of caution, that if they started clearing vegetation, and then had to change the location of the road, it would be costly. Joanne Barkin came forward and wanted to emphasize that it is fourteen days until the next Planning Board meeting. She pointed out that there could be disruption of vegetation if this project moves forward. She hopes that the Town planner will hear from Town Counsel as soon as possible. It would save everyone involved a lot of trouble. Mr. Kiernan asked what Counsel has received regarding this matter. Mr. Terkanian said that Town Counsel received the same material that Planning Board members received. Ms. Rolnick added they have contacted David Reid, attorney, to look into this matter.

Cally Harper introduced herself as the new Town Planner. She was a planner with the Cape Cod Commission.

### Application for Determination that Plan Does Not Require Approval

**2017-004PB Albert P. Groom, (by Jason C. Ellis, agent)** seeks a determination that a plan showing a division of land into two parcels does not require approval under the Subdivision Control Law. The property is located at 44 Truro Center Road, Assessor's Atlas Map 50, Parcel 126.

Jason Ellis talked about what the applicant wants to do. He said it meets the requirements of an *Approval Not Required* plan. Mr. Sollog asked about the topography. Mr. Ellis described it. The driveway would be utilized by both parcels. It would not require an easement. It also accesses the Cody's place next door. The driveway is on Town property. Mr. Terkanian said that the only issue



is whether both lots have access that meets the vital access standards. No one on the Board had further questions. There are two sheds and a dwelling on one portion. The other is empty. Mr. Kiernan made a motion that with respect to application 2017-004PB Albert P. Groom, the Board determines that the plan entitled in part: "Division Plan of Land in Truro, MA Made for Albert P. Groom, Being a Division of Lot As Shown on a Plan Recorded in Barnstable County Registry of Deeds, Plan Book 651, Page 60" dated July 25, 2017, Scale 1" = 40', prepared by Laude Land Surveying does not require approval under the Subdivision Control Law. Mr. Boleyn seconded the motion. So voted, 7-0. The plan was endorsed.

### **Continued Public Hearing - Commercial Site Plan Review**

**2016-008SPR Maria Kuliopulos – White Sands Beach Club, Inc.** 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, June 27, 2017 and August 15, 2017.

Mr. Terkanian said the Zoning Board of Appeals companion case was continued to tomorrow, September 20, 2017. In the Board's materials is a summary memo and a listing of the documents the applicant filed with the ZBA. Mr. Terkanian recommends that the Planning Board hearing be continued. Mr. Sollog advised Ms. Kuliopulos that she should consider reapplying so that seven members would be able to vote on her proposal. Ms. Kuliopulos said that after the ZBA hearing, she would like to reschedule for Oct 17, 2017 with the Planning Board. Mr. Kiernan said that three members of the Board are ineligible, and reminded her that it would be in her best interest to reapply. Mr. Kiernan made a motion to continue the hearing to Oct 17, 2017, Mr. Herridge seconded. So voted, 7-0.

### **Open Discussion of Possible Zoning Bylaw Amendments**

The Planning Board will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts. 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.

Ann Greenbaum came forward and offered nine questions for a survey regarding a town-wide house size restriction bylaw. Members of a community group have been working on them. Mr. Herridge read additional questions. Mr. Kiernan added the words "next to YOUR house." Mr. Terkanian suggested being more neutral, and more specific, for example not to use the word "huge," instead maybe specify 7,000 sq ft. Ms. Tosh said rather than "integrity" use the word "character" of the neighborhood, or both words. Ms. Harper asked about opened ended questions which can be difficult to tabulate. Ms. Greenbaum said her group would help read through the replies and write them up. A follow up question could be: would you require a more restrictive or less restrictive size limit? It was suggested that there be a brief explanation of the various districts in the Town that are not residential. It was agreed that the survey would be available on line as well as on paper. Ms. Harper mentioned successful ways she's seen surveys go out, such as in utility bills. There could be helpers available at the library for people who don't use the computer. Ms. Greenbaum will work on the new draft of survey questions with Mr. Herridge, to be available at the next Planning Board meeting. A "return by" date might be October 27, 2017. A forum will be scheduled sometime in November.

Ms. Greenbaum talked about having used the 2016 assessor's data for the preliminary draft to get a sense of current Truro properties over 3150 sq. ft. size (the size limit used for the Seashore amendment). By mailing address, there are 212 properties in the residential district above 3150 square feet. Of those 212, only 69 have Truro mailing addresses. Another 6 have Provincetown or Wellfleet addresses. 137 of these have other mailing addresses. Less than 4% of all residential properties are both over 3150 square feet and local. It will be important to look at the 2017 assessor's data.

Maria Kupiopolus asked if large houses are a problem in Truro. The answer was that they could be.

