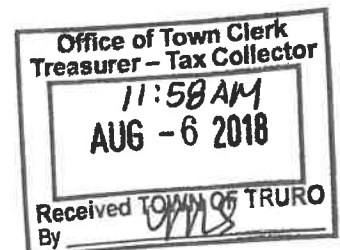


TRURO PLANNING BOARD AGENDA
Wednesday, August 8, 2018 – 6:00 p.m.
Truro Town Hall, 24 Town Hall Road, Truro



Public Comment Period

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

Temporary Sign Permit

Truro Center for the Arts at Castle Hill – seeks approval of an application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for five signs either 33" by 22" or 48" by 36". One sign will be placed on Route 6 at Castle Road, one sign will be placed at the corner of Truro Center (Castle Road), one sign will be placed at 10 Meetinghouse Road, one sign will be placed on the median at Pamet Road, and one sign will be placed at 3 Edgewood Way. The signs will be installed on August 9, 2018 and removed on August 13, 2018.

Discussion of Rose Hill Lane

The Planning Board will consider rescission of the existing application for the Becker subdivision, and suggest the applicant file a new application when the appropriate plans/application have been prepared. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33.

Continued Public Hearing

2017-011 SPR 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 to maintain existing uses, reduce the number of motel units from 51 to 47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5. Continued from April 18, May 23, and July 11, 2018.

Discussion of Upcoming Draft Marijuana Bylaw Public Hearing

The Planning Board will discuss appropriate mechanisms for conducting the August 22nd public hearing on the draft marijuana bylaw, which will include discussion of effective presentation and any proposed revisions, which have been submitted to the Board or offered by the Board since the July 25th public hearing. The Board will also discuss whether to ask the Police and Fire Chiefs, and Senator Cyr to attend the public hearing so as to address questions and concerns raised by the public. This is a discussion topic for the Planning Board and will not include public comment. The public comment period will take place on August 22nd, the previously scheduled public hearing.

Discussion of Upcoming House Size Bylaw Public Hearing and Review of Informal Forums

The Planning Board will debrief on the comments received at the informal public forums on the house size bylaw on August 1st and August 4th. The Planning Board will discuss appropriate mechanisms for conducting the August 15th public hearing on the draft house size bylaw, which will include discussion on effective presentation and any proposed revisions, which have been submitted to the Board or offered by the Board. This is a discussion topic for the Planning Board and will not include public comment. The public comment period will take place on August 15th, the previously scheduled public hearing.

Review and Approval of Meeting Minutes

July 11, 2018 Planning Board Meeting Minutes

Reports from Board Members and Staff

Town Planner Report – Planning Board signing of appointment certificate of Peter Herridge, as Representative to the Water Resources Oversight Committee.

Next Meeting Agenda

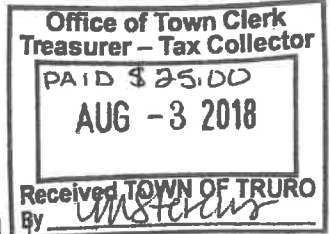
Wednesday August 15 at 6 PM at Truro Community Center for the House Size Bylaw Amendment.

Adjourn

**Application for Temporary Sign Permit**

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: Truro Center for the Arts at Castle Hill Date: 8/1/18Applicant Contact Information: P.O. Box 756 Truro MA 02666
Mailing Address508-214-0836
Phonealicia@castlehill.org
EmailNumber of Signs Requested: FiveTemporary Sign Dimensions: Height 33" 48" Width 22" 36" Please attach a "to scale" copy of
#1 Route 6 @ Castle Rd the proposed sign(s).Location(s) of Proposed Temporary Sign(s): #2 Corner of Truro Center / Castle Road#3 10 Meetinghouse Road. #4 Median @ Parnet Rd. Exit, #5 Route 6. 3 Edgewood wayMap(s): 4 Parcel(s): _____ Please use additional sheet(s) for multiple locationsDate(s) of the Event in Which the Sign is Intended: August 11, 2018Date When Sign(s) will be: Installed: August 9, 2018 Removed: August 13, 2018

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

Town of Truro &Truro Center for the Arts at Castle Hill P.O. Box 756

Name

Mailing Address

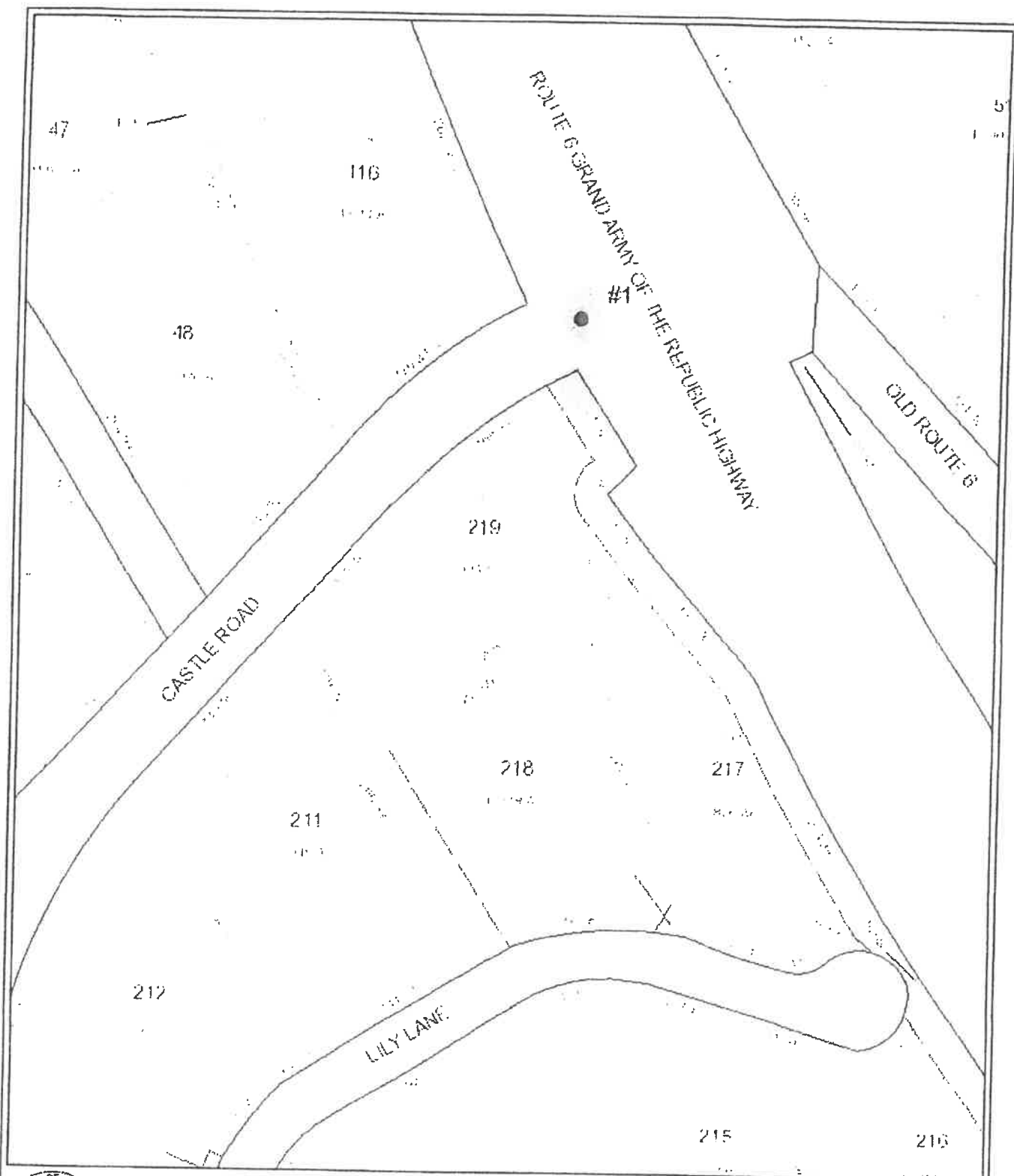
508-214-0836
Phonealicia@castlehill.org
EmailAlicia Martini
Applicant Signature8/1/18
DateAlicia Martini
Owner Signature (which also authorizes the use of the property)8/1/18
DatePlanning Board Action: **Approved** _____ **Approved w/Conditions** _____ **Denied** _____

