



# Truro Planning Board Agenda

## Remote Public Meeting – Work Session

Wednesday, October 27, 2021 – 5:00 pm

[www.truro-ma.gov](http://www.truro-ma.gov)

### Open Meeting

**Remote Meeting Access Instructions:** Citizens can join the meeting to listen by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at 1-866-899-4679 and entering the access code 129-332-517# when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://global.gotomeeting.com/join/129332517>

#### 1. Planner Report

#### 2. Chair Report

#### 3. Potential Bylaws for 2022 ATM

##### ◆ Road Definition:

- ◆ Attached – Truro Zoning Bylaw Definition of “Street” and Referenced Design Standards
- ◆ Attached – 2015 Truro DPW Street Inventory

##### ◆ Other Definitions

##### ◆ Other

#### 4. Draft Planning Board Perspective for the LCPC

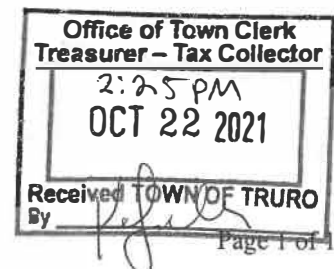
#### 5. Draft Handbook Discussion

### Minutes

- |                      |                      |
|----------------------|----------------------|
| ◆ September 16, 2020 | ◆ November 4, 2020   |
| ◆ September 30, 2020 | ◆ November 18, 2020  |
| ◆ October 7, 2020    | ◆ December 2, 2020   |
| ◆ October 14, 2020   | ◆ December 16, 2020  |
| ◆ October 21, 2020   | ◆ September 22, 2020 |
| ◆ October 28, 2020   | ◆ September 29, 2021 |

Next Meeting – Wednesday, November 3, 2021, at 5:00 pm

### Adjourn





**Truro Zoning Bylaw Definition of "Street"**  
**and Referenced Design Standards**

**The following definition of Street is from the Truro Zoning Bylaw, §10.4. Definitions**

**Street.** A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms "street", "road", "way", and "road right-of-way" bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards (b), (c), and (d) as they existed on January 1, 1989. Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac. Town of Truro paved street(s) that: (1) have a minimum layout width of 20 feet, (2) were created prior to January 1, 1989, and (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards. These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of accepted Truro public paved ways is available from the Town of Truro Town Clerk upon request.

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**The following is the above referenced Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989:**

- (b) The minimum width of street right-of-ways shall be 40 feet.
- (c) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.
- (d) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of at least 80 feet. When ways requiring turnarounds may be extended in future subdivisions, the Board may require only an area equal to the above requirement to be shown and marked "Reserved for Turning". Upon extension of the way through this turning area, the portions not included in the way shall revert to their respective lots.



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

2015 Truro Street Inventory - 4/24/2015 - Based on information available - **this is a continuous working document**

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

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

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



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

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

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

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

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

**KEY**

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

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





# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

September 16, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan

**Members Absent:** R. Bruce Boleyn, Peter Herridge

**Other Participants:** Barbara Carboni - Interim Truro Town Planner; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 6:03 pm, Wednesday, September 16, 2020, by Chair Greenbaum who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Information as to how the public may call into the meeting or provide written comment was stated by Interim Town Planner Carboni.

### **Public Comment Period**

Public comment, for things not on the agenda, and there were none.

### **Board Action/Review – Continued**

Chair Greenbaum led the discussion on 2020-009/PB, Margaret G. Frank, Irrevocable Trust 2012, Jeremiah D. Frank, Trustee and confirmed with Interim Town Planner Carboni that the Board requested information had been added to the plan. The width of the lot (36.5') was included at the narrowest point and added the language that Lot #2 was in violation of the bylaw. No further comments or objections from the Board.

Chair Greenbaum opened the discussion on the Certified Abutters List Request Form. Truro Town Assistant Sturdy commented that a conversation had occurred between Interim Town Planner Carboni and Truro Principal Assessor Jon Nahas about requested information on the bottom of the form for abutters boundaries in the National Seashore. Chair Greenbaum clarified that the issue was that rule was that everyone living in the National Seashore, also abutters to the National Seashore, would have to be notified. Vice Chair Tosh commented that she favored the abutters to the abutters within 300' of the property line. Interim Town Planner opined that before changes were made that she would have to review to the statute to ensure compliance. Chair Greenbaum stated that it starts with abutters who have already been dealt with. Chair Greenbaum further stated that abutters to the abutters who are within 300' of the property line would have to be notified. Member Kiernan said that he saw a problem in a situation where a property owner with a property that is 300' wide would not have to notify the abutter to the abutter. Interim Town Planner Carboni recommended a continuance of this discussion as she would like to explore case law on this subject. Member Riemer stated that there may be a question of who is responsible for notification to the abutters. Chair Greenbaum said that the Board didn't have the information in front of them. Chair Greenbaum asked Member Riemer to examine the Board

handbook and provide information of who is responsible to Truro Office Assistant Sturdy so she can include in the next Board meeting packet.

Chair Greenbaum led the discussion on the proposed 2021 Planning Board Meeting Schedule. The Board reviewed Truro Assistant Sturdy's draft dates and Member Kiernan stated that January 20, 2021, is Inauguration Day at 12:00 pm and September 15, 2021, is Yom Kippur. Chair Greenbaum stayed with the January 20<sup>th</sup> meeting and moved the September meeting to the 22<sup>nd</sup>. Changes were noted by Truro Office Assistant Sturdy.

**Member Kiernan made a motion to accept the 2021 Planning Board Meeting Schedule as amended.**

**Member Sollog seconded the motion.**

**So voted, 5-0-2, motion carries.**

Chair Greenbaum started the discussion on the Cloverleaf update. At the last ZBA meeting, the ZBA Board spent an hour and a half on the recommendations provided by the Planning Board. The ZBA decided on some and others which they did not. There is now a revised request for waivers list for the Planning Board to provide comments. Member Kiernan noted that the Housing Authority meeting on September 10, 2020, was the very first Housing Authority recorded meeting and was 24 minutes and 42 seconds long. Member Kiernan recommended that anyone in the Cloverleaf should view the meeting as it is "very interesting".

Chair Greenbaum reviewed and led the Warrant Articles for Fall Town Meeting. Chair Greenbaum announced that the new Warrant is available electronically. The Planning Board was recognized by Town Manager Rae Ann Palmer for the work that it had done even for the work that may not be voted upon. Chair Greenbaum stated that a consent agenda will be voted upon, and the CPC articles will be discussed unless there is a vote. Chair Greenbaum said that articles not voted upon at this Town Meeting will be voted upon at the next Town Meeting. Interim Town Planner Carboni opined that any articles voted upon and defeated are done and Vice Chair Tosh agreed.

Member Kiernan commented that Article 11 section 7 gives the Housing Authority \$400,000 with no place to apply it and Article 15 section 2 gives the Housing Authority an additional \$150,000. Member Kiernan asserted that if one watches the Housing Authority meeting from September 10, 2020, they will see where the Housing Authority has already spent the money. Chair Greenbaum noted that the funds would go to the Affordable Housing Trust Fund. Member Kiernan further commented that Article 21 wants half of all the room tax collected by Truro to go to the Affordable Housing Trust Fund. Chair Greenbaum also directed that each Member be prepared to answer why the Planning Board should be elected and be prepared to answer publicly. Chair Greenbaum reminded Members that the Town Hall Meeting would be Saturday, September 26, 2020, at 12 pm, at Truro Central School's ballfield and registration starts at 11 am. More information was posted and available on the Town of Truro website. Member Riemer asked what other meetings were scheduled prior to the Town Hall Meeting and Interim Town Planner Carboni provided dates of several Select Board meetings on September 18, September 19, and September 22, 2020.

Chair Greenbaum led the review of the effect of Section 50.2 of the Zoning Bylaw upon the Town of Truro to submit a report to the 2021 Truro Annual Town Meeting. Member Kiernan recommended that this discussion should be at a workshop to get into the details as he doesn't believe that it hasn't done anything but kept the mega houses from not arriving. Chair Greenbaum and Member Kiernan will develop a plan to look at a potential work session.



Chair Greenbaum introduced FY2021 goals setting with a proactive focus on housing as it will be challenging to have the conversation with the public due to the divisive nature of the Cloverleaf project. Interim Town Planner Carboni commented that this is not so unusual, and that people do move on. Chair Greenbaum has spoken with Kevin Grunwald of the Housing Authority who is not so optimistic that the Housing Authority and Planning Board can work together and has put it on the Housing Authority next meeting's agenda. Chair Greenbaum's fear is that the Walsh property may be more divisive and polarizing than the Cloverleaf. Chair Greenbaum asked Members for input to include potential invitations to Select Board Members to discuss housing. Member Sollog commented that the Walsh property already has several homes, and they should be evaluated for rehabilitation. Member Sollog wondered if Habitat for Humanity could do home rehabilitation. Member Riemer commented that the Walsh property has been approved for subdivision and the investment of very minimal septic improvement could make this viable. Member Kiernan suggested an invitation to a Member of the Select Board, Member of the Board of Health, and a Member of the ZBA to discuss housing and Interim Town Planner Carboni offered her assistance in officiating a workshop with all parties present. Member Sollog said a workshop would be beneficial as there will be future projects which will have similar housing issues. Vice Chair Tosh stated that it would be helpful as the public would not see the Planning Board as obstructionist and more like planners. Vice Chair Tosh suggested to look at vacant land and Town-own land to anticipate what needs may exist in the future. Member Riemer said that he attended an Open Space Committee meeting that looks at these issues and he felt that they could contribute to the conversation. Member Kiernan liked Vice Chair Tosh's ideas as well as Member Riemer's inclusion of the Open Space Committee. Member Kiernan reminded the Members that there is a problem in Town with limited job opportunities which allow people to afford to live in Town. Chair Greenbaum called upon Interim Town Planner Carboni for her experience and expertise to contribute to the housing conversation. Chair Greenbaum said that the next step is to schedule a work session, with the identified participants, and have substantive dialogue. Chair Greenbaum suggested a work session for Wednesday, September 30, 2020, at 2:30 pm.

Chair Greenbaum noted that there were no minutes for approval and the next regular meeting is October 7, 2020, and there will be site visits at 2:30 pm on October 6, 2020.

Truro Office Assistant Sturdy asked for four Members to sign off on the Frank ANR. Chair Greenbaum, Member Kiernan, Member Riemer, and Member Sollog will coordinate signature times with her this week. Regarding upcoming agenda items, Town Office Assistant Sturdy stated that 30 Longnook Road would be on October 7 Agenda as a Residential Site Plan review. Member Kiernan asked if this was in the Seashore which it is. Interim Town Planner Carboni confirmed with Truro Office Assistant Sturdy that the ZBA approved the 30 Longnook Special Permit for the expansion of the non-conforming structure with conditions.

**Member Kiernan made a motion to adjourn at 7:17 pm.**

**Member Riemer seconded the motion.**

**So voted, 5-0-2, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a distinct "O" and "P".

Alexander O. Powers

Board/Committee/Commission Support Staff



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

September 30, 2020 – 2:30 pm

REMOTE PLANNING BOARD WORK SESSION

**Members Present (Quorum):** Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog

**Members Absent:** R. Bruce Boleyn, Peter Herridge, Paul Kiernan

**Other Participants:** Barbara Carboni - Interim Truro Town Planner and Counsel; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 2:33 pm, Wednesday, September 30, 2020, by Chair Greenbaum who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Chair Greenbaum also provided information as to how the public may call into the meeting or provide written comment.

### **Public Comment Period**

Public comment, for things not on the agenda, and there were none.

### **Work Session**

Chair Greenbaum opened the discussion on how to engage with the community around the housing in Truro with the goal improving access.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni to provide an update on Cloverleaf. Interim Town Planner and Counsel Carboni stated that the Board will have a meeting on October 8, 2020, at which time it will discuss the applicant's waiver requests. No questions or objections from the Members.

Chair Greenbaum asked the Members if they had read Interim Town Planner and Counsel Carboni's staff memorandum on Zoning and Housing dated September 29, 2020. Members replied in the affirmative and Interim Town Planner and Counsel Carboni conducted a review of her staff memorandum with Members. The review included examination and discussion under which residential uses of greater density were allowable under special permit: accessory dwelling unit (under Section 40.2); duplex houses and apartments (under Section 40.1); a cottage or cabin colony, motor court, motel, or hotel may be converted to single-family or multi-family use (under Section 40.3); and within the Affordable Rental Housing Overlay District, affordable rental housing units only may be constructed in a cluster development, up to 16 units, and up to 70% must be reserved for Truro residents (under Section 30.6). Member Riemer stated that he had a copy of the Town Warrant and effective April 2017, Article 18, under the comments section of page 30, this was a citizen's petitioned article. Member Riemer and Interim Town Planner Carboni discussed the fact that Section 40.1 described lawful use of "Duplex

Houses and Apartments” yet it is not provided for anywhere else in the Use Table. Interim Town Planner Carboni opined that is the case the paragraph may be removed. Chair Greenbaum said that it would be best to identify the question rather than solve the question. Interim Town Planner Carboni will check with Jonathan Silverstein to provide the historical intent of Article 18. Member Riemer stated that that less than 16 units allowed the units to have their own water source instead of a Town water source. Interim Town Planner Carboni asked if this was in the bylaw and Member Riemer stated that it was a state regulation as well as included in the Feasibility Study for Cloverleaf. Interim Town Planner Carboni were related to the Town’s desire to maintain its rural character an unquestionably valid concern and priority for the Town.

Interim Town Planner Carboni continued that Title V and Truro septic system regulations also limit density (as do state regulations protecting drinking water supply) but zoning remains the key to determining housing density as the Town considers its land use patterns and shapes future development. Interim Town Planner Carboni pointed out the issue of production of affordable housing and cited the Housing Production Plan along with other planning documents. Interim Town Planner Carboni opined that it would be very difficult to discuss housing production without having an accurate, contemporary assessment of what buildout is for the Town under current zoning. Interim Town Planner Carboni stated that her research led to her to the most recent information contained in the 2005 Local Comprehensive Plan that potentially developable buildable lots were 1,710, with an average of 40 building permits per year, and buildout estimated at approximately 250. At this time, Interim Town Planner Carboni has not found new information. Member Riemer said that there is a more recent detailed study contained in the Weston and Sampson Integrated Water Resource Management Plan, phase 1, dated 2014. Member Riemer said it included projected buildout and any discussion should include this report and it is on the Town’s website. Chair Greenbaum mentioned that this information should looked at by the Board. Interim Town Planner Carboni continued that inclusionary zoning is a tool that many municipalities have adopted, and it requires the creation of affordable unit(s) in proportion to market rate units produced. Interim Town Planner Carboni also suggested that a solution may be an amendment to the bylaw that allows the construction of duplexes and allow the units to be sold separately. The question for the Town, according to Interim Town Planner Carboni, is whether the Town wants to focus on affordable housing or increasing market rate housing overall.

Interim Town Planner Carboni stated that under Section 40.1.B allowed for the construction of two units, on one acre totaling 3,000 square feet, but the units must remain in common ownership and one unit must remain owner-occupied. Member Riemer asked Interim Town Planner Carboni about two-unit condominium conversion to year-round as to whether an inclusionary bylaw could be applied to a future development, and she replied that it may be. Chair Greenbaum inquired as to how this would affect water requirements. Member Sollog opined that this is a very serious discussion that should be addressed later as Member Kiernan is not present. Chair Greenbaum agreed with this that the Board needed to weigh pros and cons. Member Sollog also suggested coordination with the Board of Health to determine what is permitted. Member Riemer then wanted to add subdivision into the conversation. Interim Town Planner Carboni said yes and Chair Greenbaum stated to add that to the list of possibilities.

Member Riemer noted that year-round condominium conversion should be carefully considered and its effect on the Sensitive Housing Index (SHI). Member Sollog stated that the Town would be in a predicament as how would the Town tell an owner of a currently owned condominium that the Town chose the owner’s condominium for affordable housing. Member Sollog that the Town needs to include the public in this discussion as the Board is perceived, whether right or wrong, to be anti-housing.

Interim Town Planner Carboni stated that she would want to include Jon Witten who is an attorney with experience in land use law and worked with the Town of Falmouth previously. Chair Greenbaum addressed Member Sollog's observation that the Board was perceived as anti-housing and underscored the necessity to help people understand what is and is not allowed.

Member Riemer stated that at the Town meeting last Saturday that the Town committed to cut its carbon footprint by 2050 and must be considered in any deliberation of housing goals. Chair Greenbaum commented that the Climate Action Committee had requested a meeting with the Board to see where they could together and asked the Members if a meeting should be scheduled. Member Sollog said that he struggled with how to force feed climate control policy upon people. Member Riemer noted that the state building code may be revised to include stricter means of identifying ways save on the carbon footprint, and that in 2010, the Town adopted a policy to be a Green Community. Vice Chair Tosh commented that she had met Fred Gaechter, who serves on the Climate Action Committee, earlier in the day and he had mentioned that the Climate Action Committee would like to have a meeting with the Board. Chair Greenbaum stated that she would like to have a meeting with the Climate Action Committee on October 14, 2020, from 1:30 pm to 3 pm and Truro Town Assistant Sturdy confirmed availability and put it on the calendar. No objections or questions from Members.

Chair Greenbaum asked Truro Town Assistant Sturdy when Board meetings move back to 5 pm and Truro Town Assistant Sturdy replied November 4, 2020.

Chair Greenbaum stated there was a site visit scheduled on Tuesday, October 5, 2020, at 2:30 pm.

Chair Greenbaum also asked for three more Members to coordinate a time to sign a document with Truro Assistant Sturdy.

**Member Riemer made a motion to adjourn at 3:35 pm.**

**Member Sollog seconded the motion.**

**So voted, 4-0-3, motion carries.**

Respectfully submitted,



Alexander O. Powers  
Board/Committee/Commission Support Staff





# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

October 7, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan; R. Bruce Boleyn

**Members Absent:** Peter Herridge

**Other Participants:** Barbara Carboni - Interim Truro Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; William J. Marsh – Applicant for 30 Longnook Road; Trevor Pontbriand – Associate Architect from Aline Architecture in Orleans, MA representing William J. Marsh

Remote meeting convened at 6:03 pm, Wednesday, October 7, 2020, by Chair Greenbaum who also reiterated that this is a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner Carboni also provided information as to how the public may call into the meeting or provide written comment.