**Review and Approval of Meeting Minutes** September 5, 2017 Regular Meeting

Mr. Sollog made a motion to accept the minutes of the September 5, 2017, meeting as written, Mr. Herridge seconded. So voted, 7-0.

**Reports from Board Members and Staff** Acting Town Planner report.

Mr. Terkanian provided a brief report on recent ZBA decisions, a notice of a Shared Housing workshop, hosted by the Town of Yarmouth, Oct 19, 20, 21, 9:30 to 3:30. Also, question and answers on the Clark matter, and the August report on the building permits issued.

Mr. Riemer commented on August Building permits saying that he would like this information more readily. He thinks building permits should be listed on the Town website when they are issued. Mr. Herridge agreed. Provincetown does this. Mr. Riemer asked how this could be formerly requested. The Town Manager would be the one to contact. Mr. Sollog suggested that Mr. Riemer draft a letter regarding his idea to give to Ms. Harper to pass on to Ms. Palmer.

Mr. Kiernan asked that in order to make the process flow better, if we had a request for an opinion from Town Counsel, should be it in the form of a motion? He then put in the form of a motion to ask Town Counsel whether the definition of a room in a motel applies to a condominium. Mr. Herridge seconded the motion. So voted, 7-0.

**Adjourn**

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. Mr. Riemer brought up the subject of the 2010 ANR hand-book. He suggested that all Board members should have a copy. Some members said that they do have one. Motion to adjourn carried, 7-0. Meeting adjourned at 7:25 pm.

Respectfully submitted,

Katherine Black

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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  
charper@truro-ma.gov

To: Truro Planning Board  
From: Cally Harper, Town Planner  
Date: September 28, 2017  
Re: Town Planner Report

---

1. Pending Matters for October 17, 2017:
  - a. 2017-008SPR – Boyle, Brian. Application for Accessory Dwelling Permit.
  - b. Continued discussion of amendments to zoning bylaw. A Planning Board Work Session is another vehicle for discussing zoning bylaws.
2. Zoning Board of Appeals actions:
  - a. Meeting on September 20, 2017 was continued to October 4, 2017 due to Tropical Storm Jose.
3. Correspondence:
  - a. Received September 19, 2017 to the Planning Department. Notice of Public Comment Period for the Barnstable County HOME Consortium's Consolidated Annual Performance Evaluation Report (CAPER) outlining the year's accomplishments and challenges. Documents are available in the Planning Office.
  - b. Received September 22, 2017. List of Fall 2017 Workshops from the Citizen Planner Training Collaborative.
  - c. The Board of Selectmen discussed the Discussion of Year Round Condo Bylaw at their September 26, 2017 meeting. Working draft attached.



# BARNSTABLE COUNTY HOME CONSORTIUM

PO Box 226, 3225 MAIN STREET  
BARNSTABLE, MASSACHUSETTS  
02630  
(508) 362-3828 • FAX (508) 362-3136  
E-mail: [mspringer@barnstablecounty.org](mailto:mspringer@barnstablecounty.org)



## NOTICE OF PUBLIC COMMENT PERIOD

The **Barnstable County HOME Consortium** has completed its 2016 Fiscal Year (July 1, 2016- June 30, 2017) utilizing U.S. Department of Housing and Urban Development's (HUD) Federal Fiscal Year 2016 HOME Program funds. The HOME Program was awarded \$394,512 to carry out the goals and objectives set forth in the 2015- 2019 Consolidated Plan and Annual Action Plan for this period. A draft **Consolidated Annual Performance Evaluation Report (CAPER)**, outlining the year's accomplishments and challenges is available for public comment.

The public comment period will begin September 10, 2017 and end September 25, 2017. Written comments should be sent on or before September 25, 2017 at 4:30 p.m. to the Barnstable County HOME Consortium, PO Box 427, Barnstable, MA 02630 or by e-mail: [mspringer@barnstablecounty.org](mailto:mspringer@barnstablecounty.org). The CAPER will be submitted to HUD by September 26, 2017.

The 2016 Draft CAPER is available for review online at <http://www.bchumanservices.net> or at the Human Services Department 3195 Main Street, Barnstable, MA. Requests for hard copies of the CAPER and any questions should be directed to Michelle Springer at (508) 744-1224 or [mspringer@barnstablecounty.org](mailto:mspringer@barnstablecounty.org).

If you are deaf or hard of hearing or a person with a disability who requires an accommodation, please contact the Department of Human Services at 508-375-6628 or TTY 508-362-5885. Requests for sign language interpreter must be made at least 2 weeks prior to the meeting date.