Conditions: _____

Board Signature: _____ Date: _____

Title

CC: Building Commissioner, Board of Selectmen



Signage for Castle Hill Events

Truro, MA

1 Inch = 100 Feet

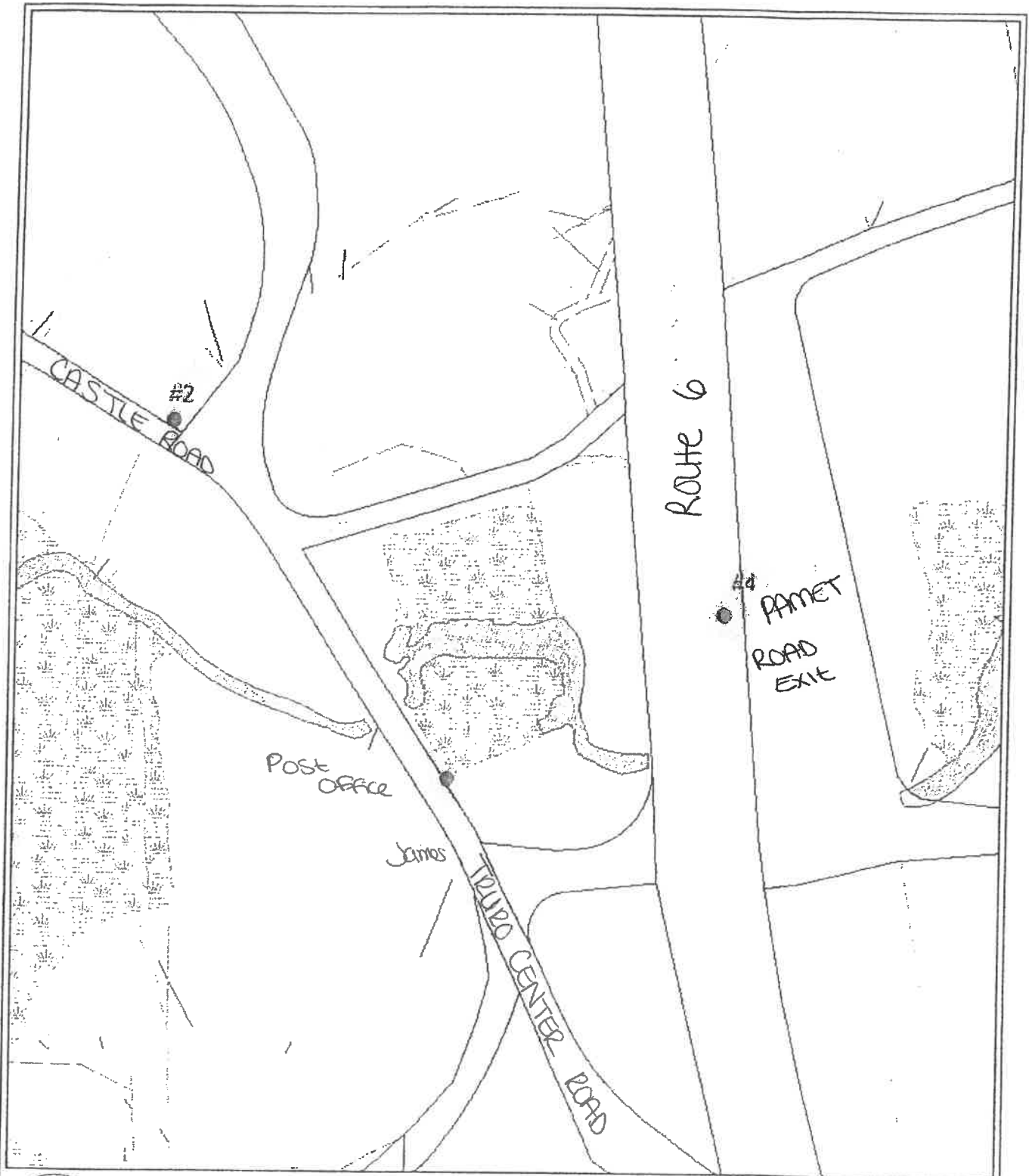
May 13, 2015



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com