R. Bruce Boleyn joined the meeting.

### **Public Comment Period**

Public comment, for things not on the agenda, and there were none. Truro Town Assistant Sturdy announced that Jim Zablocki, Lisa Peets, and Elise Stiller were on the call, but none offered comments.

### **Public Hearing**

#### **2020-003/SPR – William J. Marsh**

Chair Greenbaum opened the public hearing for property located at 30 Longnook Road (Atlas Map 43, Parcel 121, Registry of Deeds title reference Book 32127, Page 302). Applicant seeks a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for the demolition and reconstruction of a pre-existing single-family residence with a slightly enlarged footprint in the Seashore District. Chair Greenbaum stated that as a matter of Board policy, the Board would have any public hearings would continue across two meetings so all voices may be heard and not denied because of technology. Interim Town Planner Carboni provided a quick summary of the application to include the nonconforming as to area and front setback. The ZBA has reviewed an application for a special permit from the applicant that the ZBA has approved with conditions. Chair Greenbaum asked the applicant or the architect for comment. Mr. Pontbriand commented that there was not much to add but there are two structures on the property including a main house and the garage/apartment. The main house was completely gutted to remediate asbestos in the drywall and there will be no change to the garage/apartment. Mr. Pontbriand stated that the main house will fit in the original footprint, but it will be slightly larger. Chair Greenbaum asked Mr. Marsh if he wanted to provide additional comments. Mr. Marsh stated that he had nothing to add to Mr. Pontbriand's comments. Chair Greenbaum asked

Members if they feel is missing and she acknowledged that Mr. Pontbriand had submitted a Statement of Work which the Board received last night. Member Kiernan stated a concern around a stairway near the apartment entrance that was too near a tree. Chair Greenbaum asked Mr. Pontbriand to make the correction. Mr. Boleyn noticed that a slightly larger footprint (390') and Site Plan Review will not be waived in the Seashore District. Chair Greenbaum announced that the Board is not waiving Site Plan Review and asked the Members if they needed anymore information. Member Riemer stated that on 3a.11 it states that not available in 3 cases and Member Riemer specifically asked why the Massachusetts Natural Heritage and Endangered Species Act is unavailable. Chair Greenbaum asked the applicant or his representative to answer. Mr. Pontbriand thought this situation didn't fall under this jurisdiction and Interim Town Planner Carboni opined that Mr. Pontbriand may be able to contact the state for clarification. Interim Town Planner Carboni will assist Mr. Pontbriand as the right state agency and point of contact to get clarification either yes or no. Chair Greenbaum instructed Mr. Pontbriand to provide any new information from the state to Interim Town Planner Carboni and Truro Office Assistant Sturdy.

Chair Greenbaum stated that there are two pieces required: one correction and one piece of information that Mr. Pontbriand will provide to the Board.

Member Kiernan offered a suggestion to the applicant that a light source is not seen from the road or a neighboring property and recommended that the lights below light to flood the front of the house only. Mr. Marsh asked if Member Kiernan was referring to the lights on the porch and the front of the house. Member Kiernan stated in the affirmative.

Member Riemer stated that during the Town meeting on September 26, 2020, the voters approved Article 17 to reduce the Town's net Greenhouse emissions to zero by 2050 and Member Riemer asked if the applicant addressed this initiative and Mr. Pontbriand replied that had not been discussed at this point. Mr. Riemer noted that the applicant proposed to use propane-powered heating and cooling and Mr. Riemer asked if the Energy Committee suggested that perhaps alternate power sources which address this Town initiative. Vice Chair Tosh commented that this is mission creep, and the Planning Board does not have the jurisdiction over climate change and climate initiatives. Vice Chair Tosh further commented that this a tasteful and modest project which should be appreciated by the applicant and architect to have designed such a wonderful project. Chair Greenbaum agreed with Vice Chair Tosh. Mr. Marsh stated that he appreciated the Member Riemer's suggestion and that he would like to learn more about it so he can help the Town achieve its goals as stated in Article 17. Mr. Marsh further stated that he and Mr. Pontbriand will contact the Climate Action Committee for more information. Chair Greenbaum thanked Mr. Marsh for his willingness to do so. As a former owner of this property, Member Kiernan reviewed the deed last night, from 1951, and discovered that the property was owned by an individual named Paul and that the deed specifically stated that the property was limited to one residence on the property. Member Kiernan noted that the work that the ZBA is doing to limit to one residence is backed up by the 1951 deed. Chair Greenbaum thanked Member Kiernan for the historical information keeps the Board on the straight and narrow.

Member Sollog asked if there any historical value to the existing structure such as age. Mr. Marsh stated that the structure was built in 1950. Vice Chair Tosh stated that she has worked on several projects with the Truro Historical Commission and the analyses of the Truro Historical Commission is if the building is 75 years or older and is it of historical significance. Vice Chair Tosh opined, with all due respect, that this residence didn't meet the criteria. Member Sollog thanked Vice Chair Tosh for the information, and he appreciated that this was discussed.



Chair Greenbaum then opened the hearing to the public and Truro Town Assistant Sturdy call upon Mr. Zablocki (no comment), Ms. Peets (no comments) and Ms. Stiller (no comments).

Chair Greenbaum asked if there were any other comments from the applicant, architect, the Board, or the public and there were none. Interim Town Planner Carboni advised Chair Greenbaum to consider a motion with a date certain to continue this hearing.

**Member Kiernan made a motion to continue the hearing to October 21, 2020.**

**Vice Chair Tosh seconded the motion.**

**So voted, 6-0-1, motion carries.**

Chair Greenbaum thanked Mr. Marsh and Mr. Pontbriand and reminded them what follow-up activity was required before the hearing continuance on October 21, 2020.

Mr. Marsh and Mr. Pontbriand thanked the Board and left the meeting.

### **Board Action/Review – (Continued)**

Chair Greenbaum opened the discussion the Certified Abutters List Request Form with the Board. Interim Town Planner Carboni shared the G.L. c. 40A, s. 11, governing notice for special permits with the Members with a focus on the clause “...shall mean the petitioner, abutters, owners of land directly opposite of any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner...” Interim Town Planner Carboni stated that there was case law on this topic in *Murrow v. Esh Circus Arts, LLC*, 93 Mass. App. Ct. 233 where the decision was made that both criteria had to be met and not just one in order to receive notice.

Member Riemer cited for comparison Subdivision Control Law G.L. c. 41, s. 81T. Interim Town Planner Carboni had also identified this and shared the information with a focus on the clause of “...notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the planning board...” Member Riemer stated that there may be confusion as the people of interest may not be notified. Chair Greenbaum stated that who is to notify people is an issue that the Board needs to explore as it is critical. Chair Greenbaum also stated that she wanted to know who had been mailing out notices. Furthermore, Chair Greenbaum noted that Interim Town Planner Carboni has been working on a case-by-case basis clarifying the notification process with those within the Seashore District. Member Kiernan stated that Interim Town Planner Carboni referenced the above stated stipulations which must apply within 300’ and Member Kiernan noted that there are a number of substandard lots within the Town, and this would affect abutters and abutters to abutters. Member Kiernan asked Interim Town Planner Carboni for guidance, and she opined that Section 11 established a minimum requirement only for a Special Permit.

Vice Chair Tosh commented that the Town should do the minimum that is aligned with the statute. Member Sollog said that the reason this came up is the abutter to abutter is an issue within the Seashore District and he can’t figure out the language as it is confusing. Interim Town Planner Carboni said that the Board can exceed the 300’ minimum if it wants. Member Sollog stated that he would be satisfied if we can limit the abutters list to a reasonable number that is legally unchallengeable.

Chair Greenbaum and Vice Chair Tosh were no longer on the call due to technical difficulties because of the storm. Chair Greenbaum rejoined the meeting via telephone as the thunderstorm knocked out the

internet. Chair Greenbaum resumed the meeting. Interim Town Planner Carboni stated that the language is sufficient, but she yielded to Members as she is new to Town. Chair Greenbaum stated that abutters to abutters to a specific distance to the property line makes sense. Interim Town Planner Carboni commented that this would take care of abutters within 300' of the Seashore District but not abutters to abutters. Interim Town Planner Carboni opined that it may be a good idea to include everyone within 500'.

Chair Greenbaum asked Interim Town Planner Carboni and Truro Town Assistant Sturdy to review the abutters criteria for everything or does the Board do some differentiation as is currently done. Chair Greenbaum also asked Truro Town Assistant Sturdy to see if the public still on the line would like to comment. Truro Town Assistant checked with Mr. Zablocki, Ms. Peets, and Ms. Stiller. None wanted to provide comment on this topic.

Truro Town Assistant Sturdy notified Chair Greenbaum that Member Riemer was no longer on the call.

As there was no longer a quorum and due to the storm, Chair Greenbaum asked for a motion to adjourn.

**Member Kiernan made a motion to adjourn at 7:02 pm due to storm and Town technical issues.**

**Member Sollog seconded the motion.**

**So voted, 4-0-3, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A".

Alexander O. Powers

Board/Committee/Commission Support Staff



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

October 14, 2020 – 1:30 pm

REMOTE PLANNING BOARD WORK SESSION

**Members Present (Quorum):** Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan; R. Bruce Boleyn

**Members Absent:** Peter Herridge

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Carol Harris – Chair of the Climate Action Committee; Bob Higgins-Steele – Vice Chair of the Climate Action Committee; Richard and Suzanne Thomas (Discussion of Marijuana Application Packet); Daniel Leclair (Discussion of Marijuana Application Packet); Lisa Peets (Discussion of Marijuana Application Packet); Jim and Carol Zablocki (Discussion of Marijuana Application Packet)

Remote meeting convened at 1:30 pm, Wednesday, October 14, 2020, by Chair Greenbaum who announced that this was a joint work session with Members of the Climate Action Committee. Interim Town Planner Carboni announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner Carboni also provided information as to how the public may call into the meeting or provide written comment.

### **Public Comment Period**

Public comment, for things not on the agenda, and there were none. Truro Office Assistant Sturdy announced that Suzanne Thomas and Daniel Leclair were on the call, but none offered comments.

### **Joint Work Session**

Chair Greenbaum announced that the joint work session with the Climate Action Committee would be held from 1:30 pm to 2:30 pm followed by the Planning Board Work Session.

Chair Greenbaum gave Members of the Planning Board and Climate Action Committee the opportunity to introduce themselves, state how they arrived in Truro, and how long they lived there. All Members introduced themselves.

Chair Greenbaum commented that she and Chair Harris for each Board and Committee to present its responsibilities and then how they can work together.

Chair Greenbaum said that the Planning Board reviews Site Plan Review for commercial projects, Site Plan Review for residential projects in the Seashore District, subdivisions, approval not required (ANR), cell towers, and temporary sign permits. On the planning side, Chair Greenbaum stated that the Planning Board plans by addressing issues such as house size Bylaws, the development of a comprehensive look for housing needs in Town and how to address them, and finally, how to create a

more diverse housing stock in Truro that includes a range of year-round housing options which protect the water and environment. Member Kiernan stated that the Planning Board's purpose, in accordance with the Town's Zoning Bylaws (Section 10, Subsection 10.2) is to promote the health, safety, convenience, and welfare of the inhabitants of Truro; prevent the overcrowding of land; conserve the value of land and buildings; enable the protection of a clean and safe water supply; conserve natural resources; prevent the blight of the land; encourage the most appropriate use of land in Truro; and the implementation of the goals and policies of the Truro Comprehensive Plan.

Chair Harris shared a prepared document with all Members and stated that the Climate Action Committee is new and one of the main charges is to create a baseline study of the impact of greenhouse gases upon Truro (including municipality, residential, and business); create a baseline study of Truro's vulnerabilities to climate change; recommend specific climate policies; and community outreach through education. Chair Harris said that the Climate Action Committee has taken a year to review what they can do that best serves the Town yet not duplicate the work of other Boards or Committees. Chair Harris noted that the Climate Action Committee can do nothing without supportive collaboration from within Truro and neighboring communities. Chair Harris further stated that the definition of climate change is to reduce greenhouse gases. Chair Harris covered the areas of principles for action, Climate Action Committee activities to date (develop definition of climate change, brainstorm effects of climate change, consolidate brainstorming ideas, assign teams to develop ideas, develop high-level action descriptions, propose Select Board letter of support for H2810, and prepare warrant article for climate emergency); and areas of interest (air, water, ecosystems, education/outreach, and policy). Chair Harris said that she would welcome introductions of Truro residents who would like to be involved with the Climate Action Committee as it is currently a committee of three and there is meaningful work to do.

Member Boleyn thanked Chair Harris for her document and sharing the information. Member Boleyn asked what Chair Harris' priorities are and Chair Harris replied that the priorities now are greenhouse gases, water, and ecosystems. Chair Harris noted that Phase 1 is evaluating the priorities and making changes if needed, and then, Phase 2 is how to bring these priorities to the Town.

Member Kiernan thanked Chair Harris for her work and offered a few suggestions: the Climate Action Committee should ask the Town for money to do a survey as it is a new committee and increase community awareness; write and publish a newsletter for the community; figure out a way for Truro homeowners (half of whom do not live year-round in Town) to save money through the benefit and installation of solar panels which lowers the carbon footprint and work with the Town to implement insulation standards. Chair Harris commented that the Climate Action Committee has considered to write a column for The Banner and/or Independent. Member Kiernan discussed the effect of tidal surge that may create an island consisting of Provincetown and North Truro as well as the number of million-dollar homes which are built near the water's edge and their impact upon the environment. Chair Harris noted that there are a lot of good things going on climate change in Truro and mentioned the wonderful efforts of Emily Beebe (Town Health/Conservation Agent) in her local advocacy on this subject.

Chair Greenbaum commented that during last week's Planning Board meeting an applicant welcomed an opportunity offered by the Planning Board to meet with the Climate Action Committee to learn about alternative heating solutions for his residence. Chair Harris appreciated this suggested collaboration as it increases community awareness.

Member Riemer joined the meeting.

Chair Greenbaum suggested that a handout be created to provide information about carbon reduction solutions to new residents and homeowners. Member Kiernan suggested that a handout be given to all who apply for a building permit. Member Higgins-Steele was thrilled about this meeting, and he really enjoyed Member Kiernan's purpose for the Planning Board. Chair Harris that Member Higgins-Steele is working diligently on the opportunity for Truro to be eligible for grants as detailed through the Commonwealth of Massachusetts' Stretch code. Stretch code adoption is mandatory for designation as a *Green Community* under the Green Communities Act passed by the Legislature and signed into law in 2008. Truro is a designated *Green Community*. Chair Harris stated the Stretch code goes beyond the building code. Member Higgins-Steele stated that it is the state's goal to get municipalities to net zero by 2050 and every sector must do its part. Buildings are 30%-40% of everyone's greenhouse gas emissions and becoming an early adopter will result in more grants. Member Higgins-Steele commented that Truro as a vulnerable community can lead by example. Chair Greenbaum stated that on this topic for the Climate Action Committee to keep the Planning Board informed as the Planning Board is supportive. Member Higgins-Steele further stated that a Member of the Energy Committee had made a short four-minute video and he would like to send a link to the Planning Board that explains this topic further. Chair Greenbaum asked Member Higgins-Steele to send the link to Truro Office Assistant Sturdy who will send it out to the Members. Member Sollog stated that every effort to reduce emissions, yet he is confused about carbon dioxide since it is a necessity for plants to convert to oxygen. Member Sollog further commented that when there is not much sun solar panels don't produce much and when there is not much wind turbines don't produce much. Chair Harris thanked Member Sollog for his comments and told the Members that are many solutions which can reduce emissions such as evergreen and pine tree planting. Chair Harris closed by stating that research, education, and sharing the information in meetings with the Planning Board are key moving forward. Member Higgins-Steele commented that climate and greenhouse gases don't stop at any border. Member Higgins-Steele further commented that conservation is his focus. Chair Greenbaum added that there was clearly work to be done together and thanked Chair Harris and Member Higgins-Steele. Member Riemer added that he would be interested in learning what Interim Town Planner Carboni could add to the information sharing. Interim Town Planner Carboni stated that she would be delighted to help the collaboration moving forward. Chair Greenbaum closed joint session and said that she and Chair Harris would coordinate for the next meeting.

Chair Harris and Member Higgins-Steele left the meeting.

### **Work Session**

Chair Greenbaum commented that Vice Chair Tosh had joined the meeting and opened the work session. Chair Greenbaum noted that there were four callers on the line, and she asked Truro Office Assistant Sturdy to announce the callers and for which topic on the agenda was of interest to them. All callers indicated that they were interested in the work session for Marijuana Application Packet.

Chair Greenbaum led the discussion on the Housing Initiative. Chair Greenbaum stated that she wanted to the Members to come to agreement as to the issues which were important to the Planning Board. The basic question that Chair Greenbaum asked the Members was *"How do we create a more diverse housing stock in Truro that includes a range of year-round housing options and protects our water and environment?"* Interim Town Planner Carboni shared a slide with the Members which included several adaptations of the basic question posed by Chair Greenbaum. Chair Greenbaum asked the Members for feedback and Member Kiernan commented that it was a good start. Vice Chair Tosh agreed with Member Kiernan as well. Member Sollog added that the Town has learned a lot from the Truro Motor Inn situation and what neighbors tolerated.

Chair Greenbaum asked Members if a sentence that reflected the Town's population be included (*"...housing options for populations including seniors, young families, members of the local workforce..."*). Member Kiernan commented that including population groups wouldn't hurt. Member Sollog noted that the greatest need that seasonal workforce needs to live somewhere and reiterated that Truro is a resort town that thrives for part of the year, yet people struggle to find housing. Chair Greenbaum stated that she will rework the question with inclusion of repurposing current housing and seasonal workforce.