RCVD 2017SEP11 AM11:12

ADMINISTRATIVE OFFICE  
TOWN OF TRURO

# Fall 2017 Course Schedule

No.	Course Title	Date/Time	Trainer	Location/Sponsor
1	Site Plan Review (with an introduction on How To Read A Site Plan)	Th. 10/12/17 7 - 9 PM	Wayne Feiden, FAICP, City of Northampton	PVPC, 60 Congress Street, 2nd Floor, Springfield Sponsor: Pioneer Valley Planning Commission
2	Municipal Vulnerability and Resilience Planning	Sa. 10/14/17 8:30 - 10:30 AM	Stefanie Covino, Coordinator, Mass Audubon; Eric Walberg, Senior Program Leader, Climate Services	MVC, 33 New York Avenue, Oak Bluffs Sponsor: Martha's Vineyard Commission
3	How to Hold A Perfect Public Hearing	W. 10/18/17 7 - 9 PM	Amy E. Kwesell, Attorney, KP Law, P.C.	Brewster Police Department, 631 Harwich Rd., Brewster Sponsor: Cape Cod Commission
4	Planning with Community Support	Th. 10/19/17 7 - 9 PM	Brian Currie, AICP, Town of Falmouth	MAPC, Braintree Town Hall, Cahll Auditorium, 1 John F. Kennedy Memorial Drive, Braintree Sponsor: Metropolitan Area Planning Council
5	Site Plan Review	Th. 10/19/17 7 - 9 PM	Adam Costa, Attorney, Mead, Taler- man & Costa, LLC	MAPC, Sherborn Town Hall, 19 Washington St., Sherborn Sponsor: Metropolitan Area Planning Council
6	Planning with Community Support	Tu. 10/24/17 6 - 8 PM	Ralph Willmer, FAICP, Metropolitan Area Planning Council	FRCOG, JW Olver Transit Center, 12 Olive Street, 1st Floor Conference Room, Greenfield Sponsor: Franklin Regional Council of Governments
7	Municipal Vulnerability and Resilience Planning	W. 10/25/17 7 - 9 PM	Stefanie Covino, Coordinator, Mass Audubon; Sara Burns, Water Resource Scientist, The Nature Conservancy	OCPC, 70 School Street, Brockton Sponsor: Old Colony Planning Council
8	Planning with Community Support	W. 10/25/17 6:30 - 8:30 PM	Judi Barrett, Cloverset	CMRPC, 2 Washington Square, Union Station, 2nd Floor, Union Hall, Worcester Sponsor: Central MA Regional Planning Commission
9	Creating Master Plans	W. 11/1/17 6:30 - 8:30 PM	Judi Barrett, Cloverset	CMRPC, 2 Washington Square, Union Station, 2nd Floor, Union Hall, Worcester Sponsor: Central MA Regional Planning Commission
10	Recreational Marijuana	W. 11/1/17 7 - 9 PM	Katherine D. Laughman, Attorney, KP Law, P.C.	NMCOG, 40 Church Street, Suite 200, Lowell Sponsor: Northern Middlesex Council of Governments
11	Introduction To Subdivision Control Law and ANR	W. 11/1/17 7 - 9 PM	Jonathan M. Silverstein, Attorney, KP Law, P.C.	Brewster Police Department, 631 Harwich Rd., Brewster Sponsor: Cape Cod Commission
12	Roles and Responsibilities of Planning & Zoning Boards, Part 2	Th. 11/2/17 6 - 8 PM	Donald Dubendorf, Attorney, Dubendorf Law	BRPC, 1 Fenn Street, Suite 201, Pittsfield Sponsor: Berkshire Regional Planning Agency
13	Site Plan Review	Th. 11/2/2017 6 - 8 PM	Adam Costa, Attorney, Mead, Taler- man & Costa, LLC	MAPC, Chelsea Senior Center, 10 Riley Way, across from Chelsea City Hall at the intersection of Riley Way, City Hall Avenue, and Fay Square, Chelsea Sponsor: Metropolitan Area Planning Council
14	Special Permits and Variances	Sa. 11/4/17 8:30 - 10:30 AM	Ilana Quirk, Attorney, KP Law, P.C.	MVC, 33 New York Ave, Oak Bluffs Sponsor: Martha's Vineyard Commission
15	Municipal Vulnerability and Resilience Planning	Th. 11/9/17 6 - 8 PM	Stefanie Covino, Coordinator, Mass Audubon; Trish Garrigan, Green Infrastructure Coordinator, EPA, Region 1	BRPC, 1 Fenn Street, Suite 201, Pittsfield Sponsor: Berkshire Regional Planning Agency
16	Creating Master Plans	M. 11/13/17 7 - 9 PM	Judi Barrett, Cloverset	NMCOG, 40 Church Street, Suite 200, Lowell Sponsor: Northern Middlesex Council of Governments
17	Roles and Responsibilities of Planning & Zoning Boards, Part 1	M. 11/13/17 6:30 - 8:30 PM	Ralph Willmer, FAICP, Metropolitan Area Planning Council	MVPC, 160 Main Street, Haverhill Sponsor: Merrimack Valley Planning Commission
18	Recreational Marijuana	Tu. 11/14/17 7 - 9 PM	Katherine D. Laughman, Attorney, KP Law, P.C.	OCPC, 70 School Street, Brockton Sponsor: Old Colony Planning Council
19	Roles and Responsibilities of Planning & Zoning Boards, Part 1	Th. 11/16/17 6:30 - 8:30 PM	Bob Mitchell, FAICP	MRPC, Doyle Center, 464 Abbott Avenue, Leominster Sponsor: Montachusett Regional Planning Commission
20	How To Read A Subdivision Plan	Tu. 11/28/17 7 - 9 PM	Joseph Peznola, PE Hancock Associates	MAPC, North Reading Town Hall, 235 North Street, North Reading Sponsor: Metropolitan Area Planning Council
21	Roles and Responsibilities of Planning & Zoning Boards, Part 1	W. 11/29/17 6 - 8 PM	Carolyn Misch, AICP, City of Northampton	FRCOG, JW Olver Transit Center, 12 Olive Street, 1st Floor Conference Room, Greenfield Sponsor: Franklin Regional Council of Governments
22	Planning with Community Support	Th. 11/30/17 6:30 - 8:30 PM	Angela Vincent, AICP, Merrimack Valley Planning Commission	MRPC, Doyle Center, 464 Abbott Avenue, Leominster Sponsor: Montachusett Regional Planning Commission