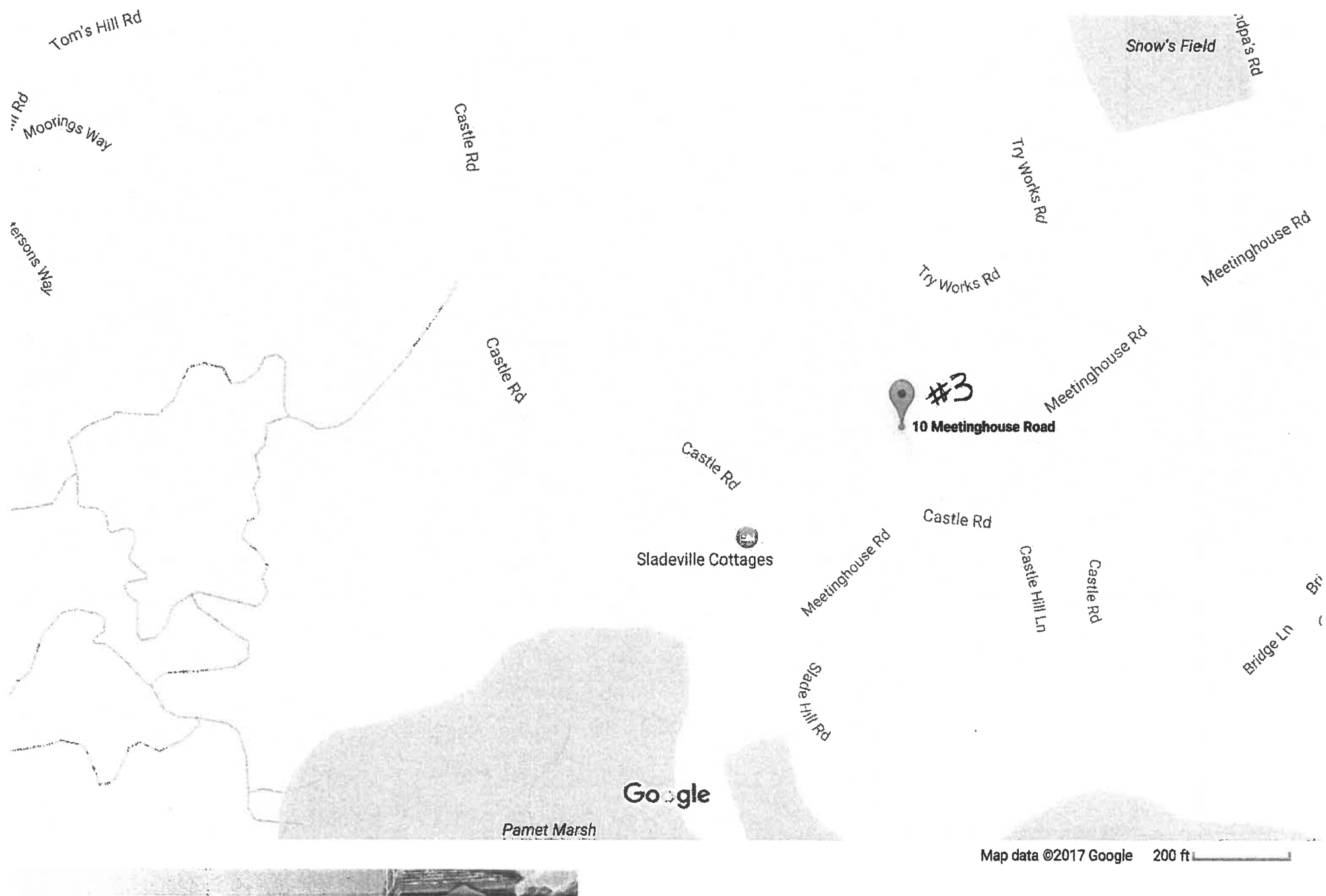
Signage for Castle Hill Events
Truro, MA
1 Inch = 200 Feet
May 13, 2015

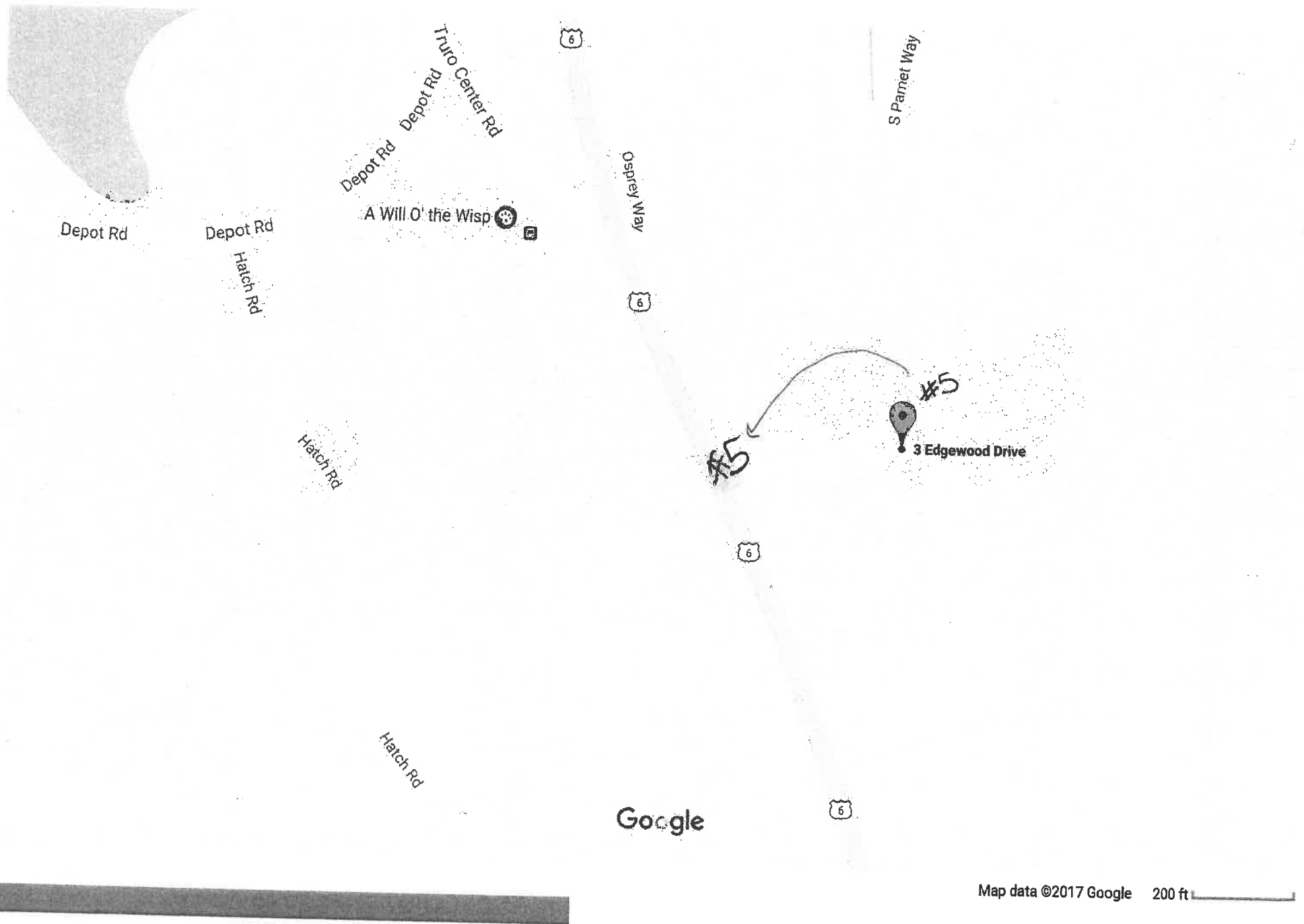


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www.cai-tech.com







TRURO CENTER FOR THE ARTS AT CASTLE HILL
PRESENTS:

... John Bunker Lecture Series ...