Chair Greenbaum then opened the discussion for the Marijuana Application Packet by reiterating that this is not a procedure to change policy but for commentary and input on the Marijuana Application Packet. Chair Greenbaum then asked Mr. Leclair for comment and Mr. Leclair asked the question if the plan considered federal interest in this topic regarding the Seashore District and the environment. Interim Town Planner Carboni said that she is new to this and that the draft packet included considerations which included compliance to federal law and Truro bylaw. Vice Chair Tosh noted that it is still against federal law to possess certain amounts of marijuana and to cultivate it. Vice Chair Tosh stated that when this topic was addressed at public meetings that the federal government had no interest in participating. Vice Chair Tosh further added that the Town did the best that it could with the bylaw and that the federal government could still prosecute violators. Member Kiernan added that on page 71 of the current Zoning bylaw (10.3 Eligibility) that under the Seashore District nothing is allowed. Mr. Leclair commented that he was unclear as to what the Planning Board wanted to accomplish today and that the federal government would want to be an interested party in this process. Interim Town Planner Carboni added that the packet is only for the application for approval under the Zoning bylaw and there are no permitted uses in the bylaw in the Seashore District. Chair Greenbaum further commented that Mr. Leclair should feel free to contact the Interim Town Planner with any additional ideas or concerns. Member Sollog thanked Mr. Leclair for his comments and Member Sollog asked if there was any consideration to setback as marijuana odor travels and it would be advantageous for the Town to consider it. Chair Greenbaum noted that there is a complaint process and that the Planning Board is attempting to get an application developed before there are any applications. Member Kiernan noted that Truro Office Assistant Sturdy, and possibly Interim Town Planner Carboni, developed a checklist so if an applicant came to the Planning Board to obtain a permit of some kind, the applicant would have a checklist and the Planning Board would immediately know whether the applicant is compliant or not compliant. Member Kiernan said that the Zoning bylaw (100.6 General Requirements) addressed what one can do on a piece of property and he recognized that the checklist is a working document. Chair Greenbaum thanked Member Kiernan for his input, and she added that the format is like other application packets. Interim Town Planner Carboni stated that Truro Office Assistant Sturdy deserved all the credit for the creation of this format and Chair Greenbaum recognized Truro Office Assistant Sturdy's contribution.

Chair Greenbaum called upon Jim and Carol Zablocki for comments. Mrs. Zablocki commented that Morris Avenue is a very residential area, and she knows that there are concerns about lighting, odor control, fencing, farm building, security, and traffic studies. Mrs. Zablocki offered that more guidelines would be helpful especially around setbacks and fencing. Mrs. Zablocki offered to send Interim Town Planner Carboni a list of her twelve concerns. Chair Greenbaum encouraged Mrs. Zablocki to forward her concerns to Interim Town Planner. Interim Town Planner Carboni also stated that even if a concern doesn't fall into a specific category on the checklist that both the Planning Board, or the Zoning Board, could approve a permit with conditions. Mrs. Zablocki also requested for a notification process of abutters before an applicant's approval process get too far down the road with the Planning Board Review or Zoning Board Review. Interim Town Planner Carboni opined that both Site Plan Reviews and Special Permit Reviews require a public hearing so the public can participate in the process. Interim

Town Planner further stated that for the short-term public hearings would continue to be virtual and the materials pertaining to those reviews will be posted as part of the meeting packets on the Truro website. Interim Town Planner Carboni stated that the law requires public notification two weeks prior to the public hearing and that most are discussed for more than one public hearing. Vice Chair Tosh asked Interim Town Planner Carboni if abutters would be notified, and Interim Town Planner Carboni replied in the affirmative. Chair Greenbaum noted that normally a work session would not have such a lengthy discussion with the public, but she felt that it was very important to provide this opportunity for the public on the Marijuana Application Packet.

Chair Greenbaum asked the callers if they had time to review the Marijuana Application Packet and wanted to provide comments. Mrs. Zablocki asked about review criteria, so Chair Greenbaum provided background for the creation of the Marijuana Application Packet to include the checklist and the Town bylaw. Interim Town Planner Carboni clarified that there is a section in the application where the applicant must explain how their proposal conforms to the review criteria. Chair Greenbaum thanked Interim Town Planner Carboni. Member Sollog added that this is a working document in general and not for the purpose of a specific situation for example Morris Avenue.

Chair Greenbaum reviewed the first page of the Application Packet for Adult Use Recreational Marijuana Establishments (RME) and Medical Marijuana Treatment Centers (MMTC). Chair Greenbaum commented that the whole piece around the craft marijuana cooperative is a subsection, so she wanted to indent the whole thing and asked Truro Office Assistant Sturdy to make the correction. No other feedback or comments were provided.

Chair Greenbaum reviewed the second page that is the Application for Marijuana Establishment Approval and asked for input. No feedback or comments were provided and Chair Greenbaum encourage people to email Interim Town Planner Carboni should they have questions or concerns later.

Chair Greenbaum opened the review of the first page of the Marijuana Establishment General Checklist and asked for feedback on the order of the checklist. Member Sollog stated that there should be an emphasis on the location of the grow site and not where one may have an office. Chair Greenbaum commented that information is already included in the Site Plan Review and Member Sollog said that it should be included all the time, so abutters knew whether the address provided is the grow site or office. Interim Town Planner Carboni reviewed the bylaw and suggested that the language in the bylaw be included in the checklist. Member Riemer asked when the Host Community Agreement come into play and Chair Greenbaum noted that that an executed Host Community Agreement must be included in accordance with the checklist under 100.7D. Interim Town Planner Carboni agreed with Member Riemer and suggested that be pointed out up front as an applicant may not know from the start. Chair Greenbaum noted that the Host Community Agreement must be signed by the Select Board first before the application can move forward to the Planning Board and the ZBA.

Chair Greenbaum conducted a further review of the Marijuana Establishment General Checklist's 100.7. and Member Kiernan noted that several of the questions may be of interest to the Climate Action Committee for their input. Member Sollog commented that order of operations may be important, but Chair Greenbaum stated that everything must be included before the application can be submitted. Interim Town Planner Carboni suggested a flow chart (a separate document) that is provided to the applicant so they can follow the process and submission requirements for approval. Chair Greenbaum noted that anything that eases getting to the content easier for everyone in the process is a great solution. Chair Greenbaum stated that due to time that it would be best to schedule another work

session to only discuss the Marijuana Application Packet. Members agreed and the work session to complete this review was scheduled for Wednesday, October 28, 2020, at 1:00 pm.

Chair Greenbaum instructed the Members to thoroughly review the Marijuana Application Packet and submit questions and/or concerns to Truro Office Assistant Sturdy before the work session on October 28, 2020. Chair Greenbaum also provided the public with Truro Office Assistant Sturdy's email address to send questions or concerns on the packet prior to the next work session on October 28, 2020. Chair Greenbaum thanked the public for their interest and input.

Chair Greenbaum commented that there will likely be two site visits next Tuesday and for Members to mark their calendars.

**Member Boleyn made a motion to adjourn at 3:45 pm.**

**Member Kiernan seconded the motion.**

**So voted, 6-0-1, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a distinct "P" at the end.

Alexander O. Powers

Board/Committee/Commission Support Staff





# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

October 21, 2020 – 6:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan; R. Bruce Boleyn

**Members Absent:** Peter Herridge

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; William J. Marsh – Applicant; Trevor Pontbriand – Architect at Aline Architecture and for William J. Marsh; Joseph M. Schirmer – Applicant; John O’Reilly – Owner of J.M. O’Reilly and Associates and civil engineer for Joseph M. Schirmer; Daniel F. Roche, Jr. – Applicant; Patrick Coffey – Owner of Pratt Construction and builder for Daniel F. Roche, Jr.; Fred Gaechter – President of the Truro Conservation Trust; Ben Zehnder – Attorney and representative for Samantha Perry; Don Poole – Land surveyor from Outermost Land Survey and representative for Samantha Perry

Remote meeting convened at 6:02 pm, Wednesday, October 21, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner Carboni also provided information as to how the public may call into the meeting or provide written comment.

### **Public Comment Period**

Public comment, for things not on the agenda, and there were none. Truro Office Assistant Sturdy announced that Caller #5 was on the call and identified himself as Joe Schirmer who was only interested in 2020-001/PB (on tonight’s agenda) and not in public comment. Chair Greenbaum asked Cheryl (Perry) Costa if she wanted to provide public comment or interested in an agenda item. Ms. Costa stated that she was on the agenda.

### **Public Hearing – Continued**

**2020-003/SPR – William J. Marsh** for property located at 30 Longnook Road, Truro, MA (Atlas Map 43, Parcel 121, Registry of Deeds title reference: Book 32127, Page 302). Applicant seeks a residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for the purpose of demolition and reconstruction of a pre-existing single-family residence that slightly enlarged footprint in the Seashore District. Chair Greenbaum noted that this was a continued hearing that was opened at the Planning Board’s last meeting. Interim Town Planner Carboni cited her staff memorandum and provided the conditions set by the ZBA when they considered special permit. The special permit has not been approved but the Planning Board wanted an update from the applicant on National Heritage and Endangered Species Program (NHESP) concerns and Interim Town Planner Carboni noted that the applicant had provided correspondence late this afternoon which addresses those concerns. Additionally, the applicant did add a couple of items requested by the ZBA showing the limited work on

the site plan. Chair Greenbaum asked Mr. Marsh and Mr. Pontbriand if they had anything else to add or say. Mr. Pontbriand stated that he had submitted everything requested by the Board and he was ready to answer any additional questions. Chair Greenbaum asked the Members if they were satisfied with the materials which they had received or had any additional questions. Member Kiernan commented that the application was complete.

**Vice Chair Tosh made a motion to approve the application.**

**Member Riemer seconded the motion.**

**So voted, 6-0-1, motion carries.**

Mr. Marsh and Mr. Pontbriand thanked the Planning Board and left the meeting.

Vice Chair Tosh announced that she would recuse herself in the matter of **2020-001/PB** as she is a Trustee of the Truro Conservation Trust so she would not comment or vote on the application.

**2020-001/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer** seek a Definitive Subdivision Plan of Land for that property pursuant to G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land for property located at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8, containing 6.66 acres. Chair Greenbaum noted that this was a continuation of a preliminary hearing held previously. Mr. O'Reilly stated that on August 5, 2020, the Board gave preliminary approval for the application and that final approval would be granted in this hearing. Chair Greenbaum announced that a vote for final approval would not be this evening as to give the public time to provide comment on the application in accordance with the Board's remote meeting policy. Mr. O'Reilly further added that the application consisted of a completed Form C, a copy of the Definitive Plan, the Topography Plan, a plan submitted to the Board of Health showing the potential wells and septic system for the lots being requested and to be created, a Review checklist, a deed, a property ownership record, a Certified Abutters List including a list of certified mailed letters to the abutters. As part of the Board's preliminary approval, Mr. O'Reilly stated that eleven trees were identified for removal to improve access and those trees were removed and confirmed by the Fire Chief via letter and email. Amity Lane currently services three properties 1, 5, and 7 Amity Lane. The applicants seek a waiver from all construction of the way being created on Amity Lane including drainage, but the applicants will retain ownership of the way to provide easement to the Truro Conservation Trust for access to Lots #4 and #5. Lot #3 has about 73,000 square feet with more than 150' of frontage as required under the bylaw. Lot #4 has an area of approximately 184,000 square feet with a small piece of wetland. Lot #5 is an unbuildable lot and was identified on the plan. Mr. O'Reilly stated that the Board of Health has reviewed and approved the subdivision regarding their role. Mr. O'Reilly added that the Conservation Commission and Select Board have reviewed the CR that will go to the Trust. Mr. O'Reilly concluded his presentation and Chair Greenbaum thanked him for being so thorough. Chair Greenbaum then asked Mr. Gaechter for comment. Mr. Gaechter stated once the subdivision is approved that regarding Lots #4 and #5 will be conveyed by deed to the Truro Conservation Trust and in the deed, there will be a restriction to permanently restrict any development or sale of the property in perpetuity. Mr. Gaechter commented that there will be never any development, construction, and it can never be sold by the Truro Conservation Trust so it will remain open space in perpetuity. Mr. Gaechter added that there will be a conservation restriction overseen by the Compact of Cape Cod Conservation Trust to ensure the conditions of the deed are enforced. Chair Greenbaum thanked Mr. Gaechter for his concise summation and asked the Board if any items on the checklist not included. Member Kiernan asked Mr. Gaechter if there are any guarantees that Lot #4 will not be built upon. Mr. Gaechter stated that there will be no sale, yet he can't provide any written guarantee. Member Kiernan asked Interim Town

Planner Carboni for her opinion who stated that she will determine an answer before the next meeting. Vice Chair Tosh, speaking as a Trustee of the Truro Conservation Trust, opined that the solution is to get the Schirmer family and the Truro Conservation Trust to enter an enforceable pledge agreement and she is willing to work with both parties. Interim Town Planner Carboni stated that is the path to pursue and Mr. Gaechter said that he is happy to enter this enforceable pledge agreement. Member Kiernan cited that there are no restrictions regarding to the road and Chair Greenbaum stated that is about a waiver and that will be discussed later. Member Kiernan also noted that there is not a proposed name for the road. Chair Greenbaum summarized that there is a subdivision waiver for the move of two lots to the Truro Conservation Trust and there would be language if there was any development of Lot #4 that the way would have to built to code and Amity Lane would have to improved. Mr. O'Reilly confirmed to Chair Greenbaum that those were the conditions to which the Schirmer family agreed. Interim Town Planner Carboni provided her synopsis that included that there was not intent to develop Lot #4 yet there is language in the Board's preliminary approval that suggests otherwise. Interim Town Planner Carboni further opined that additional information regarding to road surface should be provided to the Board. Chair Greenbaum suggested that if there is additional information required for roadways that the Board is not okay with the concept. Member Sollog commented that he agreed with Member Kiernan to have roads conform and that the enforceable pledge agreement is the way to go. Member Sollog is not dissatisfied with the plan. Member Riemer pointed out the September 8, 2020, the Definitive Plan application letter indicated that the applicants is seeking not construct a road and that Lot #3 would be retained by the Schirmer family. Member Riemer added that this could be a problem later, yet he appreciated the applicants' efforts. Member Boleyn stated that he had no comment. Chair Greenbaum thanked the Members for their attention to safety and making sure that the Planning Board does not do something that sets up future problems. Chair Greenbaum added that the concern is that if there is building on Lot #4 and if there is a need to move Amity Lane and create a "Paper Way" is it doable? Chair Greenbaum rephrased the question by asking if the Board is satisfied with the document Interim Town Planner Carboni, Vice Chair Tosh, and Mr. Gaechter create to ensure that there will never be a building on Lot #4 would the Board be concerned about the "Paper Way"? Member Kiernan noted that for Lot #3 that the plans stated that it will have frontage along the unnamed way and avenue way. Member Kiernan cautioned that the bylaw requires lot frontage is measured continuously along the front lot line and along one street. Member Kiernan asked Mr. O'Reilly where the Lot #3 get its frontage and Mr. O'Reilly answered that gets its frontage from Amity Lane and the unnamed way. Chair Greenbaum noted the frontage issue and asked Members for their input and concerns. Member Riemer expressed concern over the potential subdivision of Lot #3 that would require frontage from the "Paper Way" and Chair Greenbaum thanked him for his input. Member Boleyn stated that he had nothing to add at this time. Chair Greenbaum then asked the applicants if they wished to speak to concerns about frontage or subdivision. Mr. O'Reilly replied and reaffirmed that Lot #3 does indeed get its frontage from Amity Lane and the way. Mr. O'Reilly added that the Amity frontage is 137.09' and the frontage on the way is 292.58' so it meets the definition. Mr. O'Reilly further stated that regarding future subdivision of Lot #3, a preliminary plan did show Lot #3 as four lots being created and currently it is two lots. Mr. O'Reilly commented that in the Definitive Plan that condition #2, required by the Planning Board, stated that *"any further subdivision of land depicted on this plan, or division of such land, pursuant to G.L. C41, S 81P, shall require a modification of this Subdivision Plan"* and this condition addresses any concerns as to the subdivision of Lot #3. Chair Greenbaum thanked Mr. O'Reilly and asked Interim Town Planner Carboni for her input. Interim Town Planner Carboni said that she was satisfied with the subdivision condition and that the applicants would have to return to the Board to request any other changes. Member Riemer added that a "Paper Way" doesn't include what the road profile or grade it would be or would it require a ZBA waiver, so he is concerned about pushing this issue for a later decision. Chair Greenbaum said she was comfortable with the subdivision conditions of Lot #3 and that she

understands the concerns about the "Paper Way". Chair Greenbaum noted that Lots #4 and #5 are being donated to the Truro Conservation Trust and that her concern is very low, yet she also felt that if there was no "Paper Way" that there would be no donation to the Truro Conservation Trust. Chair Greenbaum asked Mr. Schirmer for his input. Mr. Schirmer stated that the "Paper Way" is constructed to increase the value of Lot #4 and serves as a more favorable tax deduction for the Schirmer family in the transfer of the land to the Truro Conservation Trust. Mr. Schirmer further stated that without "Paper Way" the value of the land would be financially diminished but with the approval of a "Paper Way" it would make the lot a buildable lot and thus increase its value. Mr. Schirmer reiterated that the family will not build on the land and will transfer the land to the Truro Conservation Trust to preserve the open land in perpetuity. Chair Greenbaum thanked him for his honesty and the family's generosity of this gift. Chair Greenbaum asked the Board for any other questions or concerns. Member Kiernan thanked the Schirmer family for their donation and his concern is the unintended consequences on Lot #3. Member Kiernan cited a court case from Truro, Landreth v. Truro Zoning Board of Appeals, so he recommended that this issues regarding Lot #3 be resolved today. Chair Greenbaum didn't want to address new issues at the next meeting so Interim Town Planner Carboni told the Board that she would be happy to discuss the concerns later in a meeting with Mr. O'Reilly. Mr. O'Reilly agreed to meet with Interim Town Planner Carboni prior to next week's meeting. Mr. O'Reilly asked the Board if it was going to require a road profile to show that it can be built before the next meeting as the closing transfer to the Truro Conservation Trust is set for mid-December 2020. Member Riemer commented that the road profile may need to include a retaining wall to support the turnaround. Chair Greenbaum said that if the Board was going to require the construction of a way that is not intended to be built at this time the Schirmer family assumed all the risk. Member Riemer observed that it seems along with the conservation of the rural environment it seems predictable that the Board will see the next stage subdivision of Lot #3 as part of the master plan. Chair Greenbaum stated that if that came before the Board there would be nothing to prevent the Board from requiring the roadway plans before delivering a decision. Member Kiernan cited bylaw that required 40' width and a turnaround and noted that Amity Lane had an 80' circle but not a turnaround. Member Kiernan asked Interim Town Planner Carboni if there must be a turnaround and she replied that in the interest in gaining the benefit of Lots #4 and #5 the Planning Board may approve the subdivision of Lot #3 with appropriate conditions. Member Riemer is still very uncomfortable with approving a plan with a "Paper Way". Mr. O'Reilly asked if the consensus of the full Board was for him to submit a road plan and profile since he doesn't want to create the situation for another continuance of the application at the next meeting. Member Kiernan, Member Boleyn, Member Riemer stated that they want the submission of the road plan and profile for a way that won't be constructed. Mr. Zehnder stated that in his thirty years of practicing law that it is inconceivable that the Planning Board require a road plan and profile at significant expense for the Schirmer family for a road that will not be constructed during a generous land donation to the Truro Conservation Trust. Chair Greenbaum thanked Mr. Zehnder for his input. Chair Greenbaum asked Mr. O'Reilly to come back with a good explanation of how he can have frontage without using the way. Mr. O'Reilly stated that he can't without using a portion of the rounding of the way. Chair Greenbaum commented that she felt very uncomfortable making the applicant provide a road plan and profile as there is a fail-safe in the conditions. Mr. Schirmer commented that it would be incumbent for the Board to consider that a road plan and profile would be appropriate at the time when the Lot #3 is subdivided. Member Kiernan and Member Riemer stated that they still want the road plan and profile. Mr. Schirmer said that they would not provide a road plan and profile but will provide a statement later. Mr. Schirmer also stated that this process has been going on a year and that the Planning Board needs to render a decision.