**Year-Round Multi-Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only**

Article \_\_\_\_: To see if the Town will vote to amend the Truro Zoning Bylaw by adding a new Definition of “Dwelling, Multi-Family” in Section 10.4 as follows:

“Dwelling, Multi-family. Three or more dwelling units, attached, detached, or a combination thereof on a single lot.”

And further, to amend the Truro Zoning Bylaw Section 30.2 by adding “Multi-family Dwelling” in the Use Table under Residential Uses and by adding a new NOTES 13, as following:

RESIDENTIAL							
	R	BP	NT6A	TC	NTC	Rt6	S
Multi-family Dwelling (13)	N	SP	SP	N	SP	SP	N

**NOTES**

13. This use is further subject to the special regulations set forth in §40.3A, Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel for Year Round Use and the Zoning Board of Appeals shall serve as the Special Permit granting authority.

And further, to amend the Truro Zoning Bylaw by adding a new Section 40.3A, as follows:

§ 40.3A. Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel ~~and/or~~ for Year Round Use

A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to a multi-family dwelling use under any type of ownership, provided that the provisions of this section are met. For those properties which have received a Special Permit pursuant to §40.3 above, a new Special Permit will be required to allow for the year-round use of said property.

**B. Requirements.**

1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health and applicable provisions of the Provincetown Water regulations so as to provide for appropriate and adequate year round living.
2. Each converted unit shall comply with the parking requirements for single family dwellings as established in § 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:
  - a. The two lots must be in and remain in common ownership and not be

**Year-Round Multi-Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only**

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- further divided.
  - b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-existing structure or property.
  - c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.
  - d. All conditions must be recorded at the Barnstable Registry of Deeds.
3. The density of units permitted on a lot shall be as follows:
- a. Route 6A, North Truro Limited Business District; North Truro Center General Business District and Rout 6 General Business District: one unit per 3,000 sq ft.
  - b. Beach Point Limited Business District one unit per 2,100 sq ft.
  - c. Notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw.
4. The granting of a Special Permit hereunder shall be consistent with the provisions of Section 30.8."



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**TRURO PLANNING BOARD AGENDA  
TUESDAY, October 17, 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.

**Continued Public Hearing - Commercial Site Plan Review**

**2016-008SPR Maria Kuliopulos – White Sands Beach Club, Inc.** 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, June 27, 2017, August 15, 2017 and September 19, 2017.

**Public Hearing – Accessory Dwelling Unit Application**

**2017-008PB Brian Boyle** - seeks approval of an Accessory Dwelling Unit with the Clerk of the Town of Truro pursuant to §40.2 of the Town of Truro Zoning Bylaw with respect to property 3 Tom's Hill Path, Truro and shown on the Truro Assessor's Map, Sheet 45, Parcel 72.

**Open Discussion of Possible Zoning Bylaw Amendments**

The Planning Board will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts. 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**

October 3, 2017 Regular Meeting

**Reports from Board Members and Staff**

Town Planner report

**Next Meeting Agenda**

November 8, 2017

**Meeting Dates and Other Important Dates**

November 8, 2017 (Wednesday) – Regular Meeting

November 21, 2017 (Tuesday) – Regular Meeting

**Adjourn**