CRAIG BARNES

AUTHOR, NPR COMMENTATOR

JUNE • 18th • 7:30 PM

WELLFLEET
PRESERVATION HALL

35 MAIN ST. WELLS
-FREE-

36"

48



TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

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

To: Planning Board
Fr: Jessica Bardi, Interim Town Planner
Date: August 3, 2018 (For August 8th Public Hearing)
Re: 2017-011 SPR Maria Kuliopulos, White Sands Beach Club, Inc. Staff Report #4

2017-011 SPR 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 to maintain existing uses, reduce the number of motel units from 51 to 47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5. Continued from April 18, 2018, May 23, 2018, and July 11, 2018.

Requested Waivers:

At the July 11th meeting, the Planning Board went through all review criteria and design guidelines for the project pursuant to §70.3F. The Planning Board expressed concern over the proposed project's failure to comply with certain provisions of the zoning bylaw, specifically parking requirements under Section 30.9. The Board suggested that the applicant submit any requests for waivers from the zoning bylaw, as applicable to the application for site plan review approval. The applicant submitted the attached request for waivers from certain sections of Section 30.9 of the zoning bylaw. Waivers may be requested and may be granted by the Planning Board pursuant to Section 30.9(J) of the zoning bylaw.

Possible Actions

Sections 70.3 F & G of the Zoning Bylaw are provided below. The Board should make findings with respect to each condition, finding the application compliant, non-compliant, suggesting conditions to ensure compliance, or designating as not relevant to the case. Accordingly, the Board may wish to undertake the following:

1. Vote on waiver requests (if any)
2. Make findings with respect to the review criteria/design guidelines below; and
3. Vote to approve, conditionally approve or deny the application based on specific reasons.

The Board may also seek to continue the hearing to obtain additional information. A continuance should be made to a date certain and confirmed in writing by the applicant.

At the July 11th meeting, the Planning Board reviewed all criteria and design guidelines outlined in §70.3F, where conformity of the project with the zoning bylaw became a focal point as it related to the parking requirements on-site.

1. The proposal is in conformity with all applicable provisions of the Zoning Bylaw.
2. The proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.
3. The proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.
4. The proposal provides for the protection of significant or important natural, historic, or scenic features.
5. The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.
6. The proposal adequately provides for refuse disposal.
7. The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use.
8. The proposed drainage system within the site shall be adequate to handle the runoff resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.
9. A soil erosion plan shall adequately protect all steep slopes within the site and control runoff to adjacent properties and streets both during and after construction.
10. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.
11. Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.
12. Electric, telephone, cable, and other such utility lines and equipment shall be placed underground.
13. The project shall not place excessive demands on Town services.
14. The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining

properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.

15. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.

16. A bicycle rack(s) shall be provided on the site and shall be located near the entrance to the building(s).

Pursuant to §70.3G, Findings of the Planning Board, the concurring vote of four members of the Planning Board shall approve a Commercial Site Plan in the form submitted or with reasonable conditions, unless it finds that:

- (a) the application for site plan approval is incomplete, or
- (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or
- (c) the project does not comply with the requirements of the Zoning By-law.

If the Board votes to approve the Commercial Site Plan Review, it could vote in the following:

“Move, in the matter of 2017-011 SPR Maria Kuliopulos, White Sands Beach Club, Inc., to approve the Commercial Site Plan Review for the property at 706 Shore Road based on the following plans _____ submitted by the applicant and subject to the following conditions:

[Add conditions for approval... one condition should likely be the issuance of a Special Permit from the Zoning Board of Appeals and any other zoning relief as required by the Truro Zoning Bylaw.]

If the Board votes to deny the Commercial Site Plan Review, it could vote in the following:

“Move, in the matter of 2017-011 SPR Maria Kuliopulos, White Sands Beach Club, Inc., to deny the Commercial Site Plan Review for the property at 706 Shore Road based on the project’s failure to comply with the requirements of the Truro Zoning Bylaw, particularly the parking requirements under Section 30.9.”

Site Visit:

On Wednesday March 9th, the Planning Board conducted a site visit to White Sands Beach Club, Inc. The following Planning Board members were present at the site visit: Mr. Sollog, Mr. Riemer, Mr. Kiernan, Ms. Tosh, and Mr. Boleyn. Also present: Maria Kuliopulos, Jason Kuliopulos, Jay Norton from Coastal Engineering Company, Inc. acting on behalf of Stacy Kanaga, Atty Edward Patten, Mr. and Mrs. Michael Powers, and Atty David Reid.

At the first public hearing for 2017-011 SPR on April 18, 2018, the Planning Board requested a simplified plan that shows the location of the parking spaces, numeration of the parking spaces, and the location of dumpsters and bike racks. Copies of “SKC-3: Site Layout and Parking

Numeration, prepared by Coastal Engineering Company, Inc., dated 5/4/18” were distributed at the site visit.

Board members and abutters walked the property with Jay Norton, Maria Kuliopulos, Jason Kuliopulos, and Atty Edward Patten and discussed the following topics: parking, changes to the existing dwelling/motel office, noise from the A/C unit in front of the existing dwelling/motel office, location of fences, and how cars enter and exit the site. The site visit concluded at 2:30 pm. A draft of the minutes from the site visit were included in the materials packet for the May 23rd Planning Board meeting.

A comparison of the Plans submitted to the Planning Board and the Zoning Board of Appeals:

The table below is a side by side comparison of the plans submitted for Site Plan Review (docket #2017-011 SPR) on March 12, 2018 and plans included in Appendix A for the ZBA decision (docket #2017-007 ZBA). Inconsistencies between the plans are highlighted in red and described at the bottom of the table.