**Member Kiernan made a motion to continue this hearing on Wednesday, November 4, 2020, at 5 pm.  
Member Boleyn seconded the motion.  
So voted, 5-0-2, motion carries.**

Mr. O'Reilly thanked the Board and he and Mr. Schirmer left the meeting.

**2020-004/SPR – Daniel F. Roche, Jr.** seeks a Residential Site Plan Review for a 2-story addition to an existing 3,018 net square foot residence in the Seashore District containing three acres for property located at 7 Coast Guard Road, Truro, MA (Atlas Map 34, Parcel 5, Registry of Deeds title reference: Book 13174, Page 177). Mr. Coffey identified himself as a representative for Mr. Roche, Jr. Mr. Coffey confirmed that the first floor will consist of a new family room, hallway, and entry door. The second-floor sum is 687.5 square feet consisting of a bedroom, bathroom, and hallway. The total square footage of the addition is 1,429.34 square feet which is under the maximum that the Board can grant and is about 5% below the maximum square footage allowed. Mr. Coffey stated that the addition won't be visible from the road and can only be seen from the air. Chair Greenbaum announced that in accordance with the Town's remote hearing policy the Board will not vote on this application tonight to give the public ample time to comment on the application. Interim Town Planner Carboni identified several deficiencies in the application to include the site plan that doesn't include the dimensions of the structures and setbacks on the property and the sewage and septic plan was inadequate. Interim Town Planner Carboni further opined that the zoning table was incomplete as it didn't specify whether the gross floor area included the house and cottage as well as the total square footage of the structures were not included. Interim Town Planner Carboni also stated that the Board may want more detail on the new parking area. Chair Greenbaum asked the Members for their input. No comments or concerns provided. Chair Greenbaum reconfirmed details of the existing structure of 3,018 net square feet with Mr. Coffey yet it doesn't include the covered porch. Chair Greenbaum asked Mr. Coffey to add detail and more information to the Site Plan and he agreed to provide it by the next Board meeting. Mr. Coffey stated that the cottage predates the zoning as it is a 1960s structure and does not have cooking facilities. Interim Town Planner Carboni asked the applicant to clarify if he was relying on the square footage from the assessor or if he did his own measurements. Mr. Coffey stated that he used his own measurements. Member Kiernan suggested that the applicant ensure that the cottage was the square footage, yet they may need a septic plan required by the ZBA. Member Kiernan also stated that the Board should ask for more specifics for the parking so it will make the approval process quicker. Chair Greenbaum also told Mr. Coffey that he will have to address National Heritage and Endangered Species Program (NHESP) requirements as well. Interim Town Planner Carboni informed Mr. Coffey as to the process for contacting the program administrator. Interim Town Planner Carboni also asked Mr. Coffey for more elevation information per floor (existing and proposed) on the application. Member Riemer thanked Interim Town Planner Carboni for her detailed review of the application. Member Riemer, Member Boleyn and Member Kiernan were in favor of existing and proposed elevations as suggested by Interim Town Planner Carboni. Vice Chair Tosh and Member Sollog were in favor of proposed elevation only. Chair Greenbaum was in favor of existing and proposed elevations. Mr. Coffey stated that it was plausible to get this information by the next meeting but didn't guarantee it. Chair Greenbaum asked Mr. Coffey to return to the next meeting in two weeks with the information requested.

**Member Kiernan made a motion to continue this hearing on Wednesday, November 4, 2020, at 5 pm.  
Member Boleyn seconded the motion.  
So voted, 6-0-1, motion carries.**

Mr. Coffey thanked the Board and left the meeting.

## **Board Action/Review**

**2020-011/PB Samantha Perry, Hillside Farm, LLC** seeks Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing Subdivision of Land for property located at 23 Perry Road, Truro, MA. Mr. Poole and Mr. Zehnder announced that they represented the applicant. Mr. Zehnder added that Samantha Perry and Cheryl (Perry) Costa were on the call as well. Mr. Zehnder would like to address the legal issues in Interim Town Planner Carboni's staff memorandum but first gave Mr. Poole the opportunity to describe the application. Mr. Poole stated that this proposal is for the division of Lot #13 and the family wants to divide the trust into three lots. Lot #3 (38,300 square feet), Lot #2 (3.2 acres) and Lot #1 (5.5 acres) are all serviced by existing roads. Mr. Poole asked the Board to endorse the application. Mr. Zehnder stated that the Perry family had appeared in front of the Board over the years for the division of house lots, and during the last round, the Board took the position that it believed the land exceeded 30 acres in common ownership since the Cape Cod Commission cutoff date of September 30, 1994. The Board further suggested that additional subdivision would need to be automatically referred to the Cape Cod Commission. The Perry family withdrew their application to do more research. Mr. Zehnder stated that there has not been more than 30 acres of common ownership since 1994 and he asked the Board to continue this review for the applicant to provide the Board with more information with a focus on the underlying title work that supports the previously submitted documentation. Mr. Zehnder further commented that the Perry family has farmed the lands since the 1880s and are mindful of the local and regional impact of subdivision as it relates to the environment, safety, water, sewage, and road use. Interim Town Planner Carboni thanked Mr. Zehnder for his advocacy and reminded him that the review is required to determine if more than 30 acres of common ownership existed thus triggering the referral to the Cape Cod Commission. Mr. Zehnder stated that the Board has the responsibility to make the determination for the referral to the Cape Cod Commission and he further added that there is a great expense to the family to seek a decision from the Cape Cod Commission. Interim Town Planner Carboni stated that the Board can decide or make the referral to the Cape Cod Commission. Vice Chair Tosh opined that if Mr. Zehnder can get his title report certified that there has never been over 30 acres in common ownership that she doesn't have an issue with the application. Vice Chair Tosh reiterated that the Perry family has been good stewards of the land for over one hundred years, and they likely want to build a home for their children. Vice Chair Tosh further commented that sometimes that Planning Board meetings seem to figure out how to make people's lives miserable. Mr. Zehnder did offer to certify along with an opinion as to the accuracy of the title report. Member Kiernan favored the referral to the Cape Cod Commission since it was beyond the Board's expertise as well as Member Riemer, Member Sollog, and Member Boleyn agreed. Chair Greenbaum stated that she thought Vice Chair Tosh's suggestion was reasonable and Mr. Zehnder stated that title examiners don't certify titles but provide the abstracts which attorneys certify. Mr. Zehnder further commented that he could hire another firm to objectively certify his work but that would be an additional expense. Mr. Zehnder is concerned that in his conversation with the Cape Cod Commission the representative said the Planning Board will conclude in the end that the Planning Board has jurisdiction. Vice Chair Tosh stated that she would be comfortable with Mr. Zehnder's certification. Interim Town Planner Carboni said that although she wasn't party to the conversation that Mr. Zehnder had with the Cape Cod Commission, she was surprised that the Cape Cod Commission had not told her the same thing. Mr. Zehnder. Mr. Zehnder offered to provide a set of title abstracts along with his summary to the Board. Member Kiernan asked

Interim Town Planner Carboni to provide an opinion to the 21-day limit of an ANR. Interim Town Planner Carboni stated that under Chapter 53 of the Acts of 2020 that suspends deadlines for permits (including a requested ANR endorsement) until the end of the declared state of emergency. Chair Greenbaum stated that Mr. Zehnder can provide the set of title abstracts along with his summary and Mr. Zehnder asked for a continuance for thirty days or more.

**Vice Chair Tosh made a motion to continue this hearing on Wednesday, December 2, 2020, at 5 pm.  
Member Riemer seconded the motion.  
So voted, 6-0-1, motion carries.**

Mr. Zehnder and Mr. Poole thanked the Board and left the meeting.

**Vice Chair Tosh made a motion to adjourn at 8:42 pm.  
Member Boleyn seconded the motion.  
So voted, 6-0-1, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large initial "A" and a prominent "P".

Alexander O. Powers  
Board/Committee/Commission Support Staff







# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

October 28, 2020 – 1:00 pm

REMOTE PLANNING BOARD WORK SESSION

**Members Present (Quorum):** Anne Greenbaum (Chair); Jack Riemer (Clerk); Paul Kiernan; Steve Sollog; R. Bruce Boleyn; Peter Herridge

**Members Absent:** Karen Tosh (Vice Chair)

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 1:04 pm, Wednesday, October 28, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Chair Greenbaum also provided information as to how the public may call into the meeting or provide written comment.

Chair Greenbaum noted that the Planning Board is simply creating the Marijuana Application Packet that will be used by businesses to apply to the Town of Truro. The Board will not change policy or rules. Chair Greenbaum asked those who wished to provide comments to kindly limit their comments to five minutes.

### **Public Comment Period**

Public comment opened for things not on the agenda. Truro Office Assistant Sturdy introduced Jim and Carol Zablocki. Mrs. Zablocki commented that they had submitted their comments in writing to the Planning Board and Chair Greenbaum thanked her for their comments. Truro Office Assistant Sturdy announced Ms. Lisa Peets, and Ms. Peets stated that she had also submitted her comments in writing to the Planning Board. Ms. Peets further stated that she hoped that the application process considered all points of view on each application and completely understood that the policy is what it is, and it can't be changed. Chair Greenbaum thanked Ms. Peets for her input and said it was very helpful. Truro Office Assistant Sturdy introduced Mr. David DeWitt who announced that he is only listening as a concerned farmer from Truro and a member of High Dune Craft Cooperative (HDCC). Chair Greenbaum thanked him, and Truro Office Assistant Sturdy called upon Stephanie Rein who stated that she was only as a Truro resident and voter. Truro Office Assistant Sturdy called upon Caller #5 who identified himself as Michael Fee and he stated that he would like to listen to the meeting and had no comment. Truro Office Assistant Sturdy stated to Chair Greenbaum that there were no other individuals on the call.

### **Work Session – Continued**

Chair Greenbaum opened the discussion on the review of the Marijuana Application Packet work session, and she stated that she wanted to review the forms, not the checklist, and examine the review criteria. Chair Greenbaum shared her screen with the other Members to review the document. Chair

Greenbaum said that community feedback suggested that the public wanted a “big picture” of what the overall process is, and this was the attempt to do that. Chair Greenbaum removed “Planning Board” on the Town of Truro application letterhead. Members Riemer and Kiernan have questions on the Eligibility of Use Table which Chair Greenbaum stated that it will be addressed later this evening. Chair Greenbaum commented that on page 2 of the application describes what specific requirements under §100.7 should be collected by the applicant prior to application submission. Chair Greenbaum then opened the dialogue to Ms. Rein and Mr. DeWitt to offer comment. Ms. Rein stated that anything that is a clear and concise path to what is necessary is appreciated. Mr. DeWitt said that he had no comment. Chair Greenbaum noted that an added requirement to the application is for the business is to list its physical address as recommended by Member Kiernan at a previous Board meeting. Member Boleyn noticed that “This are...” was a grammatical error and should read “These are...” and Chair Greenbaum made the correction. Member Kiernan asked if a cooperative, such as High Dune Craft Cooperative, had multiple locations should there be a site plan for each location. Member Riemer said that it was required and specified throughout the application. Chair Greenbaum also noted that the applications would be reviewed as received. Chair Greenbaum asked if there were any questions about the application form itself and there were no comments or questions. Chair Greenbaum asked Truro Office Assistant Sturdy to how the review criteria were developed, and Truro Office Assistant Sturdy said that she took the language exactly from the bylaw and put it into a useable form. Chair Greenbaum stated that she added in §100.6 E & H in the areas of odor and the utilization of movable structures. Member Herridge stated that there should be a reasonable standard determined for odor that potentially would reduce complaints and Chair Greenbaum noted that the language was taken directly from the bylaw. Chair Greenbaum recognized Mr. Fee, who identified himself as an attorney for the Craft Cooperative, and he suggested that it is the responsibility of the business to organize itself in a reasonable manner and to limit the odor although it is a product of the business. Chair Greenbaum noted that complaints of odor would be addressed in accordance with the Host Community Agreement. Member Sollog now joined the meeting and he said that he agreed with Member Herridge’s concern of odor that must have a reasonable standard as these farms are in residential areas. Member Sollog also noted that this may be difficult to legislate. Chair Greenbaum commented that odor remediation solutions and technology may help. Member Kiernan added that there are two issues which need to be recognized: 1. the challenges of a commercial entity operating in a residential area and 2. the fear of the unknown. Member Kiernan suggested that the square footage of the parcel be included in the application. Chair Greenbaum clarified that the square footage of all parcels would be required for all businesses and not just cooperatives. There was no opposition to adding the parcel’s square footage to the application by the Members. Member Riemer stated that there may be considerations which the Planning Board may have to deal with surrounding §100.7D3 regarding site plan conditions around outdoor growing areas and the management of a facility inside a residential zone. Chair Greenbaum thanked Member Riemer for his comments. Member Herridge agreed with Member Kiernan and further stated that he felt that the issue of odor was overblown at the previous hearings who were opponents to the marijuana businesses. Chair Greenbaum opined that this was an opportunity for the marijuana businesses to get out in front of the issue before dealing with complaints. Mr. Fee asked to be recognized and wanted to explain the cooperative’s perspective regarding odor. Mr. Fee also noted that an odor mitigation plan was not a requirement for applicant approval. Mr. Riemer stated that there were concerns from marijuana business abutters about odor and Chair Greenbaum cited that is already addressed in the bylaw if *“emissions don’t violate the Board of Health regulations adopted pursuant to M.G.L. c. 111 §31c including but not limited to those specific to odors”*. Mr. Fee argued that applies only after a complaint is received. Ms. Peets asked to be recognized as an abutter and Chair Greenbaum recognized her. Ms. Peets stated that she considered herself a reasonable person and that the businesses should explore all odor mitigation before there are complaints. Mr. Zablocki commented that he had five years of cannabis

industry experience in the United States and Canada. Mr. Zablocki cautioned that there is a very strong odor that comes out of marijuana greenhouses year-round and that the bylaw should reflect that reality. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to help review the bylaw and provide input. Member Sollog reminded everyone that the Planning Board is not changing the bylaw. Chair Greenbaum thanked Member Sollog and then turned to §100.9 (Site Plan Review and Special Permit Criteria) and asked Members if there were any questions. No questions or concerns raised by the Members. Chair Greenbaum asked Members for a definition of “abutters” for the Marijuana Application Packet only and who should be notified of an application. Member Riemer noted that abutters are defined by what an applicant seeks such as the requirements for Site Plan Review for the Planning Board (footnote #1) or Special Permit Review by the ZBA (footnote #2). Member Kiernan commented that the notification should be more inclusive and because hundreds of people about the Seashore District the abutters would notify the abutters to the Seashore District with a yet to be determined distance. Chair Greenbaum asked the Members if 300’ is enough distance and Member Herridge opined that an abutter to the Seashore District could be exempt if they are already an abutter to an abutter (applicant). Member Herridge suggested that the Seashore District be notified and then it is the Seashore District’s responsibility to notify those abutters within a yet to be determined distance to the abutter (applicant). Member Kiernan then asked for those owners who are abutters in a homeowners’ association does one owner get notified or does the entire homeowners’ association get notified. Chair Greenbaum stated that it was her thought that the entire homeowners’ association should be notified. Chair Greenbaum then offered a definition of an “abutter to an abutter” as *“abutters, owners of land directly opposite of any public or private street or way and abutters to the abutters within 300’ of the property line and any other owners of property within 300’ of the property line”*. Members concurred with this definition as proposed by Chair Greenbaum. Member Riemer asked when Truro is responsible for notifications and Chair Greenbaum asked Truro Office Assistant Sturdy for input. Truro Office Assistant Sturdy said that for both Special Permit and Site Plan Reviews the Town of Truro is responsible for all notifications. Chair Greenbaum asked the Members if there is a need for another work session or should a draft be prepared. Member Kiernan said it was appropriate to prepare a final draft and then make that available for the public to review. Mr. Fee observed that on the security plan that it was public, but the police chief indicated to him that this would be confidential and for the chief’s review/approval only. Member Kiernan volunteered to work out an arrangement with the police chief to review the security plan as situations may arise later which the Planning Board may have to resolve. Member Herridge said that the police chief would be the most qualified individual to review and assess the value of a security plan and that he would be unable to add value. Chair Greenbaum offered that the police chief may be okay with a 30’ fence and the Planning Board would not be due to bylaws and regulations which fall under the Planning Board’s purview.

**Member Herridge made a motion to adjourn at 2:36 pm.**

**Member Boleyn seconded the motion.**

**So voted, 6-0-1, motion carries.**

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff





# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

November 4, 2020 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan; R. Bruce Boleyn; Peter Herridge

### **Members Absent:**

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Joseph M. Schirmer – Applicant; Jay Murphy – Attorney for Joseph M. Schirmer; John O’Reilly – Owner of J.M. O’Reilly and Associates and civil engineer for Joseph M. Schirmer; Patrick Coffey – Owner of Pratt Construction and builder for Daniel F. Roche, Jr.