Plans submitted for Site Plan Review (2017-011SPR)	Plans in Appendix A of ZBA Decision (2017-007 ZBA)
C0.0.1 Proposed Site Plan for Replacement of a Fire Damaged Building, Sheet 1 of 7, dated 11/23/16, prepared by Coastal Engineering Company, Inc. (1)	C 0.0.1 , Proposed Site Plan for Replacement of Fire Damaged Building, dated 6/6/16, prepared by Coastal Engineering Company, Inc. (2)
C1.2.1 Plan Showing Existing Site Conditions, Sheet 2 of 6, dated 4/6/17, prepared by Coastal Engineering Company, Inc.	C 1.2.1 , Plan Showing Existing Site Conditions, dated 4/6/17, prepared by Coastal Engineering Company, Inc.
C2.0.1 Site Demolition plan, Sheet 3 of 6, dated 12/29/15, prepared by Coastal Engineering Company, Inc.	C 2.0.1 , Site Demolition Plan, dated 12/29/15, prepared by Coastal Engineering Company, Inc.
C2.1.1 Site Layout and Materials Plan, Sheet 4 of 7, dated 11/23/16, prepared by Coastal Engineering Company, Inc.	C 2.1.1 , Site Layout and Materials, dated 11/23/16, prepared by Coastal Engineering Company, Inc.
C2.2.1 Site Grading, Drainage and Utility Plan, Sheet 5 of 7, dated 2/27/2017, prepared by Coastal Engineering Company, Inc.	C 2.2.1 , Site Grading, Drainage and Utility Plan, 2/27/17, prepared by Coastal Engineering Company, Inc.
C2.4.1 Site Details, Sheet 6 of 7, dated 11/23/16, prepared by Coastal Engineering Company, Inc.	C 2.4.1 , Site Details, dated 11/23/16, prepared by Coastal Engineering Company, Inc.
C2.4.2 Sewage Disposal System Modifications, Sheet 7 of 7, dated 12/29/15, prepared by Coastal Engineering Company, Inc.	C 2.4.2 , Sewage Disposal System Modifications, dated 12/29/15, prepared by Coastal Engineering Company, Inc.
SKC-1: Proposed Conceptual Unit Plan Layout for White Sands Beach Club, Truro, MA, dated 8/28/2017, prepared by Coastal Engineering Company, Inc.	SKC-1 , Proposed Conceptual Unit Plan Layout, dated 8/28/17, prepared by Coastal Engineering Company, Inc.

SKC-2: Plan showing Proposed Unit Numbering for White Sands Beach Club, Truro, MA, dated 6/29/2017, prepared by Coastal Engineering Company, Inc.	SKC-2, Plan Showing Proposed Unit Numbering, dated 6/29/17, prepared by Coastal Engineering Company, Inc.
Sheet 1 of 4, Preliminary Building Design Plan, Rear and Front Elevation - For Construction, dated 12/1/2010, prepared by Felco, Inc.	Sheet 1 of 4, (Existing Dwelling and Apartment) Building Design Plan (Building #1), dated 12/1/2010, prepared by Felco, Inc.
Sheet 1 of 2, Existing Floor Plans, dated 4/14/2008, prepared by Felco, Inc.	Sheet 1 of 2, (Existing Dwelling and Apartment) Existing First Floor Plans, dated 4/14/2008, prepared by Felco, Inc.
Sheet 2 of 2, Existing Second Floor, dated 4/14/2008, prepared by Felco, Inc.	(3)
(4)	Sheet 3 of 5, (Existing Dwelling and Apartment) Second Floor Plans, dated 12/22/2005, prepared by Felco, Inc.
Sheet 3 of 4, Preliminary First Floor, For Construction, , dated 12/1/2010, prepared by Felco, Inc. (5)	Sheet 3 of 4, (Existing Dwelling and Apartment) Second Floor Apartment, dated 12/1/2010, prepared by Felco, Inc. (5)
A2: Proposed Recept. Desk Cabinetry, White Sands Beach Club, dated 2/5/2017, prepared by Luna Design Group	Sheet A2, Proposed Reception Desk Cabinetry, dated 2/5/2017, prepared by Luna Design Group
A-1.0a Proposed First Floor Plan, dated 7/3/2017, prepared by Bruce Romaine Hamilton Architects	A-1.0a, Proposed First Floor Plan, dated 7/3/17, prepared by Bruce Romaine Hamilton Architects
A-2.0a Proposed Second Floor Plan, dated 7/3/2017, prepared by Bruce Romaine Hamilton Architects	A-2.0a, Proposed Second Floor Plan, 7/3/17, prepared by Bruce Romaine Hamilton Architects
A-2.0 Exterior Elevations, dated 8/27/2017, prepared by Bruce Romaine Hamilton Architects	A-2.0, Floor Plan and Exterior Elevations, dated 8/21/17, prepared by Bruce Romaine Hamilton Architects (6)
A-6.0 Existing Exterior Elevations, dated 11/23/2016, prepared by Bruce Romaine Hamilton Architects	A-6.0, Existing Exterior Elevations, dated 11/23/16, prepared by Bruce Romaine Hamilton Architects
C-3.1 Site Lighting Plan for White Sands Beach Club prepared by D.P Evers Architecture, dated 1/13/15	**Not included in Appendix A of the ZBA decision **
Sheet 1 of 7, dated 2/9/16, prepared by Avalon Building Systems	Sheet 1 of 7, Floor Plans, Enlarged Floor Plans, Elevations, dated 7/7/15, revised 2/9/16, prepared by Avalon Building Systems
Sheet 2 of 7, dated 2/9/16, prepared by Avalon Building Systems	Sheet 2 of 7, Floor Plans, Enlarged Floor Plans, Elevations, dated 7/7/15, revised 2/9/16, prepared by Avalon Building Systems
Sheet 3 of 7, dated 2/9/16, prepared by Avalon Building Systems	Sheet 3 of 7, Floor Plans, Enlarged Floor Plans, Elevations, dated 7/7/15, revised 2/9/16, prepared by Avalon Building Systems
Sheet 4 of 7, dated 2/9/16, prepared by	Sheet 4 of 7, Floor Plans, Enlarged Floor

Avalon Building Systems	Plans, Elevations, dated 7/7/15, revised 2/9/16, prepared by Avalon Building Systems
Sheet 5 of 7, dated 2/9/16, prepared by Avalon Building Systems	Sheet 5 of 7, Floor Plans, Enlarged Floor Plans, Elevations, dated 7/7/15, revised 2/9/16, prepared by Avalon Building Systems
Sheet 6 of 7, dated 2/9/16, prepared by Avalon Building Systems	Sheet 6 of 7, Floor Plans, Enlarged Floor Plans, Elevations, dated 7/7/15, revised 2/9/16, prepared by Avalon Building Systems
Sheet 7 of 7, dated 2/9/16, prepared by Avalon Building Systems	Sheet 7 of 7, Floor Plans, Enlarged Floor Plans, Elevations, dated 7/7/15, revised 2/9/16, prepared by Avalon Building Systems

- (1) The dates in the drawing index in the bottom right corner of the plan do not match the dates on the submitted plans. On May14, 2018, Coastal Engineering Company, Inc. submitted an updated cover sheet (see Planning Board packet materials)
- (2) This is a typo in Appendix A of the ZBA Decision, it should read 11/23/16.
- (3) Sheet 2 of 2 Existing Second Floor, dated 4/14/2008, prepared by Felco, Inc. was not included in Appendix A of the ZBA Decision.
- (4) Sheet 3 of 5, (Existing Dwelling and Apartment) Second Floor Plans, dated 12/22/2005, prepared by Felco, Inc. was not included in the submission for Commercial Site Plan Review.
- (5) Sheet 3 of 4 prepared by Felco, Inc. in the both the application for Site Plan Review and in the ZBA decision shows a plan for the first floor, but it appears to be above the car port. Should Sheet 3 of 4 be labelled second floor?
- (6) This is a typo in Appendix A of the ZBA Decision, it should read 8/27/17. With the font used to create the plan, the number 1 and the number 7 look nearly identical.