Remote meeting convened at 5:02 pm, Wednesday, November 4, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

### **Public Comment Period**

Public comment, for things not on the agenda, and there were none. Truro Office Assistant Sturdy announced that Lisa Peets was on the call and Ms. Peets said that she didn’t have any comment to make. Truro Office Assistant Sturdy introduced Mr. and Mrs. Jim Zablocki and they also stated that they had no comment to make. Caller #05 called in, was not identified, and did not speak.

### **Public Hearing – Continued**

**2020-001/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer** seek a Definitive Subdivision Plan of Land for that property pursuant to G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land for property located at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8, containing 6.66 acres. Chair Greenbaum noted that this was a continuation of a preliminary hearing held previously and Interim Town Planner and Counsel Carboni reviewed the Members’ concerns from the last meeting to include the approval of a subdivision when there were no engineering plans for a roadway that would not be built, and the authority of the Board’s endorse a subdivision plan if there wasn’t enough frontage. Interim Town Planner and Counsel Carboni further stated that she has worked on the draft language of a resolution with the Schirmer’s attorney and that would be agreeable to the Planning Board. Vice Chair Tosh announced that she would continue her recusal in this matter as she is on the Board of the Truro Conservation Trust. Member Kiernan thanked Interim Town Planner and Counsel Carboni for her work which identified the proper language in terms of the findings, conditions, and covenants were on point. Member Boleyn agreed as well. Interim Town Planner and Counsel Carboni stated that she prepared a draft decision for the Board and a draft Form D Covenant executed by the owners (applicants). Interim Town Planner and Counsel Carboni addressed

what the minimum is required frontage for Lot #3 should it be subdivided in the future, and after reviewing the bylaw, opined that the Planning Board can approve the subdivision plan even if the lots don't show sufficient frontage and she provided case laws which supported these determinations. Mr. Murphy addressed the issue of timing and announced that unfortunately Audrey Schirmer passed away late last year and now awaiting an appointment of an individual to oversee her estate through the Probate Court of Barnstable County. Mr. Murphy stated that until that court decision has been made is that the deed can't be signed over but emphasized that the parties involved agree and will work hard to complete the donation of the property. Mr. Murphy further stated that Audrey Schirmer resided in Canada and that may add a delay in the process as well. Mr. Murphy asked the Board for approval of the plan. Chair Greenbaum asked Interim Town Planner and Counsel Carboni for her input and Interim Town Planner and Counsel Carboni opined that it was not necessary to delay approval but suggested that the applicant provide an updated pledge agreement from the applicants so that there is something on record since it will be over 60 days before the court can render a decision and signatures for the deed transfer will occur. Chair Greenbaum asked Members to take a few minutes to review Interim Town Planner and Counsel Carboni's draft agreement and covenant. Member Sollog asked about the references to Abigail Schirmer in the plan and if the waivers had to be approved now. Interim Town Planner and Counsel Carboni opined that she will make those edits and that the Board would not grant any waivers today. Member Kiernan stated that he had a problem that there is no proposed no name for the road and asked if the Board could name the road Abby Way in honor of Abigail Schirmer. Mr. Schirmer stated that he would prefer the road be named Peggy and Boone Way after his parents who wanted the legacy gift to the Truro Conservation Trust. Chair Greenbaum asked if Schirmer Way would be an appropriate alternate and Mr. Schirmer agreed. Chair Greenbaum asked for a motion to approve the plan, the draft agreement, and the covenant.

**Member Boleyn made a motion to approve the subdivision plan, the draft agreement, and the covenant.**

**Member Sollog seconded the motion.**

**So voted, 6-0-1 (recusal by Vice Chair Tosh), motion carries.**

Chair Greenbaum thanked Mr. Schirmer for his patience and generous contribution. Mr. Murphy thanked the Planning Board and the Select Board. Mr. Murphy and Mr. Schirmer thanked the Planning Board and left the meeting.

**2020-004/SPR – Daniel F. Roche, Jr.** seeks a Residential Site Plan Review for a 2-story addition to an existing 3,018 net square foot residence in the Seashore District containing three acres for property located at 7 Coast Guard Road, Truro, MA (Atlas Map 34, Parcel 5, Registry of Deeds title reference: Book 13174, Page 177). Interim Town Planner and Counsel Carboni updated the Board that the applicant had submitted additional documentation which answered the Board's previous concerns about the gross floor area determined by the assessor's calculations. Chair Greenbaum stated that the gross floor area by her calculations exceed 4,000 square feet which is beyond the limit even with a special permit. Chair Greenbaum asked if Mr. Coffey was on the call and attempts to contact him were made by Truro Office Assistant Sturdy. Member Kiernan stated that he agreed with the gross floor area figures provided by the applicant as Member Kiernan noted that the assessor's figure included the basement that identified a living space. Truro Town Assistant Sturdy announced that Mr. Coffey would call in and join the hearing shortly. Mr. Coffey announced that he had joined the hearing. Chair Greenbaum stated that there is confusion and Interim Town Planner and Counsel Carboni opined that measurements should be taken and be put on the signed plan. Mr. Coffey stated that architect determined the measurements and that the assessor's measurements were excluded. Interim Town Planner and Counsel Carboni stated

that on the original plan it included the assessor's measurements. Mr. Coffey stated that the assessor's measurements included the cottage to which there will no improvement. Interim Town Planner and Counsel Carboni stated that it would be acceptable if the architect would verify the measurements and stamp the document. Member Kiernan stated that he would go along with the applicant's numbers and would limit the gross floor area to 4,330 square feet. Member Riemer stated that he thought the lots was under 3 acres and Mr. Coffey commented that the lot was 3 acres +/- 1 foot. Chair Greenbaum asked Mr. Coffey to include the existing gross floor area for each structure as well as the proposed gross floor area on the plan and stamp it. Mr. Coffey added that measurements from inside walls are required in the Seashore District. Mr. Coffey agreed to submit the plan with the architect's plan with the stamp. Chair Greenbaum further commented that the new plan must include the gross floor area for each room. Interim Town Planner and Counsel Carboni asked if the gravel parking area was being expanded into the meadow area as it would fall under the review of the National Heritage and Endangered Species Program (NHESP) requirements. Mr. Coffey stated that during the NHESP review that he told the NHESP reviewer, Ms. Cheatham, that the gravel parking lot would be extended, and she replied that he was exempt. Interim Town Planner and Counsel Carboni opined that the legal term "lawn" and "meadow" are not consistent in the plan and may result in limitations. Chair Greenbaum commented that the Board is trying to understand what is being proposed and that the applicant not providing consistency has resulted in delays and further questions. Chair Greenbaum asked Board to examine the review checklist and gave the Members an opportunity to discuss other concerns. Chair Greenbaum noted that Mr. Coffey had done research on the Historical District and Mr. Coffey confirmed that he had reviewed the Historical District requirements and that the structure is not 75 years old or older, so it does not apply. Chair Greenbaum asked if there were any new questions and there were none. Chair Greenbaum asked Mr. Coffey if he had any questions and asked which meeting would suit him best. Interim Town Planner and Counsel Carboni asked for Mr. Coffey to include in the new plan the heights of all structures as well and Mr. Coffey agreed. Chair Greenbaum summarized that the new plan will include the requested measurements, signed, and stamped by the architect by the next Planning Board meeting so a decision can be rendered.

**Member Sollog made a motion to continue this hearing on Wednesday, November 18, 2020.**

**Member Boleyn seconded the motion.**

**So voted, 6-0-1 (Vice Chair Tosh no longer on call), motion carries.**

Mr. Coffey thanked the Board and left the meeting.

### **Board Action/Review**

Chair Greenbaum opened the review and discussion of the Marijuana Application Packet and asked the Members for any questions or input. Chair Greenbaum noted that the Board still needs input from the police chief on the security plan. Chair Greenbaum also added that there is a question raised by citizens as to how long the public will have access to the plan prior to town approval. Chair Greenbaum asked Ms. Peets for her input. Ms. Peets commented that she abuts a property that will grow marijuana and she seeks sufficient time (to include those who are part-time residents) to review the plan to ensure the safety of her property, family, and children. Chair Greenbaum asked Truro Office Assistant Sturdy how long in advance would an abutter receive a notice and Truro Office Assistant Sturdy noted that it is generally two weeks. Vice Chair Tosh noted that the town should consider emailing notices to part-time residents versus mailing the notice to the address of record that may be Truro. Chair Greenbaum asked Ms. Peets if a notification and complete application was provided in two weeks would that be sufficient. Ms. Peets replied that three weeks notification by email would be helpful. Member Kiernan suggested

that everything that has been asked is eye opening and email via notification may be helpful to get much more public input on an application. Mrs. Zablocki added that she agreed with Ms. Peets' suggestion. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to coordinate with the police chief on the security plan and Interim Town Planner and Counsel Carboni agreed and offered to speak with other Cape Cod towns to learn about what they are considering. Chair Greenbaum agreed and continued the checklist review. Interim Town Planner and Counsel Carboni commented that 100.5 Applicability of Regulations that A, B, and C may be hard for the applicant to satisfy so the Board may want to remove those, but D should stay in. After a brief discussion with Members, Chair Greenbaum determined to remove A and C so B and D will remain on the checklist. Ms. Peets asked if there will be an opportunity to see the deployed security plan as an abutter with a balance to safeguard the confidential details of the security plan and Chair Greenbaum added that would be discussed with the chief of police. A review of the Site Plan Review (100), Additional Provisions for Cultivation (100.8), Review Criteria (70.4D), Site Plan Review and Special Permit Criteria (100.9) ended with no questions or concerns voiced by the Members.

Chair Greenbaum led the discussion of Certified Abutters List Request Form and reviewed the feedback via email from Jon Nahas of the Assessor's Office. Mr. Nahas suggested adding notifications to any *"school, church, or hospital within 500' from premises"* and Member Herridge noted that a school should be notified but not a church or hospital. Chair Greenbaum noted that Mr. Nahas also thought that the within 300' notifications, not 100', should occur in the Beach Point area and Members agreed. Interim Town Planner and Counsel Carboni offered to contact Emily Beebe at the Board of Health regarding the suggestion of including a marijuana farm's restrictions dispensing into a river, a lake, or a body of water. Chair Greenbaum also noted that she will contact the ZBA to provide input. Chair Greenbaum commented that there are still challenges for the definition of abutters to abutters and wondered if the definition of abutters to abutters for the marijuana application could be applied more broadly. Chair Greenbaum will coordinate with Town Office Assistant Sturdy and Mr. Nahas have a phone call to create a draft to address this as well as email notification.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni a brief Cloverleaf update. Interim Town Planner and Counsel Carboni said that there is a continued public hearing tomorrow and worked through most of Cloverleaf's zoning waivers. There was a letter received from the Cape Cod Commission inquiring about the new wastewater system and Interim Town Planner and Counsel Carboni expects that to be discussed tomorrow. Member Kiernan asked Interim Town Planner and Counsel Carboni if anyone from the ZBA has spoken to anyone from MicroBiotics the company that will install the new wastewater system. Interim Town Planner and Counsel Carboni stated that there was no direct communication with the ZBA. Member Kiernan noted that on the company website's first page it only guarantees its system for 12-18 months which is something to be concerned about. Interim Town Planner and Counsel Carboni opined that the ZBA can be made aware of this, but it should not be her that notifies the ZBA.

**Member Kiernan made a motion to adjourn at 7:07 pm.**

**Member Herridge seconded the motion.**

**So voted, 6-0-1, motion carries.**



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large initial "A" and a long horizontal stroke extending to the right.

Alexander O. Powers  
Board/Committee/Commission Support Staff





# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

November 18, 2020 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan; R. Bruce Boleyn; Peter Herridge

**Members Absent:** Karen Tosh (Vice Chair)

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Daniel F. Roche, Jr. – Applicant; Patrick Coffey – Owner of Pratt Construction and builder for Daniel F. Roche, Jr.; Billy Rogers – Engineer for Dorothy Nearen and Marilyn Cubberley - Applicants

Remote meeting convened at 5:09 pm, Wednesday, November 18, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni to provide a legislative update and Interim Town Planner and Counsel Carboni announced that in the legislative supplement last week was a provision that restarts the clock on all applications, hearings, decisions, and deadlines effective December 1, 2020.

### **Public Comment Period**

Public comment, for things not on the agenda, and there were none. Chair Greenbaum announced that the Public Comment Period will occur at the end of tonight's meeting. Callers into this meeting included Michael Fee, Paul Mydelski, Pamela Wolff, Lisa Peets, and Scott Warner.

### **Public Hearing – Continued**

**2020-004/SPR – Daniel F. Roche, Jr.** seeks a Residential Site Plan Review for a 2-story addition to an existing 3,018 net square foot residence in the Seashore District containing three acres for property located in the Seashore District at 7 Coast Guard Road, Truro, MA (Atlas Map 34, Parcel 5, Registry of Deeds title reference: Book 13174, Page 177). Interim Town Planner and Counsel Carboni updated the Board that at the last hearing, the Board asked the applicant to provide architectural plans with stamp. Interim Town Planner and Counsel Carboni noted that has been provided except for the habitable square footage in the basement. Chair Greenbaum welcomed Mr. Coffey and then asked Mr. Coffey about the square footage of the bedroom and bathroom. Mr. Coffey reiterated that the Seashore District regulations exclude habitable space in the basement to calculate gross floor area. Member Kiernan stated that he agreed with Mr. Coffey and read the Bylaw 104 (Definitions) aloud. As noted by Member Kiernan exclusions inside the Seashore District include cellar and basement floor area, garage, decks, attics, sheds, barns, and agricultural buildings. Member Kiernan added that there is no distinction

between habitable or inhabitable space in the basement or cellar in Bylaw 104. Chair Greenbaum asked the Members if there are any more questions. Member Riemer that the table on the plan dated from September 12<sup>th</sup> and does not reflect the most recently submitted architectural and stamped plan measurements and it should. Member Riemer also noted that the frontage is less than 150' and inquired if the applicant needed to seek relief. Interim Town Planner and Counsel Carboni agreed that since Mr. Coffey who was scheduled to appear in front the ZBA next week and could address these issues at that meeting. Member Kiernan added several conditions to the drafted decision created by Interim Town Planner and Counsel Carboni. Chair Greenbaum asked for a motion to approve the site plan review with the included conditions and the drafted decision.

**Member Boleyn made a motion to approve the Site Plan Review for 7 Coast Guard Road and approve the decision as drafted with the edits determined (including revised zoning table) at this hearing.**

**Member Sollog seconded the motion.**

**So voted, 6-0-1, motion carries.**

Mr. Coffey thanked the Board and left the meeting.

### **Board Action/Review**

**2020-013/PB – Dorothy Nearen and Marilyn Cubberley** seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 627 Shore Road, Truro, MA, Map 3, Parcel 2. Billy Rogers announced that he is representing the applicants and the land was divided into two lots and they want to combine the lots to create Lot #5 with 150' frontage by redrawing the lot lines. Interim Town Planner and Counsel Carboni said she spoke with the applicant's attorney (Snow) and they are planning to upgrade the septic system on the property and that has no impact on this application. Interim Town Planner and Counsel Carboni, replying to Member Kiernan, stated that this redrawing of lot lines is not a subdivision situation and doesn't speak to zoning or encroachment, and none of these prevent the Planning Board from endorsing the plan as an ANR. Chair Greenbaum pointed out to Mr. Rogers that on 222 B4 on the checklist required the inclusion of the zoning classification table and Chair Greenbaum noted that this was omitted from the application. Mr. Rogers stated that he would submit the zoning classification table and Chair Greenbaum said that the Board has agreed to add it as a condition of approval. Mr. Rogers asked if he could submit it via email to Chair Greenbaum, Interim Town Planner and Counsel Carboni and Truro Office Assistant Sturdy to review his draft zoning classification table Board review prior to the submission of his final zoning table and Chair Greenbaum agreed to this.

**Member Sollog made a motion to approve the ANR plan as presented with the addition of a zoning classification table that is currently missing from the plan.**

**Member Kiernan seconded the motion.**

**So voted, 6-0-1, motion carries.**

Mr. Rogers thanked the Planning Board and left the meeting.

Chair Greenbaum reviewed the one-page update on proposed Joint Project with the Climate Action Committee (CAC) with the Members. The genesis of the document was because of the preliminary meeting between the Planning Board and the CAC and the discussion of 2-3 Members from each entity to form a small committee to engage and move forward in collaboration. Member Sollog noted that

there must be a balance between people's rights and the objectives of this collaboration which impact the environment. Chair Greenbaum commented that the small group could do initial work such as proposing an information sheet that would accompany every building permit or creating a new bylaw that protects the environment. Member Riemer reminded the Members that during the Annual Town Meeting, last September, Article 17 was passed and called to reduce Truro's net greenhouse emissions to zero by 2050. Member Riemer then volunteered to be the Planning Board's representative to the joint committee and Chair Greenbaum thanked him.

Chair Greenbaum led the final review of Marijuana Application Packet Parts 1 & 2. Member Kiernan commented that this will be a working document until someone applied. Interim Town Planner and Counsel Carboni commented that she and the police chief have exchanged several emails and that sensitive security interests may be exempt from the application, yet enough information may be made to the public, but no definitive decision has been made. Member Kiernan suggested that one or two members of the Planning Board should be involved in the drafting of the security plan as other members of the Town administration may not be familiar with bylaws and regulations which fall under the Planning Board's purview. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to let the appropriate points of contact know of the Planning Board's interest in participating in the security plan development process. Chair Greenbaum recognized Mr. Fee and asked him if he would like to comment. Mr. Fee thanked the Board and said that he would be happy to answer any questions from the co-op perspective. Mr. Fee further stated that it was great that there was coordination with the police chief and that the result may be the security plan would become a bylaw and a part of the public record so the public would feel comfortable.