Questions from the Town Planner:

1. During the site visit, Board members discussed the location of parking spaces on the site. The plan titled, *SKC-3: Site Layout and Parking Numeration, prepared by Coastal Engineering Company, Inc., dated 5/4/18*, shows that a portion of the parking layout was “previously approved” in a “site parking layout from 10/13/10 Felco Plan.” This approved parking layout plan and corresponding decision was not included in the application for commercial site plan review (docket #2017-011SPR). Can the applicant provide these documents?
2. Based on the list of plans submitted for Site Plan Review (docket #2017-011 SPR) on March 12, 2018, there are 4 plans prepared by Felco, Inc. – two of those plans are dated December 1, 2010 and 2 plans are dated April 14, 2008. Since these plans are eight to ten years old, has Coastal Engineering verified that the Felco plans are accurate? If so, is that verification included on any of the submitted Coastal Engineering plans?

EDWARD PATTEN LAW OFFICE
1198 ROUTE 28-UNIT D
P.O. BOX 1116
South Yarmouth, MA. 02664
TEL: 508-619-3809
Fax: 508-694-6738
Email: edpatten@edwardpattenlawoffice.com
darlenepatten@edwardpattenlawoffice.com

Edward T. Patten, Esq.
Darlene K. Patten, Paralegal

August 2, 2018

Steve Sollog, Chair
Town of Truro Planning Board
Town Hall
24 Town Hall Road-P.O. Box 2030
Truro, MA. 02666

Re: Application of White Sands Beach Club, Inc. for Commercial Development Site Plan Review
706 Shore Road, Truro, MA. 02666

WAIVER REQUESTS

Dear Mr. Sollog:

This correspondence will first address the Board's comments at the July 11, 2018 meeting of the Board regarding the "Review Criteria" set forth in Section 70.3F of the "Site Plan Review" Zoning By-Law.

Thereafter, I will address the parking provisions of By-Law section 30.9 along with waiver requests.

SECTION 70 REVIEW

The Chair will recall that section 70.3F, items 1 through 16 were reviewed individually by the Board. My notes reflect that the only subsections of §70.3F addressed by the Board in the context of waivers was the following:

I. **§70.3F1. CONFORMITY WITH THE ZONING BY-LAWS WAIVER REQUEST**

The Board indicated that a waiver was necessary for the provision of 12 parking spaces in the front yard of the site adjacent to Shore Road. Such a waiver has been requested in Section II hereof from the 10 foot setback requirement of By-Law Section 30.9F.2.

Otherwise, while some members of the board expressed views on some other subsections of §70.3F, my notes reflect that the comments were directed to the general fact finding of the Board and NOT to issues of zoning compliance. For example, comments were made regarding noise levels generated by the proposed air conditioning units which were not zoning in nature and which will be addressed via expert testimony to the Board on August 8, 2018.

II. REQUESTS FOR WAIVERS FROM PROVISIONS OF SECTION 30.9

At the outset, please be advised that I am required to instruct my client and to inform this Board that the following waiver requests are submitted by my client with full reservation of all rights to challenge the applicability of §30.9 of the Zoning By-Law pursuant to Section 30.9B thereof which provides: "Applicability: Existing buildings, structures and land uses are exempt from these parking requirements and may be altered or repaired, but not if enlarged."

As the papers and testimony accompanying this application amply demonstrate, there are no changes proposed to existing land uses, buildings and structures and that the net effect of the construction of the proposed replacement building (parking for which is included in the existing number of parking spaces) will be a reduction of seven (7) motel units previously served by the existing and unchanged parking spaces both in number and design. In short, no changes to existing parking conditions are proposed.

Nevertheless, subject to the foregoing, the following waivers are hereby requested:

SCHEDULE OF WAIVERS REQUESTED

Section 30.9.B. Applicability : Please see foregoing discussion of Applicant's reservation of rights regarding applicability of Section 30.9 provisions to the proposed

Waiver from Section 30.9.F.2. to locate a parking area within four (4) feet of a street line where ten (10) feet is required. The proposed location provides better safety and traffic flow as it will be located further from recreational locations on the property such as the swimming pool and other recreational activities and would provide a wider travel aisle southerly and easterly when exiting the site

Waiver from Section 30.9.G.4. to provide a minimum aisle width of 20-feet where 24-feet is required.

Waiver from Section 30.9.G.5. to provide a 42-foot width at the street line of the west access drive where 30-feet is required.

Waiver from Section 30.9.G.5. to provide a minimum of a 5-feet and maximum of 15-feet access drive radius at the road intersection where 25-feet is required.

Waiver from Section 30.9.G.6. to maintain the existing minimum sight distance from the west of two hundred twenty-five (225) feet where not less than four hundred seventy-five (475) feet is required.

Waiver from Section 30.9.G.7. to exclude a means to physically mark the parking areas shown outside of the 29 "proposed" parking spaces delineated on the Coastal Engineering Company, Inc. plan C2.1.1, "Site Layout and Materials Plan", dated 11-23-2016.

Waiver from Section 30.9.H.2. to exclude parking areas from including or being bordered within 5-feet of the spaces by at least one tree or 3-inch caliper, measured 6-inches off the ground, for each five spaces.

Waiver from Section 30.9.H.3. to exclude having at least 10% of the interior area of any parking area containing 20 or more parking spaces consist of landscaped islands.

Kindly place the foregoing for discussion before the Board at the hearing of August 8, 2018.

If you have any questions or comments, kindly contact me.

Cordially,



Edward T. Patten

TRURO PLANNING BOARD

DRAFT

Meeting Minutes

July 11, 2018 - 6:00 pm

Truro Town Hall

PLANNING BOARD MEMBERS PRESENT: Bruce Boleyn, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog, Karen Tosh. **Absent:** Peter Herridge

OTHER PARTICIPANTS: Attorney Edward Patton, Maria Kuliopulos, Attorney David Reid, Chcuk Steinman, Jessica Bardi, Interim Town Planner.