Chair Greenbaum introduced the discussion on the Truro Planning Board Housing Initiative Update and Next Steps document that she created. Chair Greenbaum's focus today is to discuss a broad "way forward" and the process moving forward and not addressing specific housing issues today. Member Kiernan stated that there are some defining concerns such as clean water, Title V, the cost of land in Truro, and almost 90 acres behind the Truro Central School, municipal water system, and municipal sewage system. Member Kiernan added that the Cloverleaf project is going to bring to the surface many of these concerns. Member Sollog commented that the Cloverleaf project and the Walsh property are the only two opportunities currently for new housing in Truro. Member Kiernan noted that a review of the assessor's database has classifications which would identify for undeveloped and Town-owned land. Chair Greenbaum commented that the Planning Board should be proactive about this issue and trying to learn more about what may be possible will serve the Town well. Member Riemer added that the Open Space Committee would be another resource. Member Kiernan commented that when the Walsh property discussion begins that all good ideas be considered. Member Kiernan added that he has done some research on tiny houses and tiny house communities which may be worth consideration. Chair Greenbaum stated that the Planning Board has tremendous expertise and that it could provide more value to the community by identifying the pros and cons of each possible solution. Chair Greenbaum commented that the Planning Board should learn more about Habitat for Humanity and what they do. Chair Greenbaum will reach out to Habitat for Humanity, Highland Affordable Trust, and the Housing Authority to schedule a couple of work sessions to hear their thoughts and plans. Chair Greenbaum then mentioned a need to learn more about water issues and schedule a water work session with the Housing Authority and the Board of Health. Member Riemer expressed concern over the welfare of the residents of the Truro Motor Inn and what their status is as he has not heard or read anything recently. Interim Town Planner and Counsel Carboni offered to obtain an update on the Truro Motor Inn's residents and give the information to the Members.

Chair Greenbaum led the Cloverleaf update and stated that the ZBA meeting was rescheduled for December 3<sup>rd</sup>, 2020, due to technical issues with GoToMeeting. Chair Greenbaum stated that she will not set a new date to discuss Cloverleaf until after the ZBA's December meeting.

Chair Greenbaum opened the Public Comment Period and recognized Mr. Warner who sent a 60-page document to the Planning Board regarding the Pond Village residents' concerns about the Cloverleaf project. Mr. Warner introduced himself and expressed his appreciation for all that the Planning Board does. Mr. Warner emailed his concerns on Cloverleaf on behalf of the Pond Village residents, and he emphasized they are supportive to the Town's need for affordable housing with attention to environmental protection and adherence to local Bylaws. Mr. Warner noted that there are alarming levels of nitrates in the Pond Village neighborhood's water, and he raised concern about the lack of specifics for Cloverleaf's monitoring of water and sewage systems. Mr. Warner further stated that to their knowledge no member of the Board of Health attended the last two ZBA meetings where health and safety were discussed. Chair Greenbaum thanked Mr. Warner and recognized Ms. Wolff. Ms. Wolff expressed her concern over the water safety in Truro, to include Pond Village, and noted that those resources should be protected.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni and Truro Office Assistant Sturdy about the next meeting and an upcoming Nickerson site visit on December 1, 2020. Members Boleyn and Riemer expressed concern that requested information was not provided and that a site visit is not necessary at this time. Chair Greenbaum and other Members concurred.

Truro Office Assistant Sturdy reminded the Members that the matter of 2020-011/PB Samantha Perry, Hillside Farm, LLC was returning to the Board for additional action and review at the next Planning Board meeting.

**Member Sollog made a motion to adjourn at 7:08 pm.**

**Member Boleyn seconded the motion.**

**So voted, 6-0-1, motion carries.**

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

December 2, 2020 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Jack Riemer (Clerk); Steve Sollog; Paul Kiernan; R. Bruce Boleyn

**Members Absent:** Karen Tosh (Vice Chair) – Resigned; Peter Herridge

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Ben Zehnder – Attorney for Samantha Perry; Nathan Nickerson III – Applicant; Don Poole – Outermost Land Survey and representative for Nathan Nickerson III; Keith Fernandes – GFM Enterprises; Chris Fiset – Attorney for Nathan Nickerson III; Shelly Fischel – Abutter and opponent to Mr. Nickerson’s application via letter; David Reid – Attorney for Shelly Fischel; Bill O’Brien – Abutter and opponent to Mr. Nickerson’s application via email; Gary Cooper – Abutter and opponent to Mr. Nickerson’s application via letter; Diedra Dietter and Michael Schulz – Abutters and opponents to Mr. Nickerson’s application via letter.

Remote meeting convened at 5:02 pm, Wednesday, December 2, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

### **Public Comment Period**

Chair Greenbaum asked callers to identify themselves. Chair Greenbaum for Caller #3 to identify himself and Don Poole introduced himself and Judith Czyoski identified herself as Caller #2.

Public comment, for things not on the agenda, and there were none.

### **Board Action/Review (Continued)**

**2020-011/PB – Samantha Perry, Hillside Farm, LLC** seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 23 Perry Road, Truro, MA, Map 45, Parcel 131.

Chair Greenbaum asked the Members if it was okay to consider the matter of **2020-011/PB – Samantha Perry, Hillside Farm, LLC** ahead of the public hearing as the matter will be continued. Members agreed and Interim Town Planner and Counsel asked if Mr. Zehnder if he would like comment or move to a Planning Board’s motion to extend this matter, with the applicant’s approval, with a date certain of January 6, 2021. Mr. Zehnder stated that he would like a motion only to give him more time to gather more facts.

**Member Sollog made a motion to continue the matter until January 6, 2021.**

**Member Boleyn seconded the motion.**

**So voted, 5-0-1, motion carries.**

Immediately following the vote, Chair Greenbaum announced that Member Herridge was absent due to a recurring medical issue.

Mr. Zehnder thanked the Board for the continuance and left the meeting.

### **Public Hearing**

**2020-001/PB – Nathan A. Nickerson III** seeks approval of a Definitive Subdivision Plan of Land, pursuant to M.G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325. Chair Greenbaum opened the hearing in this matter and stated that any public hearing will go across two meetings so no Planning Board decision will be rendered tonight. Chair Greenbaum asked for individuals who are speaking on behalf of the applicant to identify themselves. Mr. Fiset introduced himself, as did Mr. Poole, and Mr. Fernandes. Chair Greenbaum asked Mr. Fiset to begin, and he stated that this is an application for one single-family residential home on a 6.3-acre lot. Mr. Fiset and Mr. Nickerson were present during the Planning Board's site visit and heard the Members' and the abutters' concerns. The applicant withdrew his original application and has now submitted a new application which addresses the abutters' concerns and is heavily scaled down. Mr. Fiset respectfully requested approval of this new application as it includes the construction of one single-family home and not six homes. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to provide her summary and opinion. Interim Town Planner and Counsel Carboni opined that Mr. Fiset is correct that there is not a legal impediment to approve the application but that it is within the Board's discretion under Subdivision Management law and the Board's regulations to determine if the application meets safety concerns. Chair Greenbaum asked Members if they had concerns, and none were stated. Chair Greenbaum asked Mr. Fiset for clarification on a "kin to a driveway". Mr. Fiset replied that during this process and discussions with the fire chief and the neighbors that the applicant would be willing to reduce the width of the driveway to 14'. Mr. Fernandes added that the plans that were submitted the right of way is 40' and the driveway is 14' wide for pavement as required for this lot size under the Subdivision regulations. Member Sollog asked if there was a previous condition that prohibited additional subdivision of the land and Interim Town Planner and Counsel Carboni commented that there had been a previous covenant that did include that condition, yet that covenant was released later. Member Riemer asked for a clarification from Mr. Fiset as to what the scaled down part of the new application is, and Mr. Fiset responded that it relates to the fact that it is only one lot and one structure and so he stands with his previous comment that it is a scaled down plan. Chair Greenbaum asked for abutters who oppose the application to comment. Chair Greenbaum asked Mr. Reid for his input and Mr. Reid stated that he represented Ms. Fischel of 15 Sawyer Grove Road who is opposed to the application approval. Mr. Reid cited two previous letters that were submitted to the Planning Board, and he asked that Members review the substance of those letters prior to the next hearing. Mr. Reid noted that in 2006 the Planning Board had denied a similar application, although it was overturned on appeal, Sawyer Grove Road was determined to be inadequate to support 17 lots but today supported 32 lots. Mr. Reid noted that even today that Sawyer Grove Road is still very inadequate to support additional traffic and the Planning Board should consider this in the new application process. Additionally, Mr. Reid also noted that in the current application there is still 300' of frontage so that the applicant could apply



for an ANR later to build a 2<sup>nd</sup> structure on the lot. Finally, Mr. Reid also noted that under local bylaws (1.3 - Applicability) that the 30-lot limitation is in play and that it does require a second means of access to this property. Mr. Reid further stated that this property had been before the Planning Board, scheduled for hearing, some fourteen times since 2016. For all those reasons, Mr. Reid said the application should not be approved. Chair Greenbaum asked the Members if they have comments or questions for Mr. Reid and there were none. Chair Greenbaum then asked for the abutters for comments and she recognized Mr. O'Brien. Mr. O'Brien stated that he was unaware until this evening that the scaled down application now consisted of only one single-family home and that he would like to take some time to review the application closer. Mr. O'Brien will speak at the next meeting and verified his address as 13 Sawyer Grove Road to Chair Greenbaum. Chair Greenbaum then invited Nathan Nickerson to speak and he stated that he has a history with the Planning Boards in Truro, Wellfleet, and Eastham. Mr. Nickerson said it would be wrong to deny the application. Chair Greenbaum thanked Mr. Nickerson and then called on Mr. Cooper who stated that he has tried to follow this, and he resides on 9 Laura's Way and won't directly affect him or his partner. Mr. Cooper proposed that the driveway be constructed off Laura's Way and then wouldn't trigger the need for a second means of access to the property. Chair Greenbaum thanked him for his creative proposal and then called upon Mr. Nickerson who said that it would be impractical to build a driveway off Laura's Way. Chair Greenbaum then recognized Ms. Dietter who stated that she and her husband had submitted a letter of opposition that should be in the record and speak for itself. Chair Greenbaum thanked her and then asked Members for their questions or concerns. Member Kiernan commented that he had been on the Board back in 1992 and cited that at that time Mr. Nickerson had no opposition to the limitation of the lot sizes. Member Kiernan noted in 1995 his signature did not appear on the covenant release and that the Board did not vote to release all aspects of the covenant and that the Planning Board later tried to rescind the covenant release, but the courts decided otherwise. Member Kiernan opined that he had safety concerns. Chair Greenbaum announced that she had just received a message, via the GoToMeeting chat function, from Mr. Poole who can now only listen to the discussion and unable to comment. Chair Greenbaum asked Interim Town Planner and Counsel for her opinion as to whether the meeting should be stopped and continued to the next Planning Board meeting. Mr. Fiset asked that the meeting be continued to the next meeting because Mr. Poole's input is very important to this discussion. Interim Town Planner and Counsel Carboni asked the Members for any issues which they would want her to pursue and any deficiencies in the application which Members would want to see cured. Member Kiernan commented that he is concerned that when this layout was originally created, in 1989, it showed two spurs coming off Sawyer Grove Road and connecting Sawyer Grove Road to the neighboring properties which was a requirement under the bylaw at that time. Member Kiernan said that currently, and for the last twenty years, the bylaw requires a 25' space between the road and abutting properties so he is unsure if the current spur is sufficient for development today under the current Subdivision Rules and Regulations. Interim Town Planner and Counsel Carboni thanked Member Kiernan and will look at it. Member Riemer commented that according to Subdivision Rules and Regulations 2.51B that the applicant shall copy the Board of Health, which the applicant has done, but that the Members don't know what the Board of Health said. Member Riemer also noted that the Planning Board will also contact the Conservation Commission, the Board of Health, Building Commissioner, the Select Board, the DPW superintendent, the police chief, the fire chief, and other town boards and Member Riemer said that he was unaware if the Planning Board has done this. Truro Office Assistant Sturdy stated that she indeed had previously sent a copy of this packet to the commissions, boards, and individuals via email. Member Riemer then stated that he would have concerns over increased traffic on a substandard road to which Chair Greenbaum said that she would not want to continue this conversation on road widths as Mr. Poole was not available to comment. Chair Greenbaum then asked the Members if the Members would like Interim Town Planner and Counsel Carboni to obtain written opinions from those

commissions, boards, and individuals. Member Riemer reiterated Interim Town Planner and Counsel Carboni's concerns as mentioned in her staff memorandum to include the incompleteness of the application. Mr. Fiset added that he would contact Mr. Poole to revise the plan, address the issues in Interim Town Planner and Counsel Carboni's staff memorandum, and address the request for the waiver of 1,000'.

**Member Kiernan made a motion to continue this matter to December 16, 2020.**

**Member Sollog seconded the motion.**

**So voted, 5-0-1, motion carries.**

Chair Greenbaum thanked the participants and callers in this matter for their input. The participants and callers thanked the Planning Board and left the meeting.

Chair Greenbaum noted that the Members had already addressed the Perry matter so she announced that the next item is to approve the replacement of Appendix 3 in the Rules and Regulations Governing the Subdivision of Land as there were old forms on the Truro website and replace those with new forms and the whole packet. Chair Greenbaum asked Truro Office Assistant Sturdy to confirm her explanation and Truro Office Assistant Sturdy confirmed. Chair Greenbaum asked Members if her explanation made sense and there were no questions or concerns.

**Chair Greenbaum made a motion for the replacement of Appendix 3 in the Rules and Regulations Governing the Subdivision of Land with the corresponding new forms approved by the Board earlier this year.**

**Member Kiernan seconded the motion.**

**So voted, 5-0-1, motion carries.**

Chair Greenbaum announced that Member Herridge, due to health reasons, had resigned as the Planning Board representative to the Community Preservation Committee (CPC) and the Water Resources Oversight Committee so the Planning Board must identify interested Members to backfill Member Herridge's role. Chair Greenbaum expressed interest in the CPC role. Member Sollog commented that the Water Resources Oversight Committee has not yet met but is expected to be very busy soon. Chair Greenbaum also announced the resignation of Vice Chair Tosh from the Planning Board.

**Member Kiernan made a motion to appoint Chair Greenbaum as the Board representative to the CPC.**

**Member Boleyn seconded the motion.**

**So voted, 5-0-1, motion carries.**

Chair Greenbaum reiterated Member Sollog's concern about the Water Resources Oversight Committee not yet meeting but commented that it will soon be very busy. Member Sollog expressed interest in the Board's role to the Water Resources Oversight Committee but didn't want to be appointed this evening. Chair Greenbaum will review this role with the Members at another meeting in advance of the first scheduled Water Resources Oversight Committee meeting.

Chair Greenbaum then asked Interim Town Planner and Counsel Carboni for a brief Cloverleaf update. Interim Town Planner and Counsel Carboni stated that the ZBA has a hearing tomorrow night and there will be a discussion of waiving the Board of Health regulations (Article 14) that requires 10,000 square feet of land for bedrooms. The ZBA has a recent report from Mark Nelson of Horsley Witten Group that

recommended that additional treatment be required of the applicant as the water treatment system can be improved to exceed the minimum standard. Interim Town Planner and Counsel Carboni will have a draft decision prepared for tomorrow night's meeting and that was publicly announced previously. Interim Town Planner and Counsel Carboni announced that Mr. Nelson will attend the ZBA meeting tomorrow night. Member Kiernan asked the Interim Town Planner and Counsel Carboni about the regulations regarding the replacement representative to a Town multi-committee body and Interim Town Planner and Counsel Carboni stated that she will let the ZBA chair know tomorrow evening but not as a part of the public meeting as it wouldn't be on the agenda. Chair Greenbaum has added this topic to the agenda for the next Planning Board meeting.

Chair Greenbaum led the discussion on the update on the Housing Initiative Work Session invitations and she reported that she had reached out to the Highland Affordable Trust and Habitat for Humanity. Chair Greenbaum reported that both entities were excited about participating with the Planning Board. Chair Greenbaum further stated that Habitat for Humanity would like to attend the next Housing Initiative Work Session and that she would serve as the organization's Executive Director and Director of Land Acquisition and Projects. Chair Greenbaum asked the Members if January 13, 2021, is an acceptable date for Members for the next Housing Initiative Work Session at 2:30 pm. Truro Office Assistant Sturdy booked that date as there were no schedule conflicts. The questions which Chair Greenbaum asked of Habitat of Humanity were how they receive the land for units and how do they identify the clients to occupy the units. Chair Greenbaum asked if any Members had anything to add and Members did not. Chair Greenbaum also spoke with Kathleen at the Highland Affordable Trust and Chair Greenbaum will listen in on the group's next meeting in January 2021 to see how the Planning Board and the Highland Affordable Trust can work together.

Chair Greenbaum announced the next Planning Board's meeting agenda will include the replacement of a Member, the election of a new Vice Chair, and if there will be a Water Resources Oversight Committee meeting. Chair Greenbaum asked Truro Office Assistant Sturdy to comment on agenda items for the Planning Board's next meeting on December 16, 2020, and Truro Office Assistant Sturdy announced that the continuance of Nickerson and possibly the approval of meeting minutes would be on the agenda. Member Kiernan asked Truro Office Assistant Sturdy if 36 or 38 Cliff Road would be on the agenda, and she confirmed that 38 Cliff Road will be on the agenda as well, but it had not yet been put on her working document. Truro Town Assistant Sturdy thanked Member Kiernan for his observation. Member Riemer asked that an agenda item be added to the next Planning Board meeting that was a concern of Interim Town Planner and Counsel Carboni's staff memorandum and Chair Greenbaum approved.

**Member Boleyn made a motion to adjourn at 6:31 pm.**

**Member Sollog seconded the motion.**

**So voted, 6-0-1, motion carries.**

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff





# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

December 16, 2020 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; R. Bruce Boleyn; Peter Herridge

### **Members Absent:**

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Christine Van Genderen – Applicant; Ben Zehnder – Attorney for Christine Van Genderen; Don Poole – Land Surveyor for Christine Van Genderen and Nathan Nickerson III; Nathan Nickerson III – Applicant; Keith Fernandes – GFM Enterprises and project engineer for Nathan Nickerson III; Chris Fiset – Attorney for Nathan Nickerson III; Shelly Fischel – Abutter and opponent to Mr. Nickerson’s application via letter; David Reid – Attorney for Shelly Fischel; Bill O’Brien – Abutter and opponent to Mr. Nickerson’s application via email; Diedra Dietter and Michael Schulz – Abutters and opponents to Mr. Nickerson’s application via letter.

Remote meeting convened at 5:01 pm, Wednesday, December 16, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

### **Public Comment Period**

Chair Greenbaum asked unknown callers to identify themselves. Caller #3 identified himself as Bill O’Brien and Caller #2 identified himself as Fred Gaechter.

Public comment, for things not on the agenda, was opened by Chair Greenbaum. Ms. Pamela Wolff was recognized, and she stated that she had submitted a letter to the Planning Board on her concerns about water at the Cloverleaf project.