Mr. Sollog opened the meeting at 6:07 pm.

Public Comment Period

There was no public comment.

Continued Public Hearing

2017-011 SPR Maria Kuliopulos, White Sands Beach Club, inc., seeks approval of a Modification of a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-Law to maintain existing uses, reduce the number of motel units from 51 to 47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5. The hearing was continued from April 18, 2018 and May 23, 2018.

Attorney Edward Patton and applicant Maria Kuliopulos came forward. Mr. Patton reviewed the application and past history. He confirmed that the applicant knows she is moving forward at her own risk, acknowledging that the Zoning Board of Appeals decision regarding a special permit is being challenged in court. Mr. Sollog went over the plans, comparing the Planning Board submissions with the ZBA submissions. Mr. Riemer stated that in his opinion the fact that the ZBA did not have the lighting plan was an oversight. He feels that the ZBA should consider a lighting plan in determining whether or not a plan is detrimental to the neighborhood. Mr. Sollog mentioned one inconsistency of the two submissions involving the moving of a bathroom at the owners residence. Then he mentioned the parking plan and whether or not it had been approved and/ or built. If not, he asked, has it expired? Mr. Riemer brought up the question of whether the parking was sufficient due to the question about whether the property is a motel or a condo. Mr. Sollog read the recent letter to the Board from Town Counsel which states an opinion that the property in question should be considered a motel, with the exception of two units, #46 and #47, which should be considered dwelling units. Ms. Kuliopulos stated that those two units have two parking spaces each. Mr. Kiernan brought up the requirement of condominiums, explaining to Ms. Kuliopulos that if she wants to sell her motel units as condominiums, she would not have enough parking. Ms. Kuliopulos said that she is not wanting to sell the units as condominiums at this time. Mr. Sollog restated for the record that there is enough parking for motel rooms, but not for condominiums, should the applicant decide to convert at some future date. Town Counsel's letter concluded by stating that the property has sufficient parking. However, the parking plan has not been stamped, and it is recommended that

the Planning Board require a stamped copy which would be reviewed by a consultant of its choosing. The Felco plan was approved in January of 2016. Mr. Riemer brought up section 70.8 which states that a site plan needs to be re-approved after two years. Mr. Sollog said that the parking plan has not actually been built. Mr. Kiernan said that if we approve the current plan, it needs to be built within two years from now. If not, approval would be rescinded. Mr. Kiernan would like this to be a condition. Discussion ensued further about the parking plan and the various ways in which it does not comply with the zoning bylaw. Mr. Patton again brought up the fact that the ZBA has issued a special permit.

Mr. Riemer brought up the issue of air conditioning units and the abutters complaints. Mr. Sollog reminded the Board that the ZBA approved this plan. Mr. Riemer asked Ms. Bardi if the Planning Board can supersede a ZBA decision. Ms. Tosh asked about whether we have heard abutters concerns or not and also about the judicial implications, if a ruling rescinds the ZBA special permit.

Next, the attorney for the abutters, David Reid, came forward to talk about concern about noise from the air conditioning units. He also explained to the Board what he sees as the Planning Board's responsibility aside from the Zoning Board of Appeals special permit approval. After further discussion, the conversation went on to the topics of the night sky, outdoor lighting, the planting plan, and the obstruction of abutters' view due to the increase to two stories. Mr. Riemer asked if there is a picture of what the screening will look like. The plan states that the native planting will have to be approved by the Conservation Commission.

Mr. Kiernan asked the Interim Planner about her statement in the letter to the Board that she couldn't find a master deed for the property. He asked if she had found the master deed, would the rest of her letter been the same. Ms. Bardi answered that she would have to review the master deed with Mr. Silverstein. Mr. Reid offered to provide a copy of the master deed of the Buckineer Condominiums. He then said that he wanted to clear up some misperceptions. First, contrary to the advertisement for the hearing, this is not a modification of the Board's previous approval. The 2016 plan has expired, so it is mute, due to the time that has elapsed. At the time, they had the right to rebuild after the fire. That is no longer the case. He also disagreed with statements that were made about the ZBA approving the site plan. Not true, he said. They have not approved the site plan or the parking plan. Their decision is predicated on the Planning Board approving the site plan. The ZBA also made it a condition that the approval would have to be of a conforming plan. He referred to the Felco 2010 plan. It is not signed by an engineer or the Planning Board. He pointed out the lack of waiver requests of section 30.9 on the parking, since the parking plan does not comply with the bylaw. One issue that hasn't come up before is the "hospitality room" and how it would affect parking. It would require an additional 20 parking spaces, if it were used for functions. Distance from the street does not comply, tree placements are required but not shown, vegetated islands are required but not shown, entry way width is not compliant, and aisles between spaces are not compliant. Mr. Reid distributed photographs showing inadequacy for safety vehicles.

Next Mr. Reid brought up the definition of a motel room as one room. There are motel rooms showing, unit #1 has more than one room. All 17 of the new units have similar configurations that are more than one room. In addition, the applicant is also proposing to take 10 units are

change them into five two room units. That is 21 multiple room units. They are not lawful motel units. He reiterated that the Planning Board can decide whether the plan in zoning compliant. He stressed that this is the Planning Board's purview. He then brought up the requirement for protection from increased noise or increased building size for abutters. He offered a photograph of a pole his client erected to show the height of the proposed second floor and balconies proposed. It is not an insignificant increase in height and will mean that guests of the motel will be looking down on outdoor showers. Mr. Reid stated that he does not believe the Planning Board has the authority to approve this site plan. It is a major change and clearly a detriment to the neighborhood. They are doubling the size of their rooms by adding a second story. We ask that you deny this applicant site plan approval. Mr. Sollog asked how far the Sand Castle Resort is. It is 1,000 feet away and is four stories tall.

Ms. Kuliopulos rebutted with a statement about how the neighbors have added outdoor showers and decks fairly recently. She also said the hospitality area is not for large meetings. She disagreed with Mr. Reid's statements about the parking spaces. She said she thought that Mr. Reid was trying to confuse the Board.

Mr. Sollog told Ms. Kuliopulos that she would need to request waivers for the parking non-compliant issues. Ms. Bardi said that they will need to address the AC units noise, screening and native planting. Ms. Tosh restated waivers: the hospitality room, plantings of trees, islands, aisles, distance from the street. Mr. Sollog said that the sound issue has not been adequately addressed.

Mr. Kiernan said if the AC units were replaced away from the neighbors, that could be a solution. He suggested that an expert evaluate what the noise would be. By consensus the Board agreed to hire an engineer to evaluate. Mr. Riemer asked about the budget so a performance bond can be determined. Mr. Patton will prepare the waivers for the parking. Mr. Riemer brought up the new requirements for how waivers are requested and justified. Ms. Bardi said that she didn't think it would be possible to update a site plan application.

Ms. Tosh made a motion to continue the hearing to August 8, so the applicant can update her site plan with waiver requests and an engineer will be hired at the applicant's expense to review the AC units placement and noise levels. Mr. Kiernan seconded the motion. So voted, 6-0.

Continued Public Hearing

2018-002 Christopher Bellonci and Edouard Fontenot seek approved under §70.4 to construct a two bedroom 1700 square foot single family home located at 186 Old County Road, Truro, Atlas Map 64, Parcel 17. The hearing was continued from June 20, 2018. A site visit was conducted on June 25, 2018.

Mr. Kiernan stated that according to the Mullen rule, although he did not attend the first hearing, he reviewed the tape, so he should be able to participate. The applicant who came forward did not identify himself. Mr. Riemer asked if they were going to go through the review criteria. He asked that it be a condition that the applicant provide a letter regarding the endangered species act. Mr. Riemer asked that it be noted that the small cottage will have its kitchen removed, and it will be officially a habitable studio. Mr. Kiernan asked it to be a condition if they have to

remove trees, they will contact and get approval from the Conservation Commission. Mr. Riemer made a motion to approve with conditions, Mr. Boleyn seconded. So voted, 6-0.

Five minute break.

Non-regulatory, Administrative Meeting for 2017-001 SPR Winkler Route 6 Trust

The Planning Board will hold a non-regulatory, administrative meeting with Michael Winkler, trustee, to review noise conditions on the property and to review compliance with conditions of the decision granted on March 7, 2017. The property is located at 1 Noons Heights Road, Atlas Map 39, Parcel 166.

Mr. Winkler did not attend tonight. Mr. Sollog talked about the issue of enforcement of Planning Board actions. He then read Mr. Silverstein's letter regarding compelling compliance. He said that the Board can ask the building commissioner to enforce conditions and levy fines for violations. Ms. Tosh said that she thought the Board should ask Mr. Winkler again why he has not been available. Ms. Bardi said she reached out to him several times, but did not hear back from him. She suggested reaching out Mr. Winkler's attorney. Mr. Riemer reviewed documents about this issue in the minutes for a June 2017 meeting. Mr. Kiernan offered that he has been on the abutting property and nothing has been done. Ms. Tosh suggested that Ms. Bardi send a certified letter asking Mr. Winkler to come to the next meeting.

Maureen Burgess came forward as an abutter to talk about Mr. Winkler, reminding the Board that there is an open court case about the ABC grinding, a permanent injunction has never been signed. Her question was that with imposed conditions which Mr. Winkler hasn't complied with or responded about, could enforcement be pursued. Ms. Tosh said the letter should say that if Mr. Winkler does not appear at the next Planning Board meeting, we will pursue enforcement. It was agreed to put this non-regulatory administrative meeting on the next agenda.

Approve the draft and schedule a public hearing for proposed Amendment to the Zoning bylaw: The Planning Board will review and vote on the draft bylaw, vote to refer the proposed bylaw to the Board of Selectman and vote on a date to hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in §10.4, Definitions and add a new Section 50.2, Area and Height Regulations in all Districts except the Seashore District to Determine the Maximum Building Size in Truro. These amendments would change the maximum size of residential buildings on lots within the Town of Truro by establishing a relationship between building volume, bulk and size that is consistent with Truro's historical development and character.

There was a correction regarding adding the "residential" before the word Districts. Mr. Riemer made a motion and Mr. Boleyn seconded the motion to send the draft to the Select Board. Mr. Kiernan asked to make an amendment to the Bylaw. Ms. Tosh said the draft should not be amended until after the hearing. Mr. Kiernan withdrew his request. Motion passed, 6-0.

Setting a date: August 8th, after the public forums are held, was suggested. Chuck Steinman came forward and said they should vote on the forums, August 1, 6 - 8 pm, and August 4, 10 am - 12 pm. There are two public forums at the Truro Public Library. Mr. Boleyn made a motion to

approve the scheduling of these two forums, Ms. Tosh seconded and clarified the motion as informal forums, not hearings. Mr. Sollog made a statement that the Board, contrary to complaints, has been transparent and welcoming of all input from the community. Forums approved, 6-0.

August 15th at 6:00 pm was then suggested for a public hearing. Ms. Bardi will check on room availability. Mr. Steinman asked if the draft will be posted by then. The Select Board will review the draft July 24 and should be able to send it back to the Planning Board in time. Ms. Tosh made a motion to schedule the public hearing for August 15th, Mr. Boleyn seconded. So voted, 6-0.

Vote to refer the Marijuana Bylaws to the Board of Selectmen

Mr. Kiernan asked for a copy of the draft bylaw, but didn't get one until today. He said he has a problem with referring the bylaw to the Selectmen, since it is not a product of the Planning Board. Another point is that Mr. Kiernan asked that the notice be for 6:00 pm, and that didn't happen. Mr. Sollog said it became a conflict. It would have had to be reposted and rescheduled.

There was a brief clarification about how to move a meeting venue after it was posted in order to provide a larger space. Regan McCarthy came forward from the audience and explained that they open it in the posted site, and then there's a motion to move the meeting. Then it moves to the other venue.

Mr. Boleyn asked about a Winkler site visit before the meeting. Mr. Kiernan said he understood that we would need his permission before we could schedule a site visit. Ms. Bardi will include that in the letter.

Mr. Steinman asked about the document to be posted on line from the cooperative as an alternative for the Marijuana bylaw. Ms. Tosh said there is a red-lined version that the Town Manager has been asked to post.

Ms. Burgess asked about this request and the different versions. Mr. Sollog said they will be available at the appropriate time. Ms. Tosh made a motion to send the proposed bylaw to the Select Board. Mr. Boleyn seconded the motion. So voted, 5-0-1. (Mr. Kiernan abstained.)

Review and Approval of Meeting Minutes

June 20, 2018

Mr. Boleyn moved to approve the minutes of the June 20, 2018 meeting as written. Ms. Tosh seconded the motion. So voted, 6-0.

Reports from Board Members and Staff

Ms. Bardi had no report. The next meeting's agenda will include the Winkler issue, two temporary sign permits, and the Marijuana bylaw.

Mr. Kiernan asked if those who created the Marijuana bylaw would be available to answer questions at the meeting. Ms. Bardi said yes.

Mr. Sollog adjourned the meeting.

Respectfully submitted,

Katherine Black