### **Public Hearing (Continued)**

**2020-001/PB – Nathan A. Nickerson III** seeks approval of a Definitive Subdivision Plan of Land, pursuant to M.G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura’s Way, Truro, MA, Map 39, Parcels 77 and 325. Chair Greenbaum reminded the Board and callers that this was a continuance from a previous hearing and reopened the hearing. Chair Greenbaum asked Interim Town Planner and Counsel Carboni for any new information from the applicant. Interim Town Planner and Counsel Carboni stated that she had received a request in writing from the applicant’s attorney, Mr. Fiset, for a waiver for relief from applicability of Subdivision Rules and Regulations specifically §3.6.6 which limits dead end streets to 1,000 feet. Interim Town Planner and Counsel Carboni added that she had spoken briefly with the fire

chief, and he has reached out to Department of Fire Services for input. Interim Town Planner and Counsel Carboni is still awaiting the fire chief's written comments on this matter. Chair Greenbaum asked Mr. Poole if he would like to add his comments and he declined. Chair Greenbaum called upon Mr. Fiset for comments. Mr. Fiset stated that there were questions directed to Mr. Poole at the previous hearing regarding items which allegedly were not included in the plan, yet Mr. Poole was unable to comment at the last hearing. Mr. Fiset then asked Mr. Poole to comment as he was present this evening. Mr. Poole stated that when he checked the application checklist that he had indicated that the zoning classification was not on the plan, but it is on the plan, the issue of the 1,000', and that the Board of Health had approved the plan. Chair Greenbaum thanked Mr. Poole. Member Riemer stated that the Planning Board had referred to the Interim Town Planner and Counsel Carboni's staff memorandum which listed deficiencies that must be resolved to make the application complete. Chair Greenbaum asked Mr. Fiset and Mr. Poole if they had received a copy of the Interim Town Planner and Counsel Carboni's staff memorandum and Mr. Fiset confirmed that they had. Chair Greenbaum asked the Board what questions or concerns they may have that must be answered before the Planning Board votes on the application. Interim Town Planner and Counsel Carboni identified items on page 4 on her staff memorandum, dated November 28, 2020, so it is in the meeting packet from the last meeting. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to address the Planning Board's previous significant questions and concerns before the Planning Board rendered a decision. These concerns were as follows:

1. The plan does not include a topography of land using the 2' contours and are shown on a separate roadway plan. Interim Town Planner and Counsel Carboni opined that it is up to the Members to decide if that is acceptable or will it require the submission of a TOPO for all parcel affected.
2. The zoning classification was an issue but now the applicant has requested a waiver so that is resolved as noted by Chair Greenbaum.
3. The identification of trees which are 10" in diameter or otherwise required and Chair Greenbaum stated the applicant's response was that was "not applicable". Mr. Poole confirmed that there were no specimen trees and there are only scrub pine and scrub oak trees.
4. The vertical scale of 1" to 4' is listed as 1"-5' so the Planning Board will have to decide if that is a major issue.
5. Limited clearing line issue and Mr. Poole's response was "not applicable" as it is already on the road plan.
6. The landscape plan to include method of slope stabilization and Mr. Poole responded that this was a road plan consideration. Interim Town Planner and Counsel Carboni commented that these are requirements for the Board to consider. Mr. Fernandes asked Chair Greenbaum to be recognized and he stated that on his road plans there are lists of notes which talk about the side slopes for erosion control and planting. Interim Town Planner and Counsel Carboni thanked Mr. Fernandes for his reference.
7. Staking on the property was addressed during the Planning Board's onsite visit.

Chair Greenbaum asked Members for their major concerns and questions which must be answered. Member Riemer stated that he wanted to discuss the applicant's request for a waiver, and he cited Subdivision Rules and Regulations §1.5 (Waivers of Strict Compliance) has a paragraph that states "*any such request for waiver from Rules and Regulations must be submitted to the Board by the applicant in writing and shall explain how granting the waiver would be in the public interest and not inconsistent with the intent and purpose of the subdivision control law*". Member Riemer reiterated that his position was that the application is still incomplete. Chair Greenbaum thanked Mr. Riemer for his concerns and

noted that the Board is now getting to the heart of the matter. Mr. Fiset offered to supplement the updated application as the allowance of this waiver would allow the property to be developed, and in doing so, the building of one single structure and not negatively impact the safety of Truro residents. Member Herridge stated that this explanation only indicated the benefit to the applicant and not to the Town's residents. Chair Greenbaum thanked Member Herridge for his comment. Mr. Fiset said that the people of Truro would not suffer because of one new home on this property, and it would result in additional property tax revenue for the benefit of the Town. Member Kiernan noted that this matter has been a long looked at subdivision which has undergone many iterations during the last five years. Member Kiernan stated that he was concerned that there was a request for a waiver that arrived yesterday and was still incomplete. Mr. Fiset commented that the historical review of this piece of land is known in the neighborhood. Mr. Nickerson asked to be recognized and stated that he was not the original developer of the property and was the "point man" on the development. Mr. Nickerson also noted that driveway would be either made of shells or stones and not paved. Mr. Riemer read a paragraph from the letter of opposition submitted by Diedra Dietter and Michael Schutz that noted that Mr. Nickerson does not maintain the road for snow removal so the residents on the road have taken it upon themselves to pay for snow removal as it is a private road. Chair Greenbaum noted that the intent was not to increase the number of homes in the subdivision. Chair Greenbaum recognized Ms. Fischel, an abutter located at 15 Sawyer Grove Road, who reiterated the concerns of Ms. Dietter and Mr. Schulz and the safety issue. Ms. Fischel also noted that the subdivision was never intended to be 32+1 homes and she is concerned that there will an application later to build four homes on the lot. Ms. Donna Gagnon, owner of 14 Sawyer Grove Road, stated that she and her wife purchased their home in 2008 and share the same views of the other opponents. Ms. Gagnon cited numerous times while riding her bicycle she was forced off the road into her neighbor's driveway as there are no clear lines of sight. Ms. Gagnon also expressed concern about future development for other properties by the applicant. Chair Greenbaum recognized Mr. Reid for comment prior to giving the applicant an opportunity for final comments. Mr. Reid stated that with respect to the waiver it did not serve the public's interest or safety. Mr. Reid also pointed out that the applicant's original expectation was that the subdivision would have 17 lots only and the Town expected those limitations to be enforced in the future. Mr. Reid also stated that it would not be fair to the 17 original lot owners to lose their expectations of a quiet subdivision and for the Planning Board to approve the application. Chair Greenbaum recognized Mr. Nickerson who stated that it doesn't seem fair for the six property owners who have paid taxes all these years and now there was this opposition. Mr. O'Brien stated that he had a couple of issues and then said that the sight line was an issue as he recently almost had an accident with his grandchildren. Mr. O'Brien also noted that more children have now moved into the subdivision over the years and there are now more children playing on the street. Mr. Fiset respectfully requested to the extent possible that the Planning Board approve this modest application for one new structure on the lot. Chair Greenbaum noted that Member Herridge had verified that he watched the previous hearing in its completeness so he may vote this evening. By unanimous consent, the Members agreed to vote on this matter this evening. Interim Town Planner and Counsel Carboni opined that a proposed motion to approve or deny the 2020-001/PB – Nathan A. Nickerson III's application that seeks approval of a Definitive Subdivision Plan of Land. Chair Greenbaum announced that the hearing is now closed in this matter and Interim Town Planner and Counsel Carboni opined it would be appropriate for the Board to vote to close the public hearing before it votes on an approval or denial of the application in this matter.

**Chair Greenbaum made a motion to close the public hearing in the matter of 2020-001/PB.**

**Member Boleyn seconded the motion.**

**So voted, 6-0, motion carries.**

Chair Greenbaum asked for a Member to make a motion to deny the application for a Definitive Subdivision Plan of Land in the matter of 2020-001/PB – Nathan Nickerson III.

**Member Kiernan made a motion to deny the application for a Definitive Subdivision Plan of Land in the matter of 2020-001/PB – Nathan Nickerson III.**

**Member Herridge seconded the motion.**

**So voted, 6-0, motion carries.**

Interim Town Planner and Counsel said that she will prepare a draft decision memorandum for the Board's review, to include correspondence and comments from the residents of the subdivision in opposition of the application, as requested by Member Riemer, for a Board's subsequent meeting.

Chair Greenbaum thanked Mr. Nickerson and Mr. Fiset and they thanked the Planning Board. Participants and callers involved with this matter thanked the Planning Board and left the meeting.

### **Public Hearing**

**2020-005/SPR – Katherine S. Cook and Christine Van Genderen** for property located at 38 Cliff Road, Truro, MA (Atlas Map 32, Parcel 19, Registry of Deeds title reference: Book 33307, Page 344). Applicants seek a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for an addition to the east side of the house, reconfiguration of the interior space, and a new screened porch with second floor deck to the north side of the house to an existing 28,010 square foot parcel in the Seashore District.

Chair Greenbaum opened the hearing in this matter and invited Mr. Zehnder to speak about this matter on behalf of the applicants. Mr. Zehnder explained that the applicants want to reduce an existing 1-story with partial 2<sup>nd</sup> story home to the foundation, make repairs if necessary, and then rebuild it as a 1-story with partial 2<sup>nd</sup> story home like the existing home. Mr. Zehnder added that the three small additions will include a screened porch built on footings, a small addition in the rear of the home and a small, covered entry port. Mr. Zehnder stated that the current site coverage for the existing structure is 1,465 square feet and the proposed site coverage for the new structure is 2,140 square feet which is well within the bylaw for property located in the Seashore District and the shed on the property is 12'X10'. Mr. Zehnder has also included a supplemental narrative with more information and added that the new home will be a Cape Cod-style home and is consistent in architecture and size as other homes in the area. Mr. Zehnder also stated that there will be very limited removal of scrub vegetation, retain the parking spot, and the lighting plan is compliant with Town bylaw. and the ZBA had several questions to include what the height of the new structure will be (it will increase from 22.1' above the average grade to 26.1' which is below the 30' height maximum in the Seashore District) and if the new structure will meet the 25' setback distance requirements in the Seashore District and Mr. Zehnder confirmed that it would. Mr. Zehnder added that he had attended the ZBA meeting on Monday evening as the applicants also need special permit approval from the ZBA for two reasons: 1. the applicants are altering an existing non-conforming structure within the fixed setback and 2. Cliff Road does not meet the zoning bylaw due to the type of road construction and improvement required for street frontage. Mr. Zehnder added that the applicants will appear in front of the ZBA again on January 25, 2021, for approval. Mr. Zehnder stated that he hoped that the Planning Board would consider the applicant's application favorably this evening. Chair Greenbaum then noted that Planning Board's remote meeting policy for public hearings is to conduct hearings over the length of two meetings to give the public ample opportunity to comment and participate in this process so there will be no decision this evening on this matter. Mr. Zehnder said



that he understood and thanked Chair Greenbaum. Chair Greenbaum commented very favorably on Mr. Zehnder's submission of the detailed review criteria, and she found it very helpful. Member Riemer noted that there were no justifications for requested "waivers" and Chair Greenbaum found it confusing as well as it appeared that there were no waivers on bylaws received. Interim Town Planner and Counsel Carboni told the Board that she was okay with Mr. Zehnder's use of the term "waiver". Member Riemer noted that the bylaw limits fixtures to 75 watts and he noted that on the spec sheet he saw an exterior lighting product that is listed at 300 watts. Mr. Zehnder stated that lighting fixture manufacturers allow for lower wattage light bulbs in products which may accept to 300 watts; in either case, Mr. Zehnder said that he would be fine if the Board made it a condition to limit light bulbs to 75 watts. Member Kiernan asked Mr. Poole for clarification about a squiggly line that goes back to the house and goes all the way to Cliff Road and what that signifies. Mr. Poole said that he didn't have the plan in front of him as he had not planned on attending this far into the meeting but thought it might be a contour line and Chair Greenbaum said it could be the 1,000' from the zone of AE elevation line. Mr. Zehnder interjected that the squiggly line identified limited vegetation on the lot and Chair Greenbaum agreed with his explanation. Chair Greenbaum asked Member Kiernan if he was satisfied, and Member Kiernan said that there is a rectangle on the plan so he is confused and wondered if the applicants will fill in the property and that may be a problem for the Conservation Commission. Member Kiernan said that he needed clarification if filling in was to occur on the property and Mr. Zehnder stated that the Conservation Commission does not have jurisdiction in this area and that slight vegetation will be removed to give workers an area to work and then that hill will be regraded and not refilled. Member Kiernan then asked the Members and Mr. Zehnder if they were aware of an email sent by Lauren McKean, the planner at the National Seashore. Mr. Zehnder stated that he just saw it and Member Kiernan offered to read it. Interim Town Planner and Counsel Carboni shared the email with all via screen which reflected Ms. McKean's concerns for the scale and massing in a prominent viewpoint location as well as her assertion that the existing structure is ineligible for a certificate of suspension for condemnation for it was built after the September 1, 1959 cutoff date established by the Park's legislation and that the National Park Service can acquire the property without the owner's consent for fair market value determined by a contracted appraisal. Mr. Zehnder responded that the Planning Board's criteria does not make mention of prominent viewpoint location and the assessor's records indicate that the existing structure was built in 1950 so it would be eligible for a certificate. Mr. Zehnder further stated that the Planning Board's bylaws do not allow the Board to consider the National Park Service's comments. Interim Town Planner and Counsel Carboni opined that she agreed with Mr. Zehnder's proposal, but the Board does look at the same criteria that the National Park Service addressed. Mr. Riemer referred to 30.3 Seashore District specifically to 30.3D8 and E of this bylaw and asked Interim Town Planner and Counsel Carboni if she had any concerns. Chair Greenbaum noted that since the Board will not render a decision until the next meeting Members should review the bylaws to which Member Riemer referred and be familiar with them prior to the next meeting as this hearing will continue until then. Mr. Zehnder said that he understood the need for the Board to review the bylaw but reiterated that there is no question that the bylaw allows for a single-family home on the property, and he is hopeful the next meeting will not result in a third continuance. Interim Town Planner and Counsel Carboni said that while she prepared her next staff memorandum if there were any other questions for the applicant that she will reach out to Mr. Zehnder. Member Kiernan offered to go back to the site to review the limit of work was not identified yesterday and he noticed that the site plan presented by Mr. Poole was not signed or stamped. Mr. Zehnder that he will submit the updated, signed, and stamped site plan along with ensuring that the limit of work would be staked in advance of Mr. Kiernan's arrival onsite. Mr. Riemer identified that on the site visit a retaining wall may have been affected elevating the grade at the time the house was originally built and asked if the Board should consider limiting the height of the new structure. Mr. Poole stated there is no evidence of that. Chair Greenbaum stated that she wanted to conclude this evening's

hearing and wanted to provide the applicant or any member of the public to add comments. Ms. Van Genderen thanked the Board and wanted to bring the home up to code. Ms. Van Genderen further stated that the applicants had purchased the home from Bernie Dickinson and the applicants loved the history of the property. Ms. Van Genderen added that the property is a jewel and required quite a bit of work to bring it up to code. Ms. Van Genderen said that she appreciated everyone's consideration and that she was hopeful to make this happen. Chair Greenbaum asked if anyone wanted to make a comment and no comments were made. Chair Greenbaum then asked for a motion to continue this matter to a date certain of January 6, 2021. Chair Greenbaum, based upon the input from Member Riemer, asked for the submission of a topography plan so Members could review the final product of the project as well as an application to the Cape Cod Commission for review of the National Heritage and Endangered Species Plan (NHESP). Mr. Zehnder commented that the NHESP would be required later prior to the issuance of a building permit by the Town. Interim Town Planner and Counsel Carboni opined that a precedence had already been established by other application reviews by the Planning Board in which the Board required the NHESP. Mr. Zehnder conceded and offered to submit the NHESP application as a condition of the continuance and Chair Greenbaum stated that the consistency and condition would be helpful.

**Member Kiernan made a motion to continue the hearing in this matter to January 6, 2021.**

**Member Herridge seconded the motion.**

**So voted, 6-0, motion carries.**

Chair Greenbaum thanked the parties involved in this matter and those parties thanked the board then left the meeting.

### **Board Action/Review**

Chair Greenbaum asked the Board if it was acceptable to move the matter of the Climate Action Committee to the top of the agenda so to save time for Mr. Gaechter of the Climate Action Committee (CAC) and this was met with no objection. Chair Greenbaum stated that Member Riemer and Mr. Gaechter have had several conversations about the impact of tree removal upon the atmosphere and what may be possible solutions in terms of regulations, information, etc. Member Riemer stated that he and Mr. Gaechter have been working over the last several weeks to understand what bylaws of other Massachusetts communities already existed. At Mr. Gaechter's suggestion, Member Riemer said that he reviewed the bylaws of Plymouth (MA) and Wellesley (MA). Member Riemer commented that Plymouth's bylaws were directed towards the protection of the Town from the unnecessary or large removal of gravel according to the Town Planner with whom Member Riemer spoke. Member Riemer then spoke to the Assistant Town Planner in Wellesley who told Member Riemer that the Town had an extensive zoning bylaw which has eight pages and very comprehensive. Member Riemer suggested that the Board review the Wellesley zoning bylaw as it addressed some of the concerns expressed by the citizens of Truro and the Planning Board. Furthermore, Member Riemer said that the Town may want to designate appropriate roads as "scenic" in accordance with M.G.L. c 40 §15c. Mr. Gaechter provided some historical background as to the creation of the Climate Action Committee's desire to work with the Planning Board as a result of an incident on Laura's Way when a privately purchased lot of 1.1 acres was cleared and cut down resulting in a clear cutting situation. The CAC recognized that there may be a need to create a new bylaw, or amend a current bylaw, by restricting tree removal and adding a requirement to plant replacement tree(s) in the proximate location. Chair Greenbaum asked the Members if the restriction of clear cutting or the restriction of tree removal is appropriate by a bylaw. Member Herridge said that he would be supportive of that and that the Cape Cod Commission would be a good place to

start and review its pertinent bylaws. Member Kiernan commented that it would be important to review any other Cape towns which had adopted these types of bylaws. Member Kiernan noted that almost twenty-five years ago “historic zones” on the Upper Cape resulted in property values increasing so there was a financial benefit for the owners. Chair Greenbaum asked Member Riemer and Mr. Gaechter to continue to find other useful information so this could be discussed at a work session scheduled for January 27, 2021, at 2 pm. This was agreed to and set on the schedule. Chair Greenbaum noted that Truro Office Assistant Sturdy will coordinate for technical support for this work session.

Mr. Gaechter thanked the Planning Board and left the meeting.

Chair Greenbaum proposed that due to time the Board should only discuss tonight the filling of the open Planning Board position, elect a Vice Chair, appoint someone to the Water Resources Oversight Committee (WROC), and receive a Cloverleaf update. Chair Greenbaum announced that the discussions on the potential Warrant Articles for ATM 2021 and future Board public workshops will be rescheduled for the next Planning Board meeting. This proceeded without objection.

Chair Greenbaum led the discussion on the open position on the Board and asked Interim Town Planner and Counsel Carboni for her comments. The appointment is by the Select Board and remaining Members of the Planning Board. Interim Town Planner and Counsel Carboni stated that there were time limits. Chair Greenbaum said the position of the Board’s Vice Chair needed to be filled by the Town elections and she asked for nominations. Member Herridge nominated Member Kiernan who declined.

**Member Riemer made a motion to nominate Member Sollog as Vice Chair of the Planning Board.**

**Member Kiernan seconded the motion.**

**So voted, 5-0-1 (Vice Chair Sollog recused), motion carries.**

Chair Greenbaum then led the discussion on the voluntary appointment of a Member to serve on the Water Resources Oversight Committee (WROC). After a brief discussion, Chair Greenbaum offered to reach out to the Select Board to determine if the WROC is an active committee and to whom should the Planning Board reach out. Vice Chair Sollog then volunteered to be the Planning Board’s representative to the WROC.

**Chair Greenbaum made a motion to nominate Vice Chair Sollog as the Planning Board’s representative to the WROC.**

**Member Herridge seconded the motion.**

**So voted, 5-0-1 (Vice Chair Sollog recused), motion carries.**

Chair Greenbaum left the meeting unexpectedly due to technical difficulties, so Vice Chair Sollog continued the meeting and asked for an update from Interim Town Planner and Counsel Carboni on Cloverleaf. Interim Town Planner and Counsel Carboni who stated that the ZBA had a continued public hearing tomorrow night at 5:30 pm, that she was asked to prepare a draft decision (which she did) that is now part of the ZBA packet that is posted. Interim Town Planner and Counsel Carboni further stated that among the ZBA discussions tomorrow night will include the draft decision and the Article 14 Board of Health Regulations requested waiver. Member Riemer noted that the Planning Board’s responsibilities encompass many issues surrounding the application of the Cloverleaf project especially with preservation of the Town’s rural character and water protection. Chair Greenbaum rejoined the meeting and stated that she had attended the Select Board’s meeting last night and there was a lively discussion about the Cloverleaf project.

Chair Greenbaum restarted the discussion on the Planning Board's Member replacement process. Interim Town Planner and Counsel Carboni reviewed the Massachusetts statute that required the position be filled no sooner than one week after written notice of resignation was received. As stated previously, Interim Town Planner and Counsel Carboni said that the Select Board and remaining Planning Board's Members would vote on the replacement and opined that the soonest that the Select Board and Planning Board's Members could vote would be December 17, 2020. Chair Greenbaum suggested that Members ask citizens of the Town if they have interest in the role for the remainder of the term or know anyone who may have interest in fulfilling the term and then running for an additional term during the May 2021 elections. Member Riemer asked if the vacancy had to be advertised and Chair Greenbaum said she would ask that this vacancy be posted on the Truro website.

Chair Greenbaum asked to review the minutes from July 20, 2020. Members Kiernan and Riemer confirmed that they read the minutes previously and had no edits to make. Member Riemer and Chair Greenbaum recognized the excellent work of creating the minutes by Noelle and how much they appreciated her efforts. Chair Greenbaum asked the other Members if they had any edits or corrections to the minutes and none were stated. Chair Greenbaum asked for a motion to approve the minutes from July 20, 2020.

**Member Riemer made a motion to accept the minutes from July 20, 2020, as submitted.**  
**Vice Chair Sollog seconded the motion.**  
**So voted, 6-0, motion carries.**

Chair Greenbaum then announced that the minutes were accepted 6-0 and reviewed the agenda for the next Planning Board meeting scheduled for January 6, 2021, which will include the continued public hearing for the matter of Perry, the matter of 38 Cliff Road, the Housing Initiative, potential Warrant Articles and with particular attention to the Growth Management Bylaw that expires in December 2021. Chair Greenbaum said the Members did a job "well done" and would happily accept a motion to adjourn the meeting.

**Member Kiernan made a motion to adjourn at 7:53 pm.**  
**Member Riemer seconded the motion.**  
**So voted, 6-0, motion carries.**

Respectfully submitted,



Alexander O. Powers  
Board/Committee/Commission Support Staff

**TOWN OF TRURO  
PLANNING BOARD**  
Meeting Minutes  
September 22, 2021 – 5:00 pm  
REMOTE MEETING

Members Present: Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent: Ellery Althaus

Other Participants: Barbara Carboni – Truro Town Planner/Land Use Counsel; Marian S. Rose, Esq. – Attorney for Silvador, LLC [Tradesmen’s Park South]; Daniel and Erin Silva – Owners, 298 Route 6 [Tradesmen’s Park South]

Remote meeting convened at 5:13 pm by Chair Greenbaum. Chair Greenbaum and Town Planner Carboni read the detailed instructions for citizens interested in watching or joining this meeting. Board Members introduced themselves.

**Public Comment Period**

No public comment.

**Board Action/Review**

**2021-002/SPR – Silvador, LLC** for property located at 298 Route 6 (Atlas Map 43, Parcel 57) [Tradesmen’s Park South]. Applicant seeks the Board’s approval of a modification to the design approved through Site Plan Review. (Planning Board Decision 2019-003/SPR, approved May 19, 2021.) An additional ramp and second-floor exit is proposed for the rear of the building. This modification is required to comply with egress requirements.

Due to technical glitches, the Board will postpone this action/review until next week’s meeting, September 29, 2021 at 5:00 pm. However, questions/information posed to Applicant for discussion at next meeting will be allowed so the Applicant can be more prepared. Clerk Riemer stated that the egress safety equipment does not appear in the correct location. Clerk Riemer will email this information to Town Planner Carboni. He also mentioned that his copy of the site plan is not stamped, and it needs to be. Chair Greenbaum noted that the Applicant would be first on next week’s agenda.

**1. Planner Report** (given by Town Planner Carboni)

- ◆ Walsh/LCPC survey to be discussed later in this agenda.
- ◆ Member Kiernan asked where the survey questions could be reviewed. Town Planner Carboni responded that the LCPC Survey is being developed, so nothing to view yet.
- ◆ Clerk Riemer asked about the status of A/C Mobile Home Park. Town Planner Carboni responded that it was still with the Cape Cod Commission. It is unknown if the applicant is seeking relief from the Cape Cod Commission.

## 2. **Chair Report** (given by Chair Greenbaum)

- ◆ The old minutes were being prepared by Alex and Liz was doing the more recent minutes. It was noted that the minutes are only being done from the recorded meetings.

## 3. **Potential Bylaws for 2022 ATM**

- ◆ Lot Coverage/Carbon Sequestration
  - Chair Greenbaum referenced Truro's definition of lot coverage and asked the Board to think about whether changes were needed to that definition.
  - Clerk Riemer pointed out that a very important why is the fact that we all are standing on top of the source of water, which we drink from, and the effect of limiting lot coverage is only going to help protect that area that is still open to the environment, to do the job that it has always done which is to filter whatever is coming down from the atmosphere to recharge the lens of water beneath us.
  - Clerk Riemer also stated that Truro and Provincetown have an intermunicipal water agreement which he expanded upon.
  - Member Kiernan contributed background information regarding the current definition of lot coverage.
  - Member Sollog stated in the definition "but not be limited to" might need to be further defined; Chair Greenbaum agreed.
  - Member Kiernan gave some possible examples of the consequences of leaving that language open-ended; possible loopholes; Member Sollog stated his thoughts if the language is open to interpretation.
  - Member Roberts suggested further clarification to avoid ambiguity.
  - Chair Greenbaum referenced examples of language from other towns.
  - Member Roberts discussed permeable pavement; Member Sollog gave an example and cautioned at lumping things together; Chair Greenbaum stated that it is not an either/or situation.
  - Member Kiernan brought up the issue of assigning percentage (%) allowable; Member Sollog asked what other towns are using; Chair Greenbaum referenced materials in the packet and the Cape Cod Commission models; Board discussion ensued regarding percentage (%), permeability, lots, bylaw language.

## 4. **Survey Questions – Draft questions to include in Town Survey**

- ◆ Town Planner Carboni gave an overview of the Walsh/LCPC community outreach of overlapping issues. She stated they wanted to avoid survey fatigue by combining the questions (Ellery's idea). The Housing Authority has also contributed questions. Sharon Rooney, the LCPC Consultant, is guiding content. The survey is scheduled to be live on October 1, concurrent with tax bill mailings.
- ◆ The Board asked Town Planner Carboni to screenshare the draft questions so they could review, understanding that this is a working draft. The Board discussed their thoughts and opinions. Town Planner Carboni stated there would be many opportunities for input, and that input will be particularly valuable after there is some data on existing conditions. This survey is just step one.

## **5. Questions, Resources, Input to LCPC**

- ◆ Chair Greenbaum asked the Board to consider the following at their work session next week: existing conditions, planning, data-driven perspective – useful to the LCPC?
- ◆ Both Members Kiernan and Riemer referenced the prior work of WROC (Water Resources Oversight Committee) and the 2018 Weston & Sampson Report.

### **Approval of Minutes** (Chair Greenbaum)

- ◆ 6/10/2020 Work Session – Member Roberts not eligible to vote on these Minutes as he was not on the Board at that time. Motion to Approve as Written made by Clerk Riemer, seconded by Vice Chair Sollog; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Member Roberts abstained. So voted: 5-0-1.
- ◆ 7/6/2020 Work Session – Corrections discussed. Member Roberts not eligible to vote on these Minutes as he was not on the Board at that time. Motion to Approve as Amended made by Vice Chair Sollog, seconded by Chair Greenbaum; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Member Roberts abstained. So voted: 5-0-1.
- ◆ 7/8/2020 Meeting – Corrections discussed. Member Roberts not eligible to vote on these Minutes as he was not on the Board at that time. Motion to Approve as Amended made by Clerk Riemer, seconded by Member Boleyn; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Member Roberts abstained. So voted: 5-0-1.
- ◆ 8/11/2021 Work Session – Motion to Approve as Written made by Member Kiernan, seconded by Clerk Riemer; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.
- ◆ 8/18/2021 Meeting – Motion to Approve as Written made by Member Kiernan, seconded by Member Boleyn; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.
- ◆ 9/1/2021 Work Session – Motion to Approve as Amended made by Member Boleyn, seconded by Clerk Riemer; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.
- ◆ 9/8/2021 Work Session – Motion to Approve as Amended made by Member Boleyn, seconded by Vice Chair Sollog; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor. So voted: 6-0.

### **Workshop:**

- ◆ September 29:
  - Chair Greenbaum stated that this will be a regular Board meeting as Tradesmen’s Park will be continued to this date and will be first on the agenda
  - Continue the LCPC feedback/input/conversation; identify the big issues
    - A) Feedback on Handbook draft – reschedule for future work session; draft to Board for review prior to meeting
    - B) Potential Bylaw Changes / Lot Coverage to be continued to next meeting
- ◆ Next work session will be Wednesday, October 13, 2021 at 5:00 pm

**Miscellaneous:**

- ◆ Clerk Riemer stated he was grateful that someone is producing the minutes. However, he would like to know what the procedures are for incorporating emails, etc., into the records. Town Planner Carboni addressed his concern stating (1) that it is up to the Board whether it wants to have something read into the record, and (2) documents referenced in the minutes do not have to be physically attached to the minutes – they have to be accessible and available. They would be part of the official file.
- ◆ Clerk Riemer asked the status of the floodplain bylaw. Town Planner Carboni stated that she and Emily Beebe need to work on that together for Town Meeting in the Spring.

Chair Greenbaum asked for a motion to adjourn. Motion made by Member Boleyn with a second by Vice Chair Sollog. No further discussion. Chair Greenbaum asked for a roll-call vote. Voted all in favor. So voted: 6-0.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy



**TOWN OF TRURO  
PLANNING BOARD**  
Meeting Minutes  
September 29, 2021 – 5:00 pm  
REMOTE MEETING

Members Present: Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus; Paul Kiernan; Rich Roberts

Members Absent: R. Bruce Boleyn

Other Participants: Barbara Carboni – Truro Town Planner/Land Use Counsel; Marian S. Rose, Esq. – Attorney for Silvador, LLC [Tradesmen’s Park South]; Daniel and Erin Silva – Owners, 298 Route 6 [Tradesmen’s Park South]

Remote meeting convened at 5:01 pm by Chair Greenbaum. Chair Greenbaum and Town Planner Carboni read the detailed instructions for citizens interested in watching or joining this meeting. Board Members introduced themselves.

**Public Comment Period**

No public comment.

**Board Action/Review**

**2021-002/SPR – Silvador, LLC** for property located at 298 Route 6 (Atlas Map 43, Parcel 57) [Tradesmen’s Park South]. Applicant seeks the Board’s approval of a modification to the design approved through Site Plan Review. (Planning Board Decision 2019-003/SPR, approved May 19, 2021.) An additional ramp and second-floor exit is proposed for the rear of the building. This modification is required to comply with egress requirements.

Attorney Rose summarized the modification request and mentioned that this current plan has the approval of the Cape Cod Commission and the Truro Building Commissioner. Town Planner Carboni agreed with Attorney Rose in that the additions can be incorporated as a condition or substitution of the plan. Motion made by Member Kiernan with a second by Member Roberts. No further discussion. Chair Greenbaum asked for a roll-call vote. Voted all in favor. So voted: 6-0-1.

**1. Planner Report** (given by Town Planner Carboni)

- ◆ Hybrid Meetings – IT Director, David Wennerberg, working on this project. Expected October timeframe; policy to be determined
- ◆ Economic Development Committee currently working alongside Local Comprehensive Planning Committee

**2. Chair Report** (given by Chair Greenbaum)

- ◆ Since there are no new applications to be heard, the Wednesday, October 6, 5:00 pm, meeting will be cancelled.

- ◆ The next meeting will be a work session on Wednesday, October 13, at 5:00 pm.

### **3. Potential Bylaw Changes**

- ◆ Lot Coverage
  - Chair thanked Member Kiernan (big picture with examples how to approach) and Member Roberts (permeability) for submitting information for review
  - Town Planner Carboni updated the Board regarding how other Cape town's approach this topic
  - Other topics discussed were carbon sequestration, green space, decrease runoff, water quality
  - Member Kiernan suggested the Board approach this from the viewpoint of multiple committees, rural Truro future
  - Chair Greenbaum suggested an approach via structure of a potential bylaw or process
  - Vice Chair Sollog thinks a simpler bylaw regarding live coverage, also ¾ acre lot, viewpoint would be more conceivable to the Town; don't mention "restriction"
  - Goal should be to look at the result, not how they got there
  - Member Roberts believes the Board is on the right track; it was interesting how other towns handle this subject; and he agrees with Vice Chair Sollog that it should be simpler
  - Member Roberts suggested the Board draft something that other Town Boards could review and comment on for input
  - Member Riemer also agrees with Member Roberts regarding input from the public and other Town Boards
  - Chair Greenbaum agrees with the Planning Board drafting something for input; Members Kiernan and Roberts agreed to the task of drafting a concept for discussion at the October 16, 2021 meeting; suggestions for this concept are structure, numbers, framework for conceptual questions
  - Member Kiernan stated he was willing to draft a bylaw regarding lot coverage possibilities that goes along with the five (5) concepts listed on the handout; he stated he could have Member Roberts review this as part of their task prior to the Board reviewing it at the next meeting
  - Chair Greenbaum stated that it will be in the packet and reviewed at the next meeting
  - Member Riemer asked Town Planner Carboni for an update regarding the flood zone bylaw; Town Planner Carboni replied that she and Emily Beebe, Health and Conservation Agent, have not yet reviewed everything and that it will be going to Town Meeting in the Spring; Town Planner Carboni explained the process; the Board requested copies of the existing bylaw for clarity regarding the mandatory versus specific instructions required from the Town; Town Planner Carboni stated that the Town of Truro must comply with the same standards and work from the same definitions as the other towns

### **4. Input to Local Comprehensive Plan Committee**

- ◆ Town Planner Carboni stated that she and Sharon Rooney, the LCPC Consultant, are working on combining the survey questions developed by the Walsh Committee and the LCPC into one survey, and the goal was to have it posted by October 1

- ◆ The Planning Board would like to give input and have the ability to identify questions for the survey: discussed, and generally agreed, that it is not timely to add Planning Board questions to this survey; Town Planner Carboni believes the results of the survey will be of greater use at this point
- ◆ Also discussed for future survey input: Truro being a green environment economy and a blue economy (water, natural resources); wastewater treatment; aquifer; LCPC involvement

## 5. Approval of Minutes

- ◆ 8/19/2020 Meeting – Corrections discussed. Members Roberts and Althaus not eligible to vote on these Minutes as they were not on the Board at that time. Motion to Approve as Amended made by Vice Chair Sollog, seconded by Member Riemer; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Members Roberts and Althaus abstained; Member Boleyn absent. So voted: 4-0-2-1.
- ◆ 8/5/2020 Meeting
- ◆ 8/11/2020 Work Session
- ◆ 8/26/2020 Work Session
- ◆ 9/2/2020 Meeting
- ◆ 9/16/2020 Meeting

Due to meeting time constraints, the Minutes not reviewed would be added to the October 13 Agenda.

## Workshop:

- ◆ October 13:
  - Bylaw Concept Draft
  - Planning Board Perspective for the LCPC
  - Review Draft Handbook

Next Meeting/Work Session – Wednesday, October 13, 2021, at 5:00 pm

Chair Greenbaum asked for a motion to adjourn. Motion made by Vice Chair Sollog with a second by Clerk Riemer. No further discussion. Chair Greenbaum asked for a roll-call vote. Voted all in favor. So voted: 6-0.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy